

Be it said and remembered that at 8:30 a.m. on the 16th day of June, 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, Vice Chairman
Geraldo Arzate
Brooke Harper
Kyle Newton
Kirk Strahan

MEMBERS ABSENT: Tim Harry
Anthony Rios
Priscilla Contreras (Alternate)
Craig Stoker (Alternate)

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

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

The minutes of the April 21, 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. 2021-06-V (approved with conditions)

Open a public hearing to consider approval of the request of Jose Angel Mondragon, owner, for a variance from Section 14-7-8(8) of the City of Odessa Zoning Ordinance to allow a structure (carport) to be built with a four feet (4') side yard setback instead of the platted six feet (6') side yard setback in a General Residence (GR) Zoning District, Lot 5, Block 24, Orchard 23-16 (3812 Ranchland Ave.)

Mr. Aguilar gave the following presentation: There were 22 notices mailed to surrounding property owners, with no notices returned, 1 written approval and no written protests.

The property involved in this request is located at 3812 Ranchland Ave. This site is currently zoned General Residence (GR) and is occupied by a single family residence. The property is surrounded by residential development.

The applicant is Jose Angel Mondragon, owner, and the purpose of the request is for a variance to allow a structure (carport) to be built with a four feet (4') setback from the side

property line instead of the platted six feet (6') side yard setback. In order to allow the structure two feet (2') forward on the six feet (6') side yard setback, the applicant is requesting a variance from Section 14-7-8(8) of the City of Odessa Zoning Ordinance, which states:

14-7-8 (8) SPECIAL SIDE YARD REGULATIONS

A minimum side yard of six (6) feet shall be provided for any mobile/hud-code manufactured home located as a fixed dwelling and any structure attached to a mobile/hud-code manufactured home. The minimum side yard space provided for a mobile/hud-code manufactured home located in a mobile/hud-code manufactured home park shall comply with the side yard space shown on the approved site plan for the mobile/hud-code manufactured home park.

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 there are no special conditions associated with the property that do not exist for others in the area. Considering the size of the mobile home (1,216 square feet) and the lot (5,600 square feet) there is adequate space to fit the structure (carport) correctly according to ordinance requirements. The Planning Staff cannot support the variance request, and recommends that the request be denied, and that the structure (carport) be placed on the lot to meet building setback requirements.

Should the Board choose to approve this request, all building code and right of way requirements must be met which include four feet (4') minimum concrete drive approach, four feet (4') minimum concrete sidewalk, and two (2) paved parking spaces.

Mr. Strahan asked if this would be over the existing parking, being told that it would. Mr. Strahan then asked if this would be placed 2' from the fence and meet ordinance requirements. Mr. Windham stated they will need to go back with the proposed carport. Mr. Aguilar stated it can be placed to the right of the mobile home and meet ordinance requirements. Mr. Brinlee stated the applicant can move the proposed carport 2' closer to the mobile home and meet ordinance requirements. There being no further questions for City Staff, Vice Chairman Windham opened the public hearing.

Mr. Jose Mondragon, applicant at 3712 Ranchland Ave., approached the lectern. He stated there had been an older house on the property which has been removed. The driveway cannot be used and will need to be redone. He does not want rain falling between the carport and house. He would also like to place a handicap entrance for his parents. Mr. Mondragon stated he wanted the extra space between the carport and the house.

Mr. Strahan asked if the carport was not attached to the house. Mr. Mondragon stated the carport is a portable structure and is not anchored down. He needs more space between the carport and the house. The carport will be tied down. Mr. Windham asked if it would be enclosed, being told it would not. This structure is only to protect his vehicle from hail damage. Mr. Strahan asked if this was a movable structure, being told it can be removed if necessary. Mr. Brinlee pointed out the structure would need to meet all building codes and be anchored down. There being no further questions or comments, Vice Chairman Windham closed the public hearing.

Mr. Arzate asked if the Board should leave the structure 2' from the side setback if there would be a danger to the neighbors. Mr. Brinlee stated there would not be a danger. The main reason for the staff's objection to the request is that it is possible to meet the Zoning Ordinance requirements. If the Board deems there are extenuating circumstances they can approve the request with conditions. Ms. Harper stated the picture shows the cars are parked on the back of the property and asked if the carport was going to be toward the front of the property or toward the rear. Mr. Aquilar stated the carport will be even with the house. Mr. Mondragon stated he has been parking toward the back of the property but needs to be able to park closer to the trailer. Mr. Arzate stated the proposed carport will be closer to the trailer, being told that was correct. Mr. Brinlee stated the carport will be meeting the front yard setback of 20'. Mr. Strahan asked if the applicant was planning on covering the area between the carport and the house. Mr. Mondragon stated he will be making improvements to the property. Ms. Harper asked if the carport would be in front of the steps, being told that was correct.

Member Arzate moved the variance be approved with the following condition:

1. The carport is not to be enclosed.

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

FINDINGS OF FACT

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

1. The variance request is not contrary to the public interest.
2. Special conditions exist for the applicant that do not generally exist for others.
3. A literal enforcement of the ordinance will result in unnecessary hardship.

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

ORDER OF THE BOARD

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

1. The carport is not to be enclosed.

Other business: Election of Chairman and Vice Chairman

After a brief discussion among the Board Members, Member Harper moved Mark Windham to be Chairman and Geraldo Arzate to be Vice Chairman. Member Strahan seconded the motion, with the vote being a unanimous "aye".

There being no further business to come before the Board, the meeting was adjourned at 8:48 a.m.

Anne Roney, Secretary, placed the minutes in the Minute Book on June 16, 2021.

Mark Windham, Chairman