

**ZONING BOARD OF ADJUSTMENTS  
AUGUST 16, 2017  
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>GUEST PRESENT</u></b>
Ned Sheats	Terry Meewes	Jaime Acevedo	Mike Rios
Jaime Gutierrez	Sam Rodio	Virgil Gonzalez	Alex Flores
Julian Gonzalez	Kathy Olivarez	Susan De Luna	Donna Brazzell
Mike Friedrichs		Kristin J. Warshak	Sharon Statler
			Gladys Lara
			Omar Hinojosa

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 4:32 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 APRIL 19, 2017**

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

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO HAVE A 5' 9" REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK & TO HAVE A 16' 4" FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AT 101 OBLATE AVENUE, BEING LOT 7, BLOCK 33, MISSION ORIGINAL TOWNSITE SUBDIVISION**

Mr. Jaime Acevedo explained the subject site is located at the NW corner of Oblate Avenue and 1<sup>st</sup> Street. The applicant obtained a Building Permit for a new dwelling requesting a variance to keep a 16' 4" front setback instead of the required 20' front setback. The residence fronts 1<sup>st</sup> Street with a 20' front setback. Due to the orientation of the house the applicant is also requesting a variance to keep a 5' 9" rear setback instead of the required 10' rear setback along the northern property line.

**STAFF RECOMMENDATION:** Since the applicants Building Permit was approved by Staff as built, Staff recommends approval. Staff is also recommending that all existing curb cuts onto 1<sup>st</sup> Street, with the exception of one, be closed off.

Chairman Sheats asked if there was any opposition.

The audience remained un-responsive.

Chairman Sheats asked if the applicant or representative was present.

Mr. Alejandro Flores, A&A Builders, was present to answer any questions the board might have.

Julian Gonzalez noted the tremendous improvement to the neighborhood.

Chairman Sheats inquired as to the landscaping and the curb cuts.

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

**ITEM #1.2**

**TO HAVE A 6' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' CORNER SIDE SETBACK & TO HAVE A 16' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AT 2604 MIMOSA STREET, BEING LOT 2, TRES PICOS SUBDIVISION PHASE I**

Mr. Acevedo explained the subject site is located near the Harmony/Mimosa intersection along the north side of Mimosa. The applicant desires to construct a 4,733.8 sq. ft. triplex on Lot 2, and is requesting a variance to have a 6' corner side setback instead of the plat-specified 10' corner side setback.

**STAFF RECOMMENDATION:** Staff does not object to the proposed 6' side setback.

Chairman Sheats asked if the applicant or representative was present.

Ms. Gladys Lara was present to answer any questions the board might have.

Chairman Sheats asked if the intention for the site were just three dwellings.

Ms. Lara confirmed same.

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

No response from the audience.

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

**ITEM # 1.3**

**TO HAVE A 10' REAR SETBACK INSTEAD OF THE REQUIRED 15' REAR SETBACK (UE), AT 1707 TRINITY STREET, LOT 10, THE GROVES AT CIMARRON SUBDIVISION**

Mr. Jaime Acevedo described the subject site being located between Steward Road and Glasscock Road along the north side of Trinity Street. The applicant desires to construct a swimming pool in her backyard and is requesting to have a 10' rear setback instead of the required 15' rear setback. There is a 15' recorded Utility Easement along the rear of the property line. The applicant did spot the lines and the only utilities in the 15' Utility Easement at this time are cable, telephone, and electrical and all were found to be within the first 10' of the 15' utility easement.

**STAFF RECOMMENDATION:** Staff recommends approval subject to: 1) a recorded document that the swimming pool will perpetually remain as an 'open and un-enclosed' structure, i.e., no walls, and that the City and recognized franchise holder be indemnified and held harmless to any private improvements on or over the 15' utility easement, and 2) if ever removed, the prevailing setbacks shall be complied with thereafter.

Chairman Sheats asked if the applicant or representative was present.

Ms. Donna Brazzell, the applicant, was present to answer any questions the board might have.

Chairman Sheats asked about the utilities.

Ms. Brazzell stated that she requested to have the utilities marked, and they are all within 7' of the fence.

Chairman Sheats cautioned Ms. Brazzell about the utilities being incorrectly marked, and it would be her responsibility to repair same if such occurred.

Chairman Sheats asked if there was any opposition to the swimming pool.

No response from the audience.

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

**ITEM # 1.4**

**TO HAVE A 2' 6" SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1903 TIERRA DORADA, LOT 60, HARMONY ESTATES PHASE II SUBDIVISION**

Mr. Jaime Acevedo explained that the subject site is between Jay and Adams Street along the south side of Tierra Dorada. The residential lot site measures 63.50' x 95' or 6,032.50 sq. ft. The applicant desires to retain a 2.5' side building setback for an open carport built with no building permit. The required side setback is 6' for Harmony Estates Phase II, it is noted that there are no recorded easements along this side of the residential lot.

**STAFF RECOMMENDATION:** Staff recommends approval subject to: 1) a recorded document that the carport will perpetually remain as 'open and un-enclosed' structure, i.e., no walls, and 2) if ever removed, the prevailing setbacks shall be complied with thereafter.

Chairman Sheats inquired as to any encumbrance with the applicant's neighbor. He suggested that an encumbrance be placed onto the applicant should his neighbor ever want to make use of the land he has, the applicant needs to remove the carport.

Mr. Julian Gonzalez inquired as to the drainage on the roof line.

Mr. Acevedo recommended that gutters be installed so it does not go onto the neighbor's property line.

Chairman Sheats asked if there were any additional questions from the commission, and if the applicant was present.

Mr. Omar Hinojosa, the applicant, was present to answer any questions.

Chairman Sheats recommended prior to the motion being entertained the applicant should enter into a signed agreement with the city for installation of drainage and an encumbrance onto his property.

Chairman Sheats asked if there was any opposition to the item.

No response from the audience.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julian Gonzalez moved to approve the variance requests as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to approve the variance 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 4:56 p.m.

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Ned Sheats, Chairman  
Zoning Board of Adjustments