



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
MAY 9, 2011
1:30 P.M.**

Chair Cordova called the meeting to order.

The following Board Members answered roll call:

Mr. Rick Cordova, Chair
Ms. Alisa Jorgensen, Vice-Chair
Mr. Oscar Perez
Mr. Robert Garland
Mr. Rick Aguilar
Mr. Rigoberto Mendez
Mr. Jose Melendez
Mr. Lamar Skarda

The following City Staff were present:

Ms. Linda Castle, Planning & Economic Development, Planning, Senior Planner
Mr. Juan Estala, Engineering & Construction Management, Chief Plans Examiner
Mr. Robert Almonte, City Attorney's Office, Assistant City Attorney
Ms. Kimberly Forsyth, Planning & Economic Development, Planning, Lead Planner

CHANGES TO THE AGENDA

Staff requested PZBA11-00009 be postponed to the June 13, 2011, ZBA Meeting.

MOTION:

Motion made by Mr. Perez, seconded by Mr. Garland and **UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA.**

AYES: Ms. Jorgensen and Messrs. Perez, Garland, Aguilar, Cordova, Mendez, Melendez and Skarda

Motion passed. (8-0)

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



ITEM 1:

PZBA11-00009

5108 Round Rock Drive

Ramon and Rosa Piñon

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 24' by 20' carport that is proposed to encroach into the required front yard setback to within 5'4" 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 will match the existing house in materials and design. A site visit shows an addition that may encroach in the rear yard setback and a large accessory building which appears to be closer than 5 feet to the main house. Engineering & Construction Management reviewed the carport structural plans and notes that revisions are required. The contractor has been requested to provide revised structural drawings and a site plan showing all structures on the property and distances to property lines. **STAFF RECOMMENDATION IS PENDING.**

Staff requested PZBA11-00009 be postponed to the June 13, 2011, ZBA Meeting.

MOTION:

Motion made by Mr. Perez, seconded by Mr. Garland and **UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA.**

AYES: Ms. Jorgensen and Messrs. Perez, Garland, Aguilar, Cordova, Mendez, Melendez and Skarda

Motion passed. (8-0)

ITEM 2:

PZBA11-00010

7956 Sunnyfields Avenue

Bonafacio Favela

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would permit the existence of a 30' by 17' addition of which a 30' by 3' portion encroaches in the required rear yard setback and is located to within 17' of the rear property line. The required front and rear yard setback cumulative total is 50 feet in the R-3 zone district. The applicant is requesting the Special Exception for an addition he built without permit. **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION FOR ENCROACHMENT IN THE REAR YARD SETBACK, SUBJECT TO COMPLIANCE WITH BUILDING CODE AND PERMITTING REQUIREMENTS.**

Ms. Castle gave a PowerPoint presentation and noted the accessory structure did not require a permit.

Mr. Bonafacio Favela, 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.

ITEM 4:

PZBA11-00014

440 Raynolds Street

MC Realty, Inc.

Applicants request a Special Exception under Section 2.16.050 L (15 Years or More, Side Street Yard Setback) in an M-1 (Manufacturing) zone. This would permit an existing office building that is encroaching 10' into the required side street yard setback and that is located to within 0' of the side street property line. The required side street yard setback is 10' feet in the M-1 zone district. The ZBA approved a Special Exception (case ZBA10-00004) for this property on March 8, 2010, to legalize the encroachment into the side street yard setback, with conditions that the landscape wall and the decorative posts on the building which are encroaching into the City right-of-way be removed within 90 days. The approval was based on the facts that the owner was not responsible for the encroachment and the encroachment had existed for more than 15 years. Ownership of the property has changed since the March 2010 approval. The current owner is required to apply again for the Special Exception since one year has lapsed and the conditions of approval were not complied with. The landscape wall has now been removed; however, the posts that are part of the building wall cannot be removed without damaging the building structure. Please see enclosed information from the applicant and the applicant's engineer. The applicant is requesting that the conditions of the Special Exception be amended to allow an application for a Special Privilege through the City's Department of Transportation to permit the posts to remain in the public right-of-way. The Special Privilege would allow the applicant to pay the City for the use of 23.26 square feet of public right-of-way. The applicant has applied for the Special Privilege, and City staff supports the request which requires final approval by City Council. **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION L AS THE ENCROACHMENT HAS EXISTED FOR 15 YEARS OR MORE AND THE CURRENT OWNER IS NOT RESPONSIBLE, WITH THE CONDITION THAT THE POSTS THAT ARE LOCATED ON THE ENCROACHING PORTION OF THE BUILDING AND THAT ARE ENCROACHING INTO THE PUBLIC RIGHT-OF-WAY BE REMOVED BY MAY 31, 2011, OR THAT A SPECIAL PRIVILEGE LICENSE BE SOUGHT AND GRANTED TO ALLOW THE ENCROACHMENT TO CONTINUE, OR THAT THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY BE VACATED.**

Ms. Castle gave a PowerPoint presentation.

Ms. Emma Schwartz, Medical Center of the Americas Foundation, representative, 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. Melendez, seconded by Mr. Mendez and **UNANIMOUSLY CARRIED TO APPROVE THE REQUEST FOR THE SPECIAL EXCEPTION L AS THE ENCROACHMENT HAS EXISTED FOR 15 YEARS OR MORE AND THE CURRENT OWNER IS NOT RESPONSIBLE, WITH THE CONDITION THAT THE POSTS THAT ARE LOCATED ON THE ENCROACHING PORTION OF THE BUILDING AND THAT ARE ENCROACHING INTO THE PUBLIC RIGHT-OF-WAY BE REMOVED BY MAY 31, 2011, OR THAT A SPECIAL PRIVILEGE LICENSE BE SOUGHT AND GRANTED TO ALLOW THE ENCROACHMENT TO CONTINUE, OR THAT THE ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY BE VACATED.**

AYES: Ms. Jorgensen and Messrs. Perez, Garland, Aguilar, Cordova, Mendez, Melendez and Skarda

Motion passed. (8-0)

ITEM 5:

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. This case was postponed from the April 11, 2011, meeting to allow the applicant to submit an accurate elevation drawing and a revised site plan showing correct location of the driveway on the right and showing the accessory building in the rear yard. The applicant has submitted a revised site plan and elevation drawing. 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 has reviewed and approved the structural drawings. Staff is recommending that 2-1/2 feet of curb be reconstructed on both sides of the carport driveway apron per Section 13.12.110. **STAFF RECOMMENDS 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 CARPORT DRIVEWAY APRON, PER SECTION 13.12.110.**

Ms. Castle gave a PowerPoint presentation and noted the representative submitted a revised Site Plan. Additionally, **STAFF RECOMMENDS APPROVAL WITH THE CONDITION THAT 2.5 FEET OF CURB BE RECONSTRUCTED FOR THE CARPORT DRIVEWAY ENTRANCE AND THAT THE APPLICANT GET A PERMIT FOR THE CURB CUT FOR THE OTHER SIDE.** The neighbor, on the right side, has agreed to allow the applicant to use a portion of his property for the applicant's driveway ingress and egress.

Mr. Adam Gallegos, representative, showed pictures (from his cell phone) of the driveway/curb to Board Members.

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. Garland, seconded by Mr. Melendez and **UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Ms. Jorgensen and Messrs. Perez, Garland, Aguilar, Cordova, Mendez, Melendez and Skarda

Motion passed. (8-0)

Other Business:

6. Approval of Minutes: April 11, 2011

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

MOTION:

Motion made by Mr. Melendez **AND UNANIMOUSLY CARRIED TO APPROVE THE APRIL 11, 2011 MINUTES.**

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

NAYS: N/A

ABSTAIN: Mr. Perez

Motion passed. (7-1)

7. Discussion and action regarding Accessory Dwelling Units.

Ms. Kimberly Forsyth gave a PowerPoint presentation regarding changes to Title 20, Accessory Dwelling Units (ADU). (presentation on file) She gave background information and noted that City Council approved the amendments to the Code, April, 2011.

Ownership

Either the principal or accessory unit must be owner-occupied; one year temporary absence is permitted

Occupancy

Per the International Residential Code

Footprint

May not exceed 50% of the main structure and 40% of the rear yard area; minimum lot size 5,500 square feet

Size/Height

Size – 800 square feet for the maximum gross floor for lots less than 8,000 square feet

Height – Height may not exceed the height of the principal unit

Setbacks

ADUs not allowed in the front yard. Must be a minimum of 10’ from the property line; if adjacent to an alley, the setback may be reduced to 5’ or 0’ depending on the alley width.

Miscellaneous

No more than one bedroom

Design

ADU shall resemble the principal unit in scale and material; roof pitch, siding and color shall match; windows similar in type, trim and proportions

Parking

One on-site parking space if accessed from an alley; access from an alley is permitted if alley is paved.

Miscellaneous

One ADU per lot; privacy trees along rear/side property line if unit is taller than 15’; or windows not permitted on walls that abut residential use.

NO ACTION WAS TAKEN.

8. Discussion and action on proposed changes to Chapter 2.16, Special Exceptions.

Ms. Castle distributed a copy of Staff’s suggested changes to Chapter 2.16, Special Exception. She requested Board Members bring their suggestions to the June 13th ZBA meeting.
(copy of Staff suggested changes on file)

Ms. Castle noted that Board Members may want to consider:

1. deleting #5, *The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet*; from the Special Exception C; and
2. deleting Special Exception J (eminent domain)

NO ACTION WAS TAKEN.

MOTION:

Motion made by Mr. Skarda, seconded by Mr. Perez **AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:13 P.M.**

AYES: Ms. Jorgensen and Messrs. Perez, Garland, Aguilar, Cordova, Mendez, Melendez, and Skarda

NAYS: N/A

Motion passed. (8-0)

Linda Castle, Senior Planner