

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

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

The attendance roster included Christine and Greg Prescott and Stephen Yang.

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.

Chairman Schluter announced that the variance request by Nancy Cardenas of 108 South Gardenview, as shown in Item A of Old Business, has been withdrawn.

II. NEW BUSINESS

A. CONSIDER AND ACT UPON APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 19, 2009.

Motion: Upon clarification of changes requested by Ms. Farris, Dr. Safford moved to approve the minutes of the August 19, 2009 meeting. Seconded by Ms. Farris, the motion passed unanimously.

B. HOLD A PUBLIC HEARING AND ACT ON AN APPLICATION FROM SPENCER ENTERPRISES, 1919 N.W. LOOP 410, REQUESTING A VARIANCE TO SECTION 31.1006, (10) AND (11), MINIMUM OFF-STREET PARKING REQUIREMENTS OF THE CASTLE HILLS CODE OF ORDINANCES.

Christine Prescott, one of the owners of the building at 1919 N.W. Loop 410, approached the board and offered to answer any questions concerning the application. Chairman Schluter read through the questions on the application and confirmed that Ms. Prescott was asking for a variance based on the hours of operation of the two tenants in the building.

Ms. Prescott explained that she had been leasing 62 parking spots to comply with city code; but in June of 2010, that will not be an option because the owner of the parking lot wants to sell the property. The real estate agent said it would take a minimum of \$600,000.00 to buy the parking spots. Ms. Prescott said that, per city code, DeVry needs 120 parking spaces; and

Corporate Travel Planners, Inc. needs 81 spaces. She said that DeVry holds all its classes in the evening when the rest of the office space is closed. During the daytime, DeVry's spaces are used for office staff of 10 people.

Ms. Farris commented that it does not make sense to spend \$600,000.00 for parking spaces in today's economy. Discussion among board members led to Chairman Schluter suggesting a variance with conditions that will negate the variance if there are any changes, such as a change in tenants. Mr. Paul indicated that he thinks they have more than enough parking and hates to put restrictions on it. Dr. Safford said there are no residences that will be impacted and cars cannot park on the access road. Mr. Warth added that he did not want to put restrictions on a business that may need to add a component or expand.

Chairman Schluter asked if there were citizens present who wished to speak. No one responded and discussion ended.

Motion: Mr. Paul moved to approve the parking variance requested by Spencer Enterprises at 1919 N.W. Loop 410 to take effect June 1, 2010. Dr. Safford seconded the motion. The motion passed unanimously.

C. DISCUSSION AND POSSIBLE RECOMMENDATION TO THE ZONING COMMISSION FOR REVISIONS TO SECTION 31.101 ACCESSORY BUILDING OR USE AND SECTION 31.204(D) ACCESSORY BUILDINGS, STRUCTURES, AND USES (ABSU).

Chairman Schluter asked Ms. Farris to speak regarding the information she sent out to everyone concerning what constitutes an ABSU. Ms. Farris said that she had sent out PDF documents from other cities similar to Castle Hills, Alamo Heights included, that indicate how they define an ABSU. She said that there are some things that they do not want in the front yard, such as a playground or a swimming pool. She suggested that the city code needs to identify those things as other cities have done.

Responding to questions from the board members, Ms. Hoyle explained that the city code says anything over 1' above normal grade is considered an ABSU. An in-ground swimming pool is not considered an ABSU. Ms. Farris said that there are many other things that could be considered an ABSU.

Further discussion led to a consensus among board members and the interim-city manager to schedule a workshop one evening to study what other cities are doing and whether to pursue revising the city's definition of an ABSU. Ms. Hoyle said that a notice of the workshop would need to be posted 72 hours in advance to comply with the Open Meetings Act.

Chairman Schluter said that he would figure out some dates to hold the workshop and let everyone know.

III. OLD BUSINESS

- A. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM NANCY R. CARDENAS OF 108 SOUTH GARDENVIEW (CB5007B BLK 2, LOT 6) 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.

This item was withdrawn by applicant.

IV. ADJOURNMENT

Chairman Schluter adjourned the meeting at 8:05 p.m.

These minutes were approved on the 19th day of May, 2010.

William Schluter, Chairman

ATTEST:

Linda Gill, City Secretary