

AGENDA

ZONING BOARD OF ADJUSTMENT

COUNCIL CHAMBER

JANUARY 18, 2017

8:30 A.M.

1. Invocation
2. Approve the minutes of the January 4, 2017 Zoning Board of Adjustment meeting
3. DOCKET NO. 2017-02-V
Open a public hearing to consider approval of the request of Michael Thompson, owner, Colby Brazile, representative, for a variance from Section 8-601 of the City of Odessa Zoning Ordinance to allow a structure (cabana) to be located zero feet (0') instead of the ten feet (10') required rear yard setback and a variance from Section 13-101-1 of the City of Odessa Zoning Ordinance to allow a fence on the rear property line to be ten feet (10') in height instead of the maximum eight feet (8') in height allowed in a Single Family-Estate (SF-E) Zoning District, Lot 12, Block 22, Country Club Addition. (6216 Riders Rd.)
4. Other business
5. Adjourn

Be it said and remembered that at 8:30 a.m. on the 4th day of January, 2017 there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, City Hall, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Ludie Warner, Chairperson
Geraldo Arzate
Brooke Harper
Anthony Rios (Alternate)
Mark Windham

MEMBERS ABSENT: Libby Campbell (Alternate)
Rosa Valdez (Alternate)
Edith Vandervoort

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Daniel Pittman and Sherry Bailey, Planners; Vanessa Shrauner, Development Services Manager; Konrad Hildebrandt, Assistant City Manager; Vanessa Ramirez, Assistant City Attorney; and Anne Roney, Secretary.

Chairperson Warner called the meeting to order with Member Windham giving the invocation.

The minutes of the September 21, 2016 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Windham, seconded by Member Harper, with the vote being a unanimous "aye".

DOCKET NO. 2017-01-V (approved)

Open a public hearing to consider approval of the request of Francisco Morales, owner, for a variance from Section 8-502-4 of the City of Odessa Zoning Ordinance to allow a structure (garage) to be located with a three feet (3') side yard setback instead of the platted ten feet (10') side yard setback in a Single Family-Two (SF-2) Zoning District, Lot 11, Block 14, Windsor Heights Addition. (3101 Boulder Ave.)

Ms. Pittman gave the following presentation: There were 23 notices mailed to surrounding property owners, with no notices returned, 1 written protest and 2 written approvals.

The property involved in this request is located at 3101 Boulder Ave. The site is zoned Single Family-Two (SF-2) and is currently occupied by a single family residence. Land use in the general area consists of residential development.

The applicant is Francisco Morales, owner, and the request is for a variance in order to allow a structure (garage) with a three feet (3') side yard setback instead of the platted ten feet (10') side yard setback in a Single Family-Two (SF-2) Zoning District. The applicant is requesting a variance from Section 8-502-4 of the City of Odessa Zoning Ordinance which states:

8-502-4 On a corner lot used for one-family, two-family or multiple family dwellings, both street exposures shall be treated as front yards on all lots platted after December 28, 1971, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission containing a side yard, the building line provisions on such plat shall be observed. On lots which were official "lots of record" prior to December 28, 1971, the minimum side yard adjacent to a side street shall comply with the required side yard for the respective districts as specified in 8-501 or with any side yard shown on a "plat of record".

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.

The property involved in this request has a platted ten feet (10') building setback line adjacent to the side street frontage. The total lot area for the property is approximately 12,100 square feet and is occupied by an existing 2,676 sq. ft. single family residence, a 144 sq. ft. detached accessory building, a 120 sq. ft. detached accessory building, and a 160 sq. ft. detached accessory building. Parking, lot coverage, and other building setbacks all meet current ordinance regulations. As a result of a miscommunication and misunderstanding in the permitting and inspections process, the structure (garage) was permitted and passed preliminary inspection with a three feet (3') side yard setback instead of the platted ten feet (10') side yard setback.

Staff analysis of this request is that the miscommunication and misunderstanding with the permitting and inspection process created a situation for the applicant that does not exist for others in the area. The applicant's request of a three feet (3') building setback adjacent to the northwest property line is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space (10 ft. building setback from back of curb). With this in mind, the planning staff has no objections to this request as presented.

There being no questions for City Staff, Chairperson Warner opened the public hearing. Mr. Brinlee stated there was a miscommunication and misunderstanding during the permitting process and this variance is a means to correct the situation. There being no questions or comments, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved as requested. 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:

- 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: Approved as requested.

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

Anne Roney, Secretary, placed the minutes in the Minute Book on January 4, 2017.

Ludie Warner, Chairperson