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**BOARD OF ADJUSTMENT**

**May 9, 2017**

**Minutes**

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**Members Present:** Col. Morton Langholtz  
Mr. Robert Beermann  
Mr. Roger Huber  
Mr. Mark Odle  
Ms. Dani Ramsay

**Member Absent:** Mr. Scott Hay

**Staff Present:** Mr. Dana L. Schoening, Director  
Mr. Taurus Freeman, Assistant Director  
Mr. Zack Rainbow, Planning Services Manager  
Mr. James Prescott, Planner  
Ms. Kelley Messer, Assistant City Attorney  
Ms. Melissa Farr, Administrative Assistant

**Others Present:** Mr. Bruce Kreidler                      Mr. Van L. Miller  
Ms. Nhanh Lee                                Ms. Sherry Christian  
Mr. Howard Ware                            Ms. Marisa Ware  
Ms. Sheray Hancox

**Item One: Call the Meeting to Order**

Colonel Langholtz called the meeting to order at 8:30 a.m. and declared a quorum present.

**Item Two: Approval of the Minutes**

Mr. Beerman moved to approve the minutes of previous meeting, April 11, 2017, and Mr. Huber seconded that motion. The vote to approve minutes was carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.

**Item Three: Agenda Items**

**a. BA-2017-10 (Tabled from 4-11-2017)**

A public hearing to consider a request from Daniel Lopez (Agent) for a Special Exception to locate a carport in the front building setback in MD (Residential Single-Family) zoning. Legal description being **LAKESIDE ADDN, BLOCK 2, LOT 1-2**. Located at 1817 N. 11<sup>th</sup> St.

Mr. Huber made a motion to remove this item from the table. Mr. Odle seconded that motion. The vote to remove this request from the table was carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.

It was noted that planning staff has made multiple attempts to contact the applicant and agent; however, these attempts have been unsuccessful. This is an existing carport that was constructed without a permit.

Colonel Langholtz opened the public hearing.

Councilman Kreidler addressed the fact that planning staff and others have taken extra steps to determine the location of the initial parkway line, and this makes it possible for the Board to grant the special exception. He indicated this specific request magnified the fact that restrictions upon the Board to grant requests should be reviewed by the City Council. Councilman Kreidler would like to see the Board given full authority necessary to perform the roles at hand.

Colonel Langholtz closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of this request, with the condition that the carport be setback a minimum of 20-feet from the curb of the street.

**Mr. Huber made a motion to approve this request, and Mr. Odle seconded that motion. The vote to approve this request carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.**

**b. BA-2017-14**

A public hearing to consider a request from Lee Nhanh for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being **PARK PLAZA SECTION 1 CONTINUATION, BLOCK G, LOT 39 CONTINUATION**. Located at 610 N. La Salle Drive.

Colonel Langholtz opened the public hearing.

Ms. Nhanh Lee stated her wish for a carport. When it was explained to her that it could not be larger than 15' X 20', she expressed her preference for a larger size. There was discussion to confirm her understanding was that it could not be larger than 15' X 20', as those parameters will fit with the five feet restriction.

Colonel Langholtz closed the public hearing.

Property owners within 200 feet of the request were notified. Two (2) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

**Mr. Huber made a motion to approve this request with the understanding it is for a 15' X 20' carport, as the Board does not have the authority to allow her a larger carport. Mr. Beerman seconded that motion. The vote to approve this request carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.**

**c. BA-2017-15**

A public hearing to consider a request from Mr. Miller for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being **QUAIL PARK SECTION 4, BLOCK G, LOT 34. Located at 15 Woodcock Circle.**

This is an existing 22' X 26' carport, which was constructed without a permit. There are no other existing carports near the subject property.

Colonel Langholtz opened the public hearing.

Mr. Van Miller stated he and his wife have lived at the subject property since 1993. The carport was built to accommodate additional vehicles.

His truck was damaged in the hailstorm last year. Additionally, his wife is retiring and they wish to purchase a RV. The carport was built large enough to cover it.

Ms. Sherry Christian announced her opposition to this request. Ms. Christian stated her concern of the size of the carport, and whether or not the strong winds could blow it onto her property next door. She also considered the possibility for a decrease in property value.

Colonel Langholtz closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response were received in favor with two (2) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends denial of this request.

**Mr. Beerman made a motion to table this request until the next meeting, June 13, and Mr. Huber seconded that motion. The vote to table this request carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.**

**d. BA-2017-16**

A public hearing to consider a request from Howard Ware for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being **SOUTHWEST PARK SECTION 3, BLOCK 17, LOT 14**. Located at 1917 Ballinger Street.

Colonel Langholtz opened the public hearing.

Mr. Howard Ware addressed this item, saying the purpose of the carport is mainly to keep the grandchildren from the outdoor elements when playing outside.

Colonel Langholtz closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

**Mr. Beerman made a motion to approve this request, and Mr. Odle seconded that motion. The vote to approve this request carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.**

**e. BA-2017-17 (Postponed by Agent)**

A public hearing to consider a request from Brandon Beck (Agent, for Creekbend Properties, LP.) for an 18' variance request to the required 30' front building setback in GC (General Commercial) zoning. Legal description being **SOUTHWEST PARK SECTION 1, BLOCK NORTHEAST PART OF BLOCK 4**. Located at 3115 S. 14th Street.

**Mr. Taurus Freeman, assistant director, announced the item has been withdrawn by the applicant.**

**f. BA-2017-18**

A public hearing to consider a request from Welton Robinson for a 10' variance request to the required 10' rear building setback in NR (Neighborhood Retail) zoning. Legal description being **HEDGES ADDITION SECTION 4, BLOCK 3, LOT 10 & 11**. Located at 3000 Southwest Dr.

Colonel Langholtz opened the public hearing.

The applicant's granddaughter, Ms. Sheray Hancox, spoke on his behalf. Mr. Robinson has been unable to move forward with previous approvals for this variance request due to illness. He will leave the hospital soon, and would like to proceed.

Colonel Langholtz closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) responses were received in favor with zero (0) in opposition.

**STAFF RECOMMENDATION:**

Staff in this case would point the Board to history of this case; the previous ruling of this board in October, 2015, which was to approve this request.

**Mr. Beerman made a motion to approve this request to allow the applicant up to one year to obtain the permit and move forward, and Mr. Huber seconded that motion. The vote to approve this request carried by five (Huber, Langholtz, Ramsay, Beerman, and Odle,) with none in opposition.**

**Item Five: Adjourn**

**Mr. Huber moved to adjourn, and Mr. Beerman seconded that motion. The meeting was adjourned at 9:54 a.m.**

Approved: Scott D. Hay, Chairman

