

**ZONING BOARD OF ADJUSTMENTS  
JANUARY 20, 2010  
CITY HALL'S COUNCIL CHAMBERS**

**MEMBERS PRESENT**

Kathy Olivarez  
Daniel Tijerina  
Ned Sheats  
Jorge Garcia  
Jon Lown

**MEMBERS ABSENT**

Raul Sesin  
Keri Aman

**STAFF PRESENT**

Bobby Salinas  
Jaime Acevedo  
Annette Zavala

**GUESTS PRESENT**

Francis M. Cincarelli  
Octavio Guajardo

**CALL TO ORDER**

Vice-Chair Olivarez called the meeting to order at 4:33 p.m.

**CITIZENS PARTICIPATION**

Vice-Chair Olivarez asked if there was anyone in the audience that had anything to present that was not on the agenda. The audience remained un-responsive.

**APPROVAL OF MINUTES FOR NOVEMBER 18, 2009**

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

**ITEM #1.1**

**CONSIDER A VARIANCE REQUEST TO WAIVE PAVED PARKING LOT AND DRIVEWAY REQUIREMENTS AND INSTALL CRUSHED GRAVEL OVER A CALICHE BASE, AT 3301 BUTTERFLY PARK, PORCION 52, AS REQUESTED BY NORTH AMERICAN BUTTERFLY PARK**

Mr. Acevedo stated that the subject site is at the SE corner of Butterfly Park (Schuerbach Rd.) and Old Military Road. Section 110-468 Paving Standards of our Code of Ordinance cites that: all parking lots must be paved according to City Standards. Section VI Driveway Manual also cites that: all driveways and curbs must be constructed of concrete (min. 3000psi). This area of the City is, to say the least, extremely rural. Combined with the type of facility it is, i.e., nature oriented, NABA desires to retain as much of the natural/environmental ambiance as possible. A variance is not seen as 'precedent-setting' since the location/type features are so unique.

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

There was none

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

There was no one present

Vice-Chair Olivarez asked if they should grant it in perpetuity or get a 5 to 10 year re-evaluation.

Mr. Acevedo mentioned that it would be up to the board.

Mr. Garcia agreed to the re-evaluation of this item.

Mr. Lown asked what the time frame for the construction was.

Vice-Chair Olivarez mentioned that it was going to take time since they work through donations.

Mr. Salinas mentioned that they were going to start with the welcome center first, then proceed based on the success of the welcome center.

Vice-Chair Olivarez recommended 5-year re-evaluation that will start on the day they open.

There being no further input or discussion, Vice-Chair Olivarez entertained a motion. Mr. Lown moved to approve the variance subject to a 5-year re-evaluation on the parking. Mr. Garcia seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.2**

**CONSIDER A VARIANCE REQUEST TO KEEP A 5' REAR BUILDING SETBACK INSTEAD OF THE REQUIRED 10' REAR BUILDING SETBACK, AT 3006 SANTA LORENA ST., BEING LOT 52, LAS VILLAS @ LAGO ESCONDIDO PHASE I, AS REQUESTED BY Mr. OCTAVIO GUAJARDO**

Mr. Salinas said that the subject site was near the NE corner of El Jardin and Santa Lorena. The site measures approximately 50' frontage to Santa Lorena by 85' depth (4,250 sq. ft.). The applicant desires a 5' rear-building setback for Lot 52 at Las Villas at Lago Escondido to be allowed the typical rear setback at this development is 10' with the exception of the abutting Lot 53 which was granted a variance by ZBA for a 9' rear building setback on April 21, 2004. A field visit revealed that the home on Lot 52 is inline with the home on abutting Lot 51 although the rear lot lines are not in alignment. Since the home on Lot 51 was built first this may have led to the encroachment on the subject site. The home passed the rough-in (Foundation) in 2004 with a 5' rear setback and occupancy was eventually

granted. (The City Inspector who passed the 5' rear setback was terminated several years ago). Mr. Guajardo desires to purchase the home but his lender is requesting that the matter be 'cleared' first. Being that there is a meandering common walkway and lake, with no disruption to aesthetics on safety since 2004, staff does not object.

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.

Mr. Guajardo was present to answer any questions; he mentioned that the bank was asking for a variance from the City in order to proceed with the loan.

Vice-Chair Olivarez asked if the sidewalk did not bother the person buying the home at this time.

Mr. Guajardo replied that it didn't bother him.

Mr. Garcia wanted a clarification on the setback and if the utility companies had been contacted.

Mr. Acevedo mentioned that it should have a 10' setback but they were asking for a 5' setback, and the utility companies had not been contacted.

Mr. Acevedo mentioned that the board could require a letter that stipulates that the buyer would need to obtain letters from the utility companies stating that they did not object to the variance.

Vice-Chair Olivarez mentioned that they could obtain a hold harmless.

Mr. Sheats mentioned to make it subject to obtaining the letters.

Mr. Francis M. Cincarelli mentioned that he has no problem with the item being presented. He understood that they advised the Home Owner's Association but wanted the Planning and Zoning department to advise all the homeowners who lived at Lago Escondido of any variances being requested, even if they are not within the 200' radius.

Vice-Chair Olivarez asked if the planning department had advised all of the Home Owners within the subdivision.

Mr. Acevedo replied that the City is only obligated to notify the owners who live 200' around the applicant, and the Sharyland Plantation Home Owners

Association was advised of the meeting and would be up to them if they wanted to notify the homeowners.

There being no further input or discussion, Vice-Chair Olivarez entertained a motion. Mr. Garcia moved to approve the variance, subject to obtaining a letter from the utility companies. Mr. Lown seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0  
OTHER BUSINESS**

There was no other business

**ITEM #3.0  
ADJOURNMENT**

There being no further business, Vice-Chair Olivarez entertained a motion to adjourn. Mr. Tijerina moved to adjourn. Mr. Garcia seconded the motion. Upon a vote, the motion passed unanimously at 4:47 p.m.

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Kathy Olivarez, Vice-Chair  
Zoning Board of Adjustments