

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
NOVEMBER 9, 2015**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN
RON TOVAR, VICE-CHAIRMAN, PLACE 2
CORNELL ADDINGTON, PLACE 3
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
STEVE SANDERS, BUILDING INSPECTOR

MEMBERS ABSENT:

STAN CUMBERLEDGE, PLACE 4 (OUT OF TOWN)
MICHELE BALTHROP, ALTERNATE 1 (EXCUSED)
STEVE HOLLAND, COUNCIL LIAISON

1. CALL TO ORDER

With a quorum present, Chairman Shields called the Special Meeting of the River Oaks Zoning Board of Adjustments to order at 7:31 p.m. on Monday, November 9, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Addington delivered the Invocation. Member Claridge led the Pledge of Allegiance to the United States Flag.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Cumberledge was out of town and Alternate Member Balthrop was absent with excuse.

Member Rodriguez was selected by random drawing to serve as a voting member for this meeting only in the absence of Place 4 Member Cumberledge.

4. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETING OF SEPTEMBER 22, 2015

Member Adams moved, seconded by Member Addington, to approve the minutes. All voted "Aye."

5. ***OATH OF TESTIMONY***

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

6. PUBLIC HEARING: CONSIDER APPROVAL TO AMEND THE MAY 18, 2015 VARIANCE REQUEST THAT WAS CONTINUED FROM MAY 11, 2015 OF RAYMUNDO RODRIGUEZ AT 710 CHURCHILL RD. IN WHICH THE ZBA GRANTED A VARIANCE IN ORDER TO BE PERMITTED TO BUILD A NEW 1,509 SQ. FT. HOUSE WITHIN 180-DAYS FROM THE MAY 18, 2015 PUBLIC HEARING CONTINUANCE 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)

At 7:35 p.m. the public hearing was opened.

Building Inspector Sanders reported that all rough-ins, framing, insulation and wall-tie inspections have been approved. Sanders recommended 60-days to complete the project and obtain an approved certificate of occupancy. Sanders verified that the set-backs are correct according to the order by the ZBA.

Mr. Rodriguez requested 60-days to complete the house and have it ready for move-in. Mr. Rodriguez stated his intention is to sell the house.

At 7:39 p.m. the public hearing was closed.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL TO AMEND THE MAY 18, 2015 VARIANCE REQUEST THAT WAS CONTINUED FROM MAY 11, 2015 OF RAYMUNDO RODRIGUEZ AT 710 CHURCHILL RD. IN WHICH THE ZBA GRANTED A VARIANCE IN ORDER TO BE PERMITTED TO BUILD A NEW 1,509 SQ. FT. HOUSE WITHIN 180-DAYS FROM THE MAY 18, 2015 PUBLIC HEARING CONTINUANCE 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)

Vice-Chairman Tovar made the following motion, "The ZBA finds that the request of Raymundo Rodriguez at 710 Churchill Road to extend the permits is a reasonable requested based on the progress made since September 22, 2015 in order to complete the construction of a new 1,509 square foot house on a non-conforming lot of record within 35-feet of the street in violation of Section 9 "R-2 Single Family Residential District" specifically under Section 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 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; 2)*

The permit shall be extended one time an additional 60-days from November 8, 2015 in order for the construction to be fully completed; and 3) Failure to comply with this order as extended shall result in further enforcement action by the City's Inspection Department when permitted by law in accordance to the River Oaks Code of Ordinances as adopted and as amended. Motion seconded by Member Addington. All voted "Aye."

Vice-Chairman Tovar moved, seconded by Member Adams, to forego any additional permitting fees. 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


Vice-Chairman Tovar stated that he will be moving to Whiskey Flats after the first of the year.

Member Claridge asked about the requirement that gravel driveways be bordered. ZA Gregory explained non-conforming lots with driveways and stated that the current requirement is to maintain and border an existing gravel driveway. ZA Gregory referred to a future workshop with the Council to clarify the definitions and requirements.

At 7:50 p.m. Member Adams moved, seconded by Vice-Chairman Tovar, to adjourn the meeting. All voted "Aye."

APPROVED THIS 14TH DAY OF DECEMBER 2015:

BY: 
Royce Shields
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary