

Be it said and remembered that at 8:30 a.m. on the 18th day of April, 2018 there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th Street, Odessa, Texas.

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

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

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Maria Prieto, Planning Tech; Tim McDaniel, Planner; Vanessa Shrauner, Development Services Manager; Todd Stephens, Senior Assistant City Attorney; and Anne Roney, Secretary.

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

The minutes of the January 3, 2018 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Windham, seconded by Member Arzate, with the vote being a unanimous "aye".

DOCKET NO. 2018-02-V (approved)

Open a public hearing to consider approval of the request of Charles "Bubba" Saulsbury, Jr., owner, for a variance from Section 8-606 of the City of Odessa Zoning Ordinance to allow a structure (garage) to be built 15 ft. instead of the 25 ft. platted rear yard setback in a Special Dwelling District (SPD) Zoning District, Lot 34, Block 15, Mission Estates, 10th Filing (#2 San Subia Ct.)

Ms. Prieto gave the following presentation: There were 20 notices mailed to surrounding property owners, with no notices returned, 4 written approvals and no written protests.

The property involved in this request is located at #2 San Subia Ct. This site is currently zoned Special Dwelling District (SPD) Zoning District, and is occupied by a single family residence. The property is surrounded by residential development.

The applicant is Charles "Bubba" Saulsbury Jr., owner, and the purpose of the request is for a variance to allow a structure (garage) to be built fifteen feet (15') instead of the twenty-five feet (25') required rear yard setback (the lot has two 25' front and rear yard setbacks). In order to allow the structure ten feet (10') forward on the twenty-five feet (25') rear yard setback, the applicant is requesting a variance from Section 8-606 of the City of Odessa Zoning Ordinance, which states:

8-606 REAR YARD
Special rear yard arrangements including a zero rear yard line may be provided for special housing when the Site Plan or Plat designates such special housing rear yard. Condition and such Site Plan is approved by the Planning and Zoning Commission and filed for record. Special housing rear yard arrangements shown on an approved Site Plan or Plat shall be observed by the Building Official in issuing Building Permits.

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 that there is a special circumstance with the lot having two 25' building setback lines on San Subia Ct. and San Jose Dr. The applicant's request of fifteen feet (15') rear yard setback adjacent to the west property lines is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space. The existing single family residence meets ordinance requirements related to building setbacks and parking. 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. Mark Virden, 3716 Humble in Midland and applicant's representative, approached the lectern. He stated he was available to answer any questions the Board may have. There being no questions, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved as requested. 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:

- 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 minute sin the Minute Book on April 18, 2018.

Ludie Warner, Chairperson