

**ZONING BOARD OF ADJUSTMENTS
DECEMBER 19, 2018
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Terry Meewes

Ned Sheats

Julian Gonzalez

Guillermo Martinez

MEMBER ABSENT

Kathy Olivarez

Jaime Gutierrez

Sam Rodio

STAFF PRESENT

Jaime Acevedo

Virgil Gonzalez

Kristin J. Warshak

GUEST PRESENT

Mayor Armando
O'cana

Michel Perales

Claudio Romero

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 4:34 p.m. Mayor Armando O'cana presented Chairman Sheats with an outstanding service plaque for his Mayor's appreciation and thanks for Chairman Sheats service on the Zoning Board of Adjustments.

CITIZENS PARTICIPATION

Chairman Sheats 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 NOVEMBER 14, 2018

Chairman Sheats asked if there were any corrections to the minutes. Mr. Julian Gonzalez moved to approve the minutes. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO CONSIDER A VARIANCE REQUEST TO HAVE A 19.8' CORNER SIDE SETBACK INSTEAD OF A 40' CORNER SIDE SETBACK, 2117 ESPERANZA AVENUE, BEING LOT 1, BASHAM SUBDIVISION #25, AS REQUESTED BY JESUS PERALES

Mr. Jaime Acevedo went over the write up stating the subject site is located near the SE corner of Moorefield Road and Esperanza Avenue. Mr. Perales is requesting to retain a 19.8' corner side setback instead of the required 40' corner side setback at 2117 Esperanza Avenue. The applicant recently approached Staff with a request for an addition/remodel of a residence at this location. Previously, there was an existing residence thereon with a non-conforming setback of 10'. This prior constricton was when the property was outside of the city limits of Mission. A building permit was given with the understanding that there be a solid buffer exist along Moorefield and

that they reduce the corner side setback as much as possible to conform with the plat specified setback. The new proposal is showing a 19.8' corner side setback to Moorefield. Considering that this is an improvement of what was there before and considering that the home does not front Moorefield and has a solid buffer Staff does not object to the proposed request. Staff mailed notices to property owners within a 500' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed variances being requested.

RECOMMENDATION: Since the proposed setback exceed what was previously there before and since the property fronts Esperanza Staff recommends approval.

Chairman Sheats asked if the Commissioners had any questions to Staff.

Mrs. Michel Perales was available to answer any questions the board might have.

Chairman Sheats asked if she was okay with the Staff recommendation for the 19.8' setback.

Mrs. Perales replied, "Yes, I just do not want any more taken from her house."

Chairman Sheats asked if there was any audience objection.

There was none.

Mr. Terry Meewes moved to approve the variance requests as per staff's recommendations. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously.

**ITEM #1.2
CONSIDER A VARIANCE REQUEST TO HAVE A 6' CORNER SIDE
SETBACK INSTEAD OF A 20' CORNER SIDE SETBACK AT 2121 CLAVEL
DRIVE, BEING LOT 44, VILLA DE ROMA SUBDIVISION, AS
REQUESTED BY CLADIO ROMERO**

Mr. Jaime Acevedo went over the write up stating the site is located on the SE corner of Moorefield Road and Clavel Street. This corner lot measures 70' x 130' and there are no unique lot features as to location or orientation. The applicant recently approached Staff with a request for an addition/remodel of a residence at this location. The subject site has double

frontage with a corner side to Moorefield and frontage to Clavel. There is a plat specified 20' corner side setback to Moorefield and since this is an area that was previously outside of our city limits, some homes along Moorefield do have reduced corner setbacks. The applicant would like a 6' corner side setback to be considered to maximize the width of his residence that faces Clavel Drive. There is a solid buffer between the proposed construction and Moorefield. Staff mailed notices to property owners within a 500' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed variances being requested.

RECOMMENDATION: The applicant has alerted Staff that he would like a 6' corner side setback to be considered. However, he has also alerted Staff that he would accept a 10' corner side setback if the ZBA is not incline to approve a 6' corner side setback at this location. Staff is recommending for a 10' corner side setback instead of the requested 6' corner side setback to avoid setting presidency.

Chairman Sheats asked if the Commissioners had any questions to Staff.

Mr. Julian Gonzalez asked if the applicant was requesting a 10' variance or a 6' variance.

Mr. Jaime Acevedo explained the applicant requested 10' but would like the board to consider 6'.

Mr. Claudio Romero was available to answer any questions the commission might have. Additionally, he brought photographs of other properties along Moorefield Road indicating less than a 6' setback for the boards' review.

Chairman Sheats asked Mr. Romero, "I understand that you would like to have the 6' but you do not object to the 10'?"

Mr. Romero replied, "Yes." Mr. Romero then asked the board to reconsider his 6' request if he added a concrete barrier as a buffer.

Chairman Sheats asked if there was any audience opposition to the request.

There was none.

Mr. Julian Gonzalez moved to approve the variance requests as per staff's recommendation of 10'. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion to approve the variance passed unanimously at 10'.

ADJOURNMENT

There being no further business, Mr. Julian Gonzalez moved to adjourn. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously at 4:46 p.m.

Ned Sheats, Chairman
Zoning Board of Adjustments