



MINUTES OF A REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, OCTOBER 8, 2014
7:00 P.M.

MEMBERS PRESENT

Randy Rosengarten, Vice Chair
Marshall McHone
Steve Borochoff
Richard Hayes
Jennifer Fadal

STAFF PRESENT

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

A-1: Call to Order.

Chairman Tom Cedel was absent, so Vice-Chairman Randy Rosengarten called the meeting to order at 7:00 P.M.

A-2: Approval of minutes from June 24, 2014 meeting.

There was a motion by Jennifer Fadal and seconded by Marshal McHone to approve the minutes for the June 24, 2014 meeting. All voted in favor except Richard Hayes, who abstained and the motion carried by a vote of 4-0.

A-3: Public Hearing on an appeal by Teresa Anderson on behalf of Little House of Love regarding the interpretation of the City Administrator of Section 2.307(j) that would not allow additional consideration of a variance that was denied on June 24, 2014 for a 10,000 gallon underground rainwater harvesting tank to be located within the 20 foot side yard setback.

The Public Hearing was opened. A presentation was given by Clay Collins. Because a variance request had been submitted that was very similar to one previously denied by the Board on June 24th, the City Administrator had determined that this could not be considered. The applicant had requested that this decision be appealed to the Board as provided in Section 211.009 of the Texas Local Government Code.

Ward Davidson appeared before the Board and explained his position that since the Land Development Code had been amended recently that this provided justification for the Board to hear this new request, which is similar, but not identical to the one previously

denied by the Board. Board members asked questions of Mr. Davidson for clarification of his position about the changes in the Code. Board members also asked questions of the City Administrator and City Attorney. Commissioner Borochoff asked the applicant's representative if he would be willing to amend the variance request to located the tank outside of the side yard setback and the response was that there was no change to the request as submitted.

The Public Hearing was closed at 7:30 pm

A-4: Consider an appeal by Teresa Anderson on behalf of Little House of Love regarding the interpretation of the City Administrator of Section 2.307(j) that would not allow additional consideration of a variance that was denied on June 24, 2014 for a 10,000 gallon underground rainwater harvesting tank to be located within the 20 foot side yard setback.

The Board members discussed the appeal and the information provided during the public hearing. Although there had been changes in the Land Development Code approved in May 2014; Board members discussed that those changes only affected very small rainwater harvesting tanks and that there were no changes made that would allow underground tanks of the size being requested to be exempt from a variance request if located in the setback.

A motion was made by Marshall McHone and seconded by Jennifer Fadal to deny the appeal. All members voted in favor of the motion except Steve Borochoff who abstained and the motion was approved on a vote of 4-0.

Because the appeal was denied, the Board did not continue with Agenda items A-5 and A-6.

A motion was made by Steve Borochoff and seconded by Jennifer Fadal to adjourn the meeting. All members voted in favor and the meeting was adjourned at 7:56 P.M.

Randy Rosengarten, Vice Chair

There is a recorded copy of this meeting.