



MINUTES OF A REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, MARCH 12, 2014
7:00 P.M.

MEMBERS PRESENT

Tom Cedel, Vice-chair
Steve Borochoff
Marshall McHone
Randy Rosengarten
Jennifer Fadal, Alternate

STAFF PRESENT

Clay Collins, City Administrator
Josh Ronson, Operations Manager
Matt Lingafelter, Administrative Assistant
Doug Young, City Attorney

A-1: Call to Order.

Tom Cedel called the meeting to order at 7:05 P.M.

A-2: Introduction of new members and alternates and presentation on Board Procedures.

This was the first meeting after appointments by the City Council so Tom Cedel introduced Jennifer Fadal, a new alternate member and briefly outlined the meeting procedures that have been adopted by the Board.

A-3: Approval of minutes from October 9, 2013 and November 13, 2013 meetings.

After reviewing the minutes a motion was made by Randall Rosengarten and seconded by Steve Borochoff to approve the minutes for the October 9 and November 13, 2013 meetings. Commissioners Cedel, Borochoff, McHone and Rosengarten voted in favor. Commissioner Fadal abstained. The motion carried by a vote of 4-0.

A-4: Public Hearing on an application submitted by Teresa Anderson for variances at 1 Pillow Road:

- a. From Section 2.506(a)(8) exceed the cumulative total of 1,500 square feet of accessory structures per lot; and,
- b. From Section 2.604 to have an accessory structure located within the 20 foot side yard setback.

The Public Hearing was opened for item A-4. A presentation was made by Clay Collins. He discussed the City's background with dealing with the code violations at the subject property. The City had notified the applicant of four structures on the property that had not received permits. Three of these have been removed and the variance request is for the remaining structure. Ward Davidson, Attorney, spoke on

48 behalf of his client, Teresa Anderson, the owner of the property. Davidson explained to the Board that
49 his client desires to come into compliance with City code, and moving forward would require the
50 variances for the remaining accessory structure, which is currently not permitted.

51
52 Randy Williams, 12 Reese Drive, spoke during the citizen comments.

53
54 Susan Durso, 6 Pillow Road, spoke regarding the Applicant's responses to findings #1 and #8.

55
56 Daniel Horrigan, 3 Pillow Road, spoke against the approval of the variances.

57
58 The following citizens submitted written comments supporting the variances:

- 59
- 60 – Molly & Brett Bunner, 2 Reese Drive
 - 61 – Russell Harding, 10 Pillow Road
 - 62 – Katherine Johnson, 1 Reese Drive
 - 63 – Nicole Pletka, 2 Pillow Road
 - 64 – James Hart, 23 Pillow Road
 - 65 – Richard Leigh, 18 Pillow Road
- 66

67 Robin Shannor, 5 Pillow Road, submitted written comments from Charles Goyette raising a number of
68 questions that he felt should be answered prior to consideration of to the variances.

69
70 Notices were sent to all property owners within 500 feet as well posting a sign on the property and
71 posting the required notice in the newspaper.

72
73 There being no other persons wishing to speak, the Public Hearing was closed at 7:42 P.M.

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75
76 **A-5: Public Hearing on an application submitted by Teresa Anderson for variances at 1 Pillow
77 Road:**

78 a. **From Section 2.506(a)(8) exceed the cumulative total of 1,500 square feet of
79 accessory structures per lot; and,**

80
81 b. **From Section 2.604 to have an accessory structure located within the 20 foot
82 side yard setback.**

83
84 The Board Members asked questions of Clay Collins and Doug Young, City Attorney. The Board Members
85 decided to go into Executive Session to consult with the City Attorney.

86
87 **EX-1: Executive Session**

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89 The Board of Adjustments may go into Executive Session pursuant to Texas Government Code Section
90 551.071, for consultation with the City Attorney.

91
92 The Board adjourned to Executive Session at 7:55 and the Board returned at 8:14 P.M. Following a
93 discussion among the members, a motion was made by Randy Rosengarten and seconded by Marshall

94 McHone to postpone action on the variance requests at #1 Pillow Road for a period of sixty days to allow
95 the applicant to resolve the following outstanding Land Development Code violations:

- 96
- 97 1) No building permit application for the Gazebo
 - 98 2) No Certificate of Occupancy for House at 1 Pillow Road
 - 99 3) No approved permit for recent outdoor electrical work
 - 100 4) No permit for underground tank in SE corner of the lot
 - 101 5) No watershed permit for Gazebo or underground tank
- 102

103 If the applicant resolves the violations sooner, the applicant may request that the Board meet to consider
104 postponed variances at a date earlier than 60 days.

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106 All members voted in favor and the continuance was granted by a 5-0 vote.

107
108 **A-6: Public Hearing on an application submitted by Sharon Drinkwine for a variance at 5 Reese**
109 **Drive from Section 2.604 to construct a parking area within 50 foot front setback.**

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111 The Public Hearing was opened for item A-6 at 8:25 P.M. A presentation was made by Clay Collins.
112 Sharon Drinkwine, owner of the property, spoke regarding the variance request.

113
114 Melissa Gonzales, 26 Reese Drive, spoke in favor of the variance.

115
116 The following citizens submitted written comments supporting the variance:

- 117
- 118 – Molly & Brett Bunner, 2 Reese Drive
 - 119 – Katherine Johnson, 1 Reese Drive
 - 120 – Daniel Horrigan, 3 Pillow Road
 - 121 – Susan Durso, 6 Pillow Road
 - 122 – Randy Williams, 12 Reese Drive
- 123

124 Notices were sent to all property owners within 500 feet as well posting a sign on the property and
125 posting the required notice in the newspaper.

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127 The Public Hearing was closed at 8:40 P.M.

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130 **A-7: Consideration and possible approval of an application submitted by Sharon Drinkwine for**
131 **a variance at 5 Reese Drive from Section 2.604 to construct a parking area within 50 foot**
132 **front setback.**

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134 Following discussion among the members, a motion was made by Commissioner McHone and seconded
135 by Commissioner Borochoff to grant the variance to construct a parking area within the 50 foot front
136 setback based on the applicant having met the required findings for approval of the variance. The
137 motion carried by a 5-0 vote.

138

139 There being no other business coming before the Board, a motion was made by Commissioner
140 Rosengarten and seconded by Commissioner Fadal to adjourn and all members voted in favor. The
141 meeting was adjourned at 8:43 P.M.

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Tom Cedel, Vice Chair

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149 There is a recorded copy of this meeting.

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