

Motion was made by Mr. Sansores to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously (9-0).

12-198-05 **10740 Sugarland** **Alberto Gomez**
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 would permit the construction of a 26' by 8' addition located within 20' of the rear property line.

A 25' rear yard setback is required in an R-3 zone.

Ms. Castle read the case into the record and made a slide presentation of the property. Alberto Gomez, owner, was present to represent the case.

Mr. Peña stated that there is an accessory structure that might be too close to the building but the inspector will verify that when the field inspection is done.

Motion was made by Mr. Sansores to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Mr. Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

12-199-05 **4100 Paisano Drive** **The County of El Paso**
Applicant requests a Special Exception under Section 2.16.050.B.4 (Signs), in a proposed C-3 Zone of the City of El Paso Zoning Ordinance.

This would permit a 42' high freestanding sign with approximately 400 square feet of sign area located to within 15' of the front property line. A maximum sign area of 250 square feet is permitted per street frontage on a parcel of land greater than one acre in a C-3 Zone. The applicant is requesting permission to combine the permitted square footage for two street frontages into one sign. A request for rezoning is being processed concurrently with this application and the sign will only be permitted if the rezoning is approved by City Council.

Ms. Forsyth read the case into the record and made a slide presentation of the property.

Ms. Forsyth stated that the County is requesting a special exception to increase the size of their sign. The coliseum had an existing sign on their property but it was an old one and they wanted to replace it with a newer and larger one. When they came to get their permits, the City discovered that they not only needed the special exception for the increased size of the sign but they also had to apply for the rezoning of the property. The property is currently zoned R-5 which is residential. This application meets the criteria for the special exception but it will only go into effect if the rezoning is approved. The rezoning request has already gone through the City Planning Commission and has been recommended for approval. It has been scheduled for City Council later on this month.

The applicant is requesting permission to combine the permitted square footage for two street frontages into one sign. They have frontage on four streets and so they can come back later and get additional signage for the other two remaining streets. Should there be a problem the County understands that they will have to bring the sign down, but at this time there are no anticipated problems.

David Marquez, ZBA member, works for the County and therefore excused himself from taking any action on this item.

Eric Morales, Assistant County Attorney, and Ernesto Carrizal, County Roads & Bridges Department, were present to represent the case.

Motion was made by Mr. Nance to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Mr. Nance seconded the motion. Board was polled and motion passed with an 8-1 vote. Mr. Marquez excused himself from voting (8-1).

12-200-05 **8734 Aparicio Drive** **Jesus & Maria Lujan**
Applicants request a Special Exception under Section 2.16.050 G (Rear Yard Setback) R-4/sc Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 16'6" by 7' portion of an addition located within 18' of the rear property line.

A 25' rear yard setback is required in an R-4 zone.

Ms. Castle read the case into the record and made a slide presentation of the property. She stated that there is an accessory structure in the back but it is less than 120 square feet. Jesus Lujan, owner, was present to represent the case. He stated that the accessory structure will be removed.

Motion was made by Mr. Sansores to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Mr. Major seconded the motion. Board was polled and motion passed unanimously (9-0).

12-201-05 **8301 Broadway Drive** **Enrique Castellanos**
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 would permit the construction of a 24' by 5' portion of an addition located within 20' of the rear property line.

A 25' rear yard setback is required in an R-3 zone.

Ms. Castle read the case into the record and made a slide presentation of the property. Enrique Castellanos, owner, was present to represent the case. Mr. Peña stated that the porch will be enclosed.

Motion was made by Mr. Sansores to **APPROVE** this request on the basis that the application meets all the requirements for this special exception. Mr. Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

12-202-05 **6238 Viale Lungo Avenue** **Padilla Homes**
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.

This would permit the construction of a 17'8" by 3'3" portion of a structure located to within 26'6" of the rear property line.

A 30' rear yard setback is required in an R-2A/sp zone.

12-205-05 **5512 Emerald View Drive** **Winton & Associates, Inc.**
Applicants request 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.

This would permit the construction of a 19'8" by 9' portion of a structure located within 41' of the rear property line; and, the construction of a 9'1" by 2' portion of a structure and a 31'3" by 8' portion of a structure located within 42' of the front property line.

Front and rear yard setbacks of 50' are required in an R-1 zone.

Ms. Castle read the case into the record and made a slide presentation of the property. Scott Winton, owner, was present to represent the case.

Mr. Winton stated that he is the owner of the property and that these are single-family dwellings and that he was not using this process to circumvent the requirements of the subdivision process when he originally presented the plans to the city.

Motion was made by Mr. Nance to **APPROVE** these requests on the basis that the applications meet all the requirements for these special exceptions. Mr. Sansores seconded the motion. Board was polled and motion passed unanimously (9-0).

12-206-05 **1690 Dale Douglas** **John Patterson**
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 would permit the construction of a 25' by 15' portion of an addition located to within 10' of the rear property line.

A 25' rear yard setback is required in an R-3 zone.

Ms. Castle read the case into the record and made a slide presentation of the property. She stated that there is a storage shed on the side that needs to be removed or relocated. John Patterson, representing the owner, was present to represent the case.

Kimberly Forsyth stated that staff would need to verify if there is a permit for the shed that is on the side yard. The storage shed should not be permitted because it is on the side yard and not on the back. Staff will research to determine if a permit was obtained for the storage shed or not. If a permit was not obtained then it has to be relocated. If Mr. Patterson can verify that the shed was there before he purchased the property he can come back to the board and request an additional special exception.

Motion was made by Mr. Sansores to **APPROVE** this request on the basis that the application meets all the requirements for this special exception subject to the determination that the wood shed for the pool be determined to be legal. Mr. Marquez seconded the motion. Board was polled and motion passed unanimously (9-0).

12-207-05 **56 & 58 Kingery Drive** **R. L. Dobbs**
Applicant requests a Special Exception under Section 2.16.050 Q (Carport Over a Driveway) PR-1/sc Zone of the City of El Paso Zoning Ordinance.

This would permit the construction of a 28' by 20' carport located to within 3' of the front property line.

OTHER BUSINESS:

Kimberly Forsyth introduced Mr. Bustamante who is a new board member and will be joining the board at the beginning of next year.

PLANNING REPORT:

- a. Discussion and Action regarding proposed changes to ZBA bylaws.

Kimberly Forsyth noted that Cindy Crosby, Legal Counsel, had just given her some additional changes that staff believes would improve the bylaws. She is recommending that this item be postponed to the next meeting to allow her to print new copies for the Zoning Board and distribute them before the next meeting.

- b. Discussion and Action regarding proposed changes to Title 2.16 (Zoning Board of Adjustment)

Special Exception “C”

This will allow properties **across the block** to be considered in addition to just the properties on just the same side of the block.

Motion was made by Mr. Sansores to **APPROVE** the changes to Special Exception “C”. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously (9-0).

Special Exception “G” and “H”

These are just adding the following language **except that a minimum 10 feet rear yard setback shall be required.**

Motion was made by Mr. Sansores to **APPROVE** this change to Special Exceptions “G” and “H”. Mr. Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

In both “G” and “H” there is a requirement for the accessory buildings to not exceed 120 square feet. Limiting the accessory buildings to 120 square feet in an R-1 and R-2 zones which have very large setbacks was perhaps less reasonable than in the other districts.

Motion was made by Mr. Sansores to **POSTPONE** this item for further review. Mr. Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

Special Exception “K”

This pertains to side yard setbacks including commercial as well as **residential** zones.

Motion was made by Mr. Sansores to **APPROVE** the change to Special Exception “K”. Mr. Nance seconded the motion. Board was polled and motion passed unanimously (9-0).

Special Exception “Q”

There are members of the public who objected to the requirement in special exception for a sealed plan. The Building Permits Division strongly recommends keeping this requirement so staff is recommending that this special exception not be changed at this time.

Motion was made by Mr. Major to **REMOVE** the requirements for sealed drawings. Mr. Sansores seconded the motion. Board was polled and motion failed with a 6-3 vote. (Mr. Perez, Mr. Nance,

Ms. Gill, Mr. Taylor, Mr. Hernandez, and Mr. Veliz voting against. Mr. Major, Mr. Sansores and Mr. Marquez voting for the removal of the requirements for sealed drawings.

Special Exception "T"

Staff is recommending not to redefine "parkway" for this special exception but instead use the definition that is already in the zoning code.

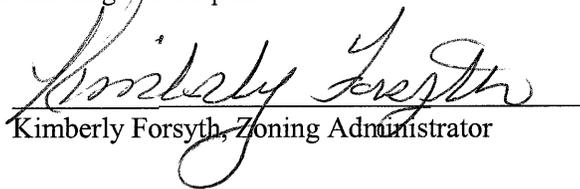
Motion was made by Mr. Sansorez to **DELETE** the special definition that only applies to this special exception and use the definition that is in the zoning ordinance. Mr. Hernandez seconded the motion. Board was polled and motion passed unanimously (9-0).

c. Schedule of ZBA meetings for 2006

Motion was unanimously made to **APPROVE** the schedule of the ZBA meetings for 2006.

ADJOURNMENT:

Motion was unanimously made to adjourn the meeting at 2:55 p.m.



Kimberly Forsyth, Zoning Administrator