

**ZONING BOARD OF ADJUSTMENTS  
JANUARY 21, 2015  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS PRESENT**

Ned Sheats  
Raul Segin  
Mike Friedrichs  
Sam Rodio  
Kathy Olivarez  
Jaime Acevedo

**STAFF PRESENT**

Daniel Tijerina  
Susana De Luna  
Patricio Martinez

**GUEST PRESENT**

Chris & Vince Maher  
Darwin Boldt  
Barbara Senter

**CALL TO ORDER**

Chairman Raul Segin called the meeting to order at 4:31 p.m.

**CITIZENS PARTICIPATION**

Chairman Segin asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR OCTOBER 15, 2014**

Chairman Segin asked if there were any corrections to the minutes for October 15, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Sam Rodio seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO HAVE A 6.5' FRONT SETBACK INSTEAD OF THE REQUIRED 15' AND A 6' CORNER SIDE SETBACK WHERE 10' IS REQUIRED AT 1510 E. BUSINESS HWY 83 (RE REATIONAL CENTER), BEING A 97.5' X 114' TRACT OUT OF BLOCK G, LEMON TREE ESTATES SUBDIVISION, AS REQUESTED BY LEMON TREE ESTATES**

Mr. Daniel Tijerina mentioned that the subject site is located at the SE corner of Jacque Drive and Lemon Tree Lane. The lot's dimensions are 97.5' x 114'. This lot serves as the residents' recreation area. There is a recreation hall, shuffle boards, and a swimming pool located on the property. The Building Expansion Committee proposes to enlarge the club house towards the NW corner area in order to bring the existing restrooms and kitchen to code. Also, the main hall's dimensions would be extended for additional seating. It is noted that the park has 172 residential lots.

The existing recreation hall is in violation of the 15' front setback at this time. The proposal is to make a 12' x 40' addition to the NW of the property to accommodate the improvements described above. If the front setback variance is granted, it will correct the current setback violation. However, the proposed expansion will further add to the front setback infringement by an additional 12' x 8.5' (102 sq. ft.). Regarding the 10' corner side setback, the proposal is to make a 4' x 40' (160 sq. ft.) addition within this setback area.

Based on the following: 1) the recreation center is located over 600' south of Business 83 within the center of this subdivision, 2) traffic on these streets is limited to park residents, 3) the expansion of the building will provide much needed improvements and space, and 4) the setback variances will not cause obstructions to fire personnel or apparatuses, staff does not object to the variance requests.

Staff recommended approval of both variances.

Chairman Sesin asked if there was any opposition.

In opposition, Mrs. Barbara Senter stated that they were just trying to make a bigger kitchen for the same amount of people in the park which in her opinion they don't need and it would only add more fees to the residents like her. She added that she didn't have the money to pay for fees.

Chairman Sesin asked if she was the only person in opposition.

Mrs. Senter stated that they were others in the park but were not able to come to the meeting.

Mrs. Kathy Olivarez asked if she had a written petition of the people in opposition.

Mrs. Senter stated that she was not aware she needed one and thought some people would show up to the meeting but she was talking on behalf of the people that were not able to attend.

Chairman Sesin asked if the applicant or representative was present.

Mrs. Chris Maher from 1510 E. Business Highway 83 and she is the Chairman of the building expansion. She mentioned that they are a fact finding committee in which they are looking for avenues that they can pursue to bring their kitchen and restrooms to code in order to give the residents that live there options to consider. She added that one option was

to expand and ask for a variance or prepare something within the park building perimeters.

Chairman Sestin asked Mrs. Maher if they were going to expand regardless it was just a matter of which way to go.

Mrs. Maher stated that if the variance were approved they would go back to the residents with a proposal that included the variance if the variance was not approved then they would need to look at what could they possible do within the confines of the structure that they have currently.

Mr. Sam Rodio asked Mrs. Maher if she meant that her kitchen and restrooms were not meeting code.

Mrs. Maher stated that they had such an old building and they have always told us that once we wanted to do something new to their kitchen or restrooms they would need to comply with the current codes.

Mr. Sam Rodio asked Mrs. Maher if they were currently under the ADA code now.

Mrs. Maher stated that she was not sure because she has only been here in the Valley for 5 years and she was still learning.

Mr. Ned Sheats asked Mrs. Maher that when she introduce herself she mentioned that she was a representative from a certain committee was this not part of the Home Owners Association.

Mrs. Maher replied, "Yes". She stated that they were appointed by the Home Owners Association.

Mr. Ned Sheats stated that he had some concerns in regards to the parking on the sides of the building with the proposed expansion, but would like to get a vote taken from the Home Owners Association to get the input of all the residents in regards to this request.

Mrs. Maher stated that she had a tally sheet from February 4<sup>th</sup>, 2013 vote and this was a vote that requested this committee that was formed by the Board to look into the possibilities that they would have.

Mr. Ned Sheats stated that this would be step one, but now that she knows the possibilities that there are, she has to get the City permit or have to work with the existing building. Mr. Sheats suggested that she goes back to the 172 residents and get 51% of the people to say that they want this expansion and come back to ZBA and let us know which option they want to

consider. Mr. Sheats added that she would need to get something in writing not only from the committee but from the Home Owners Association and residents.

Mr. Sam Rodio stated that the applicant is requesting is to know beforehand if the variance would be approved prior to meeting with the residents or Home Owner Association because if the variance is not approved then they would not even consider proposing this option to them.

Mrs. Maher stated that Mr. Rodio was correct.

Mr. Ned Sheats stated that he was not aware that they could do that before considering the residents input.

Mr. Tijerina stated that he would need to check with the City Attorney to see if this was even an option and then get back to ZBA with Mr. Guerra's legal opinion. He agreed with Mr. Sheats suggestion in that they should get the residents input first because this a shared recreation center versus a specific property.

Chairman Raul Sesin suggested that this item be tabled that way she would not need to re-apply again and once they have the residents input they could act on this item.

Mrs. Maher stated that this committee was established by the Board to research this so that they could take back facts to the residents of Lemon Tree Estates its putting it forward to them that if they would have this proposal here to increase the size of the recreation hall this is what we have if not then they could move forward with what they have within the confinement of the existing building and that is why we have the tally sheet with a vote.

Chairman Raul Sesin asked if the vote was taken only from their committee.

Mrs. Maher stated that the vote was taken by the whole park.

Chairman Raul Sesin asked what were the results of the votes.

Mrs. Maher stated that the results were the interest of expanding the club house which will also include kitchen and restrooms were 60 yes and 59 no's.

Mrs. Kathy Olivarez asked out of how many lots.

Mrs. Maher stated that it was out of 172 lots but they are not all occupied.

Chairman Raul Sestin stated that this was only about 1/3 of the park what would happen with the rest of the residents.

Mr. Jaime Acevedo asked what would happen with the parking when you have a flea market and have some outsiders coming in where they are doing to park if all the spaces are occupied.

Mrs. Maher stated that if they go further south there is a concrete area where they could park.

Mr. Ned Sheats asked if this would be off of Jacque Street or Lemon Tree Lane.

Mrs. Maher stated that it would be off of Jacque Street.

There being no further discussion, Chairman Sestin entertained a motion. Mr. Ned Sheats moved to 'Table' the variance request. Mr. Mike Friedrichs seconded the motion. Upon a vote the motion to table the variance passed unanimously.

**ITEM #2.0  
OTHER BUSINESS**

There was none.

**ITEM # 3.0  
ADJOURNMENT**

There being no further business, Chairman Sestin entertained a motion to adjourn. Mr. Ned Sheats moved to adjourn. Mr. Sam Rodio seconded the motion. Upon a vote, the motion passed unanimously at 4:57 p.m.

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Raul Sestin, Chairman  
Zoning Board of Adjustment