

MINUTES
BOARD OF ADJUSTMENTS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 23 July 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	Ken Taylor, City Manager
Cheryl Maxwell, Vice-Chairman	Jaclyn Redmon, Building Official
John Hudson, Member	Jacob Jenkins, Code Compliance
Lori Putt, Member	Greg & Kathleen Coolidge
Michael Murray, Member	Ian Fisher
Mary Andrews, Member	
Ron Jackson, Member	

Member Absent:

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 25 June 2018

Mrs. Putt moved to approve the minutes as presented. Mr. Hudson seconded the motion. The minutes were unanimously approved without correction on a 7/0 vote.

4. NEW BUSINESS:

- A. **Public Hearing:** V.C.642—A request for variance for property at 101 Circle Dr. (CB 5054D BLK 10 LOT 1 Old Rose Garden) to encroach the 10 ft rear yard setback by 2 ft with pool decking, zoned R2- Suburban Residential per zoning ordinance 581.

Mrs. Turner gave background information on the homeowner's attempts to fit a pool in their yard. She noted the existence of a 30 ft gas line easement and the overhead electrical lines that chopped the lot up and made it difficult to develop. She also offered that 23 notices were sent out to property owners within 200 ft. Seven notices were returned no stated objections.

Mr. Matecko opened the public hearing at 6:03 PM.

Mr. Greg Coolidge introduced himself and noted that he and his family had lived in the house for 21 years. They thought about moving but wanted to stay and add the pool for enjoyment by him and his grandchildren. He noted that Mrs. Turner had covered the conditions which he and his wife had been trying to work around to get the pool placed in the yard.

Mr. Matecko closed the public hearing at 6:05 PM.

- B. **Consider:** V.C.642—A request for variance for property at 101 Circle Dr. (CB 5054D BLK 10 LOT 1 Old Rose Garden) to encroach the 10 ft rear yard setback by 2 ft with pool decking, zoned R2- Suburban Residential per zoning ordinance 581.

Mrs. Turner reminded the Board that all motions needed to be stated in the affirmative.

Member Maxwell made a motion stating, "I concur with the findings of fact as outlined in the variance application. Specifically,

- **That there are extraordinary conditions affecting the land, namely, shape of the lot, the easements and the overhead electrical line.**
- **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 variance requested are in conformance with the City's Future Land Use Plan.**
- **Approval of the variance requested allows the greatest utilization of the property**

Therefore, I move to approve VC 642 and to grant the variance to encroach the 10 ft rear yard setback by 2 ft with pool decking.

The motion was seconded by Mr. Hudson. The motion was approved on a 7/0 vote with all members voting "Aye".

- C. **Public Hearing:** V.C. 643—A request for variance for property at 1740 Universal City Blvd, Buildings 2 & 3 (CB 5053N BLK 3 Lot 32 Supa Doors Add'N Subd) to waive the rock, brick, or stucco masonry requirement provided in Ordinance 370, zoned C4-General Commercial per zoning ordinance 581.

Mrs. Turner gave information on the location of the project, the three buildings and their use, and the long-term relationship that the Fisher brothers have had with Universal City. She noted that six notices were sent out to surrounding property owners and that two were returned with no objections.

Mr. Matecko opened the public hearing at 6:09 PM.

Mr. Ian Fisher introduced himself and noted that when the land was replatted it ended with an unusual piece of land. He offered that the use of the three buildings would be office warehouses and that the front building was visible from all directions, but that buildings 2 and 3 were not and therefore would like to waive the required masonry ordinance.

Mrs. Putt asked if buildings 2 and 3 were not visible at all. Mrs. Turner noted that building three would not be not be visible at all and that building two might be, but that she was not sure since the buildings were not up yet.

Mr. Jackson asked what the construction materials were for the building. Mr. Fisher offered that they were tilt wall construction.

Mr. Matecko noted that he didn't think the request met the State mandated criteria and that the criteria wasn't "if it can't be seen, then you don't have to comply." He stated he was on the fence about granting the request.

Ms. Maxwell asked Mr. Fisher if he would consider putting at least six feet of rock or brick on the bottom of building number two. Mr. Fisher said he would consider it if the Board felt it was warranted. Mrs. Turner asked for clarification from Ms. Maxwell as to which sides of the building she was referencing. Ms. Maxwell stated that she was referring to the front and the sides only.

Mr. Matecko closed the public hearing at 6:16 PM.

- D. **Consider:** V.C. 643—A request for variance for property at 1740 Universal City Blvd, Buildings 2 & 3 (CB 5053N BLK 3 Lot 32 Supa Doors Add'N Subd) to waive the rock, brick, or stucco masonry requirement provided in Ordinance 370, zoned C4-General Commercial per zoning ordinance 581.

Discussion ensued regarding precedence setting and whether the request met the criteria for granting a variance.

Member Maxwell made a motion stating, "I concur with the findings of fact as outlined in the variance application. Specifically,

- **That there are extraordinary conditions affecting the land.**
- **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 variance requested are in conformance with the City's Future Land Use Plan.
- Approval of the variance requested allows the greatest utilization of the property

Therefore, I move to approve VC 643.

The motion was seconded by Mr. Hudson. The motion failed on a 0/7 vote with all members voting "No".

5. CITY MANAGER REPORT:

Mrs. Turner updated the Board on ongoing street projects, City budget process, past variance cases, and that the vote for Chair and Vice-Chair will occur at the August meeting.

6. ADJOURNMENT:

The meeting adjourned at 6:26 PM

G.F. (Mat) Matecko
Chairman

