

ZONING BOARD OF ADJUSTMENT
MINUTES
February 14, 2005

The Zoning Board of Adjustment held a public hearing in the City Council Chambers, 2nd Floor of the City Hall Building, on Monday, February 14, 2005, at 1:26 p.m., with the following board members present:

Board Members

Vicente Ordoñez (Chair)
Anna Gill (Vice-Chair)
Larry Nance
James Major
Robert Veliz
Roger Rappe
Servando Hernandez
Betsy Braver

Staff Members

Kimberly Forsyth, Zoning Administrator
Robert Peña, ZBA Secretary
Linda Castle, Planner
Javier De La Cruz, Plan Examiner
Sandra Hernandez, Secretary

Kimberly Forsyth introduced Mr. David Marquez, who was recently appointed to the Board by City Council.

Robert Peña opened the meeting and read the Statement of Authority and Limitations on the Laws and Ordinance governing the Board. Board members and staff were introduced to the public. Vicente Ordoñez swore in all who wished to testify.

Item #1 02-026-04 8409-8411 Mettler Lawrence & Mai Gutman

Applicants request an extension of time for construction of an approved Special Exception under Section 2.16.050 G (Rear Yard Setback) R-4 Zone of the City of El Paso Zoning Ordinance. Cielo Vista Park, Block 82, Lot 7. This would permit the construction of a 46' by 9.5' portion of a structure located to within 16' of the rear property line. This request was approved by the ZBA on February 23, 2004, and the applicant requests a one-year extension of time to complete the project. A 25' rear yard setback is required in a R-4 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He stated that the applicant is requesting a one-year extension because they were unable to terminate the job during the time allotted.

The applicants stated that they need an extension for the patio and the carport.

Motion was made by Mr. Rappe to **GRANT** a year extension. Mr. Nance seconded the motion. Board was polled and motion passed unanimously. (7-0)

Item #2 01-016-05 12280 Tierra Alamo Arath Homes, Inc.

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) PR-2 Zone of the City of El Paso Zoning Ordinance. Tierra Del Este Unit 18, Block 88, Lot 3. This would permit the construction of a 55.2' by 31.2' structure located to within 4.5' of the side property line. A 5' side yard setback is required in a PR-2 zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He noted that this is the first builder's error for Arath Homes, Inc., for 2005.

Ivan Lee, owner of Arath Homes, Inc., was present to represent the case. He stated for the record that this error was inadvertent and not intentional.

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

Item #3 02-018-05 1629 Monte Del Sol Albert Gomez Builders
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3A Zone of the City of El Paso Zoning Ordinance. Lomas Del Sol Unit 1, Block 1, Lot 75. This would permit the construction of a 19.3' by 9.7' structure located to within 13' 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. He noted that the Board has been provided with a new site plan that shows the 19.3', which is one-third of the lot width. Javier de la Cruz, Plan Examiner, noted that this site plan is still with the plan reviewers and the only thing the applicants need to do is modify the floor plan to show the 19.3'.

Javier Lopez, representing Diamond Star Homes (Albert Gomez Builders), was present to represent the case.

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

Item #4 02-019-05 11801 Prado Del Sol Alex & Sara Marin
Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3A/sc Zone of the City of El Paso Zoning Ordinance. Vista Del Sol Unit 96, Block 454, Lot 24. This would permit the construction of a 20' by 26' addition located to within 20' of the rear property line. A 25' rear yard setback is required in an R-3A/sc zone.

Mr. Peña read the case into the record and made a slide presentation of the property. He noted that the small storage room is within the 120' that is allowed.

Adrian Zamarripa, representing Mr. and Mrs. Marin, was present to represent the case.

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

Item #5 02-020-05 12532 Tierra China Robbie & Maria Wolff
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. Tierra Del Este Unit 16, Block 73, Lot 10. This would permit the construction of a 28.3' by 12' structure located to within 12' 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. He stated that there is a swimming pool being built and some landscaping being done. He also stated that this is an odd shaped lot located in a cul-de-sac.

Robbie Wolff, owner, was present to represent the case.

Motion was made by Mr. Nance to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Ms. Gill seconded the motion. Board was polled and motion passed unanimously. (7-0)

Item #6 02-021-05 3600-3604 Alameda Francisco & Pedro Gonzalez

Applicants request a Special Exception under Section 2.16.050 C (Front & Rear Yard Setbacks) C-4 Zone of the City of El Paso Zoning Ordinance. East El Paso, Block 9, Lots 23-26. This would permit the construction of a 50' (front) by 140' (side) by 83' (rear) structure located to within 0' of the front, side and rear property lines. A 15' front yard setback and 10' rear yard setback are required in a C-4 zone.

Linda Castle read the case into the record and made a slide presentation of the property. She stated that there are some buildings that are non-conforming built right to the property line, confirmed by Mr. Robert Peña on his site visit. Mr. Peña noted that the owners are in the process of getting an off-premise parking permit. Kimberly Forsyth stated that the special permit for the off-site parking will go before the City Planning Commission and then to City Council. She stated that if the special permit is not approved by City Council, the applicants cannot go forward with the proposed construction. She stated this Board is only considering the Special Exception to allow the building structure to be built up to the property line.

Armando Garcia from Garcia Engineering, representing Francisco and Pedro Gonzalez, was present to represent the case. He stated that there will not be access from the alley; therefore, there will not be a problem of customers blocking the alley.

Kimberly Forsyth noted that staff received an e-mail, which has been distributed to the board members expressing some concerns from a neighboring property owner, mainly about the parking situation. She reiterated that if the special permit for off-site parking does not get approved by City Council, the applicants cannot go ahead with the construction.

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

Item #7 02-022-05 608 Tepic Maria Aguilar

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. Chaparral Park, Block 103, Lot 21. This would permit the construction of a 20' by 22' carport located to within 2' of the front property line. A 25' front yard setback is required in an R-3 zone.

Linda Castle read the case into the record and made a slide presentation of the property. Mr. Peña stated that the plans do not show everything that is on the property. There are some accessory structures that Building Permits & Inspections will need to look into. When he took the photos he did not notice the accessory structures until he got the aerial photo. Kimberly Forsyth noted that the accessory structures are not part of this application.

Dennis Harvey, representing the applicant, was present to represent the case. He stated that the beams will match the house. Maria Aguilar, owner of the property, was present and she also stated that the beams will match the house.

Javier de la Cruz, Plan Examiner, addressed the board stating that there are big structures on the side of the house which are normally only permitted at the rear of the house. He made Ms. Aguilar aware that at the time of inspection, the inspector may ask them to remove the structures and wanted to know if there

would be a problem with that. Ms. Aguilar stated that if the department requests that the structure be removed she would have no problem with that.

Mr. Peña stated that he had received some phone calls in opposition to this application. He requested them to send him something in writing but he did not receive anything, nor are they present at the meeting.

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

Item #8 02-023-05 4103 Leavell Josefina Gomez Fernandez
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. Logan Heights, Block 31, Lots 13 & 14. This would permit the construction of a 10'7" by 19'8" carport located to within 5' of the front property line. A 20' front yard setback is required in an R-4 zone.

Linda Castle read the case into the record and made a slide presentation of the property. She stated that this is an existing porch and in reference to Item #12 on the staff report, the Traffic Department and Building Services Department have no objection to this request. Mr. Peña noted that this carport had been built approximately 15 years ago. This is an adult foster care home and when the city inspector went to make the inspection for the home occupation license, he noticed the carport. He notified the owners that they needed to obtain a permit. The owners are willing to comply.

Ray Juarez was present to represent the owners.

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

Item #9 02-024-05 5425 Soledad Peter Love
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. Los Nogales Acres Replat, Block 9, Portion of Lots 2 & 3. This would permit the construction of a 20' by 24' addition located to within 10' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Linda Castle read the case into the record and made a slide presentation of the property. Mr. Peña stated that the addition will be in the rear of the property and there are no other structures in the rear. Kimberly Forsyth stated that this is an unusual case because they have a street that runs both in the front and along the rear, but they use the street in the front.

Ray Juarez was present to represent the owner.

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

Item #10 02-025-05 224 Silverwood Joseph & Chellie Hoover
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-1 Zone of the City of El Paso Zoning Ordinance. Silverwood, Portion of Tract 6. This would permit the construction of a 45.72' by 20' portion of a structure located to within 30' of the rear property line. A 50' rear yard setback is required in an R-1 zone.

Linda Castle read the case into the record and made a slide presentation of the property.

Mardi Crupper with Four Seasons Construction was present to represent the owners.

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

APPROVAL OF MINUTES

Mr. Major made a motion to **APPROVE** the minutes of January 10, 2005 as presented. Mr. Nance seconded the motion. Board was polled and motion passed unanimously. (7-0)

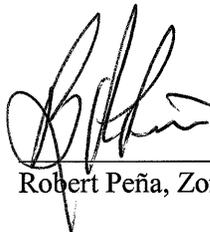
Mr. Ordoñez asked if there were any more questions for staff.

Mr. Nance asked if staff had a list of the new board members. He also requested a schedule of the meetings.

Kimberly Forsyth stated that she will distribute an updated list of the board members at the next meeting because there is another appointment being presented to City Council on February 15, 2005. She will also include a schedule of meetings.

ADJOURNMENT:

Motion was unanimously made to adjourn the meeting at 2:22 p.m.



Robert Peña, Zoning Board Secretary