



MINUTES OF A REGULAR MEETING OF THE  
**BOARD OF ADJUSTMENT**  
OF THE CITY OF SUNSET VALLEY, TEXAS  
WEDNESDAY, JUNE 24, 2014  
7:00 P.M.

**MEMBERS PRESENT**

Tom Cedel, Chair  
Randy Rosengarten  
Steve Borochoff  
Marshall McHone  
Jennifer Fadal

**STAFF PRESENT**

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

**A-1: Call to Order.**

The meeting was called to order by Tom Cedel, Chair, at 7:02 P.M.

**A-2: Approval of minutes from May 14, 2014 meeting.**

There was a motion by Randy Rosengarten and seconded by Jennifer Fadal to approve the minutes for the May 14, 2014 meeting. All voted in favor except Tom Cedel, who abstained and the motion carried by a vote of 4-0.

Following this item, the Board went into Executive Session pursuant to Texas Government Code Section 551.071, for consultation with the City Attorney. The Board went into Executive Session at 7:04 P.M.

At 7:18 P.M. the Board reconvened in Regular Session.

Chairman Cedel indicated that the Public Hearing for item A-3 was previously conducted at a prior meeting; however, rather than take this item up first, item A-4 would be taken up first, since there were attendees present for the Public Hearing.

**A-4: Public Hearing on an application submitted by Teresa Anderson, on behalf of Little House of Love, for variance at 1 Pillow Road from Section 2.604 to have an accessory structure (10,000 gallon buried rainwater harvesting tank) located within the 20 foot side yard setback.**

The Public Hearing was opened by Chairman Cedel at 7:20 P.M. An overview of the variance request was presented by Clay Collins, City Administrator. As a part of compliance issues at this property, the applicant has requested approval of a variance to allow an existing unpermitted underground tank to remain in place. The tank was installed in 2002. Two other rainwater harvesting tanks were permitted in 2002, but the third tank was not. All paperwork has now been submitted for this tank to be permitted, but the location is within the side yard setback and would require a variance.

Ward Davidson gave a presentation on behalf of the applicant.

John Burgess from Dripping Springs commented in favor of the application.

Charles Goyette, 5 Pillow Road, Danny Horrigan, 3 Pillow Road, and Mitch Chazan, 2 Curley Mesquite Cove, spoke in opposition to the application.

Board members had questions for city staff, the applicant, and the City Attorney regarding the water tank, its location and use.

The Public hearing was closed at 8:25 P.M.

**A-5: Consideration and possible approval of an application submitted by Teresa Anderson, on behalf of Little House of Love, for variances at 1 Pillow Road from Section 2.604 to have an accessory structure (10,000 gallon buried rainwater harvesting tank) located within the 20 foot side yard setback.**

The Board asked questions of city staff regarding the tank that had been installed. Following a lengthy discussion, a motion was made by Marshall McHone to deny the variance request. The motion was seconded by Jennifer Fadal. The motion was approved by a vote of 3-0 with McHone, Fadal, and Cedel voting in favor of the motion and Rosengarten and Borochoff abstaining.

**A-3: Consideration and possible approval of an application submitted by Teresa Anderson on behalf of Little House of Love 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 for this request was held on March 12, 2014. The Board postponed action on this request for 60 days. This request was on the Board's agenda again on May 12, 2014 and was postponed at the request of the applicant.

The City Attorney asked the applicant questions about the use of gazebo that was the subject of this variance. Mr. Davidson responded that gazebo is used as a place of worship and that its use cannot be replaced or moved to a different location on the property. Mr. Davidson responded to a number of additional questions regarding the frequency of use of the gazebo, the statue located in the gazebo, and the number of worshipers that use the gazebo. The detailed questions and responses are contained in the audio recording of the meeting.

Following lengthy discussion among Board members, a motion was made by Jennifer Fadal to approve the variance requests by Teresa Anderson on behalf of the Little House at 1 Pillow Road for an existing gazebo in its current location to: 1) exceed the cumulative total of 1,500 square feet of accessory structures per lot allowed under Section 2.506(a)(8); and, 2) be located within the 20 foot side yard setback which is a variance from Section 2.604 with the conditions that the gazebo must be removed within 30 days at the owner's expense if any of the following conditions apply:

- 1) the religious purpose of the property no longer exists, or
- 2) the statue housed in the gazebo is removed or no longer exists, or
- 3) the gazebo is damaged beyond 50% of the value of the structure.

The motion was seconded by Steve Borochoff and approved by a vote of 4-1 with Cedel, Rosengarten, Borochoff, and Fadal voting for the motion and McHone voting against the motion. The variance was approved with the conditions as stipulated.

There being no other business coming before the Board, Chairman Cedel adjourned the meeting at 8:56 P.M.

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Randy Rosengarten, Vice Chair

There is a recorded copy of this meeting.