

**ZONING BOARD OF ADJUSTMENTS
APRIL 21, 2010
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Keri Aman	Jorge Garcia	Bobby Salinas	Jose Frias
Jon Lown	Kathy Olivarez	Sergio Zavala	Esmealda Gonzalez
Ned Sheats	Raul Sesin	Annette Zavala	Bitia Espinoza
Daniel Tijerina		Sonia Carnes	Rosa A. Espinoza

CALL TO ORDER

Acting Chairman Ned Sheats called the meeting to order at 4:32 p.m.

CITIZENS PARTICIPATION

Acting Chairman Sheats 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 MARCH 24, 2010

Acting Chairman Sheats asked if there were any corrections to the minutes. Mr. Lown moved to approve the minutes as presented. Mr. Tijerina seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO HAVE A 0' REAR YARD SETBACK INSTEAD OF THE REQUIRED 4' REAR YARD SETBACK, AND TO HAVE A 1' SIDE YARD SETBACK INSTEAD OF THE REQUIRED 6' SIDE YARD SETBACK AT 3402 CRISANTEMA, BEING LOT 158, TAURUS ESTATES NO. 2 SUBDIVISION, AS REQUESTED BY MR. JOSE FRIAS

Mr. Bobby Salinas stated that the site was 850' north of Mile 2 along the east side of Crisantema St. The lot was not unique, and was typical of many others. The applicant built a storage room/garage structure within the rear & side setback without a building permit. Because he didn't obtain a permit or even call the City to inquire of the process to build, he proceeded to build within prohibited fire-break (setback) areas. When the applicant spoke to the Planning Director several weeks ago, he was counseled that a variance application would likely be denied since it's very difficult to get a 4/5ths vote due to the Lot's non-unique features and the matter being self-inflicted. Counsel was given to comply but he desires to pursue this method of

consideration due to the 'italics' made. Staff said that such rationale was not sufficient cause for variance. The lots are recorded with rear public utility easements wherein the city's sanitary lines are installed; thus, the easement should be cleared of any structure so the city could maintain its utilities. Issuing this variance to a self-inflicted issue where the structure is over a public line in blatant violation of standard building setbacks would also send the wrong message. Staff's recommendation was denial due to: self-infliction; non-unique lot; city sewer in infringed easement; and may set precedence.

Acting Chairman Sheats asked if there was any public opposition to the request.

Mrs. Esmeralda Gonzalez, who resides at 3308 Crisantema St., mentioned that she has lived there for 16 years and when she purchased the property, they were given the restrictions of what could and could not be built there such as no mobile homes, and no homes on pier & beam foundation. She mentioned that they made a lot of sacrifices to comply with all the restrictions, and for her neighbor, who just moved in about three years ago to come in and start going against all the regulations without permission, was not justified. Mrs. Gonzalez said a variance would also devalue her property.

Acting Chairman Sheats asked if this subdivision had a homeowners association at this time or if it ever had one.

Mrs. Gonzalez replied that Taurus Estates #2 doesn't have an HOA but when she bought the property from Mr. Bazan, they gave her a copy of the deed restrictions.

Mrs. Bitia Espinoza, who lives on 3403 N. Inspiration Apt. 3 said that the back wall of Frias structure was cracked, and was afraid that the wall might fall.

Mrs. Rosa Espinoza, who lives next to Mr. Frias, said that she was not in favor of the structure because it looks bad and devalues her property.

Acting Chairman Sheats asked if the applicant or representative was present.

Mr. Frias said that having the garage did not devalue the property. He asked the ZBA for their opinion on the value of the home since Mrs. Gonzalez complained it would devalue the property.

Acting Chairman Sheats mentioned that they are not there to give opinions on the value of property. The reason ZBA was there was to determine if the

variance request would be approved or denied based on, City of Mission codes.

Mr. Frias mentioned that the only thing he did was put a roof on the walls that were standing there already when he purchased the house. He had documentation to show that the walls were already there. Mr. Frias said that the wall that is cracked was on the opposite side from the structure, and he is trying to fix it as best he can.

There being no further input or discussion, Acting Chairman Sheats entertained a motion. Mr. Tijerina moved to deny the item presented. Mr. Lown seconded the motion. Upon a vote, the motion for denial was passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business discussed.

**ITEM #3.0
ADJOURNMENT**

There being no further business, Acting Chairman Sheats entertained a motion to adjourn. Mr. Lown moved to adjourn. Mrs. Aman seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 4:57 p.m.

Ned Sheats Acting Chairman
Zoning Board of Adjustments