

Mr. Nance asked Staff the number of pending applications to be considered by the Board under the previous requirements.

Ms. Castle responded one more from another area.

Ms. Osborn reiterated applications submitted prior to May 13th would be heard under the old guidelines; applications dated after May 13th would be heard under the new guidelines.

Mr. Veliz stated had this application been received after May 13th; therefore, the request would not even come before the Board as a Special Exception. Additionally, he asked Staff why the recommendation was to deny.

Ms. Castle explained Staff recommended denial due to the Special Exception request not keeping within the spirit and purposes of Titles 2 and 20. Additionally, Staff has recommended denying Special Exceptions because new homes should be built within the setback requirements of the zone in which they are located.

Mr. Rodolfo Basurto, Applicant, explained the plans were not complete; however, his intent was to have his submitted plot plan approved. He explained that his previous plans were not correct and he has since hired a new architect and a builder.

Ms. Jorgensen asked Mr. Basurto what the use of the Special Exceptions will be and the square footage of the home.

Mr. Basurto responded the master suite and bathroom will be located in the rear and the kitchen in the front. Additionally, the single-story home will be approximately 4,000 square feet.

Mr. Nance remarked the plot plan shows 2,000 square feet more than requested.

Mr. Basurto responded the logia in the backyard and garage and patio were not included in the Site Plan.

Mr. Cordova questioned when the plans might be ready.

Mr. Basurto responded he didn't know.

Mr. Peña clarified the Applicant was requesting the maximum allowable setbacks; however, building potentially lower. Additionally, Staff would review the plans to ensure all requirements are met.

Mr. Nance responded in order for the Board to approve the Special Exceptions, the Board would need to review the plans.

Mr. Peña responded the Applicant would be over the front and rear yard setbacks; however, was not exactly sure how much.

Mr. Melendez asked Staff if the item could be tabled under the old guidelines.

Ms. Castle responded the item could be tabled keeping the same April 17th application date.

Mr. Veliz noted the majority of Special Exceptions requests approved by the Board had submitted plans.

Ms. Castle responded the majority; however, not all.

Mr. Basurto stated he was hoping this would come to a close soon, as the process has been on-going for eight months. He noted the Board has previously approved applications without site plans.

Ms. Osborn explained there was no requirement in the Special Exceptions which states the applicant must submit a plan. She explained the Applicant was asking for the maximum Special Exceptions allowed.

Ms. Castle explained the Applicant had originally submitted a set of plans with a house; she opined the designer had not gotten the correct or any information regarding zoning or setbacks. Staff worked with him for several weeks trying to make adjustments to fit the Special Exceptions, to no avail.

Mr. Mendez asked Staff whether or not the drawing before the Board today was an accurate drawing of the home.

Ms. Castle responded it's not; however, it could be if they wanted.

Ms. Osborn stated the home could look completely different when finished; however, the Applicant could not go over the maximum allowed Special Exceptions.

Mr. Mendez stated previous Applicants have an idea, more or less, what the encroachments will be and have presented drawings of what will actually be built.

Ms. Castle explained the decision letter will state the permitted encroachments – width and depth, front and rear, in total. Additionally, at the time Staff reviews the plans, a notation will show stating the Applicant could not exceed the dimensions.

Ms. Jorgensen asked if the Board denied that particular Special Exception, would their action be considered arbitrary since they had granted other similar special exceptions in the past.

Ms. Osborn responded that because this application was so egregious and just a hypothetical Special Exception, in that the Applicant had asked for the maximum special exception allowed without showing any plans, she did not think it would be arbitrary. This request was not like previously approved requests.

Mr. Basurto responded Staff informed him he did not have to bring plans, additionally; the application does not state plans must be submitted.

Ms. Castle clarified Applicants are not required to submit building plans; however, they are required to submit site plans.

Mr. Nance asked Mr. Basurto to explain the "Ext. Kitchen 120 SF" as shown on the site plan.

Mr. Basurto responded it would be a 10 x 12 storage shed.

Ms. Spencer added the Applicant was inserting the maximum allowed accessory structure, per the Special Exception.

1ST MOTION:

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. Veliz moved, Mr. Marquez seconded to **APPROVE ZBA08-00038.**

AYES: Messrs. Melendez, Nance, Veliz and Marquez

NAYS: Ms. Jorgensen and Messrs. Perez, Cordova and Mendez

Mr. Basurto asked whether or not the item could be tabled so that he could bring the plans before the Board.

2nd MOTION:

Motion made by Mr. Veliz, seconded by Mr. Melendez and unanimously carried to **RECONSIDER ZBA08-00038.**

PRIOR TO THE VOTE

Mr. Marquez questioned whether Staff had notified Applicants that only eight Board Members would be present at the meeting.

Ms. Castle responded no, Staff tries to ensure nine Board Members will be present at the meeting. Staff was able to get nine Board Members to attend; however, at the last minute, one Board Member was unable to attend.

AYES: Ms. Jorgensen and Messrs. Perez, Cordova, Mendez, Melendez, Nance, Veliz and Marquez

NAYS: N/A

The Motion passed. (8-0)

Mr. Veliz requested those Board Members who voted Nay, please explain your reasoning.

Mr. Perez explained he voted Nay because he didn't know what he was approving; additionally, the plan shows a box with 'Ext. Kitchen, 120 SF'.

Ms. Osborn explained the distinguishing factor here is, there are no plans.

Mr. Mendez explained he voted Nay because Board Members should have a plan and no plan was provided.

Mr. Veliz asked whether or not Staff needed building plans to approve Special Exceptions.

Ms. Castle responded no, we require a generalized Site Plan.

Mr. Melendez noted typically the Board reviews a combination Site/Floor Plan and suggested postponing the item to allow the Applicant the opportunity to submit a preliminary floor plan. He added the Board has previously approved Special Exception requests for more than half the sites in this subdivision.

Mr. Basurto explained the original plans were very expensive and did not even pass the setback requirements. He added we didn't want to spend more money designing the house and it not pass.

Mr. Perez asked how big the lot was and where the on-site ponding was located. He explained the Board reviews on-site ponding and, on occasion, has requested additional open space. Mr. Perez requested drawings show what will be built, specifically how much of the lot would be utilized, how much is open space, where is the driveway, swimming pool, everything.

Mr. Basurto responded just under one-half acre and provided additional comments.

Mr. Veliz clarified the Applicant is requesting approval for the setbacks on the home.

Mr. Mendez requested the Applicant bring a real Site Plan for the June 9, ZBA meeting.

Density Residential/Conditions/Special Contract/Special Permit) zone. The applicant is requesting a Variance from the front and rear yard setback requirements in order to build a new house on an irregularly shaped lot with reduced buildable area and with a lot depth that is less than the required 90 feet for a lot in the R-5/c/sc/sp zone. There is a Special Permit No. ZON06-00144 that granted a 15 foot rear yard setback for 11 lots in this subdivision. The footprint of the house is approximately 1,400 square feet. Staff recommends approval of the Variance because of the special condition of the irregular shape of the lot. Further, the condition is not self-imposed, and a literal enforcement of the setback requirements would result in an unnecessary hardship to the applicant. Approval of the Variance would be consistent with the public interest and with the spirit of the ordinance, and substantial justice would be served.

Mr. Veliz moved, Mr. Perez seconded and unanimously carried to **POSTPONE ZBA08-00041, 9909 ANTONIA ARCO COURT, UNTIL THE JUNE 9, 2008, ZBA MEETING.**

AYES: Ms. Jorgensen and Messrs. Perez, Cordova, Mendez, Melendez, Nance, Veliz and Marquez

NAYS: N/A

The Motion passed. (8-0)

ITEM 5:

ZBA08-00029

10805 John Schlee Court

Enrique and Linda Sarabia

Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an A-2 zone. This would permit the construction of an addition of which a 26.66' by 1' portion is proposed to encroach 1' into the required rear yard setback. The required cumulative front and rear yard setback total is 45' for a single-family residence in an A-2 (Medium Density Residential) zone. The applicants initially requested a Variance to build an addition with a greater width than the one-third average lot width (26.66'). The applicants' representative was advised by the Board at the May 5, 2008, meeting that the application did not meet the unnecessary hardship test for a Variance. The Board suggested the case could be postponed to the May 19, 2008, meeting and brought back as a request for a Special Exception G. The applicant's representative agreed with that suggestion and has submitted a new site plan that meets the Special Exception requirements.

Ms. Spencer gave a PowerPoint presentation and noted Staff recommends approval of the request as it meets the requirements for the Special Exception G, *with the condition that the detached accessory structures shall not exceed 120 square feet in the floor area.*

Mr. Emmanuel Ricardo Moreno, Representative, was present.

Mr. Cordova asked Staff to elaborate on the dimensions in the back.

Ms. Castle explained that the Site Plan was reduced to one-third the width of the lot, 26.66.

Ms. Osborn referred the Board to the Revised Site Plan as submitted by the Representative.

Ms. Castle noted the Revised Site Plan shows an 8" depth encroachment, rounding up to 1".

Mr. Nance asked if Mr. Moreno understood Staff's recommendation with regard to the accessory structures.

Ms. Castle added at the time of the inspection, Inspectors will expect to see only 120 square feet of accessory structure.

Chair Nance asked if members of the audience were present to speak in favor of or in opposition to the application. There being none, Mr. Melendez moved, Mr. Mendez seconded and unanimously carried to

Robert Peña, Secretary
Zoning Board of Adjustment