

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
NOVEMBER 1, 2011**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
TUESDAY COOLEY, PLACE 3
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
NICKI MATTHEWS, ALTERNATE # 1
JOE ASHTON, ALTERNATE # 2
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

MARVIN GREGORY, ZONING ADMINISTRATOR
JAMES HATLEY, PUBLIC WORKS DIRECTOR
STEVE SANDERS, BUILDING INSPECTOR
SUSAN STEWART, ZONING SECRETARY

MEMBERS ABSENT:

RON TOVAR, PLACE 2 (EXCUSED)
LORI WATSON, ALTERNATE # 3 (EXCUSED)
DONALD ISTOOK, ALTERNATE # 4 (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, November 1, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Member Cumberledge gave the Invocation and Member Cooley led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Vice-Chairman Tovar, Alternate # 3 Lori Watson, and Alternate # 4 Don Istook all excused absences.

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

Member Cooley moved, seconded by Member Adams, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for October 4, 2011 as presented. All voted "Aye."

It was announced that Chairman Shields had filed a conflict of interest for the public hearing at 5113 Blackstone and Member Cumberledge would assume the role of presiding officer for this public hearing only. It was announced that Alternate # 1 Matthews would serve as a voting member in the absence of Vice-Chairman Tovar for this meeting only and Member Aston would serve as a voting member for this public hearing only.

5. **OATH OF TESTIMONY**

Secretary Stewart administered the Oath of Testimony to ZA Gregory, Inspector Sanders, Contractor Jerry Tucker, and Homeowner Warren Fleming, all 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 2011-05) OF **W.D. & KIM K. FLEMING** IN ORDER TO CONSTRUCT AN INTEGRALLY BUILT 24 X 18 CARPORT THAT IS LOCATED WITHIN 4-FEET OF THE WESTERN SIDE YARD PROPERTY LINE IN VIOLATION OF THE CITY'S ZONING ORDINANCE UNDER SECTION 10 "R-3" "SINGLE-FAMILY ZONING DISTRICT" (C) "DEVELOPMENT REGULATIONS" # 5 IN THAT THERE SHALL BE A SIDE YARD SETBACK OF 5-FEET.

At 7:34 p.m. Presiding Officer Cumberledge opened the public hearing.

Inspector Sanders summarized the request of Warren Fleming to construct a 24x18 integrally built carport at 5113 Blackstone. A metal carport that was weakened by storms currently exists in the exact location as the proposed carport. The variance request is to rebuild the carport in the same location with a side setback variance from 5-feet to 4-feet from the property line. ZA Gregory noted two potential hardships: Lot width and destruction of use. It was mentioned that four written responses had been received, all in favor. Owner, Warren Fleming, presented an additional four responses, all in favor. Inspector Sanders stated that the current carport has been registered with the City as a legal non-conforming structure.

At 7:39 p.m. Presiding Officer Cumberledge closed the public hearing.

7. **ACTION FROM PUBLIC HEARING:** CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **W.D. & KIM K. FLEMING** IN ORDER TO CONSTRUCT AN INTEGRALLY BUILT 24 X 18 CARPORT THAT IS LOCATED WITHIN 4-FEET OF THE WESTERN SIDE YARD PROPERTY LINE IN VIOLATION OF THE CITY'S ZONING ORDINANCE UNDER SECTION 10 "R-3" "SINGLE-FAMILY ZONING DISTRICT" (C) "DEVELOPMENT REGULATIONS" # 5 IN THAT THERE SHALL BE A SIDE YARD SETBACK OF 5-FEET.

Member Cooley made the following motion, "I find that the variance request of W.D. and Kim K. Fleming due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship (width of lot) and therefore I move to grant a Variance from the Zoning Ordinance in order to allow the applicants at 5113 Blackstone Dr. to construct an integrally built 24 x 18 carport that is located within 4-feet of the western side yard property line in violation of the City's Zoning Ordinance under Section 10 "R-3" "Single-family Zoning District" (C) "Development Regulations" # 5 in that there shall be a side yard setback of 5-feet. Motion seconded by Member Adams. All voted "Aye."

8. CONSIDER APPROVAL TO AMEND THE OCTOBER 4, 2011 ZBA DECISION TO **GRANT A VARIANCE FOR 732 WINTERS ST.** IN ORDER TO PERMIT CONSTRUCTION OF A 22 X 13 CARPORT AND REBUILD ATTACHED GARAGE TO WITHIN 3-FEET AND 10-INCHES (3'10") THAT WAS APPROVED AT 4-FEET FROM THE

SIDE YARD PROPERTY LINE IN VIOLATION OF SECTION 22 B.1 OF THE CITY'S ZONING ORDINANCE IN A R-1 SINGLE-FAMILY ZONING DISTRICT.

Chairman Shields assumed to role of presiding officer.

ZA Gregory stated that the variance for 732 Winters was approved at 4-feet but it actually measures 3-feet and 10-inches. ZA Gregory stated that City Attorney Elam is supportive of the amendment since it was mentioned in the public hearing that the carport would be placed in the exact location at the current carport.

Member Adams moved, seconded by Member Cooley, to grant a variance to permit construction of a 22 x 13 carport and rebuild attached garage to within 3-feet and 10-inches that was approved at 4-feet from the side yard property line in violation of Section 22 B.1 of the City's Zoning Ordinance in a R-1 Single-Family District. All voted "Aye."

9. 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.

Chairman Shields suggested that the Board consider making a recommendation to the Planning and Zoning Commission and the City Council to consider increasing the size of accessory structures. Ideas for the recommendation included allowing accessory structures that do not exceed the size of the principal structure and restructuring the size requirements based on the zoning district. After much discussion, Staff was directed to present some options at the next meeting.

10. 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

ZA Gregory announced the resignation of Member Lori Watson. Chairman Shields requested that Staff consult with him after reviewing applications filed for this position.

At 8:12 p.m. Member Cumberledge moved, seconded by Member Cooley, to adjourn the meeting. All voted "Aye."

APPROVED THIS 21st DAY OF FEBRUARY 2012:

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

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary