

MINUTES

On December 09, 2021, the Zoning Board of Adjustments met at 3:30 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	37	34
Chris Rhynehart	Yes	37	31
Cory Mathis	Yes	18	16
Paul French	Yes	19	16
Claudia Stuart	Yes	30	27
ALTERNATE MEMBERS			
Alpesh Patel	No	22	2
Johnnie O'Dell	No	18	1

Also in attendance were:

Justin Oppel
Leslie Schmitt
Shayla Sotelo

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

Mr. Craig Davis called the Zoning Board of Adjustments to order at 3:30 p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on November 10, 2021. Motion was made by Ms. Claudia Stuart to approve the minutes, seconded by Mr. Chris Rhynehart. The minutes were unanimously approved.

Item 2: Consider Variance V-21-28

Location: 6019 SW 45th

Legal Description: Elmer Brown Sub #3, Lot 002 Block 0001

Property Owner: 6019 SW 45th Company

Applicant: Zachary Saldivar

Variance Requested: Reduce the number of required parking spaces.

Mr. Craig Davis asked if anyone wished to speak. There was no one. Mr. Davis then asked if the city wished to speak. Mr. Justin Oppel then stated the staff analysis and recommendation. Mr. Davis then asked if the board had any questions. Ms. Claudia Stuart asked how many letters were sent. Mr. Oppel stated 7 letters sent, none were returned. Mr. Craig Davis asked if Parkside is a residential or commercial street. Mr. Oppel stated it was commercial. Ms. Claudia Stuart asked if the club is at capacity, where are people supposed to park? Mr. Oppel stated they would be forced to park on the

street. Ms. Stuart stated that she drove the area and other businesses are parking on the street. Mr. Davis asked if there was anyone wishing to speak. Mr. Davis swore in Mr. Siebrecht. Mr. Siebrecht stated working hours would be 4:30 pm to 2 am. He then stated they would not be open all day and most of the other businesses would be closed. Mr. Davis asked if the board had any questions. Mr. Paul French asked what establishment was in this location before. Mr. Siebrecht stated it was Cassidy's. Mr. Craig Davis asked if there was any other questions or comments. Mr. Davis then asked for a motion. Mr. Paul French then asked if Mr. Siebrecht was the owner of the business or the building. Mr. Siebrecht stated he was the owner of the business. Mr. French asked if he was aware of the zoning change. Mr. Siebrecht stated yes. Mr. Paul French asked if he knew there was limited parking ahead of time. Mr. Siebrecht stated yes; the original occupancy was 110. Ms. Claudia Stuart made a motion to deny the variance based on the ordinance and non-compliance; seconded by Mr. Chris Rhynehart. The motion was unanimously approved, and the variance was denied.

Item 3: Consider Variance V-21-29

Location: 6901 Calumet Rd

Legal Description: Belmar #9, 14EXC W 5ft, Lot Block 0037

Property Owner: Kade McGehee

Applicant: Matt Chamberlain

Variance Requested: Reduce side and rear yard setback for addition of new shop.

Mr. Kade McGehee stated that he is requesting to build a shop/garage that is attached to the property. He then stated that he met with the Zoning Board a few months ago and was told that he could build it if it was not attached. Mr. McGehee stated he thinks it would be more beneficial to have it attached so it would have proper drainage. He stated it will match the brick of the house and have the same roof line. Mr. Craig Davis asked if the board had any questions or comments. Ms. Claudia Stuart asked if any changes had been made from the last application to this application. Mr. McGehee stated he had not. Mr. Paul French asked if the structure is still going to be attached. Mr. McGehee stated that is what he is hoping. He also stated there is a drainage problem behind the current garage and he hopes this will help with erosion. Mr. Chris Rhynehart asked what vicinity the pictures are in that were submitted. Mr. McGehee stated they are within a square mile of his home. Mr. Craig Davis asked if the city had any comment. Mr. Justin Oppel stated the staff analysis and recommendation. Mr. Craig Davis asked the board if they had any questions. Mr. Paul French asked how many letters were sent. Mr. Oppel stated 22 letters were sent, 3 were returned in support and a voicemail received in support. Ms. Claudia Stuart stated her concern is that no changes were made after the detached recommendation and then asked the owner why that is. Mr. McGehee stated the way the backyard is set up, the structure would encroach into his backyard which would cause him to rip up sprinklers. Mr. Paul French stated that according to the survey, the storage building would be removed. Mr. McGehee stated yes, it would be removed. Mr. Davis asked if there were any questions or comments. Mr. French made a motion to approve based on item (c); that it would be of no detriment; seconded by Mr. Chris Rhynehart. Mr. Davis and Ms. Stuart voted to deny. The motion was denied 3:2.

Item 4: Consider Variance V-21-30

Location: 0 SW 9th

Legal Description: Medical Institute Sub #5, Lot 004 Block 0001

Property Owner: LHMK, LLC

Applicant: Louis Homan

Variance Requested: Waive the requirement for screen fencing and reduce the number of required parking spaces.

Mr. Craig Davis asked if anyone wished to speak. He then swore in the applicant. Mr. Louis Homan stated he is the developer and owner on the project. He then stated that the parking ordinance is accepted, but not approved yet. Mr. Homan then stated 1.75 parking spaces per unit are required for multi-family. He then stated that he is proposing a "per bedroom approach" for parking. He then stated that had they waited for the new ordinance to pass, both requirements would be met. Mr. Davis then asked if there were any questions regarding the parking. Mr. Davis asked why it is not zoned. Mr. Homan stated there is nothing on the property. Mr. Davis asked if the city had comments. Mr. Justin Oppel stated the staff analysis and recommendation for parking space requirements. Mr. Craig Davis asked if there were any questions or comments. Mr. Davis asked Mr. Oppel why the property is not zoned. Mr. Oppel stated the property is in city limits and zoned O-2. He then stated multifamily is allowed in O-2 zone. Mr. Davis then asked if the zoning changed to multi-family, would the parking requirement change. Mr. Oppel stated he would have to check. Ms. Leslie Schmidtt stated that the new zoning code cannot be addressed as it has not gone to Planning and Zoning Commission or City Council. She also stated that only the current zoning code can be addressed. Mr. Craig Davis asked if the requirement can be met for the city. Mr. Homan stated no, it could not with 105 units. He then stated that he could build 90 units, all of them 3 bedroom and then the parking would meet the existing code. Mr. Homan asked when the new ordinance is going to be approved. Ms. Leslie Schmidtt stated there are issues that are causing other issues and the new ordinance should not be banked on until its final. Mr. Homan stated it would be a simple change of the floor plan to meet requirements. Mr. Davis asked if there were any other questions or comments. Mr. Justin Oppel clarified that 1 ¾ parking spaces are required in multi-family. Mr. Craig Davis asked for a motion for the parking requirement first. Ms. Claudia Stuart asked if the board could consider tabling the parking requirement until the new ordinance is completed. Ms. Leslie Schmidtt stated it could be postponed, but tabling would put it on the agenda for the next meeting. Ms. Claudia Stuart made a motion to postpone the ruling on parking requirements. Mr. Craig Davis asked for a motion. Mr. Paul French made a motion to deny based on the staff recommendation; seconded by Ms. Claudia Stuart. The motion was unanimously approved, and the variance was denied. Mr. Craig Davis stated the board will now hear about the screen fencing. Mr. Homan stated there is a 25-to-30-foot drop at an angle on the lot that would require a screened fence. He then read the engineers recommendation. Mr. Davis asked if the board had any questions. There were none. Mr. Davis asked if the city had comment. Mr. Oppel stated the staff analysis and recommendation for screened fencing. Mr. French asked how many letters were sent out. Mr. Oppel stated 7 letters were sent, 2 returned opposing and 1 returned in support. Mr. Craig Davis asked for a motion. Mr. Paul French made a motion to approve the variance for the screened fencing based on the city's recommendation; seconded by Mr. Chris Rhynehart. The motion was unanimously approved.

Item 5: Consider Variance V-21-31

Location: 2408 E Amarillo Blvd

Legal Description: Ridgemere Sub, W 25ft of 9 all of 10 & 11 & E 45ft of 12 less N 15ft ROW, Lot Block 0002

Property Owner: Maria Chavez

Applicant: Zachary Saldivar

Variance Requested: Reduce the number of required parking spaces.

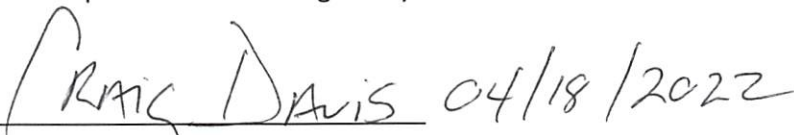
Mr. Craig Davis asked if there was anyone that wished to speak. He then swore in the applicant. Mr. Zachary Saldivar stated the property is a retail store and they are trying to add a storage area in the back. He then stated that there are currently have 25 parking spaces, 14 of which are legal and 11 are illegal. Mr. Craig Davis asked what makes the parking spaces illegal. Mr. Saldivar stated they have to cross their neighbor's property to get to them. He also stated that the approach is on the neighbor's property to the east. Mr. Craig Davis asked how many parking spaces are required. Mr. Saldivar stated 32. Mr. Davis stated the required amount is 42. He then asked the applicant if there was any other place to put additional parking. Mr. Saldivar stated maybe behind the building but only 4 or 5, and it still would not be in compliance. Mr. Davis asked if the applicant would be able to meet handicap requirements. Mr. Saldivar stated yes. Mr. Davis asked if the city had any comments. Mr. Justin Oppel stated the staff analysis and recommendation. He then stated 20 letters were sent, 1 returned in support and 1 returned opposing. Mr. Craig Davis asked the applicant if the use of the building is changing. Mr. Zachary Saldivar stated it is a furniture retail store now, but the use will stay the same. Mr. Craig Davis asked if there were any questions. He then asked for a motion. Mr. Paul French made a motion to deny the variance based on the city's recommendation; seconded by Mr. Chris Rhynehart. The motion was unanimously approved, and the variance was denied.

Item 6: Public Forum

There was none.

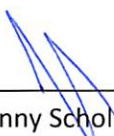
Item 7: Adjournment

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 4:40 pm. This meeting was recorded, and all comments are on file with the Department of Building Safety.

 Craig Davis 04/18/2022

Craig Davis

Chairman, Zoning Board of Adjustments


Johnny Scholl
Building Official