

**ZONING BOARD OF ADJUSTMENTS  
MARCH 16, 2016  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS PRESENT**

Ned Sheats  
Sam Rodio  
Jaime Gutierrez  
Kathy Olivarez

**MEMBER ABSENT**

Mike Friedrichs

**STAFF PRESENT**

Jaime Acevedo  
Susana De Luna  
Alex Hernandez  
Eddie Latin

**GUESTS PRESENT**

Lynda & Louis Tomsu  
Carol Knauel  
Melvina Elliott  
Pat Wells  
Terry Meewes  
Bonnie Perry  
Roy Steiner  
Ismael Martinez, Jr.  
Richard L. Martinez  
Andrew Edson

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

There was no citizens participation.

**APPROVAL OF MINUTES FOR JANUARY 20, 2016**

Chairman Sheats asked if there were any corrections to the minutes. There being none, Mr. Sam Rodio moved to approve the minutes as presented. Mrs. Olivarez seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO HAVE A 24.5' REAR SETBACK INSTEAD OF THE REQUIRED 30' REAR SETBACK AT 1904 TRINITY ROAD, BEING LOT 6, BLOCK 33, CIMARRON COUNTRY CLUB SUBDIVISION, AS REQUESTED BY ORLANDO & CELINDA DEANDER**

Mr. Jaime Acevedo briefed over the write-up stating that the property is located along the south side of Trinity Road between Frio and Glasscock Road. The site measures 17,920 sq.ft. The applicant is planning to construct a swimming pool and is encroaching 5' 5" into the rear setback which would be 30' as stated on the recorded subdivision plat. The lot abuts a lake not residence to the south. Utility easements are 14.5' away.

Staff recommends approval due to the encroachment being for a swimming pool not a structure and being that there are no residences to the south.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Andrew Edson from Hamlin Pools was present to address any questions that the Board might have.

Chairman Sesin asked if there was any public opposition to the request.

There was no response.

Mr. Sheats asked staff if in this particular property all the setbacks were different.

Mr. Acevedo stated that the house was already constructed and the applicant was only constructing a swimming pool at this time so the only setback that is in question is the one for the swimming pool. Mr. Acevedo added that the applicant had received the approval from the Cimarron Architectural Committee.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Sam Rodio moved to approve the variance as presented. Mrs. Kathy Olivarez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO HAVE A 10’ FRONT YARD SETBACK INSTEAD OF THE REQUIRED 15’ FRONT YARD SETBACK AT 500 AQUARIUS ST., BEING LOT 230, ALADDIN VILLAS WEST SUBDIVISION, AS REQUESTED BY ROY STEINER & BONNIE PERRY**

Mr. Jaime Acevedo briefed over the write-up stating that the site is located on the NW corner of Aquarius and Aladdin Villas West. The lot measures 47.5’ X 100’ or 4,750 sq. ft. (initially, the lots at Aladdin Villas were intended to be used for mobile homes). A new residence is proposed with the front door facing Aladdin Villas West and garage door facing Aquarius Street - see site plan. As the aerial shows, Aquarius and Aladdin Villas West are both minor residential streets. Similar requests have been awarded by ZBA as follows:

**SIMILAR REQUESTS**

<b>DATE</b>	<b>LOT</b>	<b>ADDRESS</b>	<b>ACTION</b>
9/17/08	Lot 168, Aladdin Villas	519 Saturn	APPROVED
3/24/10	Lot 199, Aladdin Villas	1418 Leo	APPROVED
3/16/11	Lot 19, Mayberry Gardens	500 E. Ramirez Ln.	APPROVED
1/23/12	Lot 50, Marinel Sub. No. 2	1829 Fairway Circle	APPROVED
8/15/13	Lot 79, Redstone Estates Sub.	306 Mockingbird Ln.	APPROVED

**REVIEW COMMENTS:** A field visit revealed that the homes along the north side of Aladdin Villas West are not in direct alignment with one another.

Staff also discovered that most of the corner lots in Aladdin Villas are only 47.5' wide, while internal lots are 55 feet wide. Usually corner lots are wider since they have greater setbacks. The proposal will not be detrimental to the neighborhood and the subject's front door will face the front doors of homes having frontage to Aladdin Villas West, a minor street.

**RECOMMENDATION:** No objection for reasons cited above.

Mr. Sam Rodio asked why they wouldn't consider both item the concrete pad and the front setback issue.

Mr. Acevedo stated that the slab doesn't require a variance.

Chairman Sheats asked if the applicant or representative were present.

Mr. Ismael Martinez from Designer Associated whose address is 117 N. 17<sup>th</sup> Street in McAllen stated that he was the designer for the plan.

Chairman Sheats asked Mr. Martinez if there was any way he could meet their square footage specifications and still meet the setbacks.

Mr. Martinez stated that the restriction that requires the 15' setback limits the ability to construct so they are trying to maximize the normal setbacks which would be 10' on Aladdin Villas and 15' on Aquarius although we did respect the 18' setback for the garage.

Chairman Sesin asked if there was any public opposition to the request.

Mr. Louis Tomsu who resides at 505 Aquarius stated that he just wanted to ask a question, which is what is the distance from Aquarius Street to the front of the garage is it 15'.

Mr. Acevedo replied, "18".

Mr. Tomsu asked if this was the area where the cars would be parked.

Mr. Acevedo replied, "Yes".

Mr. Tomsu stated that he was not against the request.

Mrs. Kathy Olivarez asked how many lots were left that had the same situation.

Mr. Tomsu replied, "Just two lots".

Mrs. Carol Knauel who resides at 504 Aquarius stated that she has lived there for the past 12 years. She added that they had water issues with the drainage swales in the past and this corner flooded so she is concerned with this big home being built there how is it going to affect the area. She asked how much of the property would be covered.

Chairman Sheats stated that the designer could answer her questions.

Mr. Richard Martinez stated that he was the builder and added that they would be complying with the elevation. He mentioned that typically on new homes he tries to match with what's existing in the area. Mr. Martinez stated that in this particular property there is a drain in the property which they left alone and they will make everything possible to drain all the water to that area so it won't affect the surrounding properties.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Sam Rodio moved to approve the variance as presented. Mrs. Kathy Olivarez 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, Chairman Sheats entertained a motion to adjourn. Mr. Sam Rodio moved to adjourn. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the meeting was adjourned at 4:49 p.m.

---

Ned Sheats, Chairman  
Zoning Board of Adjustments