

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MAY 12, 2014**

MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

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

MEMBERS ABSENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1 (OUT OF TOWN)

1. CALL TO ORDER

VC Tovar called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:31 p.m. on Monday, May 12, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Member Tipton delivered the Invocation. Member Adams led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Chairman Shields, absent with excuse.

Alternate Member Tipton was selected by random drawing to serve as a voting member for this meeting only due to the absence of Place 1 Member.

4. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETINGS OF APRIL 15, 2014

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

5. STATEMENT OF APPOINTED OFFICIAL & OATH OF OFFICE FOR CORNELL ADDINGTON, PLACE 3 MEMBER

ZS Stewart administered the Statement of Appointed Official and the Oath of Office to Cornell Addington.

6. OATH OF TESTIMONY

Secretary Stewart administered the Oath of Testimony to ZA Gregory, BI Sanders, Vic Fugate, Maria Arriaga, Wanda Gilbreath, Donna Crowe and Teresa Dibrell, all slated to give testimony in the upcoming Public Hearing portions of the meeting.

[At 7:38 p.m. VC Tovar convened into executive session under Section 551.071 to seek legal advice from attorney.]

[At 8:04 p.m. VC Tovar convened into regular session.]

7. PUBLIC HEARING: 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).

At 8:04 p.m. VC Tovar opened the public hearing.

BI Sanders summarized the request to construct a 12 x 20 metal carport to within 1½-feet of the side yard property line that is in violation of the required 5-foot side yard setback and to within 4-feet of the house which is in violation of the required 10-foot separation from any other structure. Sanders relayed the hardship that was cited by the owner as protection of a second vehicle. Attorney Larkin stated that protection of a vehicle is not a valid hardship. Maria Arriaga, property owner, stated her hardship is protection of her a second vehicle that does not fit in her one-car garage. Sanders added that the proposed carport would line up with the existing garage that is 2-feet from the side yard property line. It was mentioned that the carport could be attached to garage, to which ZA Gregory stated that a non-conforming structure can only be expanded 25%. Contractor, Vic Fugate, stated that the carport could be attached to the house instead of the carport. ZA Gregory stated that either of those options would require a resubmission of the request. Board Members requested that a valid hardship and an accurate drawing be provided if the public hearing is continued. Member Adams stated that the hardship provided by the property owners does not meet the criteria necessary to grant the variance.

Member Cumberledge moved, seconded by Member Tipton, to leave the public hearing open until June 9, 2014 at 7:30 p.m. All voted "Aye."

8. 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).

No action was taken.

9. PUBLIC HEARING: 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**)

At 8:30 p.m. VC Tovar opened the public hearing.

ZA Gregory stated that staff had denied the permit application that was submitted after the inspector issued a stop work order for failure to permit. Gregory summarized the request to complete an accessory building to within 5-feet of the principal structure and abutting an existing carport both of which are in violation of the required 10-foot separation. If attached to the existing carport the structure would exceed the allowable maximum size for accessory structures of 900 square feet. ZA Gregory replayed the hardship as saving a clump of trees. ZA Gregory stated that the required 40% open space in the rear yard is in compliance. Citizen Wayne Butler asked the intent of the existing carport. Wanda Gilbreath, property owner, stated that the carport is currently used for storage. Mrs. Gilbreath stated that the intended use of the proposed accessory building is for storage only. Mrs. Gilbreath clarified that she is adding to an existing 8 x 8 storage building, not constructing a new one. Board Members suggested that the proposal be revised to comply with the requirements. Donna Crowe, whose mother lives next door, spoke in opposition of the proposal, stating that "the monstrosity" is an eyesore and is not necessary. Ms. Crowe added that the existing carport is not used to protect cars but is used to store "junk". Ms. Crowe stated that she was told that the accessory structure would be rented out and she is concerned about multi-family usage. Tom Allen, 4826 Black Oak, stated that the current carport has not been used for cars since he moved there in 2009. Ms. Gilbreath stated that the exterior would be hardboard. Ms. Gilbreath verified that the accessory building would have electricity but no plumbing.

Member Cumberledge moved, seconded by Member Adams, to leave the public hearing open until June 9, 2014 at 7:30 p.m. All voted "Aye."

10. 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**)

No action was taken.

11. 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*

*VC Tovar convened into executive session after agenda item 6.

12. ACTION FROM EXECUTIVE SESSION

None taken.


13. ADJOURNMENT

At 9:04 p.m. Member Adams moved, seconded by Member Cumberland, to adjourn the meeting. All voted "Aye".

APPROVED THIS 9TH DAY OF JUNE 2014:

BY: 

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

ATTEST: 

**Susan Stewart,
Zoning Secretary**