
BOARD OF ADJUSTMENT
March 14, 2017
Minutes

Members Present: Mr. Wayne Bradshaw, Chairman
Col. Morton Langholtz
Mr. Robert Beermann
Mr. Roger Huber

Members Absent: Mr. Scott Hay

Staff Present: Mr. Taurus Freeman, Assistant Director
Mr. Zack Rainbow, Planning Services Manager
Mr. James Prescott, Planner
Mrs. Kelley Messer, Assistant City Attorney

Others Present: Mr. Bruce Kreidler Mr. Cole Oliver
Ms. ErmaLinda Harpel

Item One: Call the Meeting to Order

Chairman Bradshaw called the meeting to order at 8:35 A.M. and declared a quorum present.

Item Two: Approval of the Minutes

Colonel Langholtz moved to approve the minutes of previous meeting, February 14, 2017, and Mr. Huber seconded that motion. The vote to approve minutes was carried by four (Langholtz, Huber, Beerman, and Bradshaw), with none in opposition.

Item Three: Agenda Items

a. BA-2017-05

A public hearing to consider a request from Sandra Mendoza for a six (6) foot variance to the required 15' exterior side building setback in RS6 (Residential Single-Family) zoning. Legal description being SEARS PARK AVENUE, BLOCK 28, LOT 9, located at 1902 Park Avenue.

Mr. James Prescott presented this variance request. The applicant is requesting a six (6) foot variance from the 15' exterior, street side (N. 19th) building setback in order to build a single-family residence.

The applicants stated the reason for the request is there is no other place on the property where an addition could go due to a driveway on the northern part of the lot that accesses the garage. However, staff feels there is ample space on the subject property where an addition could be located without the need for a variance. Additionally, the Land Development Code states, "The hardship or inequity suffered by petitioner is not caused wholly or insubstantial part by the petitioner." In this case, the proposed new addition would be wholly caused by the applicant and is not a condition that could be considered a hardship.

Chairman Bradshaw opened the public hearing.

No one was present to address this item.

Chairman Bradshaw closed the public hearing.

Property Owners within 200 feet of the request were notified. One (1) response was received in favor (from the applicant) with zero (0) in opposition.

STAFF RECOMMENDATION: Since the applicant did not satisfy the conditions necessary for a variance, staff recommends denial.

Colonel Langholtz moved to table this item until next month to request the applicant to attend the meeting and answer questions. Mr. Beerman seconded this motion. The vote to table this variance request was carried by four (Langholtz, Huber, Beerman, and Bradshaw), with none in opposition.

b. BA-2017-06

A public hearing to consider a request from Cole & Katy Oliver for a seven (7) foot variance from the 10' interior side building setback in RS-12 (Residential Single-Family) zoning. Legal description being TANGLEWOOD SECTION 1, BLOCK A, LOT 6, located at 1411 Tanglewood Road.

Mr. James Prescott presented this request. He stated the variance request is actually four (4) feet, as seven (7) feet was an error. Mr. Prescott explained this difference to the applicants before the meeting. He believes they based the request for seven (7) feet on the height of the building.

The existing house is approximately 3,681 sq. ft. The applicant wishes to construct an approximately 1,100 sq. ft. detached garage extending towards the north side of the property. The proposed addition would be approximately six (6) feet from the interior side property line.

The applicants wish to enclose the existing garage and build another one. The applicant states there is an alternate option but it would reduce the usage of their backyard and the removal of a tree.

The applicants purchased property in November. They have already lost several trees due to overgrown ivy. He and his wife would like to keep the tree and would rather not ruin the backyard.

Chairman Bradshaw opened the public hearing.

Mr. Cole Oliver approached to address this item. He currently owns the subject property, but is not living there; however, he plans to live there in the future.

Mr. Kreitler spoke about the redevelopment of this neighborhood. The setbacks have been less important in that neighborhood, and they have not been protested. Because of the creek, the powerlines run over his backyard and there are easements to restrict the height of what can be built.

Chairman Bradshaw closed the public hearing.

Property Owners within 200 feet of the request were notified. Four (4) comment forms were returned (one being the applicants) in favor with zero (0) in opposition.

STAFF RECOMMENDATION: Since the applicant did not satisfy all of the conditions necessary for a variance, staff recommends denial. However, if the Board approves the request, staff recommends the variance applies only to the proposed addition.

Colonel Langholtz moved to approve this item. Mr. Huber seconded this motion. The vote to approve this variance request was carried by four (Langholtz, Huber, Beerman, and Bradshaw), with none in opposition.

Item Five: Adjourn

Chairman Bradshaw requested a motion to end the meeting. Colonel Langholtz moved to adjourn, and Mr. Huber seconded that motion. The meeting was adjourned at 9:00 a.m.

Chairman Bradshaw announced his retirement and he and his family will soon be moving to the Dallas area. He has lived in this community for sixty years, and served on this board for nineteen. Chairman Bradshaw recommended Mr. Hay be considered to fill his position on the board.

Approved: , Chairman

