

ZONING BOARD OF ADJUSTMENT
MINUTES
May 23, 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 23, 2005, at 1:30 p.m., with the following board members present:

Board Members

Anna Gill, Chair
Larry Nance
James Major
Robert Veliz
David Marquez
Jose Melendez
Servando Hernandez
Bradley Roe

Staff Members

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

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, Chair, swore in all who wished to testify.

04-063-05

11964 Waterside

Maria Villalva

Applicant requests a Special Exception under Section 2.16.050 Q (Carport over a Driveway). R-5/c Zone of the City of El Paso Zoning Ordinance. Vista Real Unit 4, Block 44, Lot 18. This would permit the existence of a 20' by 14.5' portion of a carport located to within 0' of the front property line. A 20' front yard setback is required in an R-5/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. Maria Villalva, Owner, was present to represent her case. Mr. Pena said the case was postponed 4 weeks ago, and the applicant now has engineered drawings for the carport. Her carport, as it exists, does not meet code requirements. Mr. Pena noted that the carport would have to be modified and stated that Ms. Villalva understands what she needs to do.

James Major made a motion to **APPROVE** the carport subject to the applicant making the necessary modifications. Bradley Roe seconded the motion. Board was polled and motion passed unanimously.

05-076-05

512 Wild Willow

Mark Fenenbock

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) R-2 Zone of the City of El Paso Zoning Ordinance. Willows Unit 1, Block 11, Lot 3. This would permit the construction of a 21.1' by 2.8' portion of structure located within 27' of the front property line. A 30' front yard setback is required in an R-2 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. Mr. Pena noted that it is an existing house. Tim Erickson, Representative, was present and said he had provided a letter to the City from Padilla Homes, contractor, that stated that the error in construction was

inadvertent. Kimberly Forsyth said that Padilla Homes does not have more than 3 requests for this special exception (builder's error) in the past 12 months.

Larry Nance made a motion to **APPROVE** the special exception based on the application meeting all the requirements. Bradley Roe seconded the motion. Board was polled and motion passed unanimously.

05-077-05 10127 Whitetail **Paul Vargas**
Applicant requests a Variance from Section 20.16.090 (Yard Standards) RMH Zone of the City of El Paso Zoning Ordinance. Deer Valley Unit 2, Block 1, Lot 40. This would permit the existence of a 34.3' by 12.5' structure located to within 3.2' of the side property line. A 7' minimum side yard setback is required in an RMH zone.

Mr. Pena asked the Board to postpone this item until the next meeting so that the City can determine if there are other properties with the same condition as the applicant's.

Bradley Roe made a motion to **POSTPONE** this item. Larry Nance seconded the motion. Motion passed unanimously.

05-078-05 4141 Emory Road **Chimene & Kevin Mark**
Applicant requests a Special Exception under Section 2.16.050 C (Side Yard Setback) R-2A Zone of the City of El Paso Zoning Ordinance. Mountain View Acres, Lot 17. This would permit the construction of a 9.5' by 11' addition located within 4' of the side property line. An 8' side yard setback is required in an R-2A 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. Mr. Pena stated that there are other lots on the street with buildings built right up to the property line. Chimene Mark, Owner, was present to represent the case.

Larry Nance made a motion to **APPROVE** this item based on the application meeting all the requirements. Bradley Roe seconded the motion. Motion passed unanimously.

05-079-05 7380 Camino Del Sol **Quality Craft Homes, Inc.**
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. Lomas Del Sol, Block 2, Lot 21. This would permit the construction of a 9' by 7' addition located to within 18' 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. Mr. Pena reported that the proposed encroachment is a corner on the second story of the house, which is above an open patio. A representative of Quality Craft Homes, Inc., was present to represent the case.

Jose Melendez made a motion to **APPROVE** the item based on the application meeting all the requirements. Mr. Major seconded the motion. Motion passed unanimously.

05-080-05 8508 San Miguel **Antonio Rodriguez**
Applicant requests a Special Exception under Section 2.16.050 Q (Carport over a Driveway) R-4/sc Zone of the City of El Paso Zoning Ordinance. Valle de San Miguel, Block 3, Lot 6. This

05-083-05

908 Valle Bello

Francois McDave

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-2/sp/c Zone of the City of El Paso Zoning Ordinance. Westside Addition, Block 2, Lot 15. This would permit the existence of a 33' by 10' patio with a wall higher than 42" located to within 10' of the front property line. A 20' front 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. Jerry Shinn, Gila Mesa Builders, was present to represent the case. Kimberly Forsyth noted that this patio meets the one-third width of the lot requirement, when the 150 square feet permitted in the code is subtracted.

Bradley Roe made a motion to **APPROVE** the special exception based on the application meeting all the requirements. Servando Hernandez seconded the motion. The motion passed unanimously.

Other Business:

In other business, the May 9, 2005, ZBA meeting minutes were approved. Bradley Roe abstained.

Motion made, seconded and approved to adjourn the meeting. The meeting adjourned at 2:30 p.m.

Robert R. Peña
Zoning Board Secretary