

Be it said and remembered that at 8:30 a.m. on the 21<sup>st</sup> day of July, 2021, there came on and was held a Zoning Board of Adjustment meeting in the Council Chamber, 5<sup>th</sup> Floor, 411 W. 8t St., Odessa, Texas.

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

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

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

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

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The minute of the June 16, 2021, Zoning Board of Adjustment meeting were approved, motion for approval being made by Member Harper, seconded by Member Strahan, with the vote being a unanimous "aye".

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Member Arzate joined the meeting at this time, with Chairman Windham reading the following:

DOCKET NO. 2021-07-V (approved with conditions)

Open a public hearing to consider approval of the request of Adonys Cordero Lopez, owner, for a variance from Section 14-7-5 of the City of Odessa Zoning Ordinance to allow an existing structure (carport) to be extended with a twenty-one feet (21') front yard setback instead of a twenty-five feet (25') front yard setback in a Single Family-Three (SF-3) Zoning District, Lot 13 Block 21, Sherwood 01-72 (4200 Clover Ave.)

Ms. Prieto gave the following presentation: There were 21 notices mailed to surrounding property owners, with no notices returned, no written protests and 2 written approvals.

The property involved in this request is located at 4200 Clover Ave. The site is zoned Single Family-Three (SF-3) and is currently occupied by single-family residential development. The property is surrounded by single family residential development.

The applicant is Adonys Cordero Lopez, owner, and the purpose of the request is to allow an existing structure (carport) to be extended with a twenty-one feet (21') front yard setback instead of a 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:

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:

SF-3: 25'.

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

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

Staff analysis of this request is the applicant's request to reduce the front yard requirement to twenty-one feet (21') is reasonable and will not create any hazards or any hardship to surrounding properties related to light, air, or open space, nor will this request have a negative impact on the applicant's property or surrounding property

Based on analysis of the site, staff recommends approval of the request as shown with the following conditions:

- 1. The carport shall not be enclosed in the future.
- 2. No other structures or additions may be placed within the 25' front yard setback.
- 3. Materials used for the carport should be aesthetically similar to the existing structure.

There being no questions for City Staff, Chairman Windham opened the public hearing.

Mr. Adonys Lopez, applicant at 4200 Clover, approached the lectern. He stated he has lived at this address for more than 8 years. Mr. Lopez stated he does maintain his property. When he built the existing carport it met ordinance requirements. He is asking

to extend the carport in order to cover his vehicle and protect it from hail. The existing carport does not quite cover his vehicle and he has had to replace some of the windows. He is asking for the extension in order to cover the windows.

Mr. Windham asked if the construction will be similar, being told that it would. Mr. Arzate told the Board Mr. Lopez stated the posts will be in the present location, he only want to extend the roof in order to cover his cars. There being no further questions or comments, Chairman Windham closed the public hearing.

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

1. The carport shall not be enclosed in the future.
2. No other structures or additions may be placed within the 25' front yard setback.
3. Materials used for the carport should be aesthetically similar to the existing structure.

Member Strahan seconded the motion. Mr. Harry stated the existing carport looked good and felt the proposed addition will improve the neighborhood. The vote to approve the variance was a unanimous "aye".

#### FINDINGS OF FACT

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

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

#### ORDER OF THE BOARD

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

1. The carport shall not be enclosed in the future.
2. No other structures or additions may be placed within the 25' front yard setback.

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3. Materials used for the carport should be aesthetically similar to the existing structure.
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There being no further business to come before the Board the meeting was adjourned at 8:35 a.m.

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Anne Roney, Secretary, placed the minutes in the Minute Book on July 21, 2021.

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Mark Windham, Chairman