

# 11837 Chelita

Zoning Board of Adjustment — January 26, 2026



<b>CASE NUMBER:</b>	<b>PZBA25-00049</b>
<b>CASE MANAGER:</b>	Alejandra González, (915) 212-1506, GonzalezAG@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Saul Javier Marquez Romero
<b>REPRESENTATIVE:</b>	Saul Javier Marquez Romero
<b>LOCATION:</b>	11837 Chelita Dr. (District 6)
<b>ZONING:</b>	R-5 (Residential)
<b>REQUEST:</b>	Special Exception J (Carport Over a Driveway) and Special Exception K (Existence Fifteen Years or More)
<b>PUBLIC INPUT:</b>	None received as of January 20, 2026

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to legalize an existing carport over a driveway and Section 2.16.050 K (Existence Fifteen Years or More) to allow to legalize an existing rear porch in an R-5 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITIONS** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport and the requested encroachment has been in existence for more than fifteen (15) years. The conditions are as follows:

1. That the materials on the carport shall be in keeping with the main home and the slope of the canopy shall be in alignment with the roof structure of the main home.
2. That the accessory structure shall be relocated from the 5-foot easement area.

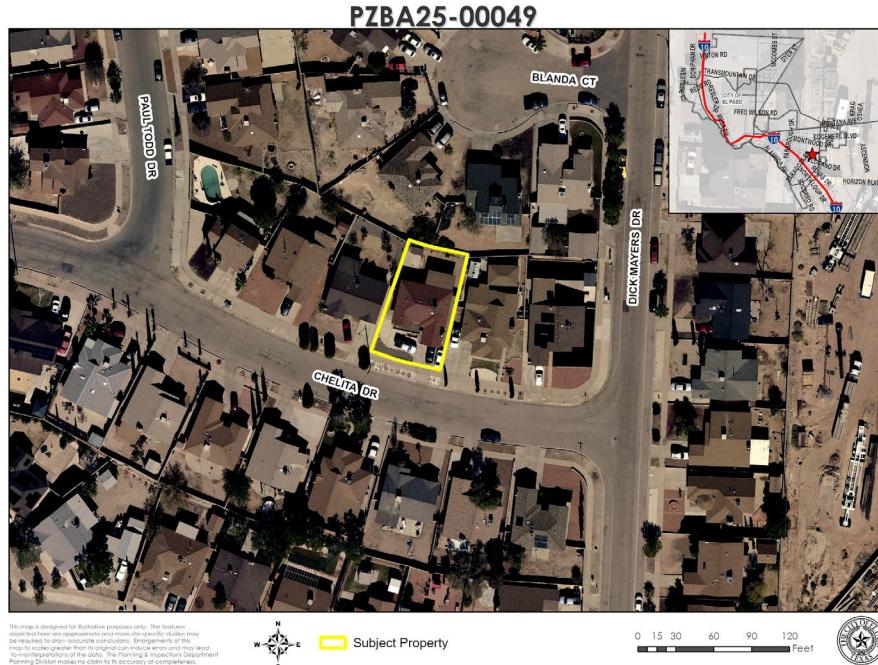


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize the construction of an existing carport of approximately 19 feet 6 inches by 16 feet 1.5 inches and an area of 315 square feet, of which 238.07 square feet encroaches 12.08 feet into the front yard setback and is located within 1.67 feet of the front property line. The applicant is also requesting a special exception to allow to legalize an existing open porch of approximately 23 feet by 13 feet 9 inches and an area of 311.22 square feet which is encroaching 13 feet 9 inches into the required rear yard setback.

**BACKGROUND:** The minimum front setback is 10 feet in the R-5 (Residential) zone district. The required front setback for the subject property is 15 feet to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zone district.

The current owner has owned the property since 2023 and the main building was constructed in 1985 based on El Paso Central Appraisal District records; however, the exact date of construction for the rear porch is unknown. Aerial imagery from 2009 confirms that the rear porch existed in its current location and condition at that time, indicating the encroachment has been presented for over 15 years.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15 Feet	1 Feet 8 inches
Rear	30 Feet	16 Feet 3 inches
Cumulative Front & Rear	45 Feet	17 Feet 11 inches
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change
Cumulative Side	N/A	N/A

#### CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	261.28 Square Feet	1/5 of 1306.4 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	238.07 Square Feet	12.08 Feet by 19 feet 6 inches Feet (Encroachment only)

#### COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.J to:

*Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:*

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The existing carport shall resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The existing carport encroachment of 138.12 square feet is less than the maximum allowed area of 261.28 square feet.

5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the existing structure were submitted.
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

#### **COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA**

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:

*Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:*

<b>Criteria</b>	<b>Does the Request Comply?</b>
1. The encroachment into the required yard setback has been in existence for more than fifteen years;	Yes. The encroachment has been in existence for more than fifteen years.
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;	Yes. The owner is not responsible for the construction of the encroachment.
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;	Yes. The owner did not own the property at the time.
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback;	Not applicable. Encroachment is not into the front yard setback.
5. The encroachment does not violate any other provision of the El Paso City Code.	Yes. The encroachment does not violate any other provision of the El Paso City Code.

**PUBLIC COMMENT:** Public notice was sent on November 24, 2025 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

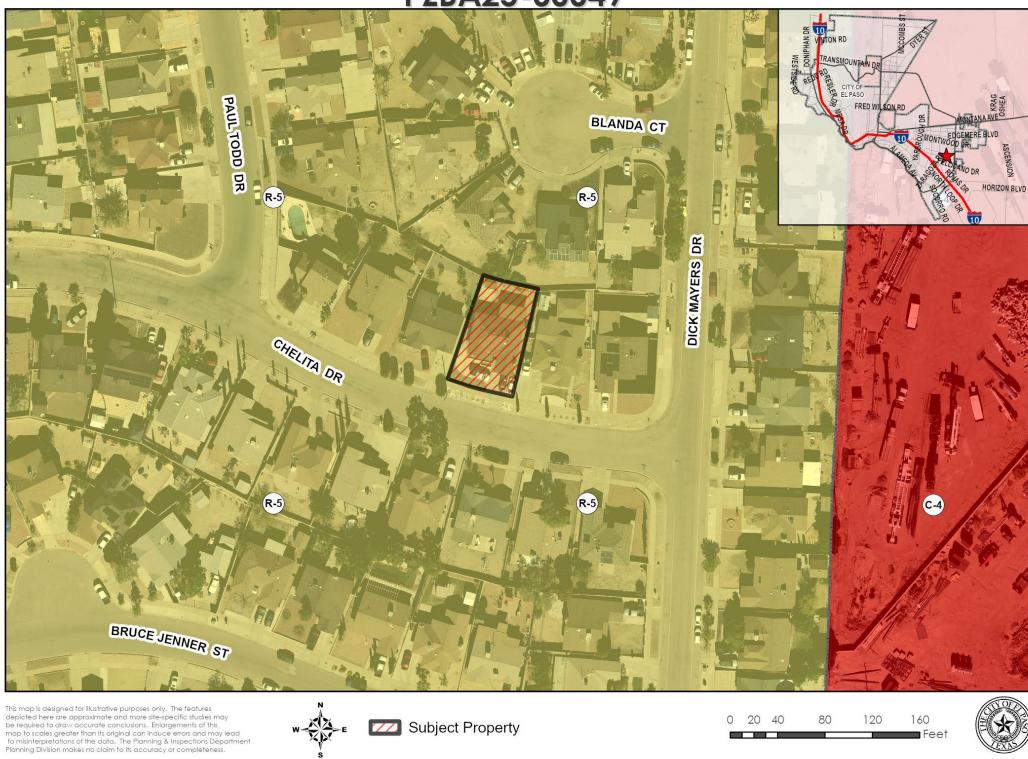
#### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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 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.
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. (**Staff Recommendation**)
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.

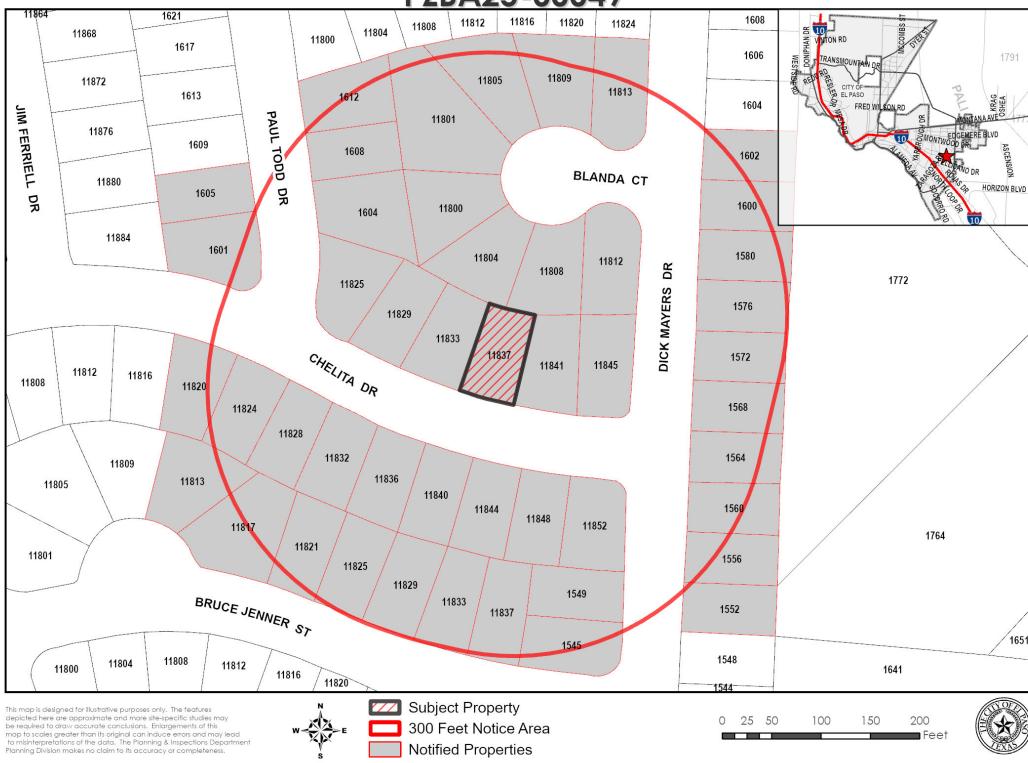
## ZONING MAP

PZBA25-00049

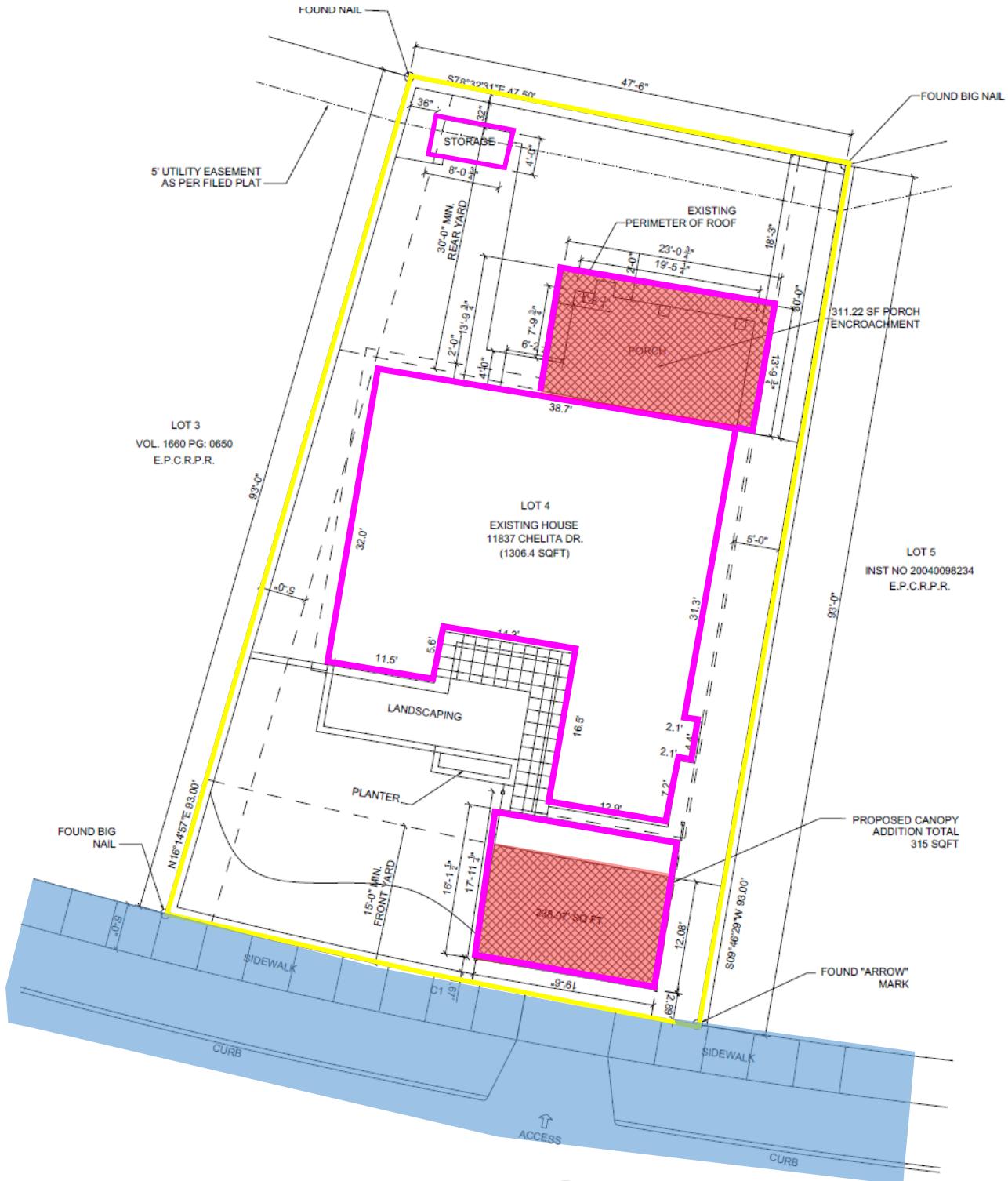


## NEIGHBORHOOD NOTIFICATION MAP

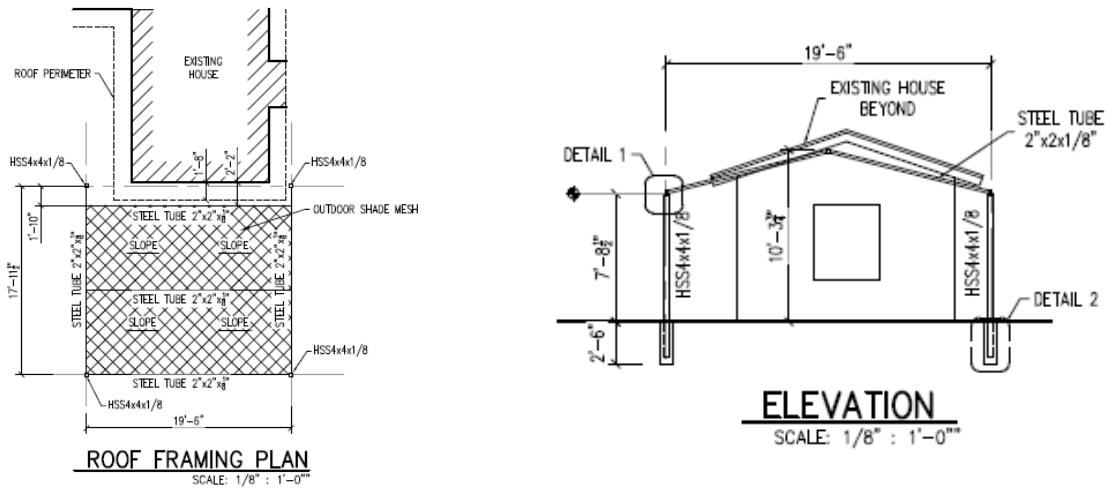
PZBA25-00049



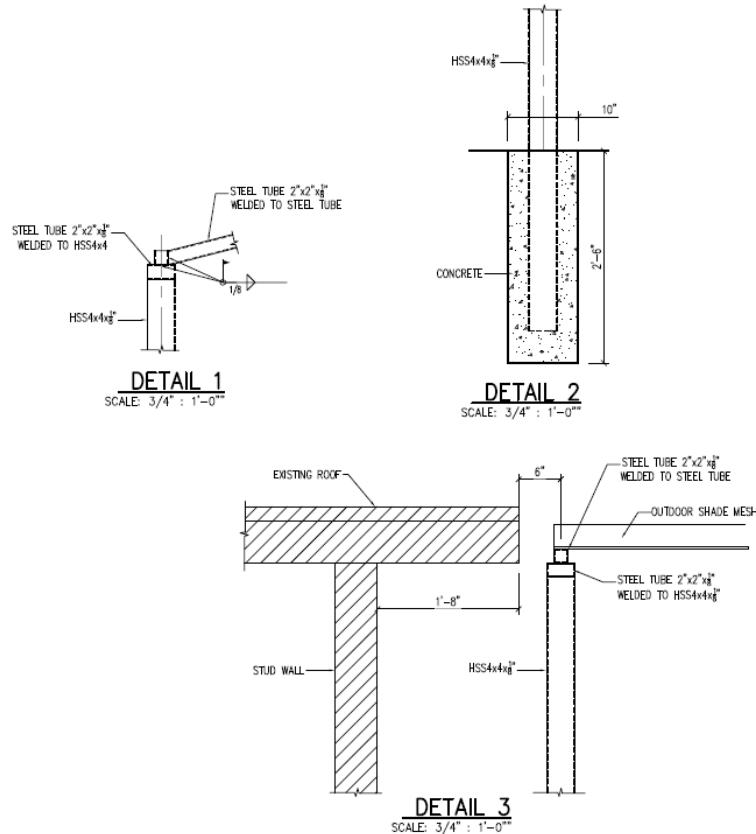
## SITE PLAN



## ELEVATION



## DETAILS



## 2009 AERIAL

### PZBA25-00049 | 2009 Aerial

