



Chair Bowling asked if Board Members had any further questions for the applicant or Staff. There were none.

Chair Bowling asked if members of the audience were present to speak in favor of or in opposition to the application. There being none.

Motion made by Mr. Nance, seconded by Mr. Mendez, and unanimously carried to **APPROVE THE REQUEST.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

**ITEM 2:**

ZBA09-00010

1533 Bessemer Drive

Augustin Martinez

Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3 zone. This would permit the construction of a 25'4" by 24' carport that is proposed to encroach 23 feet into the required front yard setback. The required front and rear yard setback cumulative total is 50 feet in an R-3 (Light Density Residential) zone. The applicant is requesting to add a carport that is proposed to be located to within 2 feet of the front property line. There are no utility easements at the front property line. The applicant's plans indicate that the materials used for the carport will match the existing house. The roof of the carport shall rise no higher than the roofline of the house. Pre-engineered trusses will be used for the roof structure. Building Permits & Inspections has reviewed the structural plans and found them acceptable. The staff has received one phone call from a next-door neighbor who supports the request for the carport.

Ms. Spencer gave a PowerPoint presentation and noted **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION K, WITH A CONDITION THAT THE COLUMNS BE BRICKED TO MATCH THE HOUSE.**

Mr. Augustin Martinez, applicant, stated he could not brick the carport columns due to lack of funds. Mr. Martinez responded to questions and/or comments of the Board.

Mr. Ray Juarez, contractor, presented to the Board a new detailed drawing of the proposed carport and distributed photos of carports he has seen in neighborhoods throughout the city.

Chair Bowling suggested the columns have a stucco pull-out around the bottom and top, trim out the columns then paint the pull outs to match the color of the home.

Mr. Juarez responded he could dress up the columns without adding any expense. He noted there was wood siding all around the front of the home, including the porch.

Chair Bowling opined, to be consistent with the home, decorate the columns with pull outs on the top and bottom then paint the pull outs blue to match the home.

Ms. Castle opined if the contractor agreed to those conditions, Board Members could include that in their motion.

Chair Bowling asked if Board Members had any further questions for the applicant or Staff. There were none.

Chair Bowling asked if members of the audience were present to speak in favor of or in opposition to the application. There being none.

**1<sup>ST</sup> MOTION:**

Motion made by Ms. Jorgensen, seconded by Mr. Melendez to **APPROVE THE CARPORT WITH STRUCTURAL COLUMNS THAT SATISFY MR. BOWLING'S DESCRIPTION OF PULL OUTS AT THE TOP AND THE BOTTOM AND PAINT COLORS THAT ARE MATCHING THE CURRENT COLOR SCHEME OF THE HOUSE.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Melendez, Bowling, and Wakeem

**NAYS:** Messrs. Nance, Barela, Hernandez and Mendez

The Motion failed. (5-4)

**2<sup>ND</sup> MOTION:**

Motion made by Mr. Nance, seconded by Mr. Hernandez and unanimously carried **TO APPROVE THE CARPORT WITH THE CONDITION THAT THE COLUMNS BE BRICKED TO MATCH THE HOUSE.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

**ITEM 3:**

ZBA09-00011

1869 Polly Harris Drive

Erik and Cynthia Cazares

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc zone. This would permit the construction of a 16'8" by 17'4" addition of which a 16'8" by 3'6" portion is proposed to encroach 3'6" into the required rear yard setback. The required front and rear yard setback cumulative total is 45 feet in the R-3A/sc (Light Density Residential/Special Contract) zone. The applicants are requesting an addition that is proposed to encroach in the rear yard setback and to be located to within 16' of the rear property line.

Ms. Spencer gave a PowerPoint presentation and stated **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Mr. Sal Butler, representing the applicant, was present.

Chair Bowling asked if Board Members had any questions for the applicant or Staff. There were none.

Chair Bowling asked if members of the audience were present to speak in favor of or in opposition to the application. There being none.

**1<sup>ST</sup> MOTION:**

Motion made by Mr. Nance, seconded by Mr. Gezelius, to **APPROVE THE REQUEST.**

Prior to the vote, Mr. Barela amended the motion to add: *that at no time in the future does the porch ever get closed in.*

Messrs. Nance and Gezelius accepted the amendment to the motion.

**1<sup>ST</sup> MOTION AMENDED:**

Motion made by Mr. Nance, seconded by Mr. Gezelius, and unanimously carried to **APPROVE THE APPLICATION PROVIDED THE EXISTING PORCH IS NOT ENCLOSED.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

**ITEM 4:**

ZBA09-00012

9909 Audobon Street

Martha Ibarra

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 zone. This would permit the existence of a 24' by 13.5' addition of which a 24' by 9' portion is encroaching in the required rear yard setback. The required front and rear yard setback cumulative total is 45' in the R-4 (Light Density Residential) zone. The applicant was cited in February 2009 for building without permit. The addition is built almost 2' wider than one-third the average lot width permitted by the Special Exception and is located to within 10.94' of the rear property line. She is requesting to keep the addition and will reduce the width of the enclosed portion of the structure to 24' in order to meet the requirements of the Special Exception.

Ms. Spencer gave a PowerPoint presentation and stated **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION C, WITH THE CONDITION THAT THE ENCLOSED PORTION OF THE EXISTING ADDITION IS REDUCED TO A WIDTH OF NO MORE THAN 24 FEET.**

Ms. Martha Ibarra, applicant, responded to questions and/or comments from Board Members.

Chair Bowling asked if Board Members had any further questions for the applicant or Staff. There being none.

Chair Bowling asked if members of the audience were present to speak in favor of or in opposition to the application.

The following members of the public spoke:

1. Ms. Marilyn Ortiz, 9924 Audobon; and
2. Ms. Nancy Hernandez, 9928 Audobon

Ms. Ibarra responded to comments made by Ms. Ortiz.

Motion made by Ms. Jorgensen, seconded by Mr. Mendez, and unanimously carried to **APPROVE THE REQUEST WITH THE CONDITION THAT THE ENCLOSED PORTION OF THE EXISTING ADDITION IS REDUCED TO A WIDTH OF NO MORE THAN 24 FEET.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

**OTHER BUSINESS:**

5. Approval of Minutes March 9, 2009

**NOTE:** Mr. Nance noted the Election of Chair and Vice-Chair was moved to the end of the agenda.

Motion made by Mr. Nance, seconded by Mr. Melendez, and unanimously carried to **APPROVE THE MINUTES OF THE MARCH 9, 2009 ZBA MEETING.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

**Development Services Report:**

6. Discussion and action regarding Zoning Board of Adjustment issues.

Regarding the rear yard setback, Chair Bowling would like to see the total square footage and not a percentage of the lot width (1/3 the lot width); rather he would prefer having the option of both.

Mr. Nance requested Staff add Chair Bowling's suggestion to the "to do" list.

Ms. Castle responded the Zoning Code does not address "percentage of lot coverage"; however, Board Members could request that that language be reviewed. Additionally, there is no language in the "Table of Density and Dimensional Standards" that addresses lot coverage, Staff would need to determine what the lot coverage would be. Ms. Castle would discuss the Chair's suggestion with Planning Staff.

Mr. Melendez concurred with Chair Bowling and added percentages would be distributed equally with the possibility of a bigger backyard in regard to safety and the neighbors.

In conclusion, Chair Bowling added the purpose of the rear yard setback is to protect the homeowner's view, no one really knows why the rear yard setback still exists. He wondered if it wouldn't be more productive not to go so deep into the rear yard setback as the Special Exception permits.

Ms. Jorgensen assumed applicants requesting rectangular shaped additions were adding a room, closet or bathroom; however, Chair Bowling's suggestion would allow applicants to have a more aesthetically pleasing porch that would extend the length of the home.

Ms. Castle agreed it is nice to have a big porch and added applicants are permitted 180 square feet to encroach into the rear yard.

**ADJOURNMENT:**

Motion made by Mr. Nance, seconded by Mr. Melendez, and unanimously carried to **ADJOURN THE ZBA MEETING AT 2:29 P.M.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Nance, Barela, Melendez, Bowling, Hernandez, Mendez and Wakeem

**NAYS:** N/A

The Motion passed. (9-0)

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Linda Castle, Senior Planner