

**ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 20, 2017
CITY HALL'S COUNCIL CHAMBERS**

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

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 AUGUST 16, 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 7.5' REAR SETBACK INSTEAD OF A 15' REAR SETBACK (UE), AT 1906 JIM SCHROEDER DRIVE, LOT 1, SUMMERWOOD DRIVE SUBDIVISION

Mr. Jaime Acevedo explained the subject site is located near the Jim Schroeder Glasscock Road intersection along the south side of Jim Schroeder Drive. The applicant desires to construct a swimming pool in their back yard and is requesting to have a 7.5' 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 7.5' of the 15' utility easement.

On August 16, 2017 the ZBA approved a 10' rear setback at 1707 Trinity Drive, being Lot 10, The Groves at Cimarron Subdivision which has a plat

specified 15' rear utility easement. This request is similar in that construction is for a swimming pool or non-living structure.

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 holders 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 there were any questions from the Commissioners to the Staff.

Mr. Terry Meewes asked what the fencing requirements were for fencing around a pool.

Mr. Jaime Acevedo explained this particular property has a solid buffering all the way around by a 6 foot fence. He added that the property is in a gated subdivision as well.

Chairman Sheats asked if the applicant or representative was present.

Mr. Julio Cerda was present to answer any questions the Commission might have.

Chairman Sheats indicated that rendering showed 7.2'.

Mr. Cerda corrected this by saying it was a mistake, and should be 7.5'.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Terry Meewes moved to approve the variance requests as per staff's recommendations. Mr. Sam Rodio seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

ITEM #1.2

TO HAVE A 16' FRONT SETBACK INSTEAD OF 20' FRONT SETBACK (LOTS 3-10); TO HAVE A 5' SIDE SETBACK INSTEAD OF 6' SIDE SETBACK (LOTS 2-3); TO HAVE A 6' CORNER SIDE SETBACK INSTEAD OF 10' CORNER SIDE SETBACK (LOTS 3 & 10) 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 subject site is located near

the Harmony/Mimosa intersection along the north side of Mimosa. The platted subdivision is zoned Duplex-Fourplex Residential (R-2).

Recently, a variance was given on Lot 2 to have a 6' corner side setback instead of the plat-specified 10' corner side setback. Tres Rios LLC is proposing to construct 4,733.8 sq. ft. triplex's on each of the proposed lots and would now like other setback variances to be considered. The homes will resemble a townhomes, each having its own garage. Initially, the applicant was going to replat from R-2 lots to R1-T lots. However, after meeting with Staff, a mass rezoning was offered as a faster more feasible option since the applicant will retain ownership of all of the proposed units. Staff calls your attention to the attached Site Plan which has the proposed buildings with the requested variances. Tres Picos Subdivision Phase I is a private recorded subdivision.

While the proposed building can be modified to meet code, deviating from code 1' to 4' will not be un-aesthetic for the neighborhood nor will it be detrimental to Tres Picos Subdivision.

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

Chairman Sheats asked if there were any questions to Staff from the Commission.

Mr. Sam Rodio asked what was proposed for parking when visiting parities are at the proposed location.

Mr. Jaime Acevedo responded that there is parking in the front, as well as a garage in the back for each unit. Basically, there would be off-street parking in the front on Melody Lane. As long as there are two parking spaces for each unit it is in conformance.

Chairman Sheats asked for additional clarification as to parking and emergency traffic for the subdivision. He stated his concern for how much street and where?

Mr. Acevedo reiterated that the property is zoned an R-2, and meets current code for the parking spaces.

Mr. Mike Friedrichs suggested that parking along one side of the street be considered taking 50' feet of the corners and mark it as a fire lane for any school bus or other traffic could turn.

Mr. Sam Rodio inquired as to the lot size from front to end.

Mr. Virgil Gonzalez stated that each lot measures 108' x 108' (square).

Mr. Sam Rodio asked what the measurement was for rear parking.

Mr. Jaime Acevedo replied at least 40'.

Mr. Sam Rodio stated that 40' is enough for four cars to park. It is difficult to see from the renderings provided because there are no measurements provided.

Chairman Sheats asked how many bedrooms per each unit.

Mr. Jaime Acevedo responded that each unit is a two bedroom unit.

Chairman Sheats asked if the applicant was present.

Ms. Nancy Rodriguez as representative of Tres Rios was present to respond to any questions the Commission might have.

Chairman Sheats asked about the area in the back on the rendering if it was going to be asphalted for parking.

Ms. Nancy Rodriguez stated that area is actually a garden area for the units, more specifically landscaping for children, etc.

Mr. Sam Rodio added that it would be feasible to have additional parking for people to park to avoid congestion.

Mr. Mike Friedrichs asked for clarification if there was going to be carports instead of garages.

Mrs. Kathy Olivarez asked if the carports are only 25' wide where is the additional parking going to take place.

Mr. Sam Rodio moved to make a motion to table this Item until a complete set of plans is submitted with dimensions, landscaped areas, and parking.

There being no further discussion, Chairman Sheats stated a motion was present. Chairman Sheats moved to table the Item as presented. Mr. Mike Friedrichs seconded the motion. Upon a vote, the motion to table the Item passed unanimously.

ITEM #3.0
ADJOURNMENT

There being no further business, Chairman Sheats entertained a motion to adjourn. Mr. Friedrichs moved to adjourn. Mr. Sam Rodio seconded the motion. Upon a vote, the motion passed unanimously at 5:01 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments