

**ZONING BOARD OF ADJUSTMENTS
APRIL 15, 2009
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Kathy Olivarez	Raul Sesin	Sergio Zavala	David M. Loflin
Daniel Tijerina	Jorge Garcia	Bobby Salinas	
Jon Lown		Jaime Acevedo	
Daniel Tijerina		Susana De Luna	
Keri J. Aman			

CALL TO ORDER

Vice-Chair Olivarez called the meeting to order at 4:58 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiring.

APPROVAL OF MINUTES FOR MARCH 18, 2009

Vice-Chair Olivarez asked if there were any corrections to the minutes. Mr. Tijerina moved to approve the minutes as presented. Mr. Lown seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO HAVE A 14' BUILDING SETBACK TO INSPIRATION ROAD INSTEAD OF THE REQUIRED 20' BUILDING SETBACK AT 1901 W. 3 MILE ROAD, BEING LOT 11, BLOCK 4, TAURUS ESTATES #9 PHASE I SUBDIVISION, AS REQUESTED BY DAVID M. LOFLIN (WATERMILL)

Mr. Acevedo stated that the site is located at the SW corner of Inspiration Road and 3 Mile Road. The irregular 1.23 acre (53,714 sq.ft.) corner lot has 170' of frontage to Inspiration Road. Currently, Lot 11 has a Leo's Drive-In Convenience Store/Exxon fueling station. The applicant is proposing to construct a Watermill (water dispensing) structure with a 14' building setback to Inspiration Road. Although the site plan shows that only 1 parking space would be eliminated, the reality is that once the concrete bollards are installed the proposed structure will actually take up two parking spaces. Being zoned C-3, typical corner side setbacks are 10'. However, Lot 11 has double frontage and Taurus Estates #9 Subdivision was recorded with a plat specified 20' setback to Inspiration Road.

Section 1.17 (2) Powers of Board of Adjustment: The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and

substantial justice done. Such variances from the strict application of the terms of this ordinance must be in harmony with its purpose and intent, and shall be authorized only when the board is satisfied that the applicant has proven the following conditions exist: (f) that the variance will not merely serve as a convenience to the applicant. Being that this lot is not unique, larger than others, and that the lot is very useful if compliant to code; compounded with precedence if approved, staff recommends that this variance be denied since it would be easier for a lot of this size to comply with the required setbacks.

Vice-Chair Olivarez asked if there was any public opposition to the request.

There was no response.

Vice-Chair Olivarez asked if the applicant or representative were present.

Representing Watermill, Mr. David Loflin stated that this was the only location that the landlord would give them because the property around the building was reserved for parking for his customers and employees. He added that they used to have a watermill across the street and had to relocate it because of the road being widened. He also stated that this was the only other location where they could place their watermill and if the variance weren't granted then they would not be able to have one in that location. He added that they could place it next to the building but the landlord did not want them there.

Vice-Chair Olivarez asked if they could move to the other side of the building.

Mr. Loflin stated that they couldn't move to the other side because there was an easement.

Vice-Chair Olivarez was concerned that the traffic coming to the watermill might create a distraction.

Mr. Loflin stated that he didn't think this would create a problem because they were only taking up 1 parking space so this would not interfere with the traffic coming in the parking lot. He added that they were 14' away from the property line.

Mr. Tijerina stated that based on the site plan he could tell that the covered canopy area was also used for parking purposes. He added that he also understood staff recommendations because based on the lot size all of the setbacks could be met.

Mr. Loflin stated that all the other lots have a 0' setback and this was the only lot that required a greater setback.

Mr. Tijerina stated that these issues were taken on a one on one basis and according to the recorded plat notes, the setbacks for this particular lot were greater.

Vice-Chair Olivarez stated that the consensus of City staff was that it would be possible for setbacks to be met. Now, there exists the possibility that the landlord would not allow him to meet the setbacks, but an alternative would be to look for another location.

Mr. Loflin stated that they would like to service the customers in that area.

There being no further input or discussion, Vice-Chair Olivarez entertained a motion. Mr. Tijerina moved to deny the variance as recommended by staff. Mr. Lown seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was none.

**ITEM #3.0
ADJOURNMENT**

There being no further business, Vice-Chair Olivarez entertained a motion to adjourn. Mrs. Aman moved to adjourn. Mr. Tijerina seconded the motion. Upon a vote, the motion passed unanimously at 5:05 p.m.

Kathy Olivarez, Vice-Chair
Zoning Board of Adjustments