

**MINUTES OF THE REGULAR MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 5, 2013**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN, PLACE 1
RON TOVAR, VICE-CHAIRMAN
STAN CUMBERLEDGE, PLACE 4
CONNIE ADAMS, PLACE 5
DONALD ISTOOK, ALTERNATE 2

STAFF MEMBERS PRESENT:

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

MEMBERS ABSENT:

TUESDAY COOLEY, PLACE 3 (PERSONAL CONFLICT)
JASON MARTINEZ, ALTERNATE 1 (PERSONAL CONFLICT)
MARY TIPTON, ALTERNATE 3 (PERSONAL CONFLICT)
CORNELL ADDINGTON, ALTERNATE # 4 (PERSONAL CONFLICT)
STEVE HOLLAND, COUNCIL LIAISON (PERSONAL CONFLICT)

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 Thursday, September 1, 2013 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE

Vice-Chairman Tovar delivered the Invocation. Member Istook led the Pledge of Allegiance.

3. ROLL CALL

Roll Call was recorded as follows: Member Cooley, Alternate Member Martinez, Alternate Member Tipton, Alternate Member Addington, and Council Member Holland were absent with excuse.

It was announced that Alternate Member Istook would serve as a voting member for this meeting only in the place of Member Cooley.

4. APPROVAL OF MINUTES FROM THE MEETING OF AUGUST 1, 2013

Member Adams moved, seconded by Member Cumberledge, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for August 1, 2013 as presented. All voted "Aye."

5. STATEMENT OF APPOINTED OFFICIAL AND OATH OF OFFICE FOR 2013 BOARD APPOINTMENTS

Due to the absence of Alternate Member Martinez, this agenda item was not performed.

6. OATH OF TESTIMONY

Secretary Stewart administered the Oath of Testimony to ZA Gregory, Inspector Sanders, Denzil Waddell, and Tommy Cotton, all slated to give testimony in the upcoming Public Hearing portions of the meeting.

7. Public Hearing Continued from August 1, 2013: Public input on the Variance Request of Denzil K. Waddell at 5528 James Dr. in order to construct a proposed 200 sq. ft. garage located in the rear of the property within 2-feet of the side yard property line in violation of the 5-foot side yard setback requirement pursuant to Sec 10 C.5 "Side Yard" & being attached to a proposed 400 sq. ft. steel carport located behind the building line within 2-feet of the side property line in violation of the 5-foot side yard setback requirement pursuant to Sec. 10 C.5 "Side Yard" and is 40-feet on its longest dimension in violation of Sec. 22.5.a of the City's Zoning Ordinance as amended. (ZBA Case # **2013-03**)

Chairman Shields announced that this public hearing is continued from August 1, 2013.

Inspector Sanders summarized the request to construct a garage within 2 feet of the side property line and a 10' x 40' carport attached by a breezeway to the house in order to allow protected access from the house to the garage. In addition, a variance may be required if the carport is not 10-feet from the garage.

It was verified with the owner, Mr. Waddell, that there is an existing slab two feet from the side property line where a garage used to be.

Mr. Cotton, contractor, stated that the garage would have a gabled roof and the carport would be metal with a flat roof and gutters.

When asked by board members, ZA Gregory stated that lot size could be considered a hardship in order to grant the side yard variance. Board Members discussed with the owner, the possibility of the carport being 24 feet on its longest side.

It was noted that three responses were received in favor of the request and two responses (both from the same household) were received in opposition.

Board Members suggested the carport line up, on center, with the garage. Staff members will work with the contractor and owner related to the breezeway connecting the structures as allowed in the building code.

At 8:29 p.m. Chairman Shields closed the public hearing.

8. Action from Public Hearing: Consider approval of the Variance Request of Denzil K. Waddell at 5528 James Dr. in order to construct a proposed 200 sq. ft. garage located in the rear of the property within 2-feet of the side yard property line in violation of the 5-foot side yard setback requirement pursuant to Sec 10 C.5 "Side Yard" & being attached to a proposed 400 sq. ft. steel carport located behind the building line within 2-feet of the side property line in violation of the 5-foot side yard setback requirement pursuant to Sec. 10 C.5

"Side Yard" and is 40-feet on its longest dimension in violation of Sec. 22.5.a of the City's Zoning Ordinance as amended. (ZBA Case # **2013-03**)

Member Cumberledge made the motion, "I find that the variance request of Denzil K. Waddell on the property described as Lot 2, Block 4, River Oaks Park Addition otherwise known as 5528 James Dr. 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, Denzil K. Waddell, be approved to construct on the property at 5528 James Dr.: (1) a 200 sq. ft. wood garage located in the rear of the property within 2-feet of the side yard property line in violation of the 5-foot side yard setback requirement pursuant to Sec 10 C.5 "Side Yard"; and (2) a separate 288 sq. ft. steel carport (12 X 24) located behind the building line within 2-feet of the side property line in violation of the 5-foot side yard setback requirement pursuant to Sec. 10 C.5 "Side Yard". Motion seconded by Member Adams. 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

Citizen Claridge suggested that some type of trim or border be required on metal carports.

Member Istook requested that drawings be submitted to scale and on graph paper if possible. Member Tovar agreed.

Chairman Shields announced the next meeting of the Zoning Board of Adjustments on October 3, 2013.

At 8:40 p.m. Member Istook moved, seconded by Member Cumberledge, to adjourn the meeting. All voted "Aye".

APPROVED THIS 3RD OCTOBER 2013:

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

ATTEST: Susan Stewart
Susan Stewart,
Zoning Secretary