



MEETING MINUTES

Date and Time: October 20, 2011
5:17pm

MEMBERS PRESENT:

Donna Rodriguez- Chairperson
Keith Williams, Vice-Chairperson
Jeff Bauknight, Secretary
Richard Janecka
Gabriel Lopez
Dan Mikulenka
Omar Rachid
Sharon Steen

STAFF PRESENT:

Development Services:
Jared Mayfield, Deputy Director
Monica Leal, Development Coordinator

City Attorney's Office:
Linda Champion, Asst. City Attorney

ABSENT:

Louise Hull-Patillo

A: CALL TO ORDER – Meeting was called to order at 5:15p.m. by Ms. Rodriguez, Chairperson.

B: APPROVAL OF MEETING MINUTES

The September 15, 2011 Regular Meeting Minutes were approved as delivered. Mr. Lopez motioned to approve minutes, seconded by Mr. Williams. Motion passed.

C: CITIZEN COMMUNICATION – None

D: DEVELOPMENT REVIEWS/FORMAL ACTION

1. CONSIDER APPROVAL OF AN EXTENSION TO THE RECORDING REQUIREMENTS FOR A FINAL PLAT FOR COLONY CREEK SUBDIVISION PHASE 1, RESUBDIVISION #11 – preliminary and final plat; 5 lots, 1 block, 52.44 acres; duplex-residential use; 615-621 Charleston Drive; Colony Creek Country Club Land Acquisition Trust (owner); Urban Engineering (consultant); plat #101001; extension requested 09/26/11.

A. Planning Staff Briefing – Monica Leal

The plat was presented to the Planning Commission on October 21, 2010. However, after addressing concerns of adjacent property owners and the Home Owners Association the development was delayed. The Owner is requesting a one year extension and expects construction to start in early 2012. No building permits have

been pulled as the property is not yet platted. Staff recommends approval of the extension.

B. Deliberations –

Motion was made to approve the extension by Mr. Rachid, seconded by Mr. Mikulenska. Motion passed seven (7) in favor with Mr. Bauknight opposed.

2. **VARIANCE REQUEST FOR 2506 BLACK STREET.** The property is legally described as Lot 1, Block 1, Black Street Subdivision, Victoria County, Texas. The property is owned by Cynthia Black; received 9/27/11.

The applicant is requesting two (2) variances to the City Code:

- 1) Section 21-82(g)(5) which requires which requires a minimum front yard setback of 20 feet.
- 2) Section 21-82(g)(6) which requires a minimum side yard setback of 5 feet.
The variances will allow the property owner to have a manufactured home encroach into the front and side yard setback lines, and a storage building encroach into the front yard setback line.

A. Staff Briefing -

The subject property is a 0.16 acre lot located at 2506 Black Street in the Black Street Subdivision. The property is an interior lot with frontage on Black Street. The property is a manufactured home residence.

The property owner is in the process of placing a manufactured home on the property, and constructing a storage building on the property. The concrete slab for the manufactured home was created prior to the final plat being filed. The slab did not take into account the ten (10) foot dedication of right-of-way that would occur, and encroaches approximately seven (7) feet into the newly platted front yard setback. When the manufactured home was placed, the installer also encroached approximately six (6) inches into the side yard setback. Correcting this would require adding additional concrete to the existing slab, and reinstalling the manufactured home into place.

A storage building is also being constructed on this lot. The property owners shifted the location of the storage building from its original location. This caused the storage building to encroach into the front yard setback. This accessory structure sits approximately two (2) feet off of the front property line; encroaching eighteen (18) feet into the front setback. Any modifications to existing residence would require the structure to be removed.

The proposed variance would allow the property owner to leave all structures in their current placement. Since this is an interior lot, there is only frontage on Black Street. The property owner owns the adjacent lot at the corner of Nova Avenue and Black Street. The driveway for this property will take access off of Black Street.

City Code requires all structures to remain outside of the platted front yard and side yard setback lines. To construct in compliance with the current code the newly placed manufactured home would need to be moved, and the storage building which

is currently under construction would need to be demolished and reconstructed at another location. Staff recommends approval of this variance.

B. Public Hearing – None

C. Variance Deliberations –

Mr. Mikulenko asked why a permit had been issued and Ms. Leal responded that a permit is not required to do flat work. The original information on the storage building was that it would be less than 200 sq. ft. so this would not require a permit. The storage building that was built is in excess of 500 sq. ft. They have gotten a permit and the storage building did pass inspection with the exception of the building line encroachment. The concern is with where the building sits.

Mr. Bauknight pointed out that the variance does not meet Variance Review Criteria #2 which states “*The granting of the variance is not based on a hardship which is self-imposed.*” He commented that this was clearly self-imposed.

Motion was made by Mr. Bauknight and seconded by Mr. Rachid, to deny the variance. Motion passed unanimously. The variance was denied.

E: OTHER BUSINESS

1. Development Services Monthly Development Report – Mr. Mayfield addressed the information in the monthly report.

F: ITEMS FROM PLANNING COMMISSIONERS – None.

G: ADJOURNMENT – Motion to adjourn was made by Mr. Rachid and seconded by Mr. Bauknight. The meeting adjourned at 5:45 p.m.

APPROVED: _____
Donna Rodriguez, Chairperson
Victoria Planning Commission

APPROVED: _____
Jeff Bauknight, Secretary
Victoria Planning Commission