

Board of Adjustments met virtually on May 1, 2020, via Zoom due to COVID-19 social distancing restrictions with Board Chair Delores Terry presiding the meeting.

BOARD MEMBERS: Delores Terry, Jim Plumlee, Archie Phillips, Marvin Futrell

ABSENT: Ken Butler

CITY EMPLOYEES: Angela Smith, City Secretary, Rod Hainey, Public Works Director, Jennifer Jeude, Deputy City Secretary

CITY ATTORNEY: Derra Purnell, Olson & Olson, Assistant City Attorney

VISTORS: Scott Dunn

Board Chair Terry called the meeting to order at 10:07 am on May 1, 2020. All board members but one, were present so there was a quorum. Ken Butler was absent. Archie Phillips gave the invocation and Jim Plumlee did the pledge to the US flag and Texas flag.

PUBLIC COMMENTS

1) Public Comments

None

DISCUSSION AND ACTION BY THE BOARD

2) Discussion and possible action on variance request to allow encroachment into rear setbacks by 10 feet from Dunnco Properties II, LTD for property address 517 S Washington, Cleveland TX 77327. This request for variance is based on City Code Section 126-193.

Assistant City Manager Derra Purnell addressed the board. At the prior meeting, this item was tabled. There were two outstanding issues: fire department and public works. The fire department issues have been taken care of and Public Works easement for utilities has been cleared up and handled. Scott Dunn spoke and stated that the utilities issue is obsolete. He is pushing the building back, addressed the fire marshal's concerns, removed equipment in the fire way, has masonry construction with two-hour wall. He stated that the fire marshal was now in agreement with his actions. Ms. Purnell reminded him to address the legal standard for unnecessary hardship for this variance request.

Mr. Dunn spoke on elevation for flood concern to create viable track to draw new tenants. Ms. Purnell stated that financial hardship is not allowed as an unnecessary hardship but flood elevation issues could be. He continued by saying the benchmark to get the building up, was to raise it up over 15 inches so you have to raise the whole site and it was not doable. Rod Hainey stated he had witnessed water flooding 8-10 inches there and that a minimum of 18 inches above the crown of the road is needed. The board was asked if they had any questions. One question was asked if the fire marshal is okay with the changes and Mr. Hainey confirmed that he was.

Jim Plumlee made a motion to grant the variance to allow the encroachment into the rear setbacks by 10 feet from Dunnco Properties II, LTD for property address 517 S Washington with a second by Boardmember Futrell. All members present voted "AYE". Motion carried.

Other action or Discussion by the Commission

3) Approve minutes from the February 11, 2020 of Board of Adjustments meeting

Boardmember Futrell made a motion to approve the minutes as presented with a second from Boardmember Plumlee. All members present voted "AYE". Motion carried.

4) Discuss date for next meeting

There is nothing pending at this time so no future meeting is scheduled.

5) Adjourn

No motion was given for adjournment. Meeting ended at 10:22 am.

PASSED AND APPROVED this 9th day of October 2020.


Board Chair, Delores Terry

ATTEST:

City Secretary Angela Smith