

**CITY OF SANTA FE  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
FEBRUARY 12, 2024 7:00 P.M.  
COUNCIL CHAMBERS  
12002 HWY. 6, SANTA FE, TEXAS**

**MINUTES**

The meeting was called to order at 7:02 p.m. by Chairperson Dawn Sharp.

Roll Call:        Present:        Chairperson Dawn Sharp  
                                 Associate Chairperson Raymond "Tommy" Gass  
                                 Commissioner David Unger  
                                 Alternate Commissioner #2 Tim Clark

                         Absent:        Commissioner Samuel "Jack" Helton  
                                 Commissioner Alec Dobson  
                                 Alternate Commissioner #1 Ronald Dailey

The invocation was given by Chief Building Official Ray Burgess, and Chairperson Sharp led the Pledge of Allegiance to the U. S. Flag and to the Texas Flag.

**Citizens' Comments:**

There were no comments from citizens.

**V. Approval of the Minutes from the November 13, 2023, Special Meeting**

Motion by Commissioner Unger to approve the Minutes from the November 13, 2023, Special Meeting, seconded by Associate Chairperson Gass. The motion passed the roll call vote unanimously.

**Business:**

**New Business:**

**1. Public Hearing: BOA241001 – Request for a variance at Avenue J Right of Way starting approximately six hundred and ninety-six (696) feet from the intersection of 4<sup>th</sup> Street and Avenue J, extending one thousand eight hundred twenty-one feet (1,821) to the improved portion of Avenue J, commonly known as the 2200 Block of Avenue J extending to the 1500 Block of Avenue J, Santa Fe, Galveston County, Texas, regarding City of Santa Fe Code of Ordinances Chapter 8, Subdivisions, Code of Ordinances, Section 6.3, Streets, Subsection 6.3.1, General Requirements, Subsection A(2)-Street or highway must be suitably improved as required by regulations, to build on an unimproved street.**

Chairperson Sharp opened the Public Hearing at 7:06 p.m.

Community Services Director Georgia Carmack explained that the tract of land in question, specifically between the 2200 Block and the 1500 Block of Avenue J, was first subdivided in 1897. Ms. Carmack added that, since then, smaller lots of that original tract were sold and built on an improved street; however, the homes in question are not on an improved street. Ms. Carmack continued, saying that one side of the street in that area is mostly built out, but the side of the street that is on this agenda is not, and the request is to issue one blanket variance that covers the

entire tract to spare each individual property owner the time and expense of requesting a variance every time they wish to build.

Aja Burns, property owner at 1510 Avenue J and 1517 Avenue J, inquired whether the portion of the street that needs to be improved will be opened up to the public, citing her concern in the increase in traffic and the safety of the children who live there.

David Hamrick, who owns the property at 2020 Avenue J, expressed his displeasure at the Public Hearing process, specifically that the public has a right to speak openly to the Zoning Board of Adjustment while the Board is prohibited by State law from engaging in discussion about the public comment.

Mr. Hamrick added that he has been trying to pull a permit from the City of Santa Fe to begin construction of a house at the 2020 Avenue J address since October 2023, but has been unsuccessful due in part to the variance that is required by the City. Mr. Hamrick also expressed his frustration with the City's requirement of a replat prior to construction. Mr. Hamrick concluded by expressing his confusion as to why the variance is required since there are already homes built on Avenue J.

George Grace, of 1601 Avenue J, asked if the City would be building a road so that houses are able to be built, with Chairperson Sharp stating that the reason for this meeting is to grant one variance for the tract instead of requiring each property owner to apply for individual variances. Mr. Grace asked whether the City was responsible for upkeeping the existing road. Mr. Grace added that he has no preference between paving the road or topping it with caliche. Mr. Grace expressed his frustration at paying City taxes yet receiving no help from the City with regard to road improvement or the placement of his mail receptacles.

Jonathan Rodriguez, who owns the property at 1608 Avenue J, would like to build his forever home there and would appreciate any help the City can provide to make it a nice road.

Cassandra Grace, of 1601 Avenue J, wanted to reiterate that the residents on Avenue J pay taxes to for the road and would like the City to take the responsibility of maintaining the road.

Chairperson Sharp closed the Public Hearing at 7:16 p.m.

**2. Consideration and possible action: BOA241001 – Request for a variance at Avenue J Right of Way starting approximately six hundred and ninety-six (696) feet from the intersection of 4<sup>th</sup> Street and Avenue J, extending one thousand eight hundred twenty-one feet (1,821) to the improved portion of Avenue J, commonly known as the 2200 Block of Avenue J extending to the 1500 Block of Avenue J, Santa Fe, Galveston County, Texas, regarding City of Santa Fe Code of Ordinances Chapter 8, Subdivisions, Code of Ordinances, Section 6.3, Streets, Subsection 6.3.1, General Requirements, Subsection A(2)-Street or highway must be suitably improved as required by regulations, to build on an unimproved street.**

Community Services Director Georgia Carmack began by addressing the concerns expressed during the Public Hearing. Ms. Carmack explained that the dirt road that the first speaker inquired about opening up became a public road when the City of Santa Fe annexed it in 2008, making the gate that is closing that road illegally placed.

Ms. Carmack also stated that it is not currently in the City budget to build a new street, so those concerns would need to be addressed before the City Council. Ms. Carmack added that the variance in question is to allow the

property owners between the 2200 Block and the 1500 Block of Avenue J to be able to start the process of building their homes. Ms. Carmack concluded, stating that, according to her research, the homes that have already been built on Avenue J may or may not have gone through the variance process before her tenure with the City of Santa Fe, but she is committed to following the City ordinances and State law going forward. This variance will also cover the property owners who have already built their homes without having gone through the variance process.

Commissioner Clark stated that because the City annexed the street, the City is obligated to fix the street, and questioning why the City is holding up construction by the property owners because of a street that existed before being annexed. Chairperson Sharp explained that the City is working with the property owners by requesting this variance so that the property owners are one step closer to being able to build on their respective properties, adding that street improvement is not within the scope of the functions of the Zoning Board of Adjustment. Associate Chairperson Gass agreed, stating that the issuance of this blanket variance would prevent the property owners from having to come before the Board individually.

Commissioner Clark opined that the City should not be holding up the property owners' ability to build on their properties due to a street that the City should have been maintaining since it was annexed, adding that he believes that the City's budget does not allow for the construction of roads because the money instead goes toward subdivisions.

Ms. Carmack explained that, according to the Subdivision ordinance, each property owner is responsible for building out the street in front of their property when the house was built, and by granting the variance request that is before the Board today, it would absolve the property owners of that responsibility.

Commissioner Clark then asked if, once the road is built, the City will maintain it. Ms. Carmack responded that she was unable to speak on behalf of another department. Ms. Carmack reiterated that by the granting of the variance that is before the Board, the property owners would be able to move forward with the required replats and permits to start building their homes. Ms. Carmack added that the City has waived numerous fees associated with the variance requests, replat approvals, etc.

Commissioner Clark then asked if there would be portions of the road that would remain unimproved and Ms. Carmack explained that the 9.7 acres at the end of the road is owned by LGI Homes, and, in the event they decide to build on that property, the responsibility of building out that portion of the road would fall on them. Ms. Carmack added that the property across the street from that property is owned by the City of Galveston, and should they decide to develop that property, they would be responsible for the buildout of the road, as well.

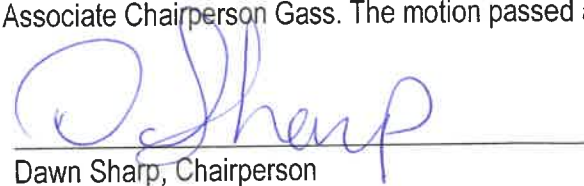
Motion by Commissioner Unger to approve the requested variance, seconded by Associate Chairperson Gass. The motion passed the roll call vote unanimously.

Motion by Commissioner Unger to adjourn, seconded by Associate Chairperson Gass. The motion passed and the meeting adjourned at 7:25 p.m.

ATTEST:



Georgia Carmack, Community Services Director

  
Dawn Sharp, Chairperson