

**THE MINUTES OF THE SHAVANO PARK  
BOARD OF ADJUSTMENTS  
MEETINGS 2010**

- Regular meetings
- Special meetings
  - Workshops

MONDAY, JANUARY 25, 2010 - 6:30 P.M.

MONDAY, FEBRUARY 22, 2010 - 6:30 P.M.

MONDAY, MARCH 8, 2010 - 6:30 P.M.

MONDAY, MAY 10, 2010 - 6:30 P.M.

MONDAY, JULY 12, 2010 - 6:30 P.M.

MONDAY, SEPTEMBER 13, 2010 - 6:30 P.M.

MONDAY, OCTOBER 25, 2010 - 6:30 P.M.

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MONDAY, SEPTEMBER 13, 2010 - 6:30 P.M.

MONDAY, OCTOBER 25, 2010 - 6:30 P.M.

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, JANUARY 25, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – absent

Member, Pat Wood – present  
Member, Fred Hobbs – present

Alternate Member – Etta Fanning – present – requested by Mayor Marne to fill in for Member, Ray Boazman in his absence.

Alternate Member – Larry Lyons – present

Alternate Member – Adam Rodriguez – present

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Wallace called the meeting to order at 6:34 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from October 12, 2009**

Upon a motion made by Member Charles Brame and a second by Member Fred Hobbs Brame, the Board voted five (5) for and none (0) opposed to approve the minutes from the October 12, 2009 Board of Adjustments meeting as amended. The motion carried.

**108 Honey Bee Lane--Request by Mr. Alfred Gray to the City policy to seek a 2'.3" variance for a 10' porch projection; and to seek a 10' variance to the 30' side yard setback requirement.**

- 1. Applicant Presentation**
- 2. Staff Presentation**

3. **Comments by Proponents and Opponents**
4. **Applicant Rebuttal**
5. **Question and comments by Board Members**
6. **Deliberation and Board findings**

Home owner, Mr. Alfred Gray presented to the Board.

Upon a motion made by Member Fred Hobbs and a second by Member Pat Wood, the Board voted five (5) for and none (0) opposed to grant a 2'.3" variance for a 10' porch projection and a 10' variance to the 30' side yard setback requirement. The motion carried.

### **Adjournment**

Chairman Don Wallace adjourned the January 25, 2010 Board of Adjustments meeting at 6:45 p.m. The motion carried.

**These minutes approved on the 22nd of February, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, FEBRUARY 22, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – present

Member, Pat Wood – present  
Member, Fred Hobbs – present

Alternate Member – Etta Fanning – absent  
Alternate Member – Larry Lyons – present  
Alternate Member – Adam Rodriguez – present

*Others present:* City Clerk, Sandra Passailaigue and City Attorney, Ryan Henry

**Call to Order**

Chairman Wallace called the meeting to order at 6:30 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from January 25, 2010**

Upon a motion made by Member Charles Brame and a second by Member Pat Wood, the Board voted four (4) for and none (0) opposed with Member Ray Boazman abstaining to approve the minutes from the January 25, 2010 Board of Adjustments meeting as presented. The motion carried.

**100 Shavano Drive-- Request by Mr. and Mrs. Les Docks - Applicant is petitioning the City of Shavano Park Board of Adjustments for a variance to the City policy to seek a variance to increase the size of the existing accessory building to approximately 4,200 square feet; and to seek a variance to the City of Shavano Park Code of Ordinances Section 36-36 (d)**

which requires exterior architectural features "in keeping with the residence and general atmosphere of the surrounding area."

1. Applicant Presentation
2. Staff Presentation
3. Comments by Proponents and Opponents
4. Applicant Rebuttal
5. Question and comments by Board Members
6. Deliberation and Board findings

Home owner, Mr. Les Docks presented to the Board.

Upon a motion made by Member Fred Hobbs and a second by Member Charles Brame, the Board voted five (5) for and none (0) opposed to grant variance to the City policy to seek a variance to increase the size of the existing accessory building to approximately 4,200 square feet; and to seek a variance to the City of Shavano Park Code of ordinances Section 36-36 (d) which requires exterior architectural features "in keeping with the residence and general atmosphere of the surrounding area."

### **Adjournment**

Chairman Don Wallace adjourned the February 22, 2010 Board of Adjustments meeting at 6:53 p.m. The motion carried.

**These minutes approved on the 8th of March, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, MARCH 08, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – absent  
Member, Ray Boazman – present

Member, Pat Wood – present  
Member, Fred Hobbs – present

Alternate Member – Etta Fanning – present  
Alternate Member – Larry Lyons – present- requested by Mayor Marne to fill in for  
Member, Charles Brame in his absence.  
Alternate Member – Adam Rodriguez – absent

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Wallace called the meeting to order at 6:32 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from February 22, 2010**

Upon a motion made by Member Ray Boazman and a second by Member Fred Hobbs, the Board voted five (5) for and none (0) opposed to approve the minutes from the February 22, 2010 Board of Adjustments meeting as presented. The motion carried.

**109 Chimney Rock Lane -- Request by Claudia Storhoff - Applicant is petitioning the City of Shavano Park Board of Adjustments consider a variance to the City policy concerning the construction of a pool in the rear set back.**

1. **Applicant Presentation**
2. **Staff Presentation**
3. **Comments by Proponents and Opponents**
4. **Applicant Rebuttal**
5. **Question and comments by Board Members**
6. **Deliberation and Board findings**

Mr. Clyde Toscano from Shavano Pools presented to the Board. Homeowner Claudia Storhoff and son were also present.

Upon a motion made by Member Ray Boazman and a second by Member Pat Wood, the Board voted five (5) for and none (0) opposed to grant a variance to the City policy concerning the construction of a pool in the rear set back.

### **Adjournment**

Chairman Don Wallace adjourned the March 08, 2010 Board of Adjustments meeting at 6:46 p.m. The motion carried.

**These minutes approved on the 10th of May, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk



**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, MAY 10, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – present

Member, Pat Wood – present  
Member, Fred Hobbs – absent

Alternate Member – Etta Fanning – absent  
Alternate Member – Larry Lyons – present- requested by Mayor Marne to fill in for  
Member, Fred Hobbs in his absence.  
Alternate Member – Adam Rodriguez – absent

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Wallace called the meeting to order at 6:33 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from March 08, 2010**

Upon a motion made by Member Pat Wood and a second by Member Ray Boazman, the Board voted five (5) for and none (0) opposed to approve the minutes from the March 08, 2010 Board of Adjustments meeting as presented. The motion carried.

**102 Saddletree Road -- Request by Mr. and Mrs. Justin Still - Applicant is petitioning the City of Shavano Park Board of Adjustments to grant a four (4) foot variance into the thirty (30) foot setback in the rear of CB 5938 BLK 6 LOT 100 # C55-12678 to install a sport court.**

1. **Applicant Presentation**
2. **Staff Presentation**
3. **Comments by Proponents and Opponents**
4. **Applicant Rebuttal**
5. **Question and comments by Board Members**
6. **Deliberation and Board findings**

Homeowner Mrs. Kara Still presented.

Upon a motion made by Member Ray Boazman and a second by Member Larry Lyons, the Board voted five (5) for and none (0) opposed to grant a four (4) foot variance into the thirty (30) foot setback in the rear of CB 5938 BLK 6 LOT 100 # C55-12678 to install a sport court. The motion carried.

### **Adjournment**

Chairman Don Wallace adjourned the May 10, 2010 Board of Adjustments meeting at 6:40 p.m. The motion carried.

**These minutes approved on the 12th of July, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, JULY 12, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – present

Member, Pat Wood – present  
Member, Fred Hobbs – present

Alternate Member – Larry Lyons – present  
Alternate Member – Adam Rodriguez – absent

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Don Wallace called the meeting to order at 6:30 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from May 10, 2010**

Upon a motion made by Member Charles Brame and a second by Chairman Don Wallace, the Board voted six (6) for and none (0) opposed to approve the minutes from the May 10, 2010 Board of Adjustments meeting as presented. The motion carried.

**410 Happy Trail -- Request by Dr. Ronald Dregler - Applicant is petitioning the City of Shavano Park Board of Adjustments to grant a five foot, seven and a half inch (5'-7 ½") variance into the thirty (30) foot side setback at CB 5938 Block Lot 1312 Shavano Park Unit- 15B for an addition to the home.**

- 1. Applicant Presentation**
- 2. Staff Presentation**

3. **Comments by Proponents and Opponents**
4. **Applicant Rebuttal**
5. **Question and comments by Board Members**
6. **Deliberation and Board findings**

Mr. Ronald McGinnis of Andiamo Builders, L.L.C. presented the proposed addition. This was followed by a discussion.

Upon a motion made by Member Charles Brame and a second by Member Pat Wood, the Board voted none (0) for and six (6) opposed grant a five foot, seven and a half inch (5'-7 ½") variance into the thirty (30) foot side setback at CB 5938 Block Lot 1312 Shavano Park Unit-15B for an addition to the home. The motion failed.

### **Adjournment**

Chairman Don Wallace adjourned the July 12, 2010 Board of Adjustments meeting at 6:56 p.m. The motion carried.

**These minutes approved on the 13<sup>th</sup> of September, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, SEPTEMBER 13, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – absent

Member, Pat Wood – present  
Member, Fred Hobbs – present

Alternate Member – Larry Lyons – present- requested by Mayor Marne to fill in for Member, Ray Boazman in his absence.

Alternate Member – Adam Rodriguez – absent

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Wallace called the meeting to order at 6:42 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Consent Agenda:**

**a. Approval of minutes from July 12, 2010**

Upon a motion made by Alternate Member Larry Lyons and a second by Member Pat Wood, the Board voted five (5) for and none (0) opposed to approve the minutes from the July 12, 2010 Board of Adjustments meeting as presented. The motion carried.

**Discuss and consider interpretation of the City of Shavano Park Zoning Ordinance as regards to mechanical equipment in building setback areas.**

Chairman Wallace explained the purpose of this meeting which he has called to order to discuss the City's Building Official's interpretation with regards to the City's Code of Ordinance as it pertains to mechanical equipment in setbacks. There was a lengthy discussion which went into the next agenda item.

**Discuss and consider a recommendation to City Council regarding mechanical equipment in building setbacks.**

The Board of Adjustments considered the following recommendations to City Council:

Upon a motion made by Member Charles Brame and a second by Member Pat Woods, the Board voted five (5) for and none (0) opposed that the Board of Adjustments has determined that mechanical systems including water softeners, heat pumps, pool pumps, filters are to be considered part of the building and are not allowed in the building setback area without a variance. The motion carried.

Upon a motion made by Member Fred Hobbs and a second by Member Charles Brame, the Board voted five (5) for and none (0) opposed that air conditioning equipment be allowed in a setback as long as it is within five feet (5') of the residence or no closer than three feet (3') to the property line. The motion carried.

**Adjournment**

Chairman Don Wallace adjourned the September 13, 2010 Board of Adjustments meeting at 7:34 p.m. The motion carried.

**These minutes approved on the 25<sup>th</sup> of October, 2010.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE**  
City Clerk

**CITY OF SHAVANO PARK  
BOARD OF ADJUSTMENTS MEETING  
AT SHAVANO PARK CITY HALL,  
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231  
MONDAY, OCTOBER 25, 2010 AT 6:30 P.M.**

**MINUTES**

**Roll Call**

Chairman, Don Wallace – present  
Member, Charles Brame – present  
Member, Ray Boazman – present

Member, Pat Wood – absent  
Member, Fred Hobbs – present

Alternate Member – Larry Lyons – present- requested by Mayor Marne to fill in for Member, Pat Wood in his absence.

Alternate Member – Adam Rodriguez – present

Alternate Member – James McLendon – present

Alternate Member – William Hartman, II - present

*Others present:* City Clerk, Sandra Passailaigue

**Call to Order**

Chairman Wallace called the meeting to order at 6:30 p.m. Notice was posted as required by the Texas Open Meetings Act (Chapter 551, Texas Government Code).

**Chairman Announcements**

None

**Nomination and appointment of Chairman.**

Upon a motion made by Member Ray Boazman and a second by Member Charles Brame, the Board voted five (5) for and none (0) opposed to nominate Don Wallace to remain Chairman of the Board of Adjustments. The motion carried.

**Consent Agenda:**

**a. Approval of minutes from September 13, 2010**

Upon a motion made by Member Charles Brame and a second by Member Ray Boazman, the Board voted five (5) for and none (0) opposed to approve the minutes

from the September 13, 2010 Board of Adjustments meeting as presented. The motion carried.

**223 Blackjack Oak – Request by James W. McLendon – Applicant is petitioning the City of Shavano Park Board of Adjustments to grant a variance to the ordinance limiting construction in the setback on the north side of residence for the purpose of replacing current pool equipment with newer, more efficient, quieter, and smaller equipment with a four foot (4') sound barrier wall in the same location.**

- 1. Applicant Presentation**
- 2. Staff Presentation**
- 3. Comments by Proponents and Opponents**
- 4. Applicant Rebuttal**
- 5. Question and comments by Board Members**
- 6. Deliberation and Board findings**

Mr. and Mrs. James McLendon presented their case.

Upon a motion made by Member Ray Boazman and a second by Member Charles Brame, the Board voted five (5) for and none (0) opposed to grant a variance to the ordinance limiting construction in the setback on the north side of residence for the purpose of replacing current pool equipment with newer, more efficient, quieter, and smaller equipment with a four foot (4') sound barrier wall in the same location. The motion carried.

### **Adjournment**

Chairman Don Wallace adjourned the October 25, 2010 Board of Adjustments meeting at 6:58 p.m. The motion carried.

**These minutes approved on the 23<sup>rd</sup> of May, 2011.**

**A P P R O V E D**

**DON WALLACE**  
Chairman

Attest:

**SAUNDRA PASSAILAIGUE, TRMC**  
City Clerk