

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED THAT the Board of Adjustments of Freeport met on Thursday, June 25, 2026, at 6:00 p.m. at the Freeport Police Department 430 Brazosport Blvd. Council Chambers for considering the following agenda items.

Board of Adjustments

Kenneth Hayes

Sammye Moore

Con McCleester (Alt) On Board

Thomas Pearson

Margarete Bachman (Absent)

Jarvis Davis (Liaison)

Staff

Reggie Harris - Building Director

Sondra Cortez – P/Z Coordinator

Tobey Cohen – IT

Visitors

David McGinty

Steven Davis

Yolanda Solis

Melanie Oldham

Diane McCleester

This meeting was live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas> or by visiting <https://www.youtube.com/@cityoffreeport8275/streams>.

CALL TO ORDER

Chairperson Kenneth Hayes called the Board of Adjustments Commission of the City of Freeport, Texas to order on Thursday, June 25, 2026, at 6:00 p.m. in the Freeport Council Chambers, 430 N. Brazosport Blvd., Freeport, Texas. Chairperson Kenneth Hayes declared a quorum was present, and declared notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by commission member Sammye Moore, followed by the Pledge of Allegiance.

CITIZEN' COMMENTS

No citizen comments were made

BOARD OF ADJUSTMENTS REGULAR SESSION

1. Consider and take possible action to approve the meeting minutes for May 28, 2026.

Chairperson Kenneth Hayes called for consideration of the minutes from the May 28, 2026 meeting.

Motion to approve the meeting minutes from May 28, 2026, was made by Commission Member Sammye Moore and seconded by Commission Member Thomas Pearson. All in favor voted "AYE". Motion passes with a 4-0 vote.

2. Consider and take possible action to approve Chairperson and Vice Chairperson.

Chairperson Kenneth Hayes opened the floor for nominations for the Chairperson and Vice Chairperson positions.

For the position of Chairperson, Commission Member Sammye Moore nominated Kenneth Hayes and seconded by Commission Member (Alt) Con McCleester.

Motion to approve Kenneth Hayes as Chairperson was made by Commission Member Sammye Moore and seconded by Commission Member (Alt) McCleester. All in favor voted "AYE". Motion passes with a 3-0 vote.

For the position of Vice Chairperson, Commission Member (Alt) Con McCleester nominated Commission Member Thomas Pearson and seconded by Chairperson Kenneth Hayes.

Motion to approve Commission Member Thomas Pearson as Vice Chairperson was made by Commission Member (Alt) Con McCleester and seconded by Chairperson Kenneth Hayes. All in favor voted "AYE". Motion passes with a 3-0 vote.

3. Update only 411 Sailfish Drive, legal description Bridge Harbor Replat (A00051 Div 8 (BCIC) (Freeport) Lot Reserve PT A-Boat Basin (200X) Acres 11.189 Property ID # 193507. Accessory structures.

Director of Development and Community Services and Building Official Reggie Harris provided an update on the Bridge Harbor property at 411 Sailfish Drive. Director Harris opened by expressing appreciation for the Board's volunteer service before turning to the substance of the update.

Director Reggie Harris reported that his most recent interaction with Mr. Mingo, associated with the Bridge Harbor property, was a brief, informal conversation in the parking lot while Mr. Mingo was attempting to mow. As a result, Director Reggie Harris indicated he did not receive any substantive updates on the future plans for the Bridge Harbor development. Director Reggie Harris noted that within the next 30 days, he intended to schedule a more formal meeting to obtain clearer information.

Director Reggie Harris then addressed the matter of pilings reportedly still in the water; a concern raised by residents of the surrounding subdivision who claimed to have observed them at low tide or while navigating by boat. He explained that, based on a review of the BCAD map, the pilings appear to be entirely within Bridge

Harbor's private property and not within the public government channel running through the area. Director Reggie Harris acknowledged that he had not personally been able to observe the pilings from the shoreline, though Commission Member Thomas Pearson interjected to confirm that markers had in fact been placed at the pilings' locations, which Director Reggie Harris received as welcome news.

Director Reggie Harris elaborated on the broader context of the Bridge Harbor project, noting that the original scope—removing dilapidated and dangerous structures appeared to have been substantially completed. The remaining question, he said, was what would be rebuilt on the site. Director Reggie Harris addressed the structures visible on the left side of the entry road along Sailfish Drive, noting that he had not yet physically walked through those buildings, but that his visual inspections indicated they appeared to be secured, with no evidence of unauthorized occupancy or vandalism. He reiterated the office's foundational enforcement philosophy "we don't regulate ugly, we regulate structures", noting that absent immediate life-safety threats, his primary concern was the potential for loose materials to be dislodged by high winds during hurricane season. committed to gaining access to those structures within the next 30 days to conduct a more thorough inspection.

The Board received the update with no further questions.

4. Update only 1302 W 9th St, legal description Victory (Freeport) Blk 1 lot 5 Property ID 262423.

Director Reggie Harris provided an update on the property at 1302 West 19th Street, historically associated with the estate of the late Dr. Gray. He reported meaningful progress since the last meeting, when a representative named Mr. Keith Stone had appeared before the Board to outline a plan of action.

Director Reggie Harris explained that he now had engineering drawings and a TDI application in hand. He noted that the process had encountered some delays due to the need for additional engineering, particularly related to proposed interior wall additions requiring structural review. However, he reported that the updated, fully engineered plans had been submitted to him during the current week. He expressed confidence that the plans would not present any obstacles and indicated that a permit could be issued as early as the following week. Director Reggie Harris confirmed that Bottom Dollar Carpet had been engaged as the general contractor on the project.

The Board received the update with no questions.

5. Update only 522 W 8th St, legal description Freeport Blk 73 Lot 14 Property ID # 209540.

Director Reggie Harris provided an update on 522 West 8th Street, which he described as a property he was "watching real close." He reminded the Board that the property owner had previously appeared before them and given his word that he would demolish the structure, prompting the Board to grant a 60-day window in lieu of immediate city action. The structure, Director Reggie Harris noted, was in very poor condition and had a repeated history of being open and vacant in violation of city ordinances.

Director Reggie Harris reported that the 60-day period had now elapsed and the property remained standing. He had not personally spoken with the owner but understood through staff that the owner was now attempting to sell the property

rather than demolish it. Director Reggie Harris was direct in stating that the intention to sell did not void the standing demolition order filed with the Brazoria County Clerk's Office. The order, he explained, runs with the property regardless of ownership.

Chairperson Kenneth Hayes expressed his view plainly: "I'd like to see you move forward with it, Reggie, because he's (property owner) done nothing there." Director Reggie Harris agreed wholeheartedly, noting that when a property owner gives his word before the Board and the Board exercises its discretion accordingly, that commitment must be honored. He confirmed that the city would proceed with the demolition process as authorized by the standing order.

The Board received the update with no further questions.

6. Update only 1519 W 6th, legal description Freeport Blk 159 Lot 2 (E/2), accessory structure.

Director Reggie Harris stated he did not have an update on the property. He stated he would reach out to the property owner to see where they stand. Accessory structure has not been demolished. They have been working with the property owner to bring them into compliance. Director Reggie Harris stated to the board by the next meeting he will have an update or the city will move forward with demolition.

Commission Member Sammye Moore inquired about the timeframe for city-initiated demolition. Director Reggie Harris confirmed the timeframe was approximately 30 days from his last formal presentation, which had been approximately 60 days prior. He acknowledged that he had been unable to attend the prior meeting and that City Manager Dr. Kelly had presented on his behalf. Regardless, Director Reggie Harris confirmed the city would move forward with the demolition.

The Board received the update with no further questions.

Chairperson Kenneth Hayes closed regular session and opened the public hearing.

OPEN PUBLIC HEARING

7. Discussion only 722 W 4th St, legal description Freeport Blk 95 Lot 14 Property ID# 209801. Modification to the order to tear down in 30 days.

Chairperson Kenneth Hayes opened the public hearing on 722 West 4th Street at approximately 6:13 PM. Director Reggie Harris provided background, describing the property as one with a lengthy and complicated history spanning approximately six years.

Director Reggie Harris explained that the original demolition order had been issued to a young woman who was in the process of purchasing the property through owner financing. After the order was issued, she surrendered her interest in the property and returned it to the original owner. That original owner subsequently appeared before the Board, expressed a desire to rehabilitate the structure, and was given a deadline by which engineering drawings were to be submitted and meaningful work begun on the house. Director Reggie Harris reported that as of the current hearing date, no such progress had occurred. He had received a letter that week from the owner's engineer requesting additional time, citing a backlog of other projects. The city's response, Director Reggie Harris stated, was that the Board had already

spoken, the only remaining possibility was for the owner to complete the work before the city arrived to demolish it. Director Reggie Harris emphasized that the property had been the subject of repeated extensions, noting that "we've been kicking the can down the road for about six years." He recommended the Board authorize proceeding with demolition.

Chairperson Kenneth Hayes closed the public hearing at 6:16 p.m. Commission Member Thomas Pearson made a motion to proceed with demolition, seconded by Commission Member Sammye Moore.

Motion to authorize the demolition of the structure at 722 West 4th Street was made by Commission Member Thomas Pearson and seconded by Commission Member Sammye Moore. All in favor voted "AYE". Motion passes with a 4-0 vote.

OPEN PUBLIC HEARING

8. Discussion and determination to repair or remove the structure at 918 W 12th, legal description South View Gardens (Freeport) Blk 8 Lot 19 Property ID # 251568.

Chairperson Kenneth Hayes opened the public hearing on the structure at 918 West 12th Street at 6:16 p.m. Director Reggie Harris presented the staff report and invited the public to speak before the Board if they wished.

Staff Presentation

Director Reggie Harris summarized the findings from a dangerous building inspection conducted on April 30, 2026. The inspection identified a wide range of structural, electrical, and property maintenance concerns, including: unsafe means of egress; structural deterioration; foundation failure and settlement; walls leaning, buckling, and separating; severe deterioration exceeding 50% of damage indicators; accumulation of debris and junk; overgrown vegetation; neglect; deterioration of exterior walls; structural instability; electrical service partially laying on the ground; unsafe electrical conditions creating life safety concerns; and potential exposed wiring hazards. Inspection staff had assessed the structure's damage at approximately 75% and recommended demolition. Director Reggie Harris noted the property ranked among the city's top five most problematic structures and recommended the Board authorize demolition within 30 days.

Public Comment

The property owner, Yolanda Solis, appeared before the Board. Ms. Solis acknowledged that the property was an eyesore and needed attention but asked the Board for time to sell it rather than demolish it. She explained that the property had never been a rental unit, she had been the sole occupant and owner throughout its history. She described how her late husband had been actively working to rehabilitate the structure, including the installation of a new roof and custom-built kitchen cabinetry, with the intention of giving the home to their daughter, who had been displaced during cancer treatment. However, her husband passed away before the work was completed, and a subsequent storm caused further damage, including trees falling on the structure. She recounted that she had hired workers to cover

exposed sections of the roof, and that the kitchen area where the cabinets were installed was still intact and not subject to water intrusion.

Ms. Solis acknowledged the strain the situation had placed on her. Her daughter had ultimately encouraged her to simply sell the property. She emphasized that she had not yet formally listed it for sale, but that she wanted the opportunity to do so, reasoning that an improved structure on the lot was preferable to a vacant lot. She expressed her intent clearly: "I want to sell it."

Board Discussion

The Board engaged in dialogue following Ms. Solis's comments. Board members questioned how long the structure had been vacant and which storm had caused the damage—questions that proved difficult to answer definitively, as Ms. Solis noted she had forgotten her hearing aid and had some difficulty following the questions. She indicated her husband passed away approximately two to three years prior, and that the storm in question was not a hurricane in the traditional classification but had nonetheless caused significant damage.

Chairperson Kenneth Hayes acknowledged the emotional weight of Ms. Solis's situation while firmly maintaining that it did not alter his view of the condition of the structure. He expressed the opinion that her adult children should have stepped in to help maintain the property. He concluded that a 30-day timeframe for action was appropriate, noting that if the property sold within that window, the purchaser could proceed under the standing order.

Commission Member Sammye Moore raised the question of whether a sale within the 30-day period would transfer the demolition obligation to a new owner. Director Reggie Harris confirmed that under the Texas Local Government Code, any order issued by the Board runs with the property, not the individual, a sale does not extinguish the order. He further noted that in practice, if an aggressive buyer came forward within the 30 days with a credible plan to repair and rehabilitate the structure, the city had in the past been willing to negotiate a short additional window—typically no more than 30 days—to allow the new owner to pull permits, obtain engineering plans, and commence visible cleanup work.

Commission Member Sammye Moore observed that the structure appeared unsecured in the photographic evidence, noting this as a public safety concern. Director Reggie Harris agreed, confirming that the structure was open and vacant and therefore constituted a dangerous building under city ordinance regardless of other factors. He noted that the city had engaged in extensive outreach over a period of years, well before the matter reached the Board, and that it was regrettably common for communication with property owners to surface only at the last possible moment before a hearing.

Chairperson Kenneth Hayes stated his view that the Board's role was clear: "our job is to try to help Reggie clean our city up from unsafe structures, unsightly eyesores, and that's certainly one."

Chairperson Kenneth Hayes closed the public hearing at 6:16 p.m. Commission Member Sammye Moore made a motion to demo in 30 days, seconded by Commission Member Thomas Pearson.

Motion to declare the structure at 918 West 12th Street a dangerous building and public nuisance and to order demolition within 30 days was made by Commission Member Sammye Moore and seconded by Commission Member (Alt) Con McCleester. All in favor voted "AYE". Motion passes with a 4-0 vote.

OPEN PUBLIC HEARING

9. Discussion and determination to repair or remove the structure at 420 S Ave F, legal description Velasco (Freeport) Blk 51 Lot 9-10 Property ID # 259985.

Chairperson Kenneth Hayes opened the public hearing on the structure at 420 South Avenue F at 6:33 p.m. Director Reggie Harris invited the property representative to come forward and speak.

Public Comment

Stephen Davis, a longtime Freeport resident (class of 1974), identified himself as the property owner and addressed the Board. Mr. Davis explained that the house had caught fire on approximately January 18th or 19th of the current year. He stated that by January 25th he had already received an inspection notice. He described his interactions with city staff, noting that he had been in frequent contact and had kept himself visible in the process. He confirmed that the insurance matter did not settle until the middle of February, and that he had placed the property for sale since that time.

Mr. Davis stated that upon direction from the Fire Chief, he had secured both doors to the property, which he had done. He acknowledged that portions of the roof were open and some windows were broken out but noted that he had asked the Fire Chief whether a tarp was needed and had been prepared to install one if directed. He described the yard as consistently mowed, with no debris scattered on the exterior. He emphasized that all utility services, electrical, gas, and water, had been disconnected since January, negating any electrical or gas hazard. He made clear that his intent was to sell the property, with some interested buyers having expressed a desire to rehabilitate it and others favoring demolition, but that no deal had been finalized.

Mr. Davis expressed some frustration with a certified letter suggesting the city had attempted to contact him three times, given his own proactive engagement with city staff. He invoked his professional background, 40 years writing safety permits inside a petrochemical plant to address the concern about the open windows, suggesting that common sense and clear signage were generally sufficient deterrents. He offered to do whatever additional securing was required if the Board would specify what was needed, and requested 90 days to sell the property, after which he committed to demolishing it himself if no sale had occurred.

Board Discussion

Commission Member Sammye Moore raised concern about the adequacy of the property's security, noting that broken-out windows created a readily accessible entry point regardless of whether the doors were locked. She observed that truly securing a structure required boarding windows and all open points, not merely closing the doors.

Director Reggie Harris acknowledged the concern and agreed with the Board member's characterization. He expressed that he respected Mr. Davis's responsiveness and communication throughout the process and clarified that he was unaware that prior staff communication had indicated door security alone would constitute compliance. He affirmed that full securing of the structure including boarding all windows and open sections was the applicable standard and noted that this was as straightforward as obtaining plywood and posting appropriate "keep out" signage. He explained that even a well-maintained, mowed exterior did not resolve the dangerous building classification, as a structure open and vacant for more than seven consecutive days is automatically designated dangerous under the governing ordinance.

Director Reggie Harris also emphasized the liability exposure to Mr. Davis personally, noting that if any individual entered the open structure and was injured, whether by a collapsing roof section or otherwise the property owner bore liability.

Chairperson Kenneth Hayes closed the public hearing at 6:41 p.m. and moved to give Mr. Davis 90 days, consistent with his own request.

Motion to grant a 90-day period for the property owner to sell or otherwise resolve the structure at 420 South Avenue F, with demolition to proceed if compliance is not achieved, was made by Chairperson Kenneth Hayes and seconded by Commission Member Sammye Moore. All in favor voted "AYE". Motion passes with a 4-0 vote.

OPEN PUBLIC HEARING

10. Discussion and take possible action: Resident is requesting a variance at the property located at 1919 N Ave G, legal description Lot 10, Block 1, Subdivision Riverside Terrace. Property ID # 243940.

Chairperson Kenneth Hayes opened the public hearing on the variance request at 1919 North Avenue G at 6:42 p.m. Director Reggie Harris presented the matter to the Board.

Staff Presentation

Director Reggie Harris explained the background of the case. Director Reggie Harris stated that a resident **was attempting to pour a slab** in his backyard for a portable storage building, which was observed by a city inspector. The **work was halted** upon inspection because it presented two separate zoning violations under city ordinance 155.201(A).

The first violation involved setback requirements: the proposed placement of the structure was two feet from the neighboring property line, whereas city zoning requires a minimum five-foot setback. The second violation involved lot coverage: city ordinance limits the aggregate impervious coverage of any residential property, including the primary structure, driveways, and all accessory buildings to a maximum of 50%, leaving at least 50% of the lot in open, permeable condition. The proposed slab and associated lean-to addition, intended to shelter a boat, would have pushed the property over that threshold.

Director Reggie Harris noted that the property owner had been cooperative throughout the process. **Upon being told to stop work, he immediately complied.**

He (property owner) then met with Director Reggie Harris, was provided a formal denial letter, and was informed of the appeals process. The property owner chose to pursue the variance request before the Board. Director Reggie Harris further noted that neighbors on both sides of the property had contacted the city to express that they had no objection to the structure being placed as proposed, and described the resident as a well-maintained, conscientious neighbor. Commission Member Sammye Moore noted she had been unaware of the 50% lot coverage rule, prompting Director Reggie Harris to confirm the ordinance's existence for the record.

Director Reggie Harris declined to make a formal recommendation in either direction, leaving the matter entirely to the Board's discretion. However, he noted the two active code violations that would result from approving the variance.

Board Discussion

Commission Member Thomas Pearson stated he understood that neighbors were ok with the structure being put up, his concern is what if the property sells in the future, what then. Commission Member Thomas Pearson stated the resident should have consulted with the city prior to starting any project.

Commission Member (Alt) Con McCleester stated his concern is with drainage and how it will be affected. Further discussion about the variance between the Board and Director Reggie Harris continued. Director Reggie Harris further spoke about the applicant's vision with the foundation and accessory structure. Also reminding the Board of the setbacks and exceeding the 50% property coverage.

Chairperson Kenneth Hayes stated his personal position clearly and unambiguously: "I personally do not like to give variances on our ordinances. We give it to one, and the next person going to want the same thing." He opened the floor for a motion.

Chairperson Kenneth Hayes closed the public hearing at 6:47 p.m. and moved forward with denying the variance based on setbacks and zoning rules.

Motion to deny the variance request at 1919 North Avenue G on the basis of violations of setback requirements and the 50% lot coverage limitation under City of Freeport Ordinance 155.201(A) was made by Commission Member Thomas Pearson and seconded by Commission Member (Alt) Con McCleester. All in favor voted "AYE". The motion passes with a 4-0 vote.

OPEN PUBLIC HEARING

11. Discussion of the review of submitted applications for the Board of Adjustments and making recommendations to the City Council concerning the applicants.

Chair Hayes opened the public hearing at 6:51 p.m. on the submitted applications for Board of Adjustments membership. Director Reggie Harris indicated he had applications in hand from Con McCleester, Yanira Estrada, Melanie Odom, and Sheyla Juarez.

Chairperson Kenneth Hayes noted that Yanira Estrada had previously been approved as an alternate but had never attended a meeting and had not returned any calls from the city. The Board concurred that her application should be set aside.

Director Reggie Harris clarified the membership situation: Commission Member (Alt) Con McCleester, currently serving as an alternate, wished to transition to a full voting member position. That transition, along with Margaret Bachman's previously council-approved elevation, would create two alternate vacancies to fill.

Public Comment

Melanie Odom of 531 West Brazos Street came forward to address the Board. Ms. Odom expressed her interest in serving on the Board of Adjustments, articulating a commitment to improving the safety and appearance of structures throughout the city and noting the breadth of work before the Board on variance applications and dangerous building matters. She cited her previous service on the City's Planning Commission approximately three and a half years prior, during which she participated in the rewriting of the subdivision and zoning ordinances. She described that experience as providing her with relevant background for the work of the Board of Adjustments.

Board Discussion

Chairperson Kenneth Hayes closed the public hearing at 6:56 p.m. and moved forward on the applications received for the Board of Adjustments.

Commission Member Sammie Moore noted that Ms. Odom was the only applicant present at the meeting and moved to recommend her appointment as an alternate seconded by Commission Member (Alt) Con McCleester.

Motion to recommend Melanie Odom to City Council for appointment as an Alternate Member of the Board of Adjustments was made by Commission Member Sammie Moore and seconded by Commission Member (Alt) Con McCleester. All in favor voted "AYE". Motion passes with a 4-0 vote.

The Board then turned to the question of Con McCleester's elevation from alternate to full voting member. Chairperson Kenneth Hayes made the motion, which was seconded by Commission Member Sammie Moore.

Motion to recommend Commission Member (Alt) Con McCleester's elevation from Alternate to full Board Member of the Board of Adjustments was made by Chairperson Kenneth Hayes and seconded by Commission Member Sammie Moore. All in favor voted "AYE". Motion passes with a 3-0 vote.

With one alternate seat still unfilled, the remaining applicant, Sheyla Juarez, had not appeared at the meeting—discussion arose about whether absence from the meeting should preclude a recommendation. Commission Member (Alt) Con McCleester noted that the City Council had recently revised its rules and that applicants may no longer be required to appear in person for meetings. Director Reggie Harris acknowledged this and indicated he would verify the current rule. Chairperson Kenneth Hayes stated that regardless of any rule change, he personally preferred to have the remaining applicants appear at the next meeting so the Board could speak with them directly before making a recommendation. Commission

Member Sammye Moore agreed with this approach. The Board consensus was to defer the remaining alternate appointment to the next meeting.

12. ADJOURNMENT

With no further business before the Board, Chairperson Kenneth Hayes entertained a motion to adjourn at 6:58 p.m.

- . Motion to adjourn was made by Commission Member (Alt) Con McCleester and seconded by Commission Member Thomas Pearson. All in favor voted "AYE". Motion passes with a 4-0 vote.

Sondra Cortez

Sondra Cortez
P/Z Coordinator
City of Freeport



Kenneth Hayes
B/A Chairman
City of Freeport



ADMINISTRATIVE MEMORANDUM

To: Chairman and Members, City of Freeport Board of Adjustment

From:

Reginald R. Harris

Building Official

Director of Development & Community Services

Date: July 23, 2026

Subject: Administrative Memorandum – Rehearing of Variance Request
1919 N Avenue G, Freeport, Texas 77541

Purpose

The purpose of this memorandum is to explain the administrative basis for placing the variance request for **1919 N Avenue G** before the Board of Adjustment for rehearing.

Following the Board's public hearing conducted on **June 25, 2026**, City staff conducted a routine review of the hearing record and administrative file. During that review, staff identified procedural issues that warrant a rehearing to ensure the integrity of the Board's proceedings and the City's administrative record.

Basis for Rehearing

Rehearing is recommended for the following reasons:

1. Notification Review

During the post-hearing review, questions arose concerning whether all required notification procedures were fully satisfied prior to the hearing on June 25, 2026, hearing. Although the City made every effort to comply with applicable notice requirements, staff believe that conducting a new hearing with confirmed notice to all required parties best protects the due process rights of the applicant, surrounding property owners, and the City.

2. Accuracy of the Administrative Record

During preparation of the meeting record, staff identified discrepancies between portions of the Building Official's verbal testimony and the automated transcription generated through electronic transcription software used in preparing the meeting minutes. While these discrepancies were not intentional, staff believes the Board should base its decision upon testimony that is accurately presented during a new public hearing.

- The proposed accessory structure foundation was placed within the required side setback area. *In accurate translation verses statement of Building official*

- *The resident was attempting to pour a slab for a portable in his back yard (As stated in the testimony from Building Official)*

- The structure would exceed the allowable aggregated accessory structure coverage permitted under the zoning regulations for the property

- A verbal Stop Work Order was issued for the unpermitted construction activity *In accurate translation verses statement of Building official*

- The Youngman shutdown the project *(As stated in the testimony from Building Official)*

- The structures foundation was constructed prior to obtaining permits and zoning approval *In accurate translation verses statement of Building official*

- *The resident was attempting to pour a slab for a portable Building in his back yard (As stated in the testimony from Building Official)*

3. Protection of Due Process

Conducting a rehearing allows the Board to receive testimony, consider evidence, and deliberate based upon a complete and accurate record while ensuring that all procedural requirements have been satisfied.

Scope of the Rehearing

The July 23, 2026, hearing should be considered a **new public hearing** on the variance application.

The Board is respectfully advised that:

- The Board is **not bound by its previous action** taken on June 25, 2026.

- The Board should consider only the testimony, exhibits, and evidence presented during July 23, 2026, rehearing, together with any properly admitted documents included in the administrative record.
- All interested parties shall be afforded an opportunity to present testimony, submit evidence, and respond to questions from the Board.

Administrative Record

The record from June 25, 2026, hearing, including the agenda packet, staff report, application materials, and meeting minutes, will remain part of the City's permanent file.

The proceedings conducted on **July 23, 2026**, together with the Board's findings and final action, will constitute the official administrative record supporting the Board's decision on this application.

Applicable Authority

The Board's authority to hear and decide variance requests is established by:

- **Texas Local Government Code Chapter 211**
- **Texas Local Government Code §§ 211.009–211.011**
- **City of Freeport Code of Ordinances**
- **City of Freeport Zoning Ordinance, Section 155.201(A)** and other applicable zoning provisions.

Should judicial review be sought pursuant to **Texas Local Government Code § 211.011**, maintaining a complete, accurate, and procedurally sound administrative record is essential to ensuring that the Board's decision is supported by substantial evidence and complies with applicable law.

Staff Recommendation

Staff recommend that the Board:

1. Conduct the rehearing as a new public hearing.
2. Receive all testimony and evidence offered by the applicant, neighboring property owners, and City staff.
3. Deliberate based solely upon the evidence presented during the rehearing and the applicable provisions of the City of Freeport Zoning Ordinance and Texas Local Government Code.
4. Adopt written Findings of Fact supporting its decision, whether the variance is approved, approved with conditions, or denied.

Respectfully submitted,

Reginald R. Harris

Director of Development & Community Services

Building Official

City of Freeport

