



## City Development Department

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### City Manager

Tommy Gonzalez

**CITY DEVELOPMENT DEPARTMENT-PLANNING  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
COUNCIL CHAMBERS, CITY HALL BUILDING  
JULY 14, 2014  
1:30 P.M.**

Vice-Chairman Garland called the meeting to order at 1:40 p.m.

The following Board Members answered roll call:

Mr. Robert Garland, Vice-Chairman

Ms. Margaret Livingston

Mr. Roy Gilyard

Mr. Luis De La Cruz

Mr. Rick Cordova

Mr. Lamar Skarda

Mr. Michael Bray

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, Assistant City Attorney, Legal

Mr. Tony De La Cruz, Building & Development Permitting, Senior Plans Examiner

### **CHANGE TO THE AGENDA**

*Due to the representative not submitting the required structural plan in time, Ms. Castle requested Board Members postpone four (4) weeks, to the August 10<sup>th</sup> ZBA meeting, agenda item 4. PZBA14-00021, 8708 Lait Drive, Special Exception J (Carport over a Driveway).*

### **MOTION:**

*Motion made by Mr. De La Cruz, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGE TO THE AGENDA.*



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**PUBLIC HEARING**

**REGULAR AGENDA:**

**ITEM 1:**

PZBA14-00018

10717 Sugarland Drive

Harold Hicks

Applicant requests Special Exceptions under Sections 2.16.050 J (Carport over a Driveway) and K (15 Years or More) in an R-3 (Residential) zone. This would allow a 23' wide by 20' deep carport (460 square feet) which is proposed to encroach in the required front yard setback and to be located to within 5 feet of the front property line. This would also allow the existing house which was built to within 8.5 feet of the side street property line. The required front and rear yard cumulative setback total in the R-3 zone district is 50 feet, and the required side street yard setback is 10 feet. The applicant is requesting to add a carport over a driveway which is proposed to match the house in materials and design and to rise no higher than the roof of the house. The applicant is proposing additions within the buildable area in order to have a larger carport than he would otherwise have been allowed. The carport structural drawings were reviewed by Building & Development Permitting and found to be in compliance. There is no utility easement at the front property line.

Further, the applicant is requesting the Special Exception K for an existing encroachment in the side street yard setback of 1.5 feet. The applicant purchased the house 20 years ago with the existing encroachment and provided a survey dated August 23, 1994, which shows an 8.5 feet distance to the side street property line. A copy of the warranty deed from 1994 is enclosed with this report.

**STAFF RECOMMENDS APPROVAL OF THE REQUEST AS THE REQUIREMENTS OF THE SPECIAL EXCEPTIONS J AND K ARE MET.**

Ms. Castle gave a presentation and noted Staff did not receive any phone calls in favor of or in opposition to this request.

Vice-Chairman Garland and Board Members Mr. Skarda, Mr. De La Cruz, Mr. Bray, and Mr. Cordova commented.

Mr. Harold Herman Hicks, property owner, responded to comments and questions from the Board.



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1. Mr. Skarda clarified the applicant is proposing to increase the square footage of his home; the size of the proposed carport depends on the square footage of the home. The size of the proposed carport will be significant due to the addition square footage. He asked if the Board could recommend that the building permits, for the proposed additions, be drawn concurrently.

Mr. De La Cruz interjected that once the Board approves the request, the applicant submits his plans and obtains his permits, it is automatic.

To Mr. Skarda, Vice-Chairman Garland stated he could include recommendation language in the motion.

2. Per the presentation photos, Mr. Bray was concerned the proposed addition and the existing trees, located between the curb and sidewalk, would obstruct the driver's line of vision especially when making a right hand turn. Furthermore, there is no Stop sign posted on the corner.

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

*Motion made by Mr. De La Cruz to approve.*

*Vice-Chairman Garland interjected that Mr. Cordova would like to ask questions of Staff.*

*Motion died for lack of a second.*

3. From the presentation photos, Mr. Cordova noticed what looked like the framing of a structure in the backyard.

Ms. Castle responded the applicant is not proposing any construction in the backyard.

Ms. Livingston added the framing resembled a structure that the applicant might lay a cloth cover over.

Mr. Hicks explained he uses the structure as a greenhouse and storage for yard equipment.

Vice-Chairman Garland asked Staff if the greenhouse/storage structure was under 180 square feet.

Because the applicant did not include the greenhouse/storage structure in the site plan, Ms. Castle was unsure what the exact measurements were.

*Mr. Cordova requested Staff ensure the applicant submits revised site plans to include the greenhouse/storage structure.*



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Ms. Castle gave a presentation and noted Staff received one phone call, the caller was not opposed to the request. In her presentation comments, Ms. Castle stated *“a carport was built to 0 feet of the (easterly) side property line and will be cut back to be 3 feet from the side property line; 3 feet is the required side property line in this PR-I zone district.”*

**NOTE:** *Prior to today’s meeting, the applicant has complied with Staff’s request reducing the carport 3 feet from the side property line and reducing the existing addition to be no closer than 5 feet to the side property line.*

Vice-Chairman Garland and Board Members Mr. De La Cruz, Mr. Gilyard, and Mr. Cordova commented.

### **PROFESSIONAL vs. AMATEUR – SITE PLANS SUBMITTED BY APPLICANTS**

Board Members and Staff discussed:

1. Staff accepting site plans not drawn by a professional;
2. Currently, the ordinance does not require applicants to submit architect or engineer sealed site plans. It is within the purview of this Board to revise the current ordinance language requiring applicants to submit architect/engineer sealed site plans;

Mr. Hoffman and Ms. Nieman responded to comments and/or questions from the Board.

Mr. Jorge A. Hernandez, applicant, was present.

### **MOTION:**

*Motion made by Mr. De La Cruz, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO APPROVE.*

### **ITEM 3:**

PZBA14-00020

4710 Rosinante Road

Mike Verlander

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-2 (Residential) zone. This would allow a 42’10” by 4’8” (202.75 sq. ft.) addition and a 19’6” by 1’1” (22 sq. ft.) addition proposed to be located to within 25 feet of the rear property line. The required front and rear yard cumulative setback total in the R-2 zone district is 60 feet. The applicant is proposing several additions to his house, two of which will encroach into the required rear yard setback, for a total square feet amount of 224.75 square feet.



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**STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C, WITH A NOTE TO THE APPLICANT TO CHECK ON-SITE PONDING REQUIREMENTS FOR SUBJECT PROPERTY.**

Ms. Castle gave a presentation and noted she did receive one phone call from the property owner to the east of the applicant; the caller was not opposed to the request. Similarly, prior to the today’s meeting, Ms. Castle responded to comments/questions from the property owner to the rear of the applicant.

Mr. Jim Pofahl, General Contractor, was present.

**NOTE:**

Mr. Skarda stated he knows Mr. Pofahl, personally; however, he has no knowledge regarding this request.

**MOTION:**

*Motion made by Mr. Gilyard, seconded by Mr. De La Cruz AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 4:**

PZBA14-00021

8708 Lait Drive

B. Katherine Stern-Gilbert

**CHANGE TO THE AGENDA**

*Due to the representative not submitting the required structural plan in time, Ms. Castle requested Board Members postpone four (4) weeks, to the August 10<sup>th</sup> ZBA meeting, agenda item 4. PZBA14-00021, 8708 Lait Drive, Special Exception J (Carport over a Driveway).*

**MOTION:**

*Motion made by Mr. De La Cruz, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGE TO THE AGENDA.*

**Other Business – Discussion and Action:**

- 5. Discussion and action on a change to the Bylaws, Zoning Board of Adjustment, regarding location of meetings.



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At the May meeting, Ms. Castle explained, the May ZBA meeting, Board Members approved changes to the Bylaws for the Zoning Board of Adjustment. The first paragraph of **Article 3. Meetings** was revised as follows:

Regular meetings of the Board shall be ~~held~~ **scheduled** on the second and fourth Monday of each month, beginning at 1:30 p.m., in the ~~City Hall Building~~ **City 3 Building, 801 Texas Avenue**, unless otherwise determined by the Board.

However, Ms. Castle explained, the meeting room for **City 3 Building** will not be available for some time.

**MOTION:**

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

- 6. Approval of Minutes: May 12, 2014 (postponed from 06.09.2014 meeting)  
June 9, 2014

**May 12, 2014**

After much discussion, the May 12<sup>th</sup> minutes were postponed at the June 9<sup>th</sup> meeting. Staff revised the minutes by deleting any link/reference to Mr. Medina’s email. After consulting with City/Municipal Clerk, Richard D. Momsen and City Attorney’s office Staff, it was indicated that *anything that did not happen during the meeting should not be included in the minutes.*

**MOTION:**

*Motion made by Ms. Livingston, seconded by Mr. Cordova AND UNANIMOUSLY CARRIED TO APPROVE THE MAY 12, 2014 MEETING MINUTES.*

**ABSTAIN:** *Messrs. Skarda and Bray*

**June 9, 2014**

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

*Motion made by Ms. Livingston, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO APPROVE THE JUNE 9, 2014 MEETING MINUTES.*

**ABSTAIN:** *Messrs. De La Cruz and Cordova*



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#### **MOTION:**

*Motion made by Mr. De La Cruz to adjourn.*

Vice-Chairman Garland would like Board Members and Staff to discuss applicant's submitting site plans not professionally drawn.

#### **MOTION WITHDRAWN:**

*Mr. De La Cruz withdrew his motion.*

Ms. Livingston requested Board Members take steps to require that proper drawings be submitted; additionally, that the plans be drawn by a licensed architect, engineer or surveyor.

Ms. Castle replied Staff would place an item on the next ZBA agenda.

Within the ZBA application, Mr. Cordova explained, page 2 "Required Documentation for Zoning Board of Adjustment Application" are lists and explanations the applicant is expected to provide. Furthermore, on page 3 of the application, Staff has included a *Sample Plot Plan* drawing and requirements, i.e., dimensions, easements, improvements, etc.

Ms. Castle explained the information in the application are examples/samples the applicant is required to submit. The ZBA application language does not require the applicants to submit sealed site plans.

Mr. Cordova cautioned Board Members that requiring sealed site plans could be a hardship for some applicants.

#### **OFF THE AGENDA**

Ms. Nieman explained this issue had not been posted on the agenda, she requested Board Members share their concerns/ideas at the next meeting. Doing so would allow members of the public an opportunity to comment, make suggestions, etc.

Mr. Bray requested Staff post this issue on the next ZBA agenda for "Discussion and Action".

Mr. Cordova requested Staff include copies of the ZBA application requirements in the agenda packets.

Ms. Castle noted the ZBA application is posted on line (<http://home.elpasotexas.gov/city-development/documents/land-development/ZBA%20Application.pdf>).



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*Motion made by Ms. Livingston, seconded by Mr. De La Cruz AND UNANIMOUSLY CARRIED THAT STAFF POST AN ITEM ON THE AUGUST ZBA AGENDA THAT BOARD MEMBERS TAKE STEPS TO REQUIRE THAT PROPER DRAWINGS BE SUBMITTED; ADDITIONALLY, THAT THE PLANS BE DRAWN BY A LICENSED ARCHITECT, ENGINEER OR SURVEYOR.*

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**MOTION:**

*Motion made by Mr. De La Cruz, seconded by Mr. Gilyard AND UNANIMOUSLY CARRIED TO ADJOURN.*

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Linda Castle, Senior Planner



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