



ZONING BOARD OF ADJUSTMENT MEETING MINUTES
2ND FLOOR – MAIN CONFERENCE ROOM
MAY 10, 2010
1:30 P.M.

Due to technical difficulties, the Zoning Board of Adjustment meeting was called to order at 1:53 p.m.

The following Board Members answered roll call:

Mr. Rick Cordova, Chair
Ms. Alisa Jorgensen, Vice-Chair
Mr. Sam Barela
Mr. Rick Aguilar
Mr. Servando Hernandez
Mr. Randy Bowling
Mr. Oscar Perez
Mr. Rigoberto Mendez
Mr. Jose Melendez

The following City Staff were present:

Mr. Juan Estala, Development Services Department, Building Permits & Inspections, Chief Plans Examiner
Ms. Cynthia Osborn, City Attorney's Office, Assistant City Attorney
Mr. Art Rubio, Development Services Department, Planning, Senior Planner
Ms. Linda Castle, Development Services Department, Planning, Senior Planner

CHANGES TO THE AGENDA

Chair Cordova asked Staff if there were any changes to the agenda.

Staff requested the following:

1. Item 1., ZBA10-00012, 3100 Vera Leasure Drive
Revise – the spelling of the street name from "Ver~~a~~" to "Ver~~e~~" (as shown on the agenda)
2. Item 5., ZBA10-00010, 11607 Pellicano Drive
Withdrawn – per the Representative's request

MOTION:

Motion made by Mr. Perez, seconded by Mr. Barela and unanimously carried **TO APPROVE THE AGENDA AS AMENDED.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Hernandez, Bowling, Cordova, Mendez, Melendez and Perez

NAYS: N/A

Motion passed. (9-0)

Mr. Rubio responded Staff does not confirm the dimensions; the applicant is required to submit a survey for the full dimensions of the property, as stated in the ZBA application. The survey does not need to be standard, as long as the dimensions are to scale.

Ms. Castle added the applicant will have to meet the site plan requirements at the time of inspection.

Mr. Hernandez stated Board Members have no way of determining whether or not the measurements are correct. The site plan submitted by the applicant is unclear regarding the purpose and location of the second driveway. He asked Staff what "shade ~~to be demolished in future~~" meant, as shown on the site plan.

Deleted: by

Ms. Castle explained the applicant stated he has 24 feet in the rear, up to the main structure; setbacks are measured to the main structure. Although the applicant is allowed the porch cover, he will be removing it at a later date.

Ms. Jorgensen clarified Staff is recommending a condition that no carport be permitted over the second driveway, per the motion.

Ms. Castle concurred and added the Special Exception does not allow any other encroachments into the front yard setback. She explained how Staff determines setbacks and encroachments for rear yards. She suggested the Board include language in the motion that the applicant is required to remove the shade/cover.

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

Mr. Perez stated he would have liked to have seen a better site plan. Ms. Castle said she had requested the applicant submit better drawings.

Mr. Bowling asked Staff if the request met all the Special Exception guideline line items, as submitted.

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

MOTION:

Motion made by Mr. Bowling, seconded by Mr. Aguilar and unanimously carried **TO APPROVE**.

Prior to the vote, Ms. Osborn requested the Board address the condition that carport shall not be permitted over the second driveway.

AMENDED MOTION:

Motion made by Mr. Bowling, seconded by Mr. Aguilar and unanimously carried **TO APPROVE AS RECOMMENDED BY STAFF**.

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Hernandez, Bowling, Cordova, Mendez and Melendez

NAY: Mr. Perez

Motion passed. (8-1)

After the vote, Board Members and Staff discussed the importance of applicants submitting clearly marked site plans/surveys.

Ms. Castle stated Staff explains the site plan requirements to the applicant at the time the application is submitted; furthermore, the application states "site plans drawn to scale". She asked the Board if they would like to reopen the request and move to postpone request until Staff receives a better site plan from the applicant.

MOTION TO REOPEN:

Motion made by Mr. Perez, seconded by Mr. Melendez **TO REOPEN ZBA10-00013, 351 SAN GABRIEL STREET.**

AYES: Messrs. Hernandez, Cordova, Perez and Melendez

NAYS: Ms. Jorgensen and Messrs. Barela, Aguilar, Bowling and Mendez

The Motion failed. (5-4)

ITEM 3:

ZBA10-00014

3025 Wedgewood Drive

Benny and Maria Luisa Martinez

Applicants request a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3 (Residential) zone. The request is for a 23' by 20' carport of which a 23' by 14.5' portion is proposed to encroach in the required front yard setback and to be located to within 5'6" of the front property line. The required front yard setback is 20' in the R-3 (Residential) zone district. The applicants are requesting a carport that is proposed to be located to within 5.5' of the front property line. The applicant is proposing columns with stucco, but a site visit shows that the house is brick. The roof is proposed to be no higher than the roof of the existing house. **STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR THE CARPORT, PENDING BP&I'S STRUCTURAL REVIEW, AND WITH THE CONDITION THAT THE POSTS BE FACED WITH BRICK TO MATCH THE HOUSE.**

Mr. Rubio gave a PowerPoint presentation and revised the Staff recommendation, provided in the backup material, "**STAFF RECOMMENDS APPROVAL OF THE CARPORT, PER THE STRUCTURAL REVIEW BY BP&I, AND PERMIT THE POSTS TO BE PAINTED TO MATCH THE HOUSE**".

Additionally, Chair Cordova clarified Staff is requesting the language "wood posts to be decorated with stucco at homeowner's option", provided in drawings submitted by the applicants, be removed.

Mr. Rubio responded Staff has revised the recommendation to permit painting the posts to match the house.

Ms. Castle added should the Board agree.

Ms. Osborn reiterated Staff revised the recommendation provided in the backup material.

Mr. Montes responded the plans show stucco; however, the applicants would like round columns with brick.

Mrs. Martinez clarified she has beige colored siding which will match the round beige colored brick posts.

Ms. Castle noted there are no utility easements in the front.

Ms. Jorgensen explained the notification and zoning map were not included in the backup material and wondered if neighbors had been notified.

Mrs. Martinez provided her copy of the notification letter to the Board; additionally, her neighbors, across the street and to the right, were not opposed to her request.

Ms. Castle responded neighborhood notification letters, with the appropriate notification map, were mailed.

Mr. Rubio added Staff did receive phone calls inquiring about the application, there was no opposition.

Mr. Estala stated he has reviewed and approved the plans; however, he has issues with the proposed size of the beams which can be remedied during the permitting process.

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 Mr. Bowling, seconded by Mr. Aguilar **TO APPROVE.**

Prior to the vote, Mr. Barela amended the motion to include whatever material is around the column that it be painted to match the color of the brick.

Board Members requested clarification; painting to match the brick or the siding.

Mr. Barela clarified the motion language, *"blend with the flavor of the aesthetics of the house"*.

REVISED MOTION:

Motion made by Mr. Aguilar, seconded by Mr. Hernandez and unanimously carried **TO APPROVE AS LONG AS THE COLUMNS MATCH THE COLOR OF THE HOME.**

Mrs. Martinez added the columns are 6' x 6' wood posts that will be covered decoratively.

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Hernandez, Bowling, Cordova, Mendez, Melendez and Perez

NAYS: N/A

Motion passed. (9-0)

ITEM 4:

ZBA10-00015

3321 Urbici Soler Drive

Joel Rivera

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-5/c/sp (Residential/Condition/Special Permit) zone. The request is for a 35' by 22'6" addition of which 187 square feet is proposed to encroach in the required rear yard setback. The required rear yard setback is 21' in the R-5/c/sp zone district. The applicant is requesting the Special Exception for the addition of second story bedrooms and bath above a patio, proposed to encroach into the required rear yard setback to within 13 feet of the rear property line. There is a 10' by 10' accessory building that is located to within 2 feet of the side street property line. **STAFF RECOMMENDS APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION, WITH THE CONDITION THAT THE ACCESSORY BUILDING SHALL BE RELOCATED OR REDUCED IN SIZE TO BE 5 FEET FROM THE SIDE STREET PROPERTY LINE.**

Mr. Rubio gave a PowerPoint presentation.

Mr. Rivera explained the accessory structure measures 10' x 10' and is positioned 3' x 2' from the side and rear walls. The accessory structure has been in the same location for over 10 years.

Ms. Castle explained, per the code, accessory structures can encroach five feet into the required side street yard setback. Staff recommends approval with the condition the accessory structure be relocated or reduced in size to be five feet from the side street property line.

Mr. Rivera explained the accessory structure has stucco on the exterior and is anchored down which will be difficult to relocate or reduced in size.

Ms. Jorgensen commented on code requirements for accessory structures. She would have liked to have seen the elevation plans and asked Staff what the legal requirements regarding site plans were for applicants.

Ms. Castle responded elevation plans are submitted when applicants are requesting carports.

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

MOTION:

Motion made by Mr. Melendez and unanimously carried **TO APPROVE THE APRIL 12, 2010 MEETING MINUTES.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Hernandez, Bowling, Cordova, Mendez and Melendez

NAYS: N/A

ABSTAIN: Mr. Perez

Motion passed. (8-0)

6. Discussion and action regarding Zoning Board of Adjustment issues.

June 14th ZBA meeting, Site Plan

Chair Cordova asked if Staff could provide the following information:

1. What is required by the applicant, per the ZBA application; and
2. What is the definition of site plan, per the code

Ms. Osborn explained Staff will place the item under "Discussion and action regarding Zoning Board of Adjustment issues" on the next ZBA agenda.

No further discussion from Board Members or Staff.

ADJOURNMENT:

MOTION:

Motion made by Mr. Bowling, seconded by Mr. Hernandez and unanimously carried **TO ADJOURN AT 2:35 P.M.**

AYES: Ms. Jorgensen and Messrs. Barela, Aguilar, Hernandez, Bowling, Cordova, Mendez, Melendez and Perez

NAYS: N/A

Motion passed. (9-0)

Linda Castle, Senior Planner