

**ZONING BOARD OF ADJUSTMENT**

**MINUTES**

**November 8, 2004**

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, November 8, 2004, at 1:40 p.m., with the following board members present:

**Board Members**

Luis De La Cruz, Chair  
Betsy Braver  
Larry Nance  
Anna Gill  
David Alvidrez  
James Nakovic  
Roger Rappe  
Bradley Roe

**Staff Members**

Robert Peña, Zoning Board Secretary  
Rudy Valdez, Chief Urban Planner  
George Sarmiento, Director, Planning  
Javier de la Cruz, Plan Examiner  
Linda Castle, Planner I  
Margie Barajas, Secretary  
Matt Watson, Assistant City Attorney

Robert Peña, Zoning Board of Adjustment Secretary, opened the meeting and read the Statement of Authority and Limitations on the Laws and Ordinance governing the Board.

Luis De La Cruz, Chair, introduced himself and other board members to the audience. He swore in all who wished to testify.

Motion made and seconded to enter into executive session at 1:43 p.m. Executive session adjourned at 2:05 p.m. and the Zoning Board of Adjustment hearing resumed at 2:05 p.m.

**Item 1            06-099-04                            11136 Skipper                            Alfredo Moreno**

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. East Glen, Block 21, Lot 11. This would permit the construction of a 23' by 8' addition located to within 14' of the rear property line. A 25' rear yard setback is required in an R-4 zone.

James Nakovic made a motion to **POSTPONE** four weeks (12/6/04) as requested by Alfredo Moreno, Owner, in order to negotiate the purchase of five feet of property from his neighbor. Larry Nance seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 2            11-170-04                            7910 Rodeo Drive                            Lewis Lane**

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. Sageland Replat, Block 8, Portion of Lots 17 & 18. This would permit the construction of a 9' by 9' addition located to within 17' 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. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Lewis Lane, owner, was in attendance to represent the case.

James Nakovic made a motion to **APPROVE** with provision to reduce the accessory buildings to 120 square feet. Roger Rappe seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 3**            **11-171-04**            **4513 Parrot Way**            **Juan Navarro**

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-2A Zone of the City of El Paso Zoning Ordinance. River Bend Estates, Block 4, Lot 4. This would permit the construction of an 18' by 21' addition located to within 18' of the rear property line. A 30' rear yard setback is required in an R-2A 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. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Juan Navarro, Owner, was in attendance to represent the case.

David Alvidrez 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 4**            **11-172-04**            **12469 Tierra Nogal**            **Manuel Hernandez**

Applicants request a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) R-3A Zone of the City of El Paso Zoning Ordinance. Tierra Del Este Unit 7, Block 38, Lot 36. This would permit the construction of a 19.9' by 19.5' carport located to within 1' of the front property line. A 20' front 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 special exception. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Manuel Hernandez, Owner, was in attendance to represent the case. Plans for the carport were provided to the Board, but Mr. Hernandez said they had since been revised and he did not have the revised plans for this meeting.

Bradley Roe made a motion to **POSTPONE** four weeks (12/6/04) with provision that Mr. Hernandez bring a revised plan. Larry Nance seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 5**            **11-173-04**            **12612 Tierra Nogal**            **Eric Tucker**

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. Tierra Del Este Unit 15, Block 70, Lot 4. This would permit the construction of a 22' by 10' portion of a structure located to within 15' 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 as a special exception. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Eric Tucker, owner, was in attendance to represent the case.

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

**Item 6**            **11-174-04**            **148 Elder**            **Michael Windell**

Applicant requests a Special Exception under Section 2.16.050 X (Modify Setback Requirements for Structures built before 1955) R-3 Zone of the City of El Paso Zoning Ordinance. Cedar Grove Park, Block 17, Lot 1. This would permit the construction of a 44.2' by

37.2' addition located to within 3.5' 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. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Michael Windell, owner, was in attendance to represent the case. There was discussion about the encroachment of the fence at the rear of Mr. Windell's property on an electric company easement.

James Nakovic made a motion to **APPROVE** with a provision, as suggested by Matt Watson, that approval of the special exception shall not constitute approval of a structure over a valid existing municipal utility easement; approval constitutes compliance with Title Twenty only. David Alvidrez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 7**            **11-175-04**                            **1580 Billie Marie**                            **Margarita Urquiza**

Applicant requests a Special Exception under Section 2.16.050 V (Front Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Vista Del Sol Unit 42, Block 234, Lot 17 & a Portion of Lot 18. This would permit the existence of a 15' by 13' addition located to within 15' of the front property line. A 25' front yard setback is required in the 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. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Margarita Urquiza, Owner, and Joe Ramos, her representative, were in attendance to represent the case.

David Alvidrez made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. Bradley Roe seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 8**            **11-176-04**                            **10204 Buckwood**                            **Michael & Barbara Blough**

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. Eastridge, Block K, Lot 2. This would permit the construction of a 29' by 27' carport located to within 2' of the front property line. A 25' front 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. Staff did receive a letter from Gilbert and Maria Handal in opposition to this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Michael Blough, Owner, and Joe Ramos, the contractor, were in attendance to represent the case. Mr. Ramos provided the Board with a plan of the proposed carport. A letter of opposition signed by several neighbors and Mr. Handal's letter were introduced into the record. Charles Copeland, Jim Melton and Gilbert Handal spoke in opposition of the request. Chair De La Cruz noted that the plans for the carport appear to meet the City's requirements and suggested that Mr. Blough meet with his neighbors to try to work something out with them.

James Nakovic made a motion to **POSTPONE** four weeks (12/6/04) with provision that the owner meet with neighbors regarding his proposed carport. David Alvidrez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Item 9**            **11-177-04**                            **12230 Maria Seanes**                            **Miguel Angel 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. Maria Seanez Unit 1, Block 1, Lot 10. This would permit the construction of a 14' by 13' addition located to within 15' 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 as a special exception. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. Miguel Angel Vargas, Owner's representative, was in attendance to represent the case.

James Nakovic 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 (8-0).

**Item 10      11-178-04                      6953 Orizaba                                      Jerry Cutts**

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. Chaparral Park, Block 44, Lot 2. This would permit the construction of a 16' by 12' addition located to within 19' 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 as a special exception. Staff did not receive any calls or letters in favor or against this request. Luis De La Cruz asked if there was anyone in the audience who wished to speak in favor or against this request. The Owner's representative, Lone Star Homes, was in attendance to represent the case.

Anna Gill made a motion to **APPROVE** this request on the basis that the application meets all the requirements for the special exception. David Alvidrez seconded the motion. Board was polled and motion passed unanimously (8-0).

**Other Business:**

Legal Report – Matt Watson, Assistant City Attorney, provided brief update in that the City Council had recently authorized the representation of the ZBA in a lawsuit entitled Garcia v. City of El Paso. He also noted that he had provided educational materials to the Board and to the Staff.

**APPROVAL OF MINUTES**

James Nakovic made a motion to approve the minutes of October 11, 2004 and October 25, 2004. Larry Nance seconded the motion. Board was polled and motion carried (7-0). Bradley Roe **abstained** due to not being present at those meetings.

Next Meeting set - It was announced that the next meeting is set for December 6, 2004. Mr. Pena noted that an item for election of Chair and Vice Chair will be on the December 6<sup>th</sup> agenda.

Robert Peña,  
Zoning Board Secretary