

City of Sachse, Texas
Board of Adjustments

Minutes of the Regular Meeting of March 21, 2013
Time: 7:00 p.m. Place: Sachse City Hall

Members Present:

Steve Oliver, Chairman
Kevin Quinn
David Darr, Alternate
Stephen Clash
James Cron

Members Absent:

Corey Hill

Steve Oliver opened the regular meeting of the Zoning Board of Adjustment at 7:00 p.m.

1. Invocation and Pledge of the Allegiance to the U.S. and Texas Flags

The invocation was offered by Steve Oliver and he also led the pledges.

Agenda Items:

2. Consider approval of the minutes from the January 19, 2012 Board of Adjustments meeting.

A motion was made by Kevin Quinn to approve the minutes. Stephen Klash seconded the motion. With all voting in favor the motion passed unanimously.

3. Conduct a public hearing and consider the application of William S. Rheaume, requesting a variance to Planned Development 10 (Ord. No. 1443), Section 2.12(H) to decrease the minimum rear yard setback from 15-feet to 11'-2" to allow for the construction of a covered patio. This property is described as Lot 4, Block F, Woodbridge Phase 7B and is located at 6418 Crestmoor Lane, Sachse, Texas 75048.

Marc Kurbansade, introduced the item. He stated that the property owner has requested a variance to decrease the setback requirement to construct a patio cover. The covered patio cover is being proposed to be attached to the primary residence. He explained the property is located in the R-6.5 base zoning district and a rear setback of 15 feet is required. The applicant is requesting a variance of 3'-10" to allow a covered patio to encroach into the rear yard setback. He stated it should be noted that this variance is necessary because the property owner has elected to construct the patio as an attached structure. If it was built as a standalone structure then the setback for the accessory structure would be three feet negating the need for a variance.

Steve Oliver opened the public hearing at 7:18 p.m.

Landon Day, Applicant's Contractor, stated it was his preference to attach the structure to the home. He said it provides a better look and is more structurally sound. He said there will also be an added cost of building a detached patio cover. He stated if the purpose of the build line is to keep someone from enclosing an attached structure they would have to obtain a building permit in order to enclose it and at that point the city would state that it is not allowed.

William S. Rheaume, 6418 Crestmoor Lane, stated he was the homeowner and does agree there is not a specific circumstance that creates a hardship situation. He said the primary reason was for

the enjoyment of his patio and it would provide more space and protection from the elements. He also stated it would be more aesthetically pleasing to the home and from the neighbor's viewpoint. He said if someone in the future wanted to enclose it they would be required to get proper permits and would be denied. He stated the variance would also help him economically.

Don Herzog, 800 E. Campbell Rd., said he was the developer and on the Architectural Control Committee (ACC) for Woodbridge. He would ask that the board deny the variance. He stated he is not aware of any time that a request has come to the ACC that was approved that was allowed to encroach over a building line. He said the lot is in a 6.5 category and requires a 15 foot rear yard setback. He stated there was a submittal to the ACC for the pool and was sent back requesting additional information. He said the ACC never approved the pool or the extension to the patio. He said he did believe that in December a submittal for a patio cover was received but had yet to be approved. He said the ACC would never approve anything that encroaches into the building line.

Kevin Quinn made a motion to close the public hearing and Stephen Klash seconded the motion. The motion passed unanimously. The public hearing was closed at 7:31 p.m.

After discussion, Kevin Quinn made a motion that the variance request be approved. The motion died for lack of a second. Kevin Quinn made a motion to deny the request for variance. James Cron seconded the motion. The motion passed 5-0.

4. Conduct a public hearing and consider the application of Alex Kiertscher, requesting a variance to the Code of Ordinances, Chapter 11, Article 3, Section 2.4, Table (2)A to increase the maximum allowable accessory building size from 400 square feet to 1,200 square feet and to permit the use of metal exterior wall building materials in the construction of an accessory building. The property is described as Lot 28, Block H, Park Lake Estates Phase 2 and is located at 3710 Trailridge Drive, Sachse, Texas 75048.

Mr. Kurbansade introduced the item. He explained that the property owner is requesting a variance to allow for an increased accessory building size and to permit the use of metal exterior wall building materials for an accessory building on a residential property. As proposed the construction of the accessory building would require two variances: 1) to increase maximum allowable size of an accessory building from 400 square feet to 1,200 square feet and 2) the use of metal exterior wall building materials in the construction of an accessory building.

Steve Oliver opened the public hearing at 7:35 p.m.

Alex Kiertscher, 3710 Trailridge, made a PowerPoint presentation. He said it is his belief that the zoning was not to restrict accessory building size in regards to lot size. He said he is one lot away from being R-10 zoning. He said his property is 16,139 square foot which far exceeds the R-10 minimum lot size. He stated R-10 zoning would allow accessory buildings up to 35% lot coverage and allow metal / wood / masonry buildings. He said being zoned R-8.4 places an undue restriction on improvement compared to surrounding lots zoned R-10 within the same development. He also said that the depth of his lot allows for a large developable area within required setbacks.

David Darr made a motion to close the public hearing. James Cron seconded the motion. The motion passed with all voting in favor. The public hearing was closed at 7:38 p.m.

Mr. Oliver asked if the board needed to take two votes or one vote on the item. Mr. Kurbansade stated he could combine the vote or separate them where you may approve one and not the other.

Mr. Quinn stated that on the agenda it is listed as one item. However, in the presentation it is listed as two separate variances. Mr. Oliver stated he thought that as a Board we have the option to do it however we choose. He asked Mr. Kurbansade if doing it that way was legal. Mr. Kurbansade stated that he would like to have a five minute recess to contact our City Attorney and ask him. The meeting was recessed at 7:39 p.m.

The meeting was reconvened at 7:43 p.m. Mr. Kurbansade spoke with the City Attorney and he confirmed that the way it is advertised is fine because the way it is written is to grant a variance from different sections of the code and its perfectly legal to do it that way.

Kevin Quinn made a motion to take two separate votes. He moved to allow the maximum building size be approved and Stephen Klash seconded the motion. Mr. Kurbansade stated they needed to combine the two items into one singular motion with one vote. Kevin Quinn and Stephen Klash withdrew their motions.

Mr. Quinn moved to approve the variance to increase the size from 400 square feet to 1,200 square feet and allow for the use of metal construction. Steve Oliver seconded the motion. The motion failed 2-3 with Mr. Klash, Mr. Darr and Mr. Cron voting no.

Kevin Quinn made a motion to approve the variance for the increase in size from 400 square feet to 1,200 square feet and not approve the use of metal construction materials. Steve Oliver seconded the motion. The motion failed 3-2 with Mr. Cron and Mr. Klash voting no.

Kevin Quinn made a motion to not approve the variance for the increase in size from 400 square feet to 1,200 square feet and to approve the use of metal construction materials within the size restrictions of the ordinance. Stephen Klash seconded the motion. The motion passed 4-1 with David Darr being the lone dissenting vote.

There being no further business, Mr. Cron made a motion to adjourn. Stephen Klash seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:22 p.m.

Chairperson

