



Planning & Inspections Department

Mayor

Oscar Leeser

City Council

District 1

Peter Svarzbein

District 2

Larry Romero

District 3

Emma Acosta

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Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Claudia Ordaz

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Cortney C. Niland

City Manager

Tommy Gonzalez

COUNCIL CHAMBERS, CITY HALL BUILDING

NOVEMBER 9, 2015

1:30 P.M.

Vice-Chairman Gilyard called the meeting to order at 1:30 p.m., quorum present.

The following Board Members answered roll call:

Mr. Roy Gilyard, Vice-Chairman

Ms. Margaret Livingston

Mr. Luis De La Cruz

Mr. Sam Barela

Mr. Rick Cordova

Mr. Lamar Skarda

Mr. James Graham

Ms. Bertha Miecowski

The following City staff members were present:

Mr. Jeff Howell, Senior Planner, Planning & Inspections Department

Mr. Art Rubio, Lead Planner, Planning & Inspections Department

Ms. Brie Franco, Assistant City Attorney, City Attorney's Office

Mr. Tony De La Cruz, Interim Chief Plans Inspector, Planning & Inspections

CHANGES TO THE AGENDA

Mr. Howell explained agenda items 2 and 3 each had revised staff reports and site plans. Board Members should have copies of these revisions in their folders; additionally, that information was posted online prior to the meeting.

PUBLIC HEARING

REGULAR AGENDA:

1. Election and appointment of new chairperson for the Zoning Board of Adjustment.

1st MOTION:

Motion made by Mr. Barela, seconded by Ms. Miecowski AND CARRIED TO POSTPONE THE ELECTION AND APPOINTMENT OF NEW CHAIRPERSON FOR THE ZONING BOARD OF ADJUSTMENT TO THE END OF THE AGENDA.

AYES: Ms. Livingston, Mr. Barela, Vice-Chairman Gilyard, Mr. Cordova, Mr. Skarda, Mr. Graham and Ms. Miecowski

NAY: Mr. De La Cruz

Motion passed. (7-1)

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STAFF RECOMMENDS APPROVAL OF THE SPECIAL EXCEPTION REQUEST AS THE REQUESTED SQUARE FOOTAGE IS LESS THAN THE MAXIMUM PERMITTED, WITH THE INCLUSION OF MODIFICATIONS PER 20.12.040.E.4.

Mr. Howell gave a presentation and noted the original staff report and site plan were revised. Copies were provided to Board Members and posted online.

Vice-Chairman Gilyard asked if Board Members had any comments or questions of staff.

Mr. Luis De La Cruz asked staff to display the aerial photo of the property once more.

Mr. Howell noted the patio, as shown in the photo, has since been removed.

Vice-Chairman Gilyard asked if the property owner or representative was present.

Mr. Claudia Arias Grijalva, property owner, was present.

Board Members had no comments or questions for Ms. Grijalva.

Vice-Chairman Gilyard asked if anyone present wished to comment in favor of or in opposition to this request. *There was none.*

MOTION:

Motion made by Mr. Luis De La Cruz, seconded by Mr. Cordova AND UNANIMOUSLY CARRIED TO APPROVE THE REQUEST AT 10903 MILLER BARBARA DRIVE.

ITEM 3:

PZBA15-00032

3200 Kirkcaldy Street

Harvey Ho

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone.

This would permit the construction of a 367 sq. ft. addition to the existing single-family residence, of which approximately ~~276 sq. ft. (24.5' x 11.26')~~ 281.75 sq. ft. (24.5' x 11.5') encroaches into the required rear yard setback and is located within 14.5' of the rear property line. The required rear setback is 26 feet and the required front and rear yard setback cumulative total is 50 feet in the R-3 zone district.

The existing residence was constructed in 1959. The Planning Division has not received any communications in support or opposition to the special exception request.

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STAFF RECOMMENDS APPROVAL WITH A CONDITION OF THE SPECIAL EXCEPTION REQUEST AS THE REQUESTED SQUARE FOOTAGE IS LESS THAN THE MAXIMUM PERMITTED, AS FOLLOWS:

THE EXISTING ACCESSORY STRUCTURE SHALL BE MODIFIED SO AS TO NOT ENCROACH INTO THE EXISTING 5' UTILITY EASEMENT. THE SOUTHERN WALL OF THE ACCESSORY STRUCTURE SHALL ALSO BE ONE-HOUR FIRE RATED, OR MODIFIED SO AS TO MAINTAIN A 5' SEPARATION FROM THE PROPERTY LINE, AS WELL AS 5' SEPARATION FROM THE PRIMARY STRUCTURE.

Mr. Howell gave a presentation and noted the original staff report and site plan were revised. Copies were provided to Board Members and posted online.

Vice-Chairman Gilyard asked if Board Members had any comments or questions of staff.

Referring to the existing accessory structure, Vice-Chairman Gilyard asked if the applicant would be required to move it.

Mr. Howell responded move it or modify it, yes. On the original site plan, the structure was shown to encroach into an easement at the rear of the property for the overhead utilities. Staff is requesting the property owner modify the existing structure:

1. so as to not encroach in to the existing 5' utility easement;
2. the southern wall of the accessory structure shall also be one-hour fire rated, or modified so as to maintain a 5' separation from the property line, as well as 5' separation from the primary structure

Vice-Chairman Gilyard asked if the property owner or representative was present.

Mr. Lorenzo Rodriguez, representative, concurs with all staff comments. Additionally, Mr. Rodriguez has spoken with the property owner who has already taken care of modified the existing accessory structure as requested by staff.

Vice-Chairman Gilyard asked if anyone present wished to comment in favor of or in opposition to this request. *There was none.*

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Mr. Rick Cordova asked staff to ensure the accessory structure runoff does not drain into the neighbor's yard.

Mr. Rubio responded as part of the building permit requirements, the drainage will be verified.

Mr. De La Cruz asked Mr. Rodriguez what the distance is of the accessory structure to the property line.

Mr. Rodriguez explained from the rear, the property owner has removed 5' because of the 5' utility easement. For the south side of the structure, there was no need to cut back anything. From the accessory structure to the main structure, 11.75 feet has been removed.

Mr. Tony De La Cruz clarified the photos as presented today do not reflect the modifications the property owner has made since these photos were taken.

Mr. Rodriguez replied correct, the existing structure has been modified.

Mr. Tony De La Cruz reiterated there should not be an issue if the accessory structure wall has been relocated. He asked Mr. Rodriguez if the overhang accessory structure overhang had been relocated.

Mr. Rodriguez was unsure but believed so.

Mr. Tony De La Cruz requested Mr. Rodriguez ensure that information is denoted on the site plans submitted for permit.

Mr. Barela asked to see the photograph showing the separation of the existing accessory structure and main structure. He asked Mr. Rodriguez what the distance between those two building fascia's.

Mr. Rodriguez believed it was about 4.5 feet. He reiterated the property owner has cut back the distance between the existing accessory structure and main structure 11.5 feet.

Mr. Barela clarified the 11.5 feet is between structures; however, if you have an overhang and an overhang and they are closer than five feet, you do not need to separation ...

Mr. Rodriguez explained the separation from overhang to overhang is five feet.

Mr. Lamar Skarda clarified these photos are not current.

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Mr. Barela requested Mr. Tony De La Cruz’s staff ensure the overhang measurements are accurate and the structures pass code.

City Council

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Vice-Chairman Gilyard asked Board Members if they had any comments and/or questions for staff or the applicant. *There was none.*

District 2

Larry Romero

Vice-Chairman Gilyard asked if anyone present wished to comment in favor of or in opposition to this request. *There was none.*

District 3

Emma Acosta

MOTION:

*Motion made by Mr. Luis De La Cruz, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO APPROVE **WITH THE CONDITION** THE SPECIAL EXCEPTION REQUEST AS THE REQUESTED SQUARE FOOTAGE IS LESS THAN THE MAXIMUM PERMITTED, AND THAT THE EXISTING ACCESSORY STRUCTURE BE MODIFIED SO AS TO NOT ENCROACH INTO THE 5’ UTILITY EASEMENT. THE SOUTHERN WALL OF THE ACCESSORY STRUCTURE SHALL ALSO BE ONE-HOUR FIRE RATED, OR MODIFIED SO AS TO MAINTAIN A 5’ SEPARATION FROM THE PROPERTY LINE, AS WELL AS 5’ SEPARATION FROM THE PRIMARY STRUCTURE. THE ACCESSORY STRUCTURE NEEDS TO MEET THESE REQUIREMENTS PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR THE PROPOSED ADDITION.*

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Other Business – Discussion and Action:

- 4. Approval of Minutes: September 14 and October 12, 2015

District 8

Cortney C. Niland

MOTION:

Motion made by Ms. Livingston, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO APPROVE THE SEPTEMBER 14 AND OCTOBER 12, 2015 MEETING MINUTES.

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ABSTAIN: *Lamar Skarda (September 14 and October 12, 2015)*

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Prior to adjourning, Mr. Art Rubio went over ordinance 018411 language regarding one hour free parking. Copies of Ordinance 018411 were distributed to Board Members, the ordinance provides to one hour free parking during which a vehicle is parked at a parking meter on the north side of East Mills Street between North Campbell Street and North Virginia Avenue. If a vehicle is parked for more than one hour at that location, the established parking meter rates shall apply.

MOTION:

Motion made by Mr. Barela, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO ADJOURN.

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