

STATE OF TEXAS
COUNTIES OF POTTER & RANDALL
CITY OF AMARILLO

MINUTES

On September 10, 2020, the Zoning Board of Adjustments met at 2:00 p.m. for a Regular meeting in the Simms Municipal Building, located at 808 S Buchanan St, on the second floor in Room 275.

VOTING MEMBERS	PRESENT	NO. MEETINGS HELD SINCE APPOINTMENT	NO. OF MEETINGS ATTENDED
Craig Davis	Yes	29	26
Chris Rhynehart	Yes	29	25
Cory Mathis	Yes	10	10
Paul French	Yes	10	9
Claudia Stuart	Yes	22	19
ALTERNATE MEMBERS			
Jackie Payne	No	22	13
Matthew Tavern	No	22	6
Alpesh Patel	No	14	2
Johnnie O'Dell	No	10	1
Mildred Darton	No	10	0

Also in attendance were:

Ismael "Izzy" Rivera Jr.
Johnny Scholl
Leslie Schmidt
Shayla Junell
Cobey Monden
Stephen Ferrin
Steve Stuart
Connie Ray
Jeremy Gutierrez
Karl Taylor-Restine
Charlie Ibarra

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

Mr. Craig Davis called the Zoning Board of Adjustments to order at 2:00 p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on June 11, 2020. 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-06-20

Location: 4217 Roxton Dr

Legal Description: Lot 008, Block 0040, Puckett Place #21

Property Owner: Stephen Cobey Monden

Applicant: Stephen Cobey Monden

Variance Requested: Reduce side yard setback from 20 ft to 0 ft for shop.

Mr. Cobey Monden stated that he wanted to build a shop in his backyard. He stated that the ordinance now says he cannot build within 10 feet of his fence, which would take up a large portion of his backyard and he would have to build a garage door on the front of the building. If the garage door was built on the front, he would then have a 20 ft setback, taking up even more of his backyard. Mr. Craig Davis then asked the applicant how large of a shop he was planning on building. Mr. Monden stated it would be a 20x30 shop. Mr. Davis then asked, "What are the sidewalls?" Mr. Monden stated that they would match the house, so they would be 9 ft sidewalls with the same roof as the house. Mr. Davis then asked the board if they had any questions. Mr. Cory Mathis asked to clarify the variance requested. Mr. Monden stated he was just asking for the 10 ft variance. He then stated that he had pictures of neighbor's properties where they had built 5 ft from the alley. Mr. Mathis then asked the applicant if Chandler Street was a busy street because the issue he foresees is a safety issue with the building being too far out to the sidewalk and pulling in and out of the garage. Mr. Monden then asked to show the board pictures that would better explain what he wants to do. Mr. Davis then asked Mr. Monden if the new shop would open into an existing driveway. Mr. Monden stated yes, it would. Mr. Davis asked, "What is the purpose of the shop?". Mr. Monden stated it would just be used for extra space only not commercial use. Ms. Claudia Stuart asked if the City sent out letters. Mr. Johnny Scholl stated that the City sent out 15 letters, 4 returned; 3 in support and 1 unable to forward. Mr. Davis asked if the City had any other comments. Mr. Scholl stated that the purpose of requiring a 20ft. setback from right-of-way for garage doors is due to many garages being converted for living space or used for storage that prevent the parking of vehicles and the 20ft. driveway that is required to be located in front of the garage door, is meant for available for parking of vehicles on private property and not on the street. This does not apply if there is an existing driveway elsewhere on the lot. Considering this is the case, only a 10ft setback is required. Reasoning for the 10ft setback is to provide a consistent open space from curb that gives a uniform look to residential streetscapes along a residential street. Staff recommends the Board take into account other instances of similar setbacks in the area and what impact would result on the streetscape along the street if approved when considering this request. Mr. Davis then asked if anyone else wished to speak for or against the variance request. Mr. Scholl then stated the Zoning Board of Adjustment consideration factors. Mr. Davis then asked for a motion. Ms. Claudia Stuart made a motion to approve this variance; seconded by Mr. Chris Rhynehart. The variance was unanimously approved 5:0.

Item 3: Consider Variance V-07-20

Location: 5510 Wesley Rd

Legal Description: Lot 006, Block 0031, The Colonies #70

Property Owner: Richard and Shelly Barron

Applicant: Stephen Ferrin with Sunna Corporation

Variance Requested: Exceed max lot coverage of 45% under roof as required by zoning ordinance.

Mr. Stephen Ferrin stated he was present on behalf of the owners, Richard and Shelly Barron. He also stated the reason they are asking for the variance is because the architect thought it was a patio home lot since there are several of those lots in the area. He also stated the living area of the home meets the standards, but it is the covered patio area of the home that exceeds the lot coverage. Mr. Davis then asked the applicant by how much he is exceeding the lot coverage. Mr. Ferrin stated it is about 800 square feet. He then stated that the house is drawn like a large patio home and the owners would like a roof over the patio. Mr. Ferrin stated that it is a small lot with part of the back end clipped. He then mentioned that there are patio homes and regular homes mixed in that area. Mr. Ferrin stated that the Architectural Association of the Colonies reviewed and approved the plans. He then stated that the architect who drew the plans made a mistake and thought it was an R-3 zone. Mr. Davis asked the applicant for the square footage of the home. Mr. Ferrin stated it was 2566 square feet. Mr. Davis asked if the board had any comments. Ms. Claudia Stuart asked the applicant if they had considered rezoning the property. Mr. Ferrin stated he had talked to the Planning and Zoning Department and they recommended that he apply for a variance rather than rezone the property. Mr. Davis then asked if the City had any comments. Mr. Scholl stated the builder is planning to build a 4,362 square foot house and the max lot coverage for a R-2 zone is 45% of that lot. The lot size for this address is 8,111 square feet, which would allow for a 3,650 square foot home. Mr. Scholl then stated the Zoning Board of Adjustment consideration factors. Mr. Scholl then stated that the zoning districts specify minimum and maximum development standards in an effort to provide predictability in character of allowed land uses. Maintaining consistent max lot coverage provides consistent open space and scale within a zoning district that contributes to a particular area's uniform character. This particular block is in a newer developing area in which one residence has already been constructed (northern most lot on the block). This residence adhered to the maximum lot coverage among other development standards set for the block. Considering the applicant is proposing to build a house with a lot coverage of 54%, which is 9% larger than allowed, staff believes that such a large departure would be setting a precedent for future development on the block that would in essence, result in a more dense development pattern typically found in Residential District 3. That said, staff is aware of similar development standards, to what is being requested now (lot coverage), either exists or is being planned to be done via rezoning to the east. Considering this, staff does not believe higher lot coverages are out of the ordinary, yet believes that piecemeal variances for the block is not appropriate and changes to allow such should be done via rezoning and as a whole. Considering the above, staff believes that a recommendation of denial is warranted. Mr. Davis then asked if there were any other comments. He then asked if it was possible to reduce the roof space. Mr. Ferrin then asked if he could show the board something on the plans. Mr. Cory Mathis then questioned the square footage of the home. Mr. Ferrin then stated that the City considers everything under roof, which includes the patio and garage. Ms. Craig Davis asked if there were any further questions or comments. Mr. Scholl stated 14 letters were sent, 5 returned all in support. Mr. Davis then swore in the architect, Mr. Steve Stuart. Mr. Stuart stated that the house they

are proposing to build is one of the smaller houses in the area; it is not a larger, 2-story home like most in the area. Ms. Claudia Stuart asked that if precedence was being set with construction still going on in the area. Mr. Davis stated that yes that is a risk if the variance is approved. Mr. Paul French asked if it has been stated that The Colonies had approved the plans. Mr. Ferrin stated that yes; the Colonies had approved the plans before they were brought to the City. Mr. Paul French made a motion to approve this variance; seconded by Mr. Chris Rhynehart. The variance was unanimously approved 5:0.

Item 4: Consider Variance V-08-20

Location: 2410 S Georgia St

Legal Description: Lot 005, Block 000D, Lawrence Park Addition #101

Property Owner: Home Depot USA, Inc

Applicant: Anchor Sign, Inc

Variance Requested: Exceed 20 ft height limit required for freestanding sign

The applicant stated that the sign was blown over in a wind storm last March. The owner would like to put a new sign up at the same height as the existing sign. He also stated that a new footing would be put in and the base pipe is still in the ground. He stated that the pole could be reused, but the owner wants to build a brand new sign with a new footing. Mr. Paul French asked what the height is of the existing sign. The applicant stated it is 65 feet and that is what they want to keep it at. Mr. Davis then stated that the current code states a freestanding sign may not exceed 20 feet on a non-arterial street. Mr. Davis then asked if the City had any comments. Mr. Scholl stated the maximum height for a freestanding sign may not exceed 20 feet on a non arterial street. He then stated the Zoning Board of Adjustment consideration factors. Mr. Scholl stated that the existing sign was considered nonconforming. Nonconforming signs are allowed to remain in place until damaged beyond repair. Considering the extent of damage, replacing the cabinet would be considered a new sign and would need to conform to current standards. This particular sign is one of two freestanding signs on a site that has two frontages (Georgia and Duniven) and as such, staff believes that allowing a sign of a height found along highways and other major thoroughfares, goes against the intent of the sign ordinance, especially considering the site has frontage on Georgia St. Considering the above, staff does not recommend approval. Mr. Scholl stated the City sent 29 letters; 5 returned, 2 in support, 2 opposing, 1 unable to forward. Mr. Cory Mathis then asked if there was a sign on Georgia Street. The applicant stated there was a smaller sign at 35 or 40 feet. Mr. Paul French then stated, "This is a business. We are business driven too. We are not just here to make the City conform to sign standards and lower the signs. We also have to consider that if we make them lower the signs then we ruin their business and they go out of business. I am all pro-business because I want people to survive. I do not want Home Depot to pull this store in three years because they are not surviving because nobody can see them. That would be ridiculous; just because the City has changed their sign standards from whatever the store was before. We want to promote business and if the sign could be seen from I-40 before, I don't see why it can't be seen again. I am totally for this.". Mr. Cory Mathis then asked the reasoning behind the 2 opposing letters. Mr. Scholl stated that the reasoning on the letters states that if that person has to have a 20 foot height limit, so should everyone else. Ms. Claudia Stuart asked if there are any safety issues with a 65 foot sign. Mr. Scholl stated no, as long as it is engineered properly. The applicant stated the fall line would be on the property. Mr. Paul French made a motion to approve this variance; seconded by Mr. Cory Mathis. Ms. Claudia Stuart opposed. The variance was approved 4:1.

Item 5: Consider Variance V-09-20

Location: 8430 English Bay Pkwy

Legal Description: Lot 014, Block 0002, Westover Village #9

Property Owner: Connie and Kay Ray

Applicant: Stephen Connie and Kay Ray

Variance Requested: Reduce side yard setback from 10 ft to 0 ft for existing pergola.

Mr. Connie Ray stated the house was built 8 years ago with the pergola inside the fence. He then stated from outside the fence to the curb of the street measures 11 feet, 5 inches. Mr. Ray stated the pergola was built with the house and is on the plans. He then stated that in his closing paperwork for the house, it states that it was built under city codes and have met all inspections thereof. Mr. Scholl stated that the property owner bought the house in 2012 with the pergola built and all inspections passed. Mr. Craig Davis then asked the purpose for the variance if the inspections passed. Mr. Scholl stated that the zoning is the issue. The property is a zero lot line, requiring a 10 foot setback. Mr. Chris Rhynehart asked why this is an issue now. Mr. Scholl stated that a neighboring property was issued a violation and staff checked the area to make sure it was all uniform. Mr. French asked Mr. Scholl if staff is recommending approval. Mr. Scholl stated yes. Mr. Cory Mathis stated that pergolas are not very intrusive anyways since they are open structures. Mr. Scholl stated the Zoning Board of Adjustment consideration factors. He then stated the reason for a 10 foot side yard setback is to keep a consistent residential look and feel along a street yet staff believes that given the pergola is visually less intrusive than a walled structure, staff recommends approval. Mr. Davis asked if any notices were sent out. Mr. Scholl stated 18 letters were sent, 4 returned all in support. Mr. Davis asked if in the event the pergola has to be rebuilt, would it be allowed. Mr. Scholl stated that once the variance is approved, it stays with the property. Mr. Davis asked if there were any other questions or comments. There being none, Mr. Davis asked for a motion. Mr. Paul French made a motion to approve this variance; seconded by Ms. Claudia Stuart. The variance was approved 5:0.

Item 6: Consider Variance V-10-20

Location: 6207 Drexel Ln

Legal Description: Lot 052, Block 0007, Meadow Addition #13

Property Owner: Jeremy Gutierrez

Applicant: Jeremy Gutierrez

Variance Requested: Reduce side yard setback from 5 ft to 1 ft 6 inches for addition

Mr. Jeremy Gutierrez stated that he is a retired Marine Corp veteran that has lived in this house since 2005 and it has sufficed for his family. He stated that as of last year, he and his wife adopted two more children, therefore needing more space. The remodel is for a third stall added onto the garage. The variance is for 1 foot 6 inches into the setback. Mr. Gutierrez stated that a variance would not be needed for a regular lot, but is on this property because of the way the property is shaped. Mr. Gutierrez then showed the board a picture of the property. Mr. Craig Davis asked if the City had comment. Mr. Scholl stated the Zoning Board of Adjustment consideration factors. He then stated the purpose of requiring a 20 foot setback from right-of-way for garage doors is due to many garages being converted for living space or used for storage that prevent the parking of vehicles and the 20 foot driveway that is required to be located in front of the garage door, is meant for available for parking of vehicles on private property and not on the street. Considering the lot is not a typical corner lot and that the proposed addition will only result in a reduction of in the setback by a few feet, staff does not feel that

allowing the variance would be detrimental to the area and recommends approval. Mr. Davis asked if there were any other questions or comments. There being none, Mr. Davis asked for a motion. Mr. Chris Rhynehart made a motion to approve this variance; seconded by Ms. Claudia Stuart. The variance was approved 5:0.

Item 7: Consider Variance V-11-20

Location: 1300 SW 15th Ave

Legal Description: Lot Block 0094, Hughes Addition, 4 thru 6

Property Owner: Karl Taylor-Restine

Applicant: Amarillo Bible Church

Variance Requested: Exceed max lot coverage of 50% as required by zoning ordinance

Mr. Karl Taylor-Restine handed a letter to the board members. He then stated the name of the church is now Amarillo Emmanuel Revival Church. He stated the church would like to build a fellowship hall with an adjacent new parking lot. Mr. Taylor-Restine stated the board gave a variance for the parking last year and they are now asking for the amount of land that can be covered with a building. Upon completion of the fellowship hall, 54-55% of the property will be covered. He stated that Amarillo Bible Church was founded in 1932 and has aged. Mr. Taylor-Restine stated that about 8 years ago, Pastor Titus and his wife approached him about finding a building to conduct their services. Mr. Taylor-Restine decided to give them the church in order to continue and expand. He stated they now need a fellowship hall to meet and hold luncheons. Mr. Davis asked if the City had comment. Mr. Scholl stated the Zoning Board of Adjustment consideration factors. He then stated that considering the non-residential nature of construction along 15th, staff does not feel that allowing a 5 percent increase in lot coverage will be detrimental to the area. Staff would caution the applicant on maintaining building square footage that reflects available parking on the site. As such, staff recommends approval. Mr. Davis then asked if the parking will meet City requirements. Mr. Taylor-Restine stated it would. Mr. Paul French asked how many letters were sent. Mr. Scholl stated 36 letters were sent, 5 returned; 1 in support, 2 opposing, and 2 unable to forward. Mr. French then asked the reasoning for the opposition. Mr. Scholl stated that from a block away they could still be heard and that citizen was worried about parking. The second letter stated that citizen was a disabled veteran. Mr. Paul French made a motion to approve this variance; seconded by Mr. Chris Rhynehart. The variance was approved 5:0.

Item 8: Consider Variance V-12-20

Location: 1103 N Jefferson St

Legal Description: Lot Block 0028, Miller Heights, S 10 ft of 7, all of 8 & N 10 ft of 9

Property Owner: Charlie Ibarra

Applicant: Charlie Ibarra

Variance Requested: Reduce front yard setback for existing porch.

Mr. Charlie Ibarra stated he built a porch in the setback area. He stated he was unaware of the setback requirements of 37 feet. Mr. Ibarra stated he was told he has to be 22 feet from the back of curb, plus an additional 15 feet after that and he had built inside the 15 foot area. He then stated that he drove around to find other properties that are within the setback area. Mr. Paul French then asked if the applicant had measured those properties. Mr. Ibarra stated that he had measured the properties that had the measurements on the pictures. Ms. Claudia Stuart asked Mr. Ibarra for clarification on the structure being built and now just trying to comply. Mr. Ibarra stated yes, that is what he is doing. Mr.

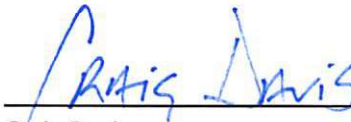
Cory Mathis asked for the measurement of the structure. Mr. Ibarra stated it is at 23 feet 6 inches. Mr. Craig Davis asked if it was built without a permit. Mr. Ibarra stated yes, it was built without a permit. He also stated that he had received a violation and was notified of the setback requirements when he talked to one of the plan reviewers in Building Safety. Mr. Davis then asked for the City's comment. Mr. Scholl stated the Zoning Board of Adjustment consideration factors. He then stated that maintaining a front yard setback free of structures provides a consistent residential look and feel of a neighborhood. That said, considering the existing porch only encroaches in the setback 5ft and is approximately 32ft from the curb, the residential look and feel will not be negatively impacted. As such staff recommends approval. Mr. Craig Davis asked if any letters were sent. Mr. Scholl stated 19 letters were sent, 2 returned; 1 in support, 1 unable to forward. Mr. Davis then asked for a motion. Ms. Claudia Stuart made a motion to approve this variance; seconded by Mr. Paul French. The variance was approved.

Item 9: Public Forum

There was no public forum.

Item 10: Adjournment

There being no further business, Chairman Mr. Craig Davis called for a motion to adjourn. Mr. Paul French made a motion to adjourn; the motion was seconded by Mr. Cory Mathis. The motion passed and meeting adjourned at 3:10 p.m. This meeting was recorded and all comments are on file with the Department of Building Safety.

 12/01/2020

Craig Davis

Chairman, Zoning Board of Adjustments