

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

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
TUESDAY COOLEY, PLACE 3
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
JASON MARTINEZ, ALTERNATE 1
MARY TIPTON, ALTERNATE 3
CORNELL ADDINGTON, ALTERNATE # 4
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
STEVE SANDERS, BUILDING INSPECTOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

RON TOVAR, VICE-CHAIRMAN (EXCUSED)
DONALD ISTOOK, ALTERNATE 2 (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, October 7, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Alternate Member Tipton delivered the Invocation. Chairman Shields led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Vice-Chairman Tovar and Alternate Member Istook were absent with excuse.

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

4. *OATH OF TESTIMONY*

Secretary Stewart administered the Oath of Testimony to ZA Gregory, Building Inspector Sanders, Robert Jones (5551 Baylor Avenue), an un-named gentleman, all slated to give testimony in the upcoming Public Hearing portions of the meeting.

5. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST OF ROBERT JONES AT 5551 BAYLOR AVENUE TO CONSTRUCT A PROPOSED 287 SQ. FOOT PORCH IN VIOLATION OF SEC. 4 "PORCH" IN THAT A PORCH WHEN PERTAINING TO THE EXISTING PRINCIPAL STRUCTURE PRIOR TO THE ADOPTION OF THE ORDINANCE AND THAT IS ALREADY LOCATED ON A PLATTED LOT AT THE ESTABLISHED BUILDING LINE OF THE

PARTICULAR ZONING DISTRICT, THE PORCH SHALL NOT EXCEED 100 SQUARE FEET IN SIZE. (ZBA CASE # 2013-05).

At 7:32 p.m. Chairman Shields opened the public hearing.

ZA Gregory and Inspector Sanders summarized the request to construct a 287 square foot porch to the front of the main structure. The proposed porch would meet the required setbacks but is in violation of the maximum 100 square feet that is allowed in the zoning ordinance. The hardship cited by the owner is the slope of the lot that is causing storm water drainage to pool around the house, thereby causing damage. The proposed porch would re-divert the storm water back to the natural flow toward the street. It was reported that 6 responses have been received in favor the request and 0 responses in opposition.

At 7:37 p.m. Chairman Shields closed the public hearing.

6. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF ROBERT JONES AT 5551 BAYLOR AVENUE TO CONSTRUCT A PROPOSED 287 SQ. FOOT PORCH IN VIOLATION OF SEC. 4 "PORCH" IN THAT A PORCH WHEN PERTAINING TO THE EXISTING PRINCIPAL STRUCTURE PRIOR TO THE ADOPTION OF THE ORDINANCE AND THAT IS ALREADY LOCATED ON A PLATTED LOT AT THE ESTABLISHED BUILDING LINE OF THE PARTICULAR ZONING DISTRICT, THE PORCH SHALL NOT EXCEED 100 SQUARE FEET IN SIZE. (ZBA CASE # 2013-05).

Member Cumberledge moved, seconded by Member Cooley, that the variance request of Robert Jones for the property described as Block 2, Lot 4 Castleberry Gardens Addition otherwise known as 5551 Baylor Ave. 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 Jones, has proven that due to the lot having considerable slope that is altering the natural flow of drainage and therefore, move to be approve the construction on the property at 5551 Baylor Ave. a 287 square foot porch in violation of the 100 square foot requirement for a Porch pursuant to Section 4 of the Zoning Ordinance as long as the applicant does not divert or change the natural flow of the drainage and that all construction be completed within 180-days from the date of the hearing. All voted "Aye."

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

Board Members discussed increasing the allowable size of an accessory structure based on the size of the lot instead of the zoning district, provided that the other requirements (setbacks, required green space, etc.) are met. Board Members discussed increasing the allowable size of porches.

8. ACTION FROM WORKSHOP: CONSIDER APPROVAL OF RECOMMENDATION TO CITY COUNCIL REGARDING PROPOSED TEXT AMENDMENTS TO THE CITY'S COMPREHENSIVE ZONING ORDINANCE #920-2012 AS ADOPTED AND AS AMENDED.

Member Cumberledge moved, seconded by Member Adams recommended to the City Council: to 1) increase the maximum allowable size of an accessory building to 1500 square feet on lots of 10,000 square feet or more provided the accessory structure does not exceed the principal structure and that all other setback requirements are met; 2) when pertaining to an existing residence that is located at the front building line, a porch may extend 12 feet in front of the building line in cases where there is no front porch; and 3) when pertaining to an existing residence that is located behind the building line, a porch may be permitted to wrap around the structure on all sides providing it does not exceed 12 feet in width and meets all other setback requirements. 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

CM Holland asked if the regular meeting date could be changed to the second Monday of the month. Staff stated that this could be an agenda item at the next meeting.

At 8:14 p.m. Member Cooley moved, seconded by Member Tipton, to adjourn the meeting. All voted "Aye".

APPROVED THIS 15TH DAY OF APRIL 2014:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,