

**ZONING BOARD OF ADJUSTMENTS
JUNE 5, 2019
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Sam Rodio
Romeo Gonzalez, II
Terry Meewes
Jose "Pepe" Garcia
Guillermo Martinez
Eliud Reyna

ZBA ABSENT

Julian Gonzalez

STAFF PRESENT

Jaime Acevedo
Jessica Munoz
Joel Chapa Jr.

GUESTS PRESENT

Juan Muñiz

CALL TO ORDER

Chairman Sam Rodio called the meeting to order at 4:32 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 MAY 15, 2019

Chairman Rodio asked if there were any corrections to the minutes. Mr. Jose "Pepe" Garcia moved to approve the minutes as presented. Mr. Terry Meewes seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO HAVE A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK (HALF THE HEIGHT OF THE BUILDING) AT 511 W. 11TH STREET, BEING LOTS 1 & 2, BLOCK 178, MISSION ORIGINAL TOWNSITE SUBDIVISION, AS REQUESTED BY AGUEDA P. AGUIÑAGA

Mr. Jaime Acevedo went over the write up stating the subject site is near the corner of Slabough and 11th Street intersection along the south side of 11th Street, The applicant owns a fraction of 2 Mission Old Townsite Subdivision lots. The other fractions are owned by United Irrigation District. The property has a portable building that was moved-in in 2017. The applicant was issued a move-in permit by the City based on a survey that showed the building meeting all setbacks. Later, a revised survey showed that the applicant actually owned less land and that building was actually encroaching onto the adjacent property owner's fraction of these two lots.

The applicant has secured a lease agreement with the United Irrigation District who owns the adjacent fraction of Lots 1 & 2 for the use of the additional land that they are encroaching onto. It is also noted that the fractions of Lots 1 & 2 owned by the United Irrigation District are vacant and only used for access.

Being zoned C-4 typical side setbacks for C-4 are 0' if fire rated or ½ the height of the building. In this case the building is not fire rated thus would require to have a 6' side setback. The intent of setbacks is to provide fire separation from one structure to another. Since there is no other structure abutting the encroachment and since the applicant has secured a lease agreement with the property owner for the use of that section of land where the encroachment lies, Staff does not object to approving this variance.

RECOMMENDATION: Approval, subject to meeting all setbacks for any future additions or future structures once the building is moved out.

Chairman Rodio asked if there was anyone for or against this item.

Chairman Rodio asked if the board had any questions.

Mr. Acevedo mentioned that the applicant is going to apply for a Conditional Use Permit to have GED classes and Citizenship classes.

Mr. Terry Meeves asked is there enough parking.

Mr. Acevedo replied "yes", that's one of the things P&Z is going to recommend.

Chairman Rodio mentioned there was lots of traffic.

Mr. Acevedo mentioned we are having problems with the owner of the body shop. He recently purchased a lot further to the north; he's going to approach the city to purpose a parking lot for his body shop.

Chairman Rodio entertained a motion. Mr. Guillermo Martinez moved to approve the variance request as per staff's recommendations. Mr. Terry Meeves seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

ITEM #1.2

TO HAVE A 15' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' GARAGE SETBACK AT 1406 TIFFANY DRIVE, BEING LOT 209, MOUNTAIN VIEW PHASE 2 SUBDIVISION, AS REQUESTED BY JUAN MUNIZ

Mr. Jaime Acevedo went over the write up stating the subject site is near the intersection of Tiffany Drive, and Amethyst Avenue, along the north side of Tiffany Drive, The applicant is requesting to construct a new residence on an irregular cul-de-sac lot with a 15' garage setback instead of the required 18' garage setback. Typically, cul-de-sac lots are given a reduced front building setback. However, when the garage setback is in the front of property, the City likes to be consistent and keep garage setbacks at 18' to prevent cars from blocking right of way access (sidewalks). We have seen reduced setbacks when garage is in the rear of the property coming in from alley.

While Staff typically would not support such request, there are some other factors that we need to consider for this request. First, the property is a cul-de-sac lot which makes it harder to design a home because of the curvature in the front of the lot. Second, there is a 25' rear utility easement which further limits the buildable area of a lot that is already not as deep as other residential lots which are at minimum 100' deep. Finally, the location of the lot is not in a high traffic area. Lot 209 is at the NW corner of the residential subdivision. If the garage is used and driveway left only for guests, the encroaching onto sidewalk or right of way area should be minimal.

RECOMMENDATION: Due to the rear 25' rear setback (Utility Easement) and due to the fact that it is not in a high traffic area, Staff recommends Approval.

Chairman Rodio asked if the applicant was present.

Mr. Juan Muñiz mentioned that he wasn't aware that there was setback problem until the inspection was requested.

Chairman Rodio mentioned he went out to the property and measured. He stated that the vehicles will be parked on the driveway and not on the sidewalk.

Chairman Rodio entertained a motion. Mr. Jose "Pepe" Garcia moved to approve the variance request as per staff's recommendations. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

ADJOURNMENT

There being no further business, Mr. Romeo Gonzalez moved to adjourn. Mr. Jose "Pepe" Garcia seconded the motion. Upon a vote, the motion passed unanimously at 4:50 p.m.

Sam Rodio, Chairman
Zoning Board of Adjustments