



**CITY DEVELOPMENT DEPARTMENT-PLANNING
ZONING BOARD OF ADJUSTMENT MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL BUILDING
JANUARY 13, 2014
1:30 P.M.**

Chairman Concha called the meeting to order at 1:33 p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman
Mr. Robert Garland, Vice-Chairman
Ms. Margaret Livingston
Mr. Roy Gilyard
Mr. Sam Barela
Mr. Jeff Gonzalez
Mr. Othon Medina
Mr. James Graham

The following City Staff were present:

Ms. Linda Castle, City Development Department, Planning, Senior Planner
Mr. Alex Hoffman, City Development Department, Planning, Zoning Administrator and Lead Planner
Ms. Karla Nieman, City Attorney's Office, Assistant City Attorney

CHANGES TO THE AGENDA

1. **Item 1, PZBA13-00024 – Revise Representative** from ~~Daniel Lopez~~ to **Elena De La Rosa** (per the Applicant)
2. **Item 2, PZBA13-00027 – Postpone** to February 10, 2014 meeting (per the Applicant)

MOTION:

Motion made by Mr. Gonzalez, seconded by Mr. Barela AND UNANIMOUSLY CARRIED TO POSTPONE ITEM 2, PZBA13-00027 TO THE FEBRUARY 10, 2014 ZBA MEETING.

Ms. Castle noted Staff will place an item for Discussion regarding Postponement on the February 10, 2014 ZBA Agenda.

MOTION:

Motion made by Mr. Gonzalez, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO ACCEPT THE AGENDA AS CHANGED.

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**PUBLIC HEARING
REGULAR AGENDA:**

ITEM 1:

**POSTPONED FROM THE 09.23.2013 MEETING
POSTPONED FROM THE 10.14.2013 MEETING
POSTPONED FROM THE 11.11.2013 MEETING
POSTPONED FROM THE 12.09.2013 MEETING**

PZBA13-00024

1901 Roswell Road

Elena De La Rosa

Ms. Elena De La Rosa, property owner, requested the Board grant her a 30-day extension, as she would like to have an independent survey be done on her property prior to submitting new drawings. Ms. De La Rosa explained that the City is claiming the existing three posts of her carport are on city property. She has contacted Mr. Carlos Lievanos, architect, for assistance in this matter. Ms. De La Rosa stated that the 30-day extension would allow her time to submit the independent survey and the new drawings for the carport, hopefully. She then gave background information regarding the two sets of drawings she had previously submitted. Additionally, she explained that prior to today's meeting, she had gone to the El Paso Central Appraisal District for information regarding her property lines, whether the porch size was contingent on the living space, land space, and/or City property lines. El Paso Central Appraisal District Staff informed Ms. De La Rosa that her property line stood at the curb not the sidewalk, which is another reason she is requesting the independent survey. Furthermore, El Paso Central Appraisal District Staff could not verify whether she was paying taxes on the entire or part of the property or on the entire living space versus the entire lot size.

From previous meetings, Ms. Livingston remembered, the issue was not the property lines but that the carport measurements were substantially larger than the maximum allowed per the code. Regarding the second set of drawings, Ms. Livingston explained, the concern was not the drawings, per se; the Board had questions/issues regarding the actual square footage of the home. Ms. Livingston asked Ms. De La Rosa if the independent survey would be an *as built* survey. An *as built* survey would clarify the actual square footage of the home. Ms. Livingston defined *as built* as a survey confirming the square footage of the home as it currently exists.

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Ms. De La Rosa would consult with the surveyor.

In addition to Ms. Livingston, Board Members Mr. Gonzalez, Chairman Concha, Mr. Medina, Vice-Chairman Garland also commented.

At the previous meeting, Mr. Gonzalez clarified Board Members had issues regarding the cumulative setbacks and whether the City of El Paso or the El Paso Central Appraisal District is responsible for the mapping anomaly. He stated that the Board has yet to see the revised site plans, which are required in order for the Board to either approve or deny the Special Exception request, Staff recommended denial of the two previously submitted site plans.

Chairman Concha asked the Board if they had any comments and/or questions of Staff or the applicant.

FOR THE RECORD

For the record, Mr. Medina, newly appointed Board Member, asked Staff to explain why the two previous requests were denied, Staff determination of the setback requirements, required setback dimensions.

For the next meeting, Mr. Gonzalez asked Staff to provide the Board with a chronological history, to include site plans, in the backup.

Chairman Concha noted that although the minutes for the previous ZBA meetings, October 14, November 11, and December 9, 2013 had not yet been approved, Mr. Concha might want to peruse those minutes for further information.

Ms. Castle referred Mr. Medina to the Calculations section as noted in the staff report. She proceeded to explain those calculations for Mr. Medina's benefit.

Mr. Medina asked if Staff would entertain requirement that the applicant modify the square footage.

Mr. Gonzalez replied the Board has already requested the applicant do so.

Vice-Chairman Garland clarified that discrepancy lies in the permitted carport area square footage dimensions, 720 (as built) versus 361 (permitted carport area).

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Ms. De La Rosa explained that she could not provide dimensional information regarding the carport, as the carport was constructed over 20 years ago.

For Mr. Medina, Ms. Castle read the following Staff Report into the record:

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would allow an existing 19' by 22'3" addition of which a 19' by 4'8" (90 square feet) portion encroaches into the required rear yard setback and is located to within 18' of the rear property line. Further, this would allow a 361.40 square feet carport. The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet.

*The applicant was cited for building additions to her house without permits and requested through the ZBA to legalize (1) an addition which encroaches in the rear yard setback and (2) a carport which is encroaching in the front yard setback. **At the August 12, 2013, meeting the ZBA approved the request for the Special Exception C for the encroachment in the rear yard setback with a condition that the wall of the accessory building which is built to within 5 feet of the side property line be of fire-rated construction.** The request for the Special Exception J was postponed to allow her to submit revised plans for the carport.*

Regarding the request for the Special Exception J for the carport, Building Permits & Inspections has reviewed the as-built structural drawings of the existing carport and has failed the plans. The request for the carport has been postponed 4 times to allow the applicant to submit plans that meet the requirements of the Special Exception J. Subsequent to the December 9th ZBA meeting, staff met with Mrs. De La Rosa and explained her options to her: (1) to reduce the carport to the 150 square feet of open porch permitted to encroach in the required front yard setback, or (2) provide plans that meet the ZBA requirements as far as structural and architectural design, size and materials. As of the date of this report, the applicant has not provided plans, nor indicated her intentions.

STAFF RECOMMENDS DENIAL OF THE REQUEST AS THE APPLICANT HAS NOT PROVIDED PLANS WHICH MEET THE REQUIREMENTS OF THE SPECIAL EXCEPTION J (CARPORT OVER A DRIVEWAY).

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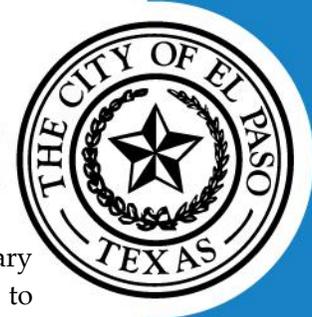
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Should the Board approve the postponement to the next ZBA meeting, February 10, 2014, Ms. Castle requested the applicant submit the revised site plans prior to January 24, 2014. This would allow Staff sufficient time to review the revised site plans and provide a Staff recommendation. The *as built* plans, submitted by the applicant, were deemed to be not structurally sufficient. Staff did explain to the applicant that in order to retain a portion of the carport and only encroach 150 square feet into the setback, it would be permissible for the applicant to modify the existing structure.

Mr. Medina questioned if the motion before the Board was to accept the postponement.

Board Members and Staff clarified that there was no motion on the floor currently.

Should the Board approve the postponement request, Mr. Medina asked Ms. De La Rosa if she would hire personnel that would draw plans acceptable by Staff.

Ms. De La Rosa responded yes, sir. Her goal is to maintain, as much as possible, the carport.

For Staff, Mr. Medina asked if they would defer further action until the applicant submitted acceptable plan(s).

Ms. Castle explained Staff could delete the request from future agendas until the time that the applicant did submit the acceptable plan(s). Regarding the construction of the carport without proper permits, Ms. Castle noted, that the applicant received a warning from Environmental Services, Code Enforcement Staff.

POSTPONEMENT

Ms. Castle clarified that the request for the Special Exception J has been postponed several times, the applicant has yet to submit the revised plans, as requested by the Board.

Chairman Concha asked Staff if there was a limit as to the number of times an item could be postponed.

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Ms. Castle reiterated that Staff will place an item for Discussion regarding postponements on the February 10, 2014 ZBA Agenda.

Mr. Gonzalez asked Staff it would be appropriate for the Board to retire into Executive Session to discuss whether the Board should approve the request for postponement.

For Mr. Medina, Chairman Concha, Vice-Chairman Garland, and Mr. Gonzalez commented on the number of previous postponements awarded to the applicant.

1st MOTION:

Motion made by Mr. Medina TO GIVE THE APPLICANT ANOTHER BREAK AND POSTPONE THE ITEM UNTIL SHE SENDS HER ARCHITECT OR WHOEVER AND WORK SOMETHING OUT WITH THE CITY TO COME UP WITH AN ACCEPTABLE PLAN AND MAYBE NOT PUT ON THE AGENDA UNTIL THERE IS AN ACCEPTABLE PLAN. Motion failed due to lack of a second.

Regarding the numerous postponements, Mr. Gonzalez asked Ms. Nieman if the Board would discuss that at the next regularly scheduled meeting or will the Board retire into Executive Session at this time.

Ms. Nieman referred to Section 2.16.060 D. of the Code and read the following into the record *“Extension of time to apply for a building permit may be requested from the board during the one-year period. Extension of time may not be requested when demolition of non-permitted structure(s) is required. The request for an extension shall be acted upon by the board at the regular meeting, but no notice and hearing shall be required. If a board authorization expires, a new application accompanied by a new fee is required, except that no fee shall be required for a variance applicant that is related to a proposed SmartCode development”.*

To the Board, Ms. Nieman clarified that the question to be asked is “Is the owner under an order for demolition of a non-permitted structure?”

Mr. Gonzalez explained that there was no order for demolition; however, there is an order for *revision*. To Staff, when the application expires within the year, will the carport be subject to demolition.

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Ms. Nieman responded yes, and reread the following from Section 2.16.060 D. of the Code into the record, *“Extension of time to apply for a building permit may be requested from the board during the one-year period”*.

Mr. Gonzalez clarified then the matter is up to the Board whether to allow the applicant another seven months to complete the project. The Board could include language in the motion such as *unless the project is complete within the next seven months or the Board will give the order to demolish the carport*.

Ms. Nieman reiterated the applicant has been asked to apply for a building permit; however, the applicant cannot obtain a building permit unless this Board grants her the Special Exception. Therefore, the question before the Board truly is whether the applicant was able to present plans before this Board that meet the requirements of Title 20. Based on the history of the case and what the Board has seen in the past, Ms. Nieman explained it is up to the Board, and it is within the Board’s purview, to consider the 30-day extension request by the applicant. Ms. Nieman explained that the one-year extension applies to the time after the applicant has applied for and received the building permit.

Ms. Castle explained the issue is the timely submittal of plans. It is Staff’s opinion that the applicant has not submitted plans in a timely manner.

In her opinion, Ms. Livingston felt the Board should grant another extension and require that the applicant have an *as built* survey be done on the home. This would clarify the square footage of the home, for the last time.

Mr. Gonzalez concurred and added that the applicant be required to submit plans in a timely manner, as noted by Ms. Castle.

Chairman Concha felt that 30 days would not be enough time to complete the tasks required of the applicant.

Mr. Medina requested the following modification to the motion *“that the applicant be given sufficient time”* rather than stating the specific time. That would prevent putting any pressure on the architect, surveyor, and the applicant.

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Vice-Chairman Garland felt that the applicant was given sufficient time. The applicant has had six months to prepare and submit drawings to Staff, which she has not done. Vice-Chairman Garland stated he was opposed to any further extensions.

Mr. Medina responded he was willing to give the applicant another break, at least a 90-day extension. Mr. Medina stated he would second Ms. Livingston's previous motion; however, Ms. Livingston did not make a motion, she was merely stating her opinion.

2ND MOTION:

Motion made by Mr. Medina to give the applicant sufficient time, 90 days, for her to contact a designer to work with the City toward an acceptable plan and that she be given 90 days to present that to the City.

Ms. Livingston asked if the motion included the request that the surveyor conduct an *as built* survey of the home.

Mr. Medina stated if the applicant is required to submit an improvement survey then the applicant can work with the City.

Ms. Livingston clarified that she is requesting the applicant submit an *improvement survey*, in addition to her revised plans. The improvement survey will clarify the amount of total square footage of the home. For the applicant, Ms. Livingston explained what an *improvement* survey contains.

In addition, Mr. Gonzalez requested the City's requirement that Staff be given sufficient time to review of the revised plans be included in the motion. If his motion language suggestion were included in the motion, Mr. Gonzalez would be in favor of that motion. He asked Staff when the applicant should submit those documents.

Ms. Castle requested the applicant submit the required and requested documents at least two weeks prior to the ZBA meeting 90 days from now.

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2ND MOTION RESTATED:

MOTION MADE BY MR. MEDINA, SECONDED BY MR. GONZALEZ AND CARRIED TO ALLOW THE APPLICANT AT LEAST 90 DAYS TO WORK WITH AN ACCEPTABLE DESIGNER TO COME UP WITH THE APPROPRIATE PLANS, INCLUDING AN IMPROVEMENT SURVEY, AND MAKE THAT PRESENTATION TO THE CITY NOT LATER THAN 90 DAYS FROM TODAY, AND THAT THE CITY REVIEW THAT, IF POSSIBLE, CONDUCT THAT REVIEW WITHIN A COUPLE WEEKS.

Ms. Castle suggested the motion language state "10 weeks from today."

Mr. Medina accepted Ms. Castle's motion language suggestion.

FINAL MOTION REVISED:

MOTION MADE BY MR. MEDINA, SECONDED BY MS. LIVINGSTON AND CARRIED TO ALLOW THE APPLICANT AT LEAST 90 DAYS TO WORK WITH AN ACCEPTABLE DESIGNER TO COME UP WITH THE APPROPRIATE PLANS, INCLUDING AN IMPROVEMENT SURVEY, AND MAKE THAT PRESENTATION TO THE CITY NOT LATER THAN 90 DAYS FROM TODAY, AND THAT THE CITY REVIEW THAT, IF POSSIBLE, CONDUCT THAT REVIEW WITHIN A COUPLE WEEKS.

NAY: Vice-Chairman Garland

Motion passed. (7-1)

ITEM 2:

**POSTPONED FROM THE 11.11.2013 MEETING
POSTPONED FROM THE 12.09.2013 MEETING**

PZBA13-00037

7304 Ramada Drive

Lorena Chiu

Item 2: PZBA13-00027 – Postpone to February 10, 2014 meeting (per the Applicant)

MOTION:

Motion made by Mr. Gonzalez, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO ACCEPT THE AGENDA AS CHANGED.

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ITEM 3:

Due to a conflict of interest, prior to the discussion, Chairman Concha recused himself from the meeting. (Affidavit on file in the Municipal Clerk's Office)

Vice-Chairman Garland replaced Chairman Concha for the duration of this agenda item.

POSTPONED FROM THE 12.09.2013 ZBA MEETING

PZBA13-00040 211 Magnolia Street El Paso Water Utilities / Public Service Board
Applicant requests a Special Exception under Section 2.16.050 F (Side Street Yard Setback) in an M-1/C-4 (Manufacturing/Commercial) zone. This would allow a storm water pump station which is proposed to encroach in the required side street yard setback and to be located to within 5 feet of the side street property line. The required side street yard setback total is 10 feet in the M-1 zone district. The applicant is requesting to locate a building to within 5 feet of Magnolia Street for one of its storm water drainage projects for the central area of the city. This application was postponed at the December 9th meeting, pending the receipt of the traffic engineer's report and pending revisions to the site plan to show accurate yard setbacks for the zone district(s). The traffic engineer's report has been received, noting no issues with the request to reduce the setback requirement, and the applicant has provided a corrected site plan.

STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION F.

Ms. Castle gave a presentation and noted Staff did not receive any phone calls, emails, and/or letters regarding this request. Furthermore, there were no responses either in favor of or in opposition to this request.

Mr. Medina asked the representative under what zoning classification would the water and sewer system, of the El Paso Water Utility, be classified.

Mr. Thomas Cieslik responded *Industrial*.

Off the agenda, Mr. Medina asked Staff questions regarding the setbacks at the Western and Phelps Dodge Refineries, improvements to Western and Phelps Dodge Refineries and the submission of plans.

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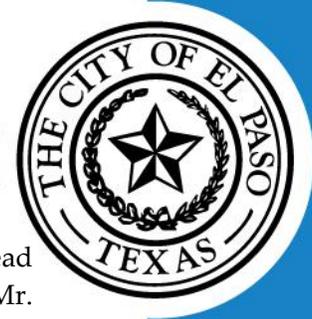
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City staff members Ms. Castle, Mr. Alex Hoffman, Zoning Administrator/Lead Planner, and Ms. Nieman responded to comments and/or questions from Mr. Medina.

Mr. Hoffman explained the setback requirements for Industrial zoned properties are 15 feet in the front and 10 feet for the sides and rear.

To Mr. Medina, Ms. Nieman explained that under the provisions of the code this Board is authorized to grant variances and Special Exceptions. The special exception before you meets the requirements for the Special Exception F (Side Street Yard Setback).

From Section 2.16.060 F. of the code, Ms. Nieman read into the record the following - F. Side street yard setback. Modify district side street yard requirements where the following conditions are met:

1. *The proposed modification does not exceed fifty percent of the required side street yard setback requirement;*
2. *The minimum front and rear yard setbacks shall not be reduced; and*
3. *The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer.*

To Mr. Medina, Mr. Gonzalez stated the best place to have this kind of conversation would be at a City Council meeting.

Vice-Chairman Garland clarified that the request before the Board:

1. Is within the Zoning Board of Adjustment purview;
2. Meets the requirements of the Special Exception F, and
3. Has been reviewed by City staff for compliance

Mr. Medina responded he would vote, in favor or in opposition to a variance and/or Special Exception request based on:

1. The survey;
2. Economic equity and the variances to those exceptions depending on:
 - a. Who is making the request; and
 - b. The risks involved with those modifications

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MOTION:

Motion made by Ms. Livingston, seconded by Mr. Gilyard **AND UNANIMOUSLY CARRIED TO APPROVE.**

ABSTAIN: *Chairman Concha*

After the vote, Chairman Concha returned to the meeting.

ITEM 4:

PZBA13-00042 11884 Two Towers Drive Aracely Arroyo

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/c (Residential/conditions) zone. This would allow an existing addition of which a 28.75' by 9' (259 sq. ft.) portion is encroaching into the required rear yard setback and is located to within 16 feet of the rear property line. The required cumulative front and rear yard setback total is 45 feet in the R-3A zone district. The applicant was cited for building an addition without permit of which a portion encroaches into the required rear yard setback.

STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.

Ms. Castle gave a presentation and noted Staff did receive one phone call from an inquisitive neighbor. The neighbor did not state whether he/she was in favor of or in opposition to the request.

After the Staff presentation, Mr. Medina recused himself from the meeting. (Affidavit on file in the Municipal Clerk's office)

Ms. Aracely Arroyo, applicant, and Mr. Lorenzo Rodriguez, representative, were present. Mr. Rodriguez noted the new addition would be three feet under the required encroachment.

Mr. Gonzalez noted there were no requirements within the Special Exception C that require any kind of structural inspection. He asked if the Board could require that the structure be fire-proofed or inspected for structural integrity.

Vice-Chairman Garland explained the Board needs to approve the request be submitted for permit; if the request is approved for permit, it should be fine.

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MOTION:

Motion made by Mr. Gilyard, seconded by Ms. Livingston **TO APPROVE THE REQUEST.**

Prior to the vote, Mr. Barela requested amending the motion to include *the Board requests that the documents be submitted for permit.*

MOTION AMENDED:

Motion made by Mr. Gilyard, seconded by Ms. Livingston **AND UNANIMOUSLY CARRIED TO APPROVE THE APPLICANT'S REQUEST SUBJECT TO THE APPLICANT SUBMITTING THE DOCUMENTATION NECESSARY FOR INSPECTION TO APPROVE THE PLANS.**

ABSTAIN: *Mr. Medina*

ITEM 5:

PZBA13-00043 11737 John Polley Circle Jose Jesus Robles

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc (Residential/special contract) zone. This would allow an existing addition of which an 11' by 1' portion (approximately 11 square feet) encroaches into the required rear yard setback and is located to within 18.5 feet of the rear property line. The required cumulative front and rear yard setback total in the R-3A zone district is 45 feet. The applicant was cited for building without permit an addition consisting of a porch and a bedroom, of which 11 square feet of the bedroom encroaches into the required rear yard setback. A site visit shows the porch has been built closer than 5 feet to an existing storage building. The storage structure is located at 0 feet of the side property line and the roof overhang appears to be at or over the side property line. The owner, Mr. Robles, has indicated he will cut back the storage building so that the distance measures 5 feet, overhang to overhang. He also says he will change the roof to shed water inside his property.

STAFF RECOMMENDATION IS FOR APPROVAL AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C, WITH A CONDITION THAT THE STORAGE BUILDING IS EITHER REMOVED ENTIRELY OR IS REDUCED TO BE 5 FEET FROM THE HOUSE, MEASURED OVERHANG TO OVERHANG, AND THE ROOF IS REBUILT TO SHED WATER INSIDE HIS PROPERTY.

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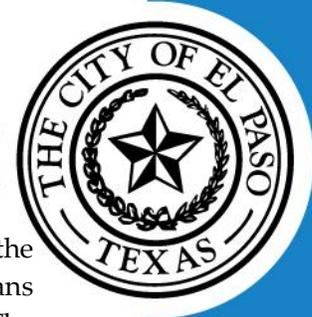
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Ms. Castle gave a presentation and noted Staff recommends approval with the condition that the porch be reduced to 5' from the storage building. The site plans currently shows the storage building to be 5' from the proposed addition. The applicant has indicated that he would modify the storage building. Staff did not receive any phone calls, emails, and/or letters in favor of or opposition to this request.

Mr. Jose Jesus Robles, applicant, was present. Ms. Nieman provided Spanish translation for Mr. Robles to the Board. Via Ms. Nieman, Mr. Robles explained that he would like to cut back the overhang so that they are 5' apart; additionally, he would like to remove the encroachment over the property line so that the water does not drain on the abutting property. Mr. Robles asked permission of the Board to allow him to drain water into the existing easement next door. There is an existing cement drainage canal directly in back of Mr. Robles' property. Staff indicated "no," that Mr. Robles cannot drain water from his property to the drainage canal.

Ms. Castle explained Mr. Robles would have to submit plans to the Building Permits & Inspections Department Staff. At that time, BP&I Staff will inform Mr. Robles whether the window would need to be modified; since it is the bedroom.

At this time, Mr. Medina returned to the meeting. Mr. Medina asked Chairman Concha to explain the request to him.

Chairman Concha informed Mr. Medina as to what had transpired in his absence.

Regarding the stormwater issue, Mr. Hoffman explained Planning Staff require applicants to control water on their property.

Chairman Concha explained property owner cannot drain water to the rear of the properties. He asked Ms. Nieman if she would provide additional information regarding stormwater.

Ms. Nieman explained to Mr. Robles (in Spanish) that he would not be allowed to drain water into the canal behind his property.

Mr. Hoffman clarified the water can drain out; however, not directly into the canal behind Mr. Robles' property.

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Carl L. Robinson

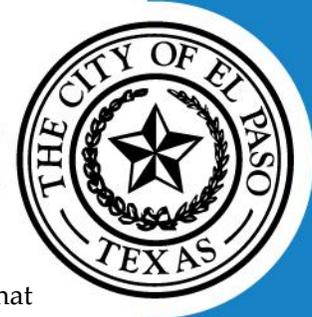
District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson



Mr. Medina asked Staff to elaborate on water and drainage.

For Mr. Robles, Chairman Concha explained subdivisions are designed so that runoff flows in a certain direction and to take time to get to its destination.

Mr. Medina asked Staff what the purpose of the land behind Mr. Robles' property was for.

Ms. Castle responded the land in the rear is an electric easement. It is not a drainage structure. Mr. Robles does have a drainage structure next to his home. She clarified that Mr. Robles cannot drain his water into that.

Mr. Medina replied it would be contrary to law not to allow Mr. Robles to follow a natural drainage pattern. This drainage pattern is natural according to the original topography. Therefore, Mr. Medina interpreted that Mr. Robles could drain the water into the drainage structure.

Chairman Concha clarified Mr. Robles is requesting a modification to allow him to drain water into the drainage structure.

Ms. Castle explained drainage water would naturally drain to the street. Staff is requesting Mr. Robles to modify the storage shed so that the runoff drains onto Mr. Robles' property and not the abutting neighbor's property. Previously, Mr. Robles stated that he would modify the roof of the storage shed to comply with Staff's request.

Ms. Nieman asked Mr. Robles if he would modify the roof of the storage shed as he previously stated.

Mr. Robles concurred with Staff and noted he would remove the overhang to prevent the runoff from going into

1st MOTION:

Motion made by Mr. Gonzalez TO RELOCATE THE STORAGE SHED FIVE FEET.

Motion died for lack of a second.

Chairman Concha noted that Mr. Robles had agreed to cut back the porch five feet.

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

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Larry Romero

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Emma Acosta

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Mr. Nieman added that Mr. Robles would be modifying the roof of the storage shed to allow five feet between the storage shed and the porch.

Vice-Chairman suggested Mr. Robles modify the roof of the storage shed and construct a gutter to keep water within his property.

Mr. Hoffman clarified the Staff recommendations are attempting to solve two issues:

1. Stormwater; and
2. Structures are too close together, requiring the five feet separation per the Fire Code

2nd MOTION:

Motion made by Mr. Gonzalez, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO ACCEPT STAFF RECOMMENDATIONS.

ABSTAIN: *Mr. Medina*

ITEM 6:

PZBA13-00045 ~~9231~~ 9321 Moye Drive Donald G. and Edna L. McNeil

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone. This would allow an addition of which a 22'4" by 4' portion (approximately 90 square feet) is proposed to encroach into the required rear yard setback and to be located to within 15.5 feet of the rear property line. The required cumulative front and rear yard setback total in the R-4 zone district is 45 feet. The applicants are requesting the special exception for a bedroom and bath addition.

STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.

Ms. Castle corrected the Staff report to show **9321 Moye Drive** rather than ~~9231 Moye Drive as shown~~. She then gave a presentation and noted Staff did receive one inquiring telephone call from a neighbor. The neighbor was wondering if the addition would be two-stories in height.

Mr. Don McNeil, applicant, was present.

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Chairman Concha asked Board Members if they had any questions or comments for Staff or the applicant.

Ms. Livingston thanked Mr. McNeil for coming before the Board for approval prior to construction.

MOTION:

Motion made by Mr. Graham, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO APPROVE.

Other Business

7. Approval of Minutes: October 14, November 11, and December 9, 2013

1st MOTION:

Motion made by Ms. Livingston, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE OCTOBER 14, 2013 MINUTES.

ABSTAIN: Messrs. Gilyard, Gonzalez, Medina, and Graham

2nd MOTION:

Motion made by Vice-Chairman Garland, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO APPROVE THE NOVEMBER 11, 2013 MINUTES.

ABSTAIN: Mr. Medina

3rd MOTION:

Motion made by Ms. Livingston, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE DECEMBER 9, 2013 MINUTES.

ABSTAIN: Messrs. Gonzalez and Medina

MOTION:

Motion made by Mr. Barela, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:50 P.M.

Linda Castle, Senior Planner

Mayor

Oscar Leeser

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