

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
OCTOBER 3, 2013**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
TUESDAY COOLEY, PLACE 3
STAN CUMBERLEDGE, PLACE 4
JASON MARTINEZ, ALTERNATE 1
CORNELL ADDINGTON, ALTERNATE # 4

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

RON TOVAR, VICE-CHAIRMAN (EXCUSED)
CONNIE ADAMS, PLACE 5 (MEDICAL)
DONALD ISTOOK, ALTERNATE 2
MARY TIPTON, ALTERNATE 3 (PERSONAL CONFLICT)
STEVE HOLLAND, COUNCIL LIAISON (PERSONAL CONFLICT)

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 Thursday, October 3, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

Alternate Member Addington was seated in order to establish a quorum.

2. INVOCATION AND PLEDGE

Member Cumberledge delivered the Invocation. Member Cooley led the Pledge of Allegiance.

[Chairman Shields announced that agenda item 5 would be performed at this time.

5. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE FOR 2013 BOARD APPOINTMENTS

Secretary Stewart administered the Statement of Elected/Appointed Official and Oath of Office to Jason Martinez, Alternative #1.

3. ROLL CALL

Roll Call was recorded as follows: Vice-Chairman Tovar, Member Adams, Alternate Member Tipton, and Council Member Holland were absent with excuse.

It was announced that Alternate Member Martinez would serve as a voting member for this meeting only in the absence of Place 2 Member Tovar and Member Addington would serve in the place of Member Adams.

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

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

5. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE FOR 2013 BOARD APPOINTMENTS

This agenda item was performed prior to agenda item #3.

6. ***OATH OF TESTIMONY***

Secretary Stewart administered the Oath of Testimony to ZA Gregory, Clifford James (4925 Troy Ct), and Jerry Tucker (Ken Tucker Roofing) all slated to give testimony in the upcoming Public Hearing portions of the meeting.

7. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST OF CLIFFORD JAMES AT 4925 TROY CT. TO CONSTRUCT A PROPOSED 420 SQ. FOOT WOOD CARPORT (20' X 21') ON THE PROPERTY IN VIOLATION OF THE CITY'S ZONING ORDINANCE SPECIFICALLY IN SEC. 22.5D IN THAT "A CARPORT BUILT INTEGRALLY TO THE EXISTING STRUCTURE AND OF THE SAME CONSTRUCTION MATERIAL AND DESIGN AS THAT OF THE PRINCIPLE STRUCTURE SHALL NOT EXTEND PAST THE FRONT BUILDING LINE FOR THAT PARTICULAR ZONING DISTRICT.(ZBA CASE # 2013-04A).

At 7:36 p.m. Chairman Shields opened the public hearing.

ZA Gregory summarized the request to construct a 20x21 (420 square feet) carport integrally built in front of the existing garage at 4925 Troy Ct. ZA Gregory explained that staff has re-measured and the front setback of the main structure is not currently in violation of the zoning ordinance since it sets at 43 ft. The proposed carport would require a variance from the required 40 feet to 22.7 feet. ZA Gregory stated that a hardship could be considered due to the fact that the lot is on a cul-de-sac.

A PowerPoint presentation was show and Mr. James explained that drainage would be rerouted along the sides of the new carport and focused toward the natural flow toward the street.

Secretary Stewart stated that 6 responses have been received in favor of granting the request, 1 in opposition, and one with both boxes checked.

At 7:46 p.m. Chairman Shields closed the public hearing.

8. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF CLIFFORD JAMES AT 4925 TROY CT. TO CONSTRUCT A PROPOSED 420 SQ. FOOT WOOD CARPORT (20' X 21') ON THE PROPERTY IN VIOLATION OF THE CITY'S ZONING ORDINANCE SPECIFICALLY IN SECTION 22.5D IN THAT "A CARPORT BUILT INTEGRALLY TO THE EXISTING STRUCTURE AND OF THE SAME CONSTRUCTION MATERIAL AND DESIGN AS

THAT OF THE PRINCIPLE STRUCTURE SHALL NOT EXTEND PAST THE FRONT BUILDING LINE FOR THAT PARTICULAR ZONING DISTRICT. (ZBA CASE # **2013-04A**).

Member Cumberledge made the following motion, "I find that the variance request of Clifford James for the property described as Lot 6, Block 3 Troy Eubank Addition otherwise known as 4925 Troy Ct. 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, Clifford James, be approved to construct on the property at 4925 Troy Ct. a wood, integrally built 20 x 21 carport to within 22-feet and 7-inches of the front yard property line in violation of the 40-foot front yard setback requirement pursuant to Section 8C.3 of the Zoning Ordinance and that all construction be completed within 180-days from the date of the hearing." Motion seconded by Member Cooley. All voted "Aye."

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 7:48 p.m. Member Cumberledge moved, seconded by Member Cooley, to adjourn the meeting. All voted "Aye".

APPROVED THIS 15th DAY OF APRIL 2015:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary