

STATE OF TEXAS
 COUNTIES OF POTTER & RANDALL
 CITY OF AMARILLO

MINUTES

On October 10, 2019, the Zoning Board of Adjustments met at 4:00 p.m. at City Hall, 601 S Buchanan St, third floor Room 306 to review of agenda items and consideration of future agenda items. The board then met at 4:30 p.m. for a Regular meeting at City Hall, 601 S Buchanan St, in City Council Chambers.

| VOTING MEMBERS | PRESENT | NO. MEETINGS HELD SINCE APPOINTMENT | NO. OF MEETINGS ATTENDED |
|--------------------------|---------|-------------------------------------|--------------------------|
| Craig Davis | Yes | 24 | 21 |
| Chris Rhynehart | Yes | 24 | 20 |
| Cory Mathis | Yes | 5 | 5 |
| Paul French | No | 5 | 4 |
| Claudia Stuart | Yes | 17 | 14 |
| ALTERNATE MEMBERS | | | |
| Jackie Payne | No | 17 | 11 |
| Matthew Tavern | No | 17 | 6 |
| Alpesh Patel | No | 9 | 2 |
| Johnnie O'Dell | No | 5 | 1 |
| Mildred Darton | No | 5 | 0 |

Also in attendance were:

| | |
|------------------|---|
| Richard Anderson | DEPUTY BUILDING OFFICAL, CITY OF AMARILLO |
| Shawna Hammonds | ADMINSTRATIVE TECHNICIAN, CITY OF AMARILLO |
| Leslie Schmidt | CITY ATTORNEY, CITY OF AMARILLO |
| Jessica Cardenas | APPLICANT, PROPERTY OWNER |
| Robert Osthoff | APPLICANT, PROPERTY OWNER |
| Jim Osthoff | CO-APPLICANT, PROPERTY OWNER |
| David Jackson | HOMEOWNER, 7515 ASPIRE PL |
| Barbara Jacskson | HOMEOWNER, 7515 ASPIRE PL |
| Wendall Holland | HOMEOWNER, 7500 ASPIRE PL |
| Justin Opell | CHIEF COMMUNITY IMPROVEMENT, CITY OF AMARILLO |
| Tino Morales | APPLICANT, SUMMIT HOMSTEAD RENOVATIONS LLC |

Mr. Craig Davis called the Zoning Board of Adjustments to order at 4:30p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on September 12, 2019. Motion was made by Mr. Chris Rhynehart to approve the minutes, seconded by Ms. Claudia Stuart this was unanimously carried to approve such minutes as written.

Item 2: Consider Variance V-04-09

Location: 12 Ryan Palmer Ln
Legal Description: Lott 001, Block 0011, Tascosa Estate #9 Addition
Property Owner: Nick and Jessica Cardenas
Applicant: Jessica Cardenas
Variance Requested: Allow a setback of 6 ft. in place of the 19 ft. setback

Jessica Cardenas stated that this is to allow the square footage of the home including garage. This atypically lot which is in a cul-de-sac requires to strategically design the home for this property. Richard Anderson, staff requests a survey preformed at the time of the footing inspection. This survey shall be performed by a licensed surveyor. The intent of this survey is to verify location of the structure matches the proposed plans. Ms Stuart asked if any letters from neighbors pro or con for this. Mr. Anderson responded with eight (8) for and zero (0) against. Ms. Cardenas is willing to comply with the said survey. Craig Davis excused himself from voting on this variance. Chris Rhynehart made the motion to approve variance V-04-19, Paul French seconded the motion. This variance was unanimously approved 4:0.

Item 3: Consider Variance V-06-19

Location: 3206 S Washington St
Legal Description: Lot 1 thru 5, Block 32, Wolflin Estate Addition
Property Owner: City of Amarillo
Applicant: OJD Engineering
Allow a setback of fifteen (15) feet in place of twenty-five (25) feet

Mr. Richard Anderson, Staff recommends approval. The demolition and rebuilding of this Fire Station will improve Amarillo Fire Department emergency response in the affected area, thus improving the Public Safety and Welfare. Staff requests a survey preformed at the time of the footing inspection. This survey shall be performed by a licensed surveyor. The intent of this survey is to verify location of the structure matches the proposed plans. Mr. Chris Rhynehart asked if any responses from neighbors, Mr. Anderson responded we had zero (0) responses, but did receive phone calls from citizens. Once told what this variance was about the citizens approved. Ms. Claudia Stuart made the motion to approve variance V-06-19, Chris Rhynehart seconded the motion. This variance was unanimously approved 5:0.

Item 4: Consider Variance V-07-19

Location: 7513 Aspire Pl
Legal Description: Lot 043, Block 0006, Westover Park #10 Addition
Property Owner: Robert Osthoff
Applicant: Robert Osthoff
Allow six (6) foot wrought iron fence in front of house to remain

Robert Osthoff, would like to have the six (6) foot fence to remain in front of house for security and safety reasons, due to issues with neighbors and causes no obstruction or visibility. Mr. Paul French asked the description of where the fence is located and what it is made of. Mr. Osthoff responded saying the fence was in front of house and is made of wrought iron. Ms. Claudia Stuart asked if there are any other means to achieve your objective that would be within the city ordinance. Jim Osthoff, son of applicant and lives at said location was sworn in. Needing the fence for safety due to issues with neighbor, since the fence has been in place the issues have gotten better. Mr. Paul French requested clarity of the difference of the security four (4) foot to six (6) foot fence. Mr. Jim Osthoff stated that people are not able to get over the six (6) foot like they can on a four (4) foot fence. Mr. Richard

Anderson, Staff does not recommend approval for this variance. Due to home security can be accomplished without violating our adopted zoning requirements. No other properties in the same area are legally enjoying a similar condition. Granting of the variance could affect public safety and welfare our 1st responders need to access the property in the event of an emergency. The height limitation will adversely affect their ability to perform their assigned duties. Granting the variance would in fact upset the land use pattern in the area. Mr. Craig Davis requested information if any responses were returned. Mr. Richard Anderson responded six (6) against and one (1) for. Mr. Craig Davis asked if any other persons wishing to speak in opposition of this variance. Mr. David Jackson, approached says that this fence has an effect of the value of our property. Mr. Osthoff does have security cameras on his property. Ms. Claudia Stuart asked Mr. Jackson how long they have been neighbors. Mr. Jackson responded for approximately two (2) years. Mr. Paul French also asked Mr. Jackson how long he has lived at his residence. Mr. Jackson responded eight (8) years. Mr. Davis asked if any other persons would like to make a statement. Ms. Barbara Jackson, she also opposes the fence. Mr. Davis asked if any other persons would like to make a statement. Mr. Wendall Holland states that he did not receive a notice due to not living within two hundred (200) foot notifications. Due to living in this area, but does live in the area. The fence depreciates my property value. Also, stated that the fence contractors should know the city ordinance for height and location. If this was known, we would not be here today. No other neighbors have any fences in this area. Mr. Davis questioned the city, due to the last testimony about the question about the fence being on the easement. Mr. Anderson referred to Mr. Justin Opell due to knowing the location of the fence. After speaking with the Plans Examiner it was established that the fence could be at the sidewalk. Mr. Anderson also added that a fence like this is exempt from permitting. But in our code that exemption from getting a permit does not grant authorization to violate any other code or ordinance. Mr. Paul French made the motion to deny the variance V-07-19, Ms. Claudia Stuart second the motion. The variance was unanimously denied 5:0.

Item 5: Consider Variance V-08-19

Location: 1402 N Roosevelt St

Legal Description: Lot 14, block 5, Forest Hill Park Addition

Property Owner: Jose and Miriam Romo

Applicant: Summit Homestead Renovations

Continue using second building in the back of yard as a rental apartment

Mr. Tino Morales would like to continue using the 2nd building as a rental apartment. Has been one before and the new owner would like to remodel and continue to use as a rental. But the apartment needs to be brought up to code. Most of the neighbors live in rental units, but do not disapprove. Mr. Davis asked how many structures are on the property. Mr. Morales stated 2 structures with a garage attached to second (2nd) structure. Mr. Davis asked about the functionality of a kitchen and bathroom. Mr. Morales responded will be all functionally after remodel but this structure will not have gas, will be all electric. Mr. French inquired when the property was purchased. Mr. Morales, this was purchased in May 2019. And both structures will be used as rentals. The owner was not told at the time of purchase that it was 2 rentals, but they assumed. The property was vacant at time of purchase. Mr. Richard Anderson, this address is zoned for a One-Family Housing Unit (Detached). Multiple-Family Housing is not permitted. Therefore, Staff does not recommend approval.

Applicant has not provided proof that the apartment has been in existence prior to August 19, 1969 as per section 4-10-24.

Sec. 4-10-24. Nonconforming uses and structures.

(a) A nonconforming status shall exist under the following provisions:

(1) When the use of land does not meet the requirements of section 4-10-82 or a Structure does not meet the requirements of section 4-10-151 and Article V, Divisions 2,3 and 4 of this chapter and was in lawful existence prior to August 19, 1968, the effective date of the ordinance from which this chapter is derived;

Continued misuse of the Zoning Ordinance is not a justifiable cause for a variance. Granting the variance would affect public safety. This apartment has no assigned address in the 911 data base. This makes it extremely difficult for 1st responders to locate and provide emergency services as needed. Mr. Davis requested the number of responses to notification to the area. Mr. Anderson stated that the City has received zero (0) for and zero (0) against. Ms. Claudia Stuart made the motion to deny the variance V-08-19 with the contingency the applicant to provide documentation stating the structure was in use prior to 1968. Mr. Paul French seconded the motion. The variance was unanimously denied with the contingency 5:0.

Item 4: Public Forum

There was no public forum

Item 5: Adjournment

There, being no further business Chairman Mr. Craig Davis called for a motion to adjourn. Mr. Chris Rhynehart made a motion to adjourn, seconded by Mr. Paul French, the motion passed and meeting adjourned at 5:25 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



Richard Anderson
Deputy Building Official