



MINUTES OF A CALLED MEETING OF THE  
**BOARD OF ADJUSTMENT**  
OF CITY OF SUNSET VALLEY, TEXAS  
WEDNESDAY, SEPTEMBER 15, 2021  
6:00 P.M.

**Members Present:**

Thomas Cedel, Chair  
Susan Durso, Vice Chair  
Sandy Cox  
Richard Hayes  
Walter Jenkins

**Staff Present:**

Matt Lingafelter, Assistant to the City Administrator

**1. Call to Order**

Chair Cedel called the meeting to order at 6:04 P.M.

**2. Citizen/Public Comments**

None.

**3. Consider approval of the minutes from the June 13, 2018 and June 30, 2021 meetings.**

For the June 13, 2018 minutes, only Board Members Cedel, Cox and Durso were eligible to vote. Vice Chair Durso made a motion to approve the minutes from June 13, 2018, seconded by Sandy Cox. Board Members Cedel, Cox and Durso voted in favor and the motion carried.

Walter Jenkins made a motion to approve the June 30, 2021 minutes, seconded by Vice Chair Durso. All voted in favor and the motion carried.

**4. Consideration and possible approval of an application submitted by Terry Cowan to construct an accessory structure at 4500 Stearns Lane which requires the following variances:**

- a. From Section 2.506(a)(9) the height of an accessory structure exceeds the height of the principal structure; and,
- b. From Section 2.506(a)(10) an accessory structure in front of the principal structure.

This item was tabled from the June 30, 2021 meeting. A Public Hearing was held, in accordance with the Land Development Code, but additional information was requested by the Board, and clarification on the applicant's proposal as well as the legal parameters of a guest house.

Staff provided an update on both the applicant's request, and the definition of a "guest house" which was amended in 2016. The applicant, Terry Cowan, modified his proposal which reduced the size of the proposed guest house to a total of 1,000 square feet. So, a third variance would not be required. There was a total of five written public comments in favor of the proposed variances, which were provided to the Board in their agenda packet.

Terry Cowan addressed the Board and answered questions regarding his proposed guest house.

There was a discussion on the height of his proposed structure. The maximum height allowed for an accessory structure, which includes guest houses, is 20 feet according to Sunset Valley Code.

The Board also discussed the size and location of the pad. The applicant is building up rather than out, not wanting to cut down trees, encroach upon the Water Quality Transition Zone, or encroach on to either the front or side yard setbacks, which would require a separate variance. The applicant worked with City staff to choose the location of the proposed guest house.

The Board also discussed guest houses, as defined by the Code, with staff.

Sandy Cox made a motion to approve the applicant's request for a variance to Section 20506(a)(9) to allow the proposed accessory structure to exceed the height of the principal structure, provided that it remains in compliance with all other provisions of the Code. The motion was seconded by Walter Jenkins.

Richard Hayes made a friendly amendment to include the 20-foot height limitation of an accessory structure in the motion, and both Sandy Cox and Walter Jenkins agreed to the amendment.

Susan Durso made a friendly amendment that the pad of the accessory structure (guest house) be no greater than 500 square feet, and both Sandy Cox and Walter Jenkins agreed to the amendment.

The amended motion read: approve the applicant's request for a variance to Section 2.506(a)(9) to allow the proposed accessory structure to exceed the height of the principal structure provided that it remains in compliance with all other provisions of the Code, including the 20-foot height limitation of accessory structures, and that the pad of the accessory structure is no larger than 500 square feet. All voted in favor and the motion carried; the first variance request was approved, with conditions.

Vice Chair Durso made a motion to approve the variance request from Section 2.506(a)(10) to allow the proposed accessory structure be placed in front of the principal structure, seconded by Richard Hayes. All voted in favor, and the motion carried. The second variance request was approved.

## **5. Presentation and discussion on the procedures of the Board of Adjustment.**

THIS IS NOT A TRANSCRIPT OF THE MEETING. A RECORDING OF THIS MEETING IS ON THE CITY'S WEBSITE.

Chair Cedel introduced this agenda item, and discussed the procedures of the Board of Adjustment, including what is codified by the Land Development Code, and what is technique or common practices by the Board.

Staff suggested changing "Chairperson" to "Chair" to which the Board agreed.

Comments from Vice Chair Durso on the Order of Business section. First, changing appeal to application or request. Second, Board Members being "not disqualified to hear an application" based on the language of the Disqualification section. She provided the edits to staff.

There was a question regarding Executive Sessions for the Board of Adjustment.

The Chair will continue to work with staff to edit and clean up the document.

**6. Adjourn**

Walter Jenkins made a motion to adjourn, seconded by Vice Chair Durso. All voted in favor, and the meeting adjourned at 6:59 P.M.

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Thomas Cedel, Chair

Minutes approved on March 2, 2022