

CITY OF OLMOS PARK
BOARD OF ADJUSTMENT
MINUTES OF PUBLIC HEARING
HELD NOVEMBER 12, 2014

The Board of Adjustment for the City of Olmos Park, Texas held a meeting at 4:30 p.m. on Wednesday November 12, 2014, at City Hall. Members present were Melissa Phillips, Richard Speica, Dorothy Jo Weiss, Lee Sandoloski, Sandra Hornberger and Jay Buzzini. Administrative Staff present were Celia DeLeon, City Manager, Diane Gonzales, City Secretary and Jim Raby, Building Official. Also present were Paul Mills, 426 Thelma Drive and Ms. Lucia Mills, 426 Thelma Drive.

Chairman Melissa Phillips called the meeting to order at 4:30 p.m. and announced a quorum was present.

Receive and approve minutes for May 14, 2014

Richard Speica moved to approve the minutes as submitted.

Dorothy Jo Weiss seconded the motion.

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

Mr. Paul Mills and Ms. Natalie Loomis of 426 Thelma Drive, AKA CB 5717 BLK 2 Lot 7 is requesting a variance from City Code section 40-40 {3}a Accessory building.

Mr. Raby stated Mr. Mills submitted documents to rebuild an accessory building in the back of his property, the contractor came in to pull the permit to demolish the building and at some point the contractor asked me about grandfathering. I told him, if you go to a 50% level of tearing down the value of the building then you would have to build back to meet the new ordinances. I did a sight inspection on the property, and in my opinion what was left standing was not 50% of what the original structure was so I determined that we could not grandfather the old structure because of the condition the demolition was in. The structure that was there before was all the way to the rear property line and the proposed structure that Mr. Mills has drawings on the new structure and to retain that rear property line and keep a 2 foot distance of the property line. Where if an accessory structure is involved the requirement is 3 foot from the side and rear property line so I did not feel like the grandfathering held, therefore the new structure had to meet the new requirements for the setbacks.

Lee Sandoloski stated is this alley City property?

Jim Raby stated it is City property.

Jay Buzzini stated what provision of the code ordinances describes the 50% rule?

Jim Raby stated it is in a clause called Non-Pre-Existing, Non-Conforming Use which states if a structure gets destroyed or demolished to a point that exceeds 50% of its value or the resurrection of that structure meets the current code. Mr. Raby cited from Section 40-191 *Partial Destruction Building – nothing in this article shall be taken to prevent the restoration of the building destroyed to the extent of not more than 50% of its reasonable value, by fire, explosion or other casualty, or other act of God or a public enemy, nor the continued occupancy or use building or part thereof which existed at the time such partial destruction.*

Mr. Mills stated he purchased his home in 2008 knowing that it would require years of hard work and over time saved and invested in repairs. Mr. Mills gave presentation on how he would like

to reconstruct his accessory building. I did not demolish the entire structure with intent of grandfathering and did make a good faith effort at what we understood was the 50% rule.

Chairman Phillips cited on provision 31.303 The Use of Land - *these regulations are intended to prevent the use of land which would place upon the land a greater burden, density, or more intense use than that permitted in the district in which the land is situated. Whenever a proposed use of land would create a lesser burden, density, or less intense use than that permitted for the district in which such land is situated, but such use might otherwise be prohibited by a strict application of these regulations, the owners of such land may obtain necessary variances to these regulations to permit such use, provided such use otherwise conforms to the general plan of development within the city.* This is a perfect example of where you are lessening the density, improving the look and improving the run off.

Lee Sandoloski stated in section 40-191 where it pertains to destruction by fire, explosion, or other casualty, or other act of God or public enemy, I personally don't believe that it covers willful demolition. I would be strongly in favor of granting a variance but don't want to overrule Mr. Raby on his interruption of the grandfathering.

Jay Buzzini moved to grant the (two) variance requests based on section 31.303 – Use of Land and the fact that this construction project is actually benefiting.

Richard Specia seconded the motion to grant the variance request.

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

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

Melissa Phillips
Chairman

ATTEST:

Diane Gonzales
City Secretary