

CITY OF CASTLE HILLS  
BOARD OF ADJUSTMENT HEARING  
MINUTES OF JUNE 15, 2011

The Board of Adjustment of the City of Castle Hills held a public hearing on the 15<sup>th</sup> day of June, 2011, at 7:00 P.M. at the City of Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

I. OPENING – QUORUM

Present and composing a quorum of the Board of Adjustment was Chairman Bill Schluter, Frank Paul, Dr. Paul Martinez, Pamala Farris, and Dr. Kathryn Safford.

Staff members present were Interim City Manager Rita Hoyl and City Secretary Linda Gill.

II. NEW BUSINESS

A. CONSIDER AND ACT UPON APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 16, 2010.

Chairman Schluter withdrew Item A from the agenda.

B. HOLD A PUBLIC HEARING AND ACT ON AN APPLICATION FROM THOMAS A. AKIN, 119 SUNFLOWER LANE, REQUESTING A VARIANCE TO THE CITY OF CASTLE HILLS CODE OF ORDINANCES, CHAPTER 31.404 AREA REGULATIONS (1) FRONT YARD , WHICH STATES, "THERE SHALL BE A FRONT YARD HAVING A MINIMUM DEPTH OF 40 FEET OR 20% OF THE DEPTH OF THE LOT, WHICHEVER IS GREATER, EXCEPT WHERE THE AREA OF A LOT IS LESS THAN 15,000 SQUARE FEET; THE FRONT YARD MAY HAVE A MINIMUM DEPTH OF 35 FEET."

Chairman Schluter called the meeting to order at 7:00 p.m. and invited the applicant to present his request to the board. Thomas A. Akin gave a brief history of his property. He said, originally, the house was built in the 1930s in the middle of a 15 acre tract of land. He said when the city incorporated and Sunflower Lane was put in, the back of the house faced the street. Mr. Akin said that he bought the property from a relative in 1985 and had no problems at that time, but he has the house up for sale now and wants it to be compliant with City Code to avoid any problems at closing. He said that the surveys he had done for the property indicate that one corner of the house is too close to the street.

The chairman read through the seven questions on the variance application and determined that they all were answered "yes."

City Manager Steele said that the problem is that the house is backwards; and in order to get a building permit, a variance is needed to bring it into compliance. Ms. Hoyl concurred and said the variance will make it legal non-conforming use.

Mr. Steele explained the term "grandfathering." Mr. Paul confirmed that "grandfathering" goes away when the structure goes away.

***Motion:*** Discussion ended and, Dr. Safford moved to approve the application for a variance to Chapter 31.404, Area Regulations. Ms. Farris seconded the motion. The motion passed unanimously.

### III. ADJOURNMENT

Chairman Schluter adjourned the meeting at 7:32 p.m.

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William Schluter, Chairman

ATTEST:

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Linda Gill, City Secretary