



CITY DEVELOPMENT DEPARTMENT – PLANNING
ZONING BOARD OF ADJUSTMENT MEETING MINUTES

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

This would allow a 620 sq. ft. portion of the existing house and patio which encroaches into the required rear yard setback and is located to within 10 feet of the rear property line. Further, this would allow the addition of a new garage of which a 38'10" by 9' portion is proposed to encroach into the required front yard setback and to be located to within 10'11" of the front property line.

The required front and rear yard cumulative setback total in the R-3 zone district is 50 feet.

The applicant is requesting the addition of a new garage and a new carport under the cumulative front and rear yard setback allowances, establishing a minimum 20 feet front yard setback and a 30 feet rear yard setback. The new carport will encroach 130 square feet, less than the 150 square feet of open porch allowed to encroach into the required front yard setback, and does not require ZBA approval for the carport special exception. The applicant is requesting the Special Exception to encroach into the required front yard setback for the new garage.

The establishment of a 30 feet rear yard setback means that portions of the existing house and patio, totaling 620 square feet, encroach into the 30 feet required rear yard setback and require approval from the ZBA for the Special Exception for rear yard encroachment. Further, the site plan shows 664 square feet of patio, added without permit sometime after 2011, to be demolished.

STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS FOR THE SPECIAL EXCEPTIONS C AND L.

Ms. Castle gave a presentation and noted Staff did not receive any phone calls regarding this request.

Chairman Concha, Vice-Chairman Garland and Board Members Bray, and Medina commented.

Mr. David Holguin, designer - EPG Planning Consultants, representing the applicant, concurred with all Staff comments.

Ms. Hamilton responded to comments/questions from Mr. Medina regarding applicants meeting code requirements and the necessity of applicants coming before the Board.

MOTION:

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

ITEM 3:

PZBA14-00036 4017 Tuscany Hills Place Michelle & Frank C. Malone III
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-5 (Residential) zone.





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This would allow a 12’ by 18’ addition, proposed to be located to within 2 feet of the main structure, of which a 12’ by 13’ (156 sq. ft.) portion will encroach into the required rear yard setback and be located to within 11 feet of the rear property line.

The required front and rear yard cumulative setback total in the R-5 zone district is 45 feet.

The applicants are proposing to add a new covered patio and a bedroom/bathroom addition detached from the house and located to within 2 feet of the main house. The bedroom addition will encroach into the required rear yard setback. A building closer than 5 feet to the main structure is considered an addition to the house. It is a dwelling unit and as such is required to comply with the requirements of the Zoning Code, Title 20, Section 20.10.035 B., Attached Accessory Dwelling Unit:

- B. Attached accessory dwelling units are permitted when they comply with the following:
 1. Only one ADU is permitted on a lot with a single-family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.
 2. The minimum lot area is five thousand five hundred square feet.
 3. The ADU shall not exceed eight hundred square feet of gross floor area except that for lots containing eight thousand square feet or more, the ADU shall not exceed one thousand two hundred square feet gfa.
 4. The ADU shall not contain more than one bedroom.
 5. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.
 6. The ADU shall comply with all yard standards of the zoning district.
 7. A separate entrance shall be provided for the ADU.
 8. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.
 9. The height of the ADU shall not exceed the height of the principal unit.
 10. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.
 11. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.

STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION, WITH A NOTE TO THE APPLICANT: THAT THE REQUIREMENTS OF SECTION 20.10.035 B., ATTACHED ACCESSORY DWELLING UNIT, SHALL BE COMPLIED WITH.

Ms. Castle gave a presentation and noted Staff did receive one phone call curious about the request. Additionally, Ms. Castle responded to comments/questions from the Board.





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Chairman Concha and Board Members Bray, De La Cruz, and Medina commented and/or asked questions of Staff and the applicant.

Ms. Elizabeth A. Malone, representative, responded to comments and questions from the Board.

Mr. Tony De La Cruz answered questions from the Board.

MOTION:

Motion made by Vice-Chairman Garland, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO APPROVE PER STAFF RECOMMENDATIONS.

AFTER THE VOTE

Mr. Skarda and Mr. De La Cruz understood, per the Zoning Code, it was permissible to construct a second structure in the rear of the applicant’s property as a rental unit. Furthermore, the second structure would be separately metered from the main structure.

Ms. Castle provided further clarification regarding Title 20, Zoning Code, El Paso Municipal Code.

Prior to the next agenda items discussion and action, Ms. Castle noted that the 2015 Zoning Board of Adjustment meeting schedule was distributed to the Board.

Other Business – Discussion and Action:

- 4. Approval of Minutes: September 8, 2014

Chairman Concha asked Board Members if they had any additions, corrections, and/or revisions for Staff. *There were none.*

MOTION:

Motion made by Mr. Skarda, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO APPROVE THE SEPTEMBER 8, 2014 MEETING MINUTES.

ABSTAIN: *Ms. Livingston and Messrs. Medina and Bray*

MOTION:

Motion made by Mr. Bray, seconded by Ms. Livingston AND UNANIMOUSLY CARRIED TO ADJOURN.

Linda Castle, Senior Planner

