

Be it said and remembered that at 8:30 a.m. on the 19<sup>th</sup> day of June, 2019 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> 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; Atasi Bhausar, Senior Assistant City Attorney; 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 December 19, 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".

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DOCKET NO. 2019-01-V (approved)

Open a public hearing to consider approval of the request of Jennifer Lance, owner, Joe Wood, agent, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to decrease the front yard setback in a Single-Family Three (SF-3) zoning district from 25 feet to 13 feet, on Lot 3, Block 46 of the Sherwood Addition. (4904 Cordova)

Mr. McDaniel gave the following presentation: There were 19 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 4904 Cordova. The site is zoned Single-Family Three (SF-3) and is currently occupied by single family housing. The property is surrounded by single family residential development.

The applicant is Jennifer Lance, owner, Joe Wood, agent, and the purpose of the request is to allow a structure (carport) to be located 12 ft. forward of the required (platted) 25 ft. building setback. In order to allow the structure 12 feet forward in the 25 feet setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

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:

SF-3 -- 25'

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 front yard requirement to 13 feet is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space. Many other properties on the same block of Cordova have also installed carports within the front yard setbacks with no ill effects. Staff analysis also finds that the shape of this lot makes a rear-entry carport difficult to install. 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. Joe Wood, applicant's agent, approached the lectern. He stated the house met the needs of Ms. Lance when they first moved in. They now have some additional drivers. The cars suffered substantial hail damage from the last hail storm. Ms. Warner asked if the carport would be a single carport or a double carport, being told it will be a double carport. There being no further 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 the applicant has sustained his burden of showing 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.

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#### DOCKET NO. 2019-02-V (approved)

Open a public hearing to consider approval of the request of Gary Cooper, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to decrease the front yard setback in a Single-Family Three (SF-3) zoning district from 25 feet to 9 feet, on Lot 8, Block 33 of the Fleetwood Addition. (1620 Petroleum)

Mr. McDaniel gave the following presentation: There were 33 notices mailed to surrounding property owners, with 4 notices returned, 3 written approvals and no written protests.

The property involved in this request is located at 1620 Petroleum. The site is zoned Single-Family Three (SF-3) and is currently occupied by single family housing. The property is surrounded by single family residential development.

The applicant is Gary Cooper, owner, and the purpose of the request is to allow a structure (carport) to be located 16 ft. forward of the required (platted) 25 ft. building setback. In order to allow the structure 16 feet forward of the 25 feet setback, the applicant

is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

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:

SF-3 -- 25'

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 front yard requirement to 9 feet is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space. Precedent has been set for the block with the approval of the variance request (2018-01-V) related to a carport with a reduced setback across the street from the applicant's property. 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. Michael Jackson, 1621 Petroleum, approached the lectern. He stated 2 years ago the Board gave him a variance for his carport. At the time he also had a vehicle which had sustained damage. Mr. Cooper represented him for his request because he had been ill. The Board did grant Mr. Jackson's variance request and he did not have an objection for Mr. Cooper's variance request to be approved.

Mr. Gary Cooper, applicant, approached the lectern. He referred to the pictures he had taken of the neighborhood and submitted to the Board. The view from one direction was already restricted and from the other direction the carport would not obstruct the view. There being no further questions or comments, Chairperson Warner closed the public hearing.

Member Harper 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 the applicant has sustained his burden of showing 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.

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There being no further business to come before the Board, the meeting was adjourned at 8:38 a.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on June 19, 2019.

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Ludie Warner, Chairperson