

02-024-06

12613 Tierra Fresca

Sanderson Custom Homes

Applicant requests a Variance from Section 20.08.230 (Accessory Buildings & Structures) R-3A Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 45' by 35' (1,575 square feet) accessory building located in the rear yard. The gross floor area of an accessory building cannot exceed the most restrictive of three measurements:

1. Fifty percent of the gross floor area of the main building, or
2. Twelve times the lineal feet of the average lot width, or
3. Forty percent the area of the rear yard.

Mr. Peña read the case into the record and made a slide presentation of the property. He said he had received a call from one of the neighbors in opposition of this request. He also stated that this is an odd shaped lot. Staff is recommending that the accessory building be reduced to meet the requirements of the ordinance and is recommending denial of the variance request.

Brett Sanderson, representing Sanderson Custom Homes, was present to represent the case. They are making this request on behalf of the buyer who is an antique car enthusiast. The owner will not be using this accessory structure for business, mechanic shop, or anything similar but he will be using it to store his antique cars. Neighbors have not expressed any concern. He stated that it will match everything in the subdivision.

Kimberly Forsyth explained that staff had calculated the square footage allowed by the ordinance to be 1,320 square feet for the applicant's accessory structure, 225 square feet less than the applicant's request.

Cindy Crosby, Assistant City Attorney, clarified that staff is requesting that the variance be denied to allow the accessory building to exceed 1,320 square feet. If the applicant agrees to reduce the accessory structure to 1,320 square feet, then there is no need for a variance.

There was no one present at the meeting who was in favor or against this request.

Motion was made by Mr. Major to **DENY** this Variance; it **does not** meet all the requirements of such section. The total square footage permitted for the accessory building is 1,320 square feet. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0 vote)

02-025-06

2216 Tierra Bonita

Alberto Villanueva

Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-5 Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 20'2" by 21'1" carport located within 0' of the front property line. A 20' front 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. He stated that this is a new subdivision and most of the houses are being built without a carport or a garage. He also stated that this carport was built without a permit.

Kimberly Forsyth noted that the carport exceeds one-fifth the area of the ground floor of the house and staff would need to recommend, if approved, that the carport be reduced by 20 square feet.

Mireya Villanueva, owner, was present to represent the case.

Mr. Peña noted that the rafters are already starting to bow and that the architect who brought the drawings stated that they will demolish the carport and have it reconstructed.

Tony De La Cruz noted that the rafters will have to be re-designed and the drawings modified.

Kimberly Forsyth stated that staff does not know if the applicant wants to reduce the width or the depth of the carport. Staff recommended that this request be postponed until the next meeting to obtain revised, sealed drawings.

Cindy Crosby, Assistant City Attorney, stated that it is a good idea to postpone to ensure, in addition, that that the structure will be in harmony with the rest of the building.

Motion was made by Mr. Roe to **POSTPONE** this Special Exception to the February 27th, 2006 meeting to allow the applicant to submit a revised set of sealed drawings. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously. (8-0 vote)

02-026-06 **10949 Sombra Verde Drive** **Joseph Chavez**
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 construction of a 21'6" by 14' addition located to within 17' 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 the accessory structure located on the side of the property needs to be relocated into the rear yard.

Joseph Chavez, owner, was present to represent the case and stated that he is willing to relocate the accessory structure to the rear yard as requested by the board. He stated that the construction will be in harmony with the existing house.

There was no one present at the meeting that was in favor or against this request.

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

02-027-06 **3444 Flagon Place** **Keith Russell**
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-5/c Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 16' by 12' addition located within 16' of the rear property line. A 25' rear yard setback is required in a R-5/c zone.

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

Keith Russell, owner, was present to represent the case. He stated that at this time they do not plan to enclose the open patio.

Kimberly Forsyth clarified that the code permits an open patio of 180 square feet into the setback area and then he can request a special exception for the remainder. She mentioned that all board

decisions and approvals are good for a period of one year. If the applicant goes beyond the expiration date and decides to enclose the open patio he will need to re-apply.

There was no one present at the meeting who was in favor of or against this request.

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

02-029-06 **5027 Columbine** **Amy & Robert Bettes**
Applicants request a Special Exception under Section 2.16.050 K (Side Street Setback) R-1 Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 37.5' by 12.5' portion of a structure located within 12.5' of the side street property line. A 25' side yard setback abutting a side street is required in an R-1 zone.

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

Steve Steelman for Westside Home Repair and Construction, representing the owner, was present to represent the case. He stated that the proposed structure will be in harmony with the existing building.

There was no one present at the meeting that was in favor or against this request.

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

02-030-06 **11625 Lake Erie** **Mr. & Mrs. Arturo Baray**
Applicants request a Special Exception under Section 2.16.050 K (Side Street Setback) R-3A/sc Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 15' by 5' portion of a structure located within 5' of the side street property line. A 10' side yard setback abutting a street is required in this R-3A/sc zone.

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

Mr. Hernandez, no first name given, representing the owner, was present to represent the case. He stated that the structure will be in harmony with the existing building.

There was no one present at the meeting that was in favor or against this request.

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

02-031-06 **1112 Doyle Place** **Hector Aguilera**
Applicant requests a Variance under Section 20.12.090 (Side Street and Rear Yard Setbacks) R-3 Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 26.5' by 12.5' addition located within 6' of the side street property line and 12' of the rear property line.

A 10' side yard setback abutting a side street and a 25' rear yard setback are 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 traffic will not be impaired with this structure.

Kimberly Forsyth stated that staff has not received any public opposition.

Hector Aguilera, owner, was present to represent the case. He stated that this will be a two-bedroom addition. He adopted two children and wants to build separate bedrooms for them.

There was no one present at the meeting who was in favor of or against this request.

Motion was made by Mr. Melendez to **APPROVE** this Variance; it meets all the requirements for this request. Mr. Roe seconded the motion. The definition of an unnecessary hardship, per the ordinance in El Paso, was read into the record by Mr. Roe.

For the record, Mr. Roe further explained that the variance was granted due to special conditions peculiar to the property in question and that a literal enforcement of the zoning regulation will result in an unnecessary hardship. Board was polled and motion passed unanimously. (8-0 vote)

02-033-06 **11416 Lake Tana Drive** **Ted & Krista Pruitt**
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 21' by 15' portion of a structure located within 10' 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.

No one was present to represent the case.

Motion was made by Mr. Major to **POSTPONE** this request to the February 27th, 2006 meeting to allow the applicants to be present. Mr. Roe seconded the motion. Motion carried unanimously. (8-0 vote)

02-034-06 **5529 Woodfield** **Winton & Associates, Inc.**
Applicant requests a Special Exception under 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 33'7" by 10' portion of a structure located within 40' of the front property line.

A 50' front yard setback is required in an R-1 zone.

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

Scott Winton, representing Winton & Associates, was present to represent the case. When asked if this would be a single or double story, he stated that he was handed the wrong file, but judging from the footprint he believes it will be a one-story building. He stated that this request for a special exception was not an effort to circumvent the requirements of the R-1 zoning district.

There was no one present at the meeting who was in favor or against this request.

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

02-035-06 6241 Ibex Avenue Mr. & Mrs. Danny McKinney
Applicants request a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) A-M
Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 20' by 12' carport located within 5' of the front property line. A 20' front yard setback is required in an A-M zone.

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

Norman Bryan, representing the owners, was present to represent the case. He stated that the structure will be in harmony with the rest of the house.

There was no one present at the meeting who was in favor or against this request.

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

DISCUSSION AND ACTION REGARDING PROPOSED CHANGES TO ZBA BYLAWS.

Kimberly Forsyth stated that the bylaws were discussed by the board at the last meeting but since they were not posted as a public hearing, staff had to re-post them on the agenda. It is the same draft that the board reviewed at the last meeting but they need to be officially approved at this meeting.

Motion was made by Mr. Roe to **APPROVE** the bylaws as presented. Mr. Veliz seconded the motion. Motion carried unanimously. (8-0 vote)

APPROVAL OF MINUTES

Motion was made by Mr. Melendez and seconded by Mr. Hernandez to **APPROVE** the minutes of January 23, 2006. Motion carried with a 7-1 vote. Mr. Major abstained from voting since he was not present at the meeting.

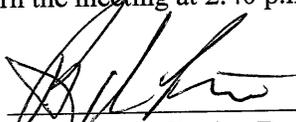
PLANNING REPORT:

Staff did not have any reports to present at this time.

Mr. Nance requested an updated list of the board members. Staff will hand out this information at the next meeting.

ADJOURNMENT:

Motion was unanimously made to adjourn the meeting at 2:40 p.m.



Robert Peña, Zoning Board Secretary