

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
APRIL 15, 2014**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
DONALD ISTOOK, ALTERNATE 2
MARY TIPTON, ALTERNATE 3
CORNELL ADDINGTON, ALTERNATE # 4
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
JOHN PAUL JONES, CODE ENFORCEMENT OFFICER
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

JASON MARTINEZ, ALTERNATE 1 (WORK CONFLICT)

1. CALL TO ORDER

Chairman Shields called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:32 p.m. on Tuesday, April 15, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

CM Holland delivered the Invocation. Vice-Chairman Tovar led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Alternate Member Martinez was absent with excuse.

It was announced that Alternate Member Istook would serve as a voting member for this meeting due to vacated Place 3.

4. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETINGS OF OCTOBER 3, 2013 & OCTOBER 7, 2013

Member Cumberledge moved, seconded by Member Adams, to approve the minutes of October 3, 2013 and October 7, 2013. All voted "Aye."

5. ***OATH OF TESTIMONY***

Secretary Stewart administered the Oath of Testimony to ZA Gregory, CCO Jones, Francisco Mosqueda (5341 Taylor), B.I. Camp, Wayne Camp, Jerry Tucker, and Richard Tucker (4821 Langley) all slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. PUBLIC HEARING: PUBLIC INPUT REGARDING THE REQUEST OF **FRANCISCO MOSQUEDA** AT 5341 TAYLOR RD. TO REBUILD A 190 SQUARE-FOOT METAL PORCH AWNING STRUCTURE IN VIOLATION OF SEC. 4 "PORCH" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS ADOPTED AND AS AMENDED IN THAT A PORCH SHALL NOT EXCEED 100 SQ. FEET IN SIZE AND MAY BE PERMITTED TO EXTEND UP TO 10-FOOT IN FRONT OF THE ESTABLISHED FRONT BUILDING LINE. WITH THE ADOPTION OF ORDINANCE 920-2012, THE STRUCTURE WAS CLASSIFIED A LEGAL NON-CONFORMING STRUCTURE IN THAT EXISTED PRIOR TO THE ADOPTION OF THE ORDINANCE AND THAT HAS SINCE BEEN DEMOLISHED AND REMOVED FROM THE PROPERTY. *(CASE # 2014-01)*

At 7:35 p.m. Chairman Shields opened the public hearing.

CEO Jones summarized the request to construct a 190 square-foot metal porch that is in violation of the zoning ordinance requirement of a maximum of 100 square-feet. Jones stated that the application cites destruction of non-conforming use as the hardship. Jones reported the notice was published and mailed to all property owners within 200 feet as required. Jones reported three responses were received from those notified with one in opposition and two in favor of the proposal. ZA Gregory noted that one more response was received after the packets were printed that was in favor of the proposal. It was mentioned that the material of the previous porch might have been inadequate. CEO Jones gave assurance that the new porch must meet the most recently adopted building code. Mr. Mosqueda responded to an inquiry assuring the board that the structure would be used for a porch and not a carport and the material would meet the current code.

Board Members mentioned the missing siding on the front of the main structure and the back porch that is in need of repair.

At 7:49 p.m. Chairman Shields closed the public hearing.

CS Gregory reminded the board that they must consider the property rights and effects of the structure on other properties.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL FOR **FRANCISCO MOSQUEDA** AT 5341 TAYLOR RD. TO REBUILD A 190 SQUARE-FOOT METAL PORCH AWNING STRUCTURE IN VIOLATION OF SEC. 4 "PORCH" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS ADOPTED AND AS AMENDED IN THAT A PORCH SHALL NOT EXCEED 100 SQ. FEET IN SIZE AND MAY BE PERMITTED TO EXTEND UP TO 10-FOOT IN FRONT OF THE ESTABLISHED FRONT BUILDING LINE. WITH THE ADOPTION OF ORDINANCE 920-2012, THE STRUCTURE WAS CLASSIFIED A LEGAL NON-CONFORMING STRUCTURE IN THAT EXISTED PRIOR TO THE ADOPTION OF THE ORDINANCE AND THAT HAS SINCE BEEN DEMOLISHED AND REMOVED FROM THE PROPERTY. *(CASE # 2014-01)*

Vice-Chairman Tovar made the following motion, "I find that the variance request of Francisco Mosqueda at 5341 Taylor Road due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship and therefore I move to grant a variance to rebuild the 190 square foot non-conforming porch awning that had been damaged and destroyed within 6-months prior to the hearing date to the extent that such cost to reconstruct or rebuild exceeds 50

percent of its replacement cost in the same location replacing the previous awning that was located in violation of Section 4 "Porch" of the City's Zoning Ordinance in a R-3 Single-Family Zoning District with the following stipulations: 1) The permit shall only be valid for 180-days from the date of the hearing, if the awning is not rebuilt within 180-days from April 15, 2014, the structure cannot be rebuilt as requested and the legal non-conformity shall cease to exist; and 2) Replace or repair damaged siding around house and repair back porch roof awning. Motion seconded by Member Cumberledge. All voted "Aye."

8. **PUBLIC HEARING:** PUBLIC INPUT REGARDING THE REQUEST OF **BERNICE I. CAMP** AT 4821 LANGLEY RD. TO REBUILD A 221 SQUARE-FOOT METAL CARPORT LOCATED WITHIN 2-FOOT OF THE PRINCIPAL STRUCTURE AND WITHIN 0-FEET OF THE SIDE-YARD PROPERTY LINE IN VIOLATION OF SECTION 10C "DEVELOPMENT REGULATIONS" # 5 "SIDE YARD" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A SIDE YARD OF NOT LESS THAN 5-FEET ON EACH SIDE OF THE LOT AND 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 # 2014-02)

At 7:52 p.m. Chairman Shields opened the public hearing.

CEO Jones summarized the request to rebuild a 221 square-foot metal carport to within 0-feet of the side property line which is in violation of the zoning ordinance side yard setback requirement of 5-feet. Jones stated that the application cites destruction of non-conforming use as the hardship. Jones reported the notice was published and mailed to all property owners within 200 feet as required. Jones reported seven responses were received from those notified with all in favor. ZA Gregory noted that two more responses were received after the packets were printed that were in favor of the proposal. Wayne Camp verified that the previous carport was not attached to the house and the prior location is sufficient. CEO Jones noted that the carport must meet the most recently adopted building code.

At 8:00 p.m. Chairman Shields closed the public hearing.

9. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL FOR **BERNICE I. CAMP** AT 4821 LANGLEY RD. TO REBUILD A 221 SQUARE-FOOT METAL CARPORT LOCATED WITHIN 2-FOOT OF THE PRINCIPAL STRUCTURE AND WITHIN 0-FEET OF THE SIDE-YARD PROPERTY LINE IN VIOLATION OF SECTION 10C "DEVELOPMENT REGULATIONS" # 5 "SIDE YARD" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT THERE SHALL BE A SIDE YARD OF NOT LESS THAN 5-FEET ON EACH SIDE OF THE LOT AND 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 # 2014-02)

Member Istook made the following motion "I find that the variance request of Bernice I. Camp due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship and therefore *move to grant a variance to rebuild the 221 square foot non-conforming metal carport* that had been damaged and destroyed within 6-months prior to the hearing date to the extent that

such cost to reconstruct or rebuild exceeds 50 percent of its replacement cost in the same location replacing the previous carport that was located in violation of Section 10C "Development Regulations" # 5 "Side Yard" of the River Oaks Comprehensive Zoning Ordinance as amended in that there shall be a side yard of not less than 5-feet on each side of the lot and in violation of Section 22B "Accessory Buildings" # 3 of the City's Zoning Ordinance in a R-3 Single-Family Zoning District 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 15, 2014, the structure cannot be rebuilt as requested and the legal non-conformity shall cease to exist. Motion seconded by Member Adams. All voted "Aye."

10. CONSIDER APPROVAL TO AMEND ZBA RULES AND PROCEDURES UNDER ARTICLE II "MEETINGS"

Chairman Shields recommended moving the regular meeting night to the second Monday of each month. Member Istook stated that when he is out of town that he frequently comes back on Tuesday.

Member Cumberledge moved, seconded by Member Adams, to amend the ZBA Rules and Procedures under Article II "Meetings" to change the regular meeting to the 2nd Monday of every month at 7:30 p.m. All voted "Aye."

11. DISCUSSION AND/OR ACTION ON RECOMMENDATION TO APPOINT A PLACE 3 MEMBER TO THE ZBA

Chairman Shields recommended Cornell Addington for the vacated position of Place 3.

Member Adams moved, seconded by Vice-Chairman Tovar, to recommend Cornell Addington for the appointment to Place 3. All voted "Aye."

12. 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.


13. ACTION FROM EXECUTIVE SESSION


None.

14. ADJOURNMENT

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

APPROVED THIS 15TH DAY OF APRIL 2014:

BY: 
Ron Tovar, Acting Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary