

3308 Garnet Dr.

Zoning Board of Adjustment — March 24, 2025



CASE NUMBER: PZBA25-00001
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Raymond Attaguile
REPRESENTATIVE: Raymond Attaguile
LOCATION: 3308 Garnet Dr. (District 2)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of March 20, 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 unenclosed porch and an existing carport in an R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the special exception request as the requested encroachment is less than the encroachments into that setback already present on at least two other neighboring properties. The conditions are as follows:

1. Accessory structure shall be removed or relocated from the 10-foot utility easement area.
2. The carport shall remain open on three sides.
3. For the carport to resemble the main residential structure.

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Subject Property

0 15 30 60 90 120 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize the construction of an existing unenclosed porch and a carport, both of which encroach into the required setbacks. The unenclosed porch extends 3.5 feet into the required side yard setback, resulting in a total encroachment of 108.5 square feet. The carport extends 3.5 feet into the required side yard setback, creating a total encroachment of 116.7 square feet, and extends 10 feet into the required front yard setback, with a total encroachment of 200 square feet.

BACKGROUND: The minimum side setback is 5 feet. The minimum front setback is 20 feet in the R-4 (Residential) zone district. The required front setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. Aerial photographs indicate that four homes on the same block have similar setback encroachments. At 3317 Garnet Drive, the porch extends 4.5 feet into the side yard setback, resulting in a 106.5 sq. ft. encroachment. Similarly, at 3312 Garnet Drive, the porch extends 5 feet into the side yard setback, encroaching 108 square feet. The carport at 8506 Westline Drive extends 23 feet into the front yard setback, with an encroachment of 207 square feet. Meanwhile, the carport at 3312 Garnet Drive encroaches both the front and side yard setbacks, extending 17 feet into the front yard (110 square feet encroachment) and 3.5 feet into the side yard (363 square feet encroachment). Additionally, the porch at 3307 Garnet Drive extends 5 feet into the side yard setback, encroaching 175.5 square feet.

According to El Paso Central Appraisal District records, the home was built in 1957, and the current owner has owned it since 2004. The unenclosed porch was constructed by the owner in 2017, while the carport was added in 2023.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet	15 feet
Rear	20 feet	No Change
Cumulative Front & Rear	45 feet	35 feet
Side (West)	5 feet	1.5 feet
Side (East)	5 feet	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. Aerial photographs and site visits confirm that multiple homes on the same block have similar side and front setback encroachments.
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 four other properties with structures built that encroach into their required front and side yard setback equal to or beyond the proposed encroachment of the subject property.
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 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.

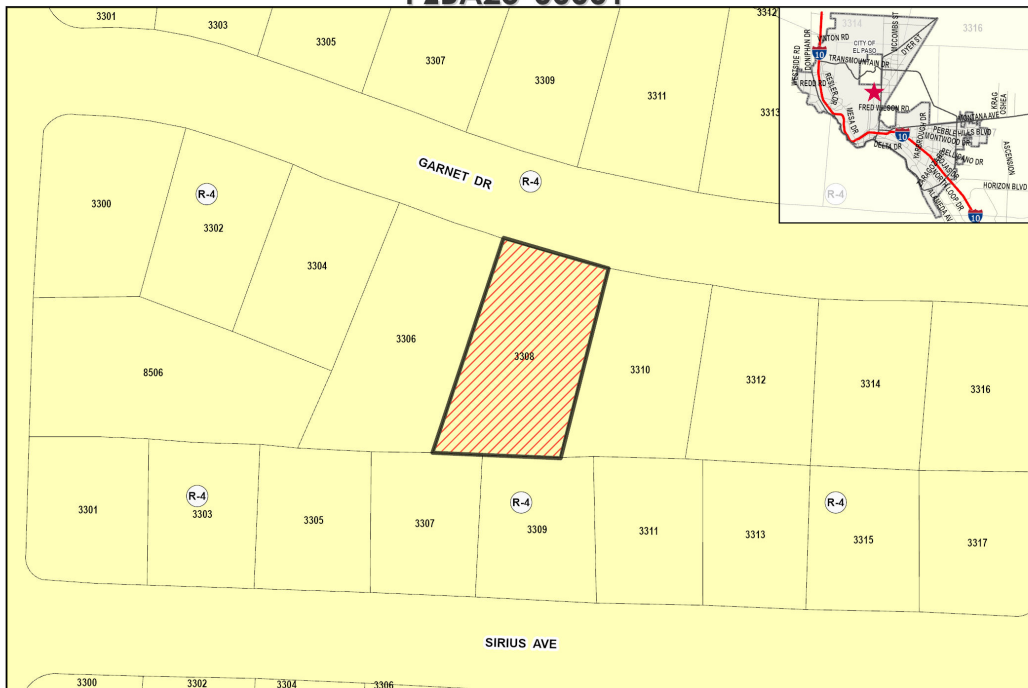
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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

PZBA25-00001



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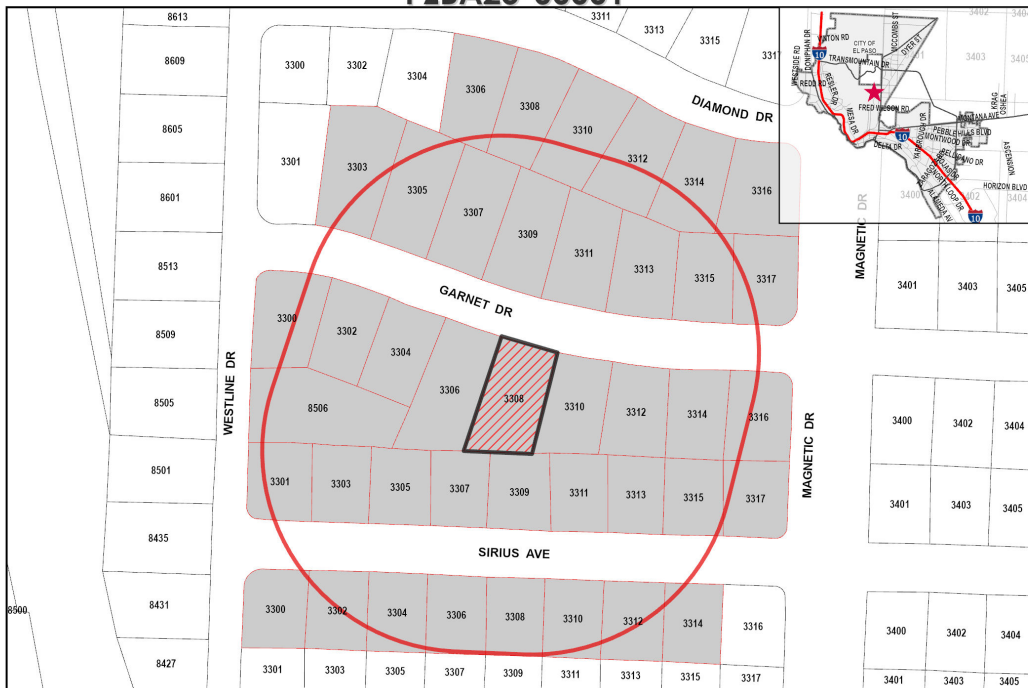
Subject Property

0 15 30 60 90 120 Feet



NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00001



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Subject Property
 300 Feet Notice Area
 Notified Properties

0 30 60 120 180 240 Feet



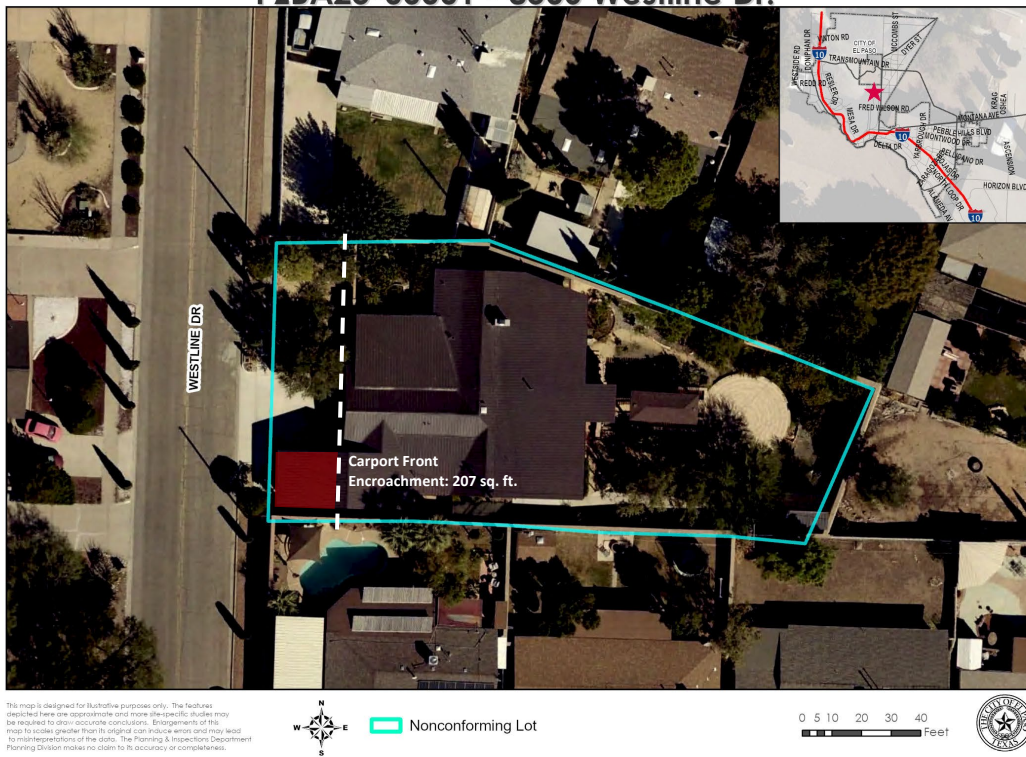
NONCONFORMING LOTS

PZBA25-00001



NONCONFORMING LOT 1

PZBA25-00001 - 8506 Westline Dr.



NONCONFORMING LOT 2

PZBA25-00001 - 3312 Garnet Dr.



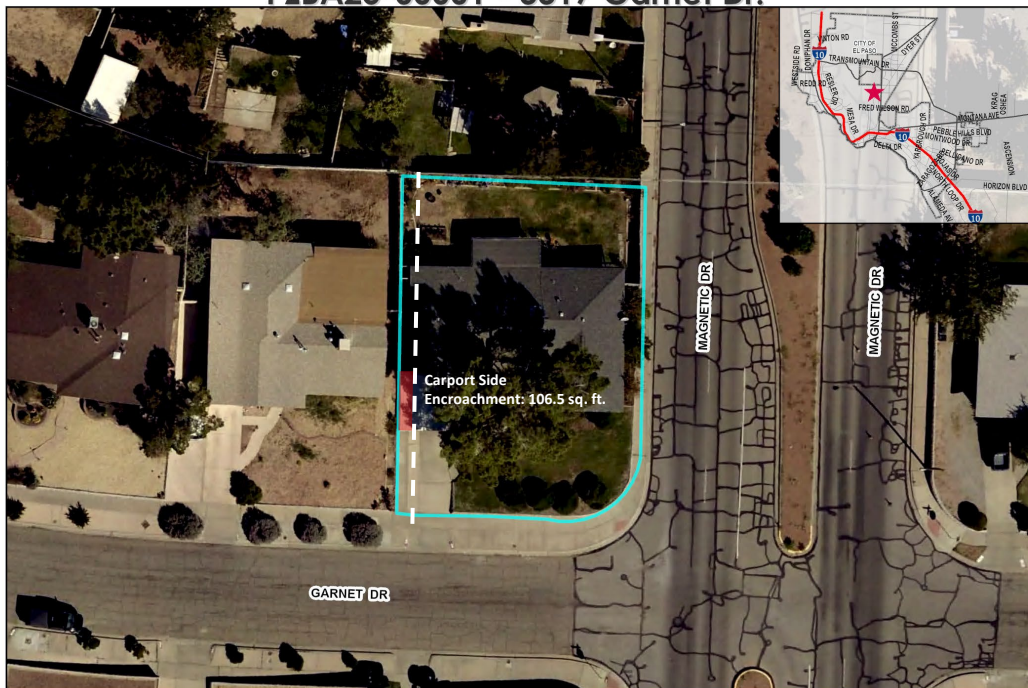
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 Nonconforming Lot

0 5 10 20 30 40 Feet
 

NONCONFORMING LOT 3

PZBA25-00001 - 3317 Garnet Dr.



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 Nonconforming Lot

0 5 10 20 30 40 Feet
 

NONCONFORMING LOT 4

PZBA25-00001 - 3307 Garnet Dr.



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 Nonconforming Lot

0 5 10 20 30 40
Feet

