

MINUTES
CITY OF LIVE OAK
BOARD OF ADJUSTMENT
8001 SHIN OAK DRIVE, LIVE OAK, TEXAS
HELD ON THURSDAY, JULY 26, 2007

1. CALL TO ORDER

Chairman Keith Hardwick called the Board of Adjustment meeting to order on July 26, 2007 at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Present:

Chairman Keith Hardwick
Secretary Al Hernandez
Member John Talbot
Alternate Member Sonny-Peter Merrell
Alternate Member Brenda Jackson (substituted for Mr. Perry)

Absent:

Vice Chairman Robert Perry
Member Truman Kimmey

4. CITIZENS TO BE HEARD

None

5. CONSENT AGENDA

A. Approval of Minutes

1. November 6, 2006 - Regular

Motion made by Member John Talbot to approve the minutes; seconded by Secretary Al Hernandez.

Vote For: Members Merrell, Talbot, Jackson; Secretary Hernandez and Chairman Hardwick.

Passes: 5-0

Chairman Hardwick introduced and welcomed newly appointed Alternate Member Brenda Jackson to the Board. He asked Member Jackson to substitute for Vice Chairman Perry due to his absence.

6. NEW BUSINESS

- A. V-07-04** – Variance request made by the property owner for approval of an existing wooden deck and to construct a wooden arbor into the required rear and side yard set-back. Located in an R-1 (Single Family Residential District) on CB 5042A, Block 3, Lot 5, of the Bridlewood Park Subdivision Unit 1, otherwise known as 13714 Laramie Hill, Live Oak, Texas, approximately 420 ft. east of Biltmore Lakes on the south side of Laramie Hill.

Chairman Hardwick read the legal description and asked the applicant to approach the podium.

Lori Bailey – 13714 Laramie Hill, Live Oak, Texas – Ms. Bailey stated she moved into her new residence in December, 2005. Shortly after, she received orders from the U.S. Army to deploy to Iraq. Ms. Bailey explained she had less than 30 days to prepare her home for her 11 months departure. In preparations, she laid sod on 2/3 of the backyard and had a wooden deck constructed over the remaining 1/3 due to a severe slope on that portion of the property to preserve the soil and add value to the home. The contractor hired for the project never informed her of the required permits, rear or side set-back rules. Ms. Bailey explained upon her return to the U.S., she decided to complete the project by erecting an arbor over a corner of the new deck. The new contractor for the arbor project made her aware of the required permits and rules of the set-backs. Ms. Bailey stated she contacted the City and learned she would have to request a variance for the entire project. Ms. Bailey explained her home was one of the many homes in the Bridlewood Subdivision with structure problems. She returned from Iraq to find she had cracks in the sheetrock and her foundation a sunk 5.5 inches in the rear causing rain water to pool at the front doorway. She stated currently her foundation is being lifted and drainage problems on the property are being addressed. Ms. Bailey commented that she loves living in Live Oak and she is cooperating fully with Ryland Homes to have her home restored. She asked the Board to respectfully grant the variance to avoid any further devastation to her current situation.

Scott Wayman explained he met with Ms. Bailey about her situation approximately three months prior to this meeting. He gave a brief description of the three types of setbacks described in the ordinance which pertained to the variance request. Mr. Wayman stated he visited the property to inspect the actual construction of the wooden deck and learned it covered only a 1/3 of the yard and was nicely constructed. He asked the Board members to pull the copies of photos from their packets so that he could demonstrate the actual size of the deck. Mr. Wayman mentioned Member Merrell also had an opportunity to visit Ms. Bailey's property to view the deck and the actual size. Ms. Bailey had incorporated deck lighting in each step of the deck, pier and beam was the construction method and river rock

was placed under the deck to prevent weed growth. He mentioned in the back corner of the deck where the proposed arbor is to be built is approximately 4-ft tall. The arbor would make this corner of the deck significantly safer. Mr. Wayman stated staff had no objections to the variance request.

Member Hernandez asked Ms. Bailey if water, gas or any other type of utilities were located in the backyard of her property. Ms. Bailey and Mr. Wayman concurred that no utility lines were located in the back of the property. Mr. Wayman reminded the Board that the utility companies reserve the right to remove any structure located in the easement without replacing or restoring the structure.

Chairman Hardwick asked Mr. Wayman if the back fence was built on a type of wall called a "Windsor wall" construction and additionally, what would prevent Ms. Bailey from extending the height of her privacy fence. Mr. Wayman advised she would have to request a variance for any additional height to a residential fence. Chairman Hardwick asked Staff to identify whether the height of the fence would be measured from the ground level or the topography of the land. Mr. Wayman stated he would report back to the board with his findings. Chairman Hardwick added he felt there would be additional request similar to this one being made in the future from the Bridlewood Subdivision residents. Chairman Hardwick asked for any further questions.

Member Hernandez clarified that the request before the Board was to leave the deck as it is currently and permission to build an arbor. Ms. Bailey responded with "Yes sir". Member Hernandez asked if the arbor would be built on top of the deck. Ms. Bailey stated the arbor would be positioned on a portion of both the upper and the lower deck. Member Hernandez asked how much lower the level would be in comparison to the upper level. Ms. Bailey stated it would be approximately 2-ft lower than the upper level. Member Hernandez asked if the arbor would extend past the height of the fence. Ms. Bailey explained the arbor would accommodate a person of 6.5 feet tall and would be a safety factor for anyone standing in that particular area of the deck due to the fact the fence would be approximately 4-ft tall from the deck level. Member Hernandez stated his concern was for Ms. Bailey's neighbors and what they would be able to view from their residence. Ms. Bailey assured Mr. Hernandez the only neighbor that would be affected has given her full support in the project and has no objections.

Chairman Hardwick asked staff if any opposition letters were received reference this project from the surrounding neighbors. Ms. Lowder confirmed there were no letters received in opposition. Ms. Bailey stated she had eight residents within the 200 feet requirement for which information was provided during the application process.

Member Hernandez asked if the arbor would be positioned in the corner of the wooden deck. Ms. Bailey explained the apex would be located in the corner and extend out from that point covering the lower portion of the deck. Member Hernandez asked if the Fire Department would be able to access the back area of her yard. Ms. Bailey explained the Fire Department would have complete access to her back yard, but there was nothing else

behind her for the Department to access. There is a 30-ft drop behind her property with no homes on the property.

Member Merrell commented he had visited Ms. Bailey's residence and viewed the deck. He stated he was very surprised to learn of the 30-ft drop that occurs from her fence line in the rear. He commented the deck looks larger in the pictures provided in the board packets than actuality. Member Merrell verified the deck was only covering 1/3 of the back yard. He stated the deck was built "solid and nicely done".

Member Talbot verified there were no proponents or opponents. Staff stated there were no proponents or opponents. Chairman Hardwick commented there were also no "citizens to be heard" on this issue.

Chairman Hardwick asked the Board for any further questions or comments.

Member Talbot made a motion to approve the request for the deck to remain and a permit granted for the construction of the arbor; seconded by Member Hernandez.

Vote For: Members Talbot, Jackson, Merrell; Secretary Hernandez and Chairman Hardwick

Chairman Hardwick asked Ms. Bailey which branch of the military she belonged to. Ms. Bailey answered she was a 23 year veteran in the U.S. Army Reserves. Chairman Hardwick asked Ms. Bailey for her rank. Ms. Bailey stated she is currently a First Lieutenant and was an E7 before receiving her commission. Chairman Hardwick extended his congratulations and welcomed Ms. Bailey to Live Oak.

7. CITIZENS TO BE HEARD

None

8. GENERAL DISCUSSION & ANNOUNCEMENTS

Chairman Hardwick announced he had received a "Recognition" plaque from the 2007 Memorial Day Parade that he would like to have displayed at City Hall. Chairman Hardwick stated many people have no knowledge of the duties a Board of Adjustment Member performs for the city. He commented that he previously asked Mr. Wayman to identify the different Boards and Commissions and their duties in the quarterly newsletter. Chairman Hardwick stated this task was accomplished by staff and challenged the other members present to reach out to the community to educate them on the different types of Boards and its duties.

Mr. Wayman interjected that over the next few months; a Board or a Commission will be featured and will highlight its function in the newsletter. It will also list the vacancies on each of the boards for anyone interested in volunteering.

Chairman Hardwick commented that Mr. Wayman would be speaking with Matt Smith, City Manager in reference to scheduling Board members for educational seminars. He stated this would be a great opportunity to receive updates on procedures or laws for each of the Boards and Commissions.

9. **ADJOURNMENT**

Motion was made by Member Talbot; seconded by Secretary Hernandez. The meeting was adjourned at 7:35 p.m.

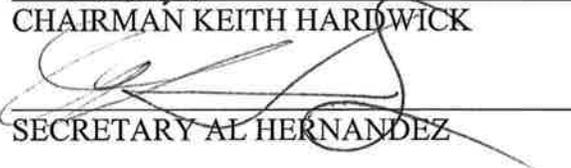
ALL FOR

APPROVED:

2/21/08



CHAIRMAN KEITH HARDWICK



SECRETARY AL HERNANDEZ

ATTEST: *2/21/08*



DONNA LOWDER, EXECUTIVE SECRETARY