

Board of Adjustments met on April 1, 2021 at City Hall, 907 E Houston, Cleveland, Texas in the council chambers both in person and virtually via Zoom due to COVID-19 social distancing restrictions.

**BOARD MEMBERS:** Marvin Futrell, Jim Plumlee, Sonya Driver, Archie Phillips, Ken Butler

**CITY EMPLOYEES:** Angela Smith, Jennifer Jeude, Robert Penninton

**CITY ATTORNEY:** David Olson

**VISTORS:** Niki Coats, John Spadafora

**1) Invocation, Pledge and Roll Call**

The board meeting started at 9:00 am.

**4) Discussion and possible action to appoint Board officers: Chair and Vice-Chair.**

Agenda item no. 4 was moved up on the agenda

City Secretary Smith asked if the board if there were any volunteers for chair and vice chair since Sonya Driver replaced Delores Terry.

Marvin Futrell made a motion to appoint Sonya Driver as chair and Jim Plumlee as vice chair with a second by Archie Phillips. All "AYES". Motion passed.

Boardchair Driver stated that there was a quorum of all members present. Archie Phillips gave the invocation and all present did the pledge to the US flag and Texas flag.

**PUBLIC COMMENTS**

**2) Public Comments**

None

**DISCUSSION AND ACTION BY THE BOARD**

**3) Consider approval of minutes from October 16, 2020 Board of Adjustment meeting**

City Secretary Smith stated that this is the same as agenda item no 7 so it only has to be approved once.

Marvin Futrell made a motion to approve the minutes as presented with a second by Archie Phillips. All members present voted "AYE", Motion carried.

**5) Discussion and possible action on variance request by Tyler Billingsley for a five (5) foot setback at rear and side instead of a ten (10) foot setback at residential location on 1207 Maple Street**

Niki Coats, agenda for Tyler Billingsley, addressed the board. He is putting a steel garage building in the back yard as well as a pool and needs available five (5) foot setbacks as the standard 10 feet will not work. Marvin Futrell stated he drove by that location yesterday and saw a fence on property line. Niki Coats also stated that he is removing the current storage building for the new one. Mr. Futrell commented that he did not see a downside to granting this variance. City Attorney Olson stated that there are no legal issues with the request and that the board must determine if a hardship is provided and to approve

or not approve the request. He also reminded the board that on a variance there must be a 75% board approval (or four members must vote "AYE") for an approval.

Jim Plumlee made a motion to approve the variance request for 1207 Maple Street for a 5-foot setback at the rear and side with a second by Marvin Futurell. All members present voted "AYE".

**6) Discussion and possible action on variance request by John Spadafora on location listed as W. Boothe Street, legal description of Edwards, Block PT 12 TR 2 Acres .9343, for a five foot (5) set back instead of standard twenty-five (25) foot setback.**

John Spadafora was present and addressed the board. He stated that there is a sewer line that cuts the property in half. He also wishes to add a commercial building that can be leased out on the property. Building needs to be longer to fit with the sewer line issue so he needs to five-foot setback. City Secretary Smith brought up the fact that this is zoned R1-Residential and informed Mr. Spadafora how to go about applying for a zone change to GC-General Commercial. The sanitary sewer easement is below ground. There are no issues with the nearby residents per Mr. Spadafora.

Mavin Futrell made a motion to approve the variance request for five-foot setback for location at W Boothe Street as presented with a second by Jim Plumlee. All members present voted "AYE". Motion passed.

**Other action or Discussion by the Commission**

**7) Approve minutes from the October 16, 2020 Board of Adjustment meeting**

Duplicate of agenda item no. 3.


**8) Discuss date for next meeting**

City Secretary Smith mentioned that there is no scheduled meeting but there may be one upcoming as a sign variance is being discussed.


**9) Adjourn.**

Jim Plumlee made a motion to adjourn with a second by Archie Phillips. All members present voted "AYE". Motion carried.

**PASSED AND APPROVED** this 29<sup>th</sup> day of April 2021.

  
Board Chair Sonya Driver

ATTEST:

  
City Secretary Angela Smith