

**Minutes  
Planning and Zoning Meeting  
December 2, 2013**

On this 2<sup>nd</sup> day of December, 2013, 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  
Onis Wiemers, Secretary  
Ed Dougherty  
Darrell Murdock  
Rick Maxwell  
Jim Lawler

Absent being: Mike Herring; thus constituting a quorum.

Personnel present: Bill Herring, Mayor; and Darrell Rawlings, Code Compliance Officer.

Others present: Ronny Nixon & Anita Nixon, 600 Monticello Circle, Devine, Texas, 78016; Richard Camacho, 303 Ross Avenue, Devine, Texas, 78016.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on September 23<sup>rd</sup>, 2013.

The Planning & Zoning Commissioners reviewed the minutes.

Motion made by Commissioner Lawler, seconded by Commissioner Dougherty to approve the minutes from the meeting on September 23<sup>rd</sup>, 2013.

Ayes	--	Five
Nays	--	None
Absent	--	Two (Commissioner Wiemers; Commissioner Herring)

Motion carried.

The second item was to discuss and consider a variance request made by Ronnie Nixon on behalf of Anita Fuentes-Nixon for a variance to Article 3, Section 3, Sub-section 2 (Side Yard) of the Zoning Ordinance which requires a 15-foot minimum side setback adjacent to a side-street to allow for an enclosure of a part of an existing carport which will be an addition to an existing one-family dwelling at property located at 600 Monticello Circle, which is described as Colonial Oaks Subdivision, Block 6 (NCB 132), Lot 4; (R15295).

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Ronny Nixon addressed the Commissioners. He stated that the carport extends past the property line and will be moved back to be even with the property line. He further stated that the load bearing wall is proposed to be nine-feet from the property line. Anita Nixon informed the Commissioners that the way the driveway and house exist now allow water to stand against the wall of the house which has caused water damage and mold; the addition will provide for concrete to detour the water around the building. She also stated that the flat roof on the carport would be changed to a pitched roof because part of the ceiling collapsed, apparently due to a leak. Mr. Nixon stated that they had purchased the home through a foreclosure sale and that they don't know much about the house, but their intent is to fix these problems and make it better.

Darrell Rawlings, Code Compliance Officer explained to the commissioners that a variance had been granted in 2001 for the encroachment of the open carport into the side set-back. No one was present to speak, nor any written statements received, in opposition to the granting of the variance.

Motion made by Commissioner Dougherty, seconded by Commissioner Maxwell to recommend that the City Council grant the requested variance made by Ronnie Nixon on behalf of Anita Fuentes-Nixon for a variance to Article 3, Section 3, Sub-section 2 (Side Yard) of the Zoning Ordinance which requires a 15-foot minimum side setback adjacent to a side-street to allow for an enclosure of a part of an existing carport which will be an addition to an existing one-family dwelling at property located at 600 Monticello Circle, which is described as Colonial Oaks Subdivision, Block 6 (NCB 132), Lot 4; (R15295).

Ayes	--	Five
Nays	--	None
Absent	--	Two (Commissioner Wiemers; Commissioner Herring)

Motion carried.

Commissioner Wiemers arrived.

The second item was to discuss and consider a variance request made by Richard Camacho for a variance to Article 11, Section 3, Sub-section 1 (Front Yard) of the Zoning Ordinance which requires a 20-foot minimum front yard setback to allow for an addition of an 8' X 40' covered porch and the extension of an existing gable on an existing one-family dwelling at property located at 303 Ross Avenue, which is described as Original Town of Devine, Block 4 (NCB 132), Lot 7(South half); (R14434).

Richard Camacho addressed the Commissioners. He stated that he had an existing 4' X 40' porch cover, but that due to the way it was built, water could get into the walls of his house when it rained. He stated that he contacted three contractors regarding the problem and all three of them stated that the only way to correct it would be to extend the porch cover four-feet to get the right pitch to correct the problem and that he wanted to re-build the porch cover to the new dimensions.

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Commissioner Wilkins asked Darrell Rawlings, Code Compliance Officer, how far the proposed porch cover would be off of the property line. Mr. Rawlings informed the Commissioners that the survey pins could not be found, despite the assistance of Public Works and their metal detector, and that he had asked Mr. Camacho to have the pins located but that this had not been done. He explained that the platted right-of-way width of Ross Avenue was sixty-feet and the pavement width was thirty feet and that the porch cover would be seventeen and a half feet from the curb. He informed the commissioners that Mr. Camacho's property, according to the plat, was sixty-two and a half feet deep by sixty-three feet wide.

The Commissioners held discussion. Commissioner Wiemers asked Mr. Camacho if he had been able to locate any of the survey pins for his property. Mr. Camacho stated that he hadn't found any of the pins and stated that his house had been on this property for many years. Commissioner Wilkins and Commissioner Wiemers asked how far the neighbor's house was from their property line or from the street. Mr. Rawlings informed the Commissioners that he had not obtained this information. Commissioner Wiemers inquired about the cost of a survey. Mr. Ronny Nixon stated that he had his property surveyed when he purchased it and it the cheapest price that he had found at the time was a surveyor in Hondo and he paid approximately \$400.00. Commissioner Lawler and Commissioner Wiemers inquired how the property line was determined when the four-foot by forty-foot porch cover built and if the survey pins were located. Mr. Rawlings informed the Commissioners that the original porch cover was done without permits and that he had informed Mr. Camacho at that time that it appeared that the porch cover was encroaching into the setback and that he would need to locate the survey pins and that compliance with the set-back requirements would need to be verified or a variance obtained before any permits could be issued. He explained that this was never done and that Mr. Camacho had paid the fine for doing the work without a permit, but permits were never issued and no inspections were done. Commissioner Dougherty asked Mr. Camacho if there was a reason that he hadn't had the survey pins located. Mr. Camacho stated that he couldn't find them and that the house had been there for about 40-years. Commissioner Wilkins stated that the survey pins needed to be located; he further stated that there had been occasions when the city street has not been where it should be and that it is possible that a variance may not be needed, but the only way to determine that is to have the property line located by finding the survey pins. Mr. Rawlings informed Mr. Camacho that he had a list of all of the surveyors in Medina County that he could provide him with. Commissioner Wilkins told Mr. Camacho that once the pins were located, if his project was in compliance with the set-backs, then he would not need to come back to the Planning and Zoning Commission.

Motion made by Commissioner Wiemers, seconded by Commissioner Lawler to table further discussion of the variance request made by Richard Camacho for a variance to Article 11, Section 3, Sub-section 1 (Front Yard) of the Zoning Ordinance which requires a 20-foot minimum front yard setback to allow for an addition of an 8' X 40' covered porch and the extension of an existing gable on an existing one-family dwelling at property located at 303 Ross Avenue, which is described as Original Town of Devine, Block 4 (NCB 132), Lot 7(South half); (R14434) until Richard Camacho had the survey pins located on this property.

Ayes	--	Six
Nays	--	None
Absent	--	One (Commissioner Herring)

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The fourth order of business was Informational Items.

Commissioner Dougherty inquired if the Wal-Mart would have gas pumps. Mayor Bill Herring informed the Commissioners that there weren't any planned and that Murphy USA had apparently had a falling out with Wal-Mart. He stated that Wal-Mart is trying to work something out with Murphy USA, and that Murphy USA had been looking at other property in the area to put in gas pumps but nothing was definite at this time.

Darrell Rawlings, Code Compliance Officer informed the Commissioners of the status of construction and development in the city. He informed the Commissioners that the Texas Department of Transportation (TX DOT) was beginning work on extending the access road along IH-35 South of Hondo Avenue E. (aka Highway 173). Discussion was held with the Commissioners, Mayor Bill Herring and Darrell Rawlings regarding the project.

Mr. Rawlings stated that the city is continuing to receive calls for information on property and regulations for development, primarily for multi-family residential development, but also for some commercial development.

Commissioner Dougherty had some questions regarding the Flea Market on State Highway 132 just north of Devine in the ETJ. He stated that the Department of Transportation had put up no parking signs along the right-of-way and people are not only still parking there, but it appears that they are leasing spaces to vendors in the right-of-way. Mayor Herring informed the Commissioners that DPS would be the enforcing agency for this.

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 Wiemers, seconded by Commissioner Dougherty to adjourn the meeting.

Ayes	--	Six
Nays	--	None
Absent	--	One (Commissioner Herring)

Motion carried.

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Chairman

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Secretary