

This is not a transcript of the meeting. A video of this meeting is on file in the office of the City Secretary and is made a part of the official minutes of this meeting.



MINUTES OF A CALLED MEETING OF THE
BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, April 13, 2016
7:00 P.M.

MEMBERS PRESENT

Randall Rosengarten, Chair
Susan Durso, Vice Chair
Richard Hayes
Robert Browning
Sandy Cox (alternate)

STAFF PRESENT

Clay Collins, City Administrator
Sara Wilson, Assistant City Administrator
Willie Schmerler, City Attorney
Joshua Ronson, Operations Manager

1. Call to Order.

Chairman Rosengarten called the meeting to order at 7:03 P.M. and read the names of Board Members present.

2. Approval of minutes from February 10, 2016.

A motion was made by Robert Browning, and seconded by Susan Durso, to approve the minutes from the February 10, 2016 meeting as presented. All members voted in favor and the motion carried by a vote of 5-0.

3. Public Hearing on an application submitted by Stephen and Ericka Nowicki for variances at 26 Lovegrass Lane:

- a. From Section 2.604 to construct an accessory structure within the 20 foot side yard setback.**
- b. From Section 2.601(g) to construct a guest house that is greater than 600 square feet.**

- Chairman Rosengarten opened the Public Hearing.
- Clay Collins provided an overview of the project and the variance request, including that the City had received one (1) comment card that was included in the packet along with the list of all addresses to where the notification was sent.
- Following the staff presentation, Erika Nowicki, applicant/property owner, provided information primarily related to the location of the large oak tree that is the reason for the variance request.
- The Board members asked questions of the applicant, city staff, city legal following the

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45 presentations.

46 - Chairman Rosengarten read aloud the comment card submitted before the meeting from
47 Ken Schroeder, 30 Lovegrass, in favor of the request. No other person came to speak for
48 or against the request.

49 - Chairman Rosengarten asked city staff questions about the definition of a Guest House
50 and expressed concern that the variance request was really related to the definition and
51 not Section 2.601(g) of the Code. He asked that this issue be considered in cleaning up
52 the Code.

53 - The Public Hearing was closed at 7:33 PM.
54

55 **4. Consideration and possible approval of an application submitted by Stephen and Ericka**
56 **Nowicki for variances at 26 Lovegrass Lane:**

57 **a. From Section 2.604 to construct an accessory structure within the 20 foot side**
58 **yard setback.**

59 **b. From Section 2.601(g) to construct a guest house that is greater than 600**
60 **square feet.**
61

62 During deliberations, the Board members continued to ask questions of the applicant, city staff
63 and the city attorney regarding tree locations on both the applicant's property and the neighbors,
64 considerations for alternate configurations of the pool/cabana, tree canopy and tree protection.
65

66 The main discussion of the board during deliberation related to guest house regulations, which
67 were confused by the submittal by the applicant. The architect's drawing provided by the
68 applicant stated the structure to be 640 sf. Through discussion and questions to the applicant, it
69 could not be confirmed that this measurement was interior (living space) or exterior. The code,
70 as it has been applied, is that the 600 sf limitations for a guest house is measured living space.
71 The applicant stated the 640 sf is exterior.
72

73 A motion was made by Robert Browning to approve both variances, without further conditions.
74 The motion died for a lack of second.
75

76 A motion was made by Sandy Cox to approve the request from Section 2.604 to construct an
77 accessory structure within the 20 foot side setback, as presented with the pictures and drawings
78 submitted, and that the Board finds the request has met the findings in Section 2.307 (f) 1-10,
79 motion seconded by Robert Browning.
80

81 Susan Durso requested to the motion maker for clarification, that only the portion of the
82 structure that is shown at 12 feet would be allowed at this distance in the setback, as depicted
83 in the drawing, and no other portion of the building should the size of the building change. Both
84 the motion maker and the second agreed to this clarification.
85

86 The motion was read back to the Board and the vote taken. All members voted and the motion
87 carried with a vote of 4-1, with Susan Durso voting against the motion.
88

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89 The Board continued to discuss item 4b, regarding the variance from Section 2.601(g) and
90 reiterated concern of uncertainty of the information provided. With this lack of clarity on the
91 issue, Susan Durso motioned for the Board to table the request until the applicant can provide
92 clarification on the square footage of the interior of the guest house. The motion was seconded
93 by Sandy Cox. All members voted, and the motion carried with a vote of 4-1. Robert Browning
94 voting against the motion.

95

96 **5. Discussion and possible approval of the revisions to the Procedures for the Board of**
97 **Adjustment.**

98

99 The Board made the following comments/corrections to the revisions provided:

100

- 101 - Opening paragraph has open quotation marks without closing quotation marks.
- 102 - Disqualification: a member noted paragraph 2 that the member should be required to
103 first disclose the communication, then, if deemed appropriate to disqualify him/herself;
104 and add language to read, "with the intent to influence".
- 105 - The Section, "Deliberation by the Board section" is new, taken from the procedures for
106 the City Council. The section was added with the purpose of following the
107 parliamentary process without adopting a strict interpretation of Robert's Rules.

108

109 Having no further items on the agenda, a motion was made by Robert Browning, and
110 seconded by Susan Durso, to adjourn the meeting. All voted in favor and the meeting was
111 adjourned at 8:57 P.M.

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115 _____
Randall Rosengarten, Chair

116

117 **There is a recorded copy of this meeting.**