

MINUTES

On June 10, 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	33	30
Chris Rhynehart	Yes	33	28
Cory Mathis	No	14	12
Paul French	Yes	14	13
Claudia Stuart	Yes	26	23
ALTERNATE MEMBERS			
Alpesh Patel	No	18	2
Johnnie O'Dell	No	14	1
Mildred Darton	No	14	0

Also in attendance were:

Justin Oppel
Johnny Scholl
Leslie Schmidt
Shayla Sotelo

DEPUTY BUILDING OFFICIAL, CITY OF AMARILLO
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 4:01 p.m., recited the procedural rules.

Item 1: Approval of the minutes from Regular Meeting held on April 08, 2021. Motion was made by Claudia Stuart to approve the minutes, seconded by Chris Rhynehart. The minutes were unanimously approved.

Item 2: Consider Variance V-21-12

Location: 8413 English Bay Pkwy
Legal Description: Westover Village #9, Lot 007 Block 0015
Property Owner: J.D. and Joanne Danner
Applicant: J.D. and Joanne Danner
Variance Requested: Reduce side yard setback for storage building

Mr. Garland Sell, attorney for the Danner's, stated the applicant had built a storage building in the alley. He then stated that the Danner's called the City and asked if they needed a permit to build the storage building and they were told no, they do not. Mr. Sell then asked to show the Board additional pictures

that were not provided with the original application. Mr. Sell then showed the Board a floor plan of the storage building. He then stated the floor of the storage building is removable should there be a reason to get into the easement. Mr. Sell then stated that in one of the pictures it shows the neighbors movable storage building, which is in the same area of the Danner's storage building. Mr. Sell stated the electrician tried to get a permit, which was denied and then told the storage building cannot be built. Mr. Craig Davis then asked if the City had any comment. Mr. Oppel stated the staff analysis. Mr. Davis then asked if the Board had any questions. Mr. French asked when the current residential code was adopted. Mr. Oppel stated he was unsure, but he had been with the City for 4 years and it was adopted before then. Mr. French then asked who the letter was from that was read by Mr. Oppel opposing the variance. Mr. Oppel stated that it was from Mr. and Mrs. Spear at 8415 English Bay Parkway. Mr. Oppel then stated that of the 23 letters that were sent, 5 returned in support, 2 returned opposing, 1 returned with a forwarding address. Mr. French then asked if the City was aware that the building had a removable floor. Mr. Oppel stated they were unaware until today. Mr. French then asked Mr. Sell who the applicants talked to at the City. Mr. Sell and the applicants stated they were unsure. Mr. French then asked if the applicant was aware that there is a gas line, water and sewer line under the storage building. Mr. Danner stated there is a metal gas line, but not water or sewer. Mrs. Danner stated they had the lines marked before the storage building was built. Mr. Chris Rhynehart then asked if the building located about four houses down is portable or permanent. Mr. Sell stated it was portable. Ms. Claudia Stuart asked when the building was built. Mrs. Danner stated it was built in August 2020. Ms. Claudia Stuart then confirmed with the applicants that they had the lines marked and still built over the gas line. Mrs. Danner stated yes. Mr. Davis asked who constructed the building. Mrs. Danner stated her son who does contracting work. Mr. Davis asked if their son was a licensed contractor. Mrs. Danner stated she was unsure. Mr. Davis asked if a permit was issued. Mr. Oppel stated no, and because the building had electrical in it, a permit would be required. Mr. Sell stated that there is not electrical inside the storage building. Mr. Scholl stated the City received a complaint about the storage building and went out to investigate. During the investigation, the electricity was already installed in the building, which resulted in a Notice of Violation. Mr. Davis then asked if the portable building is allowed in an easement. Mr. Scholl stated a portable building is allowed in an easement, but not in the setback. Mr. Davis asked if there were any other questions or comments. Mr. Sell then stated the electricity was hooked up, but is not now. Mr. French asked if the applicant was aware that the subdivision has high restrictions. Mrs. Danner stated that no, they were not aware. Mr. Davis then asked the status on the other cases in the area. Mr. Scholl stated all other buildings have been moved, except the case of the pergola which was heard before the board earlier in the year. Mr. Oppel then stated that he checked with staff and the IRC was adopted in 2015. Mr. Scholl stated there was still a problem with the gas line. He stated that a building cannot be built on top of a gas line. The Chairman asked for a motion. Ms. Claudia Stuart made a motion to deny the variance, based on item A, B and C; seconded by Mr. Craig Davis. The variance was denied with two members denying the variance, 1 member against the denial, and 1 member abstaining (2:1:1).

Item 3: Consider Variance V-21-13

Location: 6901 Calumet Rd

Legal Description: Belmar #9, Lot Block 0037

Property Owner: Kade McGehee

Applicant: Matt Chamberlain

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

Mr. McGehee stated this is his second time before the Board; the first time he was unaware of how he needed to approach. He stated he is requesting to build a shop on the side yard of his corner property. He also stated that he does have ten feet of property from the easement to the street that would provide right of way access. Mr. McGehee stated that part of the City's argument at the last meeting was that he would not have a 20 foot driveway. He stated that his current driveway is not 20 feet. He also stated that he drove around to neighboring properties and there are several that have buildings that are sitting on the property line. Mr. McGehee stated he feels this building would be beneficial to his property and would not adversely affect the neighborhood. He then stated that the supplemental paperwork was pictures of properties in the area that had shops sitting in the City easement. Mr. Craig Davis then asked if the City had any comment. Mr. Oppel stated the staff analysis. He also stated that 22 letters were sent, 11 were returned in support. Mr. Davis asked if there were any other questions or comments. Mr. Davis asked if the City had seen the new pictures and what was being done about the structures. Mr. Oppel stated the City had investigated and issued Notices of Violation. He then stated that he was unsure of the exact number of Notices of Violation issued and he would have to check to see what the status is on those cases. Mrs. Claudia Stuart stated this was Mr. McGehee's second submission to the Board and asked him what he had changed from the first submittal. Mr. McGehee stated he wasn't aware of how the process worked the first time. Mr. French asked if the applicant's truck sticks out into the street. Mr. McGehee stated yes, it does. Mr. French asked if Mr. McGehee was hiring someone to build the structure. Mr. McGehee stated yes, he has hired a licensed contractor to build the shop. Mr. Paul French asked the applicant if he was removing the existing building to build the garage. Mr. McGehee stated yes, it would be removed before building the new garage. Mr. French then asked if the building would go past where the fence is now. Mr. McGehee stated no, it would be along the fence line. Mr. French then asked the City if the applicant removes the existing building and builds the new garage in its place, wouldn't that help people be able see. Mr. Oppel stated if it's a different structure in the same place, there really is no change and it's not altering the sight lines. Mr. Davis asked if the applicant has an existing garage now. Mr. McGehee stated yes he does. Mr. Davis asked if there were any other questions or comments. The Chairman asked for a motion. Mr. Paul French made a motion to approve the variance, based on item C; seconded by Mr. Chris Rhynehart. The variance was denied 3:1.

Item 4: Consider Variance V-21-14

Location: 308 S Ross St

Legal Description: Wolflin Sub of Blk 314 Holland Mirror, Lot Block 0001, 4 thru 6

Property Owner: Richard J Renteria

Applicant: Gary Floyd

Variance Requested: Reduce the number of on-site parking.

Mr. Gary Floyd stated that Southwest Ambucs would like to have this property as a home for their club. He also stated that they have been storing all of their equipment that they use for fundraising at their current location that has recently obtained new owners. He stated this property would allow board meetings, functions and storage for all of their equipment. Mr. Floyd stated they would be fire sprinkling the building and fixing a few minor issues but would like to leave the parking as is. Mr. Davis asked if

they would be able to accommodate handicap parking. Mr. Floyd yes, they would be able to after bringing the slopes up to code. Mr. Davis then asked what the current use of the building is. Mr. Floyd stated the current owner is using it as an event center but does not have a certificate of occupancy. Mr. Davis asked what the current parking capacity is. Mr. Floyd stated currently 34 parking spots, but some are not legal. Mr. Davis asked if there were any questions or comments from the Board. Mr. Craig Davis then asked if the City had any comment. Mr. Oppel stated the staff analysis. The Chairman asked for a motion. Mr. Paul French made a motion to approve the variance, seconded by Ms. Claudia Stuart. The variance was approved 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 5:08 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