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3 MINUTES OF A REGULAR MEETING OF THE
4 BOARD OF ADJUSTMENTS
5 OF THE CITY OF SUNSET VALLEY, TEXAS
6 WEDNESDAY, APRIL 12, 2017
7 7:00 P.M. AT CITY HALL, 3205 JONES ROAD
8

9 Members Present

10 Randall Rosengarten, Chair
11 Susan Durso, Vice Chair
12 Robert Browning
13 Jennifer Fadal
14 Sandy Cox

Staff Present

Clay Collins, City Administrator
Doug Young, City Attorney
Sara Wilson, Assistant City Administrator
Joshua Ronson, PW Operations Manager

- 15
16 1. Call to order. Randall Rosengarten called the meeting to order at 7:04 P.M. and called the roll of
17 members in attendance. A quorum of the Board was present.
18
19 2. Approval of minutes from the January 11, 2017 meeting. Randall Rosengarten made the motion to
20 approve the minutes, as presented, seconded by Jennifer Fadal. All voted yes and the minutes were
21 approved.
22
23 3. Public Hearing Public Hearing on an application submitted by Richard Hayes, 42 Lone Oak Trail, to
24 construct an accessory structure which requires the following variances:
25
26 a. From Section 2.604 to construct an accessory structure with a height greater than 20
27 feet. The request is for a 22-foot six-inch tall structure.
28
29 b. From Section 2.506 (9) to construct an accessory structure which exceeds the height of
30 the primary structure. The primary structure is 19 feet tall and the accessory structure is
31 requested to be 22-feet six-inches tall.
32

33 Chair Randall Rosengarten opened the public hearing at 7:06 P.M. and began with a review of
34 procedural instructions to the Board, staff and audience.
35

36 Clay Collins presented an overview of the proposed development, a 1,000 square foot barn
37 and a review of the variances being requested. Mr. Collins went through the information
38 provided to the Board in the packet, including letter provided by the applicant, site plan,
39 images of the proposed accessory structure and list of addresses within 500 feet where the
40 notices were sent.
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42 Richard Hayes, applicant, gave a brief overview of the proposed project.
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44 The Chair called for any persons supporting the application to speak. No one presented.

45

46 Randall Rosengarten read into the record written comments received prior to the meeting, in
47 support of the request:

- 48 • Bruce Smith, 44 Pillow
- 49 • Ketan Kharod, 36 Lone Oak

50

51 The Chair called for any persons opposing the application to speak. No one presented.

52

53 No written comments were received prior to the meeting, not in support of the request:

54

55 Hearing no to calls for further testimony, Randall Rosengarten closed the public hearing at
56 7:13 P.M.

57

58 4. Consideration and possible approval of an application submitted by Richard Hayes, 42 Lone Oak
59 Trail, to construct an accessory structure which requires the following variances:

60

61 a. From Section 2.604 to construct an accessory structure with a height greater than 20 feet.
62 The request is for a 22-foot six-inch tall structure.

63

64 b. From Section 2.506 (9) to construct an accessory structure which exceeds the height of the
65 primary structure. The primary structure is 19 feet tall and the accessory structure is
66 requested to be 22-feet six-inches tall.

67

68 Board discussion and questions of applicant and staff, to understand the height of neighboring
69 homes, location of project and relationship of the lot to the neighborhood. When questioned,
70 Mr. Hays added that he has one other accessory structure on the property (small 220 sq. ft.
71 shed) that he will keep, and that this addition does not exceed other code requirements
72 related to accessory structures (setback, number, impervious cover). Noted by staff that this
73 project will need a watershed permit, approved by the City Council, to proceed.

74

75 Susan Durso made a motion to approve the variance request, as presented, adopting the findings,
76 plans and specifications, presented by the applicant. The motion was seconded by Jennifer Fadal.
77 All voted yes, and the motion passed unanimously.

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80 5. Public Hearing on an application submitted by Robb Buchanan, 4604 Stearns Lane, for a variance
81 from Section 2.604 to create four lots within a subdivision in the Single-Family Zoning District which
82 do not meet the dimensional lot requirements. The minimum lot area requirement is 1 acre. Three
83 of the four lots are less than 1 acre, being 1.15 acres, .65 acres, .65 acres and .647 acres. The lots
84 do not meet the minimum lot depth of 300 feet. The proposed subdivision is the Stearns Lane
85 Subdivision located on 3.1 acres at the northwest corner of Stearns Lane and US Highway 290 West.

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87

88 Chair Randall Rosengarten opened the public hearing at 7:25 P.M.

89

90

91 Clay Collins presented an overview of the proposed subdivision, the current lot dimensions

92 and the code requirements. Mr. Collins went through the information provided to the Board,
93 including letter provided by the applicant, site plan and list of addresses within 500 feet where
94 the notices were sent.

95

96 Robb Buchanan, applicant, gave a brief overview of the proposed subdivision. Noting that the
97 size of the lots in the adjoining neighborhood is compatible with proposed lots, and the efforts
98 he has made to change the use of the land make this a hardship for the request.

99

100 The Chair called for any persons supporting the application to speak. No one presented.

101

102 Randall Rosengarten read into the record written comments received prior to the meeting, in
103 support of the request:

- 104 • Terry Cowan, 4500 Stearns

105

106 The Chair called for any persons opposing the application to speak. No one presented.

107

108 No written comments were received prior to the meeting, not in support of the request:

109

110 Hearing no to calls for further testimony, Randall Rosengarten closed the public hearing at
111 7:36 P.M.

112

113 6. Consideration and possible approval of an application submitted by Robb Buchanan, 4604 Stearns
114 Lane, for a variance from Section 2.604 to create four lots within a subdivision in the Single-Family
115 Zoning District which do not meet the dimensional lot requirements. The minimum lot area
116 requirement is 1 acre. Three of the four lots are less than 1 acre, being 1.15 acres, .65 acres, .65
117 acres and .647 acres. The lots do not meet the minimum lot depth of 300 feet. The proposed
118 subdivision is the Stearns Lane Subdivision located on 3.1 acres at the northwest corner of Stearns
119 Lane and US Highway 290 West.

120

121 Initial Board question to staff related to the issue, to understand why the two items were not
122 broken into two variance requests; one for depth of the lot being less than 300' and one for
123 the size of the lots being under 1 acre. Staff and City Attorney provided cite, a table in Section
124 2.604 not separate, but if the Board chose could break the two for discussion and decision.

125

126 Board discussion and questions of applicant and staff, to clarify the request and the
127 relationship of the properties adjacent to the subject property.

128

129 Robert Browning made a motion to approve the variance, stating this is the highest and best
130 use of the property, as presented with four (4) lots and variance from 300 foot requirement.
131 The motion was seconded by Randall Rosengarten.

132

133 Sandy Cox questioned the motion maker, as she could not resolve that the request did not
134 meet all the findings, specifically #1 and #2. While the subdivision could not meet the 300'
135 depth, the applicant could subdivide to maintain the one acre minimum.

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137 Robert Browning called the question on the motion to approve the application.

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Voting for the motion: Chair Rosengarten, Jennifer Fadal and Robert Browning. Voting against the motion: Susan Durso and Sandy Cox.

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The motion passed; but the request for variance failed, due to the requirement for supermajority to approve a variance request.

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Following the vote, a brief exchange on next steps for the applicant began between Board and staff.

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With no items remaining on the agenda, Robert Browning made a motion to adjourn the meeting. The motion was seconded by Randall Rosengarten. All voted and the motion passed unanimously. The meeting adjourned at 8:05 P.M.

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Randall Rosengarten, Chair