

Kimberly Forsyth noted the distribution of the structural drawings and added that the Traffic division reviewed and approved the drawings.

James Major 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 (7-0).

Item 3 06-085-05 940 Via Descanso CBA Enterprises, Inc.

Applicant requests a Variance from Section 20.12.080 (Lot Size Standards) and Section 20.12.090 (Yard Standards) R-3A Zone of the City of El Paso Zoning Ordinance. Chaparral Park Unit 4, Block 181, Lot 11. This would permit construction of a single family dwelling on a lot with a minimum lot depth of 57.37'. A 90' minimum lot depth is required in an R-3A zone. The average depth of this lot is 104.6' and the lot exceeds the minimum area requirement of 5,000 square feet. This would also permit a reduction in the rear yard setback to 5' due to the irregular shape of the lot. A 25' minimum 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 variance due to the irregular shape of the lot. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. Carlos Austin, Representative, was present to represent this case.

Kimberly Forsyth explained that there are special conditions contributing to a hardship that were considered by staff in recommending a variance. Ms. Forsyth noted that for this particular property, the owner would be required to build a considerably smaller house than usual for this neighborhood because of the lot's unique shape and topography.

Sandy Attaguile, representing the neighborhood, attended the hearing in opposition, noting that safety issues and view obstruction were reasons for the opposition. She further requested that this request be tabled because the property owners received a late notice and the neighborhood coalition wanted to be present to voice their opposition as well.

Roger Rappe made a motion to **POSTPONE** for two weeks (to 6/27/05). Betsy Braver seconded the motion. Board was polled and motion passed unanimously (7-0).

Item 4 06-086-05 10209 Bon Aire Roy Thomas

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. Eastern Hills, Block 3, Lot 3. This would permit the construction of a 23.6' by 13' portion of a structure located to within 15' 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. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. No opposition was presented. Cain Kerby, Representative, was present to represent this case and noted that the structure is going to be an open patio with an enclosed area at a later date. Kimberly Forsyth noted that as shown in the staff report, 31 feet is open patio but enclosing 23.6 feet of that which is 1/3 the width of the lot. No opposition was presented.

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

Item 5 06-087-05 9001 Mercury Gary Herman

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) R-4 Zone of the City of El Paso Zoning Ordinance. Sunrise Acres Unit 1, South 60' of Lot 421. This would permit the existence of a 40.1' by 40.2' structure located within 22.2' of the rear property line. A 25' rear yard setback is required in an R-4 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. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. Gary Herman, Representative, was present to represent this case. Maria Martinez and daughter attended the hearing in opposition of the request. Their concern is a retaining wall separating their property from Mr. Herman's.

Kimberly Forsyth noted that the application was submitted as a builder's error, which allows the applicant to encroach 15 feet into the rear yard setback. The request is for approval of a four-car garage and the existing metal structure will be removed.

Roger Rappe 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 (7-0).

Item 6 06-088-05 728 Camino Real David Guaderrama

Applicant requests a Special Exception under Section 2.16.050 C (Side Yard Setback) R-1 Zone of the City of El Paso Zoning Ordinance. Upper Valley, Block 4, Tract 14-G. This would permit the construction of a 20' by 40' addition located within 10' of the side property line. A 20' side yard setback 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. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. David Guaderrama, Representative, was present to represent this case. Mr. Guaderrama noted that he is adding a master bedroom. No opposition was presented.

Jose Melendez 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 (7-0).

Item 7 06-089-05 6689 Pearl Ridge Padilla Homes, Inc.

Applicant requests a Variance from Section 20.54.090 (Yard Standards) PR-2/sc Zone of the City of El Paso Zoning Ordinance. Ridge View Estates Unit 19, Block 30, Lot 3. This would permit the existence of a 72' by 57.4' structure located to within 3.5' of the side property line. A 5' minimum side yard setback is required in this PR-2/sc zone.

Robert Peña read the case into the record and made a slide presentation of the property. The Department is recommending approval as a variance. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. Elvia Davila, Representative, was present to represent this case. Elizabeth Perez, an adjacent property owner, attended the hearing in opposition of the request for a variance. Ms. Perez noted that the inspectors notified Padilla Homes that they were building in error, but Padilla Homes continued to build. Ms. Davila, representative for Padilla Homes, said she did not have

knowledge at hand of the notification to stop construction. In addition, Ms. Perez said she was concerned that the structure (the garage) was too close to her home causing a safety hazard; also, she said her opposition included a rock wall issue.

Kimberly Forsyth explained that the topography of the lot, the difficulty in situating the house and the rock wall issue were all elements staff considered in recommending a variance. Robert Peña explained that the rock wall was not built on the property line, but that the wall is still 6 feet away from the neighbor's yard.

Betsy Braver made a motion to **POSTPONE** for two weeks (to 6/27/05), to investigate records of notification to stop construction. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (7-0).

Item 8 06-090-05 7879 Laura Maria Elena Gonzales

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. Monte Cito, Block 4, Tract 19. This would permit the construction of a 20' by 11' addition located to within 15' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

Roger Rappe made a motion to **POSTPONE** for two weeks (to 6/27/05) as requested by the applicant. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (7-0).

Item 9 06-091-05 7830 Broadway Estella Gonzales

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. Thomas Manor Unit 9, Block 16, Lot 12. This would permit the construction of a 20' by 13' portion of a structure located to within 14' 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. Larry Nance asked if there was anyone in the audience who wished to speak in favor or against this request. Albert Gonzales, Representative, was present to represent this case. Mr. Gonzales stated that he is proposing to enclose a patio. Kimberly Forsyth noted that only 20 feet could be enclosed and the rest would have to be open patio. She also noted that the existing storage building would have to be reduced to 120 sq. ft. No opposition was presented. Robert W. Mays, property owner at 7834 Broadway, attended to show support of the request.

Oscar Perez made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Jose Melendez seconded the motion. Board was polled and motion passed unanimously (7-0).

Other Business:

Kimberly Forsyth reminded the members of the Zoning Board of Adjustment that June 30, 2005, is the deadline to mail in their Financial Disclosure Statements to the City Clerk's office.

Approval of Minutes: Motion made and seconded to approve the minutes of May 23, 2005, as presented. The motion passed unanimously (7-0).

It was announced that the next meeting is set for June 27, 2005 at 1:30 p.m.

Adjournment: The meeting adjourned approximately 2:55 p.m.

Robert Peña,
Zoning Board Secretary