

**ZONING BOARD OF ADJUSTMENTS
MARCH 27, 2013
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Kathy Olivarez

Jaime Acevedo

Jorge Garcia

Raul Sesin

Mike Friedrichs

Ned Sheats

MEMBER ABSENT

Sam Rodio

STAFF PRESENT

Daniel Tijerina

Bobby Salinas

Annette Zavala

GUEST PRESENT

Attorney Ricardo

Salinas

Donald D'entremount

CALL TO ORDER

Chairman Sesin called the meeting to order at 4:34 p.m.

CITIZENS PARTICIPATION

Chairman Sesin 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.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO BUILD A NEW 943 SQ. FT., (21' ½" HEIGHT) ACCESSORY BUILDING INSTEAD OF THE MAXIMUM ALLOWED 800 SQ. FT., (15' HEIGHT) PER ORDINANCE #3800 AT 2505 LILAC AVE., BEING LOT 10, FALCON CREST SUBDIVISION, AS REQUESTED BY MR. & MRS. DAVID & NEYDA BONILLA

Mr. Tijerina mentioned that the site is located 200' north of Thornwood along the west side of Lilac Ave., the cul-de-sac lot measures approx. 184' x 205' (36,566.60 sq. ft.)

History: On July 23, 2012, the City Council approved Ordinance 3800, which states:

"...any non-living accessory structure such as a carport or a garage, whether as an addition or as a detached building, shall not exceed 800 square feet, and shall not exceed 15' in total height as measured to the top of its roof..."

- 2-15-13 Staff received a building permit application to build a 31' 10" x 31' 10" open patio & restroom with a clip notched out of the NE corner of the structure (943' sq. ft.). The proposed building will also have an overall roof height of 21' 1 ½".
- 2-20-13 Permits Department reviewed and denied the proposal.

- Staff spoke to the applicant in regards to the proposal and mentioned the option of reducing the overall square footage to 800 sq. ft. The applicant said that he was going to check with the architect to see if he could redesign the project.
- 2-26-13 After reviewing the modified plans, Staff informed the applicant that the options were to either comply with Ordinance 3800 or apply for with the Zoning Board of Adjustments.

Review Comments: It is noted that the applicant has made an effort to meet the ordinance requirements, however wants to see if there would be the possibility of a variance approval. In reviewing this request, Staff must look at the intent of Ordinance 3800. We know that the code was put in place to control the ambience of our residential neighborhoods, i.e. we didn't want extremely large metal structures amongst small residential homes such as the structure that was recently denied by ZBA 3-20-13. Furthermore, research of past cases show that the we were not imposing Ordinance No. 3800 on new homes where porches and detached/attached garage were over 800 sq. ft., and over 15' in overall height. In reviewing this particular request, the applicant is proposing to use like materials (Spanish roof tile & cantera columns) as the primary structure. In essence, it will not be determined to the surrounding residential homes and will in fact be identical in construction to the primary home, i.e. roof lines and materials. We also note this lot is almost an acre and is located in a private subdivision where the homes are larger than other residential homes in the City. Staff believes that this proposal will not conflict with the spirit of Ordinance No. 3800, thus the owner should be afforded an opportunity to build his accessory structure to better compliment his home and the rest of the neighborhood.

Recommendation: Staff does not object to this variance request for reasons cited above.

Chairman Sesin asked if there was any opposition.

The audience remained unresponsive.

Chairman Sesin asked if the applicant or representative were present

Mr. Bonilla and his Attorney Mr. Ricardo Salinas were present to answer any questions.

Mr. Tijerina mentioned that they had submitted the plans with signatures from their HOA.

Mr. Friedrichs asked if the signatures on the permit were from the Architectural Committee.

Mr. Bonilla mentioned that they were.

Mrs. Olivarez asked if there was any metal being used in the construction of this structure.

Mr. Bonilla mentioned that they were not using metal they were using stucco and canters facade to match the house.

Chairman Sestin mentioned that the Ordinance mentions 800' and this is only 200' feet covered, and the rest was an enclosed terrace and what was the issue with the structure besides the height.

Mr. Salinas mentioned that it was the height and any structure in general so it targets them in general.

Chairman Mr. Sestin mentioned that they had a previous issue that the structure was more of a commercial building, and this one will blend in with the home.

Mr. Friedriches mentioned had the house had the lot space for the structure and does not over shadow the house.

There being no further discussion, Chairman Sestin entertained a motion. Mr. Garcia moved to approve the variance request as recommended by staff. Mr. Sheats 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 Sestin entertained a motion to adjourn. Mr. Garcia moved to adjourn. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously at 4:43 p.m.

Raul Sestin, Chairman
Zoning Board of Adjustments