

**ZONING BOARD OF ADJUSTMENTS  
APRIL 17, 2019  
CITY HALL'S COUNCIL CHAMBERS**

**P&Z PRESENT**

Sam Rodio  
Romeo Gonzalez, II  
Terry Meewes  
Eluid Reyna  
Guillermo Martinez

**P&Z ABSENT**

Julian Gonzalez  
Jose Garcia

**STAFF PRESENT**

Jaime Acevedo  
Maribel Quintanilla  
Susana De Luna  
Jesus Galicia  
Officer Chapa

**GUESTS PRESENT**

Howard Snyder  
Betty Hummel  
Cheryl Brotherton  
James Brotherton  
Ramon Soza  
Gloria Erickson  
David Erickson  
Ruth L. Underwood  
Dewey K. Underwood  
William F. Squibb  
Yadira Reyes De S.

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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 FEBRUARY 20, 2019**

Chairman Rodio asked if there were any corrections to the minutes. Mr. Guillermo Martinez moved to approve the minutes as presented. Mr. Eliud Reyna seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1**

**TO HAVE 9" AND A 2' SIDE SETBACK INSTEAD OF A 5' SIDE SETBACK REQUIRED AT 214 RIM DRIVE, BEING LOT 15, BLOCK D, WAGON CITY NORTH SUBDIVISION AS REQUESTED BY DAVID & GLORIA ERICKSON IN CARE OF ROMAN GARZA.**

Mr. Jaime Acevedo went over the write up stating the subject site is located between Boot Drive and Tack Drive along the North side of Rim Drive. The applicants desire to retain a 9" side building setback instead of the required 5' side building setback on the East side of his property and be allowed a 2'

side building setback instead of the required 5' side setback on the West side of same property. The applicant has back problems and has a medical letter in which an M.D. has declared him disabled. One of the primary functions of the Zoning Board is to promote public health, safety, and the general welfare of our community. 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 owners. The water meter record can also be 'tagged' to alert Planning of any new owner registering their name. Since the day of this writing, 4/11/19, staff has received numerous calls in opposition to this request. Staff has alerted the callers that our Zoning Board has in the past approved variances when there is a medical need. A field visit revealed that there may be other setback violations at Wagon City which have been accepted without any objection or opposition from the HOA or residents. There is a HOA in Wagon City and although the ZBA can approve this variance, the HOA can take other measures against the property owners.

**RECOMMENDATIO:** Staff recommends approval subject to: 1) Applying for proper building permits; 2) Not being transferable to others; 3) ramp to be removed once Mr. Garza moves out.

Mr. Acevedo added that he did receive calls in opposition to the structure.

Chairman asked if the applicant was present.

Applicant was present please see Exhibit 1 pgs. 1-12

Chairman asked if there was any public opposition or in favor for the request.

Mr. Dewey Underwood was in favor and stated that he might need a medical ramp in the future due to his Chronic Obstructive Pulmonary Disease illness and would appreciate if all ramps for medical use be approve.

Please see Exhibit 2 pgs. 1-9, Page 9 being Mr. William Luhrs's, President of Wagon City recommendation site plan as to where to place the ramp.

Mr. Terry Meewes moved to approve the variance request. Mr. Romeo Gonzalez moved for an amendment to the motion to include staff's recommendations. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

**ITEM #1.2**

**TO CONSIDER A VARIANCE REQUEST TO HAVE A 15'-3" GARAGE SETBACK INSTEAD OF THE REQUIRED 18' AT 2112 PECOS STREET, BEING LOT 8, BLOCK 9, CIMARRON COUNTRY CLUB SECTION 2 PHASE 1 SUBDIVISION, AS REQUESTED BY ANDREW RIDDLE.**

Mr. Acevedo went over the write up stating the subject site is approximately 600' East of Cimarron Drive along the south side of Pecos Street. The slightly irregular lot has 84.35' of frontage to Pecos, a lot depth of 102.59' and 104.27', and a rear width of 79.64 or 8,480 total sq. ft. The applicant is proposing a 4,570 sq. ft. single family residence and has applied for a building permit showing a rear garage with a 15.3' garage setback instead of the required 18' garage setback.

Typical setbacks for a garage are 18' which typically allows for a vehicle to park on the concrete driveway without blocking access to the alley or public right of way. Having at least 18 feet when coming in from an alley also makes it easier for a vehicle to maneuver in and out of the property. Staff has visited the site and I have also had an opportunity to discuss this variance request with at least one resident within the 200' radius. In talking to a nearby property owner, I believe that we both agreed that perhaps a reduction of the front setback may be a better alternative in this case. Having an 18' garage setback from the alley would make maneuvering in and out of the alley safer for the applicant and safer to the abutting neighbors. Also, if the applicant is to install a buffer with a rolling gate, as is common in this area, having 18' from alley to garage door allows for the stacking of at least one additional vehicle should the need arise.

**RECOMMENDATION:** Denial of the 15'3" garage setback. However, Staff would support reducing the front building setback along Pecos Street from the required 20' front setback to 17'. This would allow the applicant to have the rear garage at 18' from the property line. Since Pecos Street does have a curvature, the homes are not in direct alignment thus deviating from code 36" will not be noticeable or create a detrimental effect to the surrounding residences. In addition, staff made a second recommendation to shift home forward towards Pecos Street which was also approved. In doing so, the Zoning Board unanimously approved a reduced 17' front setback and 18' rear garage setback instead of the required.

Chairman asked if there was anyone in the audience against the variance request.

Mr. William Squibb, next door neighbor was in opposition but in favor with Mr. Acevedo's recommendation.

Chairman asked if the applicant was present.

Mr. Andrew Riddle was there to answer any questions commissioners may have and also agreed to Mr. Acevedo's recommendation.

Being no further discussion, Chairman Rodio entertained a motion.

Mr. Guillermo Martinez moved to approve the variance request. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

**ITEM #1.3**

**CONSIDER A VARIANCE REQUEST TO HAVE A 15' FRONT SETBACK INSTEAD OF A 20' FRONT SETBACK AND TO HAVE A 4' SIDE SETBACK TO THE EAST & A 1'6" SIDE SETBACK TO THE WEST INSTEAD OF A 6' SIDE SETBACK AT 1004 EAST 31<sup>ST</sup> STREET, BEING LOT 59, FRONTIER ESTATES SAUBDIVISION, AS REQUESTED BY ROSALVA REYNA.**

Mr. Acevedo went over the write up stating that the subject site is located along the south side of East 31<sup>st</sup> Street approximately 200' east of Highland Park. The lot measures 60' x 100' or 6,000 sq. ft.

The applicant desires reduced side building setbacks and a 15' front building setback for an open carport built with no building permit. The required setbacks are 6' sides and 20' front.

Staff calls your attention to the photo which shows the existing carport-type structure with a 1'6" side and 10' front setbacks from the lot line. The applicant desires to modify this structure and reduce the setbacks as being proposed. With proper gutters, overhang is allowed to encroach over a building setback. The applicant is willing to retrofit the existing structure to reduce the variance request. A site visit revealed that currently the support structures are 30" from the property line. Should neighbor park too close to his property line; the likelihood is that his doors would open very closely or hit the supporting columns. Increasing the side setback to 4' would greatly help to address this concern. There is also a second carport on the west side of the property with a 1'6" side setback.

**RECOMMENDATION:** Staff recommends approval to a 4' side setback and a 15' front setback for front carport. We also are recommending that the applicant sign an agreement with the City in which she agrees that the open carport will remain open and not enclosed. As far as second carport along west side, Staff is recommending this structure be brought into compliance with 6' side setback, overhang reduced by 2 feet, and rain gutters installed so water does not pour onto neighbor's property; 5) Everything should be

brought into code with proper building permits; 6) Only 30 days to meet requirements.

Chairman asked if anyone was against the item.

There was none.

Chairman asked if the applicant was present.

Applicant was not present.

Chairman Rodio entertained a motion. Mr. Terry Meewes moved to approve the variance request as per staff recommendations. Mr. Eliud Reyna seconded the motion. Upon a vote, the motion passed unanimously.

**ADJOURNMENT:**

There being no further business, Mr. Guillermo Martinez moved to adjourn. Mr. Eliud Reyna seconded the motion. Upon a vote, the motion passed unanimously at 5:13 p.m.

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Sam Rodio, Chairman  
Zoning Board of Adjustments