AGENDA

ZONING BOARD OF ADJUSTMENT

COUNCIL CHAMBER
(meeting held on-line)

SEPTEMBER 16, 2020

8:30 A.M.

1. Invocation

2. Approve the minutes of the August 19, 2020 Zoning Board of Adjustment meeting

3. DOCKET NO. 2020-07-V
   Remove from the table and open a public hearing to consider approval of the request of Manuel Valdez, owner, for a variance from Section 14-7-8(8) of the City of Odessa Zoning Ordinance to locate a mobile home (approx. 1100 sf) with a five feet (5') side yard setback instead of the required six feet (6') side yard setback in a Light Commercial (LC) Zoning District, Lot 7, Block 51, Original Town Addition (311 E 1st St.)

4. DOCKET NO. 2020-09-V
   Open a public hearing to consider approval of the request of Roosevelt Allen, Jr., owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to locate a carport with a ten feet (10') front yard setback instead of the required twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 13, Block 16, Dorothy Lea Addition (1206 Hickory Ave.)

5. Other business

6. Adjourn

Be it said and remembered that at 8:30 a.m. on the 19th day of August, 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: Ludie Warner, Chairperson
Geraldo Arzate
Brooke Harper
Mark Windham

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

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorrine Quimiro, Planning Manager; Tim McDaniel, Planner; Maria Prieto, Planning Tech; Robert Carroll, 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 August 5, 2020 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Windham, seconded by Member Harper, with the vote being a unani9mous "aye".

DOCKET NO. 2020-05-V (approved with 10' front yard setback)
Remove from the table and 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)

Member Windham moved the request be removed from the table. Member Harper seconded the motion, with the vote being a unanimous "aye".

Mr. McDaniel gave the following presentation: There were 15 notices mailed to surrounding property owners, with 1 notice returned, no written protests and no written approvals.

Due to a lack of applicant representation, this request was tabled at the August 5, 2020 Zoning Board of Adjustment meeting.

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.).

There being no questions for City Staff, Chairperson Warner opened the public hearing. Ms. Raquel Salinas, owner, approached the lectern. She indicated the people who sold her the mobile home made this request on her behalf. The mobile home is the smallest they had available in order to fit on this lot with the way the lot is shaped.

Ms. Warner asked if she would object to moving the mobile home with a 10' front yard setback instead of the requested side yard setback. Ms. Salinas stated she would do whatever was necessary. There being no further questions or comments, Chairperson Warner closed the public hearing.

Member Arzate moved the variance be approved with a 10' front yard setback. Member Harper seconded the motion, with the vote being a unanimous "aye".

DOCKET NO. 2020-07-V (tabled)
Open a public hearing to consider approval of the request of Manuel Valdez, owner, for a variance from Section 14-7-8(8) of the City of Odessa Zoning Ordinance to locate a mobile home (approx. 1100 sf) with a five feet (5') side yard setback instead of the required six feet (6') side yard setback in a Light Commercial (LC) Zoning District, Lot 7, Block 51, Original Town Addition (311 E 1st St.)

Mr. McDaniel indicated there was no applicant representative for this request.

Member Arzate moved this request be tabled. Member Harper seconded the motion, with the vote being a unanimous "aye".

DOCKET NO. 2020-08-V (denied)
Open a public hearing to consider approval of the request of Jose and Tammy Avalos owners, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow a structure (mobile home) to be located with a thirteen feet (13') front yard setback instead of a twenty feet (20') front yard setback in a General Residence (GR) Zoning District, E 75 of Lot 1 & W 44.5 of E 75 of S 30 of E 30.5 of Lot 2, & N 20 of Lot 2 & E 30.5 of N 23 of S 30 of Lot 2, Block 8, Judkins Subdivision (300 Barrow Dr.)

Ms. Prieto gave the following presentation: There were 24 notices mailed to surrounding property owners, with 1 notice returned, 2 written approvals and 2 written protests.

The property involved in this request is located at 300 Barrow Dr. This site is currently zoned General Residence (GR) and is occupied by a mobile home (32' x 72'). The property is surrounded by residential development.

The applicant is Jose and Tammy Avalos, owners, and the purpose of the request is for a variance to allow a structure (mobile home) to be located with a thirteen feet (13') front yard setback instead of a twenty feet (20') 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:

General Residence	20'	GR

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 8,830.72 square feet and the lot is currently occupied by a mobile home (2,304 square feet). A permit was obtained that showed the correct setbacks for the structure (20 ft) from property line as well as the required two (2) paved parking spaces and sidewalk. The applicants Jose and Tammy Avalos, owners, failed to place the mobile home according to the setbacks noted on the permit, and the parking spaces and sidewalks still need to be placed.

Staff analysis of this request is that there are no special conditions associated with the property that do not exist for others in the area. Considering the size of the mobile home (2,304 square feet) and the lots (8,830.72 square feet) there is adequate space to fit the mobile home correctly. The Planning Staff cannot support the variance request, recommends that the request be denied, and that the mobile home be placed on the lot to meet building setback requirements.

Ms. Warner asked if the mobile home was already on the lot, being told that it was. Ms. Warner then asked if whoever placed the mobile home on the lot placed it incorrectly, being told that was correct. Ms. Warner asked if the mobile home could be moved. Mr. McDaniel stated the mobile home can be placed correctly. Ms. Prieto noted the building permit indicated a 20' setback and a 10' right-of-way. The mobile home was placed incorrectly. There being no further questions for City Staff. Chairperson Warner opened the public hearing.

Mr. Jose Avalos, applicant, approached the lectern. He stated the lot does have plenty of space. They bought their lot in February and discovered they did not have any utilities to the alley. It was possible for them to buy additional land in order to obtain the utilities. There was some miscommunication. They tried to verify the setbacks. Whenever they received no response the mobile home was placed and tied down. The main reason for this request is financial. He noted the plumbing and electrical has been installed.

Ms. Warner stated it appears they took the frontage off of Robertson instead of from Barrow, being told that was correct. Ms. Warner asked how long they have lived in the mobile home, with Mr. Avalos stating they have not lived in the mobile home. Mr. Arzate asked if they already had utilities when they bought the mobile home. Mr. Avalos stated they had to buy the property along Robertson to access utilities. Ms. Warner asked about

the utilities, with Mr. Brinlee stating the utilities are in the alley. There being no further questions, Chairperson closed the public hearing.

Mr. Arzate asked if there would be any danger if the mobile home remained in its present location. Mr. Windham pointed out the other mobile homes in the area meet the setback requirements. Mr. Brinlee stated the property was platted with an east/west lot orientation. When the additional land was purchased, the orientation of this lot was changed to north/south. Mr. Arzate asked if the applicant owned both of the properties before the building permit was obtained, with Ms. Prieto indicating the applicant owned both properties. Ms. Warner verified the motile home would have to be moved 7' to the north, being told that was correct. The variance is for the setback from Barrow. The front setback should be 20' and the rear yard setback can be 5'. Ms. Harper verified the building permit has 300 Barrow as the front yard, being told that was correct. Ms. Prieto stated when they added the additional land for the lot it changed the orientation of the lot and Barrow is now the front yard. Ms. Warner asked if there was any way to make the front yard from Robinson. Mr. Prieto stated the smaller portion of the lot is on Barrow which makes Barrow the front yard. Ms. Warner asked how someone would map out the property lines for where the mobile home is placed. Ms. Prieto stated Building Inspection would go out to the property for an inspection prior to placing the mobile home. Ms. Warner asked why no one inspected the pad. Ms. Prieto stated the concrete pad is not considered a structure and would not need to be inspected. Ms. Warner asked if someone had come out to measure the property or did the property owner make the measurements himself. Mr. Avalos stated the property was surveyed. Ms. Prieto stated when the applicants came in for the permit they were told the front yard was on Barrow. Mr. Windham stated the permit shows Barrow as the front yard. Ms. Warner asked where the front door is facing, with Ms. Avalos stating the front door faces Robertson. Mr. Arzate asked if the address could be changed to Roberts. Mr. Brinlee stated the address does not matter. When they bought the additional property it changed the orientation of the lot. By ordinance the narrow side of the lot is the front yard and it does not matter where the front door is located.

Member Arzate moved the variance be approved as requested. Chairperson Warner seconded the motion. Ms. Prieto asked if the Chair could second a motion, with Mr. Carroll stating she could not. Chairperson Warner stated the request has been denied due to a lack of a second.

There being no further business to come before the Board, the meeting was adjourned at 9:22 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on August 19, 2020.

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Ludie Warner, Chairperson

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-07-V

APPILCANT: Manuel Valdez, owner

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

PROPERTY INVOLVED: Lot 7, Block 51, Original Town Addition (311 E 1st St.)

Due to a lack of applicant representation, this request was tabled at the August 19, 2020 Zoning Board of Adjustment meeting.

The property involved in this request is located at 311 E 1st St. The site is zoned Light Commercial (LC) and is currently vacant. The property is surrounded by commercial development.

The applicant is Manuel Valdez, owner, and the purpose of the request is to allow a structure (mobile home) to be located one foot (1') forward of the required six feet (6') building setback. In order to allow the structure one foot (1') forward of the six feet (6') side setback, the applicant is requesting a variance from Section 14-7-8(8) of the City of Odessa Zoning Ordinance, which states:

"A minimum side yard of six (6) feet 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.

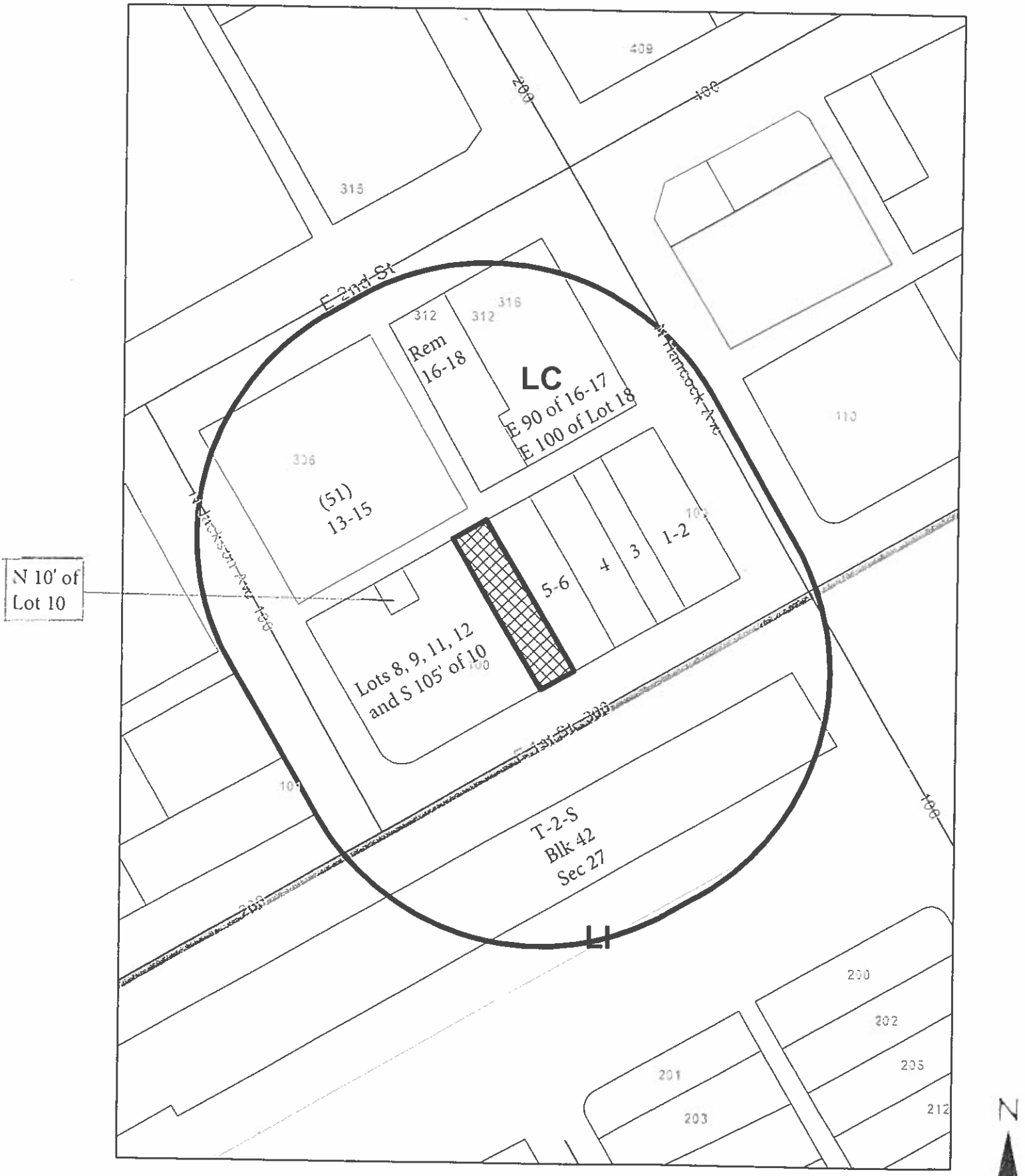
C. A literal enforcement of the ordinance will result in unnecessary hardship.

D, The spirit of the zoning ordinance is observed and substantial justice is done.

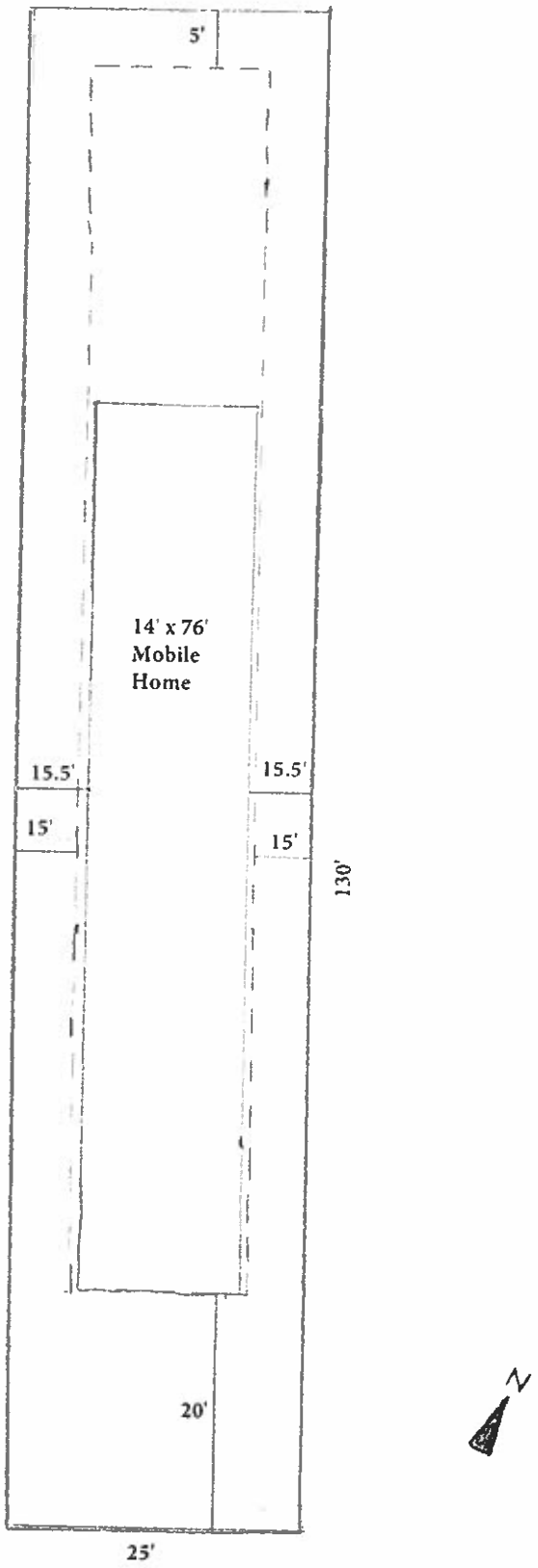
Staff analysis of this request is the applicant's request to reduce the side yard requirement to five feet (5') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space, nor will this request have a negative impact on the applicant's 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



1 inch = 100 feet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Home
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15'
15'
130'
20'
25'
N
1st St.

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-09-V

APPILCANT: JR Allen, owner

REQUEST: Variance from Section 14-7-5 of the City of Odessa Zoning Ordinance

PROPERTY INVOLVED: Lot 13, Block 16, Dorothy Lea Addition (1206 Hickory Ave.)

The property involved in this request is located at 1206 Hickory Ave. The site is zoned Single Family-Three (SF-3) and is currently occupied by single family development. The property is surrounded by single-family residential development.

The applicant is JR Allen, owner, and the purpose of the request is to allow a carport to be located fifteen feet (15') forward of the required 25' front building setback. In order to allow the structure fifteen feet (15') forward of the 25' front yard 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:

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 10' 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.

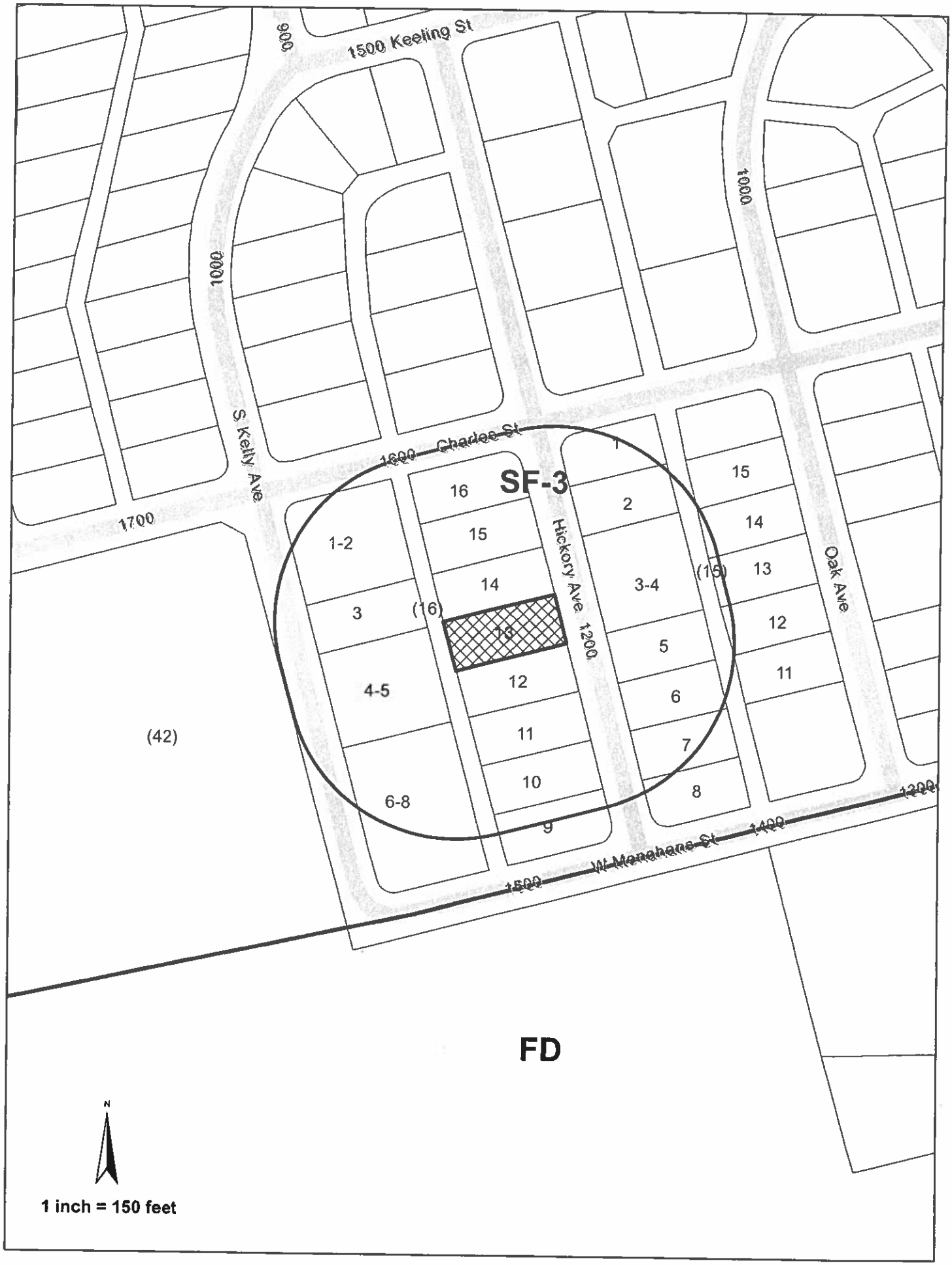
Based on the preceding analysis, staff recommends approval of the request with the following conditions:

1. The carport shall not be enclosed in the future.

2. No other structures or additions may be placed within the 25' front yard setback.

3. Materials used for the carport should be aesthetically similar to the existing structure.

Information in order of inclusion:
--Area of notification map
--Copy of site plan



1500 Keeling St
900
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1000
S Kelly Ave
1600 Charles St
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SF-3
Hickory Ave 1200
Oak Ave
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3
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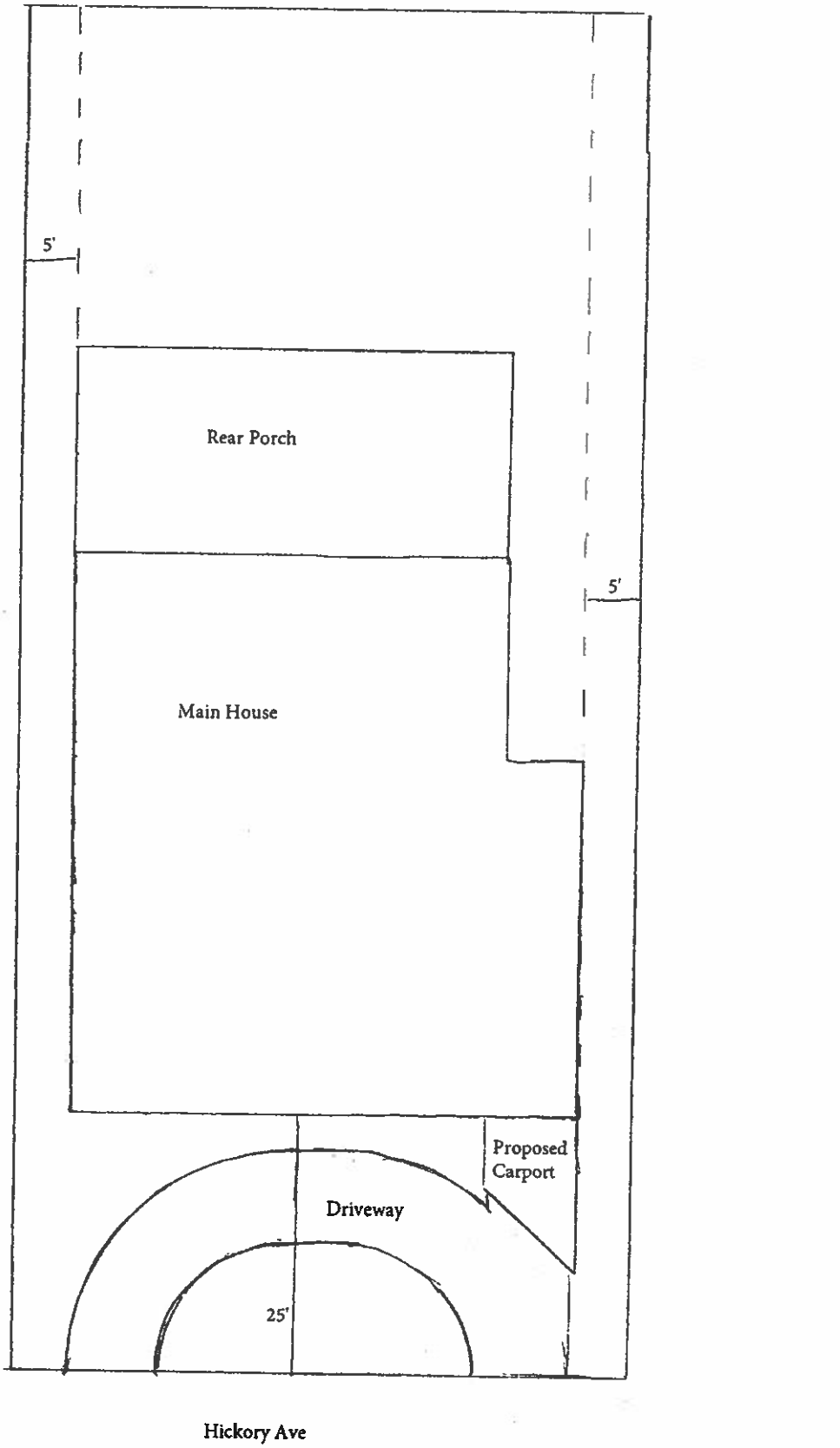
5'
Rear Porch
5'
Main House
Proposed
Carport
Driveway
25'
Hickory Ave
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