



The applicant originally submitted the request as a variance but if he wants to reapply for a building permit to meet the criteria of the accessory structure he can do that. If he decides to re-apply for some other type of application with a revised site plan, he will have to come back before the board at that time. If he wishes to withdraw the application without the board voting on it he can do so, but if the board acts on this application then he cannot come back for one year.

Mr. Bill Sparks accompanied Mr. Portillo to the meeting and said he feels the definition in the code is blurry as to the existing structures. He stated that he has been active on the east side of El Paso for many years. They have many of these structures going up in El Paso and have not seen any of them taken down, some are double-front lots and some are lots in the same condition that this one is in.

Mr. Nance asked the applicant if he still wants this board to vote at this time or if he would consider postponing or withdrawing his application. Mr. Portillo responded that he wants the board to consider the variance at this time.

Ms. Almeida, a neighbor who lives behind Mr. Portillo's property, expressed her opposition to this variance. She stated that it is an unsightly structure from her perspective.

Motion was made by Mr. Roe to **DENY** this variance, it does not comply with the definition of the unnecessary hardship. Mr. Hernandez seconded the motion. Board was polled and motion passed. (7-1)

**01-013-06** **1027 Los Moros** **David Aber**  
**Applicant request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-2/sp Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 28'10" by 6'2" portion of a structure located within 24' of the rear property line. A 30' rear yard setback is required in this R-2/sp zone.

Mr. Peña read the case into the record and made a slide presentation of the property. It meets all the requirements for the special exception. Staff did not receive any calls in favor or against this request.

David Aber, applicant, was present to represent the case.

Marie Eichleman, representing about five property owners stated that this area went before City Council and was approved as an R-2 zone, with a special permit for reductions on setbacks only for a few lots. They are requesting that this application be denied. Maria Garcia, a neighbor, also spoke in opposition of this request.

Kimberly Forsyth stated that this special permit request was for reduction in lot depth and setbacks for only a few lots at the entrance to the subdivision. The ZBA still has the ability to grant special exceptions that meet the criteria, just like any other area of town.

Motion was made by Mr. Sansores to **APPROVE** this Special Exception as it meets all the requirements. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-014-06** **9763 Eastridge** **Rick Smith**  
**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.**

This would permit the construction of a 26' by 12' portion of a structure located to within 13' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. This is an odd shaped lot and meets all the requirements for the special exception. Staff did not receive any calls in favor or against this request.

Richard Smith, applicant, was present to represent the case.

Motion was made by Mr. Roe to **APPROVE** this Special Exception, it meets all the requirements. Mr. Sansores seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-015-06** **1321 Calle del Oro** **New Horizons Builders**  
**Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-3A**  
**Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 19' by 16' carport located within 1' of the front property line. A 20' front yard setback is required in an R-3A zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He stated that it meets all the requirements for the carport over a driveway.

Javier Carrera, representing the owner, New Horizons Builders, was present to represent the case. He stated that the carport will match the existing house.

There was no one in support or opposition of this request.

Motion was made by Mr. Sansores to **APPROVE** this Special Exception, it meets all the requirements. Mr. Perez seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-016-06** **3516 Breckenridge** **Maria Teresa Williams**  
**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.**

This would permit the existence of a 12' by 25' portion of a structure located within 13' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He stated that there are two accessory structures that need to be reduced to 120 square feet. This is an odd shaped lot in a cul-de-sac with open area all the way around it.

Maria Teresa Williams, owner, was present to represent the case.

Mr. Roe asked staff if the property owners were aware that the accessory structures had to be reduced to 120 square feet and Mr. Peña responded that they were made aware of it. Kimberly Forsyth stated that only the corner is projecting into the setback area of the house.

Motion was made by Mr. Sansores to **APPROVE** this Special Exception with the reduction of the accessory structures to 120 square feet, to meet all the requirements of the Special Exception. Mr. Perez seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-017-06** **3169 Crazy Horse** **Arturo & Maria del Rosario Flores**  
**Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3A Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 26' by 9' portion of a structure located within 16' of the rear property line. A 25' rear yard setback is required in an R-3A zone.

Mr. Peña read the case into the record and made a slide presentation of the property.

Maria Del Rosario Flores, owner, was present to represent the case. She stated that this was her first experience with the city and expressed her appreciation for the great service that she received from Ms. Forsyth. Mrs. Flores was made aware that she needs to obtain a building permit before any construction can be done.

Motion was made by Mr. Sansores to **APPROVE** this Special Exception, it meets all the requirements. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-018-06** **729 Kern** **Ben Ivey**  
**Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 20' by 20' portion of a structure located to within 5' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He stated that this section has been registered as legal non-conforming and existed prior to 1955. He noted that there are other properties on the same block that are built all the way to the property line and are attached to the main structure. It meets the requirements for the special exception of two or more properties on the same block with a similar condition.

There was no one for or against this request.

Ben Ivey, owner, and Gabriel Lopez, builder, were present to represent the case. Since part of the addition is legal non-conforming this will allow them to take part of the building out without coming back to the board.

Kimberly Forsyth stated that the registration for the legal con-conforming structure that existed back in the 1920's was distributed to the board members. The main portion of the house is only within 5' of the property line.

Motion was made by Mr. Roe to **APPROVE** this Special Exception, it meets all the requirements. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-019-06** **3832 Tierra Roman** **G.M.F. Homes**  
**Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-5 Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 15' by 4.5' portion of a structure located to within 20.5' of the rear property line. A 25' rear yard setback is required in an R-5 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. There was no one for or against this request.

Cynthia Lopez, representing the builder, was present to represent the case.

Motion was made by Mr. Roe to **APPROVE** this Special Exception, it meets all the requirements. Mr. Sansores seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-021-06** **308 Calle Asti** **Padilla Homes**  
**Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-2/sp**  
**Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 23.5' by 8' portion of a structure located to 22' of the front property line. A 30' front yard setback is required in this R-2/sp zone.

Mr. Peña read the case into the record and made a slide presentation of the property. There was no one for or against this request.

Jaime Alvarado, representing the contractor, was present to represent the case. This will be an addition to the front setback and they are taking the ponding area into account. They will make it a little bit deeper to accommodate the on-site ponding.

Motion was made by Mr. Sansores to **APPROVE** this Special Exception, it meets all the requirements. Mr. Roe seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-022-06** **6511 Navajo** **Victor Adkins**  
**Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-4 Zone of**  
**the City of El Paso Zoning Ordinance.**

This would permit the construction of a 22' by 10' portion of a structure located within 10' of the front property line. A 20' front yard setback is required in an R-4 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. There is an existing driveway and they are building a cover over the driveway.

There was no one for or against this request. Victor Adkins, owner, was present to represent the case.

Motion was made by Mr. Perez to **APPROVE** this Special Exception, it meets all the requirements. Mr. Sansores seconded the motion. Board was polled and motion passed unanimously. (8-0)

**01-023-06** **5529 Milray** **Javier Navarrette**  
**Applicant requests Special Exceptions under Section 2.16.050 G (Rear Yard Setback) and Section**  
**2.16.050 V (Front Yard Setback) R-1 Zone of the City of El Paso Zoning Ordinance.**

This would permit the construction of a 44' by 10' portion of a structure located within 40' of the rear property line, and construction of a 25' by 10' portion of a structure and an 18.5' by 10' portion of a structure located within 40' of the front property line. Front and rear yard setbacks of 50' are required in an R-1 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. It meets all the requirements for this special exception.

There was no one for or against this request. Ruben Navarrete, representing the builder, was present to represent the case. He stated that this will be a two story home.

Marie Eichleman, an adjoining property owner and also with Save the Valley, stated that when this lot was approved it was all R-1 zone with standard setbacks. There was an application to the ZBA that was approved several weeks ago that permitted construction within 21' of the front property line and Save the Valley was not notified. She said the property was sold with protective covenants that there would be no structure of any kind with less than 30' setbacks. She is asking that the board be careful in what they permit in this R-1 zone.

Kimberly Forsyth explained that the covenants are separately and civilly enforceable, although not through the Zoning Board nor through the City, and that the applications that have come before the Zoning Board, up to this point, have met the criteria for the board to grant certain encroachments. Staff is keeping Save the Valley informed of all applications as they come forward. The developers and owners are aware that the Zoning Board of Adjustment has a process whereby certain encroachments can be granted. The encroachment requests to date have been within the authority of the ZBA.

Motion was made by Mr. Roe to **APPROVE** this Special Exception, it meets all the requirements. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0)

### **APPROVAL OF MINUTES**

Motion was made by Mr. Sansores and seconded by Mr. Perez to **APPROVE** the minutes of December 12, 2005. Motion carried with a 6-0 vote. Mr. Roe and Mr. Melendez abstained; they were not present at the meeting.

Motion was made by Mr. Perez and seconded by Mr. Sansores to **APPROVE** the minutes of January 9, 2006. Motion carried with a 6-0 vote. Mr. Roe and Mr. Melendez abstained; they were not present at the meeting.

### **PLANNING REPORT:**

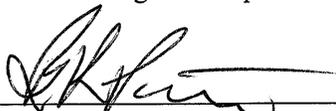
Staff is requesting approval of the zoning board by-laws which were distributed at the last meeting. Staff is deleting/editing some information that Legal Counsel advised was not necessary to be in the by-laws. Staff is deleting language that is no longer used, substituting language that is currently used in the opening statement, and substituting the department name of "Planning" with "Development Services". Kimberly Forsyth stated that the shaded areas are being deleted.

Motion was made by Mr. Perez and seconded by Mr. Roe to **APPROVE** the by-laws. Motion carried unanimously. (8-0)

Kimberly Forsyth informed the board members that by the end of February the agenda and packets will be available on the website but staff will still continue to mail out the packets to the board members because not everyone has access to a computer. Anyone can access the information on the web, not only the members but the public as well.

### **ADJOURNMENT:**

Motion was unanimously made to adjourn the meeting at 2:55 p.m.

  
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Robert Peña, Zoning Board Secretary