

MINUTES

BOARD OF ADJUSTMENTS

March 15, 1988

10:00 a.m.

Members present: Ben Turbeville, Don Hawkins, Robert Boone, James Canaday and Jerry Dietz.

Members absent: David Wright and Grace Bartscht

Staff present: Bill Gaither, Gene Cravens, Gilbert Villa and Pat Payne.

Visitors: List Attached

The meeting was called to order at approximately 10:05 a.m. by Acting Chairman Robert Boone.

The **second item of business** on the agenda was presentation and approval of the Minutes from the January 19, 1988, Board of Adjustments and Appeals meeting. Jerry Dietz made a motion to accept the Minutes as presented with a second by James Canaday. Motion carried by the following votes: Ayes: Boone, Turbeville, Canaday, and Dietz. Nays: None. Absent: Wright, Bartscht and Hawkins.

The **third item** of business on the agenda was the Public Hearing and Consideration of a request by James C. Macon, joined by Arthur C. Blankenship, for a special exception to the side yard set back, comprised of approximately four feet, on property located at 1402 Olive Street.

Mr. Boone asked Mr. Gaither if he would care to comment on the request. Mr. Gaither said that the situation included a carport which was attached to the house some years ago and in December of 1986, the owner applied for and received an approved permit to enclose the carport. [Pictures of the property were passed around to the Board members for their viewing.] He continued by saying the present Building Inspector discovered the problem while looking at various properties in the City. The structure is violating the side yard set back requirement, which is ten per cent of the lot width or five feet minimum for the zoning designation of that neighborhood of Single Family Three. He further stated that the Board had to decide whether to allow the encroachment under the circumstances of the approved building permit or have the property owner tear it down.

The lot is 58 feet wide at the front and tapers to a 51 feet width at the rear of the lot. Mr. Gaither further explained that when the permit was applied for, there were no drawings or plans submitted. The existing carport was enclosed, which had been in place for a number of years. It was noted too that water runoff from the roof onto the adjacent property had been occurring for years, but the original roof line of the carport had not been extended when the structure was enclosed.

Further discussion ensued as to the danger of a fire hazard with the structure being so close to the property line on the west side of the lot. However, it was also noted that there was an ample amount of space on the east side of the house in order to go behind it with a large truck.

Mrs. Pruitt spoke next stating her concern for compliance of the Fire Code of the structure, since the enclosed carport is less than one foot away from a wooden fence. Mr. Hawkins explained to her that he felt the situation had not changed from what it was [the carport had been in place for many years.] Mr. Gaither agreed.

After no further discussion, a motion was made by Robert Boone to grant the request for the approximate four foot variance to the side yard setback requirement. Ben Turbeville made the second. Motion carried by the following votes: Ayes: Turbeville, Hawkins, Canaday, Boone and Dietz. Nays: None. Absent: Wright and Bartscht.

Mr. Hawkins asked if there was further business and Mr. Gaither responded by first introducing Mr. Cravens to the Board as the new Assistant City Manager.

Mr. Gaither also explained that an Unsafe Building Abatement Code, which was adopted in August, 1987, was having some minor revisions made to it by the City Attorney as it applies to State Law in Texas. One thing is that there will be a provision in it for an opportunity for a public hearing before the Board of Adjustment and Appeals on building demolitions and removals in voluntary situations on an appeal basis.

After no further business, Mr. Hawkins adjourned the meeting at 10:25 a.m.