



BOYS AND GIRLS CLUB OF MISSION

Minutes of the Boys and Girls Club Mission
Youth Advocacy Advisory Board Meeting, December 10th, 2024

The Youth Advocacy Advisory Board of the Boys and Girls Club of Mission held a regularly scheduled meeting on Tuesday, December 10th, 2024 at 12:30 p.m. at the Main Unit of the Boys and Girls Club Mission

Board Members Present:

Henry Rodriguez	Scott Meyer
Sergio Cruz	Jennifer Lee Venecia
Peter Geddes	Rebecca Lopez
Aimee Ortega	Nanette Ortiz

Jesus Garcia

Board Members Absent:

Christine Barrera
Rolando Reyna

BGCM Staff:

Rick Venecia
Xavier Sanchez
Edgar Villarreal

Guests:

Sujei Rodriguez
Andrea Perez

I. Call to Order

H. Rodriguez called the meeting to order at 12:35 p.m.; quorum established.

II. Approval of Minutes for the November 19th, 2024 Meeting

After a brief review, a motion was made by R. Lopez to approve the November 19th, 2024 Board Minutes; the motion was seconded by P. Geddes; the motion passed unanimously.

III. Citizen Participation

No citizens participated ...

IV. Director's Report

R. Venecia stated that the After-School Programs are doing very well. He also mentioned that he is working to complete more grants for the upcoming year. Mr. Venecia furthermore reviewed with the Board the steps required to complete the grant from BGCA which is asking for Board input for information.

(Director's Report attached)

V. Programs Report

S. Rodriguez introduced the Board to Andrea Perez. Andrea will be the acting Program Coordinator for the Club. S. Rodriguez stated to the Board that Spring registration for After-School, programs has begun and that the Club has seen a significant increase in the numbers of students enrolling or already attending.

(Program Coordinator's Report attached)

Continue . . .

VI. Athletics Report

E. Villarreal reported for the Athletic Department. He stated that the Basketball league will be ending this week. He also reported that Baseball and Softball registration has begun as well. Some discussion was generated concerning shirt orders and how the process was carried-out. Mr. Villarreal also shared with the Board that Soccer registration will soon begin. Some discussion was generated concerning rules and regulation of Soccer play and how the procedures were working. More discussion was generated concerning the number of students participating in the sports leagues and how to handle the increasing numbers.

(Athletic Coordinator's Report attached)

VII. Chairperson Comments

None at this time . . .

VIII. Adjournment

After a brief discussion, H. Rodriguez entertained a motion to adjourn this portion of the Advisory Board meeting. A motion was made by R. Lopez; the motion was seconded by A. Ortega; the motion passed unanimously. Adjournment time was 12:51 p.m.

Minutes of the Boys and Girls Club Mission Board of Directors' Regularly Scheduled Meeting, December 10th, 2024

The Board of Directors of the Boys and Girls Club of Mission held a regularly scheduled meeting on Tuesday, December 10th, 2024, 12:30 p.m. at the Main Unit of the Boys and Girls Club Mission

I. Call to Order

H. Rodriguez called the meeting to order at 12:52 p.m.

II. Approval of 501c3 Minutes for December 10th, 2024 Meeting

After a brief review, a motion was made by S. Meyers to approve the minutes for the December 10th, 2024 501c3 meeting; the motion was seconded by R. Lopez; the motion carried forward unanimously.

III. 501C3 Financial Report

No City financial statements were presented this month. However, R. Venecia did review with the Board Grant money that will be moved to 501C3 accounts beginning in January. He stated that more detailed reports will be presented in January.

IV. BGCA Dues

R. Venecia announced to the Board that our annual membership dues owed to the Boys and Girls Clubs of America are outstanding. After a brief discussion, a motion was made to allocate \$4,474.00 for the annual BGCA Membership dues by J. Garcia; the motion was seconded by R. Lopez; the motion passed unanimously.

V. Gala

R. Venecia stated that he did meet with the Fundraising Committee to discussion details of the upcoming Gala. Some details were reviewed and more information is still pending. This topic will be discussed in further meetings.

VI. Christmas Drive and Member Party

R. Venecia announced to the Board that the Club is currently working on a Toy Drive to provide toys for all members. He stated that the Club would like to culminate in a Christmas Party. The theme would be a "Winter Wonderland." At this point, Program Coordinator A. Perez, asked the Board for \$1,500.00 to cover the expenses of purchasing additional toys, games and food for the Christmas Party. After a brief discussion, the Board suggested a limit of \$2,000.00 for the additional expenses. At this point, a motion was made by S. Cruz to allocate up to \$2,000.00 for the Christmas expenses; the motion was seconded by N. Ortiz; the motion passed unanimously.

VII. Staff Christmas Party

S. Rodriguez announced to the Board that the Staff would like to stay in the Club for their annual Christmas Party. The Club would provide food and drinks for all staff members. S. Rodriguez requested \$750.00 to purchase the food and drinks for the party. After a brief discussion, a motion was made by N. Ortiz to allocate \$750.00 for the purchase of the party supplies; the motion was seconded by J. Garcia; the motion passed unanimously.

Continued . . .

VIII. Bingo Ranch Check

R. Venecia informed the Board that the Club received a check from the Bingo Ranch Bingo Unit. The amount was for \$1,000.00; Unit #2281, check # 7133. The check was deposited into the Bingo Ranch account.

(Copy of Check and Deposit Slip attached)

IX. Youth Worker and Emergency Operations Policies

Mr. Venecia reviewed with the Board the modifications made to the Youth Advocacy Advisory Board policies. He asked the Board to review the changed policies (Attached) and invited comments, if any. There were no comments and Mr. Venecia asked the Board to approve the changed policies. A motion was made by J. Garcia to accept the changed policies, as stated; the motion was seconded by S. Meyers; the motion passed unanimously.

X. Board Status

R. Venecia informed the Board that the Mayor is considering a reduction of the Board by two members. Mr. Venecia reviewed the benefits and implications of the decision with the Board.

XI. Announcements

R. Venecia announced to the Board that he will be attending a Boys and Girls Club of America Board Conference. He also shared a concern with the City's response to his leave time.

Mr. Venecia furthermore informed the Board that S. T. H. S. will be donating to the Club for participating in events occurring within the community. More specific information to be forthcoming.

XII. Adjournment

After a brief discussion, H. Rodriguez entertained a motion to adjourn this portion of the 501C3 meeting. A motion was made by R. Lopez to adjourn the 501C3 meeting; the motion was seconded by N. Ortiz; the motion passed unanimously. Adjournment time was 1:26 p.m.


Xavier Sanchez
Operations Administrator

Rebecca Lopez
BGCM Board Secretary

**ACCOMODATIONS REVIEW BOARD
SEPTEMBER 25, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Heraclio Flores Jr.
Romeo Sanchez
Humberto Garza Garza
Alberto Salazar
Andrew C. Riddle

ZBA ABSENT

Dolly Elizondo
William F. Ueckert Jr.
Michael R. De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasema Dimas
Garbriel Ramirez

GUESTS PRESENT

Ramiro Rodriguez
Eliberto Perez
Roberto Soto
Salvador Reyes
Elizabeth Batten
Victor Raygosa
Eliberto & Manuela Perez
Rene Leal
Kamilah Torres
Miguel Nunez

CALL TO ORDER

Chairman Salazar called the meeting to order at 5:30 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

Mr. Humberto Garza filed a conflict of interest for items 1.6, and 1.7

First item being discussed was item 2.1

ITEM #1.1

TO KEEP A 7' FRONT SETBACK INSTEAD OF THE REQUIRED 18', AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AT 1808 W. 15TH STREET, BEING LOT 245, SOUTHERN OAKS PHASE 3 SUBDIVISION AS REQUESTED BY ELSA M. GRESS

Ms. De Luna stated that the subject site is located approximately 130' west of Crisantema Avenue along the north side of W. 15th Street. The lots measures 60' x 105' for a total 6,300 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep a 16.6'x20.10' carport and a 7'x12' shed, which were built without obtaining the proper permits. Staff notes that the structure on the rear of the property shown on the aerial has been removed.

Chairman Salazar asked if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

The applicant was not present.

Discussion amongst the board and staff, on the existing 7'x12' shed.

Chairman Salazar read the application and it stated that Mrs. Gress has her mother living in her house, and her mother takes care of one of her sisters that was 85 years old and has no legs. She

mentioned that the carport is being used to protect and transport her sister to the doctor twice a month.

Chairman Salazar asked that if this request would stay with the property.

Ms. De Luna stated that the request was only for the applicant, once the property was sold the request was void and the setbacks need to be complied with.

Discussion amongst the board and staff, on how staff can find out when the house was sold and the structure was no longer needed by the requester.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to approve the carport based on medical reasons, limited to the footprint and subject to signing a hold harmless agreement. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2

TO KEEP A 4.5' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AND A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK, AT 3538 GARZA STREET, BEING LOT 27-28, BLOCK 5, MADERO TEX TOWNSITE AS REQUESTED BY VICTOR RAYGOSA

Ms. De Luna stated that the subject site is located approximately 107' south of Los Indios Road along the west side of Garza Street. The lots measures 50' x 100' for a total 5,000 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep a 20'x18' carport which was built without obtaining the proper permits. This violation was discovered by Code Enforcement Division while doing a sweep in the area. Staff notes that the house is also encroaching into the side setback. Madero was annexed into the City of Mission on November 22, 1998.

Chairman Salazar asked if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

Mr. Victor Raygosa who resides at 3538 Garza Street was present.

Mr. Riddle stated that based on the medical records that were submitted, the request was needed due to a skin condition.

Mr. Victor Raygosa stated that the reason he built the carport was to protect his daughter that was allergic to the sun and pollen.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to approve the carport for medical reasons, limited to the foot print and subject to signing a hold harmless agreement. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO KEEP A 3.5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' REAR SETBACK AT 4102 SAN CLEMENTE,

BEING LOT 46, SHARYLAND PLANTATION VILLAGE LAGO ESCONDIDO PHASE I, AS REQUESTED BY ELIZABETH BATTEN

Ms. De Luna stated that the subject site located on the southwest corner of San Clemente Street and San Efrain Street. The irregular lot measures a total of 11,576 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep a 15'x16' pergola that was built without a permit. This violation was discovered by the Code Enforcement Division while doing a sweep on the Sharyland Plantation area.

Chairman Salazar asked if the board had any questions for staff.

Mr. Garza asked that if the pergola was built over a utility easement.

Ms. De Luna replied yes.

Chairman Salazar asked if the board had more questions for staff.

There were none.

Chairman Salazar asked if the applicant was present.

Mrs. Elizabeth Batten who resides at 4102 San Clemente was present.

Mr. Sanchez asked that what was the reason a permit was not obtained.

Mr. Elizabeth Batten replied that it was built during covid and was not aware she needed a permit. She added that the city recommended for her to contact 811 to mark her utilities and submitted the report to staff, where it stated that the structure was not interfering with the utilities.

Mr. Garza asked that if Mrs. Batten had a letter from the doctor.

Mrs. Elizabeth Batten replied that she asked staff and was informed that it wasn't needed.

Staff replied that it was optional to submit medical records.

Mr. Garza stated that his only concern was that the structure was over a utility easement.

Mrs. Elizabeth Batten replied that the structure wasn't over a utility easement that the report had been submitted to staff.

Mr. Riddle stated that the report mentioned that there was no conflict.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to approve the pergola for medical reasons, limited to the footprint and subject to signing a hold harmless agreement. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.4

TO KEEP A 7' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FRONT SETBACK AT 3729 PENA STREET, BEING LOT 1-6, BLOCK 10, MADERO TEX TOWNSITE, AS REQUESTED BY ELIBERTO & MANUELA PEREZ

Ms. De Luna stated that the subject site is located on the southeast corner of Main Street and Peña Street. The lots measures 50' x 100' for a total 5,000 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep a 26'x40' carport which was built without obtaining the proper permits. This violation was discovered by Code Enforcement Division while doing a sweep in the area. Staff notes that the house is also encroaching into the front setback. However, the house was built in 1978, while the property was still in the county area. Madero was annexed into the City of Mission on November 22, 1998; therefore, the house is grandfathered in.

Mr. Perez stated that the carport was built in order to protect his sister from inclement weather as she is a disabled woman.

Chairman Salazar asked that if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

Mr. Eliberto & Manuela Perez who reside at 3729 Pena Street were present. Mr. Perez mentioned that his wife had been disabled for many years due to an accident she had. He added that there was no concrete driveway, that it was all dirt and needed the carport for transportation purposes. He mentioned that the ramp was located where the carport was and if he would modify the carport it would push it back, and the ramp would be to far from the carport which helps him get his wife on and off the car.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Garza moved to approve the carport for medical reasons, limited to the footprint and subject to signing a hold harmless agreement. Mr. Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.5

TO KEEP A 6' FRONT SETBACK INSTEAD OF THE REQUIRED 15' & A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6 AT 1735 E. SAN JUAN, BEING LOT 21, BLOCK 10, FIESTA VILLAGE AS REQUESTED BY ROSEMARY WEBER

Ms. De Luna stated that the subject site is located approximately 450' east of Laredo Blvd. along the north side of San Juan Ave. The lot measures 44.53'x55' for a total 2,449 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep a 17'x48' carport, which was built in 2016 without a permit.

Staff notes that the applicant had applied for a variance in 2019 for a 0' front and side setbacks and were denied. Since 2019, Mr. Weber has had at least 3 strokes and is requesting that the Board reconsider the request.

Chairman Salazar asked if the board had any questions for staff.

Mr. Sanchez asked if it was a mobile home.

Ms. De Luna replied yes.

Mr. Flores asked that if it was denied because of the HOA.

Ms. De Luna replied that the HOA was against the request. She added that the previous attorney recommended that the applicant applied for the special accommodation to consider the request.

Chairman Salazar asked if the applicant was present.

The applicant was not present.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to "table" the request. Mr. Flores seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.6

TO KEEP A 2' FRONT SETBACK INSTEAD OF THE REQUIRED 30', A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 1215 BARNES STREET, BEING LOT 3, BLOCK 2, WEST MISSION UNIT 1 AS REQUESTED BY MIGUEL NUNEZ

Ms. De Luna stated that the subject site is located approximately 180' east of N. Los Ebanos Road along the north side of Barnes Street. The lots measures 60'x130' for a total of 7,800 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the following: an 18' x 24' carport and a 14' x 14' storage shed, which were built without obtaining the proper permits.

Chairman Salazar asked if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

Mr. Miguel Nunez who resides at 1215 Barnes was present. He mentioned that the carport was built for his mother that was 100 years old and his wife that was in a wheelchair, to protect them when the weather was bad. He added that the shed was built in 2003 and there were no utility easements in the rear of his property. He stated that there was a huge tree in the rear of his property and was not able to move the shed to comply with setbacks.

Mr. Sanchez asked that if the shed could be moved.

Mr. Nunez replied that the shed was on concrete.

Mr. Garza stated that he was abstaining from voting but wanted to make a comment. He mentioned that the subdivision had a lot of old structures similar to the one being presented.

Mr. Sanchez asked that what was the shed used for.

Mr. Nunez replied that the shed was used for his tools.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Flores moved to approve the carport and shed, limited to the foot and subject to signing a hold harmless agreement. Mr. Garza abstained from voting. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.7

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 3,114 SQ.FT. INSTEAD OF THE MAXIMUM 800SQ. FT. ALLOWED AT 1114 MIRACLE LANE, BEING LOT 18, BLOCK 1, WEST MISSION UT 1 AS REQUESTED BY ROBERTO T. SOTO

Ms. De Luna stated that the subject site is located approximately 180' east of Joycee Drive along the south side of Miracle Lane. The lots measures 60'x130' for a total of 7,800 sq.ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the existing encroachments on the side and rear setbacks. These structures would be the following: 1) a 20'x40' canopy, 2) a 16'x32' canopy, 3) 16'x20' storage, 4) 6'x6' storage, 5) a 16'x22' patio, 6) a 16'x24' restroom/patio, and 7) to keep 2,314 sq.ft. over the 800 sq.ft. maximum allowed. Some of the structures were built without obtaining the proper permits.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,742 sq.ft.

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

No Action was taken.

ITEM# 1.8

TO KEEP A 1' FRONT SETBACK INSTEAD OF THE REQUIRED 18' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 3010 NICKEL AVENUE, BEING LOT 76, FAIRMONT ESTATES AS REQUESTED BY RENE LEAL

Ms. Dimas stated that the subject site is located approximately 132' north of W. 30 ½ Street along the east side of Nickel Avenue. The regular lot measures 60'x103' a total 6,180 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the following: a 24'x24' metal carport and an 8'x8' storage shed that were built without obtaining permits. These violations were discovered by Code Enforcement while doing a sweep in the area.

Chairman Salazar asked if the board had any questions for staff.

Mr. Garza asked that if the storage room was relocated.

Mr. Rene Leal who resides at 3010 Nickel Avenue was present. He mentioned that he was waiting for one of his friends to help him relocate the shed. He stated that if he hired a company to do it, that it would be too expensive since the fence had to be removed to move the shed.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Garza moved to approve the carport, limited to the footprint and subject to signing a hold harmless agreement. Mr. Flores seconded the motion. Upon a 3-1 vote, the motion passed. Mr. Romeo Sanchez was against.

ITEM# 1.9

TO KEEP A 0' & A 3.5' SIDE SETBACKS INSTEAD OF THE REQUIRED 6' AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 3018 COPPER AVENUE, BEING LOT 116, FAIRMONT ESTATES, AS REQUESTED BY JUAN LEYVA

Ms. De Luna stated that the subject site is located approximately 132' south of W. 31 Street along the east side of Cooper Avenue. The regular lot measures 60'x103' a total 6,180 sq. ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the following: a 12'x 13' shed, and patio that were built without obtaining permits. These violations were discovered by Code Enforcement while doing a sweep in the area.

Chairman Salazar asked if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

The applicant was not present.

Mr. Sanchez asked that what was the medical reason for the shed and patio.

Ms. Dimas replied that the applicant had cancer.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Garza moved to "table" the request to allow the applicant to be present. Mr. Riddle second the motion. Upon a vote the motion passed unanimously.

ITEM# 2.0

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO ALLOW A TOTAL OF 1,940 SQ.FT. INSTEAD OF THE MAXIMUM 800 SQ.FT. ALLOWED AT 1505 DOLORES DEL RIO AVENUE, BEING LOT 44, ALA BLANCA NORTE NO. 1, AS REQUESTED BY SALVADOR REYES

Ms. De Luna stated that the subject site is located approximately 360' south of Tencha Street along the west side of Dolores Del Rio Avenue. The regular lot measures 60'x120' a total 7,200 sq.ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the following: 1) a 10'x78' patio, 2) a 12'x13' canopy, 3) a 6'x78' patio, 3) a 10'x12' shed, 4) 13'x40' garage, 5) a 13'x22' garage, and 6) to keep 1,140 sq.ft. over the

800 sq.ft. maximum allowed that were built without obtaining permits. These violations were discovered by Code Enforcement while doing a sweep in the area.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,108 sq.ft.

Chairman Salazar asked if the board had any questions for staff.

Mr. Sanchez asked that what was the applicant's medical reason for his request. He added that the applicant neighbor had an encroachment on there property.

Ms. Dimas replied that the neighbor with the encroachment had been previously seen on ZBA and was tabled.

Chairman Salazar asked if the applicant was present.

Mr. Salvador Reyes who resides at 1505 Dolores Del Rio was present.

Mr. Salvador Reyes Jr. who resides at 1505 Dolores Del Rio also, mentioned that the existing structure in the rear of his property, were built with permits. He added that the structure being questioned was the metal sheet one. He mentioned that it was built so his father could go outside in his wheel chair and also protect him from the sun.

Mr. Garza asked that if Mr. Reyes was related to his neighbor.

Mr. Salvador Reyes Jr. replied no.

Mr. Garza stated that if the roofs were connected.

Mr. Salvador Reyes Jr. replied that the roofs were not connected.

Mr. Sanchez asked if a permit was obtained.

Mr. Salvador Reyes Jr. replied no, not for the metal sheet structure.

Mr. Sanchez asked that if permits were obtained for the side structures.

Mr. Salvador Reyes Jr. replied yes, those structures are more than 7 years old.

Mr. Sanchez asked what year was the house purchased.

Mr. Salvador Reyes Jr. replied that the home was purchased in 2011.

Mr. Sanchez stated that if he purchased the home in 2011, he purchased the home 13 years ago. He added that if the structures were built more than 7 years ago, Mr. Reyes was already the property owner.

Mr. Salvador Reyes Jr. replied that the side structure was built when the permit for the front concrete was done. He added that he was informed that it could be built as long as water wouldn't not fall into his neighbor's property.

Mr. Sanchez asked Mr. Reyes that who gave him that information.

Mr. Salvador Reyes Jr. replied that he was informed when he applied for the front concrete "driveway" that he built. He added that if staff could check the permit for the driveway.

Mr. Sanchez replied yes. He stated that he didn't understand the medical need of the encroachment.

Discussion amongst the board in regards to the encroachment for medical needs.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to deny the request. Mr. Flores second the motion. Upon a vote the motion passed unanimously.

ITEM# 2.1

TO KEEP A 3' FRONT SETBACK INSTEAD OF THE REQUIRED 20' AND A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 607 PINO STREET, BEING LOT 6, BLOCK 12, ALTA VISTA, AS REQUESTED BY JOSE RAMIRO RODRIGUEZ

Ms. De Luna stated that the subject site is located approximately 135' north of Laredo Street along the west side of Pino Street. The regular lot measures 25'x100' a total 2,500 sq.ft.

The applicant would like the Board to consider the above-mentioned request for medical reasons. The applicant would like to keep the following: a 12'x 13' shed, and patio that were built without obtaining permits. These violations were discovered by Code Enforcement while doing a sweep in the area.

Chairman Salazar asked if the board had questions for staff.

There were none.

Chairman Salazar asked if the applicant was present.

Mr. Jose Ramiro Rodriguez who resides at 607 Pino Street was present.

Chairman Salazar read the application that Mr. Rodriguez uses a wheelchair on a daily to be moved around, and uses the carport to protect him from the weather when being transported to and from locations.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to approve the carport limited to the footprint and medical conditions. Mr. Garza second the motion. Upon a vote the motion passed unanimously.

ITEM# 2.2

**TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 1608 TRINITY STREET,
BEING LOT 5, TRINITY GROVE AT 1608 TRINITY STREET, AS REQUESTED BY JEANETTE
MARTINEZ SALEH**

No Action Taken

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Mr. Sanchez moved to adjourn. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously at 7:09 p.m.



Alberto Salazar, Chairman
Accommodations Review Board

**PLANNING AND ZONING COMMISSION
NOVEMBER 20, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Kevin Sanchez
Connie Garza
Diana Izaguirre
Omar Guevara
Irene Thompson

P&Z ABSENT

J.D Villarreal
Raquenel Austin
Steven Alaniz

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Munoz
Elisa Zurita
Gabriel Ramirez

GUEST PRESENT

Korissa Eldredge
Edith Sanchez
Jose Luis Morin
Ryan Stauffer
Dina Salinas

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:30 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

CITIZENS PARTICIPATION

There was none.

APPROVAL OF MINUTES FOR NOVEMBER 6, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for November 6, 2024. Mr. Sanchez moved to approve the minutes as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:49 p.m.

Item #1.1

Rezoning:

**A 2.44 acre tract of land out of the,
7.8 acres out of the Fernandez Strip
out of Porcion 52
R-2 to C-3
Sandra Tamez**

Ms. De Luna went over the write-up stating the site is located approximately 1,660' South of Mile One South Road along the west side of S. Inspiration Road.

SURROUNDING ZONES:

N:	PUD	- Single Family Residential
E:	PUD	- Single Family Residential
W:	PUD	- Single Family Residential
S:	R-3	- Multi-Family Residential

EXISTING LAND USES:

N:	Single Family Home
E:	RV Park
W:	Vacant
S:	Vacant
Site:	Single Family Home

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with City's Future Land Use Map nor surrounding land uses. The LD designation classification includes single family homes. The applicant wishes to rezone a portion of the acreage to commercial to be able to rent the existing structures as an Event Center. This item was considered and approved by P&Z on September 4, 2024, however it was denied by the City Council. In an effort to help the applicant, City Council suggested a short-term rental. This would allow the applicant to keep the existing zone and be able to rent out the existing home, palapa and pool.

After meeting with the applicant and explaining the short-term rental option she informed staff that her intentions is to convert this property into an Event Center that would offer the sale & on-site consumption of alcoholic beverages. Staff did advise the applicant that under a short-term rental she would not be able to do that and the only way to accomplish her goal would be through a change of zone. She would require a C-3 (General Business) zone. Staff notes that the applicant is requesting a higher density than what is currently existing in this surrounding area and for that reason staff cannot support the request. Staff mailed out 10 notices to property owners within 200' radius to get input in regards to this request. As of this writing, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends Denial.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Jose Luis Morin resides at 1407 San Felipe Drive, He mentioned no one was opposed to the rezoning of the property. He stated they wanted to rezone the property to be able to advertised as an event center instead as a short-term rental.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked the board if they had any questions for staff.

Chairwoman Izaguirre asked what the difference between a short-term rental and rezoning the property to commercial.

Ms. De Luna stated that a short-term rental would be a temporary use and rezoning the property to commercial would be a permanent use. She added that a short-term rental would allow them to advertise the property for rent and if they had a party it would be okay. However, they wouldn't be able to advertise as Tamez Event Center because the zone they have is R-2 (Duplex-Fourplex) and what they need is commercial. She added the applicant would have to rezone the property to a C-3 in order to advertise as an event center.

Ms. Garza asked if the applicant is planning to offer the sale & on-site consumption of alcoholic beverages.

Ms. De Luna stated yes, the sale & on-site consumption of alcoholic beverages wouldn't be allowed as an Airbnb.

Mr. Sanchez stated asked under Airbnb policy would they be able to have a personal party.

Ms. De Luna stated yes.

Mr. Guevara stated that in a short-term rental the renter would bring their own alcohol. In this case the applicant will be providing the alcohol and would have to go through TABC and get a license.

Ms. De Luna stated that the reason for the denial of the C-3 by City Council was because once the property is zoned commercial it opens the possibility of other businesses. These businesses may include a restaurant, bar & grill, nightclub that the neighborhood may not want. She stated that the Event Center did not appear to be the concern it's that unknown that concerns the City Council. She added that there is also a senior citizen development proposed south of this property.

Mr. Sanchez stated that the short-term rental would get them to be able to rent out the property but they wouldn't be able to advertise or to provide alcohol.

Ms. De Luna stated that the short-term rental limits what they are allowed based on the zoning that the applicant has.

Mr. Sanchez asked their intention is to have an event center.

Ms. De Luna stated yes.

Chairwoman Izaguirre asked why can't event center be approved in a C-2 zone.

Ms. De Luna stated that the C-2 does not allow event centers. The only way to allow them would be through an amendment to the C-2 zone. She added a C-2 zone limits to businesses that would benefit surrounding neighborhood.

Chairwoman Izaguirre stated that this area was relatively close to commercial property. She added that in the corner there is a Family Dollar and another business in the other corner.

Ms. De Luna stated that staff needs to protect the residence and most of the neighbors might be fine with the event center but not to a bar and grill for example. She explained that once the property is rezoned you can't restrict the type of business as long as it is allowed in that particular zone they can have it. Ms. De Luna added that applicant intention is to rezone the entire 7 acres as commercial.

Chairwoman Izaguirre stated on Bryan Road before you get to the hospital there is an adult daycare and right next to it there is a Lonestar Bank. She asked how does the commercial area hurt the daycare.

Ms. De Luna stated I would depend on the type of business they are proposing.

Chairwoman Izaguirre asked why can't the applicant apply for a conditional use permit that is not transferable it would only be for the owner.

Ms. De Luna stated that based on the current zone a CUP is not even an option. This would require an amendment to the R-2 zone. The amendment could be either to the C-2 to allow event center or if they allow it with a condition use permit.

Chairwoman Izaguirre mentioned why can't the applicant apply under a conditional use permit.

Ms. De Luna stated that currently the zone doesn't allow it and the only option is to rezone the property to C-3.

Chairwoman Izaguirre asked if there were no conditional use permit under a C-3.

Ms. De Luna stated that the C-3 zone has several options for a conditional use permit, however the current zone on the property is R-2. The R-2 zone does not allow as a condition use permit. She mentioned that under an R-2 zone the only option for a conditional use permit is for temporary structures and in this case the structures on the property were permanent. She added the only way to consider it would be to C-3 zone unless the City Council wanted to do an amendment to the current zone. She stated the applicant wants to rezone the 2.44 acres of the property first and eventually they are considering to rezone the entire 7 acres. Ms. De Luna stated there were 2 options that were presented to the City Council for their consideration which were to amend the R-2 zone code to allow a conditional use permit subject to meeting a certain criterion. This would allow staff to notify the residence, limited to only the applicant and the board can put restrictions on the conditional use permit. The second option was to apply for a short-term rental so the City Council choose the short-term rental.

Mr. Morin stated they had been going back-and-forth through meetings because there's been misunderstanding miscommunication on what the applicant wanted or what was allowed.

Chairwoman Izaguirre stated the board knows the applicant wanted an event center.

Mr. Morin stated council was recommending different options.

Ms. De Luna stated her option was to amend the R-2 code to allow a conditional use permit subject to meeting a certain criteria. This would allow staff to notify the residence and if there was a concern it could be addressed at that time. She mentioned the applicant wanted to use the property for as commercial and that could only be accomplished with a change of the zone. She added that the information staff has always had was that the applicant wanted to be able to rent out the house for parties that's why they're pursuing the rezoning because they need the C-3 to accomplish the event center. Staff was not aware that the applicant wanted to offer alcohol this was discussed after the City Council meeting.

The board discussed among themselves of options of how to help out the applicant.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to deny the rezoning as per staff recommendation. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:51 p.m.

Item #1.2

Conditional Use Permit:

**Institutional Use (New Mausoleum) in an AO-I Zone
3611 N. Taylor Road
All of Valley Memorial Gardens West Garden
of Glory Phase 3 Subdivision**

**AO-I
Valley Memorial Gardens**

Ms. De Luna went over the write-up stating the site is located ½ mile north of Mile 2 Road along the west side of Taylor Road. Valley Memorial Gardens West was recorded in 1987 and was annexed into the City of Mission in June 2008. The property included several structures, including a funeral home, cemetery offices, underground mausoleums and two existing above ground mausoleums. Now, the proposal is to build a new 1,423 sq.ft. concrete cast-in-place mausoleum with a 269 sq.ft. interior space for the internment and visitation of urns. Access to the site is through a paved driveway off of Taylor Road. The last CUP approved for the construction of the 3rd above ground mausoleum was on August 27, 2012.

- **Days & Hours of Operation:** Monday – Friday from 8 a.m. to 5 p.m., and Saturday from 9 a.m. to 3 p.m. (Funeral Home hours vary)
- **Employees:** 32 employees (included all Funeral Home & Cemetery Staff)
- **Parking & Landscaping:** In regards to the parking, there are 96 parking spaces, including 4 ADA spots, plus a long driveway that wrapped around the entire cemetery/mausoleum site that also allowed for parking during visitation. An ADA drop-off and loading zone is proposed to be added next to the proposed new mausoleum. The landscaping requirements are being met.

REVIEW COMMENTS: Staff mailed out 1 notice to property owners within 200' radius and staff has not received any comments in favor or against the request. With such a low-key operation and the fact that staff has not received any complaints from any adjoining properties, staff does not object to the CUP or the construction of the new mausoleum.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Must comply with all City Codes (Building, Fire, etc.), and
- 2) CUP to be transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked the board if they had any questions for staff.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the conditional use permit. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:57 p.m.

Item #1.3

Conditional Use Permit:

Guest House on Residential Property

**2001 Oleander Drive
Lot 20, Lots 18,19,20, Oleander Estates Unit A
R-1
Herminio Sanchez**

Ms. De Luna went over the write-up stating the site is located approximately 1,314' east of Moorefield Road along the southside of Oleander Drive. The owner is requesting a conditional use permit for the construction of a Guest House. The proposed guesthouse will have 716 sq.ft. of living area. It will consist of one (1) bedroom, one (1) bathroom, two (1/2) baths, and a storage. They are also proposing to construct a 2,422 sq.ft. covered patio that includes a chimney and an outdoor kitchen. Guest Homes are allowed under the R-1 (Single Family Residential) Zone as long as they apply for a conditional use permit and comply with the following conditions:

- Lot be a minimal of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive remuneration for the use of one of the above
- Proposal must be clearly secondary to the primary residence
- Shall not have access to a public street (No shared/extended driveway)
- Shall not have separate kitchen area or utilities

REVIEW COMMENTS: This conditional use permit request seems to be consistent with other similar request approved by this Board. The lot is a little over an acre and all building setbacks will be met. The proposed driveway is more than sufficient to accommodate any guest vehicle. All utilities will have to be interconnected to the primary home there should be no separate utilities. Staff notes that if CUP is approved the outdoor kitchen would need to be removed in order to comply with the conditions. Staff mailed out 32 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) The applicant must comply with the provisions outlined in Section 1.56-4 of the zoning Code,
- 2) The unit may not have a separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Removal of the outdoor kitchen

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Thompson asked why there are two half baths.

Ms. De Luna stated their proposing one bath for men and the second bath for woman.

Mrs. Sanchez stated that she didn't want to have only one bath for men and women. She mentioned the shower is located inside the guest house.

Ms. Thompson mentioned there is already a full bath.

Mrs. Sanchez stated it is located inside the guest house. She added she wouldn't want people walking into the guest house if she had any guest staying over.

Ms. Garza asked about the removal of the outdoor kitchen.

Ms. De Luna stated one of the conditions was the applicant couldn't have a separate kitchen.

Ms. Sanchez asked even if there would be a sink or chimney area.

Ms. De Luna stated if it was going to have a chimney or sink it's not a problem.

Ms. Thompson asked what does removal of an outdoor kitchen mean.

Ms. De Luna stated they aren't allowed to have a full kitchen outdoors.

Ms. Sanchez stated the carport area is covered to have space for the vehicles because of the storms to protect the vehicles.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to approve the conditional use permit. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 6:14 p.m

Item #1.4

Conditional Use Permit

Renewal:

To Keep a Portable Building for Office Use

302 S. Taylor Road

**Being a 0.102 of one acre tract of land out
of a tract of land adjacent to Lot 176 & 186,**

John H. Shary Subdivision

C-3

Best Assets, LLC (c/o Ryan Stauffer)

Ms. De Luna went over the write-up stating the site is located on the northwest corner of Victoria Avenue and Taylor Road. The applicant desires to keep the 12' x 64' modular office for the general contractor of the Jeep dealership. Access to the site is off of Victoria Street & Taylor Road. The last CUP approved for this location was on October 23, 2023 for a period of 1 year.

- **Days/Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m.
- **Staff:** 3 employees
- **Parking:** Based on the square footage of the building a total of 5 parking spaces are required. The parking requirements are being met.

REVIEW COMMENTS: Staff notes that there are some areas of concern that have not been addressed by the applicant such as the lack of additional landscaping required during the last CUP, a secondary structure that was moved in to be used as storage with no permits, and a pod that is in front of the property. In talking to the applicant, he advised staff that the pod and secondary structure would be moved out of the property within a month or two and the additional

landscaping was not done due to the Taylor Road improvement project. He mentioned that now that the project was complete he would start working beautifying the area. Staff notes that there is an on-going case in Municipal Court regarding some of this concerns.

It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 12 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff cannot support this request due to existing violations and non-compliance. However, if the P&Z is inclined to approve the request then I would recommend that they comply with the following: 1) 6 month re-evaluation in order to continue to assess this operation, 2) continued compliance with all City Codes, (Building, Fire, Parking, etc.), and 3) CUP not transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Ryan Stauffer asked Ms. De Luna if she could repeat staff recommendation.

Ms. De Luna repeated the staff recommendation.

Mr. Ryan Stauffer asked Ms. De Luna if she could repeat the concerns.

Ms. De Luna stated that the concerns were the lack of additional landscaping that was required; the second portable structure that was moved in without any permits; and the pod that had been in the front of the property.

Mr. Ryan Stauffer stated that he didn't think he was violating any city ordinance just for having storage units on my property.

Ms. De Luna stated you need to apply for a permit and that is the reason it's in violation.

Mr. Stauffer stated the city ordinance says that he is required to apply for a permit for the storage unit. He mentioned the second concern was the landscaping he thought he had already discussed the issue with the landscaping because of Taylor Road was under complete reconstruction which they tore up all his landscaping also the irrigation standpipe located there so he couldn't invest in landscape until the construction was completed.

Ms. Thompson mentioned construction has been completed for more than two weeks.

Mr. Stauffer stated they came back to address the last construction two weeks ago. He asked regarding the third issue which additional unit that was moved in with no permit is staff referring to.

Ms. De Luna stated the applicant had a storage pod.

Mr. Stauffer stated he can haul the structures off the lot since they are movable structures. He mentioned he had spoken to staff about these issues already.

Ms. De Luna stated that he had spoken to the applicant and had advised him of staff's concerns. He has an ongoing case in Municipal Court for the concerns that have not been addressed. She

mentioned since it's a conditional use permit there are some conditions that the applicant need to comply with that you hadn't been done so already.

Mr. Stauffer stated he had explained the reason of the landscaping. He asked if the only thing he did not meet from the previous CUP approval was the landscaping is that correct?

Ms. De Luna stated yes.

Chairwoman Izaguirre mentioned the applicant had stated he would get permits for the storage unit and pod.

Mr. Stauffer stated he was referring to the landscaping from last year's conditional use permit. He mentioned the only thing he didn't comply with was the landscape.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked what is the municipal case.

Ms. De Luna stated for the structure that were moved in without any permits.

Mr. Sanchez asked if staff had any information on the case like when it was filed.

Ms. De Luna stated that all she knows is that the last time it went to court the applicant didn't show up and there hasn't been a final decision.

Ms. Garza asked when was the case filed.

Ms. De Luna stated she didn't have that information with her.

Mr. Sanchez asked if it was filed as a civil action against him for putting two structures on the property without permit

Ms. De Luna stated yes.

Chairwoman Izaguirre stated there are three structures which are two temporary structures and a storage.

Ms. De Luna mentioned that during the discussion with the applicant he had mentioned that the pod and the other structure would be moved within one or two months. She added that the case was still active until he it has complied.

Ms. Thompson stated there are three manufactured structure on site. She asked what structure does he have a permit for.

Ms. De Luna stated it's the one in the middle that has a permit. She mentioned the structure that looks like an RV.

Ms. Thompson asked if the applicant has been notified.

Ms. De Luna stated yes, they were sent a letter through code enforcement and staff approached the applicant because they have a conditional use permit for its limited and certain conditions.

Ms. Garza asked the trailer the flat bed that is located on the street if it's meeting city ordinance.

Ms. De Luna stated it would be with PD.

Ms. Garza stated she passes by quite frequently which if a vehicle had an emergency, they don't have anywhere to pull over to be stationary. She mentioned she passes by see cars parked on the yard since they don't have adequate parking.

Ms. De Luna stated that she had addressed the parking on the grass concern to them. She mentioned the applicant stated that his employees do not park on the grass area.

Chairwoman Izaguirre asked if there was an issue with landscaping.

Ms. De Luna stated she let the applicant know he was not in compliance with landscaping.

Ms. Thompson asked if there was a city ordinance.

Ms. De Luna stated there is an ordinance which states that they need to have at least 10% of landscaping combination of tree and shrubs.

Chairwoman Izaguirre mentioned there is a tree and a shrub.

Ms. Garza stated that they should be considering the noncompliance, the other violations and the pending case before the municipal court and parking space.

Ms. Thompson asked how long it would take to resolve.

Ms. De Luna if the board is willing to helping him out within six months.

The board discussed options on how long to give the applicant to resolve the concerns and issues.

Ms. De Luna stated that the City Council doesn't really like portable buildings they rather see a permanent structure.

Chairwoman Izaguirre stated that the applicant needs to comply with the landscaping and getting the permit for the other structures.

Ms. Thompson asked if the applicant could have two modular structures per city ordinance.

Ms. De Luna stated that each unit would require its own conditional use permit.

Mr. Sanchez asked if the applicant applied for a permit for the pod would I be approved.

Ms. De Luna stated if he complies with setbacks it would be approved.

Mr. Sanchez asked if the second structure would that be approved.

Ms. De Luna stated the second structure probably wouldn't be approved because it requires a minimum separation of 10' between structures.

Mr. Guevara asked if the applicant is the GC for the jeep dealership does staff know when the GC job is terminated, and will the business remain after or is the applicant located specifically only for the Jeep dealership and what would the timeframe be.

Ms. De Luna stated the applicant wanted to keep the business as in the future. The applicant did mentioned that based on the size of the property there wasn't enough space to a permanent building.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to table the conditional use permit renewal. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:15 p.m.

Item #2.0

Site Plan Approval:

**Construction of 3 Duplex Buildings
Lot 34, Las Esperanzas Subdivision
R-3
Shaddai Construction**

Mr. Ramirez went over the write-up stating the site is located on Lot 34, Las Esperanzas Subdivision situated on the East side of Glasscock Rd. and E. 1st St. – **see vicinity map**. The site is an irregular lot at the end of a cul-de-sac intersecting Cardinal St. and Selena St. - see attached plat/survey for measurements.

PROPOSAL: To build 3 duplex structures containing a total of 6 apartments. Two duplex structures will measure a total of 2,125 sq. ft. each and the third building will measure 1,910 sq. ft. Units 1-4 (3/2) of duplex 1 and 2 will measure 1,062.5 sq. ft. and units 5 & 6 (2/2) of duplex 3 will measure 955 sq. ft. All apartments will be divided by 1 hr. rated firewalls.

SETBACKS: The minimum required setbacks based on the subdivision are: Front: 30', Rear: 15', Sides: 6'. All setbacks are exceeded.

PARKING: The 6 units are calculated to require 12 parking spaces based on the 2:1 parking ratio. The developer is proposing 12 parking stalls, thus meeting code.

LANDSCAPING: 10% landscaping/green area with a minimum of 2 – 3" caliper shade trees is required for multi-family developments. The developer will comply by providing a landscaping plan to include: green area with 2 trees and a combination of plants, and shrubs.

OTHER COMMENTS:

- Payment of Capital Sewer Recovery Fees and Park Fees have been paid by the developer
- Installation of Sidewalks per subdivision requirements
- Installation of Buffers per zoning code requirements

RECOMMENDATION

Staff recommends approval

Chairwoman Izaguirre asked if there were any questions for staff.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the site plan approval as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:15 p.m.

Ended: 6:17 p.m.

Item #3.0**Preliminary & Final****Plat Approval:****Bellwood Manor Subdivision**

A tract of land containing 26.79 acres of land being part or portion of Lot 39, Lot 40, Lot 41, and a 70.00' strip of canal Right-of-Way between Lot 40 and Lot 41, Bell-Woods Company's Subdivision "C" R-2

Developer: DS3 Development, LLC

Engineer: S2 Engineering, PLLC

Mr. Ramirez went over the write-up stating the subdivision is located on the East side of N. Trosper Rd. approximately 1,970' North of W. Mile 2 Road. — **see vicinity map**. Bellwood Manor Subdivision is a proposed 70-Lot Duplex-Fourplex residential development — see plat for actual dimensions, square footages, and land uses.

WATER

The developer is proposing to connect from an existing 8" water line located along the east side of N. Trosper Road and looped with a proposed 8" water line to the water system of Amber Groves Estates Subdivision which is prepped with a flush valve that will be removed. Each lot will be serviced by a 2" water line to accommodate each duplex-fourplex. They are proposing 7 fire hydrants as via direction of the Fire Marshal's office. — **see utility plan**

SEWER

Wastewater service will connect to an existing 8" PVC sanitary sewer line by a proposed MH with a drop structure along the East side N. Trosper Rd. ROW at 2 different locations. An internal 8" sewer line system will provide 6" sewer service to all the lots. The Capital Sewer Recovery Fee is required at \$670.00/Lot which equates to \$46,900.00 (\$670.00 x 70 lots).

STREETS & STORM DRAINAGE

Access to the subdivision will be from N. Trosper Road thru 2 streets intersections. The proposed internal streets will be 37' Back-to-Back within 60' Right of Ways. The site is in a Zone "C" according to the FEMA FIRM Community Panel No. 480334 0400 C, map revised dated November 16, 1982. Defined as area of minimal flooding. In accordance with the County of Hidalgo's drainage requirements, 135,765.75 cu. ft. of runoff detention will need to be detained for a 50year storm event. Storm water surface runoff will be intercepted by proposed type "A" curb inlets which will outfall into a proposed detention facility. This system will bleed out into the City of Mission system at the existing 10-yr storm event runoff to ensure no increase of runoff. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Water District Exclusion
- Conveyance or Payment of Water Rights
- Escrow Park fees (70 lots x 4 units x \$500 = \$140,000.00)
- Installation of Street Lighting as per City Standards
- Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's
2. Payment of Park Fee's
3. Provide Water District Exclusion, and
4. Conveyance or Payment of Water Rights

Chairwoman Izaguirre asked if there were any questions for staff.

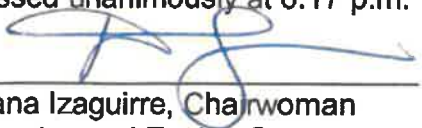
There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the Subdivision as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0

ADJOURNMENT

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to adjourn the meeting. Mr. Sanchez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:17 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
DECEMBER 4, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Steven Alaniz
Kevin Sanchez
Connie Garza
Diana Izaguirre
Irene Thompson

P&Z ABSENT

J.D Villarreal
Raquenel Austin
Omar Guevara

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Munoz
Elisa Zurita
Gabriel Ramirez

GUEST PRESENT

Zoraida Garcia
Ryan Stuffer
Ofelia Cisneros
Claudia Aguilar
Sanjuana Violeta Garcia
Leonel Cantu
Roberto Cantu
Jerry Benavides
Edward Ruiz
Jackie
Josh

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:32 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

CITIZENS PARTICIPATION

There was none.

APPROVAL OF MINUTES FOR NOVEMBER 20, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for November 20, 2024. Mr. Sanchez moved to approve the minutes as presented. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:36 p.m.

Item #1.1

Rezoning:

**A 0.99 of an acre tract of land being
The South 25' of the West 170' of
Lot 26-9, West Addition to Sharyland
AO-I to R-1
Sanjuana V. Garcia Serna**

Ms. De Luna went over the write-up stating the site is located approximately 1,280' North of E. Griffin Parkway on the East side of N. Mayberry Road.

SURROUNDING ZONES:

N:	AO-I	– Agricultural Open Interim
E:	AO-I	– Agricultural Open Interim
W:	R-1	– Single Family Residential
S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:

N:	Residential
E:	Residential

W: Residential
S: Edinburg Main Canal
Site: Single Family Home

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The LD designation classification includes single family homes which is consistent with the applicant's proposal. Staff mailed out 16 notices to property owners within 200' radius to get input in regards to this request. As of this writing, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Ms. Sanjuana V. Garcia Serna was present to answer any questions the board may have.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked the board if they had any questions for staff.

Ms. Garza asked if the applicant is planning to have another home on the lot.

Ms. De Luna stated the applicant plans to subdivide the property for a residential subdivision to add two more lots.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the rezoning request. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:40 p.m.

Item #1.2

Conditional Use Permit:

**To Keep a RV "Temporarily"
To care for Health Stricken Parent
4034 Lopez Street
Lots 37-40, Block 9, Madero Tex Townsite
AO-I
Ofelia Cisneros**

Ms. De Luna went over the write-up stating the site is located approximately 100' north of Bogamilla Street along the west side of Lopez Street. Ms. Ofelia Cisneros is requesting that the Board considers allowing her to keep her RV on the property to care for her elderly mother. Her mother, Mrs. Martha M. Rodriguez has her main residence thereon. Mrs. Rodriguez is 74 years old suffers dementia and requires general assistance and care. Ms. Cisneros has been caring for her mother and living in the RV for approximately 8 months. Ms. Cisneros intentions are to continue living in the RV temporarily while she gathers funds to add to the existing 300 sq. ft. home. Staff notes that the RV has its own electrical meter and the water is shared from the

residence, once the use is not longer needed the RV and electrical meter would be removed. Staff notes that the home was constructed in 1968 as per HCAD records which was currently outside the City limits of Mission. This area was annexed into the City on March 9, 1998.

REVIEW COMMENTS: Staff notes that the Board has approved other similar request but it has always been a mobile home not RV's. Staff mailed out 38 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. The applicant submitted several letters and signatures in support of the request from some of the surrounding neighbors, however they were not listed as the property owners according to the appraisal district records. Only 1 out of the 4 letters could be counted within the radius.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year re-evaluation to assess the need,
2. Compliance with all City Codes (Building, Fire, and Health Codes, etc.),
3. Recording of document on removal of RV when need for second residence expires, and
4. CUP not to be transferable to others

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked the board if they had any questions for staff.

Ms. Garza asked if she could add on the staff's recommendation approval subject to Ms. Cisneros mother resides in the RV as well.

Ms. De Luna stated Ms. Cisneros mother resides in the home.

Ms. Garza asked who lives in the RV.

Ms. De Luna stated Ms. Cisneros the applicant resides in the RV. She mentioned the applicant wanted the RV to live in temporarily while the applicant gathers funds to add to the home.

Ms. Ofelia Cisneros resides at 4034 Lopez Street, stated she is trying to pay off her mother's taxes on the 3 lots her mother owns but the main property she is pay off the taxes is the lot her mother home is located on. She mentioned the size of her mother's house is 20'x30' which there isn't room for her to place a bed for herself.

Ms. Garza asked Ms. De Luna in the recommendation if staff could add a limitation on how long its approved for.

Ms. De Luna mentioned that staff recommendation stated approval for 1 year and it was not transferable to others. She added that the applicant would also have to sign a document which stated that the RV would be removed from the property when it's no longer needed.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to approve the conditional use permit. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:42 p.m.

Item #1.3

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – 100% Antojitos Mexicanos
2306 E. Interstate Hwy 2, Ste. 1 & 2
Lot 1, Cimarron Crossing Ph. I Subdivision
C-3
100% Antojitos Mexicanos, Inc.**

Ms. De Luna went over the write-up stating the site is located near the SE corner of J.R. Drive and Expressway 83 along the Frontage Road. The applicant has been operating this Mexican Restaurant since 2010. The restaurant is located at the east end of the commercial plaza with a drive-thru service window. This business previously had a Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages but their TABC license recently expired, therefore the need to reapply. The last CUP approved for this location was on May 22, 2023 for life of use. Access to the site is via a 35' driveway from J.R. Drive and Cecilia Lane.

- **Hours of Operation:** Sunday – Thursday from 10:30a.m. to 10:00p.m., and Friday & Saturday from 10:30a.m. to 11:00p.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 11 employees
- **Parking & Landscaping:** There are 122 total seating spaces, which require 41 parking spaces (122 seats/1 space for every 3 seats = 40.6 parking spaces). It is noted that the parking area is held in common (105 existing parking spaces) and is shared with other businesses. Landscaping is meeting code and is maintained.

REVIEW COMMENTS: Staff notes that the applicant has complied with Health, Fire, Building and Sign Codes. Staff mailed out 7 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Since there have been no issues or concerns with this establishment staff does not object to approving the conditional use permit for an extended term.

RECOMMENDATION: Staff recommends approval for life of use subject to:

1. Compliance with all City Codes (Building, Fire, and Health Codes, etc.), and
2. CUP not to be transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked the board if they had any questions for staff.

There was none.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the conditional use permit. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:48 p.m

Item #1.4

Conditional Use Permit:

**Eliz Event Center
2407 Brock Street, Suite C
Lot 9, Shary Business Center
(aka Shary Business Center Condos Unit 17)
C-3
Elizabeth Gonzalez**

Ms. De Luna went over the write-up stating the site is located approximately 130' east of Shary Road along the south side of Brock Street. The applicant is leasing a 2,880 sq.ft. suite within a multi-unit commercial plaza for an event center. Staff notes that this suite is being shared with a church, podcast, and a all weatherization office. The applicant proposes to have wedding, quincenieras, birthday parties, baby showers, gender reveals, etc. Access to the site will be provided via a driveway off of Shary Road and Brock Street.

- **Hours of Operation:** Fridays from 6:00pm to 11:00 pm; Saturdays from 2:00 pm to 5:00 pm, and 6:00 pm to 12:00 am
- **Staff:** 2 employees
- **Parking:** In viewing the floor plan, there is a total of 100 seating spaces, which require 19 parking spaces (100 seats/ 1 space for every 3 seats = 18.6 parking spaces). It is noted that the parking area is held in common (142 existing parking spaces) and are shared with other businesses. Staff notes that when this commercial plaza was built the parking requirements were based on the square footage and not on the actual use.

REVIEW COMMENTS: Staff mailed out 25 notices to property owners within 200' radius of the site, and as of this writing staff has not received any comments in favor or against the request. Staff notes that although this is a very busy commercial plaza more than 50% of the businesses are only open Monday thru Friday and close at 5pm. The applicant is only proposing to have events on Saturdays, however staff notes that there are 3 existing event centers and two restaurants that already occupy the entire parking spaces, for that reason staff cannot support this request.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated the writeup he had in front of him didn't mention the hours operation and the total of seating spaces Ms. De Luna had stated.

Ms. De Luna stated yes that's correct the information was verified by the applicant after the writeup was done. She stated the applicant rarely rents on Friday's mainly she rents on Saturday's but the applicant is wanting the option to be able to rent on Friday's.

Chairwoman Izaguirre asked if the event center is located at the Cristo Center.

Ms. De Luna stated yes.

Chairwoman Izaguirre asked if the church was going to be still at the suite.

Ms. De Luna stated yes, the church and the event center alternate different dates. She mentioned that in this suite there are several businesses church, event center, podcast, all weatherization business.

Chairwoman Izaguirre asked if staff had considered removing the islands in the parking lot and adding additional parking.

Ms. De Luna suggested the item be tabled due to the parking issues.

Chairwoman Izaguirre stated the parking wouldn't met by the square footage.

Ms. De Luna stated if the existing businesses were close the event centers and restaurants would still take up most of the parking.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to table the conditional use permit. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre entertained a motion to untable item 1.5. Ms. Thompson moved to untable item 1.5. Mr. Alaniz seconded the motion. Upon a vote the motion passed.

Started: 5:48 p.m.

Ended: 5:54 p.m

Item #1.5

Tabled

**Conditional Use Permit
Renewal:**

**To Keep a Portable Building for Office Use
302 S. Taylor Road
Being a 0.102 of one acre tract of land out
of a tract of land adjacent to Lot 176 & 186,
John H. Shary Subdivision
C-3
Best Assets, LLC (c/o Ryan Stauffer)**

Ms. De Luna went over the write-up stating the site is located on the northwest corner of Victoria Avenue and Taylor Road. The applicant desires to keep the 12' x 64' modular office for the general contractor of the Jeep dealership. Access to the site is off of Victoria Street & Taylor Road. The last CUP approved for this location was on October 23, 2023 for a period of 1 year.

- **Days/Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m.
- **Staff:** 3 employees
- **Parking:** Based on the square footage of the building a total of 5 parking spaces are required. The parking requirements are being met.

REVIEW COMMENTS: Staff notes that there are some areas of concern that have not been addressed by the applicant such as the lack of additional landscaping required during the last CUP, a secondary structure that was moved in to be used as storage with no permits, and a pod that is in front of the property. In talking to the applicant, he advised staff that the pod and secondary structure would be moved out of the property within a month or two and the additional landscaping was not done due to the Taylor Road improvement project. He mentioned that now that the project was complete he would start working beautifying the area. Staff notes that there is an on-going case in Municipal Court regarding some of these concerns.

It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 12 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff cannot support this request due to existing violations and non-compliance. However, if the P&Z is inclined to approve the request then I would recommend that they comply with the following: 1) 6 month re-evaluation in order to continue to assess this operation, 2) continued compliance with all City Codes, (Building, Fire, Parking, etc.), and 3) CUP not transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Ryan Stauffer stated he has to do the landscaping and the pods will be removed in 2 weeks.

Mr. Sanchez asked if Mr. Stauffer knew who the trailer in the street belong to.

Mr. Stauffer stated yes, it belonged to him. He mentioned it was placed there temporarily but will be removed in 2 weeks.

Chairwoman Izaguirre asked staff if the pictures were updated.

Ms. De Luna stated yes, they are updated pictures.

Chairwoman Izaguirre mentioned Josh had stated in the previous meeting he was going to remove the pod and the structure in the rear the following day.

Mr. Stauffer stated the structure in the rear; the pod; and the trailer are going to be used for a project in the city of mission for the hidalgo county facility building within 2 weeks.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked why can't the applicant place the trailer on his property on the driveway.

Ms. De Luna stated the applicant could place the trailer on his driveway but only temporarily.

Chairwoman Izaguirre stated the board members thought it belonged to TXDOT or someone else.

Ms. De Luna stated no, it belongs to the applicant.

Chairwoman Izaguirre asked where was the building for the Hidalgo county facility.

Mr. Stauffer stated in the city of mission for the county building.

Chairwoman Izaguirre asked if there was nowhere to store the pods and trailer at the location.

Mr. Stauffer stated its a portable building job office it will be store there temporarily.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to table the conditional use permit renewal. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:56 p.m.

Item #1.6

Preliminary & Final

Replat Approval:

Re-Plat of Mar Subdivision

**Lot 28, Lot 43, and Common Lots B, C, and D
A 0.92 acre tract of land composed of a 0.263 of
an acre tract of land, more or less, being all of
Common Area "B" and Lot 28, all of common
area "C" and Lot 43, and all of Common Area "D"
out of the Mar Subdivision**

R-1T

Developer: LAC Enterprises

Engineer: Benavides Engineering, LLC

Mr. Ramirez went over the write-up stating the site is located on the West side of N. Shary Rd. intersecting El Dorado St. and N. Shary Rd. – **see vicinity map**. The proposed Replat of Common Lots and 2 existing lots of Mar Subdivision will be replatted and divided to generate 12 additional townhouse lots – see plat for actual dimension, square footages, and land uses.

UTILITIES

When Mar Subdivision was subdivided water and sewer services were made accessible to each lot. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits.

STREETS & STORM DRAINAGE

This is a simple re-plat; as per approved Mar Subdivision drainage report, the entirety of this new replat is within the existing drainage areas that have been already accounted for during the development of Mar Subdivision, and with all of the drainage runoff collecting in Lot A before discharging into Shary Rd. public stormwater system. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Must comply with all other format findings
- Street lighting already exists

RECOMMENDATION

Staff recommends approval subject to complying with all typical format findings.

Chairwoman Izaguirre asked if there were any questions for staff.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to approve the preliminary & final replat approval as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Ramirez stated the preliminary & final replat approval is a public hearing.

Chairwoman Izaguirre entertained to rescind the motion. Mr. Alaniz moved to rescind his motion. Mr. Thompson seconded to rescind the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if there were any questions for staff.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to approve the preliminary & final replat approval as presented. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item #2.0

Preliminary & Final

Plat Approval:

Conway Village Subdivision

Being 19.118-acre tract of land out of Lot 36-6,

West Addition to Sharyland Subdivision

Suburban E.T.J

Developer: Rimaga, LLC

Engineer: Lopez Engineering Designs, LLC

Mr. Ramirez went over the write-up stating the subdivision is located on the southwest corner of W. St. Francis and Conway Ave.-S.H. 107 (Mission Suburban ETJ) — see vicinity map. The developer is proposing a (36) thirty-six lot duplex/fourplex subdivision that will include (1) one commercial lot and (1) one detention pond — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing 12" water line located along the south side of W. St. Francis Ave. and along the west side of Conway Ave. – S.H. 107 to provide water service to each lot. There are 6 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 12" sanitary sewer line south along the west side of N. Conway Ave. (S.H. 107). The Capital Sewer Recovery Fee is required at \$670.00 per lot and \$750 per ac. for commercial lots which equates to \$26,797.50.

\$24,120.00 + \$2,677.50 (\$670.00 x 36 lots + \$750.00 x 3.57 ac.).

STREETS & STORM DRAINAGE

All internal streets are 32' Back-to-Back within a 50' Right of Way. There will be 2 access points both from W. St. Francis Ave.

After development, the detention required will be 3.46 ac ft. which is based on a 50-yr storm event. The onsite detention channel will discharge into the ROW of N. Conway Ave. (S.H. 107). This ditch is owned by H.C.D.D. #1. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Installation of Street Lighting as per City Standards
- Payment of Park fees
- Must comply with all other Format Findings

RECOMMENDATION

This project was previously approved by P&Z on April 2024. Since then the owner changed engineering firm and initiated a new application. Staff has no objection therefore recommends approval subject to payment of Capital Sewer Recovery fee, payment of Park Fee, meeting City's Model Subdivision Rules, and compliance with County Planning Department requirements.

Chairwoman Izaguirre asked if there were any questions for staff.

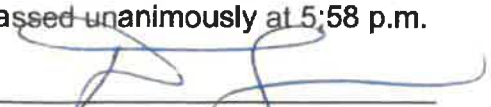
There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to approve the Subdivision as presented. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0

ADJOURNMENT

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to adjourn the meeting. Mr. Sanchez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:58 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
DECEMBER 18, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Raquenel Austin
Connie Garza
Omar Guevara
Kevin Sanchez
Irene Thompson

P&Z ABSENT

Steven Alaniz
Diana Izaguirre

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Munoz
Elisa Zurita
Gabriel Ramirez

GUEST PRESENT

Ryan Stuffer
Margarito Guzman
Jorge Guzman
Melva Guzman
Ricardo Salinas
Sabira Bhimji

CALL TO ORDER

Vice-Chairman Sanchez called the meeting to order at 5:30 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

CITIZENS PARTICIPATION

There was none.

APPROVAL OF MINUTES FOR DECEMBER 3, 2024

Vice-Chairman Sanchez asked if there were any corrections to the minutes for December 3, 2024. Ms. Thompson moved to approve the minutes as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:50 p.m.

Item #1.1

Rezoning:

**A tract containing 39.88 acres of land
being part or portion of Lot 26-11,
West Addition to Sharyland
AO-I to R-1A
J.S. Kawamoto, LLC**

Ms. De Luna went over the write-up stating the site is located approximately 1,280' North of E. Griffin Parkway on the east side of N. Bryan Road.

SURROUNDING ZONES:

N:	R-1A	– Large Lot Single Family
E:	R-1A	– Large Lot Single Family
W:	AO-I, R-1A, R-1	– Agricultural Open Interim, Large Lot Single Family, & Single Family Residential
S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:

N:	Residential
E:	Residential & Vacant
W:	Residential
S:	Edinburg Main Canal
Site:	Single Family Home

FLUM:

Lower Density Residential (LDA)

REVIEW COMMENTS: Staff notes that the proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The LDA designation classification includes single family homes which is consistent with the applicant's proposal. Staff mailed out 62 notices to property owners within 200' radius to get input in regards to this request. As of this writing, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval.

Vice-Chairman Sanchez asked if there was any input in favor or against the request.

Mr. Guzman asked if he was going to have access to the sewer system.

Ms. De Luna stated currently they are going through the rezone of the property they didn't submit any plans.

Mr. Ricardo Salinas owns the corner lot on 495 & Bryan Road. He mentioned why rezone the property if the applicant isn't going to develop the property. He stated that it wouldn't be the first property that has been approved that hasn't been developed. He added staff should be considering the traffic impact on Bryan Road when approving the rezoning.

Ms. Sabira Bhimji resides at 2501 Lilac Avenue, she mentioned there is a lot of traffic in the area. She stated the huge problem in the area would be the sewer system lines that gets frequently backed up into the properties. She added the city has fixed the sewer system and she believe the sewage system will not be able to hold up more lots with the pressure.

Vice-Chairman Sanchez entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Mr. JP Terrazas mentioned the applicant is in the rezoning process of the property. He stated when the applicant begins the subdivision process the City of Mission will be asking for the drainage report, traffic impact analysis report, and feasibility study of sewer and water.

Vice-Chairman Sanchez asked the board if they had any questions for staff.

Ms. Thompson asked what is the sizes of lot.

Ms. De Luna stated the lot size would be 8,500 sq. ft.

There being no further discussion, Vice-Chairman Sanchez entertained a motion. Ms. Thompson moved to approve the rezoning request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 5:56 p.m.

Item #1.2

Rezoning:

A tract containing 9.99 acres of land,

**being part or portion of Lot 26-10,
West Addition to Sharyland
AO-I to R-1A
J.S. Kawamoto, LLC**

Ms. De Luna went over the write-up stating the site is located approximately 2,260' North of E. Griffin Parkway on the west side of N. Bryan Road.

SURROUNDING ZONES:	N:	R-1A	– Large Lot Single Family
	E:	AO-I	– Agricultural Open Interim
	W:	R-1A	– Large Lot Single Family
	S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:	N:	Residential
	E:	Vacant
	W:	Residential
	S:	Residential
	Site:	Vacant

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Staff notes that the proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The LDA designation classification includes single family homes which is consistent with the applicant's proposal. Staff mailed out 30 notices to property owners within 200' radius to get input in regards to this request. As of this writing, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval.

Vice-Chairman Sanchez asked if there was any input in favor or against the request.

Mr. Jorge Guzman resides at 1113 Teofilo Drive, mentioned he isn't against nor in favor of the rezoning due to the built home foundation in case of the flooding it would flood into his property. He mentioned they have septic tanks onto his property which they could possible use for the sewer system if they would be given access to the sewer system.

Vice-Chairman Sanchez entertained a motion to close the public hearing. Ms. Austin moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Vice-Chairman Sanchez asked the board if they had any questions for staff.

Ms. Austin asked when would they start developing the large lot homes.

Ms. De Luna mentioned once the property owner is ready to subdivided the property they would need to provide and feasibility study of sewer and water, number of lots, and traffic impact analysis report.

Ms. Thompson asked if the board would vote on the rezoning again if the lots would not be able to develop the property.

Ms. De Luna stated it would limit the property owner to what would be allowed to develop on the property.

Ms. Thompson asked if the subdivision would come back to planning and zoning.

Ms. De Luna stated yes, the subdivision would have to go through approval.

Ms. Garza asked Assistant City Manager Mr. Terrazas if the City of Mission had any proposals of making improvement on Bryan Road.

Mr. JP Terrazas stated the City of Mission doesn't have any proposal of extending Bryan Road. He mentioned they do have proposals on 495 to south of Bryan Road to make repairs to the infrastructure lines.

There being no further discussion, Vice-Chairman Sanchez entertained a motion. Ms. Thompson moved to approve the rezoning. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Vice-Chairman Sanchez entertained a motion to untable item 1.3. Ms. Thompson moved to untable item 1.3. Ms. Austin seconded the motion. Upon a vote the motion passed.

Started: 5:56 p.m.

Ended: 5:59 p.m.

Item #1.3

Tabled

Conditional Use Permit:

**Eliz Event Center
2407 Brock Street, Suite C
Lot 9, Shary Business Center
(aka Shary Business Center Condos Unit 17)
C-3
Elizabeth Gonzalez**

Ms. De Luna went over the write-up stating the site is located approximately 130' east of Shary Road along the south side of Brock Street. The applicant is leasing a 2,880 sq.ft. suite within a multi-unit commercial plaza for an event center. Staff notes that this suite is being shared with a church, podcast, and a all weatherization office. The applicant proposes to have wedding, quincenieras, birthday parties, baby showers, gender reveals, etc. Access to the site will be provided via a driveway off of Shary Road and Brock Street.

- **Hours of Operation:** Friday & Saturdays from 2:00 pm to 5:00 pm, and 6:00 pm to 12:00 am
- **Staff:** 2 employees
- **Parking:** In viewing the floor plan, there is a total of 100 seating spaces, which require 33 parking spaces (100 seats/ 1 space for every 3 seats = 33.33 parking spaces). It is noted that the parking area is held in common (142 existing parking spaces) and are shared with other businesses. Staff notes that when this commercial plaza was built the parking requirements were based on the square footage and not on the actual use.

REVIEW COMMENTS: Staff mailed out 25 notices to property owners within 200' radius of the site, and as of this writing staff has not received any comments in favor or against the request.

Staff notes that although this is a very busy commercial plaza more than 50% of the businesses are only open Monday thru Friday and close at 5pm. The applicant events are mostly on Saturdays, however staff notes that there are 3 existing event centers and two restaurants that already the entire parking spaces, for that reason staff cannot support this request.

RECOMMENDATION: Staff recommends denial.

Vice-Chairman Sanchez asked if there was any input in favor or against the request.

There was none.

Vice-Chairman Sanchez entertained a motion to close the public hearing. Mr. Guevara moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Vice-Chairman Sanchez asked the board if they had any questions for staff.

There was none.

There being no further discussion, Vice-Chairman Sanchez entertained a motion. Ms. Garza moved to deny the conditional use permit. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Vice-Chairman Sanchez entertained a motion to untable item 1.4. Ms. Thompson moved to untable item 1.4. Mr. Guevara seconded the motion. Upon a vote the motion passed.

Started: 5:42 p.m.

Ended: 5:48 p.m

Item #1.4

Tabled

**Conditional Use Permit
Renewal:**

**To Keep a Portable Building for Office Use
302 S. Taylor Road
Being a 0.102 of one acre tract of land out
Of a tract of land adjacent to Lot 176 & 186,
John H. Shary Subdivision
C-3
Best Assets, LLC (c/o Ryan Stauffer)**

Ms. De Luna went over the write-up stating the site is located on the northwest corner of Victoria Avenue and Taylor Road. The applicant desires to keep the 12' x 64' modular office for the general contractor of the Jeep dealership. Access to the site is off of Victoria Street & Taylor Road. The last CUP approved for this location was on October 23, 2023 for a period of 1 year.

- **Days/Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m.
- **Staff:** 3 employees
- **Parking:** Based on the square footage of the building a total of 5 parking spaces are required. The parking requirements are being met.

REVIEW COMMENTS: Staff notes that there are some areas of concern that have not been addressed by the applicant such as the lack of additional landscaping required during the last

CUP, a secondary structure that was moved in to be used as storage with no permits, and a pod that is in front of the property. In talking to the applicant, he advised staff that the pod and secondary structure would be moved out of the property within a month or two and the additional landscaping was not done due to the Taylor Road improvement project. He mentioned that now that the project was complete he would start working beautifying the area. Staff notes that there is an on-going case in Municipal Court regarding some of this concerns.

It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 12 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) 1 year re-evaluation in order to continue to assess this operation, 2) continued compliance with all City Codes, (Building, Fire, Parking, etc.), and 3) CUP not transferable to others.

Vice-Chairman Sanchez asked if there was any input in favor or against the request.

There was none.

Vice-Chairman Sanchez entertained a motion to close the public hearing. Ms. Thompson moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Thompson asked if the RV belongs to the applicant.

Ms. De Luna stated the RV doesn't belong to the applicant. She mentioned the RV is on another property lot. She stated the applicant has removed everything that was in violation.

Mr. Sanchez asked if the landscaping was still in violation.

Ms. De Luna stated the applicant is complying.

Ms. Garza asked if staff recommendation for 1 year is different from the writeup.

Ms. De Luna stated yes that's correct the information was verified by the applicant after the writeup was done.

There being no further discussion, Vice-Chairman Sanchez entertained a motion. Ms. Thompson moved to approve the conditional use permit. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:03 p.m.

Ended: 6:03 p.m

Item #2.0

Site Plan Approval:

**Construction of an Indoor/Outdoor Padel Courts Facility
(Casa Padel Sports Complex) Lot 2A, Stewart Plaza
Subdivision
C-3
Jesus Guerra**

No Action.

Started: 6:03 p.m.

Ended: 6:06 p.m.

Item #2.1

Site Plan Approval:

**Construction of an Industrial Building Shell
(Unrecorded Lot 1, Anzalduas Logistics Warehouse
Subdivision)**

**A 14.65 acre tract of land, more or less, being a portion of
The South 15.37 acres of Lot 6-10, West Addition to
Sharyland**

I-1

Union Design Developers, L.P.

Mr. Ramirez went over the write-up stating the site is located at the northwest corner of the intersection of S. Bryan Rd and W. Military Hwy. (F.M. 1016). – see vicinity map. The developer is proposing 1 main structure on the property currently being a vacant tract of land.

Upon reviewing the site plan, main access will be from W. Military Hwy. A secondary access will be from S. Bryan Rd. The size of the building will measure 250,640 sq. ft. The building is to be Dock-high, fully sprinklered, Concrete tilt-up wall with open bar steel joist construction to meet the requirements of the applicable sections of the International Building Codes, Energy Code and the City of Mission ordinances/ development code. The structure will consist of 66 truck staging spaces, 59 overhead doors, and an office facility.

A total of 186 employee/public parking spaces will be allocated to serve the building, 8 being handicapped stalls. There will be 7 fire hydrants available: 4 existing FHs along the W. Military Hwy. R.O.W. and 3 proposed FHs at the rear of the property. Fire lanes will be noted at restricted locations and throughout the parking zone.

The front building setback is approximately 74' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

The proposed drainage shall consist of surface runoff along parking areas and drives and be collected by an underground storm drain system and conveyed to 3 on-site detention areas. The collected runoff will eventually discharge into the City of Mission drainage system located along E. Military Highway. Landscaping and the Lighting Plans have been reviewed to comply with the City's regulations and code ordinances.

OTHER COMMENTS:

1. 2 enclosed dumpsters will be located within the lot to be screened with a 6' block fence and opaque (solid) gates.
2. Sign permits will be required.
3. Installation of 5' sidewalks along both frontage roads.

RECOMMENDATION: Staff recommends approval.

Vice-Chairman Sanchez asked if there were any questions for staff.

There was none.

There being no discussion, Vice-Chairman Sanchez entertained a motion. Ms. Garza moved to approve the site plan approval as presented. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:05 p.m.

Ended: 6:26 p.m.

Item #3.0

Variance request by Quintanilla, Headley & Associates on behalf of Ricardo Salinas to the Subdivision Code for unrecorded Papillion Square Subdivision, A 1.977 acre tract of land being a 2.00 acre tract out of lot 25-11, West Addition to Sharyland a/k/a Papillion Square Subdivision

Mr. Ramirez went over the write-up stating On November 6, 2024 staff received a renewal subdivision application for Papillion Square Subdivision (initial submittal August 18, 2022). This proposed subdivision is located at the northeast corner of E. Griffin Parkway (FM 495) and N. Bryan Road. The developer is proposing a 1-lot subdivision. It is commercially zoned and he would like to do a commercial plaza at this location. On November 7, 2024 the Project Engineer, Alfonso Quintanilla submitted a letter for a variance request to the Subdivision Requirements for the following:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4" to 8" waterline along N. Bryan Rd.
- Relocation of AEP overhead power line along N. Bryan Rd.
- Relocation of AT&T pedestal on N. Bryan Rd.
- Relocation of Traffic Signal

Now, due to the nature of the proposed use, amount of people working in the subdivision, effects on traffic, health, safety and convenience in the vicinity it was determine by staff that there were no hardships to consider that would prevent this development therefore full compliance would be required for the Subdivision approval. Staff is requiring the same requirements that would be imposed on any new subdivision. After conferring with the developer, on staff's recommendation he would still like these variances to go before the P&Z Board and City Council for their consideration.

Timeline:

1. November 7, 2022, first variance request letter submitted to consider the following:
 - Bryan Road Paving widening plus curb and gutter
 - Replacement and size increase from 4" to 8" waterline along N. Bryan Rd.
2. On April 20, 2023, Mr. Quintanilla submitted a new variance request letter and was then asking for the following variances from the Subdivision Requirements:
 - Bryan Road Paving widening plus cub and gutter
 - Replacement and size increase from 4" to 8" waterline along Bryan Road
 - Drainage Improvements along Bryan Road

There was no public opposition during the P&Z meeting. Board unanimously recommended denial.

RECOMMENDATION: Staff recommends denial.

*Note: If P&Z is incline to approve the variance requests, then we would suggest that a contractual agreement be made and allow the developer to proceed with the understanding that once the improvements are required then he would have to comply.

Vice-Chairman Sanchez asked if there were any questions for staff.

Ms. Thompson asked what is the applicant proposing on the property.

Mr. Ramirez stated the applicant is proposing a commercial plaza. He mentioned the variance requests are for new developments.

Ms. Thompson asked if there were any plans of the plaza of where it's going to be located as to why the applicant is needed the variance requested.

Mr. Ricardo Salinas stated the commercial plaza wouldn't be like any other typical plazas in the City of Mission. He mentioned he wanted to create a upscaled commercial plaza which he would be invest around \$3 million into the plaza. He mentioned the commercial plaza building would be an L - shaped plaza. He stated in order to make the improvements to the widen the road and relocate the power lines would cost around an additional \$300,000. He stated he had previously drafted a 308 agreement with the pervious city attorney Mr. Flores the agreement would allow him to inherit the \$100,000 to fix the improvements that are required to develop for the commercial plaza. Mr. Salinas stated there aren't any plans for the City of Mission to widen Bryan Road. He believes the board shouldn't deny or approve the request without getting more information on the variance request. He stated the lot size for the commercial plaza would be around 10,000 sq. ft. to 15,000 sq. ft. he believes It wouldn't be fair to himself to put the money down for the required improvements that the City of Mission should be responsible for.

Ms. Thompson mentioned if the applicant wants to develop the lot but in order to develop he would have to widen the road and relocate the power line. She asked if he is requesting a variance request in order for the applicant to not to do the requirements to develop the commercial plaza.

Mr. Salinas stated yes, if he wouldn't fix and make the required improvements the City of Mission would need to do the improvements. He mentioned traffic and the sewer system are a huge problem north of Bryan Road. He stated the City of Mission should be responsible for the improvements on Bryan Road since it would benefit the City of Mission in the long run.

Ms. Thompson stated she is gathering all the information Mr. Salinas has provided the board. She stated the applicant mentioned the City of Mission is needing to widen Bryan Road but the City of Mission doesn't have any money to make the improvements. She mentioned the applicant would have to relocate the power lines, traffic signal sign and etc. she asked who is going to be paying for the improvements. She mentioned if the board would approve the variance request without widening Bryan Road.

Mr. Salinas stated widening and relocating would cost around \$100,000 with the City of Mission. He stated he wouldn't want to pay out of pocket for the improvements that could be made by the City of Mission.

Ms. Thompson asked if the board would approve the request what would be the applicant's next step.

Mr. Salinas stated he would either go to MEDC or the City of Mission to ask to help him with the funding for the improvements of widening the road and relocating the power lines.

Ms. Thompson asked if the board would approve the request would he still go through with the installation of the improvements.

Mr. Salinas stated he doesn't want to be responsible for the improvements himself.

Ms. Thompson asked Mr. Ramirez what is the contractual agreement between which parties.

Mr. Ramirez stated the agreement would be with the applicant and the City of Mission.

There being no discussion, Vice-Chairman Sanchez entertained a motion. Ms. Thompson moved to table the variance request as presented. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:26 p.m.

Ended: 6:26 p.m.

Item #4.0

**Preliminary & Final
Plat Approval:**

Trosper Creek Subdivision

**Being a 8.21 gross acre tract of land, more or less,
out of a portion of Lots 38, 43, and, a portion of a
40.0 foot strip of land claimed fee simple lands held
By united irrigation district located between said
Lots 38 and 43, all out of Bell-Woods Co's
Subdivision "C"**

R-2

Developer: Raymundo Platas

Engineer: Salinas Engineering & Assoc.

No Action.

ITEM#5.0

ADJOURNMENT

There being no discussion, Vice-Chairman Sanchez entertained a motion. Ms. Thompson moved to adjourn the meeting. Mr. Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:26 p.m.



Kevin Sanchez, Vice-Chairman
Planning and Zoning Commission

**ZONING BOARD OF ADJUSTMENTS
JULY 24, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Dolly Elizondo
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza Garza
Andrew C. Riddle
Alberto Salazar

ZBA ABSENT

Michael R. De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasema Dimas
Alex Hernandez
Elisa Zurita

GUESTS PRESENT

Inez Quinones
Rene Leal
Eduardo Gonzalez
Jesus Cardenas
Jaime Garza
Juan Salinas
Jose Diaz
Dario Rodriguez
Jose Alvarez
Luis Chavez
San Juanita Aresola

CALL TO ORDER

Chairman Salazar called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Chairman Salazar asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

DISCLOSURE OF CONFLICT OF INTEREST

Mr. Romeo Sanchez filed a conflict of interest for item 1.7
Mr. Humberto Garza field a conflict of interest for item 2.3
Mr. Alberto Salazar field a conflict of interest for items 1.1, and 1.9
Ms. Dolly Elizondo field a conflict of interest for item 2.3

APPROVAL OF MINUTES FOR JUNE 26, 2024

Chairman Salazar asked if there were any corrections to the minutes. Ms. Elizondo moved to approve the minutes. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO ALLOW A 6' SEPARATION FROM THE MAIN RESIDENCE INSTEAD OF THE REQUIRED 12' FOR A PROPOSED SHED AT 501 PAUL STREET, BEING LOT 38, VILLAS ESTATES AS REQUESTED BY JAIME GARZA

Ms. Dimas stated that the subject site is located at the cul-de-sac of Paul Street and Oaxaca Street. The irregular lot measures a total of 5,828.63 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to allow the following: a minimum separation of 6' from the residence to a proposed 10'x12' storage shed instead of the required 12' minimum separation.

Section 1.59-4(a) states: An accessory building not exceeding 20 feet in height may occupy not more than 30 percent of the rear yard and unenclosed parking spaces may occupy not more than 90 percent of the area of a required rear yard. An accessory building, however, shall be no closer than 12 feet to the main building and no closer than four feet to any rear lot line.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lots 26 & 27	14' Front & 400 sq.ft.	5/19/21	Denied

Staff mailed out 35 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures must meet the minimum 12' separation from residence.

Chairman Salazar asked if the board had any questions for staff.

Mr. Riddle asked if the 12' was a separation for fire code.

Ms. Dimas replied "yes".

There being no further questions, Chairman Salazar asked if the applicant was present.

Mr. Jaime Garza, mentioned that he didn't have windows on the side of the house where he was proposing the shed, the shed would be within the property line but not meeting the required separation between the home and the shed.

Mr. Riddle asked if the shed was going to be electrified.

Mr. Garza replied "yes".

Mr. Sanchez asked what was the shed going to be used for?

Mr. Garza replied for a storage.

Ms. Elizondo asked how was the shed going to be mounted to the ground?

Mr. Garza replied that the storage shed was not built yet, the shed he was proposing to build was on concrete.

Mr. Sanchez asked what was the black shaded area in the aerial.

Mr. Garza replied that it was the corner of the house.

Mr. Sanchez asked if there was a problem with issuing a permit if the shed would be attached to the house.

Ms. Dimas replied that the code allowed the storage shed to be adjacent to home. However, if they wish to leave a distance between the shed and the home it had to be a minimum of 12'.

Mr. Sanchez stated so if the shed was connected there wouldn't be a problem.

Ms. Dimas replied a variance wouldn't be needed if the shed was connected to the home.

Mr. Sanchez asked what was the distance between the home and the shed that was needed.

Ms. Dimas replied that it needed to be wall to wall.

Mr. Sanchez asked if the applicant would install a breezeway from the home to the shed, would it be allowed?

Ms. Dimas replied "no", it has to be wall to wall.

Mr. Garza stated that the cost would be different if he would build it wall to wall.

Ms. Elizondo stated that it was an an irregular shaped lot.

Chairman Salazar asked if there were any comments in favor or against the request.

There were no comments

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Riddle asked in the event that the variance would be granted the applicant would need to obtain a building permit, and ask for inspections.

Ms. Dimas replied "yes".

Ms. Elizondo mentioned that previous variances that were requested in that subdivision were denied but are regular shaped lots.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Garza moved to approve the variance request on the foot print only. Ms. Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2
TO ALLOW A 10' REAR SETBACK INSTEAD OF THE REQUIRED 15', AT 1511 SANDSTONE DRIVE, BEING LOT 20, SPRING VALLEY AS REQUESTED BY DARIO RODRIGUEZ

Ms. Dimas stated that the subject site is located at the cul-de-sac of Dora Jeanne Drive and Sand Stone Drive. The irregular lot measures a total 8,595 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to allow a jacuzzi with a wood deck. It is noted that the applicant is proposing a 10' rear setback but the site plan shows a chimney adjacent to the rear property line.

Staff notes that ZBA has not approved any variances within this subdivision. Approving this variance would set precedence to others.

Staff mailed out 17 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Plans can be modified to comply with the required setbacks.

Chairman Salazar asked if the board had any questions for staff.

Mr. Riddle asked if the construction existed already.

Ms. Dimas replied no it's being proposed.

Mr. Riddle asked if it was under construction.

Ms. Dimas replied the home was being constructed.

There being no further questions. Chairman Salazar asked if the applicant was present.

Mr. Dario Rodriguez who resides at 1805 Sunset Drive, mentioned that the home was finalized and what was being proposed was mostly paving stones and not underground, the only structure outside of the easements was the jacuzzi area.

Mr. Riddle asked if he was asking for a 5' variance?

Mr. Rodriguez replied "yes".

Ms. Elizondo asked if a utility locater was requested?

Mr. Rodriguez replied ""no", I haven't requested one, I am waiting on the outcome of my variance request.

Mr. Ueckert asked if the decking was part of the project?

Mr. Rodriguez replied that it was paving stones, wooding deck, pool, jacuzzi, and the enclosed grill area.

Mr. Ueckert asked if it met requirements based on the percentage of the square footage?

Ms. Dimas replied that the enclosed grill area is not considered in the minimum square footage for accessory structures, the items being considered were the pool, jacuzzi and the chimney. She mentioned that the decking was above ground and decking had been allowed in the past but was still within the setbacks and it was up to the board to allow it.

Mr. Sanchez mentioned that the pool was not encroaching on the setback, what's encroaching was the chimney, wooden deck and the extension.

Chairman Salazar asked if there were any comments for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Ueckert moved to deny the variance request. Mr. Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO ALLOW A 15' GARAGE SETBACK INSTEAD OF THE REQUIRED 20' AT 4103 ANITA STREET, BEING LOT 21, TAURUS ESTATES NO. 9 PHASE 2 AS REQUESTED BY JORGE L. ACEVEDO

Ms. Dimas stated that the subject site located approximately at the cul-de-sac of W. 41st ½ Street and Anita Street. The irregular lot measures a total 6,137 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to allow the applicant to build his residence at the 15' setback.

Staff notes the following: The minimum R-1 (Single Family Residential) front setback is 20', however on lots fronting cul-de-sacs a minimum of 10' setback is permitted. When subdivisions go through the Planning office that contain cul-de-sacs, Staff normally requires the plat note specifying this reduction to the front setback on cul-de-sacs lots, however this plat did not contain that particular note. Since there isn't a note that states cul-de-sacs may have a 10' front setback; Staff must enforce the minimum front setback, which is 20'.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 12, Block 2	15' Front	8/21/13	Approved

Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Plans can be modified to comply with the required setbacks.

Mr. Flores asked if the variance that was approved, was it in the same subdivision as the one being requested.

Ms. Dimas replied "yes" that it was another lot on the other side, the problem with that one was the garage was in the rear of the property and not the front.

Ms. Elizondo stated that a plat note would off fixed this issue.

Chairman Salazar asked if it was a typo or intentional?

Ms. Dimas replied that she thinks it was an oversite from the engineer.

Mr. Sanchez asked if staff verified the plat notes.

Ms. Dimas replied the engineer was not in business anymore.

Mr. Sanchez asked where did staff get the 10' setback for cul de sacs.

Ms. Dimas replied that the city had an ordinance.

Ms. Elizondo stated but a developer can make an exemption on plats.

Mr. Sanchez stated that it still accommodated the city's ordinance, if the ordinance states 10ft in a cul de sac.

Ms. Elizondo replied the plat would say with the exemption of lots x, x, and x.

Mr. Flores asked that if the city allowed 10' on cul de sacs.

Ms. Dimas replied that the city had an ordinance that allowed 10' in the front on cul de sac lots, 10' for the house and 18' for garage and carports.

Chairman Salazar asked if the applicant was present.

Mr. Jorge Acevedo mentioned that he was asking for a 15' front setback instead of the 20'.

Chairman Salazar asked if there were any comments in favor or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez mentioned that he was confused and was trying to understand, he stated it was 18' for garage and 20' for houses, but if listed on the plat it would be 10' for cul de sacs.

Ms. Dimas replied that the 10ft would apply for the home only, the garage needs to be at 18ft.

Mr. Sanchez asked if the city's ordinance mentioned that it needed to be noted on subdivision plat.

Ms. Dimas replied "no", the developer during the development of the subdivision decides on the setbacks. The city just provides the setbacks that are required, but the developer can request higher setbacks but not less than what is required.

Mr. Sanchez stated the fact that the developer is no longer in business, the fact that it was an omission from the developer, in my opinion the ordinance still stands.

Ms. Dimas replied not necessarily, since it's not noted on the subdivision plat we have to go based on what is recorded on the plat.

Mr. Sanchez stated in spite of the ordinance.

Ms. Dimas replied "yes".

Mr. Sanchez stated and you provided the ordinance to the developer.

Ms. Dimas replied "yes"

Mr. Sanchez stated they omitted that.

Ms. Dimas replied he could've or he didn't want a reduced setback on cul de sacs.

Ms. De Luna Planning Director, mentioned some subdivisions don't indicate specific setbacks, however the subdivision can have a plat note that states must meet the required R-1 setbacks.

Ms. Elizondo stated that she was a developer and that it would be detrimental for the person building on the cul de sac lot, she added I think it was not intentional by the developer but an oversight.

Mr. Sanchez stated that he thinks it was an oversight, and his thing was that if the city had an ordinance that allows 10' on an irregular lot, he was inclined to make a motion to approve.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to approve the 15' garage setback. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Chairman entertained a motion to amend the motion, to add that the approval is only on the foot print on the garage.

Chairman Salazar entertained a motion, Mr. Sanchez moved to approve the 15' garage setback subject to only on the foot print. Mr. Garza second the motion. Upon a vote the motion passed unanimously.

ITEM# 1.4

TO KEEP A 4' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 953 N. LOS EBANOS ROAD, BEING THE EAST ½ OF SOUTH 50' OF LOT 40, MISSION ACRES, AS REQUESTED BY JOSE I. ALVAREZ

Ms. Dimas stated that the subject site is located approximately 670' South of Barnes Street along the west side of N. Los Ebanos Road. The regular lot measures 50'x144' a total 7,200 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12'x20' storage shed that was built without a permit.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal</u> <u>Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 31-B	12' Side	1/11/00	Denied
W.50' of E.200' Of Lot 86	6' Front & 0' Side	2/15/23	Denied
E ½ of Lot 14	0' Side / 0' Rear & To allow a total of 2,910 sq.ft	6/26/24	Denied

Staff mailed out 19 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. The structure needs to be modified to comply with the required setbacks within 60 days.

Chairman Salazar asked if the board had any questions for staff.

Mr. Sanchez asked if a permit was obtained.

Ms. Dimas replied no.

Mr. Sanchez asked if the shed was going to have plumbing and electrical installed.

Ms. Dimas replied that she wasn't aware.

Chairman Salazar asked if the applicant was present.

Mr. Jose Alvarez, mentioned that a permit was not obtained, he added he received a red tag from the City of Mission and that same day went to apply for a permit. He stated an inspector went to his house a week after he applied for his permit, and advised the inspector that he was able to move it to comply with the 6'. Mr. Alvarez, was advised not to move the shed but to apply for a variance and wait until the meeting to see what the outcome would be.

Ms. Elizondo asked if he was willing to move the shed.

Mr. Alvarez replied absolutely, he stated I hired someone to move it, but I kept moving the date because of the rain.

Mr. Sanchez asked so you were advised, to wait until this hearing.

Mr. Alvarez replied "yes", I was advised to wait, he added that the shed didn't have electricity or plumbing.

Mrs. Belen Cantu who was representing her mother that lives next to Mr. Alvarez at 947 Los Ebanos Road, asked that if the shed was going to be 6ft from there fence.

Chairman Salazar asked if she was in favor or against the request.

Mrs. Cantu replied that it was ok for Mr. Alvarez to have the shed, as long as it was 6ft from the property line.

Chairman Salazar replied that Mr. Alvarez was going to comply.

Salazar asked if there were any comments for or against the request.

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Salazar entertained a motion. Ms. Elizondo moved to deny the variance. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

Mr. Sanchez stated that he wanted to make a comment, He asked staff that why was the applicant advised not to move the shed.

Ms. Dimas replied that she was not aware and was going to ask the applicant.

ITEM# 1.5

TO KEEP A 2.6' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10'; A 5' REAR SETBACK INSTEAD OF THE REQUIRED 10'; AND TO ALLOW A TOTAL OF 1,281 SQ. FT. INSTEAD OF THE MAXIMUM 852 SQ. FT. AT 3023 ABBOTT AVENUE, BEING LOT 119, FAIRMONT ESTATES AS REQUESTED BY INEZ QUINONES

Ms. Dimas stated that the subject site is located at the southwest corner of Abbott Avenue and W. 31st. Street. The regular lot measures 72'x103' a total 7,488 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to allow the following: (1) a 2.6' corner side setback for a 8'x12' shed, (2) a 6' corner side setback and a 7.6' rear setback for a 8x12' palapa, (3) a 5' rear setback for a 20'x24 carport, and (4) and a to keep 429 sq.ft. over the 852 sq.ft. maximum allowed that were built without permits. These violations were discovered by Code Enforcement while doing a sweep in the subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 2,129 sq.ft.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/06	Denied
Lot 108	0' Side to the South, 1' Side to the North & 1' Rear	6/26/24	Denied
Lot 50	7' Carport, 0' Side to the West, 2.6' Side to the East & 4.6' Rear	6/26/24	Denied
Lot 38	2' Carport; 0' Side to the South, 1' Side to the North, 4.6' Rear & to allow 1,252 sq.ft.	6/26/24	Denied
Lot 47	0' Carport, 4' Side & 5' Rear	6/26/24	Tabled

Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Chairman Salazar asked if the board had any questions for staff.

Mr. Riddle asked if staff knew when the carports were built.

Ms. Dimas replied that the data sheet was included in the packet, she asked which carport are you talking about.

Mr. Riddle replied I found it, Thank you.

Mr. Sanchez asked since it's a corner lot, shouldn't the setback be greater.

Ms. Dimas replied that it was a 10' corner side setback.

Chairman Salazar asked that the applicant was present.

Mr. Ines Quinones mentioned that the palapa where the chimney was, had been there for 17 years. He added that the other "palapa" had been there for 10 years, and the shed was already there but remodeled it and moved it to one side.

Mr. Sanchez asked what was the reason, permits were not obtained.

Mr. Quinones replied that he obtained a permit for the chimney that was connected to the house.

Mr. Sanchez stated you have several structures not only the chimney.

Mr. Quinones replied that he didn't obtain a permit for the palapa, only for the big structure that was were the chimney was.

Ms. Elizondo asked if staff confirmed if building permits were obtained.

Ms. Dimas replied that a copy was included of the building permits that were obtained in the packet, but the only permit that was obtained was a residential addition, but did not specify the type addition.

Mr. Sanchez stated that the permit was probably for the structure in the rear, and asked what type of structure it was.

Mr. Quinones replied that it was a porch.

Mr. Sanchez asked if he was provided with the measurements that are required to leave between the property line and the porch.

Mr. Quinones replied 5', but it was a long time ago.

Mr. Sanchez stated 5', and that information was given by the permits department.

Mr. Quinones replied "yes", I brought a drawing.

Ms. Elizondo asked staff that the permit in the packet was from June 2024.

Ms. Dimas replied that Mr. Quinones recently obtained a permit for one of the palapas.

Chairman Salazar asked if the permit was obtained after the fact.

Ms. Dimas replied that one of her code enforcement officers did a sweep in that subdivision, and noticed the palapa in the corner.

Mr. Sanchez asked if the addition was something else, and not what is being discussed that is encroaching.

Ms. Dimas stated that the city didn't have records of the addition, records get destroyed every five years.

Chairman Salazar asked if there were any comments for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Salazar asked to show on the screen the 8'x12' shed.

Ms. Dimas stated that the shed being discussed was along the corner side setback.

Chairman Salazar asked if the shed was on foundation.

Ms. Dimas replied "no".

Mr. Sanchez stated it could be moved.

Chairman Salazar mentioned that he had to figure out where it could be moved too.

Mr. Riddle stated since the shed and palapa were over a utility easement, he didn't feel comfortable moving forward.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to deny the variances requested for the shed and palapa. Mr. Sanchez. seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed was the carport.

There being no discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to deny the variance for the carport. Ms. Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.6

TO KEEP A 1' FRONT SETBACK INSTEAD OF THE REQUIRED 18' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 3010 NICKEL AVENUE, BEING LOT 76, FAIRMONT ESTATES, AS REQUESTED BY RENE LEAL

Ms. Irasema Dimas stated that the subject site located approximately 132' north of W. 30 ½ Street along the east side of Nickel Avenue. The regular lot measures 60'x103' a total 6,180 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to allow the following: a 24'x24' metal carport and an 8'x8' storage shed that were built without obtaining permits. These violations were discovered by Code Enforcement while doing a sweep in the area.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/06	Denied
Lot 108	0' Side to the South,	6/26/24	Denied
	1' Side to the North & 1' Rear		
Lot 50	7' Carport, 0' Side to the West,	6/26/24	Denied
	2.6' Side to the East & 4.6' Rear		
Lot 38	2' Carport; 0' Side to the South,	6/26/24	Denied
	1' Side to the North, 4.6' Rear & to allow 1,252 sq.ft.		
Lot 47	0' Carport, 4' Side & 5' Rear	6/26/24	Tabled

Staff mailed out 39 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days

Chairman Salazar asked that if the board had questions for staff.

There were no comments.

Chairman Salazar asked if the applicant was present.

Mr. Rene Leal who resides at 3010 Nickle Ave, mentioned that he was willing to move the storage shed to comply. He stated that the carport was built for his elderly mother and a relative that had medical issues, and protected them from the elements when they would get on off the car.

Mr. Sanchez asked what was the reason a permit was not obtained.

Mr. Leal replied that he was not aware a permit was needed.

Mr. Riddle asked if he would be able to obtain a letter or a recommendation from the doctor.

Mr. Leal replied "yes".

Mr. Sanchez asked that if his mother lived at the home.

Mr. Leal replied that his mother would go over to take care of his kids.

Mr. Sanchez stated so she doesn't live there.

Mr. Leal replied no, that is not her main residence.

Chairman Salazar asked if there were any comments for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Mr. Garza moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked that if under the special need's accommodation, does the applicant have to live there.

Ms. Dimas replied "yes", it has to be there main residence. She mentioned that to apply for the special accommodation it has to be there homestead.

There being no further discussion, Chairman Mr. Salazar entertained a motion. Mr. Ueckert moved to deny the variances requested. Mr. Sanchez seconded the motion. Upon a 5-1 vote, the motion passed. Mr. Humberto Garza was against.

ITEM# 1.7

TO KEEP A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 35' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 601 LAS BRISAS DRIVE, BEING LOT 10, BLOCK A, LAS BRISAS AS REQUESTED BY EDUARDO GONZALEZ

Ms. Irasema Dimas stated that this item was located approximately 465' west of N. Mayberry Road along the north side of Las Brisas Drive. The regular lot measures 80'x135' a total 10,800 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 12'x15' carport that was built without a permit. This violation was reported to our Code Enforcement Department via an anonymous call.

Staff notes that ZBA has not approved any variances within this subdivision. Approving this variance would set precedence to others.

Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a petition in favor of the request reflecting 29%.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Chairman Salazar asked if the board had any questions for staff.

There were no comments.

Chairman Salazar asked if the applicant was present.

Mr. Eduardo Gonzalez and his wife Anna Marie who reside at 601 Las Brisas were present.

Chairman Salazar asked when was the carport built.

Mr. Gonzalez replied the beginning of July.

Mr. Sanchez asked why didn't he obtain a permit.

Mr. Gonzalez replied I didn't think about it honestly, I thought the contractor usually gets the permit. He mentioned he applied for a permit after the fact and it was denied based on a 40-year ordinance.

Mr. Sanchez stated that Mr. Eduardo Gonzalez was his son teacher, and had to obtain from voting.

Mrs. Gonzalez stated that there was an error, she mentioned that it was not a 0ft front setback that it was 11' from the street and 6' into the property line.

Ms. Dimas replied that the property line started where the first apron was.

Mrs. Gonzalez stated so the 11' is the right of way, we were not informed about that.

Chairman Salazar asked if they were in contact with the contractor.

Mr. Gonzalez replied yes, I called him and asked him about the permit and he said I've never needed a permit.

Mrs. Gonzalez stated he showed up on Friday, gave us an amazing quote and was built by Monday.

Mr. Humberto Flores asked who was the contractor.

Mr. Gonzalez replied RAC from Brownsville.

Chairman Salazar asked if there were any comments for or against the request.

Mr. Arnold Trevino who resides at 509 Las Brisas, stated that he was in favor of the request.

Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Flores asked that if the structure that what was in violation was the yellow box shown in aerial.

Ms. Dimas replied that it was the entire structure.

Mr. Ueckert asked that if the subdivision had other structures that were in violation.

Ms. Dimas replied that several structures were tagged by code enforcement.

Mr. Garza stated that he didn't think it looked like a structure since it didn't have support on the other side.

Mr. Riddle asked that if the variance was denied, the applicant had to remove the concrete and the carport.

Ms. Dimas replied "yes".

Mr. Ueckert asked that if other structures in the area that were going to be seen by the board.

Ms. Dimas replied that she was not aware.

There being no further discussion, Chairman Mr. Salazar entertained a motion. Mr. Ueckert moved to deny the variance request. There was no second, the motion dies. Mr. Garza moved to approve the variance request. Ms. Dolly seconded the motion. Mr. Sanchez obtained from voting. Upon a 4-1 vote, the motion passed. Mr. Ueckert was against.

Mr. Garza amended his motion to approve only on the foot print of the structure.

ITEM# 1.8

TO KEEP A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,756 SQ.FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. AT 505 OBLATE AVENUE, BEING LOT 8, BLOCK 89, MISSION ORIGINAL TOWNSITE, AS REQUESTED BY JUAN DURAN

Ms. Dimas stated that the subject site is located approximately 50' north of E. Rafael Ramirez along the west side of N. Oblate Avenue. The regular lot measures 50'x150' a total 7,500 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 68'x11' carport and 2) to keep 956 sq.ft. over the 800 sq.ft. maximum allowed that were built without permits.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,230 sq.ft.

Staff notes that ZBA has not approved any variances within this area. Approving this variance would set precedence to others.

Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. The structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Chairman Salazar asked that if the board had any questions for staff.

There were no comments.

Chairman Salazar asked if the applicant was present.

The applicant was not present.

Chairman Salazar asked if there were any comments for or against the request.

Mr. Jorge Escobar Jr. who resides at 1304 N. 47th Street in McAllen, stated that he was in opposition to the request.

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Salazar entertained a motion. Ms. Elizondo moved to deny the variance request. Mr. Garza seconded the motion.

Mr. Sanchez stated that he had a question. He asked if the recommendation for denial was for the section that was only encroaching on the setbacks.

Ms. Dimas replied that it was the setbacks and square footage of the structures.

Chairman Salazar stated, upon a vote the motion to deny passed unanimously.

ITEM# 1.9

TO KEEP A 3' SEPARATION BETWEEN THE RESIDENCE AND THE SHED INSTEAD OF THE REQUIRED 12' AND TO ALLOW 323 SQ. FT. OVER THE 3% MAXIMUM ALLOWED FOR STORAGE ROOMS AT 2709 TULIPAN AVENUE, BEING LOT 14, INSPIRATION HEIGHTS AS REQUESTED BY JESUS CARDENAS

Ms. Dimas stated that this item was previously denied on May 29, 2024, the applicant requests that he be given the opportunity to defend his case since he was not present when the item was denied.

The subject site is located at the end of the cul-de-sac of Montecruz Street and Tulipan Avenue. The irregular lot measures a total of 6,425.52 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x19' storage room. The applicant obtained a building permit for a 12.6'x24' shed adjacent to the house on 8/4/22, which staff mistakenly approved due to showing compliance with required setbacks but not factoring the square footage allowed for portable buildings. However, the applicant decided to build a bigger shed and leaving a small distance between the house and the shed. It is noted that this violation was discovered by Code Enforcement Division while doing a sweep in the area.

Section 1.59-4(a) states: An accessory building not exceeding 20 feet in height may occupy not more than 30 percent of the rear yard and unenclosed parking spaces may occupy not more than 90 percent of the area of a required rear yard. An accessory building, however, shall be no closer than 12 feet to the main building and no closer than four feet to any rear lot line.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 7	5' Rear Setback	4/10/2024	Approved
Lot 8	3' Rear Setback	4/10/2024	Approved
Lot 14	3' Rear setback & allow 323 sq.ft. over the 3% max. Allowed	5/29/2024	Denied

Staff mailed out 20 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. The structure needs to be modified or removed to comply with the required setbacks and square footage within 60 days.

Discussion amongst the board and staff, on why this item was being presented again.

Chairman Salazar asked if the board had any questions for staff.

Mr. Sanchez stated that he had a problem with the rear setback, you said it was 4' and not 10'.

Ms. Dimas replied that the city had an ordinance in place that read, if there were no utility easements within the lot, portable structures are allowed at 4' on the rear setback.

Chairman Salazar stated even if the plat says 10'.

Ms. Dimas replied "yes", only on accessory structures.

Ms. Elizondo stated that another issue with the structure, was that the city wanted access inside.

Ms. Dimas replied that pictures were needed from the second floor.

Chairman Salazar asked if the applicant was present.

Mr. Jesus Cardenas who resides at 2709 Tulipan Avenue, was present.

Chairman Salazar asked that what was the shed used for.

Mr. Cardenas replied that it was a storage shed, he mentioned that he used to own a business that is now closed, and uses the storage shed to store all his belongings from the business he owned. He added that he obtained a building permit and if there was any type of violation he wasn't aware, that storage shed was built with a plan an architect provided me with.

Mr. Sanchez asked that if a permit was obtained.

Mr. Cardenas replied "yes", I have the permit with me I can show it to you.

Ms. Elizondo stated that there was a measurement that was incorrect, but the square footage was the problem.

Ms. De Luna planning director, mentioned that the survey being showed on the screen showed he was not meeting the setbacks and the shed was attached to the house. She added since it's an accessory building 4' was allowed in the rear, and what was noted in the plan he has it was reduced to 12'x24' which was the permit that was issued.

Mr. Cardenas stated that survey was the first application that was submitted to the permit department, and was denied, but was advised that he need a plan with measurements and pictures. He added that his permit was issued with the plans that his architect did and not the first one that was submitted.

Ms. De Luna stated that the plan that the architect did showed a 12' x 24'.

Mr. Cardenas replied "no", it shows a 16'x20'.

Ms. De Luna stated what was approved was a 12'x24'.

Mr. Cardenas replied that was discarded, the inspector approved the plan I brought from the architect.

Ms. De Luna planning director, was explaining to Mr. Cardenas that the plans that were submitted showed a 16'x24' shed, but what was approved was a 12'x24'. She added that regardless of what was on the plans, what was built on the property was not the size that was proposed.

Mr. Cardenas replied that what he built was what the plans showed.

Ms. De Luna planning director, stated that the setbacks were not the problem, she mentioned that the problem was the size of the shed and the distance between the shed and the home.

Mr. Cardenas replied that he was not aware that he was violating any rights.

Chairman Salazar stated that he was abstaining from this item, he has an ongoing deal with the architect.

Vice Chairman Flores was now conducting the meeting.

Vice Chairman Flores asked if the board had more questions for the applicant.

Mr. Riddle asked why didn't you build the shed like the plans.

Mr. Cardenas replied I don't understand your question.

Mr. Sanchez stated let me explain to Mr. Cardenas in Spanish. He stated what you initially applied for was a 24' x 16' and was denied, then you hired an architect to design your plans and what was on the plans was not allowed, what the city approved was a 12' x 24' but what was built was a 17' x 19'.

Mr. Cardenas replied that what was built was a 16' x 19'1/2".

Mr. Sanchez asked why did you deviate from the plans.

Mr. Cardenas replied that he didn't deviate from the plans, the architect designed the measurements of the storage shed that was being proposed and the feet that needed to be left on each side. He added that maybe the architect made a mistake on the measurements of the shed, but the plans showed the setbacks that were going to be left.

Mr. Sanchez stated so the architect made a mistake.

Mr. Cardenas replied that maybe there was a mistake by the architect but the measurements of the shed are what the plans have.

Mr. Sanchez stated that even though he followed what the plans have, the plans measurements are 12' wide and the shed measure 17' wide or the size Mr. Cardenas mentioned, but it wasn't built at 12'.

Mr. Cardenas replied what was required was 10' in the rear but the architect advised me, that if the shed was built on blocks I was able to leave 4' in the rear instead of 10'.

Vice Chairman Flores stated that the permit that was approved and issued was a 12' x 24'.

Vice Chairman Flores asked if there were any comments for or against the request.

There were no comments.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to close the public hearing. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Garza moved to deny the variance request. Ms. Elizondo seconded the motion. Chairman Alberto Salazar abstained. Upon a vote the motion passed unanimously.

Chairman Salazar was now conducting the meeting.

Chairman Salazar entertained a motion to un table item 2.0. Mr. Riddle move to un table item 2.0. Ms. Elizondo seconded the motion. Upon a vote the motion passed.

TABLED

ITEM# 2.0

TO KEEP A 2' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 0' SIDE SETBACK TO THE SOUTH, A 1' SIDE SETBACK FOR THE NORTH INSTEAD OF THE REQUIRED 6', A 4.6' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 1,252 SQ. FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. ALLOWED AT 3008 ABBOTT AVENUE, BEING LOT 38, FAIRMONT ESTATES, AS REQUESTED BY JOSE LUIS ESPINOSA

Ms. Dimas stated that this item was previously tabled on June 26, 2024 in order to allow staff time to go and take pictures of the modifications that were done to the structures.

The subject site is located 70' south of W. 30th ½ Street entrance along the east side of Abbott Avenue. The lot measures 60'x102.92' for a total 6,175.20 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x20' metal carport', 2) a 12'x35' carport, which the applicant is proposing to move the post to comply with the setbacks, 3) a 14'x24' covered patio, 4) an 8'x12' shed, and 5) to keep 452 sq.ft. over the 800 sq.ft. maximum allowed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,344 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 44	4.4' Rear & 1' Side	5/17/2006	Denied

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Chairman Salazar asked that if the board had any questions for staff.

Mr. Sanchez asked that if the city had an ordinance for additions that state that it needs to be in conformity with existing structures.

Ms. Dimas replied that ordinance is for carports, they need to match the ascetics of the house.

Chairman Salazar stated that he needed clarification, He asked that if staff measured from the overhang or the poles.

Ms. Dimas replied that it was measured from the poles.

Chairman Salazar asked if there were no problems with the overhang.

Ms. Dimas replied that as long as it wouldn't encroach into the neighbor's property.

Mr. Sanchez stated that allowing the overhang was a fire hazard, and setbacks are to contain fires.

Chairman Salazar asked that if that was a set ordinance that the city had.

Ms. Dimas replied that staff would need to work on an ordinance.

Mr. Sanchez stated that it was a generic ordinance, that setbacks are to prevent fires.

Chairman Salazar asked that if the applicant was present.

Mr. Jose Espinoza was present via zoom, he mentioned that he was going to modify the 14'x24' covered patio.

Chairman Salazar asked about the 8' x 12' shed.

Mr. Jose Espinoza stated that shed was there when he purchased the house.

Chairman Salazar asked about the 20' x 20' metal carport.

Mr. Espinoza replied that he built the metal carport to protect his cars from bad weather.

Mr. Sanchez asked what was the reason a permit was not obtained.

Mr. Espinoza replied that he was a first-time home buyer and was not aware he needed a permit.

Ms. Elizondo stated just for clarification Mr. Espinoza, you mentioned that you were going to comply with the 14' x 24" covered patio and the 12' x 35' carport by moving the poles within the setbacks.

Mr. Espinoza replied the 12' x 35' carport had been modified, and the 14' x 24' covered patio was going to get modified as soon as he had a chance.

Ms. Elizondo asked if he was also complying with the 8' x 12' shed, and move it close to the trampoline.

Mr. Espinoza asked if the shed could be moved close by the fence.

Chairman Salazar asked if Mr. Espinoza was allowed to place the shed at 4' in the rear since there was no utility easement and the shed was portable.

Ms. Dimas replied that 4' was allowed only for the shed, but needed to verify if there was a utility easement.

Ms. Dimas stated that there was a utility easement in the rear.

Discussion continued in regards to the shed.

Mr. Sanchez stated that he had a problem with the structures that were built without a permit.

Chairman Salazar asked if there were any comments in for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Salazar stated that Mr. Espinoza was complying with the cover patio and the carport. He added what was being discussed was the 20' x 20' metal carport and the 8' x 12' shed.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to deny the variances for the 20' x 20' carport and the 8' x 12' shed. Mr. Flores seconded the motion. Upon a vote the motion passed unanimously.

Chairman Salazar entertained a motion to un table item 2.1. Ms. Elizondo move to un table item 2.0. Mr. Riddle seconded the motion. Upon a vote the motion passed.

TABLED

ITEM# 2.1

TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 2002 CRISANTEMA AVENUE, BEING LOT 80, SOUTHERN OAKS PHASE I, AS REQUESTED BY JAIME PEREZ

Ms. Dimas stated that this item was previously tabled on June 26, 2024 in order to allow staff time to verify signatures that were submitted. The petition reflected 38% in favor of the request.

The subject site is located approximately 66' north of W. 20th Street along the east side of Crisantema Avenue. The lots measure 61.50'x105' for a total of 6.457.50 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12.4' x 30' carport within the 6' side setback. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal</u> <u>Description</u>	<u>Variance Request</u>	<u>Date of</u> <u>Meeting</u>	<u>Recommendation</u>
Lot 25, Ph. I	2' side setback	3/15/23	Approved
Lot 100, Ph. II	3' E. side /0' rear shed/ 0' West side tool shed/ 3.7 rear	2/21/24	Approved
Lot 112, Ph. II	Front	12/4/19	Approved
Lot 150, Ph. II	0' side	1/17/24	Denied
Lot 161, Ph. II	2' side	11/15/19	Approved
Lot 100, Ph. III	0' E. side/ 2.9' W. side/0' rear	3/17/21	Denied
Lot 217, Ph. III	1' & 2' side / 3' rear	2/16/22	Denied
Lot 261, Ph. III	6.6' side	12/23/22	Denied
Lot 190, Ph. III	0' side	2/18/15	Approved
Lot 191, Ph. III	0' side	2/18/15	Approved

Staff mailed out 24 notices to the surrounding property owners within 200' radius to get their input in regards to this request. There was a written petition submitted during the previous ZBA meeting.

RECOMMENDATION: Staff recommends denial. Structure needs to be modified or removed to comply with the required setbacks within 60 days

Chairman Salazar asked that if the board had questions for staff.

Mr. Sanchez asked what does the applicant need to do to comply

Ms. Dimas replied that the applicant would need to comply with the required setbacks.

Mr. Sanchez stated that if the recommendation was just to move the poles, he added that if that was the case that was unacceptable. He added that the city was causing a connection that was a fire hazard and needed to get guidance from legal.

Chairman Salazar asked if the applicant was present.

Mr. Jaime Perez who resided at 2002 Chrisantema, stated that the carport was built to protect his cars. He added that if he would move the poles to comply with setbacks his cars would not fit.

Mr. Sanchez stated that if he would've obtained a permit for the city would have given him guidance.

Mr. Jaime Perez replied I was not aware I needed a permit, when I purchased the house the carport existed already, and after one of the storms it was destroyed, and all I did was build it again.

Chairman Salazar asked if there were any comments in favor or against the request.

There were no comments.

Ms. Elizondo stated that the petition that was submitted, had 38% in favor of this request.

Vice Chairman Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Elizondo stated that the subdivision had several variances approved.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to approve the variance request based on other approvals in the subdivision. Ms. Elizondo seconded the motion. Upon a 5-1 vote the motion passed. Mr. Romeo Sanchez was against.

Chairman Salazar entertained a motion to un table item 2.2. Ms. Elizondo move to un table item 2.2. Mr. Riddle seconded the motion. Upon a vote the motion passed.

ITEM# 2.2

TO KEEP A 35' FRONT SETBACK INSTEAD OF THE REQUIRED 42' COMMON ACCESS EASEMENT AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4006 N. INSPIRATION ROAD, BEING LOT 52, COLINAS DEL RIO PH. 1, AS REQUESTED BY LUIS CHAVEZ

Ms. Dimas stated that this item was previously tabled on June 26, 2024 in order to allow staff time to go and take pictures of the shed on the rear.

The subject site is located approximately 100' north of Azalea Street along the east side of N. Inspiration Road. The lots measures 96.09'x125.35' for a total of 12,056 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 21'x 63' metal carport that is built 6.5' within the 42' common access easement and a 11.1'x15.2 storage shed. Staff notes that the carport was constructed in the late 90's which the shed was built without obtaining the proper permits.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 19, Ph. III	0'Front/5.7' Side	4/21/21	Approved
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approved Front/Side, Denied Rear
Lot 60, Phase II	10' Garage/Carport & 2.6' Rear for the Shed	1/17/24	Approved Garage & Denied Rear
Lot 60, Phase II	3' Rear for the Gazebo	2/10/24	Denied

Staff mailed out 26 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval of the carport and denial for the shed. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Chairman Salazar asked if the board had questions for staff.

Mr. Riddle asked if there was a utility easement in the rear.

Ms. Sanjuanita Arsola stated that she was representing her dad Mr. Luis Chavez, she mentioned that her father built the shed almost 10 or 15 years ago to use for his tools.

Chairman Salazar asked if there were any comments in favor or against the request.

There were no comments.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Elizondo stated that there was a street and not a structure in the rear.

There being no further discussion, Chairman Salazar entertained a motion. Ms. Elizondo moved to approve the variance request only on the foot print of the shed. Mr. Romeo Sanchez seconded the motion based on the years the shed had been there. Upon a vote the motion passed unanimously.

Chairman Salazar entertained a motion to un table item 2.3. Ms. Elizondo move to un table item 2.3 Mr. Riddle seconded the motion. Upon a vote the motion passed.

TABLED

ITEM# 2.3

TO ALLOW 1) A 14' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 4' SIDE SETBACK TO THE SOUTH, 3) A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6', 4) A 13.6' REAR SETBACK INSTEAD OF THE REQUIRED 15' AND 5) TO ALLOW A TOTAL OF 1,143 SQ. FT. WHERE THE MAXIMUM IS 800' SQ.FT. AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH, AS REQUESTED BY JUAN SALINAS

Ms. Dimas stated that this item was previously tabled on June 26, 2024 in order to allow property owner time to get with 811 to see if there were any utility lines on the rear of the property. During that meeting the 14' front and 4' side setback for the carport were denied.

The subject site is located along the east side of Blake Street, near the Blake/Miracle Lane intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12'x15' storage shed, 3) a 15'x15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that the there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020; the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance was revised by P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed open carports to be 8' from the front and 4' from the sides. In November 8, 2021; P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,249 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 67	2' Side Setback	6/12/01	Approved
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied
Lot 76	14' Front & 4' Side	5/29/24	Denied

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Ms. Elizondo stated that she had a conflict of interest, that she represents one of the neighbors, and will be abstaining.

Ms. Dimas stated that there was two conflict of interest for this item, Mr. Humberto Garza and Ms. Dolly Elizondo.

Mr. Flores stated that he thought that a decision had been mad already for this item.

Ms. Dimas replied that it was previously seen, and that the board denied the 22' 4" x 24' carport. She added that the item that was un tabled was the 12' x 15' shed for the rear violation and the total square footage.

Chairman Salazar asked that if the applicant was present.

Mr. Juan Salinas who resides at 919 Blake Street was present, he mentioned that he was here to hear what needed to be done for the storage shed.

Mr. Sanchez asked to see a sight view.

Chairman Salazar asked if it was on concrete.

Mr. Salinas replied "yes".

Mr. Sanchez asked if there was a utility easement in the rear.

Mr. Riddle stated that it was cleared by AEP.

Mr. Salinas stated that the fence was not on the property line.

Chairman Salazar asked if there were any comments for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Sanchez seconded the motion. Mr. Humberto Garza and Ms. Dolly Elizondo abstained from the voting. Upon a vote, the motion passed unanimously.

Mr. Riddle asked that the shed was the only item being discussed that was encroaching 1' 6" to the rear and 3' on the side.

Ms. Dimas replied "yes".

There being no further discussion, Chairman Sanchez entertained a motion. Mr. Riddle moved to approve the variance request for the shed. Mr. Sanchez seconded the motion. Mr. Humberto Garza and Ms. Dolly Elizondo abstained from voting. Upon a vote the motion passed unanimously.

Chairman Salazar entertained a motion to un table item 2.4. Mr. Riddle move to un table item 2.4 Mr. Flores seconded the motion. Upon a vote the motion passed.

TABLED

ITEM# 2.4

TO KEEP A 0' REAR SETBACK FOR A STORAGE; A 4.9' REAR SETBACK FOR A PERGOLA INSTEAD OF THE REQUIRED 10', A 2.7' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,978 SQ.FT. INSTEAD OF THE MAXIMUM 1,093.60 SQ.FT. ALLOWED AT 1363 GARDEN DRIVE, BEING LOTS 31 & 32, SANTA FE, AS REQUESTED BY RICARDO DIAZ MIRANDA

Ms. Dimas stated that this item was previously tabled on May 29, 2024 in order to allow the applicant time to get with 811 to see if there were any utility lines under the structures and to obtain letters from those utility companies stating that they have no problems with the structures being there.

The subject site is located approximately 134' east of Yosemite Drive along the north side of Garden Drive. The lots measure 120'x120' for a total of 14,400 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 17'x11.7' pergola, 2) a 6'x8' shed, 3) a swimming pool, 4) 21.4'x11' canopy, and 4) to keep 884.4 sq.ft. over the 1,093.60 sq.ft. maximum allowed. The violations were discovered when the applicant submitted a permit for a pergola that was tagged by Code Enforcement during a sweep in the area. When staff was reviewing the building permit for the initial pergola in question by Code Enforcement, staff checked the aerial and noticed other structures within the property that didn't have permits and were indeed encroaching into the rear and side setbacks.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 2,734 sq.ft. ($2,734 \times 40\% = 1,093.60$ sq.ft.)

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10 & 11	11' Garage/Carport; 1' East & 2' West, 0' Rear, 1859 sq.ft.	9/15/21	Denied
Lot 26	6.4' rear	4/24/24	Denied

Staff mailed out 28 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Riddle stated that the letter from 811 stated that AEP had no problems allowing the swimming pool.

Chairman Salazar asked that if the applicant was present.

Mr. Jose Diaz was present, he mentioned that the structures had been there for 15 years. He added that he had no comments.

Ms. Elizondo asked if he's been the owner for the past 15 years.

Mr. Diaz replied since 2008.

Ms. Elizondo asked that if his house was in front of the cemetery.

Mr. Diaz replied "no".

Chairman Salazar asked if there were any comments for or against the request.

There were no comments.

Chairman Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked if permits were obtained.

Ms. Dimas stated "no".

Mr. Riddle read that AEP was willing to allow the owner to have a swimming pool and an out building, hereafter referred to as 'improvements', on and over the public utility easement

Ms. Dimas stated that the pergola on the north side was denied.

Chairman Salazar asked that what was the material used for the walls.

Mr. Diaz replied plywood.

Mr. Sanchez stated that he had several concerns in regards to the structures.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to approve the variance requested for the swimming pool. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

Chairman Salazar stated that the next items being discussed were the pergola, shed, canopy and total square footage.

Mr. Sanchez asked where was the shed located.

Ms. Dimas replied that it wasn't a shed, that it was a shower.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to deny the variance request for the restroom and pergola. Mr. Garza second the motion. Upon a vote the motion passed unanimously.

The next item being discussed was the canopy.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to approve the variance request for the 21' 4" x 11' canopy. Mr. Riddle second the motion. Upon a vote the motion passed unanimously.

Ms. Dimas stated that the next item was going to remain tabled.

Chairman Salazar stated that the board had to go back to item 1.1. He mentioned that he needed to remove himself from the vote and abstain. He stated that he was the builder of the home. He added that the vote needed to be amended to approve only on foot print.

TABLED

ITEM# 2.5

TO KEEP AN 8' SIDE SETBACK INSTEAD OF THE REQUIRED 15' U.E. AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON, AS REQUESTED BY MIGUEL RIOS

Ms. Dimas stated that this item was previously tabled on June 26, 2024 in order to allow the property owner time to get with 811 and obtain a letter of release for the swimming pool. It is noted that during the previous meeting the side and rear setback for the canopy were denied.

The subject site is located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 20'x28' canopy that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

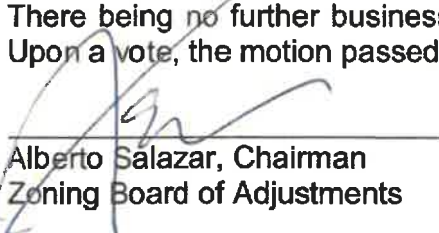
Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Mr. Riddle moved to adjourn. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously at 6:44 p.m.



Alberto Salazar, Chairman
Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
AUGUST 28, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Dolly Elizondo
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza Garza
Michael R. De Leon

ZBA ABSENT

Alberto Salazar
Andrew C. Riddle

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasema Dimas
Alex Hernandez
Elisa Zurita

GUESTS PRESENT

Eluid Lopez
Arnold Trevino
Juan Duran
Frank Lozano
Araceli De La Garza
Omar Flores

CALL TO ORDER

Vice Chairman Flores called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Vice Chairman Flores asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

APPROVAL OF MINUTES FOR JULY 24, 2024

Vice Chairman Flores asked if there were any corrections to the minutes. Mr. Ueckert moved to approve the minutes. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP A 6' REAR SETBACK INSTEAD OF THE REQUIRED 15' REAR SETBACK/UTILITY EASEMENT AT 1101 UNION COURT, BEING LOT 57, LOS JARDINEZ DE CIMARRON AS REQUESTED BY MANUEL GOMEZ

Ms. Dimas stated that the subject site is located approximately 260' north of Sabinal Street at the end of the cul-de-sac of Union Court. The irregular lot measures a total 21,519 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x20' canopy that was built without a permit. This violation was discovered by our Code Enforcement Department while doing a sweep of the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 60	15' Front Setback	5/18/05	Approved

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a letter from the President of Los Jardinez de Cimarron Home Owner's Association stating that the roof structure does not violate any of their rules and regulations.

RECOMMENDATION: Staff recommends denial. The structure needs to be modified to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the board had any questions for staff.

There was none.

Vice Chairman Flores asked if there was anyone in favor or against the request.

Mr. Frank Lozano who was representing Mr. Manuel Gomez was present, he stated the Ferris City vs The City of Austin Case, mentioned that the variance should be granted if it's consistent with the public interest in the spirit of the zoning ordinance, if special conditions on the property exist it will support the change, if literal enforcement of the ordinance would cause an unnecessary hardship to the property owner; and if issuing the variance would result in substantial change. He added that the variance was not to push the setback to the property line but requesting to leave 6' setback for the pre-existing structure.

Ms. Elizondo asked that what was his relationship to Mr. Manuel Gomez.

Mr. Lozano replied that he was his legal representative.

Mr. Sanchez asked that what was the reason a permit not obtained.

Mr. Lozano replied that his client purchased the home with the structure.

Mr. Sanchez stated that the previous owner was in violation and Mr. Gomez inherited the problem.

Mr. Lozano replied that he was aware of the problem and wanted to fix it.

Ms. Elizondo asked that if his client had contacted the utility locaters.

Mr. Lozano replied yes, and had no negative response.

Ms. Elizondo asked that if the utility locaters provided a clearance letter.

Mr. Lozano replied no, but we can provide one to the board if needed. He added that he provided a letter from the HOA.

Mr. Sanchez stated that he had a problem with the structure being built on the utility easement.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. De Leon mentioned that he was inclined to approve the variance but would like for the applicant to provide the letter from the utility locaters.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to "Table" the variance request to provide staff with the letter from the utility locator. Ms. Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2
TO KEEP A 10" SIDE SETBACK AND A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 4' REAR SETBACK INSTEAD THE REQUIRED 10' REAR SETBACK, AT 509 LAS BRISAS DRIVE, BEING LOT 9, BLOCK A, LAS BRISAS AS REQUESTED BY ARNOLDO TREVINO

Ms. Dimas stated that the subject site is located approximately 550' west of N. Mayberry Road along the north side of Las Brisas Drive. The regular lot measures 80'x135' a total 10,800 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x30' metal carport with a 10" side setback, 2) a 10'x20' storage shed with a 4' rear setback, and 3) an 8'x10' storage shed with a 4' rear setback and a 2' side setback. All of these structures were constructed without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep of the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 1, Blk. C	30' Front Setback	8/24/93	Approved

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 30 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a letter from the adjacent neighbor at 601 Las Brisas Dr. in favor of the metal carport.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores that if the board had any questions for staff.

Mr. Sanchez stated that the structure can be modified to meet setbacks and still have enough room to keep a 14'x20' porch.

Vice Chairman Flores asked that if there was anyone in favor or against the request.

Mr. Arnold Trevino who resides at 509 Las Brisas mentioned that the person who built the carport stated that he was going to obtain the building permit. He added that he spoke to his neighbors about his carport and they had no problems with it. He stated that he was present to ask the board to consider his request.

Mr. Sanchez asked that how long had Mr. Trevino lived at his residence.

Mr. Trevino replied almost a year.

Mr. Sanchez stated that if Mr. Trevino understood that permits are needed when structures are built.

Mr. Trevino replied that he was aware a permit was needed, but figured his contractor would've obtained the permit.

Ms. Elizondo asked if he got an estimate on how much it would cost him to comply with setbacks.

Mr. Trevino replied no, he asked that if he could move the poles back.

Ms. Elizondo replied yes.

Mr. Trevino asked that if he could leave the overhang as is.

Ms. Elizondo stated that if the overhang was part of the encroachment.

Ms. Dimas replied yes.

Ms. Elizondo stated that the overhang had to be modified.

Mrs. Anna Marie Gonzalez who resides at 601 Las Brisas stated that she was Mr. Trevino neighbor and was in favor of the request, she added that the contractor that built her carport was the same one that built Mr. Trevino's.

Mr. Sanchez stated that Mr. Trevino needs to submit an engineer design to staff. He added that all metal structures require one.

Vice Chairman Flores asked that if there was anyone in favor or against the request.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Elizondo stated that Mr. Trevino should obtain an estimate, to check if there was a financial hardship.

Mr. De Leon agreed with Ms. Elizondo.

The first item's being discussed are the two storage sheds.

Ms. Elizondo stated that as per ordinance, only one shed was allowed.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to deny the variance request for the two storage sheds. Mr. De Leon seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the 20'x30' metal carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to "Table" the variance request for the 20'x30' carport to obtain an estimate to comply. Mr. Ueckert seconded the motion. Upon a vote the motion passes unanimously.

ITEM#1.3

TO KEEP A 35' FRONT SETBACK INSTEAD OF THE REQUIRED 42' COMMON ACCESS EASEMENT AT 4002 N. INSPIRATION ROAD, BEING LOT 51, COLINAS DEL RIO PH. 1, AS REQUESTED BY ELUID LOPEZ

Ms. Dimas stated that the subject site located approximately at the northeast corner of N. Inspiration Road and Azalea Street. The irregular lot measures a total of 12,347 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 21'x 63' carport that is built 6.5' within the 42' common access easement. Staff notes that the carport was constructed at the same time as the apartment complex in the late 90's by the developer/applicant. The applicant did obtain a building permit.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 52	35' Front Setback for Carport	6/26/24	Approved
Lot 52	1' Rear Setback for Storage Shed	7/24/24	Approved

Staff mailed out 22 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval of the carport.

Vice Chairman Flores asked that if the board had any questions for staff.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mr. Eluid Lopez was present, he mentioned that he had all the copies of the blueprints and permits that were approved by the City of Mission.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to approve the variance request. Mr. Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.4

TO KEEP A 35' FRONT SETBACK INSTEAD OF THE REQUIRED 42' COMMON ACCESS EASEMENT AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4008 N. INSPIRATION ROAD, BEING LOT 53, COLINAS DEL RIO PH. 1, AS REQUESTED BY ELUID LOPEZ

Ms. Dimas stated that the subject site is located approximately at the southeast corner of N. Inspiration Road and Magnolia Street. The irregular lot measures a total of 12,297 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 21'x 63' carport that is built 6.5' within the 42' common access easement, and 2) an 8'x16' storage shed built within the 15' rear setback. Staff notes that the carport was constructed at the same time as the apartment complex in the late 90's by the developer/applicant. The applicant did obtain a building permit. The storage shed was constructed by the property owner without obtaining the proper permits.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 52	35' Front Setback for Carport	6/26/24	Approved
Lot 52	1' Rear Setback for Storage Shed	7/24/24	Approved

Staff mailed out 22 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval of the carport and denial for the shed. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if there was anyone in favor or against the request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Elizondo moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to approve the variance request. Mr. De Leon seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.5

TO ALLOW A 7'-6" CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' CORNER SIDE SETBACK AT 2500 E. SOLAR DRIVE, BEING LOT 28, GARDEN PATH SUBDIVISION AS REQUESTED BY OMAR FLORES

Ms. Dimas stated that the subject site is located approximately at the southeast corner of E. Solar Drive and Harmony Street. The irregular lot measures a total 3,584 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to allow a 7'-6" corner side setback instead of the required 10' corner setback for a proposed pool. The pool will be 2'-6" within the corner side setback.

Staff mailed out 29 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. The structure needs to be modified to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the board had any questions for staff.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mr. Omar Flores was present, he mentioned that he is requesting a 2' ½" variance to build a swimming pool. He added that no utility easement existed on the side where the variance was being requested.

Mrs. Araceli De La Garza that was connected via zoom, stated that she had a question for staff. She asked that if this request would impact her property? She added that she knew it wouldn't, because Mr. Flores had explained his request but wasn't sure why she received a letter since it didn't impact her property.

Ms. Dimas replied that the property owners who live within 200' had to be notified that a variance was being requested.

Vice Chairman Flores asked if the cool deck was allowed to encroach.

Ms. Dimas replied that the cool deck was allowed on the setback, but the pool needed to comply with setbacks.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to approve the variance to the foot print of the swimming pool. Mr. De Leon. seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.6

TO KEEP A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,156 SQ. FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. AT 505 OBLATE AVENUE, BEING LOT 8, BLOCK 89, MISSION ORIGINAL TOWNSITE, AS REQUESTED BY JUAN DURAN

Ms. Irasema Dimas stated that the subject site located approximately 50' north of E. Rafael Ramirez along the west side of N. Oblate Avenue. The regular lot measures 50'x150' a total 7,500 sq. ft.

This item was previously considered on July 24, 2024 and it was denied. Since then the applicant has submitted a building permit to enclose 25'x25' of the carport to be used as a bedroom, laundry room, closet/storage.

The applicant would like the Board to consider the above-mentioned variances to keep a 68'x11' carport and 2) to keep 356 sq.ft. over the 800 sq.ft. maximum allowed that were built without permits.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory

structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,230 sq.ft. (1,855 sq.ft. new).

Staff notes that ZBA has not approved any variances within this area. Approving this variance would set precedence to others.

Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. The structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Vice Chairman Flores asked if the board had any questions for staff.

Ms. Elizondo asked that if the item changed since it was last seen in July.

Ms. Dimas replied that it was the same, however the applicant was proposing to enclose part of the rear carport to be used as a bedroom, laundry room, closet/storage.

Vice Chairman Flores stated that to enclose part of the carport it would require a building permit and not a variance.

Ms. Dimas replied that a permit was submitted and being reviewed.

Mr. Sanchez stated but the variance was denied.

Ms. Dimas mentioned that once the carport was enclosed that would no longer be part of the accessory structure, but considered living area.

Vice Chairman Flores asked if the applicant was present.

Mr. Juan Duran was present, he mentioned that his intention was to build a bar-b-que area but advised that the porch was exceeding the square footage.

Mr. Sanchez stated that if Mr. Duran understood that if he had obtained the proper permits he would have known that the porch was not in compliance.

Mr. Duran mentioned that the contractor that built his porch advised him that there was no problems with the porch since it was attached to the house.

Ms. Duran was present, she stated that the 68'x11' carport existed already but was removed and replaced with a new one. She added that her neighbors had no problems with the carport being all the way to the property line.

Mr. Sanchez stated that the carport was only encroaching 4', and could be modified to comply with the side setback.

Ms. Duran replied that if she would reduce the size of the carport, her cars wouldn't fit.

Mr. Sanchez stated that it could be used as a porch.

Discussion amongst the board in regards to the exceeding square footage and the proposed enclosed 25'x25' living area.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Discussion amongst the board in regards to the variance that was requested.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to deny the variances requested. Mr. Ueckert seconded the motion. Upon a 5-1 vote, the motion passed. Mr. Humberto Garza was against.

2.0 OTHER BUSINESS

3.0 ADJOURNMENT

There being no further business, Mr. Riddle moved to adjourn. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously at 5:51 p.m.



Heraclio Flores, Jr., Vice Chairman
Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
SEPTEMBER 25, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Heraclio Flores Jr.
Romeo Sanchez
Humberto Garza Garza
Alberto Salazar
Andrew C. Riddle

ZBA ABSENT

Dolly Elizondo
William F. Ueckert Jr.
Michael R. De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasema Dimas
Gabriel Ramirez

GUESTS PRESENT

Mayla J
Miguel Galvan
Nancy De Rojas
Brad Frisby
Jorge A. Rios
Kelly Vela
Cynthia Rivas
Ismael Contreras

CALL TO ORDER

Chairman Salazar called the meeting to order at 4:30 p.m.

CITIZENS PARTICIPATION

Chairman Salazar asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

DISCLOSURE OF CONFLICT OF INTEREST

Mr. Humberto Garza filed a conflict of interest for item 1.5

APPROVAL OF MINUTES FOR AUGUST 28, 2024

Chairman Salazar asked if there were any corrections to the minutes. Mr. Sanchez moved to approve the minutes. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO ALLOW A 5' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10' AND A 3.7' INSTEAD OF THE REQUIRED 5' AT 3804 HERON WAY, BEING LOT 144, RETAMA VILLAGE PH. 2 AS REQUESTED BY ESPERANZA HOMES MISSION, LLC

Ms. Dimas stated that the subject site was located at the northeast corner of Heron Way and Kiskadee Lane. The irregular lot measures a total 5,947 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to allow the construction of a residence. The applicant did express that their intentions are to have this new residence in alignment with the rest of the homes.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 157	12' Front	8/1/12	Approval
Lot 142	9.2' Rear	5/20/15	Approval

Lot 143	6.8' Rear	5/20/15	Approval
Lot 144	6' Corner	5/20/15	Approval
Lot 129	5' Rear	5/20/15	Approval
Lot 131	5.4' Rear	12/6/23	Approval

Staff mailed out 34 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Denial, plans can be modified to comply with the required setbacks.

Chairman Salazar asked if the board had any questions for staff.

Mr. Riddle asked that if Lot 143, obtained a building permit.

Staff replied yes.

Chairman Salazar asked if the applicant was present.

Mrs. Kelly Vela with Melden & Hunt was present, she mentioned that she was the civil engineer working with Rhodes Development & Esperanza Homes. She stated that some modification were done to the site plan, and instead of 3' 8 ½" on the east side, only 4' 3" inches were needed. She added that a variance was previously granted on the west side, so the variance on the west side wasn't needed.

Mr. Flores asked if the variance being requested was only for the east side.

Mrs. Kelly Vela replied yes.

Mr. Sanchez asked if there was a utility easement on the east side.

Mr. Brad Frisby with Esperanza Homes replied that there was no utility easement, that is was a technology easement that could be abandoned since it was owned by them.

Chairman Salazar asked that if there was anyone in favor or against the variance request.

There was none.

Chairman Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to approve the variance request since it's an irregular lot and being the last lot in that subdivision. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2

TO ALLOW A 19.5' SIDE SETBACK INSTEAD OF THE REQUIRED 20', AT 2308 SANTA CLARA, BEING LOT 22, SHARYLAND PLANTATION VILLAGE SAN MIGUEL PHASE IV SUBDIVISION AS REQUESTED BY JORGE A. GUTIERREZ

Ms. Dimas stated that the subject site was located near the Santa Clara and San Miguel intersection. The lot measures 150' x 216' for a total 32,400 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to continue with the construction of the residence. Staff notes that the applicant did apply for a building permit. The site plan showed compliance with all setbacks. However, during the construction it was discovered that the west side setback was short by ½ inch, therefore the need for a variance.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 8, Ph. II	30' Front instead of 50'	12/13/06	No Action taken
Lots 23-32, Ph. I	30' Rear instead of 50'	11/16/05	Approval
Lot 40, Ph. II	33.9' Rear instead of 50'	11/8/06	Approval
Lot 8, Ph. II	45' Front instead of 50'	2/6/07	Denied

Staff notes that there had been no variances granted for a side setback reduction on either of the San Miguel Subdivision Phase I -4. Staff mailed out 11 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a letter in support of the variance request from the Sharyland Residential Community Property Owners Association, Inc.

RECOMMENDATION: Staff does not object to approving the variance since it will not be detrimental to the neighboring properties.

Chairman Salazar that if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

Mrs. Cynthia Rivas who resides at 114 Solar Drive, mentioned that she was the applicant's lender. She mentioned that the encroachment was discovered during construction.

Mr. Sanchez asked staff why was it a 20' side setback.

Ms. Dimas replied that it was a plat note.

Chairman Salazar asked that if there was anyone in favor or against the variance request.

There was none.

Chairman Salazar entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Sanchez moved to approve the variance request. Mr. Flores seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO ALLOW A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 1503 DOLORES DEL RIO AVENUE, BEING LOT 45, ALA BLANCA NORTE UT NO. 1, AS REQUESTED BY MIGUEL A. GALVAN

Ms. Dimas stated that the subject site was located 360' north of Jorgeanna Street along the west side of Dolores Del Rio Avenue. The lot measures 60' x 120' for a total 7,200 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep the following: 1) 8'x16' shed at 6" side, 2) 11.4'x3' BBQ pit at 0' side, and 3) 12'x22' carport at 0' side and rear that were constructed without obtaining the proper permits. These violations were discovered by our Code Enforcement Department while doing a sweep on this subdivision. Staff notes that there are other structures on the property meeting setbacks, however no permits were obtained for any of these structures.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36, Phase I	5' Side	5/21/03	Denied
Lot 9, Phase I	40' Front	5/15/03	Approval
Lot 133, Phase I	6' Rear	3/11/11	Approval
Lots 3 & 4, Phase I	4.9 'Rear	3/21/03	Approval
Lot 78, Phase I	0' Side/0' Rear/ & Total 1,053 sq.ft.	4/10/24	Denied

In regards to the portable buildings, Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 31 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Chairman Salazar asked that if the board had any questions for staff.

There was none.

Chairman Salazar asked if the applicant was present.

The applicant was on zoom.

Chairman Salazar asked if there was anyone in favor or against this request.

There was none.

Due to having problems with zoom, the board decided to table this item so the applicant could be present in person, Chairman Salazar entertained a motion. Mr. Garza moved to "Table" the variance request. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.4

TO ALLOW A 10' FRONT SETBACK INSTEAD OF THE REQUIRED 18' FOR CARPORT AT 1506 ESPERANZA AVENUE, BEING LOT 16, LOS EBANOS VILLAGE, AS REQUESTED BY JORGE ANTONIO RIOS

Ms. Dimas stated that the subject site was located 263' west of Los Ebanos Road along the northside of Esperanza Street. The lot measures 62' x 216' for a total 13,392 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 30'x21.4' carport that was constructed without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep on this subdivision.

Staff notes that ZBA has not approved or considered any variances within this subdivision. Approving this variance will set precedence. Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Chairman Salazar asked that if the board had any questions for staff.

There was none.

Chairman Salazar asked that how often were sweeps done.

Ms. Dimas replied that sweeps were done every other day.

Chairman Salazar asked if the applicant was present.

Mr. Jorge A. Rios who resides at 1506 Esperanza Avenue was present. He mentioned that he measured 16' from his grass and wanted to know where staff got 10' shown on the aerial.

Mr. Garza stated that the place to measure from was the property line.

Mr. Jorge A. Rios stated that initially he measured 23' from the street and his permit was denied. He mentioned that he was informed that he had to measure from where his grass started and he did, and he measured 16'.

Ms. Dimas mentioned that the property line usually starts where the first drive expansion was.

Mr. Riddle asked if there was an HOA.

Mr. Jorge A. Rios replied no.

Mr. Sanchez stated that the house on the left didn't look aligned with the other houses.

Ms. Dimas replied that when she works on the item being presented she only focuses on the house with the violation.

Mr. Riddle asked that if the applicant had a purpose for the carport other than the sun.

Mr. Jorge A. Rios replied hail, weather, and 3 babies.

Chairman Salazar asked that if there was anyone in favor or against the variance request.

There was none.

Chairman Salazar entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked if the lots were half of an acre.

Ms. Dimas replied no.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Garza moved to "table" the variance request to get more information on the house to the left. Mr. Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.5

TO ALLOW A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 936 SQ FT INSTEAD OF THE MAXIMUM 800 SQ FT ALLOWED AT 2500 E. SOLAR DRIVE, BEING LOT 28, GARDEN PATH SUBDIVISION AS REQUESTED BY ISMAEL CONTRERAS

Ms. Dimas stated that the subject site was located 792' east of Los Ebanos Road along the north side of Fincher Street. The lot measures 70' x 105' for a total 7,350 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 15'x19' patio and to keep 136 sq.ft. over the 800 sq.ft. maximum allowed that were built without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep on this subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,808 sq.ft.

Staff notes that ZBA has not approved or considered any variances within this subdivision. Approving this variance will set precedence. Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Chairman Salazar asked if the board had any questions for staff.

Chairman Salazar asked if the applicant was present.

Mr. Ismael Contreras who resides at 2500 E. Solar was present.

Mr. Riddle asked what year was the patio built.

Mr. Ismael Contreras replied 3 years ago.

Mr. Sanchez asked what was the reason a building permit wasn't obtained.

Mr. Ismael Contreras replied that he was not aware a building permit was needed.

Mr. Sanchez stated that all structures required a building permit.

Mr. Flores asked if there was an alley.

Ms. Dimas replied yes.

Chairman Salazar asked if there was anyone in favor or against the variance request.

There was none.

Chairman Salazar entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked that if the 20' canal easement was active.

Ms. Dimas replied that she was not sure.

Mr. Garza stated that he abstained.

Mr. Sanchez stated that the structure does not belong where it was built, if in the future the utility companies or whomever needed to access the property the applicant would need to remove the patio.

Mr. Riddle stated that it could be a finical hardship, since the patio had a concrete slab.

Discussion amongst the board in regards to financial hardship.

Mr. Flores asked that if staff could find out if the canal easement was abandoned.

Ms. Dimas replied yes.

There being no further discussion, Chairman Salazar entertained a motion. Mr. Riddle moved to "table" the variance, so the applicant could obtain 3 quotes and for staff to call united irrigation and ask if the canal easement was abandoned. Mr. Garza abstained from voting. Mr. Sanchez seconded the motion. Upon a vote the motion passed.

2.0 OTHER BUSINESS

3.0 ADJOURNMENT

There being no further business, Mr. Garza moved to adjourn. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously at 5:51 p.m.



Alberto Salazar, Chairman
Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
OCTOBER 23, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Heraclio Flores Jr.
Romeo Sanchez
Dolly Elizondo
Andrew C. Riddle
William F. Ueckert Jr.
Michael R. De Leon

ZBA ABSENT

Humberto Garza
Alberto Salazar

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasema Dimas
Alejandro Hernandez

GUESTS PRESENT

Frank Lozano
Ruplai
Arnoldo Trevino
Linda Pena
Ismael Contreras
Rocio Huerta
Jorge Rios
Miguel A. Galvan

CALL TO ORDER

Vice Chairman Flores called the meeting to order at 4:40 p.m.

CITIZENS PARTICIPATION

Vice Chairman Flores asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

DISCLOSURE OF CONFLICT OF INTEREST

APPROVAL OF MINUTES FOR SEPTEMBER 25, 2024

Vice Chairman Flores asked if there were any corrections to the minutes. Ms. Elizondo moved to approve the minutes. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP A 6.6' FRONT SETBACK INSTEAD OF THE REQUIRED 10' AT 110 S. MOCKINGBIRD AVENUE, BEING LOT 24, VILLAS SAN GABRIEL SUBDIVISION AS REQUESTED BY JUAN MANUEL CORONA

Ms. De Luna stated that the subject site was located approximately 147' north of Cassandra Street along the west side of Mockingbird Avenue. The irregular lot measures a total 8,485 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to allow the construction of a residence. The applicant did express that their intentions are to have this new residence in alignment with the rest of the homes.

A building permit was issued on September 4, 2024, the site plan showed that the front setback will be complied with and being that the lot is irregular, staff required a pre-pour survey. A pre-pour survey was conducted on September 26, 2024 showing the encroachment, at that time only forms were at the site. The owner proceeded with the construction and on October 2, 2024, the building inspector failed the R-I Foundation, since the front setback was not being met.

Staff notes that ZBA has not approve or considered any variances within this subdivision. Approving this will set precedence on the subdivision. Staff mailed out 24 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Denial, plans can be modified to comply with the required setbacks.

Vice Chairman Flores asked if the board had any questions for staff.

There was none.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores asked if the applicant was present.

The applicant was not present.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Ueckert moved to table the variance request to allow the applicant to be present. Ms. Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 2.8' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 2800 CASSANDRA STREET, BEING LOT 5, VILLAS SAN GABRIEL SUBDIVISION AS REQUESTED BY ROCIO HUERTA

Ms. De Luna stated that the subject site was located approximately 278' west of Taylor Road along the south side of Cassandra Street. The lot measures 60' x 109.36' for a total 6,561.60 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 10.5'x24' patio that was constructed without a permit. This violation was discovered by Code Enforcement while doing a sweep in the subdivision. Staff notes that there is a storage shed on the property that appears to be not meeting setbacks. Staff was not given permission by the property owner to measure and take additional pictures of the storage shed.

Staff notes that ZBA has not approve or considered any variances within this subdivision. Approving this will set precedence on the subdivision. Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial.

Vice Chairman Flores asked if the board had any questions for staff.

Mr. Riddle asked if the subdivision had an HOA.

Ms. De Luna replied that she was not aware if there was an HOA in that subdivision.

Mr. Vice Chairman Flores asked if there was anyone if favor or against this request.

Mrs. Rocio Huerta who resides at 2800 Cassandra Street was present, she mentioned that she was not aware that she needed a permit and that it was not complying with the city's requirements. She mentioned that the pergola was used for shade for her son's gatherings after band practice.

Ms. Elizondo stated that staff was denied to take additional pictures of the storage shed.

Mrs. Rocio Huerta replied that no one asked her to take additional pictures of the storage shed. She added that the storage shed was made out of plastic and was easy to relocate.

Ms. De Luna stated that she was advised by staff that Mrs. Huerta denied access to take more pictures, because the notice that she received was only for the pergola and not for the shed. She added that since staff discovered other structures on the property, staff wanted to consider all of them and not just the pergola.

Mrs. Rocio Huerta stated that when she went to court she was advised that the kitchen was ok, that the only structure that she had to remove was the pergola. She added that staff wanted to take pictures and measure the kitchen, and she didn't know why if that structure was ok.

Ms. Elizondo asked if there was a court case for the kitchen?

Ms. De Luna replied that the violation was the pergola.

Mr. Sanchez asked that if there was a utility easement in the rear?

Vice Chairman Flores asked that if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Elizondo stated that this property was abutting an alley, that her opinion was that Mrs. Huerta should get the opportunity to get a utility location letter.

Mr. Sanchez stated that his opinion was that the utility easement should be respected, he added that if exemptions are made then their neighbors are going to want to do the same.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to table the variance request to allow Mrs. Huerta to obtain an 811 letter. Mr. Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO KEEP A 3.6' FRONT SETBACK INSTEAD OF THE REQUIRED 20' AND A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,171.40 SQ.FT. INSTEAD OF THE MAXIMUM REQUIRED 800 SQ. FT. AT 2104 CRISANTEMA AVENUE, BEING LOT 69, SOUTHERN OAKS PHASE I, AS REQUESTED BY LINDA PENA

Ms. De Luna stated that the subject site was located 80' south of W. 22nd Street along the east side of Crisantema Avenue. The lot measures 61.50' x 105' for a total 6,457 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12.8'x53' carport with a bar-b-que area and to keep 371.40 sq.ft. over the 800 sq.ft. maximum allowed that were built without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep on this subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,194 sq.ft.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 25, Phase I	2' Side	3/15/03	Approved
Lot 80, Phase I	3' Side	7/24/24	Approval

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the applicant was present?

Mrs. Linda Pena who resides at 2104 Crisantema was present. She mentioned that she built a two-car carport to fit her and her husbands' vehicles. She added that she had a one car garage but was being used for storage. She stated that in 2020 there was a bad accident on inspiration, and the car broke her fence and went into her property and was scared to build anything in the back.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Riddle stated that if the structure was approved, and a fire would occur there was a possibility that Mrs. Pena's insurance would sue the board. He added that there are setbacks that are mandated between houses that keep fire's from jumping from one house to the next.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Riddle moved to deny the variance request. Ms. Elizondo seconded the motion. Upon a vote the motion passed unanimously.

Vice Chairman Flores entertained a motion to un table Item 1.4 Ms. Elizondo moved to un table Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

TABLED ITEM# 1.4

TO ALLOW A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 1503 DOLORES DEL RIO AVENUE, BEING LOT 45, ALA BLANCA NORTE UT NO. 1, AS REQUESTED BY MIGUEL A. GALVAN

Ms. De Luna stated that this item was previously tabled during the September 25, 2024 to allow the applicant to be present. The applicant was present via zoom but staff had connection issues with zoom.

The subject site is located 360' north of Jorgeanna Street along the west side of Dolores Del Rio Avenue. The lot measures 60' x 120' for a total 7,200 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep the following: 1) 8'x16' shed at 6" side, 2) 11.4'x3' BBQ pit at 0' side, and 3) 12'x22' carport at 0' side and rear that were constructed without obtaining the proper permits. These violations were discovered by our Code Enforcement Department while doing a sweep on this subdivision. Staff notes that there are other structures on the property meeting setbacks, however no permits were obtained for any of these structures.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36, Phase I	5' Side	5/21/03	Denied
Lot 9, Phase I	40' Front	5/15/03	Approval
Lot 133, Phase I	6' Rear	3/11/11	Approval
Lots 3 & 4, Phase I	4.9 ' Rear	3/21/03	Approval
Lot 78, Phase I	0' Side/0' Rear/ &	4/10/24	Denied
	Total 1,053 sq.ft.		

In regards to the portable buildings, Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 31 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the applicant was present.

Mr. Miguel Galvan who resides at 1503 Dolores Del Rio was present. He stated that the 12'x14' shed was built over 30 years ago and got a permit, he added that the 12'x22' carport was built during the "dog days" and didn't get a permit, because the offices were closed. He mentioned that the carport was not built with bad intentions or to bother anyone but if he needed to remove it he would.

Vice Chairman Flores asked if the board had any questions.

There was none.

Vice Chairman Flores asked if Mr. Galvan had a permit for the 12'x14'.

Ms. De Luna replied that the list of permits was in their packets, however if the permit was from 30 years ago the city would not have any record of those permits. She added that the 12'x14' that was mentioned was complying with setbacks.

Ms. Elizondo stated that the 12'x14' was complying with setbacks, however the issue was the amount of accessory structures.

Ms. De Luna replied that he was also exceeding the sq. ft. allowed for accessory structures.

Mr. Miguel Galvan mentioned that when the structures were built they were within his property because he owned the property next door.

Vice Chairman Flores asked if there was anyone in favor or against this request.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to deny the variances requested for the 8'x16 shed, 11'4 x 3' BBQ, and 12'x22' carport, and approve the 12'x14' shed and 9'x6"x12' canopy. Mr. Riddle seconded the motion. Upon a vote the motion passed unanimously.

No motion was made to un table item 1.5

TABLED ITEM# 1.5

TO KEEP A 10' FRONT SETBACK INSTEAD OF THE REQUIRED 20' FOR CARPORT AT 1506 ESPERANZA AVENUE, BEING LOT 16, LOS EBANOS VILLAGE AS REQUESTED BY JORGE ANTONIO RIOS

Ms. De Luna stated that the subject site was previously tabled during the September 25, 2024 meeting in order to allow staff time to verify the front setback for Lot 15. Staff notes that the front setback for Lot 15 is 20' and complies with setback requirements.

The subject site is located 263' west of Los Ebanos Road along the northside of Esperanza Street. The lot measures 62' x 216' for a total 13,392 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 30'x21.4' carport that was constructed without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep on this subdivision.

Staff notes that ZBA has not approved or considered any variances within this subdivision. Approving this variance will set precedence. Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Sanchez asked that if staff checked that if the home was complying with setbacks.

Ms. De Luna replied that the minimum front setback was 20'. She stated that the aerial in their packet showed where the house was meeting the front setback.

Mr. Sanchez stated so the other homes are resettled.

Ms. De Luna replied yes.

Vice Chairman Flores asked if the applicant was present.

Mr. Jorge Antonio Rios who resides at 1506 Esperanza Avenue was present. He mentioned that he was told that his property was outside city limits but then got a letter in the mail that he was not compliance.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that Mr. Rios had room to modify the carport to comply with setbacks.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to deny the variance request. Ms. Elizondo seconded the motion. Upon a vote the motion passed.

Vice Chairman Flores entertained a motion to un table Item 1.6 Ms. Elizondo moved to un table Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.6

TO KEEP A 6' REAR SETBACK INSTEAD OF THE REQUIRED 15' REAR SETBACK/UTILITY EASEMENT AT 1101 UNION COURT, BEING LOT 57, LOS JARDINEZ DE CIMARRON AS REQUESTED BY MANUEL GOMEZ

Ms. De Luna stated that this item was previously tabled during the August 28, 2024 meeting in order to allow the applicant time to call 811 to schedule an appointment to mark the utility lines and provide letters from the utility locator.

The subject site is located approximately 260' north of Sabinal Street at the end of the cul-de-sac of Union Court. The irregular lot measures a total 21,519 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x20' canopy that was built without a permit. This violation was discovered by our Code Enforcement Department while doing a sweep of the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 60	15' Front Setback	5/18/05	Approved

Staff mailed out 33 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a letter from the President of Los Jardinez de Cimarron Home Owner's Association stating that the roof structure does not violate any of their rules and regulations.

RECOMMENDATION: Staff recommends denial. The structure needs to be modified to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the board had any questions for staff.

There was none.

Mr. Riddle stated that the structure was not on concrete that it was only 4 poles on the ground.

Mr. Sanchez asked that if staff reviewed the 811 reports that were submitted.

Ms. De Luna replied that what utility companies do is send you a report telling you if they spotted any lines. They don't provide a letter telling you if the easement is active or not.

Mr. Sanchez asked that if any lines were spotted.

Ms. De Luna replied that they did spot some lines, however not where the canopy was.

Vice Chairman Flores asked if the applicant was present.

Mr. Frank Lozano was present representing Mr. Manuel Gomez. He mentioned that he represented Mr. Gomez in the previous meeting and the board was inclined to approve the variance, because of the lot unique shape. However, the board asked for us to locate all utilities in the area, and we did and submitted all the reports to staff. He added that Mr. Gomez purchased the property with the canopy and was not aware that it was in violation. He stated that the homeowner's association agreed with the canopy and no neighbors have complained about it.

Mr. Sanchez asked that if the canopy was made out of fabric?

Mr. Lozano replied yes.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Elizondo moved to approve the variance request based on the unique shape of the lot and that they went through the process of identifying no issues with utilities. Mr. De Leon seconded the motion. Upon a vote the motion passed.

Vice Chairman Flores entertained a motion to un table Item 1.7 Ms. Elizondo moved to un table Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.7

TO KEEP A 10' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 509 LAS BRISAS DRIVE, BEING LOT 9, BLOCK A, LAS BRISAS AS REQUESTED BY ARNOLDO TREVINO

Ms. De Luna stated that this item was previously tabled during the August 28, 2024 meeting in order to allow the applicant time to provide 3 quotes from contractors to bring his property into compliance.

The subject site is located approximately 550' west of N. Mayberry Road along the north side of Las Brisas Drive. The regular lot measures 80'x135' a total 10,800 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x30' metal carport with a 10" side setback, 2) a 10'x20' storage shed with a 4' rear setback, and 3) an 8'x10' storage shed with a 4' rear setback and a 2' side setback. All of these structures were constructed without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep of the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 1, Blk. C	30' Front Setback	8/24/93	Approved

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 30 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Staff received a letter from the adjacent neighbor at 601 Las Brisas Dr. in favor of the metal carport.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the board had any questions for staff.

Mr. Riddle asked that if the sheds were on concrete.

Ms. De Luna replied no.

Mr. Riddle asked if there were any the utility easements.

Ms. De Luna replied that there was a 10' utility easement in the rear of the property.

Vice Chairman Flores asked if the applicant was present.

Mr. Arnoldo Trevino who resides at 509 Las Brisas Drive was present. He mentioned that he received a letter from the city advising him to relocate one of the sheds to comply with setbacks and remove the second one. He stated that he submitted the 3 estimates that the board requested in the previous meeting and the cost to comply with setbacks was more then what he paid to build it. He added that the board stated in the last meeting that if it was more than 50% the board would consider it a hardship.

Mr. Riddle asked if the sheds had electricity?

Mr. Arnoldo Trevino replied no.

Vice Chairman Flores asked if there was anyone in favor or against this request.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Ms. Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Riddle stated that since the sheds were not on concrete he had no problem approving the sheds.

Mr. Sanchez stated that he was ok with the sheds also, but the carport needed to comply with the setbacks.

Ms. Elizondo asked that what were the dollar amounts of the quotes that were submitted.

Ms. De Luna replied the dollar amount on the quotes are \$7,640, \$8,500, and \$11,483.50.

Mr. Riddle was making a motion to approve the sheds subject to signing a hold harmless agreement.

Staff advised Mr. Riddle that the sheds were denied in the previous meeting, so no motion was needed.

Mr. Riddle stated disregard my motion.

Mr. Sanchez asked that what were the estimates for.

Ms. De Luna replied that the estimates were for the carport.

Mr. Sanchez stated that his opinion was that the carport needed to comply with setbacks.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to deny the variance requested for the 20'x30' carport. Mr. Riddle seconded the motion. Upon a vote the motion passed.

Ms. Elizondo stated that she thought the board was going to discuss the item before the vote.

Mr. Arnoldo Trevino was making comments from the audience.

Ms. Elizondo stated that her comment/question was, what was the number being used from HCAD for calculation to consider it a hardship.

Ms. De Luna replied the square footage.

Ms. Elizondo stated the hardship consideration. She added that the applicant stated that the estimates were more than 50%, but she wanted to know what number/value of the carport was being used.

Ms. De Luna asked if Mr. Trevino was being taxed for the carport.

Mr. Arnoldo Trevino replied no, it was just built.

Ms. De Luna stated that in order to find out if it's more than 50%, the appraisal district needs to reflect the value of the carport. She added since the appraisal district is not reflecting the value, staff cannot determine if it's 50% or more to modify the carport.

Ms. Elizondo stated that she just wanted clarification on how Mr. Trevino was determining the 50% since she didn't see a number on the appraisal district.

Mr. Sanchez stated that if the motion passed.

Ms. Elizondo stated that was my discussion.

Mr. Sanchez stated that the board had voted.

Ms. Elizondo replied no, that the discussion was before the vote.

Vice Chairman Flores stated that there was no second.

Mr. Sanchez replied that there was a second vote.

Ms. Elizondo stated that Mr. Riddle second the vote.

Vice Chairman entertained a motion to vote, Mr. Romeo Sanchez voted to deny the variance requested. Mr. Riddle second the vote. Upon a 2/3 vote the motion to deny was denied.

Vice Chairman Flores entertained a motion to un table Item 1.8 Ms. Elizondo moved to un table Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.8

TO KEEP A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON AS REQUESTED BY MIGUEL RIOS

Ms. De Luna stated that this item was previously tabled on July 24, 2024 in order to allow the property owner time to get with 811 and obtain a letter of release for the swimming pool. It is noted that during the previous meeting the side and rear setback for the canopy were denied.

The subject site is located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a swimming pool. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

Staff notes that ZBA has considered the following variances in this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Vice Chairman Flores asked if the applicant was present.

Mr. Miguel Rios who resides at 1709 Trinity was present. He mentioned that there was an 811-request done that was requested by the board. He stated that the city inspectors went to his house and advised him where to move the poles for the canopy. He added that he got quotes to move to comply with setbacks, and he should have it done in two or three weeks.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. De Leon seconded the motion. Upon a vote, the motion passed unanimously.

Ms. De Luna stated that the only item being discussed was the pool.

Mr. Sanchez stated that this item has been seen 3 times.

Ms. De Luna replied that the last time this item was seen it was tabled, to allow the applicant to request an 811-utility locator report to find out if any utility easement were located where the pool was.

Mr. Sanchez asked if any utility easements were located.

Ms. De Luna replied that a report was submitted.

Mr. Miguel Rios stated that 811 doesn't provide letters, that they only send a report.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to approve the variance request based on the 811 report. Ms. Elizondo seconded the motion. Upon a vote the motion passed.

ITEM# 1.9

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 936 SQ.FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. ALLOWED AT 1111 FINCHER STREET, BEING LOT 6, NORTH PARK ESTATES AT AS REQUESTED BY ISMAEL CONTRERAS

Ms. De Luna stated that this item was previously tabled during the September 25, 2024 meeting in order to allow the applicant time to provide 3 quotes from contractors to bring his property into compliance and to investigate, if the 20' canal easement was abandoned by the united irrigation district.

The subject site is located 792' east of Los Ebanos Road along the north side of Fincher Street. The lot measures 70' x 105' for a total 7,350 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 15'x19' patio and to keep 136 sq.ft. over the 800 sq.ft. maximum allowed that were built without obtaining the proper permits. This violation was discovered by our Code Enforcement Department while doing a sweep on this subdivision.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements:

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof.

However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that the total living area for the home is 1,808 sq.ft.

Staff notes that ZBA has not approved or considered any variances within this subdivision. Approving this variance will set precedence. Staff mailed out 21 notices to the surrounding property owners within 200' radius to get their input in regards to this request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if the applicant was present.

Mr. Ismael Contreras who resides at 1111 Fincher Street was present. He mentioned that in the previous meeting he notified the board that he was not aware that a permit was needed. He added that he spoke to his neighbor and she had no problems with his patio.

Vice Chairman Flores asked if there was a utility easement?

Ms. Elizondo replied that there was a 20' canal easement.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Ueckert moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.


Ms. De Luna stated that staff contacted the united irrigation district to ask if the canal easement was active, but staff didn't get a respond.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Sanchez moved to table the variance request to get more information on the canal easement. Ms. Elizondo seconded the motion. Upon a vote the motion passed.

2.0 OTHER BUSINESS

3.0 ADJOURNMENT

There being no further business, Ms. Elizondo moved to adjourn. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously at 5:44 p.m.


Heraclio Flores Jr., Vice Chairman
Zoning Board of Adjustments