

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
MAY 7, 2013**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN
TUESDAY COOLEY, PLACE 3
STAN CUMBERLEDGE, PLACE 4
DONALD ISTOOK, ALTERNATE # 2
CORNELL ADDINGTON, ALTERNATE # 4
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

CONNIE ADAMS, PLACE 5 (~~NO RESPONSE~~) EXCUSED 6/6/2013
NICKI MATTHEWS, ALTERNATE # 1 (EXCUSED)
HUBBARD MAKARWICH, ALTERNATE # 3 (NO RESPONSE)

1. CALL TO ORDER

Vice-Chairman Tovar called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Tuesday, May 7, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Member Istook gave the Invocation and Member Cooley led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Connie Adams, Place 5 and Hub Makarwich, Alternate # 3 were absent with no response. Nicki Matthews, Alternate # 1 absent with excuse.

It was announced that Vice-Chairman Tovar would serve as the presiding officer for this meeting only.

It was announced that Chairman Shields would participate as a voting member for this meeting only.

Member Istook served as a voting member in the absence of Member Adams, Place 5, for this meeting only.

4. APPROVAL OF MINUTES FROM THE MEETING OF MARCH 5, 2013

Member Shields moved, seconded by Member Cooley, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for March 5, 2013 as presented. All voted "Aye."

5. OATH OF TESTIMONY

Secretary Stewart administered the Oath of Testimony to ZA Gregory and Robert Webb (4904 Lawther Dr.), both slated to give testimony in the upcoming Public Hearing portion of the meeting.

6. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST (ZONING CASE # ZBA 2013-02) OF ROBERT WEBB AT 4904 LAWTHOR DR IN ORDER TO CONSTRUCT A 232 SQUARE FOOT PORCH IN FRONT OF THE EXISTING STRUCTURE IN VIOLATION OF THE 100 SQ. FT. PORCH SIZE REQUIREMENT PURSUANT TO SEC 4 "PORCH" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE.

At 7:37 p.m. Vice-Chairman Tovar opened the public hearing.

ZA Gregory summarized the revised request to construct a 219 square foot porch that exceeds the maximum size limit of 100 square feet as allowed by the zoning ordinance.

Robert Webb, property owner, requested a variance to construct the porch that would connect two existing porches and cover a gas line.

Much discussion occurred related to code regulations for hand railing. ZA Gregory confirmed that the railing must meet the code regulations.

Member Cumberledge asked what the hardship is for this case. Mr. Webb stated that he had moved the gas line upon the approval of the building inspector with the purpose of constructing the porch. Mr. Webb indicated that the building inspector expressed approval of the future porch.

ZA Gregory recommended that the motion include a requirement to use treated wood.

At 7:55 p.m. Vice-Chairman Tovar closed the public hearing.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF ROBERT WEBB AT 4904 LAWTHOR DR. IN ORDER TO CONSTRUCT A 232 SQUARE FOOT PORCH IN FRONT OF THE EXISTING STRUCTURE IN VIOLATION OF THE 100 SQ. FT. PORCH SIZE REQUIREMENT PURSUANT TO SEC 4 "PORCH" OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE. (ZONING CASE # ZBA 2013-02).

Member Cumberledge made the following motion, " I find that the variance request of Robert Webb for the property described as Block 17, Lot 35 River Oaks Addition otherwise known as 4904 Lawther Dr. that 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; Spirit of the Ordinance is observed and substantial justice is done, and variance will not prevent the orderly development of other land in the area; and Variance is not granted to resolve a self-created or personal hardship and so therefore move that the applicant, Robert Webb, be approved to construct on the property at 4904 Lawther Dr. up to a 232 square foot porch in violation of the 100 square foot requirement for a Porch pursuant to Section 4 of the Zoning Ordinance and that all construction be completed within 180-days from the date of the hearing, that handrails be installed pursuant to applicable code and that the wood deck be weather treated. 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

Citizen John Claridge noted that the recent requests are related to size and granting variances is not the solution. Claridge stated that the literal enforcement of the zoning ordinance is a problem. Discussion amongst board members resulted in a workshop request for June 6, 2013.

At 8:08 p.m. Member Istook moved, seconded by Member Cooley, to adjourn the meeting. All voted "Aye".

APPROVED THIS 6TH JUNE 2013:

BY: 
RON TOVAR, ACTING CHAIRPERSON
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary