



**MINUTES OF A REGULAR MEETING OF THE
BOARD OF ADJUSTMENTS
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, SEPTEMBER 14, 2011
6:00 P.M. AT CITY HALL, 3205 JONES ROAD**

Members Present

Sandy Cox, Vice-Chair
Marshall McHone
Randall Rosengarten
Wade Buckner
Richard Hayes, Alternate

Staff Present

Clay Collins, City Administrator
Josh Ronson, Code Compliance Inspector
Jessica Scott, City Attorney's Office

Call to Order.

- Sandy Cox called the meeting to order at 6:00 P.M.

Approval of minutes from June 6, 2011 meeting.

- No action was taken on the minutes because there was not a majority of the members in attendance who had participated in the June 6, 2011 meeting. Approval of these minutes will be considered at the next meeting of the Board.

Open Meetings Act training.

- The Board participated in a training session on the Open Meetings Act conducted by Jessica Scott. No action was taken.

Consider approval of Hearing Procedures for the Board of Adjustments.

- Because it was already 7:00 P.M. and there were Public Hearings posted for 7:00 P.M., the Board did not take any action on this item and it will be rescheduled for the next meeting.

Public Hearing on an application submitted by Michael Bradley for a variance from Section 2.1401(c)(7) of the Land Development Code to encroach into the rear building setback at 1028 Sunflower Trail for construction of a deck.

- The Public Hearing was opened. A presentation was made by the applicant showing photos and drawings of the property. Because this is a one story house, it takes up a larger portion of the lot than many of the nearby two-story houses, so the applicant has little room to construct a patio in the back yard.
- The Board members asked questions of the applicant and staff regarding the request. No comment cards had been received and there were no other citizens who wished to speak on this request. The Public Hearing was closed.

Consideration and possible approval of an application submitted by Michael Bradley for a variance from Section 2.1401(c)(7) of the Land Development Code to encroach into the rear building setback at 1028 Sunflower Trail for construction of a deck.

- The Board members discussed the ten criteria required for approval of a variance and after additional discussion a motion was made by Richard Hayes and seconded by Marshall McHone to grant the variance

based on the drawings and representations submitted by the applicant and finding that the applicant has met the criteria for granting of a variance. All members voted yes and the motion carried.

Public Hearing on an application submitted by Brant and Jean Boozer for variances from Section 2.506(a)(6) and 2.506(a)(8) of the Land Development Code to have a single accessory structure of 1,600 sq. ft. which exceeds the maximum per single accessory structure of 1,000 and the cumulative total of all accessory structures of 1,500 sq. ft. at 798 Oakdale Drive.

- Clay Collins outlined the request and explained the background on this property and other city approvals that must be granted before the project can be undertaken. Brant Boozer appeared before the Board and described that due to the topography of the lot and water quality restrictions, they have developed a plan which requires that the garage be detached from the house. There is a drainage area that crosses the property, so the house and garage are on opposite sides of the drainage area connected by a covered breezeway.
- Helen Besse, 795 Oakdale, commented about the project and inquired if the buildings could be considered connected as a single building because of the breezeway.
- Bob Browning, 790 Oakdale spoke in favor of the variance request.
- The Board members questioned the city staff regarding various sections of the Land Development Code and applicability to this project. There were also questions about the status of consideration of other requests on this project by the City Council.
- There being no other public comments, the public hearing was closed.

Consideration and possible approval of an application submitted by Brant and Jean Boozer for variances from Section 2.506(a)(6) and 2.506(a)(8) of the Land Development Code to have a single accessory structure of 1,600 sq. ft. which exceeds the maximum per single accessory structure of 1,000 and the cumulative total of all accessory structures of 1,500 sq. ft. at 798 Oakdale Drive.

- There was a lengthy discussion among the Board members regarding the ten criteria that had to be met to grant the variance. There was some concern expressed that if the variance was approved and then any changes to the site plan were made as a result of any City Council action, then the variance might not still apply. Any variance approval would be for the specific site plan that has been submitted to the Board for consideration.
- There was additional discussion about the need for clearer definitions in the Land Development Code. Board members expressed concern that the applicant had not yet clearly demonstrated that all ten of the criteria were met to allow a variance to be granted.

A motion was made by Marshall McHone and seconded by Randall Rosengarten to table this item until the next meeting of the Board to allow the applicant and city staff to provide additional information. All members voted in favor of the motion.

There being no other business coming before the Board, the meeting was adjourned at 8:15 P.M.


Sandy Cox, Vice Chair