



# CITY OF SUNRISE BEACH VILLAGE

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BOARD OF ADJUSTMENTS  
Cheryl Kraemer, Chairperson

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## CALLED MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS ~ JUNE 30, 2020 CALLED MEETING at 10:45 a.m. ~

A called meeting of the above-named board was held on June 30, 2020 at 10:45 a.m. at the Sunrise Beach Civic Center, 124 Sunrise Drive, Sunrise Beach Village, Texas.

### 1. Call to Order and Establishment of Quorum.

Chairman Cheryl Kraemer called the meeting to order at 10:45 a.m. stating that a quorum was present. Members present were Mike Byrd, Cindy Daly, Nancy Daniel, Hank Gath and Chairperson Cheryl Kraemer. There were no audience attendees present. Also, in attendance was City Secretary Linda Wendling.

### 2. Consideration and possible action on a variance request received from property owner's Randy and Jessica Jones, 425 Sandy Mountain Drive, Unit 3, Lot 320, allowing for an encroachment on the 5' setback for a grilling area/fireplace. (Attachment C)

Chairman Kraemer addressed the meeting members regarding the non-attendance of the property owners and Code Enforcement Officer Danyelle Morgan as both were expected to be present for this meeting. At 10:50 a.m., once it was confirmed that neither party was on the City's property, the board members began reviewing Mr. Jones' variance request letter and the photographs that were provided along with the request letter. Chairman Kraemer stated that the outdoor fireplace and grill is currently being constructed within the 5' side setback and that is the issue for review today. Within minutes Mr. Jones and Officer Morgan joined the meeting in progress. Mr. Jones was informed that the Board members were currently reviewing the photographs that he provided with the request.

Chairman Kraemer stated that the City did mail a standard, non-compliance letter to the residents [Mr. & Mrs. Jones] informing them of the ordinance requirements and the Jones' immediately halted further construction. Discussion ensued including, but not limited to:

- Mr. Jones stated he had a conversation with Officer Morgan about a fence when she was there to see where he was putting in a pool. Officer Morgan told him the pool location was ok as long as he complied with the 5 foot side set back, and at that time, told him the height restrictions for a fence.
- Mr. Jones did not apply for a fence permit and began construction of a fence which included the construction of a fireplace and grill in the 5-foot side set back. Mr. Jones stated he did not realize he needed a fence permit. After receiving the letter from the City, Mr. Jones contacted City Fire Marshall Mike Crabil who inspected the structure and stated that he did not have any concerns 'safety wise'.
- It was clarified that the issue today is not if the VFD approves the structure but if it is in compliance with the City's Zoning ordinance which requires a 5-foot side set back.
- Mr. Jones brought photographs of what he thought were side set back infractions on other properties and felt all should be treated equally.

Discussion completed and questions answered, Chairman Kramer stated that since there is no more information to be obtained, the Board would move forward with a vote. Chairman Kraemer and stated that the fence is within ordinance but the question before the Board today is if the attached grill area/fireplace will be approved for a variance.

The Secretary read the questions from the voting chart for variance application for 425 Sandy Mountain Drive, member by member, with the results attached as Attachment A. The Board denied granting the 5' side setback variance by unanimous vote. Chairman Kraemer reiterated that the motion failed by unanimous vote of the board members and inquired about a timeframe to offer Mr. Jones in remedying

the encroachment. The Board discussed a timeframe and provided Resident Jones with 90 days to remove the illegal structure.

**3. Adjournment.**

The meeting adjourned 11:28 a.m.

*/s/ Cheryl Kraemer*

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Cheryl Kraemer, Chairperson

*June 30, 2020*

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Date