

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**September 26, 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, September 26, 2005, at 1:30 p.m., with the following board members present:

**Board Members**

Anna Gill  
James A. Major  
Oscar V. Perez  
Robert Veliz  
David Marquez  
Servando Hernandez  
John Taylor  
Roger Rappe

**Staff Members**

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

Robert Peña, ZBA Secretary, Zoning Board Secretary, Development Services Department, Planning Division, 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.

**Item 1 (Reconsideration Item) 07-115-05 10840 Aquamarine Fernando & Celia Ramos**

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. Shearman Unit 1, Block 3, Lot 46. This would permit the construction of a 30' by 18' carport located within 7' of the front property line. (The ZBA on July 25, 2005 approved Special Exception Q for construction of a 30' by 15'5" carport located to within 9.5' of the front property line.) A 25' front yard setback is required in an R-3 zone.

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

**Item 2 (Reconsideration Item) 09-142-05 8612 Grover James Stuckey**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-4 Zone of the City of El Paso Zoning Ordinance. Cielo Vista Park Unit W, Block 124, Lot 4. This would permit the construction of a 14' by 21.83' portion of a carport located within 6' of the front property line. (The ZBA on Sep. 12, 2005 denied a request for a 20' by 22.91' portion of a carport located within 0' of the front property line.) A 20' front yard setback is required in an R-4 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Mr. Pena noted that several calls in opposition were received and that the ZBA previously had taken action on this item. Motion made and seconded to reconsider this item since a change to the site plan was made.

James Stuckey was in attendance to represent this case. Mr. Stuckey submitted a new site plan showing the carport encroachment, support letters, pictures of nine homes that have constructed carports to their homes that have been approved, and a corrected architectural drawing showing a 6-foot setback. In addition, Mr. Stuckey submitted a petition signed by 19 residents within a 300-foot radius showing support to construct a carport over a driveway. Mr. Daniel Langston of 8529 Mineola Drive, spoke in opposition to any structures that encroach on the established setbacks.

Robert Veliz made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. John Taylor seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 3            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.

James Major made a motion to **POSTPONE** to meeting of 12/12/05 to give the applicant an opportunity to redesign. Robert Velez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 4            09-140-05            8145 Valley View            Elvira Avila**

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. La Paloma Park, Block 1, Lot 21. This would permit the construction of a 24' by 22' carport located within 3' of the front property line. A 25' front yard setback is required in an R-3 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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 Martinez was in attendance to represent this case. No opposition was presented.

James Major made a motion to **APPROVE** this request subject to removal of storage area located in existing carport. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 5            09-144-05            11552 Stockmeyer            Jorge & Blanca Bess-Oberto**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-3A/sc Zone of the City of El Paso Zoning Ordinance. Vista Hills Unit 23, Block 75, Lot 14. This would permit the construction of a 17' by 9' portion of a structure located to within 15.5' of the rear property line. A 25' rear yard setback is required in an R-3A/sc zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Maria Solis was in attendance to represent this case. No opposition was presented.

Robert Peña noted that the structure was built without a permit. Applicant is in agreement to tear down existing structures and build a 17' x 9' portion of a structure located to within 15.5' of the rear property line.

James Major made a motion to **APPROVE**, subject to removal of existing structure. David Marquez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 6            09-145-05            12512 Sombre Grande            Mary Kaapke**

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. Sombras Del Sol Unit 2, Block 4, Lot 2. This would permit the construction of a 15' by 12' portion of a structure located to within 13' of the rear property line. A 25' rear yard setback is required in an R-5 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Gilbert Valenzuela was in attendance to represent this case. No opposition was presented.

David Marquez made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 7            09-146-05            8342 Lynn Haven            Hugo Ibarguen**

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. Marian Manor, Block 2, Lot 3. This would permit the construction of a 23' by 9' portion of a structure located to within 16.5' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Socorro Ibarguen was in attendance to represent this case. No opposition was presented. Mr. Peña noted that the structure was built without a permit. He also noted that the applicant agrees to a five-foot reduction of the side porch storage building to be in compliance.

Oscar Perez made a motion to **APPROVE** subject to conforming to the size of their drawing and the reduction of the size of their storage unit to comply with the side setback. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 8            09-147-05            1356 Sabrina Lyn Drive            Robert Kaufman**

Applicant requests a Special Exception under Section 2.16.050 C (Side Yard Setbacks) PR-2 Zone of the City of El Paso Zoning Ordinance. Vista Granada Unit 2, Replat A, Block 18, Lot 6. This would permit the existence of a 27' by 9' structure located to within 0' of the south side property line and a 30' by 10.33' addition located to within 0' of the north side property line. A side yard setback of 5' is required in the PR-2 zone.

James Major made a motion to **POSTPONE** to meeting of 10/10/05. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 9            09-148-05            11525 Cree Court            Daniel Vargas**

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. Indian Heights Unit 4, Block 9, Lot 3. This would permit the construction of a 16.9 by 11' portion of a structure located to within 14' of the rear property line. A 25' rear yard setback is required in an R-3A zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Ms. Marquez was in attendance to represent this case. No opposition was presented. It was noted that the existing accessory structure is 120 square feet or less.

Roger Rappe made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. Servando Hernandez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 10      09-149-05      9113 McFall      Thomas Marsden**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-4 Zone of the City of El Paso Zoning Ordinance. Cielo Vista Park, Block 112, Lot 9. This would permit the construction of a 19' by 12' portion of a carport located within 8' of the front property line. A 20' front yard setback is required in an R-4 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Daniel Langston expressed his opposition to any structures that encroach on the established setbacks. Ernesto Carrizal was in attendance to represent this case. Mr. Peña noted both Building, Permits & Inspections and Traffic reviewed the structural drawings and signed off on the carport.

John Taylor made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. David Marquez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 11      09-150-05      9108 McFall      Ernesto Carrizal**

Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-4 Zone of the City of El Paso Zoning Ordinance. Cielo Vista Park, Block 114, Lot 7. This would permit the construction of a 20' by 15' portion of a carport located within 5' of the front property line. A 20' front yard setback is required in an R-4 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Daniel Langston again expressed his opposition to any structures that encroach on the established setbacks. Ernesto Carrizal was in attendance to represent this case.

Robert Veliz made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 12      09-151-05      4749 Sir Gareth, #A      Emma Tovar**

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. Camelot Heights Replat B, Block 2, Portion of Lot 7.

This would permit the construction of a 12'4" by 7'8" portion of a structure located to within 17' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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. Ronald Ragona was in attendance to represent this case. No opposition was presented.

James Major made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 13            09-152-05                            3207 Dublin                            Marcia Merrell**

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 Unit 2, Block 14, Lot 21. This would permit the construction of a 22' by 14.5' structure located within 10.5' of the rear property line. A 25' rear yard setback is required in an R-3 zone.

No Representative was in attendance to represent this case.

James Major made a motion to **POSTPONE** for two weeks to meeting of 10/10/05. Oscar Perez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 14            09-153-05                            4030 Montana                            Robert Malooly**

Applicant requests a Special Exception under Section 2.16.050 C (Rear & Side Street Setbacks) C-2 Zone of the City of El Paso Zoning Ordinance. Government Hill, Block 45, Lots 17 & 18. This would permit the construction of a 50' by 54'8" structure located to within 0' of the rear property line and 0' of the side street property line. A 20' rear yard setback and a 10' side yard setback abutting a street are required in a C-2 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Anna Gill asked if there was anyone in the audience who wished to speak in favor or against this request. Robert Malooly was in attendance to represent this case.

Ivonne Pinon of Bank Pharmacy at 4000 Montana was in attendance for public comment. Ms. Pinon commented that the ZBA should also grant the same privilege to Bank Pharmacy if the applicant's request for a special exception to extend to 0' at the rear property line is granted. Ms. Pinon asked questions regarding the applicant's request, asking about the storage, the purpose of setting it back, parking and disability intervention. Kimberly Forsyth noted that staff determined that there were two or more properties that have the same rear yard condition but not to the side street; therefore, staff is recommending approval of the addition to the rear yard but not approval of the side street request. Margarita Molina, Traffic, noted that the door opening on the proposed addition would be encroaching on the right-of-way, plus sidewalks will be required. Ms. Forsyth added that the applicant has been advised to provide parking as needed for the additional construction. She noted that the parking issue is another reason why staff is recommending not approving the encroachment to the side yard.

James Major made a motion to **POSTPONE** to meeting of 10/10/05 to allow the staff to further investigate if there are similar side street encroachments in adjacent blocks. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 15            09-154-05                            3113 Tierra Lobo                            Classic Ventures, Inc.**

Applicant requests a Special Exception under Section 2.16.050 (Error in Construction) R-5 Zone of the City of El Paso Zoning Ordinance. Tierra Del Este Unit 27, Block 115, Lot 38. This would permit the construction of a 43.3' by 6" portion of a structure located to within 24'6" of the rear property line. A 25' rear yard setback is required in an R-5 zone.

Robert Peña, ZBA Secretary, Planning, read the case into the record and made a slide presentation of the property. Planning 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 Griego, chief of design for Classic Ventures, was in attendance to represent this case and stated that the error was not intentional. No opposition was presented.

Roger Rappe made a motion to **APPROVE** this request on the basis that the applicant meets the requirements for a special exception. Robert Veliz 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 September 12, 2005 as presented.

Adjournment: The meeting adjourned at approximately 2:30 p.m.



---

Robert Peña,  
Zoning Board Secretary