

Be it said and remembered that at 8:30 a.m. on the 2nd day of March, 2022, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Mark Windham, Chairman
Gerardo Arzate
Brooke Harper
Anthony Rios
Tim Harry
Kyle Newton

MEMBERS ABSENT: Priscilla Contreras (Alternate)
Craig Stoker (Alternate)
Kirk Strahan

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Maria Prieto, Planner; Jared Aguilar, Planning Tech; Jan Baker, Senior Assistant City Attorney; Joe Tucker, and Assistant City Engineer

Chairman Windham called the meeting to order, with Member Harper giving the Invocation.

DOCKET NO. 2021-12-V (approved with conditions)

Open a public hearing to consider approval of the request of Catherine G. Crawford, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow a structure (carport) to be located with a fifteen feet (15') front yard setback instead of a twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 2, Block 2, Carver Heights (303 Carver Ave.).

Ms. Prieto gave the following presentation: There were 27 notices mailed to surrounding property owners, with no notices returned, no written protests and two written approvals.

The property involved in this request is located at 303 Carver Ave. This site is currently zoned Single Family-Three (SF-3) and is occupied by a single-family residence. The property is surrounded by residential development.

The applicant is Catherine G. Crawford, owner, and the purpose of the request is for a variance to allow a structure (carport) to be built fifteen feet (15') instead of the twenty-five feet (25') required front setback. In order to allow the structure ten feet (10') forward on the twenty-five feet (25') front yard setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

14-7-5FRONT YARD

In the following zoning districts the minimum required front yard shall be in accordance with the following schedule and no building or structure shall hereinafter be located, erected or altered so as to have a smaller front yard than hereinafter required, and no front yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth in the following schedule except as hereinafter provided:

Single Family Residence – 3	25'	SF-3
-----------------------------	-----	------

The following criteria as outlined in the Zoning Ordinance are to be used by the Board of Adjustment in evaluating variance requests. The burden of proof in meeting each of these criteria is upon the applicant.

- A. The variance request is not contrary to the public interest.
- B. Special conditions exist for the applicant that do not generally exist for others.
- C. A literal enforcement of the ordinance will result in unnecessary hardship.
- D. The spirit of the zoning ordinance is observed and substantial justice is done.

Staff analysis of this request is the applicant's request of fifteen feet (15') front yard setback is reasonable and will not create any issues, hazards or any hardship to this site or surrounding properties related to light, air or open space. With this in mind, the planning staff has no objections to this request as presented.

There being no questions for City Staff, Chairman Windham opened the public hearing. The applicant, Catherine Crawford addressed the board to express the hardship she faces due to the medical condition of her husband and asked that the board consider approving her request. Chairman Windham closed the public hearing.

Member Harry moved the variance be approved:

Member Arzate seconded the motion, with the vote being a unanimous "aye".

FINDINGS OF FACT

The Zoning Board of Adjustment for the City of Odessa finds as a matter of fact that the applicant has sustained his burden of showing that:

- 1. The variance request is not contrary to the public interest.
- 2. Special conditions exist for the applicant that do not generally exist for others.
- 3. A literal enforcement of the ordinance will result in unnecessary hardship.
- 4. The spirit of the zoning ordinance is observed and substantial justice is done.

ORDER OF THE BOARD

Therefore, the Zoning Board of Adjustment of the City of Odessa acting on the basis of the required concurring vote of four (4) members of the Board hereby orders the variance sought by the applicant in this case be, in all things granted subject to the following appropriate conditions and safeguards, to wit:

Ave.

There being no further business to come before the Board, the meeting was adjourned at 8:34 a.m.

Lorraine Quimiro, Secretary, placed the minutes in the Minute Book on November 17, 2021.

Mark Windham, Chairman