

AGENDA
ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBER

APRIL 20, 2022

8:30 A.M.

1. Invocation
2. Approve the minutes of the November 17, 2021, and March 2, 2022, Zoning Board of Adjustment meetings
3. DOCKET NO. 2022-02-V
Open a public hearing to consider approval of the request of Kent Kwik, for a variance from Section 14-10-1(d) of the City of Odessa Zoning Ordinance to allow 415 sq. ft. of freestanding identification signage instead of the maximum 220 sq. ft. allowed, and a variance from section 14-10-1(d) to allow a free standing sign to be placed at forty feet (40') from the property line, instead of the one hundred forty feet (140') required setback for freestanding signs over fifty feet (50') in height, allowed in a Retail (R) Zoning District, Lot 17, Block 26, Henderson Heights, 1st filing. (3600 W. 8th Street.)
4. Other business
5. Adjourn

Be it said and remembered that at 8:30 a.m. on the 17th day of November, 2021, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Mark Windham, Chairman
Gerardo Arzate
Brooke Harper
Anthony Rios
Kirk Strahan

MEMBERS ABSENT: Priscilla Contreras (Alternate)
Tim Harry
Kyle Newton
Craig Stoker (Alternate)

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Maria Prieto, Planner; Jared Aguilar, Planning Tech; Jan Baker, Senior Assistant City Attorney; Joe Tucker, Assistant City Engineer; and Anne Roney, Secretary.

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

The minutes of the November 3, 2021, Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Arzate, seconded by Member Harper, with the vote being a unanimous "aye".

DOCKET NO. 2021-12-V (approved with conditions)

Open a public hearing to consider approval of the request of Murphy Oil USA, Inc., owner, Rado Nedkov, agent for a variance from Section 14-7-6 (5) of the City of Odessa Zoning Ordinance to allow a structure (convenience store) to be built with a five feet (5') front yard setback instead of a twenty-five feet (25') front yard setback located on Halley Ave., in a Light Commercial (LC) Zoning District, Lots 1-2 & S 25 of Lot 3, Block 1, Judkins Subdivision (2701 Andrews Hwy).

Mr. Aguilar gave the following presentation: There were 10 notices mailed to surrounding property owners, with no notices returned, no written protests and no written approvals.

The property involved in this request is located at 2701 Andrews Hwy. The site is zoned Light Commercial (LC) and is currently occupied by a commercial structure. The property is surrounded by commercial development to the north, east, and west, and Odessa College to the south.

The applicant is Murphy Oil USA, owner, Rado Nedkov, agent, and the purpose of the request is to allow a commercial structure (convenience store) to be built with a five feet (5') front yard setback instead of a twenty-five feet (25') front yard setback located on Halley Ave. In order to allow the five feet (5') front yard setback, the applicant is requesting a variance from Section 14-7-6(5) of the City of Odessa Zoning Ordinance, which states:

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard be observed.

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.

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

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

Staff analysis of this request is the applicant's request of fifteen feet (15') front yard setback is reasonable and will not create any issues, hazards or any hardship to this site or surrounding properties related to light, air or open space. With this in mind, the planning staff has no objections to this request as presented.

There being no questions for City Staff, Chairman Windham opened the public hearing. The applicant, Catherine Crawford addressed the board to express the hardship she faces due to the medical condition of her husband and asked that the board consider approving her request. Chairman Windham closed the public hearing.

Member Harry moved the variance be approved:

Member Arzate seconded the motion, with the vote being a unanimous "aye".

FINDINGS OF FACT

The Zoning Board of Adjustment for the City of Odessa finds as a matter of fact that the applicant has sustained his burden of showing that:

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

ORDER OF THE BOARD

Therefore, the Zoning Board of Adjustment of the City of Odessa acting on the basis of the required concurring vote of four (4) members of the Board hereby orders the variance sought by the applicant in this case be, in all things granted subject to the following appropriate conditions and safeguards, to wit:

Ave.

There being no further business to come before the Board, the meeting was adjourned at 8:34 a.m.

Lorraine Quimiro, Planning Manager, placed the minutes in the Minute Book on April 14, 2022.

Mark Windham, Chairman

Be it said and remembered that at 8:30 a.m. on the 2nd day of March, 2022, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5th Floor, 411 W. 8th St., Odessa, Texas.

MEMBERS PRESENT: Mark Windham, Chairman
Gerardo Arzate
Brooke Harper
Anthony Rios
Tim Harry
Kyle Newton

MEMBERS ABSENT: Priscilla Contreras (Alternate)
Craig Stoker (Alternate)
Kirk Strahan

OTHERS PRESENT: Randy Brinlee, Director of Development; Lorraine Quimiro, Planning Manager; Maria Prieto, Planner; Jared Aguilar, Planning Tech; Jan Baker, Senior Assistant City Attorney; Joe Tucker, and Assistant City Engineer

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

DOCKET NO. 2021-12-V (approved with conditions)

Open a public hearing to consider approval of the request of Catherine G. Crawford, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow a structure (carport) to be located with a fifteen feet (15') front yard setback instead of a twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 2, Block 2, Carver Heights (303 Carver Ave.).

Ms. Prieto gave the following presentation: There were 27 notices mailed to surrounding property owners, with no notices returned, no written protests and two written approvals.

The property involved in this request is located at 303 Carver Ave. This site is currently zoned Single Family-Three (SF-3) and is occupied by a single-family residence. The property is surrounded by residential development.

The applicant is Catherine G. Crawford, owner, and the purpose of the request is for a variance to allow a structure (carport) to be built fifteen feet (15') instead of the twenty-five feet (25') required front setback. In order to allow the structure ten feet (10') forward on the twenty-five feet (25') front yard setback, the applicant is requesting a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance, which states:

14-7-5FRONT YARD

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

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

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

Staff analysis of this request is the applicant's request of fifteen feet (15') front yard setback is reasonable and will not create any issues, hazards or any hardship to this site or surrounding properties related to light, air or open space. With this in mind, the planning staff has no objections to this request as presented.

There being no questions for City Staff, Chairman Windham opened the public hearing. The applicant, Catherine Crawford addressed the board to express the hardship she faces due to the medical condition of her husband and asked that the board consider approving her request. Chairman Windham closed the public hearing.

Member Harry moved the variance be approved:

Member Arzate seconded the motion, with the vote being a unanimous "aye".

FINDINGS OF FACT

The Zoning Board of Adjustment for the City of Odessa finds as a matter of fact that the applicant has sustained his burden of showing that:

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

ORDER OF THE BOARD

Therefore, the Zoning Board of Adjustment of the City of Odessa acting on the basis of the required concurring vote of four (4) members of the Board hereby orders the variance sought by the applicant in this case be, in all things granted subject to the following appropriate conditions and safeguards, to wit:

Ave.

There being no further business to come before the Board, the meeting was adjourned at 8:34 a.m.

Lorraine Quimiro, Secretary, placed the minutes in the Minute Book on November 17, 2021.

Mark Windham, Chairman

TO: ZONING BOARD OF ADJUSTMENT

FROM: LORRINE QUIMIRO, PLANNING MANAGER

SUBJECT: DOCKET NO. 2022-02-V

APPLICANT: The Kent Companies, owner
Prince Signs LLC, applicant

REQUEST: Variance from Section 14-10-1(d)(1) of the City
of Odessa Zoning Ordinance

PROPERTY INVOLVED: Lot 17, Block 26, Henderson Heights, 1st filing
(3600 W. 8th St.)

The property involved in this request is located at 3600 W. 8th Street. The site is zoned Retail (R) and is currently under construction for a gasoline service station. The property has a total lot area of approximately 2.0 acres. Land use in the area consists of vacant land to the north, multi-family residential to the east, combined retail and residential to the south and vacant land to the west.

The applicant is Kent Kwik, owner, Prince Signs, agent, and the purpose of the request is to allow 415 sq. ft of freestanding signs instead of the maximum 220 sq. ft. (55% of the total sign area) allowed. The proposed overall freestanding signs will be approximately 195 sq. ft. more than the allowed 220 sq. ft. maximum allowed. From section 14-10-1(d)(1) the purpose of the request is to allow a free-standing sign (Sign B) to be located forty feet (40') instead of the one hundred-forty feet (140') required front yard setback for a seventy feet (70') overall height freestanding sign on loop 338. The applicants are proposing the location of the following signs: (see attached site plan)

- | | |
|---|----------------|
| A. Freestanding sign on the North Elevation | 160 sq. ft. |
| B. Freestanding sign on the East Elevation | 127'6" sq. ft. |
| C. Freestanding sign on the West Elevation | 127'6" sq. ft. |

In order to allow the additional sign area, the applicant is requesting a variance from Section 14-10-1(d)(1) of the City of Odessa Zoning Ordinance which states:

- 14-10-1 (d) Business (retail and office) signs may be of the free standing, wall, sloping roof, or canopy type. Freestanding business signs may increase their height by one (1) additional foot (above the thirty (30) feet maximum allowed height) for each five (5) feet of setback from property line.
- 14-10-1 (d)(1) Individual businesses located on a separate lot or tract shall be entitled to a business identification sign, the maximum area in square feet of which is derived by one and seventy-five hundredths (1.75) times the linear feet of street frontage occupied by a separate business on its own lot or tract, but in no case shall total business sign area for the business or use exceed four hundred (400) square feet.

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

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

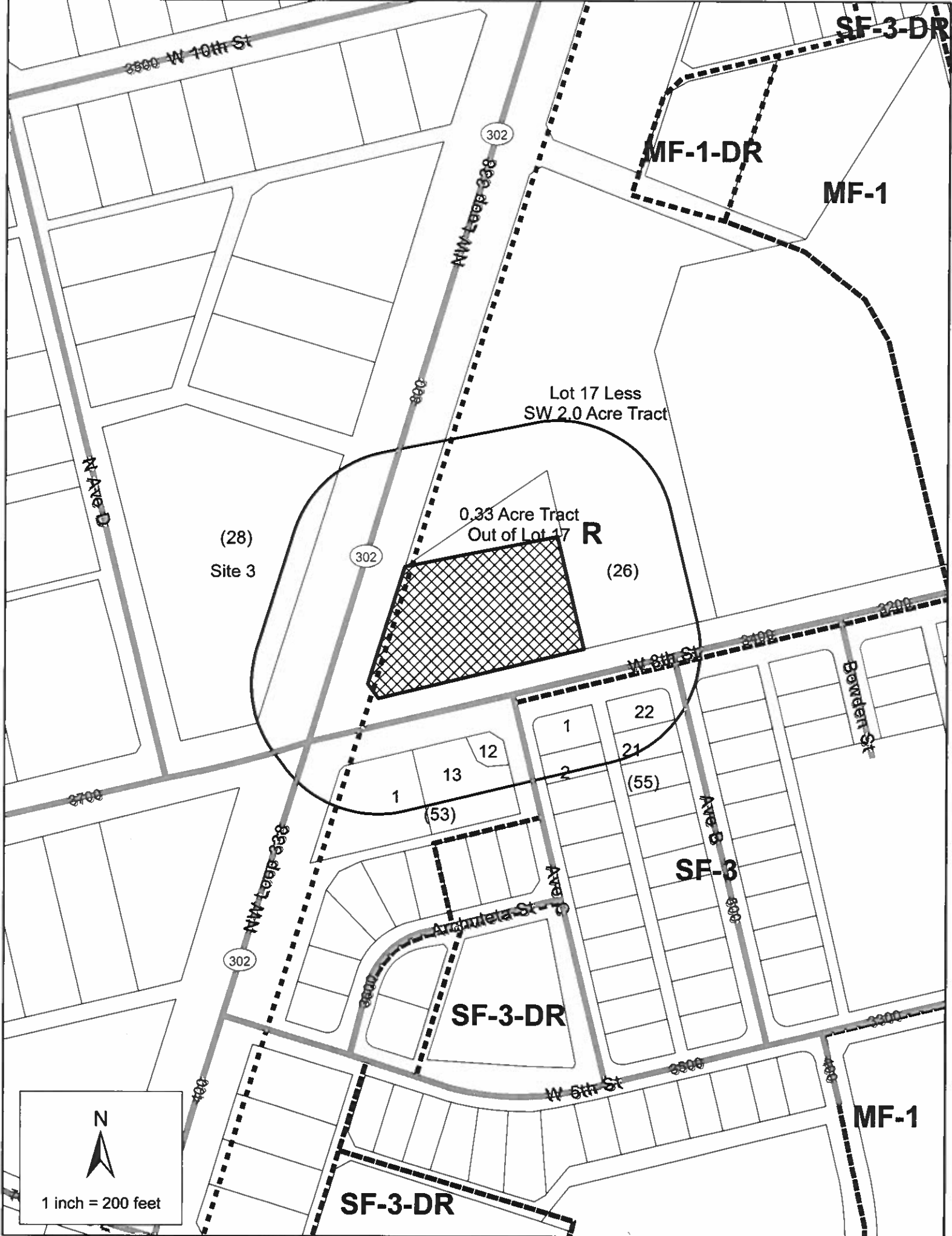
Staff analysis of this request is that based on the overall size of the development (2.0 acres) and street frontages involved does create a hardship for the applicant and additional signage is needed to properly identify the products and services. The location and design of the proposed signs is reasonable and not out of scale for this development. With this in mind, the Planning Staff has no objection to this request with the understanding that no additional freestanding signs be allowed for this development, and would recommend approval of the request as presented.

Information in order of inclusion:

--Area of notification map

--Copy of site plan

--Proposed signs



3800 W 10th St

SF-3-DR

302

MF-1-DR

MF-1

Lot 17 Less
SW 2.0 Acre Tract

0.33 Acre Tract
Out of Lot 17 R

(28)
Site 3

302

(26)

N Ave D

NW Loop 302

W 8th St

Bowling St

3700

1

22

12

21

13

(55)

1

(53)

2

SF-3

Ave B

302

Arqueta St

SF-3-DR

300

W 5th St

3300

MF-1



1 inch = 200 feet

SF-3-DR

