

AGENDA

ZONING BOARD OF ADJUSTMENT

COUNCIL CHAMBER
(meeting held on-line)

OCTOBER 7, 2020

8:30 A.M.

1. Invocations
2. Approve the minutes of the September 16, 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. 2020-10-V
Open a public hearing to consider approval of the request of Ysidoro Mandujano, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to locate a carport with a three feet (3') front yard setback instead of the required 25' front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 13, Block 6, Hollywood Manor Addition (1701 San Fernando Dr.
5. Other business
6. Adjourn

Be it said and remembered that at 8:30 a.m. on the 16th day of September, 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
Anthony Rios
Mark Windham

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

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine 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 19, 2020 Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Harper, seconded by Member Windham, with the vote being a unanimous "aye".

With the applicant for Docket No. 2020-07-V not being present, Chairperson Warner continued with the following:

DOCKET NO. 2020-09-V (approved with conditions)

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.)

Mr. McDaniel gave the following presentation: There were 23 notices mailed to surrounding property owners, with 2 notices returned, no written protests and 5 written approvals.

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.

Ms. Warner asked when the applicant comes in with their final proposal if the materials will be shown. Mr. McDaniel stated that was part of the permitting process. There being no further questions for City Staff, Chairperson Warner opened the public hearing.

Mr. Roosevelt Allen, applicant in this request at 1206 Hickory, approached the lectern. He stated he wished to have the carport because of the hail damage. The house next to him has a pine tree and it is getting all over his vehicle. He stated the carport is very much needed. There being no questions and with no one else coming forward to speak for or against the request, Chairperson Warner closed the public hearing.

Member Rios moved the variance be approved 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.

Member Windham 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:

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.

The applicant for Docket No. 2020-07-V was still not present. Mr. McDaniel stated the city would contact Mr. Valdez. Ms. Warner asked if the mobile home was already located on the property, being told it was not. If it is placed on the property it was placed without a permit.

There being no further business to come before the Board, the meeting was adjourned at 8:42 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on September 16, 2020.

Ludie Warner, Chairperson

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-07-V

APPLICANT: 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 and September 16, 2020 Zoning Board of Adjustment meetings.

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.

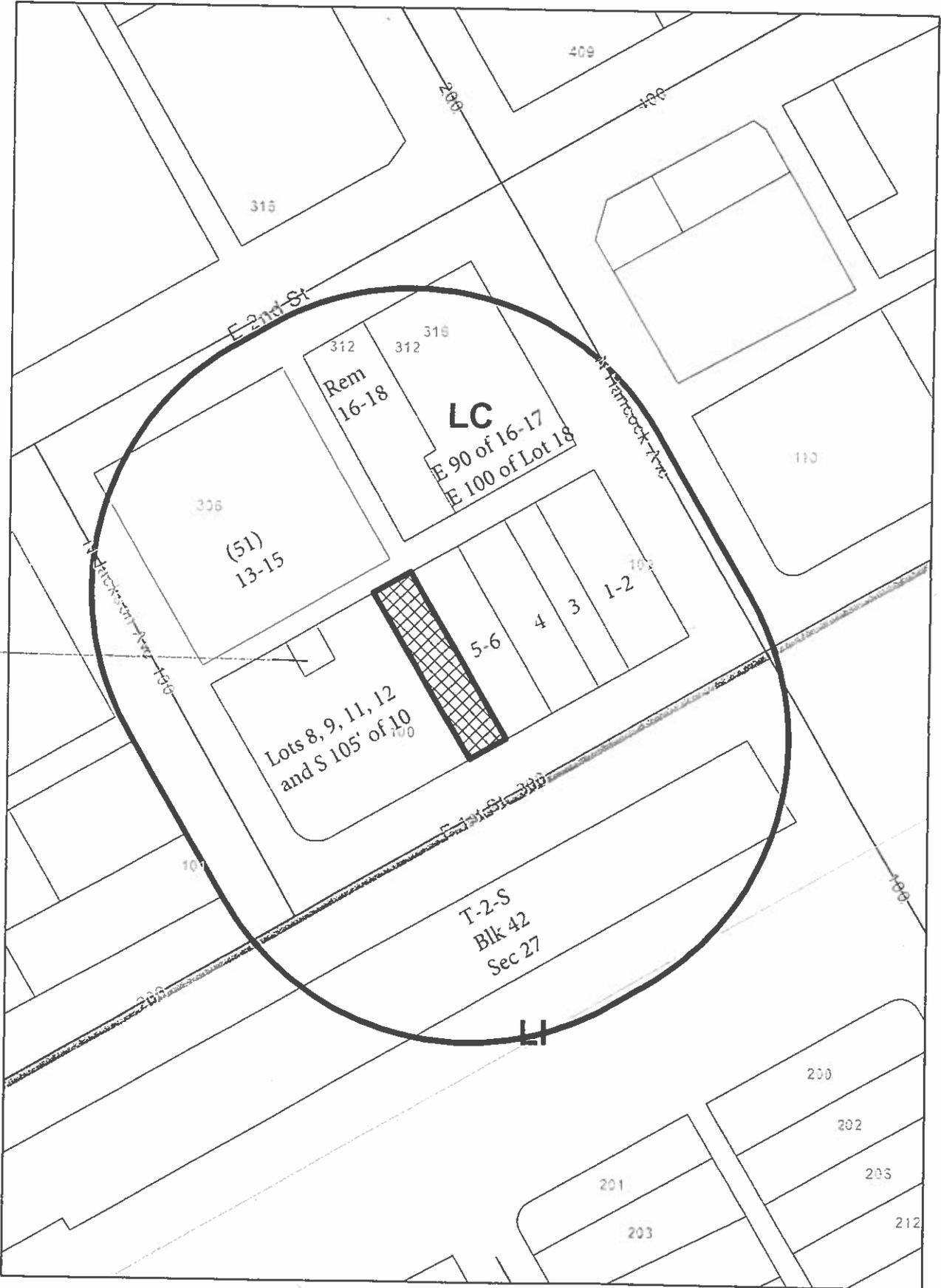
- B. Special conditions exist for the applicant that do not generally exist for others.
- C. A literal enforcement of the ordinance will result in unnecessary hardship.
- D. The spirit of the zoning ordinance is observed and substantial justice is done.

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:

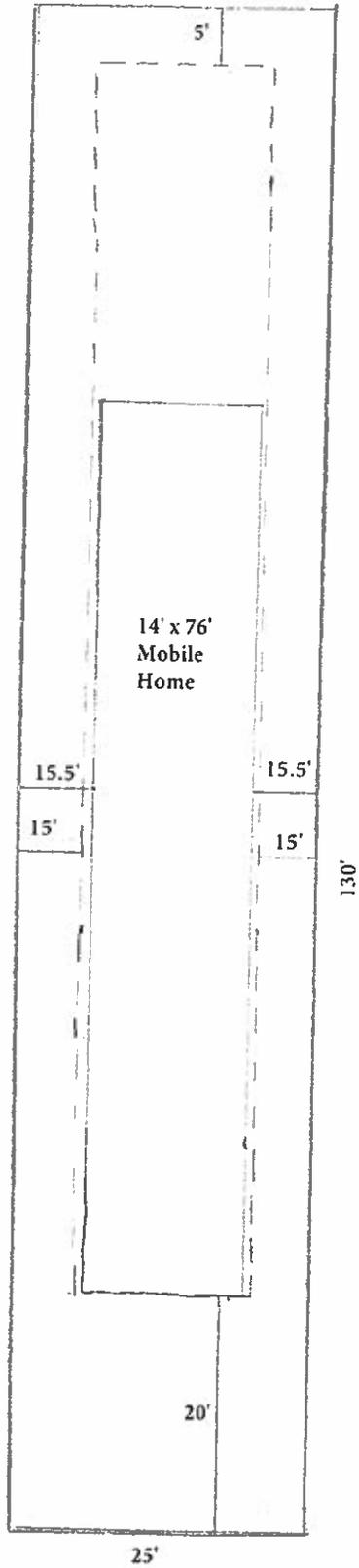
- Area of notification map
- Copy of site plan



N 10' of
Lot 10

1 inch = 100 feet





1st St.

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2020-07-V

APPLICANT: Ysidoro Mandujano, owner

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

PROPERTY INVOLVED: Lot 13, Block 6, Hollywood Manor Addition (1701 San Fernando Dr.)

The property involved in this request is located at 1701 San Fernando Dr.. The site is zoned Single Family-Three (SF-3) and is currently occupied by single family development. Land use in the area consists of single-family residential development.

The applicant is Ysidoro Mandujano, owner, and the purpose of the request is to allow a carport to be located 22' forward of the required 25' front building setback. In order to allow the structure 22' forward of the 25' front 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.

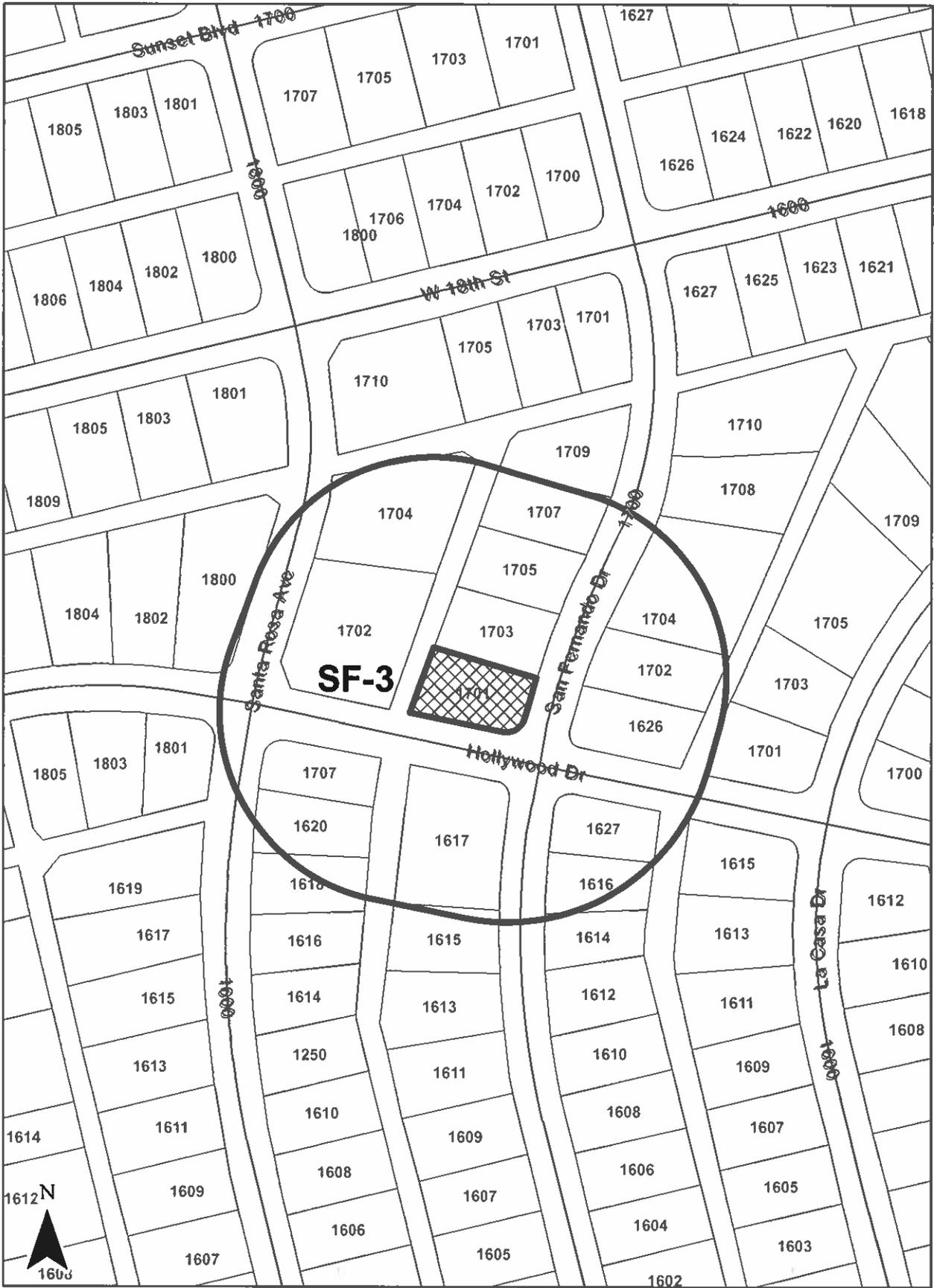
Staff analysis of this request is the applicant's request to reduce the front yard to three feet (3') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space, nor will this request have a negative impact on the applicant's property 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 further structures shall be placed within the 25' front yard setback.
3. If the existing structure is lost, any reconstruction must be attached to, and aesthetically similar to the main house.

Information in order of inclusion:

- Area of notification map
- Copy of site plan



1 inch = 150 feet

20' ALLEY

N 19° 37' 25" E 75.0'

Wood Fence

LOT 13

S 74° 46' 10" E 113.9' (114.1')

Wood Fence

RESIDENCE
STUCCO SIDING
COMP. ROOF

Proposed
Carport
19'x19'

R=910.00'

Concrete Walk A/C

43.8'

55.2'

4.8'

24.4'

21.0'

8.2'

12.4'

8.0'

10.7'

2.2'

15.9'

2.8'

15.2'

Concrete Porch

Concrete Walk

Concrete Drive

A=47.0'

R=21.10'

A=31.36'

Concrete Walk

N 78° 28' 40" W 99.9'

Concrete Curb & Gutter

HOLLYWOOD DRIVE

SAN FERNANDO DRIVE

