

THE STATE OF TEXAS §  
CITY OF BROWNSVILLE §  
COUNTY OF CAMERON §

**MINUTES** of a **Regular Meeting** of Board of Adjustment of the City of Brownsville, Texas, held in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on **Wednesday, February 7, 2018 at 5:30 P.M.** with the following members present:

**PRESENT:**

<b>ROY DE LOS SANTOS</b>	<b>CHAIRMAN</b>
<b>HOWARD SLACKMAN</b>	<b>BOARD MEMBER</b>
<b>DILLON VANDERFORD, JR.</b>	<b>BOARD MEMBER</b>
<b>JOHN KINCH</b>	<b>BOARD MEMBER</b>
<b>MARY ALICE LOYA</b>	<b>BOARD MEMBER</b>
<b>CONSTANZA MINER</b>	<b>PLANNING &amp; DEVELOPMENT SERVICES DIRECTOR</b>
<b>ANA HERNANDEZ</b>	<b>PLANNING &amp; DEVELOPMENT SERVICES ASSISTANT DIRECTOR</b>
<b>FRANCESCA LINDER</b>	<b>ZONING &amp; SUBDIVISION ADMINISTRATOR</b>
<b>OMAR OCHOA</b>	<b>BUILDING OFFICIAL</b>
<b>ELEAZAR RODRIGUEZ</b>	<b>PLANS EXAMINER MANAGER</b>
<b>MYRNA LEAL</b>	<b>PLANNER I</b>
<b>NORMA CASTANEDA</b>	<b>ADMINISTRATIVE SPECIALIST II</b>
<b>TIM SAMPECK</b>	<b>ASSISTANT CITY ATTORNEY</b>

A quorum being present, Chairman Roy De Los Santos, **called the meeting to order at 5:30 PM**

**Item No. 1:** Approval of minutes for the meeting of January 3, 2018.

Board Member Howard Slackman made a motion to **approve** the minutes for the meeting of January 3, 2018, the motion was seconded by Board Member Dillon Vanderford and was **unanimously approved**.

**Item No. 2:** **Public Hearing and Action on Case Number 2018-001-V** to consider a variance from Chapter 348, Article VII, Sec. 348-1381.- Off Street Parking, to reduce the required 329 vehicle parking spaces by 45 for Lots 1 and 2 of BMRSD LLC Subdivision Recorded in Cabinet 1 Slot 3580 C.C.M.R. at 441 E. Alton Gloor Boulevard, as requested by Landmark Healthcare Facilities.

Francesca Linder, Zoning and Subdivision Administrator, presented that instead of using total building area the applicant would like to use useable building area which

would require 273 parking stalls plus an additional 14 stalls that Landmark Healthcare Facilities would add, for a total of 287 parking stalls leaving them 45 parking stalls short from the required amount.

Michael Cleary, representative for Landmark Healthcare Facilities, presented on the company's experience with mixed use outpatient buildings and answered questions from the board.

Board Member John Kinch questioned whether the Board of Adjustment is allowed to go by useable building area when the ordinance calls for gross building area.

Chairman Roy De Los Santos stated that he also is concerned and recommends to grant a variance for 45 parking stalls. He also stated his belief that the spirit of the ordinance would be maintained.

Board Member Howard Slackman made a motion to close the public hearing, seconded by Board Member Mary Alice Loya and **carried unanimously**, the public hearing was **closed**.

Board Member Dillon Vanderford made a motion to **approve** the variance from Chapter 348, Article VII, Sec. 348-1381.- Off Street Parking, to reduce the required 332 vehicle parking spaces by 45 for Lots 1 and 2 of BMRSD LLC Subdivision Recorded in Cabinet 1 Slot 3580 C.C.M.R. at 441 E. Alton Gloor Boulevard, as requested by Landmark Healthcare Facilities. Board Member Howard Slackman seconded the motion and **carried unanimously**.

**Item No. 3: Public Hearing and Action on Case Number 2018-002-V:** To consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Zena Drive for Lot 17, Block 3, Dunlap Subdivision at 6564 Calvin Street, as requested by Enrique Narvaez.

Francesca Linder, Zoning and Subdivision Administrator, summarized the requirements of Chapter 320, Article II.-Sidewalk Facilities and stated that there is not sufficient space in the Right-of-Way for the construction of a sidewalk. She also stated that the Planning and Development Services Department had no objection to the variance.

Mr. Enrique Narvaez, the property owner, stated that he constructed a sidewalk on the front of his property, but is requesting a variance for the side due to lack of space.

Omar Ochoa, Building Official, stated that neighboring sidewalks may have been constructed before the property was annexed into the City of Brownsville, before the ordinance was adopted by the City of Brownsville, or constructed without a permit.

Board Member John Kinch made a motion to close public hearing, seconded by Board Member Mary Alice Loya and **carried unanimously**; the public hearing was **closed**.

Board Member John Kinch made a motion to **approve** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along

Zena Drive for Lot 17, Block 3, Dunlap Subdivision at 6564 Calvin Street, as requested by Enrique Narvaez. Board Member Dillon Vanderford seconded the motion. Chairman Roy De Los Santos, Board Member Dillon Vanderford, Board Member Mary Alice Loya, and Board Member John Kinch ayed the motion. Board Member Howard Slackman abstained from voting. The motion **carried**.

**ITEM NO. 4: Public Hearing and Action on Case Number 2018-003-V:** To consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk for 0.384 acres of Block 8, of Acreage Blocks Subdivision at 615 Central Boulevard, as requested by Jorge Macias.

Francesca Linder, Zoning and Subdivision Administrator, stated that there is not sufficient space in the Right-of-Way for the construction of a sidewalk. She also stated that staff had no objection to the variance.

Board Member Howard Slackman questioned whether the City could require property owners to build a sidewalk on private property.

Omar Ochoa, Building Official, stated that the area between the curb and the property line is part of the Right-of-Way. He continued by stating that Chapter 320, Article II.-Sidewalk Facilities requires sidewalks to be constructed in the Right-of-Way.

Chairman Roy De Los Santos questioned if a variance could be granted for this applicant, but in the future if sufficient Right-of-Way is created that a sidewalk should be required.

Board Member Dillon Vanderford made a motion to close public hearing, motion was seconded by Board Member Howard Slackman and **carried unanimously**; the public hearing was **closed**.

Chairman Roy De Los Santos made a motion to **approve** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk for 0.384 acres of Block 8, of Acreage Blocks Subdivision at 615 Central Boulevard, as requested by Jorge Macias; with the provision that if sufficient Right-of-Way is created in the future compliance with the ordinance would be required; motion was seconded by Board Member Dillon Vanderford, and was **carried unanimously**.

**ITEM NO. 5: Public Hearing and Action on Case Number 2018-004-V:** To consider a variance from Chapter 348, Article V, Division 7, Sec. 348-747.- Front Yard, to allow an existing carport to encroach 19 feet into a 25 foot front yard for lot 8, Block 11, Ebony Heights Subdivision at 1747 Loma Linda Avenue as requested by Guillermo Aguilar.

Francesca Liner, Zoning and Subdivision Administrator, presented the background of the property.

Mr. Guillermo Aguilar, property owner, stated that their intention was to repair the carport, however it began falling apart so they needed to rebuild it.

Chairman Roy De Los Santos questioned what the process for non-conforming structures.

Omar Ochoa, Building Official, stated that permits are required for any kind of repair work and had one been requested, it would have been granted.

Board Member Howard Slackman stated that there are 8 other carports on the same block.

Board Member Dillon Vanderford made a motion close public hearing, motion was seconded by Board Member Mary Alice Loya and **carried unanimously**; the public hearing was **closed**.

Board Member Howard Slackman made a motion to **approve** the variance to allow an existing carport to encroach 19 feet into a 25 foot yard for lot 8, Block 11, Ebony Heights Subdivision at 1747 Loma Linda Avenue. The motion was seconded by Board Member Dillon Vanderford, and **carried unanimously**.

**ITEM NO.6: Public Hearing and Action on Case Number 2018-005-V:** Public hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk for Lot 8, Block 11, Palacio del Sol Subdivision at 578 Avenida del Sol as requested by Juanita C. Saldivar.

Francesca Linder, Zoning and Subdivision Administrator, presented the background of the property and stated that the Planning and Development Services Department has no objections to the variance request.

Board Member Dillon Vanderford made a motion to close public hearing, the motion was seconded by Board Member Howard Slackman and was **carried unanimously**; the public hearing was **closed**.

Board Member Howard Slackman made a motion to **approve** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk for Lot 8, Block 11, Palacio del Sol Subdivision at 578 Avenida del Sol as requested by Juanita C. Saldivar; the motion was seconded by Board Member John Kinch; and was **carried unanimously**.

**ITEM NO. 7: Public Hearing and Action on Case Number 2018-006-V:** To consider a variance from Chapter 348, Article VI, Division 2, Sec.348-1052.-O51-A Commercial Quality Overlay District, Subsection (c)(9) and from Chapter 320, Article II.- Sidewalk Facilities, to exempt the property from ROW sidewalk along Naranjo Road and Old Alice for Block 46, Palo Alto Groves Subdivision No 1 at 7092 Old Alice Road, as requested by Danny Villarreal.

Board Member Howard Slackman suggested breaking the item into two as there are two separate requests in the application.

Francesca Linda, Zoning and Subdivision Administrator, presented a summary of the O51-A Commercial Quality Overlay including that the intent of the overlay is to protect the area in regards to signage, landscaping, and building material.

David Monreal, partner at GMS and representative for Cameron County, stated that the proposed designed is visibly pleasing and doesn't violate the spirit of the overlay. He also stated that their design complies with all other requirements.

Board Member John Kinch made a motion to close public hearing, motion was seconded by Board Member Mary Alice Loya, and was **carried unanimously**; the public hearing was **closed**.

Board Member John Kinch made a motion to **approve** the variance from Chapter 348, Article VI, Division 2, Sec.348-1052.-O51-A Commercial Quality Overlay District, Subsection (c)(9) for Block 46, Palo Alto Groves Subdivision No 1 at 7092 Old Alice Road, as requested by Danny Villarreal; the motion was seconded by Board Member Mary Alice Loya, and was **carried unanimously**.

Francesca Linder, Zoning and Subdivision Administrator, presented the background of the property and stated that the Planning and Development Services Department has no objections to the variance request.

Board Member Howard Slackman made a motion to close public hearing, motion was seconded by Board Member Dillon Vanderford and **carried unanimously**; the public hearing was **closed**.

Board Member John Kinch made a motion to **approve** the variance from Chapter 320, Article II.- Sidewalk Facilities, to exempt the property from ROW sidewalk along Naranjo Road and Old Alice for Block 46, Palo Alto Groves Subdivision No 1 at 7092 Old Alice Road, as requested by Danny Villarreal; motion was seconded by Board Member Dillon Vanderford, and **carried unanimously**.

#### **ITEM NO. 8: Election of Chairman and Vice Chairman**

Discussion of terms and appointments were discussed with Assistant City Attorney Tim Sampeck and Planning and Development Services Department staff.

Board Member Howard Slackman nominated Board Member Dillon Vanderford for Chairman. Board Member Dillon Vanderford accepted the nomination.

Chariman Roy De Los Santos nominated himself for Chairman.

Chairman Roy De Los Santos requested a show of hands supporting Dillon Vanderford for Chairman. Board Member Dillon Vanderford, Board Member Howard Slackman, and Board Member John Kinch voted in support. Three votes out of five established Board Member Dillon Vanderford as the new Chairman.

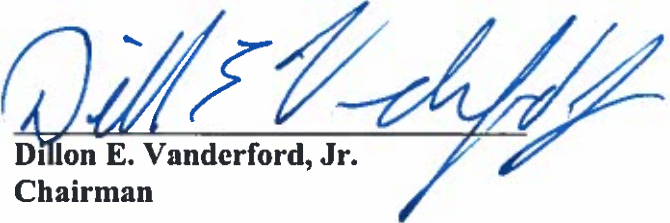
Board Member John Kinch nominated Chairman Roy De Los as Vice Chairman. Chairman Roy De Los Santos accepted the nominated.

Chairman Roy De Los Santos requested a show of hands supporting Chairman Roy De Los Santos as Vice Chairman. Board Member John Kinch, Board Member Mary Alice Loya, Board Member Howard Slackman, Board Member Dillon Vanderford, and Chairman Roy De Los Santos all voted in support. 5 out of 5 votes established Chairman Roy De Los Santos as the new Vice Chairman.

Adjournment:

Board Member John Kinch made a motion to **adjourn**; motion was seconded by Board Member Mary Alice Loya, and **carried unanimously**. Meeting adjourned at 6:48p.m.

Approved this 7<sup>th</sup> day of March, 2018.



**Dillon E. Vanderford, Jr.**  
**Chairman**

Attest:



**Myrna Leal**  
**Planner I**

*Respectfully submitted by:*  
*Francesca Linder, Zoning & Subdivision Administrator*  
*Planning and Development Services Department*