

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
JUNE 9, 2014**

MEMBERS PRESENT:

RON TOVAR, VICE-CHAIRMAN, PLACE 2
CORNELL ADDINGTON, PLACE 3
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
JASON MARTINEZ, ALTERNATE 1
MARY TIPTON, ALTERNATE 3
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1 (EXCUSED)
DONALD ISTOOK, ALTERNATE 2 (NO REPOSE)

1. CALL TO ORDER

VC Tovar called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Monday, June 9, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

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

3. MEMBER ROLL CALL

Roll Call was recorded as follows: Chairman Shields, absent with excuse and Member Istook absent with no response.

With the absence of Place 1 member, Alternate Member Tipton was selected to serve as a voting member for the continuation of the two public hearings from the previous meeting.

4. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETING OF MAY 12, 2014

Member Cumberledge moved, seconded by Member Adams, to approve the minutes of April 15, 2014. All voted "Aye."

5. ***OATH OF TESTIMONY***

ZA Gregory administered the Oath of Testimony to Maria Arriaga and Helen Graham both slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. **PUBLIC HEARING CONTINUED:** PUBLIC INPUT REGARDING THE VARIANCE REQUEST OF **MARIA HELEN ARRIAGA AT 4812 LANGLEY RD.** TO CONSTRUCT ON THE PROPERTY A PROPOSED 12' X 20' METAL CARPORT TO WITHIN 1 ½ -FEET OF THE SIDE YARD

PROPERTY LINE IN VIOLATION OF THE 5-FOOT SIDE YARD SETBACK REQUIREMENT IN AN "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SEC 10 C.5 "SIDE YARD" & IN VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING.(CASE # 2014-03)

VC Tovar announced that this public hearing is continued from May 12, 2014.

ZA Gregory stated that the proposed carport could be attached to the house instead of the garage by breezeway thereby expanding a non-conforming structure. Ms. Arriaga stated that she has a gate and that would not allow that option. It was suggested that the contractor and/or owner meet with Staff and resubmit the plan. Staff informed Ms. Arriaga of the criteria that must be considered by the ZBA to approve the variance.

Member Cumberledge moved, seconded by Member Adams, to leave the public hearing open until July 14, 2014 at 7:30 p.m. All voted "Aye."

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **MARIA HELEN ARRIAGA AT 4812 LANGLEY RD.** TO CONSTRUCT ON THE PROPERTY A PROPOSED 12' X 20' METAL CARPORT TO WITHIN 1 ½ -FEET OF THE SIDE YARD PROPERTY LINE IN VIOLATION OF THE 5-FOOT SIDE YARD SETBACK REQUIREMENT IN AN "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SEC 10 C.5 "SIDE YARD" & IN VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING.(CASE # 2014-03)

None.

8. PUBLIC HEARING CONTINUED: PUBLIC INPUT REGARDING THE VARIANCE REQUEST OF **GERALD & WANDA G. GILBREATH AT 4825 RED OAK LANE** TO PERMIT ON THE PROPERTY A PROPOSED 20' X 26' ACCESSORY BUILDING IN THE BACK YARD TO WITHIN 5-FEET OF THE PRINCIPAL STRUCTURE IN A "R-1" SINGLE-FAMILY ZONING DISTRICT IN VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING. (ZBA CASE # 2014-04)

VC Tovar announced that this public hearing is continued from May 12, 2014.

It was announced that the applicant has proposed a revision that does not require ZBA approval.

Helen Graham spoke in opposition of the proposed project, stating that the property owner told her that the proposed accessory structure would be a rental house. VC Tovar stated that the owner has agreed to sign a notarized affidavit that the structure would be used for storage only.

9. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **GERALD & WANDA G. GILBREATH AT 4825 RED OAK LANE** TO PERMIT ON

THE PROPERTY A PROPOSED 20' X 26' ACCESSORY BUILDING IN THE BACK YARD TO WITHIN 5-FEET OF THE PRINCIPAL STRUCTURE IN A "R-1" SINGLE-FAMILY ZONING DISTRICT IN VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING. (ZBA CASE # 2014-04)

VC Tovar made the following motion, "Based on the proposed revision 2 drawing, which will no longer require ZBA approval, I move to deny the variance request since construction will fully comply with current zoning ordinance pending approval by the city inspection department." Motion seconded by Member Cumberledge. 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

11. ACTION FROM EXECUTIVE SESSION

None.


12. ADJOURNMENT

At 7:41 p.m. Member Cumberledge moved, seconded by Member Adams, to adjourn the meeting. All voted "Aye".

APPROVED THIS 14TH DAY OF JULY 2014:

BY: 

**Ron Tovar, Vice-Chairman
Zoning Board of Adjustments**

ATTEST: 

**Susan Stewart,
Zoning Secretary**