

**CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Public Hearing: March 5, 2013

**CONTACT PERSON/PHONE:** Providencia Velázquez, (915) 541-4027, VelazquezPX@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case: PHAP12-00049; 2817 Wheeling Avenue, El Paso, Texas, on January 7, 2013 to deny a certificate of appropriateness application for the referenced property, PHAP12-00049 (District 2).

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Historic Landmark Commission reviewed case PHAP12-00049 on January 7, 2013 and recommended denial by a vote of 7-0

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy \_\_\_\_\_  
Director- City Development Department

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## CITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

**DATE:** February 18, 2013

**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager

**FROM:** Providencia Velázquez, Historic Preservation Officer

**SUBJECT:** Appeal of Historic Landmark Commission decision regarding PHAP12-00049

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The Historic Landmark Commission (HLC), on January 7, 2013, voted 7-0 to **DENY** the certificate of appropriateness application for the legalization of the partial enclosure of the front porch, constructed without permits, for the property located at 2817 Wheeling Avenue within the Manhattan Heights Historic District.

The HLC found that the proposal does not comply with the historic guidelines regarding additions to structures, and that the request was brought before the commission after the construction had been completed; therefore, the commissioners were not allowed to comment on the design prior to the construction taking place. Based on the *Magoffin Historic District Design Guidelines*:

- Any new construction must be compatible in size, texture, color, design, proportion and detail to adjacent buildings and streetscapes.
- New structures should respect the integrity of existing buildings.
- Setbacks, proportion, rhythm, and building elements should all be addressed.
- Porches are important façade features of architecture. A porch and all of its architectural elements should be maintained and repaired.

*The Secretary of the Interior's Standards for Rehabilitation* recommend the following:

- New construction will not destroy historic materials, features, and spatial relationships that characterize the property.

**Attachments:** Appeal Letter, Staff Report

**APPEAL LETTER**

Virginia Guerrero  
Case Number: PHAP12-00049  
2817 Wheeling Ave.  
El Paso, Texas 79930  
(915) 562-9535  
(915) 790-9952

January 18, 2013  
City Clerk  
City of El Paso, Texas  
2 civic Center Plaza  
El Paso, Texas 79901-1196

To whom it may concern:

The purpose of this letter is to appeal to the decision made by the El Paso County Historical Commission's rejection of an extension of a room on my property at 2817 Wheeling Ave. El Paso, Texas 79930. I made the extension on November of 2012 and the new construction was rejected on January 7, 2013. I would ask that you consider the needs that we have as a family for an additional bedroom. I have four children, of whom three have special needs and need their own space.

I am willing to make any modification that may affect the new construction of the house that affected the facade. I have attached a copy of the plans which show that the new modifications I would make to the changes do not alter the view of the house. I have not made any modifications to the original structure of the house.

I am pleading that you examine this proposition so that your authorization may influence its acceptance by the El Paso County Historical Commission.

I have also attached letters from two agencies that confirm the need for this new bedroom.

I sincerely appreciate that you consider my case as a special needs case because of my family's situation.

Sincerely grateful,

Virginia Guerrero

CITY CLERK DEPT.  
2013 JAN 22 AM 10:20

**APPEAL LETTER CONTINUED**

Centers for Children

915-759-0031

p.1

To Whom It Concerns,

January 21, 2013

I am writing you at the request of Ms. Virginia Guerrero. She asked that I let you know that she has adopted her great niece and nephews from the state Foster Care system. These children have all had extreme emotional problems to the extent that the safety of the children and the family have been at stake. As a result, mother has had to have two of the children in separate rooms and both of these children are currently in need of treatment out of the home beyond what could be done on an outpatient basis. In trying to deal with years of problems that the children have experienced mother stated she had 3 rooms but required 4 rooms for the family. She placed the two children of greatest need in separate rooms and the two other boys were to share a room and she herself has the 4<sup>th</sup> room.

This family has struggled with financial difficulty as well as extreme upheaval of children who are at risk to self and others, and that mother herself has had chronic health problems. Mother has tried to use any means necessary to help keep the family safe and the children in the home. It is my understanding in talking to her today it was in trying to do this that she added an additional room to the home which has caused her some problems with the city. In order for the children to have a place to sleep safely should they all be in the home it was necessary for her to have at least 4 bedrooms. I have known this family through Post Adoption Services for many years and if you have questions please feel free to call. Ms Guerrero has asked that you be advised of her situation in the home.

Sincerely,

  
Stephanie Mielke Limon MPA, LBSW

Centers for Children and Families

Post Adoption Caseworker- Region 10

PO Box 640390

El Paso, Texas 79904

Office: 915-759-0030, Cell: 915-249-1030

CITY CLERK DEPT.  
2013 JAN 22 AM 10:20

**APPEAL LETTER CONTINUED**



**FAMILY SERVICE OF EL PASO**  
*"Strength to Families Under Stress"*

CITY CLERK DEPT.  
2013 JAN 22 AM 10:20

Claudia Ornelas  
6040 Surety Dr.  
El Paso, TX 79905

January 14, 2013.

To whom it may concern:

This letter is to inform you that Virginia Guerrero has been a client of Family Service of El Paso recurrently since 2005. Throughout those years, she has seen several therapists. I started providing services for Ms. Guerrero on December 7<sup>th</sup>, 2011. She has been very compliant with her biweekly counseling sessions missing only one session since then.

Ms. Guerrero appears to have a history of depression and several medical conditions such as diabetes, hepatitis C, gout and thyroid problems. Client's depression severity seems to be very much influenced by psychosocial factors such as having financial difficulties and taking care of four adopted children (three of which have special needs). Ms. Guerrero's children needs include having their own space due to their psychological diagnoses (e.g., bipolar disorder, hypersexuality).

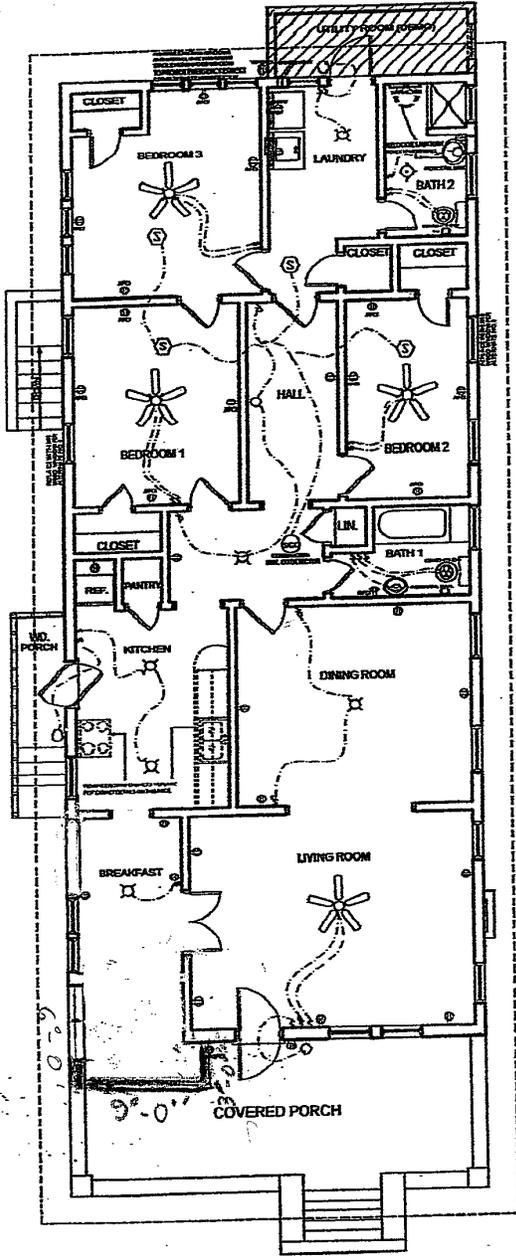
If possible, please take the above information into consideration when making a decision regarding Ms. Guerrero's case. Furthermore, do not hesitate in contacting Family Service of El Paso at (915) 781-9900 if you have further questions. Additional information may be provided upon client's written approval/consent.

Respectively,

Claudia Ornelas, LPC-I



# APPEAL LETTER CONTINUED



**EXISTING FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

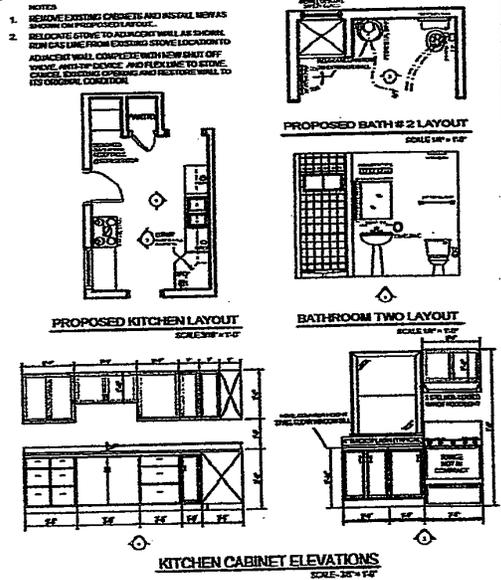
## GENERAL CONSTRUCTION NOTES

- ROOFING**
- 1a. REMOVE ROOF COVERING DOWN TO ROOF FRAMING. INSTALL THE OLD ROOF DECKING THROUGHOUT. INSTALL 30 YEAR ARCHITECTURAL SHINGLES THROUGHOUT ALL PITCHED AREAS AND MATCHED SIZE ROOFING UNDER "TRIMMED" SYSTEM OR APPROVED EQUAL. (2) FLAT AREAS, ARCHITECTURAL SHINGLE SHALL SIMULATE ORIGINAL WOOD SHINGLES.
  - 1b. REPAIR ALL ROOF OVERHANG COMPONENTS WITH MATCHING MATERIALS. ONLY THOSE COMPONENTS BEYOND REPAIR CAN BE REPLACED UPON INSPECTION BY THE CITY OF EL PASO AND APPROVAL BY THE TEXAS HISTORICAL PRESERVATION OFFICE.
  - 1c. DEMOLISH ADD-ON LAUNDRY ROOM AT REAR AND RESTORE ALL AFFECTED AREAS TO THEIR ORIGINAL CONDITION.
- ELECTRICAL**
2. RE-CONDUCT ENTIRE DWELLING COMPLETE WITH NEW RECEPTACLES, SWITCHES AND FUSES. RELOCATE ALL SWITCHES ON MAIN PANEL. INSTALL HARD WAGED SMOKE DETECTORS AND CIRCUIT BREAKER DETECTORS. WIRING IN ACCORDANCE WITH THE CITY OF EL PASO ELECTRICAL CODE. INSTALL ALL ELECTRICAL COMPONENTS SHOWN ON PLAN AND DETAILS.
- PLUMBING**
- 2a. INSTALL NEW PLUMBING ROUGH-IN, TOP-OUTS AND NEW FIXTURES AT BOTH BEDROOMS, BATHROOM AND LAUNDRY ROOM. REPAIR RELOCATION OF LAUNDRY ROOM. A LINE TO BATH #2. REPLACE BATHROOM SINKS AND TUBS AS NOTED ON FLOOR PLAN & INTERIOR ELEVATIONS.
  - 2b. CAP AND ABANDON EXISTING GAS LINE AT REAR BEDROOM. PATCH ALL AFFECTED AREAS.
  - 2c. DE-ROOT ALL INTERIOR AND EXTERIOR DRAINAGE & SEWER LINES AT END OF PROJECT.
  - 2d. REMOVE AND REPLACE EXISTING WATER HEATER WITH A 40 GALLON ENERGY STAR MODEL.
- MECHANICAL**
3. REMOVE AND REPLACE EXISTING AIR HANDLING UNIT WITH A 15 SEER EFFICIENCY RATED UNIT. REMOVE EXISTING DUCT SYSTEM IN BASEMENT AND RE-INSTALL WITH A RIGID INSULATED DUCT SYSTEM IN THE BASEMENT.
  4. REMOVE AND REPLACE EXISTING FURNACE WITH A 90% EFFICIENCY RATED AIR GAS FURNACE AND CONNECT TO EXISTING DUCT SYSTEM. REPLACE ALL FLOOR REGISTERS IN DWELLING.
- CABINETS**
5. INSTALL NEW BASE AND WALL CABINETS AS INDICATED ON CABINET ELEVATIONS.
- CERAMIC TILE**
6. REMOVE WALL COVERING AT TUB AND SHOWER ENCLOSURES. INSTALL OUTDOOR CEMENT BOARD AND INSTALL CERAMIC TILE UP TO CEILING HEIGHT (BOTH BATHROOMS).
- DOORS AND WINDOWS**
7. REPAIR ALL INTERIOR AND EXTERIOR DOORS & WINDOWS TO OPEN, CLOSE & LOCK. ANY COMPONENTS REQUIRING REPLACEMENT MUST BE APPROVED BY THE CITY OF EL PASO AND THE TEXAS HISTORICAL PRESERVATION OFFICE.
- LEAD BASED PAINT**
8. ALL IDENTIFIED LEAD BASED PAINT ON INTERIOR AND EXTERIOR COMPONENTS SHALL BE ENCAPSULATED WITH A 10 YEAR LEAD BLOC-KER PRIMER. ACCORDING TO LEAD CLEARANCE METHOD. ANY COMPONENTS BEYOND REPAIR SHALL BE REPLACED IN KIND. DOCUMENTED BY THE CITY OF EL PASO & APPROVED FOR REPLACEMENT BY THE TEXAS HISTORICAL PRESERVATION OFFICE. INCLUDE ENCAPSULATION OF ALL IDENTIFIED LEAD BASED PAINT COMPONENTS ON THE DETACHED BUILDING AT THE REAR WEST SIDE OF THE LOT. (EXTERIOR WOOD SIDING, SOFFIT AND DECKING)
- INTERIOR PAINT**
9. CONTRACTOR SHALL PAINT ALL INTERIOR WALLS, CEILING, MOLDINGS, DOORS AND TRIM THROUGHOUT THE HOUSE (DWELLING ONLY). INSTALL TWO COATS OF SEMI-GLOSS LATEX WASHABLE PAINT OVER THE NEW LEAD BLOC-KER PRIMER. COLOR SHALL BE SELECTED FROM APPROVED HISTORIC PAINT COLOR PALETTE. CONTRACTOR SHALL PROVIDE COLOR SAMPLES FOR APPROVAL.

## ALTERNATES

1. REPLACE EXISTING DUCT SYSTEM IN BASEMENT WITH A RIGID INSULATED DUCT SYSTEM.
2. PATCH, PRIME & PAINT ALL EXTERIOR WALLS, TRIM, DOORS & OVERHANGS THROUGHOUT MAIN HOME ONLY. TO INCLUDE COVERED PORCHES. COLOR SELECTION FROM HISTORIC PAINT PALETTE.
3. REPLACE ONE WINDOW PER BEDROOM AS INDICATED ON DRAWINGS IN ORDER TO MEET EXCESS RESIDENTIAL CODE REQUIREMENTS. NEW WINDOWS MUST MATCH EXISTING IN MATERIAL & DESIGN.

## INTERIOR ELEVATIONS



Vamos mostrando todo el trabajo que se hizo al edificio.



## PHAP12-00049

Date: January 7, 2013  
Application Type: Certificate of Appropriateness  
Property Owner: Virginia Guerrero  
Representative: Virginia Guerrero  
Legal Description: Lots 20 and 21, Block 8, Manhattan Heights, City of El Paso, El Paso County, Texas.  
Historic District: Manhattan Heights  
Location: 2817 Wheeling  
Representative District: #2  
Existing Zoning: R-4/H (Residential/Historic)  
Year Built: 1915  
Historic Status: Contributing  
Request: Certificate of Appropriateness for the partial enclosure of the front porch, after the fact.  
Application Filed: 12/03/2012  
45 Day Expiration: 1/17/2013

### ITEM #1



## **GENERAL INFORMATION:**

The applicant seeks approval for:

Certificate of Appropriateness for the partial enclosure of the front porch, after the fact

## **STAFF RECOMMENDATION:**

*The Historic Preservation Office recommends **DENIAL** of the proposed scope of work based on the following recommendations:*

*The Magoffin Historic District Design Guidelines recommend the following:*

- Any new construction must be compatible in size, texture, color, design, proportion and detail to adjacent buildings and streetscapes.
- New structures should respect the integrity of existing buildings.
- Setbacks, proportion, rhythm, and building elements should all be addressed.
- Porches are important façade features of architecture. A porch and all of its architectural elements should be maintained and repaired.

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

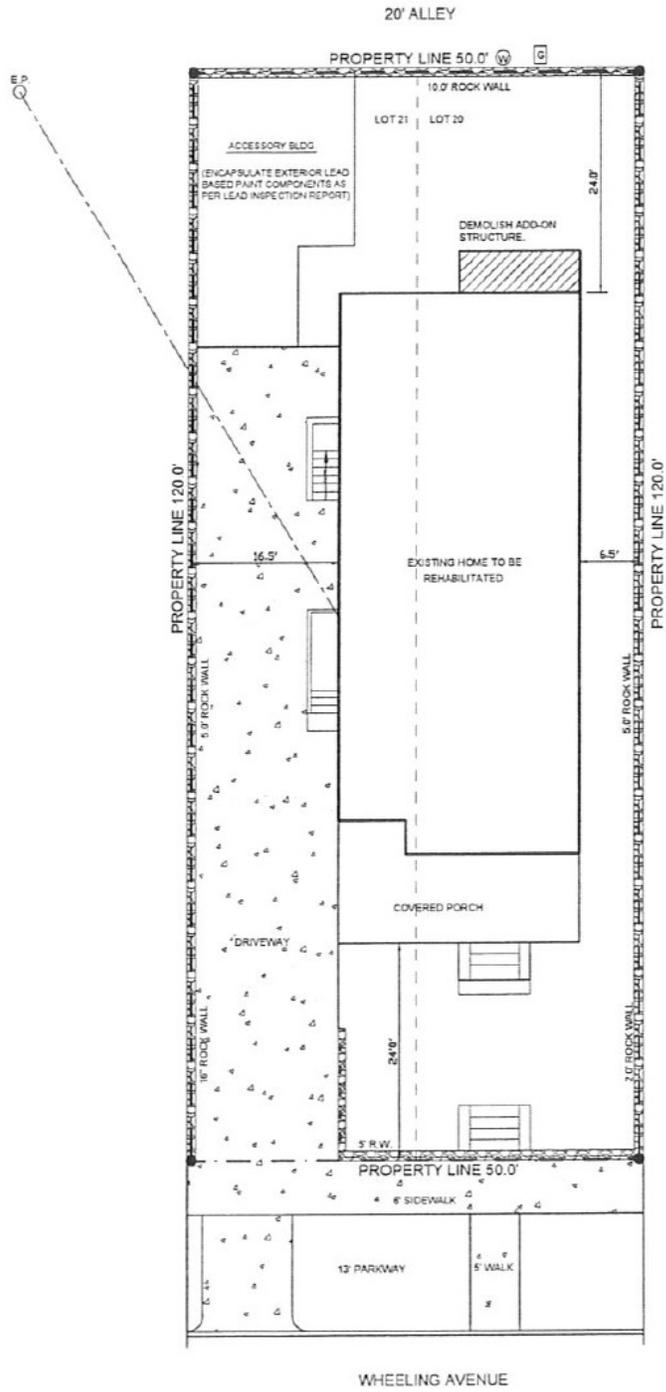
- New construction will not destroy historic materials, features, and spatial relationships that characterize the property.

# AERIAL MAP

PHAP12-00049



# EXISTING SITE PLAN

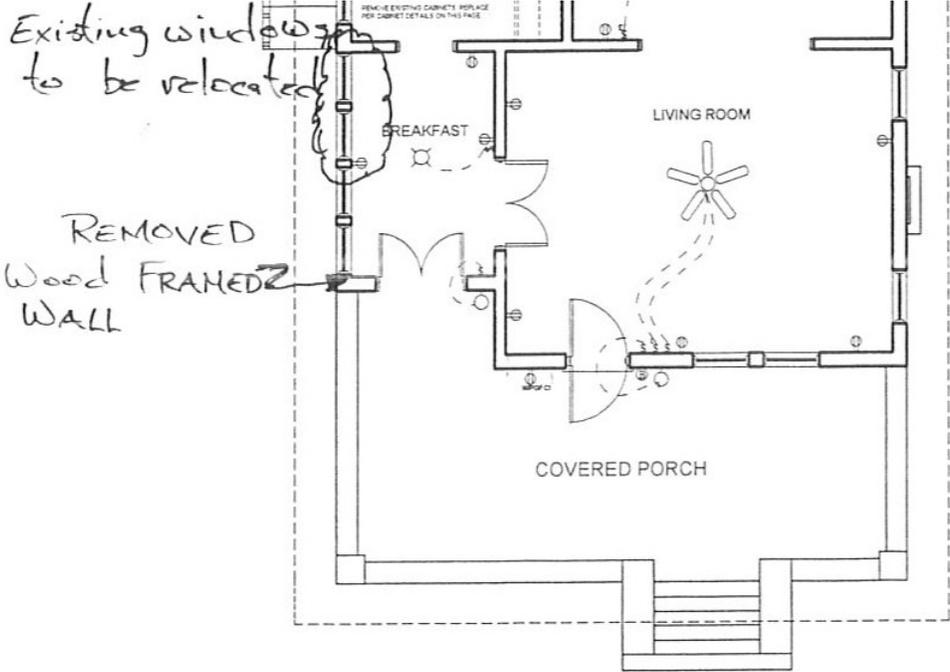


END

SITE PLAN  
1" = 10'-0"

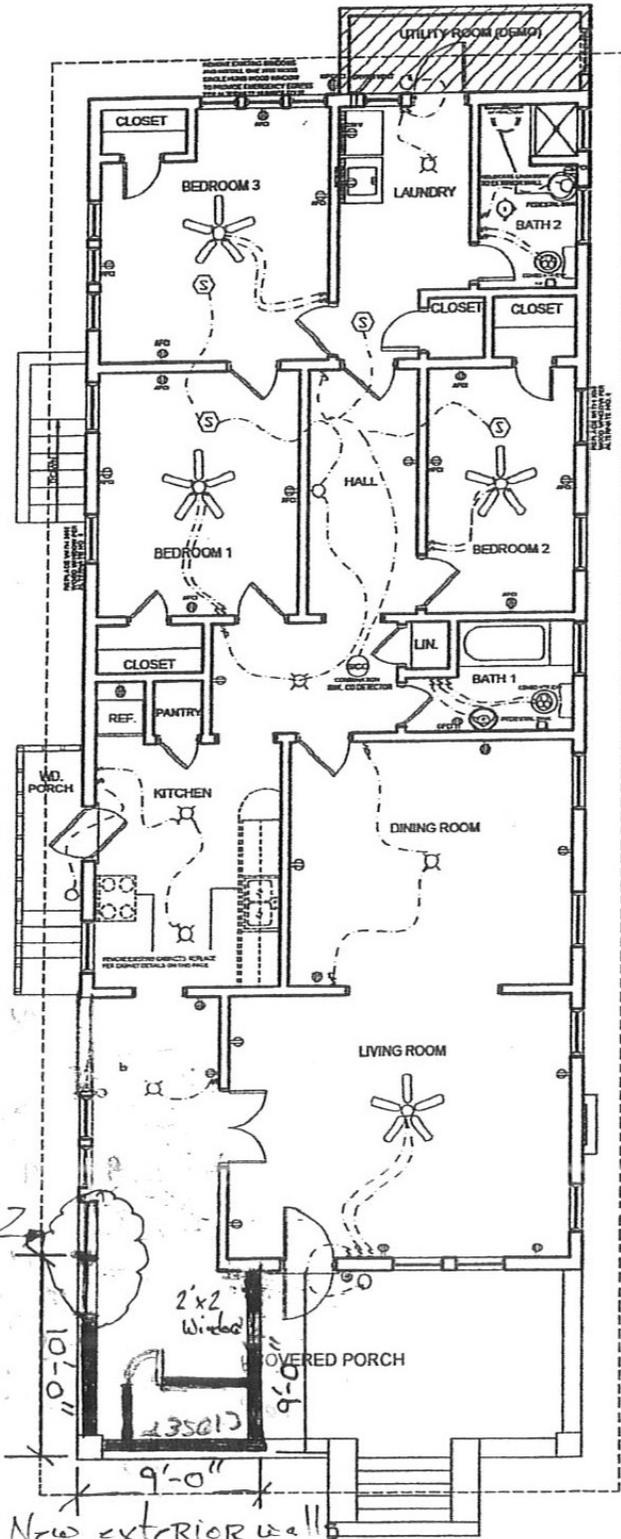


**PREVIOUSLY UNMODIFIED FLOOR PLAN**



EXISTING FLOOR PLAN  
SCALE - 1/4" = 1'-0"

# EXISTING FLOOR PLAN



Relocated  
Windows  
2'-6" x 5'-0" 2

2x2  
Window

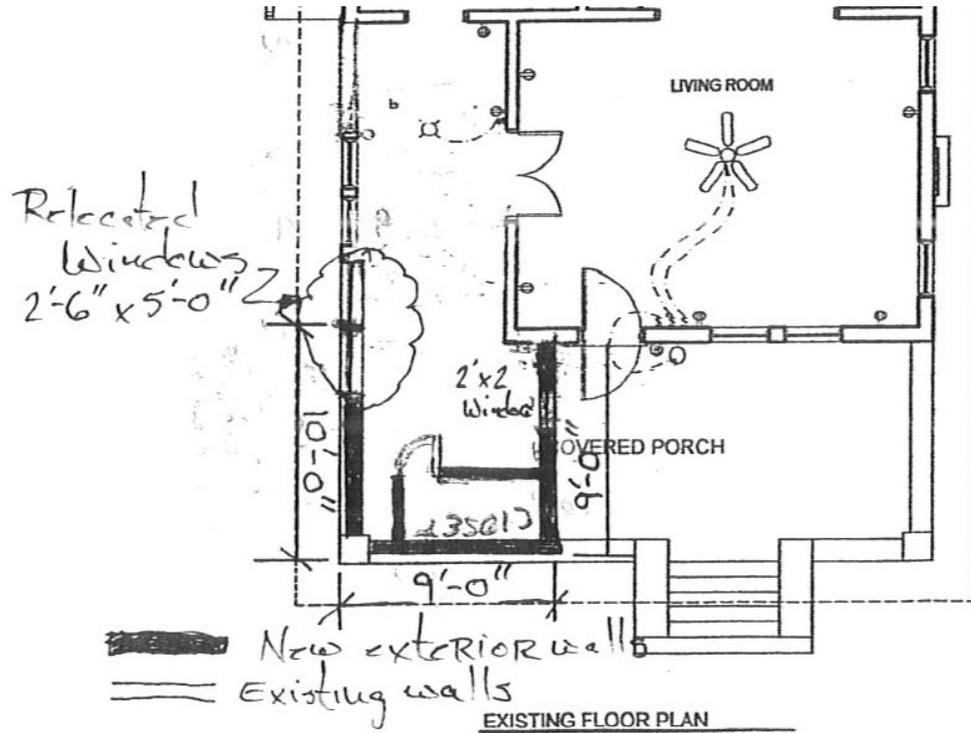
COVERED PORCH

10'-0"  
9'-0"  
9'-0"  
New exterior walls  
Existing walls

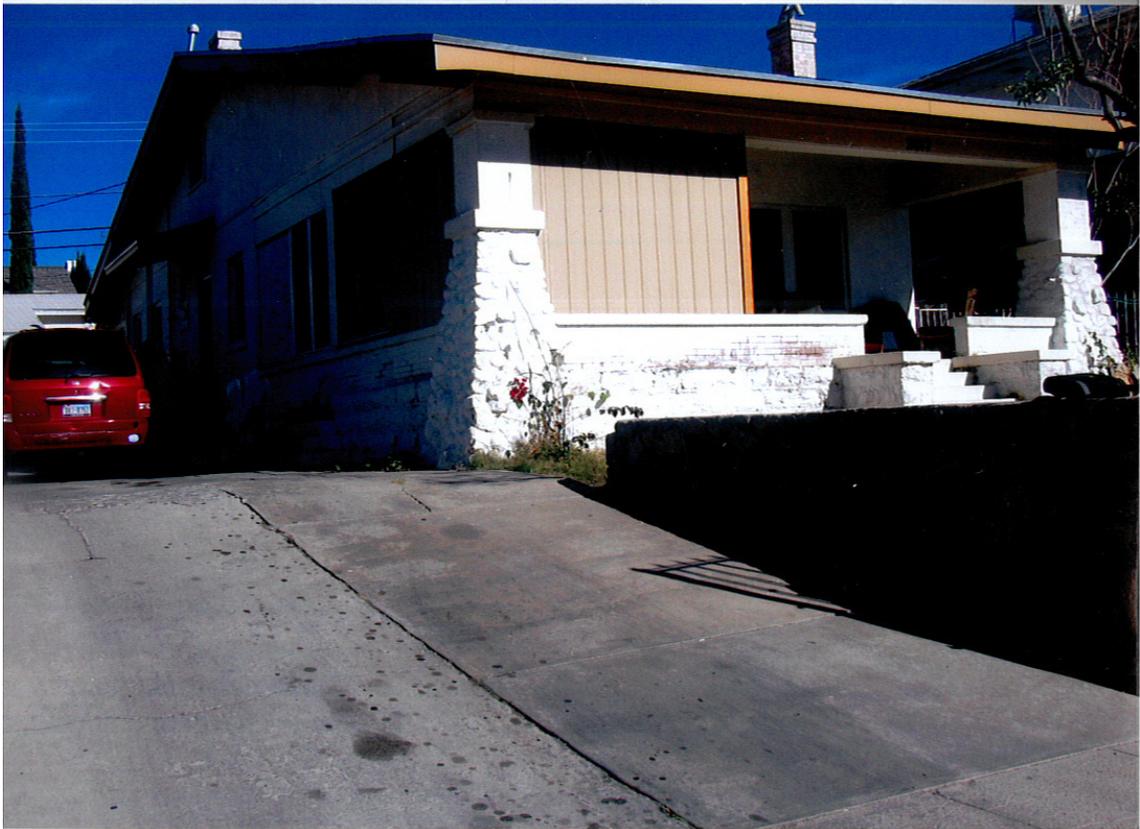
EXISTING FLOOR PLAN

SCALE - 1/8" = 1'-0"

# EXISTING FLOOR PLAN



**PHOTOS OF FRONT AND SIDE ELEVATIONS**



PROPOSED REVISION TO EXISTING PLAN

