

CITY OF OLMOS PARK
BOARD OF ADJUSTMENT
MINUTES OF SPECIAL MEETING
HELD APRIL 16, 2014

The Board of Adjustment for the City of Olmos Park, Texas held a public hearing at 4:30 p.m. on Wednesday April 16, 2014, at City Hall. Members present were Melissa Phillips, Lee Sandoloski, Richard Speica, Dorothy Jo Weiss and Jay Buzzini. Members unable to attend were Sandra Hornberger and Dr. Carl Raba. Administrative Staff present were Diane Gonzales, City Secretary, Jim Raby, Building Official. Also present were Dr. Anthony Sertich of 627 E. Olmos Drive and A.T. Brainerd of 201 E. Mandalay.

Chairman Melissa Phillips called the meeting to order at 4:35 p.m. and announced a quorum was present.

Receive and approve minutes for March 26, 2014

Richard Speica moved to approve the minutes for Board meeting March 26, 2014

Lee Sandoloski seconded the motion.

The vote in favor of the motion was unanimous by all Board members present

Dr. Anthony Sertich, 627 E Olmos Drive, AKA CB5680 LOT 9 & W 45 FT OF 8, is requesting a variance from the proposed fence to construct fencing in the front portion of this property. City code section 8-159{C} {3} {b&c}.

Jim Raby, stated he denied the permit because Dr. Sertich has constructed a fence with a portion of the fence in the front of our setback line. Our ordinance restricts fencing on the front setback line that cannot exceed 3' foot of solid construction and can't be higher than 6' foot total. All of the fencing he has constructed is all of cedar plank fencing. The front section is 12' foot high and the remaining sections are 8' foot high.

Chairman Melissa Phillips stated is all the fencing already built?

Jim Raby stated yes, the fencing has been built.

Dr. Sertich stated I have lived at this house for 20 years, I gave instructions to one person to build the fence and apparently they did not know what the rules were. Jim Raby contacted me to let me know what the ordinances were. My concern is the security which is an issue for me. 10 years ago my neighbor was pistol whipped and the perpetrator jumped over the fence into my yard. The remaining fence is about to fall down and the only thing holding it in place is the ivy. My neighbors view looks right into that area and I have seen footprints where people can peer over the fence so privacy is also a concern.

Chairman Melissa Phillips stated is your house the one that had a rock wall that was falling down originally?

Dr. Sertich stated there is a 3' foot rock wall that goes along the fence.

Jay Buzinni stated have you contracted with various builders to build fences? And you were replacing as needed?

Dr. Sertich stated yes, as the fences have fallen down I have contracted with various builders.

Chairman Melissa Phillips stated you had a non-conforming fence to begin with, it had just been maintained that is how the fence was grandfathered.

Dr. Sertich stated yes, I assume that is correct within a 20 year span. I am just trying to replace what is there and be safe and provide some privacy.

Dr. Sertich, stated I gave instructions to builder and I when I came home I noticed the fence was too high. I have since tried to contact them and they are nowhere to be found. I need your direction to see what I need to do to correct this situation.

Jay Buzinni stated what is the construction on the wall made of?

Dr. Sertich stated cedar planks which have been treated.

Jay Buzinni stated you requested the contractor to build the fence to code to begin with correct?

Dr. Sertich stated yes, and it's just a replacement fence.

Lee Sandoloski stated what is in your yard between the 12' foot high sections?

Dr. Sertich stated there is a nice sitting area with a walkway.

Richard Specia stated you are aware you could have a 3' foot solid fence with a 3' foot wrought iron fence above it? Was there a wooden fence there that you took down?

Dr. Sertich stated I am aware now of the 3' foot ordinance. The original fence was probably about a little under 8' feet. I was just trying to replace the fence.

Richard Specia stated there are two adjoining sections that go back towards your house, are those 8' foot high and are those part of the new fence that was put in?

Dr. Sertich stated no those adjoining sections are not part of the new fence. As the fence deteriorated I just had a contractor come in and replace the fence. When the front section was put in, it caught someone's eye and they sent a letter to Jim Raby who then notified me to address the issue, so again I am asking for guidance and trying to be a good neighbor.

Dr. Sertich commented I need to hire somebody to interface with Jim Raby so we can meet the criteria set forth.

Lee Sandoloski stated I think what the Dr. Sertich is asking from a practical standpoint is if we are going to deny this variance and if he wants to replace that 12' foot fence with an 8' foot fence which will require coming back for another variance I think he is seeking this Board thoughts.

Dr. Sertich stated I want to make everybody's life as easy as possible and follow the rules and maintain my fences so I can have safety and privacy.

Chairman Melissa Phillips stated if you're not allowed to put this fence up what is your hardship, security? Your hardship needs to be unique to your property.

Dr. Sertich stated security is a big part of it, also is the privacy.

Dorothy Jo Weiss stated if the foliage remained and the fencing was corrected to our standards you would still have privacy.

Lee Sandoloski stated if you had 3' foot of stone and 3' foot of iron surrounded by foliage you could accomplish both privacy and security.

Chairman Melissa Phillips stated the City of Olmos Park made the code to keep the City open especially Olmos Drive. In terms of the planting, the overgrown plants are not a hardship.

Richard Specia stated have you had any residents calling in to oppose the fence?

Diane Gonzales stated we have not heard from anybody other than Mr. Persellin.

Richard Specia stated have you had a chance to talk to your neighbors and try to work out the opposition?

Dr. Sertich stated it is news to me that somebody is opposing this. I have not talked to Mr. Persellin if he is concerned about it.

Jay Buzinni stated if we deny this variance and he has to come back to get a new request for variance then it's a new inspection.

Chairman Melissa Phillips stated if you get permits before you build then you won't have to go through this.

Lee Sandoloski moved to deny the variance on the basis that the hardship of the property does not support the request.

Dorothy Weiss seconded the motion.

The vote in favor of denying the variance request was unanimous by all Board members present.

There was no other business and the meeting adjourned at 5:08 p.m.

Melissa Phillips
Chairman

ATTEST:

Diane Gonzales
City Secretary