



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
2ND FLOOR – CITY COUNCIL CHAMBER  
DECEMBER 10, 2007  
1:30 P.M.**

The Zoning Board of Adjustment meeting was called to order at 1:30 p.m. by Chairman Larry Nance.

The following Board Members answered roll call:

- Mr. Larry Nance (Chair)
- Mr. Robert Veliz (Vice-Chairman)
- Mr. Jose Melendez
- Mr. Rick Cordova
- Mr. Randy Bowling
- Mr. Samuel J. Barela
- Mr. David Marquez
- Mr. Rigoberto Mendez

The following City staff members were present:

- Ms. Mirian Spencer, Development Services Department, Planner
- Ms. Linda Castle, Development Services Department, Senior Planner
- Mr. Tony De la Cruz, Development Services Department, Building Plans Examiner
- Mr. Ernie Rodriguez, City Attorney's Office, Assistant City Attorney
- Mr. Philip Etiwe, Development Review Manager

.....

*Motion made by Mr. Veliz, seconded by Mr. Bowling, and unanimously carried to move the Executive Session item, Pending litigation regarding 5000 and 5016 Love Road, to the forefront of the agenda.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

*Motion made by Mr. Veliz, seconded by Mr. Bowling, and unanimously carried to retire into Executive Session at 1:30 p.m.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

*Motion made by Mr. Bowling, seconded by Mr. Barela, and unanimously carried to reconvene the Zoning Board of Adjustment meeting at 2:00 p.m.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

.....



**ITEM 2:**

ZBA07-00187

5213 Pikes Peak Drive

Mauro and Xonia Rodriguez

Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-4 zone. This would permit a 13' by 19' addition that is proposed to encroach 6' into the required rear yard. The required cumulative front and rear yard setback total is 45' in an R-4 zone.

Ms. Spencer gave a PowerPoint presentation and explained the applicants are proposing to add a Utility/Greenhouse Room that will encroach in the rear yard setback. Staff recommends approval as the application meets the requirements of the Special Exception G.

Mr. Mauro Rodriguez, Applicant, understood the storage building would need to be moved.

Chairman Nance asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Mr. Marquez moved, Mr. Melendez seconded, and unanimously carried to **APPROVE THE APPLICATION.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez

**NAYS:** N/A

The Motion passed. (8-0)

**ITEM 3:**

ZBA07-00190

2401 E. Yandell Drive

Alfonso Villagrana

Applicant requests a Special Exception under Section 2.16.050 C (Side Street Setback) in a C-4 zone. This would permit the construction of a new structure that is proposed to encroach 10' into the required side street yard. A side street yard setback of 10' is required in a C-4 zone.

Ms. Spencer gave a PowerPoint presentation and explained the applicant is proposing to build a new office/warehouse on a vacant lot and is requesting the Special Exception C to encroach 10' into the required side street setback. There are two other properties that encroach 10' into the required setback, one across the street at 2400 East Yandell Drive and one abutting and on the same side of the intersecting street (Poplar Street) at 2400 Montana Avenue. Staff recommends approval of the request as it meets the requirements for the Special Exception C.

Mr. Jesus Jaime, representing the Applicant, reiterated the building would be three feet from the property line, on the right side, and that a 0' setback is permitted as the abutting property is zoned commercial also.

Chairman Nance asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Mr. Mendez moved, Mr. Cordova seconded, and unanimously carried to **APPROVE THE APPLICATION.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez

**NAYS:** N/A

The Motion passed. (8-0)

**ITEM 4:**

ZBA07-00192

4313 Rosa Avenue

Beatriz Molinar

Applicant requests a Special Exception under Section 2.16.050 C (Front Yard Setback) in an M-1 zone. This would permit the construction of a 125' by 90' addition that is proposed to encroach 15' into the required front yard. A 15' front yard setback is required in an M-1 zone.

Ms. Spencer explained the applicant is proposing to add a canopy to an existing building that will extend to the front property line. She is requesting the addition in order to provide protection for the sale and storage of building materials. There are several other properties built to the front property line, specifically one in the same block on the same side of the street at 4301 Rosa Avenue and one across the street at 4316 Rosa Avenue. Staff recommends approval as the request meets the requirements of the Special Exception C, with the condition that no portion of the proposed addition, including gutter and downspout, encroaches on the sidewalk.

Mr. Arturo Gonzalez, Architect - Representative, explained prior to detailing the drawings, he wanted to get the setback reduction approved first.

Chairman Nance asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Mr. Bowling moved, Mr. Melendez seconded, and unanimously carried to **APPROVE THE APPLICATION WITH THE CONDITION THAT NO PORTION OF THE PROPOSED ADDITION, INCLUDING GUTTER AND DOWNSPOUT, ENCROACH ONTO THE SIDEWALK.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez

**NAYS:** N/A

The Motion passed. (8-0)

**ITEM 5:**

ZBA07-00194

5033 Becknell Lane

Patricia M. Vela and Angel Vela, Jr.

Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) in a P-R II zone. This would permit an addition of which a 15' by 10' portion is proposed to encroach 10' into the required rear yard. A 20' rear yard setback is required in a P-R II zone.

Ms. Spencer explained the applicants are proposing a new master bedroom and bath addition that will encroach in the rear yard setback. Staff recommends approval of the request as it meets the requirements of the Special Exception G.

*Mr. Eric Madrigal, Master Plan Designs - Representative, was sworn in prior to the discussion.*

Mr. Madrigal explained that the Applicants had started construction without a permit; he advised them to stop. He then submitted the drawings and following today's approval, a permit could be obtained to complete the construction.

Ms. Spencer reiterated the combined total of accessory structures is less than 120 square feet; therefore, removal of the accessory structures would not be necessary.

- Mr. Deter Jester, citizen, noted neighbors to his right and left have remodeled their homes within the past year; however, he was not given notice by the City. He opined the remodeling had been done without proper permits.







**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

**OTHER BUSINESS:**

10. Approval of Minutes – October 22, 2007

Motion made by Mr. Veliz, seconded by Mr. Cordova, and unanimously carried to **APPROVE THE OCTOBER 22, 2007, ZBA MEETING MINUTES.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

**DEVELOPMENT SERVICES REPORT:**

11. Election of Officers for 2008

Mr. Nance requested Staff provide copies of the article entitled, "Reducing Bias on Zoning Boards", by Jerry L. Anderson and Erin Sass Eastman to the Mayor and City Council. Mr. Nance added the focus of the article addressed appointing Board Members and City Council makes those appointments, he would like Council to receive a copy.

Mr. Etiwe responded he would forward Mr. Nance's request through the chain of command, to provide those copies to the Mayor and City Council. Additionally, he invited the Board to the January 16<sup>th</sup> training session and added a special ZBA training session would be scheduled in February. He added that copies of the presentation on December 5th would be distributed at the next ZBA meeting or emailed, if preferred.

- Motion made by Mr. Veliz, seconded by Mr. Barela, and unanimously carried to **ELECT MR. NANCE, CHAIRMAN, ZONING BOARD OF ADJUSTMENT.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

- Motion made by Mr. Nance, seconded by Mr. Marquez, and unanimously carried to **ELECT MR. VELIZ, VICE-CHAIRMAN, ZONING BOARD OF ADJUSTMENT.**

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

12. Discussion and action regarding Zoning Board of Adjustment issues.
- Scheduling of training session in January 2008

It was determined that the Zoning Board of Adjustment training session would be held Monday, February 4, 2008, 1:30 p.m. Ms. Castle stated she would be emailing the agenda to the Board.

**EXECUTIVE SESSION ITEM:**

13. Pending litigation regarding 5000 and 5016 Love Road.

*Motion made by Mr. Veliz, seconded by Mr. Bowling and unanimously carried to move the Executive Session item, pending litigation regarding 5000 and 5016 Love Road to the forefront of the agenda.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

*Motion made by Mr. Veliz, seconded by Mr. Bowling and unanimously carried to retire into Executive Session at 1:30 p.m.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

*Motion made by Mr. Veliz, seconded by Mr. Barela and unanimously carried to reconvene the Zoning Board of Adjustment meeting at 2:00 p.m.*

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

**ADJOURNMENT:**

Motion made by Mr. Veliz, seconded by Mr. Barela, and unanimously carried to adjourn at 2:50 p.m.

**AYES:** Messrs. Melendez, Cordova, Bowling, Barela, Nance, Veliz, Marquez, and Mendez  
**NAYS:** N/A

The Motion passed. (8-0)

---

Robert Peña, Secretary  
Zoning Board of Adjustment