

**MINUTES OF THE SPECIAL CALLED MEETING
CITY OF RIVER OAKS
ZONING BOARD OF ADJUSTMENTS
JUNE 23, 2011**

MEMBERS PRESENT:

ROYCE SHIELDS, CHAIRMAN
RON TOVAR, VICE-CHAIRMAN
STAN CUMBERLEDGE, PLACE 4
TUESDAY COOLEY ALTERNATE # 1
JOE ASHTON, ALTERNATE # 2
CONNIE ADAMS, ALTERNATE # 3
DONALD ISTOOK, ALTERNATE # 4
STEVE HOLLAND, COUNCIL LIAISON

STAFF MEMBERS PRESENT:

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

MEMBERS ABSENT:

NANCY LOVEN, PLACE 3 (EXCUSED)
JASON CEARLEY, PLACE 5 (UNEXCUSED)

1. CALL TO ORDER

Chairman Shields called the Special Called Meeting of the River Oaks Zoning Board of Adjustments to order at 7:31 p.m. on Tuesday, March 15, 2011 at the River Oaks City Hall, 4900 River Oaks Blvd., River Oaks, Texas 76114.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Roll Call was recorded with the following substitutions: Alternate Member Tuesday Cooley for Place 3 Voting Member Nancy Loven and Alternate Member Don Istook for Place 5 Voting Member Jason Cearley.

4. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF MARCH 15, 2011

Member Cooley moved, seconded by Member Istook, to approve the Minutes of the Meeting of the Zoning Board of Adjustments for March 15, 2011 as presented. All voted "Aye."

5. OATH OF TESTIMONY

Secretary Stewart administered the Oath of Testimony to ZA Gregory, Inspector Sanders, Leonard Ashley, and Mary Yandell, 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 2011-02) of **Mary E. Yandell at 724 Thersa Dr.** in order to build on the property a 20

X 16 carport built integrally to the existing structure to be located within 20-feet of the prevailing edge of the street in violation of the Zoning Ordinance under Section 10 "R-3" "Single Family Residential District" (C) "Development Regulations" # 3 in that there shall be a front yard of not less than 30-feet; and (2) in violation of the City's Zoning Ordinance under Section 22 "Accessory Building" (A) "Authorized Accessory Uses" # 5 in that a carport built integrally to the existing structure and of the same construction material and design as that of the principal structure may not extend past the 30-foot building line.

At 7:34 p.m. Chairman Shields opened the public hearing.

Inspector Sanders stated that the variance request is to construct a 16x20 integrally built carport to within 20-feet of the prevailing edge of the curb. The required building line for R-3 is 30-feet from the curb. Inspector Sanders stated that the proposed carport meets the required side-yard setbacks. Inspector Sanders stated that the proposed carport would be in line with several trees on the property and would not obstruct visibility from the roadway.

Board Members noted that there is not sufficient room on the lot to construct a carport on the side of the house or in the rear yard and several trees would have to be removed to construct the carport elsewhere.

ZA Gregory stated that three written responses were received with no objections recorded.

At 7:42 p.m. Member Cumberledge moved, seconded by Member Cooley, to close the public hearing. All voted "Aye."

7. Action from Public Hearing: Consider approval of the Variance Request of **Mary Yandell at 724 Thersa Dr.** (Zoning Case # ZBA 2011-02).

Member Cumberledge made the following motion, "I find that the variance request of Mary Yandell on the property located at 724 Thersa Drive 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 to construct a 16x20 integrally built carport to within 20-feet of the prevailing edge of the street in a "R-3" Single-Family Zoning District providing the carport is constructed of the same construction material and design of the principal structure and otherwise meets all other zoning requirements. 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 7:45 p.m. Member Cooley moved, seconded by Member Istook, to adjourn the meeting. All voted "Aye."

APPROVED THIS 16th DAY OF AUGUST 2011:

BY: 
Royce Shields, Chairman
Zoning Board of Adjustments

ATTEST: 
Susan Stewart,
Zoning Secretary

DECISION OF THE ZONING BOARD OF ADJUSTMENTS

VARIANCE REQUEST FOR MARY YANDELL AT 724 THERSA DR.

CASE: ZBA 2011-02A

ADDRESS: 724 THERSA

RECORD OWNER: Mary Yandell

DATE: June 23, 2011

VOTING MEMBERS PRESENT: Chairman Royce Shields, Vice-Chairman Ron Tovar, Alternate Member Tuesday Cooley for Place 3 Voting Member Nancy Loven, Place 4 Member Stan Cumberledge and Alternate Member Don Istook for Place 5 Voting Member Jason Cearley.

FINDINGS: I find that the variance request of **Mary Yandell on the property located at 724 Thersa Drive** due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship.

Motion was made by Member Stan Cumberledge seconded by Alternate Member Tuesday Cooley as follows:

I move to grant a variance to construct a 16 x 20 integrally built carport to within 20-feet of the prevailing edge of the street in a "R-3" Single-Family Zoning District providing the carport is constructed of the same construction material and design of the principal structure and otherwise meets all other zoning regulations.

The ZBA by a vote of 5 ayes (Shields, Tovar, Cooley, Cumberledge and Istook) and 0 nays approved the Variance Request for *the property described as being Block 9, Lot 12, River Oaks Garden Addition otherwise known as 724 Thersa Dr. as follows:*

(1) Grant a Variance for 724 Thersa Dr. in order to construct a 16 x 20 integrally built carport to within 20-feet of the prevailing edge of the street in a "R-3" Single-Family Zoning District providing the carport is constructed of the same construction material and design of the principal structure and otherwise meets all other zoning regulations.

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:

- Due to special conditions, a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship due to there only being a 8-foot access along the side of the property, which is not wide enough for a carport.

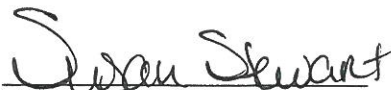
CERTIFIED BY: 



Royce Shields
ZBA Chairman

Date: 6/23/11

ATTEST:



Susan Stewart
Zoning Secretary