



**CITY DEVELOPMENT DEPARTMENT
ZONING BOARD OF ADJUSTMENT MEETING MINUTES
CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
NOVEMBER 12, 2012
1:30 P.M.**

Meeting called to order at 1:30p.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. Scott Walker
Mr. Lamar Skarda

The following City Staff were present:

Mr. Michael McElroy, City Development Department, Planning
Mr. Art Rubio, City Development Department, Senior Planner
Mr. Juan Estala, City Development Department, Building Permits & Inspections, Chief Plans Examiner
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney

CHANGES TO THE AGENDA

None.

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Mr. McElroy responded that is Staff's preference; however, Board Members do have discretion on that.

Mr. Adan Lozano, representing the property owner, explained that due to the additional cost of the brick, the property owner is requesting that the pipe columns be left as they exist currently. He noted the carport has been in existence since 1986, not 1996 as read by Staff. Mr. Lozano stated the existing carport does not exceed the height of the house. He explained that he had brought with him certified notarized letters from neighbors stating they did not have any issue(s) with the carport. (Copies of letters on file.)

FOR CLARIFICATION

Mr. McElroy clarified that the 1996 comment was indicative of the best image of the carport Staff could locate, whether or not the carport existed prior to 1996.

Mr. Cordova asked if the carport roof drains into the neighbor's properties.

Mr. Lozano responded no, via gutters, the water drains off to the side. He explained that all the carport columns are made of wood.

Mr. Cordova wondered if Staff had any issues/concerns regarding the square footage of the storage sheds.

Mr. Rubio responded, when added together, the square footage of the two storage sheds does not exceed the square footage allowed for accessory structures.

MOTION:

Motion made by Mr. Gonzalez, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO ADOPT THE STAFF RECOMMENDATION.

ITEM 2:

PZBA12-00037 10740 Opalstone Street Cesar and Beatriz Alvarado
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would permit an existing 21'8" by

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27' addition of which a 21'8" by 10' portion encroaches into the required rear yard setback and is located to within 12.5' feet of the rear property line. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district. The applicant got a building permit for the addition; however, it is noted by the Plan Review Section as being issued in error and without prior approval from the ZBA for the encroachment into the rear yard setback. The addition is two stories and has been measured by the building inspector at 25 feet in height. **STAFF RECOMMENDATION IS FOR APPROVAL AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C WITH THE CONDITION THAT THE OWNER GETS A BUILDING PERMIT FOR THE ACCESSORY BUILDING AND THAT IT BE FIRE RATED CONSTRUCTION AS REQUIRED PER THE CODE.**

Mr. McElroy gave a PowerPoint presentation.

Mr. Juan Estala, Chief Building Inspector, stated he was not aware if the applicants had submitted documents regarding fire proofing the accessory building.

Mr. and Mrs. Alvarado, property owners, were present. Mr. Alvarado explained that he had hired a contractor to construct the addition to his home. Additionally, Mr. Alvarado had told this contractor that everything had to be in compliance with City Code. However, when the City Inspector came to inspect the new addition, it was discovered that the addition was encroaching into the rear yard setback. Mr. Alvarado explained that the contractor has walked off the project and left him with this problem.

MOTION:

Motion made by Vice-Chairman Garland, seconded by Mr. Walker AND UNANIMOUSLY CARRIED TO APPROVE THIS ADDITION THE WAY IT IS DRAWN AND HAS BEEN PERMITTED WITH THE EXCEPTION THAT THE EXISTING STORAGE ROOM GET FIRE RATED AS PER CITY REQUEST.

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Prior to the meeting, Staff distributed copies of the written approval from Building Permits & Inspections of the structural drawings.

ITEM 3:

PZBA12-00038 716 Cascade Lane Victor Eloy and Monica Medina Minjarez
Applicants request a Special Exception under Section 2.16.050 J (~~Driveway over a Carport~~) (**Carport over a Driveway**) in an R-3 (Residential) zone. This would permit a 20.5' by 20.5' (424 square feet) carport located to within 4 feet of the front property line in an R-3 (Residential) zone district. The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district. The owner built a carport without permit. They came in to request an addition to their master bedroom and were told they needed to legalize their carport. The carport is slightly larger than would be permitted by the Special Exception J. There is no utility easement at the front property line. He is required to cut back the carport to meet the 424 square feet permitted size. The carport matches the house in materials and design, with a roof that rises no higher than the roof of the house. Building Permits & Inspections has reviewed the structural plans. **STAFF RECOMMENDATION IS FOR APPROVAL OF THE SPECIAL EXCEPTION J FOR A 424 SQUARE FEET CARPORT, PENDING WRITTEN APPROVAL FROM BP&I OF THE STRUCTURAL PLANS, AND WITH A CONDITION THAT THE 432 SQUARE FEET BEDROOM ADDITION IS COMPLETED WITHIN 12 MONTHS OF THE ZBA APPROVAL.**

Mr. McElroy gave a PowerPoint presentation.

Mr. and Mrs. Minjarez, property owners, were present.

Mr. Cordova wondered why Staff was including the bedroom addition with this case.

Mr. Art Rubio explained that the calculation for the size of the carport is slightly larger than would be permitted by the Special Exception J; therefore, the bedroom addition must be taken into consideration so that the property owners are permitted to include the addition as part of the overall area.

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MOTION:

Motion made by Mr. Skarda, seconded by Mr. Walker AND UNANIMOUSLY CARRIED TO APPROVE PER STAFF RECOMMENDATIONS.

ITEM 4:

PZBA12-00039 3352 Scarlet Point Drive Mencer Homes, Inc.
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone. This would allow the existence of a new residential structure which is located to within 4.3' of the southwesterly side property line. The required side yard setback is 5 feet in the R-4 zone district. The applicant constructed a new residence that is encroaching 0.7 feet (8.4 inches) into the southwesterly side setback. Mencer Homes, Inc. has submitted a letter stating the error is inadvertent and unintentional. This is their only request for the builder error in the past 12 months. **STAFF RECOMMENDATION IS FOR APPROVAL AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION.**

Mr. McElroy gave a PowerPoint presentation.

Mr. Manuel Rojas, Vice-President, Mencer Homes., Inc., was present.

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

MOTION:

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

ITEM 5:

PZBA12-00040 1117 Thunderbird Drive Robert & Leslie Beckoff
Applicants request Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 L (Front Yard Setback) in an R-2 (Residential) zone. This would allow an existing approximately 20.8' wide by 7.5' portion (156 sq. ft.) of an existing structure that encroaches into the required rear yard setback and is located to within 17.5' of the rear property line. This would also allow a new 19.5' by 34' addition of which a 19.5' by 10' portion is

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proposed to encroach into the required front yard setback and to be located to within 25' of the front property line. The required front and rear yard cumulative setback total is 60 feet in the R-2 zone district. The owner is requesting a garage addition that is proposed to encroach into the required front yard setback. Also, a measurement of the distance from the building to the rear property line shows that the existing house was built encroaching in the rear yard setback. The application for the Special Exception for the new addition in the front was changed to add the request for the rear yard encroachment. **STAFF RECOMMENDATION IS FOR APPROVAL AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTIONS C AND L.**

Mr. McElroy gave a PowerPoint presentation.

Mr. and Mrs. Beckoff, property owners, were present.

Chairman Concha asked if anyone in the audience wished to speak in favor of or in opposition to the request.

Mr. Robert Monarez, General Manager, Coronado Country Club, explained that the Country Club had concerns regarding the rear yard encroachment as the property owner's home is located near the golf course at the Number 2 green. Furthermore, Mr. Monarez explained that the proposed encroachment would increase the probability of the home being hit by golf balls. Finally, he noted that it is the responsibility of the golfer, not the Country Club, to replace any broken windows, etc.

MOTION:

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

Other Business

6. Approval of Minutes: October 8, 2012

Chairman Concha asked if Board Members had any additions/corrections/revisions to the minutes. There was no response.

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Motion made by Mr. Cordova, seconded by Vice-Chairman Garland AND UNANIMOUSLY CARRIED TO APPROVE THE OCTOBER 8, 2012 MEETING MINUTES.

ABSTAIN: Mr. Walker

7. Reminder – Ethics Training Video

Mr. Rubio reminded Board Members that they have until December 30, 2012 to complete the Ethics Training. The City has posted the training online at: <http://home.elpasotexas.gov/city-attorney/ethics.php>. Following completion of the training, Board Members were asked to notify Ms. Castle. Mr. Rubio noted which Board Members had/had not attended the Ethics training to date.

MOTION:

Motion made by Mr. Gonzalez, seconded by Mr. Barela AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 2:05 P.M.

Linda Castle, Senior Planner

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