

CITY OF OLMOS PARK
BOARD OF ADJUSTMENT
MINUTES OF PUBLIC MEETING
HELD MAY 10, 2018

The Board of Adjustment for the City of Olmos Park, Texas held a public meeting at 4:30 p.m. on Thursday, May 10, 2018, at City Hall. Members present were Melissa Phillips, Richard Specia, Erin Harrison, Sandra Hornberger and Sarah Cochran. Administrative Staff present were Celia DeLeon, City Manager; Diane Gonzales, City Secretary; Ricardo Cavazos, Building Official and City Attorney, Richard Lindner. Also present was Wesley Shearrer and Magen Shearrer, 237 Parklane; Steve Arnold, 242 Parklane; Jamie Sullivan, 206 E. Mandalay and Heather Parkhurst, 310 Thelma.

Chairman Melissa Phillips called the meeting to order at 4:33 p.m. and announced a quorum was present.

Approve minutes of meeting held April 11, 2018.

Richard Specia moved to approve the minutes for April 11, 2018.

Sarah Cochran seconded the motion.

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

Mrs. Magen Shearrer of 237 Parklane AKA CB 5700 BLK 6 LOT 8 is requesting a variance from Chapter 40, section 40-40 *Building and Land Use Restrictions* (3) (b), section 40-189 *Buildings* and section 40-190 *Conditions of operation*. The attached garage/carport is over the side setback by approximately eight feet. By enclosing the garage/carport on a non-conforming structure, this would violate our zoning ordinances and will require a variance.

Building Official, Ricardo Cavazos stated on April 4, 2018, Mrs. Magen Shearrer applied for a building permit to enclose the carport and make it part of the main structure at 237 Park Lane. Upon examining the proposed site plan and survey the project is over the side setback by approximately 8 feet and by enclosing the carport on a non-conforming structure, this will require a variance. He stated under section 40-40 (3b) *Accessory Building* - when attached to the main structure in any manner, including by open or closed breezeway or passageway an accessory building shall be considered part of the main structure and shall be subject to the same front, side, and rear setback requirement as the main structure. *Section 40-189 Nonconforming* - building allows continued use provided no structural alterations are made. *Section 40-190 Conditions of Operation* - the right of nonconforming uses to continue shall be subject to such regulations regarding maintenance of the premises and conditions of operations as may in the judgement of the Board of Adjustment be reasonably required for the protection of adjacent property.

Mrs. Shearrer stated she and her husband purchased their house in March of 2017 and it was built in 1954. There are two existing walls part of the main structure and a roof that continues with the main house roof line and three poles that are already over the setback. The carport is about 2 ½ feet from the poles to the property line and another 16 inches from the wall to the fence. We would like to enclose and add two additional walls with the materials that match the main house of rock. There is a privacy trashcan wall that we would like to take out. The proposed addition won't include any plumbing, electrical or windows and it is not set up for occupancy. She stated their hardship is her husband is a contractor and he is always at different job sites and different places and has to store his equipment at home and they believe if it was left out it would be unsightly to the neighbors and could be stolen and impact his livelihood in addition to bringing in theft into the neighborhood. Their intent is to put all of the equipment in there and out of sight. They are encroaching on the neighbors at 223 Park Lane and the homeowners have signed a letter of non-protest and with their carport open the neighbor would have to see all of the equipment and by closing it off and clean it up it would increase his privacy.

Mrs. Shearrer stated they received letters of no objection from 9 neighbors within 200 feet, and 1 verbal approval. The utility lines will not be affected and the proposal will maintain the existing character and maintain the existing green space on the lot.

Richard Specia asked if you were able to close this in are you going to keep your same driveway?

Mrs. Shearrer stated yes she will keep the same driveway and no new concrete will be added; we would move the trashcan wall out and if we are able to enclose the carport there is a support beam that we would like to pull out and replace it with.

Sandra Hornberger asked what do you use your main garage for and do you want a storage unit on the side?

Mrs. Shearrer stated we use it for our two vehicles and to store the tools in the proposed enclosed carport.

Chair Phillips asked can you put one of the vehicles in the carport and use the garage for storage?

Mr. Shearrer stated the garage would not close up and we want to close up everything at night. All the tools are in the garage now along with a car and a Jeep.

Mrs. Shearrer stated his truck fits in the carport but not the garage so we would like to modify the garage to where it would fit in there; his truck is filled with tools and work equipment.

Chair Phillips asked can another car go under the carport and keep all the tools to the truck in the garage, you have a two car garage that closes and a part that is encroaching but still usable as a carport?

Mr. Shearrer stated it is possible but we would not want to.

Erin Harrison asked you will be removing an area that is currently hiding the trash cans, where would those be relocated?

Mrs. Shearrer stated in the enclosed garage so they would not be visible.

Sandra Hornberger stated she does not see the hardship.

Chair Phillips stated you need a hardship that is not personal in nature and something that is unique.

City Manager DeLeon stated the hardship definition is on the front of the variance application and is something beyond your control.

Chair Phillips asked have you thought about putting fencing to the front of the house?

Mr. Shearrer stated we have already and we are trying to close the carport in for visible reasons.

Chair Phillips stated the fence can be solid to the front set back of the house and you can put a gate in with a lock.

Steve Arnold stated he lives across the street from the Shearrer's and he would love it if the carport was enclosed because for 27 years that open carport has always been an anomaly and it would be more in keeping with that area and that is not a hardship it is just his opinion and he is in support of the proposed project.

Richard Specia stated in his opinion the carport is already there and the hardship is the carport is already existing and he likes the idea of the carport being setback a bit from the corner of the garage so if it was an enclosed garage you would have an offset and it would not look like three garage doors. This particular house is on the corner facing diagonally and as Mr. Arnold stated he lives across the street and is his front view and he believes it is better to have that enclosed in and it will be done with rock which will match the house.

Steve Arnold stated the neighbors seem to like the proposal.

Erin Harrison asked what structural changes are you making to the support beam in the garage?

Mr. Shearrer stated the existing garage has an 18 foot door and has a pipe in the middle of it and it broke at one point and he would like to fix that.

Sandra Hornberger asked what would happen if you ever sell the house and someone else comes in and puts on a second story?

Mr. Shearrer stated then the new homeowner would be back in front of the Board of Adjustment for a variance.

Mrs. Shearrer stated we have no intentions on selling the home in the next 20 years.

Ricardo Cavazos stated they are not making the carport for living spaces which would have to go through a different set of codes.

Chair Phillips asked are there any previous records of any variances for this property?

Ricardo Cavazos stated no there were no records as he researched that.

Chair Phillips stated we need to be consistent and we have denied request for variances in similar circumstances as our code does not provide for an aesthetic balance. Our code is very clear regarding the definition of a hardship and can't be personal in nature.

Sarah Cochran stated she does agree with Mr. Specia that the hardship is the existing carport and the issue with theft and having that exposed could bring more crime into the neighborhood.

Richard Specia moved to allow the variance at 237 Park Lane since the carport is a pre-existing structure and they are not building a wall outside of that.

Sarah Cochran seconded the motion.

Sarah Cochran	Aye
Sandra Hornberger	Nay
Erin Harrison	Aye
Melissa Phillips	Nay
Richard Specia	Aye

The motion did not pass and the variance was denied.

There was no other business and the meeting adjourned at 5:00 p.m.

Melissa Phillips
Chairman

ATTEST:

Diane Gonzales
City Secretary