

**ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 18, 2019
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Sam Rodio
Terry Meewes
Guillermo Martinez
Jose "Pepe" Garcia

MEMBER ABSENT

Eliud Reyna
Romeo Gonzalez

STAFF PRESENT

Jaime Acevedo
Susie De Luna
Jessica Munoz
Carmen Castro

GUESTS PRESENT

Beatrice D. Rangel

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no citizen's participation

APPROVAL OF MINUTES FOR AUGUST 21, 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 15' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK, AT 1400 W. "F" STREET, BEING LOT 55, LOS JARDINES SUBDIVISION, AS REQUESTED BY BEATRICE D. RANGEL.

Mr. Acevedo went over the write up stating that this site is located at near the NE corner of Erma and W. "F" Street. The applicant recently enclosed the garage leaving a 15' front setback where a 20' front setback is required. Staff notes that setbacks for a garage and front setback are different. In this particular case, the garage setback is 18' from the property line and the front setback is 20'. The applicant enclosed the garage changing the use of the property and now it's considered a living area thus, the need to comply with the 20' front setback.

The applicant alleges that before enclosing the garage she came to the city and was told that no permit would be needed because she was not adding additional square footage to the home. She would like the Board to consider allowing her to keep the 15' front setback instead of the required 20' front setback.

RECOMMENDATION: Staff recommends to deny the request and comply with the 20' front setback as required by code within 30 calendar days.

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.

Mrs. Beatrice D. Rangel stated that she built a carport with the permit, when she decided to enclose it, she saw Deputy City Manager Mr. David Flores and mention enclosing the carport for a play room and he responded; you shouldn't have a problem since you got the permit for the carport and you are not including electricity.

Chairman Rodio asked the applicant if the A.C. unit was part of the carport.

Mrs. Rangel replied "Yes".

Mrs. Rangel alleged that she does not have the money to take off the room, she has four kids and it is the play room.

Chairman Rodio stated that Mr. Acevedo is the only person that can give recommendation and issue a building permit.

Chairman Rodio asked if she hired a contractor.

Mrs. Rangel replied, "Yes", her brother in law"

Chairman Rodio voiced, "your brother in law didn't give you a permit".

Mrs. Rangel replied "no" I saw Mr. Flores and asked him a question and he told me "I don't think so"

Chairman asked if there is a permit for the carport.

Mr. Acevedo stated that she didn't obtain a permit, but the seatbacks for an open carport are different than there from an enclosed structure.

Chairman Rodio asked if there is anyone else in that Subdivision with the same setbacks.

Mr. Acevedo responded that she just mentioned the neighbor but we don't have any pictures to verify.

Mrs. Rangel alleged that she was not advised to get a permit to enclose the carport otherwise she would have because she doesn't have the money to remove structure, if she would have known she would have done since she doesn't have the money.

Mr. Meewes asked "if we approve it, once it gets sold can it go back to code".

Mr. Acevedo responded it either gets approved or it doesn't, but now you are dealing with the limited parking space.

Mrs. Rangel said that the property next door is hers; she bought it in foreclosure so she has space to park.

Chairman asked if there was anything in the lot next door.

Mrs. Rangel responded "No".

Mr. Martinez asked if there were people enclosing the driveways.

Mr. Acevedo responded, we have seen a lot of people doing carports, not enclosing garages.

Mr. Martinez asked how long ago did she enclose the carport.

Mrs. Rangel replied "About 3 months"

Mr. Meewes asked if she considers moving the wall back.

Mrs. Rangel stated that she would but she was still going to get charged and her house will fall since the contractor took off the columns, and that is connected to her bedroom.

Mr. Rodio asked if this action will depreciate the neighborhood, and if she was able to paint it to match the house color.

Mr. Acevedo mentioned that if the siding gets painted it will not stick out as much, because if she will tear it down it will not be a usable space.

Mr. Martinez mentioned that it will be good to approve the variance because it has a good appearance.

There being no further discussion, Mr. Meewes moved to approve variance subject to; 1) Painting the siding to match the house brick within 30 days and 2) Not setting precedence to others.

ITEM #2.0

OTHER BUSINESS:

Chairman Rodio asked what the status is in regards contractors that construct without pulling city permits.

Mr. Acevedo mentioned that City Attorney was already working on it and the Board should be seeing it soon.

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 4:50 p.m.

Sam Rodio, Chairman
Zoning Board of Adjustments