

**ZONING BOARD OF ADJUSTMENTS  
FEBRUARY 18, 2015  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS PRESENT**

Ned Sheats  
Jaime Acevedo  
Mike Friedrichs  
Sam Rodio  
Kathy Olivarez

**MEMBER ABSENT**

Raul Sesin

**STAFF PRESENT**

Joe Garza  
Annette Zavala  
Patricio Martinez

**GUEST PRESENT**

Victor Trevino  
Esmeralda Garza

**CALL TO ORDER**

Vice-Chairman Sheats called the meeting to order at 4:31 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 JANUARY 21, 2015**

Vice-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 2015**

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

Vice-Chairman Sheats moved to "Table" the item, due to Chairman Sesin was not available. Vice-Chairman Sheats entertained a motion. Mr. Friedrichs moved to "Table" item. Mr. Rodio seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO KEEP A 0' SIDE YARD SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1508 CRISANTEMA**

**AVE., LOT 191, SOUTHERN OAK SUBDIVISION PHASE III, AS REQUESTED BY MR. JOSE EDEN BARRERA & MRS. ESMERALDA GARZA**

Mr. Joe Garza mentioned that the site is 40' East of Inspiration Rd., along the east side of Crisantema St., the site measures 60' x 100' = 6000 sq. ft., The applicant built a carport within the side setback of the lot without first obtaining a building permit. Because he didn't obtain a permit for the work he was unaware of the setback required for carport. Staff has spoken with the applicant's wife Esmeralda Garza, she advised us that her husband the applicant had a stroke and can't walk on his own. They use the carport so that his wife can help him walk outside to keep up with his therapy.

**Recommendation:**

No objection, Staff recommends approval based on the findings of hardship, staff recommends approval subject to 1) the execution and recording of a Hold Harmless Agreement and 2) that the carport be removed once the need is no longer evident.

Vice-Chairman Sheats asked if there was any opposition.

The audience remained unresponsive

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

Mrs. Esmeralda Garza was present to address any questions from the Board. She mentioned that her husband built the carport before his stroke, without a permit. She is asking for the board's approval to keep the carport the way it is; and that she understood that if in the future when the use is no longer evident.

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

**ITEM #1.3**

**CONSIDER A VARIANCE REQUEST TO KEEP A 0' SIDE YARD SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1510 CRISANTEMA AVE., LOT 190, SOUTHERN OAK SUBDIVISION PHASE III, AS REQUESTED BY MR. VICTOR H. TREVINO JARA**

Mr. Joe Garza mentioned that the site is located 40' East of Inspiration Rd., along the east side of Crisantema St., the site measures 60' x 100' = 6000 sq. ft., The applicant built a carport within the side setback of the lot without

first obtaining a building permit. Because he didn't obtain a permit for the work he was unaware of the setback required for carport. Staff spoke with the applicant and was advised that they have a family member (daughter) with special needs at the home and they use the carport for her therapy and rehabilitation.

**Recommendation:** No objection, Staff recommends approval based on the findings of hardship, staff recommends approval subject to 1) the execution and recording of a Hold Harmless Agreement and 2) that the carport be removed once the need is no longer evident.

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. Victor Trevino was present to address any questions from the Board. He built the carport without a permit. He is asking for the board's approval to keep the carport the way it is; and that she understood that if in the future when the use is no longer evident.

Mrs. Olivarez mentioned if there was a fire hazard.

Mr. Acevedo mentioned that there was a cedar fence separating the properties and it was constructed under the carport.

Mr. Garza mentioned that they would require the applicants to spray the fence on both sides with the fire retardant chemical.

There being no further discussion, Vice-Chairman Sheats entertained a motion. Mr. Friedrichs moved to approve 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, Vice-Chairman Sheats entertained a motion to adjourn. Mr. Rodio moved to adjourn. Mr. Friedrichs seconded the motion. Upon a vote, the motion passed unanimously at 4:47 p.m.

---

Ned Sheats, Vice- Chairman  
Zoning Board of Adjustments