

# AGENDA

## ZONING BOARD OF ADJUSTMENT

COUNCIL CHAMBER  
(meeting held on-line)

JANUARY 6, 2021

8:30 A.M.

1. Invocation
2. DOCKET NO. 2021-01-V  
Open a public hearing to consider approval of the request of David Oates, owner, for a variance from Sections 14-7-5 and 14-7-7 of the City of Odessa Zoning Ordinance to locate a carport with a 10' front yard setback instead of the required 25' front yard setback, and a one foot (1') side yard setback instead of the required five feet (5') setback in a Two-Family-One (2F-1) Zoning District, Lot 25, Block 8, Beverly Heights Addition (803 E 13<sup>th</sup> St.)
3. Other business
4. Adjourn

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2021-01-V

APPLICANT: David Oates, owner

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

PROPERTY INVOLVED: Lot 25, Block 8, Beverly Heights Addition (803 E 13<sup>th</sup> St.)

The property involved in this request is located at 803 E 13<sup>th</sup> St. The site is zoned Two-Family-One (2F-1) and is currently occupied by single family development. The property is surrounded by single family residential development.

The applicant is David Oates, owner, and the purpose of the request is to allow a carport to be located 15' forward of the required 25' front yard building setback, and four feet (4') forward of the five feet (5') side yard setback.

In order to allow the structure fifteen feet (15') forward of the 25 feet front yard setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

"In the following zoning districts the minimum required front yard shall be in accordance with the following schedule and no building or structure shall hereinafter be located, erected or altered so as to have a smaller front yard than hereinafter required, and no front yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth in the following schedule except as hereinafter provided:

2F-1: 25'"

In order to allow the structure four feet (4') forward of the five feet (5') required side yard setback, the applicant is requesting a variance from Section 14-7-7 of the City of Odessa Zoning Ordinance, which states:

**“In The Following Zoning Districts The Minimum Required Side Yard Shall Be In Accordance With The Following Schedule And No Building, Structure Or Use Shall Hereafter Be Located So As To Have A Smaller Side Yard On Each Side Of Such Building Than Herein Required, And No Side Yard Existing At The Time Of Passage Of This Ordinance Shall Be Reduced Below The Minimum Set Forth Herein:**

**2F-1: 5”**

The following criteria as outlined in the Zoning Ordinance are to be used by the Board of Adjustment in evaluating variance requests. The burden of proof in meeting each of these criteria is upon the applicant.

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

The applicant is requesting the ability to place an approx. 14’x45’ carport on an existing slab along the eastern side of the property. Staff feels that there is adequate distance between the proposed structure and neighboring structures.

Staff has no objections to the applicant’s request to reduce the side yard requirement to one foot (1’). However, staff would suggest that a fifteen feet (15’) front yard setback be observed instead of the requested ten feet (10’), as the applicant would be able to take advantage of the four feet (4’) overhang that is allowed by ordinance.

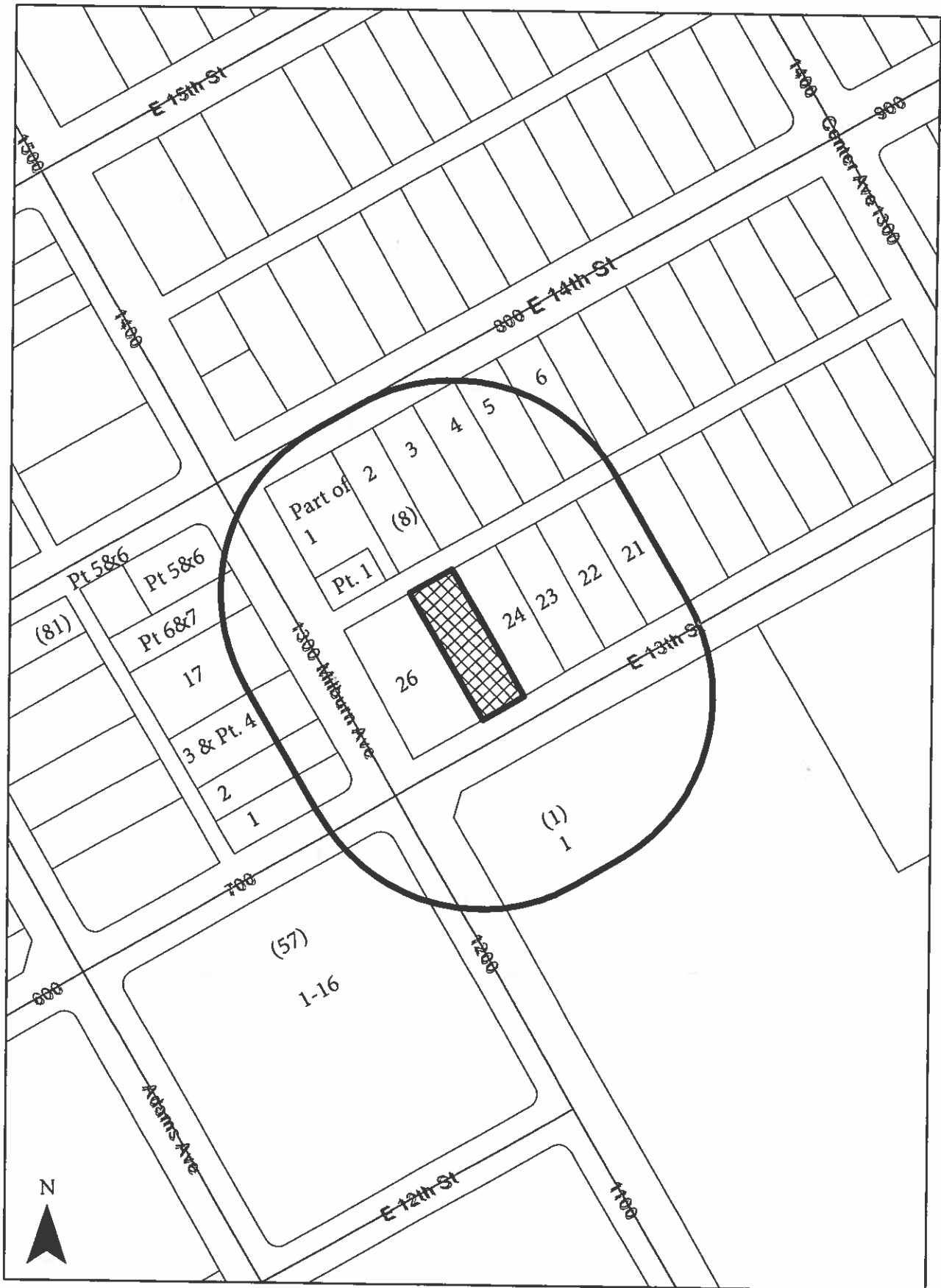
Based on the preceding analysis, staff recommends approval of the request with the 15’ front yard as suggested, and with the following conditions:

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

2. All other structures shall observe front and side yards as set forth in the zoning ordinance.

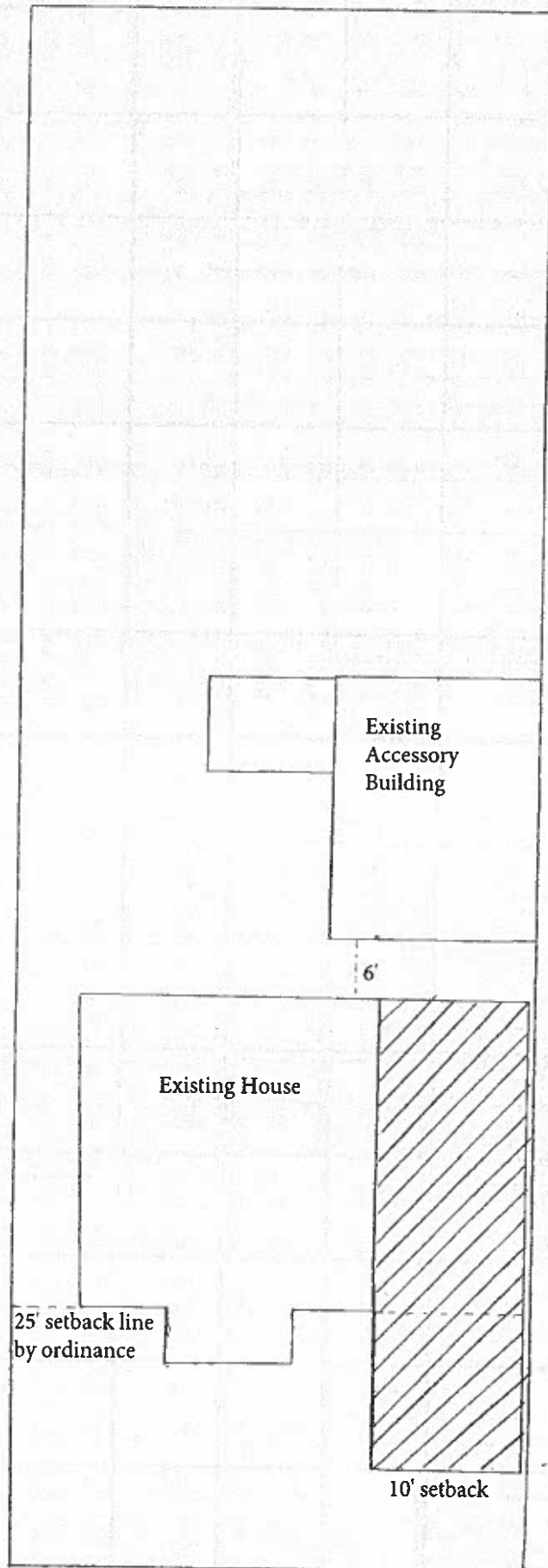
Information in order of inclusion:

- Area of notification map
- Copy of site plan



1 inch = 150 feet

Alley



Existing  
Accessory  
Building

6'

Existing House

25' setback line  
by ordinance

10' setback



13th St