

**ZONING BOARD OF ADJUSTMENTS
FEBRUARY 21, 2018
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Mike Friedrichs
Sam Rodio
Jaime Gutierrez
Julian Gonzalez
Terry Meewes
Sam Rodio
Kathy Olivarez

MEMBER ABSENT

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak

GUEST PRESENT

Ruben J. Martinez
James Wakenell
Christina Wakenell
Maria Isidra Reyes
Maria E. Cruz
Belinda Rodriguez

CALL TO ORDER

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

CITIZENS PARTICIPATION

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 OCTOBER 18, 2017

Chairman Sheats asked if there were any corrections to the minutes. Mr. Mike Friedrichs moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Mr. Jaime Acevedo stated that the appointment of Chairman and Vice-Chairman is up for consideration.

Mr. Sam Rodio moved to keep the present officer, Mr. Ned Sheats as Chairman. Mr. Friedrichs seconded the motion. Upon a vote, the motion passed unanimously. Mr. Terry Meewes moved to consider Mr. Rodio as Vice Chairman, Chairman Sheats entertained a motion. Mr. Friedrichs seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

TO CONSIDER A VARIANCE REQUEST OF A 5' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK (UE) AT 3706 HUMMINGBIRD LANE, BEING LOT 129, RETAMA VILLAGE PHASE II SUBDIVISION, AS REQUESTED BY JAMES WAKENELL

Mr. Jaime Acevedo went over the write up stating the subject site is located between Kiskadee Lane and Kingfisher Lane along the north side of Hummingbird Lane. The applicant desires to construct a storage shed in their backyard requesting to have a 5' rear setback instead of the required 10' rear setback. There is a 10' recorded Utility Easement along the rear of the property line. The applicant did notify 811 and the only utility spotted is an electrical line. It is noted that the electrical line was within the first 5' of the 10' Utility Easement.

RECOMMENDATION: Staff recommendation is approval subject to: 1) a recorded document that the storage unit will remain as a non-living structure and that the City and recognized franchise holders be indemnified and held harmless to any private improvements on or over the 10' utility easement, and 2) if ever removed, the prevailing setbacks shall be complied with thereafter. There was one letter from the HOA and they are in favor of the request.

Chairman Sheats asked if the commissioners had any questions to staff.

Mr. Rodeo asked if the City were to be held harmless.

Mr. Acevedo stated that it will be reflecting in a recorded document.

Chairman Sheats asked if there have been any problems with other structures being built to the property line.

Mr. Acevedo stated in that area the lots are smaller and the city utilities are in the front.

Mr. James Wakenell was present to answer any questions the board might have. He offered that the pedestal for the Ethernet was located on the other side of the lot.

There being no further discussion, Mr. Sam Rodio moved to approve the variance request for Item 1.2 as per staff's recommendations. Mr. Mike Friedrichs seconded the motion. Upon a vote, the motion to approve the variance requests passed unanimously.

ITEM #1.3

TO CONSIDER A VARIANCE REQUEST OF A 10' FRONT SETBACK INSTEAD OF A 18' GARAGE SETBACK & TO HAVE A 2" SIDE SETBACK INSTEAD OF A 6' SIDE SETBACK AT 707 SUNRISE LANE, BEING LOT 22, LA TIERRA DE LOS ENCINOS SUBDIVISION, AS REQUESTED BY RUBEN J. MARTINEZ

Mr. Acevedo went over the write up stating the subject site is located between Keralum Avenue and Augusta Drive along the north side of Sunrise Lane. The site measures approximately 60' frontage to Sunrise with a 137.84' depth along the west side and a 139.33' lot depth along the east side of Lot 22 or 8,319 sq. ft. The applicant desires to retain a 2" side building setback and a 10' front garage setback for a covered carport and side expansion of residence built with no building permit. The required setbacks are 6' for the sides and 20' for the front at La Tierra De Los Encinos Subdivision.

RECOMMENDATION: Denial.

- No permit was issued.
- 8' over a Public utility easement with existing services.
- Comply w/codes upon replacement or new construction.
- If approved; will set wrong precedence to others.
- Lot is not unique.
- Self-inflicted.

Chairman Sheats asked if the commissioners had any questions to staff.

Mr. Acevedo offered a total of 30 notices were sent out. As of this writing we did receive a call back from one of those property owners notified. The property owner, who wished to remain anonymous, did state that allowing this variance would be detrimental and set precedence in the area as others would want similar exceptions to be granted for them.

Chairman Sheats asked if there were any neighborhood opposition in the audience.

Ms. Mary B. Cruz, a neighbor and acting as a representative for three other neighbors in the audience voiced opposition to the variance request.

Mr. Mike Friedrichs inquired about the public utility easements on the said property.

Mr. Acevedo replied it was water and sewer.

Mr. Ruben Martinez was present to answer any questions the board might have stating that he originally applied for a permit to construct the front porch which was denied because he setbacks were not met.

Mr. Sam Rodio inquired as to the contractor for the project.

Mr. Martinez stated he did the construction himself.

Mr. Acevedo added that the construction does not give sufficient clearance in case of a fire.

Mr. Sam Rodio and Mr. Mike Friedrichs reiterated Mr. Acevedo's statement about safety concerns. The applicant was asked to conform to the proper dimensions for the structure affording the applicant time to remedy the structure.

There being no further discussion, Chairman Sheats moved to deny the variance requests for Item 1.3 as per staff's recommendations. Mrs. Kathy Olivarez seconded the motion. Upon a vote, the motion to deny passed unanimously.

ITEM #3.0
ADJOURNMENT

There being no further business, Chairman Sheats entertained a motion to adjourn. Mr. Friedrichs moved to adjourn. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously at 5:04 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments