

ZONING BOARD OF ADJUSTMENT
MINUTES
May 9, 2005

The Zoning Board of Adjustment held a public hearing in the City Council Chambers, 2nd Floor of the City Hall Building, on Monday, May 9, 2005, at 1:30 p.m., with the following board members present:

Board Members

Anna Gill, Chair
Larry Nance
James Major
Oscar V. Perez
Robert Veliz
David Marquez
Roger Rappe
Servando Hernandez
John Taylor

Staff Members

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

Robert Peña, Zoning Board Secretary, Planning Department, opened the meeting and read the Statement of Authority and Limitations on the Laws and Ordinance governing the Board. Anna Gill swore in all who wished to testify.

Item 1 04-046-05 3600 Alameda Francisco Gonzalez

Applicant requests a Special Exception under Section 2.16.050 "O" (Parking Reduction) C-4 Zone of the City of El Paso Zoning Ordinance. Lots 23-26, Block 9, East El Paso Addition. This would permit a 14% reduction in the parking requirements for proposed retail commercial building. The parking requirement is 29 spaces, and 25 spaces will be provided off-site (a special permit for off-site parking was approved on April 26, 2005 by City Council.) The Traffic Division has reviewed this application, and approval has been received from the Traffic Engineer.

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. Regarding handicap parking, Margarita Molina, Traffic, noted that the off-site parking proposed by the applicant was revised, coordinated, and approved by the engineers in the Traffic Division. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Armando Garcia, Representative, was present to represent this case. No opposition was presented.

David Marquez made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 2 04-064-05 3203 Cornwall Carlos Hernandez

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. Scotsdale Unit 3, Block 38, Lot 22. This would permit the construction of a 24' by 20' carport located to within 5' of the front property line. A 20' front 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Katherine Hernandez, Owner, was present 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. James Major seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 3 05-065-05 3420 Clearview John Williams

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) R-3 Zone of the City of El Paso Zoning Ordinance. Monterrey Park Replat, Block 5, Lot 17. This would permit the construction of a 35'8" by 10' addition located within 23' 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. Kimberly Forsyth explained that part of the addition had already been built without a permit. The applicant thought the existing construction was within the setback areas. When the applicant applied for a permit, it was discovered that the existing addition and new construction were encroaching into the rear yard setback but were less than 15%, which is permitted under this particular exception. Ms. Forsyth noted that the applicant is in the process of getting his permit to legalize the structure. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. John Williams, Owner, was present to represent this case.

David Marquez made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception and subject to the applicant obtaining a permit. Roger Rappe seconded the motion. Board was polled and motion passed (8-1). John Taylor voted in opposition.

Item 4 05-066-05 724 Meadowlark Jorge Villegas

Applicant requests a Special Exception under Section 2.16.050 K (Side Street Setback) R-1 Zone of the City of El Paso Zoning Ordinance. Stonehedge Estates Unit 1, Block 2, Lot 1. This would permit the construction of a 40'8" by 5' portion of a structure located within 20' of the side street property line. A 25' side yard setback abutting a side street is required in an R-1 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Jorge Villegas, Owner, was present to represent this case.

Roger Rappe 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 (9-0).

Item 5 05-067-05 10451 Kendall Kenfield Quon

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Sun Valley Unit 12, Block 132, Lot 8. This would permit the existence of a 14.1' by 7.7' addition located to within 17' of the front property line.

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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Ken Quon, Owner, was present to represent this case.

Roger Rappe made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception, and subject to the applicant obtaining a permit, Larry Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 6 05-068-05 8706 Cathedral Guillermo Hernandez

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Capistrano Park, Block 20, Lot 6. This would permit the construction of a 23.33' by 20' addition located to within 16' of the front property line. A 25' front 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Guillermo Hernandez, Representative, was present 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. James Major seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 7 05-069-05 200 Vista Rio Circle Dennis Gibbs

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Coronado Terrace, Block 25, Lot 25. This would permit the construction of a 26' by 7' structure located to within 18' of the front property line. A 25' front 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Dennis Gibbs, Representative, was present 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. David Marquez seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 8 05-070-05 6941 Canyon Run Johnny Fierro

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. Highlands Unit 2, Block 9, Lot 34. This would permit the construction of a 17' by 12' addition located to within 14' of the rear property line. A 25' rear 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 approval as a special exception. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Ray Juarez, Representative, 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 (9-0).

Item 9 05-071-05 175 Arizona Inter National Bank

Applicant requests a Variance from Section 20.08.290 (Vision Clearance at Intersections) and Section 20.66.300 (Signs) C-1 Zone of the City of El Paso Zoning Ordinance. Hart, Block 13, Lots 1-10.

Robert Peña read the case into the record and made a slide presentation of the property. It was noted that approval of this variance would permit the placement of a 15' by 12" sign located on a retaining wall at a corner lot within 5' of the front property line and the construction of an 8' by 11'11" monument sign located on a corner lot within 1.5' of the rear property line.

The Department is recommending approval of the variance for a sign located on the retaining wall because the site does have a change in elevation that required the retaining wall, and visibility of the sign would be affected. Further, the applicant is following the spirit of the Ordinance by not constructing additional signage but is rather utilizing the existing wall. The Department recommends denial of the variance for the monument sign at the rear because it is not in conformance with the spirit of the code, nor is there any topographical situation that would require the sign be placed inside the "visibility triangle" at this intersection. Margarita Molina, Traffic Division, explained that the Traffic Division reviewed this application and approved the placement of the sign located on the retaining wall at the corner of Arizona and Mesa but did not approve the monument sign at Nevada and Mesa, due to visibility problems.

Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Mr. Rosales with 101 Arizona Limited spoke, saying he was concerned about increased traffic in the area. No other opposition was presented. Dwayne Francis, Representative, was present to represent this case.

James Major made a motion to **APPROVE** the wall sign on the retaining wall on Arizona and Mesa on the basis the application meets the requirements for a variance and to **DENY** construction of the monument sign on Nevada and Mesa on the basis that the application does not meet the requirements for the variance and obstructs visibility. Larry Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 10 05-072-05 11504 Meadowbrook Daniel Thacker

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Vista Del Sol Unit 46 Replat A , Block 240, Lot 3. This would permit the construction of an 18' by 7' addition located to within 18' of the front property line. A 25' front 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Daniel Thacker, Owner, was present 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 (9-0).

**Item 11 05-073-05 12036 Paul Klee Anna
Johns**

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. Vista Del Sol Unit 124, Block 522, Lot 21. This would permit the construction of a 17' by 20' addition located to within 20' of the rear property line. A 25' rear 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 approval as a special exception. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Adrian Zamarripa, Representative, was present 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. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 12 05-074-05 8648 Holmsley Trail Ralph Lloyd

Applicant requests a Special Exception under Section 2.16.050 C (Front Yard Setback) R-F Zone of the City of El Paso Zoning Ordinance. Gilmore, Portion of Tract 9. This would permit the construction of a 15' by 14'2" addition located within 22'6" of the front property line. A 50' front yard setback is required in an R-F zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending denial of the special exception. Kimberly Forsyth explained that this house and several of the neighboring properties have been registered as legal nonconforming structures, but the staff cannot approve this special exception because there would have to be two or more properties within the block that were greater than or equal to the encroachment. Ms. Forsyth suggested that the applicant request a variance. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Ms. Forsyth noted that staff received one letter and a telephone call in opposition. James Montgomery, an adjacent property owner, was present and expressed opposition to the request. Ralph L. Lloyd, Owner, was present to represent this case.

Larry Nance made a motion to **DENY** this request on the basis that the application does not meet all the requirements for special exception. David Marquez seconded the motion. Board was polled and motion passed unanimously (9-0).

Item 13 05-075-05 737 Cinnamon Teal Raul Jayme

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-2/sp/c Zone of the City of El Paso Zoning Ordinance. Laguna Meadows Unit 1, Block 1, Lot 20. This would permit the construction of a 22' by 5.8' portion of a structure located within 14' of the rear property line. A 20' rear yard setback is required in this R-2/sp/c 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. Raul Jayme, Representative, was present to represent this case. Mr. Jayme noted that the contractor built the new house without obtaining a permit, and he is now trying to gain his rightful ownership of the property and to legalize the construction by obtaining the permit. Robert Pena noted that if the plans had been submitted as required, they would have met requirements for a special exception. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented.

Larry Nance made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. David Marquez seconded the motion. Board was polled and motion passed unanimously (9-0).

Other Business:

Approval of Minutes: Motion made and seconded to approve the minutes of April 25, 2005. The motion passed unanimously (9-0).

It was announced that the next meeting is set for May 23, 2005, at 1:30 p.m.

Adjournment: The meeting adjourned at approximately 2:50 p.m.

Robert R. Peña
Zoning Board Secretary