

3306 Alameda

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00075
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Leopoldo and Rene Herrera
REPRESENTATIVE: Rene Herrera
LOCATION: 3306 Alameda (District 8)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing canopy into the required 10-foot rear yard setback in a C-4 (Commercial) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than or equal to the encroachments into the setback already present on at least two other neighboring properties.

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Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the existing canopy that extends 10 feet into the required rear yard setback, resulting in a total encroachment of 385 square feet.

BACKGROUND: The minimum rear setback in a C-4(Commercial) zone district is 10 feet. Aerial photographs indicate that three nearby properties also encroach into their respective setbacks, with encroachments into the rear yard equal to or larger than those on the subject property. These properties 3304 Alameda (394 square feet rear yard encroachment), 3320 Alameda (334.4 square feet rear yard encroachment), and 3331 Alameda (588 square feet rear yard encroachment) - and are currently classified as non-conforming lots.

According to the El Paso Central Appraisal District, the property was built in 1958. The current owner, who has owned the property since 1994, is responsible for the construction of the canopy encroaching in the rear yard setback, which was built sometime in 2021. The property owner received two separate citations in a span of 13 months for the construction of rear canopy and constructing a canopy in the front side of the property without permits. The property is currently being used as a live-work flex unit within the C-4 (Commercial) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 feet	No Change
Rear	10 feet	0 feet
Cumulative Front & Rear	N/A	N/A
Side (East)	0 feet	No Change
Side (West)	0 feet	No Change

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA	
The Zoning Board of Adjustment is empowered under Section 2.16.050.B to: <i>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:</i>	
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. Aerial photos and site visits, have confirmed that three properties on the same block extend 10 feet into the rear setback and two properties extend at least 8 feet into the side yard setback.
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. There are three properties with structures encroaching into the required 10-foot rear yard setback, extending to the property line, located at 3304 Alameda, 3320 Alameda and 3331 Alameda.
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 used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on October 3, 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.

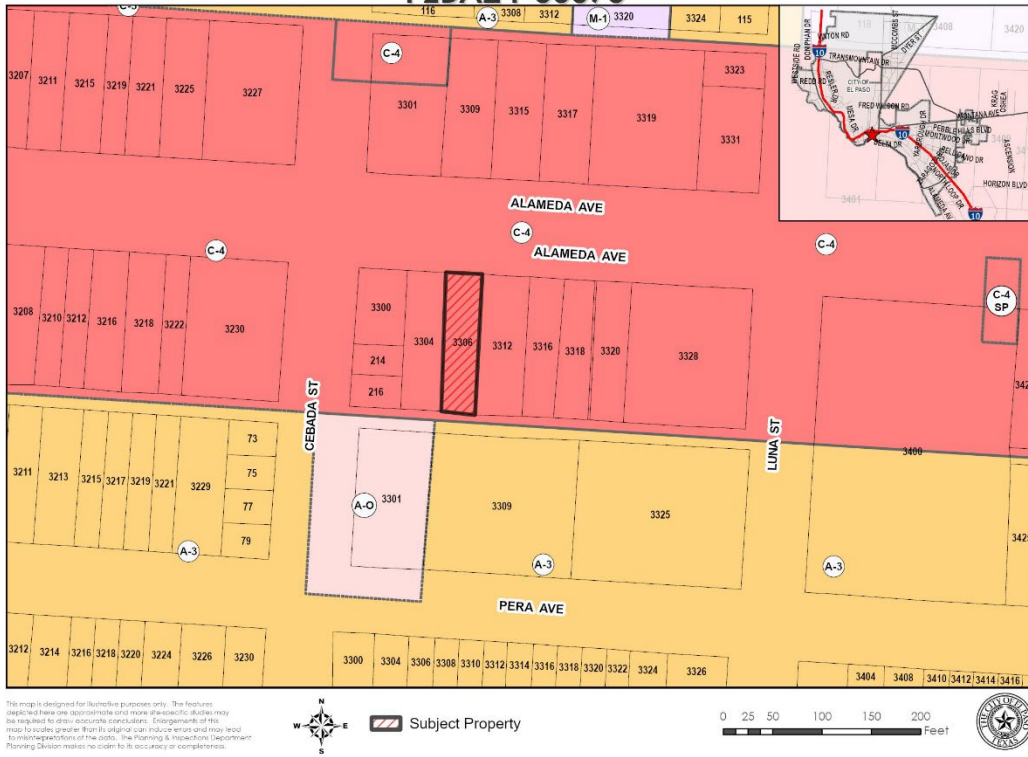
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

PZBA24-00075



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Engagements of this map to scales greater than its original scale may introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

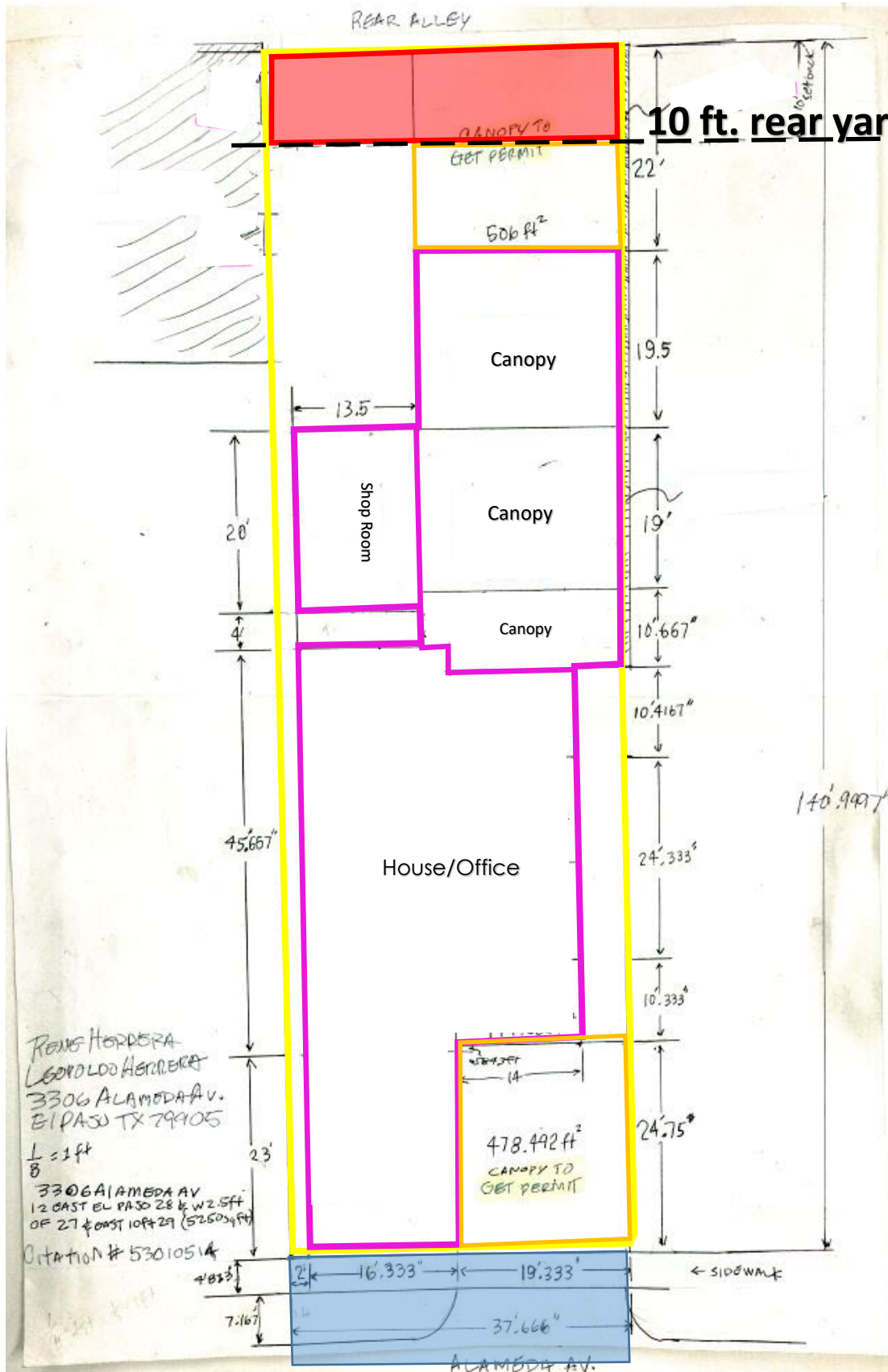
NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN




NONCONFORMING LOTS

PZBA24-00075



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 Subject Property

