

MINUTES
CITY OF LIVE OAK
BOARD OF ADJUSTMENT
8001 SHIN OAK DRIVE, LIVE OAK, TEXAS
THURSDAY, FEBRUARY 18, 2016

1. CALL TO ORDER

Chairman Talbot called the meeting to order on February 18, 2016 at 6:17 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

A moment of silence was observed and the Pledge was recited.

1. ROLL CALL

PRESENT

Chairman John Talbot
Member Margaret Zucco
Member Janeth D. Sanchez
Alt. Member Terence Jenkins

ABSENT

Vice Chairman Phillip Tsai (Excused)
Alt. Member Italli Liberatore (Excused)

Chairman Talbot asked Alt. Member Jenkins to vote during the public hearing in the absence of Vice Chairman Tsai.

2. CITIZENS TO BE HEARD

No Citizens to be heard for the regular meeting portion. The "Citizens to Be Heard" in opposition or in favor was read under Public Hearing item: **V-16-001**.

5. CONSENT AGENDA

A. Approval of Minutes – October 22, 2015 – Public Hearing

Member Zucco made the motion to approve the consent agenda as submitted; seconded by Member Sanchez.

Vote FOR: Zucco, Sanchez; Alt. Members Jenkins and Chairman Talbot - **PASSED 4-0**

6. PUBLIC HEARING ITEM

- A. V-16-001:** The property owner has submitted a variance request for approval to erect a 6 Ft. wooden privacy fence within a Reverse Frontage in an R-1 District (Single Family Residential) on County Block 5049C, Lot 9, Block 103 as recorded in the Bexar County Property Records. The property is otherwise known as 7501 Forest Echo, Live Oak, Texas 78233. The said property is situated along the east side of Forest Shower and Forest Echo at the corner.

Member Talbot read the legal description for Variance request, V-16-001 and asked for staff presentation.

- a. **Applicant Presentation (20 minutes)**
- b. **Questions and Comments by Board Members**

Ms. Matney introduced the applicant for V-16-001 and asked the representative to approach the podium.

Mr. Doug Harrison, property owner at 7501 Forest Echo, Live Oak, Texas 78233 addressed the Board and made the following key points:

- Sited Sec. 3.2 Reverse Frontage to the Board
- As property owners for 16 years they would like to take advantage of the extra footage by encroaching into the reverse frontage of the property so that they may accomplish the following:
 - a. Park a utility trailer and canoe trailer in the location
 - b. Possibly add a swimming pool in the future
 - c. Allow more room for their two dogs
 - d. The adjacent property owners, Jimmy & Louise Bednorz at 11404 Forest Shower have no objection to the variance request
- Application made the request to relocate the 6ft wooden privacy fence to abut the city sidewalk.
- Provided a picture of a home located at 11707 Forest Hollow as an example of a similar reverse frontage.

b. Staff Presentation

Ms. Matney made a brief summary of the request made by Mr. & Mrs. Harrison. She also provided an explanation of how a reverse frontage is created in a neighborhood. She explained a reverse frontage is created when one home's side yard is adjacent to a rear home's front yard. She reiterated the property is located in an R-1 Single Family Residential district and does not allow for a fence or building to be erected in the side yard. She advised that the example picture provided by the applicant of the property located at 11707 Forest Hollow had no variance in place and was the last street of a subdivision built in 1985 and 7634 Avery is the first street of a subdivision built in 2002.

Ms. Matney closed by stating that staff does not support approving the variance request due to the lack of hardship and requirements set forth in the R-1 Zoning.

c. Proponents and Opponents (5 minutes each)

PUBLIC NOTICE RECIPIENTS RETURNED VIA US POSTAL SERVICE:

Donna Lowder – read the public notices received by staff via US postal service for the following in opposition/favor for the record:

Clarence Roussett – 11406 Forest Shower, Live Oak, Texas 78233 – Representing Lot 2, Block 103. Neutral as a property owner; no other comments added.

Jeannine L. Grove – 11401 Forest Shower, Live Oak, Texas 78233 – Representing Lot 17, Block 100. In Favor as a property owner; no other comments added.

Board Member Q&A

Member Zucco – Concerned with the line of sight issue turning from Forest Echo onto Forest Shower; Ms. Matney interjected it does create a line of sight issue.

Mr. Harrison stated the line of sight from the corner is over 75ft.

Member Sanchez – None

Alt. Member Jenkins – Addressed Mr. Harrison and asked why after living at the property for 16 years were they interested in utilizing the reverse property; Mr. Harrison stated after building the shed two years prior, the city inspector advised him that he may be able to obtain a variance should he wish to pursue the issue. Mr. Jenkins closed by stating his decision would be based upon whether the obstruction of sight would cause harm to the neighbors or the neighbor's property.

Hearing no further testimony on the public hearing item, Member Talbot called for a motion. Alt. Member Jenkins made a motion to approve request #V-16-001, Reverse Frontage Variance request to erect a 6ft privacy fence within the reverse frontage and shall not be erected no closer than one (1) foot clearance from the city sidewalk; no second.

MOTION FAILED

Chairman Talbot – agreed with staff on the line of sight issue and felt the applicant did not prove a hardship during the presentation. Discussion continued reference tabling the item until the March meeting or making a motion with stipulations the Board could agree upon.

Hearing no further testimony on the public hearing item, Member Talbot called for a motion.

Alt. Member Jenkins made a motion to approve request #V-16-001, Reverse Frontage Variance request to erect a 6ft privacy fence within the reverse frontage and shall not be erected no closer than one (1) foot clearance from the city sidewalk; and whereas the six (6) foot fence shall be no closer than fifteen (15) feet back from the front corner of the garage side of the residence on the Forest Echo side of the property; seconded by Member Sanchez.

Vote FOR: Members Zucco, Sanchez; Alt. Members Jenkins and Chairman Talbot - **PASSED 4-0**

Having no further business, Member Talbot called for a motion to adjourn.

Member Zucco made a motion to adjourn; seconded by Alt. Member Jenkins; adjourned the meeting at 7:05 p.m.

APPROVED: 5/25/17

JOHN TALBOT, PRESIDENT

ATTEST:



DONNA LOWDER, EXECUTIVE ASST.