

**CITY OF SANTA FE  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
SEPTEMBER 25, 2023 7:30 P.M.  
COUNCIL CHAMBERS  
12002 HWY. 6, SANTA FE, TEXAS**

**MINUTES**

The meeting was called to order at 7:30 p.m. by Associate Chairperson Raymond "Tommy" Gass.

Roll Call: Present: Associate Chairperson Raymond "Tommy" Gass  
Commissioner David Unger  
Commissioner Samuel "Jack" Helton  
Commissioner Alec Dobson, arrived at 7:40 p.m.  
Alternate Commissioner Position #1 Ronald Dailey  
Alternate Commissioner Position #2 Tim Clark

Absent: Chairperson Dawn Sharp, excused

Commissioner Helton led the Invocation. Commissioner Helton also led the Pledge of Allegiance to the U.S. Flag and to the Texas Flag.

**Citizens' Comments:**

There were no comments from citizens.

**Business:**

**Old Business:**

**1. Consideration and possible action: SD230802 – Request for a variance oat 13126 Bluebonnet, Santa Fe, Texas & 13130 Bluebonnet, Santa Fe, Texas, legally described as LOT 1 HIDDEN MEADOWS SUB (2022) ABST 1 & LOT 2 OF HIDDEN MEADOWS SUB (2022) ABST 1 to replat the front setback from twenty-five (25) feet to twenty (20) feet. Santa Fe City Ordinance Section 4.02.04 states that a front yard building line setback shall not be less than twenty-five (25) feet. The properties in question are built five (5) feet into the required front setback.**

Associate Chairperson Gass gave a recap of the prior Special Zoning Board of Adjustment (BOA) meeting that was held on September 15, 2023, stating that the Commission had requested specific drawings and that the City Building Inspector, Code Enforcement Officer, and builder be present to respond to questions by the Commissioners.

Chief Building Official Ray Burgess informed the Commissioners that he went to the properties in question to take measurements and presented his fieldwork to the Commissioners in their packets. Commissioner Clark, referring to the Plot Plan of the property, asked if the part of the utility easement is contained in the variance; Mr. Burgess stated that it is not. Mr. Burgess added that the setback requirements for the house for which the variance is being requested for is not affected by the utility easement.

Commissioner Dailey stated that the builder constructed the house according to the drawing, which showed a twenty (20) foot setback, so he wanted to know who was at fault. Mr. Burgess advised that the following sequence of events took place:

- Approximately three-to-four months ago, the house designer sent in the drawing to the builder for the two properties with a twenty (20) foot setback line, and the builder did not catch the error.
- During the Plan Review with the City of Santa Fe, the City Building Inspector also did not catch the error.
- The houses were built according to the plans' erroneous twenty (20) foot setback.
- The first house at 13126 Bluebonnet sold as a cash sale, and the error was still not caught.
- The buyers of the second house at 13130 Bluebonnet are financing the purchase, and the sale of the house is going through the title process. The title company caught the setback error.

Mr. Burgess concluded by saying that the Building Code has a caveat where the Building Official is allowed to attempt to fix the error, which is why the variance request has been brought before the BOA.

Commissioner Clark stated that he would like to see the variance request granted for this property but is uncomfortable with the inconsistencies with past variance requests that have not been granted. Commissioner Clark added that he does not believe that the citizens deserve undue hardships due to circumstances beyond their control but would like to rid the BOA of any ambiguity regarding its decisions.

Commissioner Helton arrived at the meeting at 7:40 p.m. and took his seat at the dais. Allison A. Bastian-Rodriguez, with the City of Santa Fe's Attorney's Office of Denton Navarro Rocha Bernal & Zech, P.C., advised the Commissioners that because Commissioner Helton is now present, there are six members seated at the dais and only five are allowed. Mrs. Bastian-Rodriguez added that the second alternate would need to have a seat in the audience. Commissioner Clark, as the Alternate Position #2, respectfully complained that he has been removed from the dais numerous times in the past for the same reason, then took a seat in the audience.

Georgia Carmack, Community Services Director, handed out a letter of support to the Commissioners from the sister of one of the homebuyers of 13130 Bluebonnet, who would also be his neighbor should he be able to close on this property.

Associate Chairperson Gass mirrored Commissioner Clark's perspective that there needs to be consistency in the decisions made by the BOA. Commissioner Dailey responded that the most recent variance request that was denied was denied because the structure in question was located in a utility easement. Commissioner Unger added that the BOA does not have the authority to grant a variance inside of a utility easement that belongs to CenterPoint Energy.

Mark Pittman, co-owner of Bilmar Homes, the developer of the subdivision and builder of the homes in question, approached the podium and accepted responsibility for the setback errors, adding that the mistakes were completely unintentional. Mr. Pittman stated that if the variances were not to be granted that the houses would have to be torn down and that removing five (5) feet from the front of these homes is not feasible. Mr. Pittman said that he has built hundreds of homes in his almost twenty-five years in business and this is the first time that this type of mistake has occurred in his company. Mr. Pittman concluded by offering his sincere apology.


Gregg Vicknair, of 3802 Avenue L, offered his support for the variance being granted to the houses that are the subject of this meeting. Mr. Vicknair then stated that he has seen selective enforcement of the variances on this Commission and that the City has put the BOA in the position of having to decide whether to grant this variance due to not having caught the mistakes beforehand. Mr. Vicknair addressed Commissioner Dailey, stating that Commissioner Dailey had challenged the qualifications of Mr. Vicknair's father, Earl Vicknair, in the September 11, 2023, BOA meeting, but has yet to challenge the qualifications of Bilmar Homes' Mark Pittman and Bill Pittman.

Motion by Commissioner Dailey to approve the variance request for the two properties, seconded by Commissioner Unger. The motion passed the roll call vote 4-1, with Associate Chairperson Gass, Commissioner Unger, Commissioner Helton, and Commissioner Dailey voting in favor of granting the variance, and Commissioner Dobson voting against.

Motion by Commissioner Helton to adjourn, seconded by Commissioner Dailey. The motion passed and the meeting adjourned at 7:53 p.m.

ATTEST:

  
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Georgia Carmack, Community Services Director

  
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Raymond "Tommy" Gass, Associate Chairperson