



Board of Appeals Meeting
Tuesday, August 12, 2021, 4:00pm
City Hall, 200 South Rusk
Gainesville, Texas

Tim Camp, Chair Member

Emmanuel Albarado, Member
Robert Hawkins, Member
Van Knight, Member

Jess Cason, Member
Michael Clarke, Member
Eric Erlandson, Member

STAFF PRESENT:
Calvin Manuel
Jessie Redfearn
David Lauteren
Diana Alcala

VISITORS PRESENT:
Will Bruner
Sasha Colunga
David Donovan

ITEM A - DECLARATION OF QUORUM; CALL TO ORDER

Chairman Camp called the meeting to order at 4:00 p.m.

ITEM B – SWEARING IN OF APPOINTED BOARD MEMBERS

City secretary swore in Robert Hawkins as an appointed member of the Board of Adjustments at 4:01 p.m.

ITEM C- PUBLIC HEARING ON A VARIANCE REQUEST TO ALLOW AN ORNAMENTAL FENCE ON A PROPERTY THAT DOES NOT HAVE A PRINCIPAL USE, LOCATED AT 1326 SOUTH LINDSAY STREET, PID NUMBER 156328, LEGALLY DESCRIBED AS GAINESVILLE ADDITION, BLOCK 78, LOT 9.

Public hearing opened at 4:02 p.m.

CDD Manuel addressed the Board of Adjustments and Appeals (BOA) to inform them per ordinance Appendix A, Article III, Section 3.4.02(B), an accessory structure (fence) shall not be established on any lot before the establishment of a principal use.

Member Albarado asked CDD Manuel why the code would be against putting a fence on a property without a primary use. CDD Manuel stated that it was a public safety concern in

that it limits the ability to enforce some public safety issues including the sight triangle. Chairman Camp asked what style of fence was going in. CDD Manuel replied that it was a wrought iron ornamental open-sided fence. Property owner David Donovan stated that he wanted the fence to be placed on that property to preserve the land. Member Albarado asked if the fence had to be four feet tall? CDD Manuel replied yes it would need to be four feet and not any higher. CDD Manuel also stated that the access through the gate is up to the property owner. Member Hawkins was concerned about children trespassing onto the property and mentioned it would need to be locked. CDD Manuel advised the members they needed to consider the use of the property and how does it change if the variance is granted.

Chair Camp asked how long the property owner has had this parcel of land.

Property owner David Donovan replied that he has owned it since 2016. He stated that the land is open and not a safety issue. Chair Camp asked Mr. Donovan how many gates he planned on installing. Mr. Donovan advised it would be a minimum of three gates: double gates at entry on south elevation and walk-in gate on west elevation.

Public hearing closed at 4:12 p.m.

ITEM D - DISCUSS, CONSIDER AND POSSIBLE ACTION ON A VARIANCE REQUEST TO ALLOW AN ORNAMENTAL FENCE ON PROPERTY THAT DOES NOT HAVE A PRINCIPAL USE, LOCATED AT 1326 SOUTH LINDSAY STREET, PID NUMBER 156328, LEGALLY DESCRIBED AS GAINESVILLE ADDITION, BLOCK 78, LOT 9.

Member Albarado asked what the basis of the variance is; and what is the possibility of changing the ordinance?

Member Cason stated that he would like the applicant to be able to enjoy the property by putting up his decorative fence.

Chair Camp asked CDD Manuel, besides the safety issue, what is the purpose? CDD Manuel replied that in addition to the public safety concerns; fences on vacant lots tend to create junkyards or a place to store junk cars and trash and fences makes it difficult, if not impossible, to enforce codes. Member Albarado asked about height and stated the ordinance requirements. He mentioned the difference between an eight foot privacy fence and four foot "open" fence that someone can see through. CDD Manuel stated that it has to have set back requirements to determine where someone would build a house with that existing fence.

CDD Manuel gave staff's recommendation not approving the fence variance.

Commissioner Cason made a motion to approve the fence variance that allowed to be permitted without having a primary structure on this property and was seconded by Commissioner Albarado.

All voted aye and the vote carried out unanimously.

ITEM E – PUBLIC HEARING TO TAKE COMMENTS ON A VARIANCE REQUEST TO REDUCE THE REQUIRED MINIMUM REAR YARD SETBACK FROM TWENTY FEET (20') TO NINE FEET SIX INCHES (9'6") FOR THE PROPERTY LOCATED AT 1013 MURPHY STREET, PID NUMBER 9681, LEGALLY DESCRIBED AS BELMONT ADDITION BLOCK 13 LOTS 1 W ½.

Public hearing opened at 4:21

CDD Manuel addressed the council on the property and the maintenance. He stated that they are able to meet the 20 ft. set-back for build line on the north-west corner. However, the north east side is the issue due to the shape of the lot.

Representative Will Bruner asked to have it moved up to the corner the back of the property line to 9ft. 6 "instead of 20'. If not they would have to sell the property.

CDD Manuel recommended the approval.

Member Albarado asked what the take was on the increase of access drainage.

CDD Manuel stated that it would be okay if the run off was adjacent to the property.

Member Camp informed the council that there is no drainage issue on that road. He did ask Representative Will Bruner if that property drains.

Representative Will Bruner replied he does not know it is relatively flat.

Member Camp asked Mr. Bruner if they are developing both of the lots.

Representative Will Bruner replied that they have already built next to those lots.

Member Cason stated that he does not believe it would affect flooding.

Public hearing closed at 4:31 p.m.

ITEM F – Discuss, consider, and possible action on a variance request to reduce the required minimum rear yard set-back from twenty feet (20') to nine feet and six inches (9' 6") for a property located at 1013 Murphy Street, PID Number 9681 , legally described as Belmont Addition Block 13 and Lots 1 W ½

The variance was granted and approved due to shape of lot and the floor plans.

Commissioner Albarado made a motion to approve and was seconded by commissioner Cason

All voted aye and the vote carried out unanimously.

ITEM G – Public hearing on a request for a variance to reduce the required minimum rear yard set-back from twenty feet (20') to ten feet (10') for a property located at 809 Truelove Street, PID Number 10078, legally described as Williams Addition Block 15 and Lots 15.

Public hearing opened at 4:33 P.M

CDD Manuel stated the City has utilities around the lot. The applicant requests to have the variance.

Member Cason asked if the property place a fence in the easement.

CDD Manuel stated that they would be able to do so, however, if the City needed to get to the utilities, they would take down the structure (fence) on that easement to get to the utilities. CDD Manuel recommended the approval of this variance request.

Member Camp stated he did not see an issue with this.

Public hearing closed at 4:39 p.m.

ITEM H- Discuss and consider, and possible action on a request for a variance to reduce the required minimum rear yard setback from twenty feet (20') to ten feet (10') for a property located at 809 Truelove Street, PID Number 10078, legally described as Williams Addition Block 15 and Lots 15.

This item was immediately approved to grant the variance to reduce the required minimum rear yard setback from 20' to 10' for property located at 809 Truelove St. Block 15 and lots 15. A motion was received by Commissioner Albarado and seconded by Commissioner Cason the vote carried out unanimously.

ITEM I - ADJOURNED

Commissioner Hawkins made a motion to adjourn the meeting and was seconded by Commissioner Cason at 4:41 p.m.

Signature of Chairman:


_____ Date 3-10-2022

Signature of Secretary:


_____ Date 3/10/22