The City of West University Place

A Neighborhood City

ZONING BOARD OF ADJUSTMENT
MUNICIPAL BUILDING
3800 UNIVERSITY BOULEVARD
REGULAR MEETING MINUTES
February 27, 2020
6:30 pm

I.	MEMBERS PRESENT:	Steven Segal (voting), Donald Yurewicz (voting), Edward Nikonowicz (voting), Janet Parisi (voting) and Sergio Amelio (voting)
II.	MEMBERS ABSENT:	Neil Martin, Jay Cohen, John Brett and Brennan Reilly
III.	STAFF PRESENT:	Laura McKenery, Legal Counsel, Clay Chew, Building Official and Josie M. Hayes, Administrative Coordinator
IV.	CALL TO ORDER:	6:30 p.m.

	Agenda Item	Discussion	Action
1	**Call the meeting to order. Notices, Rules, Etc.**	Steven Segal called the meeting to order at 6:30 p.m. Steven Segal asked each member to briefly introduce themselves and state if they are voting or nonvoting. Josie M. Hayes, Administrative Coordinator, stated that all notices were posted in accordance with state and local requirements. Steven Segal then described the hearing procedures. Swearing in of witnesses.	Edward Nikonowicz moved to accept that all notices were properly posted and distributed for this meeting. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. **Motion Carried (5-0).** Steven Segal administered the oath to all witnesses.
2	**Docket No. 2020-0001, regarding property at 6402 Vanderbilt St., West University Place, Texas 77005 (Variance and Special Exception)** a. Public hearing regarding a request for a special exception and variance to authorize an additional curb cut and a driveway to end in the yard and not at a garage	The applicant in Docket 2020-0001, 6402 Vanderbilt St. is requesting both a variance to Section 10-103(b) in order to allow a "stub" or "dead end" driveway in a front yard and a special exception to Table 7-5a, Note 5, to authorize a second curb cut on the building site. Staff received one correspondence letter in favor the application from Alberta and Andrew, 6410 Vanderbilt St.	Motion to close the deliberation portion of the hearing was made by Edward Nikonowicz. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi, and Sergio Amelio. **Motion carried (5-0).** After deliberations Steven Segal a motion to approve the variance to Article 10, Section 10-103(b) to allow a dead end or stub driveway in the front yard setback. Seconded by Edward Nikonowicz. Ayes: Steven Segal, Donald Yurewicz, Edward

TOP WORK PLACES

	opening. b. Deliberation, decisions, other action, etc. regarding the preceding matters.	Citizen speaking in favor of the application was: Alida Drewes, 6112 Fordham St. **Background Information:** The site is located at the northwest corner of Vanderbilt St. and Duke St. and is 100' wide by 200' deep. There is an existing circular driveway in the side yard that ends at the garage driveway. The circular driveway would be replaced by a single driveway which would end at the existing porte-cochere. A new garage and driveway is planned to be built with the current garage area turned into outdoor space. The applicant is asking for a special exception to allow another curb cut on the Duke St. side for parking at the porte-cochere. The driveway would stop or "dead end" in the side yard, thus necessitating the need for a variance. **Staff Response:** **Variance Request** – Section 10-103(b) requires that all parking and maneuvering areas be located behind the principal building. It goes on to prohibit "stub" or "dead end" driveways located in the front yard setback. There is an exception for those sites that **front** on a major thoroughfare containing four or more lanes. Staff believes that the ZBA has the authority to grant this variance, but according to Section 11-102 of the zoning regulations, the ZBA may not issue a variance unless all of the following circumstances are present. (1) The ZBA has made all findings and determinations required by state law for the granting of a variance. A "special condition" or "hardship" that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a	Nikonowicz, Janet Parisi and Sergio Amelio **Motion carried (5-0).** Steven Segal made a motion to authorize a special exception as authorized in Table 7-5a, Note 5 to authorize an additional curb cut to the building site in order to build a dead end or stub driveway in the front yard setback. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. **Motion carried (5-0).**

		variance. The findings to grant a favorable result for this application are as follows: 1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship. 2. By granting the variance, would the spirit of the ordinance be observed and substantial justice done; 3. Would the variance be contrary to the public interest? (2) The ZBA has made any additional findings and determination required by a specific provision of this section which relates to the variance. (3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or by this section for the variance in questions. The ZBA may prescribe conditions to the request such as limiting the length and width of the parking space, requiring pervious pavement, require screening, etc. **Special Exception Request** – Table 7-5a limits the maximum number of curb cuts to "one per designated building site abutting the street. Note 5 of Table 7-5a authorizes additional curb cuts and specifically authorizes staff to approve the curb cuts for semi-circular driveways as prescribed in Chapter 70 of the Code of Ordinances. This proposed driveway would not be connected and so is not authorized without a special exception from ZBA. Table 7-5a, Note 5 of the Zoning Ordinance gives the ZBA the authority to grant a special exception for additional curb cuts. The ZBA must find that the request is in harmony with the general purpose and intent of the Zoning Ordinance and that the request will not cause any significant increase in on-street parking or traffic, traffic congestion, or an unreasonable burden upon public utilities or services. If the Board grants the special exception, the Board can attach conditions.	

3	**Meeting Minutes**	Approval of meeting minutes from December 19, 2019.	Steven Segal moved to approve the December 19, 2019 minutes. Second by Edward Nikonowicz. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. **Motion carried.**
	Adjournment.	The meeting was adjourned at 6:58 pm.	Donald Yurewicz moved to adjourn the meeting. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. **Motion Carried.**

APPROVED THIS 23 DAY OF April 2020.

Steven E Segal
Presiding Officer

ATTEST: Josie M. Hayes
Josie M. Hayes, Administrator Coordinator