



**CITY DEVELOPMENT DEPARTMENT-PLANNING
ZONING BOARD OF ADJUSTMENT MEETING MINUTES
COUNCIL CHAMBERS, CITY HALL BUILDING
SEPTEMBER 23, 2013
1:30 P.M.**

Chairman Concha called the meeting to order at 1:35 p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman
Mr. Robert Garland, Vice-Chairman
Mr. Sam Barela
Mr. Rick Cordova
Mr. Jeff Gonzalez
Mr. Michael Bray
Mr. Lamar Skarda

The following City Staff were present:

Ms. Linda Castle, City Development Department, Planning, Senior Planner,
ZBA Secretary
Mr. Alex Hoffman, City Development Department, Planning, Lead Planner
Mr. Juan Estala, City Development Department, Building Permits &
Inspections, Chief Plans Examiner
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney

CHANGE TO THE AGENDA

Agenda item #2 – PZBA13-00024, 1901 Roswell Road

Applicant requests postponement, to make proper preparation/presentation,
to the November 11, 2013 regularly scheduled ZBA meeting.

MOTION:

***Motion made by Mr. Garland, seconded by Mr. Gonzalez AND UNANIMOUSLY
CARRIED TO APPROVE THE CHANGE TO THE AGENDA.***

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ITEM 1:

PZBA13-00023 5624 Sarah Anne Avenue Gladys M. Gardiner
Applicant requests Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would allow an existing 14' by 12' addition of which a 14' by 9' portion encroaches into the required rear yard setback and is located to within 16' of the rear property line. Further, this would allow a new 16' by 20' carport that is proposed to encroach into the required front yard setback and to be located to within 5 feet of the front property line. The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet. The applicant is requesting to build a carport over the driveway that will match the house in design and materials. There is no utility easement at the front property line. Building Permits & Inspections reviewed the structural plans and noted several issues with the structural plans. The applicant's representative submitted revised structural plans which have been approved. Further, a portion of the porch in the rear yard has been enclosed for a storage room, and the request has been revised to include legalizing the enclosure. The case was postponed at the August 12, 2013 meeting for four weeks, to the next regularly scheduled meeting.

STAFF RECOMMENDATION IS FOR APPROVAL AS THE REQUEST MEETS THE REQUIREMENTS OF SPECIAL EXCEPTIONS C AND J.

Ms. Castle gave a PowerPoint presentation and noted that there were no inquiries from the neighbors.

Mr. Cordova asked Mr. Andres Lopez, representative, if the existing carport structure would be reduced.

Mr. Lopez responded yes, it will be reduced to meet the requirements.

MOTION:

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

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ITEM 2:

PZBA13-00024 1901 Roswell Road Elena De La Rosa

Agenda item #2 – PZBA13-00024, 1901 Roswell Road

Applicant requests postponement, to make proper preparation/presentation, to the November 11, 2013 regularly scheduled ZBA meeting.

MOTION:

Motion made by Mr. Garland, seconded by Mr. Gonzalez AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGE TO THE AGENDA.

ITEM 3:

PZBA13-00026 10920 Art Wall Drive Miguel R. & Rosie G. Carrillo

Applicants request a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3 (Residential) zone. This would allow a new 22.5' by 21' (472.50 square feet) carport that is proposed to encroach in the required front yard setback and to be located to within 9 feet of the front property line. The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet. The applicants are requesting to add a carport which will match the house in materials and design and will rise no higher than the existing roof of the house. There is no utility easement at the front property line. The structural plans have been reviewed and approved by Building Permits & Inspection.

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

Ms. Castle gave a PowerPoint presentation and noted Staff did receive one phone call from a neighbor who is objecting to the carport because there are no other carports in the area.

Chairman Concha asked if anyone in the audience wished to speak in favor of or opposition to the request. *There was no response.*

Mr. Miguel Carrillo, property owner, was present.

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MOTION:

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

ITEM 4:

PZBA13-00028 12225 Chato Villa Road Albert Martinez
Applicant requests Special Exceptions under Section 2.16.050 C (Rear Yard Setback) in an R-3A/sc (Residential/special contract) zone. This would allow a 239 square feet addition which is proposed to encroach in the required rear yard setback and to be located to within 10 feet of the rear property line. The required cumulative front and rear yard setback total is 45 feet in the R-3A zone district. The applicant is requesting an addition that will encroach into the required rear yard setback.

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

Ms. Castle gave a PowerPoint presentation and noted Staff did receive one phone call from a neighbor who is concerned that the applicant will be storing construction materials for his business.

Chairman Concha asked if anyone in the audience wished to speak in favor of or opposition to the request. *There was no response.*

Mr. Gus Loy, representative, explained that the property owner is *not* in the construction business; therefore, no construction materials will be stored.

MOTION:

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

ITEM 5:

PZBA13-00029 9140 Morelia Road Orlando & Bertha V. Garcia
Applicants request Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 J (Carport over a Driveway) in an R-3/sc (Residential/special contract) zone. This would allow an existing 42.25' by 7' (296 square feet) portion of a porch addition which encroaches into the required rear yard setback and is located to within 12.75 feet of the rear

City Development Department

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property line. Further, this would allow the addition of a new 17' by 20' carport that is proposed to encroach into the required front yard setback and to be located to within 10 feet of the front property line. The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet. The applicant is requesting to legalize a porch addition that is larger than the 180 square feet of porch permitted to encroach in the rear yard setback. In order to meet the special exception requirements, the porch shall be reduced by 32 square feet (2.75' x 11.67'). There is a building permit #94-27868 for enclosure of a patio. Further, the applicant is requesting to build a carport over the driveway which will match the house in materials and design and will rise no higher than the roof of the house. There is no utility easement at the front property line. Building Permits & Inspections has reviewed and approved the carport structural plans.

STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUESTS AS THEY MEET THE REQUIREMENTS OF THE SPECIAL EXCEPTIONS C AND J.

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

Chairman Concha asked if anyone in the audience wished to speak in favor of or opposition to the request. *There was no response.*

Chairman Concha asked if Board Members had any questions for Staff or the Representative.

Per the presentation photos of the property, Mr. Bray noticed that the entire backyard was concrete; is no grass to absorb water. Additionally, whereas drainage should flow to the street, it appeared as though the slope of the backyard was toward the rock wall.

Mr. Andres Lopez, Representative, responded that although it may appear the slope is toward the rock wall, the property owners do not seem to have any problem with water collecting on their property.

Mr. Cordova clarified that the Building Permits & Inspections Staff would review the plans to determine the drainage flow.

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Mr. Estala concurred with Mr. Cordova; additionally, the construction will be reviewed by Building Inspectors.

Ms. Castle added that a portion of the existing enclosure will be demolished. Furthermore, Staff will research whether or not on-site ponding is on this property.

MOTION:

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

AFTER THE VOTE

Mr. Gonzalez asked Staff if there is language in the ZBA Ordinance that addresses drainage, forcing drainage toward the street, and mosquito abatement concerns.

Ms. Castle responded Board Members may place a condition(s) on any approval. If a property is located in an on-site ponding area, there could be a drainage issue(s).

Mr. Gonzalez questioned whether or not drainage should be a concern of the ZBA or if *drainage* fell under the Health Department or perhaps the Code Compliance Department.

Ms. Castle responded drainage is a concern; however, for this case, Staff had not considered drainage or on-site ponding. Staff will research drainage, on-site ponding for this property.

Mr. Cordova clarified the ZBA does not approve drainage; furthermore, drainage is not within the purview of the ZBA.

Mr. Bray noted that the property owners were modifying the back patio; furthermore, there is a gutter and downspout in the rear yard. He felt Board Members should have some purview over the design, at least.

When approving applications, Mr. Cordova explained, Board Members can request that Staff review the plans, specific to drainage.

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Mr. Bray emphasized he did not want to see drainage, and relevant matters, to be overlooked.

Mr. Estala concluded that Staff will verify the plans regarding drainage for this property. He noted that there appears to be an easement located in the rear yard.

Other Business

6. Approval of Minutes: August 12, 2013

Chairman Concha asked if the Board if they had any additions, corrections and/or revisions.

PAGE 5, ITEM 4: PZBA 13-00024, 1901 ROSWELL ROAD

Mr. Bray referred to the following sentence "Mr. Bray wondered if the request for the carport over a driveway included the second curb cut.

Ms. Castle noted the property owner has not yet submitted plans for the carport over a driveway; however, Staff would research whether or not the property owner submitted a request for a second curb cut permit.

MOTION:

Motion made by Mr. Bray, seconded by Mr. Garland AND UNANIMOUSLY CARRIED TO APPROVE THE AUGUST 12, 2013 MINUTES.

ABSTAIN: Chairman Concha

Before adjourning, Ms. Castle informed Board Members that the October 14th ZBA Meeting will not be held in Council Chambers. Staff will be looking for other meeting room arrangements and will notify Board Members.

Mr. Skarda asked Staff if Board Members were approved to park their vehicles in the City Hall parking lot.

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Ms. Castle will send the Board an email regarding parking arrangements for Board Members.

MOTION:

Motion made by Mr. Skarda, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:04 P.M.

Linda Castle, Senior Planner

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