

**ZONING BOARD OF ADJUSTMENTS  
MARCH 20, 2013  
CITY HALL'S COUNCIL CHAMBERS**

<b><u>MEMBERS PRESENT</u></b>	<b><u>MEMBER ABSENT</u></b>	<b><u>STAFF PRESENT</u></b>	<b><u>GUEST PRESENT</u></b>
Raul Sesin	Jorge Garcia	Daniel Tijerina	Thomas E. Tobar
Jaime Acevedo	Kathy Olivarez	Bobby Salinas	
Ned Sheats		Annette Zavala	
Sam Rodio			
Mike Friedrichs			

**CALL TO ORDER**

Chairman Sesin called the meeting to order at 4:40 p.m.

**CITIZENS PARTICIPATION**

Chairman Sesin 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 FEBRUARY 27, 2013**

Chairman Sesin asked if there were any corrections to the minutes. There being none, Mr. Sheats moved to approve the minutes with corrections made. Mr. Friedrichs seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO KEEP A 1,280 SQ. FT., (16' HEIGHT) ACCESSORY STRUCTURE INSTEAD OF THE MAXIMUM ALLOWED 800 SQ. FT., (15' HEIGHT) PER ORDINANCE #3800 AT 2206 STONEGATE DR., BEING LOT 40, STONEGATE PHASE II SUBDIVISION, AS REQUESTED BY MR. THOMAS E. TABOR**

Mr. Salinas mentioned that the site is located 600' ft., west of Flamingo Ave., along the south side of Stonegate Dr., the lot measures 126' x 165' (20,790 sq. ft.)

History: On July 23, 2012, the City Council approved Ordinance 3800 which states:

"...any non-living accessory structure such as a carport or a garage, whether as an addition or as a detached building, shall not exceed 800 square feet, and shall not exceed 15' in total height as measured to the top of its roof..."

The reason for this ordinance was to keep a control over the size of accessory structure in order to maintain the residential "feel" of the residential neighborhoods, Ordinance No. 3800.

- 1-29-13 Staff received a complaint that a "large metal framework was under construction of what appears to be a garage / commercial building"
- 1-31-13 A notice was sent to the owner of the lot regarding the construction of a 32' x 40' metal building without first obtaining a building permit.
- 2-5-13 The applicant came in and spoke to staff where he was advised of the need for a permit and the requirements of Ordinance No. 3800. He mentioned that the contractor had told him that he did not need a permit because he was replacing an older structure.
- 2-6-13 Mr. Tijerina and Mrs. Marks spoke to applicant where he was advised of the variance process however was also told that staff due to the self-inflicted nature of the request would not support it.

Review Comments: Staff cannot support a variance to Ordinance No. 3800 because it will then set precedence for future others wanting to build larger accessory structures.

Recommendation: Staff recommends denial. The owner must comply with Ordinance 3800 & with the permitting process.

Chairman Sesin asked if there was any opposition.

Mr. Salinas mentioned that there was a letter sent and that's how they found out about the building.

Chairman Sesin asked if the applicant or representative were present

Mr. Thomas E. Tabor was present, he mentioned that the dates on the picture are correct, The letter was sent out on the 30<sup>th</sup> of January but he didn't receive the letter until the following Monday is was on a Thursday and the crew was there and continued to work, he was not notified no one came to his door, if someone would off stopped the work from continuing. As soon as he received the letter he came by the City and spoke to staff and also spoke to Mr. Tijerina and went over the procedure that needed to be done. He did have an original building there not as tall as this one but the footprint is the same. After the hail storm damaged the structure he decided to enhance it to be bigger the reason for the height, was to park a motor home in there in the future, that's why its 16' to clear the 14' height, when he got the bids from three different contractors, he asked them if he needed permits and the contractor two of the contractors told him no permit was needed since he was replacing an existing building. And he went with the third contractor but he didn't ask him about the permits since they had

mentioned to him he didn't need a permit, so he proceeded with the work. So the time frame shown by then he the work was finished and he does meet setbacks, the issue is the height and they cant be grand fathered in since the footprint was removed and replaced.

Mr. Sesin mentioned that the footprint is the same but the height is different from the previous one, and this structure looks commercial and if he had any type of commercial work being done from there, and if he works on his race car from there.

Mr. Tobar mentioned that he has a race car and it's a hobby he races he does some personal work on his own cars if needed. He does have a computer firm he works from home, and its also used for storage.

Mr. Acevedo asked about the separation from the building to the house?

Mr. Tobar mentioned that there is a walkway between the house and the accessory building the distance is 3' ft. from house, he mentioned that Mr. Tijerina was at the site and didn't mention anything about the walkway.

Mr. Friedrichs mentioned that he googled the house and saw some picture from 2 years ago and the structure seams to 8' height and to be vinyl, the footprint seams to be the same, and what are the measurements of the structure.

Mr. Tobar mentioned that it started as carport he assembled then he installed the sides on it, and he also put fiberglass material on it, the length of the building is 14' x 40, the building itself not including the patio is 32'x40', so if you include the patio its 46' x 40'.

Mr. Sesin so its an over hang of a garage with a patio 14' foot over hang.

Mr. Sheats asked what type of garage was there before, and at that time if he obtained a permit for work done.

Mr. Tobar it was a garage to the house itself, no concrete at that time, there was an additional slab for parking, he did redo the concrete slab and the storage shed without a permit he was not aware he needed one.

Mr. Sesin asked if there were any more questions from staff.

Mr. Acevedo mentioned that if they would attach the accessory building to the home would it be considered an expansion to the home and not an accessory building.

Mr. Salinas mentioned that as per the code its attached or detached, and no sheet metal on buildings.

Mr. Sheats mentioned that the City of Mission has made it very clear that even on commercial site and residential they want it to be a quality place to live in, to use wood shanks, or stucco the building.

There being no further discussion, Chairman Segin entertained a motion. Mr. Sheats moved to deny the variance request as recommended by staff. Mr. Acevedo 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. Sheats moved to adjourn. Mr. Acevedo seconded the motion. Upon a vote, the motion passed unanimously at 4:55 p.m.

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Raul Segin, Chairman  
Zoning Board of Adjustments