

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**August 22, 2005**

The Zoning Board of Adjustment held a public hearing in the City Council Chambers, 2<sup>nd</sup> Floor of the City Hall Building, on Monday, August 22, 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  
Betsy Braver

**Staff Members**

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

Linda Castle, 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            08-122-05            3522 Breckenridge            Arturo Ye**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-4 Zone of the City of El Paso Zoning Ordinance. Pebble Hills Unit 9, Block 82, Lot 13. This would permit the construction of a 22' by 5' portion of a structure located to within 20' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Robert Peña noted that the applicant had brought in a site plan showing that the structure is open on the bottom story but enclosed on the top story. The applicant would need to submit new plans for a re-design. No opposition was presented.

James Major made a motion to **POSTPONE** to the meeting of September 12, 2005 to allow time for submittal of a revised plan. Larry Nance seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 2            08-127-05            6416 Gateway East            Flor Caballero**

Applicant requests a Variance from Section 20.66.290 (On-Premise Signs - Office Uses) A-O Zone of the City of El Paso Zoning Ordinance. Bassett Commercial Complex Unit 1, Block 2, Lots 25 & 26.

This would permit the construction of a freestanding sign 45' in height with a sign area of 414 square feet. In the A-O zoning district, a freestanding sign may not exceed 16' in height and 80 square feet in sign area. (Under Special Exception B, an increase in height and sign area may be granted provided that unusual topography or conditions beyond the applicant's control prevents reasonable visibility. The height increase permitted is limited to 15' and the area increase is limited to 30%.)

(In a commercial district, if the site abuts a freeway and is less than five acres, a freestanding sign may not exceed 45' in height above the grade of the freeway and 350 square feet in sign area.)

Linda Castle, Planning Department, read the case into the record and made a slide presentation of the property. Ms. Castle noted that this request does not meet the requirements for a variance but the department is recommending approval of a special exception. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Flor Caballero was present to represent this case. She stated that the allowed sign for the A-O zoning district is not visible from the freeway, and that her neighbors, which are commercial properties, all have larger signs. No opposition was presented.

Kimberly Forsyth explained that the applicant is asking for a variance for 45' in height with a sign area of 414 square feet and staff instead recommends approval of a special exception B. Ms. Forsyth explained that the special exception meets the criteria. Ms. Forsyth noted that the board is also authorized to grant a variance if the board feels that the applicant meets the criteria for a variance. Ms. Forsyth also mentioned that if the board decides to grant a variance, the staff would recommend strongly not to grant a variance in excess of the sign area that would be permitted in a commercial zone, which is 350 sq. ft. in sign area.

James Major made a motion to **APPROVE** this request as a variance, permitting 45 ft. in height and 350 sq. ft. in sign area, on the basis that the application meets all the requirements. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 3            08-128-05            747 Istanbul            Juan Marquez**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) A-2/sc Zone of the City of El Paso Zoning Ordinance. Colonia Del Carmen Unit 4, Block 15, Lot 8. This would permit the construction of a 19' by 15' addition located to within 10' of the rear property line. A 25' rear yard setback is required in an A-2/sc zone.

Linda Castle, Planning Department, 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. Juan Marquez was present to represent this case. No opposition was presented. It was noted that the small accessory structure in the back meets the requirement of being less than 120 sq. ft.

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 (8-0).

**Item 4            08-129-05            7330 Camino Del Sol            Albert Gomez Builders**

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) R-3A Zone of the City of El Paso Zoning Ordinance. Lomas Del Sol Unit 1, Block 3, Lot 30. This would permit the construction of a 39.1' by 40.8' structure located to within 4.3' of the side property line. A 5' side yard setback is required in an R-3A zone.

Linda Castle, Planning Department, read the case into the record and made a slide presentation of the property. The Department is recommending approval as a special exception. It was noted that an inspection was conducted on the property. It was also noted that this is a side yard that does not meet the required setback and the log for builder's errors indicates that this is the second error in a 12-month period for Albert Gomez Builders. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Elvia Davila was present to represent this case. No opposition was presented.

Oscar Perez 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 (8-0).

**Item 5            08-130-05            7334 Camino Del Sol            Diamond Star Homes**

Applicant requests a Special Exception under Section 2.16.050 L (Error in Construction) R-3A Zone of the City of El Paso Zoning Ordinance. Lomas Del Sol Unit 1, Block 3, Lot 28. This would permit the construction of a 40.1' by 53.2' structure located to within 4.5' of the side property line. A 5' side yard setback is required in an R-3A zone.

Linda Castle, Planning Department, 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. Elvia Davila was present to represent this case. It was noted that this is the first error in a 12-month period for Diamond Star Homes. No opposition was presented.

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 (8-0).

**Item 6            08-131-05            117 Norwich            Antonia Calderon**

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. Lancaster Unit 1, Block 3, Lot 5. This would permit the construction of a 20' by 22' carport located to within 3' of the front property line. A 25' front yard setback is required in an R-3 zone.

Linda Castle, Planning Department, read the case into the record and made a slide presentation of the property. Antonia Calderon, owner, was present to represent the case. The Department is recommending approval as a special exception. However, when Robert Peña explained to the applicant that a solid masonry fence is required and that the existing structure on the side of the house will have to be modified, Ms. Calderon asked for more time.

Larry Nance made a motion to **POSTPONE** to meeting of September 12, 2005. Applicant was informed that she needs to meet with Robert Pena prior to September 12<sup>th</sup> regarding City's requirements. James Major seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 7            08-132-05            5893 Oscar Perez            Jerome Ponicki**

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-2/c Zone of the City of El Paso Zoning Ordinance. Ortiz Farms Unit 1, Block 2, Lot 24. This would permit the construction of a 24' by 12' portion of a structure located to within 25' of the front property line. A 30' front yard setback is required in an R-2/c zone.

Linda Castle, Planning Department, 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. Jerome Ponicki was present to represent this case. No opposition was presented.

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 (8-0).



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 (8-0).

Approval of Minutes - Motion made, seconded and passed to approve the minutes of August 8, 2005 as presented.

It was announced that the next meeting is set for September 12, 2005 at 1:30 p.m.

Adjournment: The meeting adjourned at approximately 2:35 p.m.



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Robert Peña,  
Zoning Board Secretary