

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MARCH 8, 2010**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN
RON TOVAR, VICE-CHAIRMAN, PLACE 2
NANCY LOVEN, PLACE 3
STAN CUMBERLEDGE, PLACE 4
JASON CEARLEY, PLACE 5

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

ALTERNATE MEMBERS PRESENT:

TUESDAY COOLEY, ALTERNATE # 2
CONNIE ADAMS, ALTERNATE # 3
DON ISTOOK, ALTERNATE # 4

MEMBERS ABSENT:

JASON CEARLEY, PLACE 5 (NO RESPONSE)
LAUREN TANNER, ALTERNATE # 1
STEVE HOLLAND, COUNCIL LIAISON (FAMILY MEDICAL)

1. CALL TO ORDER

At 7:30 p.m. Chairman Shields called the meeting to order; a quorum was present. Chairman Shields announced that Alternate Member # 1, Tuesday Cooley, would serve as a voting member for this meeting only.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Loven gave the Invocation and Member Cumberledge led the Pledge of Allegiance.

3. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETING ON OCTOBER 20, 2009

Member Cumberledge moved, seconded by Vice-Chairman Tovar, to approve the Minutes of the Special Called Meeting of the Zoning Board of Adjustments for October 20, 2009 as presented. All voted "Aye."

4. *Oath of Testimony*

Secretary Stewart administered the Oath of Testimony to ZA Gregory and Mary Joy Huston (929 Keith Pumphrey) both slated to give testimony in the upcoming Public Hearing portion of the meeting.

5. **Public Hearing:** Public input on the Variance Request of **Mary Joy Huston** regarding property at 929 Keith Pumphrey in order to rebuild in the same location a 24 x 46 Carport that has been destroyed pursuant to Section 28 G of the Zoning Ordinance

and that was previously located in violation of the side setback & size requirement in an R-1 Single-Family Zoning District. (Zoning Case # ZBA 2010-01)

At 7:33 p.m. Chairman Shields opened the public hearing.

ZA Gregory gave an overview of the request of Ms. Huston to replace a carport that was destroyed during a recent winter storm. ZA Gregory explained the all structures that do not conform to the current Zoning Ordinance should be registered with the City as non-conforming structure. ZA Gregory cited Section 28 G "Destruction of Non-Conformity" of the Zoning Ordinance "If a non-conforming structure is damaged to the extent that the cost to rebuild exceeds 50% of the replacement cost the structure may not be rebuilt unless, following a public hearing, the ZBA authorized its reconstruction or rebuilding."

ZA Gregory explained that the original carport violates the Zoning Ordinance as follows: 1) Metal Carports by the Zoning Ordinance are restricted to a dimension no longer than 24-feet on its longest dimension or a total of 576 square feet. This carport was originally built at 43 x 24 (1,032 square feet); 2) It is located within 6-inches of the side property line in an R-1 Zoning District that would require a minimum of a 5-foot setback from the side property line; and 3) The original carport is within 1-foot of the house and should be 10-feet from any building on the lot by the zoning ordinance.

ZA Gregory stated that the Board must consider the following: Due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship; the granting of the variance will not be in conflict of the public interest; the Spirit of the Ordinance is observed and substantial justice is done and the variance will not prevent the orderly development of other land in the area; and the variance cannot be granted to resolve a self-created or personal hardship, **not for financial reasons alone.**

ZA Gregory stated that to approve the request, the Board must determine that adherence to the Zoning Ordinance as written does create an unnecessary hardship. In this case, that hardship could be "destruction of use."

ZA Gregory reported 8 written responses in favor of, and 0 responses against granting the variance.

Ms. Huston stated that the oversized carport is necessary to protect her vehicles and her house.

At 7:42 p.m. Chairman Shields closed the public hearing.

6. **Action from Public Hearing:** Variance Request of **Mary Joy Huston** regarding property at 929 Keith Pumphrey in order to rebuild in the same location a 24 x 46 Carport that has been destroyed pursuant to Section 28 G of the Zoning Ordinance and that was previously located in violation of the side setback & size requirement in an R-1 Single-Family Zoning District. (Zoning Case # ZBA 2010-01)

Member Cumberledge made the following motion, "I find that the variance request of Mary Joy Huston for the property described as Block 7, Lot 8R,

Clyde W. Mays Addition otherwise known as 929 Keith Pumphrey pursuant to Section 28 G of the Zoning Ordinance is a non-conforming structure damaged more than 50% of its replacement cost and the board has taken into consideration the owner's property rights and has found that the granting of the variance will not have a negative effect on the surrounding properties and therefore I move to grant a Variance for 929 Keith Pumphrey in order to rebuild a 24 x 43 metal carport to within 6-inches of the side property line and within 1-foot of the existing house as it was originally located prior to the destruction providing it meets all other zoning regulations." Member Cooley seconded the motion. All voted "Aye."

7. 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.

8. Action from Executive Session

None.

9. Adjournment

Member Istook inquired about the total number of carports that were destroyed by the winter storm. ZA Gregory replied that twelve letters were sent to property owners regarding dilapidated accessory structures. The letter included the procedure to replace or repair non conforming structures.

At 7:46 p.m. Member Cumberledge moved, seconded by Member Cooley, to adjourn the meeting. All voted "Aye."

APPROVED THIS THE 6TH DAY OF JULY 2010:

BY: Royce Shields
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary