

**ZONING BOARD OF ADJUSTMENTS
AUGUST 15, 2018
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Ned Sheats
Terry Meewes
Kathy Olivarez
Jaime Gutierrez
Sam Rodio

MEMBER ABSENT

Julian Gonzalez

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susie De Luna
Maribel Castellanos

GUEST PRESENT

Adan Contreras
Luis Contreras
Alberto Vela

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:30 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 MAY 16, 2018

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

ITEM #1.1

VARIANCE REQUEST:

To have a 10' corner side setback instead of the required 15' corner side setback on Lot 7,

To have a 20' front setback instead of the required a 30' front setback on Lots 7, 8, 9 & East 8' of Lot 10, &

To have a 10' rear setback instead of the required 15' rear setback on Lots 7, 8, 9 & East 8' of Lot 10

PROPERTY:

Lots 7, 8, 9 & East 8' of Lot 10, Block E
Wright Addition Subdivision

ZONING:

R-3

APPLICANT:

Jose Alberto Vela

Mr. Jaime Acevedo went over the write up stating the subject site is located near the E. 10th Street/Highland Park Avenue intersection. The applicant recently approached Staff with a request to build 12 apartments, two buildings with 6 apartments each. Staff alerted the owner that on property zoned Duplex-Fourplex Residential (R-2) the maximum number of units allowed per lot is 4 and recommended that the property be rezoned to Multi-Family Residential (R-3) from Duplex-Fourplex Residential (R-2). The proposal presented to staff shows 6 apartments units on 2 lots with the middle lot being used solely for parking. However, in rezoning from R-2 to R-3, the setbacks increase. The applicant is requesting to keep the R-2 setbacks on property zoned R-3. The variances requested are as follows: to have a 10' corner side setback instead of a 15' corner side setback on Lot 7, to have a 20' front setback instead of a 30' front setback on Lots 7-9 and the east 8' of Lot 10, and to have a 10' rear setback instead of a 15' rear setback on Lots 7-9 and the east 8' of Lot 10. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed variances being requested.

RECOMMENDATION: Since the overall density will be consistent to that of a Duplex-Fourplex (R-2) property, and since the property is not in direct alignment with any other apartments, Staff does not object to the variance request and recommends approval.

Chairman Sheats stated since they were not changing density, only setbacks and were not discussing zoning, he was in favor, but since it is a variance he needs public input.

Applicant was present to answer any questions that Commissioners might have.

Chairman Sheats asked if there was any audience objection.

There was none.

Chairman Sheats asked if the Commissioners had any questions to Staff.

There was none.

Mr. Sam Rodio 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

VARIANCE REQUEST: To have a 0' Front Setback instead of the required 20' Front Setback

PROPERTY: 920 Bryce Drive
Lot 10, Block 3, Parkview #2 Subdivision

ZONING: Single Family Residential (R-1)

APPLICANT: Adan Contreras

Mr. Jaime Acevedo went over the write-up stating the subject site is located at the South West corner of Highland Park Avenue and Bryce Drive. The applicants desire to retain a 0' front building setback instead of the required 20' front building setback for an open carport. The applicant had a skin condition that prevents him from being exposed to direct sunlight. Therefore, his family has installed a series of canopies and two carports throughout his property. The only violation with regards to the canopies and carports is for a carport that was recently installed along Bryce which extends to the property line. The applicant would like to keep the existing carport with a 0' front setback through a variance. What the ZBA has entertained in the past is to approve a variance for health reasons as long as the need is present or the property is sold. Once the need is no longer there or the property is sold, the non-conforming structure is removed. An agreement can be prepared citing this temporary variance; and recorded to alert any subsequent owner's. The water meter record can also be 'tagged' to alert Planning of any new owner registering their name. Since the day of this writing, 5/15/08, staff has not received any calls or letters from the neighbors in opposition to this request.

RECOMMENDATION: Staff recommends conditional approval subject to: 1) the recording of agreement as cited above, 2) the variance is not transferable to others, and 3) once the use of the open carport is no longer needed, the open carport must be removed or relocated to comply with typical setbacks within 30 days.

Applicant Adan Contreras was present to answer any questions that Commissioners might have.

Mr. Terry Meewes asked if there was a permit for the carport.

Mr. Jaime Acevedo answered "No", but, that would be one of the conditions if the variance gets granted.

Mr. Jaime Gutierrez asked how long has the carport being there.

Mr. Jaime Acevedo responded that he did not know.

Luis Contreras, applicant's son was present to answer any questions the Commissioners might have.

Chairman Sheats explained to applicant the Staff's recommendations.

Chairman Sheats asked if there was any audience objection.

There being no further discussion, Mr. Jaime Gutierrez moved to approve the variance requests as per staff's recommendations. Mrs. Kathy Olivarez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

ITEM #2.0
ADJOURNMENT

There being no further business, Mr. Sam Rodio moved to adjourn. Mr. Terry Meewes seconded the motion. Upon a vote, the motion passed unanimously at 5:45 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments

