



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
SEPTEMBER 12, 2011
1:30 P.M.**

Chair Cordova called the meeting to order at 1:33 p.m.

The following Board Members answered roll call:

Mr. Rick Cordova, Chair
Ms. Alisa Jorgensen, Vice-Chair
Mr. Oscar Perez
Mr. Jeff Gonzalez
Mr. Robert Garland
Mr. Rigoberto Mendez
Mr. Lamar Skarda

The following City Staff were present:

Ms. Linda Castle, Planning & Economic Development, Planning, Senior Planner
Mr. Juan Estala, Engineering & Construction Management, Building Plans Examiner
Mr. Robert Almonte, City Attorney's Office, Assistant City Attorney
Ms. Geena Maskey, Planning & Economic Development, Planning, Planner
Ms. Sandra Hernandez, Department of Transportation, Planner

WELCOME NEW BOARD MEMBER

Chair Cordova welcomed new Board Member Mr. Jeff Gonzalez.

THANK YOU

Ms. Castle noted that this would be Mr. Oscar Perez' last Zoning Board of Adjustment meeting as his term had expired. She explained Mr. Perez had served eight years on the Zoning Board of Adjustment.

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Chair Cordova noted that Mr. Jose Melendez' term had also expired. Mr. Melendez was unable to attend today's meeting.

CHANGES TO THE AGENDA:

Due to the legal description having been posted erroneously on the agenda, Staff requested that Item 2. PZBA11-00028, be postponed to the October 10th meeting.

MOTION:

Motion made by Mr. Perez and **UNANIMOUSLY CARRIED TO POSTPONE PZBA11-00028 TO THE OCTOBER 10TH MEETING.**

ITEM 1:

ZBA11-00027 7440 Plaza Taurina Drive Miguel & Ivonne Landeros
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-5 (Residential) zone. This would permit an addition of which approximately 145 square feet (24' by 6') is proposed to encroach into the required rear yard setback and to be located to within 18 feet of the rear property line. The required cumulative front and rear yard setback total is 45 feet in the R-5 zone district. The request is for an addition in the rear yard for a master bedroom expansion and new TV room. The applicant is also proposing approximately 80 square feet of open porch as part of the addition. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS FOR THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any communication from the neighbors.

Mr. Jose Aldrete, builder representing the applicants, was present.

Chair Cordova asked if Board Members had any questions for Staff or representative. There were none.

MOTION:

Motion made by Mr. Skarda, seconded by Mr. Mendez and **UNANIMOUSLY CARRIED TO APPROVE.**

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ITEM 2:

PZBA11-00028

6539 Cheyenne Trail

Carlos Hernandez

MOTION:

Motion made by Mr. Perez and **UNANIMOUSLY CARRIED TO POSTPONE PZBA11-00028 TO THE OCTOBER 10TH MEETING.**

ITEM 3:

PZBA11-00029

2808 Bear Rock Place

Zia Homes

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 a 0.2' encroachment into the southerly side yard setback for a new residential structure, to within 4.8' of the side property line. The required side yard setback is 5 feet in the R-5 zone district. The applicant's representative submitted a survey of the property showing that the house is encroaching 2.4 inches into the southerly side setback. The applicant submitted a letter stating the error was due to a misplacement of forms and is unintentional. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not notify the neighboring property owners as ownership information from the Central Appraisal District was not available at the time of notification.

Mr. Conrad Conde, representing Zia Homes, thanked Staff for their assistance.

Vice-Chair Jorgensen asked Mr. Conde if anyone was residing in the home.

Mr. Conde could not say for certain; however, Mr. Conde stated the side yard setback was off by two-tenths of a foot.

Ms. Castle explained, per the Central Appraisal District, there was no property owner information available for Staff to mail notification letters to surrounding properties.

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NOTE:

Ms. Castle noted that, per the Builder Error Log, Zia Homes has not had a Builder Error in the last 12 months.

Chair Cordova asked if Board Members had any questions for Staff or representative. There were none.

MOTION:

Motion made by Mr. Mendez, seconded by Mr. Skarda and **UNANIMOUSLY CARRIED TO APPROVE.**

PREVIOUSLY POSTPONED

ITEM 4:

PZBA11-00024 11328 Wagon Place James & Alice Sumpter
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A (Residential) zone. This would permit an addition of which 500 square feet is proposed to encroach into the rear yard setback and to be located to within 13 feet of the rear property line. The required front and rear yard setback cumulative total is 45 feet in the R-3A zone district. The Board postponed the request for the addition to allow the applicant's representative to submit a revised site plan that does not show the name of the original builder of the house. A revised site plan has been submitted. The request is for a rear yard addition to an existing residential structure to enclose an existing pool. The proposed addition will encroach into the required rear yard setback. The applicant has submitted a site plan that shows a 21' front setback along Wagon Place and a 13' rear yard setback. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any communication from the neighbors.

Regarding the proposed enclosure, Chair Cordova noted there were no plans for Board Members to review. He wondered if the proposed enclosure construction materials would match the home.



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Mr. Freddie Oliver, builder - F&O Construction, representing the applicant, explained the pool would be fully enclosed. He stated he had already submitted the enclosure plans to the Planning Department. Mr. Oliver explained the enclosure would be approximately 13 feet from the wall and the construction materials would match the home.

Vice-Chair Jorgensen asked Mr. Oliver what the measurement was between the house and the proposed pool house.

Mr. Oliver responded approximately one foot between them.

As the measurement is less than five feet, Vice-Chair Jorgensen explained that Board Members would consider the proposed pool house attached to the house.

Chair Cordova asked if Board Members had any questions for Staff or representative. There were none.

1st MOTION:

Motion made by Mr. Perez to approve. There was no second.
Motion died due to lack of a second.

Vice-Chair Jorgensen referred to the Staff backup information and the August 8, 2011 minutes and wondered if the language should reflect that the item was postponed due to a lack of a quorum rather than the Board having to postpone the request to allow the representative to submit a revised site plan removing the name of the original builder.

Mr. Almonte clarified there was a lack of quorum due to one of the Board Members wanting to abstain from voting on the item due to a conflict of interest.

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

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MOTION:

Motion made by Mr. Perez, seconded by Mr. Mendez and **UNANIMOUSLY CARRIED TO APPROVE.**

Mr. Oliver thanked Mr. Perez for his eight years of service to this Board and stated Mr. Perez has been as professional in his service to the ZBA as he has been at his regular job.

Other Business:

5. Approval of Minutes: August 8, 2011

Chair Cordova asked Board Members if they had any corrections/revisions to the minutes. There being none.

MOTION:

Motion made by Mr. Perez **AND UNANIMOUSLY CARRIED TO APPROVE THE AUGUST 8, 2011 MINUTES.**

ABSTAIN: Vice Chair Jorgensen and Mr. Gonzalez

Motion passed. (5-0)

6. Discussion and action regarding including Title 21 (Smart Code) in Chapter 2.16, Zoning Board of Adjustment.

Ms. Castle explained Staff would like to postpone the item to the next ZBA meeting; the proposed language is under review. Ms. Castle explained that within Title 21 Smart Code, when referring to variances, the Zoning Board of Adjustment is referenced. Staff will email the proposed language to Board Members as soon as it becomes available.



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S E R V I C E S O L U T I O N S S U C C E S S



Prior to adjourning, Chair Cordova noted that this was his last meeting as a Regular Board Member; he thanked the Board Members for appointing him Chairman.

MOTION:

Motion made by Mr. Perez, seconded by Mr. Garland AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING.

Linda Castle, Senior Planner

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