

**ZONING BOARD OF ADJUSTMENTS
MAY 15, 2019
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBER ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Terry Meewes	Sam Rodio	Jaime Acevedo	Maria E. Costilla
Jose "Pepe" Garcia	Julian Gonzalez	Susana De Luna	Daniel Acevedo
Guillermo Martinez	Eluid Reyna	Jessica Munoz	Mark Camel
Romeo Gonzalez			

CALL TO ORDER

Vice-Chairman Terry Meewes called the meeting to order at 4:56 p.m.

CITIZENS PARTICIPATION

There was no citizen's participation.

APPROVAL OF MINUTES FOR APRIL 17, 2019

Vice-Chairman Meewes asked if there were any corrections to the minutes. There being none, Guillermo Martinez moved to approve the minutes as presented. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion was unanimously approved.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO KEEP A 16' 5" FRONT SETBACK TO MATAMOROS INSTEAD OF THE REQUIRED 20' FRONT SETBACK AND TO KEEP A 6' 7" REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 818 MATAMOROS STREET, BEING LOT 12, BLOCK 1, EAST SIDE ADDITION SUBDIVISION, AS REQUESTED BY MARIA E. COSTILLA

Mr. Jaime Acevedo went over the write up stating that the location is located at the SW corner of Matamoros Street and Naranjo Avenue. The corner lot measures 50' x 144' or 7,200 sq. ft. The applicant desires to retain a 16' 5" front setback to Matamoros and a 6' 7" rear setback for their single-family residence. It is noted that initially this residence was moved-in without a move-in permit. When Staff alerted the applicant that no permits were pulled, she promptly came in and applied for a move-in permit. Initially, the home was facing Naranjo which created even more of an encroachment. Staff recommended that the home be rotated to have more distance between them and the neighbors but this still did not meet setbacks. The residence simply is too large and the corner lot too narrow to comply with the required building setbacks. It is also noted that East Side Addition Subdivision has existed since the early 50's and that other homes including the abutting neighbor have reduced legal non-conforming setbacks. This doesn't help the applicant.

The applicant has gone around the neighborhood and obtained signatures from 12 neighbors and also a letter of support from Our Lady of the Holy Rosary Catholic Church. All of the neighbors who signed are in support of the structure staying as is. It is noted that if the front door is relocated to face Naranjo Avenue that all setbacks could be complied with. However, this would take some modification of the existing structure.

RECOMMENDATION: Staff recommends approval subject to one of two options: 1) modify the structure and relocate the front door to face Naranjo which makes the structure legal without the need of a variance, or 2) approve a 16' 5" front setback to Matamoros and a 6' 7" rear setback and the building remains as is currently on the lot with no modifications.

Vice-Chairman Meewes asked if the applicant or representative were present.

Maria E. Costilla stated that she would like for the house to stay as is. She mentioned that she applied for the building permits, and were issued to her.

Mr. Jose "Pepe" Garcia asked if the home was over the setbacks?

Mr. Acevedo replied, "Yes".

Mr. Garcia mentioned that as long as Mrs. Costilla was aware that if the city needs to access her property to do any maintenance on the utility lines there were at her expense.

Mrs. Costilla replied my intentions are not to leave the house there forever; we are looking for a property to move it into, all I need is the required time.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Guillermo Martinez moved to approve the request. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO HAVE A 10' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 20' CORNER SIDE SETBACK AT 1900 W. 25TH STREET & 1901 W. 25TH STREET LOTS 26 & 27, MONTECRISTO SUBDIVISION AS REQUESTED BY DANIEL ACEVEDO

Mr. Jaime Acevedo went over the write up stating that the location is located at the W. 25th Street and Inspiration Road intersection. Mr. Daniel Acevedo (no relation to Planning Director) is having a hard time coming up with a buildable plan for two lots because of plat specified 20' corner side setbacks. Typical corner side setbacks are usually 10'. However, when this plat was

recorded, the engineer specified 20' for these two corner lots. Given that these two residential lots are only 60' wide, taking 20' for the corner side and 6' for the internal side only leaves 34' for the width of the home. After meeting with the developer to discuss this matter, Staff alerted the developer that our only options would be to re-plat the subdivision or apply for a variance with the ZBA. Since some lots have already sold, a re-plat seems difficult since it would require the signatures and current tax certificates from all of the current property owners in order to be recorded. Knowing this, Staff recommended that the developer apply for a variance instead. As of the date of this write-up, Staff has not received any calls or written complaints on the proposed variances being requested. The ZBA has issued mass variances in the past with the most recent being at Crystal Estates Phase II in 2018 where several double frontage lots were granted rear access. It is also noted that Inspiration Heights, the subdivision bordering Monte Cristo to the north, has 10' corner side setbacks to Inspiration.

RECOMMENDATION: Staff does not object to the reduced setbacks as long as there is not an entrance off Inspiration road. Recommendation, Approval.

Vice-Chairman Meewes asked if there were any questions in favor or against the request.

There was none.

Vice-Chairman Meewes asked if the applicant was present.

Mr. Daniel Acevedo stated I couldn't sell the lots; the lots are too small and I didn't realize it until after the plating process.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Guillermo Martinez moved to approve the request. Mr. Jose "Pepe" Garcia seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.3

CONSIDER A VARIANCE REQUEST TO HAVE A 20' SIDE SETBACK INSTEAD OF THE REQUIRED 30' SIDE SETBACK AT 1610 THE WOODS DRIVE LOT 22, THE WOODS AT CIMARRON SUBDIVISION AS REQUESTED BY GUILLERMO SAENZ

Mr. Jaime Acevedo went over the write up stating that the location is located 1,000' east of Stewart Road along the south side of The Woods Drive. The 1.47-acre irregular lot has a total square footage of 64,243 sq. ft. The owner, Guillermo Saenz, is currently building a 5,000 sq. ft. addition to his single-family residence thereon and is requesting consideration to have a 20'

side setback instead of the required 30' side setback. During the building permit process Staff required a pre-pour survey because some of the structure appeared to be over the 30' side setback. What Staff initially thought was overhand on the plans turned out to be almost a 10' encroachment when the pre-pour survey was conducted. There is a recorded 15' Utility Easement along this east side of Lot 22. However, the proposed structures will be at least 5' away from any known utilities and the utility easement. There is no Architectural Review Committee at The Woods at Cimarron Subdivision, they are not part of the Cimarron PUD. Being large estate size lots, setbacks for this development are greater than typical setbacks. Setbacks for Lot 22 are as follows: Front 70', Side 30', and Rear 75'. It is noted that all other setbacks are in compliance and that similar variances for rear setback encroachments have been approved in the past by the ZBA on larger estate size lots such as this one.

RECOMMENDATION: Since the irregular 1.47-acre lot has greater than typical building setbacks, since the structure will be 5' away from any known utilities, and since the structure abuts a drain ditch and not another residence, Staff does not object and recommends approval of the proposed 20' side setback.

Vice-Chairman Meewes asked if there were any questions.

Mr. Mark Camel stated I'm Mr. Acevedo neighbor to the north side; I'm in favor for this variance request.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Jose "Pepe" Garcia moved to approve the request. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURNMENT**

There being no further business, Vice-Chairman Meewes entertained a motion to adjourn. Mr. Jose "Pepe" Garcia moved to adjourn. Mr. Guillermo Martinez seconded the motion. Upon a vote, the meeting was adjourned at 5:13 p.m.

Terry Meewes, Vice-Chairman

Zoning Board of Adjustments