

**ZONING BOARD OF ADJUSTMENTS  
APRIL 20, 2016  
CITY HALL'S COUNCIL CHAMBERS**

<b><u>MEMBERS PRESENT</u></b>	<b><u>MEMBER ABSENT</u></b>	<b><u>STAFF PRESENT</u></b>	<b><u>GUESTS PRESENT</u></b>
Ned Sheats	Sam Rodio	Danny Tijerina	Elizabeth De La Cruz
Mike Friedrichs		Jaime Acevedo	Juan De La Cruz
Jaime Gutierrez		Annette Zavala	Abelardo Perez Jr.
Kathy Olivarez			Jose Gomez

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 4:36 p.m.

**CITIZENS PARTICIPATION**

There was no citizen's participation.

**APPROVAL OF MINUTES FOR MARCH 16, 2016**

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

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO HAVE A 4' SIDE BUILDING SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 2100 W. 30<sup>TH</sup> ST., BEING LOT 60, LA HACIENDA ESTATES SUBDIVISION, AS REQUESTED BY MR. ALBELARDO PEREZ JR.**

Mr. Jaime Acevedo briefed over the write-up stating that the location is along the north side of W. 30<sup>th</sup> St., between Moorefield Rd., and Hillcrest Dr., the site has 60' of frontage to W. 30<sup>th</sup> St., and a 138.25' lot depth (8,295 sq ft.). The applicant is seeking a variance to build his 2,691 sq. ft. residence thereon and is requesting to have a 4' side setback instead of the required 6' side setback along the western lot line; all other setbacks will be complied with. Being zoned R-1, the typical side setback are 6', the intent of this side backs is to allow a 'fire' clearance from one residence to another. However, in viewing La Hacienda Estates, notes that there is an existing 30' Texas Gas Easement that runs along the subdivision. Because of this gas easement some lots are larger than others. The abutting Lot 59 is over 100' wide and the owners have constructed their residence along the western boundary, away from Lot 60 and the gas easement. If approved, there will be over 45' of clearance between the proposed structure and the neighbors. What ZBA has entertained in the past is a 12' building to building separation to the neighbors.

**RECOMMENDATION:**

Staff recommends approval subject to the neighbor executing a higher setback provision and Hold Harmless.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Perez was present to address any questions that the Board might have. His address is 2611 Rabbit Lane Alton TX. Mr. Perez mentioned that he submitted the plans and was advised that he had to approach the Zoning Board of Adjustments to request a reduced side setback due to the gas line that is running through the property. Mr. Perez also brought the owner of the adjoining lot 59 in favor of the variance, Mr. Jose Gamez.

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

There was no response.

Chairman Sheats mentioned that they appreciate that he came before the board before building the house.

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

**ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO HAVE A 10.8' REAR SETBACK INSTEAD OF THE REQUIRED 15' REAR SETBACK AT 2006 ROMAN ST. LOT 62, VILLA DE ROMA SUBDIVISION, AS REQUESTED BY MR. JUAN DE LA CRUZ**

Mr. Jaime Acevedo mentioned that the subject site is located along the north side of Roman Street between Moorefield and Hillcrest Drive. The applicant owns both Lots 61 and 62 and combined has 126' of frontage to Roman Street and a 140' lot depth (17,640 sq. ft.). The applicant is seeking to keep his 24.6' x 29.8' or 733 sq. ft. detached garage and requires a variance to meet the required rear building setback. While typical rear building setbacks are usually 10', when Villa De Roma Subdivision was recorded it was recorded with a 15' rear utility easement. Apparently the 15' rear utility easement was intended to be an alley. However, the alley was never implemented and nearly all property owners have built fences over the rear utility easement. It was also discovered that no city or other utilities run through the 15' rear utility easement. Being that the structure complies with the allowable 800 sq. ft. for detached garages, and being that there are

no known utilities within the 15' utility easement that was intended for an alley that will never be constructed, staff does not object to a 10.8' rear setback which is closer to the 10 rear setback of such single family homes.

**RECOMMENDATION:**

Staff recommends approval.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. and Mrs. De La Cruz were present to address any questions that the Board might have. Mrs. De La Cruz mentioned that they live at the house 2006 Roman St., built in 2002. The home was built with an attorney and they were not aware of the rear setback violation. They are now trying to sell the property and a survey was done and they discovered the discrepancy. They also called 811 to get the lines spotted and there none. They also mentioned that at one point the back area was going to have an alley but it was never done.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Mike Friedrichs moved to approve the variance as presented. Mrs. Cathy 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. Mike Friedrichs moved to adjourn. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the meeting was adjourned at 4:47 p.m.

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Ned Sheats, Chairman  
Zoning Board of Adjustments