

MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF ADJUSTMENT OF THE
CITY OF TAYLOR LAKE VILLAGE, TEXAS, HELD ON
TUESDAY JUNE 19, 2018 AT 7:00 PM

On Tuesday June 19, 2018 at 7:00 P.M., the Board of Adjustment for the City of Taylor Lake Village met in Special session in the Council Chambers at Taylor Lake Village City Hall at 500 Kirby Rd., Taylor Lake Village, Texas 77586, and took action with respect to the following:

1.0 CALL TO ORDER AT 7:00 P.M. AND ROLL CALL

JANICE HALL	CHAIR
JESSE RYHOLT	VICE CHAIR
JUDY SHEPPARD (absent)	REGULAR MEMBER
LYNN KEENEY	SECRETARY
TOM DAVIDSON	REGULAR MEMBER
MIKE ROBERTSON (absent)	ALTERNATE MEMBER
MIKE WIDMER	REGULAR MEMBER

2.0 APPROVAL OF MINUTES

- 2.1** Consideration and possible action on the approval of the Minutes of August 9, 2017.
Minutes of August 9, 2017 approved as published

3.0 NEW BUSINESS

- 3.1** Consideration and possible action on amendments to the Board of Adjustment Rules of Procedure to comply with current legislation.
Amendments to Board of Adjustment Rules of Procedure were approved.

- 3.2** Consideration of and possible action on selection a Chair, Vice-Chair and Secretary.
Moved to end of meeting in order to allow more time for Appeals and Variances. Motion made to rotate Chairmanship of BoA to Vice Chair at the beginning of each calendar year and select a new Vice Chair. Motion seconded and approved. Lynn Keeney consented to serve as Secretary.

4.0 APPEALS AND VARIANCES

- 4.1** Consideration and possible action relating to the request of Ritesh Patel, 1315 Coral Way, for a variance from Chapter 34 "Floods", (Sec 34-88) "Specific Standards" to allow a new home to be constructed at 16'4" rather than the required 18'.

Present with Mr. Patel and in support of his request:

- **Robert Casaru** - Architect, Berrios Designs
- **Keith Stine** - Harbor Estates HOA
- **Matthew Oates** - Designer, Production Mgr Berrios Designs
- **Susan Winsett** on behalf of **Dr. Scott & Sandy McKinney** at 1311 Coral Way Court (letter of support for Mr. Patel is part of the attachments)
- **Laurel & John Stout** Taylor Lake Shores HOA
- **Veena Kaul & Kuldip Kaul** - neighbors of Mr. Patel

City Attorney was also present

- **Derra Purnell** - Asst City Attorney for Taylor Lake Village

There was much discussion about the remit of the BoA in this case and specifically what the BoA decision making process would be:

Derra recapped the the City's Ordinance requiring a 3 foot freeboard above Base Flood Elevation (BFE) according to FIRM maps. In this case, the property has a BFE of 15', thus the City requires new (or substantial improvement) construction to be at 18'. She also underscored the BOA has no power to change the Ordinance, only to make a decision based on the following prerequisites:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
2. Variances shall only be issued upon showing a good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Any issues with the City Ordinance needs to be taken up with City Council and be viewed in the context that the decision was made in the best interests of the homeowners in the city, and any variances granted by BoA could have impact on the City's FEMA rating, thus impacting flood funds and insurance rates.

Mr. Patel and Mr. Oates presented their rationale for requesting the variance:

At a BFE of 15, city ordinance would put house at finished floor level of 18'

- house would be at 7' above highest adjacent grade
- due to slope and size of lot, would require a retaining wall of 9'
- street level at 8'
- require pilings - or exception to ordinance that restricts homes to 5' above adj grade
- possible issues with total height of house, as it could exceed 50' ?
- limits the use of lot and access to back for equipment
- view of other home owners to the water

Neighbor's second floor looks over applicants first floor

Other houses in neighborhood only built to elevation of 14'

Adversely affect property values and neighborhood footprint with structure towering over existing homes

In addition, presented but not part of our packet of information, Laurel Stout of Taylor Lake Shores HOA stated that at the current City Ordinance of 3' above BFE, the HOA would not approve the plans, given the impact on the neighborhood, thus causing significant hardship to the community and Mr. Patel.

After much discussion, and the clarification that it is not only financial hardships that the BoA looks at, but also hardships from deed restrictions, Mr. Patel decided to table his request to better build his case for variance. The matter will be readdressed at a continuation of the Special Meeting in the near future. It was also agreed that the request would specifically ask for both a decision on not only the elevation height, but also on the exception to ordinance that restricts homes to 5' above adjacent grade. Motion made, seconded and approved by Board to reconvene at a later date.

Board then returned to item 3.2 for discussion

4.0 ADJOURNMENT

Motion to adjourn at 8:30

BOARD OF ADJUSTMENT

Janice Hall, Chairman

ATTEST

Stacey Fields, City Secretary

Minutes 6/19/18
App 7/3/18