

**ZONING BOARD OF ADJUSTMENTS
APRIL 18, 2018
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Ned Sheats
Julian Gonzalez
Terry Meewes
Mike Friedrichs
Jaime Gutierrez

MEMBER ABSENT

Kathy Olivarez
Sam Rodio

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak

GUEST PRESENT

Aaron Balli
Steve Deacon

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 4:31 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.

ITEM #1.1

TO CONSIDER A VARIANCE REQUEST TO ALLOW AN ENCROACHMENT ONTO THE FRONT AND REAR SETBACKS AT 1009 HIGHLAND PARK AVE., BEING 0.242 OF AN ACRE OUT OF BLOCK "K", WRIGHT ADDITION, AS REQUESTED BY RICARDO GARZA

Mr. Jaime Acevedo went over the right up stating the subject site is located near the E. 10th Street/ Highland Park Avenue intersection. The property is zoned Multi-Family Residential (R-3).

The applicant recently purchased this multi-family zoned property and would like to construct apartments thereon. Currently, the property is vacant but in the past a commercial building was on this property with a front setback to Highland well under 20'. Being zoning R-3 the required setbacks are a 30' front setback along Highland and a 15' setback along the rear of the property or the west side of the lot. The applicant would like to construct (2) fourplex buildings for a total of 8 apartments and would like a reduced setback to be considered.

With regards to the reduced front setback request, the property has frontage to Highland and the abutting property to the south has their front setback at approximately 17'. This property also has its parking backing up onto

Highland and the building has undergone a recent remodeling inside and out. The likelihood of Highland being expanded is highly unlikely. This would leave a Right of Way of over 15' from Highland Park Avenue to the applicant's property line. Add 20' to that and the proposed building would be nearly 35' away from Highland. In addition, any new structures would not be allowed to back up into Highland. Because of this Staff does not object to the reduced setback.

With regards to the reduced rear setback request, the proposed 10' rear setback would actually be for the side of the proposed buildings. There is a residential structure near the westernmost property line. It is noted that there will be a separation of approximately 23' to that structure. It is also noted that there are no utility easements that would be impacted by either of the proposals. Because of the separation distance from proposed structure and existing structure, and due to the fact that there are no utility easements, Staff does not object to the rear setback proposal.

While the proposed building can be modified to meet code, deviating from code will not be un-aesthetic for the neighborhood nor will it be detrimental to the neighbors or proposed development.

RECOMMENDATION: Staff does not object to the proposed setback requests.

Mr. Acevedo additionally added based on previous mis-information pertaining to the rezoning, this item cannot be heard at this time. The applicant is in agreement to go through the rezoning process to correct the zoning. At this time Staff is recommending to take no action on the item.

Chairman Sheats asked the commissioners for a motion to take no action.

Mr. Julian Gonzalez moved to take no action for Item 1.1 as per staff's recommendations. Mr. Terry Meewes seconded the motion. Upon a vote, the motion to take no action passed unanimously.

ITEM #1.2

TO CONSIDER A VARIANCE REQUEST TO HAVE A 5' SIDE SETBACK INSTEAD OF THE REQUIRED 25' SIDE SETBACK AT 1509 INDUSTRIAL LANE, BEING LOT 5, MISSION BUSINESS PARK SUBDIVISION, AS REQUESTED BY AARON BALLI

Mr. Jaime Acevedo went over the write up stating the subject site is located near the International Boulevard and Industrial Way intersection along the south side of Industrial Way. The applicant desires to construct an addition

to this existing building along the east side of Lot 5 and requesting to have a 5' side setback instead of the plat specified 25' side setback. Being zoned I-1, typical side setbacks for industrial zoned areas are 0' if fire rated or half the height of the building. It is not clear to Staff why this particular plat was recorded with 25' side setbacks. There is also a 5' recorded Utility Easement along the side of the property line. The applicant did call 811 and the only utility spotted is an electrical line. It is noted that the electrical line was within the first 5 feet of the combined 10' Utility Easement thus the proposed addition will not encroach over the power line. It is also noted that if approved, there would still be approximately 100' to the nearest building. In talking to the applicant, the proposed construction at the 5' setback will also consist of a fire rated wall.

RECOMMENDATION: The primary purpose of setbacks is to provide a fire break between buildings and between properties. Since there is not an immediate fire danger to the abutting neighbor, and since the proposed construction will not be over any utility easements, Staff does not object to the proposed setback requests.

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

There was none.

Mr. Aaron Balli, applicant, stated his intent is to make the building a little bit bigger to even it out.

Chairman Sheats asked if there was any audience opposition.

There was none.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julian Gonzalez moved to approve the variance request for Item 1.2 as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to approve the variance requests passed unanimously.

ITEM #1.3

TO HAVE A 1' FRONT SETBACK FOR A MONUMENT SIGN INSTEAD OF THE REQUIRED 5' FRONT SETBACK LOCATED AT 1200 BRYAN ROAD, BEING LOT 1, HIDALGO COUNTY SNF SUBDIVISION, AS REQUESTED BY A-1 SKYLIGHT SIGNS

Mr. Jaime Acevedo went over the write up stating the subject site is located

near the Bryan/Trinity intersection along the west side of Bryan Road. It is noted that the encroachment is along the Bryan Road frontage area along a one-way portion of Bryan Road. The applicant desires to keep a monument sign at 1' from the property line. It is noted that monuments signs are required to be 5' in from the property line. This sign is located at the Mission Valley Nursing and Transitional Care facility which is still under construction. As per the applicant, a temporary fence was used as a guide to determine the property line. This fence however was erroneously placed on right of way and not along Mission Valley's property line. This oversight caused the sign to be placed at the wrong location and at a 1' setback instead of the minimum 5' setback for monuments signs. In viewing the site, there are no utility easements within this area. In the process of this variance request, Staff also learned that the proposed sign was shown with an encroachment initially when the building permit was approved and issued by Staff.

RECOMMENDATION: Since the proposed encroachment will not impede the visibility of one-way traffic from Bryan, and because Staff initially approved an encroachment for a sign during the building permit issuance, Staff does not object to the proposed variance request and recommends approval.

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

There was none.

Mr. Steve Deacon, representative for A-1 Skylight Signs, was available to answer any questions the board might have. He commented the sign is actually located 18' from the curb and visibility was not an issue.

Chairman Sheats asked if there was any audience opposition.

There was no audience opposition.

Mr. Julian Gonzalez inquired as to the location of the utility easements.

Mr. Acevedo stated the easements are located further in on the property.

Both Chairman Sheats and Mr. Gonzalez commented on the quality and appearance of the sign complimenting the applicant.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Terry Meewes moved to approve the variance request for Item 1.3 as

per staff's recommendations. Mr. Julian Gonzalez seconded the motion. Upon a vote, the motion to approve the variance requests passed unanimously.

ITEM #2.0
ADJOURNMENT

There being no further business, Chairman Sheats entertained a motion to adjourn. Mr. Terry Meewes moved to adjourn. Mr. Julian Gonzalez seconded the motion. Upon a vote, the motion passed unanimously at 4:40 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments