



**MINUTES OF THE LEON VALLEY
BOARD OF ADJUSTMENT
August 25, 2016**

SPECIAL ZONING BOARD OF ADJUSTMENT MEETING

- I. POLL FOR ATTENDANCE, DETERMINATION OF QUORUM, CALL MEETING TO ORDER – 4:00PM**
- II. NEW ZONING BOARD OF ADJUSTMENT ORIENTATION**
- III. ADJOURN**

The 4:00 p.m. special meeting did not occur for lack of a quorum.

REGULAR ZONING BOARD OF ADJUSTMENT MEETING

- VI. POLL FOR ATTENDANCE, DETERMINATION OF QUORUM, CALL MEETING TO ORDER – 4:30PM**

Chair Liz Maloy convened the meeting at 4:30 p.m. Present at the meeting were Members Lupita Carpio, Vivian Pankey, Pat Martinez, and Barbara Dean. Also present was Community Development Project Manager Elizabeth Carol, and Kristie Flores Communications Director, acting as recording secretary.

- V. NOMINATION & ELECTION OF OFFICERS**

Member Vivian Pankey nominated Member Lupe Carpio as Vice-Chair, being no other nominations, Member Lupe Carpio was voted Vice-Chair unanimously by voice vote, 5-0.

Vice-Chair Lupe Carpio nominated Member Liz Maloy as Chair, being no further nominations, Member Liz Maloy was voted Chair unanimously by voice vote, 5-0.

- VI. BOARD OF ADJUSTMENT CASE NO. BOA 2016-212
(Kenneth Grubbs, on behalf of Elio Espino, applicant and property owner)**

A variance to the L.V.C.C, Chapter 14, "Zoning," Section 14.02.381, to appeal the determination of the Zoning

Administrator, who determined that the present use of the property at 6565 Bandera Road is classified as a "dance hall."

Chair Liz Maloy opened the public hearing. After being sworn in, Ms. Carol presented the case information and stated that BOA Case #2016-212 was a request by Kenneth Grubbs, on behalf of Elio Espino, applicant and property owner, for a variance to the L.V.C.C, Chapter 14, "Zoning," Section 14.02.381, to appeal the determination of the Zoning Administrator, who determined that the present use of the property at 6565 Bandera Road, being Lot 9, Block 7, CB 9925A, Seneca Estates Subdivision Unit 5, is classified as a "dance hall."

Staff presented the history of the property noting that it was zoning B-2 (Retail) and that the owner applied for a Certificate of Occupancy for an "additional dining room" in 2007 and a Certificate of Occupancy was granted for a "meeting/dining room." Staff presented the definitions for "meeting room/ dining room" and "dance hall." Staff noted Code Enforcement violations beginning in June 2016 as well as, an invalid certificate of occupancy based on the use of the suite. Staff presented exhibits of the site and remained available for questions.

After being sworn in, Kenneth Grubbs, agent for the applicant addressed the Board and noted that he and his client disagreed with the letter and findings by staff regarding a "dancehall." He also noted that the building was open to the public and was not a private club and so it could not be defined as a "dance hall." He explained that the code violations had been remedied and that they were not asking for a variance pertaining to health and safety. He further explained that there were tables for dining but the space was not set-up for dancing. He noted that quinceaneras, wedding receptions and business meetings were held in the space. He also explained that there was not a definition in the Code for "ballroom," and so his client should be able to continue. He noted that the permit for the dining hall was issued in error and his client has been using the building this way for a long time. He argued that the City cannot just shut down the business and turn off the electricity. He explained that he thought that music with a lot of base would be a concern but that none of the neighboring businesses complained or were in the audience to oppose. He further noted that he felt his client was being treated differently because of his ethnicity.

After being sworn in, City Attorney Denise Frederick addressed the Board and Mr. Grubbs noting that the stop work order and other similar discussion was part of a different judicial process and was not a consideration of the Board.

After being sworn in, Helda Diaz, operator of Seneca Ballroom noted that the space was used for receptions, meetings, and funerals. She explained that it was a place for large groups to celebrate and does not disturb anyone.

Being no further discussion, the public hearing was closed at 5:11p.m.

Chair Liz Maloy paused to address Mr. Grubb's comments regarding staff and/or Board bias and/or prejudice and noted that the comment was unwarranted and

offensive. She noted that regardless of race, religion, sex and ethnicity all persons went through exactly the same process and were treated the same in each circumstance.

Member Vivian Pankey noted that with the type of activity in the building there was concern with safety and parking.

Member Pat Martinez noted that she had attended a meeting in the building and she did not see it used as a dance hall.

Member Lupita Carpio noted that she agreed with staff's evidence regarding the case.

Being no further Board discussion, Member Vivian Pankey made a motion to uphold the Zoning Administrator's decision finding based on code enforcement violations June 6, 2016 to June 26, 2014, and the notification to the property owner. Chair Liz Maloy seconded the motion, and the motion passed by roll call vote, 4-1.

III. OTHER BUSINESS

No other business.

IV. ADJOURN

There being no further request for discussion, Board Member Lupita Carpio moved to adjourn the meeting. Board Member Vivian Pankey seconded the motion and the motion carried unanimously by voice vote.

TIME: 5:16 p.m.


STAFF


CHAIR