

MINUTES

On April 8, 2021, the Zoning Board of Adjustments met at 1:00 p.m. for a Regular meeting via video conference.

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Craig Davis	Yes	32	29
Chris Rhynehart	Yes	32	27
Cory Mathis	No	13	12
Paul French	Yes	13	12
Claudia Stuart	Yes	25	22
ALTERNATE MEMBERS			
Alpesh Patel	No	17	2
Johnnie O'Dell	No	13	1
Mildred Darton	No	13	0

Also in attendance were:

Justin Oppel
 Leslie Schmidt
 Shayla Sotelo
 Brady Kendrick
 Cris Valverde

DEPUTY BUILDING OFFICIAL, CITY OF AMARILLO
 SENIOR ASSISTANT CITY ATTORNEY, CITY OF AMARILLO
 ADMINISTRATIVE SPECIALIST, CITY OF AMARILLO
 PLANNER I, CITY OF AMARILLO
 ASSISTANT DIRECTOR OF PLANNING, CITY OF AMARILLO

Mr. Craig Davis called the Zoning Board of Adjustments to order at 1:02 p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on January 14, 2021. Motion was made by Ms. Claudia Stuart to approve the minutes, seconded by Mr. Paul French. The minutes were unanimously approved.

Mr. Justin Oppel asked the Board to hear case V-21-08 first.

Item 2: Consider Variance V-21-08

Location: 701 S Taylor Street

Legal Description: Plemons, Lot Block 0086, Entire block plus vacated alley

Property Owner: Happy Dub, LLC

Applicant: Alena Dagon

Variance Requested: Appeal the denial of the Board of Review for Landmarks Historic Districts and Downtown Designs for two additional building signage.

Ms. Alena Degon, stated they are requesting two additional signs on the Happy State Bank building. She also stated that one of the reasons it was denied by the previous board is because it would open the door for other businesses in the area. During research, she found that the First Bank Southwest was issued a variance in 2018 for additional signage. Ms. Degon stated that this building takes up a whole city block, but are only able to see the existing signs from two sides. Mr. Craig Davis then asked if the City had any comment. Mr. Oppel stated the staff analysis. Mr. Davis asked if there were any other questions. Mr. Davis asked when the DAUDS started. Mr. Brady Kendrick stated the DAUDS became effective in 2010. Mr. Cris Valverde stated they have been amended since the effective date. Mr. Chris Rhynehart asked the height of the Amarillo National Bank building since it had four signs. Mr. Brady Kendrick stated it was over 10 stories in height. Mr. Paul French asked where the additional signs would be placed. Mr. Zachary Grigsby stated exhibit A, image one and three showed where the additional signage would be. Mr. Craig Davis then asked the City Attorney if the Board could overturn a ruling from the previous board. Mrs. Leslie Schmidt stated yes, they do have the authority to overturn the ruling depending on the reasoning. Mr. Craig Davis asked if there were any other comments. The Chairman asked for a motion. Mr. Paul French made a motion to approve the variance, based on item C, which will be of no material detriment to the public safety; seconded by Mr. Chris Rhynehart. The variance was denied 3:1.

Item 3: Consider Variance V-21-04

Location: 8404 Shadywood Dr

Legal Description: Greenways at Hillside #28, Lot 021 Block 0012

Property Owner: Dee Dee Green

Applicant: Scott Green

Variance Requested: Reduce front yard setback from 25' to 15' for new residence

Mr. Scott Green stated the lot was purchased in the Greenways. He stated it is a rear entry garage setup, which requires the home to sit up further on the lot. Mr. Davis asked if there were alleys in the area. Mr. Green stated there are alleys, but the alley behind this lot makes a ninety degree turn. Mr. Davis then asked if the City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis asked if it is possible to design the home to meet setback requirements. Mr. Green stated the with the square footage requirements, it would not meet the coverage requirement. Ms. Claudia Stuart then asked about the letters sent out. Mr. Oppel stated 25 letters sent out, 1 returned in support. Mr. Davis asked if there were any other questions or comments. Mr. Paul French asked if they could not build because the square footage requirements by the Greenways or by Mr. Green's standards. Mr. Green stated the square footage for the Greenways would not be met unless he added more footage to the second floor, which would overwhelm the neighboring properties. Mr. Davis then asked what the square footage requirement is for the Greenways. Mr. Green stated it is 2,800 square feet. Mr. Davis then asked for a motion. Mr. Paul French made a motion to deny this variance based on more square footage could be added to the second story to meet setback requirements; seconded by Ms. Claudia Stuart. The variance was unanimously denied 4:0.

Item 4: Consider Variance V-21-05

Location: 909 E Amarillo Blvd

Legal Description: North Highlands Subdivision, Lot Block 0008, 4 thru 7

Property Owner: Esther Lucille Dunn

Applicant: CD DG Amarillo 40, LLC

Variance Requested: Reduce the number of off street parking spaces from 36 to 30 spaces.

Mr. Spencer Weber stated they submitted a variance request for a reduction in the number of parking for this site. Mr. Weber stated there are plans for a 9,100 square foot retail facility with a maximum number of 30 parking spots with room for circulation for fire trucks as well as their own delivery vehicles. Mr. Davis then asked Mr. Weber if this would affect the number of handicap spaces. Mr. Weber stated there would be 2 dedicated handicap stalls. Mr. Davis then asked if the City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis asked if there were any other questions or comments. Mr. Paul French asked if he was correct in understanding that the City did not have an issue with the variance request. Mr. Oppel stated that was correct. Mr. Paul French made a motion to approve this variance; seconded by Mr. Chris Rhynehart. The variance was unanimously approved 4:0.

Item 5: Consider Variance V-21-06

Location: 6913 Calumet Rd

Legal Description: Belmar #9, Lot Block 0037, 8 & W 4ft of 9

Property Owner: Jose M Mata-Linares

Applicant: Jose M Mata-Linares

Variance Requested: Reduce side yard setback from 10' to 4.5' and reduce rear yard setback from 10' to 0.6'

Mrs. Betsey Ochoa, wife of owner, stated that they bought the house with the RV parking garage and did not do anything to it. They then received a letter stating an inspection had not been performed on the structure. Mr. Davis asked how long ago the house was purchased. Mrs. Ochoa stated they bought the house about two years ago. Mr. Davis asked if the setback variance was not granted then the structure would have to be removed. Mrs. Ochoa stated yes. She then stated that they used it to park their cars and store their tools. Mr. Davis then asked if the City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis then asked if the City sent letters. Mr. Oppel stated 18 letters were sent out; 4 returned in support and 1 returned opposing. Mr. Davis then asked if there was a way to build the carport on the property to meet setback requirements. Mr. Oppel stated the owners would need to contact the Plan Review team for assistance. Mr. Davis asked if there were any other questions or comments. Mr. Paul French then asked if the home was purchased in 2018 or 2019? Mrs. Ochoa stated it was purchased in 2019. Mr. Davis then asked how the City came to know about the structure. Mr. Oppel stated that there was a previous case that came before the board in January that mentioned similar structures in the area. Mr. French then asked the owner about the neighbors telling her how long the structure had been there. Mrs. Ochoa stated that the neighbors have told her that it has been there about 10-13 years. Ms. Mindi Butler, residing at 6911 Calumet, stated that she bought her home in 2014 and the structure was there. Ms. Claudia Stuart asked if there was a way to see how many owners have owned the home in the last 14 or 15 years. Mr. Oppel then read the Potter-Randall Appraisal District's website for deed history. Mr. Davis then asked the condition of the structure. Mrs. Ochoa stated it was in good condition. Mr. Ben Danner, contractor for the owners, stated that it is not closed in on all sides. He then stated the quality of the structure is decent. Mr. Paul French then asked Ms. Butler if the structure is an eyesore. She stated it was not. Mr. Davis then asked Mr. Danner if the intent was to update the structure. He stated yes. Mr. Davis asked if there were any further questions or comments. There being none, Mr. Davis then asked for a motion. Mr. Paul French made a motion to approve this variance based on it not being a detriment to the public safety; seconded by Ms. Claudia Stuart. The variance was unanimously approved 4:0.

Item 6: Consider Variance V-21-07

Location: 1639 Vidalia Street

Legal Description: South Georgia Place Unit #36, Lot 008 Block 0009

Property Owner: Betenbough Homes

Applicant: Ronnie Wallace

Variance Requested: Reduce rear yard setback from 15' to 10' for new residence

Mr. Ronnie Wallace stated that with the design of the cul-de-sac, the lot has some depth issues making it difficult to build a home on that lot. He then stated with the reduction of the setback it would allow them to build one of two of their floor plans. Mr. Chris Berry, builder, stated that the lot backs up to Farmers and the setback is 15'. Mr. Davis asked if this was the only lot that they would have to do this with. Mr. Berry stated yes, they were able to accommodate the other setback requirements on the other lots. Mr. Davis then asked if the Board or City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis asked if there were any other questions or comments. Mr. Chris Rhynehart asked if having a new floor plan drawn up would help meet setback requirements. Mr. Chris Berry stated that what would probably happen is a replat of the lots and not build on that lot at all. Ms. Claudia Stuart asked what objections there were. Mr. Oppel stated that three letters were sent out with no response returned. Mr. Davis then asked for a motion. Mr. Paul French made a motion to deny this variance based on item D, founded solely upon the opportunity to make the property more profitable; seconded by Mr. Chris Rhynehart. The variance was unanimously denied 4:0.

Mr. Paul French then asked for a five minute break. Mr. Davis stated the meeting would resume at 2:25 p.m.

Item 7: Consider Variance V-21-09

Location: 2815 S Georgia Street

Legal Description: Wolflin Park #10, Lot 019 Block 0080, 0.67 AC of 19

Property Owner: Steven J Austin, DDS

Applicant: Bedwell General Contractors, LLC

Variance Requested: Reduce side yard setback from 10' to 0' and reduce rear yard setback from 10' to 3'.

Mr. Davis asked if anyone was present to speak on behalf of the applicant. Mr. Oppel stated he did not believe anyone was present to represent the applicant. Mr. Davis then asked if the City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis asked if this was a proposed building. Mr. Oppel stated yes, it was. Mr. Davis then stated that of the list of properties provided by the applicant, most were residential compared to the property in question which is considered commercial. Mr. Paul French asked if there were any letters returned in support. Mr. Oppel stated 17 letters were sent out, one returned in support. Mr. Davis asked if there were any other questions or comments. Mr. Davis then asked for a motion. Mr. Paul French made a motion to deny this variance based on item D, founded solely upon the opportunity to make the property more profitable; seconded by Ms. Claudia Stuart. The variance was unanimously denied 4:0.

Item 8: Consider Variance V-21-10

Location: 6943 Hurst Street

Legal Description: Glen Arden #3, Lot 022 Block 0010

Property Owner: Cheryl Ford

Applicant: Cheryl Ford

Variance Requested: Reduce side yard setback from 10' to protruding 4' into City easement

Ms. Cheryl Ford stated she is applying for a variance to keep the patio cover as she is on a corner lot and there is very little traffic on the side street. Mr. Davis asked the owner if she built the patio cover. Ms. Ford stated she did and it is built to code. Mr. Davis then asked if she got a permit thru the City. Ms. Ford stated she attempted to apply for one, but was denied due to it protruding into the easement. Mr. Davis then asked if the City had any comments. Mr. Oppel then stated the staff analysis. Mr. Davis then asked for clarification on if a permit was pulled or not. Ms. Ford stated a permit was not pulled, but she did attempt to apply for one. Ms. Claudia Stuart asked if the letters she received stated what the non-compliance was. Ms. Ford stated no, they did not. Mr. Cris Valverde stated that he spoke with Ms. Ford and explained that it did not meet the ordinance, but she was able to request a variance. Ms. Claudia Stuart then asked about the letters that were sent out. Mr. Oppel stated 47 letters sent out, 2 returned in support and 1 opposing. Mr. Paul French asked if Ms. Ford was able to activate her camera. Mr. Davis asked if the other pergolas that were constructed are receiving notices of violation. Mr. Oppel stated that yes, notices of violation are being issued for the pergolas that were constructed without permit. Ms. Ford was able to activate her camera. Mr. Paul French asked if Ms. Ford received a property survey when she bought the property. She stated she did not. Mr. Davis then asked Mr. Oppel what would happen if this variance is not granted. Mr. Oppel stated that these types of cases are sent to the prosecutor office and that office makes the final decision. Ms. Claudia Stuart then asked Ms. Ford if the contractor put up the pergola to code. Ms. Ford stated there was not a contractor; that she put the pergola up herself. Mr. French then verified with Ms. Ford that she built the pergola herself. Mr. Davis asked if there were any other questions or comments. Mr. Davis then asked for a motion. Mr. Paul French made a motion to approve this variance based on item D, found solely upon the opportunity to make the property more profitable; seconded by Ms. Claudia Stuart. The variance was unanimously denied 4:0.

Item 9: Consider Variance V-21-11

Location: 2806 Tee Anchor Blvd

Legal Description: Famous Heights Park Addition #17, Lot Block

Property Owner: Children's Learning Centers

Applicant: Star Tower, LLC

Variance Requested: Install 150' monopole tower

Mr. Alec Broadus stated that Star Tower has been working on this property for T-Mobile for the past three years. He also stated that this tower is much needed in the community. Mr. Broadus then stated their proposal of the tower on the property. He also stated their main issue is meeting setback requirements due to the height of the tower. Mr. Broadus stated the need for the tower is to improve coverage and capacity issues for T-Mobile. Mr. Broadus stated they recently received a letter from Mr. Taylor with the State Senate urging the approval of permits for telecommunications. Mr. Broadus then read the letter to the Board. Mr. Davis asked if there were any questions or comments. Ms. Stuart then asked what would stop other carriers from coming into the area and thinking they can do the same thing. Mr. Broadus stated every site would be different. Mr. Davis then asked if it is possible to gain land from the neighboring property. Mr. Broadus stated he has reached out to them, but has not received much response. Mr. Davis then asked the City if anything could be built between the neighboring structure and the property in question. Mr. Oppel stated yes, it is possible for something to be built. Mr.

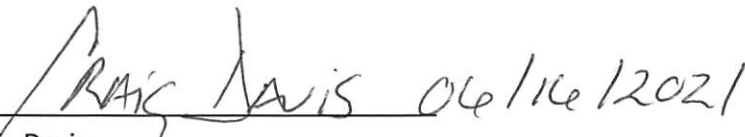
Davis asked the City if they had any comment. Mr. Paul French asked about the letters that were sent out by the City. Mr. Oppel stated 3 letters were sent out, zero returned. Mr. Davis asked if the City had any further comment. Mr. Oppel then stated the staff analysis. Mr. Davis asked if there were any other questions or comments. There being none, Mr. Davis then asked for a motion. Ms. Claudia Stuart made a motion to deny this variance based on item A, C, and D; seconded by Mr. Chris Rhynehart. The variance was unanimously denied 4:0.

Item 10: Public Forum

There was no public forum.

Item 11: Adjournment

There being no further business, Chairman Craig Davis called for a motion to adjourn. Mr. Chris Rhynehart made a motion to adjourn; the motion was seconded by Ms. Claudia Stuart. The motion passed and meeting adjourned at 3:32 p.m. This meeting was recorded and all comments are on file with the Department of Building Safety.



Craig Davis
Chairman, Zoning Board of Adjustments



Justin Oppel
Deputy Building Official