

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
FEBRUARY 21, 2012**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, PLACE 2
TUESDAY COOLEY, PLACE 3
CONNIE ADAMS, PLACE 5
NICKI MATTHEWS, ALTERNATE # 1
JOE ASHTON, ALTERNATE # 2
DONALD ISTOOK, ALTERNATE # 4

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
JAMES HATLEY, PUBLIC WORKS DIRECTOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

STAN CUMBERLEDGE, PLACE 4 (OUT OF TOWN)
STEVE HOLLAND, COUNCIL LIAISON (EXCUSED)

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 Tuesday, February 21, 2012 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Alternate Member Ashton gave the Invocation and Member Cooley led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Place 4 Member Cumberledge and Council Liaison Holland were absent, both excused.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF NOVEMBER 1, 2011

Member Cooley moved, seconded by Member Matthews, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for November 1, 2011 as presented. All voted "Aye."

It was announced that Alternate Member # 1 Matthews would serve as a voting member in the absence of Place 4, Member Cumberledge, for this meeting only.

5. ***OATH OF TESTIMONY***

Secretary Stewart administered the Oath of Testimony to ZA Gregory and Ryan Yeager (4804 White Oak), 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 2012-01) OF RYAN O. YEAGER AT 4804 WHITE OAK LANE IN ORDER TO CONSTRUCT ON THE REAR OF THE PROPERTY A NEW 1200 SQUARE FOOT DETACHED GARAGE IN A RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT IN VIOLATION OF THE CITY'S ZONING

ORDINANCE UNDER SECTION 22 'ACCESSORY USES" SUB-SECTION A "AUTHORIZED ACCESSORY USES" SPECIFICALLY IN #2B IN THAT THE PROPOSED 1200 SQUARE FOOT GARAGE EXCEEDS THE MAXIMUM ACCESSORY BUILDING SIZE REQUIREMENT OF 900 SQUARE FEET

At 7:33 p.m. Chairman Shields opened the public hearing.

ZA Gregory summarized the request of Ryan Yeager to construct a 1200 square foot detached garage that is in violation of Section 22 of the Zoning Ordinance that specifies an accessory building may not exceed 900 square feet providing that it does not exceed the principle size of the structure. ZA Gregory added that the hardship cited by the owner is that he would have to build two garages to accommodate his needs. ZA Gregory stated that the Board must consider the following conditions when granting a variance: 1) Due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship; 2) The granting of the variance will not be in conflict of the public interest; 3) The 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 4) The Variance cannot be granted to resolve a self-created or personal hardship, not for financial reasons alone. ZA Gregory stated that the applicant will need to prove to the Board that this application as is being presented does in fact quality as an unnecessary hardship which includes examples of the following: 1) Lot with considerable slope; 2) To save trees; 3) Lot width or setback on cul-de-sak; or 4) Destruction of use. ZA Gregory added that the proposed structure meets all the setback requirements.

Property Owner, Ryan Yeager, was present to answer questions related to the materials and design of the accessory building. Mr. Yeager stated that he has several vehicles and would like an area to pursue his interest in woodworking. It was discussed that an existing gravel driveway exists on the property that does not go to the proposed garage. ZA Gregory stated that Mr. Yeager would be required to install a concrete drive to the garage from the existing gravel driveway.

At 7:47 p.m. Chairman Shields closed the public hearing.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST (ZONING CASE # ZBA 2012-01) OF RYAN O. YEAGER AT 4804 WHITE OAK LANE IN ORDER TO CONSTRUCT ON THE REAR OF THE PROPERTY A NEW 1200 SQUARE FOOT DETACHED GARAGE IN A RESIDENTIAL SINGLE-FAMILY ZONING DISTRICT IN VIOLATION OF THE CITY'S ZONING ORDINANCE UNDER SECTION 22 'ACCESSORY USES" SUB-SECTION A "AUTHORIZED ACCESSORY USES" SPECIFICALLY IN #2B IN THAT THE PROPOSED 1200 SQUARE FOOT GARAGE EXCEEDS THE MAXIMUM ACCESSORY BUILDING SIZE REQUIREMENT OF 900 SQUARE FEET

Member Cooley made the following motion "I find that the variance request of Ryan O. Yeager at 4804 White Oak Lane due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship and therefore I move to grant a Variance from the Zoning Ordinance in order to allow the applicant at 4804 White Oak lane to construct on the rear of the property a new 1200 square foot detached garage in a Residential Single-Family Zoning District in violation of the City's Zoning Ordinance under Section 22 'Accessory Uses" Sub-section A "Authorized Accessory Uses" specifically in #2b in that the proposed 1200 square foot garage exceeds the maximum accessory building size requirement of 900 square feet. I further move that the applicant be required to provide to the city an affidavit in writing that the garage would never be used for sleeping quarters or

living quarters; that construction be completed within 180-days from the date of the hearing; and that the applicant add 5-feet of cement from the approach to the garage. Motion seconded by Member Adams. All voted "Aye."

8. DISCUSSION AND/OR ACTION ON RECOMMENDING THAT THE CITY COUNCIL CONSIDER AMENDING THE SIZE REQUIREMENTS PURSUANT TO THE CITY'S ZONING ORDINANCE FOR ACCESSORY BUILDINGS

ZA Gregory presented the option to recommend to the City Council that the maximum size of an accessory structure be increased.

Vice-Chairman Tovar moved, seconded by Member Cooley, to recommend approval of an increase in size of accessory structures from 900 square feet to 1200 square feet. All voted "Aye."

ZA Gregory stated that this should be presented to the Planning and Zoning Commission on March 19, 2012.

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.

9. ACTION FROM EXECUTIVE SESSION


None.

10. ADJOURNMENT

At 7:55 p.m. Member Adams moved, seconded by Member Cooley, to adjourn the meeting. All voted "Aye."

APPROVED THIS 3RD DAY OF APRIL 2012:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary