



Planning and Inspections Department

MAYOR
Oscar Leeses

MEETING MINUTES ZONING BOARD OF ADJUSTMENT
MONDAY, MARCH 18, 2024, 1:30 P.M.
SECOND FLOOR, MAIN CONFERENCE ROOM
CITY 1 BUILDING, 300 N. CAMPBELL STREET

CITY COUNCIL

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

District 1
Brian Kennedy

District 2
Dr. Josh Acevedo

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 before 12:00 p.m., March 18, 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 6
Art Fierro

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

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: 7
*Vice-Chairwoman Martha Isabel Aguayo Alexis Alvarez Justin Bass Janet Fortune
Ray Aauto Louis Edward Jorge Leon*

**INTERIM CITY
MANAGER**
Cary Westin

ZBA Board Members absent: 3
Chairwoman Linda Troncoso Heidi Avedician Fabian Uribe

Vacancies:

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

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





Planning and Inspections Department

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The meeting can be viewed on YouTube at
<https://www.youtube.com/watch?v=MieyokcDpp4&t=79s>

CITY COUNCIL

District 1
Brian Kennedy

CALL TO ORDER

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

District 2
Dr. Josh Acevedo

PLEASE TURN OFF YOUR CELL PHONES

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

District 3
Cassandra Hernandez

OPENING STATEMENT

Nina Rodriguez read the opening statement into the record.

District 4
Joe Molinar

BOARD MEMBER INTRODUCTIONS/QUORUM MET

District 5
Isabel Salcido

Alexis Alvarez

Justin Bass

District 6
Art Fierro

Janet Fortune

Martha Isabel Aguayo, Vice-Chairwoman

District 7
Henry Rivera

Ray Aauto

Louis Edwards

District 8
Chris Canales

Jorge Leon

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

**INTERIM CITY
MANAGER**
Cary Westin

Danny Chavira, Chief Plans Examiner, Plan Review

Luis Zamora, Chief Planner, ZBA Secretary

Jesus Quintanilla, Assistant City Attorney 1

Andrew Salloum, Senior Planner

Martha Macias, American Sign Language Interpreter

Myrna Aguilar, Planner

Juan Naranjo, Planner

Nina Rodriguez, Senior Planner

GIVING TESTIMONY – IN PERSON/ONLINE

Vice-Chairwoman Aguayo 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.”*

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Planning and Inspections Department

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CHANGES TO THE AGENDA

Item 3, PZBA24-00006, 4566 Weeping Willow Drive, was postponed to the next ZBA meeting on April 15th.

CITY COUNCIL

District 1

Brian Kennedy

MOTION:

Motion made by Board Member Bass, seconded by Board Member Adauto AND UNANIMOUSLY CARRIED TO APPROVE THE CHANGES TO THE AGENDA TO BE AMENDED.

District 2

Dr. Josh Acevedo

(Voice vote, all Ayes) (Motion passed 7-0)

District 3

Cassandra Hernandez

PUBLIC HEARING

REGULAR AGENDA:

District 4

Joe Molinar

ITEM 1

PZBA24-00002

7420 Kingman Drive

Jose Armendariz

District 5

Isabel Salcido

SUMMARY OF REQUEST:

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) to permit a proposed carport over a driveway in an R-3 (Residential) zone district.

District 6

Art Fierro

SUMMARY OF STAFF'S RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport.

District 7

Henry Rivera

District 8

Chris Canales

DESCRIPTION OF REQUEST:

The applicant is requesting a special exception to permit the construction of a proposed carport of approximately 20 feet by 28 feet and an area of 560 square feet, of which 476 square feet encroaches 17 feet into the front yard setback and is located to within 8 feet of the front property line.

INTERIM CITY

MANAGER

Cary Westin

BACKGROUND:

The minimum front setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 25 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district.

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

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and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.

CITY COUNCIL

District 1
Brian Kennedy

Myrna Aguilar gave a presentation. Discussion amongst Board Member Aduato, Myrna Aguilar, Board Members Fortune and Edwards, Mr. Chavira and Mr. Zamora.

District 2
Dr. Josh Acevedo

Vice-Chairwoman Aguayo called for the applicant or the representative.

District 3
Cassandra Hernandez

From the audience, Mr. Rodriguez, contractor, and Jose Armendariz, property owner, were present. Discussion amongst Board Member Aduato and Mr. Rodriguez.

District 4
Joe Molinar

MOTION:

Motion made by Board Member Fortune, seconded by Board Members Bass and Leon AND UNANIMOUSLY CARRIED TO APPROVE. (Voice vote, all Ayes) (Motion passed 7-0)

District 5
Isabel Salcido

ITEM 2

PZBA24-00005 3217 Mesa Verde Lane Linda Dornau

District 6
Art Fierro

SUMMARY OF REQUEST:

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to permit a proposed addition into their required 8-foot side yard setback in an R-2 (Residential) zone district.

District 7
Henry Rivera

District 8
Chris Canales

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.

INTERIM CITY MANAGER
Cary Westin

DESCRIPTION OF REQUEST:

The applicant is requesting a special exception to permit a proposed addition, which extends 6 feet into their required side yard setback for a total encroachment of 90 square feet.

BACKGROUND:

The minimum side yard setback is 8 feet in the R-2 (Residential) zone district. Aerial photographs indicate there are two (2) 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 3229 and 3233 Mesa Verde Drive. The existing houses were built in 1959 and are currently non-conforming lots.

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MAYOR

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According to the El Paso Central Appraisal District, the home was built in 1959. The current owner has owned the property since 2008.

CITY COUNCIL

District 1

Brian Kennedy

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.

District 2

Dr. Josh Acevedo

Andrew Salloum gave a presentation. There were no questions or concerns from Board Members.

District 3

Cassandra Hernandez

District 4

Joe Molinar

Vice-Chairwoman Aguayo called for the applicant or the representative.

District 5

Isabel Salcido

From the audience, Walter Lujan, contractor, was present.

District 6

Art Fierro

Board Member Aduato noted Mr. Lujan was previously a Zoning Board of Adjustment Board Members for many years and welcomed him to the other side of the podium.

District 7

Henry Rivera

There were no questions or comments from Board Members.

District 8

Chris Canales

MOTION:

Motion made by Board Member Aduato, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO APPROVE. (Voice vote, all Ayes) (Motion passed 7-0)

INTERIM CITY

MANAGER

Cary Westin

Postponed to the April 15 ZBA meeting

ITEM 3

PZBA24-00006 4566 Weeping Willow Drive Leonardo & Wanda Melendez

SUMMARY OF REQUEST:

Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to legalize an existing home that encroaches in to the west side setback and a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to permit a proposed home addition that will encroach into the required east side setback in a P-RI (Planned Residential District I) zone district.

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ITEM 4**PZBA24-00008****8448 Villanova Drive****Arturo and Minerva Gallardo****CITY COUNCIL****District 1**

Brian Kennedy

SUMMARY OF REQUEST:

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to legalize an existing carport in an R-3 (Residential) zone district.

District 2

Dr. Josh Acevedo

SUMMARY OF STAFF'S RECOMMENDATION

Staff recommends **DENIAL** of the special exception request as the requested encroachment is more than the encroachments into that setback already present on at least two other neighboring properties.

District 3

Cassandra Hernandez

District 4

Joe Molinar

DESCRIPTION OF REQUEST:

The applicant is requesting a special exception to legalize the construction of an existing carport of 1,300 square feet, which extends nineteen feet (19') into the required front yard setback for 1,064 square feet of encroachment and encroach three feet (3') into the side yard setback for approximately fifteen (15) square feet of encroachment.

District 5

Isabel Salcido

District 6

Art Fierro

District 7

Henry Rivera

BACKGROUND:

The minimum front setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district.

District 8

Chris Canales

The home was built in 1980 per El Paso Central Appraisal District (EPCAD) records, with the current property owner owning the property since May 1980.

INTERIM CITY MANAGER

Cary Westin

The request of the special exception comes after the property owner was issued a notice of violation from the Property Maintenance and Zoning (PMZ) division due to building without permits on September 2023. The current property owner is responsible for the constructions of the nonconforming structure. Other homes in the neighborhood do have carports that encroach into the required front yard setback. Property at 8449 Villanova Drive is the only property to have building permits for such carport. 8407, 8429, 8433, 8449, and 8451 Villanova Drive are currently nonconforming.

Staff recommends **DENIAL** of the special exception request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

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Luis Zamora gave a presentation. Discussion amongst Board Members Bass and Aduato and Mr. Zamora.

CITY COUNCIL

District 1
Brian Kennedy

Vice-Chairwoman Aguayo called for the applicant or the representative.

District 2
Dr. Josh Acevedo

From the audience, Minerva and Arturo Gallardo, property owners, were present. Discussion amongst Board Members Fortune and Aduato, Mr. Gallardo, Board Member Edwards, Mr. Chavira and Board Member Bass.

District 3
Cassandra Hernandez

MOTION:

Motion made by Board Member Aduato, seconded by Board Member Fortune AND UNANIMOUSLY CARRIED TO SUPPORT THE DENIAL THAT THE STAFF IS ASKING FOR.

District 4
Joe Molinar

(Voice vote, all Ayes) (Motion passed 7-0)

District 5
Isabel Salcido

FOR CLARIFICATION

After the vote, Mr. Zamora clarified the motion was to approve Staff recommendation of Denial.

District 6
Art Fierro

Board Member Aduato responded, "That's correct."

District 7
Henry Rivera

ITEM 5

PZBA24-00012 **339 Sweetbriar Court** **Sotero & Blanca Rodriguez**

District 8
Chris Canales

SUMMARY OF REQUEST:

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit the extension of a proposed home addition in an R-3 (Residential) zone district.

**INTERIM CITY
MANAGER**
Cary Westin

SUMMARY OF STAFF'S RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted.

DESCRIPTION OF REQUEST:

The applicant is requesting a special exception to permit the extension of a proposed addition, 11.2 feet of which would extend into the rear yard setback for a 224 square foot area of total encroachment.

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CITY COUNCIL

District 1

Brian Kennedy

District 2

Dr. Josh Acevedo

District 3

Cassandra Hernandez

District 4

Joe Molinar

District 5

Isabel Salcido

District 6

Art Fierro

District 7

Henry Rivera

District 8

Chris Canales

INTERIM CITY MANAGER

Cary Westin

BACKGROUND:

The minimum rear setback is 20 feet in the R-3 (Residential) zone district. The required rear setback for the subject property is 25.5 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district. Based on El Paso Central Appraisal District (EPCAD) records, the house was constructed in 1984. The current owner has owned the property since 1984. The open porch attached to the main residence in the rear patio was built without a permit on 2014, this structure is going to be demolished.

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.

Juan Naranjo gave a presentation. Discussion amongst Board Member Adatao, Mr. Naranjo, Mr. Zamora and Board Member Bass.

Vice-Chairwoman Aguayo called for the applicant or the representative.

From the audience, Sotero Rodriguez, property owner, and Jose Lozano, contractor, were present. Discussion amongst Mr. Rodriguez and Board Member Adatao. Mr. Lozano made remarks.

MOTION:

Motion made by Board Member Adatao, seconded by Board Member Bass AND UNANIMOUSLY CARRIED TO APPROVE THE RECOMMENDATION FROM THE CITY.

(Voice vote, all Ayes) (Motion passed 7-0)

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DELIVERING EXCEPTIONAL SERVICES



Planning and Inspections Department

MAYOR

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ITEM 6. Presentation and Discussion on Legal Nonconforming Registration Process
Staff Member: Luis Zamora (915) 212-1552, zamoralf@elpasotexas.gov

CITY COUNCIL**District 1**

Brian Kennedy

Mr. Zamora gave a presentation. Discussion amongst Board Member Edwards and Mr. Zamora.

District 2

Dr. Josh Acevedo

ITEM 7. Approval of Minutes: February 19, 2024

District 3

Cassandra Hernandez

MOTION:

Motion made by Board Member Fortune, seconded by Board Member Edwards AND CARRIED TO APPROVE. (Voice vote) (Motion passed 5-0-2)

District 4

Joe Molinar

ABSTAIN: *Justin Bass and Alexis Alvarez*

District 5

Isabel Salcido

ITEM 8. Adjournment

District 6

Art Fierro

MOTION:

Motion made by Board Member Bass, seconded by Board Member Alvarez AND UNANIMOUSLY CARRIED TO ADJOURN AT 2:48 P.M. (Voice vote, all Ayes) (Motion passed 7-0)

District 7

Henry Rivera

District 8

Chris Canales

**INTERIM CITY
MANAGER**

Cary Westin

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DELIVERING EXCEPTIONAL SERVICES