

CITY OF OLMOS PARK
BOARD OF ADJUSTMENT
MINUTES OF PUBLIC MEETING
HELD MAY 10, 2023

The Board of Adjustment for the City of Olmos Park, Texas held a public meeting at 4:30 p.m. on Wednesday, May 10, 2023, at City Hall. Members present were Dr. Travis Block, Ted Bowen, Sara Dysart, 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, Dan Santee. Also present was Francisco Robelo, 201 Luther Drive.

Chair Sara Dysart called the meeting to order at 4:33 p.m. and announced a quorum was present.

Approve minutes of meeting held April 12, 2023.

Mark Woods moved to approve minutes of meeting held April 12, 2023.

Dr. Alison Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and take possible action on a variance request from Francisco and Jennifer Robelo of 201 Luther Drive from the City Code Chapter 40, section 40(3)(a) Accessory Building, which states a detached accessory building shall be located not less than ten feet from the main structure, not less than 60 feet from the front property line and not less than three feet from any rear or side property line, except as specifically allowed in Section 40-48. An approximate 5-foot variance is requested from the required ten-foot separation between the detached accessory building and main structure.

Francisco Robelo, 201 Luther Drive stated myself, my wife and my children moved to Olmos Park 10 years ago. Our house is on a corner lot and on the El Prado side, we have a garage that is attached to the house. At the corner of the house, there is an extension that was made before we purchased the home. There is a brick wall that extends here all the way to the driveway that has grass in between. What we would like to do is extend the roof and outdoor living of the grass section in between the end of the house and the garage wall. The garage is located in the back and the roof will not be touching the garage; there will be a slab with a roof facing the backyard opposite to El Prado Dr.

Chair Sara Dysart asked, as we sit today, there is no roof or walkway in this area. You are able to construct the first 5 feet and the variance will be for the last 5 feet. The roof is already built in one part and you are extending the roof.

Francisco Robelo stated that is correct.

Ted Bowen asked will you be removing the brick wall?

Francisco Robelo stated we will be re-roofing over the brick wall.

Building Official, Ricard Cavazos stated on March 13, 2023 Mr. Robelo requested a meeting at this location to look at the project he was considering. We discussed the different scenarios and setbacks for this project. Once he explained he wanted to do a new addition to the existing structure and how far he was wanting to go, I told him based on our rules and regulations for the attached garage, there would need to be a 10-foot separation. After reviewing the application, I noticed the distance did not meet the 10-foot separation. I then had to deny the permit and insisted Mr. Robelo would need to go in front of the Board of Adjustment to request a variance. There are no other setback violations; the only issue is the 10-foot separation of the new addition to the attached garage.

City Manager Celia DeLeon stated for the gate that exits towards the existing driveway, is this attached to the existing garage and will it be attached to new improvement?

Ricardo Cavazos stated the gate will be wider. Right now, it is about 3 feet, and it will be expanded to about 5 feet. It should not touch the garage at all.

Chair Sara Dysart stated there is an existing driveway off of El Prado, you will pull into the driveway and go into the garage where there will be a gate to a pedestrian entrance into a covered walkway into the backyard.

Ricardo Cavazos stated the building will be about 5 or 6 feet and the gate will be a privacy gate to go into the garage.

Dr. Alison Wiesenthal asked does this have a significant impact on the percentage of impervious surface of the lot?

Ricardo Cavazos stated it will not violate the impervious surface.

Chair Sara Dysart stated the variance is related to its position to the existing garage. The addition is supposed to be 10 feet from the existing garage.

Ricardo Cavazos stated that is correct. If the addition was shortened 10 feet from the garage, there would be no need for a variance. Because it is so close in proximity, I must deny the permit. The garage meets the rear and side setbacks. There is no existing violation and it is conforming. It is the addition to the main house which there are also no other violations, it will only be the distance from the addition to the garage. This is where the variance is needed to be closer than the 10-foot separation.

Dr. Travis Block asked could the slab be placed here and there would not be any violation, it is just the addition of the roof that is causing the violation?

Ricardo Cavazos stated that is correct.

Chair Sara Dysart asked just to confirm, this will not be enclosed and would just be an outdoor living space? Down the road, if the homeowner decided to close it in, would they come back for another variance or will this variance cover it?

Francisco Robel stated correct, the structure will be open.

Ricardo Cavazos stated this variance will carry over if they choose to enclose? The issue is only about the separation distance from the main house to the existing garage.

Dr. Wiesenthal asked what is the rationale behind the ordinance for the separation distance?

Ricardo Cavazos stated the distances come with the fire codes.

Mark Woods stated we received one letter from a surrounding neighbor in support of this variance request. Are there any objections to this variance request?

There were no objections.

Chair Sara Dysart 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.

Dr. Travis Block	No
Ted Bowen	Yes
Chair Sara Dysart	Yes
Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

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

Dr. Travis Block	Yes
Ted Bowen	Yes
Chair Sara Dysart	Yes
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.

Dr. Travis Block	Yes
Ted Bowen	Yes
Chair Sara Dysart	Yes
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.

Dr. Travis Block	Yes
Ted Bowen	Yes
Chair Sara Dysart	Yes
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.

Dr. Travis Block	Yes
Ted Bowen	Yes
Chair Sara Dysart	Yes
Dr. Alison Wiesenthal	Yes
Mark Woods	Yes

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

Dr. Travis Block	Yes
Ted Bowen	Yes
Chair Sara Dysart	Yes
Dr. Alison Wiesenthal	No

Mark Woods

Yes

Mark Woods moved to approved a variance request by Francisco and Jennifer Robelo of 201 Luther Drive from the City Code Chapter 40, section 40(3)(a) Accessory Building, which states a detached accessory building shall be located not less than ten feet from the main structure, not less than 60 feet from the front property line and not less than three feet from any rear or side property line, except as specifically allowed in Section 40-48. An approximate 5-foot variance is requested from the required ten-foot separation between the detached accessory building and main structure.

Dr. Travis Block seconded the motion.

The vote in favor of the motion was unanimous.

There was no other business and the meeting adjourned at 4:52 p.m.

Sara Dysart
Chair

ATTEST:

Kyndra Munoz
City Secretary