

BOARD OF ADJUSTMENT

MARCH 24, 2010

MEMBERS PRESENT:

KATHLENE GALARZA
NORMA FERRARA
TOM FOX
LES CLOW
DON MUELLER
CAMERON MCCALL
BRIAN WING

ABSENT:

STAFF PRESENT:

GARRY ADAMS,
ASST. BUILDING OFFICIAL
TERESA NOBLE,
BOARD SECRETARY

Tom Fox called the meeting to order at 5:30 p.m., and introduced the Board members and explained the purpose and authority of the Board.

The first item was the approval of the minutes from the October 28, 2009 meeting. A motion was made by Don Mueller to approve the minutes as written. A second was made by Les Clow. The minutes were approved unanimously.

Item #10-01, a request by Ron Lustig for a 1512 sq. ft. variance to the lot size to allow a 4488 sq. ft. lot; a 1.5' variance to the lot width to allow a 48.5' lot width; a 9.9' variance to the lot depth to allow a 90.1' lot depth; a 7' variance to the front yard setback to a an 18' front yard setback; and a 5' variance to the rear yard setback to allow a 20' rear yard setback, for a residence on the property located at **300 Valley Street**.

Ron Lustig of Bungalow Company, 733 Creek Valley, Allen, Texas, addressed the Board. He advised that many years ago, the lot had a house on it. He stated that he was asking for the variances to be able to build a home similar to others he had built on similar lots throughout the city. In doing so, he would be providing quality housing and increased revenue for the city. He stated that he was aware that he would have to meet with Guy Giersch, Historic Preservation Officer, and meet all of those recommendations.

Tom Fox asked about preserving the trees, and Mr. Lustig replied that they would try to save as many trees as possible.

Mr. Lustig stated that the house would be hardy board and other materials on slab with heat and air, and a traditional paint color.

Garry Adams, Assistant Building Official stated the variances were for the lot. It is not a guarantee of a permit issuance. This house will have to meet everything that any other house would have to meet in order to obtain a permit.

Next to address was the Board was Ken Walters, 515 Hunt Street. He stated that he lives across the street from the subject property. He said that 12 ½ years ago, On September 24, 1997, a similar application for variances was made. Those variances were denied, and the opposition remains strong. He stated that an addition of

a new home would create substantial destruction of the neighborhood. He cited that Herndon Street has a steady flow of water every time there is a rainfall. Other concerns were that the applicant was not going to occupy the property, and there would be increased traffic and congestion. He stated that he believes that there are more suitable lots elsewhere in the city. He stated that this lot has not been used over the past 20 plus years because it is undesirable and a detriment to the neighborhood. He added that setbacks were created to keep houses from being built on lots that were too small.

In closing he stated that all the other lots there are platted with the adjoining Hunt Street lots, except this one. Mr. Walters also stated that he would like to see the owner of the adjoining lot (The Vita House) to come to terms with the owner and replat to incorporate both lots.

Next, Andrew Christie, 509 Hunt Street, addressed the Board. He advised that he owns 509 Hunt across the street from the subject property, and 512 Hunt adjoining the subject property. He said he tried to purchase this lot but could not come to agreement on the price. His plan was put a garage on it, because a garage on his current lot would crowd the home. He stated this is a very small lot, and every other property there was a large home on a large lot.

Tom Fox, Chairman asked Mr. Christie if he owns two homes on Hunt, what does he do with the second home. Mr. Christie stated that he bought The Vita House at 512 Hunt and restored it. He rents it out and it is an investment property for him.

Norma Ferrara, Board member, was concerned that if the neighbors were stating this new home would be out of character, does that mean that if any of their homes were destroyed, nothing could be built on the lot, because it would have to be a new structure.

The issue of a single car garage was raised. Garry Adams, Assistant Building Official, stated that in the historic district, a single car garage was acceptable, however, two off street parking spaces had to be provided.

Next, Rudy Littrell, 405 Hunt, addressed the Board. He stated that he lives three houses east of the subject property. He advised that all the houses on his side of the street have deep lots. This small lot will change the nature of the neighborhood, will have a negative effect, and will not look like the other properties. He added that to keep the neighborhood historic, we need to keep the lots big.

Ron Lustig asked to address some of the concerns mentioned by the neighboring property owners. He stated he will build a historical style home and will be happy to adapt to any style and meet with the neighborhood. He stated that the new house should create no burden to the area and have a minimal impact.

Norma Ferrara moved to close the public hearing, Don Mueller made the second. The motion passed and the public hearing was closing

There was some discussion among the Board members. Les Clow stated that the variances would cut the lot size by 25%.

It was discussed that this property is zoned RD30 and could be used as a duplex. The Board is acting strictly on the variance for the lot size issues in order to build a home on the lot.

Don Mueller stated that he sympathized with the neighbors, however, this was a good opportunity to do something with this lot, and the property owner has a right to build there. Kathleen Galarza agreed.

Norma Ferrara stated that she felt the homeowners did not want any other structures in the neighborhood. She stated if that's the case, no new houses would be ever built in the Historic District. She stated that she hated to not take the opportunity to put something of value on this lot.

Tom Fox, Chairman, stated that the builder was building the house to sell, not rent. It was a tight fit, but it was turned down 12 years ago and has remained vacant, we should use the opportunity to build a new house there. Mr. Fox then entertained a motion from the Board.

Don Mueller moved to grant the variances as requested by the applicant, due to the hardships presented. Norma Ferrara made the second. The motion passed four votes to one, with Les Clow opposing.

Don Mueller moved to adjourn the meeting. Second was made by Les Clow. The meeting adjourned at 6:32.

Tom Fox, Chairman