

2111 Montana

Zoning Board of Adjustment — June 17, 2024



CASE NUMBER: PZBA24-00036
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Richard L. Saunders Jr.
REPRESENTATIVE: Richard L. Saunders Jr.
LOCATION: 2111 Montana Ave. (District 8)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of June 13, 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 structure into their 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 that setback already present on at least two other neighboring properties.

PZBA24-00036



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize an existing structure, which extends 6 feet into the required rear yard setback and a carport that extends 8 feet into the required rear yard setback for a total of 322 square feet of encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the C-4 (Commercial) zone district. Aerial photographs indicate there are three other properties on the same block that also contain structures located in the rear yard that encroach into their respective rear yard setbacks located at 2191 Montana Avenue, 2120 Montana Avenue, and 2126 Montana Avenue for a total encroachment of 603.96 square feet, 345.2 square feet, and 784.9 square feet respectively.

According to the El Paso Central Appraisal District, the structure was built in 1978. The current owner has owned property since 2011.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 foot	No Change
Rear	10 feet	2 feet
Side (North)	0 foot	No Change
Side (South)	0 foot	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 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. Through aerial photos and site visits, it was established that a property on the same block extends 6 feet into the rear setback, and another two properties extend 10 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 three other properties with structures that encroach into the required 10 feet rear yard setback within 4 feet and zero feet of the property line are located at 2191 Montana Avenue, 2120 Montana Avenue, and 2126 Montana Avenue.
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 May 3, 2024 and June 6, 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.

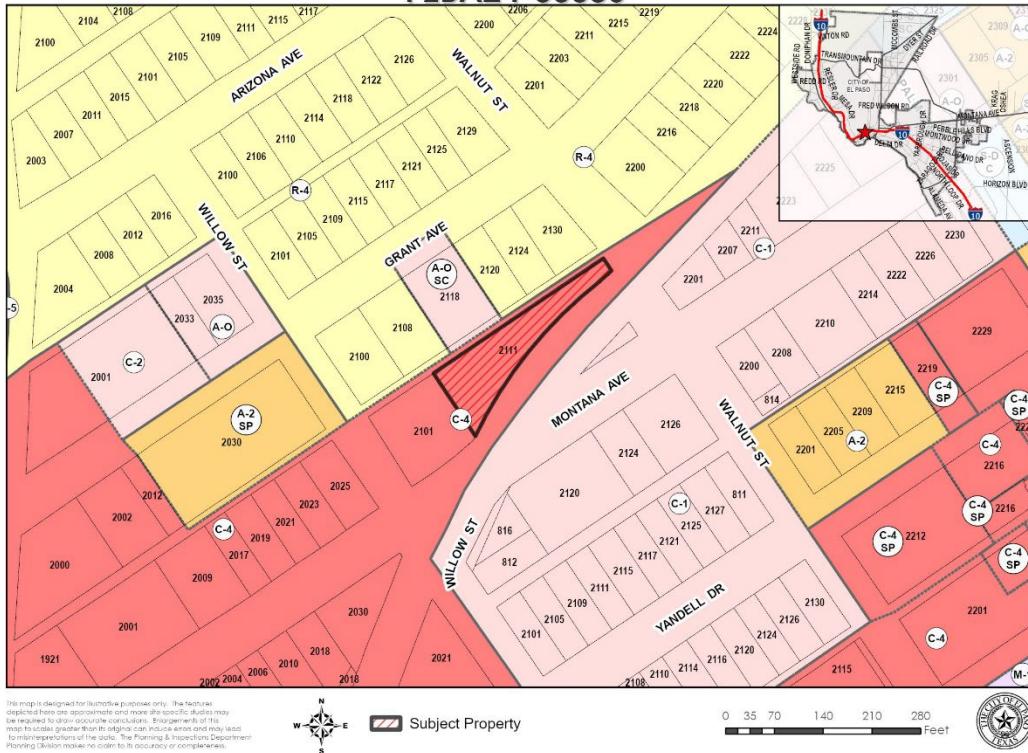
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

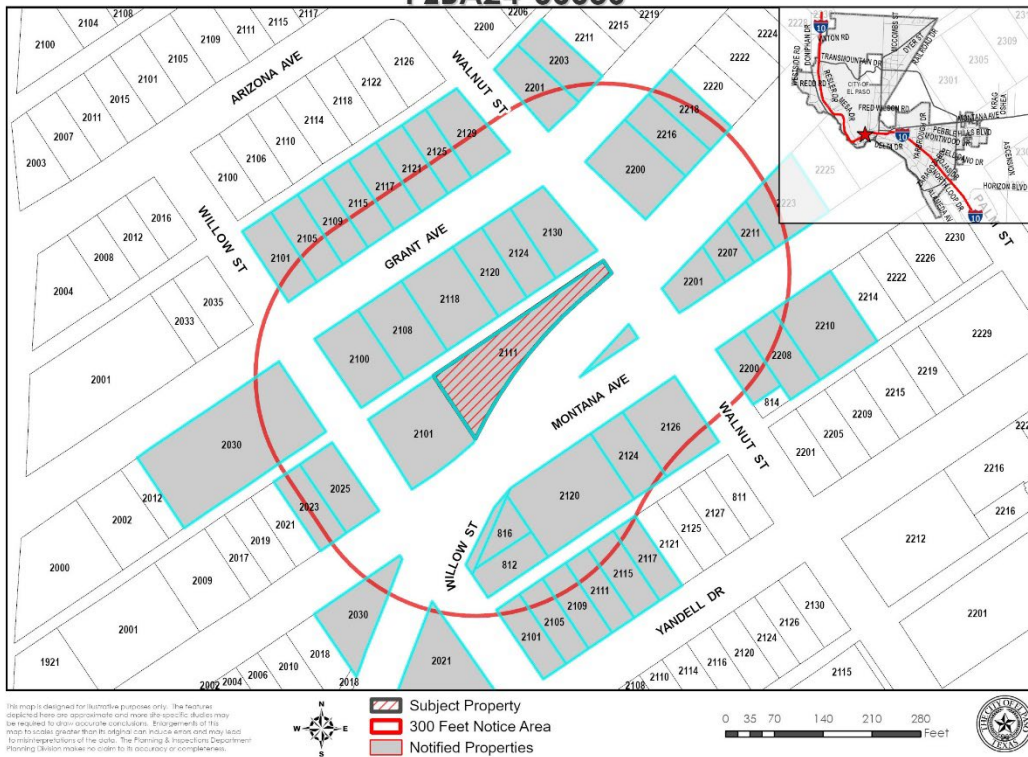
ZONING MAP

PZBA24-00036

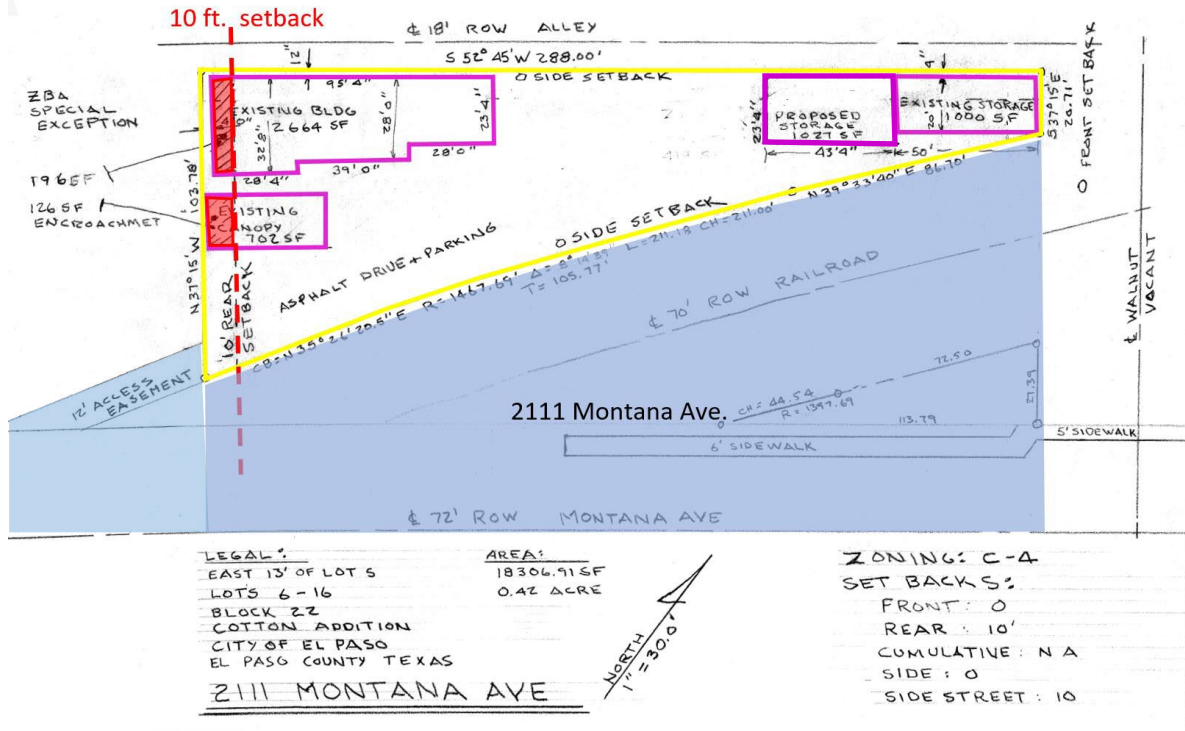


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00036

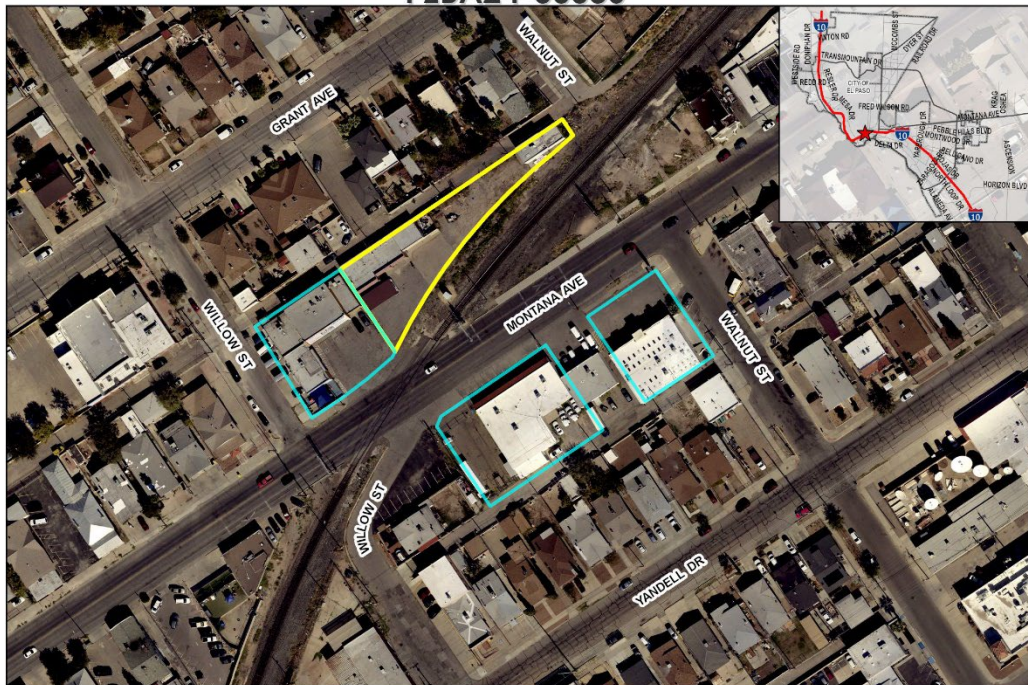


SITE PLAN



NONCONFORMING LOTS

PZBA24-00036



This map is designed for illustrative purposes only. The features depicted herein are approximate and more specific details 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 & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 25 50 100 150 200 Feet



NONCONFORMING LOTS

PZBA24-00036

