

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
JULY 14, 2014**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN, PLACE 2
CORNELL ADDINGTON, PLACE 3
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
JASON MARTINEZ, ALTERNATE 1
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

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

MEMBERS ABSENT:

MARY TIPTON, ALTERNATE 3 (PERSONAL CONFLICT)
DONALD ISTOOK, ALTERNATE 2 (RESIGNED)

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, July 14, 2014 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Council Liaison Holland delivered the Invocation. The Pledge of Allegiance was recited.

3. MEMBER ROLL CALL

Roll Call was recorded as follows: Member Istook has resigned and Member Tipton is absent due to a personal conflict.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF JUNE 9, 2014

Member Cumberledge moved, seconded by VC Tovar, to approve the minutes of June 9, 2014. All voted "Aye."

5. OATH OF TESTIMONY

ZS Stewart administered the Oath of Testimony to Maria Arriaga and Vic Fugate (4812 Langley), Jerry Tucker and Monte Tucker (901 Merritt), Inspector Sanders and ZA Gregory – all slated to give testimony in the upcoming Public Hearing portions of the meeting.

6. PUBLIC HEARING CONTINUED: PUBLIC INPUT REGARDING THE VARIANCE REQUEST OF MARIA HELEN ARRIAGA AT 4812 LANGLEY RD. TO CONSTRUCT ON THE PROPERTY A PROPOSED 12' X 20' METAL CARPORT TO WITHIN 1 ½ -FEET OF THE SIDE YARD PROPERTY LINE IN VIOLATION OF THE 5-FOOT SIDE YARD SETBACK REQUIREMENT IN AN "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SEC 10 C.5 "SIDE YARD" & IN

VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING.(CASE # 2014-03)

Chairman Shields announced that this public hearing is continued from June 9, 2014.

VC Tovar summarized the request to install a 12x20 carport that would be attached to the garage and to the house. VC Tovar described an irregular lot shape that would cause the proposed carport to be within 41 inches at the rear of the property and to within 21 inches near the front of the when place evenly with an existing garage. The current requirement according to the zoning ordinance is a minimum of 5 feet for the side yard setback.

Contractor Vic Fugate stated that the carport would be attached by lag bolts into the studs on the house and the garage.

ZA Gregory stated that the existing garage is required to be registered as a legal non-conforming structure prior to issuance of the permit for the carport.

At 7:42 p.m. Chairman Shields closed the public hearing.

7. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF MARIA HELEN ARRIAGA AT 4812 LANGLEY RD. TO CONSTRUCT ON THE PROPERTY A PROPOSED 12' X 20' METAL CARPORT TO WITHIN 1 ½ -FEET OF THE SIDE YARD PROPERTY LINE IN VIOLATION OF THE 5-FOOT SIDE YARD SETBACK REQUIREMENT IN AN "R-3" SINGLE-FAMILY ZONING DISTRICT PURSUANT TO SEC 10 C.5 "SIDE YARD" & IN VIOLATION OF SECTION 22B "ACCESSORY BUILDINGS" # 3 OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS AMENDED IN THAT NO ACCESSORY BUILDING SHALL BE ERECTED WITHIN 10-FEET OF ANY OTHER BUILDING.(CASE # 2014-03)

VC Tovar made the following motion, "I find that the variance request of Maria Helen Arriaga at 4812 Langley Rd. to construct on the property a proposed 12' X 20' metal carport to within 1 ½ -feet of the side yard property line in violation of the 5-foot side yard setback requirement in an "R-3" Single-Family Zoning District pursuant to Sec 10 C.5 "Side Yard" & in violation of Section 22B "Accessory Buildings" # 3 of the River Oaks Comprehensive Zoning Ordinance as amended in that no accessory building shall be erected within 10-feet of any other building that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. The applicant has submitted revised plans that includes the carport being attached to the principal structure on one end and on the other end be connected to the existing garage that is by definition a legal non-conforming structure providing that: 1) The garage is or has been registered as a legal non-conforming structure; and 2) The existing garage is located within 2 ½ feet of the side property line; and 3) The Carport extension would be located to within 1 ½ feet of the side property line only because of the irregular shape of the lot and 4) That all other requirements in R-3 Single-Family Zoning is met. Therefore I move to grant a variance to construct the 12 X 20 metal carport to within 1 ½ feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations:

1) The non-conforming garage must be registered with the City of River Oaks as a legal non-conformity; and 2) The permit shall only be valid for 180-days from the date of the hearing." Motion seconded by Member Adams. All voted "Aye."

8. PUBLIC HEARING: PUBLIC INPUT REGARDING THE VARIANCE REQUEST OF **ROBERT RODRIGUEZ AT 901 MERRITT** IN ORDER TO CONSTRUCT ON THE PROPERTY A 24 X 28 (672 SQUARE FEET) WOOD CARPORT IN VIOLATION OF SECTION 22 "CARPORT" # 5A. & 5C. OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS ADOPTED AND AS AMENDED IN THAT THE CARPORT SHALL NOT EXCEED 24-FEET ON ITS LONGEST DIMENSION AND A CARPORT GREATER THAN 576 SQUARE FEET IS NOT ALLOWED; PROPOSED CARPORT WOULD BE LOCATED WITHIN 3-FEET OF THE SIDE PROPERTY LINE IN VIOLATION OF SECTION 22 B "ACCESSORY BUILDINGS" IN THAT THE CARPORT SHALL BE ERECTED NO CLOSER THAN 5-FEET TO THE SIDE PROPERTY LINE. *(ZBA CASE # 2014-05)*

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

Inspector Sanders summarized the request to install a 24x28 carport which would be built integrally into the back of the house and would be even with the house which is within 3 feet of the side yard property line. In addition the proposed carport exceeds the maximum length allowed for a carport of 24 feet.

Chairman Shields stated the hardship that is unique to this property is the irregular shape of the corner lot.

Jerry Tucker, contractor, described the proposed carport that would be built integrally and of the same materials as the principle structure.

At 7:53 p.m. Chairman Shields closed the public hearing.

9. ACTION FROM PUBLIC HEARING: CONSIDER APPROVAL OF THE VARIANCE REQUEST OF **ROBERT RODRIGUEZ AT 901 MERRITT** IN ORDER TO CONSTRUCT ON THE PROPERTY A 24 X 28 (672 SQUARE FEET) WOOD CARPORT IN VIOLATION OF SECTION 22 "CARPORT" # 5A. & 5C. OF THE RIVER OAKS COMPREHENSIVE ZONING ORDINANCE AS ADOPTED AND AS AMENDED IN THAT THE CARPORT SHALL NOT EXCEED 24-FEET ON ITS LONGEST DIMENSION AND A CARPORT GREATER THAN 576 SQUARE FEET IS NOT ALLOWED; PROPOSED CARPORT WOULD BE LOCATED WITHIN 3-FEET OF THE SIDE PROPERTY LINE IN VIOLATION OF SECTION 22 B "ACCESSORY BUILDINGS" IN THAT THE CARPORT SHALL BE ERECTED NO CLOSER THAN 5-FEET TO THE SIDE PROPERTY LINE. *(ZBA CASE # 2014-05)*

Member Cumberledge made the following motion, "I find that the variance request of Robert Rodriguez to construct on the property a 24 X 28 (672 square feet) wood carport integrally built in violation of Section 22 "Carport" # 5a. & 5c. of the River Oaks Comprehensive Zoning Ordinance as adopted and as amended and that the proposed carport addition would be located within 3-feet of the side property line in violation of Section 22 B "Accessory Buildings" in that the carport shall be erected no closer than 5-feet to the side property line and that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. Therefore I move to grant a variance to construct the 24 X 28 wood

carport addition to the principal structure integrally built to within 3 feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations: 1) The non-conforming principal structure must be registered with the City of River Oaks as a legal non-conformity; and 2) The permit shall only be valid for 180-days from the date of the hearing." Motion seconded by Member Addington. All voted "Aye."

10. CONSIDER APPROVAL OF RECOMMENDATION TO THE MAYOR AND CITY COUNCIL FOR THE 2014-2015 APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENTS

Chairman Shields recommended John Claridge for Alternate Place 2 and Raul Rodriguez for Alternate Place 4.

VC Tovar moved, seconded by Member Adams, to recommend John Claridge as Alternate #2 and Raul Rodriguez as Alternate #3. All voted "Aye."

11. 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.

12. ACTION FROM EXECUTIVE SESSION

None.

13. ADJOURNMENT

At 7:59 p.m. Member Adams moved, seconded by VC Tovar, to adjourn the meeting. All voted "Aye".

APPROVED THIS 11TH DAY OF AUGUST 2014:

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

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary

THE RIVER OAKS ZONING BOARD OF ADJUSTMENTS

July 14, 2014

To Mayor and City Council:

On this date the *Zoning Board of Adjustments* of the City of River Oaks, met at 7:30 P.M. for a regular meeting in accordance to the Rules and Procedures. As a part of that Meeting the ZBA requests and **recommends** to the Mayor to consider the following 2014 board appointments:

- **Ron Tovar, Vice-Chairman Place 2**
- **Stan Cumberledge, Place 4**
- **John Claridge, Alternate # 2**
- **Raul Rodriguez, Alternate # 4**


The ZBA of the City of River Oaks voted, 5 Ayes and 0 Nays to recommend to the City Council of the City of River Oaks to:

× **Appoint the Member(s) as recorded above**

APPROVED THIS THE 14TH DAY OF JULY, 2014 BY:


Royce Shields
Chairman
Zoning Board of Adjustments

ATTEST:


Susan Stewart
Zoning Secretary

DECISION OF THE ZONING BOARD OF ADJUSTMENTS

VARIANCE REQUEST FOR ROBERT RODRIGUEZ @ 901 MERRITT ST.

DATE: July 14, 2014

CASE: ZBA 2014-05

RECORD OWNER: Robert Rodriguez

ADDRESS: 901 Merritt St.

VOTING MEMBERS PRESENT: Chairman Royce Shields Place 1, Ron Tovar Place 2, Cornell Addington Place 3, Stan Cumberledge Place 4, and Connie Adams Place 5.

FINDINGS: ZBA finds that the variance request of **Robert Rodriguez on the property located at 901 Merritt Street** due to special conditions, a literal enforcement of the Zoning Ordinance would result in an 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, **not for financial reasons alone.**

FOLLOWING THE PUBLIC HEARING: *Stan Cumberledge made the motion, seconded by Cornell Addington that:*

I find that the variance request of **Robert Rodriguez** to construct on the property a 24 X 28 (672 square feet) wood carport integrally built in violation of Section 22 "Carport" # 5a. & 5c. of the River Oaks Comprehensive Zoning Ordinance as adopted and as amended and that the proposed carport addition would be located within 3-feet of the side property line in violation of Section 22 B "Accessory Buildings" in that the carport shall be erected no closer than 5-feet to the side property line and that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship.

Therefore I move to grant a variance to construct the 24 X 28 wood carport addition to the principal structure integrally built to within 3 feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations:

1. *The non-conforming principal structure must be registered with the City of River Oaks as a legal non-conformity; and*
2. *The permit shall only be valid for 180-days from the date of the hearing.*

MEMBERS SHIELDS, TOVAR, ADAMS, ADDINGTON, AND CUMBERLEDGE ALL VOTED "AYE". MOTION PASSES.

The applicant has demonstrated proof to the Board that this application as is being presented does in fact qualify as an **unnecessary hardship** which includes the following:

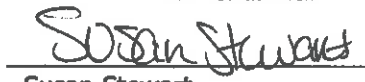
- Lot is a corner lot in which the principal structure has been built prior to the adoption of zoning ordinance # 600 as amended and is currently setback 3-feet from the north property line in violation of R-1 Zoning requirements and that the carport addition as proposed will not further protrude any closer than 3-feet thereby matching the existing west dimension of the principal structure. The hardship is that the proposed addition would be unique to this property and is not self-created.

CERTIFIED BY:


Royce Shields
ZBA Chairman

Date: 7/14/14

ATTEST:


Susan Stewart
Zoning Secretary

DECISION OF THE ZONING BOARD OF ADJUSTMENTS

VARIANCE REQUEST FOR MARIA HELEN ARRIAGA @ 4812 LANGLEY RD.

DATE: July 14, 2014

CASE: ZBA 2014-03

RECORD OWNER: Maria Helen Arriaga

ADDRESS: 4812 Langley Rd.

VOTING MEMBERS PRESENT: Chairman Royce Shields Place 1, Ron Tovar Place 2, Cornell Addington Place 3, Stan Cumberledge Place 4, and Connie Adams Place 5.

FINDINGS: ZBA finds that the variance request of **Maria Helen Arriaga on the property located at 4812 Langley Rd.** due to special conditions, a literal enforcement of the Zoning Ordinance would result in an 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, **not for financial reasons alone.**

FOLLOWING THE PUBLIC HEARING: *Ron Tovar made the motion, seconded by Connie Adams that:*

I find that the variance request of **Maria Helen Arriaga at 4812 Langley Rd.** to construct on the property a proposed 12' X 20' metal carport to within 1 ½ -feet of the side yard property line in violation of the 5-foot side yard setback requirement in an "R-3" Single-Family Zoning District pursuant to Sec 10 C.5 "Side Yard" & in violation of Section 22B "Accessory Buildings" # 3 of the River Oaks Comprehensive Zoning Ordinance as amended in that no accessory building shall be erected within 10-feet of any other building that due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship.

The applicant has submitted revised plans that includes the carport being attached to the principal structure on one end and on the other end be connected to the existing garage that is by definition a legal non-conforming structure providing that:

1. The garage is or has been registered as a legal non-conforming structure; and
2. The existing garage is located within 2 ½ feet of the side property line; and
3. The Carport extension would be located to within 1 ½ feet of the side property line only because of the irregular shape of the lot and
4. That all other requirements in R-3 Single-Family Zoning is met.

Therefore I move to grant a variance to construct the 12 X 20 metal carport to within 1 ½ feet of the side property line as submitted citing the hardship to be that this request is unique to the property and is not self-created with the following stipulations:

1. The non-conforming garage must be registered with the City of River Oaks as a legal non-conformity; and
2. The permit shall only be valid for 180-days from the date of the hearing.

MEMBERS SHIELDS, TOVAR, ADAMS, ADDINGTON, AND CUMBERLEDGE ALL VOTED "AYE". MOTION PASSES.

The applicant has demonstrated proof to the Board that this application as is being presented does in fact qualify as an **unnecessary hardship** which includes the following:


- Lot is an irregularly shaped lot in which the width varies from being the greatest dimension at the rear to the shorter width dimension towards the front of the property.

CERTIFIED BY:


Royce Shields
ZBA Chairman

Date: 7/14/14

ATTEST:


Susan Stewart
Zoning Secretary