



ZONING BOARD OF ADJUSTMENT MEETING MINUTES
2ND FLOOR - CITY COUNCIL CHAMBERS
APRIL 12, 2010
1:30 P.M.

The Zoning Board of Adjustment meeting was called to order.

The following Board Members answered roll call:

Mr. Rick Cordova, Chair
Ms. Alisa Jorgensen, Vice-Chair
Mr. Ricardo Aguilar
Mr. Sam Barela
Mr. Randy Bowling
Mr. Servando Hernandez
Mr. Rigoberto Mendez
Mr. Jose Melendez
Mr. Lamar Skarda

The following City Staff were present:

Mr. Art Rubio, Development Services Department, Planning, Senior Planner
Ms. Linda Castle, Development Services Department, Planning, Senior Planner
Mr. Juan Estala, Development Services Department, Building Permits & Inspections, Chief Plans Examiner
Ms. Cynthia Osborn, City Attorney's Office, Assistant City Attorney

CHANGES TO THE AGENDA

Chair Cordova asked if there were any changes to the agenda.

Staff requested the following:

1. ZBA10-00010, 11607 Pellicano Drive, postpone to the next ZBA meeting;
3. ZBA10-00011, 847 Le Barron Road, Staff noted the representative was not present. Staff recommends approval of the request. Chair Cordova responded if the Board has questions, we will postpone to the request to the next ZBA meeting.; and
4. ZBA09-00054, 8533 Euphrates Drive, applicant submitted a letter to withdraw the request

MOTION:

Motion made by Mr. Bowling, seconded by Mr. Melendez and unanimously carried **TO APPROVE THE AGENDA AS AMENDED.**

AYES: Ms. Jorgensen and Messrs. Aguilar, Barela, Bowling, Cordova, Hernandez, Mendez, Melendez and Skarda

NAYS: N/A

Motion passed. (9-0)

ITEM 1:

ZBA10-00008

5700 Dyer Street

Lee Sang Woo

Applicant requests a Special Exception under Section 2.16.050 L (15 Years or More, Side Street Yard Setback) in a C-4 (Commercial) zone. The request is to legalize a 10' by 107.3' portion of an existing building that is located to within 0' of the side street property line. The required side street yard setback is 10' in the C-4 zone district. The applicant purchased the property in 2008 and is proposing alterations to the building for the use of offices. Examination of the 1986 aerial shows the building built to within 0' of the side street property line, existing 24 years ago as it exists today. A site inspection shows there are stairs that appear to encroach on public right-of-way. The applicant has been requested to submit a new survey that shows the stairs. Staff recommends approval of the Special Exception as the request meets the requirements, with a condition that the stairs either be removed or, if the applicant wants to keep the stairs, that a request for vacation of the right-of-way be submitted to the Planning Division.

Mr. Art Rubio gave a PowerPoint presentation and revised the Staff recommendation as follows:

STAFF RECOMMENDS APPROVAL OF THE SPECIAL EXCEPTION AS THE REQUEST MEETS THE REQUIREMENTS WITH THE CONDITION THAT THE APPLICANT REMOVE ALL STRUCTURES ENCROACHING INTO THE RIGHT-OF-WAY, TO INCLUDE THE STAIRCASE, PRIOR TO THE ISSUANCE OF ANY FINAL CERTIFICATES OF OCCUPANCY; ADDITIONALLY, THE APPLICANT MUST SHOW THE REMOVAL OF ALL ENCROACHMENTS.

Mr. Melendez wondered if the opening at the stairs was an emergency exit.

Mr. Rubio responded the applicant will be moving the stairs to the rear of the property, which will also become the emergency exit.

Via the PowerPoint presentation, Ms. Jorgensen noted Staff had changed their recommendation from what was provided in the backup information.

Mr. Rubio explained the applicant has chosen to remove the stairs; otherwise, he would have to go through the very long street vacation process.

Mr. Jose Uresti, representing the applicant, added the applicant will comply with whatever the Board recommends.

Chair Cordova wondered why the site plan showed a 25' side setback.

Mr. Rubio responded the subdivision was approved in the 1940's, at that time setback lines were drawn on the subdivision maps.

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

Chair Cordova asked if there were any other questions and/or comments. There being none.

MOTION:

Motion made by Mr. Melendez, seconded by Mr. Mendez and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Aguilar, Barela, Bowling, Cordova, Hernandez, Mendez, Melendez and Skarda

NAYS: N/A

Motion passed. (9-0)

ITEM 2:

ZBA10-00010

11607 Pellicano Drive

Acclaim Homes

Applicant requests Special Exception under Section 2.16.050 I (Reduction in Off-Street Parking Requirements) in an A-3/c (Apartment/conditions) zone. The request is for a 4.8 percent reduction in the off-street parking requirements for a new apartment complex, from the required 390 spaces to 371 spaces. The off-street parking requirements are 1.5 spaces per one-bedroom unit and 2.0 parking spaces per two- and three-bedroom unit. The applicant owns the Castilleja Apartments to the north of this proposed expansion of the apartment complex and is requesting a parking reduction for the expansion. The property has recently been rezoned from M-1 (Manufacturing) to A-3/c (Apartment/Conditions). The conditions of the rezoning are:

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued;*
2. *That the detailed site development plan designate the same amount of open space and private recreational facilities contained in the conceptual plan submitted as part of the rezoning request (ZON09-00072);*
3. *That a revised traffic impact study shall be submitted at or before the time of application for detailed site development plan review; and*
4. *That, in addition to the landscape requirements in the El Paso City Code, a 10' landscaped buffer with high-profile native trees of at least two-inch caliper and 10' in height shall be placed at 15' on center along the east property line that abuts Parcel 1. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*

Per Conditions 1, 2, and 3, the applicant has submitted a site plan to the Planning Division, Case #ZON10-00021, for review and approval by the City Plan Commission. The Engineering Department-Traffic Division has reviewed the site and notes that there is no on-street parking available for overflow parking. The Traffic Division therefore recommends denial of the request. **STAFF RECOMMENDS DENIAL OF THE REQUEST FOR THE PARKING REDUCTION.**

NOTE: ZBA10-00010 was postponed to the May 10th ZBA meeting.

ITEM 3:

ZBA10-00011

847 Le Barron Road

Catholic Diocese of El Paso

Applicant requests a Special Exception under Section 2.16.050 L (15 Years or More, Side Yard Setback) in an R-F (Ranch and Farm) zone. The request is to legalize a 15' by 19' portion of an existing building that is located to within 5' of the westerly side property line. The required side yard setback is 20' in the R-F zone district. The subject property was deeded to the Catholic Diocese of El Paso in July 2007 for use as a youth recreation center. Examination of the 1986 aerial shows the encroachment into the side yard in 1986, existing then as it does today. The applicant has submitted a rezoning application to the Planning Division, Case #ZON10-00018, for rezoning from R-F (Ranch and Farm) to R-2 (Light Density Residential). **STAFF RECOMMENDS APPROVAL AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION.**

Mr. Rubio gave a PowerPoint presentation and noted the applicant has also submitted a rezoning application. The applicant is requesting to rezone the property from R-F (Ranch & Farm) to R-2 (Residential); additionally, R-2 zoning requires an 8 foot side yard setback.

Prior to the discussion, Mr. Jesus Jaime, representing the applicant, was sworn in.

Mr. Hernandez questioned whether or not R-2 zoning would allow a youth center; additionally, did Staff receive any phone calls or letters in favor of or opposition to the request.

Ms. Castle responded R-2 zoning allows for church uses, to include youth centers, church schools. Staff received one phone call from the next door neighbor who questioned what effect the proposed youth center would have on his property.

MOTION:

Motion made by Mr. Bowling, seconded by Mr. Barela and unanimously carried **TO APPROVE THE MARCH 22, 2010 MEETING MINUTES.**

AYES: Ms. Jorgensen and Messrs. Barela, Bowling, Cordova, Hernandez, Mendez, Melendez and Skarda

NAYS: N/A

ABSTAIN: Mr. Aguilar

Motion passed. (8-0)

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

Chair Cordova asked if Board Members and/or Staff had issues for discussion.

Staff had no issues.

ADJOURNMENT:

MOTION:

Motion made by Mr. Melendez, seconded by Mr. Bowling and unanimously carried **TO ADJOURN AT 1:51 P.M.**

AYES: Ms. Jorgensen and Messrs. Aguilar, Barela, Bowling, Cordova, Hernandez, Mendez, Melendez and Skarda

NAYS: N/A

Motion passed. (9-0)

Linda Castle, Senior Planner