

720 S. Concepcion

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00038
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Maria Guadalupe Muñoz
REPRESENTATIVE: Manny Aranda
LOCATION: 720 S. Concepcion St. (District 2)
ZONING: R-5 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception F (Side Street Yard Setback)
PUBLIC INPUT: One (1) call in support as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 F (Side Street Yard Setback) to permit a proposed home addition and to legalize the side portion of an existing carport in the R-5 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception requests. The requested side encroachment is equal to the side encroachments already present on at least two other neighboring properties. Additionally, the requested rear encroachment is less than the rear encroachments already present on at least two other neighboring properties. The requested side street yard setback encroachment is 50% of the required yard setback.

PZBA24-00038



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting two (2) special exceptions to permit a proposed 487 square foot home addition, of which extends 12.34 feet into the required 29.67-foot rear yard setback and 5 feet into the required 10-foot side street yard setback, and to allow to legalize a 346 square foot carport, of which extends all the way into the required 5-foot side yard setback. The total encroachment area will be 637 square feet.

BACKGROUND: The minimum rear and side street setbacks are 10 feet and the minimum side setback is 5 feet. The required rear setback is 29.67 feet to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zoning district. The main residence was built approximately in 1950, with current owner residing in the property for 25 years at most. No adverse comments were received by TxDOT.

Per Special Exception B, two other nonconforming properties have been identified. 712 S. Concepcion Street has attached structures and part of the home, encroaching onto the side and rear yard setbacks with a total area of 925.31 square feet. Similarly, 716 S. Concepcion Street has attached structures, encroaching onto the side and rear yard setbacks with a total area of 1,457.12 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15.33 feet	No change
Rear	29.67 feet	18.42 feet
Cumulative Front & Rear	45 feet	33.75 feet
Side (West)	5 feet	0 feet
Side (East)	10 feet	5 feet
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Encroachment	5 feet	5' (1/2 X 10' required side street yard setback)
Requested Encroachment	5 feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.B to:
Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that 712 and 716 S. Concepcion Street, are two non-conforming properties that have side and rear yard encroachments that are less conforming than those from 720 S. Concepcion Street.
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots;	Yes. 712 and 716 S. Concepcion Street, have encroachments that extend into the rear and side setbacks. Both of these properties have home portions and attached accessory structures encroaching into their required rear and side yard setbacks.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be	Yes. Only applicable lots are being considered.

used in determining the nonconforming lot restrictions of this special exception.	
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COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.F CRITERIA	
The Zoning Board of Adjustment is empowered under Section 2.16.050.F to: <i>Modify district side street yard requirements where the following conditions are met:</i>	
Criteria	Does the Request Comply?
1. The proposed modification does not exceed fifty percent of the required side street yard setback requirement;	Yes. The request is to encroach 5 feet from the required 10-foot side street yard setback. This encroachment is equal to fifty percent (50%) of the required side street yard setback.
2. The minimum front and rear yard setbacks shall not be reduced;	Yes. The minimum front and rear yard setbacks are not being reduced.
3. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer.	Yes. The Traffic Engineer has reviewed the request, and has provided written comments.

PUBLIC COMMENT: Public notice was sent on September 6, 2024 to all property owners within 300 feet of the subject property. The Planning Division received one (1) call in support of the special exception requests.

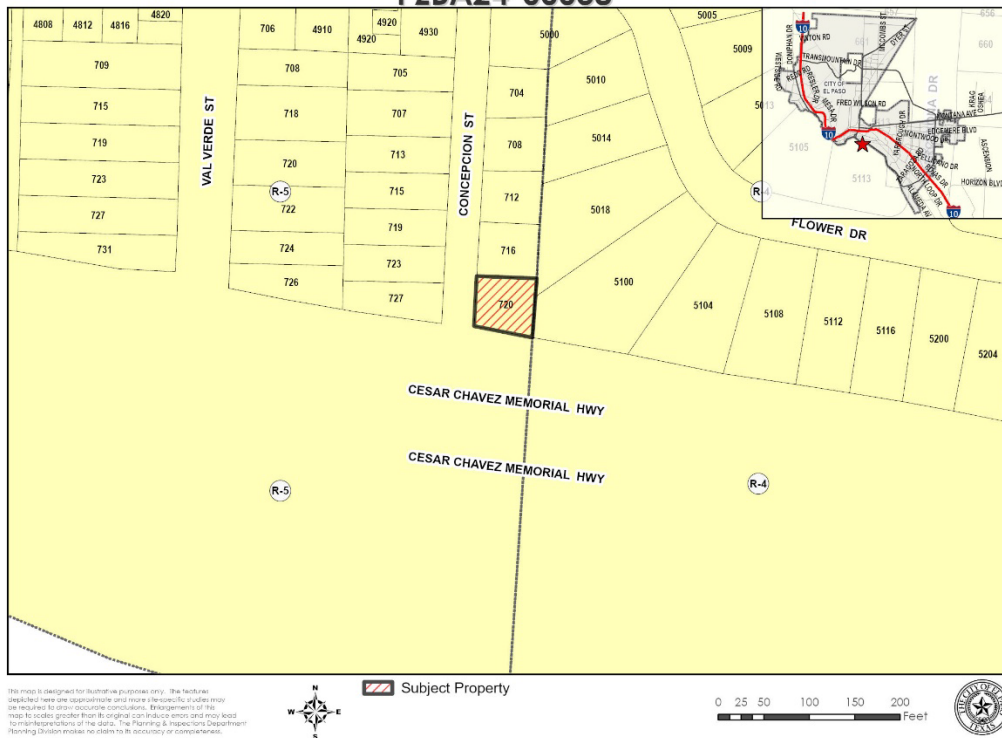
ZONING BOARD OF ADJUSTMENT OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the special exception request, finding that the request is in 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. **(Staff Recommendation)**
2. **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.
3. **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.

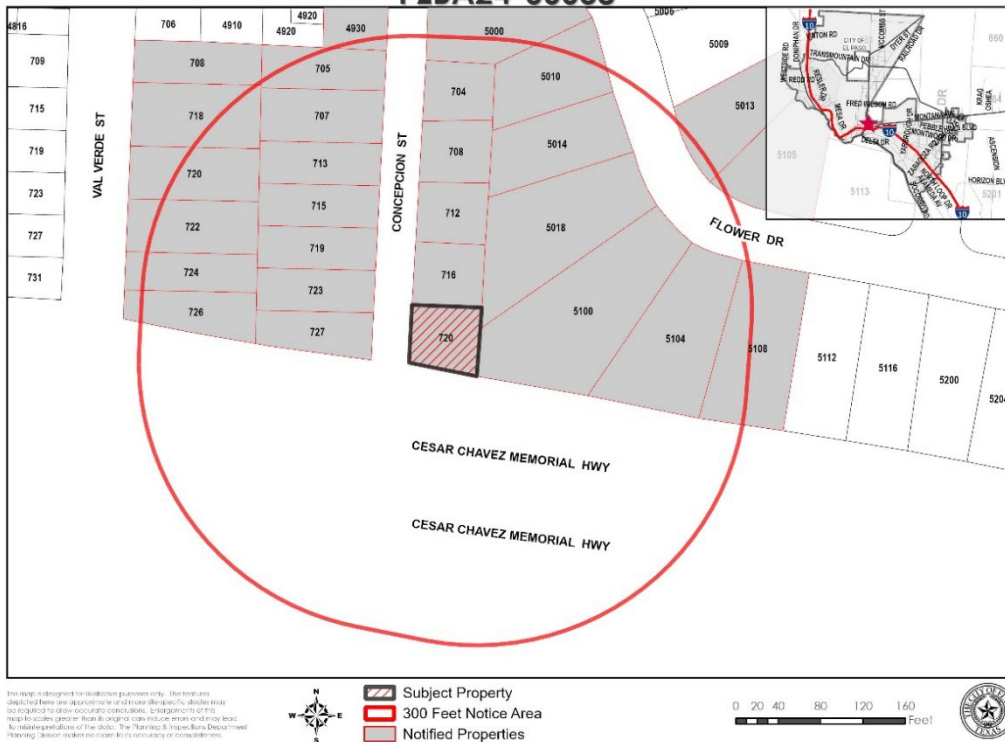
ZONING MAP

PZBA24-00038

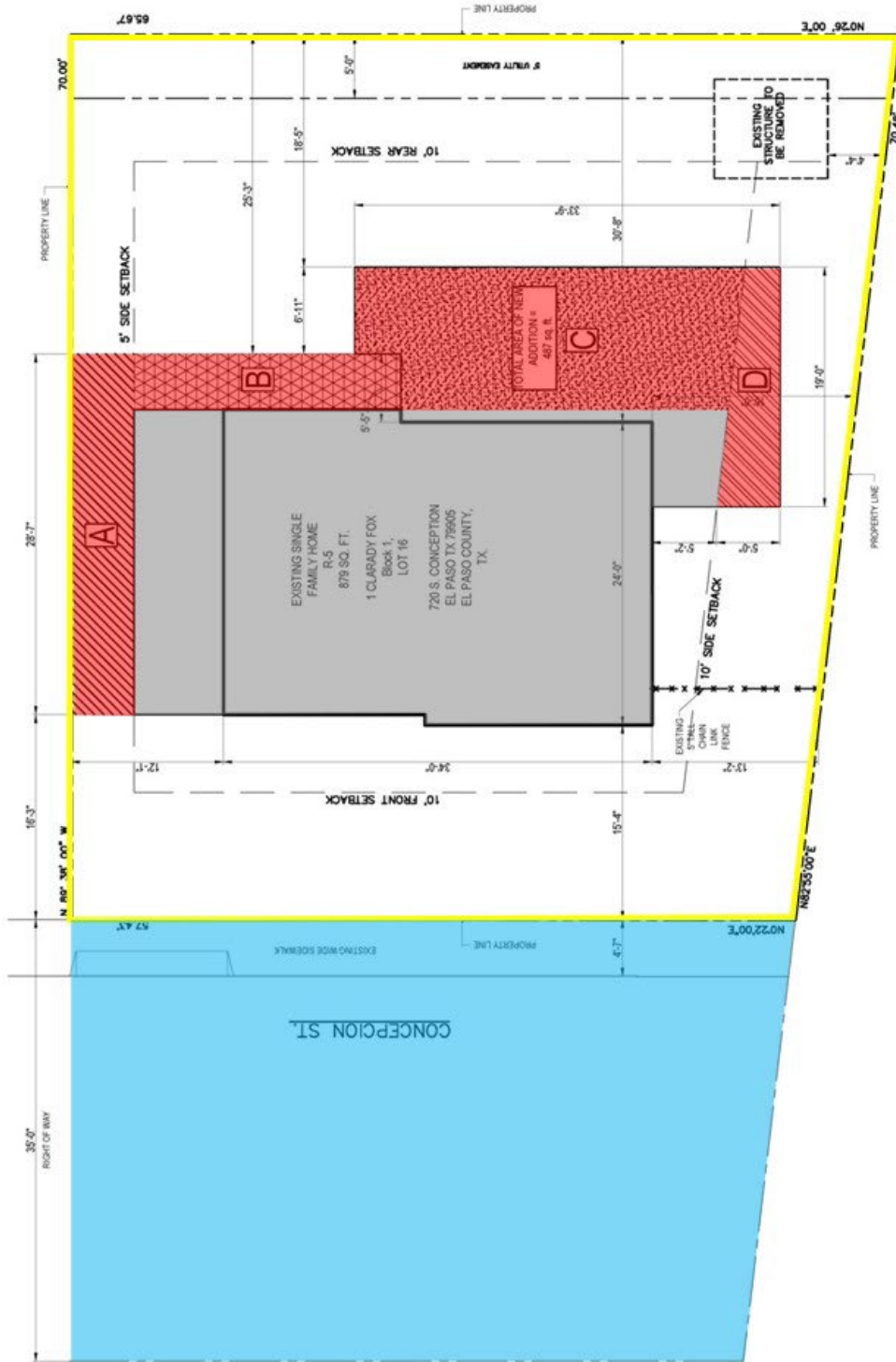


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00038



SITE PLAN



AREAS OF ENCROACHMENT:

- A = 143 SQ. FT.
- B = 94 SQ. FT.
- C = 326 SQ. FT.
- D = 74 SQ. FT.

SETBACKS:

- FRONT = 10'
- REAR = 10'
- SIDE = 5'
- F & R = 45'
- SIDE STREET = 10'

AREAS:

- EXISTING HOME = 879 SQ. FT.
- EXISTING COVERED PATIO = 346 SQ. FT.
- NEW ADDITION = 487 SQ. FT.



720 S. CONCEPCION SITE PLAN

SCALE: 3/16" = 1'-0"

NONCONFORMING LOTS



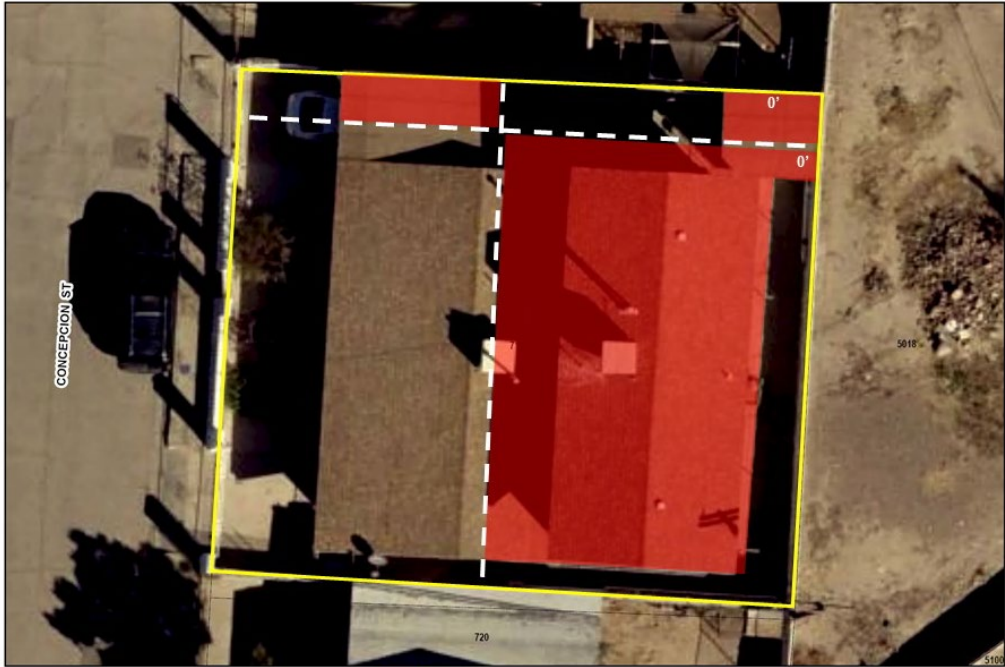
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Subject Property



NONCONFORMING LOT 1



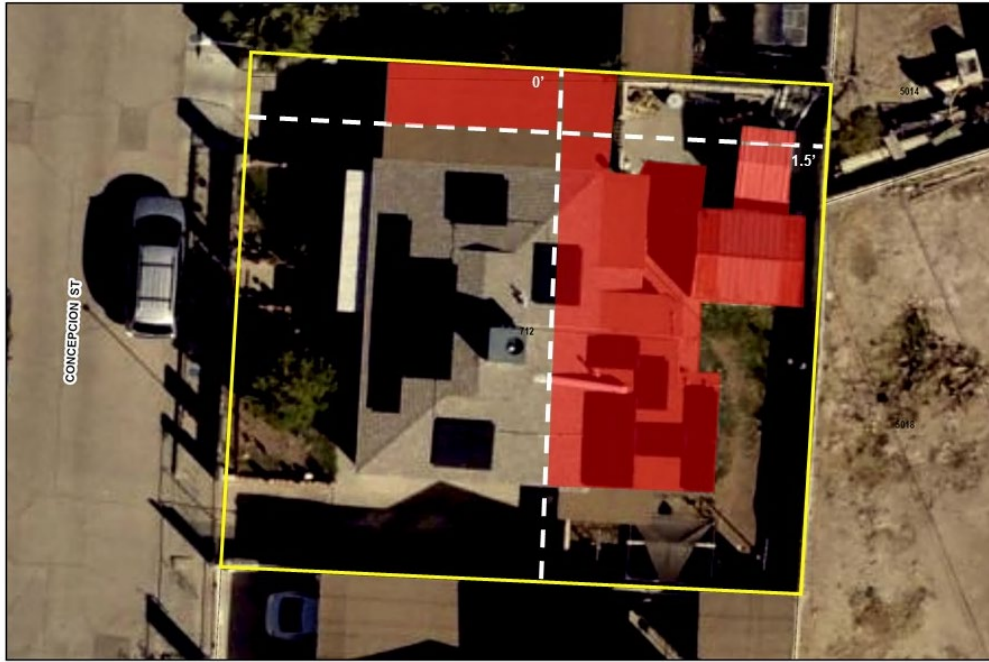
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716 S. Concepcion



NONCONFORMING LOT 2



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712 S. Conception

0 2.5 5 10 15 20 Feet



INPUT

From: [Martin Sotelo](#)
To: [Pina, Saul J.](#)
Subject: RE: Zoning Board of Adjustment Application (PZBA24-00038 - 720 Concepcion)
Date: Wednesday, August 28, 2024 2:11:14 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Hello sir,

No comments on the files provided.

Martin

From: Pina, Saul J. <PinaSJ@elpasotexas.gov>
Sent: Wednesday, August 28, 2024 2:02 PM
To: Martin Sotelo <Martin.Sotelo@txdot.gov>
Subject: Zoning Board of Adjustment Application (PZBA24-00038 - 720 Concepcion)

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Martin,

Could you please provide your comments on this Zoning Board of Adjustment case by **tomorrow** at the latest? I have attached a few documents for your review.

Thank you,

Saul J. G. Pina | Planner
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