

AGENDA

ZONING BOARD OF ADJUSTMENT

COUNCIL CHAMBER
(meeting held on line)

AUGUST 5, 2020

8:30 A.M.

1. Invocation
2. Approved the minutes of the June 3, 2020 Zoning Board of Adjustment meeting
3. DOCKET NO. 2020-04-V
Open a public hearing to consider approval of the request of Mari Willis, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow a structure (carport) to be located with a twelve feet (12') front yard setback instead of a twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 8, Block 29, Hollywood View Addition (1615 W. 20th St.)
4. DOCKET NO. 2020-05-V
Open a public hearing to consider approval of the request of Raquel Salinas, owner, for a variance from Section 14-7-9(8) of the City of Odessa Zoning Ordinance to locate a mobile home (approx. 700 sf) with a two and one half feet (2.5') side yard setback instead of the six feet (6') side yard setback in a General Residential (GR) Zoning District, Lot 1, Block 21, Southside Heights (607 Roxanna)
5. DOCKET NO. 2020-06-V
Open a public hearing to consider approval of the request of Jesse Barreraz, owner, for a variance from Section 14-7-8(4) of the City of Odessa Zoning Ordinance to locate a mobile home (approx. 2100 sf) with a 13' side yard setback instead of the platted 15' side yard setback in a General Residential (GR) Zoning District, Lot 12, Block 3, Waddell Addition, 1st Filing (325 Geneva)

6. Other business

7. Adjourn

Be it said and remembered that at 8:30 a.m. on the 3rd day of June, 2020, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th St., Odessa, Texas.

Due to the COVID-19, the meeting was teleconferenced, as allowed by Governor Abbott's executive order. The Zoning Board of Adjustment was present through teleconference.

MEMBERS PRESENT: Mark Windham, Vice Chairman
Geraldo Arazate
Brooke Harper
Anthony Rios
Ludie Warner

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

OTHERS PRESENT: Randy Brinlee, Director of Development; Michael K. Shelton, Sr., Councilmember; Lorraine Quimiro, Planning Manager; Tim McDaniel, Planner; Maria Prieto and Cory Maxwell, Planning Techs; Robert Carroll, Senior Assistant City Attorney; and Anne Roney, Secretary.

Vice Chairman Windham called the meeting to order, with Member Harper giving the invocation.

The minutes of the May 6, 2020 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Arzate, seconded by Member Harper, with the vote being a unanimous "aye".

DOCKET NO. 2020-02-V (approved)

Open a public hearing to consider approval of the request of Michael Longoria, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow a structure (porch) to be located with a twelve feet (12') front yard setback instead of a twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 36 Block 107, Crescent Park (2405 Beechwood St.)

Ms. Prieto gave the following presentation: There were 23 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 at 2405 Beechwood St. 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 Michael Longoria, owner, and the purpose of the request is for a variance to allow a structure (carport) to be built twelve feet (12') instead of the twenty-five feet (25') required front setback. In order to allow the structure thirteen feet (13') forward on the twenty-five feet (25') front yard setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

14-7-5 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:

Single Family Residence – 3	25'	SF-3
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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 of thirteen feet (13') front yard setback is reasonable and will not create any issues, hazards or any hardship to this site or 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, Vice Chairman Windham opened the public hearing. With no one coming forward to speak for or against the request, Vice Chairman Windham closed the public hearing.

Member Rios 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 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.

DOCKET NO. 2020-03-V (approved)

Open a public hearing to consider approval of the request of Daniel Legorreta, owner, for a variance from Section 14-7-8 of the City of Odessa Zoning Ordinance to locate an attached accessory building (500 sq. ft.) with a seven feet (7') side yard setback instead of the platted fifteen feet (15') side yard setback in a Special Dwelling District (SPD) Zoning District, Lot 22, Block 21, Mission Estates, 11th Filing (3001 San Marino)

Mr. McDaniel gave the following presentation: There were 19 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 3001 San Marino. The site is zoned Special Dwelling District (SPD) and is currently occupied by single family housing. The property is surrounded by single family residential development.

The applicant is Daniel Legorreta, owner, and the purpose of the request is to allow a structure (storage building) to be located eight feet (8') forward of the platted 15 ft. building setback. In order to allow the structure eight feet (8') forward in the 15 feet setback, the applicant is requesting a variance from Section 14-7-8(7) of the City of Odessa Zoning Ordinance, which states:

The minimum side yard requirements in a Planned Development District shall be established on the Site Plan or in the amending ordinance.

The site plan filed for this property – Case File 2007-36-P(A) – depicts a 15' setback for this lot along San Pedro St.

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 side yard requirement to eight feet (8') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space, nor will this request have a negative impact on the applicant's property or surrounding property.

Based on the preceding analysis, staff recommends approval of the request.

There being no questions for City Staff, Vice Chairman Windham opened the public hearing. Mr. Daniel Legorreta, applicant, approached the lectern. He stated he spoke with the Homeowners' Association and got their approval. He also met all the requirements of the Homeowners' Association. He did not go to the City for a permit and placed the shed on his property.

Mr. Kevin Devaney, 2004 San Marino, approached the lectern. He stated he was in favor of this request. The building is not an eyesore and matches the construction of the house. He had no objections to this request.

There being no questions and no further comments, Vice Chairman Windham closed the public hearing.

Member Warner 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 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.

There being no further business to come before the Board, the meeting was adjourned at 8:50 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on June 3, 2020.

Mark Windham, Vice Chairman

TO: ZONING BOARD OF ADJUSTMENT
FROM: LORRINE QUIMIRO, PLANNING MANAGER
SUBJECT: DOCKET NO. 2020-04-V
APPLICANT: Mari Willis, Owner
REQUEST: Variance from Section 14-7-5 of the City of Odessa Zoning Ordinance
PROPERTY INVOLVED: Lot 8 Block 29, Hollywood View Addition (1615 W. 20th St.)

The property involved in this request is located at 1615 W 20th St. 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 Mari Willis, owner, and the purpose of the request is for a variance to allow a structure (carport) to be built twelve feet (12') instead of the twenty-five feet (25') required front setback. In order to allow the structure thirteen feet (13') forward on the twenty-five feet (25') front yard setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

14-7-5 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:

Single Family Residence – 3	25'	SF-3
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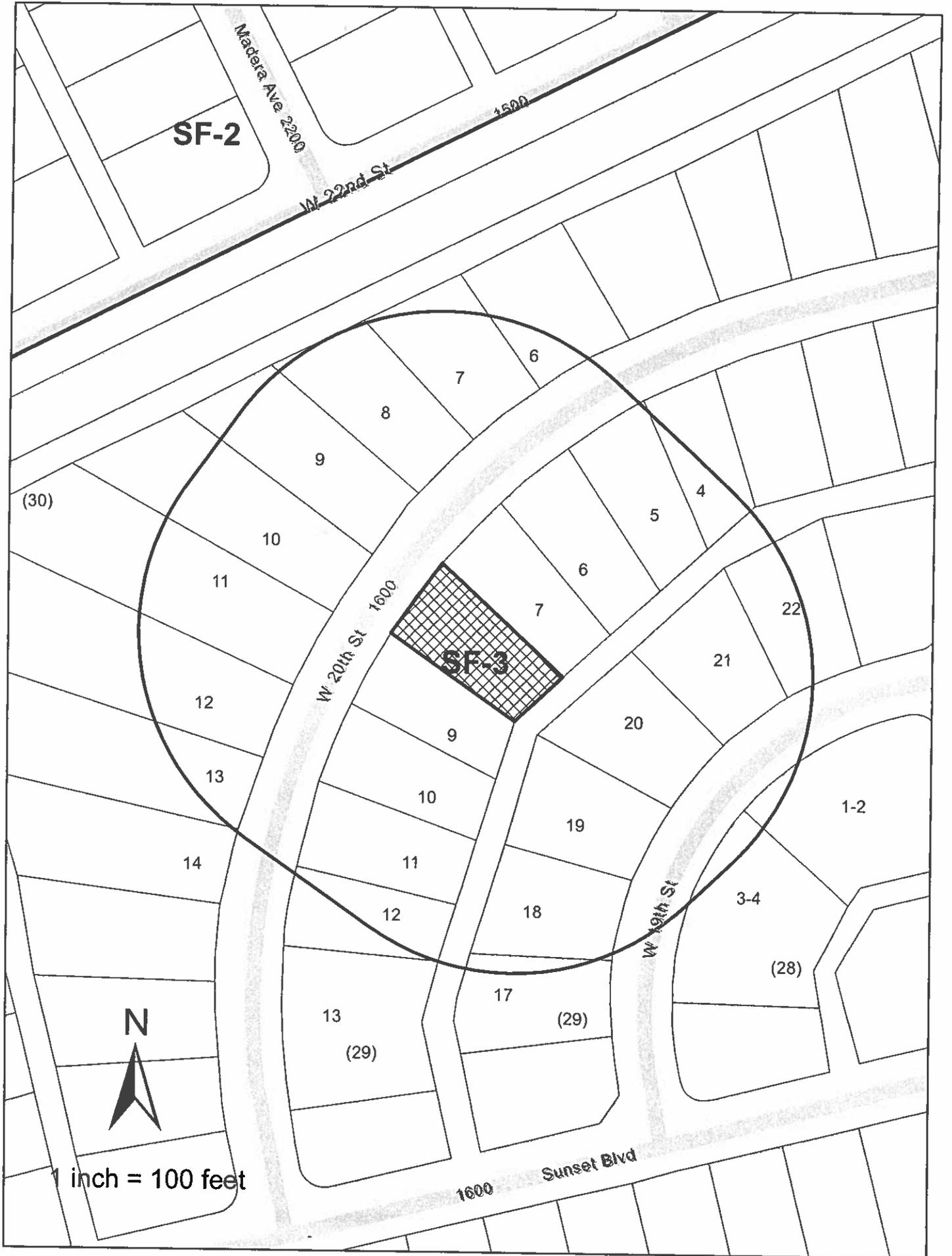
The following criteria as outlined in the Zoning Ordinance are to be used by the Board of Adjustment in evaluating variance requests. The burden of proof in meeting each of these criteria is upon the applicant.

- 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 of twelve feet (12') front yard setback is reasonable and will not create any issues, hazards or any hardship to this site or surrounding properties related to light, air or open space. With this in mind, the staff does not object to the request with the condition that the structure (carport) not be enlarged or enclosed at any time.

Information in order of inclusion:

- Area of notification map
- Copy of site plan



ALLEY

64 SF
BLDG

51'

225 SF
BLG

30 SF
BLDG

131'

SINGLE
FAMILY
RESIDENCE
2660 SF

120'

← 14' →

← 6' →

PROPOSED
CARPORT
18' x 24'

25'

12'

67'

W 20TH ST

5' ROW



TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-05-V

APPILCANT: Raquel Salinas, owner

REQUEST: Variance from Section 14-7-9(8) of the City of Odessa Zoning Ordinance

PROPERTY INVOLVED: Lot 1, Block 21, Southside Heights (607 Roxanna)

The property involved in this request is located at 607 Roxanna. The site is zoned General Residential (GR) and is currently vacant. The property is surrounded by single family residential development.

The applicant is Raquel Salinas, owner, and the purpose of the request is to allow a structure (mobile home) to be located three and one half feet (3.5') forward of the 6 ft. building setback. In order to allow the structure three and one half (3.5') in the six feet (6') setback, the applicant is requesting a variance from Section 14-7-9(8) of the City of Odessa Zoning Ordinance, which states:

14-7-9(8) A minimum side yard of six feet (6') shall be provided for any mobile/HUD-code manufactured home located as a fixed dwelling and any structure attached to a mobile/HUD-code manufactured home.

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.

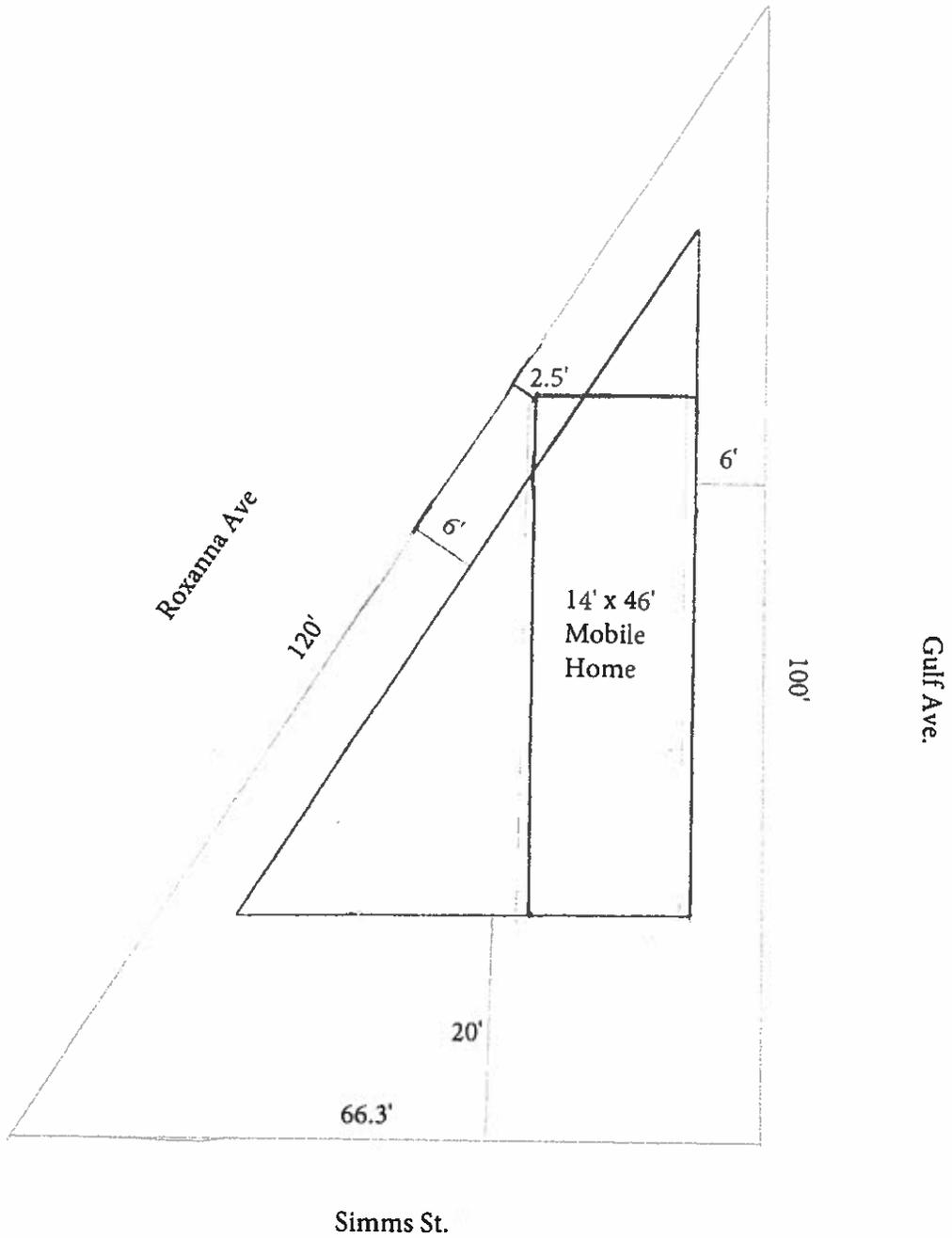
- A. The variance request is not contrary to the public interest.
- B. Special conditions exist for the applicant that do not generally exist for others.

- 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.

Based on analysis of the site, staff has no objections to the variance as presented due to the unusual size and shape of the lot. However, staff would recommend that the front yard along Simms St. be reduced to ten feet (10') instead, as this would situate the mobile home in a safer position further from the street with the highest traffic volume (Roxanna Ave.).

Information in order of inclusion:

- Area of notification map
- Copy of site plan



TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-06-V

APPLICANT: Jesse Barreraz, owner
Stephanie Holguin, representative

REQUEST: Variance from Section 14-7-8(4) of the City of Odessa Zoning Ordinance

PROPERTY INVOLVED: Lot 12, Block 3, Waddell Addition, 1st Filing (325 Geneva)

The property involved in this request is located at 325 Geneva. The site is zoned General Residential (GR) and is currently occupied by a single-family dwelling with a pending application for demolition. The property is surrounded by single family residential development.

The applicant is Jesse Barreraz, owner, Stephanie Holguin, representative, and the purpose of the request is to allow a structure (mobile home) to be located two feet (2') forward of the platted 15 ft. building setback. In order to allow the structure two feet (2') forward in the 15 feet setback, the applicant is requesting a variance from Section 14-7-8(4) of the City of Odessa Zoning Ordinance, which states:

14-7-8(4) "On lots which were official lots of record prior to December 28, 1971, the minimum side yard adjacent to a side street shall comply ... with any side yard shown on a plat of record."

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.

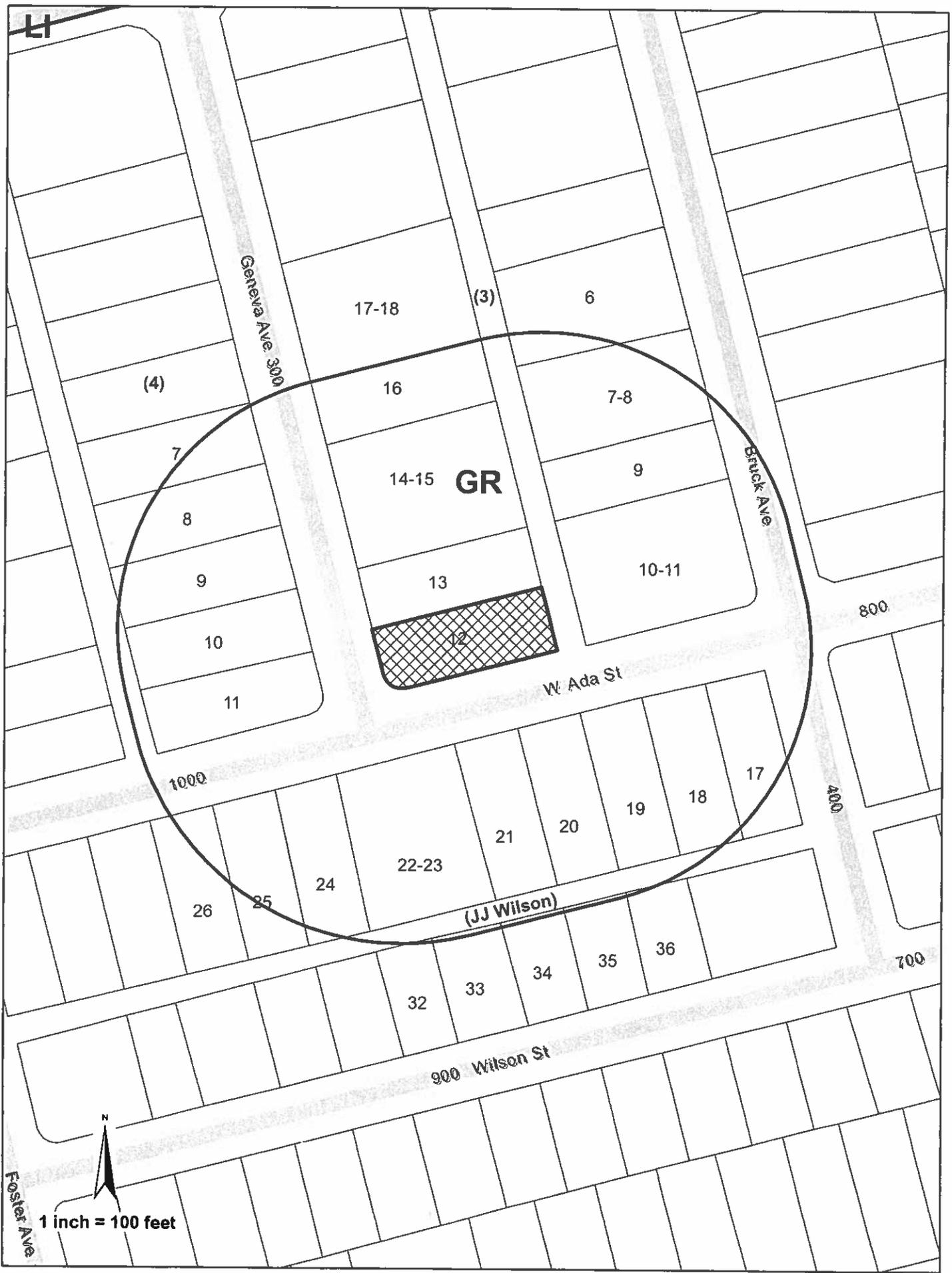
- C. A literal enforcement of the ordinance will result in unnecessary hardship.
- D. The spirit of the zoning ordinance is observed and substantial justice is done.

Staff analysis of this request is the applicant's request to reduce the side yard requirement to thirteen feet (13') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space, nor will this request have a negative impact on the applicant's property or surrounding property.

Based on the preceding analysis, staff recommends approval of the request.

Information in order of inclusion:

- Area of notification map
- Copy of site plan



LI

Geneva Ave 3000

Bruck Ave

W Ada St

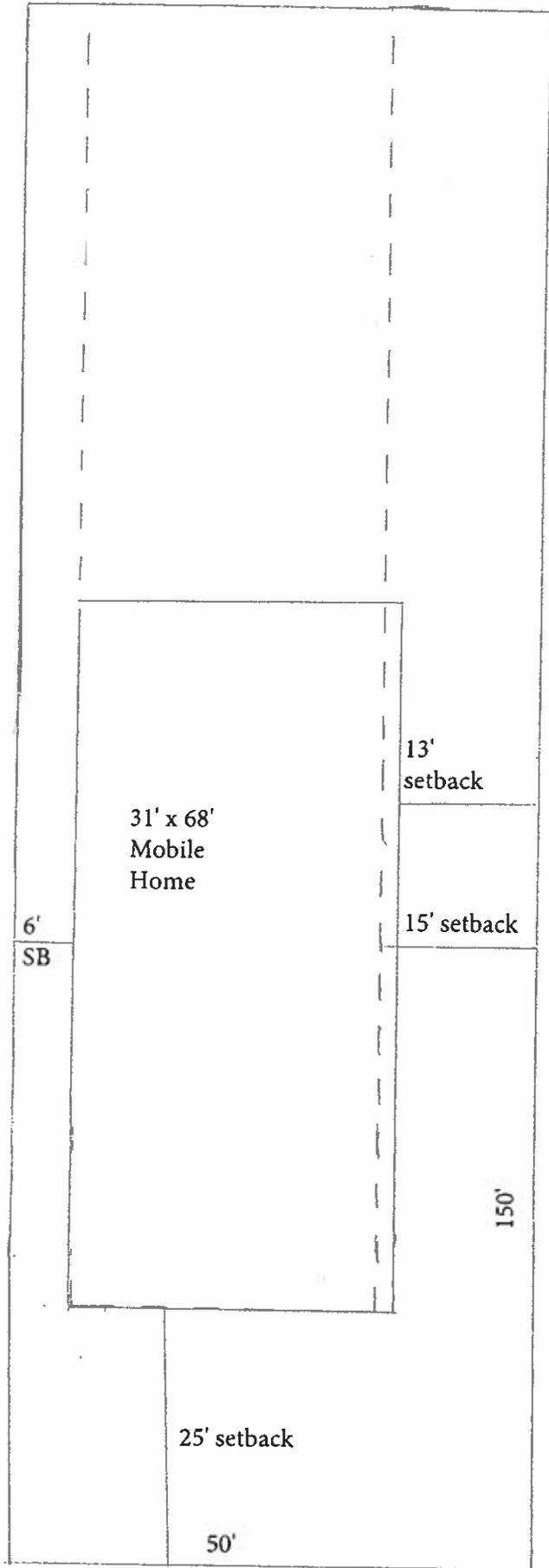
(JJ Wilson)

900 Wilson St

Foster Ave



1 inch = 100 feet



Ada St

Geneva Ave