



MINUTES OF A REGULAR MEETING OF THE
BOARD OF ADJUSTMENTS
OF THE CITY OF SUNSET VALLEY, TEXAS
WEDNESDAY, AUGUST 10, 2016
7:00 P.M. AT CITY HALL, 3205 JONES ROAD

Members Present

Randall Rosengarten, Chair
Robert Browning
Wade Buckner, Alternate
Jennifer Fadal
Richard Hayes

Staff Present

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

1. **Call to order.** Randall Rosengarten called the meeting to order at 7:03 P.M., called the roll of members in attendance and noted a quorum of the Board was present.
2. **Swearing in of new Alternate Member John Moore.** No action taken. Clay Collins reported John Moore was not able to attend the meeting and Alternate Wade Buckner was filling in for regular member Susan Durso.
3. **Approval of minutes from the April 13, 2016 meeting.** Robert Browning motioned to approve the minutes, as presented, seconded by Richard Hayes. Randall Rosengarten, Richard Hayes and Robert Browning voted in favor of the motion. Wade Bucker and Jennifer Fadal abstained from voting. Motion passed and the minutes approved with a 3-0 vote.
4. **Staff report on follow up to items discussed at the April 13, 2016 meeting.** Clay Collins provided update from the April 13, 2016 meeting. Council sent the questions raised by the Board of Adjustment regarding the Guest House definition and related regulations to the Zoning Commission to consider amendments to the Land Development Code. At the July 27, 2016 Zoning Commission meeting, the Commission tabled the item until the next meeting. Additionally, Mr. Collins reported with regard to the conflicting statements/information provided at the April meeting as to the size of the guest house. This has been resolved with final submission by the applicant's architect, finding the structure meets the regulations. The request is withdrawn by the applicant. No further action to be taken.
5. **Public Hearing on an application submitted by Donny Hurwitz, for variances at 757 Oakdale Drive:**
 - a. From Section 2.506 (a)(7) to exceed the maximum number of accessory structures.
 - b. From Section 2.506(a)(8) to exceed the maximum cumulative area of 1,500 for all accessory structures.

- c. From Section 2.506 (a)(10) to have an accessory structure not located behind the primary structure, and,
- d. From Section 2.604 for an accessory structure located within the 50 foot front setback.

Following a review of procedural instructions to the Board, staff and audience, Randall Rosengarten opened the public hearing at 7:08 P.M.

Clay Collins presented an overview of the request and the variances involved bring the property into compliance with the existing structures. This action was triggered by the applicant's request to construct a ground solar array. In addition to the solar array, the applicant identified an additional four (4) existing, unpermitted accessory structures that they are requesting be allowed under the same variance, of which one of these structures, a horse shade, was installed within the 50 foot front yard setback.

Graeme Walker, Alba Energy, representing the applicant, gave an overview of the application, focusing on the solar installation.

Randall Rosengarten read written comments received prior to the meeting:

- Clint and Sarah Smith – 761 Oakdale supporting approval of the request
- Anne Gault - 6401 Brodie Lane opposed to approval of the request

Speaking in support of the request:

- Roger Edmonson, 744 Oakdale Drive
- Jennifer Jobst, 762 Oakdale Drive

No one came forward to speak against approval of the request.

Hearing no to calls for further testimony, Randall Rosengarten closed the public hearing at 7:26 P.M.

6. Consideration and possible approval of an application submitted by Stephen and Donny Hurwitz for variances at 757 Oakdale Drive:

- a. From Section 2.506 (a)(7) to exceed the maximum number of accessory structures.
- b. From Section 2.506(a)(8) to exceed the maximum cumulative area of 1,500 for all accessory structures.
- c. From Section 2.506 (a)(10) to have an accessory structure not located behind the primary structure, and,
- d. From Section 2.604 for an accessory structure located within the 50 foot front setback.

A motion was made by Jennifer Fadal to approve of the request with the following modifications (a-c below), having found the criteria found in Section 2.307 had been met, by the written and verbal testimony of the applicant, along with the drawings and information submitted to the

Board:

- a. Approval to exceed the maximum allowable accessory structures on the property to allow for a total number of four (4), and;
- b. Approval to exceed the maximum cumulative area allowing for only the square footage needed for the installation of the proposed solar panel structure, calculated to not to exceed 1,540 sf; and,
- c. Approval to allow the proposed solar structure, as depicted on the drawings, to be located not behind the primary structure.

The motion was seconded by Richard Hayes. All members voted in favor, and the motion passed 5-0.

The City Attorney provided advice to the Board to address the item (6d) not included the previous approval. This item is regarding the 400 sf horse shade structure located within the 50 foot front setback.

A motion was made by Richard Hayes to deny the request to allow a structure to be located in the 50 ft. front yard setback. The motion was seconded by Jennifer Fadal. All members voted and the motion passed 5-0.

With no items remaining on the agenda, Jennifer Fadal motioned to adjourn the meeting. The motion was seconded by Robert Browning. All voted and the motion passed 5-0. The meeting adjourned at 8:10 P.M.

Randall Rosengarten, Chair

There is a recorded copy of this meeting.