

STATE OF TEXAS

**MINUTES OF BOARD OF
ADJUSTMENTS AND APPEALS**

COUNTY OF NUECES

WEDNESDAY MARCH 19TH, 2014

CITY OF PORT ARANSAS

COUNCIL CHAMBERS – 3:00 P.M.

The Board of Adjustments and Appeals of the City of Port Aransas met in Called Session on Wednesday March 19th 2014, at their regular meeting place, 710 W. Avenue A, Port Aransas, Nueces County, Texas, with the following members present:

BOA MEMBERS PRESENT

Chair Billy Gaskins
Member Glen Martin
Member Flip Burleson
Member Linda Daves
Member Jim Freeman
ALTERNATE Member Noyes Livingston (in audience)
ALTERNATE Patty Livingston

STAFF MEMBERS PRESENT

City Manager David Parsons
Director of Development Services Rick Adams
Building Official Abel Carrillo
Building Clerk Nicole Hammock
Building Clerk Carla Vanzant

1) **CALL TO ORDER:** With a quorum of the Board of Adjustments and Appeals Members present, the Called Meeting of the Board of Adjustments and Appeals was called to order by Chair Billy Gaskins at 3:00 pm on Wednesday, March 19th, 2014 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.

2) **APPROVAL OF MINUTES:** Wednesday, August 21st, 2013, Called Meeting
The minutes of Wednesday August 21st, 2013, were approved with changes made to the spelling of Glen Martin and Jim Freeman's names, with a yes vote by all members present. Member Glen Martin made the motion and Member Linda Daves seconded the motion.

3. **PUBLIC HEARINGS:** *In accordance with the Open Meetings Act, Board of Adjustments and Appeals Board is prohibited from acting or discussing (other than factual responses to specific*

questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.

- A. Public hearing to receive comments on Variance Application #VAR-140082, Aransas Holding Co S/D C, Block 84, Lot A, Port Aransas, Nueces County, Texas. Request is by Taylor Mauck, Jay and Mary Honeck to expand an existing legal non-conforming structure—specifically to expand vertically onto a structure that is currently 7.7’ into the 15’ required side-yard setback. Property location: 105 N Alister.

Taylor Mauck, architect, presented the proposed project for 105 N Alister. Offered on behalf of the owners, to remove the porch if the variance is granted. Some questions on the clarification of the plans were asked.

Randy D’Herde spoke in support of granting the variance.

- B. Public hearing to receive comments on Variance Application #VAR-140083, Brundrett Sur No 7, Block 2, Lot 2, Port Aransas, Nueces County, Texas. Request is by Garrett Kypke is to reduce the minimum lot size from 3,000 square feet to 2,994 square feet. Property location: 141 W Brundrett.

Garrett Kypke, owner, spoke to present his variance request. Some questions on the clarifications of the request were asked.

4. ITEMS FOR DISCUSSION AND ACTION:

- A. Discussion and take appropriate action on Variance Application #VAR-140082, Aransas Holding Co S/D C, Block 84, Lot A, Port Aransas, Nueces County, Texas. Request is by Taylor Mauck, Jay and Mary Honeck to expand an existing legal non-conforming structure—specifically to expand vertically onto a structure that is currently 7.7’ into the 15’ required side-yard setback. Property location: 105 N Alister.

Rick Adams, Director of Development Services for the City of Port Aransas, spoke on behalf on the City on their position that the variance should be denied. Discussion followed.

MOTION: Member Flip Burleson made the motion to approve Variance Application #VAR-140082 with the caveat that the owners remove the existing porch. Seconded by Member Linda Daves and was denied with the following vote:

Name	Yes	No	Abstain	Absent
Chair Billy Gaskins		x		
Member Glenn Martin		x		
Member Flip Burleson	x			

Member Linda Daves	x			
Member Jim Freeman		x		

Jay and Mary Honeck spoke up and said that they were never notified of the meeting, their architect, Taylor Mauck only heard of the meeting the day before when someone told him it was published in the South Jetty. Some discussion was had on how notification occurs. Rick Adams mentioned that in addition to the publication in the South Jetty, the applicant and all homeowners within 200' of the property in question receive notice. He recommended that the motion be rescinded and the owners be permitted to speak to the board. Chair Billy Gaskins mentions that the facts would stay the same, the circumstances would stay the same, so the discussion should be re-visited with the property owners present rather than postponing the hearing.

MOTION: Member Jim Freeman made the motion to rescind the previous motion and subsequent vote. Seconded by Member Flip Burleson and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Billy Gaskins	x			
Member Glenn Martin	x			
Member Flip Burleson	x			
Member Linda Daves	x			
Member Jim Freeman	x			

The discussion on Variance Application #VAR-140082, Aransas Holding Co S/D C, Block 84, Lot A, Port Aransas, Nueces County, Texas was reopened. Request is by Taylor Mauck, Jay and Mary Honeck to expand an existing legal non-conforming structure—specifically to expand vertically onto a structure that is currently 7.7' into the 15' required side-yard setback. Property location: 105 N Alister.

Jay and Mary Honeck spoke as to why they are requesting the variance. Much discussion ensued.

MOTION: Member Flip Burleson made the motion to approve Variance Application #VAR-140082 with the caveat that the owners remove the existing porch. Seconded by Member Linda Daves and was denied with the following vote:

Name	Yes	No	Abstain	Absent
Chair Billy Gaskins		x		
Member Glenn Martin		x		
Member Flip Burleson	x			
Member Linda Daves	x			
Member Jim Freeman		x		

B. Discussion and take appropriate action on Variance Application #VAR-140083, Brundrett Sur No 7, Block 2, Lot 2, Port Aransas, Nueces County, Texas. Request is by Garrett Kypke is to reduce the minimum lot size from 3,000 square feet to 2,994 square feet. Property location: 141 W Brundrett.

Rick Adams, Director of Development Services for the City of Port Aransas, spoke on behalf on the City on their position that the variance should be denied. Discussion followed.

Garrett Kypke pointed out that the amount of land that was being discussed was two and a half inches, versus the two and a half feet that the board kept mentioning. He discussed that the survey has been done again and gotten him closer to the 3000sq ft. minimum. Discussion followed.

MOTION: (after some discussion on how the motion should be worded) Member Glenn Martin made the motion to approve Variance Application #VAR-140083 to allow the applicant to create three equal-sized lots not to be less than 2,994 square feet. Seconded by Member Linda Daves and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Billy Gaskins	x			
Member Glenn Martin	x			
Member Flip Burleson	x			
Member Linda Daves		x		
Member Jim Freeman	x			

- 5) **ADJOURNMENT:** There being no further business Chair Billy Gaskins adjourned the Called Board of Adjustments and Appeals Meeting at 4:35 pm.

PASSED AND APPROVED on this _____ day of _____, 2013

Billy Gaskins, Chair

Planning & Zoning, Secretary