

# 321 S. Piedras

Zoning Board of Adjustment — March 10, 2025



**CASE NUMBER:** PZBA25-00004  
**CASE MANAGER:** Saul J. G. Pina, (915) 212-1604, PinaSJ@elpasotexas.gov  
**PROPERTY OWNER:** Juan Larios  
**REPRESENTATIVE:** Vanessa Duran  
**LOCATION:** 321 S. Piedras St. (District 8)  
**ZONING:** C-4 (Commercial)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots) and  
**PUBLIC INPUT:** None received as of March 4, 2025

**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 home addition that encroaches into the rear yard setback in the C-4 (Commercial) 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 present on at least two other neighboring properties. The condition is the following:

- That stormwater be retained within the subject property.

### PZBA25-00004



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to make accurate conclusions. Encroachments of this map coincide with the original case review and may not represent portions of the data. The Planning & Inspections Department Planning division makes no claim to its accuracy or completeness.



Subject Property

0 20 40 80 120 140 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize an existing 263.50 square foot home addition, encroaching 78.50 square feet into the 10-foot rear yard setback.

**BACKGROUND:** The required rear setback is 10 feet on the C-4 (Commercial) zoning district. The existing residence was built approximately in 1918, with property owners residing there for up to 28 years. According to the El Paso City Code, a single-family dwelling use is not permitted in the zoning district.

The property is registered as legal nonconforming, allowing for an existing single-family dwelling structure and use with a 5-foot rear yard setback in a C-4 (Commercial) zone district. The property owner was responsible for the existing home addition, which requires review by the Zoning Board of Adjustment.

Aerial photographs show that other nearby properties also encroach into their respective rear setbacks, with encroachments equal to or larger than those on the subject property. The properties at 2302 Magoffin Avenue (454.9 square feet of rear yard encroachment) and 2301 Olive Avenue (261.9 square feet of rear yard encroachment) are currently classified as residential dwellings.

SETBACKS*	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 feet	No change
Rear	10 feet	0 feet
Cumulative Front & Rear	N/A	N/A
Side (West)	0** feet	No change
Side (East)	0** feet	No change
Cumulative Side	N/A	N/A

- Commercial setbacks for "Other Permissible Uses." \*
- 0 feet when not adjoining a residential or apartment zoning district \*\*

<b>COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA</b>	
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 2302 Magoffin Avenue and 2301 Olive Avenue are non-conforming properties with existing structures encroaching into the rear yard.
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. 2302 Magoffin Avenue and 2301 Olive Avenue are residential use properties with existing structures encroaching into the rear yard. These properties are less conforming than 321 S. Piedras.
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 February 28, 2025 to all property owners within 300 feet of the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

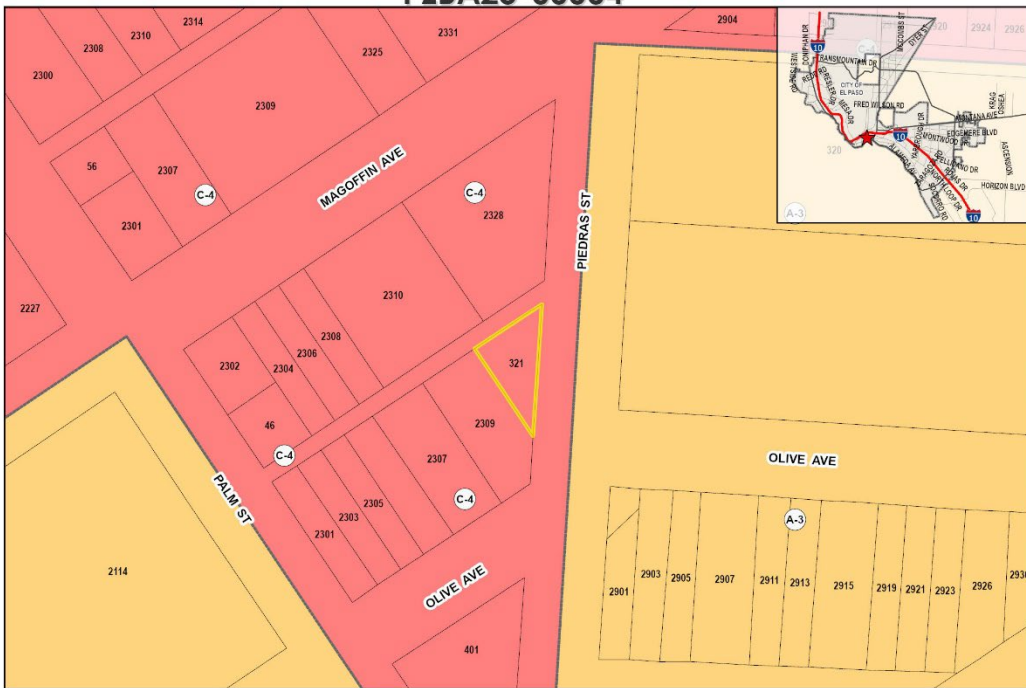
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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

PZBA25-00004



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Subject Property



# NEIGHBORHOOD NOTIFICATION MAP

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Subject Property  
300 Feet Notice Area  
Notified Properties



# SITE PLAN



# NONCONFORMING LOTS

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# NONCONFORMING LOT 1



# NONCONFORMING LOT 2

