

**MINUTES OF THE REGULAR MEETING  
CITY OF RIVER OAKS  
ZONING BOARD OF ADJUSTMENTS  
DECEMBER 14, 2015**

**MEMBERS PRESENT:**

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

**STAFF MEMBERS PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR  
SUSAN STEWART, ZONING SECRETARY

**MEMBERS ABSENT:**

MICHELE BALTHROP, ALTERNATE 1 (PERSONAL CONFLICT)  
RAUL RODRIGUEZ, ALTERNATE 4 (NO RESPONSE)  
STEVE HOLLAND, COUNCIL LIAISON (OUT OF TOWN)

1. CALL TO ORDER

With a quorum present, Chairman Shields called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:34 p.m. on Monday, December 14, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chairman Tovar delivered the Invocation. Chairman Shields led the Pledge of Allegiance to the United States Flag.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Alternate Member Balthrop was absent due to a personal conflict; Alternate Member Rodriguez was absent with no response; and Council Liaison Holland was absent – out of town.

4. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETING OF NOVEMBER 9, 2015

**Member Adams moved, seconded by Vice-Chairman Tovar, to approve the minutes. All voted "Aye."**

5. ***OATH OF TESTIMONY***

ZS Stewart administered the Oath of Testimony to Keith Steele and ZA Gregory – both slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. **PUBLIC HEARING:** TO RECEIVE TESTIMONY FROM THE PUBLIC REGARDING THE VARIANCE REQUEST SUBMITTED BY **KEITH STEELE** TO CONSTRUCT A PROPOSED 1500 SQUARE-FOOT ADDITION TO THE FRONT OF THE EXISTING BUILDINGS WITHIN BLOCK 30

OF THE FOREST ACRES ADDITION 2<sup>ND</sup> FILING, LOTS 5R2 AND BR2, WITH THE PROPOSED ADDITION BEING WITHIN 5-FEET OF THE FRONT PROPERTY LINE IN VIOLATION OF SECTION 15.D. #3 "FRONT YARD" OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A FRONT YARD OF NOT LESS THAN 25-FEET, OR THE FRONT YARD INDICATED ON CITY-APPROVED PLAT AS FILED IN THE TARRANT COUNTY PLAT RECORDS, WHICHEVER IS GREATER PENDING LEGAL PROPERTY PLATTING AS A SINGLE LOT OF RECORD. **(CASE # 2015-05)**

At 7:37 p.m. the public hearing was opened.

ZA Gregory summarized the request to expand the existing building at 5177 River Oaks Boulevard approximately 20-feet north to within 5-feet of the TXDOT right-of-way and to extend the building at 5713 River Oaks Boulevard connecting the two buildings. ZA Gregory stated that the applicant must submit an amending plat that will condense the two properties into one. ZA Gregory quoted Section 15.D # 3 "Front Yard" in C-2 Commercial Zoning District in that there shall be a front yard of not less than 25-feet. The front setback is defined in the Zoning Ordinance as from the prevailing edge of the street; however, in a case of involving the TXDOT right-of-way no sign or structure can be erected within the right-of-way without TXDOT approval. Therefore the edge of the 80-foot TXDOT right-of-way would be the point used to measure the front yard setback. In this case, the structure would be 85-feet from the center median instead of the required 105-feet. The hardship cited in this case is the unusual shape and angles of both properties and other existing buildings that fronts along the TXDOT right-of-way. ZA Gregory reported no written opposition received.

Keith Steele stated his intention to expand his growing business, allow for indoor storage of large vehicles or multiple vehicles, and provide an indoor work space for those vehicles.

At 7:54 p.m. the public hearing was closed

**7. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE VARIANCE REQUEST SUBMITTED BY **KEITH STEELE** TO CONSTRUCT A PROPOSED 1500 SQUARE-FOOT ADDITION TO THE FRONT OF THE EXISTING BUILDINGS WITHIN BLOCK 30 OF THE FOREST ACRES ADDITION 2<sup>ND</sup> FILING, LOTS 5R2 AND BR2, WITH THE PROPOSED ADDITION BEING WITHIN 5-FEET OF THE FRONT PROPERTY LINE IN VIOLATION OF SECTION 15.D. #3 "FRONT YARD" OF THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A FRONT YARD OF NOT LESS THAN 25-FEET, OR THE FRONT YARD INDICATED ON CITY-APPROVED PLAT AS FILED IN THE TARRANT COUNTY PLAT RECORDS, WHICHEVER IS GREATER PENDING LEGAL PROPERTY PLATTING AS A SINGLE LOT OF RECORD. **(CASE # 2015-05)**

Vice-Chairman Tovar suggested the motion include a provision for the permit to be issued in February and then be a full six months from that starting point.

**Member Cumberledge moved, seconded by Vice-Chairman Tovar, that the ZBA find that the variance request of Keith Steele d/b/a Print & Sign Design at 5177 River Oaks Boulevard to construct a proposed 1500 square-foot addition to the front of the existing buildings within Block 30 of the Forest Acres Addition 2<sup>nd</sup> Filing, Lots 5R2 and BR2, with the proposed addition being within 5-feet of the front property**

**line in violation of Section 15.D. #3 "Front Yard" of the River Oaks Zoning Ordinance as amended in that there shall be a front yard of not less than 25-feet, or the front yard indicated on city-approved plat as filed with the Tarrant County Plat Records, whichever is greater pending legal property platting as single lot of record; and therefore moved to grant a variance to expand the existing building to within 5-feet of the TXDOT right-of-way as submitted citing the hardship is unique to the property and is not self-created involving the existing irregular shaped lots fronting River Oaks Blvd. with the following stipulations: 1) The sale of the property is binding at 5173 River Oaks Blvd. to Keith Steele; and 2) The property is surveyed by a certified surveyor and approved by the City as being platted from two individually platted lots into one lot; and 3) Amending Plat is filed in the Tarrant County deed records; and 4) There are no objections filed by TXDOT that the addition infringes on TXDOT property; and 5) The permit shall be valid for 180-days from the starting date of February 1, 2016. All voted "Aye."**

**8. DISCUSSION AND/OR ACTION ON ZBA BOARD ORGANIZATION AND APPOINTMENTS AS PRESENTED BY CHAIRMAN ROYCE SHIELDS**

Chairman Shields suggested Robert Brown be considered as an alternate member upon the resignation of Vice-Chairman Tovar. Mr. Tovar will be moving out of the city after the first of the year. This would create a position on the board for an alternate member to assume.

No action was taken.

**9. STAFF REPORT ON THE NEW HOUSE CONSTRUCTION AT 710 CHURCHILL RD.**

ZA Gregory reported that 710 Churchill has completed the construction and has an approved certificate of occupancy.

**No action was taken.**

**10. 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.**

**11. ACTION FROM EXECUTIVE SESSION**

**None.**

**12. ADJOURNMENT**

**At 8:05 p.m. Member Cumberledge moved, seconded by Member Addington, to adjourn the meeting. All voted "Aye."**

**APPROVED THIS 11<sup>TH</sup> DAY OF APRIL 2016:**

BY: Royce Shields  
**Royce Shields**  
**Zoning Board of Adjustments**

ATTEST: Susan Stewart  
**Susan Stewart,**  
**Zoning Secretary**

# DECISION OF THE ZONING BOARD OF ADJUSTMENTS

## VARIANCE REQUEST FOR KEITH STEELE D/B/A PRINT & SIGN DESIGN @ 5173/5177 RIVER OAKS BLVD., RIVER OAKS, TEXAS

DATE: December 14, 2015

CASE: ZBA 2015-05

RECORD OWNERS: Frank Gonzalez Jr./Keith Steele ADDRESS: 5173/5177 River Oaks Blvd.

VOTING MEMBERS PRESENT: Chairman Royce Shields Place 1, Ron Tovar Place 2, Cornell Addington Place 3, Stan Cumberledge Place 4 and Connie Adams, Place 5.

**FINDINGS:** On December 14, 2015 the ZBA found that the variance request of Keith Steele to construct a proposed 1500 square-foot addition to the front of the existing buildings within Block 30 of the Forest Acres Addition 2<sup>nd</sup> Filing, Lots 5R2 and BR2, with the proposed addition being within 5-feet of the front property line in violation of Section 15.D. #3 "Front Yard" of the River Oaks Zoning Ordinance as amended 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 existing irregular shaped lots fronting River Oaks Blvd.* with the following stipulations:

1. *The sale of the property is binding at 5173 River Oaks Blvd. to Keith Steele; and*
2. *The property is surveyed by a certified surveyor and approved by the City as being platted from two individually platted lots into one lot; and*
3. *Amending Plat is filed in the Tarrant County deed records; and*
4. *There are no objections filed by TXDOT that the addition infringes on TXDOT property; and*
5. *The permit shall be valid for 180-days from the starting date of February 1, 2016.*

**FOLLOWING THE PUBLIC HEARING ON DECEMBER 14, 2015: Member Stan Cumberledge made the motion to grant a variance to expand the existing buildings to within 5-foot of the TXDOT Right-of-Way as submitted citing the hardship to be due to irregular shaped lots and that this request is unique to the property and is not self-created with the following stipulations:**

1. *The sale of the property is binding at 5173 River Oaks Blvd. to Keith Steele; and*
2. *The property is surveyed by a certified surveyor and approved by the City as being platted from two individually platted lots into one lot; and*
3. *Amending Plat is filed in the Tarrant County deed records; and*
4. *There are no objections filed by TXDOT that the addition infringes on TXDOT property; and*
5. *The permit shall only be valid for 180-days from the date of February 1, 2016.*

**Motion was seconded by Member Ron Tovar, Voting Members Shields, Tovar, Addington, Cumberledge and Adams voted "AYE". **VARIANCE REQUEST WAS APPROVED.****

The applicant has demonstrated proof to the Board that this application as is being presented does in fact qualify as an **unnecessary hardship** in that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship; the granting of the variance will not be in conflict of the public interest.

CERTIFIED BY:



Royce Shields  
ZBA Chairman

Date: 12/15/15

ATTEST:



Susan Stewart  
Zoning Secretary

Date: 12/15/15