

CITY OF OLMOS PARK
BOARD OF ADJUSTMENT
MINUTES OF PUBLIC MEETING
HELD APRIL 12, 2023

The Board of Adjustment for the City of Olmos Park, Texas held a public meeting at 4:30 p.m. on Wednesday, April 12, 2023, at City Hall. Members present were Brenda Atherton, Dr. Travis Block, Ted Bowen, Dr. Alison Wiesenthal and Mark Woods. Administrative Staff present were City Manager, Celia DeLeon; City Secretary, Kyndra Munoz; Building Official, Ricardo Cavazos; Building Assistant Hilary Pickard and City Attorney, Clarissa Rodriguez. Also present was Andrea Holmes, 111 Paseo Encinal and Gregory Davis, 7800 I10 West.

Vice-Chair Dr. Alison Wiesenthal called the meeting to order at 4:33 p.m. and announced a quorum was present.

Administer Oath of Office to newly appointed Board Member Dr. Travis Block.

City Secretary Kyndra Munoz administered Oath of Office to newly appointed Board Member Dr. Travis Block.

Select Board Member(s) to serve as alternate.

Vice-Chair Dr. Alison Wiesenthal stated we will skip this agenda item since we only have 5 Board Members present today.

Approve minutes of meeting held October 12, 2022.

Mark Woods moved to approve minutes of meeting held October 12, 2022.

Brenda Atherton seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and take possible action regarding a variance requested by Mr. and Mrs. Frank and Andrea Holmes to enable construction of a new addition to the primary structure at 111 Paseo Encinal which, as proposed, will encroach upon the side setback by approximately 1' – 7" and would encroach the rear building setback by approximately 8' – 9" in violation of Section 40- 42 Yard area requirements of the City Code.

Building Official Ricardo Cavazos stated on February 3, 2023 the architect for Mr. and Mrs. Holmes submitted an application to add a bathroom and shower addition to the side of the existing home located at 111 Paseo Encinal. Upon reviewing the setbacks, it was determined the structure would encroach into the 10-foot setback on the right side by 1 foot 7 inches and over the rear setback by 8 feet 9 inches. I am not authorized to issue any building permits that goes against section 40-42.

Gregory Davis stated I am Mr. and Mrs. Homes architect hired to take a look at the issues. The major part of the issue is the 1 foot 7 inches over the side setback. The other issue is the setback from the back of the house, however, the house already encroaches further into the setback which has been this way since the house was built. What we are really asking to do is encroach into the 10-foot side setback to the right of the house, the rest just lines up with the house. If you look at the site plan, the covered parking has the same amount of encroachment and lines up with the structure here. They are asking for the ability to build a small restroom facility. There is a little notch that comes out of the house which is where the washer and dryer are located. The design of the house will not be affected, it is comparable to what they already have, and it will be located in the back area.

Vice-Chair Dr. Alison Wiesenthal asked are there 2 additions to the house or just 1?

Gregory Davis stated there will be 1 addition and it will come off the edge of the house about 10 feet.

Brenda Atherton asked will this be attached to the house or unattached?

Gregory Davis stated it will be attached to the house. We will have to go through the wall where the washer and dryer are located and relocate some of the plumbing lines.

Brenda Atherton stated on the hardship statement it states installation of an outside restroom/shower adjacent to the swimming pool to accommodate and ensure safety measures during swimming pool use. What are the safety measures?

Gregory Davis stated the reality is there is no outdoor restroom and this is meant for ease of coming in and out of the swimming pool area.

Brenda Atherton asked this is more of a convenience rather than a safety issue?

Gregory Davis stated this will be more of a convenience. As far as the washer and dryer area that they are in right now, they are only left with about 1 foot 6 inches where they can get in and around the washer.

Brenda Atherton stated we received a letter from the resident at 111 Paseo Encinal stating they do not have an issue with the proposal. Is this neighbor to the left or to the right of you?

Dr. Travis Block stated when you are looking at the house, 111 Paseo Encinal is to the right.

Ted Bowen asked how big is the new addition?

Gregory Davis stated it is about 9 foot 6 inches by 12 feet but there is a portion before you enter the restroom that is a patio outdoor area which is not covered. The total area is about 60 square feet.

Andrea Holmes, 111 Paseo Encinal stated I would like to address the safety measures. This is important to us because we only have one small bathroom located on the first floor. When the kids run inside from the pool to go to the bathroom, the floors are marble and they don't think about it. We try to avoid accidents like these and this will be for security.

Vice-Chair Dr. Alison Wiesenthal asked did we receive any concerns in response to the letters for this variance?

Kyndra Munoz stated we did not receive any concerns regarding the variance.

Mark Woods asked this is simply a variance request from a building setback and does not involve a utility easement?

Ricardo Cavazos stated that is correct.

Mark Woods asked are there any objections to the variance request?

There were no objections.

Clarissa Rodriguez stated for the record and procedural purposes, I will need you to go through the form provided dealing with the statutory requirements and the hardship related to the structure.

Vice-Chair Dr. Alison Wiesenthal stated there are special circumstance or conditions (including restricted area, topography, or physical features) affecting the land involved, are unique to applicant's

property, such that the application of the zoning ordinance's provisions would deprive the applicant of the reasonable use of his/her land.

Brenda Atherton	Yes
Dr. Travis Block	Yes
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Vice-Chair Dr. Alison Wiesenthal stated the variance is not contrary to the public interest.

Brenda Atherton	Yes
Dr. Travis Block	Yes
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Vice-Chair Dr. Alison Wiesenthal stated the variance is necessary because such special conditions are beyond the applicant's control.

Brenda Atherton	No
Dr. Travis Block	No
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Vice-Chair Dr. Alison Wiesenthal stated the variance is necessary because the special conditions are unique to the applicant's property.

Brenda Atherton	No
Dr. Travis Block	No
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Vice-Chair Dr. Alison Wiesenthal stated the variance will not have the effect of preventing the orderly use of other land within the are in accordance with and to meet the spirit of the provisions of the zoning ordinance.

Brenda Atherton	Yes
Dr. Travis Block	Yes
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Vice-Chair Dr. Alison Wiesenthal stated an undue hardship exists

Brenda Atherton	No
Dr. Travis Block	Yes
Ted Bowen	Yes
Vice Chair Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

Mark Woods moved to approved a variance request by Mr. and Mrs. Frank and Andrea Holmes to enable construction of a new addition to the primary structure at 111 Paseo Encinal which, as proposed, will encroach upon the side setback by approximately 1' – 7" and would encroach the rear building setback by approximately 8' – 9" in violation of Section 40- 42 Yard area requirements of the City Code.

Ted Bowen seconded the motion.

The vote in favor of the motion was unanimous.

There was no other business and the meeting adjourned at 4:41 p.m.

Sara Dysart
Chair

ATTEST:

Kyndra Munoz
City Secretary