

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, April 4, 2018 at 5:30 P.M.** with the following members present:

PRESENT:

DILLON VANDERFORD, JR.	CHAIRMAN
ROY DE LOS SANTOS	BOARD MEMBER
HOWARD SLACKMAN	BOARD MEMBER
JOHN KINCH	BOARD MEMBER
ANA HERNANDEZ	PLANNING & DEVELOPMENT SERVICES ASSISTANT DIRECTOR
FRANCESCA LINDER	ZONING & SUBDIVISION ADMINISTRATOR
OMAR OCHOA	BUILDING OFFICIAL
ELEAZAR RODRIGUEZ	PLANS EXAMINER MANAGER
NORMA CASTANEDA	ADMINISTRATIVE SPECIALIST II

ABSENT:

CONSTANZA MINER	PLANNING & DEVELOPMENT SERVICES DIRECTOR
MARY ALICE LOYA	BOARD MEMBER
MYRNA LEAL	PLANNER I

A quorum being present, Chairman Dillon Vanderford, **called the meeting to order at 5:33 PM**

Item No. 1: Approval of minutes for the meeting of March 7, 2018.

Board Member Roy De Los Santos made a motion to **approve** the minutes for the meeting of March 7, 2018; the motion was seconded by Board Member Howard Slackman and was **unanimously approved.**

Board Member Howard Slackman addressed the applicants to inform them of the voting procedures when only four out of the five board members are present. Mr. Slackman explained that all four members must vote in agreeance in order for the item to be approved. Mr. Slackman further explained that applicants had the option to request for their item to be removed from the agenda and to ask to be added again at a later meeting

should they believe it would be a better option to have their case presented once all five board members can be present.

Item No. 2: Public Hearing and Action on Case Number 2018-010-V: Public Hearing and Action to consider a variance from Chapter 348, Article VII, Sec. 348-1382.- Parking Design Standards, to allow the construction of a driveway on D Street (fronting alley) for Lot 10, Block 11, Brownsville Original Townsite, located at 35 D Street, as requested by Jesus and Noemi Garza.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the driveway variance request and reminded the board that this same property was presented at the previous meeting for a sidewalk variance that was approved.

Chairman Dillon Vanderford opened Public Hearing and Noemi Garza, applicant, explained that although the home was originally planned to be built on the platted street they built the home facing the alley and are requesting a variance from building the driveway toward the platted D Street. Board Member Roy De Los Santos motioned to close the public hearing, seconded by Board Member Howard Slackman and carried unanimously, the public hearing was **closed**.

Board Member John Kinch made a motion to **approve** the variance from Chapter 348, Article VII, Sec. 348-1382 – Parking Design Standards, to allow the construction of a driveway on D Street (fronting alley) for lot 10, Block 11, Brownsville Original Townsite at 35 D Street; Board Member Roy De Los Santos seconded the motion and **carried unanimously**.

Item No. 3: Public Hearing and Action on Case Number 2018-011-V: Public Hearing and Action to consider a variance from Chapter 348, Article V, Sec. 348-812.- Yards, to allow a 10 foot front yard for Lot 29, Block 14, Resaca Grande Subdivision Section IV, located at 5953 Lourdes Boulevard, as requested by Genaro Mercado

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the yard variance request and property.

Chairman Dillon Vanderford opened Public Hearing and the applicant Genaro Mercado explained his misunderstanding of setbacks and alleged misrepresentations made to him when he purchased the property. Board Member Howard Slackman made a motion to close the public hearing, seconded by Board Member Roy De Los Santos and **carried unanimously**, the public hearing was **closed**.

Board Member John Kinch made a motion to **approve** the variance from Chapter 348, Article V, Sec. 348-812.- Yards, to allow a 10 foot front yard for Lot 29, Block 14, Resaca Grande Subdivision Section IV, located at 5953 Lourdes Boulevard; Board Member Roy De Los Santos seconded the motion and **carried unanimously**.

Item No. 4: Public Hearing and Action on Case Number 2018-012-V: Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from a ROW sidewalk along Roosevelt

Street, for a 0.21 acre out of a certain 0.360 acre tract of land out of reserve "B" of Summit Place Addition, located at 1248 Roosevelt Street, as requested by Claudia and Heron Melendez.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance request. Board Member Howard Slackman clarified that the applicant's property is not located on Roosevelt Street and Board Member Roy De Los Santos asked why the property was addressed as Roosevelt when it is not located on Roosevelt but on an alley.

Chairman Dillon Vanderford asked Assistant City Attorney Tim Sampeck his opinion on this item. Assistant City Attorney Tim Sampeck stated his opinion that an alley way is not a street and that a sidewalk is not feasible. Board Member Howard Slackman suggested tabling the item.

Chairman Dillon Vanderford opened Public Hearing. Ana Hernandez, Planning and Development Services Department Assistant Director, stated that staff was going to look into this item given the concerns noted.. The applicants were not present at the meeting in order to speak on the item during the public hearing. Board Member Roy De Los Santos made a motion to close the public hearing, seconded by Board Member Howard Slackman and **carried unanimously**, the public hearing was **closed**.

Board Member John Kinch motioned to **table** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from a ROW sidewalk along Roosevelt Street, for a 0.21 acre out of a certain 0.360 acre tract of land out of reserve "B" of Summit Place Addition, located at 1248 Roosevelt Street; Board Member Roy De Los Santos seconded motion and **carried unanimously**.

Item No. 5: Public Hearing and Action on Case Number 2018-013-V: Public Hearing and Action to consider a variance from Chapter 348, Article V, Sec. 348-712.- Yards, to allow a 3.4-foot rear yard for 1.2950 acres, part of Lot 3 & Lot 4, Block 5, Villa Nueva Subdivision, Espiritu Santo Grant, located at 2455 U.S. Highway 281, as requested by Oscar Chavez.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the variance request and property.

Board Member Howard Slackman stated that according to the person he met upon visiting the property the address the applicant provided does not belong to him but to the neighboring property to the front and that he has a problem issuing a variance to a property that does not belong to the applicant.

Chairman Dillon Vanderford opened up public hearing. Board Member Roy De Los Santos used the Cameron County Appraisal District website to verify that both the applicant and the neighboring property have been assigned the same address. However, staff stated that the legal description matched the description on the application and deed.

Board Member Howard Slackman made a motion to **close** public hearing; motion was seconded by Board Member Roy De Los Santos and **carried unanimously**.

Board Member Howard Slackman made a motion to approve the variance from Public Hearing and Action to consider a variance from Chapter 348, Article V, Sec. 348-712.- Yards, to allow a 3.4 foot rear yard for 1.2950 acres, part of Lot 3 & Lot 4, Block 5, Villa Nueva Subdivision, Espiritu Santo Grant, located at 2455 U.S. Highway 281. Board Member Howard Slackman's motion to approve was not seconded. Board Member Roy De Los Santos motioned to **deny** the variance request; motion was seconded by Board Member John Kinch and **carried unanimously**.

Item No. 6: Public Hearing and Action on Case Number 2018-014-V: Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along El Granero Street, for Lot 14, Block 33, El Valle West Subdivision, Section II, located at 2740 El Granero Street, as requested by Carolina Ortega.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance request and property.

Chairman Dillon Vanderford opened up public hearing. Board Member Howard Slackman clarified that on the applicant's street there are no existing sidewalks. Board Member Howard Slackman made a motion to **close public hearing**; motion was seconded by Board Member Roy De Los Santos and **carried unanimously**.

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 along El Granero Street, for Lot 14, Block 33, El Valle West Subdivision, Section II, located at 2740 El Granero Street. Board Member Howard Slackman's motion to approve was not seconded. Board Member Roy De Los Santos made a motion to deny the variance request and Board Member John Kinch seconded the motion. Chairman Dillon Vanderford, Board Member Roy De Los Santos, Board Member John Kinch ayeed the motion. Board Member Howard Slackman nayed the motion. The motion carried.

Item No. 7: Public Hearing and Action on Case Number 2018-015-V: Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Laredo Road, for Lot 38, Block 1, Silver Oaks Subdivision, located at 995 W. Ruben Torres Sr. Blvd., as requested by Double A Properties L.L.C.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance and the property.

Chairman Dillon Vanderford opened the public hearing. Applicant Hugo Salinas, the representative for Double A Properties L.L.C explained to the board that the plan that was shown on the presentation was the original plan that was submitted to the City's Planning and Development Services Department and that later the City Engineer informed him that a sidewalk was not necessary. The applicant then removed the originally planned sidewalk from their site plan.

Building Supervisor, Omar Ochoa, informed the members of the Board that the applicant would need to submit additional information and that options would be

discussed with the City Engineering Department.. He also detailed the plan and explained the change of slope on the property's edge and that it is the developer's responsibility to present how they would fix the slope in order to build a sidewalk if it is deemed feasible.

Mr. Salinas states that they preferred to install a sidewalk but that since there was no curb, it would be very difficult to do so.

Board Member Roy De Los Santos suggested tabling the item in order for more information to be provided and so that the applicant can meet with their engineers in order to see what other options they may have and the City Engineering Department provide a recommendation.

Board Member Roy De Los Santos motioned to **close** public hearing; motion was seconded by Board Member Howard Slackman and **carried unanimously**.

Board Member Roy De Los Santos made a motion to **table** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Laredo Road, for Lot 38, Block 1, Silver Oaks Subdivision, located at 995 W. Ruben Torres Sr. Blvd. Board Member Howard Slackman seconded the motion and **carried unanimously**.

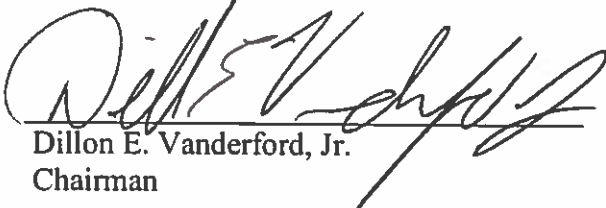
Item No. 8: Election of Chairman and Vice-Chairman

Chairman Dillon Vanderford reminded the Board that they had decided that elections would be held on the first meeting of every calendar year unless three or more Board Members requested a special election; because that has not been requested a new election is not necessary.

Adjournment:

Board Member John Kinch made a motion to adjourn; motion was seconded by Board Member Roy De Los Santos, and carried unanimously. Meeting adjourned at 7:00p.m.

Approved this 2 day of May 2018.


Dillon E. Vanderford, Jr.
Chairman

Attest:


Myrna Leal
Planner I

Respectfully submitted by:
Myrna Leal, Planner I
Planning and Development Services Department