



MINUTES OF A REGULAR MEETING OF THE
BOARD OF ADJUSTMENT
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, OCTOBER 9, 2013
7:00 P.M.

MEMBERS PRESENT

Sandy Cox, Chair
Tom Cedel
Randy Rosengarten
Richard Hayes
Steve Borochoff

STAFF PRESENT

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

A-1: Call to Order.

Sandy Cox called the meeting to order at 7:02 P.M.

A-2: Approval of minutes from the July 10, 2013 meeting.

After reviewing the minutes a motion was made by Randy Rosengarten and seconded by Tom Cedel to approve the minutes for the July 10, 2013 meeting. All voted in favor and the motion carried on a vote of 5-0.

A-3: Public Hearing on an application submitted by BarelySola, LLC for the following variances related to renovation of an existing restaurant building for multi-tenant commercial use at 4715 South Lamar (Lot 2 Meadowview at Sunset Valley):

- a. **Section 2.904 Highway Commercial District Architectural Requirements. The request is to retain the existing Flat Roof.**
- b. **Section 2.904 Highway Commercial District Rear Setback Requirements. The existing building encroaches 12 feet into the rear 30 foot setback. Seven HVAC units are located within the 30 foot rear setback. The HVAC units encroach 23 feet into the 30 foot rear setback.**
- c. **Section 2.1306(b) Construction Requirements for a minimum of 51% masonry on exterior surfaces. The current building contains 10% masonry and the request is to increase this to 28% masonry.**

The Chair declared the Public Hearing to be opened for item A-3 (a-c). A brief presentation was made by Clay Collins. The applicant has purchased the building which was originally constructed as Wolfe Nursery and then substantially remodeled in 2006 into the Cannoli Joe's restaurant. The three

variances that have been requested represent conditions with the existing building which is not in compliance with the current requirements of the Land Development Code.

Jay Columbo and C.J. MacQuarrie with Michael Hsu Architects appeared before the Board and presented drawings of the proposed redevelopment of this site into a multi-tenant building with restaurants and retail space. They provided information in support of the three requested variances and referred to the written materials that had been submitted with the request. Board members asked a number of questions about the three variances and if there were options to eliminate one or more of the variances.

Notices were sent to all property owners within 500 feet as well posting a sign on the property and posting the required notice in the newspaper. No comment cards were returned.

No one else appeared at the public hearing. The public hearing on this item was closed at 7:50 p.m.

A-4: Consideration and possible approval of an application submitted by BarelySola, LLC for the following variances related to renovation of an existing restaurant building for multi-tenant commercial use at 4715 South Lamar (Lot 2 Meadowview at Sunset Valley):

- a. Section 2.904 Highway Commercial District Architectural Requirements. The request is to retain the existing Flat Roof.**

Board members discussed options or conditions that could be a part of the approval of this variance. As an existing building, it was acknowledged that requiring replacement of the existing flat roof was not feasible. A motion was made by Randy Rosengarten to approval of a variance from Section 2.904 Highway Commercial District Architectural Requirements to retain the existing Flat Roof. The existing roof may be repaired, including replacement of the roof membrane, but replacement of the structural components of the roof would require compliance with current code at the time of replacement. The motion was seconded by Richard Hayes. All members voted in favor and the motion carried on a vote of 5-0.

- b. Section 2.904 Highway Commercial District Rear Setback Requirements. The existing building encroaches 12 feet into the rear 30 foot setback. Seven HVAC units are located within the 30 foot rear setback. The HVAC units encroach 23 feet into the 30 foot rear setback.**

Board members discussed the existing building and HVAC units that are in the setback and how to address this issue. A motion was made by Randy Rosengarten to approve a variance from Section 2.904 Highway Commercial District Rear Setback Requirements for the existing building and for the HVAC/mechanical components to encroach no further than the existing HVAC/mechanical components. There may be changes to the overall dimensions of HVAC/mechanical components; however, they may not be located closer to the property line than the existing components as shown on the drawings submitted with the request. The motion was seconded by Tom Cedel. All members voted in favor and the motion carried on a vote of 5-0.

- c. **Section 2.1306(b) Construction Requirements for a minimum of 51% masonry on exterior surfaces. The current building contains 10% masonry and the request is to increase this to 28% masonry.**

A motion was made by Tom Cedel to approve a variance from Section 2.1306(b) Construction Requirements for a minimum of 51% masonry on exterior surfaces. Total masonry (brick or stone) on exterior surfaces shall be 51%, excluding the rear façade and any windows/glass from the calculation. The motion was seconded by Randy Rosengarten. All members voted in favor and the variance was approved by a 5-0 vote.

A-5: Public Hearing on an application submitted by Dan and Sophie Gamwell for the following variances at 32 Lone Oak Trail (Lot 11 Sunset Oaks Subdivision):

- a. Section 2.506(a)(8) regarding a cumulative total of all accessory structures exceeding the allowed cumulative total of 1,500 square feet. The request is for a total of 1,792 square feet.
- b. Section 2.506(a)(9) regarding an accessory structure which exceeds the height of the principal building.
- c. Section 2.506(a)(6) regarding an accessory structure which exceeds the maximum size (for a single accessory structure) of 1,000 square feet. The request is for a two story detached garage with an office/storage area on the second floor. The total square footage of this accessory building is 1,362 square feet.

The Chair declared the Public Hearing to be opened for item A-5 (a-c). A brief presentation was made by Clay Collins. The applicant was represented by David Cancialosi. He explained that the owners wanted to add several improvements on the property and that it was not feasible to add a second story onto the house due to the foundation. This required that they consider adding other structures to accommodate their desired use of the property. Doug Goss, 30 Lone Oak Trail also appeared in support of the application. The Public Hearing was closed at 8:45 pm

A-6: Consideration and possible approval of an application submitted by Dan and Sophie Gamwell for the following variances at 32 Lone Oak Trail (Lot 11 Sunset Oaks Subdivision):

- a. Section 2.506(a)(8) regarding a cumulative total of all accessory structures exceeding the allowed cumulative total of 1,500 square feet. The request is for a total of 1,792 square feet.

A motion was made by Randy Rosengarten to approve a variance from Section 2.506(a)(8) regarding a cumulative total of all accessory structures exceeding the allowed cumulative total of 1,500 square feet, with a maximum square footage of 1,900 square feet for all accessory structures and conditioned on the drawings and representations presented to the Board and further conditioned by a restrictive covenant to

be provided by the applicant, in a form to be approved by the City Attorney, which is enforceable by the City and which prohibits the long or short-term rental of the guest house or garage structure. Tom Cedel seconded the motion. All members voted in favor and the variance was approved by a 5-0 vote.

b. Section 2.506(a)(9) regarding an accessory structure which exceeds the height of the principal building.

A motion was made by Richard Hayes to approve of a variance from Section 2.506(a) (9) regarding an accessory structure which exceeds the height of the principal building. The motion was seconded by Tom Cedel. All members voted in favor and the variance was approved by a 5-0 vote.

c. Section 2.506(a)(6) regarding an accessory structure which exceeds the maximum size (for a single accessory structure) of 1,000 square feet. The request is for a two story detached garage with an office/storage area on the second floor. The total square footage of this accessory building is 1,362 square feet.

A motion was by Tom Cedel to approve a variance from Section 2.506(a)(6) regarding an accessory structure which exceeds the maximum size (for a single accessory structure) of 1,000 square feet. The approval is for a two story detached garage with an office/storage area on the second floor. The total square footage of this accessory building is 1,458 square feet. The variance approval is conditioned based on the drawings and representations presented to the Board. The motion was seconded by Steve Borochoff. All members voted in favor and the variance was approved by a 5-0 vote.

None of these variances address any watershed variances that may be required regarding the amount of impervious cover on the lot.

There being no other business coming before the Board, a motion was made by Commissioner Rosengarten and seconded by Commissioner Cedel to adjourn and all members voted in favor and the meeting was adjourned at 9:08 P.M.

Tom Cedel, Vice Chair

There is a recorded copy of this meeting.