



PLANNING & INSPECTIONS DEPARTMENT
ZONING BOARD OF ADJUSTMENT MEETING MINUTES

COUNCIL CHAMBERS, CITY HALL BUILDING
AUGUST 29, 2016
1:30 P.M.

The following Board Members answered roll call:

Mr. Roy Gilyard, Chairman

Mr. Christopher Villa

Mr. Blake Downey

Mr. Luis De La Cruz

Ms. Patrice Hills

Ms. Maria Smith

Mr. Jose F. Cardenas

Mr. Ray Aauto

The following City Staff were present:

Mr. Andrew Salloum, Planning & Inspections, Planner

Ms. Martha Macias, Municipal Clerk's Office, Sign Language Interpreter

Mr. Raul Garcia, Planning & Inspections, Planning, Zoning Administrator

Ms. Karla Nieman, City Attorney's Office, Assistant City Attorney

Mr. Tony De La Cruz, Planning & Inspections, Chief Plans Examiner

CALL TO ORDER

Chairman Gilyard called the meeting to order at 1:30 p.m., quorum present.

PUBLIC COMMENT

Chairman Gilyard asked if anyone present who would like to address the Board on issues *not posted* on the agenda. *There was no response.*

PUBLIC HEARING

REGULAR AGENDA:

ITEM 1:

PZBA16-00013

305 Mirasol Drive

Maria Del Carmen Apodaca

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would permit the construction of a 522 sq. ft. carport proposed to encroach 227 sq. ft. into the front yard, and to be located to within 7' of the front property line. Per Section 20.12.040.B.4, a carport may extend up to 10' into the required front yard, 150 square feet in floor area. The required front setback is 20' feet in the R-3 zone district.

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BACKGROUND

The applicants built a carport which encroaches into the required front yard setback. The existing carport was not issued a building permit nor was it previously approved by the ZBA. The applicants are requesting Special Exception J Carport over a Driveway which will encroach into the required front yard setback. There are no utility easements within the front property line. The plans show that the carport will be modified to match the house in materials and design and will rise no higher than the roof line of the existing house. The review of the structural drawings by Building Development & Permitting has been completed and approved. The Planning Division has not received any communications in support or opposition to the special exception request.

[STAFF RECOMMENDS APPROVAL AS THE REQUESTED SQUARE FOOTAGE ENCROACHMENT IS LESS THAN THE MAXIMUM PERMITTED, WITH THE INCLUSION OF MODIFICATIONS PER SECTION 20.12.040.B.4.](#)

Mr. Salloum gave a presentation with Ms. Macias providing sign language interpretation.

Per the plans, Mr. Ray Adauto noted the carport would have lights, asked if the applicant received an electrical permit. To meet Mr. Adauto’s requirements, the applicant will submit for permits for the addition. He does have issues with the request being constructed without proper permits, this situation happens all the time. Property owners need to be cautious about contractors not pulling permits; property owners need to be diligent and do their homework. He would like to send a strong message to property owners – this is an example of what this Board must deal with.

Mr. Tony De La Cruz responded, at this time, no permits have been issued, building permits must be submitted. The applicant will be required to allow access to City Inspectors to inspect electrical and structural components not previously approved.

Mr. (not stated) explained a friend of his constructed the addition for him, no permits were obtained. His friend told him no permits were required.

Ms. Maria Smith, Board Member, clarified the applicant did not receive an electrical permit for the addition.

Mr. Luis De La Cruz asked the applicant who it was that told him he did not need a permit.

Mr. (not stated) responded the guy that built it, because it was not enclosed, he did not need a permit. As far as the lighting, Mr. (not stated) explained he would cut them off.

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Chairman Gilyard asked if anyone in the audience wished to speak in favor of or opposition to the request. *There was no response.*

MOTION:

Motion made by Mr. Adauto, seconded by Mr. Downey AND UNANIMOUSLY CARRIED TO APPROVE.

4. Approval of Minutes: July 11th, 2016

Chairman Gilyard asked if Board Members had any additions/corrections/revisions for the above listed meeting minutes.

There w

MOTION:

Motion made by Mr. De La Cruz, seconded by Ms. Hills AND UNANIMOUSLY CARRIED TO APPROVE.

Prior to adjourning, Mr. Jose Cardenas, Board Member, commented on the hand sketched plans drawn by the property owner. He wondered if Staff verified any of the dimensions in these plans, prior to the ZBA meeting; specifically, the setback numbers for items 1 and 2.

Mr. Tony De La Cruz explained, once a building permit is issued, Field Inspectors will verify the dimensions at the time of the inspection, from columns from overhang to the property lines.

Mr. Luis De La Cruz requested the site plans submitted with the applications be better drawn, at least to scale. He felt hand drawn site plans should not be accepted by staff.

Mr. Raul Garcia explained the ordinance does not require professionally drawn site plans; however, Staff does work with the applicants to ensure the site plans are, at least, legible and readable.

After the applicant submits for permit, Ms. Maria Smith explained Staff will go to the property and ensure the dimensions are met per the site plans submitted.

Mr. Luis De La Cruz disagreed. He felt the site plans should be presentable at the meeting, enough for Board Members to decipher what the applicant is requesting.



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Chairman Gilyard asked Staff if requesting professionally drawn site plans would require an amendment to the Zoning Code.

Ms. Nieman, Assistant City Attorney, stated she would review what the specific requirements are. It was her belief that applicants are permitted to submit what Board Members are reviewing today; otherwise an amendment to the code is required.

Mr. Aduato stated, having worked with the Permitting & Inspections Department for over 13 years, Staff assists the applicants as much as possible. For many of these projects, the cost of hiring an engineering to draw the plans outweighs the cost of the project. He thought the conditions are if the site plans do not meet the requirements then the applicants cannot move forward with the process, a kind of checks and balances.

Mr. Tony De La Cruz agreed with Mr. Aduato, working together for the last 13 years, today's site plan drawings are some of the better quality drawings he has seen. Staff does work with the applicants, they are very flexible.

Mr. Luis De La Cruz requested the drawings be to scale, at least.

To clarify, Mr. Cardenas explained, his concern was not regarding the quality of the drawings but verifying what currently exists on the property. Property owners might not include all structures, etc.

Mr. Tony De La Cruz responded Staff has run into circumstances just like that. Inspectors do a field inspection and realize the property owner inadvertently left off a storage shed or whatnot. Planners do a site visit to take pictures of the property for the presentation. Inspectors do not go to the property until after a permit has been issued.

To reiterate, Mr. Cardenas stated, although the application was approved at the ZBA meeting, there could be a violation at the time of inspection. That inspection will not take place until after the permit has been issued.

Mr. Tony De La Cruz agreed.



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From the previous ZBA meeting, Mr. Aauto wondered if there were any pending cases.

Chairman Gilyard requested Board Members review the Special Exception request for the property located at 1513 Sunbowl Drive very closely. He recommended Board Members obtain a copy of the Staff comments.

Mr. Aauto requested Staff's help in obtaining a copy of those comments.

Ms. Smith questioned if this Special Exception request was in regard to the placement of a cell tower.

Chairman Gilyard responded yes and noted the Board tabled the request to the September 12th ZBA meeting.

MOTION:

Motion made by Mr. Downey, seconded by Mr. Aauto AND UNANIMOUSLY CARRIED TO ADJOURN.

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