

Minutes
Village of Volente
Board of Adjustment Meeting
Thursday January 31, 2013, 7:00 P.M.
At VVFD and Community Center, 1506 FM 2769, Volente, TX.
A quorum of the Planning & Zoning or Council may be present.

Mike Gold, Chairman Roe Flennor, Boardmember James Jordan, Boardmember	Isabelle Evans, Boardmember Richard Rocloux, Boardmember
--	---

1. Call to order Mike Gold, Chair

2. Roll Call City Secretary

Joan Jackson, City Secretary, called roll and boardmembers Isabelle Evans, Richard Rocloux, Roe Flennor, and James Jordan were present. A quorum was established.

3. Approval of January 1-10-2013 minutes.

James Jordan, boardmember, made a motion to approve the minutes. Roe Flennor, boardmember, seconded the motion. All were in favor.

4. Public Hearing on variance request from Nancy Carufel from the zoning ordinance as follows:

a. **Zoning Sec. 30.109 (c) (1): Structures and Buildings; Side yard set back**

Public hearing was opened at 7:10 p.m.

Marc Dickey, Volente building engineer, had given the board a report after he visited the property where he suggested possible locations for the water tank that would not put it in the setbacks.

Gary Frame, representing Nancy Carufel, talked about the locations where Marc Dickey suggested the tank could be placed. He had an objection for each place on the report.

Gary Cowsert, Nancy Carful's neighbor, asked if boardmember Richard Rocloux should recuse himself from the voting since the third location where the report Mr. Dickey gave the board would directly affect his house since he also is a neighbor of Nancy Carufel. Mr. Rocloux said he would not vote if it was a problem when it came time to vote but would continue to participate in the discussion.

**Comments in the public hearing were from:
Nancy Carufel, 8138 Joy Rd, Volente, TX
Gary Frame, 7609 Davy Dr., Volente, TX
Megan Lott, 8133 Beauregard, Volente, TX
James Jordan, 7406 Reed Dr., Volente, TX**

Walt Thompson, 7413 Reed Dr., Volente, TX
Judy Graci, 15775 Booth Circle, Volente, TX
Bob Steichen, 15805 FM 2673, Volente, TX
Gary Cowsert, 8136 Joy, Volente, TX
David Dire, 7621 Debbie, Volente, TX
Cheryl Long, 16512 Jackson, Volente, TX
Carol Long, 7608 Deer Run, Leander, TX
Richard Roeloux, 8140 Joy, Volente, TX

Most of the audience members who spoke were opposed to water tanks being defined as structures. Mike Gold, chairman, reminded the audience that the water tank issue is restricted by BOA. The issue of if a water tank is a structure is not what the board was there to decide.

The public meeting closed at 7:55 p.m.

Mike Gold, chairman, asked the board to discuss the variance that Nancy Carufel is asking for regarding the water tank at her home that was placed on her property in the setbacks.

James Jordan, boardmember, asked Nancy Carufel and Gary Cowsert, neighbor, to define their hardship cases regarding the tank. Nancy Carufel explained the location of the tank was the only place on her property to place it due to the septic tank field and numerous trees. Gary Cowsert asked that the tank be placed somewhere that was not in sight due to his property value declining.

Roe Flennor, boardmember, reminded the Board that the burden of hardship is upon the applicant who is asking the variance.

Isabelle Evans, boardmember, said Nancy has other options. Her opinion is not to grant the variance because of these other options available to her. James Jordan, boardmember, said the procedure normally is to ask for a variance ahead of doing anything. He said the problem was a self-proposed problem.

Bill Gammon, attorney for Nancy Carufel, spoke to the Board.

After much discussion on why the tank was placed where it was and what it would take to move the tank, James Jordan, boardmember made a motion to draft a variance due to undue hardship based on the amount of money involved in moving the tank because it is placed now where the plumbing for the water is that enters the house and that is the reason the tank is located where it is. The cost of moving the tank would be unbearable due to her being a widow and her age.

Richard Roeloux, boardmember, added to the motion that the water tank be enclosed on the estate to block the view from the neighbor Gary Cowsert. James Jordan began again to grant the variance based on undue hardship due to the fact that the water tank it was in the process of being installed and it was not

known it was a structure at that time and granting the variance will be in spirit of the community and harmony of Volente and due to the practical difficulty of moving the tank would then be a hardship to maintain the tank. Richard Roeloux, boardmember, seconded the motion. The motion passed with James Jordan, Richard Roeloux and Isabelle Evans voting for it, Mike Gold, chairman, opposing the motion, and Roe Flennor abstaining from voting.

5. Adjourn.

James Jordan, boardmember, made a motion to adjourn. Isabelle Evans, boardmember, seconded the motion. All were in favor.

Findings: BOA gave a variance to Nancy Carufel on a structure in side yard setbacks. The hardship that BOA found was due to the expense of moving the newly installed water tank to a different location on her property. In the spirit of community and neighborhood harmony, the BOA allowed the variance requested to keep the water tank where she originally placed in on her property. One BOA member voted against the variance because he felt hardship was not proven on her part. One BOA member abstained to vote because he felt it was a sad day when neighbors complaining about each other come to a public hearing. The other BOA members felt hardship was shown by Nancy Carufel in asking for the side yard setback.

Approved 3-19-2013.

Mike Gold, Chairman



Joan Jackson, City Secretary

