

ZONING BOARD OF ADJUSTMENTS
January 19, 2011
City Hall's Council Chambers

MEMBERS PRESENT

Kathy Olivarez
Jon Lown
Ned Sheats
Keri Amen
Danny Tijerina
Raul Sesin

MEMBER ABSENT

Jorge Garcia

STAFF PRESENT

Bobby Salinas
Sergio Zavala
Sonia Carnes
Annette Zavala

GUEST PRESENT

Carl Davis

CALL TO ORDER

Chair Olivarez called the meeting to order at 4:32 p.m.

CITIZENS PARTICIPATION

Chair Olivarez asked if there was anyone in the audience that had anything to present that was not on the agenda. The audience remained unresponsive.

APPROVAL OF MINUTES FOR DECEMBER 8, 2010

Chair Olivarez asked if there were any corrections to the minutes. Mr. Sheats moved to approve the minutes as presented. Mr. Tijerina seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

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

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

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

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO HAVE A 20' FRONT SETACK INSTEAD OF THE REQUIRED 25' FRONT SETBACK, AT GAINES SUBDIVISION, BEING LOT 1-16, GAINES SUBDIVISION, AS REQUESTED BY PROPERTY OWNERS

Mr. Salinas stated that the subdivision is located on the NE corner of Adams and Barnes St. The plat's layout had 8 lots fronting Adams St., a residential collector; and the other 8 lots fronting Lee St., a minor residential street. The plat shows all lots with a delineated & a specified 25' front building setback. The general Zoning Code allows R-1 lots to have a minimum front setback of 20'. Art. XIII, Section 1.59d(1) states, "Front yard setback for all uses shall be increased as follows when lots front streets other than minor residential streets:

1. Collector Streets: 30' foot front yard setback..." 'and (2) also states: ' A maximum five-foot unenclosed porch/doorway support (s) may be permitted within the setbacks of the above street classifications or as required during the subdivision process."

Regarding the lots that front the collector Adams St., since the delineated 25' front setback is less than the required 30', a 20' front setback variance for living areas should *not* be considered. However, the five-foot unenclosed porch/doorway support (s) can be permitted as provided by Code, i.e., an open porch can be placed at 20', since this would be a non-living area.

As far as the reduced front setback along Lee St., staff has no objection since it would be comparable to other R-1 lots throughout the City and Lee St. is a minor residential street with limited amounts of traffic. Recommendation: Approval of Lot 1-8 to have non-living areas only (open porches) at 20'; living areas to remain at 25' and; approval of Lots 9-16 to have 20' setback (regardless if living or non-living).

Chair Olivarez asked if there was any public opposition to the request.

There was no response.

Chair Olivarez asked if the applicant or representative were present.

The audience remained un-responsive.

Chair Olivarez asked if the setback was 30' on the rest of the street, how many houses were meeting the setback requirements, and if it was going to look uniformed or not; and if Adams would be widened in the near future.

Mr. Sesin asked if there were any homes on the north side, because if you look to either side you can't see if the houses are aligned.

Mr. Salinas replied that they had used the plat specified 25' setback, and there were a lot of older homes in that area.

Mr. Zavala added that the street would not be widened any more and it functions very well.

Chair Mrs. Olivarez if some of the homes were at 30' before the street got re-paved, and the homes are at 25' now, it would seem to make the homes un-aligned.

Mr. Sesin said the plat note said 25' so anything built should at least be at that anyway.

Mr. Sheats mentioned that if it was 25' for the easement plus 5' for the porch, is that available to any other subdivision in Mission or is it just for this area.

Mr. Zavala recalled the policy initiated years ago at Country Estates where the minimum setback was in compliance and some one wanted to put a canopy at the entranceway, and since it was a non-living area, a policy by ordinance was developed/passed to allow a maximum 5' encroachment.

There being no further input or discussion, Chair Olivarez entertained a motion. Mr. Sheats moved to approve the 20' front yard setback variance for Lots 9-16 but keep the 25' front setback for Lots 1-8, Mr. Sesin seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.3

CONSIDER A VARIANCE REQUEST TO HAVE A 1' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' CORNER SIDE SETBACK, AT 1119 N. FRANCISCO, BEING LOTS 1-12, BLOCK 191, MISSION ORIGINAL TOWNSITE SUBDIVISION, AS REQUESTED BY THE DIOCESE OF BROWNSVILLE

Mr. Salinas stated that the site is located on the NW corner of Francisco and 11TH St. the overall site measures 300' x 320' sq. ft. however the only affected lot (7) measures 50' x 150', which is located on the SE corner of the site. As staff understands it, there is only 1 restroom for a congregation of hundreds. This proposed expansion of an institutional use was approved by P&Z on 1-5-11, subject to securing a variance from ZBA.

Staff assessed other possible alternatives; however this option seems the most feasible as to utility, economic, and internal floor plan logistics: the current restroom is at the alignment within the current structure thus the sewer service is readily available at the southern area of the building. Tapping into the existing sewer line will prevent open-cutting the paved public alley and tapping in to a deep sewer main. Since the new restroom, would be placed near the existing restroom the congregation will already be accustomed to it and would keep all restroom facilities centrally located. If the restroom were to be built on the north side (meeting setbacks), it would be on top of other service utility lines as electrical, water service, ect. Though the variance seems extensive, dense landscape hedges/some trees can further obscure the restroom notch.

Chair Olivarez asked if there was any public opposition to the request.

There was no response.

Chair Olivarez asked if the applicant or representative were present.

Mr. Carl Davis was present to answer any questions the board might have.

Mr. Sesin mentioned that it looked like there was 15' ROW, and a 5' of sidewalk. The 1' setback from the right of way really didn't make much of a difference so he didn't have a problem with it.

Chair Olivarez mentioned that if it would interfere with traffic, and she did not want to set precedence on a 1' setback.

Mr. Salinas said the ROW was 60' where normally there was 50'; thus an additional 5' was helpful as to alignment.

Mr. Tijerina mentioned that they should also obtain a recorded Hold Harmless document.

There being no further discussion, Chair Olivarez entertained a motion. Mr. Sesin moved to approve the variance request as recommended by staff with a Hold Harmless being recorded. Mr. Sheats seconded the motion. Upon a vote, the motion passed 4-1 with Mrs. Olivarez dissenting.

**ITEM #2.0
OTHER BUSINESS**

There was no other business

**ITEM #3.0
ADJOURNMENT**

There being no further business, Chair Olivarez entertained a motion to adjourn. Mr. Tijerina immediately moved to adjourn. Mr. Sesin seconded the motion. Upon a vote, the motion passed unanimously at 4:49 p.m.

Kathy Olivarez, Chairwoman
Zoning Board of Adjustments