

CITY OF CASTLE HILLS  
BOARD OF ADJUSTMENT HEARING  
MINUTES OF JULY 16, 2008

The Board of Adjustment of the City of Castle Hills held a public hearing on the 16<sup>th</sup> day of July, 2008, at 7:00 P.M. at the City of Castle Hills City Hall, 209 Lemonwood Drive, Castle Hills, Texas.

I. OPENING - QUORUM

Present and composing a quorum of the Board of Adjustment was Chairman William Schluter, Eunice Vandenbos, Kathryn Safford, Pamala Farris, and Bob Jones.

Staff members present were City Manager Mike Rietz, Assistant City Manager Rita Hoyl, and City Secretary Linda Gill.

II. OLD BUSINESS – None

III. NEW BUSINESS

A. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM RANDY BODINE HERNANDEZ BIVIN, OWNER OF 209 HIBISCUS LANE, REQUESTING A VARIANCE TO CASTLE HILLS CODE OF ORDINANCES, CHAPTER 31.405, OTHER REGULATIONS (2) FENCES, TO ERECT A 4' GALVANIZED CHAIN LINK FENCE IN THE FRONT YARD.

At the request of Mr. Schluter, Mr. Bivin came forward and said that he had put up a 4' fence instead of a 3' fence in his front yard. He indicated that it was a replacement fence and that he took down the previous 4' cedar post and wire fence and put up a chain link fence with galvanized posts. He said that Olmos Creek runs through the property causing a unique condition inherent in the property. Mr. Bivin said that the fence will withstand water flow from heavy rains and allow any overflow to pass through it due to the large chain links. He added that his front yard faces the back yards of three other properties.

Ms. Vandenbos remarked that clarification of the front yard was needed. Mr. Bivin responded that City Staff said the house was placed sideways on the lot, so the front yard does not face Hibiscus. The city manager confirmed that the section of the property from Hibiscus to the corner of the house nearest Hibiscus and the section next to Lot 6 is where the new fence borders the front yard. Lots 7 and 15 are on the sides of the property. He said that the front yard is between the home and the street.

Members of the board discussed water flow on the property and the fence materials. Assistant City Manager Hoyl commented that City Code does not allow galvanized chain link fence in the front yard. Ms. Vandebos suggested that two motions be made, one for materials and one for the 4' height and materials.

Chairman Schluter opened the meeting to residents who wished to comment.

Douglas Lewis of 212 Hibiscus said that he would like to see the fence approved.

Richard Opiela of 206 Hibiscus commented that the fence looks very nice and that the Fox Hall area is unique to Castle Hills. He said he was in favor of the fence.

Ms. Vandebos said that the old fence was not the same kind and not grandfathered. Mr. Bivin acknowledged that the fence used to be cedar posts and wire. Dr. Safford suggested that Mr. Bivin may have thought he was replacing part of the fence, not constructing new, and that is why he did not get a permit.

***Motion:*** A motion was made by Ms. Vandebos to grant a variance along the side and rear property lines allowing galvanized chain link fence materials. Mr. Jones seconded the motion. The motion passed unanimously.

***Motion:*** Ms. Vandebos then moved to grant the variance for a 4' range type fence in the front yard, as designated, with the stipulation that no additional fence would be constructed across the front property line without a permit from the city. Mr. Jones seconded the motion. The motion passed unanimously.

- B. HOLD A PUBLIC HEARING AND ACT UPON AN APPLICATION FROM MARIA D. CHAPA, OWNER OF 206 HIBISCUS LANE, REQUESTING A VARIANCE TO THE CASTLE HILLS CODE OF ORDINANCES, CHAPTER 31.404, AREA REGULATIONS, TO CHANGE THE DISTANCE REQUIREMENTS FROM FRONT AND BACK YARD PROPERTY LINES.

Richard Opiela explained that Maria Chapa desires to build a home that will enhance the neighborhood. Mr. Opiela said that she wants to build without taking down any oak trees. There are over twenty on the property; and due to the unique size and shape of the lot, a variance is necessary to build a livable house. He said that only a minimal change in the set-back distance of the property is needed. He requested a 24' encroachment into the front yard and a 12' encroachment into the rear setback.

Ms. Vandenbos commented that the original home looks like it faces the drain, but the driveway accesses the property from Hibiscus. The city manager indicated that it is a flag lot; and the front setback is from the property line facing Hibiscus, which is the driveway; The setbacks required under the current ordinance will not work due to the configuration of the property.

Chairman Schluter asked the public in attendance if they had any questions or comments.

Steve Fairchild of 208 Hibiscus expressed his approval of the variance.

***Motion:*** Ms. Vandenbos moved to approve the variance to change the distance requirements to 24' encroachment into the front yard and 12' encroachment into the rear setback. Mr. Jones seconded the motion. The motion passed unanimously.

#### IV. ADJOURNMENT

Mr. Jones moved to adjourn the meeting at 8:05 p.m. Dr. Safford seconded the motion, and it passed unanimously.

---

Bill Schluter, Chairman

ATTEST: \_\_\_\_\_  
Linda Gill, City Secretary