

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**January 10, 2005**

The Zoning Board of Adjustment held a public hearing in the City Council Chambers, 2<sup>nd</sup> Floor of the City Hall Building, on Monday, January 10, 2005, at 1:40 p.m., with the following board members present:

**Board Members**

Vicente Ordoñez, Chairman  
James Major  
Anna Gill  
Roger Rappe  
Bradley Roe  
Larry Nance  
Charles Marquez

**Staff Members**

Robert Peña, Zoning Board Secretary  
Kimberly Forsyth, Zoning Administrator  
Javier de la Cruz, Plan Examiner  
Linda Castle, Planner I  
Margie Barajas, Secretary

Robert Peña, Zoning Board of Adjustment Secretary, opened the meeting and read the Statement of Authority and Limitations on the Laws and Ordinance governing the Board. Vicente Ordoñez introduced himself and other board members to the audience. He swore in all who wished to testify. Kimberly Forsyth reminded the board that per the advice of our legal council, all decisions of the board must be by 3/4 majority vote, which would be seven out of the nine board members. This includes both special exceptions and variances.

**Item 1            12-188-04            8028 Meraz            Alejandrina Chavira**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport over a Driveway), R-4 Zone of the City of El Paso Zoning Ordinance. Meraz, Block 1, Lot 8. This would permit the construction of two 20' by 14'7" carports located to within 5' of the front property line. A 20' front yard setback is required in an R-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Robert Peña noted that the width of the lot is 61.99 with two carports 14.5 feet each, and the maximum dimension should be 29 feet 2 inches (1/3 of 61.99). Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Carlos Acosta, Owner, was present to represent this case. Mr. Acosta reported for the record that the carport construction (material and color) would be in harmony with the dwelling.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 2            12-189-04            10825 Tony Jacklin            Ida Taulbee**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport over a Driveway), R-4 Zone of the City of El Paso Zoning Ordinance. Vista Del Sol Unit 19, Block 99, Lot 14. This would permit the construction of a 19' by 19' carport located to within 5' of the front property line. A 20' front yard setback is required in an R-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Mr. Preston, Representative, and Ida Taulbee, Owner, were both in attendance to represent the case. Kimberly Forsyth noted that the front setback of the R-4 zone is 20 feet but a portion of the carport is not within that setback encroachment.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 3            01-001-05            3010 Wedgewood            Ben Cooley**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Scotsdale Unit 2 Replat, Block 4, Lot 6. This would permit the construction of a 24' by 15' addition located to within 15' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Ben Cooley, Owner, was in attendance to represent the case.

Anna Gill made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 4            01-002-05            3021 Jarvis            Mario Garcia**

Applicant requests a Variance from Section 20.14.090 (Yard Standards, Side Street Setback) R-4 Zone of the City of El Paso Zoning Ordinance. Parkwood, Block 25, Lot 9. This would permit the existence of a 14'6" by 42' structure located to within 6" of the side street property line. A 10' side yard setback abutting a side street is required in a R-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department recommended denial of the variance. Kimberly Forsyth explained that no unusual conditions about the lot were found and also that the non-complying condition is self-imposed because the property owner built the structure without getting appropriate permits. Ms. Forsyth added that the department would recommend approval of a Special Exception K that would allow a structure 5 feet from the side street property line.

Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Bradley Roe read aloud the four questions to consider in granting a Variance.

Bradley Roe made a motion to **DENY** the Variance request on the basis that the application does not meet all the requirements. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (7-0).

Roger Rappe made a motion to **APPROVE** as a special exception within 5 feet of the side property line. Larry Nance seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 5            01-003-05            3277 Mountainwalk            Matthew & Connie Walsh**

Applicant requests a Special Exception under Section 2.16.050 K (Side Street Setback), R-3/sc Zone of the City of El Paso Zoning Ordinance. Mountainside Replat A, Block 1, Lot 1. This would permit the construction of a 5' by 45.2' addition located to within 5' of the side street property line. A 10' side yard setback abutting a side street is required in an R-3/sc zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Matthew Walsh, Owner, was present to represent the case.

Larry Nance made a motion to **APPROVE** this request with a condition that the applicant submit revised drawings to the Building Permits & Inspections Department stating dimensions for the actual roof framing. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 6            01-004-05            10132 Saigon            Hipolito Herrera**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport over a Driveway), R-3 Zone of the City of El Paso Zoning Ordinance. Tropical Hills, Block 3, Lot 37 and Portions of Lots 36 & 38. This would permit the construction of a 17' by 22' carport located to within 6' of the front property line and 2' of the side property line. A 25' front yard setback and a 5' side yard setback are required in an R-3 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Hipolito Herrera, Owner, was in attendance to represent this case.

Larry Nance made a motion to **APPROVE** this request subject to approval from Engineering-Traffic Department. James Major seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 7            01-005-05            6233 Grace Madriles            Zia Homes Applicant**

Requests a Special Exception under Section 2.16.050 L (Error in Construction), R-3A Zone of the City of El Paso Zoning Ordinance. River Park West Unit 2, Block 9, Lot 2. This would permit the construction of a 34.1' by 55.2' structure located to within 18.9' of the front property line. A 20' front yard setback is required in an R-3A zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending to approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Conrad Conde, Representative, was in attendance for this case. Mr. Conde testified that the error causing the encroachment was inadvertent and not intentional.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. James Major seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 8**            **01-006-05**            **500 Canyon Springs**            **Raul Villalobos**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback), R-3 Zone of the City of El Paso Zoning Ordinance. Mesa Hills Unit 11, Block 25, Lot 1. This would permit the construction of a 10' by 18' portion of a structure located to within 16' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Robert Peña read the case into the record and made a slide presentation of the property. It was noted that the applicant requested to delete this item from the agenda. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request.

Larry Nance made a motion to **DELETE** per applicant's request. Charles Marquez seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 9**            **01-007-05**            **3044 Tierra Fresno**            **Omni International**

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-5 Zone of the City of El Paso Zoning Ordinance. Tierra Del Este Unit 15, Block 72, Lot 8. This would permit the construction of a 20' by 10' portion of a structure located to within 10' of the front property line. A 20' front yard setback is required in an R-5 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Eddie Urquidi, Representative, was in attendance for this case.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 10**            **01-008-05**            **11264 Tenaha**            **Randy & Luann Baker**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Indian Ridge, Block 24, Lot 16. This would permit the construction of a 12' by 18' portion of a structure located to within 16' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Jose Solis, Contractor/ Representative, and Randy Baker, Owner, were in attendance to represent this case.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 11**            **01-009-05**            **2512 Copper**            **Juan & Juana Felix**

Applicant requests a Special Exception under Section 2.16.050 C (Front & Side Yard Setbacks) R-5 Zone of the City of El Paso Zoning Ordinance. Highland Park, Block 67, Lots 24 & 25. This would permit the construction of a 45' by 12' portion of a structure located to within 6' of the front property line and 0' of the side property line. A 20' front yard and 5' side yard is required in an R-5 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Juana Felix, Owner, was in attendance to represent the case.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 12      01-010-05                      9845 Minuteman                      Teruko Armstrong**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-4 Zone of the City of El Paso Zoning Ordinance. Dale Bellamah, Block 17, Lot 28. This would permit the construction of a 23' by 12'8" portion of a structure located to within 14' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception, with a condition that the width of the enclosed portion cannot exceed one-third the width of the lot (73 feet 10 inches) or 24.6 ft. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Timothy Porras, Representative, and Mrs. Armstrong, Owner, were in attendance for the case. Mr. Porras was also informed that an additional open porch would be permitted, not to exceed 180 square feet, and that the accessory structure in the side yard would need to be removed or relocated because it cannot be in the side yard.

Larry Nance made a motion to **APPROVE** this request subject to the stated conditions. Charles Marquez seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 13      01-011-05                      519 S. Oregon                      Luis Hernandez**

Applicant requests a Special Exception under Section 2.16.050 C (Front, Side & Rear Yard Setbacks) C-4 Zone of the City of El Paso Zoning Ordinance. Campbell Addition, Block 118, Portion of Lot 1. This would permit the construction of a 25' by 120' structure located to within 0' of the front, side and rear property lines. A 15' front yard, 10' rear yard and 10' side street setback are required in a C-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Alfred Bocanegra, Representative, was in attendance for this case. The ZBA informed Mr. Bocanegra that the parking requirements have not been met. Kimberly Forsyth noted that it has been verified that there are two or more lots within the block that do not conform to the setbacks. In addition, Ms. Forsyth explained that this approval by ZBA does not include a reduction in the parking

requirements, which would have to be done by a separate special permit process, and go before the City Plan Commission and City Council for public hearing.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (7-0).

**Item 14      01-012-05      3128 Hector      Jesus Diaz**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-4 Zone of the City of El Paso Zoning Ordinance. Pebble Hills, Block 36, Lot 1. This would permit the construction of a 30' by 8' portion of a structure located to within 15' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Vicente Ordoñez asked if there was anyone in the audience who wished to speak in favor or against this request. Laura Diaz, Owner, was in attendance to represent the case.

James Major made a motion to **POSTPONE** to January 24, 2005 meeting and to ask the owner to provide a corrected site plan. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (7-0).

**APPROVAL OF MINUTES**

James Major made a motion to approve the minutes of December 6, 2004, with a correction to delete the word "*unanimously*" from Item #17. Larry Nance seconded to the motion. Board was polled and motion passed (7-0).

It was announced that the next meeting is set for January 24, 2005 at 1:30 p.m.

The meeting was adjourned at approximately 3:07 pm

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Robert Pena, Zoning Board Secretary