

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MARCH 12, 2018**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN
MICHELE BALTHROP, ALT 1 FOR PLACE 5
JOHN CLARIDGE, PLACE 2
STAN CUMBERLEDGE, PLACE 4
STEVE HOLLAND, COUNCIL LIASON
DARREN HOUK, ALT 3
ROBERT BROWN, ALT 2 FOR PLACE 3

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
PAULA LUCK, ASST CITY SECRETARY
STEVE SANDERS, BUILDING INSPECTOR

MEMBERS ABSENT:

CORNELL ADDINGTON, PLACE 3 (EXCUSED)
RAUL RODRIGUEZ, ALTERNATE 4 (UNEXCUSED)
CONNIE ADAMS, PLACE 5 (EXCUSED)

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 7:03 p.m. on Tuesday, March 12, 2018 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Holland delivered the Invocation. Chairman Shields led the Pledge of Allegiance to the United States Flag.

3. STATEMENT OF APPOINTED OFFICIAL & OATH FOR 2017 APPOINTEES.

NONE

4. MEMBER ROLL CALL

The roll call was recorded as follows: Member Rodriguez was marked as an unexcused absence. Member Addington and Member Adams were marked as excused absences. It was announced that Member Brown would serve as a voting member for Place 3 and Member Balthrop would serve as voting member for Place 5 for this meeting only.

Chairman Shields announced that a citizen turned in a non-support letter on 621 Oaklawn Dr.

5. CONSIDER APPROVAL OF MINUTES FROM SPECIAL CALLED MEETING OF DECEMBER 11, 2017

Member Claridge moved, seconded by Member Brown to approve the Minutes of the December 11, 2017 Special Called Meeting. All voted "Aye."

6. OATH OF TESTIMONY

Asst. City Secretary Luck administered the Oath of Testimony to ZA Gregory, BI Sanders and the property owner Juan Gonzalez of 1105 Oxford– all stated to give testimony in the upcoming Public Hearing portions of the meeting.

7. PUBLIC HEARING: TO RECEIVE PUBLIC INPUT ON THE VARIANCE REQUEST OF **JUAN A. GONZALEZ AT 1105 OXFORD** REQUESTING A VARIANCE FROM THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN ORDER TO BE PERMITTED TO CONSTRUCT A 20 X 24 ACCESSORY BUILDING THAT IS 18-FOOT IN HEIGHT IN VIOLATION OF SECTION 22.B "ACCESSORY BUILDINGS" OF THE ZONING ORDINANCE IN THAT AN ACCESSORY BUILDING SHALL NOT EXCEED ONE-STORY OR 14-FOOT IN HEIGHT. (ZBA CASE #2018-01)

At 7:10 p.m. the Public Hearing was opened by Chairman Shields.

The building is 4' taller than what the Zoning Ordinance allows. The contractor was unable to finish the project. Owner is in the process of hiring another contractor to finish the project. So far there is \$10,000 invested in this. The contractor was told by BI Sanders at the site visit that this cannot exceed 14' in height.

At 7:22 p.m. the Public Hearing was closed by Chairman Shields.

At 7:24 p.m. the Public Hearing was re-opened by Chairman Shields.

At 7:27 p.m. the Public Hearing was closed by Chairman Shields.

8. ACTION FROM PUBLIC HEARING: TO CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **JUAN A. GONZALEZ AT 1105 OXFORD** FROM THE RIVER OAKS ZONING ORDINANCE AS AMENDED IN ORDER TO BE PERMITTED TO CONSTRUCT A 20 X 24 ACCESSORY BUILDING THAT IS 18-FOOT IN HEIGHT IN VIOLATION OF SECTION 22.B "ACCESSORY BUILDINGS" OF THE ZONING ORDINANCE IN THAT AN ACCESSORY BUILDING SHALL NOT EXCEED ONE-STORY OR 14-FOOT IN HEIGHT. (ZBA CASE #2018-01)

Member Cumberledge moved that I do not find that the variance request of Juan A. Gonzalez at 1105 Oxford in order to be permitted to construct a 20 x 24 accessory building that is 18-feet in height in violation of Section 22.B "Accessory Buildings" of the Zoning Ordinance in that an accessory building shall not exceed one-story or 14-feet in height; that due to special conditions, a literal enforcement of the Zoning Ordinance would not result in an unnecessary hardship. Therefore, I move to deny the variance to construct a 20 x 24 accessory building to be used for a workshop that is 18-feet in height in violation of Section 22.B "Accessory Buildings" of the Zoning Ordinance in that an accessory building shall not exceed one-story or 14-feet in height as submitted AND to grant a 60 day extension on the permit with no additional fee. Motion seconded by Member Balthrop. All voted "Aye".

9. **PUBLIC HEARING:** TO RECEIVE PUBLIC INPUT ON THE VARIANCE REQUEST OF **NICOLE RADOUMIS AT 621 OAKLAWN DR.** IN THAT PURSUANT TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE, THE USE OF A SECOND DWELLING UNIT SEPARATE FROM THE PRINCIPAL DWELLING UNIT LOCATED ON THE SAME PROPERTY IN A SINGLE-FAMILY ZONING DISTRICT IS PROHIBITED AND THE OWNER DID FAIL TO PROVE THAT THE EXISTING TWO-FAMILY OCCUPANCY IN A SINGLE-FAMILY OCCUPANCY IN A SINGLE-FAMILY ZONING DISTRICT IS A LEGAL NON-CONFORMING USE PURSUANT TO SECTION 28 J "REGISTRATION OF NON-CONFORMING" SINCE THE PROPERTY HAS NO RECORD OF BEING REGISTERED AS THE LEGAL NON-CONFORMING USE AFTER THE NON-CONFORMING USE WAS CREATED. (ZBA CASE #218-02)

Asst. City Secretary Luck administered the Oath of Testimony to ZA Gregory, BI Sanders and Ms. Harris (citizen)– all stated to give testimony in the upcoming Public Hearing portions of the meeting.

At 7:32 p.m. the Public Hearing was opened by Chairman Shields.

The Zoning Administrator, Marvin C. Gregory III, testified that based upon his research the dwelling unit at 4721 Barbara Road is not recorded as a dwelling on Tarrant Appraisal District Records or with Tarrant County 911. An old property address card was found which shows both buildings. It does not state when the second dwelling was built. The main house was built in 1945 which was under Zoning Ordinance #9 which allowed only single-family use. Accessory uses of the property were permitted under the 1942 Zoning Ordinance, but the records found on the dwelling addressed as 4721 Barbara could only be traced back to 1977, but even in 1977 two family use in a single-family zoning district was not permitted

Furthermore, according to city records a registration of a non-conforming does not exist on this property permitting the use of a second dwelling on the same single-family platted lot for occupancy. Without any such registration, the city has to presume there is no proof supporting two family use of the property. The second dwelling at **4721 Barbara Rd.** also does not meet the minimum square footage and does not meet the side and front setbacks according to the current Zoning Ordinance. The owners have not been paying property taxes on this dwelling. There are separate utility meters (water, gas, and electric) to this dwelling.

City Building Inspector, **Steve Sanders,** testified the structure has been vacant for a year and is currently deemed to be a substandard building unfit for human occupancy.

The burden of proof is the responsibility of the Nicole Radoumis Family Trust and without any further evidence to be presented at the hearing.

At 7:46 p.m. the Public Hearing was closed by Chairman Shields.

10. **ACTION FROM PUBLIC HEARING:** TO CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **NICOLE RADOUMIS AT 621 OAKLAWN DR.** REQUESTING NON-CONFORMING REGISTRATION OF A SECOND DWELLING UNIT SEPARATE FROM THE PRINCIPAL DWELLING UNIT LOCATED ON THE SAME SINGLE-PLATTED LOT AT 621 OAKLAWN DR. IN A SINGLE-FAMILY ZONING DISTRICT PROVIDING THE BOARD FINDS THAT THE OWNER HAS PROVIDED PROOF THAT THE EXISTING TWO-FAMILY OCCUPANCY IN A SINGLE-

FAMILY ZONING DISTRICT QUALIFIES TO BE A LEGAL NON-CONFORMING USE PURSUANT TO SECTION 28 J "REGISTRATION OF NON-CONFORMITY" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED. (ZBA CASE #2018-02)

Member Cumberlandge move that I find based from the evidence and documentation presented during this Public Hearing by the requestor Nicole Radoumis that she has failed to demonstrate proof that the use of the structures located on the property at 621 Oaklawn Dr. otherwise recorded as being Lot 65, Worthview Addition qualifies to be a legal non-conforming use of property for two-family use and therefore; move so support the determination of the Zoning Administrator that pursuant to the Zoning Ordinance that the continued use of the property for occupancy of both dwelling units on the property as separate dwelling units is illegal and must be discontinued except for the single-family use of the property consistent with properties in a single-family zoning district. Motion seconded by Member Claridge. All voted "Aye".

11. 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 DURNING 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

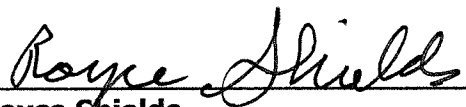
12. ACTION FROM EXECUTIVE SESSION


NONE

Member Addington sent a letter requesting to be removed as a Board Member but remain as an Alternate. Will schedule Special Meeting for Monday, March 26th, 2018 to accept Member Addington's request and appoint someone to Place 3.

13. ADJOURNMENT

At 7:50 p.m. Member Brown moved, seconded by Member Balthrop, to adjourn the meeting. All voted "Aye."

BY: 
Royce Shields
Zoning Board of Adjustments, Chairman

ATTEST: 
Paula Luck
Assistant City Secretary