

Be it said and remembered that at 8:30 a.m. on the 6th day of September, 2017, there came on and was held a Zoning Board of Adjustment meeting in the Third Floor Conference Room, City Hall, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Ludie Warner, Chairperson
Geraldo Arzate
Brooke Harper
Edith Vandervoort
Mark Windham

MEMBERS ABSENT: Libby Campbell (Alternate)
Anthony Rios (Alternate)
Rosa Valdez (Alternate)

OTHERS PRESENT: Danielle Pittman, Planner; 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 August 2, 2017 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Arzate, seconded by Members Vandervoort and Windham, with the vote being a unanimous "aye".

DOCKET NO. 2017-01-E (approved)

Open a public hearing to consider approval of the request of Guillermina Mora, owner, for a special exception from Section 17-104-2A of the City of Odessa Zoning Ordinance to allow an existing structure (carport) which is legal non-conforming to the existing front yard setback (18 ft.) to be rebuilt in a Single Family-Three (SF-3) Zoning District, Lot 9, Block 28, Windsor Heights (3621 Locust Ave.)

Ms. Pittman gave the following presentation: There were 31 notices mailed to surrounding property owners, with no notices returned, no written protests and 3 written approvals.

The property involved in this request is located northwest of the intersection of Castle Rd. and Locust 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 Guillermina Mora, owner, and the purpose of the request is for a special exception to allow the existing structure (carport) which is legal non-conforming to be rebuilt in the existing front yard setback (18 ft.) instead of the 25 ft. required setback. The applicant is requesting a special exception pursuant to Section 17-104-2A of the City of Odessa Zoning Ordinance, which states:

17-104 JURISDICTION

When in its judgement, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notices and public hearing and subject to appropriate conditions and safeguards authorize the following:

2. Special Exceptions

- A. Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building or the reconstruction, extension or enlargement of a building which is nonconforming as to area provided the area nonconformity is not increased or the reconstruction of a structure destroyed by fire or the elements not to exceed sixty (60) percent of its reasonable value and

the addition of off-street parking or off-street loading to a nonconforming use.

The front yard setback required in a Single Family-Three (SF-3) Zoning District is twenty five (25) ft., however, the existing carport was built in the 25 ft. front yard setback (18 ft.) when the residence was built in 1955. The carport was damaged by hail last spring and the applicant is planning to rebuild the existing legal nonconforming carport to the same measurements (484 sq. ft.).

There are no special criteria listed to evaluate special exception requests. The Planning Staff analysis of this request is that rebuilding this legal nonconforming carport would not create any undue hardship as far as visibility and open space. The staff has no objection to the request.

There being no questions for City Staff, Chairperson Warner opened the public hearing. Ms. Yamilet Mora, representing the applicant, approached the lectern. She stated they are trying to rebuild an existing carport and did not think they needed a permit.

Mr. Windham asked if the carport would be the same size, Ms. Mora stated it will be the same size and the only difference is they are angling the roof. Ms. Warner asked what the carport will be made out of, being told the posts are metal and the rest is wood. She then presented a picture of how the carport looked before they started to rebuild. Ms. Pittman pointed out the poles are still existing. There being no further questions or comments, Chairperson Warner closed the public hearing.

Member Arzate moved the special exception be approved as requested. Member Windham seconded the motion, with the vote being a unanimous "aye".

FINDING OF FACT

The Board of Adjustment hereby finds as a matter of fact that:

1. The applicant has sustained his burden of showing that his situation conforms with the terms of the special exception authorized by Section 17-104-2(C).
2. The public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured by the allowance of this exception.

ORDER OF THE BOARD

Therefore, the 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 that the special exception 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 8:39 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on September 6, 2017.

Ludie Warner, Chairperson