

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MAY 18, 2015**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN
RON TOVAR, VICE-CHAIRMAN, PLACE 2
JOHN CLARIDGE, ALTERNATE 2
RAUL RODRIGUEZ, ALTERNATE 4
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

CORNELL ADDINGTON, PLACE 3 (MEDICAL)
STAN CUMBERLEDGE, PLACE 4 (NO RESPONSE)
CONNIE ADAMS, PLACE 5 (NO RESPONSE)
MARY TIPTON, ALTERNATE 3 (NO RESPONSE)

1. CALL TO ORDER

Chairman Shields called the Special Meeting of the River Oaks Zoning Board of Adjustments to order at 7:31 p.m. on Monday, May 18, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Rodriguez delivered the Invocation. Chairman Shields led the Pledge of Allegiance.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Addington absent due to medical reasons; Member Cumberledge Member Adams and Alternate Member Tipton absent with no response.

It was announced that Alternate Member Claridge would serve in the absence of Place 4 and Alternate Member Rodriguez would serve in the absence of Place 3 as voting members for this meeting only.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF APRIL 13, 2015

ZS Stewart noted that the approval date will be changed to May 18, 2015.

ZS Stewart verified that minutes for the meeting from May 11, 2015 will be on the next agenda for approval.

Vice-Chairman Tovar moved, seconded by Member Rodriguez, to approve the minutes as changed. All voted "Aye."

5. ***OATH OF TESTIMONY***

ZS Stewart administered the Oath of Testimony to Raymundo Rodriguez, Ofelia Rodriguez - translator for Mr. Rodriguez, Inspector Sanders and ZA Gregory – all slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. **PUBLIC HEARING CONTINUED FROM MAY 11, 2015:** PUBLIC INPUT REGARDING THE VARIANCE REQUEST OF **RAYMUNDO RODRIGUEZ AT 710 CHURCHILL RD.** REQUESTING A VARIANCE IN ORDER TO BE PERMITTED TO BUILD A NEW 1,509 SQ. FT. HOUSE ON A NON-CONFORMING LOT OF RECORD WITHIN 35-FEET OF THE STREET IN VIOLATION OF SEC. 9 "R-2 SINGLE FAMILY RESIDENTIAL DISTRICT" SPECIFICALLY UNDER SEC. 9.D.3 "FRONT YARD" OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A FRONT YARD OF NOT LESS THAN 40-FEET AND WITHIN 5-FOOT FROM THE SIDE PROPERTY LINE AND 9'4" ON THE OTHER SIDE YARD IN VIOLATION OF SEC. 9.D.5 "SIDE YARD" IN THAT THERE SHALL BE A SIDE YARD OF NOT LESS THAN 10 FEET. **(CASE # 2015-04)**

This public hearing was continued form May 11, 2015.

ZA Gregory described the non-conforming lot which is 60x201 with a drainage channel on the north side proceeding diagonally on the property. ZA Gregory confirmed that a structure can be built on a lot that doesn't meet the requirements of the zoning district providing that all the other zoning requirements for that district are met. This property is zoned R-2 which requires a 40-foot front setback and 10-foot side yard setbacks. This house plan is for a 1509 square foot house on non-conforming lot. The request is to have a 35-foot setback in front, 9-feet 4-inches on one side and 5 feet on the other. CS Gregory noted that there was a previous attempt to build on this lot which left a built up foundation.

Mr. Rodriguez (property owner) and Ofelia Rodriguez, (realtor and translator) were present.

Ms. Rodriguez explained that the variance request is necessary due to the requirement of the zoning district to have a 70-foot lot and this lot is 60-foot. The request is for 5-feet on the side on the drainage channel. He will remove the existing foundation pad and haul off the debris. Ms. Rodriguez confirmed that Mr. Rodriguez understands that there may be sewer impact fees, wastewater tap and water tap fees.

It was mentioned for the applicant to consider moving the house over that would result in side yard setbacks of 10-feet on one side and 4.6-feet on the other side. ZA Gregory stated that the case was not published as suggested.

At 7:51 p.m. Chairman Shields closed the public hearing.

Mr. Rodriguez replied to an inquiry, stating that he does not intend to move from his current home at 5414 Baylor to this property.

7. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **RAYMUNDO RODRIGUEZ AT 710 CHURCHILL RD.** REQUESTING A VARIANCE IN ORDER TO BE PERMITTED TO BUILD A NEW 1,509 SQ. FT. HOUSE ON A NON-CONFORMING LOT OF RECORD WITHIN 35-FEET OF THE STREET IN VIOLATION OF SEC. 9 "R-2 SINGLE FAMILY RESIDENTIAL DISTRICT" SPECIFICALLY UNDER SEC. 9.D.3 "FRONT YARD" OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A FRONT YARD OF NOT LESS THAN 40-FEET AND WITHIN 5-FOOT FROM THE SIDE PROPERTY LINE AND 9'4" ON THE OTHER SIDE YARD IN VIOLATION OF SEC. 9.D.5 "SIDE YARD" IN THAT THERE SHALL BE A SIDE YARD OF NOT LESS THAN 10 FEET. **(CASE # 2015-04)**

Member Tovar made the following motion, "I find that the ZBA find that the variance request of Raymundo Rodriguez at 710 Churchill Rd. to build a new 1,509 sq. ft. house on a non-conforming lot of record within 35-feet of the street in violation of Sec. 9 "R-2 Single Family Residential District" specifically under Sec. 9.D.3 "Front Yard" of the River Oaks Zoning Ordinance as amended in that there shall be a front yard of not less than 40-feet and within 5-foot from the side property line and 9'4" on the other side yard in violation of Sec. 9.D.5 "Side Yard" in that there shall be a side yard of not less than 10 feet and that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship *unique to the property and is not self-created* involving the lot infringing on a natural drainage way that restricts the build ability of the lot with the following stipulations: 1) *All construction must be in compliance to the provisions established in the 2012 International Codes;* and 2) *The permit shall only be valid for 180-days from the date of the hearing and cannot be extended past the 180-days.* Motion seconded by Alternate Member John Claridge. All voted "Aye".

8. 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 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.

9. ACTION FROM EXECUTIVE SESSION

None.

10. ADJOURNMENT

At 7:55 p.m. Member Claridge moved, seconded by Vice-Chairman Tovar, to adjourn the meeting. All voted "Aye."

APPROVED THIS 22nd DAY OF SEPTEMBER 2015:

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

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary