



ZONING BOARD OF ADJUSTMENT MEETING
2nd Floor, Main Conference Room
April 15, 2024
1:30 P.M.

MINUTES

The Zoning Board of Adjustment met at the above place and date.

The meeting was called to order at 1:32 p.m. Chair Chairwoman Linda Troncoso present and presiding and the following Board Members and City Staff answered roll call.

BOARD MEMBERS PRESENT:

Linda Troncoso (Chairwoman)
Martha Isabel Aguayo (Vice-Chairwoman)
Audrey Gutierrez
Alexis Alvarez
Janet Fortune
Ray Adatao
Louis Edwards
Jorge Leon

BOARD MEMBERS ABSENT:

Justin Bass
Heidi Avedician
Fabian Uribe

CITY STAFF INTRODUCTIONS

Daniel Chavira, Chief Plans Examiner, Plan Review
Kevin Smith, Assistant Director
Jesus Quintanilla, Assistant City Attorney 1, City Attorney's Office
Andrew Salloum, Senior Planner
Martha Macias, Sign Language Interpreter, City Clerk's Office
James Garcia, Sign Language Interpreter
Myrna Aguilar, Planner
Juan Naranjo, Planner
Nina Rodriguez, Senior Planner

AGENDA

Nina Rodriguez, Senior Planner read the opening statement into the record.

Chairwoman Troncoso asked everyone giving testimony today or online, please stand and raise your right hand "*Do you swear to tell the truth and nothing but the truth.*" Andrew Salloum, Senior Planner, noted that Item #1 be deleted and there is a revised staff report for Item #6

ACTION: Motion made by Board Member Adatao, seconded by Vice-Chairwoman Aguayo AND UNANIMOUSLY CARRIED TO **APPROVE THE AGENDA AS AMENDED WITH THE STAFF CHANGES.**

AYES: Board Members Troncoso, Aguayo, Gutierrez, Alvarez, Fortune, Adatao, Edwards, Leon
NAYS: N/A
ABSTAIN: N/A
ABSENT: Board Member Bass, Avedician, Uribe
NOT PRESENT FOR THE VOTE: N/A

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II. PUBLIC HEARING – REGULAR AGENDA:

1. **PZBA24-00006** Lot 9, Block 12, The Willows Unit Five Replat "A", City of El Paso, El Paso County, Texas.
ADDRESS: 4566 Weeping Willow Dr.
APPLICANT: Leonardo & Wanda Melendez
REPRESENTATIVE: Ray Marquez
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 1
ZIPCODE: 79922
STAFF CONTACT: JC Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
POSTPONED FROM MARCH 18, 2024
DELETED FROM APRIL 15, 2024

2. **PZBA24-00007** Lot 170, Block 22, Loretto Place, City of El Paso County, Texas
ADDRESS: 4804 E. Yandell Dr.
APPLICANT: Jose R. & Carmen E. Rodriguez
REPRESENTATIVE: Walter Lujan
REQUEST: Special Exception K (In Existence Fifteen Years or More)
DISTRICT: 2
ZIPCODE: 79903
STAFF CONTACT: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov

Andrew Salloum, Senior Planner gave a presentation and noted he had received four phone calls of inquiry. Staff recommends approval of the special exception request.

Board Member Adatao noted a discrepancy regarding the zoning district under the SUMMARY OF REQUEST information and requested a change from R-3 to R-4.

Discussion amongst Board Member Adatao and Mr. Salloum.

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Walter Lujan, representing the property owners, was present. No questions or comments from Board Members.

ACTION: Motion made by Board Member Adatao, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO **APPROVE BASED UPON RECOMMENDATIONS.**
(Voice vote, all Ayes) (Motion passed 8-0)

3. **PZBA24-00018** Lot 1, Block 5, Enrique Franco Unit One, City of El Paso County, Texas
ADDRESS: 8433 Hartford Dr.
APPLICANT: Adrian Esparza & Maria del Carmen Esparza
REPRESENTATIVE: Lorena Armenta
REQUEST: Special Exception B (Two or More Nonconforming Lot)
DISTRICT: 7
ZIPCODE: 79907

STAFF CONTACT: JC Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov

Juan Naranjo, Planner gave a presentation. Staff recommends APPROVAL WITH MODIFICATIONS of the special exception request. The conditions are as follows:

1. That the accessory structure located at the rear shall be removed from the 5' utility easement area;
2. That gutters and downspouts shall be placed on the side structure to retain rainwater within the property

There were no questions or comments from Board Members.

Chairwoman Troncoso called for the applicant or the representative, either present or online. There was no response. Mr. Naranjo explained the property owner had informed him he would either be present in the audience or via online; however, the property owner was not present in either capacity.

Chairwoman Troncoso asked if any person was online to press *6 to unmute themselves. There was no response.

Chairwoman Troncoso asked if there was anyone present to represent this case. There was no response.

Chairwoman Troncoso asked if anyone who wished to speak in favor or against this case. There was no response.

ACTION: Motion made by Board Member Fortune, seconded by Vice-Chairwoman Aguayo **AND CARRIED TO APPROVE WITH THE CONDITIONS PUT FORTH BY STAFF.**
(Voice vote) (Motion passed 7-1)

NAY: Board Member Aduato

RECONSIDERATION OF ITEM 2, PZBA24-00007, 4804 E YANDELL DRIVE

Chairwoman Troncoso noted she had inadvertently missed the Call to the Public for item 2, **PZBA24-00007, 4804 E YANDELL DRIVE**, asking if there was anyone that wished to speak in favor or in opposition to the request. She then asked if there was anyone online...

Mr. Smith interrupted and requested the Board Members motion to reconsider item 2.

ACTION: Motion made by Board Member Aduato, seconded by Vice-Chairwoman Aguayo **AND UNANIMOUSLY CARRIED TO RECONSIDER ITEM 2.**
(Voice vote, all Ayes) (Motion passed 8-0)

Chairwoman Troncoso opened up the floor and online, press *6 to unmute yourself, asking if anyone wished to speak in favor or in opposition to the case for 4804 E Yandell Drive. There was no response.

ACTION: Motion made by Board Member Aduato, seconded by Board Member Fortune **AND UNANIMOUSLY CARRIED TO APPROVE BASED UPON THE RECOMMENDATIONS OF STAFF.**
(Voice vote, all Ayes) (Motion passed 8-0)

4. **PZBA24-00021** Lot 13, Block 134, Eastwood Heights Unit H, City of El Paso County, Texas
ADDRESS: 10224 Suez Ave.
APPLICANT: Cesar & Sonia Apodaca
REPRESENTATIVE: Lorena Armenta

REQUEST: Special Exception J (Carport Over a Driveway)
DISTRICT: 3
ZIPCODE: 79925
STAFF CONTACT: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov

Nina Rodriguez, Senior Planner gave a presentation. Staff recommends **APPROVAL WITH CONDITION** of the special exception request. The condition is as follows:

- *That the roof line between the existing storage structure in the rear yard shall be at least 5-feet from the roof line of the main home*

Discussion amongst Board Member Aduato, Ms. Rodriguez, Board Member Edwards, Mr. Chavira, Board Member Fortune and Chairwoman Troncoso.

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Cesar E. Apodaca, property owner, was present. Discussion amongst Board Member Fortune, Mr. Apodaca and Chairwoman Troncoso.

Chairwoman Troncoso asked if there was anyone present or online, *6 to unmute yourself, that wished to speak, either in favor of or in opposition to, the request. There was no response.

ACTION: *Motion made by Board Member Fortune, seconded by Vice-Chairwoman Aguayo AND CARRIED TO APPROVE WITH THE CONDITIONS LISTED. (Voice vote) (Motion passed 7-1)*

NAY: Board Member Edwards

5. **PZBA24-00023** Lot 26 and a portion of Lot 27, Block 34, Bassett, City of El Paso County, Texas
ADDRESS: 2219 Magoffin Ave.
APPLICANT: Edgar Ricardo Bocardo
REPRESENTATIVE: Edmundo Reyes
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 8
ZIPCODE: 79901
STAFF CONTACT: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov

Myrna Aguilar, Planner gave a presentation and noted she received one inquiry in opposition to the request. Staff recommends **APPROVAL** of the special exception request. There were no questions or comments from Board Members.

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Ricardo Bocardo, property owner, was present. There were no questions or comments from Board Members.

Chairwoman Troncoso asked if there was anyone present in the audience or online, *6 to unmute yourself, that wished to speak either in favor of or in opposition to the request.

From the audience, the following members of the public spoke in opposition to the request:

1. Manny Verduzco, 2217 Magoffin, partial property owner, single-family residence,
2. Angelina Granados, 2217 Magoffin, partial property owner, single-family residence,
3. Fred Verduzco, 2217 Magoffin, partial property owner, single-family residence,

4. Anita Garcia, 2212 Magoffin

Discussion amongst Mr. Manny Verduzco, Mr. Fred Verduzco, Ms. Granados, Board Member Adatao, Ms. Aguilar, Board Member Fortune, Mr. Salloum, Mr. Chavira, Board Member Edwards.

FOR CLARIFICATION

For clarification, Board Member Adatao explained, earlier in the discussion Staff stated there was no parking requirement; however, now you are saying there is or there will be. Mr. Chavira explained right-of-way parking is not assigned parking. Board Member Adatao responded, that would be street parking. Mr. Chavira agreed. Board Member Adatao asked if there was room for on-site parking. Mr. Chavira responded that was something that Staff has not looked into as of yet, but that is not an unusual case. There are many cases where there is no room for on-site parking. Mr. Chavira believed there were other apartments within that area. Mr. Chavira reiterated that, right now Staff is just looking at the setback encroachment, everything else will be looked at and taken care of under the building permit process.

Chairwoman Troncoso called for anyone else that wished to speak in favor or in opposition to this property.

Anita Garcia, 2212 Magoffin, spoke in opposition to the request. Discussion amongst Chairwoman Troncoso, Ms. Granados, Board Member Adatao, Ms. Granados, Mr. Verduzco, Mr. Chavira and Ms. Granados.

Chairwoman Troncoso asked if there was anyone that had any more questions or comments. There was no response.

ACTION: *Motion made by Vice-Chairwoman Aguayo, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO APPROVE THE STAFF RECOMMENDATIONS TO MEET THE ADJUSTMENTS THAT ARE REQUESTED. (Voice vote, all Ayes) (Motion passed 8-0)*

6. PZBA24-00028	Lot 21, Block 59, Tierra del Este Unit 12, City of El Paso County, Texas
ADDRESS:	12357 Tierra Limpia
APPLICANT:	Flor Backer and Blassa Espino
REPRESENTATIVE:	Blassa Espino/Geronimo Cortez
REQUEST:	Special Exception F (Side Street Yard Setback)
DISTRICT:	5
ZIPCODE:	79938
STAFF CONTACT:	Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov

Myrna Aguilar, Planner gave a presentation. Staff recommends **APPROVAL WITH CONDITION** of the special exception request. The condition is as follows:

- *Permit for the fence along the side street yard shall be obtained prior to the issuance of a building permit for the new addition*

There were no comments or questions from the Board.

FOR THE RECORD

For the record, Mr. Quintanilla noted Board Member Adatao had stepped out during the presentation; however, quorum is still present with the remaining seven Board Members.

Chairwoman Troncoso asked if Board Members had any questions of Staff. There was no response.

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Geronimo Cortez, draftsman, representing the property owner, was present. Discussion amongst Board Member Edwards and Mr. Cortez.

Chairwoman Troncoso asked if there was anyone present in the audience or online, *6 to unmute yourself, that wished to speak either in favor of or in opposition to the request. There was no response.

ACTION: *Motion made by Board Member Alvarez, seconded by Vice-Chairwoman Aguayo AND UNANIMOUSLY CARRIED TO APPROVE WITH THE STAFF RECOMMENDATIONS.*
(Voice vote, all Ayes) (Motion passed 7-0)

NOT PRESENT FOR THE VOTE: Board Member Aauto

7. **PZBA24-00031** Lot 306, Block 11, Yucca Village, City of El Paso County, Texas
ADDRESS: 10221 Bridget St.
APPLICANT: Graciela Gonzalez
REPRESENTATIVE: Victor Luevano and Geronimo Cortez
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 4
ZIPCODE: 79924
STAFF CONTACT: JC Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov

Juan Naranjo, Planner gave a presentation. Staff recommends **APPROVAL WITH CONDITIONS** of the special exception request as the requested encroachment is equal to the encroachments into that setback already present on at least two other neighboring properties. The conditions are as follows:

1. *That the accessory structure located at the rear shall be removed from the 5' utility easement area.*
2. *That gutters and downspouts shall be placed on the side structure to retain rainwater within the property*

There were no questions or comments from Board Members.

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Geronimo Cortez, draftsman, Victor Luevano, Lone Star Builders and Roofing and Graciela Gonzalez, property owner, were present.

Chairwoman Troncoso asked Board Members if they had any questions or comments for the applicant. There was no response.

Chairwoman Troncoso asked if there was anyone present in the audience or online, *6 to unmute yourself, that wished to speak either in favor of or in opposition to the request. There was no response.

ACTION: *Motion made by Vice-Chairwoman Aguayo, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO APPROVE WITH THE CONDITIONS RECOMMENDED BY THE STAFF.* (Voice vote, all Ayes) (Motion passed 7-0)

NOT PRESENT FOR THE VOTE: Board Member Aauto

8. Approval of Minutes: March 18, 2024

ACTION: *Motion made by Vice-Chairwoman Aguayo, seconded by Board Member Alvarez AND CARRIED TO APPROVE.* (Voice vote) (Motion passed (6-0-1))

ABSTAIN: Chairwoman Linda Troncoso

NOT PRESENT FOR THE VOTE: Board Member Adatao

ITEM 9. Adjournment

Chairwoman Troncoso adjourned the meeting at 2:33 p.m.

EXECUTIVE SESSION

The Zoning Board of Adjustment of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda, consistent with the terms of the Open Meetings Act. The Zoning Board of Adjustment will return to open session to take any final action.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

A quorum of the Zoning Board of Adjustment must participate in the meeting.

Ray Adatao
Justin Bass
Linda C. Troncoso
Heidi Avedician

Alexis Alvarez
Fabian Uribe
Martha Isabel Aguayo
Janet Fortune

Jorge Leon
Audrey Gutierrez
Louis Edwards