

The Board of Adjustments of the City of Columbus, Texas met in regular session Wednesday, August 3, 2016 at 6:00 p.m., in the Council Chambers of City Hall located at 605 Spring Street, Columbus, Texas, with the following present:

Chairman	-	Mark Warner
Member	-	Elizabeth Flint
Member	-	Patti Hill
Member	-	Modina Mangini
Member	-	Whitney Werland
Alternate Member	-	Mike Craddock (absent)
City Manager	-	Donald Warschak
Code Enforcement	-	Richard LaCourse

**1. Call to order.**

Chairman Mark Warner called the meeting to order at 6:00 p.m.

**2. Pledge of Allegiance**

Mr. Warner led the Pledge of Allegiance.

**3. Approval of minutes from July 6, 2016 Regular Meeting.**

Chairman Warner made comment on the minutes and requested a motion.

Mrs. Mangini made a motion to accept the minutes, as amended.

Mrs. Whitney Werland second the motion.

The vote was 5 – 0 in favor, motion passed.

**4. Public Hearing for the purpose of receiving comments concerning a request for a variance on the twenty five (25) foot rear yard setback at 915 Fannin Street.**

Chairman Warner made comment that there wasn't anyone at the meeting on behalf of the requestor or any of the neighbors from around the property and asked for comment from Code Enforcement Officer Richard LaCourse and City Manager Donald Warschak.

Chairman Warner asked if the notices were given to the neighboring property owners and what their responses were. Mr. Warschak gave a report that City Secretary Bana Schneider contacted all owners and received no negative objections to the request of the variance. Mr. LaCourse gave a report that the property is an L shaped property with the smaller section to the North side. He also said that a dirt pad was constructed on the North side of the property in the East corner just off the property lines.

Ms. Flint asked if the pad was permitted. Mr. LaCourse commented that the pad was constructed before his employment with the city. Mr. LaCourse continued that the pad was constructed too close to the property lines for a residential type building. The pad was about 5 feet off the rear and side property lines, thus requiring a variance for the rear of the building.

Mr. Warschak commented that the property is zoned commercial, which would not require a variance, but the requestor had written in her letter she intended to live in it as her residence until she was ready for the business to start.

Ms. Flint asked what her plans for the property were. Mr. LaCourse commented that the requestor was going to use the South side of the property as a parking lot and space for an additional building in the future.

Chairman Warner asked if the property was located alongside the underpass and behind the funeral home. Mr. LaCourse answered affirmatively.

Mrs. Werland asked if the building fit in the North side of the property per the setbacks, Mr. LaCourse responded no. The building with the specified size would not meet the requirements.

Ms. Flint asked if the lot met the minimum size standards for a lot within the city. Mr. Warschak, after doing some math, responded that it met the requirements with both sections figured into the square footage. She also asked if the owner slid the unit to the South side would it fit. Mr. Warschak answered yes, if it was in the long section of the property. It would fit with the required setback as prescribed by code.

Ms. Flint then asked when it was purchased. Mr. Warschak's response was April of this year with April 6, 2016, the date on the plat. Ms. Flint commented that she knew of the condition when she bought it.

Chairman Warner confirmed that the lot was indeed the correct square footage. He also commented that her letter indicated one of the reasons she selected that spot was to get access to the plumbing lines. Ms. Flint asked if the sewer and water lines were going to be a concern. Mr. Warschak advised that our lines start at the property line, and could be rerouted on her property if needed.

Mr. Warschak explained if the 20 ft setback was held on the front of the structure, and the building was placed long ways, she would have a back yard of 9.56 ft and would require a 15.44 ft variance. If it was rotated 90 degrees, then the backyard would be 17.56 ft and would require a 7.44 ft variance.

Ms. Flint commented that the property does have a place to build her purposed size if she was to move it on the lot. Mr. Warschak responded if she was to move to the Southside of the property then it would meet the setback requirements and would not require any variances. Ms. Flint also asked if a car port or other structure could be built in the North side area. Mr. Warschak said that it would have to be 5 ft from the property line but meet the setback requirements if it is detached from the structure.

Ms. Flint commented that the applicant should have been aware of the laws, ordinances, and or requirements when she decided to buy the property. Chairman Warner agreed that there is plenty of room on the one side of the property to do what she has proposed.

There was discussion on the location of the utilities, the old building, which had burned down in the past, and the reasoning on the placement of the new structure in the exact place of the previous structure. Also discussed was the location of the power lines cutting through the North side of the property, and whether AEP would allow her to build under that line.

Discussion was also made concerning the applicants understanding of permitting and codes, and that all other contractors do understand the city regulations. Also discussed was the condition of her dirt pad and understanding that it wasn't a concrete type. The question came up on the construction type of the building, which will be a prefab type structure. Mr. Warschak advised the board the zoning in this area of Columbus would allow for this type of structure.

**5. Discussion and action regarding a request for variance on the required twenty five (25) foot rear yard setback at 915 Fannin Street.**

Mr. Warner asked for a motion.

Ms. Flint made a motion to not approve the variance request for the rear yard setback. Mrs. Hill seconded the motion.

The vote was 5-0 in favor. The motion passed.

6. **Adjournment.**

Mr. Warner adjourned the meeting at 6:20 p.m.



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Mark Warner, Chairman

**ATTEST:**



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Richard LaCourse, Code Enforcement