

1747 Onizuka



Zoning Board of Adjustment — July 22, 2024

CASE NUMBER: PZBA24-00010
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Lorenzo and Magdalena Maldonado
REPRESENTATIVE: Lorenzo and Magdalena Maldonado
LOCATION: 1747 Onizuka Dr. (District 6)
ZONING: R-3A (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of July 16, 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 carport that encroaches into the required front setback and an existing home addition that encroaches into the required rear setback in a R-3A (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 or equal to the encroachments into that setback already present on at least two other neighboring properties. The condition is as follows:

Storage shed shall be modified or removed from the 5-foot utility easement area, or the easement shall be vacated.

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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 carport, which would extend 11.7 feet into the required front yard setback for 217 square feet of total encroachment. The applicant is also requesting a special exception to allow to legalize the construction of an existing addition which extends 25.5 feet into the required rear setback contains 511 square feet of total encroachment.

BACKGROUND: The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 29 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1987. Aerial photographs indicate there are two other properties within the same block on the same side of the street that also contain structures located in the front yards that encroach into their respective front yard located at 1749 and 1751 Onizuka Drive. Aerial photographs indicate there are two others properties within the same block on the same side of the street that also contain structures located in the rear yards that encroach into their respective front yard located at 1746 and 1751 Onizuka Drive.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	16 feet	5.3 feet
Rear	29 feet	3.5 feet
Cumulative Front & Rear	45 feet	8.8 feet
Side (North)	5 feet	5 feet
Side (South)	5 feet	5 feet
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 are 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 1749 Onizuka Drive and 1751 Onizuka Drive. contain carports located within the front yards which extend into their required 15-foot front yard setback; properties on 1751 Onizuka Drive and 1746 Onizuka Drive contain structures that encroach into the required 15-foot rear yard setback.
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. Two (2) other houses on the same block present carports extending into their required 15-foot front setback located at 1749 and 1751 Onizuka Drive. Additionally, there are two (2) other houses located within the same block on the same side of the street or within the block directly across and abutting the street that contain structures that encroach into the required rear setback located at 1746 and 1751 Onizuka Drive
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 July 10, 2024, 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 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

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This map is designed for illustrative purposes only. The features depicted here are approximate and from official records. It is not intended to show accurate boundaries. Measurements of this map for zoning purposes shall be made from the original survey plat and not from this map. The Planning & Inspection Department's Planning Division makes no claim to its accuracy or completeness.



Subject Property



NEIGHBORHOOD NOTIFICATION MAP

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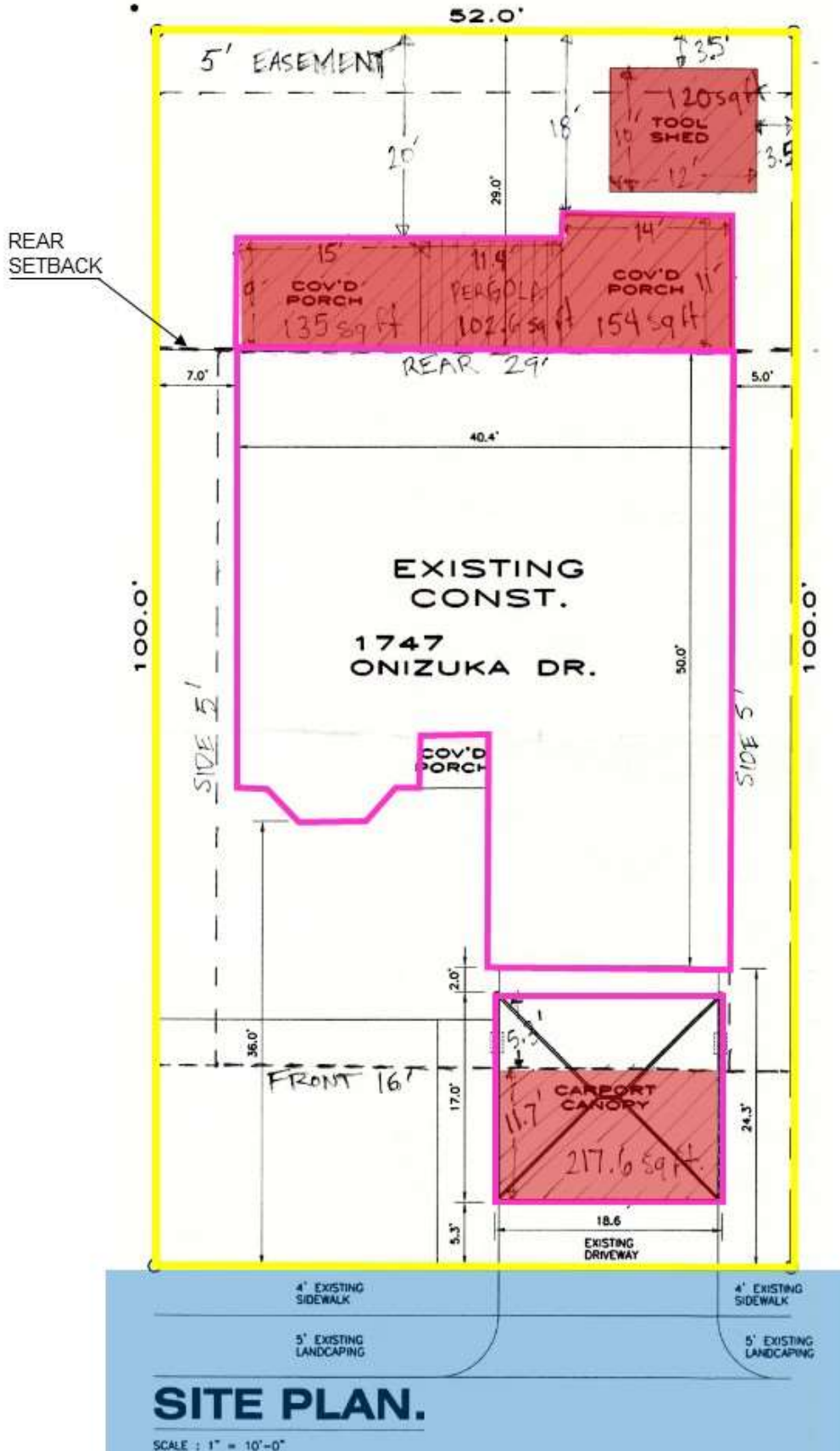
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Subject Property
300 Feet Buffer
Notified Property



SITE PLAN



NONCONFORMING LOTS

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NONCONFORMING LOT 1

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NONCONFORMING LOT 2

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NONCONFORMING LOT 3

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