

**ZONING BOARD OF ADJUSTMENTS
JANUARY 16, 2019
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Sam Rodio
Eluid Reyna
Julian Gonzalez
Guillermo Martinez
Terry Meewes
Jose "Pepe" Garcia

MEMBERS ABSENT

Romeo C. Gonzalez, II

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak

GUESTS PRESENT

Mary Ann Mohney
Joe Mohney
Rosemary Weber
George T. Weber
Glenn Hamilton
Rita Rippentrop
Duane Moore (sic)
David Haug
Barbara Haug

Dennis R. Kurth
Marvin Choulhard
Linda Brown
Charles Meir
Nancy Russell
Donna Gilfus
Gene Malone
Bonnie Malone
Dave De Morett

Danny Hoefler
Linda Hoefler
Kim Allen
Philip Allen
Dan Hansen
Larry Meir
Darold Miller
Eugene Rippentrop
Paul Willingham

CALL TO ORDER

Vice-Chairman Sam Rodio called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Vice-Chairman Rodio 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 DECEMBER 19, 2018

Vice-Chairman Rodio asked if there were any corrections to the minutes. Mr. Guillermo Martinez moved to approve the minutes. Mr. Julian Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1
ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

Mr. Jaime Acevedo stated that the appointment of Chairman and Vice-Chairman is up for consideration.

Mr. Terry Meewes moved to consider Mr. Sam Rodio as Chairman. Mr. Julian Gonzalez seconded the motion. Upon a vote, the motion passed unanimously. Mr. Julian Gonzalez asked Mr. Rodio if he had anything contrary to say to the motion. Mr. Sam Rodio accepted the motion. Chairman Rodio moved to consider Mr. Terry Meewes as Vice Chairman, Chairman Rodio entertained a motion. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously. Mr. Meewes accepted the nomination and motion.

**ITEM #1.2
TO CONSIDER A VARIANCE REQUEST TO ALLOW EXISTING ENCROACHMENTS ONTO THE FRONT AND SIDE SETACKS AT 1735 SAN JUAN (aka 205 S. STEWART ROAD #158), BEING LOT 21, BLOCK 10, FIESTA VILLAGE SUBDIVISION, AS REQUESTED BY GEORGE T. WEBER**

Mr. Jaime Acevedo went over the write up stating the subject site is located along the north side of San Juan 450' east of Laredo. The corner lot measures 35' x 55' or 1,925 sq. ft.

The applicant desires to retain a 0' side building setback and a 0' front building setback for an open carport built with no building permit. The required setbacks are 5' sides and 7' front.

Staff calls your attention to the photo which shows the existing carport-type structure with 0' side and front setbacks from the lot line. The applicant desires this structure to remain as built. Being zoned R-4, the typical side setbacks are 5'. The intent of side setbacks is to allow a 'fire' clearance from one residence to another. What ZBA has entertained at Fiesta Village in the past is a 10' building to building separation to the neighbor; however, the neighbor must be willing to sign (and record) a perpetual 10' side yard setback, i.e., 10'+0'=10' separation. However, in this case the abutting neighbor is already at a 5' side setback and cannot move her residence to meet the required separation. With proper gutters, overhang is allowed to encroach over a building setback. The applicant has the option to retrofit the existing structure and comply with codes. Staff recommends that this variance be denied, approving such a variance would set precedence.

RECOMMENDATION: Staff objects to the proposed setbacks as noted.

Mr. Acevedo suggested the poles be retrofitted to align with the setbacks and a gutter system installed allowing for proper drainage to the site location.

Mr. Acevedo continued to explain that when the actual work was done to the subject site, the applicant was actually out of state and relied upon the contractor to pull all the applicable permits and get the proper setbacks which the contractor failed to do.

Chairman Rodio asked if there were any questions.

There was none.

Chairman Rodio asked if the applicant was present.

Mr. George T. Weber was available to answer any questions the board might have. Mr. Weber reiterated what Mr. Acevedo explained with respect to the contractor not building the structure the way he said it would be built and did not request any permitting. He did not think there would be a problem since others in the park are not in conformance with the setbacks.

Chairman Rodio stated the board's position is to follow the rules set out before them. That is why we are here to work this out and try to resolve the problem.

Chairman Rodio asked if the board had any questions for the applicant.

Mr. Guillermo Martinez stated he would just like to make a suggestion for the applicant to go to the homeowner's association to request changing or reviewing the covenants or bylaws for the park. The homeowners association should be aware of what the requirements are from the city.

Chairman Rodio explained the city's setback is 5' on the side with an allowable overhang. If the post were to be moved in to meet the setbacks and a gutter system installed guttering out to the street that might work.

Mr. Acevedo agreed with Chairman Rodio.

Mr. Terry Meewes asked the applicant if he had a problem moving the posts in?

Mr. Weber replied, "No. If they have to be moved I am going to put up a barrier or a fence in there anyway."

Chairman Rodio asked, "The point is if the posts were moved would you still have ample room to place your car?"

"Yes," replied Mr. Weber.

Chairman Rodio urged staff to consider some sort of penalty for contractors who fail to pull a permit and/or follow proper setbacks within the city.

Mr. Julian Gonzalez made a recommendation that whoever contractor is hired by the applicant to fix the issue come to the city for proper permitting.

Chairman Rodio asked if anyone was in opposition.

Mr. Glenn Hamilton approached the board and stated that he lives adjacent to the applicant. Mr. Hamilton objects to the applicant putting in a fence due to good fire prevention.

Chairman Rodio stated the board does not have a right to tell a person they cannot put up a fence.

Chairman Rodio asked if there was any one else in opposition.

Mr. Joe Mohny approached the board stating he wanted to clarify the property description should be 45' wide by 55' deep.

Mr. Acevedo pointed out to the board that the variance would not be approved because the applicant is willing to retro-fit the structure to comply with the setbacks.

Mr. Terry Meewes moved to deny the variance request to allow the applicant to retro-fit the posts as per staff's recommendations. Mr. Julian Gonzalez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

ADJOURNMENT

There being no further business, Mr. Terry Meewes moved to adjourn. Mr. Jose "Pepe" Garcia seconded the motion. Upon a vote, the motion passed unanimously at 4:52 p.m.

Sam Rodio, Chairman
Zoning Board of Adjustments