



Ms. Castle gave a PowerPoint presentation.

Mr. Leonardo Villar, applicant, displayed photos of the alley and other properties with structures built to the alley property line. He counted four properties with structures built to the alley property line. Mr. Villar explained he purchased his storage shed structure from Coast-to-Coast (also installed the storage shed structure) who told him he didn't need a permit to have it installed. The storage shed structure is free-standing and more than eight feet from the main building.

(Mr. Bray arrived during Mr. Villar's presentation.)

Per Mr. Villar's photos with structures built to the property line, Ms. Castle stated, no one else has come in for a Special Exception. Ms. Castle was unsure whether or not Code Compliance or Inspectors had cited those property owners. Staff received one phone call of inquiry.

During this time, there was a lengthy discussion amongst Staff and Board Members regarding the interpretations of the following, as they relate to Mr. Villar's property:

1. *"abutting the street";*
2. Special Exception B. 2. *"There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street";* and
3. *"structures in the same block on the same side of the street which is similar in nature".*

Mr. Melendez noted there are five buildings abutting an alley; however, we have no guidance when an alley is involved. In this example, he felt Board Members could interpret the language differently.

Ms. Osborn referred to the property to the left of the subject property and whether or not that property is in the same nature as the subject property. Regarding Section 2.16.050 B. 3. *"The modifications are in the same nature as the existing nonconforming lots ... "*, she stated, the language would be subject to interpretation. Ms. Osborn clarified the issue is whether or not the subject property receives a Special Exception based on the fact that there are two or more non-conforming lots of a similar nature. It is not the purview of this Board to rule on whether or not the other properties are legal or not.

Chair Cordova asked if Board Members had any questions for staff or the representative. There were none.

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

**MOTION:**

Motion made by Mr. Aguilar, seconded by Mr. Bray and **CARRIED TO APPROVE THE REQUEST FOR THE SPECIAL EXCEPTION B BASED ON EVIDENCE PROVIDED BY MR. VILLAR AND DUE TO TWO OR MORE LOTS THAT ARE NON-CONFORMING THAT ARE WITHIN THE SAME NATURE.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Bray, Cordova, Aguilar, Mendez, Melendez and Skarda

**NAY:** Mr. Garland

Motion passed. (8-1)

*Prior to the meeting, Staff distributed copies of Engineering & Construction Management Staff's memorandum approving the structural plans for Item 2.*

**ITEM 2:**

PZBA11-00004

7319 Kingman Drive

Francisco Avitia

Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3 (Residential) zone. This would permit the construction of a 17' by 18' carport that is proposed to be located to within 7 feet of the front property line. The required cumulative front and rear yard setback total is 50 feet in the R-3 zone district. The applicant is requesting a carport that will match the existing house in materials and design. The roof of the carport will rise no higher than the roof of the house. Engineering & Construction Management is reviewing the structural plans. **STAFF IS RECOMMENDING APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION K WITH THE CONDITION THAT TWO AND ONE-HALF FEET (2-1/2') OF CURB BE RECONSTRUCTED ON BOTH SIDES OF THE DRIVEWAY, PER SECTION 13.12.110:**

**13.12.110 - FLARING AT INTERSECTION OF ROADWAY.**

**Where the driveway and the roadway pavement meet, flaring of the driveway shall be permitted to allow safe easy turning of the vehicle either into or out of the property. The radius of the flare shall be as long as practical to provide free and safe turning movements, but shall in no case be less than two and one-half feet. For the purpose of this chapter, flares may be provided either by sloping the street curb, or by providing curb returns.**

Ms. Castle gave a PowerPoint presentation.

Mr. Jared Mendoza, Department of Transportation, Planning Section, concurred with Ms. Castle and added we are requesting the flaring for safety purposes. Per the code, widths for residential driveways are from a minimum 12' to a maximum 25'.

Mr. Adam Gallegos, contractor, explained the vehicles will enter the circular driveway from the street, access from the front. There will be room for the vehicles to utilize the circular driveway. He explained that he did not draw the site plan.

Ms. Jorgensen noted the site plan is missing the shed in the back and the width of the driveway on the right hand side (east); furthermore, the placement of the posts relative to the front door is not accurate. The site plan is incomplete.

Chair Cordova asked if Board Members had any questions for staff or the representative. There were none.

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





Ms. Castle gave a PowerPoint presentation.

Mr. Edgar Green, contractor, was present.

Chair Cordova asked if members of the audience were present to speak in favor of or in opposition to the application.

Chair Cordova asked if Board Members had any questions for staff or the representative. There were none.

**MOTION:**

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

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Garland, Bray, Cordova, Aguilar, Mendez, Melendez, and Skarda

**NAYS:** N/A

Motion passed. (9-0)

After the vote, Mr. Bray asked if there was any recourse on contractors who start work without permits. For example, a contractor may charge the homeowner for the permit; however, not apply for one and pockets the money. He asked if is there was a way to identify those contractors and stop that type of behavior.

Ms. Osborn explained the code provides that should the contractor come in for a permit after he has been caught without one, the fine is triple the original cost of the permit.

Ms. Castle responded this is a new contractor for this project; additionally, she did not find a building without permit case on file.

**PREVIOUS POSTPONEMENT:**

**ITEM 6:**

ZBA11-00002

7341 Royal Arms Drive

Rocio L. Corral

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A (Residential) zone. The request is for a 20' by 22' addition of which a 20' by 10' portion is proposed to encroach in the required rear yard setback and to be located to within 10' of the rear property line. The required front and rear yard setback cumulative total is 45 feet in the R-3A zone district. The applicant is requesting to add a game room, a portion of which will encroach into the required rear yard setback. A site visit shows that there is an existing slab for the proposed addition. The case was postponed at the February 14, 2011, meeting after it was noted that the slab on ground appeared to have a side setback of less than the 9 feet shown on the site plan. The applicant was requested to provide a revised site plan. On March 8th, the applicant requested postponement of her request until the April 11, 2011 meeting in order to provide the revised site plan. The applicant has provided a revised site plan that is accurately scaled. **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation.

Ms. Rocio Corral, applicant, was present.

Chair Cordova asked if Board Members had any questions for staff or the representative. There were none.

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

**MOTION:**

Motion made by Mr. Bray, seconded by Ms. Jorgensen and **UNANIMOUSLY CARRIED TO APPROVE.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Garland, Bray, Cordova, Aguilar, Mendez, Melendez, and Skarda

**NAYS:** N/A

Motion passed. (9-0)

**Other Business:**

7. Approval of Minutes: March 14, 2011

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

**MOTION:**

Motion made by Mr. Melendez, seconded by Mr. Gezelius **AND UNANIMOUSLY CARRIED TO APPROVE THE MARCH 14, 2011 MINUTES.**

**AYES:** Messrs. Gezelius, Garland, Cordova, Aguilar, Mendez, Melendez and Skarda

**NAYS:** N/A

**ABSTAIN:** Ms. Jorgensen and Mr. Bray

Motion passed. (7-2)

8. Discussion and action regarding revising Chapter 2.16, Zoning Board of Adjustment, 2.16.010 Appointments and Terms

At the previous ZBA meeting, Chair Cordova asked Staff if it were possible to revise Board Member terms whereby an existing Board Member would stay seated until a replacement was appointed. Staff does not recommend this as there are both Regular and Alternate Board Members.

Mr. Aguilar asked Staff if all alternate positions have been filled.

Ms. Castle responded currently there are six Regular Board Members and four Alternate Board Members appointed, total of 10. Should a Board Member’s term expire they may continue serving an additional 30 days.

Ms. Jorgensen noted, with the upcoming elections, a new City Council Representative could ask for our resignation.

Ms. Castle agreed and explained Staff will wait for all amendments/corrections and then come back to the Board with changes to the ordinance. She noted there was an item on the City Council agenda tomorrow regarding “Accessory Dwelling Units”; she will add that as an item for the next ZBA agenda.

Chair Cordova asked Board Members for their comments. There were none.

-----

**Item 4. PZBA11-00006, 11213 Quintana Drive**

Mr. Skarda asked Staff to clarify Section 2.16.050 C. 2. *“The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard”*. He felt the language should read “... three-fifths of the required rear yard setback”. He felt adding the word “setback” would be an easy clarification.

Ms. Castle explained it is assumed to be the rear yard setback.

-----

**MOTION:**

Motion made by Mr. Gezelius **AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:41 P.M.**

**AYES:** Ms. Jorgensen and Messrs. Gezelius, Garland, Bray, Cordova, Aguilar, Mendez, Melendez, and Skarda

**NAYS:** N/A

Motion passed. (9-0)

---

Linda Castle, Senior Planner