

MINUTES
BOARD OF ADJUSTMENTS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 25 June 2018

1. CALL TO ORDER: Chairman Mat Matecko at 6:00 PM.
2. QUORUM CHECK: Kim M. Turner Assistant City Manager

Members Present:	Present:
Mat Matecko, Chairman	Ken Taylor, City Manager
Cheryl Maxwell, Vice-Chairman	Jaclyn Redmon, Building Official
John Hudson, Member	Jacob Jenkins, Code Compliance
Lori Putt, Member	Melissa Gonzalez
Michael Murray, Member	Jack Gunter
Jim Vinci, Member	

Member Absent:
Mary Andrews

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 21 May 2018

Mrs. Putt moved to approve the minutes as presented. Mr. Hudson seconded the motion. The minutes were unanimously approved without correction on a 6/0 vote.

4. NEW BUSINESS:

- A. **Public Hearing:** V.C.641—A request for variance for property at 445 E. Wright Blvd (CB 5768A BLK 57 LOT 14 Old Rose Garden) to enclose and convert a one-car garage into living space, zoned R-OT Old Town Residential per zoning ordinance 581.

Mr. Matecko opened the public hearing at 6:04 PM.

Mr. Jack Gunter introduced himself, indicated he was an attorney, but was only present to represent himself as a spokesperson for Ms. Gonzalez. He indicated that the family was destitute and couldn't afford to build a garage. Mr. Gunter provided he was on the Planning & Zoning Commission for another suburban city. He indicated the Universal City requirements were different from other cities and that the situation with the family is heartbreaking. He stated that other houses in the area had enclosed garages and urged the Board to do the right thing and grant the variance request.

Mr. Matecko inquired if Ms. Gonzalez had received the Criteria for Granting a Variance. She indicated that she had received them. He also asked if Mr. Gunter had reviewed them, specifically items A and E. Mr. Matecko stressed that nothing had been presented that dealt with the extenuating circumstances on the property, only with the need of the family.

Mr. Vinci added clarification as to the extraordinary conditions effecting the land, not the extraordinary situation of the family.

Mr. Gunter did a line-by-line review of the Criteria for Granting the Variance.

Mr. Matecko closed the public hearing at 6:23 PM.

- B. **Consider:** V.C.641—A request for variance for property at 445 E. Wright Blvd (CB 5768A BLK 57 LOT 14 Old Rose Garden) to enclose and convert a one-car garage into living space, zoned R-OT Old Town Residential per zoning ordinance 581.

Mr. Vinci provided some guidance to Mr. Gunter relative to the difference between cities, Planning & Zoning Boards, and the Board of Appeals. He noted that the Board is not about compassion

and emotion, but about following the criteria set forth by the State and provided in the City Codes.

Ms. Putt also noted that the Board is not ruled by compassion, but by the criteria. Mr. Hudson and Ms. Maxwell noted that what happened with the fire is devastating, but their decisions are based on the criteria provided.

Mr. Murray clarified that at some point, people were enclosing their garages, but that the City had put a stop to it. Mr. Vinci reiterated that the decision was made on extraordinary conditions, not the circumstance of the family.

Mrs. Turner reminded the Board that all motions needed to be stated in the affirmative.

Member Maxwell made a motion stating, "I concur with the findings of fact as outlined in the variance application. Specifically,

- **That there are extraordinary conditions affecting the land;**
- **That the variance is necessary and essential to the preservation of substantial property rights**
- **That granting the variance will not be detrimental to the public health or safety**
- **That extraordinary conditions do not generally apply to other properties within the vicinity**
- **The unique conditions of the property were not created by the property owner**
- **The variance requested are in conformance with the City's Future Land Use Plan**
- **Approval of the variance requested allows the greatest utilization of the property**

Therefore, I move to approve VC 641 and to grant the variance to enclose the one-car garage.

The motion was seconded by Mr. Hudson. The motion failed on an 0-6 vote with all members voting "Nay".

5. CITY MANAGER REPORT:

Mrs. Turner updated the Board on ongoing street projects.

6. ADJOURNMENT:

The meeting adjourned at 6:35 PM

G.F. (Mat) Matecko
Chairman

