

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, May 2, 2018 at 5:30 P.M.** with the following members present:

PRESENT:

ROY DE LOS SANTOS	VICE CHAIRMAN
MARY ALICE LOYA	BOARD MEMBER
HOWARD SLACKMAN	BOARD MEMBER
JOHN KINCH	BOARD MEMBER
DON DE LEON	ALTERNATE BOARD MEMBER
TIM SAMPECK	ASSISTANT CITY ATTORNEY
CONSTANZA MINER	PLANNING & DEVELOPMENT
	SERVICES DIRECTOR
ANA HERNANDEZ	PLANNING & DEVELOPMENT
	SERVICES ASSISTANT DIRECTOR
FRANCESCA LINDER	ZONING & SUBDIVISION
	ADMINISTRATOR
OMAR OCHOA	BUILDING OFFICIAL
NORMA CASTANEDA	ADMINISTRATIVE SPECIALIST II
MYRNA LEAL	PLANNER I
DOROTEO GARCIA	ASSISTANT CITY ENGINEER

ABSENT:

DILLON VANDERFORD, JR. **CHAIRMAN**

A quorum being present, Vice Chairman Roy De Los Santos, **called the meeting to order at 5:34 PM.**

Item No. 1: Approval of minutes for the meeting of April 4, 2018.

Board Member John Kinch made a motion to **approve** the minutes with corrections for the meeting of April 4, 2018; the motion was seconded by Alternate Board Member Don De Leon and was **unanimously approved.**

Item No. 2: 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 request and reminded the board that this item was tabled at the last meeting held on April 4, 2018. Board Members requested both applicant and City Engineering Department submit further documentation that would assist in deciding whether a sidewalk could or could not be built along Laredo Road.

Board Member John Kinch made a motion to close public hearing, motion was seconded by Alternate Board Member Don De Leon 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 Laredo Road for Lot 38, Block 1, Silver Oaks Subdivision, located at 995 W. Ruben Torres Sr. Blvd., Alternate Board Member Don De Leon seconded the motion and **carried unanimously**.

Item No. 3: Public Hearing and Action on Case Number 2018-016-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 Block 1 and 3, Villas at Santander Subdivision, located near Laredo Road, as requested by Joe Perez.

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

Applicant Joe Perez addressed the Board and explained that the master plan included a hike and bike trail on the opposite side of Laredo Road from the variance request.

Ms. Francesca Linder, Zoning and Subdivision Administrator, stated that the Planning and Development Services Department objects to the variance request due to pedestrian connectivity loss.

Vice Chairman Roy De Los Santos explained to the applicant that variance requests exist to assist the public when there are hardships and asked the applicant if there were any hardships in regards to the property. Applicant Joe Perez explained the master plan only required a sidewalk on the right side of Laredo Road and not along the side of the proposed construction.

Project Engineer, David Flynn, addressed the board and stated that phase one of Santander subdivision was built in 2004 and the rest of the subdivision has been built continuously since then; no sidewalks have been required on the left side of Laredo Road. He continued, stating that he believes pedestrians would not use the left side but would opt to walk across the street to use the wider hike and bike trail.

Board Member Howard Slackman made a motion to close the public hearing, seconded by Board Member John Kinch 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 Laredo Road, for Block 1 and 3, Villas at Santander Subdivision, located near Laredo Road; the motion was not seconded and **failed**.

Item No. 4: **Public Hearing and Action on Case Number 2018-017-V:** Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Caddell Road, for a 4.23 acre tract of land out of Block 4, J.S. Duncan Subdivision, Share 22, Espiritu Santo Grant, located at 5925 Caddell Road, as requested by Maria Esther Ornelas.

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

Board Member Howard Slackman clarified that the applicant's property is remote and that pedestrians would be rare.

Judge Eddie Trevino, representative for Maria Esther Ornelas, addressed the board and reiterated that the location is rural, pedestrians are rare, and stated that the sidewalk was never brought up as an issue before, during, or after the construction was completed. Mr. Trevino also stated that he did not see the need for the sidewalk because he interpreted the area as an "Existing Developed Area" and not a "Newly Developing Area".

Ms. Francesca Linder, Zoning and Subdivision Administrator, stated that the Planning and Development Services Department has no objection to the variance request.

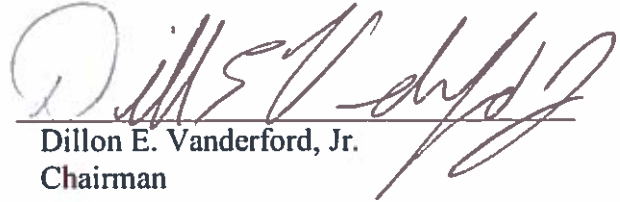
Board Member Howard Slackman motioned to close the public hearing; motion was seconded by Alternate Board Member Don De Leon and **carried unanimously**, the public hearing was **closed**.

Alternate Board Member Don De Leon made a motion to **approve** the variance request from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Caddell Road, for a 4.23 acre tract of land out of Block 4, J.S. Duncan Subdivision, Share 22, Espiritu Santo Grant, located at 5925 Caddell Road; Board Member Howard Slackman seconded motion and **carried unanimously**.

Adjournment:

Board Member John Kinch made a motion to adjourn; motion was seconded by Board Member Maria Alicia Loya, and carried unanimously. Meeting adjourned at 6:04p.m.

Approved this 6th day of June 2018.


Dillon E. Vanderford, Jr.
Chairman

Attest:


Myrna Leal
Planner I

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