

b. Consideration and possible action regarding BOA 23-01 Pruitt – a variance request regarding City Zoning Ordinance Chapter 4.02 – an R-1 Zoning District requires a front setback of 25’.

i. Request: To allow a -5’ front setback into the City right-of-way

ii. Location: 12222 22nd Street, Santa Fe, Texas, legally described as .41 acres ABST 149 E MITCHELL SUR PT OF OUTLOT 239 (239-2) ALTA LOMA OUTLOTS

Chief Building Official/Acting Director of Community Services Ray Burgess presented the staff report outlining the packet that the Commissioners had received, which included:

- a survey of the property at 12222 22nd Street, Santa Fe, Texas, 77510
- pictures of the carport and the location of where it was constructed
- the original complaint by a neighbor
- the Zoning requirements that indicate that the property is required to have a 25-foot open space across the front of the property and that nothing can be built in that space,
- and the homeowner's request for a variance for the 30-foot carport.

Mr. Burgess added that the carport was put up without a permit or any inspections. Mr. Burgess further explained that he met with the property owner to inform him that the carport was out of compliance with the Zoning Ordinance and gave him his options, which were to remove the carport or to request a variance from the Zoning Board of Adjustment.

Mr. Burgess concluded by stating that the staff's recommendation is not to build into the setback, since the setback is in place to give the City access to the ditch for various maintenance purpose, and for CenterPoint Energy to have access to their power lines. Commissioner David Unger pointed out that the Santa Fe Zoning Board of Adjustment does not have authority over utility rights-of-way, with which Mr. Burgess agreed.

Gerald Pruitt, of 12222 22nd Street, Santa Fe, Texas, gave a history of his experience at his current address, where he and his wife, Donna Pruitt, have lived since 1985, first in a trailer, then in his current house, which was built in 1994. Mr. Pruitt stated that he takes pride in maintaining his property and has never had an issue with the City or law enforcement.

Mr. Pruitt also clarified that the pole shown in the picture next to his carport is his service pole, not the power lines. He added that he had spoken with a CenterPoint Energy representative who said that the carport's proximity to the service pole should not present an issue for them since the power lines are insulated and are located down the street.

Mr. Pruitt stated that the photos that he provided will illustrate how sturdily his carport was built, and that it is as close to the property line as some of his neighbors' fences, so he does not understand how his carport would be an issue and his neighbors' structures would not. He explained that his neighbors had written letters stating that they have no

issues with his carport. He gave those letters to the Commission in advance of the meeting.

Mr. Pruitt concluded by stating that he was not trying to build against the Zoning Ordinance, but that he was not aware that he would need a permit to build the carport. He apologized and offered to pay a fine to the City if he would be allowed to keep the carport in place.

At 7:52 p.m., Chairperson Dawn Sharp closed the Public Hearing and reopened the Regular Meeting of the Zoning Board of Adjustment.

Commissioner Wayne Bacot made a motion to deny the variance. Commissioner Alec Dobson seconded the motion and the motion passed unanimously.

VII. BUSINESS ITEMS

a. OLD BUSINESS

i. Discussion and possible action regarding the annual election of a Chairperson and an Associate Chairperson for the 2023 calendar year

Commissioner Wayne Bacot made a motion to postpone discussion and possible action regarding the annual election of a Chairperson and Associate Chairperson for the 2023 calendar year until there are more members of the Zoning Board of Adjustment present. Chairperson Dawn Sharp seconded the motion and the motion passed unanimously.

VIII. ADJOURN

Chairperson Dawn Sharp made a motion to adjourn, and Commissioner Alec Dobson seconded the motion. The meeting was adjourned at 7:57 p.m.


Chairperson Dawn Sharp

ATTEST:


Community Services Director Georgia Carmack