

**ZONING BOARD OF ADJUSTMENTS
FEBRUARY 27, 2013
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Kathy Olivarez
Jaime Acevedo
Jorge Garcia
Raul Sestin
Sam Rodio
Mike Friedrichs
Ned Sheats

MEMBER ABSENT

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Annette Zavala
Roberto Salinas

GUEST PRESENT

San Juanita Hernandez
Madai Ramirez
Samuel Delgado
Elizabeth Delgado

CALL TO ORDER

Chairwoman Olivarez called the meeting to order at 4:35 p.m.

CITIZENS PARTICIPATION

Chairwoman Olivarez asked if there was anyone in the audience that had anything to present or express that was not on the agenda. The audience remained un-responsive.

APPROVAL OF MINUTES FOR NOVEMBER 14, 2012

Chairwoman Olivarez asked if there were any corrections to the minutes. There being none, Mr. Sheats moved to approve the minutes as presented. Mr. Garcia seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

APPOINTMENT OF ZONING BOARD OF ADJUSTMENTS CHAIRMAN AND VICE CHAIRMAN FOR 2013

Chairwoman Mrs. Olivarez stated that the appointment of a Chairman & Vice-Chair is up for consideration.

Mr. Sheats moved to appoint Mr. Sestin as Chair. Mrs. Olivarez seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Garcia moved to appoint Mr. Sheats as Vice-Chair. Mrs. Olivarez seconded the motion. Upon a vote, the motion was unanimously approved.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO HAVE A 6' SIDE YARD SETBACK ON THE EAST SIDE AND AN 8.6' SIDE YARD SETBACK ON THE WEST SIDE INSTEAD OF PLAT REQUIRED 10' SIDE YARD SETBACK AT 2106

RAMIREZ LANE, BEING LOT 34, VILLAS DEL SUR SUBDIVISION, AS REQUESTED BY MRS. SAN JUANITA HERNANDEZ

Mr. Salinas mentioned that the site is located 450' east of Moorefield Rd., along the north side of Ramirez Ln., the site measures 72' x 305' (21,960 sq.ft.) The applicant is currently constructing a new home on her lot. During the construction of the home it was discovered that the City's Building Inspector erroneously allowed the applicant to build her home leaving 6' on each side not knowing that the minimum side setback as per the recorded plat note is 10'. Staff also found that the actual site plan was not properly noted stating that the minimum side setback was 10', though the routing sheet does show the 10' requirement. Staff notes the minimum R-1 (Single Family Residential) and R-1A (Large Lot Residential) side setback is 6', i.e. a 1-acre lot's side setback in any other R-1 or R-1A zoned subdivision would permit 6' on the sides.

Also a similar request was granted by ZBA on 12-18-02, for Mr. Fernando Rivera where a 7' side setback was approved within the same subdivision.

Review Comments:

- Since a similar request was approved by ZBA for a 7' side yard setback;
- The minimum R-1 side yard setback requirement is 6' and would be in compliance with the Zoning code if it were not platted with a higher setback;
- The City's Building Inspector erroneously misinformed the applicant that the side setback could be 6', i.e. was not self-inflicted;
- The applicant's neighbors have been notified of the variance request, where Staff has not received any comments against this request. However, staff did receive a comment from one of her adjoining neighbors that they were okay with the 6' setback;
- staff does not consider this proposal to be detrimental to the area; and
- A minimum of 12' separation between structures will be evident.

Staff did not object to the variance request.

Chairman Sesin asked if there was any opposition.

Mr. Samuel Delgado who lives at 2111 Ramirez Lane, mentioned that at the time he constructed his house, he had to leave a 10' side setback. He asked why she was not complying with the setbacks and he could build on what ever setback he wanted on his other empty property.

Chairman Sesin mentioned that before he builds on the other empty lot, he owns and could also apply for a variance and the ZBA would take his case

into consideration. Mrs. Hernandez had not planned to require a variance; it was an error by the building inspector.

Mr. Delgado mentioned that he understood and the house was there and did not want to have any problems with his neighbor, and now that he heard the situation of what happened, he no longer had a problem with the variance. He also mentioned that he would like to speak to someone regarding a sewer connection at a later time.

Chairman Segin mentioned that he could contact the planning department and they would help him with his concerns on the sewer.

Chairman Segin asked if the applicant or representative were present

Mrs. San Juanita Hernandez, the applicant, mentioned that she had all the permits required but was unaware of the side setback encroachment.

There being no further discussion, Chairman Segin entertained a motion. Mr. Sheats moved to approve the variance request as recommended by staff. Mr. Garcia seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business

**ITEM #3.0
ADJOURNMENT**

There being no further business, Chairman Segin entertained a motion to adjourn. Mr. Garcia moved to adjourn. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously at 5:00 p.m.

Raul Segin, Chairman
Zoning Board of Adjustments