

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
February 27, 2023**

MEMBERS PRESENT:

STAFF MEMBERS PRESENT:

ROYCE SHIELDS, PLACE 1 CHAIRPERSON
MICHELE BALTHROP, PLACE 2
ROBERT BROWN PLACE 3, VICE CHAIR
JEFF KRUSE, PLACE 4
LORI WATSON, PLACE 5
BOB JAMISON, ALTERNATE 1
EDMUNDO GUTIERREZ, ALTERNATE 2
JACK ALLEN, ALTERNATE 3
BRENT FORESTER, ALTERNATE 4

MARVIN GREGORY, ZONING ADMINISTRATOR
MELANIE WHITLEY, ZONING SECRETARY

MEMBERS ABSENT:

STEVE HOLLAND, COUNCIL LIAISON, EXCUSED

STAFF MEMBERS ABSENT:

NONE

GUESTS PRESENT:

JOHN CLARIDGE COUNCIL PL.1

1. CALL TO ORDER

With a quorum present, Chairperson Royce Shields called the Special Meeting of the River Oaks Zoning Board of Adjustments to order at 7:00 p.m. on Monday February 27, 2023, at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor David Holder delivered the Invocation and Jeff Kruse Place 4 led the Pledge of Allegiance to the United States Flag.

3. MEMBER ROLL CALL

The roll call was recorded as follows: All members were present with the exception of Steve Holland Council Liaison, excused.

4. CONSIDER APPROVAL OF MINUTES FROM SPECIAL MEETING OF OCTOBER 10, 2022

Robert Brown moved to approve the minutes with corrections; it was seconded by Lori Watson. All voted "Aye".

5. PUBLIC TESTIMONY: Citizens are invited to speak on any topic or agenda item before and during the meeting by response to the Chairman to be recognized; however, unless the item is specifically listed on this agenda, the zoning board of adjustments is required under the Texas Open Meetings Act to limit its response with a statement of specific factual information, reciting the city's existing policy on that issue, or directing the person making the inquiry to visit with city staff about the issue and no board deliberation is permitted for topics not specifically listed on this agenda.

There was no citizen testimony.

6. OATH OF TESTIMONY:

The oath of testimony was given by Zoning Secretary Melanie McNary-Whitley.

7. PUBLIC HEARING: To receive public input on the Variance Request of **David & Susan Holder** unique to their property at **508 Club Oak Dr.** from the River Oaks Zoning Ordinance as amended in order to build in the rear of the property a 273 square ft. room addition to within 5-foot of the side property line in violation of Section 8 "R-1 Single-Family Residential District" specifically under C "Development Regulation" # 5 Side Yard" in that there shall be a side yard setback of not less than 10-feet in a R-1 Single Family Zoning District. The existing house is located on a cul-de-sac and placement of the new addition would create an irregular rear yard area not conducive to an orthogonal addition as being a special condition which would make a literal enforcement of the Zoning Ordinance an unnecessary hardship (**ZBA Case # 2023-001**).

The Public Hearing was opened at 7:09 p.m. Marvin Gregory Zoning Administrator explained the variance request. In looking at the plat, the existing house is located on the lot at an angle and the lot being located on a cul-de-sac is irregular in shape being it is wider at the back than the front, which makes it more reasonable for them to extend the proposed additions toward the back of the lot. The architect provided the 10-foot setback line and it is plain to see the rear of the one of the new additions would infringe into the established 10-foot side setback and still maintain the 20-foot rear setback. There are two additions being proposed, but one does not violate the setback requirements and therefore does not need a variance to build. Calculations were made and the required 40-foot open space would be met with the two new additions and the existing two accessory buildings (carport and tool shed). The lot affected by the encroachment is owned by the son of the applicant who is in support of the variance. 4 responses were received and all in support of the additions. David Holder came up to the podium to speak. When asked he stated that the reason for the terrace was there were three trees they were trying to preserve. That the terrace would be open like a pergola. The Public Hearing was closed at 7:14 p.m.

8. ACTION FROM PUBLIC HEARING: To consider approval of the Variance Request of **David & Susan Holder** unique to their property at **508 Club Oak Dr.** from the River Oaks Zoning Ordinance as amended in order to build in the rear of the property a 273 square ft. room addition to within 5-foot of the side property line in violation of Section 8 "R-1 Single-Family Residential District" specifically under C "Development Regulation" # 5 Side Yard" in that there shall be a side yard setback of not less than 10-feet in a R-1 Single Family Zoning District. The existing house is located on a cul-de-sac and placement of the new addition would create an irregular rear yard area not conducive to an orthogonal addition as being a special condition which would make a literal enforcement of the Zoning Ordinance an unnecessary hardship (**ZBA Case # 2023-001**).

Jeff Kruse moved that finding that there exists a practicable difficulty unique to this property involving the house alignment on an irregular lot and move to grant the variance request of **David & Susan Holder** in order to build in the rear of the property s 273 square ft. room addition to within 5 foot of the property line in violation of Section 8 "R-1 Single-Family Residential District" specifically under C "Development Regulation" # 5 Side Yard" in that there shall be a side yard setback of not less than 10-feet in a R-1 Single Family Zoning District. Subject to the following conditions:

1. Obtain the Building permit and pay appropriate fee within 15-days from the time of the Public Hearing;
and
2. Provide rain guttering on carport in order to drain to the natural runoff on their property.

Robert Brown seconded the motion. A vote was taken. There were 5 Ayes and 0 Nays.

9. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS LOCAL GOVERNMENT CODE, THE ZONING BOARD OF ADJUSTMENTS (ZBA) RESERVE THE RIGHT TO CONVENE INTO EXECUTIVE SESSION(S) FROM TIME TO TIME AS DEEMED NECESSARY DURNING THIS MEETING. THE ZBA MAY CONVENE IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING: SEC. 551.071 PENDING OR CONTEMPLATED LITIGATION OR TO SEEK ADVICE FROM ATTORNEY.

There was no Executive Session

10. ACTION FROM EXECUTIVE SESSION

There was no action taken.

11. ADJOURNMENT

Lori Watson moved to adjourn the meeting and was seconded by Jeff Kruse. A vote was taken and was 5 Ayes and 0 Nays.

Meeting was adjourned at 7:18 p.m.

BY: Royce Shields
Royce Shields
Zoning Board of Adjustments, Chairman

ATTEST: Paula Lich
Paula Lich
City Secretary