

5708 Los Cerritos

Zoning Board of Adjustment — September 8, 2025



CASE NUMBER: PZBA25-00023
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Laura Tate Goldman
REPRESENTATIVE: Ray Marquez
LOCATION: 5708 Los Cerritos Dr. (District 1)
ZONING: R-3 (Residential)
REQUEST: Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of September 2, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing home encroachment in an R-3 (Residential) 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 allow to legalize an existing home, 11 feet 6 inches of which extends into the rear yard setback for a 578.45 square foot area of total encroachment.

BACKGROUND: The required rear setback for the subject property is 20 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district.

The current owner has owned the property since 2003 and the building was constructed in 1983 based on El Paso Central Appraisal District records. The existing encroachment has been in existence approximately for 42 years. Based on 2002 aerial imagery, the property existed back then as it does today, with the home in its current location. The existing front porch complies with Section 20.10.040 – Yards, which permits an unenclosed porch to extend up to 10 feet and 150 square feet into the required front yard setback.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No Change
Rear	20 feet	8 feet 6 inches
Cumulative Front & Rear	50 feet	38 feet 6 inches
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change
Cumulative Side	N/A	N/A

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:

Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

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 August 27, 2025 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:

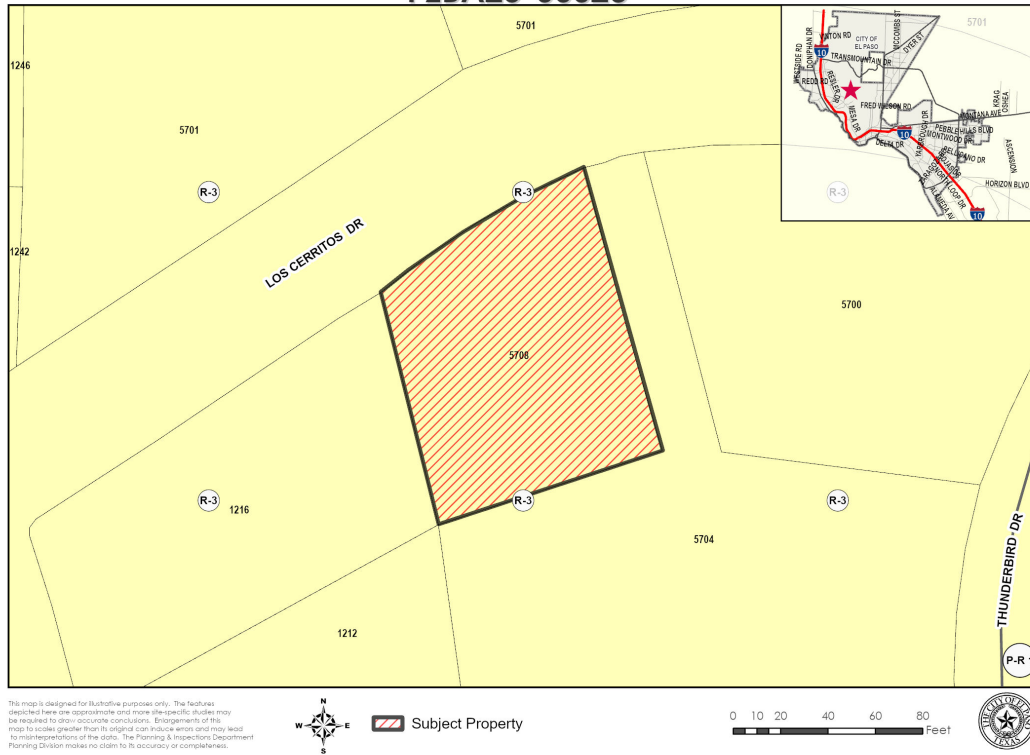
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA 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.

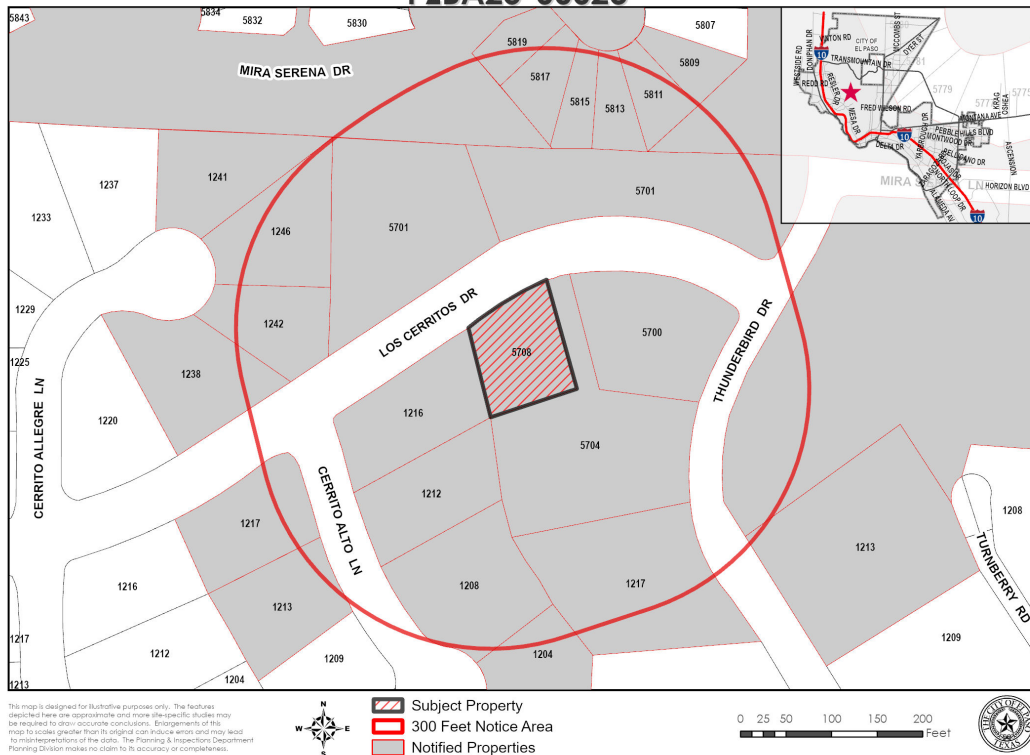
ZONING MAP

PZBA25-00023



NEIGHBORHOOD NOTIFICATION MAP

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The site plan for 5708 Los Cerritos shows a property with several key features and setbacks:

- Property Dimensions:** The lot is 135.0' wide and 108.04' deep. The front boundary is a curve with a radius of 253.51' and a central angle of 64° 00' 00".
- Setbacks:**
 - 30 FOOT FRONT SETBACK:** Indicated by a dashed line from the front boundary.
 - 20 FOOT REAR SETBACK:** Indicated by a dashed line from the rear boundary.
 - 5 FOOT SIDE SETBACK:** Indicated by dashed lines on the left and right sides.
- Encroachments:**
 - SPECIAL EXCEPTION K 578.45 SF ENCROACHMENT:** A large area at the rear of the property.
 - 66 SF ALLOWED PORCH ENCROACHMENT:** A small area at the front of the property.
- Structures and Features:**
 - GARAGE:** Located on the left side of the property.
 - CONC. SLAB:** Located in the center of the property.
 - CONC. SLAB PORCH:** Located on the right side of the property.
 - JACUZZI EQUIP.:** Located on the right side of the property.
 - IRON GATE:** Located at the rear of the property.
 - STUCCO WALL:** Located on the left side of the property.
 - 6' ROCKWALL:** Located along the front and right boundaries.
 - 12' ROCKWALL:** Located along the right boundary.
 - 6' ROCKWALL:** Located along the front boundary.
 - SET CHSLD CROSS:** Located along the front boundary.
 - SIDEWALK:** Located along the front boundary.
 - CURB:** Located along the front boundary.
 - DRIVE:** Located along the front boundary.
 - LOS CERRITOS DRIVE:** The street name at the bottom of the plan.
- Other Labels:**
 - 5708 LOS CERRITOS:** The address of the property.
 - LOT LINE:** Indicated by a dashed line on the right side.
 - LOT:** Indicated by a dashed line on the right side.
 - CH=53.72':** A dimension along the front boundary.
 - S36°50'00"E 30.0':** A dimension along the front boundary.
 - N53°10'00"E 69.5':** A dimension along the front boundary.
 - S21°09'44"E 108.04':** A dimension along the right boundary.
 - S21°09'44"E 135.0':** A dimension along the left boundary.
 - N68°30'16"E 120.0':** A dimension along the top boundary.
 - CH=53.72':** A dimension along the front boundary.
 - Δ=13°48'11":** An angle at the front boundary.
 - Δ=64°00'00":** An angle at the front boundary.
 - CH=53.72':** A dimension along the front boundary.
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2002 AERIAL

PZBA25-00023 | 2002 Aerial



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 error 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 10 20 40 60 80 Feet

