

CITY OF DEER PARK  
710 EAST SAN AUGUSTINE  
DEER PARK, TEXAS 77536

51-01

Minutes

of

A PUBLIC HEARING OF THE BOARD OF ADJUSTMENT OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, SEPTEMBER 16, 2019 BEGINNING AT 6:25 P.M. RELATING TO THE REQUEST OF SCOTT AND JACKI GERON FOR AN ELEVEN (11) FOOT VARIANCE TO THE WIDTH OF A RESIDENTIAL DRIVEWAY TO BE CONSTRUCTED AT 1116 EAST 13TH STREET., WITH THE FOLLOWING MEMBERS PRESENT:

RAY BALUSEK  
DOUGLAS COX  
STAN GARRETT  
DANIELLE WENDEBURG  
DON TIPPIT

CHAIRMAN  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

LARRY BROTHERTON  
SHANNON BENNETT

CHIEF BUILDING OFFICIAL  
CITY SECRETARY

1. NOTICE OF PUBLIC HEARING – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Chairman Balusek opened the public hearing for those persons desiring to speak in favor of the request.
  - a. Scott Geron, 1116 East 13<sup>th</sup> Street, commented “We have a driveway that runs besides the house but it curves pretty drastically as it approaches the street. We have a travel trailer that can be difficult getting it out of the driveway. We sometimes do block traffic and I don’t want to do that and I don’t want to damage the sidewalk either. We would like to widen the driveway to get the travel trailer in and out with a little more predictable drive than a 22 point turn to get it in and out.”

Chairman Balusek asked, “You are just doing the curve to level it out to allow it to come into the street?”

Mr. Geron responded, “Yes.”

Chairman Balusek asked, “Are you having a contractor do this for you?”

Mr. Geron responded, "Yes sir. Mr. Brotherton sent me all the details for that."

Chairman Cox commented, "Looks like your existing driveway is already on your side of the property line, above the build line. You are just asking to extend it?"

Mr. Geron responded, "Yes."

3. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST – Chairman Balusek opened the hearing for those persons desiring to speak against the request.

- a. Andy Webster, 1112 East 13<sup>th</sup> Street, commented, "The issue I would have is that we have an oak tree that is right on the property line. I have a major concern that if we put a driveway in, there is no way we could cut the roots without killing the oak tree. The oak tree is humongous. I don't want to lose the oak tree."

Chairman Balusek asked, "Is the oak tree between the sidewalk and your house?"

Mr. Webster responded, "Yes. It is pretty much on the property line. I think it was planted before I purchased the house and it grew like trees do. I don't think the trunk is maybe a foot on the property line, I haven't really gone out and measured it. I am pretty certain to do a driveway, you're probably looking at a four inch pour and a six inch dig. My concern would be that I would lose my oak tree. I'm not a horticulturist, but I just feel like there is no way to do that job. As much experience as I do have with oak trees, hitting those roots is going to do damage."

4. RECESS/RECONVENE – Chairman Balusek recessed the meeting at 6:28 p.m. and opened the Board of Adjustment meeting and reconvened the public hearing at 6:28 p.m.

Chairman Balusek asked, "Is the oak tree on your property?"

Mr. Webster responded, "Yes. I just don't know if there is a way to avoid killing it if we put a driveway straight down the property line. When they were talking about their trailer and running the driveway straight to the street, I understand the reason and desire to do so. My house actually has the same kind of positioning, where I have one of these "S" curves and it runs up the side my house too. I just don't know if there is any way to salvage my oak tree. It's not a tree that you can replace. The tree is 3 to 4 feet in diameter, I just don't think there is any way to keep it alive or to replace it."

Commissioner Garrett asked, "Have you discussed it with them?"

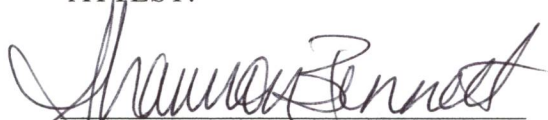
Mr. Webster responded, "No. The first I heard about it was when I got this letter a week ago. I just moved in and the mail just caught up with me. I know it's probably been a desire for them for awhile because they remodeled their house and I understand they use the trailer to go on trips."

Commissioner Garrett commented, "I had the same problem with my driveway when I had it repoured. I got with the contractor and we shaved the top of the root off where we could get the driveway in. It didn't affect the tree itself, and my tree is at least 5 or 6 feet wide, it's a big oak tree. You might want to talk to the contractor to see if you could work something out."

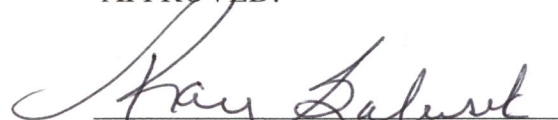
Mr. Webster commented, "If we can do that, that is fine. I have no problem with it. I should have probably clarified, I don't actually live on this property. It is a rental property, so I'm not there all the time. That's why I'm kind of out of sight out of mind, and not in communication because we don't see each other every day unless I have a tenant problem. If it can be done, I don't have an issue with it. My problem would be that driveway is poured and I would lose a tree that is value to my property. It may not affect my rent, but it may affect my property value."

5. HEARING CLOSED – Chairman Balusek closed the public hearing at 6:37 p.m.

ATTEST:

  
Shannon Bennett, TRMC  
City Secretary

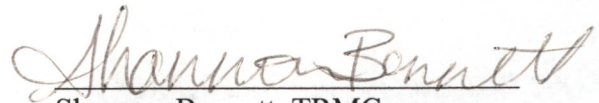
APPROVED:

  
Ray Balusek, Chairman  
Board of Adjustment



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Adjustment of the City of Deer Park, Texas will hold a public hearing at City Hall, 710 East San Augustine Street, Deer Park, Texas at 6:25 p.m. on the 16<sup>th</sup> day of September, 2019 at which time and place they will hear all persons desiring to be heard on or in connection with any matter or question relating to the request from Cary and Jacki Geron for an eleven (11) foot variance to the width of a driveway to be constructed at 1116 East Thirteenth Street.

A handwritten signature in dark ink, appearing to read "Shannon Bennett", written in a cursive style.

Shannon Bennett, TRMC  
City Secretary

Dated this 20th of August 2019