



**MAYOR**  
Oscar Leeser

**MEETING MINUTES ZONING BOARD OF ADJUSTMENT  
MONDAY, JANUARY 22, 2024, 1:30 P.M.  
SECOND FLOOR, MAIN CONFERENCE ROOM  
CITY 1 BUILDING, 300 N. CAMPBELL STREET**

**CITY COUNCIL**

**District 1**  
Brian Kennedy

*THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF MASKS IN ALL CITY FACILITIES AND INDOOR SPACES*

**District 2**  
Alexandra Anello

*Members of the public are encouraged to attend virtually by calling 915-213-4096 (or toll free at 1-833-664-9267). At the prompt, please enter Conference ID: 801 295 55#*

**District 3**  
Cassandra Hernandez

*If you wish to sign up to speak, please contact Donna Martinez at 915-212-1583 or [martinezdm@elpasotexas.gov](mailto:martinezdm@elpasotexas.gov) before 12:00 p.m., January 22, 2024*

**District 4**  
Joe Molinar

The Zoning Board of Adjustments of the City of El Paso will be conducted on the above date, time, and place. Members of the public may physically attend, attend virtually by following the call-in instructions above, or view the meeting via the following means:

**District 5**  
Isabel Salcido

Via the City’s website: <http://www.elpasotexas.gov/videos>  
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

**District 6**  
Art Fierro

**District 7**  
Henry Rivera

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

**District 8**  
Chris Canales

ZBA Board Members present: 8  
*Chairwoman Troncoso Vice-Chairwoman Martha Isabel Aguayo Heidi Avedician  
Justin Bass Ray Adauto Janet Fortune Alexis Alvarez Louis Edwards*

**INTERIM  
CITY MANAGER**  
Cary Westin

ZBA Board Members absent: 3  
*Jorge Leon Fabian Uribe Isaac Rodriguez*

Vacancies:  
*Regular Board Member vacancies: Mayor, District 5, District 6 and District 7  
Alternate Board Member vacancies: Mayor, District 1, District 2, District 3, District 5,  
District 6 and District 7*

**Philip F. Etiwe, Director**  
Planning and Inspections Department | 801 Texas Ave. | El Paso, TX 79901  
Office: (915) 212-0104 | FAX: (915) 212-0084





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The meeting can be viewed on YouTube at [Zoning Board of Adjustment 1/22/2024 - YouTube](#)

**CALL TO ORDER**

Chairwoman Troncoso called the meeting of the Zoning Board of Adjustment to order at 1:31 p.m.

**CITY COUNCIL**

**District 1**  
Brian Kennedy

**PLEASE TURN OFF YOUR CELL PHONES**

Chairwoman Troncoso asked everyone to turn off their cell phones while the meeting is in session.

**District 2**  
Alexsandra Anello

**OPENING STATEMENT**

Luis Zamora read the opening statement into the record.

**District 3**  
Cassandra Hernandez

**BOARD MEMBER INTRODUCTIONS/QUORUM MET**

**District 4**  
Joe Molinar

Heidi Avedician  
Justin Bass

**District 5**  
Isabel Salcido

Martha Isabel Aguayo, Vice-Chairwoman  
Linda Troncoso, Chairwoman

**District 6**  
Art Fierro

Ray Adatao  
Janet Fortune

**District 7**  
Henry Rivera

Alexis Alvarez  
Louis Edwards

**District 8**  
Chris Canales

**PLANNING AND INSPECTIONS/CITY ATTORNEY/CITY CLERK'S OFFICE INTRODUCTIONS**

Joel Muñiz, Senior Building Plans Examiner, Plan/Building Permit Review, Planning and Inspections

**INTERIM CITY MANAGER**  
Cary Westin

Kevin Smith, Assistant Director, Planning and Inspections

Luis Zamora, Chief Planner, ZBA Secretary, Planning and Inspections

Russell Abeln, Assistant City Attorney – Senior 1, City Attorney’s Office

Jesus Quintanilla, Assistant City Attorney 1, City Attorney’s Office

Andrew Salloum, Senior Planner, Planning and Inspections

Martha Macias, Sign Language Interpreter

Saul Piña, Planner, Planning and Inspections

Donna Martinez, Planning and Inspections

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**GIVING TESTIMONY – IN PERSON/ONLINE**

Chairwoman Troncoso asked everyone giving testimony today or online, please stand and raise your right hand *“Do you swear to tell the truth.”*

**CITY COUNCIL**

**District 1**

Brian Kennedy

**CHANGES TO THE AGENDA**

There were no changes to the agenda

**District 2**

Alexsandra Annello

**PUBLIC HEARING**

**REGULAR AGENDA:**

**District 3**

Cassandra Hernandez

**ITEM 1**

**PZBA23-00074                      3414 Mountain Avenue                      Pink Hammer Enterprises, Inc.**

**District 4**

Joe Molinar

**SUMMARY OF REQUEST:**

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing accessory dwelling unit (ADU) encroaching into the required side yard setback for ADUs in an R-4 (Residential) zone district.

**District 5**

Isabel Salcido

**District 6**

Art Fierro

**SUMMARY OF STAFF’S RECOMMENDATION**

Staff recommends **APPROVAL** of the special exception request as the requested encroachment of the ADU is less than the encroachments into that setback already present on at least two other neighboring properties with ADUs.

**District 7**

Henry Rivera

**District 8**

Chris Canales

**DESCRIPTION OF REQUEST:**

The applicant is requesting Special Exception B to allow to legalize a 540 square foot accessory dwelling unit (ADU) with a 221.76 square foot encroachment extending 8.4 feet into the required 10-foot side setback per ADU requirements.

**INTERIM**

**CITY MANAGER**

Cary Westin

**BACKGROUND:**

Per section 20.10.035 of the El Paso City Code, the ADU must be located 10 feet from any property line. The current structure extends 9.9 feet into the rear yard setback. Per ADU requirements, the structure may extend into the 0-foot rear yard setback, provided there is a 20-foot alley at the back of the property. The existing residence was built approximately in 1918, with the accessory structure built approximately on the same year. The current property owner has resided in the subject property for seven (7) months at most.

**Philip F. Etiwe, Director**

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Staff recommends **APPROVAL** of the special exception request, finding that the request is in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.

**CITY COUNCIL**

**District 1**

Brian Kennedy

Saul Piña gave a presentation. There were no questions or comments from Board Members.

**District 2**

Alexsandra Anello

Chairwoman Troncoso called for the applicant or the representative.

**District 3**

Cassandra Hernandez

From the audience, Victoria Esparza, property owner, was present and responded to comments and questions from Board Member Adatao.

**District 4**

Joe Molinar

Chairwoman Troncoso asked if any members of the public wished to comment at this time either online or in the audience. If you are online, please press \*6. There was no response.

**District 5**

Isabel Salcido

**MOTION:**

*Motion made by Board Member Adatao, seconded by Vice-Chairman Aguayo AND UNANIMOUSLY CARRIED TO APPROVE BASED UPON THE RECOMMENDATIONS OF STAFF.*

*(Voice vote, all Ayes) (Motion passed 8-0)*

**District 6**

Art Fierro

**District 7**

Henry Rivera

**District 8**

Chris Canales

**ITEM 2:**

**PZBA23-00075** 7154 Lavern Avenue **Rosa Ortega**

**SUMMARY OF REQUEST:**

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing carport into their required 5-foot side yard setback in an R-4 (Residential) zone district.

**SUMMARY OF STAFF’S RECOMMENDATION**

Staff recommendations **APPROVAL WITH CONDITION** of the special exception request as the requested encroachment is less than the encroachments into that setback already present on at least two other neighboring properties. The condition is the following:

**Philip F. Etiwe, Director**

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**MAYOR**

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1. *That gutters and downspouts shall be placed on the side structure to retain rainwater within the property.*

**CITY COUNCIL**

**District 1**

Brian Kennedy

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize an existing carport, which extends 5 feet into their required side yard setback for a total encroachment of 67.28 square feet.

**District 2**

Alexsandra Anello

**BACKGROUND:** The minimum side yard setback is 5 feet in the R-4 (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain structures located in the side yard that encroach into their respective side yard setbacks located at 7175 Lavern Avenue and 7182 Lavern Avenue.

**District 3**

Cassandra Hernandez

According to the El Paso Central Appraisal District, the home was built in 1967. The current owner has owned the property since 2001.

**District 4**

Joe Molinar

**District 5**

Isabel Salcido

**SUMMARY OF STAFF’S RECOMMENDATION**

Staff recommends **APPROVAL WITH MODIFICATIONS** of the special exception request to bring the request into conformance as provided in El Paso City Code Titles 2 and 20 as the board deems appropriate.

**District 6**

Art Fierro

**District 7**

Henry Rivera

Andrew Salloum gave a presentation and noted that he had received one phone call in opposition which was later rescinded. There were no comments or questions from Board Members.

**District 8**

Chris Canales

**INTERIM CITY MANAGER**

Cary Westin

Chairwoman Troncoso called for the applicant or the representative.

From the audience, Rosa Ortega, property owner was present. Ms. Ortega responded to question from Chairwoman Troncoso.

Chairwoman Troncoso asked if any members of the public wished to comment at this time either online or in the audience. If you are online, please press \*6. There was no response.

Chairwoman Troncoso asked Board Members if they had any questions.

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**MAYOR**

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Discussion amongst Board Member Aauto and Ms. Ortega.

**CITY COUNCIL**

**District 1**

Brian Kennedy

**MOTION:**

*Motion made by Board Member Aauto, seconded by Board Member Bass AND UNANIMOUSLY CARRIED TO APPROVE BASED ON STAFF CONDITIONS.*

*Voice vote, all Ayes) (Motion passed 8-0)*

**District 2**

Alexsandra Anello

**ITEM 3:**

PZBA23-00077 1224 Cincinnati Avenue Victoria A. Meraz

**District 3**

Cassandra Hernandez

**SUMMARY OF REQUEST:**

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize a portion of the existing home and to permit a proposed addition into their required 5-foot side yard setback in an R-3 (Residential) zone district.

**District 4**

Joe Molinar

**District 5**

Isabel Salcido

**SUMMARY OF STAFF’S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than the encroachments into that setback already present on at least two other neighboring properties.

**District 6**

Art Fierro

**DESCRIPTION OF REQUEST:**

The applicant is requesting a special exception to allow to legalize a portion of the existing home and to permit a proposed addition, which extends 1.8 feet into their required side yard setback for a total encroachment of 124 square feet.

**District 7**

Henry Rivera

**District 8**

Chris Canales

**BACKGROUND:**

The minimum side yard setback is 5 feet in the R-3 (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain structures located in the side yard that encroach into their respective side yard setbacks located at 1223 Madeline Drive and 1225 Madeline Drive. 1225 Madeline Drive was granted a legal non-conforming registration for the side setback on June 17, 2013.

According to the El Paso Central Appraisal District, the home was built in 1929. The current owner has owned the property since 2018.

**INTERIM CITY MANAGER**

Cary Westin

**Philip F. Etiwe, Director**

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Staff recommends **APPROVAL** of the special exception request, finding that the request is in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.

**CITY COUNCIL**

**District 1**  
Brian Kennedy

Andrew Salloum gave a presentation and noted he had received one phone call in support of the request.

**District 2**  
Alexandra Anello

Chairwoman Troncoso called for the applicant or representative.

**District 3**  
Cassandra Hernandez

From the audience, Jonathan Prieto, contractor/property owner, was present. Chairwoman Troncoso asked Board Members if they had any comments or questions. There was no response.

**District 4**  
Joe Molinar

Chairwoman Troncoso asked if any members of the public who wished to comment at this time either online or in the audience, either for or against this request. If you are online, please press \*6. There was no response.

**District 6**  
Art Fierro

Chairwoman Troncoso asked Board Members if they had any questions or comments.

**District 7**  
Henry Rivera

Discussion amongst Board Member Adauto and Mr. Prieto.

**District 8**  
Chris Canales

**MOTION:**

*Motion made by Vice-Chairwoman Aguayo, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO ACCEPT STAFF RECOMMENDATIONS.*  
*(Voice vote, all Ayes) (Motion passed 8-0)*

**INTERIM CITY MANAGER**  
Cary Westin

**ITEM 4:**

**PZBA23-00078** \_\_\_\_\_ **2927 Cypress Avenue** \_\_\_\_\_ **Jose Muller & Edgar G. Moreno**

**SUMMARY OF REQUEST:**

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize the side portions and front portion of the existing residence in the A-3 (Apartment) zone district.

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Office: (915) 212-0104 | FAX: (915) 212-0084







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**SUMMARY OF STAFF’S RECOMMENDATION:** Staff recommends **APPROVAL** 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.

**CITY COUNCIL**

**District 1**

Brian Kennedy

**DESCRIPTION OF REQUEST:**

The applicant is requesting a special exception to allow to legalize the side portions of the existing residence extending 1.83 feet and 4 feet into the required 4-foot side yard setbacks, respectively. In addition, the applicant is also requesting to legalize the front portion of the existing residence extending 10 feet into the required 10-foot front yard setback. The three encroachments combined result in a total of 516.41 square feet.

**District 2**

Alexsandra Anello

**District 3**

Cassandra Hernandez

**BACKGROUND:**

The minimum side yard setback is 4 feet. The minimum and required front and rear setback is 10 feet. The cumulative front and rear setback are 40 feet. The main residence was built approximately in 1940, with current owners residing in the property for 5 years at most.

**District 4**

Joe Molinar

**District 5**

Isabel Salcido

On October 30, 2023, legal non-conforming registration was approved for a 0-foot east side yard setback and a 0-foot front yard setback. Through this application, these setback encroachments and the 1.83-foot encroachment located at the west side of the property, will be legalized if approved.

**District 6**

Art Fierro

**District 7**

Henry Rivera

**District 8**

Chris Canales

Staff recommends **APPROVAL** of the special exception request, finding that the request is in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.

**INTERIM CITY MANAGER**

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Saul Piña gave a presentation and noted he had received one letter and one phone call in support of the request.

Chairwoman Troncoso asked Board Members if they had any comments or questions.

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Comments and/or questions from Board Members Bass, Aduato and Fortune. Responses from Mr. Piña and Mr. Zamora.

**CITY COUNCIL**

**District 1**

Brian Kennedy

Board Member Aduato remarked that the site plan was difficult to see and commented that there were no conditions for approval attached to this request regarding the rafters and asked Staff to put that in the notes.

**District 2**

Alexsandra Anello

**FOR THE RECORD**

For the record, Board Member Aduato stated that he and Board Members Bass and Fortune do not know what those rafters are attached to, why are they there. Are they supporting because the roof is coming down or what kind of load is on them because those are not small. Those are at least 2x6. Those are things that you take a look at.

**District 3**

Cassandra Hernandez

On both sides, when you look at the property, this looks like the only way for the firemen to get to the back at this point. Still got to go through Fire. Because Staff is comparing a couple of properties that have the same issue. Looks like there is no way to get through the sides if that happens and it's not a new neighborhood. Those are scary to me because having fire background with family, it's not an easy deal.

**District 4**

Joe Molinar

**District 5**

Isabel Salcido

**District 6**

Art Fierro

**District 7**

Henry Rivera

From the audience, Vanessa Duran, representing the property owner, was present. Discussion amongst Ms. Duran and Board Members Bass and Aduato.

**District 8**

Chris Canales

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

**INTERIM CITY MANAGER**

Cary Westin

Chairwoman Troncoso asked if anyone present or online wishing to speak on behalf of this application, press \*6 to unmute yourself. There was no response.

**MOTION:**

*Motion made by Board Member Bass, seconded by Vice-Chairwoman Aguayo AND UNANIMOUSLY CARRIED TO APPROVE WITH A CONDITION THAT THE RAFTERS ARE REMOVED FROM THE ATTACHMENT TO THE WALL AND THAT WILL BE PART OF THE INSPECTION IN THE FUTURE. (Voice vote, all Ayes) (Motion passed 8-0)*

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**MAYOR**  
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**ITEM 5.** Presentation on Guidance for Informed Decision on Planning Items.  
Staff Member: Luis Zamora (915) 212-1552, [zamoralf@elpasotexas.gov](mailto:zamoralf@elpasotexas.gov)

**CITY COUNCIL**

**District 1**  
Brian Kennedy

Mr. Zamora gave a presentation. Discussion amongst Vice-Chairwoman Aguayo, Mr. Zamora, Board Member Bass, Chairwoman Troncoso, Board Member Aduato, Mr. Smith, Board Members Fortune and Avedician, Mr. Abeln, Vice-Chairwoman Aguayo and Board Member Edwards.

**District 2**  
Alexandra Anello

**ITEM 6.** Approval of Minutes: November 13, 2023

**District 3**  
Cassandra Hernandez

Board Member Aduato requested the following change:  
*Regular Board Member vacancies – add Mayor, District 2*  
*Alternate Board Member vacancies – add District 1 and District 2*

**District 4**  
Joe Molinar

**District 5**  
Isabel Salcido

Discussion amongst Board Member Aduato, Chairwoman Troncoso, Mr. Abeln, Board Member Fortune and Mr. Smith.

**District 6**  
Art Fierro

**MOTION:**  
*Motion made by Board Member Bass, seconded by Board Member Fortune AND CARRIED TO APPROVE WITH CHANGES DISCUSSION ON THE VACANCIES.*  
*(Voice vote) (Motion passed 7-0-1)*

**District 7**  
Henry Rivera

**District 8**  
Chris Canales

**ABSTAIN:** *Ray Aduato*

**INTERIM CITY MANAGER**  
Cary Westin

**ITEM 7.** Adjournment

**MOTION:**  
*Motion made by Board Member Aduato, seconded by Board Member Bass AND UNANIMOUSLY CARRIED TO ADJOURN AT 2:49 P.M. (Voice vote, all Ayes) (Motion passed 8-0)*

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