

11613 Kristy Weaver

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00043 (RECONSIDERATION)
CASE MANAGER: Myrna Aguilar, (915) 212-1604, AguilarMP@elpasotexas.gov
PROPERTY OWNER: German and Sylvia Armenta
REPRESENTATIVE: Ray Mancera
LOCATION: 11613 Kristy Weaver Dr. (District 6)
ZONING: R-3A/sc (Residential/special contract)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of September 10, 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 carport that encroach into the required front setback in an R-3 (Residential) zone district.

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

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 Subject Property

0 37.5 75 150 225 300 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport, which extends 16 feet into the required front yard setback for 300 square feet of total encroachment.

BACKGROUND: The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1992. Aerial photographs indicate there are two other properties within the same block on the same side of the street that also contain structures located in the front yards that encroach into their respective front yard setbacks located at 11616 Stockmeyer Drive and 11620 Stockmeyer Drive.

On July 22, 2024, Zoning Board of Adjustment approved of the special exception request. This case needs to be reconsidered due to inconsistencies regarding the required front yard setback and provided information that the ZBA considered on their decision.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	4 feet
Rear	25 feet	25 feet
Cumulative Front & Rear	45 feet	29 feet
Side (East)	5 feet	No Change
Side (North/East/South/West)	5 feet	No Change
Cumulative Side	N/A	N/A

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 are 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. Through aerial photos, it was established that two (2) properties on the same block both extend into the front 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 two other properties with structures built that encroach into their required front yard setback equal to or beyond the proposed encroachment of the subject property.
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 originally sent on July 10, 2024 to all property owners within 300 feet of the subject property. Public notice was re-sent on September 5, 2024 to all property owners within 300 feet of the subject property for reconsideration. The Planning Division has not received any communications in support or opposition to the special exception request.

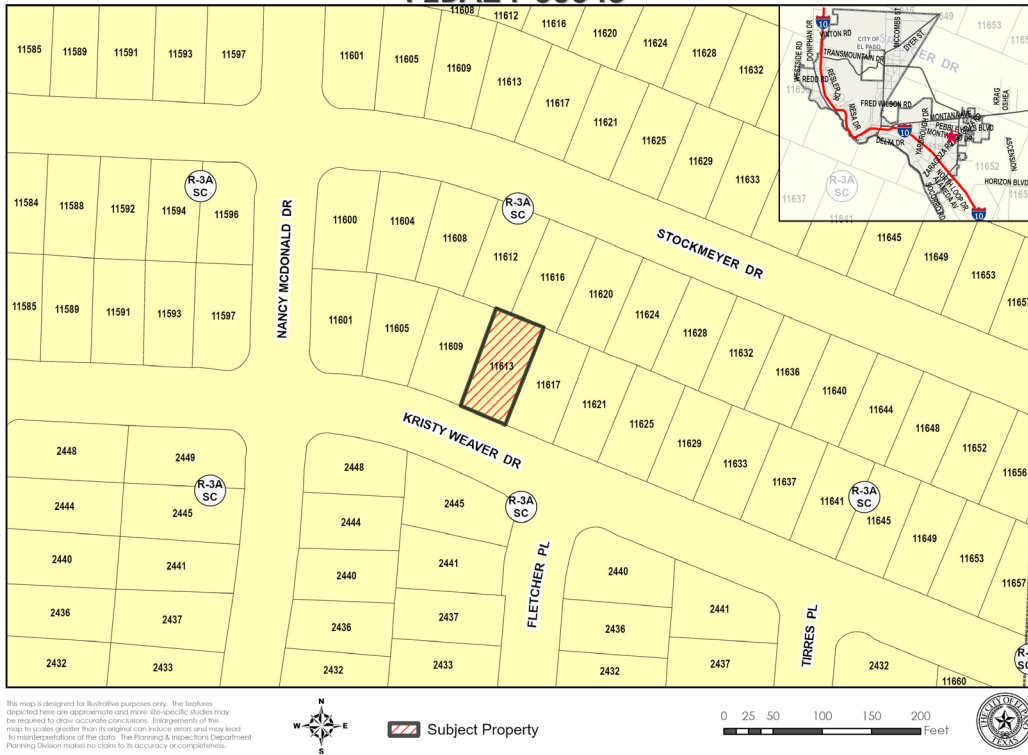
ZONING BOARD OF ADJUSTMENT OPTIONS:

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. **(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.

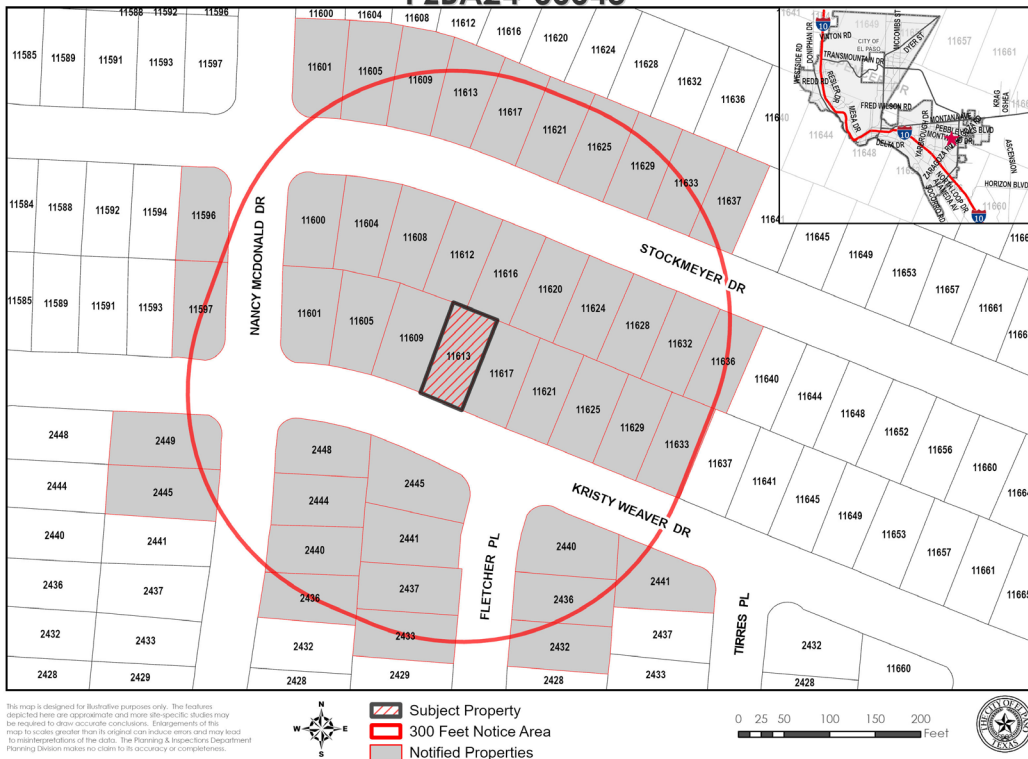
ZONING MAP

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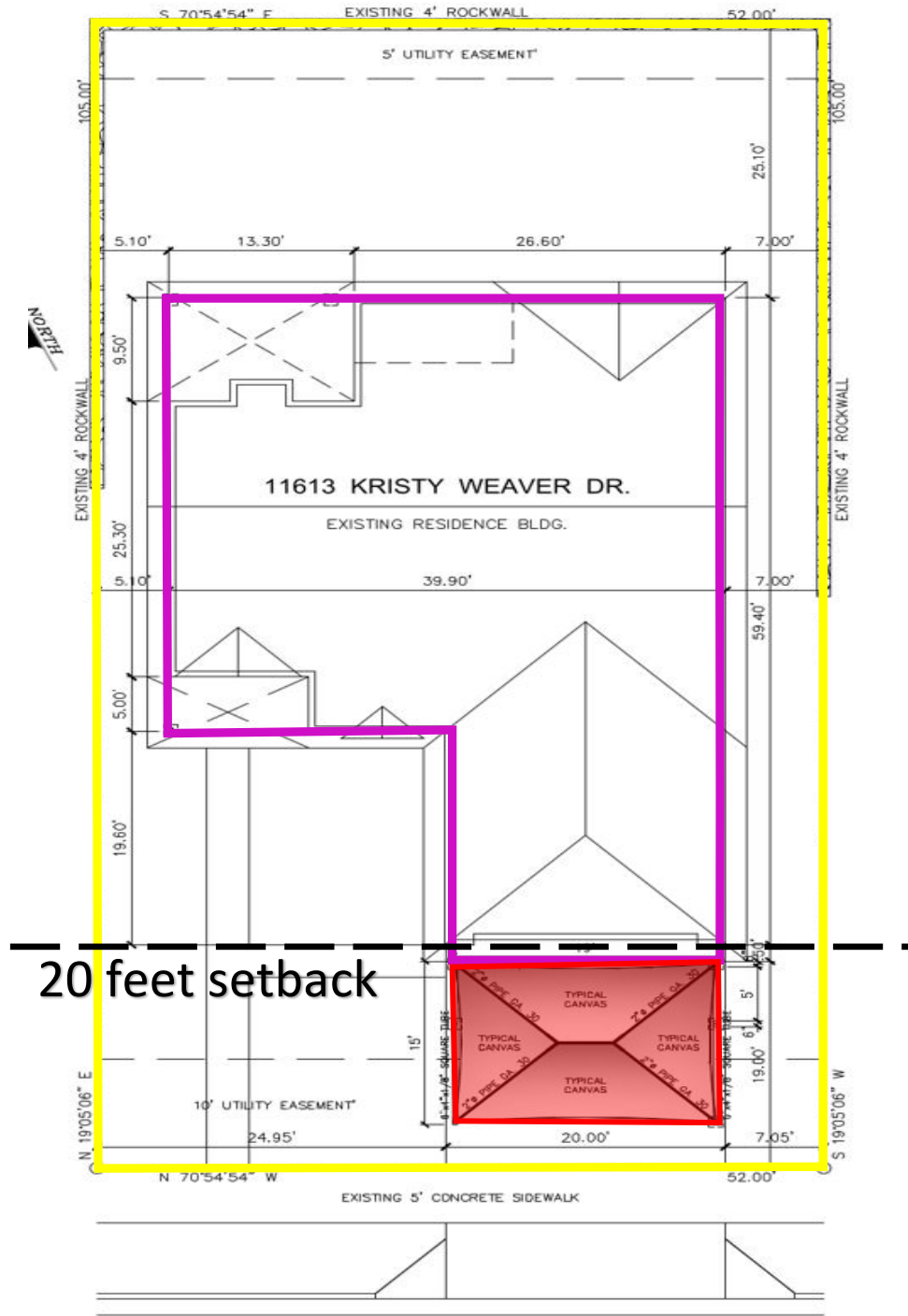


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00043



SITE PLAN

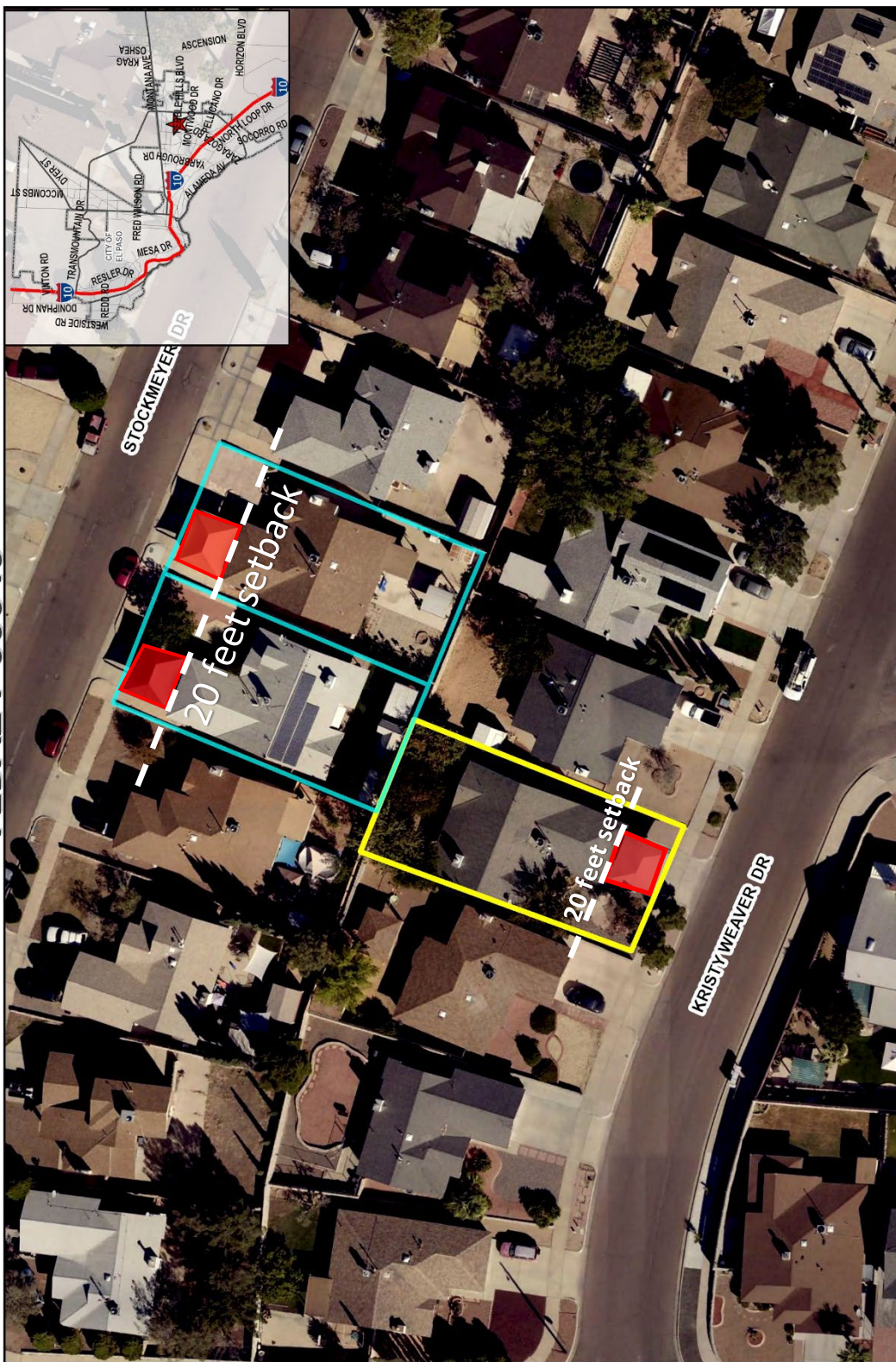


11613 KRISTY WEAVER DR.

SITE PLAN:

NONCONFORMING LOTS

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Subject Property



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