

# 225 S. Collingsworth

Zoning Board of Adjustment — October 14, 2024



**CASE NUMBER:** PZBA24-00024  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Art and Rebecca Perales  
**REPRESENTATIVE:** Art and Rebecca Perales  
**LOCATION:** 225 S. Collingsworth (District 2)  
**ZONING:** R-4 (Residential)  
**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 addition of the existing single-family home in an R-4 (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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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 garage, storage and an open storage, which extend 3 feet into the side yard setback and of which 201 square feet of that structure encroach into the side yard setback.

**BACKGROUND:** The minimum side setback is 5 feet in the R-4 (Residential) zone district. The current owner has owned the property since 1987 and the was constructed in 1940 based on El Paso Central Appraisal District records.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	60 feet	No Change
Side (North/East/South/West)	5 feet	No Change
Side (North/East/South/West)	<b>5 feet</b>	<b>2 Feet</b>
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:

*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 5 feet into the side setback for a total encroachment of 261 square feet, and another house extends 4 feet into the side setback for a total encroachment of 235 square 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 (2) other houses on the same block and abutting street located within the side yard which extend into their required 5-foot side setback located at 251 S. Collingsworth and 235 S. Collingsworth.
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.

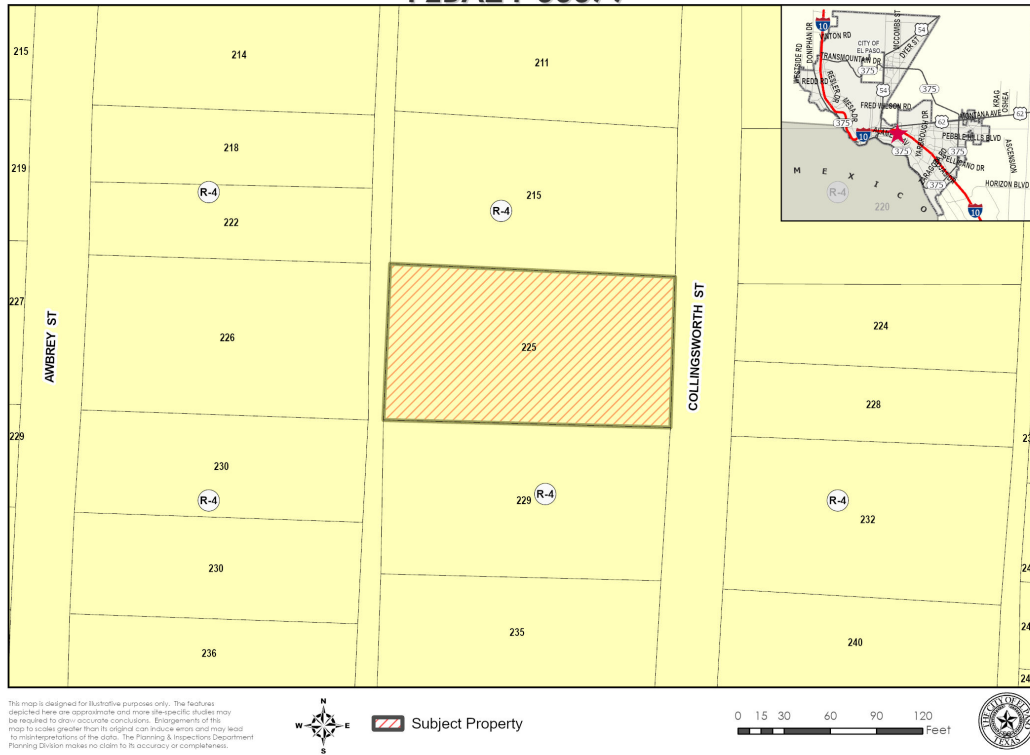
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.

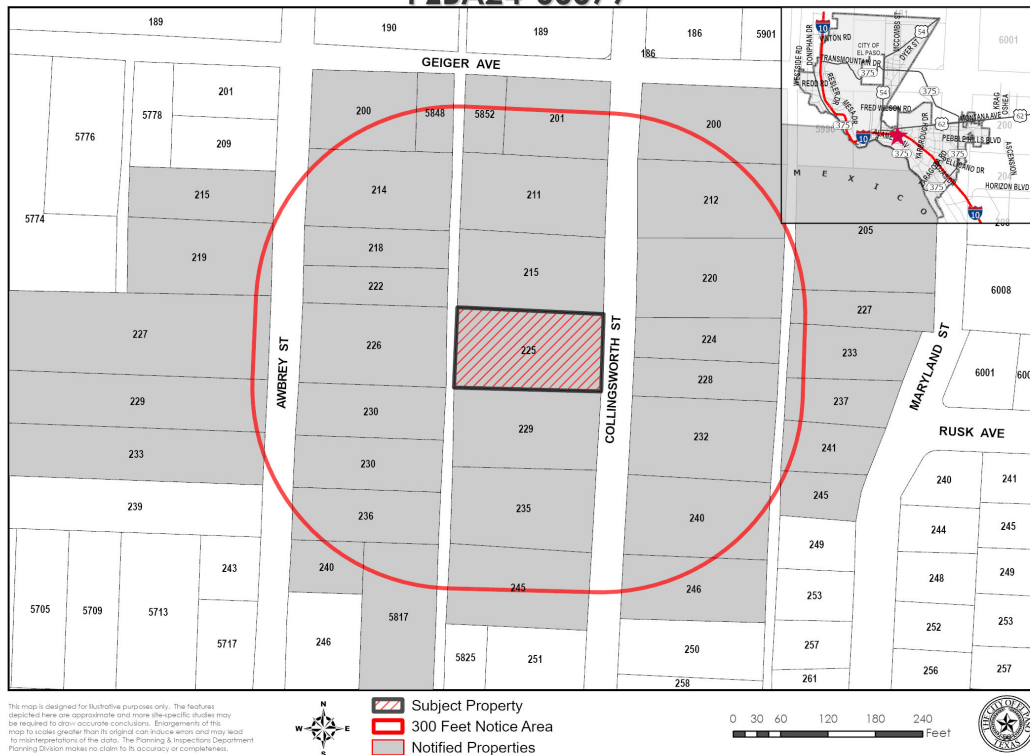
# ZONING MAP

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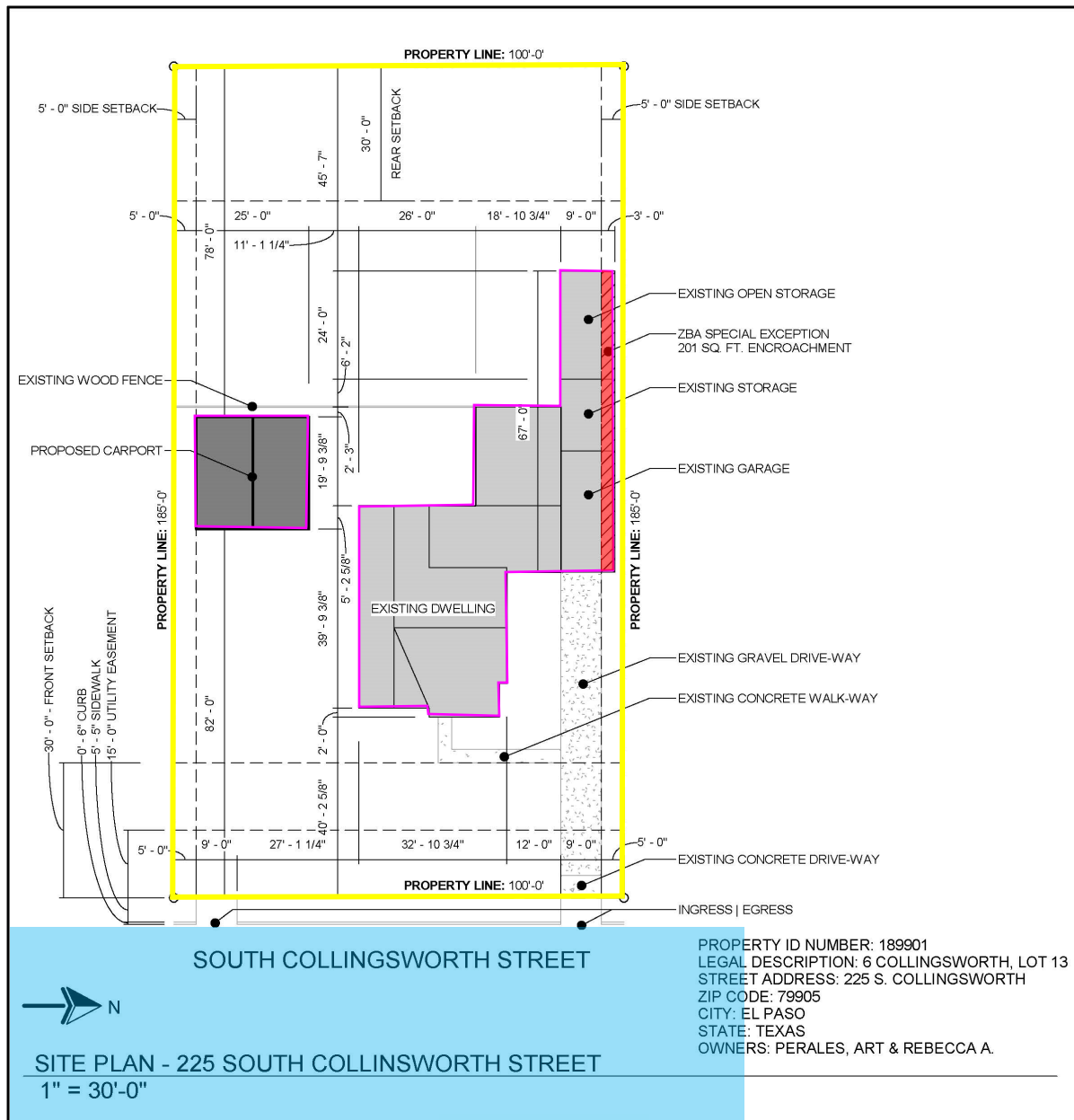


# NEIGHBORHOOD NOTIFICATION MAP

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## SITE PLAN






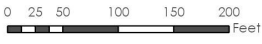
NONCONFORMING LOTS  
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This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original 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



## NONCONFORMING LOT 1

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## NONCONFORMING LOT 2

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