

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED that the Board of Adjustments of Freeport met on Thursday 5-23, 2024 at 6:00 p.m. at the Freeport Police Department 430 Brazosport Blvd. Council Chambers for considering the following agenda items:

Board of Adjustments:

Barry Simmons

James Gossit Jr.

Sammye Moore-absent

Nicole Mireles -Chairman

Kenneth Hayes- Vice Chair

Shondra Marshall (Alt)-absent

Urbano Gomez (Alt)-absent

Staff:

Shelby Araujo – Building Official

Yvette Ruiz, P/Z Coordinator

Patti Veazey-Code

Lance Petty-City Manager

David Olson- Interim City Attorney

Visitors:

George Matamoros

Con & Diane McCleester

Donna Hayes

Robert Brooks

Gary Guerrieri

Brandon Brooks

Daniel Arias

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/@cityoffreeporttx8375/streams>.

CALL TO ORDER @ 6:00 pm

The Chairperson called the meeting to order, declared a quorum was present, and declared notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Donna Hayes

CITIZENS COMMENTS:

Members of the public are allowed to address the Board of Adjustments at this time and must include name and address. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

NO Citizen's comments

BOARD OF ADJUSTMENTS BUSINESS

REGULAR SESSION:

Consider and take possible action to approve the meeting minutes for April 25, 2024 and April 30, 2024

On a motion by Kenneth Hayes to accept minutes as read seconded by James Gossit Jr. with all present voting "Aye" motion passes with a 4-0 vote

OPEN PUBLIC HEARING @ 6:03 PM

Applicant seeks a variance to extend roof cover beyond the limits of the building and property lines required by ordinance.

Lot 109, Div. 8

109 Redfish Ln. Freeport, Texas

DISCUSSION : Shelby Araujo On April 8th, a stop work order was posted and work was stopped by code enforcement as they observed a roof covering being installed without a permit. On April 9th, the owner of the property reached out to the building department regarding the stop work order. the owner of the property was told that the roof cover extends over the setbacks and possible property lines, and staff cannot grant the permission to build across the building line or property line. The owner is requesting a variance to allow the roof cover to remain. The staff recommendation is approval and plans submitted within 30 days.

Diane McCleester 97 Dolphin. According to our city ordinance, a variance may be requested for the following reasons. Special circumstances beyond your control exist on the property related to size, shape, surrounding conditions, and or location. The ordinance denies the property owner the right to extent under a comprehensive zoning ordinance to surrounding property owners. Also, strict adherence would cause an unnecessary hardship. This request does not meet any of those standards. The previous ordinance, 155 040, was passed stated special requirements for waterfront district decks may encroach into the water. The front yard area to the water's edge. The area above and below are to be open and unclosed. They are not covered. Awnings. This is a covered awning. I am hoping the city will revise the ordinance 155 to include the uncovered decks to the water, and many of my neighbors would, because many of my neighbors would not be able to rebuild their decks if destroyed under the new ordinance. Just because you want to do it doesn't make it right. Starting a project on a weekend with no permits should not be rewarded by giving them a variance. There have been other projects done at this address that were against ordinances and codes. It has been a common occurrence in the neighborhood to start a project without permits, and then ask for forgiveness if caught. Bad deeds should not be rewarded. What one person does affect the others in the neighborhood. We all don't live alone in there. Thank you,

Con McCleester, 97 Dolphin, The zoning ordinance mandates setbacks. Other homes. Other recently built homes in the neighborhood were built to the setback standards this house received a variance. One built. It already extends into the setbacks. Was normally considered a setback for the 25ft front yard zone or, allowance. There's roof rejection in the front. Setback is essentially a boathouse roof, and both houses cannot be attached to the house. That's a by ordinance. The roof is already under construction and extends to within five feet of the water's edge. One of the reasons encroachments in the front setback is prohibited due to the construction of the bulkhead, and the fact that dead men sit ten feet back under the concrete. If any work must be done with the bulkhead, everything has got to be removed to get to it. As Diane said, the only structure has been allowed to go to the water's edge was an uncovered deck up until 2 10, 2022, when the new zoning version went into effect. It was approved. Only both houses in our neighborhood have rules to the extent of the water, and these were boat houses that are not attached to the house. Most of them sit on a secondary lot. I do have a. Picture to show. I made a bunch of copies. You can see the one boathouse here on the right side. And there's another one all the way at the end of the canal. Both sit away from the houses and the. There are two illegally built boat houses in the neighborhood. That's been there probably 20 years. I've only been there 17, so I don't know . But these are illegal because they are built not on the person's property. They're built into the canal, which is owned by somebody else. If they are damaged, they must be removed. They cannot be rebuilt. The construction of this structure is not permitted and would not receive a permit, is properly applied for starting construction without a permit and then asking to continue. Construction is an old axiom that's easier to get forgiveness than permission. We don't go by that. We wouldn't use the same kind of action when the concrete under the house was poured at 3 a.m., waking the entire neighborhood and did not get the required flat work inspection prior to the pour. Concrete now covers the entire lot. Not having this roof does not constitute a hardship and should not be allowed. Not allowing the structure is the proper answer. Thank you.

Gary Guerrier live at 99 Dolphin Lane. I just want to make the general comment that I believe in the broken window theory, that if you don't start addressing these small items, then they're ignored, and you move up to the next level and people need to keep by the rules. It's just, it's going to fall apart. And if some people want to enhance their property because they want to stretch it out

they want to put a boathouse. But the reason these rules are in place is because we would like to see the view. We want the canal open. And as was stated, we don't own the canal. That canal was never deeded back. Back to the individual owners. It's now owned by Stuckey Diamonds in New York. It moves with corporations just like furniture. So, we're in Bridge Harbor. Two Development Corp sold off some properties to them. That's the owns that I researched in the past. But. So, we can't build in the canal and, we're responsible for keeping our bulkheads, and we're also responsible for leaving that such an open. So, you can have a view down the canal. I mean, people want to be able to see we want the wind to travel through. If we get into a position where people are building six-foot fences right up to the water, there's nothing to see anymore, and you just kind of, trash the view anyway, my main comment is we need to stick by the rules and if we don't like them, change them.

We received an email from the owners at 96 Dolphin Lane. the Bachman's, they're unable to attend due to a prior commitment out of town. they are opposed to the request for the variance at 109 Redfish Lane, to extend a boat slip roof beyond the limits of the building and property lines, building and property line restrictions are established for the good of the community. The incomplete work on the boat slip covering, which was started without a building permit, will create an obvious hazard during high wind conditions to the homes in this vicinity, we request the structure be removed prior to the beginning of hurricane season. To ensure the safety of the surrounding homes, it is apparent that their windstorm insurance would not cover any damages to surrounding properties due to the substandard design and construction. We request the Board of Adjustments not approve any part of the variance request. We would also hope you would consider having your discussion and decision in public setting, rather than a closed session for transparency.

Daniel Arias 109 Redfish, and I'm the one trying to extend the roof, just to keep the water from going inside my boat and creating, more stress into the pilings because, I built the boatlift, attached to the pilings of the home. Not just some deck. It's my house. And if you see the photos, It's not a party deck or nothing like that. It's just to keep the water from going in the boat and to address the common harm that, the concrete at 3 a.m. The reason I did that is because there was so many trucks and it was in the middle of the summer. If you do it in the daytime, in the middle of the summer, you would, you know, would just be a disaster, and that cost me \$50,000. But, anyway, so I will make sure that an engineer, approves the wind proof of

whatever's required for me. whatever the city asked of me. Architect plans, engineer stamps to make sure that nothing is dangerous, that everything is up to code and will be no problem. I just want to protect the \$600,000 that I've invested in building this home.

CLOSE PUBLIC HEARING @ 6:23 pm

TAKE ACTION ON 109 Redfish Ln.

On a motion to deny variance by Kenneth Hayes, seconded by Barry Simmons with Nicole and James Gossit voting "Aye " and Kenneth Hayes and Barry Simons voting "Nay" motion was denied with a 2/2 vote. Variance not approved

OPEN PUBLIC HEARING @ 6:24 PM

Consider and take possible action on the detailed plan for the work to be done on the wall at 226 W Park, Freeport Texas, Also, discuss the barrier being used not being in compliance.

Blk 44 Lot 15(5'/10) lot 16-17 property ID# 20923.

DISCUSSION: Shelby Araujo On October 26th, the Board of Adjustments discuss the current conditions on the wall located at 226 West Park. The board wanted barriers up within seven days and within 30 days, the wall repaired. If the wall wasn't repaired, the owner needed to return in front of the board with a detailed plan at the time of the follow up, the barrier is not in compliance and no repairs have been completed. The information was brought before the BoA and it was tabled for a later date. So, what we are staff recommending is that we are needing a clearly defined detail on what the Board of Adjustments wants. for the fine, for a barricade or a barrier.

CLOSE PUBLIC HEARING: 6:32 pm

TAKE ACTION ON 226 W PARK

On a motion by James Gossit Jr. Motion being to do this, to set up the barriers

with netting and set up the barriers and protection and the example are , like Galveston. and 30 days to comply, second by Kenneth Hayes with all present voting “ Aye” motion passes with a 4-0 vote

OPEN PUBLIC HEARING @ 6:33 pm

Consider and take possible action on the Request to repair or demolition of the unsafe structure.

Located at: 206 W Park legal description Freeport Blk 44 lot 9 property ID# 209317.

DISCUSSION : Shelby Araujo, this property has on ongoing code cases since 2023. the initial inspection in 2023, there have been several certified letters sent to the owner. there is a for sale sign posted at the property. the owner listed on there, it was, Ranson McDonald. and I went out there with Ms. Patty and we looked at the structure. There’re major steps, stone cracking all around the foundation. And the the roof has partially collapsed in the back. So, as in terms of recommendation, we want to either request a repair or demolition of the unsafe structure.

CLOSE PUBLIC HEARING @ 6:37 pm

TAKE ACTION ON 206 W Park:

On a motion by Kenneth Hayes to demo in 90 days, second by Barry Simmons with all present voting “Aye” motion passes with a 4-0 vote.

ADJOURNMENT: 6:38 pm

On a motion by Kenneth Hayes and second by James Gossit Jr. meeting adjourned.

Nicole Mireles
Board of Adjustment Chairman
City of Freeport, Texas

Yvette Ruiz
P/Z Coordinator
City of Freeport, Texas