

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
November 1, 2010**

Members Present:

Michael Gallagher
Andrew Ozuna
Liz Victor
Edward Hardemon
Helen Dutmer
George Britton
Jesse Zuniga
Mary Rogers
Mike Villyard
Gene Camargo
Paul Klein

Staff:

Christopher Looney, Interim Asst. Director
Andrew Spurgin, AICP, Planning Manager
Rudy Niño, Senior Planner
Jacob Floyd, Planner
Paul Wendland, City Attorney

Call to Order

Pledge of Allegiance to the U.S. and Texas Flags.

Mr. Gallagher, Chairman, called the meeting to order and called roll of the applicants for each case.

CASE NO. A-11-001

Applicant – Daniel Petri
Lot 20, Block 9, NCB 10056
129 Rilla Vista
Zoned: “R-5 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting 12-foot, 6-inch variance from the 20-foot rear setback requirement of the “R-5” zoning district, in order to allow a structure 7 feet, 6 inches from the rear property line.

Jacob Floyd, Planner, presented background and staff’s recommendation of denial of the requested variance. He indicated 17 notices were mailed, one was returned in favor and none were returned in opposition and no response from the Shearer Hills-Ridgeview Neighborhood Association.

Francisco Gonzales, representative, stated the house has many architectural features that the owners want to keep their original configuration. He also stated the variance to the setback would allow for these features to remain.

The following citizens appeared to speak:

Ruby Petri, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-11-001 closed.

MOTION

A motion was made by **Mr. Klein**. Re Appeal A-11-001, this is a variance application for a **3-foot 6-inch variance to the 20-foot rear yard setback requirement in an "R-5" district**, the subject property is described as **Lot 20, Block 9, NCB 10056**, also known as **129 Rilla Vista**, the zoning is **"R-5 AHOD" Residential Single-Family Airport Hazard Overlay District**, the applicant is **Daniel Petri**. I move that the Board of Adjustment grant the applicants request regarding this case for the variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically we find that the variance is not contrary to the public interest in that **the variance is minor in nature and it is abutting a public alley which can be used in the interest of expanding the required rear yard setback beyond the owner's property line**. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the exceptional condition in this particular case is in fact governed by the alley that exists and what I would think is a special condition is the architecture of the home in that is unique in the fact it is a very good example of a 1950's ranch style architecture**. The proposed location to the rear in the non-street side of the property is the appropriate location for a new construction. The spirit of the ordinance is observed and substantial justice is done in that **this an expansion of an existing residential property which is location in "R-5" zoning district**. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the variance will not authorize the operation of a use other than those specifically authorized in the "R-5 AHOD" zoning district**. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **it will remain residential in nature and that the owner has indicated in this testimony before the board that adjoining neighbors were contacted and specifically do concur with these plans to expand to the rear of the residence**. The plight of the owner of the property for which the variance is south is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **the circumstance governing this proposed expansion do deal in my mind with the unique character of the design and style of the residence which should be maintained and the variance does cause a consequence to adjoining properties**. The motion was seconded by **Mr. Hardemon**.

AYES: Klein, Dutmer, Camargo, Victor, Villyard, Hardemon, Rogers, Britton, Zuniga, Ozuna, Gallagher

NAY: None

THE VARIANCE IS GRANTED.

Approval of the October 18, 2010 Minutes

The October 18, 2010 minutes were approved with all members voting in the affirmative.

There being no further discussion, meeting adjourned at 1:38 p.m.

APPROVED BY: Michael R. Gallagher OR _____
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: 11 - 29 - 10

ATTESTED BY: Christina DATE: 12 - 7 - 10
Executive Secretary