

**ZONING BOARD OF ADJUSTMENTS
AUGUST 21, 2019
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Sam Rodio
Terry Meewes
Guillermo Martinez
Jose "Pepe" Garcia
Romeo Gonzalez

MEMBER ABSENT

Eliud Reyna

STAFF PRESENT

Jaime Acevedo
Susie De Luna
Maribel Quintanilla

GUESTS PRESENT

Eduardo Cantu
Alonso Rocha

CALL TO ORDER

Chairman Sam Rodio called the meeting to order at 4:31 p.m.

CITIZENS PARTICIPATION

There was no citizen's participation.

APPROVAL OF MINUTES FOR JULY 17, 2019

Chairman Rodio asked if there were any corrections to the minutes. There being none, Mr. Pepe Garcia moved to approve the minutes as presented. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion was unanimously approved.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO KEEP A 10' FRONT SETBACK INSTEAD OF THE REQUIRED 18' FRONT SETBACK, AT 1813 GIRASOL DRIVE, BEING LOT 33, LOS ALTOS SUBDIVISION, AS REQUESTED BY EDUARDO CANTU

Mr. Acevedo went over the write up stating that this site is located at the NW corner of Inspiration Road and Girasol Drive. The applicant constructed a carport leaving 10' from the property line without obtaining the proper permits or inspections therefore the need for a variance request. The applicant is requesting the Board to consider allowing him to keep the carport at 10' instead of the required 18' for carports.

Staff notes that the homes in that area are built at the 20' front setback and there is really no more space for a carport. Others in the area were alerted of similar violations and complied by removing or relocating the non-conforming carports. Staff feels that if the request is approved, it would set precedence to others.

RECOMMENDATION: Denial.

Chairman Rodio asked if there were any questions in favor or against the request.

There was none.

Chairman Rodio asked if the applicant was present.

Applicant was present to answer any questions the Board might have.

Chairman Rodio asked the applicant if the contractor pulled out a permit.

Applicant respondent "no", he didn't.

Chairman Rodio asked if there were any questions from the board.

Mr. Guillermo Martinez voiced that people are not pulling out permits and not only that, they are building on top of easements and that needs to stop.

Chairman Rodio asked the applicant if he has the contractor's name.

Applicant said that his wife hired him off Facebook and that he does not have any information on him.

Mr. Martinez asked the applicant if he told the contractor to place the carport at 10' from the property line.

Applicant responded that he told the contractor to cover his two vehicles. As you know I work for Spectrum and I see this problem all over the city, it's not only me that's not meeting setbacks. For me as long as I move the front poles to the back, I'm in compliance. Mine is a year old and there are a lot out there that are much older and nothing has being done.

Chairman Rodio voiced, "so the contractor has done a lot of work around your neighborhood".

Applicant respondent, I don't know if he is the same guy but he did mention that when he was building a City Inspector went out there.

Chairman Rodio stated that the contractor should have gotten a permit. I don't see any possible way that we can fix this. The City Attorney is here present because we are going to set something today. We need to start punishing these contractors and make them pay double fees plus a fine for conducting business without proper permits.

There being no further discussion, Chairman Rodio entertained a motion. Mr. Pepe Garcia moved to deny the request. Mr. Guillermo Martinez seconded the motion. Applicant has 30 days limit to remove the carport.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO HAVE A 4' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND TO KEEP A 10' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AT 105 N. SOL DORADO, BEING LOT 19, BLOCK 4, TIERRA DORADA PH. II SUBDIVISION AS REQUESTED BY ALONSO ROCHA

Mr. Acevedo went over the write up stating that this site is located at the NW corner of Sol Dorado and Paseo Encantado along the west side of Sol Dorado. The applicant enclosed his carport partially leaving a 0' side setback on the east side of the property where a 6' side setback is required and a 10' front setback where a 20' front setback is required. Staff notes that all work was done without obtaining the proper permits or inspections therefore the need for a variance.

The applicant desires to retain this structure and relocate the supporting structure to a 4' side setback but keep the 10' front setback as is. The proposed setback would allow the structure to remain while still providing the maneuvering area needed to safely move vehicles in and out of the carport. The intent of the side setbacks is to allow a 'fire' clearance from one residence to another. What ZBA has entertained in the past is a 10' building to building separation to the abutting neighbor when the neighbors agree and sign an agreement and there is a minimum separation of at least 10' between structures. The applicant advised staff that his neighbor does not object to signing the agreement because in the near future he will be selling the lot to him. ZBA recently approved a similar request early this year to the property owner to lives cattycorner to the applicant but only approving a 14' front setback not a 10'

RECOMMENDATION: Staff recommends approval of the 4' side setback; denial the 10' front setback and instead approve a 14' front setback to be consistent with ZBA recent approval subject to: the structure remaining open, and that neighbors sign an agreement that there is a minimum separation of at least 10' between structures.

Chairman Rodio asked if there were any questions in favor or against the request.

There was none.

Chairman Rodio asked if the applicant was present.

Applicant was not present.

Mr. Acevedo responded that he is a truck driver and assumes he is in town on and off due to work responsibilities, but was present at the previous meeting and he is requesting almost the same treatment.

Chairman Rodio asked Mr. Acevedo if it's the same as across the applicant's residence.

Ms. Susie responded "yes", it will be align the same as his neighbor's right across and it got approved back in February.

Chairman Rodio asked how similar is it as the one we approved before?

Mr. Acevedo responded by saying, it's identical! The only thing that's different is the gap between the structures in the neighbor's house that exceeds 10'.

Ms. Susie voiced that right now it's at 0' but he is proposing to move it 4' from the side.

Mr. Meewes asked if he would be in compliance.

Ms. Susie responded "no", usually 6' would be in compliance and in the front he is requesting to move it in at 10'. We are asking him to move it in at 14' like the one across the street and that it can be just like the one that got approved back in February.

Mr. Meewes commented that board should be consistent, whatever we have approved in the past, let's keep being consistent until we meet new standards and we have something in writing and approved by City Council, then it would be the good time to make changes.

There being no further discussion, Chairman Rodio entertained a motion. Mr. Meewes moved to approve the request as per staff recommendation to move in the front to a 14' and the side to be 4' with a 30 day limit for changes to occur. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #2.0

OTHER BUSINESS:

Discussion with Mr. Gustavo Martinez, City Attorney and Chairman Mr. Sam Rodio in regards to consequences for contractors that construct without pulling city permits.

ITEM #3.0
ADJOURNMENT

There being no further business, Chairman Rodio 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 5:00 p.m.

Sam Rodio, Chairman
Zoning Board of Adjustments