

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

The Board of Adjustment for the City of Olmos Park, Texas held a public meeting at 4:30 p.m. on Wednesday, July 12, 2023, at City Hall. Members present were Dr. Travis Block, Ted Bowen, Sara Dysart, Eugene Garcia, Dr. Alison Wiesenthal and Mark Woods. Administrative Staff present were City Manager, Celia DeLeon; City Secretary, Kyndra Munoz; Building Official, Ricardo Cavazos; and City Attorney, Clarissa Rodriguez. Also present was Chris Carrillo, DMJ Restoration Construction.

Chair Sara Dysart called the meeting to order at 4:32 p.m. and announced a quorum was present.

Elect Chair and Vice-Chair.

Eugene Garcia moved to nominate Sara Dysart to serve as Chair of the Board of Adjustment.

Ted Bowen seconded the motion.

The vote in favor of the motion was unanimous.

Eugene Garcia moved to nominate Dr. Alison Wiesenthal to serve as Vice-Chair of the Board of Adjustment.

Sara Dysart seconded the motion.

The vote in favor of the motion was unanimous.

Select Board Member(s) to serve as alternate.

Chair Sara Dysart stated to clarify, the two Board Members who are selected as alternates will serve as alternate Board Members for the entire year. They should still show up to every meeting, and will only vote in the case one of the regular Board Members is unable to attend the meeting.

City Attorney Clarissa Rodriguez stated that is correct.

Ted Bowen volunteered to serve as alternate Board Member of the Board of Adjustment.

Chair Sara Dysart moved to nominate Brenda Atherton to serve as alternate Board Member of the Board of Adjustment.

Mark Woods seconded the motion.

The vote in favor of the motion was unanimous.

Approve minutes of meeting held May 10, 2023 and June 14, 2023.

Mark Woods moved to approve minutes of meeting held May 10, 2023 and June 14, 2023.

Dr. Travis Block 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. Ian and Ruchira Corey to enable construction of a new addition to the primary structure at 420 Devine Rd, as proposed, will encroach upon the side setback by approximately 2' – 3" in violation of Section 40- 42 Yard area requirements of the City Code.

Chris Carrillo, DMJ Restoration Construction stated I am here today to represent Mr. and Mrs. Corey. As stated, we are asking for a variance for covered parking that does encroach into the side setback. We will adjust the post and roofline to stay at 2' 3" into the side setback to minimize the impact and to allow the Fire Department access. This will leave 3' 9" to the property line.

Chair Sara Dysart asked, as it exists today, does it already encroach into the side setback?

Chris Carrillo stated currently, we do not have a vertical structure. We have placed footings in the driveway in anticipation of this project, however, these are flush to the ground and can be abandoned.

Building Official, Ricardo Cavazos stated currently, there is not encroachment into the side setback.

Dr. Travis Block stated I noticed on the memo from the Fire Department, it states this will be in lieu of the existing security gate. Is that correct?

Chris Carrillo stated they currently have 2 gates. One at the fence line and a second gate further back; the second gate will be removed if this is approved.

Dr. Alison Wiesenthal asked will this be an open carport that will allow access for the fire truck?

Chris Carrillo stated it will be an open carport.

Ricardo Cavazos stated the Fire Department has made location and stated if the carport is built, they will park the fire engine on the street and will have enough easement left to move members through with their equipment without any issues.

Eugene Garcia stated from looking at the submitted plans, the house on the right side of the lot is already over the 6-foot setback, is that correct?

Ricardo Cavazos stated that is correct and is considered grandfathered. On the opposite left side, it is currently not in violation.

Eugene Garcia stated if they built the carport and stayed within the current setback, it looks like this can be done, but it will be an odd shaped carport.

Chris Carrillo stated yes. If we were to follow the setback line, the posts would be a trapezoid. The reason for the variance request is we need the width. The fireplace extends out from the house and this will give us a little bit more space for the vehicles to navigate the narrow path.

Dr. Alison Wiesenthal asked can the plans be re-designed so the carport wouldn't encroach into the setback?

Chris Carrillo stated for a carport that would be attached to the house, we would not be able to. We are trying to adjust the post to minimize the impact.

Chair Sara Dysart asked will this carport allow them to turn their vehicles in facing the house?

Chris Carrillo stated no it will not. They will turn off of Devine Road and directly in. Our site plan does show for adding a turnaround in the future with additional access onto Devine Road. The goal is to create a round-a-bout, but we do not have a permit for that and have not reached out for that information as of yet.

Chair Sara Dysart asked is it the understanding that what is proposed will be in compliance with the recommendations of the City Fire Department?

Ricardo Cavazos stated that is correct.

Eugene Garcia stated it appears there are 4 footings for the carport. Is this the final design?

Chris Carrillo stated the engineer modified the design to have 6 footings.

Chair Sara Dysart asked did we receive any responses from the notices that were sent out to the neighbors?

City Secretary Kyndra Munoz stated we did not receive any responses.

Chair Sara Dysart asked will this impact the neighboring house to the carport?

Ricardo Cavazos stated this will not impact the neighboring house. There is not room for a detached accessory structure here, but if there was a detached accessory structure, it would be allowed 3 feet from the side setback. Because this is an attached accessory structure, it must be 6 feet from the side setback.

Clarissa Rodriguez stated the variance is just for a structure, not a carport. To address the concern of access for the Fire Department, a carport must have 3 open sides. When considering the variance and purposes of insuring fire code issues, the variance can be adjusted for just a carport. The variance request is for a structure, you can clarify the variance so that it will be for a carport only and there is not an opportunity to enclose this structure.

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.

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|-----------------------|-----|
| Dr. Travis Block      | Yes |
| Chair Sara Dysart     | Yes |
| Eugene Garcia         | Yes |
| Dr. Alison Wiesenthal | Yes |
| Mark Woods            | Yes |

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

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|-----------------------|-----|
| Dr. Travis Block      | Yes |
| Chair Sara Dysart     | Yes |
| Eugene Garcia         | Yes |
| Dr. Alison Wiesenthal | Yes |
| Mark Woods            | Yes |

Chair Sara Dysart stated the variance is necessary because such special conditions are beyond the applicant's control.

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|-----------------------|-----|
| Dr. Travis Block      | Yes |
| Chair Sara Dysart     | Yes |
| Eugene Garcia         | Yes |
| Dr. Alison Wiesenthal | Yes |
| Mark Woods            | Yes |

Chair Sara Dysart stated the variance is necessary because the special conditions are unique to the applicant's property.

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|-------------------|-----|
| Dr. Travis Block  | No  |
| Chair Sara Dysart | Yes |

Eugene Garcia Yes  
Dr. Alison Wiesenthal Yes  
Mark Woods Yes

Chair Sara Dysart 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  
Chair Sara Dysart Yes  
Eugene Garcia Yes  
Dr. Alison Wiesenthal Yes  
Mark Woods Yes

Chair Sara Dysart stated an undue hardship exists

Dr. Travis Block Yes  
Chair Sara Dysart Yes  
Eugene Garcia Yes  
Dr. Alison Wiesenthal Yes  
Mark Woods Yes

Mark Woods moved to approved a variance request by Mr. and Mrs. Ian and Ruchira Corey to enable construction of a new addition to the primary structure at 420 Devine Rd, as proposed, will encroach upon the side setback by approximately 2' – 3" in violation of Section 40- 42 Yard area requirements of the City Code.

Eugene Garcia stated I would like to suggest an amendment to the motion. I move to approve the variance request by Mr. and Mrs. Ian and Ruchira Corey to enable construction of a new addition to the primary structure at 420 Devine Rd, as proposed, will encroach upon the side setback by approximately 2' – 3" in violation of Section 40- 42 Yard area requirements of the City Code as stipulated by the requirements of the Fire Department and stipulated this will be a carport only.  
Dr. Travis Block seconded the amended motion.  
The vote in favor of the motion was unanimous.

There was no other business and the meeting adjourned at 4:58 p.m.

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Sara Dysart  
Chair

ATTEST:

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Kyndra Munoz  
City Secretary