

ZONING BOARD OF ADJUSTMENT
MINUTES
March 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, March 14, 2004, at 1:30 p.m., with the following board members present:

Board Members

Anna Gill
James Major
Roger Rappe
Bradley Roe
Larry Nance
Oscar V. Perez
Robert Veliz
David Marquez

Staff Members

Robert Peña, Zoning Board Secretary
Kimberly Forsyth, Zoning Administrator
Javier de la Cruz, Plan Examiner
Linda Castle, Planner
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. Anna Gill, Vice – Chair, acted at Chair. Ms. Gill introduced herself and other board members to the audience. She swore in all who wished to testify

Item #1 03-033-05 10048 Kirwood Christine Whipple

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. Terrace Hills, Block 10, Lot 32. This would permit the construction of a 20' by 17.7' 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. The Department is recommending approval as a special exception. Linda Castle noted that the addition is 20 feet wide which is one-third the width of the lot, and the encroachment is 15 feet into the backyard. Javier de la Cruz, BP&I, noted that the survey indicated a 2.5 feet side set back on the existing structure, but the applicant is proposing five feet from the side yard for the new construction so the application meets the criteria. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Benjamin Whipple was present to represent this case.

James Major made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Larry Nance seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #2 03-034-05 5537 Beth View Michael Alvarez

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. La Paz Estates, Block 1, Lot 15. This would permit the construction of a 9' by 9' addition located to within 20' of the rear property line. A 25' rear 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. The Department is recommending approval as a special exception. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who

wished to speak in favor or against this request. Bonnie Armendariz, 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. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #3 03-035-05 616 Linda Avenue Scott Schwartz
Applicant requests Special Exceptions under Sections 2.16.050 K & L (Side Street Setback & Error in Construction) R-1 Zone of the City of El Paso Zoning Ordinance. Country Club Place, Portions of Lots 13A & 13B.

First Exception: This would permit the construction of an 11.8' by 21.5' addition located to within 13.3' of the side street property line. A 25' side yard setback abutting a side street is required in an R-1 zone. Second Exception: This would permit the existence of a 97.7' by 22.2' structure and an 18.8' by 22.1' structure located to within 45' of the front property line. A 50' front 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. The Department is recommending approval as a special exception. Kimberly Forsyth explained that the ZBA packet contains an approval from the Zoning Board from 1968 whereby two of the buildings (the garage and the office) were approved as accessory structures in the front yard. Ms. Forsyth explained that the accessory structures were approved to come within 50' of the front yard property line but were actually constructed to be 45 feet from the front property line instead of 50 feet. Ms. Forsyth further explained that the applicant is trying to clean up the record for these two buildings and bring them in as a builder's error (allowing no more than 10 percent or 5 feet of the 50 foot setback).

Staff also recommends approval to modify the district side street yard requirements. The department received written approval the Traffic Department. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Conrad Conde, Representative, was present 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 exceptions. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #4 03-036-05 6026 Laguna Vista Juan Sandoval
Applicant requests a Special Exception under Section 2.16.050 N (Lot Depth) R-2/sp Zone of the City of El Paso Zoning Ordinance. Laguna Meadows Unit 2, Block 2, Lot 28. This would permit the construction of a single family residence on a lot with a depth of 105', width of 247.8' and lot area of 12,632 sq. ft. A 110' lot depth is required in an R-2/sp zone.

Linda Castle read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Ms. Castle noted that approval would permit the construction of a single-family residence in a residential district on a lot that does not meet the required minimum lot width, but does meet the minimum lot depth and minimum lot area. Ms. Castle explained that regarding sub Item #2 of the seven conditions, the lot width would be 95% of the required lot depth, which meets the criteria. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Juan Sandoval, owner, was present to represent this case.

James Major made a motion to **APPROVE** this request on the basis that the application meets the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed (7-0). Oscar Perez abstained from the vote.

Item #5 03-037-05 3660 Breean Isabell Rio Grande 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. Tierra Del Este Unit 23, Block 105, Lot 6. This would permit the construction of a 27.4' by 6.5' portion of a structure located to within 18.5' of the rear property line. A 25' rear yard setback is required in an R-5 zone.

Linda Castle read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. Linda Castle noted that the proposed construction projects less than three-fifths into the rear yard and is one-third of the lot. Robert Peña noted the site plan showing the portion of the back of the house that is encroaching into the rear set back. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Jesus Marques, owner of Rio Grande Homes, was present to represent this case.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets the requirements for the special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #6 03-038-05 4377 Loma Taurina Wayne Jones

Applicant requests a Special Exception under Section 2.16.050 K (Side Street Setback) R-3A Zone of the City of El Paso Zoning Ordinance. North Hills Unit 19, Block 49, Lot 1. This would permit the construction of a 12' by 43' portion of a structure located to within 5' of the side street property line.

Linda Castle read the case into the record and made a slide presentation of the property. Ms. Castle noted that a 10' side yard setback abutting a side street is required in an R-3A zone. The Department is recommending approval as a special exception and the department received written verification from Traffic that they approve this. Staff did not receive any calls or letters in favor or against this request. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Ted Reaves, Representative, was present for this case.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets the requirements for the special exception. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #7 03-039-05 12716 Tierra Monje Southwestern Classic Homes

Applicant requests a Variance from Section 20.14.090 (Yard Standards) R-5 Zone of the City of El Paso Zoning Ordinance. Tierra Del Este Unit 27, Block 112, Lot 29. This would permit the construction of a 38' by 58' structure located to within 23' of the rear property line. A 25' rear yard setback is required in an R-5 zone.

James Major made a motion to **POSTPONE** as requested by the applicant. Larry Nance seconded the motion. Board was polled and motion passed unanimously (8-0).

Item #8 03-040-05 10065 Imperial Norman Barnes

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. Terrace Hills, Block 13 , Lot 17. This would permit the construction of a 20' by 14' structure located to within 14' 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. The Department is recommending approval as a special exception. She noted that approval would permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line and encroachment would be seven feet which is less than the three-fifth requirement. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Norman Barnes, Owner, was present to represent this case. Staff did not receive any calls or letters in favor or against this request

James Major made a motion to **APPROVE** this request on the basis that the application meets the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (8-0).

Other Business:

Approval of minutes of February 28, 2005 - Kimberly Forsyth noted that the numbering of pages need correction and also referred to Agenda Item #4, last paragraph. The language "approval of special exception" needed to be deleted. Bradley Roe made a motion to approve the minutes with those changes. Larry Nance seconded the motion and it passed unanimously.

Planning Report –Training session for the new board members or current board members who wish to take the training would take place on April 4, 2005 at 1:30 at the Planning Conference Room, second floor.

It was announced that the next meeting is set for March 28, 2005 at 1:30 p.m.

Adjournment: approximately 2:00 p.m.

Robert Peña,
Zoning Board Secretary