

MINUTES
CITY OF LIVE OAK
BOARD OF ADJUSTMENT
8001 SHIN OAK DRIVE
THURSDAY, OCTOBER 20, 2005, 6:30 p.m.

1. **CALL TO ORDER:**

Chairman Hardwick called the meeting of the Board of Adjustment to order at 6:00 p.m.

2. **ROLL CALL**

PRESENT

Ms. Isabelle Siepker
Chairman Keith Hardwick
Vice-Chairman Robert Perry
Mr. Al Mr. Hernandez
Mr. Sonny – Peter Merrell
Ms. Sarah Toten
Mr. John Talbot

3. **CITIZENS TO BE HEARD**

None

4. **CONSENT AGENDA**

Approval of Minutes
a. May 19, 2005

Mr. Talbot made the motion to approve and Ms. Ms. Siepker seconded. All approved

5. **OLD BUSINESS**

None

6. **NEW BUSINESS**

- a. V-05-03 – To Consider A Variance Request For Installation Of A Carport Over Owners Driveway. The Carport Is Approximately 18 x 20 Feet, Building Setback Is 25 Feet. Located On CB 5048B, Block 26, Lot 35, Otherwise Known As 7517 Jonquill, Live Oak, Texas, Bexar County.

Chairman Hardwick asked for the applicant and Ms. Mary Bennett and Art Bennett to approach.

Ms. Bennett explained that she was asking for a carport due to injuries to her back and legs. She would like to have a cover for her car in the event of inclement weather that it gives her time to get out of the car without being exposed to the elements. In addition, she stated that they now have her husband's mother living with them and she doesn't move very fast either.

Mr. Hernandez said that he had looked at their location, and noticed that they have two garage doors and asked if the cover would cover the entire driveway, or just one of the doors.

Ms. Bennett said it would go across both doors.

Talbot asked if the Bennett's were using the garage now for cars or storage.

Ms. Bennett said that they couldn't get the van in with the wheel chair that she has.

Ms. Siepker asked the same question about do they use the garage for cars, and Bennett said no because the vehicle doesn't fit because of the middle post.

Ms. Siepker stated that it could be removed, and stated that she doesn't understand how a vehicle wouldn't fit in the garage because she has a family member who uses a wheelchair and they use the garage. Ms. Siepker stated that she didn't like the way that the carports looked and asked Ms. Bennett if this is a really bad hardship to her.

Ms. Bennett said yes.

Talbot asked about the carport's size 18 x 20 feet. Is 20 feet the depth. Ms. Bennett said that 20 feet is across and 18 out. This would make it 14 feet into the set back. This would leave 11 feet between that and the property line.

Mr. Merrill stated that he drove by the other day to look at it and saw the garage doors open. He asked that once they get the van into the garage, is it the back or the side that doesn't have enough space.

Ms. Bennett said that it was the raise up door that doesn't fit in the garage.

Mr. Merrill asked how they planned on getting into the house when they got the carport built.

Ms. Bennett said that they would go into the garage.

Mr. Merrill asked if they backed the van in, wouldn't the door come up far enough for clearance.

Ms. Bennett said that she is more concerned about ht times when she is by herself, having to maneuver around. If there is one vehicle in the drive already, she doesn't want to back around another vehicle.

Ms. Toten asked how many vehicles that they have at the house. Bennett said two in the driveway. Ms. Toten said that there were two vehicles in the street, and Bennett said that those were the kid's cars.

Ms. Toten said that they should knock out the middle post so they could get the vehicles into the garage.

Vice Chairman Perry asked if Ms. Bennett was aware that the Board of adjustment had addressed this issue before.

Ms. Bennett said that they had just moved to the area.

Vice Chairman Perry then asked Mr. Wayman if he had not told the applicant that they had addressed the issue before.

Mr. Wayman said that he had talked to the applicant, and that the board would have to decide on the variance on a case by case basis.

Vice Chairman Perry advised Bennett that they had heard this issue before, and the carport was to allow little children to get in out of the rain, and they had denied it. Vice Chairman Perry said, "I thought we had settled this at that time."

Chairman Hardwick advised him that this is an individual case and that every citizen has the right to come before the board of adjustment for a variance to the ordinances at any time, irrelevant if their had been a similar case before the board or not. Precedence is not set from one case to the other. He asked Mr. Wayman if he agreed and Mr. Wayman said that he did.

Chairman Hardwick asked Mr. Wayman if there were any replies to the letter and Mr. Wayman said that one person had called up and was in opposition, but that he chose to remain anonymous.

Chairman Hardwick asked about the lot and block numbers. He asked where the letters were sent out and asked if we had received any responses from these letters. Mr. Wayman said that he only received one call, and that person chose to remain anonymous.

Chairman Hardwick asked Mr. Wayman what he had any information for the variance discussion.

Mr. Wayman said that he would just like to explain the front set back ordinance for new residents and board members. Mr. Wayman explained that the front set back extends in from the property line 25 feet towards the house. When it was discussed earlier about the distance from the street that the carport would be extending, the remaining 10 feet right of way was not included in that so it would actually be farther from the street than had been reported earlier; 21 feet from the street. Mr. Wayman said that Chairman Hardwick was correct. Furthermore, he added that most ordinances in the city have variances applied, and that he had several people call up and ask for variances of this nature. However, when he explained

to them that the litmus test for this type of variance is a hardship, they typically don't come in and fill out the paper work. Mr. Wayman stated that Ms. Bennett prepared a pretty good argument that she would need help getting in and out of her vehicle.

Chairman Hardwick asked Ms. Bennett if she had a handicapped placard on her vehicle and she said yes. Chairman Hardwick asked her what percentage of disability does a doctor assign to her and she said that she was disabled Civil Service.

Mr. Talbot asked what the city's opinion was to this variance. Mr. Wayman said that the city would not be opposed to the board of adjustment deciding either way on the variance because as he discussed earlier, the test for this would be a hardship.

Chairman Hardwick asked for Mr. Wayman to define hardship. Mr. Wayman said that his interpretation of Hardship is if it places the person in an undue burden that places the person in a hardship of extensive nature.

Chairman Hardwick asked for a notion and Vice Chairman Perry moved that the request be denied. Ms. Toten seconded it. Vice Chairman Perry called for the vote. All voted to deny the variance with the exception of John Mr. Talbot.

Vote: One against and three four. Chairman Hardwick announced that the variance was denied. Chairman Hardwick announced that he did not vote.

Ms. Siepker asked about the minutes that were in the packet, and she had a Planning and Zoning minutes in the packet. Ms. Siepker stated that there is one set of minutes that had not been approved. Ms. Goza stated that she would look into it.

Chairman Hardwick announced that they would then do an election of officers. Chairman Hardwick asked for Ed Cimics to come to the front and Chairman Hardwick stated that he would like to recognize Mr. Cimics for his service to the Board, and the Board thanked him for his service and asked for a motion that Staff draft a certificate of appreciation. Mr. Talbot made the motion and all voted on it. Chairman Hardwick directed Ms. Goza to do that and told Mr. Cimics that it would be on the next agenda.

Chairman Hardwick then called for election of officers. He called for nominations for Chairman, and Vice Chairman Perry nominated Chairman Hardwick and Mr. Talbot seconded it. Question was called and all voted in favor.

Chairman Hardwick called for nomination of vice chairman. Mr. Talbot made nomination for Isabel Siepker for vice chair. Mr. Hernandez seconded. Chairman Hardwick called for other nominations and none were provided. Question was called and all voted in favor.

Chairman Hardwick called for nomination for secretary and Mr. Hernandez asked the question why they needed a secretary. It was agreed upon that the secretary position to be done away with. All voted for this.

7. a. **CITIZENS TO BE HEARD**

None

8. **GENERAL DISCUSSIONS AND ANNOUNCEMENTS**

Mr. Wayman said that at a council meeting prior, the question of one person serving on several different boards, as to whether or not that would be proper. Mr. Wayman stated that he was directed to obtain a legal opinion from Mr. Mayo Galindo. He added that he was advised that Mayo's opinion stated that each boards and commissions handle several types of things. In addition, the same individual cannot serve on two boards and commissions if the two serve as a conflict with one another. But if each board, serve different functions and there is no impact that the decision of one would have on the other, then it was proper for that one person to serve on both boards.

Vice Chairman Perry asked "who is the daddy rabbit for the group who takes care of the little park up on Toepperwein," Mr. Talbot stated that Barbara Abbot was a part of that. Vice Chairman Perry asked if they had ever been recognized for their service.

Mr. Wayman stated that there is a sign going to be placed at the location recognizing them.

9. **ADJOURNMENT**

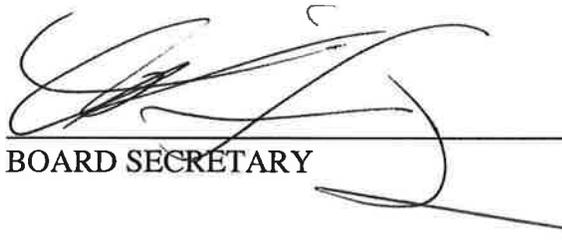
As there was no further business, it was moved and seconded to adjourn. The meeting adjourned at 7:00 p.m.

APPROVED: *Nov. 2, 2006*



CHAIRMAN, BOARD OF ADJUSTMENT

ATTEST:



BOARD SECRETARY