

Be it said and remembered that at 8:30 a.m. on the 6<sup>th</sup> day of June, 2018 there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8<sup>th</sup> Street, Odessa, Texas.

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

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

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Maria Prieto, Planning Tech; Tim McDaniel, Planner; and Anne Roney, Secretary.

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

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The minutes of the April 18, 2018 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".

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DOCKET NO. 2018-03-V (approved)

Open a public hearing to consider approval of the request of Hugo E Natividad, owner, for a variance from Section 8-400, 8-402-2 of the City of Odessa Zoning Ordinance to allow a structure (mobile home) to be located with a fifteen feet (15') front yard setback instead of a twenty feet (20') front yard setback, and from Sections 8-600, 8-607 to be located with a five feet (5') rear yard setback instead of the required ten feet (10') rear yard setback in a General Residence (GR) Zoning District, Lot 9 Block 3, West Wadell (1317 Drury Lane)

Ms. Prieto gave the following presentation: There were 33 notices mailed to surrounding property owners, with no notices returned, no written protests and 2 written approvals.

The property involved in this request is located at 1317 Drury Ln. The site is zoned General Residence (GR) and is currently vacant. Land use in the general area consists of residential development.

The applicant is Hugo E. Natividad, owner, and the request is for a variance in order to allow a structure (mobile home) to be located fifteen feet (15') instead of the twenty feet (20') required front yard setback and five feet (5') instead of the ten feet (10') required rear yard setback. In order to allow the structure five feet (5') forward on the twenty feet (20') front yard setback and five feet (5') forward on the ten feet (10') rear yard setback. The applicant is requesting a variance from Section 8-400, 8-401 and 8-600, 8-607 of the City of Odessa Zoning Ordinance which states:

8-400 FRONT 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:

8-401 SCHEDULE MINIMUM REQUIRED FRONT YARDS

This section establishes the front yard setback of 20' for this particular location zoned General Residence (GR).

- 8-600 No building or structure shall hereafter be located, erected or altered to have a rear yard smaller than herein required and no rear yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth below.
- 8-607 A minimum rear yard of ten feet (10') shall be provided for all mobile home or hud-manufactured home dwellings located in the lots and the minimum space to the rear of a mobile or hud-manufactured home in a mobile or hud-manufactured home park shall comply with the rear yard space shown on the approved Site Plan for a mobile/hud-manufactured home park.

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 total lot area of approximately 5,000 square feet and the lot is currently vacant. A permit was obtained that showed the correct setbacks for the structure as well as the required two (2) paved parking spaces and sidewalk. The mobile home was purchased after obtaining the building permit and it was determined that the lot size 50'x100' is not adequate to accommodate a 16'x80' mobile home and will not meet the required front and rear setback, in addition, the parking spaces and sidewalks still need to be placed.

Staff analysis of the request is that the 100 ft. depth of the property is smaller than the typical lot depth of 120 ft. The requested fifteen (15') feet front yard setback and five (5') feet rear yard setback is reasonable and will not create any hazards of any hardship to 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, Chairperson Warner opened the public hearing. Mr. Hugo Natividad, applicant, approached the lectern. He stated prior to buying the trailer he went to the city to find out if a mobile home were allowed and what the requirements were. After obtaining the information he acquired a building permit and bought the mobile home. He has a copy of the permit which indicates the size of the mobile home.

Ms. Michelle Gomez, 1310 Drury Lane, approached the lectern. She stated she built her house according to the requirements and felt the mobile home would devalue her home. She also felt everyone should abide by the rules and regulations.

Mr. Windham asked if there were other mobile homes in the area with a variance, being told there were. Mr. Arzate asked if the placement of a mobile home on this lot would devalue the property. Mr. Brinlee stated it would not and would depend on the condition of the home. Ms. Gomez stated she was told by an appraiser a mobile home would devalue her property. Ms. Vandervoort asked if this area allows mobile homes, being told that it does. She then asked if other mobile homes could be moved in, being told that was correct. Ms. Gomez stated she felt the mobile home was very close to the next property. Ms. Vandervoort stated even if this mobile home does not go in, another mobile would be allowed to be placed on the property. Ms. Gomez stated since she had to place her house back from the street, everyone else should place their structures back. Ms. Harper asked if Ms. Gomez's lot was larger, being told that it was. Ms. Gomez also stated she has two lots. Mr. Arzate asked if there had previously been a house on the property in this request. Ms. Gomez stated there had been a house, but it was very small. Ms. Warner asked what the size of the mobile home was, with Mr. Natividad stating it was 16'x80'. Mr. Rios asked

if anyone had told him what the setbacks were, being told they had not. Ms. Warner asked about the side setbacks, with Mr. Brinlee stating the side setbacks are 5'. Mr. Windham asked if the permit was approved and then denied because of the placement of the mobile home, being told that was correct. Mr. Rios stated the measurements were on the permit. Mr. Natividad stated the mobile home is on the lot because he had a deadline to move the mobile home. Mr. Arzate asked what the date of the permit was. Mr. Windham stated the date of the permit shows May 8<sup>th</sup>. Mr. Natividad stated the mobile home was bought on May 1<sup>st</sup>. He submitted the permit for review April 30<sup>th</sup>. He was not told what the requirements were. Mr. Arzate stated he was familiar with this neighborhood and mentioned there were other mobile homes in the area. He also stated the lots are very small. Ms. Warner stated he biggest problem she sees is the city approved the permit. Mr. Brinlee agreed the permit was approved. It was then denied because the mobile home is too big. Mr. Rios stated the city signed off on the permit knowing the size of the mobile home. Mr. Windham stated mobile homes today are 16'x80'.

Member Arzate moved the variance be approved as requested. Member Vandervoort 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.

Mr. Rios stated this does not change the fact a mobile home is allowed on this property, it only changes the setback for the mobile home. Ms. Warner asked if the mobile home could have gone to the alley, being told it could not. Mr. Brinlee stated the only thing they could do would be to change the ordinance. He mentioned the staff is in the process of changing the zoning ordinance. He also pointed out a house could be built all the way to the alley. Ms. Warner asked about the front yard setback, being told the front setback would remain the same.

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There being no further business to come before the Board, the meeting was adjourned at 8:53 a.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on June 6, 2018.

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Ludie Warner, Chairperson