



**ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
2<sup>ND</sup> FLOOR - CITY COUNCIL CHAMBERS  
MARCH 9, 2009  
1:30 P.M.**

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

The following Board Members answered roll call:

Mr. Robert Veliz (Chair)  
Mr. Rick Cordova  
Mr. Sam Barela  
Mr. Larry Nance  
Mr. Rigoberto Mendez  
Mr. Jose Melendez  
Ms. Alisa Jorgensen

The following City Staff members were present:

Ms. Mirian Spencer, Development Services Department, Planning Division, Planner  
Ms. Linda Castle, Development Services Department, Planning Division, Senior Planner  
Mr. Juan Estala, Development Services Department, BP&I, Chief Plans Examiner  
Mr. Mark Shoosmith, City Attorney's Office, Assistant City Attorney

**ITEM 1:**

Election of Chair and Vice-Chair

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

Motion made by Mr. Nance, seconded by Mr. Barela and unanimously carried to move Item 1. Election of Chair and Vice-Chair to the end of the agenda.

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

Chair Veliz opened the floor for nominations.

Mr. Nance nominated Mr. Randy Bowling as Chair of the Zoning Board of Adjustment.

Ms. Jorgensen asked if Mr. Cordova would be interested in Chairing the ZBA.

Mr. Melendez then nominated Mr. Cordova as Chair and Mr. Bowling as Vice-Chair.

Chair Veliz asked if there were any other nominations and reiterated Mr. Melendez' nominations, Mr. Cordova as Chair and Mr. Bowling as Vice-Chair.

**POINT OF ORDER** – Mr. Nance stated a nomination had been made; we need to call for a second. If there is no call for a second, the motion could be dismissed. Until there is a call for a second, the motion has to stand.



Motion made by Mr. Nance, seconded by Mr. Mendez, and unanimously carried to **APPROVE THE REQUEST.**

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

**ITEM 3:**

ZBA09-00008

3436 Scarlet Point Drive

Zia Homes Inc.

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 zone. This would permit the existence of a new residence that encroaches 0.15 feet into the required northerly side yard setback. The required side yard setback is 5 feet in an R-5 (Light Density Residential) zone. The applicant is requesting the Builder Error Special Exception for a new house that has been constructed encroaching 1.8" (0.15 feet) into the required side yard setback. The applicant, Zia Homes, Inc., has not requested the Builder Error in the last 12 months. Please see the applicant's letter stating that the error was unintentional.

Ms. Spencer gave a PowerPoint presentation and noted Staff recommends **APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION.**

Mr. Conrad Conde, Conde, Inc., representing the applicant, was present.

Chair Veliz asked if the Board Members had any questions for the applicant or Staff. There being none.

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

Motion made by Mr. Nance, seconded by Mr. Mendez and unanimously carried to **APPROVE THE REQUEST.**

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

**OTHER BUSINESS:**

4. Approval of Minutes February 23, 2009

Motion made by Mr. Nance, seconded by Mr. Mendez and unanimously carried to **APPROVE THE MINUTES OF THE FEBRUARY 23, 2009 ZBA MEETING.**

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

**Development Services Report:**

5. Update regarding 12567 Kari Anne Drive – Special Exception K (Carport over a Driveway)

Ms. Spencer gave a PowerPoint presented and explained at the February 9, 2009, ZBA Meeting, the Board granted the applicant a 30 day conditional approval in order to obtain applicable building permits, proper inspections and a valid Certificate of Completion from the Development Services Department prior to March 9, ZBA meeting. She noted the applicant is pending sealing the roof and bricking the columns.

At this time, the applicant is requesting a two month extension in order to complete the carport construction.

Ms. Castle noted the applicant has passed the Structural Inspection (as noted in backup information); however, he is still pending a Final Inspection. She explained applicants are usually given one year to complete construction; however, the carport was already built, but was not structurally sound. To allow the applicant the opportunity to acquire a building permit and proper inspections, Staff had suggested the Board approve the Special Exception K with the 30 day condition. Furthermore, if the Board approves the applicant's request for a 60 day extension, Staff will bring the item back for an update.

Mr. Juan Cervantes, applicant, commented on the carport construction progress and asked if the Board would approve his request for a 60 day extension so that he could complete the carport.

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

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

Motion made by Mr. Mendez, seconded by Mr. Melendez and unanimously carried to **APPROVE THE REQUEST.**

**1<sup>ST</sup> MOTION REVISED:**

Motion made by Mr. Mendez, seconded by Mr. Melendez and unanimously carried to **APPROVE THE 60 DAY EXTENSION.**

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

- - - - -

6. **Discussion only concerning options for scheduling Zoning Board of Adjustment meetings.**

Ms. Castle explained she had received feedback from some Board Members regarding the lack of cases on ZBA Agendas. She asked if anyone would be opposed to one ZBA meeting per month, second Monday of the month. She stated changes in the Code and economic factors may have contributed to the decline in the number of ZBA cases. She noted that per the State Code, municipalities with populations of 500,000 or more may appoint Zoning Board panel(s).

Mr. Nance suggested meeting once a month, the second Monday of each month, depending upon the number of cases.

Mr. Barela suggested holding two ZBA meetings a month if more than six cases are on one agenda.

**ADJOURNMENT:**

Motion made by Mr. Nance to **ADJOURN THE ZBA MEETING AT 1:59 P.M.**

**AYES:** Ms. Jorgensen and Messrs. Cordova, Barela, Nance, Veliz, Mendez and Melendez

**NAYS:** N/A

The Motion passed. (7-0)

---

Linda Castle, Senior Planner