



PLANNING AND INSPECTIONS DEPARTMENT – PLANNING DIVISION
ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

~~The Zoning Board of Adjustment is empowered under Section 2.16.050 K to:~~

~~“Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:~~

- ~~1. The encroachment into the required yard setback has been in existence for more than fifteen years;~~
- ~~2. Neither the applicant nor the current property owner is responsible for the construction of the encroachment;~~
- ~~3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;~~
- ~~4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and~~
- ~~5. The encroachment does not violate any other provision of the El Paso City Code.”~~

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

“Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

- 1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;*
- 2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater;*
- 3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;*
- 4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and*
- 5. The number of properties requesting encroachment permission under this section which involve the same building, contractor, or owner shall not exceed three in any twelve-month period.”*

Mr. Barela asked staff how many special exception requests for Builder Error were there in the last year.

Mr. McElroy replied four, in the past 12 months.





PLANNING AND INSPECTIONS DEPARTMENT – PLANNING DIVISION
ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

Other Business – Discussion and Action:

6. Approval of Minutes: May 11, 2015

Chairman Concha asked Board Members if they had any additions, corrections and/or revisions. *There were none.*

MOTION:

Motion made by Mr. Barela, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE APRIL 11, 2015 MEETING MINUTES.

ABSTAIN: *Mr. James Graham*

MOTION:

Motion made by Ms. Mieczowski, seconded by Mr. Barela AND UNANIMOUSLY CARRIED TO ADJOURN AT 1:57 P.M.

Michael McElroy, Planner

