



**CITY DEVELOPMENT DEPARTMENT-PLANNING  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
COUNCIL CHAMBERS, CITY HALL BUILDING**

**JUNE 9, 2014**

**1:30 P.M.**

Chairman Concha called the meeting to order at 1:32 p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman  
Mr. Robert Garland, Vice-Chairman  
Ms. Margaret Livingston (1:50 p.m.)  
Mr. Roy Gilyard  
Mr. Robert Person  
Mr. Sam Barela  
Mr. Lamar Skarda  
Mr. Robert Person  
Mr. James Graham  
Mr. Michael Bray (1:34 p.m.)

The following City Staff were present:

Ms. Linda Castle, City Development Department, Senior Planner  
Mr. Alex Hoffman, City Development Department, Lead Planner  
Ms. Karla Nieman, City Attorney's Office, Assistant City Attorney  
Mr. Tony De La Cruz, Building & Development Permitting, Senior Plans Examiner

**CHANGES TO THE AGENDA**

*None.*

**Mayor**

Oscar Leeser

**City Council**

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**City Manager**

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**PUBLIC HEARING  
REGULAR AGENDA:**

**ITEM 1:**

PZBA14-00015                      11301 Jack Cupit Lane                      Carlos & Hildelisa B. Ibarbo  
Applicants request a Special Exception under Section 2.16.050 K (15 Years or More) in an R-3 (Residential) zone. This would allow an existing addition to the house which is located to within 0 feet of the rear property line and to within 0 feet of the easterly side property line. The required front and rear yard cumulative setback total in the R-3 zone district is 50 feet; and, the required interior side yard setback is 5 feet. The applicant, Carlos Ibarbo, purchased the house on June 25, 1991 (see Assumption Deed). He states that the carport (porch) was existing when he purchased the house. The Google Earth aerial photo dated March 2, 1991, shows the roof of the carport structure existing then (22 years ago), as it exists today, approximately 4 months prior to the applicant's purchase of the property. A site visit shows that the addition is being used as an outdoor living area.

**STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION WITH CONDITIONS:**

- (1) THAT DUE TO THE DETACHED STRUCTURE (THE ADDITION) BEING CONNECTED TO THE RESIDENCE, ONE HOUR FIRE RATED MATERIALS SHALL BE REQUIRED AT THE FASCIA, THE SOFFIT AND AT THE FIRST 5 FEET OF THE CEILING CLOSEST TO THE SIDE PROPERTY LINE;**
- (2) THAT THE ROOF OF THE ADDITION SHALL NOT OVERHANG, NOR SHED WATER OVER, THE SIDE PROPERTY LINE; AND,**
- (3) THAT THE ADDITION SHALL NEVER BE ENCLOSED.**

After reading the Staff recommendation in to the record, Ms. Castle added the following:

**NOTE TO APPLICANT:**

**THAT ANY STRUCTURE BUILT OVER THE UTILITY EASEMENT, AT THE REAR PROPERTY LINE, IS SUBJECT TO REMOVAL BY THE UTILITY COMPANIES.**

Ms. Castle gave a presentation and noted Staff did not receive any phone calls, or responses from neighbors, in favor of or in opposition to the request.

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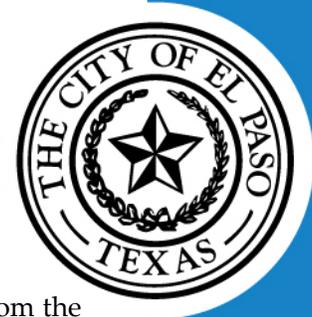
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Chairman Concha and Board Members Bray, Barela, and Gilyard commented.

Mr. Carlos Ibarbo, property owner, responded to comments and/or questions from the Board.

**MOTION:**

*Motion made by Vice-Chairman Garland, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE ACCORDING TO STAFF RECOMMENDATIONS.*

**ITEM 2:**

PZBA14-00016                      4030 Oxford Drive                      Cynthia R. Venegas  
Applicant requests a Special Exception under Section 2.16.050 F (Side Street Yard Setback) in an R-4 (Residential) zone. This would allow an addition to the existing house which is proposed to encroach in the side street yard setback and to be located to within 7'8" of the side street property line. The required side street yard setback in the R-4 zone district is 10 feet. The applicant is requesting the special exception for an addition which will continue the line of the existing house for a distance of 16.6' along the side street (Boone Street) and which is proposed to encroach 2'4" into the required side street yard setback. Planning has registered the property as legally nonconforming for the existing 7'8" easterly side street yard setback and the 4' westerly side yard setback, for a house existing prior to 1955, the effective date of the Zoning Code. The site plan shows the required 5 feet at the westerly side setback for the proposed addition. The Department of Transportation, Traffic Division, has reviewed the request and notes no objection to the request.

**STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION F.**

Ms. Castle gave a presentation and noted Staff did not receive any phone calls, or responses from neighbors, in favor of or in opposition to the request.

Chairman Concha and Board Member Barela commented.

Mr. Andres Lopez, representing the applicant, responded to comments and/or questions from the Board.

**FOR CLARIFICATION**

Mr. Lopez clarified the addition will continue the line of the existing house for a distance of 16.8' not 16.6' as stated by Ms. Castle

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**MOTION:**

*Motion made by Mr. Skarda, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 3:**

PZBA14-00017                      10501 Lakewood Avenue                      Ruben Fierro and Theresa Fierro  
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would allow a 28'6" by 14'6" (413.25 square feet) addition which is proposed to encroach in the required rear yard setback and to be located to within 20 feet of the rear property line. The required front and rear yard cumulative setback total in the R-3 zone district is 50 feet. The applicants are requesting a storage room addition which will encroach in the required rear yard setback. A site visit shows that construction of the addition has already begun. There are items in the easterly side yard which require screening from view from the public street per Title 20, Zoning, Section 20.14.210 D.3., Outdoor storage standards.

**STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a presentation and noted Staff did not receive any phone calls, or responses from neighbors, in favor of or in opposition to the request.

Chairman Concha commented.

Mr. Ruben Fierro and Mr. Alex Fierro, Mr. Fierro's son, were present.

**MOTION:**

*Motion made by Vice-Chairman Garland, seconded by Mr. Gilyard AND UNANIMOUSLY CARRIED TO APPROVE.*

**Other Business – Discussion and Action:**

*Prior to the meeting, Staff distributed copies of an email sent from District 7, Regular Board Member, Mr. Othon Media, Jr. to Planning Staff requesting that the May 12, 2014 meeting minutes be amended, for the record.*

*(Copy of email on file in City Development Department-Planning Division)*

4. Approval of Minutes: May 12, 2014

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Board Members and Staff commented on and discussed the May 12, 2014 meeting minutes.

Per Ms. Nieman's request, Ms. Castle read Mr. Medina's email into the record.

**FOR THE RECORD – Mr. Bray**

*Although Messrs. Medina and Graham were appointed to the ZBA by the same City Council Representative (District 7), Mr. Bray clarified for the record that, Mr. Graham is not Mr. Medina's alternate. Mr. Medina does not have an alternate. Either he is present or someone else is present but Mr. Medina does not have an alternate. The Board may have to revisit this for Mr. Medina's sake.*

Ms. Nieman recommended the Board postpone approving the May 12<sup>th</sup> meeting minutes to allow Staff the opportunity to clarify what should be added, corrected and/or revised.

Mr. Graham suggested the May 12<sup>th</sup> minutes be changed to add that his quote from the Bylaws, Article 5, Ethics, was a response to Mr. Medina's scenario in which a good friend might request a zoning adjustment from the Board.

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

***Motion made by Mr. Graham, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO AMEND THE MINUTES, AHEAD OF MR. GRAHAM'S STATEMENT FOR THE RECORD, AS FOLLOWS:***

***REGARDING THE SCENARIO MR. MEDINA PRESENTED IN WHICH A GOOD FRIEND MIGHT COME BEFORE THE BOARD REQUESTING ZONING ADJUSTMENT, MR. GRAHAM CITED ARTICLE 5 (ETHICS) FOR MR. MEDINA THAT READS, "ANY MEMBER OF THE BOARD WHO HAS A PERSONAL OR A FINANCIAL INTEREST IN ANY SPECIFIC MATTER PRESENTED BEFORE THE BOARD SHALL EXCUSE THEMSELVES FROM THE DELIBERATION AND SHALL NOT PARTICIPATE IN ANY ACTION TAKEN ON THAT SPECIFIC MATTER."***

**ABSTAIN:** *Messrs. Person, Barela, and Skarda*

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

*Motion made by Ms. Livingston, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO POSTPONE ACCEPTING THE MAY 12<sup>TH</sup> MEETING MINUTES UNTIL FURTHER INVESTIGATION.*

**ABSTAIN:** *Messrs. Person, Barela, and Skarda*

**MOTION:**

*Motion made by Vice-Chairman Garland, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO ADJOURN.*

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Linda Castle, Senior Planner

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