

**ZONING BOARD OF ADJUSTMENTS  
MAY 15, 2013  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS PRESENT**

Ned Sheats  
Kathy Olivarez  
Mike Friedrichs  
Sam Rodio

**MEMBER ABSENT**

Raul Sesin  
Jaime Acevedo

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Annette Zavala

**GUEST PRESENT**

Feliciano Rodriguez  
Cesar Lozano  
Ernesto Carranza  
Ruben Martinez

**CALL TO ORDER**

Vice-Chairman Sheats called the meeting to order at 4:32 p.m.

**CITIZENS PARTICIPATION**

Vice-Chairman Sheats 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 APRIL 17, 2013**

Vice-Chairman Sheats asked if there were any corrections to the minutes. There being none, Mr. Friedrichs moved to approve the minutes. Mrs. Olivarez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO HAVE A 40' FRONT YARD SETBACK INSTEAD OF THE REQUIRED 75' FRONT YARD SETBACK (REQUIRED BY PLAT) AT 2404 W. EXPRESSWAY 83, BEING LOT 9, ALA BLANCA NORTE #1 SUBDIVISION, AS REQUESTED BY MR. RUBEN MARTINEZ**

Mr. Tijerina mentioned that the site is located on the NE corner of Expressway 83 and Dolores Del Rio. The site measures 100' x 200' or 20,000 sq. ft., the applicant added two new additions to an existing building prior to obtaining the proper permits. During the review of the building permit application, it was discovered that the applicant had built leaving 40' from the property line instead of the plat required 75'.

History: Back in the 70's, it was proposed that the building would be interconnected and would have common parking. However, since the lots were sold individually, "uniformity is not evident". On 3-10-98, Collision

Masters was awarded an approval for a 30' front setback instead of the 75' required by Ala Blanca Norte #1 plat. Also on 3-24-10 ZBA approved a 40' front setback for Mr. Campa that allowed him to build a new warehouse as well.

Review Comments:

- Since similar requests have been approved by ZBA for a 30' and a 40' front setback; and
- This request would meet the City's current minimum front setback requirements for properties along Major thoroughfares (40' setback); and
- The proposal would not be detrimental to the area.

Staff does not object to the variance.

Recommendation: Approval

Vice-Chairman Sheats asked if there was any opposition.

Mr. Ernesto Carranza who was representing South Texas Molding, mentioned that their concern was the parking that some of Mr. Martinez's customers would park in there parking area.

Vice-Chairman Sheats mentioned that was a civil matter, and that they could put tow away signs on their parking lot.

Vice-Chairman Sheats asked if the applicant or representative were present

Mr. Feliciano Rodriguez was present to represent Mr. Martinez.

Mrs. Olivarez mentioned if in the future they were going to widen the street, and if it would make a difference to the variance request.

Mr. Tijerina mentioned that there are no plans to widen the expressway frontage road.

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

## **ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO REDUCE THE REQUIRED 25' CORNER SIDE SETBACK (BY PLAT NOTE) TO A 10' CORNER SIDE SETBACK BEING LOTS 1 & 45, TANGLEWOOD SUBDIVISION, AS REQUESTED BY RHODES ENTERPRISES, INC.**

Mr. Salinas mentioned that the site is located at the NE and SE corner of Falcon Dr., and Bentsen Palm Rd., (being the main entrance into Tanglewood Subdivision) the two lots measure approx. 85' in width X 130' in length. Rhodes Enterprises wishes to reduce the plat recorded side corner setback of 25' to 10' in order to allow for more building area for potential buyers.

- Rhodes is the original developer of the subdivision and the owner of Bentsen Palm Development's PUD;
- The minimum R-1 (Single Family Residential) and R-1A (Large Lot Residential) side corner setback is 10'
- The Tanglewood Subdivision also notes a 10' side corner setback to all other corner lots except Lots 1, 45, 186, & 207.
- The street ROW along the corner side is a total of 75', which has an approx. 25' wide lane for vehicular traffic, there would be no impact to vehicular traffic along the corners.

REVIEW COMMENTS: If Tanglewood did not have a higher recorded corner setback, the code would allow for the corner side setback to be 10'. Staff does not feel that this proposal would be detrimental to the area and since the lot is adjacent a 75' wide right of way street, there would be plenty of separation between future structures.

RECOMMENDATION: Approval.

Vice-Chairman Sheats asked if there was any opposition.

The audience remained unresponsive

Vice-Chairman Sheats asked if the applicant or representative were present.

Mr. Cesar Lozano was present. He mentioned that they had potential buyers and would like to accommodate them.

Vice-Chairman Sheats mentioned that he did not agree on a house that occupies 85% of land, this interferes with the sewer lines.

There being no further discussion, Vice-Chairman Sheats entertained a motion. Mr. Friedrichs moved to approve the variance request as recommended by staff. Mr. Rodeo 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, Vice-Chairman Sheats entertained a motion to adjourn. Mr. Friedrichs moved to adjourn. Mrs. Olivarez seconded the motion. Upon a vote, the motion passed unanimously at 5:15 p.m.

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Ned Sheats, Vice-Chairman  
Zoning Board of Adjustments