

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
AUGUST 11, 2014**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
JASON MARTINEZ (ALTERNATE MEMBER FOR PLACE 2)
CORNELL ADDINGTON, PLACE 3
RAUL RODRIGUEZ (ALTERNATE MEMBER FOR PLACE 4)
CONNIE ADAMS, PLACE 5
JOHN CLARIDGE, ALTERNATE 2 APPOINTEE

STAFF MEMBERS PRESENT:

CS MARVIN GREGORY, ZONING ADMINISTRATOR

MEMBERS ABSENT:

RON TOVAR, VICE-CHAIRMAN, PLACE 2 (OUT OF TOWN)
STAN CUMBERLEDGE, PLACE 4 (OUT OF TOWN)
STEVE HOLLAND, COUNCIL LIAISON (OUT OF TOWN)

1. CALL TO ORDER

Chairman Shields called the Regular Meeting of the River Oaks Zoning Board of Adjustments to order at 7:30 p.m. on Monday, August 11, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Invocation was given by Raul Rodriguez and Chairman Shields led the Pledge of Allegiance.

3. MEMBER ROLL CALL

Roll Call was recorded as follows: All present except for Member Ron Tovar (out of town) and Member Stan Cumberledge (out of town); both are excused absences.

At this time, Chairman Shields requested to move to Agenda Item # 5 in order to appoint the new members.

5. Statement of Appointed Official and Oath of Office for the ZBA 2014 member appointees including *Ron Tovar* (Place 2), *Stan Cumberledge* (Place 4), *John Claridge* (Alternate Member # 2) and *Raul Rodriguez* (Alternate Member # 4).

John Claridge (Alternate # 2 Appointee) and Raul Rodriguez (Alternate Member # 4 Appointee) were both given the statement of appointed official and the oath of office by CS Gregory.

Following the swearing in of both new appointees, Chairman Shields requested CS Gregory conduct a drawing in order to determine which Alternate Members would serve in the place of Member Tovar and Member Cumberledge. Following the drawing Alternate Member Martinez was selected to serve for Member Tovar (Place 2) and Alternate Member Raul Rodriguez was selected to serve for Member Cumberledge (Place 4).

Chairman Shields then went back to Agenda # 4.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF JULY 14, 2014

Member Connie Adams moved, seconded by Alternate Member Jason Martinez, to approve the minutes of July 14, 2014. All voted "Aye."

6. OATH OF TESTIMONY

Chairman Shields administered the Oath of Testimony to **Julio Serrato** (4624 Ohio Garden Rd.), and **ZA Gregory** – all slated to give testimony in the upcoming Public Hearing portions of the meeting.

7. Public Hearing: Public input regarding the variance request of **Julio Serrato at 4624 Ohio Garden Rd.** in order to enlarge the structure an additional 1,731 square feet at the same location as the existing structure to within 3-feet of the side property line in violation of Section 9 "R-2" "Single Family Residential District" subsection D "Development Regulations" of the River Oaks Zoning Ordinance in that the principal structure as is located on the lot in a R-2 Single-Family Zoning District must maintain a side yard setback from the property line not less than 10-feet. (*Case # 2014-06*).

Public Hearing was opened at 7:42 P.M. **Gregory** testified that the proposed addition would be 1,731 square feet. The proposed addition to be constructed would be enlarged from 1700 square feet to 3,431 square feet in violation of Section 28 "Non-Conformities" in that any single-family structure lawfully in existence upon the effective date of the Zoning Ordinance could not be expanded in excess of 25% of the existing area of the structure being occupied by a non-conforming use. **Gregory** further testified that the existing principal structure is located within 3-feet of the side property line since the structure was previously constructed prior to the adoption of the zoning ordinance and therefore was registered a legal non-conforming structure. The applicant is requesting a variance in order to enlarge the existing structure at the same location to within 3-feet from the side property line.

Julio Serrato testified that the purpose of the addition to his existing structure was to add two bedrooms. The construction would be on a concrete foundation with brick siding that would be even with the existing house.

With no further comments from the public, the public hearing was closed at 7:55 P.M.

8. Action from Public Hearing: Consider approval of the variance request of **Julio Serrato at 4624 Ohio Garden Rd.** in order to enlarge the structure an additional 1,731 square feet at the same location as the existing structure to within 3-feet of the side property line in violation of Section 9 "R-2" "Single Family Residential District" subsection D "Development Regulations" of the River Oaks Zoning Ordinance in that the principal structure as is located on the lot in a R-2 Single-Family Zoning District must maintain a side yard setback from the property line not less than 10-feet. (*Case # 2014-06*).

Member Adams made the following motion seconded by Member Addington, "I find that the variance request of Julio Serrato to enlarge the structure at 4624 Ohio Garden Rd. an

additional 1,731 square feet at the same location as the existing structure to within 3-feet of the side property line in violation of Section 9 "R-2" "Single Family Residential District" subsection D "Development Regulations" of the River Oaks Zoning Ordinance in that the principal structure as is located on the lot in a R-2 Single-Family Zoning District must maintain a side yard setback from the property line not less than 10-feet and further find that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship;

Therefore I move to grant a variance to add on to the existing non-conforming structure an additional 1,731 square feet to within 3 feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations:

- 1. The non-conforming principal structure must be registered with the City of River Oaks as a legal non-conformity; and*
- 2. The initial permit is valid for 180-days from August 19, 2014 with the Building Official authorized to renew the building permit one-time at half cost prior to the expiration of the initial permit for an additional 180-days.*

VOTING MEMBERS SHIELDS, MARTINEZ, ADDINGTON, RODRIGUEZ AND ADAMS ALL VOTED "AYE". MOTION PASSES.

9. 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.

10. ACTION FROM EXECUTIVE SESSION

None.

11. ADJOURNMENT

At 8:02 p.m. Member Martinez moved, seconded by Member Adams, to adjourn the meeting. All voted "Aye".

APPROVED THIS 8TH DAY OF SEPTEMBER 2014:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Marvin Gregory,
City Secretary

DECISION OF THE ZONING BOARD OF ADJUSTMENTS

VARIANCE REQUEST FOR JULIO SERRATO @ 4624 OHIO GARDEN RD.

DATE: August 11, 2014

CASE: ZBA 2014-06

RECORD OWNER: Julio Serrato

ADDRESS: 4624 Ohio Garden Rd.

VOTING MEMBERS PRESENT: Chairman Royce Shields Place 1, Alternate Member Jason Martinez for Ron Tovar Place 2, Cornell Addington Place 3, Alternate Member Raul Rodriguez for Stan Cumberledge Place 4, and Connie Adams Place 5.

FINDINGS: ZBA finds that the variance request of **Julio Serrato on the property located at 4624 Ohio Garden Rd.** due to special conditions, a literal enforcement of the Zoning Ordinance would result in an 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, **not for financial reasons alone.**

FOLLOWING THE PUBLIC HEARING: *Connie Adams made the motion, seconded by Cornell Addington that:*

I find that the variance request of Julio Serrato to enlarge the structure at 4624 Ohio Garden Rd. an additional 1,731 square feet at the same location as the existing structure to within 3-feet of the side property line in violation of Section 9 "R-2" "Single Family Residential District" subsection D "Development Regulations" of the River Oaks Zoning Ordinance in that the principal structure as is located on the lot in a R-2 Single-Family Zoning District must maintain a side yard setback from the property line not less than 10-feet and further find that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship.

Therefore I move to grant a variance to add on to the existing non-conforming structure an additional 1,731 square feet to within 3 feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations:

1. *The non-conforming principal structure must be registered with the City of River Oaks as a legal non-conformity; and*
2. *The initial permit is valid for 180-days from August 19, 2014 with the Building Official authorized to renew the building permit one-time at half cost prior to the expiration of the initial permit for an additional 180-days.*

VOTING MEMBERS SHIELDS, MARTINEZ, ADDINGTON, RODRIGUEZ AND ADAMS ALL VOTED "AYE". MOTION PASSES.

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:


- the principal structure has been built prior to the adoption of zoning ordinance # 600 as amended and is currently setback 3-feet from the side property line in violation of R-2 Zoning requirements and that the addition as proposed will not further protrude any closer than 3-feet thereby matching the existing dimensions of the principal structure. The hardship is that the proposed addition would be unique to this property and is not self-created.

CERTIFIED BY:


Royce Shields
ZBA Chairman

Date: 8/18/14

ATTEST:


Susan Stewart
Zoning Secretary