

**MINUTES OF THE REGULAR MEETING  
CITY OF RIVER OAKS  
ZONING BOARD OF ADJUSTMENTS  
OCTOBER 4, 2011**

**MEMBERS PRESENT:**

ROYCE SHIELDS, CHAIRMAN, PLACE 1  
RON TOVAR, PLACE 2  
TUESDAY COOLEY, PLACE 3  
DONALD ISTOOK, ALTERNATE # 4  
STEVE HOLLAND, COUNCIL LIAISON

**STAFF MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

STAN CUMBERLEDGE, PLACE 4 (NO RESPONSE)  
CONNIE ADAMS, PLACE 5 (NO RESPONSE)  
NICKI MATTHEWS, ALTERNATE # 1 (PERSONAL CONFLICT)  
JOE ASHTON, ALTERNATE # 2 (OUT OF TOWN)  
LORI WATSON, ALTERNATE # 3 (PERSONAL)

**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, October 4, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

PWD Hatley gave the Invocation and Chairman Shields led the Pledge of Allegiance.

**3. ROLL CALL**

Roll Call was recorded as follows: Place 4 Member Stan Cumberledge and Place 5 Member Connie Adams with no response; Alternate # 1 Nicki Matthews with a personal conflict; Alternate # 2 Joe Ashton, out of town; and Alternate # 3 Lori Watson with a personal conflict. It was announced that Alternate # 4 Don Istook would serve as a voting member in the absence of Place 4 Member Stan Cumberledge for this meeting only.

**4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF SEPTEMBER 6, 2011**

**Vice-Chairman Tovar moved, seconded by Member Cooley, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for September 6, 2011 as presented. All voted "Aye."**

**5. OATH OF TESTIMONY**

Secretary Stewart administered the Oath of Testimony to ZA Gregory and Jerry Johnson, both slated to give testimony in the upcoming Public Hearing portion of the meeting.

**6. PUBLIC HEARING: PUBLIC INPUT ON THE VARIANCE REQUEST OF *MADA COCHRAN FATE AT 732 WINTERS ST.* IN ORDER TO REBUILD ON THE PROPERTY A 22 X 13 CARPORT THAT HAD BEEN DAMAGED TO THE EXTENT THAT SUCH COST TO**

RECONSTRUCT OR REBUILD EXCEEDS 50 PERCENT OF ITS REPLACEMENT COST PURSUANT TO SECTION 28 G OF THE ZONING ORDINANCE IN THE SAME LOCATION REPLACING THE PREVIOUS CARPORT THAT WAS LOCATED 4-FEET FROM THE SIDE YARD PROPERTY LINE IN VIOLATION OF SECTION 22 B.1 OF THE CITY'S ZONING ORDINANCE AND 6-FEET FROM THE MAIN STRUCTURE IN SECTION 22 B.3 OF THE CITY'S ZONING ORDINANCE IN A R-1 SINGLE-FAMILY ZONING DISTRICT. (*ZONING CASE # ZBA 2011-04*).

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

ZA Gregory summarized the request of Mada Cochran Fate to rebuild a 22x13 carport that would be integrally built into an existing garage at 732 Winters. Currently, a metal carport exists in the exact location of the proposed carport. The existing garage was allegedly damaged by a storm. The variance request is 1) to rebuild the carport in the same location; 2) side setback variance from 5-feet to 4-feet from the property line; and 3) building separation variance from 10-feet to 6-feet. Pictures were provided to Board Members in their packets. ZA Gregory stated that the hardship noted by the owner on the application is destruction of use as allowable in Section 28 G of the Zoning Ordinance. ZA Gregory stated in order to approve the request, the Board must determine that the current structure is damaged to the extent that such cost to reconstruct or rebuild exceeds 50 percent of its replacement cost. The Board must also determine that the variance will not be in conflict of the public interest. It was mentioned that five written responses had been received, all in favor. ZA Gregory stated that all notices and publications were handled in accordance with the law. ZA Gregory stated that the current garage and carport are a legal non-conforming structure that was never registered with the City.

Jerry Johnson, son of the owner, was present. Mr. Johnson testified that a tree fell on the garage producing more than 50 percent damage. Mr. Johnson stated that roof and two of the four walls of the garage must be replaced. The new carport would be a continuation of the roof line of the garage and would be built integrally and of the same design and materials. Mr. Johnson stated that Camelot Roofing would perform the work that should be complete within 3-4 weeks.

Vice-Chairman Tovar asked Mr. Johnson if the garage was damaged more than 50 percent of the replacement cost. Mr. Johnson stated that "yes" the garage is damaged more than 50 percent. Vice-Chairman Tovar questioned if the garage should also require a variance. ZA Gregory explained that the motion could include the garage and the carport as one structure.

At 7:49 p.m. Chairman Shields closed the public hearing.

**7. ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE VARIANCE REQUEST OF ***MADA COCHRAN FATE AT 732 WINTERS ST.*** IN ORDER TO REBUILD ON THE PROPERTY A 22 X 13 CARPORT THAT HAD BEEN DAMAGED TO THE EXTENT THAT SUCH COST TO RECONSTRUCT OR REBUILD EXCEEDS 50 PERCENT OF ITS REPLACEMENT COST PURSUANT TO SECTION 28 G OF THE ZONING ORDINANCE IN THE SAME LOCATION REPLACING THE PREVIOUS CARPORT THAT WAS LOCATED 4- FEET FROM THE SIDE YARD PROPERTY LINE IN VIOLATION OF SECTION 22 B.1 OF THE CITY'S ZONING ORDINANCE AND 6- FEET FROM THE MAIN STRUCTURE IN

SECTION 22 B.3 OF THE CITY'S ZONING ORDINANCE IN A R-1 SINGLE-FAMILY ZONING DISTRICT. (ZONING CASE # ZBA 2011-04).

**Vice-Chairman Tovar made the following motion, "I move to grant a variance to rebuild the carport pursuant to Section 28 G of the Zoning Ordinance in order to permit construction of a 22 X 13 carport and rebuild attached garage that had been damaged to the extent that such cost to reconstruct or rebuild exceeds 50 percent of its replacement cost pursuant to Section 28 G of the Zoning Ordinance in the same location replacing the previous carport and repairing of the existing attached garage that was located 4-feet from the side yard property line in violation of Section 22 B.1 of the City's Zoning Ordinance and 6-feet from the main structure in Section 22 B.3 of the City's Zoning Ordinance in a R-1 Single-Family Zoning District; and allow applicant 180-days in order to complete the construction project. Motion seconded by Member Cooley. All voted "Aye."**

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 7:51 p.m. Member Cooley moved, seconded by Vice-Chairman Tovar, to adjourn the meeting. All voted "Aye."**

**APPROVED THIS 1<sup>st</sup> DAY OF NOVEMBER 2011:**

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

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