





Mr. Freddie Oliver, F & O Construction, representing the applicant, stated the property owners wish to continue the roof overhang, with gutters, as is. He explained he had started the construction project without permit and added the plan is to cut back the wall, the two windows will be moved; however, he would not be cutting back any support.

Ms. Castle explained that regarding the canopy structure in the rear yard, an accessory structure is a structure with a roof; additionally, Staff recommends only 180 square feet of accessory structure. Ms. Castle suggested the applicant apply for a permit for the accessory structure; however, if the accessory structure is less than 120 square feet, a permit is not required.

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 reiterated Staff recommends approval with the condition that a permit be obtained for the accessory structure and that a distance of 4' be maintained from the edge of the pool to the building structure, according to the revised site plan.

Chair Cordova asked if there were any other questions and/or comments. There being none.

**1<sup>st</sup> MOTION:**

Motion made by Mr. Bray, seconded by Mr. Melendez **TO ACCEPT STAFF RECOMMENDATION.**

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

**NAYS:** Mr. Aguilar

Motion failed. (6-1)

Chair Cordova explained due to a quorum of Board Members present, the Zoning Board of Adjustment requires an affirmative vote of seven for the request to be approved. The request was for a rear yard setback; therefore, there can be no encroachment into the rear yard setback. Due to the failed motion, the applicant must wait one year before submitting another application.

Mr. Aguilar explained he had concerns regarding moving the structure back 4' and the issue of support.

If the roof stays, Mr. Oliver explained, the support already exists, only the corner was to be cut back.

**2<sup>nd</sup> MOTION:**

Motion made by Ms. Jorgensen and unanimously carried **TO REOPEN ZBA10-00042 FOR DISCUSSION.**

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

Motion passed. (7-0)



Mr. Melendez explained that a corner (a 4' cantilever) of the roof cannot be supported by the existing beam; it would have to be designed by an engineer.

As he remembers, Mr. Oliver explained, the space between that corner and the edge of the pool is 3 feet; therefore, the cantilever would only be 1' to 1-½'. The existing post for the original patio sits inside the wall on both ends, roughly 4 feet back in.

Mr. Estala concurred with Mr. Melendez and added the posts will have to have a 4 foot separation.

There was discussion amongst the Board Members, Staff and Mr. Oliver regarding the accuracy of the site plan dimensions and lack of dimensions.

Chair Cordova asked if Mr. Oliver would like the Board to postpone the request to the next ZBA meeting.

Mr. Oliver responded yes, he would like a postponement; additionally, he will go to the site and take the exact measurements himself.

Ms. Jorgensen requested Mr. Oliver correct the site plan regarding the location of the pool to the building structure; additionally, that there be uniform measurement from the structure to the pool.

**3<sup>RD</sup> AND FINAL MOTION:**

Motion made by Mr. Aguilar, seconded by Mr. Gezelius and unanimously carried **TO WITHDRAW THE FIRST MOTION AND POSTPONE UNTIL THE BOARD RECEIVES A BETTER SITE PLAN.**

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

Motion passed. (7-0)

**ITEM 3:**

ZBA10-00043

5113 Mumm Lane

Effie Gray Stokes

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-4 (Residential) zone. This would permit an addition of which a 20' by 5' portion (100 square feet) is proposed to encroach 5' into the required rear yard setback and to be located to within 15' of the rear property line. The required front and rear yard setback cumulative total is 45 feet in the R-4 zone district. The applicant began work on a patio but decided she wanted to enclose the entire patio. She is requesting the Special Exception for the encroachment in the rear yard.

Ms. Castle gave a PowerPoint presentation and noted **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE SPECIAL EXCEPTION.**

Chair Cordova asked if the applicant or representative was present.





Chair Cordova asked if the applicant or representative was present.

Staff noted there were no utility easements in the front.

Mr. Francisco Gil, applicant, was present and gave background information regarding the 1973 construction.

Ms. Osborn clarified Staff is recommending approval of the carport and rear yard setback Special Exceptions with the condition that the accessory structure be 180 square feet, per the current code.

Board Members and Staff discussed Special Exception requirements/encroachments regarding the rear patio, the accessory structure and the side porch. If the accessory structure is located within 3' of the property line, the accessory structure must be fire rated.

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

Chair Cordova asked if there were any other questions and/or comments. There being none.

**MOTION:**

Motion made by Ms. Jorgensen, seconded by Mr. Aguilar AND UNANIMOUSLY CARRIED TO APPROVE WITH THE FOLLOWING CONDITIONS:

1. THAT THE APPLICANT PROVIDE PROOF THAT THE SIDE PORCH HAS BEEN REDUCED IN ORDER TO MEET THE 5' MINIMUM SIDE SETBACK;
2. THAT THE STORAGE SHED BE A MAXIMUM OF 180 SQUARE FEET WITH THE ADDED CONDITION THAT IF THE DISTANCE BETWEEN THE STORAGE SHED AND THE PROPERTY LINE IS LESS THAN 3', THE SHED BE PROPERLY FIRE RATED;
3. APPROVE THE SPECIAL EXCEPTION FOR THE REAR PATIO;
4. APPROVE THE SPECIAL EXCEPTION FOR THE CARPORT; AND
5. THAT CONFIRMATION BE BROUGHT TO STAFF PRIOR TO CONSTRUCTING THE CARPORT.

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

Motion passed. (7-0)

**Other Business:**

5. Approval of Minutes: September 13, 2010

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



**MOTION:**

Motion made by Mr. Aguilar and unanimously carried **TO ACCEPT THE SEPTEMBER 13, 2010 ZBA MEETING MINUTES.**

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

**ABSTAIN:** Mr. Bray

Motion passed. (6-0)

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No further discussion. Meeting was adjourned.

**ADJOURNMENT:**

**MOTION:**

Motion made by Mr. Gezelius and unanimously carried **TO ADJOURN AT 2:58 P.M.**

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

Motion passed. (7-0)

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Linda Castle, Senior Planner

