



Aaron Moreno, Chairperson, Place 3
William D. Mann, Place 1
Chase Mitchell, Place 2
James D. Sulcer, Place 4
Karen S. Mazerac, Place 5
Vacant, Alternate No. 1
Vacant, Alternate No. 2

Board of Adjustments

Wednesday, January 27, 2021 at 6:30 PM

Manor City Hall, Council Chambers, 105 E. Eggleston St.

AGENDA

Via Telephone/Video Conference (Zoom Meeting)

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the Board of Adjustment Regular Meeting scheduled for Wednesday, January 27, 2021, will only be open to the public via remote access.

Instructions for Public Speaking:

- Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting www.cityofmanor.org where a registration link will be posted on the calendar entry for each public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to publiccomments@cityofmanor.org. Once registered, instructions will be emailed to you on how to join the videoconference by calling in. Your Speaker Card must be received two (2) hours prior to scheduled meeting.

Upon receiving instructions to join zoom meeting the following rules will apply:

- All speakers must address their comments to the Chairperson rather than to individual Board Members or city staff. Speakers should speak clearly into their device and state their name and address prior to beginning their remarks. Speakers will be allowed three (3) minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting.

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PUBLIC COMMENTS

*Comments will be taken from the audience participating in zoom meeting on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Board. To address the Board of Adjustment, please register and submit the speaker card following the instructions for public speaking above. **No Action May be Taken by the Board of Adjustments During Public Comments.***

PUBLIC HEARINGS

- 1. Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.**

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Board of Adjustment and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Chairperson or a Board Member; in which event, the item will be removed from the consent agenda and considered separately.

- 2. Consideration, discussion, and possible action to approve the Board of Adjustment minutes of the March 25, 2020, Regular Session.**

REGULAR AGENDA

- 3. Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.**
- 4. Consideration, discussion, and possible action on appointing a Board of Adjustment Chairperson to serve a 1-year term.**

ADJOURNMENT

In addition to any executive session already listed above, the Board of Adjustments reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, "No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest."

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, January 22, 2021, by 5:00 PM and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail lalmaraz@cityofmanor.org.

AGENDA ITEM NO. _____

**AGENDA ITEM SUMMARY FORM**

PROPOSED MEETING DATE: January 27, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

BACKGROUND/SUMMARY:

14.01.008 – Privacy fence means a construction, not considered a structure, which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height.

15.03.002(1) - Except as otherwise allowed in this article, fences and walls shall not be taller than six (6) feet in height unless otherwise approved by the building official, to a maximum of eight feet, when topographic or other site constraints exist or to enclose a hazardous facility. Fencing and walls more than 30 percent solid shall not be placed to obstruct views of vehicles or within 25 feet of an intersection as measured by forming a box from the apexes of the intersection corners.

Variances. The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

(2) *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this chapter, and at the same time, the surrounding property will be properly protected; provided that the board shall not in any event permit a use on any property that is not permitted within the zoning category for which such property is zoned.

ATTACHMENTS:

- Application questions
- Pictures
- Notice Letter
- Mailing Labels

STAFF OPINION:

Variances should only be granted on immutable aspects of a property (special conditions) such as lot shape, topography, or heritage trees and that would not apply to other properties. A variance to a condition that is not unique to the property (disagreements with a neighbor) confers a special advantage (convenience) to that property which is not enjoyed by other similarly situated properties.

Project Description:

Built a 8 ft privacy fence on side of the home to prevent harassment from male neighbor. He does little things like stand over in his yard staring into mine. My son actually saw him standing inside his truck looking over in the yard. and left after he saw him. Others have witness this too. If you look at his fence, he has opening in it and most are near my windows. I had to cover them with other material just tomato [to make] sure he couldn't see inside. I recently had security cameras placed around the home parameters for extra comfort and now the fence added. I wasn't thinking about the city code ordinance when I had the fence built was just tired of the constant fear, worrying about living here. If I was really bother him as he would say, why would he have complained about the height. You'd think he would welcome it for his own privacy. I didn't have this problem with him when my husband was alive.

How is the need for a variance due to the unique circumstances of the property and not the general condition of the neighborhood?:

This is a personal matter. I'm a senior citizen woman living alone and have been constantly harass by my neighbor. I'm a senior citizen living alone and have been constantly harass by my neighbor.

Describe how the practical difficulty is not the result of action(s) taken by the applicant/owner or a prior owner.: I'm not looking for a business gain. This is a personal matter. I don't feel safe at home.

Describe how no other feasible alternative to a variance is available to the applicant/owner.: I've called the police several times in the past to complain but nothing happens. He even had the audacity to call them as well charging that I'm bothering him. The police will tell me just to ignore him and I've tried. As I mentioned just had cameras and the fence installed.

Describe how granting the variance will not unreasonably adversely affect the natural environment.: The fence is 8 ft just to block him from staring into my yard as he does a lot.

How will granting a variance not produce an undesirable change in the character of the neighborhood?: The fence is only on one side of my house.

How will granting the variance not unreasonably detrimentally affect the use or market value of abutting properties?: I don't believe it would. Only a small partial of the fence is actually blocking his view. Most of the fence is built by the home going to the back

Zoning District: Single Family Suburban (SF-1)

Overlay District: NA

**Ordinance Number and Ordinance Section Number:
571 - 15.03.022 [& 14.01.008]**





January 8, 2021

RE: 305 East Burton Street Fence Variance

Dear Property Owner:

The City of Manor Board of Adjustment will be conducting a public hearing to consider a variance request for 305 East Burton Street to increase the minimum fence height from six (6) feet to eight (8) feet. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

Public Hearing: Conduct a public hearing on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

The Board of Adjustment will convene at 6:30PM on January 27, 2021 at 105 E. Eggleston St. in the City Council Chambers.**

Ordinance Requirement:

Manor Code of Ordinances, Article 14.01, Section 14.01.008 – *Privacy fence* means a construction, not considered a structure, which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height.

Requested Variance:

Eight feet in height.

If you have no interest in the case there is no need for you to attend.** You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to the Commission members during the discussion of this item. For your convenience, my email address is sdunlop@cityofmanor.org

** Due to the declared Public Health Emergency related to COVID-19, at the time of this notification the Board of Adjustment meetings are being conducted via video conference and livestreamed on the City's Facebook page (facebook.com/cityofmanor) and the Chambers is closed to the public.

Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting http://www.cityofmanor.org/page/homepage_calendar where registration information will be posted with the agenda for the public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to publiccomments@cityofmanor.org. Once registered, instructions will be emailed to you on how to join the video conference by calling in. Your speaker card must be received two (2) hours prior to scheduled meeting.

To see how the meeting will be conducted, whether via video conference or in-person, you may refer to the posted agenda for the January 27th Board of Adjustment or by calling 512-215-8116. Board of Adjustment agendas and speaker registration information can be found here under the date of the meeting: http://www.cityofmanor.org/page/homepage_calendar. Agendas are posted 72 hours prior to the scheduled meeting.

Sincerely,

Scott Dunlop
Assistant Development Director
sdunlop@cityofmanor.org
512-215-8262

LEDESMA ANTONIO &
ELEUTERIO ORTIZ
5709 JM HOLLOWAY LN
AUSTIN, TX 78724-4708

DIAZ DELEON CALVILLO LUZ A
305 E CARRIE MANOR ST
MANOR , TX 78653-5158

CARBAJAL HERIBERTO
307 E CARRIE MANOR ST
MANOR , TX 78653-5087

SAUCEDO ZOCHITL & IGNACIO
307 E CARRIE MANOR ST
MANOR , TX 78653-5087

FLORES FAMILY 2019 TRUST
7600 CARRIAGE DR
AUSTIN, TX 78752-1404

ROMERO JAIME
11509 WALNUT RIDGE DR A
AUSTIN, TX 78753-2966

ESPARZA KEVIN A & ANTONIO
16709 HAMILTON POINT CIR
MANOR, TX 78653-5239

SEPECO
PO BOX 170309
AUSTIN , TX 78717-0019

GARCIA PABLO
18400 LOCKWOOD RD
MANOR , TX 78653-2269

LOPEZ DALIA R & FERMIN E M LOPEZ
19144 CARRIE MANOR ST
MANOR, TX 78653

TREVINO JON & LUZ
PO BOX 505
MANOR , TX 78653-0505

MANOR CHURCH OF CHRIST
PO BOX 704
MANOR , TX 78653-0704

LITTLE ZION BAPTIST CHURCH
PO BOX 856
MANOR , TX 78653-0856

REYES RICHARD & LINDA A
13301 MIZZEN ST
MANOR , TX 78653-3672

DELEON JANIE SANCHEZ
% ALCARIO & LATASHA DELEON
105 HOLIDAY DR
BASTROP , TX 78602-7652

GUAJARDO ERMELINDA R
P O BOX 651
MANOR , TX 78653-0651

DELGADO EPIFANIO & MARIBEL
DELGADO & MARINA DELGADO &
EPIFANIO DELGADO JR
5503 HIBISCUS DR
AUSTIN , TX 78724-3328

JAMES BILLY J & STELLA
PO BOX 446
MANOR , TX 78653-0446

RODRIQUEZ RICHARD & ESPERANZA
PO BOX 691
MANOR , TX 78653-0691

SNEED MILDRED HORTON
3628 QUIETTE DR
AUSTIN , TX 78754-4927

JOYNER ERMA
PO BOX 106
MANOR , TX 78653-0106

SAULS GLENN & RUTH
206 BURNET ST N
MANOR , TX 78653-4577

JOYNER JAMES ESTATE
1100 CLUB MEADOWS DR
COLUMBIA, MO 65203-6063

REYES MOLLY G
PO BOX 2
MANOR , TX 78653-0002

GILDON CREEK FIRST BAPTIST CHURCH
PO BOX 856
MANOR , TX 78653-0856

CASTILLO MARTIN & MARIA
309 E BRENHAM ST
MANOR , TX 78653-5359

CORONADO RUBEN
209 MALDONADO TRL
DEL VALLE , TX 78617-5472

TANCOR LLC
9009 FAIRWAY HILL DR
AUSTIN , TX 78750-3023

VERA MARIA REBECA
18100 MAXA DR
MANOR , TX 78653-3680

CASIMIRO MILDRED
315 E BRENHAM ST
MANOR, TX 78653

FIRST BAPTIST CHURCH
% IRA ROUTT
PO BOX 184
MANOR , TX 78653-0184

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 27, 2021
PREPARED BY: Scott Dunlop, Assistant Development Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the Board of Adjustment minutes of the March 25, 2020, Regular Session.

BACKGROUND/SUMMARY:

LEGAL REVIEW:

FISCAL IMPACT:

PRESENTATION:

ATTACHMENTS: Yes

- March 25, 2020, Regular Session Minutes

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Board of Adjustment approve the minutes of the March 25, 2020 Regular Session.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**



William D. Mann, Place 1
Chase Mitchell, Place 2
Aaron Moreno, Chairperson, Place 3
James D. Sulcer, Place 4
Karen Mazarac, Place 5
Vacant, Alternate 1
Vacant, Alternate 2

BOARD OF ADJUSTMENT REGULAR MEETING MINUTES

The meeting was live streamed on Facebook Live beginning at 6:36 p.m.

<http://www.facebook.com/cityofmanor/>

Wednesday, March 25, 2020

6:30 p.m.

**Manor City Hall – Council Chambers
105 E. Eggleston Street**

BOARD MEMBERS

PRESENT:

Place 1: William D. Mann
Place 2: Chase Mitchell
Place 3: Aaron Moreno, Chairperson
Place 4: James D. Sulcer

ABSENT:

Place 5: Karen Mazarac

CITY STAFF PRESENT:

Scott Dunlop, Assistant Development Services Director

REGULAR SESSION – 6:30 P.M.

With a quorum of the Board of Adjustment (BOA) present, the regular session of the Manor Board of Adjustment was called to order by Chairperson Moreno at 6:36 p.m. on Wednesday, March 27, 2020, in the Council Chambers of the Manor City Hall, 105 E. Eggleston Street, Manor, Texas.

PUBLIC COMMENTS

No one appeared to speak at this time

CONSENT AGENDA

1. **Consideration, discussion, and possible action on the February 26, 2020 Board of Adjustment Minutes.**

MOTION: Upon a motion made by Board Member Sulcer and seconded by Board Member Mann, the Board of Adjustment voted four (4) For and none (0) Against to approve the February 27, 2020 Board of Adjustment Minutes. The motion carried unanimously.

ADJOURNMENT

MOTION: Upon a motion made by Chairperson Aaron Moreno and seconded by Board Member Chase Mitchell, the Board of Adjustment voted four (4) For and none (0) Against to adjourn the Regular Session of the Board of Adjustment. at 6:37 p.m. on Wednesday, March 25, 2020. The motion carried unanimously.

These minutes approved by the Manor Board of Adjustment on the 27th day of January 2021.

APPROVED:

Aaron Moreno
Chairperson

ATTEST:

Scott Dunlop
Assistant Development Services Director

AGENDA ITEM NO. _____

**AGENDA ITEM SUMMARY FORM**

PROPOSED MEETING DATE: January 27, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

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Variances. The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

(2) *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this chapter, and at the same time, the surrounding property will be properly protected; provided that the board shall not in any event permit a use on any property that is not permitted within the zoning category for which such property is zoned.

ATTACHMENTS:

- Application questions
- Pictures

STAFF OPINION:

Variances should only be granted on immutable aspects of a property (special conditions) such as lot shape, topography, or heritage trees and that would not apply to other properties. A variance to a condition that is not unique to the property (disagreements with a neighbor) confers a special advantage (convenience) to that property which is not enjoyed by other similarly situated properties.

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How is the need for a variance due to the unique circumstances of the property and not the general condition of the neighborhood?:

This is a personal matter. I'm a senior citizen woman living alone and have been constantly harass by my neighbor. I'm a senior citizen living alone and have been constantly harass by my neighbor.

Describe how the practical difficulty is not the result of action(s) taken by the applicant/owner or a prior owner.: I'm not looking for a business gain. This is a personal matter. I don't feel safe at home.

Describe how no other feasible alternative to a variance is available to the applicant/owner.: I've called the police several times in the past to complain but nothing happens. He even had the audacity to call them as well charging that I'm bothering him. The police will tell me just to ignore him and I've tried. As I mentioned just had cameras and the fence installed.

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Zoning District: Single Family Suburban (SF-1)

Overlay District: NA

Ordinance Number and Ordinance Section Number:
571 - 15.03.022 [& 14.01.008]



AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 27, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on appointing a Board of Adjustment Chairperson to serve a 1-year term.

BACKGROUND/SUMMARY:

LEGAL REVIEW:

FISCAL IMPACT:

PRESENTATION:

ATTACHMENTS:

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the Board of Adjustment appoint a Chairperson to serve a 1-year term.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**
