



**ZONING BOARD OF ADJUSTMENT AND APPEALS
MEETING MINUTES
January 24, 2017**

The Zoning Board of Adjustment and Appeals of the City of Palestine, Texas convened in a Regular Meeting on Tuesday, January 24, 2017 in the City Hall Council Chambers, 504 N. Queen Street, Palestine, Texas.

CALL TO ORDER – REGULAR MEETING

Chairman Mike Davis called the meeting to order at 5:30 p.m.

ROLL CALL

Present for roll call were Chairman Mike Davis, Board members Brick Parsons, Barbara Jordan and Mike Davis.

Others present were Director of Development Services Jeffrey Lyons.

APPROVAL OF THE MINUTES

Board member Parsons motioned to approve the minutes of the November 28, 2016 special meeting as submitted. The motion was seconded by Board member Jordan. Upon vote, the motion carried unanimously.

REGULAR AGENDA

Item #1. Case ZBA-17-01. Applicant Jose Aviles

Conduct a public hearing and consider a variance to allow an accessory structure (carport) to be located 2-feet and 6-inches from the front yard property line at 602 Gay Avenue.

Chairman Davis opened the public hearing for those speaking in favor of the request. Cindy Millichamp at 1318 OakDale Drive, spoke neutral on the request and stated that she did not have a problem with the carport being in front of the residence but stated that if approved, the carport should be compatible with the area in terms of construction materials due to the visibility of where the carport is located.

Sandra Aviles at 602 Gay Avenue spoke in favor of the request stating that the carport was not finished due to the requirement of obtaining a variance to allow the carport to remain in the current location. Chairman Davis asked Ms. Aviles why the carport was needed. Ms. Aviles stated that the carport blocks the sun from the front of the house and diverts water away from the front door. Board member Parsons asked Staff if this was a code enforcement issue. Development Services Director, Jeffrey Lyons stated that this was a violation of the zoning ordinance and a variance had to be approved in order for the carport to remain in front of the residence. Board member Parsons asked Staff if the carport would have to be removed. Lyons stated that if the Board did not approve the variance, the carport would have to be removed and could only be located within the building setbacks. Board member Parsons asked Ms. Aviles if she had any pictures of the carport. Ms. Aviles stated that she did not and stated that the picture provided by Staff was not the finished product. The carport support posts would be covered with brick to match the residence.

Mr. Jose Aviles at 602 Gay Avenue spoke in favor of the request. He stated that the location of the carport provided protection from the adjacent trees that were dropping limbs on his



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vehicles and to divert the water that was going into the garage. Mr. Aviles stated that he would remove the carport if the variance was not approved and if approved, he would finish the construction of the carport so that it was aesthetically pleasing and matched the materials used on the existing residence.

Board member Leslie asked Staff if the need for the variance was due to the setback from the street.

Lyons stated that a carport cannot be constructed on any residential property in front of the residence without approval of a variance. Board member Leslie asked how this issue came to the city. Lyons stated that Development Services Department received a complaint from a citizen.

Chairman Davis asked for anyone wishing to speak in opposition to the variance. Dennis Carroll at 1312 Oakdale Drive spoke in opposition and claimed that Mr. Aviles had built a carport behind the existing residence without obtaining a permit and the carport was not constructed to the standards required by the building code. With no further speakers, Chairman Davis closed the public hearing.

Chairman Davis asked if notices were mailed out. Lyons stated that they were. Board member Parsons asked how many notices were mailed out. Lyons stated that 20 notices were mailed to property owners within 200-feet of the property requesting the variance. Chairman Davis asked for a Staff recommendation. Lyons stated that when considering the approval or denial of the current request, the Board should consider whether or not the carport would cause any traffic visibility issues to the neighbors entering and existing their property or block the view of oncoming traffic at the nearby street intersection. Lyons also stated that there were no homeowners restrictions or city requirements that would govern the appearance of the carport. Chairman Davis read aloud the criteria that the Board must follow when approving or denying a variance. At the conclusion of the discussion, Board member Parson stated that he had a conflict of interest and could not participate in the vote. Due to this, the Board no longer had a quorum present to take action on the request. The item was scheduled for further consideration on February 3, 2017 at 9:00 am in the City Council Chambers.



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ADJOURN

With no other business, the meeting was adjourned at 12:05 p.m.

A handwritten signature in blue ink, appearing to read "Mike Davis", written over a horizontal line.

Mike Davis, Chairman

Attest:

A handwritten signature in black ink, appearing to read "Jeffrey Lyons", written over a horizontal line.

Jeffrey Lyons, Development Services Director