

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MARCH 5, 2013**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN
TUESDAY COOLEY, PLACE 3
CONNIE ADAMS, PLACE 5
DONALD ISTOOK, ALTERNATE # 2
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

STAN CUMBERLEDGE, PLACE 4 (EXCUSED)
NICKI MATTHEWS, ALTERNATE # 1 (EXCUSED)
HUBBARD MAKARWICH, ALTERNATE # 3 (NO RESPONSE)
CORNELL ADDINGTON, ALTERNATE # 4 (OUT OF TOWN)

1. CALL TO ORDER

Chairman Shields called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:31 p.m. on Tuesday, October 2, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

CM Holland gave the Invocation and Chairman Shields led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Stan Cumberledge, Place 4, Nicki Matthews, Alternate # 1 and Cornell Addington, Alternate #2 were absent, all excused. Hub Makarwich, Alternate # 3 was absent with no response.

It was announced that Alternate Member Istook # 2 would serve as a voting member for this meeting only.

4. APPROVAL OF MINUTES FROM THE MEETING OF OCTOBER 2, 2012

Member Cooley moved, Member Istook, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for October 2 as presented. All voted "Aye."

5. OATH OF TESTIMONY

Secretary Stewart administered the Oath of Testimony to ZA Gregory and Jeremy Work (1119 Yale St.), both slated to give testimony in the upcoming Public Hearing portion of the meeting.

6. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST (ZONING CASE # ZBA 2013-01) OF JEREMY R. WORK AT 1119 YALE STREET IN ORDER TO BUILD ON THE PROPERTY A PROPOSED 800 SQ. FOOT CARPORT (20' X 40') BUILT IN VIOLATION OF SECTION 22A.5A "CARPORT SHALL NOT EXCEED 24-FEET ON ITS LONGEST DIMENSION";

SECTION 22.5C "CARPORT GREATER THAN 576 SQ. FT. IS NOT ALLOWED" AND SECTION 22B.3 "NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING ON THE LOT" AND IN VIOLATION OF SECTION 22A.2.B IN THAT "THE ACCESSORY BUILDING MAY NOT EXCEED 900 SQUARE FEET, PROVIDED IT MAY NOT EXCEED THE SIZE OF THE PRINCIPAL STRUCTURE.

At 7:35 p.m. Chairman Shields opened the public hearing.

ZA Gregory summarized the request of the applicant to construct a 24x18 carport either attached to or close to an existing garage. The existing garage is a registered non-conforming structure that exceeds the maximum size allowed at 1200 square feet. In 2006 the city approved a permit for a 12x36 (432 square foot) carport attached to the garage that the applicant demolished in 2012 due to dilapidation. ZA Gregory explained that this carport could not be allowed as attached to the non-conforming structure since the expansion would be more than 25 percent. ZA Gregory explained that according to the zoning ordinance, the carport must be 10-feet from the existing garage. ZA Gregory presented a google maps picture that verifies that the previous carport did exist.

Board Members expressed concern that the structures would be used in a commercial capacity.

Jeremy Work, property owner and applicant, stated that if the carport must be 24-feet on the side that is next to the garage in order to clear the bay doors of the garage. Mr. Work added that if he locates the carport 10-feet away from the garage, it would not meet the side-yard setback. Mr. Work requested to build an 18x24 carport with a 2-foot overhang within 3-inches of the garage. This location would allow the detached carport to be under the rain cap.

Norma Cumberledge asked the hardship for this request. Mr. Work stated that he has a boat and tools that need to be protected.

ZA Gregory suggested that the board could require an affidavit that the property would not be used in a commercial capacity.

John Claridge asked the maximum square footage allowed. ZA Gregory replied that a 24x24 carport is the maximum allowable size.

At 8:07 p.m. Chairman Shields closed the public hearing.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF JEREMY R. WORK AT 1119 YALE STREET (ZONING CASE # ZBA 2013-01).

Member Cooley made the following motion "I move to allow Jeremy Works at 1119 Yale St. to construct on the rear of the property a new 576 square foot (24-feet by 24-feet) detached carport in violation of Section 22B.3 in that no accessory building shall be located within 10-feet of another building on the property; approving the applicant to build the carport within 3-inches of the existing 1200 square foot non-conforming garage citing destruction of use as being the unnecessary hardship due to the pre-existing 432 square foot carport being demolished in 2012 providing the carport meets all other zoning regulations and that all construction is completed within 180-days from the date of the hearing and that the owner be required to provide to the city an affidavit in writing that the garage would never be used commercially. Motion seconded by Member Adams. All voted "Aye."

8. CONSIDER APPROVAL TO AMEND THE 2007 ZBA RULES AND PROCEDURES.

Chairman Shields recommended that the regular meeting be moved to the first Thursday of each month.

Member Cooley moved, seconded by Vice-Chairman Tovar, to move the regular meeting to the first Thursday of the month at the regular meeting time of 7:30 p.m. All voted "Aye."

Vice Chairman Tovar requested that the day of week be included on the agenda cover.

ZA Gregory presented Rosenberg's Rules of Order for consideration as the board's final authority on parliamentary procedures as recommended by the city attorney.

Member Cooley moved, seconded by Member Adams, to move accept Rosenberg's Rules of Order. All voted "Aye."

ZA Gregory reviewed the recommended changes to the ZBA Rules and Procedures as follows: **1)** Article 1 Organization and Officers - Rules of Order: Rosenberg Rules of Order shall be the Board's final authority on all questions of procedure and parliamentary law not covered by the Texas law, City Ordinances, and these rules of procedure; **2)** Article 2 Meetings - "If one or more members of the Board are unable to attend a meeting of the Board, the Board shall select, by random drawing, which alternate members of the Board shall be chosen to fill the temporary vacancy of such absent Board member or members." **3)** Article 4 Hearings and Decisions - "If one or more members of the Board are unable to attend a meeting of the Board, the Board shall select, by random drawing, which alternate members of the Board shall be chosen to fill the temporary vacancy of such absent Board member or members." ~~Alternate Member # 1 shall vote. Should more than one regular member and/or Alternate Member # 1 be unable to vote then Alternate Member # 2 shall vote. Should the need be such that Alternate Member # 3 and/or Alternate Member # 4 is required to make a quorum due to the absence of multiple Regular Members then Alternate Member # 3 followed by Alternate Member # 4 shall vote.~~

Member Cooley moved, seconded by Vice-Chairman Tovar, to accept the recommended changes to the ZBA Rules and Procedures as presented. All voted "Aye."

9. EXECUTIVE SESSION PURSUANT TO CHAPTER 551, TEXAS GOVERNMENT CODE, THE ZONING BOARD OF ADJUSTMENTS (ZBA) RESERVE THE RIGHT TO CONVENE INTO EXECUTIVE SESSION(S) FROM TIME TO TIME AS DEEMED NECESSARY DURING 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*

None called for.

10. ACTION FROM EXECUTIVE SESSION

None.

11. ADJOURNMENT

At 8:21 p.m. Member Cooley moved, seconded by Member Adams, to adjourn the meeting. All voted "Aye".

APPROVED THIS 5TH MARCH 2013:

BY: Royce Shields
ROYCE SHIELDS, CHAIRPERSON
Zoning Board of Adjustments

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary