

MINUTES  
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS  
Regular Meeting, Monday Evening, 2 March 2018

1. CALL TO ORDER: Chairman Mat Matecko at 6:00 PM
2. QUORUM CHECK: Kim M. Turner, Assistant City Manager

Members Present:	Present:
Mat Matecko, Chairman	Jacob Jenkins, Code Compliance Officer
Cheryl Maxwell, Vice-Chair	Jaclyn Redmon, Building Official
Mike Hudson, Member	Ken Taylor, City Manager
Jim Vinci, Member	Jerry Lammers, Alamo Architects
Michael Murray, Member	Mrs. Renate Kasznia
Lori Putt, Member	
Mary Andrews, Member	

Members Absent:

3. MINUTES OF PREVIOUS MEETING: Regular Meeting – 22 January 2018

**Ms. Andrews moved to approve the minutes as presented. Ms. Putt seconded the motion. The minutes were approved on a 7/0 vote.**

4. NEW BUSINESS:

Mr. Matecko reviewed the Criteria for Granting a Variance and reminded the applicants that *all* of the conditions must be met in order for the variance to be granted.

- A. **Public Hearing:** V.C.640—A request for variance for property at 840 Old Cimarron Trail (CB 5053R LOT 21 KITTY HAWK MIDDLE SCH SUBD) to eliminate the required 6-foot masonry wrapping on covered walkway canopies, zoned C1-Neighborhood Services per zoning ordinance 581.

Mr. Matecko opened the public hearing at 6:04 PM.

Mrs. Turner introduced the project, spoke regarding the City's masonry ordinance and introduced Mr. Jerry Lammers with Alamo Architects.

Mr. Lammers gave an overview of the new building to be constructed, the location of the covered walkways, the public view of the covered walkways, and noted that at the next phase of construction the covered walkways would be torn down. He also noted that he did not know when the next phase of construction would happen because it was dependent upon the voters' approval of the bonds.

Mr. Matecko closed the public hearing at 6:13 PM.

- B. **Consider:** V.C.640—A request for variance for property at 840 Old Cimarron Trail (CB 5053R LOT 21 KITTY HAWK MIDDLE SCH SUBD) to eliminate the required 6-foot masonry wrapping on covered walkway canopies, zoned C1-Neighborhood Services per zoning ordinance 581.

Discussion among members of the Board was on the necessity of masonry on columns and if it would influence the overall aesthetic appeal of the project.

**Mrs. Maxwell moved to approve the variance request citing "I concur with the findings of fact as outlined in the variance application. Specifically, that there are extraordinary conditions affecting the land, namely the proximity to public view; that the variance is necessary and essential to the preservation of substantial property rights; that granting the variance will**

not be detrimental to the public health or safety; that extraordinary conditions do not generally apply to other properties within the vicinity; the unique conditions of the property were not created by the property owner; the variances requested are in conformance with the City's Future Land Use Plan; approval of the variances requested allows the greatest utilization of the property. Therefore, I move to approve VC 640 and to grant the variance to eliminate the 6 ft of masonry wrapping on the walkway columns at 840 Old Cimarron Trail.

**Mr. Hudson seconded the motion; the motion was unanimously approved on a 7/0 vote.**

- C. **Public Hearing:** V.C.639—A request for variance for property at 210 Madrid (CB 5047B Blk 3LOT 19 CORONADO SUBD) to exceed the maximum 6 ft fence height by 1 ft for a side yard fence, zoned R3-Medium Density Residential per zoning ordinance 581.

Mr. Matecko opened the public hearing at 6:17 PM.

Mrs. Turner provided background information on the 2014 request for a 7 ft side yard fence on one side of the yard. She also noted that twenty-five notices were sent out to property owners within 200 ft of the subject site. Seven notices were returned with no objections.

Mrs. Kasznia introduced herself, talked about the slope of the land in her neighborhood, how her property has sunk over the years, and the necessity to keep the pool from public view.

Mr. Matecko closed the public hearing at 6:20 PM.

- D. **Consider:** V.C.639—A request for variance for property at 210 Madrid (CB 5047B Blk 3LOT 19 CORONADO SUBD) to exceed the maximum 6 ft fence height by 1 ft for a side yard fence, zoned R3-Medium Density Residential per zoning ordinance 581.

Mr. Vinci indicted that he disagreed with the homeowner regarding the property sinking one foot over time. He noted that everyone in the City has a 6-foot fence and that the fences always follow the topography of the land. Ms. Andrews inquired if the other side of the yard had sunk as well. Mrs. Kasznia said it had sunk as well.

Mr. Matecko indicated that he could not find any extraordinary condition that precipitated granting the variance. Mrs. Putt noted that her yard had sunk overtime and that it was remedied with adding soil to the yard. Mr. Murray clarified the height of the fence would be different depending on which side of the yard it fell on; it could be 7 ft on the high side or it could be 5 ft on the low side.

The Board had a general discussion on privacy and other requests for variances for fence issues.

**Mrs. Maxwell moved to disapprove the variance request citing "The variance requested does not comport to the Criteria for Granting a Variance. Specifically, there are no extraordinary conditions affecting the property, the condition applies to all properties in the area, the unique situation of the property was created by the owner, the request is detrimental to the public health and safety, the request does not comport with the City's Future Land Use Plan, the variance is not essential to the preservation of substantial property rights. Therefore, I move to disapprove the variance request for VC 639.**

**Mr. Vinci seconded the motion. The motion to disapprove the variance request passed on a 7/0 vote.**

5. CITY MANAGER COMMENTS: None provided.
6. ADJOURNMENT: The meeting adjourned at 6:30 PM.

Mat Matecko, Chairman