ZONING BOARD OF ADJUSTMENT MEETING MINUTES
2ND FLOOR – CITY COUNCIL CHAMBER
JULY 10, 2006
1:30 P.M.

The Zoning Board of Adjustment meeting was called to order at 1:30 p.m. by Chair Anna Gill. The following Board Members answered roll call:

Mrs. Anna Gill (Chair)
Mr. Robert Veliz
Mr. Servando Hernandez
Mr. David Marquez
Mr. James Major
Mr. Oscar Perez
Mr. John Taylor

CHANGES TO THE AGENDA
Discussion and action on postponing Item # 1 for four weeks, to the meeting of August 14, 2006, and postponing Item #7 for two weeks, to the meeting of July 24, 2006.

ITEM 1:
03-065-06 917 South Saint Vrain Street Esteban Ayala
Applicant requests a Special Exception under Section 2.16.050 C (Front, Side, and Rear Yard Setbacks) A-3 Zone of the City of El Paso Zoning Ordinance.

The applicant is pending a City Council Hearing on August 1, 2006 for a special permit for a parking reduction.

ITEM 7:
07-134-06 671 Bluff Canyon Circle Jose Padilla
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.

This item is postponed to add a Special Exception L (Builder's Error, Front Yard Setback) and re-notify for the additional Special Exception.

Motion was made by Mr. James Major, seconded by Mr. Robert Veliz, and unanimously carried to postpone Item #1 for four weeks, to the meeting of August 14, 2006.and postpone Item #7 for two weeks, to the meeting of July 24, 2006.

DISCUSSION AND ACTION ITEMS

ITEM 2:
05-100-06 919 Hunter Drive El Paso Community College
Applicant requests a Variance from Section 20.66.275 (Signs, Schools) in an R-F Zone of the City of El Paso Zoning Ordinance.

David Mena, Director of Engineering and Facilities at El Paso Community College, requested this item be postponed for two weeks, to the meeting of July 24, 2006 to have a full board present, since there were only seven board members present at today's meeting.

Motion was made by Mr. Perez, seconded by Mr. Hernandez, to postpone this item for two weeks, to the meeting of July 24, 2006.

AYES: Mrs. Anna Gill, Mr. Oscar Perez, Mr. Servando Hernandez, Mr. John Taylor, Mr. Robert Veliz, Mr. David Marquez
NAYS: Mr. James Major

ITEM 3:
06-112-06 114 Miller Circle Jesus and Maria Mireles
Applicants request a Special Exception under Section 2.16.050 Q (Carport over a Driveway) R-3 Zone of the City of El Paso Zoning Ordinance.

The representative presented Building Permits and Inspections with corrected drawings that were signed and sealed by a professional engineer. Building Permits and Inspections have reviewed the plans and approved the drawings.

Esteban Mireles, representing the owners, was present to represent the case.

Motion was made by Mr. Servando Hernandez, seconded by Mr. Oscar Perez, and unanimously carried to approve this request for a Special Exception Q (Carport over a Carport).

ITEM 4:
06-120-06 10205 Blackwood Avenue Manuel and Lily Moralez
Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance.

Gary Esparza, representing the owners, was present to represent the case.

Motion was made by Mr. Servando Hernandez, seconded by Mr. Oscar Perez, and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback) with the condition that the portion of the structure that is more than the maximum allowable width of 24'3" be removed or left open (180 square feet of open porch also permitted).

ITEM 5:
06-126-06 4216 Hampshire Lane Scott Emmerich
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.

No one was present to represent the case.

Motion was made by Mr. David Marquez, seconded by Mr. John Taylor and unanimously carried to move this item to the end of the agenda to allow the applicant to be present at the meeting.

ITEM 6:
07-133-06 300 Corte Rimini Way Padilla Homes, Inc.
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-2A/sp zone of the City Of El Paso Zoning Ordinance.

Elvia Davila, representing the applicant, was present to represent the case.

Motion was made by Mr. David Marquez, seconded by Mr. John Taylor and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback).

ITEM 8:
07-135-06 1263 Stanley Drive Tomas Enriquez
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.

Tomas Enriquez, the owner, was present to represent the case.

Motion was made by Mr. Servando Hernandez, seconded by Mr. David Marquez and unanimously carried to approve this request for a Special Exception Q (Carport over a Driveway).

ITEM 9:
07-136-06 6392 Franklin Gate Drive Diamond Star Homes
Applicant requests a Special Exception under Section 2.16.050 L (Builder's Error, Front Yard Setback) R-3A Zone of the City Of El Paso Zoning Ordinance.

Elvia Davila, representing the applicant, was present to represent the case.

Motion was made by Mr. David Marquez, seconded by Mr. Oscar Perez, and was unanimously carried to approve this request for a Special Exception L (Builder's Error, Front Yard Setback).

ITEM 10:
07-137-06 6384 Franklin Gate Drive Albert Gomez Builders
Applicant requests a Special Exception under Section 2.16.050 L (Builder's Error, Front Yard Setback) R-3A Zone of the City of El Paso Zoning Ordinance.

Elvia Davila, representing the applicant, was present to represent the case.

Cindy Crosby stated that the representative must state on the record that the error was inadvertent and not intentional and present evidence to that fact. The representative must also state where the error occurred.

Elvia Davila, representative, stated the error was not due to errors in the plans, but when the cement was poured. She clarified that the error was inadvertent and not intentional.

Motion was made by Mr. John Taylor, seconded by Mr. David Marquez, and unanimously carried to approve this request for a Special Exception L (Builder's Error, Front Yard Setback).

Cindy Crosby requested that Item #9 be reconsidered to allow the representative to make statements regarding the builder's error.

Motion was made by Mr. Oscar Perez, seconded by Mr. David Marquez and unanimously carried to reconsider Item #9.

ITEM 9:
07-136-06 6392 Franklin Gate Drive Diamond Star Homes
Applicant requests a Special Exception under Section 2.16.050 L (Builder's Error, Front Yard Setback) R-3A Zone of the City Of El Paso Zoning Ordinance.

Elvia Davila, representing the applicant, was present to represent the case. She clarified that the error was inadvertent and not intentional.

Motion was made by Mr. Robert Veliz, seconded by Mr. James Major, and unanimously carried to approve this request for a Special Exception L (Builder's Error, Front Yard Setback).

ITEM 11:
07-139-06 412 Gallagher Street Carefree Homes, Inc.
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.

Joanne Carrizal, representing the applicant, was present to represent the case.

Motion was made by Mr. Oscar Perez, seconded by Mr. James Major, and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback).

ITEM 12:
07-140-06 713 Woodfield Drive Troyce Construction
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-1 zone of the City of El Paso Zoning Ordinance.

A trellis carport is proposed in the front yard. The maximum encroachment is 150 square feet. The owner would be required to reduce it to 7.5' by 20' to meet this maximum encroachment.

Angel Ramos, representing the applicant, was present to represent the case and agreed to reduce the trellis carport.

Motion was made by Mr. Oscar Perez, seconded by Mr. John Taylor, and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback).

ITEM 13:
07-141-06 12433 Kari Anne Drive Michael and Maria Ramirez
Applicants request a Variance from Section 20.12.090 (Side Yard Setback) R-3A zone of the City of El Paso Zoning Ordinance.

Mr. Major advised the owners that all votes would be required to approve this request. The applicants were offered the option of having their request heard today with a seven member panel or postponing their request for two weeks, to the meeting of July 24, 2006 to allow this item to be heard by more members

Michael Ramirez, owner, declined the offer to postpone this item for two weeks and stated he was previously issued a permit for the carport.

Bill Stern, Building Inspector, stated the case regarding a canvas covered aluminum framed canopy was presented before Municipal Court and was dismissed because the canopy was removed. Since then, the applicant built a carport, which is a separate issue. The applicant was given a permit based on incorrect information, provided to the department, by the applicant.

Francisco Mejia, Plan Reviewer, who issued the permit, was present.

Cindy Crosby stated that due to this being a potential claim against the city, it would be better not to discuss on record what was stated between the building inspector and the plan reviewer, and review the variance based on the facts presented today.

Robert Pena stated the staff's recommendation was to deny the variance because it did not meet the requirements for a variance from Section 20.12.090 (Side Yard Setback) of the City of El Paso Zoning Ordinance.

For the record, Mr. Servando Hernandez read the conditions that must be met to approve this variance. If these requests are not met, the board must deny this variance.

Is the request for a variance owing to a condition inherent to the property itself? If the condition is inherent to the property itself, the board can continue, if the condition is not, the board must deny the request.

Mr. Servando Hernandez stated the condition is not inherent to the property itself.

Motion was made by Mr. John Taylor, seconded by Mr. Oscar Perez, and unanimously carried to deny this request for a Variance (Side Yard Setback).

Cindy Crosby explained the board had limited jurisdiction on what they can review and approve and directed the applicants to discuss their concerns, regarding the carport, with Mr. Alan Shubert, Director of Development Services.

ITEM 14:
07-142-06 9322 Nottingham Drive Joe and Adela Tapia
Applicants request a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3/sc zone of the City of El Paso Zoning Ordinance.

Joe and Adela Tapia, owners were present to represent the case.

The applicants were told the maximum encroachment would be 24' by 10' to within 15' of the front property line, and were also informed that 150 square feet of an open porch is also permitted. The applicants agreed to this condition.

Motion was made by Mr. John Taylor, seconded by Mr. Oscar Perez, and unanimously carried to approve this request for a Special Exception V (Front Yard Setback).

ITEM 15:
07-143-06 5536 Emerald View Drive Armando Alvarez
Applicant requests Special Exceptions under Section 2.16.050 G (Rear Yard Setback) and V (Front Yard Setback) R-1 zone of the City Of El Paso Zoning Ordinance.

Alfredo Bocanegra, representing the owner, was present to represent the case.

The proposed gazebo must be reduced to no more than 120 square feet. The applicant agreed to the recommendation.

Motion was made by Mr. Oscar Perez, seconded by Mr. Servando Hernandez, and unanimously carried to approve these requests for Special Exceptions G and V (Rear and Front Yard Setbacks)

ITEM 16:
07-144-06 10612 Prince George Lane Danny Schexnayder and Jacqueline Zavala
Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-3/sc Zone of the City of El Paso Zoning Ordinance.

Danny Schexnayder and Jacqueline Zavala, owners, were present to represent the case.
Motion was made by Mr. John Taylor, seconded by Mr. Servando Hernandez, and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback).

ITEM 17:
07-145-06 12437 Angie Bombach Avenue Jesus and Maria Pedroza
Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3A Zone of the City of El Paso Zoning Ordinance.

Jesus Pedroza, the owner, was present to represent the case.

Motion was made by Mr. Oscar Perez, seconded by Mr. John Taylor, and unanimously carried to approve this request for a Special Exception G (Rear Yard Setback).

ITEM 5:
06-126-06 4216 Hampshire Lane Scott Emmerich
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.

No one was present to represent the case.

Motion was made by Mr. Oscar Perez, seconded by Mr. Roberto Veliz and unanimously carried to postpone this item for two weeks, to the meeting of July 24, 2006 to allow the applicant to be present.

ITEM 21: APPROVAL OF MINUTES
Cindy Crosby, Assistant City Attorney, requested that the minutes for the June 24, 2006 meeting be postponed for two weeks for corrections.

Motion was made by Mr. Oscar Perez, seconded by Mr. John Taylor, and unanimously carried to postpone the minutes of July 10, 2006 for two weeks, to the meeting of July 24, 2006.

ITEM 20: PLANNING REPORT
There was no report to be presented at this time by the Planning Department.

ITEM 21: BUILDING PERMITS AND INSPECTIONS REPORT
There was no report to be presented at this time by the Building Permits and Inspections Department.

ITEM 22: LEGAL REPORT
The city is in the process of rewriting Title 20 Zoning Code with the BZAC rewrite. The major focus so far is the cell phone towers. There was a special City Plan Commission subcommittee meeting on July 10, 2006. One of the options reviewed and discussed was modification to the Cell Tower Ordinance, which would allow modifications to the height, setback, and distance separation. One of the proposals would possibly create special exceptions and an amendment to Title 2 and several additional special exceptions that the board would have to consider. Any amendments would come before this board as a posted item.

ADJOURNMENT:
Motion was made and unanimously carried to adjourn the meeting at 3:30 p.m.

Robert Peña, Zoning Board Secretary