

Be it said and remembered that at 8:30 a.m. on the 19th day of December, 2018 there came on and was held a Zoning Board of Adjustment meeting in the council Chamber, 5th Floor, 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)

OTHERS PRESENT: Randy Brinlee, Director of Planning and Development; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Vanessa Shrauner, Development Services Manager; Natasha Brooks, 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 December 5, 2018 Zoning Board of Adjustment meeting were approved, motion for approval being given by Member Harper, seconded by Member Arzate, with the vote being a unanimous "aye".

DOCKET NO. 2018-06-V (approved)

Open a public hearing to consider approval of the request of Chris Cole, owner, for a variance from Section 8-601 of the City of Odessa Zoning Ordinance to allow a structure (single family dwelling) to be located with a five feet (5') rear yard setback instead of the required ten feet (10') rear yard setback in a Special Dwelling District (SPD) Zoning District, Lot 29, Block 20, Mission Estates 11th Filing (2900 San Saba Ct.)

Mr. McDaniel gave the following presentation: There were 9 notices mailed to surrounding property owners, with no notices returned, no written protests and 2 written approvals.

Due to extenuating circumstances, this request was postponed at the December 5, 2018 Zoning Board of Adjustment meeting.

The property involved in this request is located at 2900 San Saba Ct. The site is zoned Special Dwelling District (SPD) and is currently vacant. The property is surrounded by single family residential development and vacant land.

The applicant is Chris Cole, owner, and the purpose of the request is to reduce the rear yard setback from ten feet (10') to five feet (5') to accommodate construction of a single family dwelling. In order to allow the structure five feet (5') forward in the ten feet (10') setback, the applicant is requesting a variance from Section 8-601 of the City of Odessa Zoning Ordinance, which states:

8-601 There shall be no rear setback line for main or accessory buildings unless no alley exists, in which case a 10' setback line shall be observed.

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 reduce the rear yard requirement to five feet (5') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space. Staff analysis also finds that the existing 75' easement behind the property acts as an adequate buffer between this property and properties nearby. 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. Chris Cole, applicant, approached the lectern. He stated this is one of the last lots in this area to be developed. The shape of the lot makes it difficult to build on the lot. There is 75' at the back of the lot which also makes it difficult to build. There being no questions, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved as requested. Members Rios and 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.

DOCKET NO. 2018-07-V (approved with condition)

Open a public hearing to consider approval of the request of Dr. Gregory and Karen Williams, owners, JSA Architects, agent for a variance from Section 8-601 of the City of Odessa Zoning Ordinance to allow a structure (pergola) to be located with a two feet (2') rear yard setback instead of the required ten feet (10') rear yard setback in a Planned Development-Single-Family One (PD-SF-1) Zoning District, Lot 11, Block 20, The Estates of Shiloh (#30 Castle Oaks Dr)

Mr. McDaniel gave the following presentation: There were 12 notices mailed to surrounding property owners, with 1 notice returned, no written protests and 1 written approval.

The property involved in this request is located at #30 Castle Oaks Dr. The site is zoned Planned Development-Single-Family One (PD-SF-1) and is currently occupied by a residence. The property is surrounded by single family residential development and vacant land.

The applicant is Dr. Gregory and Karen Williams, owners, JSA Architects, Agent, and the purpose of the request is to reduce the rear yard setback from ten feet (10') to two feet (2') to accommodate construction of a pergola. In order to allow the structure eight feet (8') forward in the ten feet (10') setback, the applicant is requesting a variance from Section 8-601 of the City of Odessa Zoning Ordinance, which states:

8-601 There shall be no rear setback line for main or accessory buildings unless no alley exists, in which case a 10' setback line shall be observed.

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 reduce the rear yard requirement to two feet (2') will not create any hazards or any hardship to surrounding properties related to light, air, or open space. The front yard building setback required for Lot 10 will minimize any impact the proposed structure will have on any buildings located on the property south of this site.

Should the Board choose to approve this request, the Planning Staff would recommend adoption on the condition that the structure not be enclosed in the future.

There being no questions for City Staff, Chairperson Warner opened the public hearing. Mr. Crain Steen, applicant's representative, approached the lectern. He stated the proposed pergola will be a place for the applicant to relax. The surrounding area have brought their structures with the same proposed setbacks. The proposed structure is not set up to be enclosed and there will be no hazard with the structure.

Mr. Cruz Castillo, 418 N. Jackson, approached the lectern. He stated the proposed structure is common in the subdivision. Many property owners have taken advantage of the common fence and places structures in that area. There being no questions or comments, Chairperson Warner closed the public hearing.

Member Windham moved the variance be approved with the following condition:

- 1. The structure not be enclosed in the future.

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:

- 1. The structure not be enclosed in the future.
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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 December 19, 2018.

Ludie Warner, Chairperson