

**MINUTES**  
*CITY OF LIVE OAK*  
*BOARD OF ADJUSTMENT*  
*8001 SHIN OAK DRIVE, LIVE OAK, TEXAS*  
*THURSDAY, MARCH 22, 2012*

**1. CALL TO ORDER**

Chairman Keith Hardwick called the meeting to order on March 22, 2012 at 6:00 p.m.

**2. INVOCATION/PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

Chairman Keith Hardwick  
Vice Chairman Al Hernandez  
Member John Talbot  
Member Margaret Zucco  
Alternate David Elmer

**ABSENT**

Alternate Member James Jackson - Unexcused  
Member Brenda Jackson – Excused

Chairman appointed Alternate Member David Elmer to substitute in the absence of Member Brenda Jackson.

**4. CITIZENS TO BE HEARD**

None

**5. CONSENT AGENDA**

- A. Approval of Minutes** – September 22, 2011 – Regular
- B. Approval of Minutes** – September 22, 2011 - Workshop

Member Talbot made the motion to accept the consent agenda; Member Hernandez seconded the motion.

**Vote FOR:** Members Talbot and Zucco; Alternate Emler; Vice Chairman Hernandez; and Chairman Hardwick - **PASSED 5-0**

**6. NEW BUSINESS**

- A. V-120001- V-12-0001**-The Park at Forest Breeze- Variance Request-Being 0.609 Acre Tract of Land out of Bexar County Block 5937, Lots 4&5, Block 114. The property is situated along the northeast side of Forest Breeze, approximately 100 feet northwest of

the intersection of Forest Breeze with Bypass Canyon. The owner has requested the variance so that the property can be platted as four (4) single family residential lots, Zoned R-2A, with one lot being only 49 feet 8 inches which is 3.92 inches narrower than the required 50 feet lot width, as per our Subdivision Ordinance.

Chairman Hardwick read the legal description of the property; Mr. Wayman gave the brief history of the property at Forest Breeze which included the following:

- Quoted the City Zoning regulations that dictate lot sizes
- The (2) lots up for variance were incorporated in the 1970's
- The City had all old plats with the County negated.
- Rob Richardson sold the lots to KB Homes LLC.
- The two (2) lots up for variance are the last of the twelve (12) "hold-out" lots
- New owner request that the city allow the division of the lots into four (4) (R2-A) lots making three (3) lots 50' x 100' and one (1) lot 3.92 inches short from the required lot size according to Zoning regulations.
- Staff confirmed that a variance request would be allowed due to the hardship of the owner to be able to develop the property.
- Tax value has been captured.

Chairman Hardwick asked the applicant to make presentation.

Charles Turner, Terramark – 12811 Royal Drive, Ste. 113-Stafford, Texas – Represented the owners for the Variance request V-120001-Forest Breeze. He stated the owner plans to build four (4) residential two-story homes on each lot at approximately 2000 sq. ft. presentation. He offered to answer any questions from the public or Board members.

**Public Proponents or Opponents:**

**I.V. Tolbert – 7802 Forest Dream** - Mr. Tolbert stated the following personal concerns opposing the variance request presented:

- Home valuations will depreciate.
- Cause overcrowding in the neighborhood.
- Quality of people moving in to the neighborhood.

The Board thanked Mr. Tolbert for his input and reassured him that the homes built would be residential and not multi-family or duplex units. Mr. Wayman offered to answer any further questions from Mr. Tolbert immediately following the meeting.

No other opposition notices were received by staff prior to the meeting or present at the meeting.

**Board Questions & Concerns:**

**Member Zucco** – Verified R-2A lot sizes should be 50 feet versus 60 feet wide and asked if the lots provided sufficient rear setbacks should the variance be granted.

**Chairman Hardwick** – Verified with staff if there was a maximum limit to the square footage of a home in the R-2A districts. Mr. Wayman stated that the lot sizes and setbacks would determine the size limitations on square footage of the homes. Mr. Turner stated the proposed two-story homes would be approximately 2000 sq. ft. – 2500 sq. ft.

**Member Hernandez** – Clarified that the board’s decision would be based upon a 3.92 inch shortage of one lot size. Mr. Wayman stated 3.92 inches was the shortage of one (1) lot out of the four (4) lots.

Chairman Hardwick asked for additional questions; seeing none called for the motion and vote.

Member Talbot made a motion to grant the variance as requested for the lot divisions including the 3.92 shortage on one lot; seconded by Member Hernandez.

**Vote FOR:** Members Talbot and Zucco; Alternate Emler; Vice Chairman Hernandez; and Chairman Hardwick - **PASSED 5-0**

## 7. ADJOURNMENT

Member Talbot made a motion to adjourn; seconded by Hernandez. The meeting was adjourned at 6:40 p.m.

APPROVED:



CHAIRMAN KEITH HARDWICK

ATTEST:



DONNA LOWDER, ADMINISTRATIVE ASST.