ZONING BOARD OF ADJUSTMENT MEETING MINUTES
2ND FLOOR – CITY COUNCIL CHAMBERS
JUNE 14, 2010
1:30 P.M.

Chair Cordova called the meeting to order at 1:31 p.m.

The following Board Members answered roll call:

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

The following City Staff were present:

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

There were no changes to the agenda.

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Prior to the meeting, a Memorandum from Mr. Juan Estala, Chief Plans Examiner, Building Permits and Inspections Division, was distributed to Board Members. The memorandum states, "The carport's structural design has been reviewed and has been found to be acceptable."

ITEM 1:
ZBA10-00016 4826 Maureen Circle Lucila Henard
Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3A (Residential) zone. The request is for a proposed 19' by 17' carport of which a 19' by 15' portion is encroaching in the required front yard setback. The required front yard setback is 20' in the R-3A zone district. The applicant is requesting a carport that is proposed to be located to within 3'10" of the front property line, with materials and design to match the house. The roof is proposed to be no higher than the roof of the existing house. ~~Building Permits & Inspections' review of the structural drawings is pending~~. The applicant's representative has stated he plans to use pre-engineered trusses. There is a utility easement at the front property line, and the applicant has obtained letters from the utility companies stating "no objections" to building over the easement.

Ms. Castle gave a PowerPoint presentation and revised the Staff Report language to read as follows:
"The request is for a proposed *18'7"* x 17' carport of which an *18'7"* x 15' portion is encroaching in the required front yard." Additionally, Ms. Castle noted the width dimension was missing from the site plan; however, she requested the applicant's representative, Mr. Puig, sign off on the 18'7" width.

She stated **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE CARPORT WITH A CONDITION THAT THE POSTS BE FACED WITH BRICK AS INDICATED ON THE ELEVATION DRAWING.**

Ms. Lucila Henard, applicant, concurred with Staff comments. She noted the two vehicles that were previously parked on the lawn have been removed.

Mr. Hernandez commented.

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. Hernandez and unanimously carried **TO APPROVE WITH THE CONDITION THAT THE POSTS BE FACED WITH BRICK AS INDICATED ON THE ELEVATION DRAWING.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

ITEM 2:
ZBA10-00017 12077 Meadow Gate Drive Carlos and Guadalupe Samano
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc (Residential/special contact) zone. The request is for a 10' by 19' addition of which a 10' by 14' portion (140 square feet) is proposed to encroach in the required rear yard set back. The required rear yard setback is 24.7' in the R-3A/sc zone district. The applicants began construction of an addition that encroaches in the rear yard setback and is located to within 14 feet of the rear property line. They are requesting approval of the Special Exception for the addition of a bedroom.

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

The applicant's sister was present and explained the structure does not have electricity.

Vice-Chair Jorgensen, Chair Cordova, Messrs. Aguilar, Mendez and Barela asked questions and/or made comments.

Mr. Estala explained the applicant's will have to submit a complete set of plans in order to receive a permit. Should the Board approve the Special Exception request; the applicants will then apply for a building permit. During the permit process, an inspector will verify the condition of the structure and whether or not it complies with the code. If the structure is in compliance, the applicant's will be issued a permit. Usually, applicants are charged double fee for building without a permit.

Ms. Castle noted there were no inquiries regarding this application.

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

To the applicant's sister, Chair Cordova reiterated, should the inspector find the structure is not code compliant, the applicants will be required to correct the may be required to correct the code violation and/or remove the structure entirely.

MOTION:
Motion made by Mr. Aguilar, seconded by Mr. Mendez and unanimously carried **TO APPROVE AS RECOMMENDED BY STAFF.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

ITEM 3:
ZBA10-00018 3417 Sunnyside Drive Jose L. Licon
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. The request is for a 28'10-1/2" x 15' addition of which a 28'10-1/2" x 13' portion is encroaching into the required 25' rear yard. The required rear yard setback is 25' in the R-3 (Residential) zone district. The applicant is proposing an addition that will encroach in the required rear yard setback. The site plan also shows a proposed carport that encroaches 1.2 feet into the side yard; the encroachment is permitted for houses built prior to August 1979 as per Title 20, Zoning, Section 20.12.040 F, Density and Dimensional Standards, Yards. The house was built in 1965.

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

Chair Cordova, Vice-Chair Jorgensen and Mr. Aguilar asked questions and/or made comments.

Per the site plan, Mr. Jose L. Licon, applicant, explained that the narrow, shaded portion between the house and the proposed rear patio is to widen the existing exercise room.

Regarding on-site ponding, Ms. Castle explained, 50% of the site must be clear of impervious surface.

Mr. Estala was unsure if there was on-site ponding for this subdivision; however, Staff will verify during the permitting process. If there is on-site ponding, the applicant's can only build on 50% of the property.

Ms. Castle clarified the rock wall must be five feet or higher next to the carport.

Mr. Licon responded he would ensure the rock wall met the five foot minimum requirement. The storage shed has already been removed.

Ms. Castle noted there were no inquiries regarding this application.

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. Aguilar and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

Prior to the meeting, a Memorandum from Mr. Juan Estala, Chief Plans Examiner, Building Permits and Inspections Division, was distributed to Board Members. The memorandum states, "The carport's structural design has been reviewed and has been found to be acceptable with the following clarification: 1) Correction of overspanned beams."

ITEM 4:
ZBA10-00019 1608 Rick Rhodes Drive Antonio F. and Irma R. Amaya
Applicants request a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3 (Residential) zone. The request is for a proposed 26' by 16'-6" carport of which a 26' by 10' portion is encroaching in the required front yard setback. The required front yard setback is 20' in the R-3A zone district. The applicant is requesting a carport that is proposed to be located to within 10' feet of the front property line, with materials and design to match the house. The roof is proposed to be no higher than the roof of the existing house. ~~Building Permits & Inspections' review of the structural drawings is pending.~~ There is no utility easement at the front property line.

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

Ms. Irma R. Amaya, applicant, explained she has one car that she would like to park under the shade. Using the half circle driveway, she enters one side and exits the other. She would continue entering and exiting the half circle driveway, with the carport post in the driveway.

Chair Cordova, Mr. Hernandez and Vice-Chair Jorgensen asked questions and/or commented.

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. Skarda, seconded by Mr. Hernandez and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

ITEM 5:
ZBA10-00020 14256 Tierra Yamila Lane Mountain Vista Builders, Inc.
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone. This would permit the existence of a new single-family dwelling that is built encroaching 0.7' into the easterly side yard setback. The required side yard setback in the R-5 zone district is 5 feet. The applicant has submitted a letter stating that the error that resulted in an encroachment of 0.7' (8.4 inches) into the required side yard setback is unintentional and inadvertent.

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

Mr. Carlos Jimenez, CAD Consulting Co., in his opinion, the concrete was poured using the rock wall rather than the property line.

Mr. Aguilar, Vice-Chair Jorgensen and Chair Cordova commented.

FOR THE RECORD – Ms. Castle stated that there are not any builder error requests by Mountain Vista Builders in the last 12 months.

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. Mendez, seconded by Mr. Aguilar and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

ITEM 6:
ZBA10-00021 4540 Loma Canada Court Patrick St. Cyr
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc (Residential/special contract) zone. The request is for a 23'4" x 19' addition of which a 23'4" x 7' portion is proposed to encroach into the required rear yard setback and to be located to within 14' of the rear property line. The required rear yard setback is 23.7' in the R-3A (Residential) zone district. The applicant is requesting to encroach in the required rear yard setback for a proposed two-story addition. The metal shed is located within the required setbacks.

Ms. Castle gave a PowerPoint presentation and stated **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C, WITH THE CONDITION THAT THE EXISTING SHED SHALL BE NO CLOSER THAN 5 FEET FROM THE PROPOSED ADDITION.**

Mr. David Velasquez, representing the applicant, and Mr. Patrick St. Cyr, applicant, were present. Mr. Velasquez noted the forms have been placed; however, they have not yet started construction. The shed is located within the required setbacks. If need be, the property owner will remove the shed. Mr. Velasquez noted there will be more than five feet from the proposed addition, house roofline to shed roofline. Additionally, Mr. Velasquez concurred with Staff comments.

Mr. Hernandez, Chair Cordova, Mr. Skarda and Vice-Chair Jorgensen commented.

Ms. Castle explained, currently, the shed is located at least five feet from the side property line and 20 feet away the rear property line. However, the shed must be located five feet from the proposed addition, roof overhang to roof overhang. The proposed addition roofline will be higher than the existing roofline; 35 feet is the maximum height in a residential district. Staff did not receive any inquiries regarding this application.

Mr. Velasquez stated he had nothing to do with widening the driveway.

Mr. Estala explained the City Inspector will verify the expanded driveway. Additionally, he noted the garage looked like it was a double-car garage; if the curb cut is enlarged, the applicant would need a permit for that.

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. Hernandez, seconded by Mr. Melendez and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

Other Business:

7. Approval of Minutes: May 10, 2010

Chair Cordova asked Board Members if they had any corrections/revisions to the minutes.

Vice-Chair Jorgensen referred to page 3, third paragraph, and wondered if the sentence should be revised:
From "He asked Staff what "shade *by* be demolished in future" meant, …
To "He asked Staff what "shade **to** be demolished in future" meant, …

Staff will verify the correct language and make the necessary corrections.

MOTION:
Motion made by Mr. Cordova, seconded by Mr. Aguilar and unanimously carried **TO APPROVE THE MAY 10, 2010 MEETING MINUTES, AS AMENDED.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez
NAYS: N/A
ABSTAIN: Mr. Skarda

Motion passed. (7-0)

8. Discussion and action regarding the required documentation for Zoning Board of Adjustment applications, more specifically what information is required to be included in the generalized plot plan and what action the Board may take in response to incomplete applications.

Ms. Castle referred to a copy of the application provided the backup information. In addition to providing examples of site plans, Staff always provides additional information to the applicants during the application process.

Chair Cordova responded sometimes information provided by the applicants is pretty bad and difficult to review, especially when there are encroachments. He stated the Board will not hear the case if we do not receive the minimum of what is asked here, specifically, drawings to scale, dimensions and lot size.

Mr. Melendez noticed the second page of the application states "drawing must be to scale". He also has issues with drawings not drawn to scale.

Vice-Chair Jorgensen asked what the remedy would be.

Ms. Castle responded the remedy is to ensure applicants have drawings that are to scale, even if they have to hire a draftsman.

Vice-Chair Jorgensen requested Staff inform the applicant(s) that the Board will only review drawings that are drawn to scale.

Chair Cordova added, and properly dimensioned.

Regarding the second and third pages of the application, Mr. Melendez wondered why the information pertaining to "Generalized Plot Plans" was not the same on both pages. He suggested Staff revise the third page information to read the same as the second page.

Ms. Castle concurred and would have the information read the same on pages two and three of the application.

Chair Cordova wondered how Staff verifies easements, do you go to the 4th floor or have the applicant provide the information.

Ms. Castle explained, in most cases, Staff can be access most subdivision plats electronically. On occasion, Staff has gone to the 4th floor to verify the information or has requested the applicant go to Engineering themselves.

Mr. Skarda referred to the "Sample Generalized Plot Plan – Site Plan" drawing on page three of the application. He noticed the sample drawing is lacking information that Staff is expecting the applicant(s) provide; for example, location of street with ingress and egress, including curb cuts and driveways. He suggested the "Sample Generalized Plot Plan – Site Plan" show information that applicant(s) are expected to provide.

Ms. Castle concurred and responded Staff will revise the sample drawing and present that information at the next ZBA meeting.

Regarding the "Sample Generalized Plot Plan – Site Plan" drawing, Mr. Barela added, he would like to see delineated setback lines.

Chair Cordova requested Staff adjust the sample site plan drawing, hopefully, that will provide the applicants some needed guidance.

Vice-Chair Jorgensen noted the applicant for ZBA10-00017 had followed the sample drawing to the letter.

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Matching Staff Report Information/Applicant Drawings

Vice-Chair Jorgensen complimented Staff in providing Board Members high quality information/work. However, once in a while dimensions may slip through that, for completeness, would be helpful. Vice-Chair Jorgensen noted, Board Members are setting a precedent overall, the integrity of the drawing is good and key information is available; however, the small slippages will continue.

Ms. Castle explained 10 days prior to the meeting; Staff goes to each of the properties and takes photographs. This is when Staff finds out what is really happening.

Regarding ZBA10-00016, 4826 Maureen Circle, Mr. Estala, Chair Cordova and Vice-Chair Jorgensen discussed discrepancies regarding the roofing plan which shows the center line of the structural beams and the building line extension in the site plan. Mr. Estala asked if Board Members wanted to see the 18'7" dimension, the applicant would have to show that in the site plan as the dimension from beam to beam. He was unsure if the Board was approving beam to beam or approving the whole structure from roofline to roofline. Additionally, he was unsure if the Board was looking for roof structure dimensions as a whole or just dimensions of the floor area.

Vice-Chair Jorgensen responded dimensions on the site plan that match the applicant's request.

Chair Cordova added the roofline is important, overhang is allowed within 2 feet of the property line which becomes important when the overhang is wide.

Mr. Estala clarified Staff will request the applicant(s) show dash lines for rooflines in the site plan.

Ms. Castle reiterated the 18'7" will be entered in the system and that's what the inspectors will verify upon inspection.

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New Board Members
Chair Cordova noted there have been quite a few new Board Members appointed in the last six months. He wondered if Training for new Board Members would be offered soon.

At this time, Ms. Castle introduced newly appointed Alternate Board Member from District 8, Mr. Michael Bray. Ms. Castle responded she will bring a schedule of New Board Member Training at the next ZBA meeting.

No further discussion from Board Members or Staff.

ADJOURNMENT:

MOTION:
Motion made by Mr. Barela, seconded by Mr. Hernandez and unanimously carried **TO ADJOURN AT 2:35 P.M.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Cordova, Hernandez, Mendez, Melendez and Skarda
NAYS: N/A

Motion passed. (8-0)

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Linda Castle, Senior Planner