

**ZONING BOARD OF ADJUSTMENTS
JANUARY 18, 2017
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Ned Sheats
Sam Rodio
Kathy Olivarez
Jaime Gutierrez
Mike Friedrichs
Terry Meewes
Julian Gonzalez

MEMBER ABSENT

STAFF PRESENT

Jaime Acevedo
Annette Zavala
Virgilio Gonzalez

GUEST PRESENT

James Kowalke
Sam John Rutkowski

CALL TO ORDER

Chairman Sheats called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

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 DECEMBER 14, 2016

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

ITEM #1.1

APPOINTMENT OF ZONING BOARD OF ADJUSTMENTS CHAIRMAN AND VICE CHAIRMAN FOR 2017

Chairman Sheats stated that the appointment of Chairman and Vice-Chairman is up for consideration.

Mr. Rodio moved to keep the present officers, Mr. Sheats as Chairman Mr. Friedrichs seconded the motion. Upon a vote, the motion passed unanimously. And Mr. Sheats moved to consider Mr. Rodio as Vice Chairman, Chairman Sheats entertained a motion. Mr. Friedrichs moved to approve the motion. Mrs. Olivarez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO ALLOW ENCROACHMENT FOR A 10' x 12' STORAGE SHED BUILDING WITHIN THE REQUIRED 6' SIDE SETBACK, AT 1013 LAKEVIEW DRIVE, LOT 10 & 11, MEADOW CREEK COUNTRY CLUB SAM RUTKOWSKI

Mr. Acevedo mentioned that the subject site is along the west side of Lake View Drive approximately 1,000' north of J.C. Parkway—see vicinity map. Mr. Rutkowski is in the processes of selling this residence and desires a variance to retain a 19" side setback for a 10'x12' shed that was recently installed without a building permit—see aerial. Typical setbacks at this development are 6' side building setbacks. The primary purpose of setbacks is to provide a fire break between buildings and between properties. However, a field visit revealed that abutting neighbor to the side has built his residence on three lots and is over 20' away from the encroaching shed. Additionally, the applicant's property does not abut to a residence in the rear. Since City Code requires that there be a minimum separation of 5' from the shed to that applicant's residence, moving the shed to meet setbacks is not an option in this case.

Since there is not an immediate fire danger to the abutting neighbor staff does not object to the variance and recommends approval subject to:1) removing or fire rating the shed structure in the future when the abutting neighbor build closer to his side setback, 2) installation of a screening lattice along the bottom of the shed to prevent rodents or other vermin from going under the shed, and 3) if shed is ever removed, the new replacement structure shall meet the prevailing setbacks.

RECOMMENDATION: Approval

Staff recommended approval for variances.

Chairman Sheats asked if there was any opposition.

The audience remained un-responsive.

Chairman Sheats asked if the applicant or representative was present.

Mr. Sam John Rutkowski was present to answer questions the board might have, he mentioned that he was not aware that he need a permit since it was a shed and he did not think it would make a difference.

Mr. Sheats mentioned that that was not an excuse that he should of contacted t he City to ask if permits where needed. And that if the variance gets approved, at any time the owner to the right side of his property decides to build on his own property, at that time he would have to remove the shed to comply with setbacks.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Rodio moved to 'Approve' the variance request. Mr. Meewes seconded the motion. Upon a vote the motion to table the variance passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

Mr. Jaime Acevedo introduced the new Zoning Board of Adjustments Board Members being Mr. Terry Meewes and Mr. Julian Gonzalez.

**ITEM #3.0
ADJOURNMENT**

There being no further business, Chairman Sheats entertained a motion to adjourn. Mr. Gutierrez moved to adjourn. Mr. Meewes seconded the motion. Upon a vote, the motion passed unanimously at 4:47 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments