

**MINUTES OF THE SPECIAL CALLED MEETING  
CITY OF RIVER OAKS  
ZONING BOARD OF ADJUSTMENTS  
MARCH 1, 2011**

**MEMBERS PRESENT:**

ROYCE SHIELDS, CHAIRMAN (CONFLICT OF INTEREST)  
RON TOVAR, VICE-CHAIRMAN  
NANCY LOVEN, PLACE 3  
STAN CUMBERLEDGE, PLACE 4  
TUESDAY COOLEY ALTERNATE # 1  
JOE ASHTON, ALTERNATE # 2  
DONALD ISTOOK, ALTERNATE # 4  
STEVE HOLLAND, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

JASON CEARLEY, PLACE 5 (PERSONAL)  
CONNIE ADAMS, ALTERNATE # 3 (NO RESPONSE)

1. CALL TO ORDER

At 7:40 p.m. Vice-Chairman Tovar called the meeting to order; a quorum was present.

Mr. Tovar announced that Chairman Shields has filed a conflict of interest form with the City Secretary and would abstain from discussion and voting for this public hearing.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Loven gave the Invocation and Vice-Chairman Tovar led the Pledge of Allegiance.

3. ROLL CALL

Vice-Chairman Tovar announced following absences: Jason Cearly, excused (personal) and Connie Adams, unexcused, no response.

Vice-Chairman Tovar announced that Alternate Member Cooley would serve as a voting member for this meeting only in the absence of Place 1; Alternate Member Istook would serve as a voting member for this meeting only in the absence of Place 5;

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF FEBRUARY 1, 2011  
RESCHEDULED UNTIL FEBRUARY 7, 2011

**Member Istook moved, seconded by Member Cooley, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for February 7, 2011 as presented. All voted "Aye."**

5. OATH OF TESTIMONY

Vice-Chairman Tovar administered the Oath of Testimony to ZA Gregory, Inspector Sanders, and Mr. Rodriguez (property owner), all slated to give testimony in the upcoming Public Hearing portion of the meeting.

**6. Public Hearing Continued from February 7, 2011:** Public input on the Variance Request (Zoning Case # ZBA 2011-01) of **Miguel & Maria Rodriguez at 5401 Taylor Rd.** in order to be permitted to construct on the property the following:

1. An oblong oversized carport that measures 32' x 13' feet at the front to 32' x 23' at the rear as located in an R-3 Single-Family Zoning District in violation of the City's Zoning Ordinance under Section 22 "Accessory Building" (A) "Authorized Accessory Uses" # 5 in that a carport shall not exceed 24 feet on its longest dimension nor exceed 576 square feet in size and additionally the carport is located within 0-feet of the side property line in violation of the 5-feet required side yard setback requirement pursuant to Section 10.C.5.
2. The replacement of the existing front porch where the new 14 x 7 porch addition would extend in front of the established building line in violation of Section 4 "Porch" of the Zoning Ordinance.

Vice-Chairman Tovar announced that this public hearing was continued from February 7, 2011.

ZA Gregory summarized the revised variance requests. The proposal includes constructing an oversized carport that would measure 33x13 at the front and 33x15 at the rear. According to the Zoning Ordinance the maximum size for a carport is 576-square feet with the longest dimension allowed being 24-feet. In addition, the proposed carport violates the required side yard setback of 5-feet since it would actually be constructed on the property line.

Mr. Rodriguez requested six months to complete the project. Mr. Rodriguez stated that the carport would be built integrally and constructed of wood with a shingled roof.

At 8:04 p.m. Vice-Chairman Tovar closed the public hearing.

**7. Action from Public Hearing:** Consider approval of the Variance Request of Miguel & Maria Rodriguez at 5401 Taylor Rd. (Zoning Case # ZBA 2011-01)

**Member Cumberledge made the following motion "I find that the variance request of Miguel and Maria Rodriguez on the property located at 5401 Taylor Rd. due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship and therefore I move to grant a Size variance from 24-foot on its longest dimension to a maximum of 34 feet on its longest dimension and a side setback variance from 5-feet to 0 property line in order to permit construction of an oblong oversized carport that**

measures 34' x 13' feet at the front to 34' x 15' at the rear; and I further find that the variance request of Miguel & Maria Rodriguez on the property located at 5401 Taylor Rd. 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 construct a porch in front of the established front building line not to exceed 10-feet in front of the established building line and to be no closer than 30-feet from the prevailing edge of the street. Motion was amended to include a 180-day project completion and all construction must comply with city construction codes. Motion seconded by Member Cooley. All voted "Aye."

8. 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.


9. Action from Executive Session

**None.**

10. Adjournment

**At 8:07 p.m. Member Cumberledge moved, seconded by Member Istook, to adjourn the meeting. All voted "Aye."**

**APPROVED THIS 15<sup>TH</sup> DAY OF MARCH 2011:**

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

ATTEST:   
**Susan Stewart,**  
**Zoning Secretary**

# DECISION OF THE ZONING BOARD OF ADJUSTMENTS

## VARIANCE REQUEST FOR MIGUEL & MARIA RODRIGUEZ AT 5401 TAYLOR RD.

**CASE:** ZBA 2011-01

**ADDRESS:** 5401 Taylor Rd.

**RECORD OWNER:** Miguel and Maria Rodriguez

**DATE:** March 1, 2011

**VOTING MEMBERS PRESENT:** Vice-Chairman Ron Tovar for Chairman Royce Shields (filed a conflict of interest affidavit), Member Nancy Loven, Member Stan Cumberledge and Alternate Members Tuesday Cooley and Don Istook for Place 2 and Place 5 Voting Members.

**FINDINGS:** *I find that the variance request of Miguel and Maria Rodriguez on the property located at 5401 Taylor Rd. due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship due to the oblong shape of the lot and the limited area available for a carport to be constructed over the driveway in order to provide covered parking and still meet the side yard setback requirements for that zoning district.*

**Motion was made by Member Cumberledge seconded by Alternate Member Tuesday Cooley as follows:**

*I move to grant a Size variance from 24-foot on its longest dimension to a maximum of 34 feet on its longest dimension and a side setback variance from 5-feet to 0 property line in order to permit construction of an oblong oversized carport that measures 34' x 13' feet at the front to 34' x 15' at the rear; and I further find that the variance request of Miguel & Maria Rodriguez on the property located at 5401 Taylor Rd. 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 construct a porch in front of the established front building line not to exceed 10-feet in front of the established building line and to be no closer than 30-feet from the prevailing edge of the street.*

*Motion was amended to include a 180-day project completion and all construction must comply with city construction codes. All voted "Aye".*

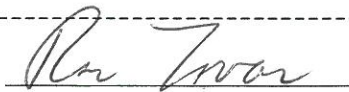
**The ZBA** by a vote of 5 ayes (Tovar, Loven, Cumberledge, Istook and Cooley) and 0 nays approved the Variance Request for the property described as being Block 1, Lot 26 River Oaks Park Addition otherwise known as 5401 Taylor Rd. as follows:

- (1) Grant a Variance for 5401 Taylor Rd. in order to allow an oblong oversized integrally built wood carport to be built on the property at 5401 Taylor Rd. to within 0-feet of the existing common property line in an R-3 Single-Family Zoning District.**
- (2) Grant a Variance allowing an approximate 110 square foot porch to be built integrally with the existing structure providing it is not built closer than 30-feet from the prevailing edge of the street.**

The applicant has demonstrated proof to the Board that this application as is being presented does in fact qualify as an **unnecessary hardship** which includes the following:

- *oblong shape of the lot and the limited area available for a carport to be constructed over the existing driveway in order to provide covered parking and still meet the side yard setback requirements for that zoning district*

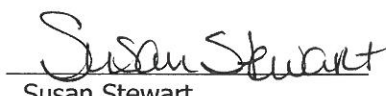
CERTIFIED BY:



Ron Tovar  
ZBA Acting Chairman

Date: 3/1/11

ATTEST:



Susan Stewart  
Zoning Secretary