



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
OCTOBER 10, 2011
1:30 P.M.**

Chair Cordova called the meeting to order at 1:31 p.m.

The following Board Members answered roll call:

Mr. Ken Gezelius
Mr. Robert Garland (1:33 p.m.)
Mr. Robert Concha, Jr.
Mr. Rigoberto Mendez
Mr. Rick Aguilar
Mr. Scott Walker
Mr. Rick Cordova
Mr. Lamar Skarda
Mr. Jeffrey Gonzalez

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. Kimberly Forsyth, Planning & Economic Development, Planning, Lead Planner
Ms. Geena Maskey, Planning & Economic Development, Planning, Planner
Ms. Sandra Hernandez, Department of Transportation, Planner

WELCOME NEW BOARD MEMBER

Chair Cordova welcomed new Board Members Mr. Robert Concha, Jr. and Mr. Scott Walker

Mayor

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CHANGES TO THE AGENDA:

Staff requested Board Members postpone item 3. either two or four weeks to the next regularly scheduled ZBA meeting.

MOTION:

Motion made by Mr. Aguilar, seconded by Mr. Garland and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 3.EITHER TWO OR FOUR WEEKS TO THE NEXT REGULARLY SCHEDULED ZBA MEETING.**

1. Election of Zoning Board of Adjustment Chair and Vice-Chair.

Mr. Cordova nominated Mr. Aguilar as Chair of the Zoning Board of Adjustment.

There were no other nominations.

MOTION:

Motion made by Mr. Aguilar, seconded by Mr. Gezelius and **UNANIMOUSLY CARRIED TO APPOINT MR. AGUILAR CHAIR OF THE ZONING BOARD OF ADJUSTMENT.**

Mr. Aguilar nominated Mr. Rigoberto Mendez as Vice-Chair of the Zoning Board of Adjustment.

There were no other nominations.

MOTION:

Motion made by Mr. Aguilar, seconded by Mr. Skarda and **UNANIMOUSLY CARRIED TO APPOINT MR. MENDEZ VICE-CHAIR OF THE ZONING BOARD OF ADJUSTMENT.**

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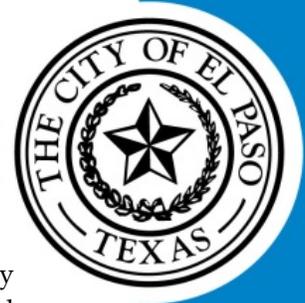
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ITEM 2:

ZBA11-00030 321 Arboles Drive Dianna Williams-Hefley
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-2 (Residential) zone. This would permit an addition of which approximately 444 square feet is proposed to encroach into the required rear yard setback and to be located to within 10 feet of the rear property line. The required cumulative front and rear yard setback total is 60 feet in the R-2 zone district. The request is for an addition in the rear yard for an office space over a garage. The applicant's contractor started building the second story addition without permit. This application, if approved, will also legalize the encroachment of the garage and a small portion of the house into the rear yard setback. **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C WITH THE CONDITION THAT THE REQUEST MEET THE 50% ON-SITE PONDING REQUIREMENT.**

Ms. Castle gave a PowerPoint presentation and explained the property is located in the Upper Valley and therefore must adhere to the 50% on-site ponding requirement. Upon approval, the applicant will submit plans to Building Permits & Inspections Staff who will verify whether or not the plans meet the 50% on-site ponding requirement.

Mr. Mike Herrera, contractor, was present.

FOR THE RECORD

Vice-Chair Mendez asked Ms. Staff if Staff had received any phone calls, letters or emails in favor of or opposition to the request.

Ms. Castle responded Staff did not receive any response from the public.

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

Chair Aguilar asked if anyone in the audience wished to speak in favor of or opposition to the request. There was none.

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MOTION:

Motion made by Mr. Gezelius, seconded by Vice-Chair Mendez and **UNANIMOUSLY CARRIED TO APPROVE WITH THE CONDITION THAT THE REQUEST MEET THE 50% ON-SITE PONDING REQUIREMENT.**

ITEM 3:

PZBA11-00031 10181 Saigon Drive Carlos R. and Lupe Castaneda
Applicants request a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3 (Residential) zone. This would permit a 15' by 20' carport that is proposed to encroach into the front yard setback and to be located to within 5' feet of the front property line. The required front and rear yard setback cumulative total is 50 feet in the R-3 zone district. The applicant is requesting a carport that does not rise higher than the roof of the house and will match the existing house in roof materials. There is no utility easement at the front property line. The Engineering & Construction Management Department has reviewed the structural plans and found them acceptable. A site visit shows a shed located less than 5 feet from the main structure and located in the side setback. The applicant provided a survey that shows that the structure was there when she purchased the house. The applicant has been requested to provide a revised site plan. **STAFF RECOMMENDATION IS PENDING SUBMITTAL OF A REVISED SITE PLAN AND A WRITTEN RECOMMENDATION FROM ENGINEERING & CONSTRUCTION MANAGEMENT.**

MOTION:

Motion made by Mr. Aguilar, seconded by Mr. Garland and **UNANIMOUSLY CARRIED TO POSTPONE ITEM 3.EITHER TWO OR FOUR WEEKS TO THE NEXT REGULARLY SCHEDULED ZBA MEETING.**

PREVIOUSLY POSTPONED

ITEM 4:

PZBA11-00028 6539 Cheyenne Trail Carlos Hernandez
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone. This would permit an addition of which approximately 250 square feet (31' by 8') is proposed to encroach in the rear yard

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setback and to be located to within 12 feet of the rear property line. The required front and rear yard setback cumulative total is 45 feet in the R-4 zone district. This case was postponed at the September 12, 2011 meeting for four weeks to the October 10th meeting because the property legal description was posted incorrectly on the ZBA agenda. The request is for an approximately 1,030 square feet addition that is proposed to be located in the side street yard and rear yard. Approximately 250 square feet will encroach in the required rear yard setback to within 12 feet of the rear property line. They are maintaining the required 10' side street 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 the applicant is proposing to add another curb to be located at the side street yard. Staff did not receive any response from the public.

Mr. Carlos Hernandez, property owner, was present.

Mr. Skarda asked if the new 10' wide driveway was wide enough for vehicles to park without being on the sidewalk.

Mr. Carlos Carreto, contractor, explained the intent of the new driveway is to allow easier access, for the applicant's grandmother, to and from vehicles.

Ms. Sandra Hernandez, Department of Transportation, explained DOT Staff reviewed the site plan and pictures and were in favor of the request. Ms. Hernandez explained the applicant can have as many driveways as he wants as long as the driveways meet Code.

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

Chair Aguilar asked if anyone in the audience wished to speak in favor of or opposition to the request. There was none.

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MOTION:

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

Other Business:

5. Approval of Minutes: September 12, 2011

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

MOTION:

Motion made by Mr. Cordova, seconded by Vice-Chair Mendez **AND UNANIMOUSLY CARRIED TO APPROVE THE SEPTEMBER 12, 2011 MINUTES.**

AYES: Messrs. Garland, Cordova, Mendez, Gonzalez, and Skarda

ABSTAIN: Messrs. Gezelius, Concha, Jr., Aguilar, and Walker

Motion passed 5-4.

6. Discussion and action on amending Title 2, Chapter 2.16, Zoning Board of Adjustment, to include Title 21, Smart Code.

Ms. Forsyth explained the ordinance language for Board Members. Following the meeting, Staff will email the SmartCode link to Board Members. Additionally, Staff will provide a hard copy of the SmartCode should Board Members request one.

MOTION:

Motion made by Mr. Gezelius, seconded by Mr. Garland and **UNANIMOUSLY CARRIED TO APPROVE.**

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7. 2012 ZBA Meeting Schedule

Ms. Castle explained that a request for a second October ZBA meeting has been made, the date for the meeting will be October 24th. She will poll the Board Members, via email, to establish a quorum.

Mr. Skarda stated he would not be available to attend the October 24th ZBA meeting.

Chair Aguilar asked Board Members and Staff if there was any other business. There being none.

MOTION:

Motion made by Vice-Chair Mendez, seconded by Mr. Gezelius **AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING.**

Linda Castle, Senior Planner

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