

CITY OF CASTLE HILLS  
BOARD OF ADJUSTMENT HEARING  
MINUTES OF MARCH 18, 2009

The Board of Adjustment of the City of Castle Hills held a public hearing on the 18<sup>th</sup> day of March, 2009, at 7:00 P.M. at the City of Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Linda Johns, James Poage, Laverne Japhet, Vera Howard, Amanda Mills, Jeanne O’Sullivan, Douglas Gregory, Baylor Eidelbach, Martha and Sichan Siv, and Ron Jay.

I. OPENING - QUORUM

Present and composing a quorum of the Board of Adjustment was Chairman Bill Schluter, Bob Jones, Pamala Farris, Brother William Dooling, and Kathryn Safford.

Staff members present were City Manager Mike Rietz, Assistant City Manager Rita Hoyl, and City Secretary Linda Gill.

II. OLD BUSINESS – None

III. NEW BUSINESS

A. CONSIDER AND ACT UPON APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 18, 2009.

**Motion:** Mr. Jones moved to approve the minutes of the February 18, 2009, meeting. Brother Dooling seconded the motion. The motion passed with a unanimous vote.

B. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM JERJIS & SHATHA DENNO, OWNERS OF 115 FOX HALL LANE, CB5778, BLOCK 7, LOTS 12 & 13. THE APPLICANTS ARE SEEKING A VARIANCE TO THE 3’ HEIGHT REQUIREMENT FOR A FRONT YARD FENCE.

Chairman Schluter read the agenda item and Section 31.405 of the zoning code, paragraph 2. He said the height of the fence that the applicant wants to construct is at issue. He read a letter from the adjoining property owners at 117 Fox Hall Lane that stated they were in favor of the variance request. He then invited the applicants to come forward and present their case.

Jerjis Denno introduced himself and his wife Shatha and said that they have been Castle Hills residents for 21 years. He said that they had lived on Cobblestone for 10 of those years and moved to Fox Hall Lane in 1997. He

said that they built the current residence on Fox Hall. He described the current fencing on the property. He said there is a 6' wrought iron fence that runs all the way across the front about 20' from the street. He indicated that the front fence on the right side of the property is wrought iron, 6' high, and goes back 60', then is made of cedar all the way back to the property line. He said that the front fence on the left side of the property is an old ranch type with barbed wire and has been patched over the years to keep the deer out. He explained that he would like to construct a fence that is conforming or identical to the rest of the fencing on the property.

Brother Dooling pointed out that the fence on the right side of the property is illegal. Dr. Denno indicated that he was advised, when he applied for the current variance, that the variance requested by the builder in 1997 only applied to the fencing and gate across the front of the property. The builder was responsible for the current fencing. He said his plans are to construct a 6' cedar fence along the left side of the property, from the property line, that will end with a wrought iron fence that extends beyond the front of the house and lines up with the wrought iron fence on the property at 119 Fox Hall.

Mr. Jones remarked that the board was there to approve a 3' variance for a front yard fence. Brother Dooling commented that the agenda item had to be taken into consideration with the existing fence.

Chairman Schluter went through the seven questions answered on the application. He then opened the meeting for public comments.

Martha Siv of 119 Fox Hall Lane said the existing fence is completely open, and she would like to see where the wrought iron would go.

Vera Howard of 14 West Oaks Court pointed out that all properties on Fox Hall have uneven house setbacks. She questioned whether two permits would be needed if the neighbors share the cost of the fence that would be even with 119 Fox Hall Lane.

Brother Dooling said the issue is voting on the request that has been made. He said the concern is the same as allowing a 6' stucco fence all the way down the property line at 117 Fox Hall. He noted that it was not approved.

***Motion:***

Discussion ended with a motion from Mr. Jones to approve the application from Jerjis and Shatha Denno to construct a 6' fence in the front yard because of the approval of the adjoining property owners. Ms. Safford seconded the motion. The motion failed 3 to 2, with Chairman Schluter, Mr. Jones, and Ms. Safford voting in favor of the motion and Ms. Farris and Brother Dooling voting against the motion.

IV. ADJOURNMENT

Chairman Schluter adjourned the meeting at 8:09 p.m.

These minutes were approved on the 15<sup>th</sup> day of July, 2009.

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William Schluter, Chairman

ATTEST: \_\_\_\_\_  
Linda Gill, City Secretary