

AGENDA  
ZONING BOARD OF ADJUSTMENT  
COUNCIL CHAMBER  
AUGUST 17, 2022  
8:30 A.M.

1. Invocation
2. Approve the minutes of the April 20, 2022, Zoning Board of Adjustment meeting
3. DOCKET NO. 2022-03-V  
Open a public hearing to consider approval of the request of Iglesia Del Camino, owner, Humberto Porras, agent, for a variance from Section 14-6-1-(b) (10) of the City of Odessa Zoning Ordinance to allow an antenna support structure (tower) to be built 90 ft. instead of the 70 ft. maximum height allowed in a Multi Family-Two (MF-2) Zoning District, Lot 1 Block 1, Iglesia Del Camino (903 S. County Rd W.)
4. Other business
5. Adjourn

Be it said and remembered that at 8:30 a.m. on the 17<sup>th</sup> day of August 17, 2022, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411W.Sth St., Odessa, Texas.

MEMBERS PRESENT: Gerardo Arzate, Vice Chairperson  
Brooke Harper  
Kirk Strahan  
Kyle Newton  
Craig Stoker (Alternate)

MEMBERS ABSENT: Tim Harry  
Mark Windham, Chairperson  
Priscilla Contreras (Alternate)  
Craig Stoker (Alternate)  
Anthony Rios  
Mark Windham, Chairman

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; and Maria Prieto, Planner

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Chair Gerardo Arzate called the meeting to order, with Member Harper giving the Invocation.

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The minutes of the April 20, 2022, Zoning Board of Adjustment meetings were approved, motion for approval being made by Member Harper, seconded by Member Stahan, with the vote being a unanimous "aye".

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DOCKET NO. 2022-02-V

Open a public hearing to consider approval of the request of Iglesia Del Camino, owner, Humberto Porras, agent, for a variance from Section 14-6-1-(b) (10) of the City of Odessa Zoning Ordinance to allow an antenna support structure (tower) to be built 90 ft. instead of the 70 ft. maximum height allowed in a Multi Family-Two (MF-2) Zoning District, Lot 1 Block 1, Iglesia Del Camino (903 S. County Rd W.)

Ms. Prieto gave the following presentation. Seventeen notices were mailed out. Zero were returned, zero were sent in either in protest or support of the request. The property involved in this request is located at 903 S. County Rd W. This site is currently zoned Multi Family-Two (MF-2) and is occupied by a church. The property is surrounded by residential development to the east and south, and commercial development to the north and west.

The applicant is Humberto Porras, applicant, and the purpose of the request is for a variance to allow an antenna support structure (tower) to be built ninety feet (90') instead of the seventy feet (70') maximum height allowed from Section 14-6-1-(b) (10) of the City of Odessa Zoning Ordinance, which states:

Sec. 14-6-1 (b) (10) Wireless Communication Systems Regulations - Special Requirements - Height

An Unmanned Equipment Building shall not exceed fifteen (15) feet overall height. An Antenna Support Structure shall not exceed one hundred and sixty (160) feet in height, which height shall be measured from the ground level to the highest point on the structure, even if the highest point is an Antenna. All Antennas and Antenna Support Structures shall comply with the height restrictions established by FAA or any other federal or state agency. There shall be no Antenna and/or Tower, located in a residential district that is seventy (70) feet or more in height measured from the ground

level to the highest point of the structure, even if the highest point is an Antenna.

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 to allow an antenna support structure (tower) to be built ninety feet (90') 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, Vice Chairman Arzate opened the public hearing and asked if there was anyone there to speak for the item. Pastor Humberto Porras addressed the Board. He stated that they currently transmit the only Spanish language religious radio station broadcasting in the area. They would like to increase the height of the tower in order to transmit the best possible signal they can. A station out of Hobbs is transmitting on the same frequency and interferes with their broadcast. In the time they have been serving the community they have seen their Spanish speaking community grow from just Mexican congregants to members of other Spanish speaking countries. They want to be able to reach their growing community.

Vice Chairperson Arzate asked if there was anyone there to speak against the variance request. There being no one, Vice Chairperson Arzate closed the public hearing and asked for discussion. Hearing none he requested a motion. Member Strahan moved the variance be approved as presented

Member Harper 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:

The variance request is not contrary to the public interest.

- 1). Special conditions exist for the applicant that do not generally exist for others.
- 2). A literal enforcement of the ordinance will result in unnecessary hardship.
- 3). The spirit of the zoning ordinance is observed, and substantial justice is done.

#### ORDER:

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: Approved as requested.

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There being no further business to come before the Board, the meeting was adjourned at 8:35 a.m.

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Lorraine Quimiro, Planning Manager, placed the minutes in the Minute Book on August 17, 2022.

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Gerardo Arzate, Vice-Chairman