

11224 Leo Collins

Zoning Board of Adjustment — December 9, 2024



CASE NUMBER: PZBA24-00089
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Rolando and Luisa De Los Santos
REPRESENTATIVE: Joe Gomez
LOCATION: 11224 Leo Collins Dr. (District 7)
ZONING: R-3 (Residential)
REQUEST: Special Exception J (Carport Over a Driveway)
PUBLIC INPUT: None received as of December 5, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to permit a proposed carport over a driveway in an R-3 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the special exception request, as the requested area of encroachment is equal the maximum permitted for a carport. The condition is as follows:

1. To remove or modify the side canopy to comply with side and rear yard setbacks.
2. The pergola structure shall be removed or relocated that is closest to the house, and
3. Obtain permits for rear unpermitted structures.

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This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original scale include errors 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



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed carport of approximately 15-feet by 50.2 feet and a total area of 1014 square feet, of which 753 square feet encroaches 15-feet into the front yard setback and is located to within 5-feet of the front property line.

BACKGROUND: The minimum front setback is 20 feet in the R-3 (Residential) zone district. The required front 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 property has six structures in the rear of the house with only two of them with permits, and a side canopy that was constructed without building permits. The existing accessory dwelling unit and gazebo structures in the rear yard area were issued building permits in 2004.

According to the El Paso Central Appraisal District, the subject property was built in 1982. The current owner has owned the property since 2009.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	5 Feet
Rear	30 Feet	No Change
Cumulative Front & Rear	50 Feet	35 Feet
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	758.2 Square Feet	1/5 of 3791 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	753 Square Feet	15 Feet by 50.2 Feet (Encroachment only)

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.J to:
Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The proposed carport does resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The proposed carport encroachment of 753 square feet is less than the maximum allowed area of 758.2 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the proposed structure were submitted.
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.

7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

PUBLIC COMMENT: Public notice was sent on November 26, 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.

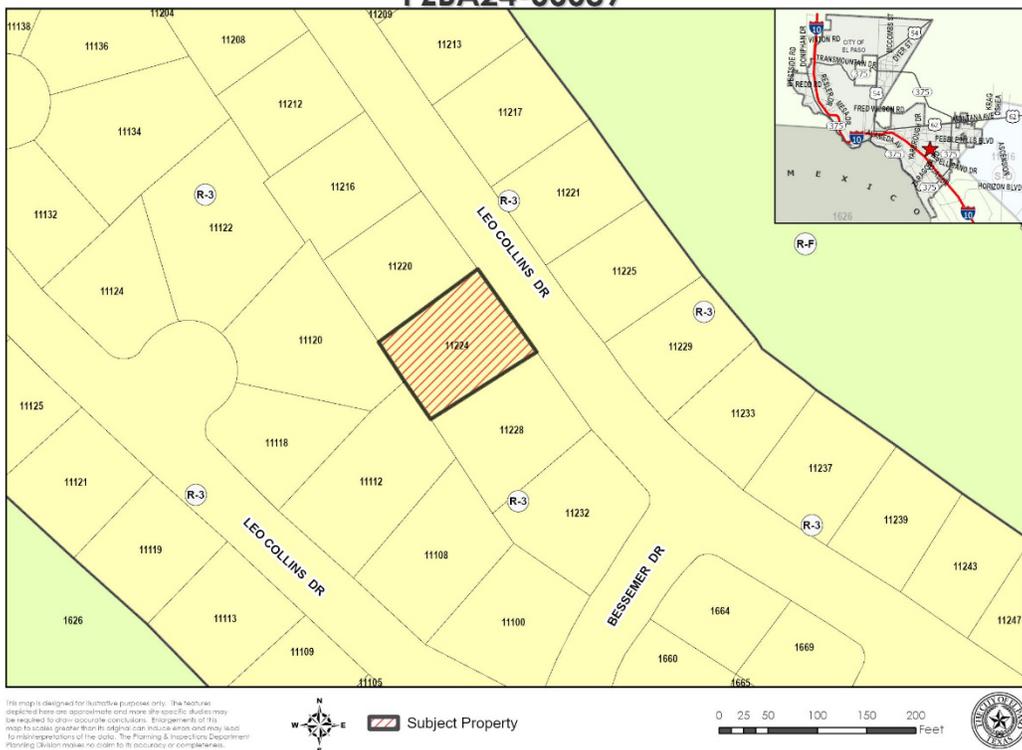
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

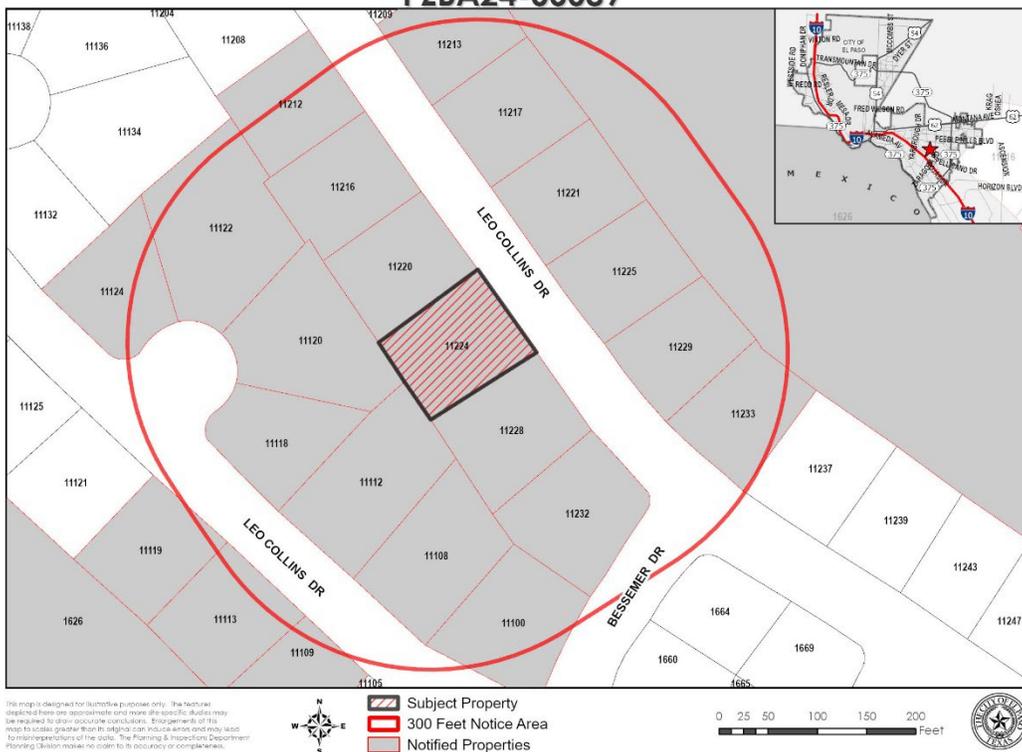
ZONING MAP

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NEIGHBORHOOD NOTIFICATION MAP

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SITE PAN

