

CITY OF CASTLE HILLS
BOARD OF ADJUSTMENT HEARING
MINUTES OF AUGUST 19, 2009

The Board of Adjustment of the City of Castle Hills held a public hearing on the 19th day of August, 2009, at 7:00 P.M. at the City of Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Evangeline O'Sullivan, Bill and Barbara Candler, Ronnie Pena, Melissa McGuire, LaVerne Japhet, Mike Bland, Pamela and Alex Burgos, Linda Ruiz Escobedo, and R. E. Szecsy.

I. OPENING - QUORUM

Present and composing a quorum of the Board of Adjustment was Chairman Bill Schluter, Frank Paul, Pamala Farris, Terry Warth, and Kathryn Safford.

Staff members present were Interim 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 JULY 15, 2009.

Motion: Mr. Paul moved to approve the minutes of the July 15, 2009, meeting; and Dr. Safford seconded the motion. The motion passed with a vote of 4 to 1. Mr. Warth abstained from voting.

B. DISCUSSION AND CONSIDERATION OF SECTION 31.1800 BOARD OF ADJUSTMENT OF THE CASTLE HILLS ZONING.

Chairman Schluter moved Item B to last place on the agenda.

C. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM NANCY R. CARDENAS OF 108 SOUTH GARDENVIEW REQUESTING A VARIANCE TO THE CITY OF CASTLE HILLS CODE, CHAPTER 31.204, (d) (7), TO ERECT A CARPORT THAT ADJOINS TO THE REAR OF THE MAIN HOUSE AND THE FRONT OF THE GUEST HOUSE TO PROVIDE SAFE ACCESS TO THE REAR ENTRANCE OF THE HOME IN INCLEMENT WEATHER.

Chairman Schluter read a letter from Nancy Cardenas of 108 Gardenview requesting that the hearing regarding her application be postponed a second time, until the November 18th meeting. No action was taken.

D. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM ALEJANDRO AND PAMELA BURGOS, OWNERS OF 202 E. CASTLE LANE, REQUESTING A VARIANCE TO CASTLE HILLS CODE, CHAPTER 31.405.2 FENCES, THAT LIMITS FENCE HEIGHT TO 3' IN THE REQUIRED FRONT YARD.

Mr. and Mrs. Burgos came forward to address the board at Chairman Schluter's invitation. Mr. Burgos explained that they want to construct a 2' rock fence with 2'6" high wrought iron above, not to exceed 5' across the front property line, and extending 94' along the left side of the property and 86' on the right side of the property. After Chairman Schluter read through the seven reasons for needing a variance given by the applicant on the application, Mr. Burgos answered questions from board members. He indicated that the 5' height was dictated by the gate, and that the actual fence would be 4'6". He said that the existing low wall in the front yard would be removed. Mr. Warth suggested that a horizontal bar be placed across the top of the fence to prevent injury of roaming animals.

In response to a question from Ms. Farris, Mr. Burgos said that his house is all masonry, both stucco and rock.

Board members discussed the design and height of the proposed fence. Chairman Schluter confirmed with the city secretary that 47 residences had been mailed notices, and notice of the public hearing had been published in the newspaper.

Evangeline O'Sullivan of 115 E. Castle Lane spoke in favor of the variance, agreeing that the property needed protection from traffic and added that the size of the fence went with the size of the house.

Robbie Casey of 144 Cas Hills Drive confirmed the fence height and said she approved of the variance.

Melissa McGuire of 103 Zornia asked if the immediate neighbors, in particular Kay Allen, had agreed to have their fences replaced. Mr. Burgos said that he didn't want to be presumptuous that the variance would be approved, so he had not yet talked to the neighbors. The city secretary said no responses had been received from the 47 notices.

Michael Bland of 201 Zornia said that he is not a fence person; however, he realizes that the community is evolving. He expressed hope that the fence would be done in good taste and be as minimal an obstruction as possible.

Motion:

Board member Paul remarked that he thought the fence was conducive to the area and made a motion to grant the variance with the modification that

it is constructed of rock 2' high and wrought iron on top, not to exceed 2'6" high, with 5' posts for the gate. Dr. Safford seconded the motion. The motion passed unanimously.

B. DISCUSSION AND CONSIDERATION OF SECTION 31.1800 BOARD OF ADJUSTMENT OF THE CASTLE HILLS ZONING.

Chairman Schluter asked alternate board members in attendance to join board members in discussion of Chapter 31.1800. He explained that the purpose of the discussion was to come up with recommendations to the Zoning Commission regarding certain Board of Adjustment issues that need clarification or review.

He then recognized Ms. Farris, who opened discussion concerning an e-mail that she had sent to the members and alternate members of the board, pointing out several issues that had been identified. Some issues discussed were setting a reasonable time line for board members to receive applications after they are submitted, specifying when the city manager will file the board's action and notify the homeowner of any consequences, and devising a procedure for enforcement of the board's decision.

Chairman Schluter proposed that notification to residents within 500' of a property should be changed back to 200' because the Board of Adjustment deals with individual properties, unlike zoning, which affects larger areas. Charging a renewal fee for continuance or postponement of an appeal was suggested.

Ms. Farris questioned what additional structures, other than those currently defined as an ABSU in the city's Zoning Code, should be added to the Zoning Code. She remarked that some cities define an in-ground swimming pool as an ABSU, as well as other structures such as a gazebo, a dog kennel, a children's playhouse and play equipment, a ball court and an in-ground antenna. Ms. Hoyle said that the Castle Hills code says an ABSU has to be 1' above grade; and she would not consider an in-ground swimming pool as an ABSU, nor count it as lot coverage. She indicated that any recommendations would have to go to the Zoning Commission for action. When Chairman Schluter polled board members and alternate members, 4-3 were in favor of recommending to the Zoning Commission that an in-ground swimming pool be defined as an ABSU.

Discussion ended with general agreement among board members to resume discussion of Section 31.1800 when they have a meeting for another case.

IV. ADJOURNMENT

Chairman Schluter adjourned the meeting at 9:10 p.m.

These minutes were approved on the 18th day of November, 2009.

William Schluter, Chairman

ATTEST: _____
Linda Gill, City Secretary