

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
OCTOBER 20, 2009**

MEMBERS PRESENT:

RON TOVAR, VICE-CHAIRMAN, PLACE 2
STAN CUMBERLEDGE, PLACE 4
JASON CEARLEY, PLACE 5

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

ALTERNATE MEMBERS PRESENT:

LAUREN TANNER, ALTERNATE # 1
TUESDAY COOLEY, ALTERNATE # 2
DON ISTOOK, ALTERNATE # 4

MEMBERS ABSENT:

ROYCE SHIELDS, CHAIRMAN (CONFLICT OF INTEREST)
NANCY LOVEN, PLACE 3 (PERSONAL CONFLICT)
CONNIE ADAMS, ALTERNATE # 3 (PERSONAL CONFLICT)
STEVE HOLLAND, COUNCIL LIAISON (PERSONAL CONFLICT)

1. CALL TO ORDER

At 7:30 p.m. Vice-Chairman Tovar called the meeting to order; a quorum was present. Vice-Chairman Tovar announced that Chairman Shields would abstain from participation and voting due to a conflict of interest. Vice-Chairman Tovar announced that Lauren Tanner, Alternate # 1 and Tuesday Cooley, Alternate # 2 would serve as voting members for this meeting only.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF MINUTES FROM THE SPECIAL CALLED MEETING ON SEPTEMBER 15, 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 September 15, 2009 as presented. All voted "Aye."

Vice-Chairman Tovar administered the Oath of Testimony to ZA Gregory and Brenda Roman (5108 Barbara) both slated to give testimony in the upcoming Public Hearing portion of the meeting.

4. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST OF **BRENDA ROMÁN REGARDING PROPERTY AT 5108 BARBARA RD. IN ORDER TO ADD ON A 518 SQUARE FOOT ADDITION TO THE BACK OF THE HOUSE TO WITHIN 5-FEET OF THE SIDE PROPERTY LINE IN VIOLATION OF THE 10-FOOT SIDE PROPERTY LINE SETBACK**

REQUIREMENT IN A R-1 SINGLE-FAMILY ZONING DISTRICT PURSUANT TO THE CITY'S ZONING ORDINANCE.

At 7:34 p.m. Vice-Chairman Tovar opened the public hearing.

ZA Gregory gave an overview of the request of Brenda Roman to erect a 518 square foot addition to the rear of the main structure. The existing house is located on the lot within 5 feet from the west side yard property line and to within 7 feet on the east side yard property line. Since the revision of the Zoning Ordinance in 2002, the minimum side yard setback in R-1 is 10 feet on each side. The proposed addition will match the perimeter of the existing house and will not extend past the current structure. The size of the lot, the size of the house, and the side yard setbacks create a hardship since the house was built prior to the adoption of the current Zoning Ordinance. All other development criteria will meet the requirements of the Zoning Ordinance.

Vice-Chairman Tovar announced that 3 responses had been received from property owners within 200 feet of the property and all three are in favor of the variance request. No written opposition has been received.

At 7:44 p.m. Vice-Chairman Tovar closed the public hearing.

6. **ACTION FROM PUBLIC HEARING: VARIANCE REQUEST OF BRENDA ROMÁN REGARDING PROPERTY AT 5108 BARBARA RD. IN ORDER TO ADD ON A 518 SQUARE FOOT ADDITION TO THE BACK OF THE HOUSE TO WITHIN 5-FEET OF THE SIDE PROPERTY LINE IN VIOLATION OF THE 10-FOOT SIDE PROPERTY LINE SETBACK REQUIREMENT IN A R-1 SINGLE-FAMILY ZONING DISTRICT PURSUANT TO THE CITY'S ZONING ORDINANCE.**

Member Cumberledge moved to grant a variance for Brenda Roman at 5108 Barbara Rd. in order to add on a 518 square foot addition to the back of the house to within 5 feet of both side yard property lines in violation of the 10 foot side property line setback requirement in an R-1 Single Family Zoning District pursuant to the City's Zoning Ordinance based on special conditions of the width of the lot due to the existing house being located on the property within 7 feet of the east side yard property line and to within 5 feet of the west side yard property line with the requirement that the exterior construction of the addition be masonry. Motion seconded by Member Tanner. 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

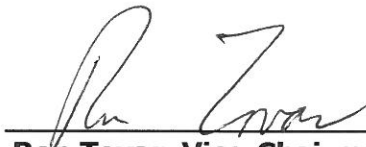
None.

9. ADJOURNMENT

At 7:47 p.m. Member Cumberledge moved, seconded by Member Cooley to adjourn the meeting. All voted "Aye."

APPROVED THIS THE 8TH DAY OF MARCH 2010:

BY:


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

ATTEST:


**Susan Stewart,
Zoning Secretary**