



**CITY DEVELOPMENT DEPARTMENT
ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CONFERENCE ROOM, 2ND FLOOR, CITY HALL
FEBRUARY 11, 2013
1:30 P.M.**

Meeting called to order at 2:34 p.m.

The following Board Members answered roll call:

Mr. Michael Bray
Mr. Robert Garland, Vice Chairman
Mr. Scott Walker
Mr. Lamar Skarda
Mr. Rick Cordova
Mr. Robert Concha, Jr., Chairman
Mr. Ken Gezelius

The following City Staff were present:

Ms. Linda Castle, City Development Department, Planning
Mr. Alex Hoffman, City Development Department, Planning
Mr. Michael McElroy, City Development Department Planning
Mr. Daniel Chavira, City Development Department, Building Permits & Inspections, Building Plans Examiner
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney

CHANGES TO THE AGENDA

None.

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Item 1 postponed from 01.14.13 meeting

ITEM 1:

PZBA12-00046 8825 Cosmos Drive Oscar Amaya
Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-4 (Residential) zone. This would allow the construction of an 18'6" by 22'6" carport which is proposed to be located to within 2 feet of the front property line. The required front and rear yard cumulative setback total is 45 feet in the R-4 zone district.

At the January 14, 2013, meeting the Board postponed the case to the next regularly scheduled meeting in February. The owner is requesting to build a carport over an existing curved driveway in the front yard. There is no utility easement at the front property line. The carport will match the house in materials and design and the roof will rise no higher than the roof of the house. Building Permits & Inspection has provided written approval of the structural drawings. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION J.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive four phone calls requesting that the carport match the house, and did not receive any letters or emails in favor of or in opposition to the request. No new phone calls, letters or emails received since the last meeting of January 14, 2013.

Mr. Eric Madrigal, representative, was present and responded to questions and comments from board members and staff.

Mr. Oscar Amaya, applicant, was present and responded to questions and comments from board members and staff.

MOTION:

Motion made by Mr. Walker, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO APPROVE.

P.O. Box 1890
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ITEM 2:

PZBA13-00001 4852 Maureen Circle Irma Rawlins
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A (Residential) zone. This would permit a 19' by 16' addition of which a 19' by 4.6' portion is proposed to encroach into the required rear yard setback and to be located to within 20 feet of the rear property line. The required front and rear yard cumulative setback total is 45 feet in the R-3A zone district. The applicant is requesting the Special Exception to enclose a portion of a patio for a den addition which will encroach into the required rear yard setback. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C WITH THE CONDITION THAT A BUILDING PERMIT IS OBTAINED FOR THE ACCESSORY BUILDING.**

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

Mr. Andres Lopez, representative, was present and responded to questions and comments from board members and staff.

MOTION:

Motion made by Vice Chair Garland, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE with the condition that a building permit is obtained for the accessory building.

ITEM 3:

PZBA13-00003 4501 Croton Circle Doris M. and Charles N. Taylor, Jr.
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone. This would permit a 28' by 12' enclosure of a patio of which a 28' by 8' portion is proposed to encroach into the required rear yard setback and to be located to within 17 feet of the rear property line. The front and rear yard cumulative setback total is 45 feet in the R-4 zone district. The applicants are requesting to enclose a patio in the rear yard, a portion of which will encroach into the required rear yard setback. The applicants had previously been approved for the rear yard Special Exception on October 13, 2003 (ZBA Case #10-130-03) but never enclosed the porch.

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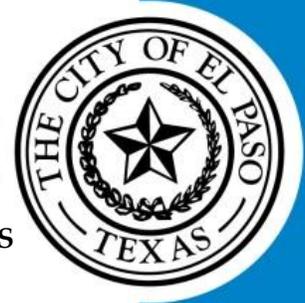
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STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.

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

Mr. Charles N. and Mrs. Doris M. Taylor, Jr., owners, were present and responded to questions and comments from board members and staff.

MOTION:

Motion made by Mr. Gezelius, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE.

ITEM 4:

PZBA13-00004 2431 E. Yandell Avenue Viewpoint Enterprises, LLC
Applicant request a Special Exception under Section 2.16.050 B (Two or More Nonconforming) in a C-4 (Commercial) zone. This would allow the construction of a 19'6" by 40' addition to an existing office building that is proposed to be located to within 0 feet of the side street property line, along Magnolia Street. The required side street setback is 10 feet in the C-4 zone district.

The applicant is requesting the Special Exception to build an addition that is proposed to encroach to within 0 feet of the side street property line. There are three other qualifying nonconforming properties built to 0 feet of the side street property line: one directly across Magnolia Street at 2501 E. Yandell; one in the block directly across Yandell Avenue at 2400 E. Yandell; and, one property in the same block on the same side of the street at 2401 E. Yandell. The property at 2401 E. Yandell was granted the Special Exception B on August 10, 2009 (case # ZBA09-00026). The other two properties exist in the 1956 aerial as they exist today.

The applicant's site plan meets the other required setbacks for this office building in the C-4 zone: 0' front, 10' rear, and 0' interior side. The required off-street parking spaces for the proposed 2,300 square feet of office space is 1/400 GFA or 6 spaces; the applicant's site plan provides 6 parking spaces.

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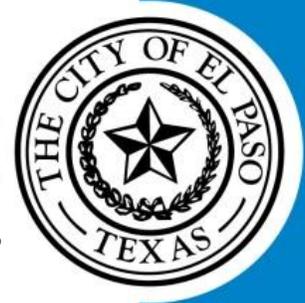
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STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION B.

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

Mr. Jorge Silva, representative, was present and responded to questions and comments from board members and staff.

MOTION:

Motion made by Mr. Walker, seconded by Mr. Cordova AND UNANIMOUSLY CARRIED TO APPROVE.

ITEM 5:

PZBA13-00005 14308 South Cave Avenue Carefree Homes
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3A (Residential) zone. This would allow an existing residential structure which encroaches 0.5 feet (6") into the required side yard setback and is located to within 4.5 feet of the easterly side property line. The required side yard setback is 5 feet in the R-3A zone district.

The applicant is requesting the builder error for a 0.5' encroachment into the side yard setback and has submitted a letter stating that the error was unintentional. Carefree Homes has not requested the builder error special exception in the last 12 months. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G WITH THE CONDITION THAT THE STRUCTURE LOCATED LESS THAN 5 FEET TO THE SIDE PROPERTY LINE SHALL BE OF FIRE RATED CONSTRUCTION, PER CHAPTER 6, 2009 INTERNATIONAL BUILDING CODE, ISSUES OF FIRE AND SAFETY, TABLE 602, WHICH REQUIRES FIVE (5) FEET BETWEEN BUILDINGS; OTHERWISE, THE BUILDINGS MUST BE FIRE CODE RATED.**

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

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Ms. Valerie Chavez, representative, was present and responded to questions and comments from board members and staff.

MOTION:

Motion made by Mr. Bray, seconded by Mr. Walker AND UNANIMOUSLY CARRIED TO APPROVE.

Ms. Castle noted the next ZBA meeting will be held Monday, March 11, 2013.

Other Business

6. Approval of Minutes: January 14, 2013

Chairman Concha asked if Board Members had any additions/corrections/revisions to the minutes. There was no response.

Mr. Walker abstained since he was not present at this meeting.

MOTION:

Motion made by Mr. Bray, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO APPROVE THE JANUARY 14, 2013 MEETING MINUTES.

7. Affirmation of votes on ZBA cases approved at January 14, 2013 meeting:

Ms. Castle informed members of Mr. Bray's term had expired and at the time of the January 14, 2013 meeting, he had not been re-appointed. However, as of this morning's City Council meeting, Mr. Bray has officially been re-appointed by City Council and sworn in by the City Clerk's office. Because the ZBA had only 7 members present at the January 14, 2013 meeting, with Mr. Bray being one of the 7 members present, it was advised by Ms. Kristen Hamilton, Assistant City Attorney, that the votes for the following approved ZBA cases be affirmed:

PZBA12-00041 5798 Dalhart Drive Jose E. and Gloria O. Martinez
Applicants request a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. **STAFF RECOMMENDATION IS**

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FOR AFFIRMATION OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION J.

MOTION:

Motion made by Vice Chairman Garland, seconded by Mr. Walker AND UNANIMOUSLY CARRIED TO AFFIRM.

PZBA12-00044 14369 East Cave Avenue Desert View Homes
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in an R-3A (Residential) zone. **STAFF RECOMMENDATION IS FOR AFFIRMATION AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G WITH THE CONDITION THAT THE SIDE OF THE HOUSE THAT IS ENCROACHING INTO THE SIDE YARD SHALL BE FIRE RATED.**

MOTION:

Motion made by Mr. Bray, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO AFFIRM.

PZBA12-00045 2313 Glitter Point Street Casas De Leon, LLC
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in an R-5 (Residential) zone. **STAFF RECOMMENDATION IS FOR AFFIRMATION AS THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G.**

MOTION:

Motion made by Vice Chairman Garland, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO AFFIRM.

PZBA12-00047 8700 Echo Street Graciela Gonzalez
Applicants request a Special Exception under Section 2.16.050 G (Builder Error) in an R-4 (Residential) zone. **STAFF RECOMMENDATION IS FOR AFFIRMATION OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION G WITH THE CONDITION THAT THE CONSTRUCTION BE FIRE RATED.**

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MOTION:

Motion made by Mr. Skarda, seconded by Vice Chairman Garland AND UNANIMOUSLY CARRIED TO AFFIRM.

8. Discussion on clarification of wording in Section 2.16.050 J (Carport over a Driveway), requirement #4, regarding the calculation of the permitted carport area.

Ms. Castle explained that a carport is not to exceed 1/5 of the first floor area of the dwelling and that "first floor area" needs to be clarified.

Ms. Hamilton suggested clarifying the wording in the code so that someone who is making an application for a carport will not have to go back into the past meeting minutes for clarification. The applicant will have one place where they can look and clearly see how the area of the dwelling is defined.

Ms. Castle stated that what is being used is #2 under the definition of floor area for residential buildings in the Zoning Code, Title 20:

20.02.380 - Floor area.

"Floor area" means:

2. For residential buildings: the sum of the gross horizontal areas of the floors of a dwelling, exclusive of garages, atriums, stairwells, open porches and unoccupied basements, cellars, and attics, measured from the exterior faces of the exterior walls.

The staff will propose a change to the ZBA ordinance, Chapter 2.16, and bring it to the next meeting for review and approval by the Board.

9. Update on locations of future ZBA meetings.

Ms. Castle informed the members that they will be updated as information becomes available for location of ZBA meetings.

10. Discussion on need to fill vacant ZBA slots: Districts 6 and 7 (Regular and Alternate); Districts 3 and 5 (Regular); and District 4 (Alternate).

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MOTION:

Motion made by Mr. Bray, seconded by Mr. Gezelius AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 3:15 P.M.

Linda Castle, Senior Planner

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