

Minutes
Planning and Zoning Meeting
June 29, 2017

On this 29th day of June, 2017, at 7:00 p.m., the Planning and Zoning Commission convened in a Regular Meeting, and the same being opened to the public at their regular meeting place; thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. Notice of said meeting having been prescribed in Chapter 551, Government Code, and Vernon's Texas Codes, Annotated, and the following members thereof, being present, namely:

Doug Wilkins, Chairman
Mike Herring
Ed Dougherty
Rick Maxwell
Darrell Murdock

Absent being Commissioner Onis Wiemers & Commissioner Jim Lawler; thus, constituting a quorum.

Personnel present: William L. Herring, Mayor; Dora V. Rodriguez, City Interim Administrator/City Secretary; Tom Cate, City Attorney; Cory Thompson, Alderman District #5, Eddie Diaz, Code Compliance Officer, and Ofilia Pedroza, UB Clerk.

Others present: Gabriel Hausauer of San Antonio, Texas and Doug Trott of Devine, Texas.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approval of Minutes for the meeting of May 15, 2017.

Planning & Zoning Commissioners reviewed the minutes.

Motion by Commissioner Herring, seconded by Commissioner Dougherty to approve the minutes for the meeting of April 17, 2017.

Ayes	--	Five
Nays	--	None
Absent	--	Two-Commissioner Wiemers Commissioner Lawler

Motion carried.

The second order of business was to discuss and consider a variance request made by Gabriel Hausauer to vacate and replat Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 6, known as 406 Monticello Circle and 1505 Libold Drive, into two lots, both of which will be smaller than the minimum requirements of the Subdivision Ordinance.

Planning & Zoning Minutes
June 29, 2017
Page 2

Commissioners heard from Gabriel Hausauer who informed Commissioners that he had purchased properties in Devine to fix and resell. Gabriel Hausauer said he purchased the property located on 406 Monticello Circle and this property has two homes already. He said he had called the City of Devine to ask what he had to do to subdivide both lots and had spoken with Code Compliance Officer, Eddie Diaz. After receiving information on subdividing the lots he went and took care of it. Mr. Hausauer started remodeling the home on 406 Monticello Circle and has a potential buyer. He then started remodeling the home on 1505 Libold Drive but received a phone call from Code Compliance Officer, Eddie Diaz, informing him that he cannot sell the property with the two homes because they do not meet the City ordinance requirements on lot size. Mr. Hausauer informed the Commissioners that the homes have been collecting taxes since the early nineteen eighties. Mr. Hausauer mentioned that both homes have two separate tax ID's, two separate addresses and two separate utilities, and that is why he moved forward with the project. Mr. Hausauer told Commissioners that had he known there were issues, he would have requested permission for a variance but he received incorrect information from Code Compliance Officer, Eddie Diaz.

Mr. Hausauer stated that the homes are in bad shape but if allowed to continue, he will repair them and have both homes sold. Mr. Hausauer mentioned that the homes are collecting yearly taxes of \$8,008.48. He estimated that the homes could bring in approximately \$19,000 of taxes to Medina County after being sold and re-appraised. Commissioner Wilkins responded that there is no issue with the front home located at 406 Monticello Circle but there have been many meetings with drainage issues on the rear house located at 1505 Libold Drive. Mr. Hausauer stated that he was not aware of these issues. Commissioner Dougherty stated that the sewer line from 406 Monticello Circle passed underneath 1505 Libold Drive and there had been several meetings in the past, in 2008 and 2011 to subdivide the properties. Mr. Hausauer informed Commissioners that a surveyor was hired and information was obtained from Code Compliance Officer Eddie Diaz that there were no issues. He expressed that if he knew of the known issues, he would have not continued with purchasing the properties. Commissioner Wilkins inquired on the square footage of the lots. Dora V. Rodriguez, Interim City Administrator/City Secretary stated that one of them is seven thousand square footage and the other lot is four thousand square footage. Commissioner Wilkins stated that the minimum is nine thousand square footage for homes to be built. Mr. Hausauer stated that after reviewing past meeting minutes, he read that there were issues with the parking space. Mr. Hausauer informed Commissioners that he would build a car port and that possible buyers are aware of these issues. Mr. Hausauer told Commissioners that the buyers want a smaller yard so this would fix the issue on the parking space.

Commissioner Wilkins asked the public if there were any objections or complaints. Doug Trott expressed that he is against approval of subdividing the property. Mr. Trott mentioned that the homes were built illegally and the building inspector did not have the authority to issue a building permit in the first place. The rear home located at 1505 Libold has other issues besides drainage. The home does not meet setback requirements from the alley or side yard. The parking issue will still be there, the carport being built would not meet setback requirements and also where would it be built without encroaching into other property? The home is in bad shape and he does not know how owner was renting in the first place. Commissioner Wilkins mentioned that in the past meeting, the home was supposed to be repaired.

Planning & Zoning Minutes
June 29, 2017
Page 3

Mr. Hausauer inquired that if the home does not meet City requirements, then why is the home still being taxed as a separate residence. Commissioner Wilkins stated that taxes will be collected regardless if property was intact or subdivided but it's an illegal property. Commissioner Dougherty stated that there still is the issue of the sewer line running underneath the home. Commissioner Wilkins mentioned that no one knows where the gas lines are located. Mr. Hausauer informed them that there is no gas meter; everything is electric.

Commissioners held brief discussion.

Motion by Commissioner Dougherty, seconded by Commissioner Herring to recommend denial of variance request made by Gabriel Hausauer to vacate and replat Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 6, known as 406 Monticello Circle and 1505 Libold Drive, into two lots, both of which will be smaller than the minimum requirements of the Subdivision Ordinance, due to the square footage of the lots not meeting City Ordinance requirements.

Ayes	--	Five
Nays	--	None
Absent	--	Two-Commissioner Wiemers Commissioner Lawler

Motion carried.

The third order of business was to discuss Informational Items.

Code Compliance Officer Eddie Diaz stated that there were no other items to discuss.

There being no further business to come before the Planning and Zoning Commission, Commissioner Wilkins called for a motion to adjourn the meeting.

Motion made by Commissioner Herring, seconded by Commissioner Dougherty to adjourn the meeting.

Ayes	--	Five
Nays	--	None
Absent	--	Two-Commissioner Wiemers Commissioner Lawler

Motion carried.

Chairman

Secretary