

CITY OF CASTLE HILLS
BOARD OF ADJUSTMENT HEARING
MINUTES OF JULY 20, 2011

The Board of Adjustment of the City of Castle Hills held a public hearing on the 20th day of July, 2011, at 7:00 P.M. at the City of Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster was signed by W. Hankins, Ann McGee, Ron Jay, Vera Howard, Pamala Farris, Kenneth Graham, Richard Wolf, and Peggy Stevens.

I. OPENING – QUORUM

Present and composing a quorum of the Board of Adjustment was Chairman Kathryn Safford, Frank Paul, Tim Turner, Terry Warth, and Dana Poole.

Staff members present were City Manager Michael Steele and City Secretary Linda Gill.

II. NEW BUSINESS

A. PUBLIC HEARING AND ACTION ON AN APPLICATION FOR A VARIANCE TO SECTION 31.405(2), FENCES, SUBMITTED BY RONALD P. AND LYDIA B. JAY, OWNERS OF 12 WEST OAKS COURT, TO REPLACE A GRANDFATHERED BARBED WIRE FENCE WITH GALVANIZED WIRE-MESH VINE TRELLISES ALONG THE REAR AND ONE SIDE OF THE PROPERTY.

Chairman Safford invited Ronald and Lydia Jay to come forward and explain why they applied for a variance. Mr. Jay related that they want to erect two vine trellises on their back property line and along one side of the back yard. They want to use vine trellises made of galvanized wire mesh in lieu of galvanized chain link to provide a more eye pleasing structure. Mr. Jay read through the 7 questions on the application and answered them. He said that the trellis across the back of the property will not be seen from the street, and the 17' trellis on the side will be seen by the neighbor on that side and will be seen from the street. Mr. Jay said allowing the use of galvanized mesh within the frame of each trellis, rather than chain link, will preserve the design integrity and be more in harmony with the general purpose outlined in Chapter

Ms. Hoyle confirmed for Chairman Safford that the side trellis, although not a complete fence, a variance is needed because it is a screening device. Chairman Safford noted a letter from the neighbor behind Mr. Jay, who commented that he had no objection to the trellises and though they would add beautification to the neighborhood.

Vera Howard, the Jays' next door neighbor who lives at 14 West Oaks Court, questioned the location and height of the side trellis. Mr. Jay said it would be about 10'-12' from the front of his house and about 30' from his front property line. Ms. Howard said the covenants of the property allow only a 7' fence height, and the trellis is going to be 8'.

LaVerne Japhet of 12 Shady Cove said that there are 24 houses in the PUB, and heretofore, everyone has respected the covenants of the property, which allow a fence height of only 7'.

Mr. Paul recalled a recent meeting where the covenants of the PUB were discussed. He said that he thought, even if Castle Hills grants the variance for an 8' fence, the property owner will have to go to the PUB association to get approval for the 8' height. Ms. Hoyle said that the Board of Adjustment is only concerned with the zoning code of the city. She said that the PUB is zoned as an AA Single Family Dwelling and is subject to the area and height regulations of the Castle Hills Code. She said the city does not enforce covenants of subdivisions. She said that, if West Oaks Court wants to do something differently after the city approves or denies Mr. Jay's application, they can.

Mr. Steele said that the only consideration tonight is the Castle Hills Code. The covenants should not be at issue. Ms. Hoyle said that she will issue a permit, if Mr. Jay's request is approved. West Oaks Court will have to rule on the covenants.

Discussion of what West Oak Courts has or has not approved was ended when the city manager said it was irrelevant and out of order.

Motion:

Mr. Turner moved to approve the application for the variance to replace a grandfathered barbed wire fence with a galvanized wire mesh trellises along the rear and one side of the property at 12 West Oaks Court. Mr. Paul seconded the motion. The motion carried with a unanimous vote.

B. PUBLIC HEARING AND ACTION ON AN APPLICATION FOR A VARIANCE TO SECTION 31.405(2) FENCES SUBMITTED BY DUB HANKINS AND ANN H. MCGEE, OWNERS OF 104 E. CASTLE LANE, TO REPLACE A 4' CHAIN LINK FENCE WITH A 4' PAINTED WOOD PICKET FENCE ACROSS FRONT YARD.

Chairman Safford called Dub Hankins and Ann H. McGee to come forward. Mr. Hankins read through and answered the 7 questions on his application. According to his answers, he wants to replace a grandfathered 4' existing chain link fence running along each side of his property with a 4' high wooden picket fence to match the style and height of the fence across the

front of his property. Mr. Hankins said that he wants to preserve the aesthetic continuity of the property and beautify the neighborhood. He added that his neighbors are very happy about his plan.

Motion: Brief discussion led to a motion from Mr. Paul to approve the variance to replace a 4' chain link fence with a 4' painted wood picket fence in the front yard of his property. Seconded by Mr. Poole, the motion passed unanimously.

III. ADJOURNMENT

Motion: Mr. Turner moved to adjourn the meeting at 7:49 p.m. Chairman Safford seconded the motion. The motion carried.

Dr. Kathryn Safford, Chairman

ATTEST:

Linda Gill, City Secretary