

## MINUTES OF THE ZONING BOARD OF ADJUSTMENT MEETING AUGUST 22, 2017.

1. **Call to order:** Meeting called to order at 6:39 PM by Kevin Kenny.
2. **Invocation:** Kevin Kenny provided the invocation.
3. **Roll Call;** Board members present: Terry Fox, Roy Lee Nichols, Kevin Kenny and Jason Featherston.
4. **Discussion, consideration, action, if any re: Approve minutes from February 28, 2017.** Following a brief discussion by the Board, Roy Lee Nichols motioned to approve minutes as written. Terry Fox seconded this motion. Voting in favor: Fox, Nichols, Kenny and Featherston. There were no opposing votes and motion carried.
5. **PUBLIC HEARING: Conduct a public hearing and consider the application of Nickolas Fuentes requesting a variance to Section 4.101.A.1 of the Zoning Ordinance, Ordinance No. 2000-003 by reference in Ordinance No. 2016-14, requiring a 25' front yard building setback in "R-1" zoning on Lot 1, Block 1 of the Victor Fuentes Addition, being 1.17 acres located at 191 Hillside Drive.** The Public Hearing was opened at 6:42 PM. Justin French, Planning and Development Director, provided the Board with a brief overview of the variance requested. Amber Boney, 1317 Wentwood Circle, Hewitt, Texas 76643, on behalf of the applicant, was available for questions and respectfully requested approval. After no additional comments, the Public Hearing was closed at 6:45 PM. Board member Jason Featherston asked for clarification regarding the encroachment. Justin French stated the encroachment is at its greatest point 2.9 feet into the minimum 25-foot front yard building setback. Board member Terry Fox asked if there was an encroachment on the south side of the property. Justin French stated there was no encroachment into the side yard setback; however, there is an encroachment into the 25-foot easement, and the property owner has a surveyor addressing this issue. Board member Terry Fox motioned to approve the variance as presented. Board member Jason Featherston seconded this motion. Voting in favor: Fox, Kenny and Featherston with Board member Nichols voting in opposition. Justin French informed the Board the motion to approve fails for lack of four affirmative votes, and asked if the motion was clear to all Board members. Board member Nichols requested to change his motion. Board member Terry Fox motioned to approve the variance as requested. Board member Jason Featherston seconded this motion. Voting in favor: Fox, Nichols, Kenny, and Featherston. There were no opposing votes and motion carried unanimously.
6. **Board member comments on agenda items set out above and requests for items to be placed on future agendas. (No matter that is not specifically contained on this agenda may be discussed except, and limited to, asking that an item be placed on future**

agendas.) Board member Terry Fox asked about the possibility of a penalty to the builder if presented with similar circumstance regarding agenda item #5.

7. **Adjourn:** Meeting adjourned at 6:52 p.m.

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Kevin Kenny, Chairperson

ATTEST:

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Jana Lewellen, City Secretary