



**Meeting Minutes – Regular Meeting
Providence Village
Board of Adjustments**

**Providence Village Town Hall
1745 Main Street
Providence Village, Texas 76227**

**Thursday, July 11, 2019
7:30 p.m.**

1. Call to Order, Roll Call and Announce a Quorum Present

Will Floyd called the meeting to order at 7:30 p.m. Members present included Klayton Rutherford, C. B. Bell and Joyce Vann. Israel Guin recused himself as a potential conflict and Faith Robinson served in his place.

2. Pledge of Allegiance

3. Overview and discussion of the process for the hearing on the request for a variance on property located at 9125 Benevolent Court, Providence Village, Texas.

Town Attorney, Julie Fort reiterated to Board a general summary of the process and purpose of the Board of Adjustment, including the three statute criteria requirements that need to be met and hardship considerations. Some of the points emphasized were (1) property is not required to be used for its highest use; (2) financial hardship cannot be taken into consideration; and (3) development objective of the property. Ms. Fort also stated that 4 votes are required for a variance.

4. Action Items

- a. Conduct public hearing, consider, discuss and act upon Variance Application VAR19-00860-01 filed with the Town of Providence Village on June 10, 2019 by Kevin and Amy Milton requesting a zoning setback variance for property located at 9125 Benevolent Court, Providence Village, Texas.

Will Floyd closed Board Regular Session and convened into Public Hearing at 7:38 p.m. Mike Carroll introduced himself and provided the Board with a summary of the application for a variance that was filed on June 10, 2019 by Kevin and Amy Milton. Mr. Carroll then provided the Board with a summary of the setback requirements and Will Floyd asked why the setback were set at the distance required. Mr. Carroll responded that the setbacks were originally set by the developer when the houses were built. C.B. Bell asked if the setbacks are all the same regardless of the size of the lot and Mr. Carroll responded that they were. Brian Roberson explained that the ordinance was approved by Planning & Zoning and Town Council.

Amy Milton asked if they could be grandfathered and Julie Fort explained that anyone prior to the approval of the ordinance would be grandfathered, but any permit and/or plans after the approval date would be grandfathered. Faith Robinson asked if the back setback changed from 10 feet and the answer was “no.” Kevin Milton stated that they are

requesting a setback for a pool and provided his argument that the setbacks were not allowing him to have reasonable use of his property. There was further discussion regarding other neighbors with pools, various neighbor lot sizes, and safety rules for pools. Klayton Rutherford asked Mr. Milton what would happen if the Board did not approve the various and Mr. Milton stated that they had other options, including moving to a bigger house.

Will Floyd asked if there was anyone else who wished to speak and there being none, he closed the Public Hearing at 8:03 p.m. and reconvened into Board Regular Session.

Joyce Vann moved to approve variance for setback for pool only; C.B. Bell seconded. Motion carried: 5 in favor, 0 opposed.

5. Adjourn.

Faith Robinson moved to adjourn; Will Floyd seconded. Motion carried: 5 in favor, 0 opposed. Will Floyd closed the BOA meeting at 8:13 p.m.

Will Floyd
Will Floyd, Chairman

Joyce Vann
Joyce Vann, Secretary

Connie S. Hansen
Connie S. Hansen, TRMC
Town Secretary

