

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 22, 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:

RAUL RODRIGUEZ, ALTERNATE 4 (PERSONAL CONFLICT)
STEVE HOLLAND, COUNCIL LIAISON (PERSONAL ILLNESS)

1. CALL TO ORDER

Chairman Shields called the Special Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Tuesday, September 22, 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. The Pledge of Allegiance was recited.

3. MEMBER ROLL CALL

The roll call was recorded as follows: Member Rodriguez called in his absence and CM Holland is absent due to personal illness.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF MAY 11, 2015 AND SPECIAL CALLED MEETING OF MAY 18, 2015

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

5. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE FOR 2015 APPOINTEES TO THE ZONING BOARD OF ADJUSTMENTS

Secretary Stewart administered the Statement of Appointed Official and the Oath of Office to Royce Shields, Place 1 and Chairman; Cornell Addington, Place 3; Connie Adams, Place 5; Michele Balthrop, Alternate 1; and Mary Tipton, Alternate 3.

6. ***OATH OF TESTIMONY***

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

7. 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)

ZA Gregory reviewed the approved variance of a 35-foot setback in front, 9-feet 4-inches on one side and 5 feet on the other. ZA Gregory described several delays the owner has experienced: 1) the submitted plans were not in compliance with the approved setbacks and had to be resubmitted; 2) city staff is still verifying the existence of water and sewer taps on the property and 3) the property owner was originally going to build the structure but has now hired a contractor. ZA Gregory reported that a building permit has been issued which expires on November 8, 2015 (the date set by the ZBA) but no construction work has begun.

Ms. Rodriguez explained stated that the forms are ready and the plumbing is scheduled to begin.

Following discussion, Mr. Rodriguez acknowledged that he could be complete with the plumbing rough-in and the foundation pre-pour prior to the expiration of the original order on November 8, 2015 and will return with a progress report on November 9, 2015.

Member Cumberledge moved, seconded by Member Adams, to have Mr. Rodriguez report his progress on November 9, 2015 at 7:30 p.m. with the expectation that the foundation and the plumbing be complete at that time.

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

ZS Stewart will print copies of the zoning ordinance for those who request it; otherwise the members will access the zoning ordinance online.

ZS Stewart will send an email link to Alternate Member Balthrop to complete the required open meetings training.

At 7:53 p.m. Member Cumberledge moved, seconded by Member Addington, to adjourn the meeting. All voted "Aye."

APPROVED THIS 9TH DAY OF NOVEMBER 2015:

BY: Royce Shields
Royce Shields
Zoning Board of Adjustments

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary