

MINUTES

On October 14, 2021, the Zoning Board of Adjustments met at 4:00 p.m. for a Regular meeting at City Hall, 601 S Buchanan St, third floor, City Council Chambers.

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Craig Davis	Yes	35	32
Chris Rhynehart	No	35	29
Cory Mathis	Yes	16	14
Paul French	Yes	16	15
Claudia Stuart	Yes	28	25
ALTERNATE MEMBERS			
Alpesh Patel	No	20	2
Johnnie O'Dell	No	16	1

Also in attendance were:

Justin Oppel
 Leslie Schmidt
 Shayla Sotelo

DEPUTY BUILDING OFFICIAL, CITY OF AMARILLO
 SENIOR ASSISTANT CITY ATTORNEY, CITY OF AMARILLO
 ADMINISTRATIVE SPECIALIST, CITY OF AMARILLO

Mr. Craig Davis called the Zoning Board of Adjustments to order at 4:00 p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on September 27, 2021. Motion was made by Ms. Claudia Stuart to approve the minutes, seconded by Mr. Cory Mathis. The minutes were unanimously approved.

Item 2: Consider Variance V-21-23

Location: 1510 S Houston St
 Legal Description: Mirror's Addition, Lot Block 0474
 Property Owner: Herrera Trust/Javier Herrera Sr Trustee
 Applicant: Javier Herrera
 Variance Requested: Reduce front and side yard setback

Mr. Craig Davis asked if there was anyone who wished to speak. There was nobody. Mr. Craig Davis then asked for the City's comment. Mr. Justin Oppel read the staff analysis and recommendation. Mr. Justin Oppel then stated that 21 letters were sent to neighboring properties and 5 were returned in support. Mr. Craig Davis asked if this was a proposed carport. Mr. Oppel stated it was already built. The property owner arrived a few minutes late. Mr. Javier Herrera stated that a businessman built the carport and told him the carport did not need a permit since it was not attached to the house. He then stated that

about a year after the carport was built, he received a notice for not having a permit. Mr. Paul French asked for the builder's name. Mr. Herrera stated the builder was Joe Mural who is running a business as an individual. Ms. Claudia Stuart made a motion to approve the variance based on staff recommendation; Amarillo Municipal Code Section 4, 10-39(c)(1)(a.ii)(b) and (c). Mr. Cory Mathis asked if there was an existing carport. Mr. Herrera stated no, the blueprints were made after the carport was built. Mr. Craig Davis asked if the variance is granted, would a permit still be required. Mr. Justin Oppel stated yes, a permit and inspections would be required. Mr. Paul French seconded the motion to approve. The variance was approved 4:0.

Item 3: Consider Variance V-21-24

Location: 2815 S Georgia St

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

Property Owner: Dr. Steven J Austin

Applicant: Bedwell General Contractors

Variance Requested: Reduce rear and side yard setback

Mr. Craig Davis asked if there was anyone who wished to speak. Mr. Steven Austin stated that he is the owner of the property and that it is his office building and residence. Mr. Austin stated he is wanting to build a garage on the corner of his property. He also stated that in order to maintain his parking, he would need to put the garage in the Northeast corner of the property. Mr. Austin stated that after his property survey was completed, he realized that his fence is 3 feet from his property line, so the garage would be 3 feet from the property line. He stated that his main reason for needing the garage is to secure his truck and his yard equipment. Mr. Austin stated that his intention is to build the garage so it is aesthetically pleasing and duplicates the architectural design of the building. Mr. Craig Davis asked if the board had any questions. Mr. Cory Mathis asked if there is an easement on the East and what kind of conduit is running down the fence. Mr. Austin stated it was his service that comes off the pole in the alley. Mr. Mathis then stated that the property is zoned office, and everything around is zoned residential and there is residence on the property which makes a big difference. Mr. Craig Davis asked if the garage would be visible from the street. Mr. Austin stated there are a lot of trees, but yes, it would be visible from the street. Mr. Cory Mathis asked if the garage would impede traffic. Mr. Austin stated the parking lot is a one way. Mr. Craig Davis asked if the City had any comments. Mr. Justin Oppel stated the staff analysis and recommendation. Mr. Oppel then stated that 18 letters were sent and 2 were returned in support. Mr. Craig Davis asked what the current setback requirements are. Mr. Oppel stated that according to the ordinance the rear yard setback is none, but references Section 4-10-172 (b)(2). Considering the property is adjacent to an R-1 district, the rear yard setback is 10 feet. Mr. Oppel also stated that the side yard setback is 10 feet. Mr. Paul French then asked Mr. Oppel to explain the last paragraph of the staff summary. Mr. Oppel stated that one parking space is required for every 300 square feet of building. Mr. Austin stated the square footage of the building is 4000 square feet. Mr. Oppel stated that if the square footage is correct, then 13.3 parking spaces would be required and there are currently 19 parking spaces. Mr. Oppel stated this is a suggestion to have the garage on the property but within the setback requirements. Mr. Austin stated that due to the one way passage thru the property there really is no other way to build the garage. Mr. Barry Bedwell, applicant, asked since a variance was obtained for the residential part of the property, would the setbacks not apply. Mr. Oppel suggested the property would need to be rezoned. Mr. Craig Davis asked what the likelihood of rezoning


the property is. Mr. Oppel stated that the process of rezoning is thru the Planning Department and there is no way to give a one hundred percent answer. Mr. Austin then presented a picture of a commercial property in the area to the board that is built on the property line. Mr. Craig Davis then asked if there was a way to build a similar structure within the 10-foot setbacks. Mr. Austin stated no, there was not. Mr. Oppel stated that the address of the commercial property that was presented is 2701 S Georgia. He then stated that it is zoned light commercial and there are no rear setback requirements. Ms. Claudia Stuart asked if there was a reason letters weren't sent to those properties like 2701 S Georgia. Ms. Sotelo stated that those properties did not fall within the 200-foot radius of the property, which staff is required to send letters to. Mr. Craig Davis asked if there were any further questions or comments. There were none. Mr. Davis then asked for a motion. No motion was made. Mr. Craig Davis then asked if the apartment is attached to the office building. Mr. Austin stated the building was originally 4 offices and it was changed to 2 offices and an apartment thru a variance. Mr. Craig Davis then asked if the property was zoned light commercial could the owner build to the property line. Mr. Oppel stated the property is residential and non-residential, which presents a dilemma. Mr. Oppel stated the first step would be to try to rezone the property. Mr. Cory Mathis then asked if the building on the east property is legal. Mr. Justin Oppel stated he is currently unable to access how big the building is and will notify the owner of a possible violation. Mr. Craig Davis asked for a motion. Mr. Cory Mathis stated the difficult part is the zoning and how to work around it. He then stated personally he doesn't see how it would adversely affect the property or affect public safety. Mr. Paul French then stated that if the variance is granted then more people would come before the board and the board must be fair to everyone and not partial to one person. Mr. Austin stated that obviously someone said yes before since these things have been done before. Mr. Paul French made a motion to disapprove based on the city's recommendation, Amarillo Municipal Code Section 4-10-39(c)(1)(a.ii) & (c). Ms. Claudia Stuart seconded the motion to disapprove. The variance was denied 4:0. Mr. Austin then asked what his recourse is. Mr. Craig Davis stated he has 10 days to appeal the decision in district court.

Item 5: Public Forum

There was no public forum.

Item 6: Adjournment

There being no further business, Chairman Craig Davis called for a motion to adjourn. Ms. Claudia Stuart made a motion to adjourn; the motion was seconded by Mr. Paul French. The motion passed and meeting adjourned at 5:02 p.m. This meeting was recorded, and all comments are on file with the Department of Building Safety.

 07/18/2022

Craig Davis

Chairman, Zoning Board of Adjustments

 7/18/22

Douglas Patrick

Deputy Building Official