

**MINUTES OF THE SPECIAL CALLED MEETING  
CITY OF RIVER OAKS  
ZONING BOARD OF ADJUSTMENTS  
JUNE 6, 2013**

**MEMBERS PRESENT:**

ROYCE SHIELDS, CHAIRMAN, PLACE 1  
RON TOVAR, VICE-CHAIRMAN  
STAN CUMBERLEDGE, PLACE 4  
CONNIE ADAMS, PLACE 5  
DONALD ISTOOK, ALTERNATE # 2 (AT 7:32 P.M.)

**STAFF MEMBERS PRESENT:**

MARVIN GREGORY, ZONING ADMINISTRATOR  
SUSAN STEWART, ZONING SECRETARY

**MEMBERS ABSENT:**

TUESDAY COOLEY, PLACE 3 (MEDICAL)  
NICKI MATTHEWS, ALTERNATE # 1 (PERSONAL)  
HUBBARD MAKARWICH, ALTERNATE # 3 (MEETING CONFLICT)  
CORNELL ADDINGTON, ALTERNATE # 4 (PERSONAL)  
STEVE HOLLAND, COUNCIL LIAISON (OUT OF TOWN)

1. CALL TO ORDER

Chairman Shields called the Special Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Tuesday, June 6, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Member Tovar gave the Invocation and Chairman Shields led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Tuesday Cooley, Nicki Matthews, Hub Makarwich, and Council Member Holland with excused absences. Member Istook was absent with no response. (Member Istook arrived at 7:32 p.m.)

Member Adams announced that she was out of the country when the last meeting occurred and was unaware of the meeting until she returned.

4. APPROVAL OF MINUTES FROM THE MEETING OF MAY 7, 2013

Vice-Chairman Tovar asked how much time was allowed for the variance at 4904 Lawther. Staff responded that the permit was issued for the normal time of six months.

**Member Cumberledge moved, seconded by Vice-Chairman Tovar, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for May 6, 2013 with Member Adams' absence changed to excused. All voted "Aye."**

5. **WORKSHOP:** PROPOSED TEXT AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE #920-2012 AS ADOPTED AND AS AMENDED

Board Members discussed the dilemma of property owners who would like to improve their property by adding an accessory structure that exceeds the maximum size of 900 square feet when there is sufficient space on the lot and all other requirements are met but no hardship exists. ZA Gregory presented the option to allow an accessory structure in Single Family R-1 and Single Family R-2 zoning districts since these are typically the largest lots in City. Citizen John Claridge suggested that lot size determine the allowable size of an accessory structure instead of zoning district. ZA Gregory cautioned that using lot size could be considered spot zoning concept, which is the reason zoning districts are set up. Concern was expressed that potential buyers are discouraged from buying property in River Oaks because they cannot build the desired size of accessory structure. ZA Gregory pointed out one reason that accessory structures are limited in size is to avoid human habitation in accessory structures thereby creating multi-family housing in single family zoning districts. ZA Gregory summarized other requirements such as 40% open space in the rear yard and the accessory structure may not exceed the size of the principal structure. It was noted that carports are accessory structures; however carports have different size requirements in the zoning ordinance than other types of accessory structures.

Vice-Chairman Tovar asked the difference between a deck and a porch. ZA Gregory read the definition of a porch from the zoning ordinance: **PORCH** - A slab, deck or platform constructed out of concrete, wood or other code approved materials attached to the structure and may be supported on opposing sides by columns, posts or other approved supports inclusive of roof extensions or awnings and is designed for egress and ingress into the main structure. When pertaining to an existing principal structure that was permitted prior to the adoption of this Ordinance and that is already located on a platted lot at the established building line of the particular zoning district, the porch: 1) shall not be enclosed, open on 3 sides, except that it may be supported on opposing sides by columns, posts or other approved supports inclusive of roof extensions or awnings; and 2) shall not exceed a maximum of 100 square feet in size; and 3) may be permitted to extend to a maximum of 10 foot [feet] in front of the established front building line only in cases where there is no front porch already and the existing main structure is already located at the established building line. ZA Gregory explained the intention was to allow existing structures to add a porch. ZA Gregory confirmed that the 100 square foot rule does not apply to new construction. Board Members agreed that porches should be covered, while decks are generally not covered.

6. **ACTION FROM WORKSHOP:** CONSIDER APPROVAL TO RECOMMEND CERTAIN TEXT AMENDMENTS BE INCLUDED IN THE UPCOMING ZONING PUBLIC HEARINGS IN ORDER TO REVISE THE CITY'S EXISTING ZONING ORDINANCE

**Member Istook moved to recommend that Section 22.A.2.g be amended to increase the maximum size requirement to 1200 square feet in lieu of the current 900 square feet requirement of detached accessory buildings in R-1 and R-2 Zoning Districts. Motion seconded by Member Adams. All voted "Aye."**

**Member Istook moved to recommend that Section 4 of the zoning ordinance "Porches" be amended to allow an increase from 100 square feet to 200 square feet provided that the porch is covered and integrated into the design of the house. Motion seconded by Member Adams. All voted "Aye."**

7. CONSIDER RECOMMENDATIONS TO THE MAYOR REGARDING THE 2013 ZBA BOARD APPOINTMENTS

ZA Gregory announced that Hub Makarwich has withdrawn his desire to serve on the ZBA in order to focus his efforts on the Park Board. ZA Gregory stated that Jason Martinez has expressed interest in serving on the ZBA. Connie Adams nominated Tandy Slater as potential board member as well. Chairman Shields recommended that applications be submitted to Staff for a recommendation to the Mayor.

**No action was taken.**

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 8:50 p.m. Member Cumberledge moved, seconded by Member Adams, to adjourn the meeting. All voted "Aye".**

**APPROVED THIS 6<sup>TH</sup> AUGUST 2013:**

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

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