

1024 Los Moros

Zoning Board of Adjustment — September 8, 2025



CASE NUMBER:	PZBA25-00018
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Pablo Moreno and Sarai Perez
REPRESENTATIVE:	Sarai Perez
LOCATION:	1024 Los Moros Dr. (District 1)
ZONING:	R-2/sp (Residential/special permit)
REQUEST:	Special Exception B (Two or More Nonconforming Lots) and Special Exception J (Carport Over a Driveway)
PUBLIC INPUT:	Two (2) e-mails in opposition as of September 2, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and J (Carport Over a Driveway) to allow to legalize two existing carports in an R-2 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** 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 and the requested area of encroachment is less than the maximum permitted for a carport. The condition is as follows:

- Carport shall resemble the main residence in scale and character.



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 that encroaches 8 feet into the required side yard setback, resulting in a total encroachment of approximately 160 square feet. In addition, the applicant is requesting a second special exception to allow to legalize an existing second carport measuring approximately 20 feet by 20 feet, with a total area of 400 square feet. Of that area, approximately 320 square feet encroach 16 feet into the required front yard setback, with the structure located within 10 feet of the front property line.

BACKGROUND: The required side setback for the subject property is 8 feet in order to meet the cumulative side setback requirement of 20 feet within the R-2 (Residential) zoning district. The required front setback is 26 feet to meet the cumulative front and rear setback requirement of 60 feet. A site visit revealed that at least two other homes on the same block or on the abutting street have similar side yard encroachments. Specifically, the property at 1035 Los Moros Drive has an unenclosed porch encroaching approximately 200 square feet into the side yard setback, and the property at 1076 Los Moros Drive has an unenclosed porch encroaching approximately 205 square feet into the side yard setback. Both properties qualify for this request but do not have a permit or variance on record for their encroachments.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	26 feet	10 feet
Rear	34 feet	No Change
Cumulative Front & Rear	60 feet	44 feet
Side (West)	12 feet	No Change
Side (East)	8 feet	0 feet
Cumulative Side	20 feet	12 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 one house on the same block extends 8 feet into the side setback, and another house extends 8 feet.
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 porches that encroach into their required side setback beyond the existing encroachment of the subject property. These properties do not have a permit on record.
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.

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	451.4 Square Feet	1/5 of 2,257 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	320 Square Feet	16 Feet by 20 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 will 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 320 square feet is less than the maximum allowed area of 451.4 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

PUBLIC COMMENT: Public notice was sent on July 31, 2025 to all property owners within 300 feet of subject property. The Planning Division has received two (2) e-mails in opposition to the special exception request.

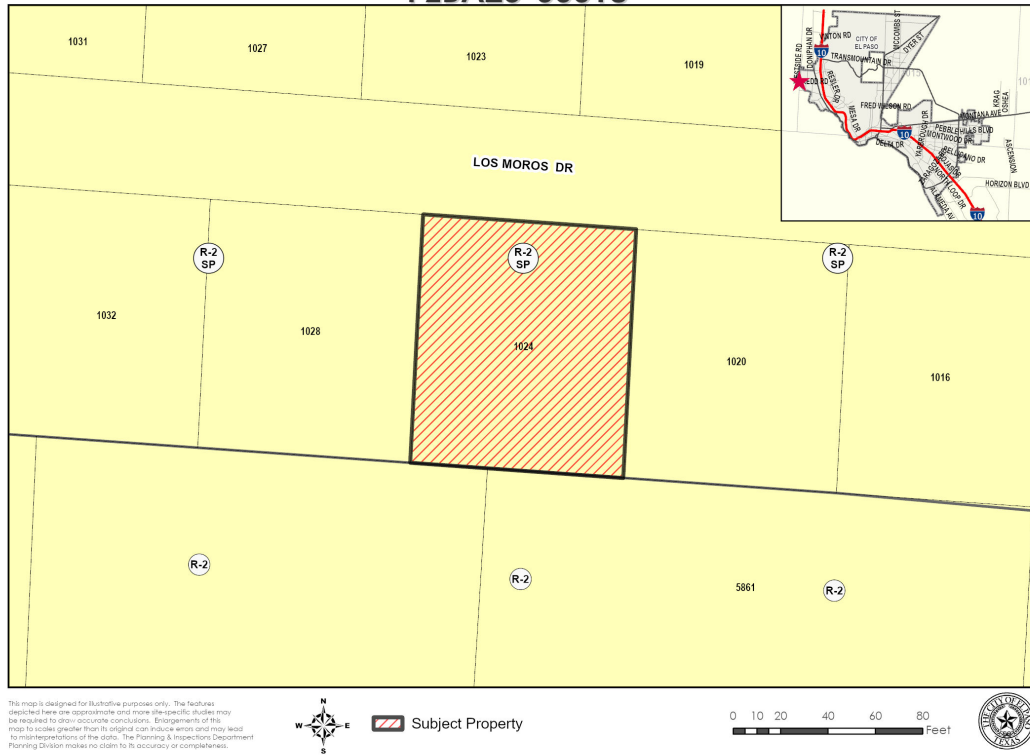
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

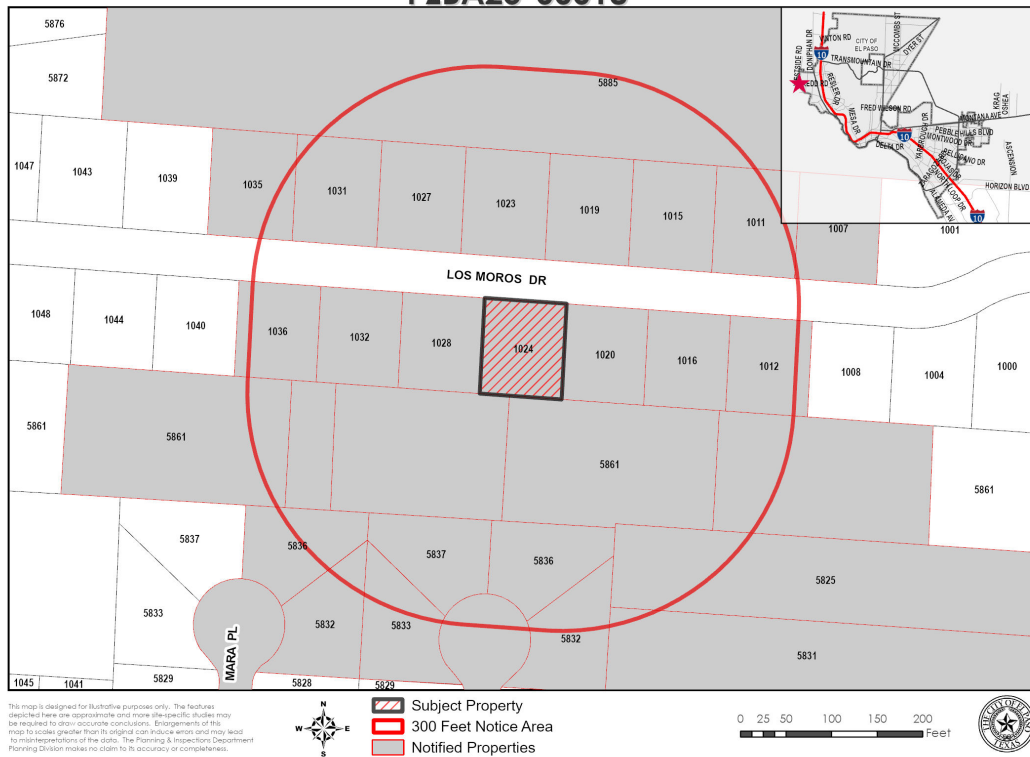
ZONING MAP

PZBA25-00018

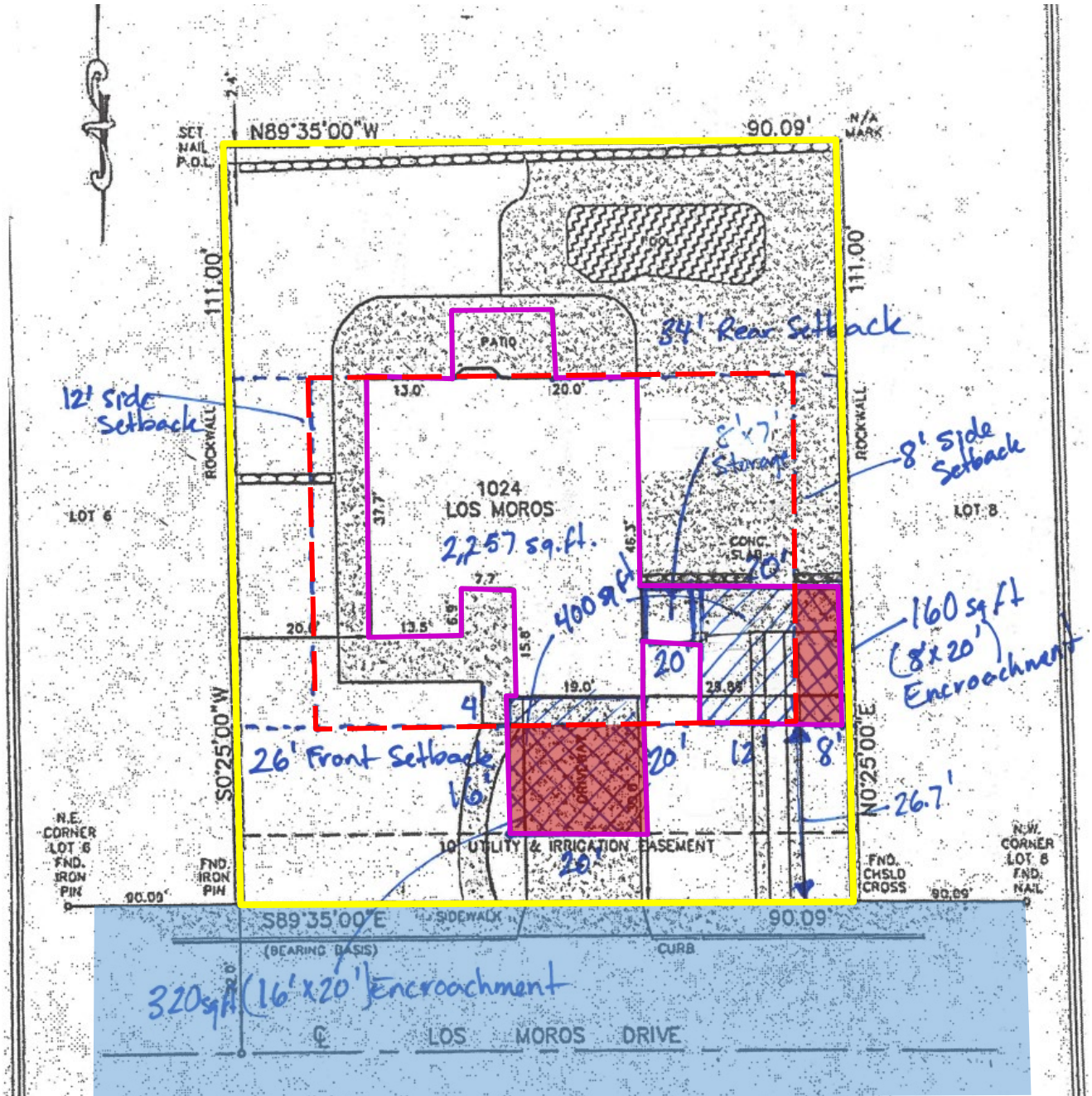


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00018



SITE PLAN



NONCONFORMING LOTS

PZBA25-00018 | Non-Conforming Lots

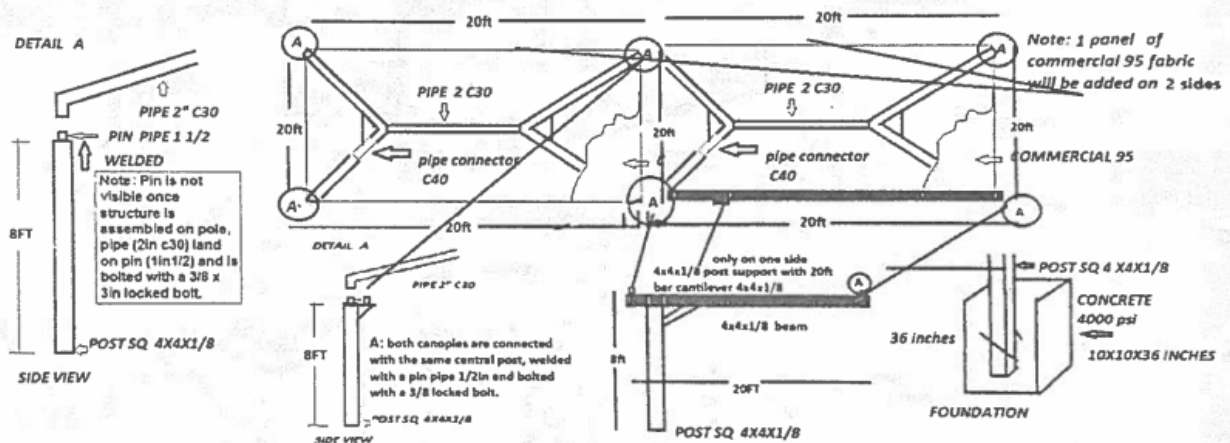


NONCONFORMING LOT 1

PZBA25-00018 | 1035 Los Moros



PZBA25-00018 | 1076 Los Moros



2 canopies connected 20ftx20ftx8
1024 Los Moros El Paso Tx. 79932



20 Sep-2024

OPPOSITION E-MAIL 1

From: [Ben Bandanza](#)
To: [Perez, Blanca M.](#)
Subject: PZBA25-00018
Date: Sunday, July 20, 2025 1:28:42 PM

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This structure has already been built without a permit! And is larger than others in the neighborhood. So I oppose it!

Sent from my iPad Pro

Note: IF YOU FORWARD THIS E-MAIL, PLEASE DELETE THE FORWARDING HISTORY, WHICH INCLUDES MY E-MAIL ADDRESS. IT IS A COURTESY TO ME AND TO OTHERS WHO DO NOT WISH THEIR E-MAIL ADDRESSES SENT ALL OVER THE WORLD. ERASING THE HISTORY ALSO HELPS PREVENT SPAMMERS FROM MINING E-MAIL ADDRESSES AND VIRUSES FROM BEING PROPAGATED. PLEASE USE "BCC:" TO PROTECT YOUR FRIENDS. THANKS.

OPPOSITION E-MAIL 2

From: [Tony L](#)
To: [Perez, Blanca M.](#)
Subject: Case number PZBA25-00018
Date: Saturday, July 26, 2025 12:34:42 PM

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Hello Ms. Perez, I received a letter from the Planning and Inspections Department regarding Case Number PZBA25-00018, for Special Exception B and Special Exception J, and I'm not in favor of the request to grant the exceptions. If I recall correctly the owners at the property across the street, installed the two canopies on their driveway over a period of the last year or two, and the newest extends almost to the end of the driveway by the roadside. The canopies are constructed with steel poles anchored to the ground and have a very large fabric cover attached to the top and one side. My concern is public safety as the high winds we experience have a very high likelihood of damaging and detaching into the roadway. A large piece of fabric whipping on the road during that time will damage vehicles and obstruct the road. It would also damage the adjacent property owners home(s) should it make contact with them. The owner did not leave any room for the safety of the public and his neighbors. Respectfully yours, Concerned Neighbor