



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES
2ND FLOOR - CITY COUNCIL CHAMBERS
NOVEMBER 9, 2009
1:30 P.M.**

The Zoning Board of Adjustment meeting was called to order at 1:30 p.m.

The following Board Members answered roll call:

Mr. Randy Bowling, Chair
Mr. Rick Cordova, Vice-Chair
Mr. Ken Gezelius
Mr. Ricardo Aguilar
Mr. Sam Barela
Mr. Servando Hernandez
Mr. Rigoberto Mendez
Mr. Jose Melendez
Ms. Alisa Jorgensen

The following City Staff were present:

Ms. Linda Castle, Development Services Department, Planning, Senior Planner
Mr. Juan Estala, Development Services Department, Building Permits & Inspections, Chief Plans Examiner
Ms. Cynthia Osborn, City Attorney's Office, Assistant City Attorney
Ms. Kim Forsyth, Engineering Department – Traffic Division, Senior Planner

RECOGNITION

Chair Bowling presented Mr. Larry Nance with a Certificate of Appreciation. Chair Bowling noted Mr. Nance served on the Zoning Board of Adjustment from June, 2004 to November, 2009 and has been Chair and Vice-Chair.

CHANGES TO THE AGENDA

Staff requested item 4. ZBA09-00044, 3020 Roy Pace Drive, be postponed to the December 14, 2009 ZBA meeting.

MOTION:

Motion made by Mr. Bowling, seconded by Ms. Jorgensen and unanimously carried **TO POSTPONE ZBA09-00044 TO THE DECEMBER 14, 2009 ZBA MEETING.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez, and Melendez

NAYS: N/A

Motion passed. (9-0)

ITEM 1:

ZBA09-00041

10053 Alcan Street

Maxine Hixon

Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-4 (Residential) zone. This would permit a 23'4" by 25' carport, of which a 23'4" by 11' portion is proposed to encroach in the required front yard setback. The required front and rear yard setback cumulative total is 45' in the R-4 zone district. The applicants are requesting the addition of a carport that is proposed to be located to within 2' of the front property line. There are no utility easements at the front property line. The applicant's plans indicate that the materials used for the carport will match the existing house and the roof will be lower than the roofline of the house. A tree is proposed to be removed from the front yard in order to locate the carport. The Building Permits & Inspection Division has reviewed the structural plans and notes no objections. **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION.**

Ms. Castle gave a PowerPoint presentation and noted Staff did not receive any phone calls or letters in favor or opposition to the request. There were no comments from the Traffic Engineering Division; additionally, there were no other carports in the neighborhood.

Mr. Irv Stein, Astro Builders, representing the applicant, confirmed the building materials for the carport would be consistent with the house and the roofline of the carport would be lower than the house.

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

MOTION:

Motion made by Mr. Gezelius, seconded by Mr. Mendez and unanimously carried **TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

The Motion passed. (9-0)

ITEM 2:

ZBA09-00042

10169 Trinidad Drive

Hector E. and Leticia Ramirez

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would permit the addition of a 17' by 13' utility room that is proposed to encroach 7' into the required rear yard setback. The required front and rear yard setback cumulative total is 50 feet in the R-3 zone district. The applicants are adding a utility room that is proposed to be located to within 18 feet of the rear property line. **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION.**

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

Mr. Gilbert Avila, representing the applicants, responded the ceramic tile on the side of the house will be removed. He corrected the utility room measurements to read "13' x 13'".

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

1st MOTION:

Motion made by Mr. Hernandez **TO APPROVE WITH THE CONDITION THE STORAGE AREA BE CLEARED TO SUPPORT THE EASEMENT REQUIREMENT.**

Ms. Jorgensen suggested the language read "To verify that there is no more than 180 square feet."

Other Business:

7. Approval of Minutes: October 12, 2009

Chair Bowling asked if Board Members had corrections for the October 12 minutes.

MOTION:

Motion made by Ms. Jorgensen, seconded by Mr. Cordova and unanimously carried **TO APPROVE THE OCTOBER 12, 2009 MINUTES**

AYES: Ms. Jorgensen and Messrs. Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

ABSTAIN: Mr. Gezelius

The Motion passed. (8-0)

Development Services Report:

8. Election of Officers.

Ms. Castle explained Officers would begin December 2009.

Chair Bowling accepted nominations for Chair and Vice-Chair.

CHAIR

Mr. Hernandez nominated Mr. Cordova for Chair.

Mr. Cordova accepted the nomination.

MOTION:

Motion made by Mr. Hernandez, seconded by Mr. Cordova and unanimously carried **TO APPROVE MR. RICK CORDOVA, CHAIR, ZONING BOARD OF ADJUSTMENT.**

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

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

The Motion passed. (9-0)

VICE-CHAIR

Chair Bowling nominated Ms. Jorgensen for Vice-Chair.

Ms. Jorgensen accepted the nomination.

MOTION:

Motion made by Mr. Bowling, seconded by Ms. Jorgensen and unanimously carried **TO APPOINT MS. ALISA JORGENSEN, VICE-CHAIR, ZONING BOARD OF ADJUSTMENT.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

Motion passed. (9-0)

- 9. Discussion and action regarding the 2010 Zoning Board of Adjustment meeting calendar

Ms. Castle explained the Zoning Board of Adjustment will meet once a month on the second Monday of the month. In the event there are cases or issues that require the Board's approval, a second ZBA meeting has been scheduled on the fourth Monday of the month.

MOTION:

Motion made by Mr. Gezelius, seconded by Mr. Barela and unanimously carried **TO APPROVE THE 2010 ZONING BOARD OF ADJUSTMENT MEETING CALENDAR.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

The Motion passed. (9-0)

- 10. Discussion and action on adding a request for a parking study to ZBA Ordinance, Section 2.16.050 I, Special Exception for up to 15% parking reduction.

SECTION 2.16.050 I
REDUCTION OF OFF-STREET PARKING REQUIREMENTS

CURRENT LANGUAGE

"Authorize the reduction of the off-street parking requirements; provided, however, that:

1. The owner shall demonstrate through testimony or documentation that the required number of off-street parking spaces cannot be reasonably accommodated on the property involved; and,
2. The zoning board of adjustment has received the written approval, based on traffic safety considerations, or the traffic engineer; and,
3. The reduction authorized shall not modify the number of required off-street parking spaces by more than fifteen percent."

PROPOSED LANGUAGE

Authorize the reduction of off-street parking requirements; provided, however, that:

1. The owner shall demonstrate through testimony or documentation that the required number of off-street parking spaces cannot be reasonably accommodated on the property involved;
2. The zoning board of adjustment has received the written approval, ~~based on traffic safety considerations,~~ of the city traffic engineer who shall review the request to determine the impact on the surrounding properties. The city traffic engineer may request a parking study in order to determine the impact on the surrounding properties; and
3. The reduction authorized shall not modify the number of required off-street parking spaces by more than fifteen percent.

Ms. Castle explained that the City Plan Commission has approved 10% parking reduction requests be approved administratively. As part of the administrative approval process, the Traffic Engineer may require a parking study in order to determine the impact on the surrounding properties. This change to the Special Exception I is recommended so that a parking study can be required if needed by the Traffic Division. Additionally, shared parking arrangements can be done through the Planning Division. Shared parking arrangements consist of two or more property owners sharing parking; however, there are several conditions that must be met.

Ms. Forsyth explained this has been required as part of Zoning Board of Adjustment approvals, not in all cases but on a case by case basis; Staff is simply codifying the practice. She explained a parking study encompasses 300 feet of the subject property to determine the amount of available on-street parking during a typical work hour for the business. Staff determines if there is available on-street parking that could be used to offset the reduction request. Parking studies are relatively simple which the applicants can do themselves, takes less than 12 hours and the only cost incurred is the applicant's time. If they desire, applicants can hire an engineer. Furthermore, the traffic study provides the Traffic Engineer and the Board Members hard evidence to determine whether or not to approve.

Ms. Osborn explained Board Members have already approved revised sections of the ordinance language.

MOTION:

Motion made by Mr. Hernandez, seconded by Mr. Mendez and unanimously carried **TO APPROVE SPECIAL EXCEPTION I, NUMBER 2, THAT THE ZONING BOARD OF ADJUSTMENT HAS RECEIVED THE WRITTEN APPROVAL OF THE CITY TRAFFIC ENGINEER WHO SHALL REVIEW THE REQUEST TO DETERMINE THE IMPACT ON THE SURROUNDING PROPERTIES. THE CITY TRAFFIC ENGINEER MAY REQUEST A PARKING STUDY IN ORDER TO DETERMINE THE IMPACT ON THE SURROUND PROPERTIES.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

The Motion passed. (9-0)

11. Discussion regarding Zoning Board of Adjustment issues.

There was no discussion.

Chair Bowling asked if there was any further discussion. There being none.

MOTION:

Motion made by Mr. Gezelius, seconded by Mr. Barela and unanimously carried to **ADJOURN THE ZBA MEETING AT 2:33 PM.**

AYES: Ms. Jorgensen and Messrs. Gezelius, Aguilar, Cordova, Barela, Bowling, Hernandez, Mendez and Melendez

NAYS: N/A

The Motion passed. (9-0)

Linda Castle, Senior Planner