

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
FEBRUARY 9, 2015**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN, PLACE 2
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
JOHN CLARIDGE, ALTERNATE 2
MARY TIPTON, ALTERNATE 3
RAUL RODRIGUEZ, ALTERNATE 4

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY
BUILDING INSPECTOR STEVE SANDERS

MEMBERS ABSENT:

CORNELL ADDINGTON, PLACE 3 (MEDICAL)
STEVE HOLLAND, COUNCIL LIAISON (OUT OF TOWN)

1. CALL TO ORDER

Chairman Shields called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Monday, February 9, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Member Adams delivered the Invocation. Member Cumberledge led the Pledge of Allegiance.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Addington with an excused absent due to illness and Council Liaison Holland who is out of town.

Member Tipton was selected by random drawing to serve as a voting member for this meeting only.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF NOVEMBER 10, 2014

Member Cumberledge moved, seconded by Vice-Chairman Tovar, to approve the minutes of November 10, 2014. All voted "Aye."

5. ***OATH OF TESTIMONY***

ZS Stewart administered the Oath of Testimony to Celinda Flores, Inspector Sanders and ZA Gregory – all slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. **Public Hearing:** Public input regarding the variance request of **Celinda Flores at 5520 Dartmouth Ave.** requesting a variance in order to be permitted to allow an 8 X 12 addition to the house that in its present location is located within 6-foot of the main structure in violation of Section 22B "Accessory Buildings" of the Zoning Ordinance in that the existing accessory building shall not be located within 10 feet of any other building on the lot and in

violation of Section 11C "Development Regulations" in that accessory structures cannot occupy over 40 percent of the rear yard. **(Case # 2015-01)**

ZA Gregory summarized the request to allow an 8 X 12 addition to the existing house that was built without a permit to remain in its present location which is located within 6-foot of an accessory building in violation of Section 22B "Accessory Buildings" of the Zoning Ordinance in that the existing accessory building shall not be located within 10 feet of any other building on the lot. In addition, pursuant to Section 11 "R-4 Single-Family District" the property is in violation of Section 11C "Development Regulations" in that accessory structures cannot occupy over 40 percent of the rear yard. The accessory buildings on this lot occupy more than 60% of the rear yard and have not been permitted or registered as legal non-conforming structures. The City's Building Inspector deems this situation to be a fire hazard since the roof line of the new addition is within 6-inches of the existing accessory building roof line. ZA Gregory explained that Pursuant to Section 28 H "SINGLE-FAMILY NONCONFORMING USES, STRUCTURES, OR YARDS" in # 1 Expansion of Nonconforming Use - The owner may expand a nonconforming use, structure or yard not to exceed 25 percent of the existing area of the use or structure actually being occupied by the nonconforming use, structure or yard, provided that the use, structure or yard, as expanded, meets the development regulations applicable in the "R-3" zoning district. However, in this case even if the property was registered a legal non-conformity, the expansion with the addition would not meet R-3 District Regulations in that with the addition the separation between house and accessory building is less than 10-feet. Staff has no record indicating this property was ever registered a legal non-conformity so unless the owner can provide other written documentation that the buildings on the lot have ever been legal non-conforming, then the non-conformity does not exist. Staff has recommended to the property owner to remove part or all of the accessory building in order to meet the 10-foot separation requirement.

Ms. Flores was present and agreed to reduce and or remove the necessary structures to bring the property into compliance.

7. **Action from Public Hearing:** Consider approval of the variance request of **Celinda Flores at 5520 Dartmouth Ave.** requesting a variance in order to be permitted to allow an 8 X 12 addition to the house that in its present location is located within 6-foot of the main structure in violation of Section 22B "Accessory Buildings" of the Zoning Ordinance in that the existing accessory building shall not be located within 10 feet of any other building on the lot and in violation of Section 11C "Development Regulations" in that accessory structures cannot occupy over 40 percent of the rear yard. **(Case # 2015-01)**

Member Adams moved, seconded by Member Cumberledge, to deny the request of Celinda Flores at 5520 Dartmouth Avenue as submitted. All voted "Aye."

8. **New Items for Discussion:** Upcoming Public Hearing on Zoning Text Amendments scheduled before the Planning and Zoning Commission on February 23, 2015 and the City Council on February 24, 2015

ZA Gregory summarized the recommendations of the Planning and Zoning Commission that will be presented at the public hearings.

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 7:54 p.m. Vice-Chairman Tovar moved, seconded by Member Cumberledge, to adjourn the meeting. All voted "Aye".

APPROVED THIS 13TH DAY OF APRIL 2015:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary