

CITY OF HILSHIRE VILLAGE, TEXAS

BOARD OF ADJUSTMENT

MEETING MINUTES

DECEMBER 7, 2017

1. CALL TO ORDER: Chairman Partridge called the Board of Adjustment Public Hearing and Meeting to order at 6:33 PM and called roll:

Mike Woodruff	Absent
Kathleen Cullen	Present
Wallace Partridge	Present
Tom Steffan	Present
Kathleen Stafford	Present
Ray Leiker	Present
Jared Jackson	Present

Derra Mattina, City Attorney, Russell Herron, Mayor, Robert Byrne, City Councilman, Efrain Him, P.E., City Engineer, were also present. Scott Bounds, City Attorney arrived late.

2. ACTION ITEMS:

2.1 The oath of office was administered for Kathleen Stafford to serve as Board of Adjustment Member for a term of two years.

2.2 The oath of office was administered for Jared Jackson to serve as Alternate Board of Adjustment Member for a term of two years.

2.3 Chairman Partridge explained that applicants will have an opportunity to address the Board and explain their request. Interested citizens will then be given an opportunity to speak. Copies of documents used for presentation will be submitted to the Board and become public record. The Board may or may not ask questions during the presentations. After presentations the Board will discuss the issues and vote on some type of action.

Chairman Partridge asked all intending to speak or present to stand, raise their right hand and be sworn in. The applicants and several interested citizens were sworn in.

3. 1st PUBLIC HEARING:

3.1 Hearing to consider CASE Number BOA-17-001, a request by BFI 8399, LLC to seek a variance, an interpretation or a special exception to Section, 13:02:02, buffer requirements of the Zoning Ordinance, seeking a Certificate of Occupancy without conditions for the already constructed two story commercial building located at 8399 Westview in the C-1 Commercial District.

Mayor Herron presented a timeline of events related to adoption of the current zoning ordinance and a series of images delineating the site plan of the constructed building, the existing property lines, required buffer/separation from the adjacent residential and the ten-foot-wide area at the rear of the building designated in the current zoning ordinance to be “clear and unobstructed”. Images were also presented showing a fire exit stair and air conditioning units encroaching in the required “clear and unobstructed” area.

Project developer, Keith Bilski, spoke regarding his diligence in working with the city to develop the project at 8399 Westview and that there was no intent to violate any city ordinances. Mr. Bilski presented a detailed timeline of the projects’ progress and approvals throughout the design and construction.

A representative of Wycoff, Rick Pierson, stated that he and his firm specifically followed instructions from Bureau Veritas.

4. ACTION ITEMS:

4.1 MOTION: The Board engaged in an extended discussion of responsibilities for reviewing proposed projects regarding the zoning ordinance, what special exceptions are enumerated in the Zoning Ordinance, what is the definition of “clear and unobstructed” and the need to further discuss these issues in another venue to avoid similar matters in the future. The definition of “clear and unobstructed” was questioned. The City Attorney, Mr. Bounds, offered that the Board can define what is or is not an obstruction.

Chairman Partridge asked if the Board would entertain a motion as follows:

“In this case an open staircase for secondary fire egress along with air conditioning units is determined not to be an obstruction as stated in 13:04:02 of the Hilshire village Code of Ordinances.”

Member Leiker so moved; seconded by Member Stafford.

The vote was unanimous in favor of the motion.

4.2 Chairman Partridge asked the Board to entertain a motion granting a special exception in the matter of Case No. BOA-17-001.

Member Steffen so moved; Member Leiker seconded

The Motion failed by unanimous vote.

4.3 Chairman Partridge asked the Board to entertain a motion granting a variance in the matter of Case No. BOA-17-001.

Member Steffen so moved; Member Leiker seconded

The Motion failed by unanimous vote.

Chairman Partridge called a short recess.

Chairman Partridge reconvened the 7 December 2017 Meeting of the Board of Adjustment at 9:04 PM.

5. 2nd PUBLIC HEARING:

5.1 Hearing to consider CASE Number BOA-17-002, a request by Bret and Kimberly Williams to seek a variance, or a special exception to Chapter 12, Exhibit "A" 11:01:06 maximum lot coverage regarding their property at 1201 Pine Chase in the Residential R-1 District.

Mr. Williams described the project as presented in their application and requested that the Board either approve the project as drawn or grandfather the project to the previous lot coverage requirements of sixty percent. Mr. Williams explained that their plans always included a pool but the plans submitted under the previous lot coverage requirements did not include the pool. The current lot coverage requirement of fifty-five percent is a hardship and their plans are not achievable on their lot.

Mr. Him, City Engineer explained that the proposed pool design increases the lot coverage to approximately 58.5%. Mr. Him stated that there is no significant impact if lot coverage were 60%. Mr. Him reiterated that the proposed pool was not shown on the first submittal.

Mr. Him stated that the driveway modifications mentioned in the application do not require a variance.

6. ACTION ITEMS:

6.1 MOTION: Discussion of a motion regarding a request for a variance or special exception to the lot coverage requirements for the property located at 1201 Pine Chase. Based on discussion of the Members of the available special exceptions in the Zoning Ordinance and the opinion of the City Attorney the Board does not have the authority to grant a variance or special exception. The Owner does have the option to petition the City Council to revise the lot coverage requirements of the Zoning Ordinance.

Given the discussion, Chairman Partridge offered Mr. Williams the option to withdraw his request before the vote of the Board.

Mr. Williams chose to withdraw his request for a variance or special exception.

6.2 MOTION: For approval of minutes for the Board of Adjustment Meeting of 14 November 2016:

A motion to approve the Minutes of the 14 November 2016 Board of Adjustment Meeting was made and seconded.

No revisions or corrections to the minutes were requested.

The vote was unanimous in favor of the motion.

7. ANNOUNCEMENTS

7.1 There were no announcements.

8. ADJOURNMENT

8.1 MOTION: For adjournment of the Board of Adjustment Meeting of 7 December 2017:

A motion to adjourn the 7 December 2017 Board of Adjustment Meeting was made and seconded.

The vote was unanimous in favor of the motion.

The meeting adjourned at 10:10 PM.

Wallace Partridge, Chairman
Board of Adjustment

ATTEST:

Ray Leiker, Board Member