



Planning & Inspections Department

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**CITY 3 BUILDING, 801 TEXAS AVENUE, BASEMENT, THORMAN CONFERENCE ROOM
SEPTEMBER 14, 2015, 1:30 P.M.**

Chairman Concha called the meeting to order at 1:34 p.m., quorum present.

The following Board Members answered roll call:

Mr. Robert Concha, Chairman
Mr. Robert Garland, Vice-Chairman
Mr. Roy Gilyard, Vice-Chairman
Ms. Margaret Livingston
Mr. Luis De La Cruz (1:38 p.m.)
Mr. Sam Barela
Mr. Rick Cordova
Mr. James Graham
Ms. Bertha Miecowski

The following City staff members were present:

Mr. Michael McElroy, Senior Planner, Planning & Inspections Department
Mr. Art Rubio, Lead Planner, Planning & Inspections Department
Ms. Kristen Hamilton-Karam, Assistant City Attorney, City Attorney's Office (1:37 p.m.)
Ms. Brie Franco, Assistant City Attorney, City Attorney's Office (1:37 p.m.)
Mr. Tony De La Cruz, Interim Chief Plans Inspector, Planning & Inspections

CHANGES TO THE AGENDA

None.

PUBLIC HEARING

REGULAR AGENDA:

ITEM 1:

PZBA15-00021 301 N. Copia Street Raymundo M. and Lucy G. Delgado
Applicants request a Special Exception under Section 2.16.050 B (Two or More Non-Conforming) in an M-1 (Manufacturing) zone.

This would allow an existing 760 sq. ft. warehouse which is proposed to encroach 211 sq. ft. into the required rear yard setback and to be located to within 1 foot of the rear property line. The required rear yard setback in the M-1 zone district is 10 feet.

The applicants are requesting an existing warehouse to be built to 1 foot of the rear property line. There are several properties in the same block and in the block across the street with a similar nonconforming situation, built to the rear property line. At least six of these properties exist with similar encroachments: 3605, 3527, 3517, 3509, and 3501 Durazno.

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The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDS APPROVAL AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION B.

Mr. McElroy gave a presentation.

Mr. Jesus Jaime, representing the property owners, responded to comments and questions from Board Members.

1st MOTION:

Motion made by Ms. Livingston, seconded by Mr. Graham AND UNANIMOUSLY CARRIED TO APPROVE.

Ms. Irma Wiest, neighborhood resident, requested she be allowed to comment on the property.

2nd MOTION:

Motion made by Mr. De La Cruz, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO RE-OPEN THE CASE.

PUBLIC COMMENT

1. Ms. Irma Wiest, neighborhood resident, addressed numerous health and safety and code compliance violations for this property.
2. Mr. Garland Crooks, husband of the property owner at 3502 Gateway Boulevard East, referred to the *ZBA meeting notification letter for properties located within 300 feet of the property in question*. He requested staff explained the numbered properties and their meaning; his property was number 244. Regarding the alleyway between Gateway Boulevard East and the buildings directly behind, on the Copia side, Mr. Crooks asked if that alley would be closed off.

Chairman Concha and Mr. McElroy addressed Mr. Crooks concerns.

Chairman Concha, Vice-Chairman Garland and Board Members De La Cruz and Livingston commented.

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3rd MOTION:

Motion made by Ms. Livingston TO INCLUDE A TIMELINE FOR THE DEMOLITION. SHOULD THE PROPERTY OWNER FAIL TO COMPLY WITH THE TIMELINE, STAFF WOULD POST AN ITEM ON THE AGENDA.

Motion failed due to lack of a second.

The following staff members responded to comments and/or questions from Board Members and members of the public:

1. Ms. Hamilton-Karam, Assistant City Attorney,
2. Mr. McElroy, Senior Planner
3. Mr. Art Rubio, Lead Planner
4. Mr. Michael McElroy, Planner
5. Mr. Tony De La Cruz, Senior Plans Examiner

After discussion amongst Board Members and staff, Chairman Concha suggested postponing the request to the next ZBA meeting. He explained, as an applicant or representative, it would be unfortunate to find out, after they left the meeting, the Board amended/reversed their decision without their having an opportunity to comment.

Should the Board postpone the request, Mr. Rubio recommended they add conditions to their previously approved motion language.

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 Ms. Wiest was satisfied with the information she received from staff and Board Members.

Ms. Wiest stated yes.

FINAL MOTION:

Motion made by Mr. Graham, seconded by Ms. Miecowski AND UNANIMOUSLY CARRIED TO RE-CLOSE THE REQUEST, LEAVE IT AS ORIGINALLY APPROVED, NO CHANGES.

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ITEM 2:

PZBA15-00025

10056 Wapiti Street

Jamie and Maria Diaz

Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3A (Residential) zone.

This would permit the construction of a 500 sq. ft. addition to the existing single-family residence, of which approximately 164 square feet (22.58' x 7.3') encroaches into the required front and rear yard cumulative setback and is located to within 16.4 feet of the rear property line. The required rear setback is 15 feet and the required front and rear yard setback cumulative total is 45 feet in the R-3A zone district.

The existing residence was constructed in 2002. The property was cited for illegal construction, prompting the present ZBA request. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDS APPROVAL WITH A CONDITION THAT THE ACCESSORY STRUCTURE ENCROACHING INTO THE SIDE STREET YARD BE REMOVED OR RELOCATED PER CITY CODE.

Mr. McElroy gave a presentation.

Prior to giving testimony, Chairman Concha swore in Mr. Robert Mimbela, representative for the applicants.

Mr. Robert Mimbela, R & L Mimbela Enterprises LLC, representing the applicants, was present.

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

Mr. Tony De La Cruz, Senior Plans Examiner, explained, per the site plan submitted there is an existing accessory structure; however, per the site visit (photographs), staff could not identify the location of that structure. For the applicants, should that structure exist and be located less than five feet of the main structure, roof to roof, that structure is considered an addition and would not be allowed.

Mr. Mimbela replied the structure in question was removed.

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Chairman Concha asked Board Members if they had any further comments and/or questions for staff or the property owner. *There were none.*

MOTION:

Motion made by Mr. Graham, seconded by Ms. Mieczkowski AND UNANIMOUSLY CARRIED TO APPROVE.

ITEM 4:

PZBA15-00027 14252 Meadow Lake Avenue Cesar A. De La Fuente
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in a P-R II (Planned Residential II) zone.

This would permit the extension of an existing patio, of which 36.66 sq. ft. (21.66' x 1.66') would encroach to within 10' of the rear property line. The required rear setback is 20 feet and the required front and rear yard cumulative setback does not apply in the PR-II zone district.

The existing residence was constructed in February 28, 2014. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDS APPROVAL AS THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.

Mr. McElroy gave a presentation.

Mr. Eric Madrigal, representing the applicant, was present.

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 Board Members if they had any comments and/or questions for staff or the applicant. *There were none.*

MOTION:

Motion made by Vice-Chairman Garland, seconded by Vice-Chairman Gilyard AND UNANIMOUSLY CARRIED TO APPROVE.

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Other Business – Discussion and Action:

5. Approval of Minutes: August 24, 2015

Chairman Concha asked Board Members if they had any additions, corrections and/or revisions. *There were none.*

MOTION:

Motion made by Mr. Graham, seconded by Mr. Gilyard AND UNANIMOUSLY CARRIED TO APPROVE THE AUGUST 24, 2015 MEETING MINUTES AS PRESENTED.

MOTION:

Motion made by Mr. Luis De La Cruz, seconded by Vice-Chairman Gilyard AND UNANIMOUSLY CARRIED TO ADJOURN.

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