

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
APRIL 13, 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
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

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

MEMBERS ABSENT:

CORNELL ADDINGTON, PLACE 3 (MEDICAL)
RAUL RODRIGUEZ, ALTERNATE 4 (MEDICAL)

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, April 13, 2015 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

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

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Addington and Alternate Member Rodriguez, both with excused absences due to medical reasons.

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

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF FEBRUARY 9, 2015

Member Cumberledge moved, seconded by Member Adams, to approve the minutes of February 9, 2015. All voted "Aye."

5. ***OATH OF TESTIMONY***

ZS Stewart administered the Oath of Testimony to Jack Robinson, Jinx Thompson, 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 **Jack C. Robinson at 4700 Almena Rd.** requesting a variance in order to be permitted to construct a 12 X 20 metal carport to within 2½ feet of the side property line in violation of Section 22 B "Accessory Buildings" # 1 in that an accessory building shall be erected no closer than five feet to a property line located in the rear or side yard. ***(Case # 2015-02)***

At 7:33 p.m. Chairman Shields opened the public hearing.

ZA Gregory summarized the request to construct a 12 x 20 metal carport over an existing concrete driveway to within 2½ feet of the side property line in violation of Section 22 B "Accessory Buildings" # 1 in that an accessory building shall not be erected closer than 5 feet from the rear or side property line. Gregory cited the unique conditions on this property as that there has never been a garage or carport on the property and the driveway is located to within 2 ½ feet of the property line. Inspector Sanders stated that the carport could not be located in the backyard due to overhead electrical lines. Gregory stated that no written opposition was received.

At 7:38 p.m. Chairman Shields closed the public hearing.

7. **Action from Public Hearing:** Consider approval of the variance request of **Jack C. Robinson at 4700 Almena Rd.** requesting a variance in order to be permitted to construct a 12 X 20 metal carport to within 2½ feet of the side property line in violation of Section 22 B "Accessory Buildings" # 1 in that an accessory building shall be erected no closer than five feet to a property line located in the rear or side yard. **(Case # 2015-02).**

Member Adams made the following motion "I find that the variance request of Jack C. Robinson at 4700 Almena to construct a 12 X 20 metal carport over the existing driveway to within 2½ feet of the side property line in violation of Section 22 B "Accessory Buildings" # 1 in that an accessory building shall be erected no closer than five feet to a property line located in the rear or side yard and that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship involving the relocation of power lines. Therefore I move to grant a variance to construct a 12 X 20 metal carport over the existing driveway to within 2½ feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations: 1) The non-conforming principal structure must be registered with the City of River Oaks as a legal non-conformity; and 2) The permit shall only be valid for 180-days from the date of the hearing. Motion seconded by Member Claridge. Chairman Shields, Vice-Chairman Tovar, and Members Adams and Claridge voted "Aye." Member Cumberledge voted "Nay." Motion passed.

8. **Public Hearing:** Public input regarding the variance request of **Jinx L Kelley Thompson at 5525 Amherst** requesting a variance in order to be permitted to rebuild a non-conforming damaged structure on the property as follows:

- *An oblong shaped 405 square foot metal carport structure that is 25-feet on its longest dimension in violation of Section 22 A "Authorized Accessory Uses" specifically under Section 22.A.5(a) of the River Oaks Comprehensive Zoning Ordinance as adopted and as amended in that the carport shall not exceed 24 feet on its longest dimension and also is located within 4-feet of the side yard property line in violation of Section 11 "R-4 Single Family District" specifically under Section 11C "Development Regulations" in that there shall be a side yard of not less than 5 feet. (Case # 2015-03)*

At 7:45 p.m. Chairman Shields opened the public hearing.

ZA Gregory summarized the request to re-construct an oblong shaped 405 square foot metal carport that is 25 feet on its longest dimension in violation of Section 22 A "Authorized

amended in that the carport shall not exceed 24 feet on its longest dimension and also is located within 4-feet of the side yard property line in violation of Section 11 "R-4 Single Family District" specifically under Section 11C "Development Regulations" in that there shall be a side yard of not less than 5 feet as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations: 1) The permit shall only be valid for 180-days from the date of the hearing, if the carport is not rebuilt within 180-days from April 14, 2015, the structure cannot be rebuilt as requested and the legal non-conformity shall cease to exist; and 2) The non-conformity shall be registered as a legal non-conforming structure; and 3) The applicant may rebuild the same sized carport in the same location, except that the applicant be allowed to extend the height of the carport an additional 18-inches allowing for equipment access to the back of the property in order to maintain the septic tank. Motion seconded by Member Claridge. All voted "Aye."

10. 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.

11. ACTION FROM EXECUTIVE SESSION


None.

12. ADJOURNMENT

At 8:02 p.m. Member Adams moved, seconded by Vice-Chairman Tovar, to adjourn the meeting. All voted "Aye".

APPROVED THIS 18TH DAY OF MAY 2015:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary