

9701 Norton Street

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00054
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: DSDB LLC.
REPRESENTATIVE: Ray Baca
LOCATION: 8701 Norton St. (District 2)
ZONING: A-2 (Apartment)
REQUEST: Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of July 16, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize two apartment buildings that encroach into the side street setback in an A-2 (Apartment) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than fifteen (15) years.

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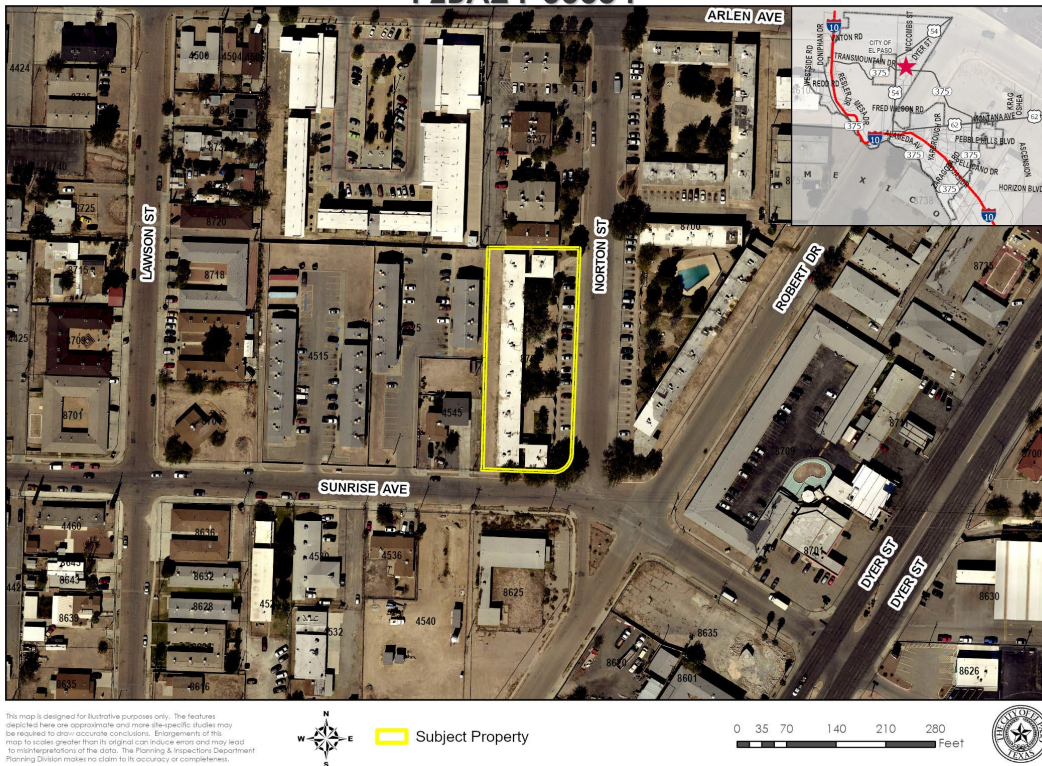


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize the construction of two existing apartment buildings, which extend 1 foot 10.75 inches and 1 foot 10.625 inches into the side street yard setback and of which 103.65 square feet total of these structures encroach into the street side yard setback.

BACKGROUND: The minimum street side setback is 10 feet in the A-2 (Apartment) zone district. The current owner has owned the property since 2019 and the buildings were constructed in 1962 based on El Paso Central Appraisal District records. The existing encroachment has been in existence approximately for 62 years. Based on 2009 aerial imagery, the property existed back then as it does today, with the apartment buildings in their current location.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 Feet	No Change
Rear	25 Feet	No Change
Cumulative Front & Rear	N/A	No Change
Side (West)	5 Feet	No Change
Side Street (East)	10 Feet	8 Feet 1.125 inches
Cumulative Side	N/A	No Change

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA	
The Zoning Board of Adjustment is empowered under Section 2.16.050.K to: <i>Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:</i>	
Criteria	Does the Request Comply?
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. Neither the applicant nor owner were 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. Neither the applicant nor owner owned 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 July 11, 2024 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.

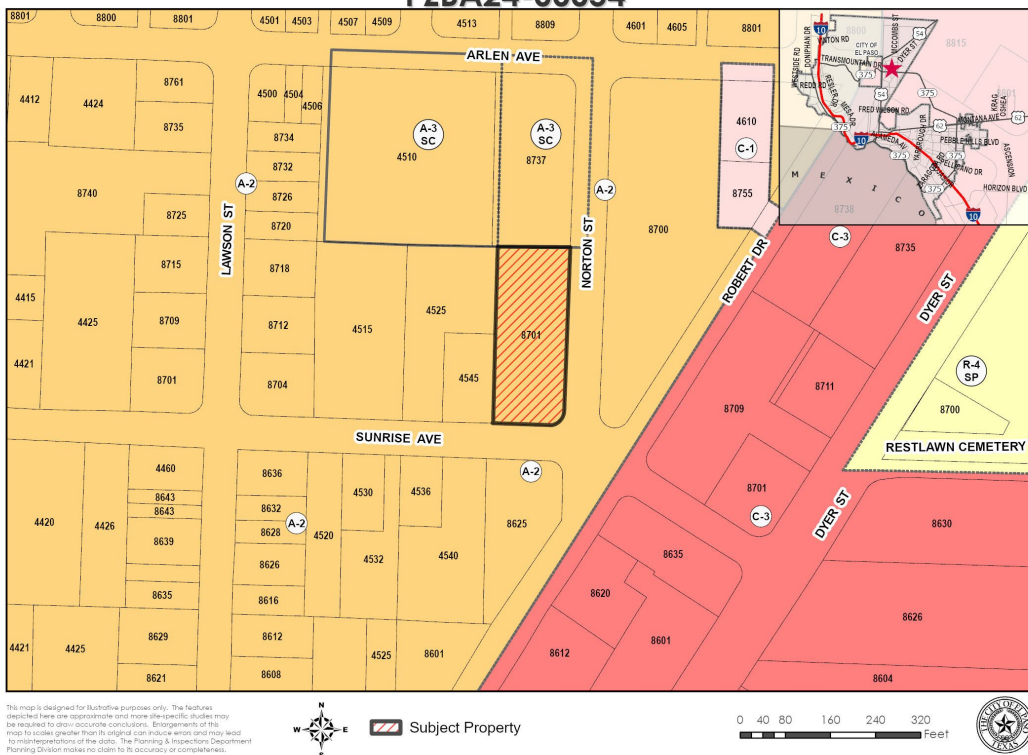
ZONING BOARD OF ADJUSTMENT OPTIONS:

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 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.

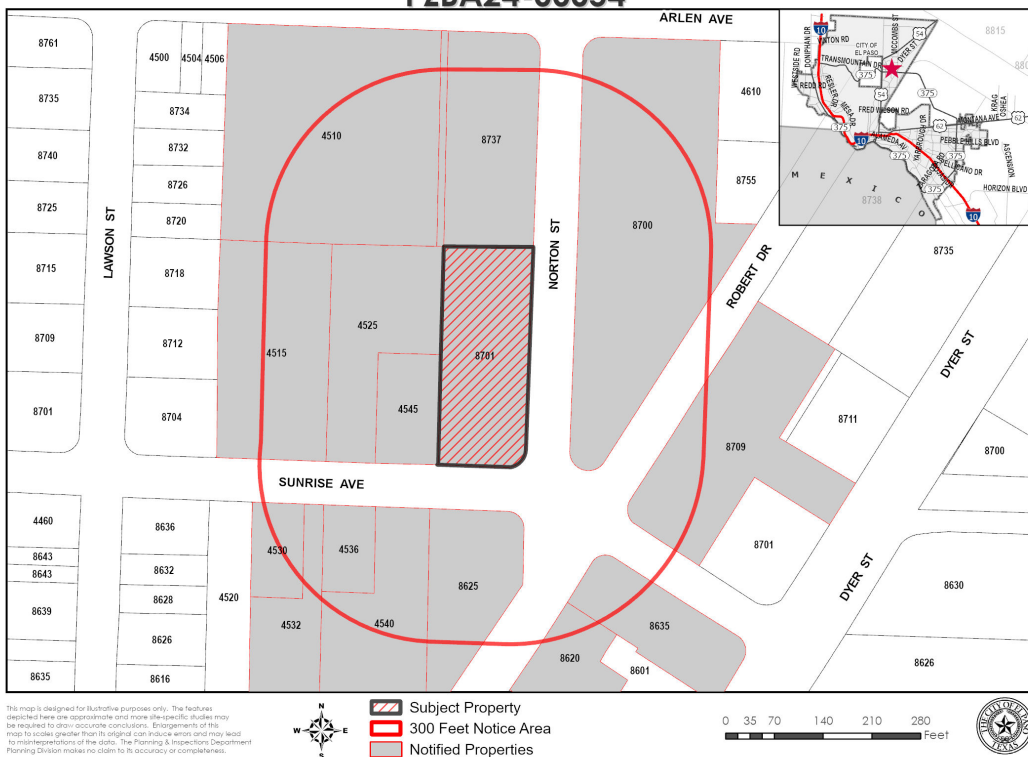
ZONING MAP

PZBA24-00054

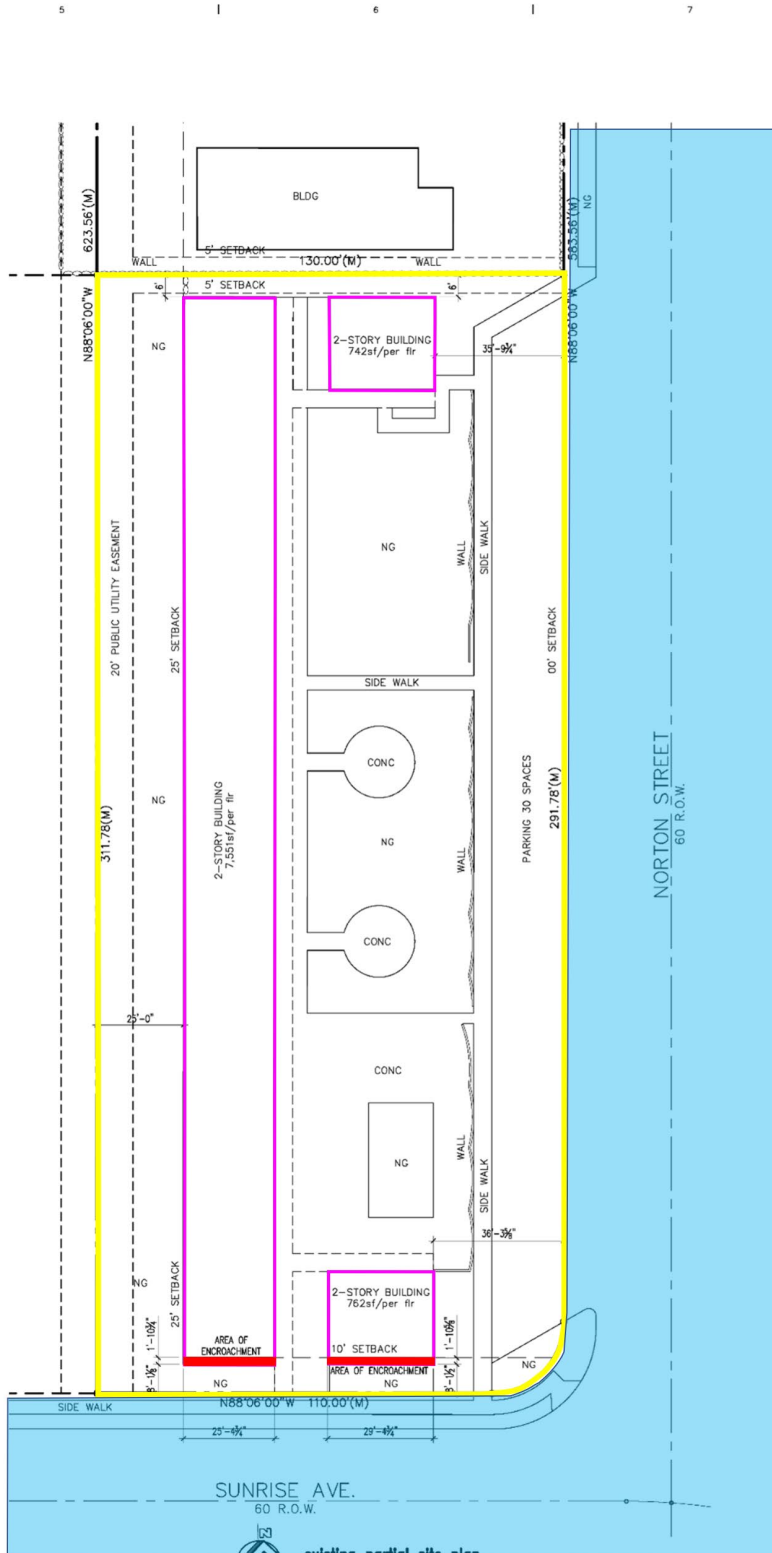


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00054



SITE PLAN



existing partial site plan
SCALE: 1"=20'-0"

LEGAL DESCRIPTION
4 DEL NORTE ACRES E 130 FT OF 1
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CODE COMPLIANCE REVIEW:
GENERAL:
PID NO.:
D36199900401100
OWNERS NAME:
DSDR LLC
550 S MESA HILLS DR STE D-4 EL PASO TX
79912-5766
ADDRESS:
8701 NORTON ST EL PASO, TX 79904
ZONING:
LEGAL DESCRIPTION:
4 DEL NORTE ACRES E 130 FT OF 1
CITY OF EL PASO, EL PASO COUNTY, TEXAS
ZONING: Appendix B
Zoning District: A-2
Building Setbacks (in feet) SUBPART C
Minimum Front Yard (in feet): 00
Minimum Rear Yard (in feet): 25
Minimum Cumulative Front & Rear Yard Total: N/A
Minimum Side Yard (in feet): 5
Minimum Side Street Yard (in feet): 10
Minimum Cumulative Side & Side Street Yard Total:
N/A

Construction Document Coordination:
The drawings and specifications for the project are to be taken together as a single construction contract document and any division by trade or other designation is coincidental, contractor and all sub-contractors shall review and coordinate the entire set of drawings and project manual.
NOT FOR REGULATORY APPROVAL, PERMITTING and CONSTRUCTION
Zoning Adjustment for the Norton Manor Apartments
8700 Norton St.
El Paso, TX 79904



ROQUE ARCHITECTURE IIc
10021 Buckwood Ave. El Paso, Texas 79925
750 S. Ash Ave. Suite 8806
Tempe, Arizona 85281
[t] (915) 204-7129
[e] roquearch1@gmail.com
Arizona, Colorado, Texas and Utah
EXISTING ARCHITECTURAL SITE 15.05.2024
PLAN

AS1.1

JUNE 2024

2009 AERIAL

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This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 15 30 60 90 120 Feet

