

ZONING BOARD OF ADJUSTMENT
MINUTES
June 27, 2005

The Zoning Board of Adjustment held a public hearing in the City Council Chambers, 2nd Floor of the City Hall Building, on Monday, June 27, 2005, at 1:30 p.m., with the following board members present:

Board Members

Anna Gill, Chair
Larry Nance, Vice Chair
James Major
Oscar V. Perez
Robert Veliz
David Marquez
Roger Rappe
Esteban Sansores

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 of Adjustment 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 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. Mr. Peña noted that this item was postponed from meeting of June 13, 2005, because the property owners had received a late notice and the neighborhood coalition wanted to be present to voice their opposition. 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. Carlos Austin, owner, was present to represent this case. Mr. Austin explained the opposition presented from two weeks ago in which a property owner stated that the construction would be obstructing her view. He stated that the wall is not an issue. Kimberly Forsyth noted that the applicant was given the option to consider this item as a Special Exception G to the rear rather than a variance. Ms. Forsyth explained that since it was only a particular corner that projected too close to the rear property line, the applicant could cut it back to have 10 feet. She further explained that the applicant was not willing to present the case as a special exception so the case is now presented as a variance. Mr. Austin noted that he was not willing to present as a special exception due to the expenses and cost already incurred. He also noted that due to the special conditions of the property, this case needs a variance.

James Major made a motion to **DENY** this request for a variance and **APPROVE** as a special exception which would allow applicant to build within 10 feet of the property line, provided the

encroachment meets all other criteria of the special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 2 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 previously recommended approving as a variance, pending information regarding the building permit. Building, Permits & Inspections provided evidence that the builder was told to stop construction because there was a problem with that side setback; however, the applicant continued to build. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Javier Lopez, representative, was present to represent this case. Elizabeth Perez, property owner, was in attendance in opposition of the variance request.

Esteban Sansores made a motion to **DENY** this request on the basis that the application does not meet all the requirements for the variance. James Major seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 3 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.

James Major made a motion to **DELETE** this request as requested by the applicant. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 4 06-092-05 7390 Camino Del Sol Albert Gomez Builders, Inc.

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. Lomas Del Sol Unit 1, Block 2, Lot 12. This would permit the existence of a 45.1' by 46.4' structure located within 24.1' of the rear property line and 4.5' of the side property line. A 25' rear yard setback and a 5' side yard setback are 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. Javier Lopez, owner, was present to represent this case. Mr. Lopez explained that the foreman expanded into the rear set back. Mr. De La Cruz, Building, Permits & Inspection, noted that the foundation inspection was approved but that the main concern was the side setback from the bay window because by building code the applicant would be required to fire rate those windows. No opposition was presented.

Oscar Perez made a motion to **APPROVE** this request with the provision that if the bay window projection on the side of the house leaves less than a 3' side setback, the window construction will have to be fire rated. Esteban Sansores seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 5 **06-093-05** **2961 Doug Ford** **George Cadena**

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. Vista Del Sol Unit 19, Block 101, Lot 27 and a Portion of Lot 26. This would permit the construction of a 15' by 10' addition 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Christopher Hooks, Representative, was present to represent this case. No opposition was presented.

David Marquez made a motion to **APPROVE** this request with the provision that the accessory structures be reduced to a total of 120 square feet. Esteban Sansores seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 6 **06-094-05** **727 Gary** **Lorenzo Aguilar**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-2 Zone of the City of El Paso Zoning Ordinance. El Retiro, Block 2, Lot 3. This would permit the construction of a 24'7" by 14' portion of a structure located to within 16' of the rear 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. Lorenzo Aguilar, owner, was present to represent this case. Neighbors from The Willows area were present to oppose the request, stating that privacy, safety, property values, and precedence to abide by guidelines were the main issues.

David Marquez made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Esteban Sansores seconded the motion. Board was polled and motion passed (7-1). Board member Larry Nance cast the opposing vote.

Item 7 **06-095-05** **11056 Dandelion-B** **Carmen Gabaldon**

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) PR-2 Zone of the City of El Paso Zoning Ordinance. Oasis Ranch, Block 2, Lot 137. This would permit the construction of a 6' by 2'8" structure located to within 17' of the front property line. A 20' front yard setback is required in this PR-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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Carmen Gabaldon, owner, was present to represent this case. 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. Esteban Sansores seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 8 06-096-05 11838 Clara Barton Veronica Tyree

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. Vista Del Sol Unit 92, 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-5 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. Veronica Tyree, owner, was present to represent this case. No opposition was presented.

Larry Nance made a motion to **APPROVE** this request pending amendment of the measurements to 23' by 20'. Robert Veliz seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 9 06-097-05 5006 Trowbridge Jose & Lilia Martinez

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. Monte Cito, Block 4, Tract 19. This would permit the construction of a 26' by 16'7" addition located to within 10' of the rear property line. A 25' rear yard setback is required in an R-5 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. Victor Rejino, Community Development Department, was present to represent this case, a Community Development Department project. 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. Esteban Sansores seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 10 06-098-05 3321 Glasgow Raul Lopez, Jr.

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. Scotsdale Replat, Block 19, Lot 18. This would permit the construction of a 25'2" by 21'7" addition located to within 10'2" 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. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Miguel Sanchez, representative, was present to represent this case. No opposition was presented.

Esteban Sansores made a motion to **APPROVE** this request with the provision that the accessory structure be reduced to a total of 120 square feet. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

Item 11 07-112-04 12413 Tierra Encino Jose & Cathy Soto

Applicant requests an Extension of Time for a Special Exception granted in July 2004 under Section 2.16.050 G (Rear Yard Setback) R-3A Zone of the City of El Paso Zoning Ordinance. Tierra Este Unit 7, Block 42, Lot 8. This would permit the owner one more year to complete

construction of a 20' by 16' addition located to within 10' 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 of the one year time extension. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Cathy Soto, owner, was present to represent this case. Ms. Soto said she is asking for more time since the code provides that the Board can grant up to a one-year extension.

Roger Rappe made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the time extension. Esteban Sansores seconded the motion. Board was polled and motion passed unanimously (8-0).

Other Business:

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

Approval of Minutes: Motion made and seconded to postpone approval the minutes of June 13, 2005, to July 11, 2005, to give members more time to read them. The motion passed unanimously (8-0).

It was announced that the next meeting is set for July 11, 2005, at 1:30 p.m.

Adjournment: The meeting adjourned at approximately 2:45 p.m.

Robert Peña,
Zoning Board Secretary