

**ZONING BOARD OF ADJUSTMENTS
APRIL 5, 2018
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBER ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUEST PRESENT</u>
Ned Sheats	Kathy Olivarez	Jaime Acevedo	Isauro Trevino
Sam Rodio	Julian Gonzalez	Virgil Gonzalez	
Terry Meewes		Kristin J. Warshak	
Mike Friedrichs			
Jaime Gutierrez			

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 12:01 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 HAVE A 10' CORNER SIDE BUILDING SETBACK INSTEAD OF THE REQUIRED 20' CORNER SIDE SETBACK (ACCESS EASEMENT) AT 1401 E. 1ST, BEING LOT 23, BRYAN POINT PHASE I SUBDIVISION, AS REQUESTED BY WILLIAM R. MARTIN

Mr. Sam Rodio recused himself from acting upon this Item.

Mr. Jaime Acevedo went over the write up stating the subject site is located at the NE corner of Bryan Road and 1st Street. The irregular corner lot has total square footage of 14,785 sq. ft. Currently, there is a recorded 20' Common Access Easement that runs along Lots 19-23 of Bryan Point Phase I Subdivision. The applicant is proposing to construct a new restaurant on Lot 23 and is requesting that the 20' access easement be reduced in a portion of Lot 23 to 10'. It is also noted that there is a 10' Utility Easement within the 20' Access Easement, this 10' Utility Easement will still be complied with. Being zoned C-1, typical corner side setbacks are 10'.

Similar requests have been awarded by ZBA in the past where a reduced corner side setback has been approved if there will be no impact or sight obstruction created. If approved, the additional 10' of buildable area would

allow the proposed building to have additional clearance for a drive-thru service window along the northern side of Lot 23.

RECOMMENDATION: Approval.

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

There were none.

Mr. Sam Rodio, acting as representative for the applicant was present to answer any questions the board might have.

There being no further discussion, Mr. Jaime Gutierrez moved to approve the variance request for Item 1.1 as per staff's recommendations. Mr. Terry Meewes seconded the motion. Upon a vote, the motion to approve the variance requests passed. Mr. Sam Rodio abstained from voting.

ITEM #1.2

TO CONSIDER A VARIANCE REQUEST TO HAVE A 25' REAR SETBACK INSTEAD OF THE REQUIRED 40' REAR SETBACK AT 3604 OAKWOOD LANE, BEING LOT 10, THE OAKLANDS SUBDIVISION, AS REQUESTED BY EDUARDO ESPONDA

Mr. Jaime Acevedo went over the write up stating the subject site is located 600' north of Oakland Drive along the east side of Oakwood Lane. The 1.098 acre irregular lot has a total square footage of 48,344 sq. ft. The owner, Eduardo Esponda, is currently building his single family residence thereon and is requesting consideration to have a 25' rear setback instead of the required 40' rear setback. While the building permit site plan showed all setbacks to be in compliance, Mr. Esponda wants to expand on what was submitted initially and the new site plan shows a section of a gym and garage area encroaching on the rear setback. There is a recorded 15' Utility Easement along this rear side of Lot 10. However, the proposed structures will be at least 17' away from any known utilities and the utility easement. There is no Architectural Review Committee at The Oaklands Subdivision. Being large estate size lots, setbacks for this development are greater than typical setbacks. Setbacks for Lot 10 are as follows: Front 30', Side 6', and Rear 40'. It is noted that all other setbacks are in compliance and that similar variances for rear setback encroachments have been approved in the past at The Oakland Subdivision.

RECOMMENDATION: Since the irregular 1.098 acre lot has greater than typical building setbacks, since the structure will be 17' away from any

known utilities, staff does not object and recommends approval of the proposed 25' rear setback.

Mr. Acevedo explained there were two phone calls staff received on this Item just on an inquiry basis. They were neither for the Item nor against it.

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

Mr. Isauro Trevino, appeared before the board as representative for the applicant.

There being no further discussion, Mr. Sam Rodio moved to approve the variance request for Item 1.2 as per staff's recommendations. Mr. Terry Meeves 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 Meeves moved to adjourn. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously at 12:10 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments