



## AGENDA FOR THE ZONING BOARD OF ADJUSTMENTS PUBLIC HEARING

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**August 05, 2024**  
**MAIN CONFERENCE ROOM, 300 NORTH CAMPBELL – 2ND FLOOR**  
**1:30 PM**

Notice is hereby given that a Public Hearing of the Zoning Board of Adjustment will be conducted on the above date and time.

Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>  
Via television on City15,  
YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with the Zoning Board of Adjustment during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll Free Number: 1-833-664-9267

**At the prompt please enter the corresponding Conference ID: 801 295 55#**

If you wish to sign up to speak please contact Luis Zamora at [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov) or (915) 212-1552 no later than by the start of the meeting.

**A quorum of the Zoning Board of Adjustment members must be present and participate in the meeting.**

### **ROLL CALL**

### **AGENDA**

- PZBA24-00039** Lot 12, Block 43, Montecillo Unit 11 Replat B, City of El Paso, El Paso County, Texas  
ADDRESS: 360 Vin Rambla Dr.  
APPLICANT: Montecillo Retail Investments LP

**[BC-80](#)**

REPRESENTATIVE: David Bogas  
REQUEST: Variance from Section 21.80.020  
DISTRICT: 8  
ZIPCODE: 79912  
STAFF CONTACT: Luis Zamora, (915) 212-1552,  
ZamoraLF@elpasotexas.gov

**POSTPONED FROM JULY 22, 2024**

2. **PZBA24-00045** Lot 11, Block A, Eastridge, City of El Paso, El Paso County, Texas **BC-81**
- ADDRESS: 9780 Eastridge Dr.  
APPLICANT: Dora Medina  
REPRESENTATIVE: Joe Gomez/Dora Medina  
REQUEST: Special Exception J (Carport Over a Driveway)  
DISTRICT: 7  
ZIPCODE: 79925  
STAFF CONTACT: Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov
- POSTPONED FROM JULY 22, 2024**

3. **PZBA24-00052** Lot 6, Block 37, Vista Real Unit Three, City of El Paso, El Paso County, Texas **BC-82**
- ADDRESS: 11728 Corona Crest Ave.  
APPLICANT: Roberto A. and Virginia Austin  
REPRESENTATIVE: Roberto A. Austin  
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)  
DISTRICT: 6  
ZIPCODE: 79936  
STAFF CONTACT: Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov

4. **PZBA24-00059** Lot 1, Block 13, Foster Heights, City of El Paso, El Paso County, Texas **BC-83**
- ADDRESS: 5301 Timberwolf Dr.  
APPLICANT: Ana C. Moreno and Angelina Badillo Moreno  
REPRESENTATIVE: Cedans Architect, Daniel Mendoza  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 3  
ZIPCODE: 79903  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

## **EXECUTIVE SESSION**

The Zoning Board of Adjustment of the City of El Paso may retire into EXECUTIVE SESSION

pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda. The Zoning Board of Adjustment will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

## **ADJOURN**

### **NOTICE TO THE PUBLIC**

Sign language interpreters will be provided for this meeting upon request. Requests must be made to Luis Zamora at [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov) a minimum of 48 hours prior to the date and time of this hearing.

If you need Spanish Translation Services, please email [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov) at least 48 hours in advance of the meeting.

Posted this 1st of August by Luis Zamora



Legislation Text

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File #: BC-80, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00039**      Lot 12, Block 43, Montecillo Unit 11 Replat B, City of El Paso, El Paso County, Texas  
ADDRESS:            360 Vin Rambla Dr.  
APPLICANT:        Montecillo Retail Investments LP  
REPRESENTATIVE: David Bogas  
REQUEST:           Variance from Section 21.80.020  
DISTRICT:           8  
ZIPCODE:            79912  
STAFF CONTACT:   Luis Zamora, (915) 212-1552,  
                             ZamoraLF@elpasotexas.gov

**POSTPONED FROM JULY 22, 2024**

# 360 Vin Rambla

Zoning Board of Adjustment — August 5, 2024



**CASE NUMBER:** PZBA24-00039  
**CASE MANAGER:** Luis Zamora, (915) 212-1552, [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov)  
**PROPERTY OWNER:** Montecillo Retail Investments LP  
**REPRESENTATIVE:** David Bogas & Richard Aguilar  
**LOCATION:** 360 Vin Rambla Dr. (District 8)  
**ZONING:** SCZ T5 (SmartCode Urban Center)  
**REQUEST:** Variance from 21.80.020  
**PUBLIC INPUT:** None received as of July 30, 2024

**SUMMARY OF REQUEST:** Applicant requests a Variance under Section 2.16.030 *Variations* to permit a superregional shopping center monument sign per El Paso City Code Section 21.10.050 *Warrants, variances, and adjustments*. The applicant is requesting to install a sign that exceeds the maximum height and sign area in an SCZ T5 (SmartCode Urban Center) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the Variance request.

## PZBA24-00039



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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 to install a sign that exceeds the maximum height of six feet (6') for a fifty-foot (50') high sign, as well as exceeding the maximum sign area of forty-eight square feet (48 sq. ft.) for a four hundred seventy-five square feet (475 sq. ft.) sign area in an SCZ T5 (SmartCode Urban Center) zone district.

**BACKGROUND:** Monument signs under the SCZ T5 (SmartCode Urban Center) zone district are restricted to a maximum height of six feet (6') and maximum sign area of forty-eight square feet (48 sq. ft.). A monument sign may be used as a directory for multiple businesses or just one.

The SmartCode zoning districts are created to provide for a walkable and dense neighborhood with a sense of place. Signage standards are adopted to reinforce the uniqueness of development within the SmartCode zoning districts, specifically within the internal mixed-use walkable areas of the development. The applicant is requesting a variance based on unnecessary hardship due to the commercial development abutting Interstate 10 and SmartCode restricting dimensional standards for all signs located anywhere on the property.

Definition of Unnecessary Hardship, Section 20.02.1128:

*“Unnecessary hardship” means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.*

SMARTCODE SIGN REQUIREMENTS	REQUIRED	REQUESTED
Max Height	6 feet	50 feet
Max Sign Area	48 square feet	475 square feet

(C-4) SIGN REQUIREMENTS	SUPERREGIONAL SHOPPING CENTERS ALONG I-10 *	REQUESTED
Max Height	45 feet*	50 feet
Max Sign Area	600 square feet*	475 square feet

\* For comparison only. These requirements do not apply to the SmartCode zoning districts.

**ANALYSIS:** Staff recommends approval of the Variance request. The property is currently located approximately one hundred and seventy-nine feet (179') from Interstate 10 with no direct access to or from the Interstate. Additionally, in comparing the requirements for superregional shopping center signage in C-4 (Commercial) zoning districts with frontage on Interstate 10, the requirements allow for a max height of forty-five feet (45') and a max sign area of six hundred square feet (600'). Dimensions for the proposed sign reflect a height of fifty feet (50'), exceeding the maximum allowed for superregional shopping centers by five feet (5') and a sign area of 475 square feet, under the maximum six hundred square feet (600') allowed.

**COMPLIANCE WITH EL PASO CITY CODE SECTION 2.16.030**

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:  
*Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.*

**The following questions should be carefully considered in order to grant a variance:**

Questions	Does the Request Comply?
1. Is the need for the variance due to special conditions?	Yes. Signage visibility from Interstate 10 is restricted due to topographical features.
2. Would a literal enforcement of the ordinance create an unnecessary hardship?	Yes. Other properties with frontage to Interstate 10 are allowed signage similar to what is being requested.

3. Is the variance consistent with public interest?	Yes. The public interest is kept protected even if the variance is granted and allows the property owner fair process for signage.
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?	<p>Yes. According to 20.18.030 (Purpose), the purpose of the sign ordinance, in part, is to:</p> <ul style="list-style-type: none"> <li>• Allow adequate opportunity for the exercise of free speech by the display of a message or an image on a sign, while balancing that opportunity against the community and public interests affected by signs;</li> <li>• Enhance the aesthetic value of the city's landscape by reducing visual clutter that is potentially harmful to property values and economic development;</li> <li>• Protect adjacent and nearby properties from the impact of excessive or inappropriate signage.</li> </ul>

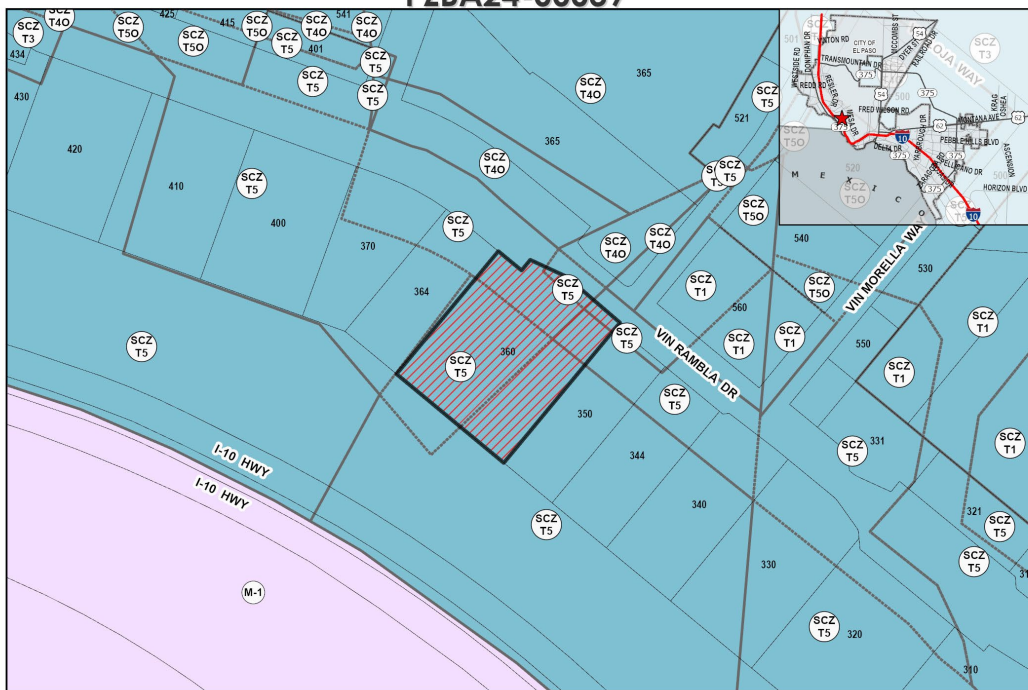
**PUBLIC COMMENT:** Public notice was sent on May 2, 2024 and June 5, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request. This item was postponed from the June 17<sup>th</sup> hearing and July 22<sup>nd</sup> hearing.

**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) may authorize in specific cases a variance from the terms of the zoning ordinance (Title 20) or as specified in (Title 21) SmartCode if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the variance 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 variance 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 variance 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

PZBA24-00039



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



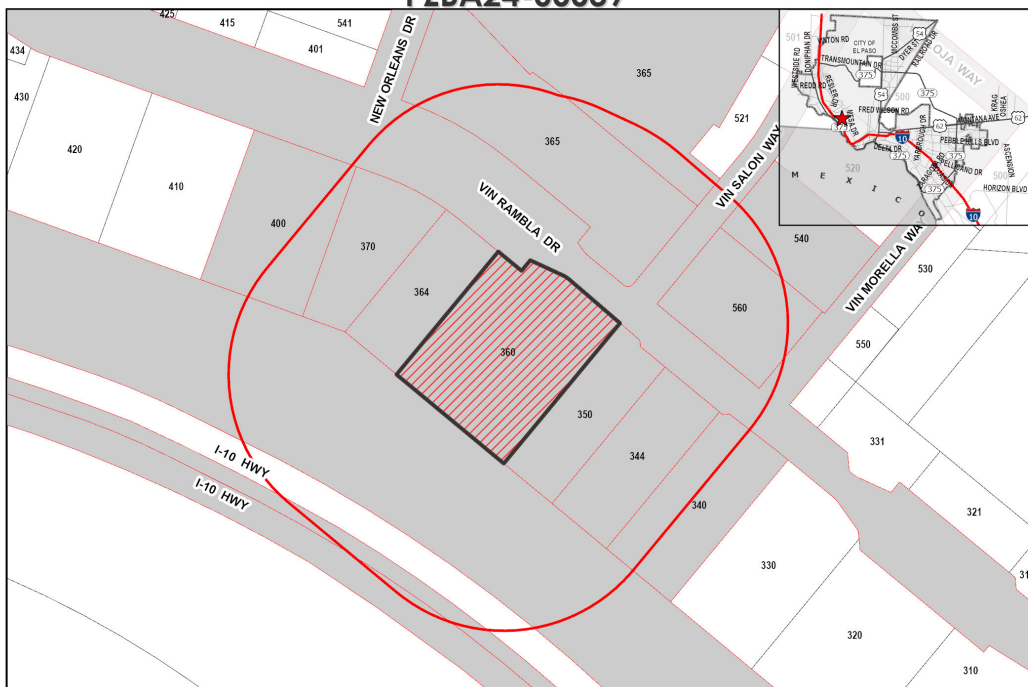
Subject Property

0 37.5 75 150 225 300 Feet



# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00039



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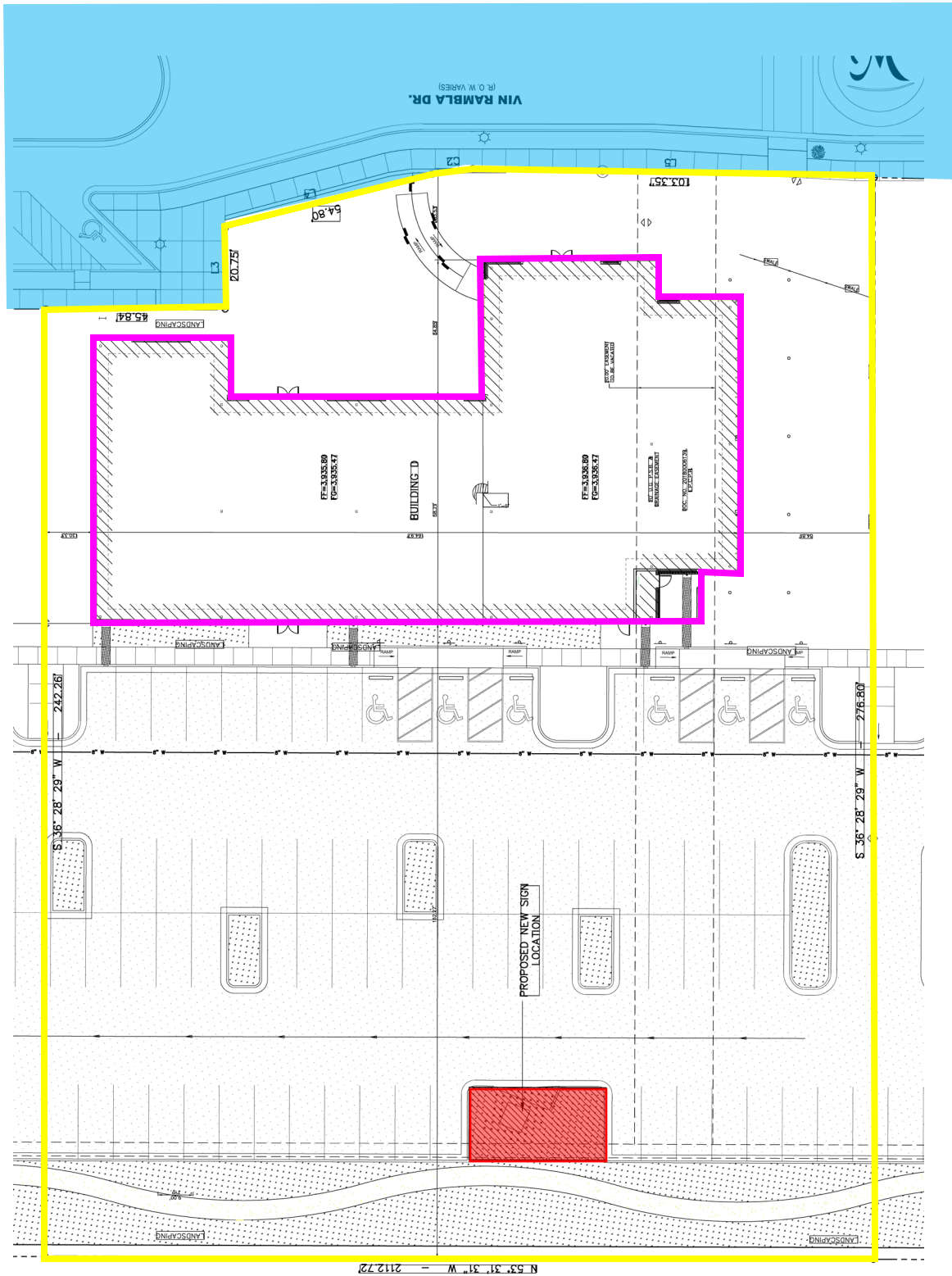
Subject Property  
300 Feet Notice Area  
Notified Properties

0 37.5 75 150 225 300 Feet



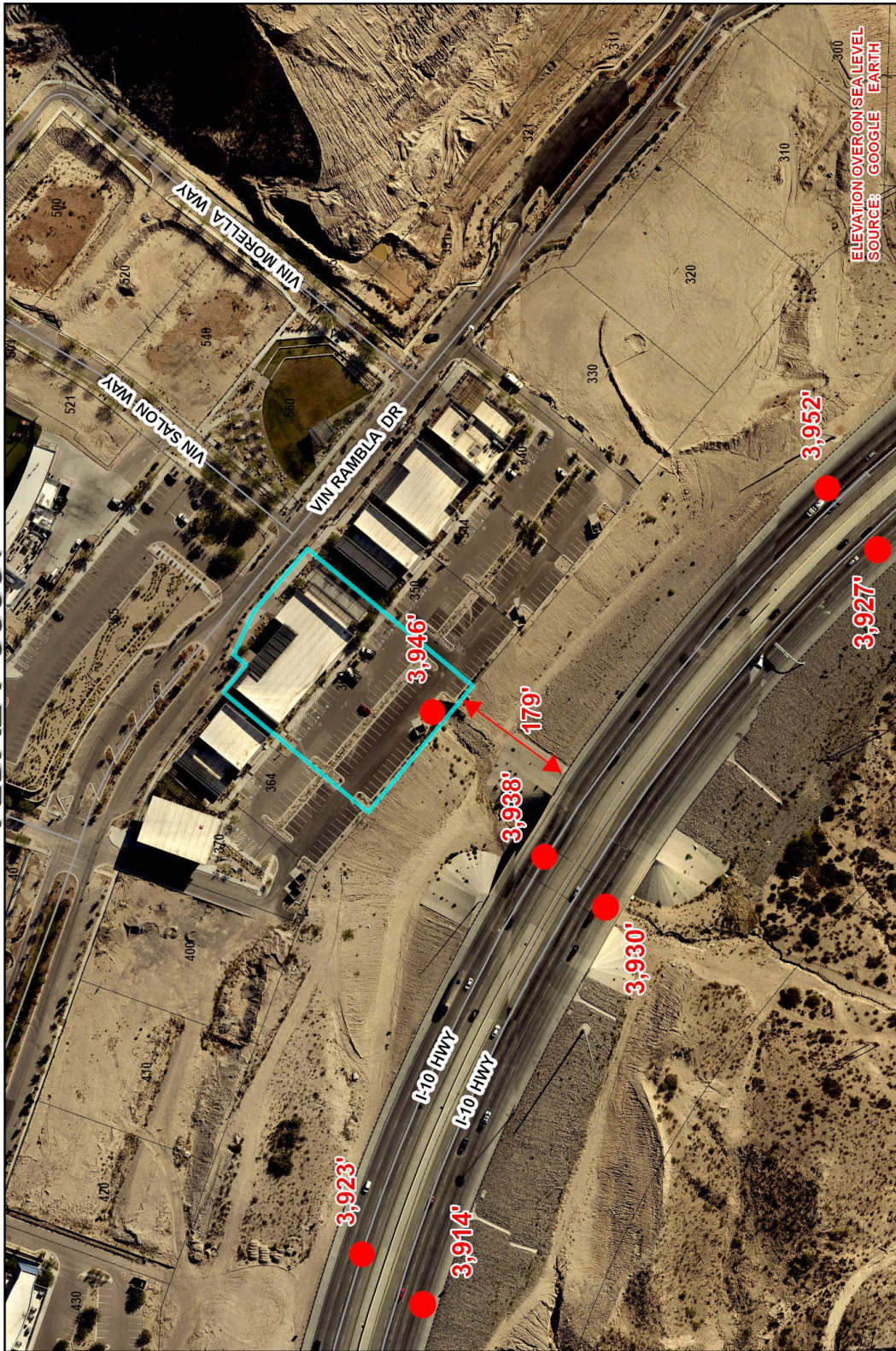


# SITE PLAN

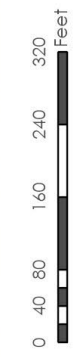




AERIAL

PZBA24-00039



ELEVATION OVER ON SEA LEVEL  
SOURCE: GOOGLE EARTH



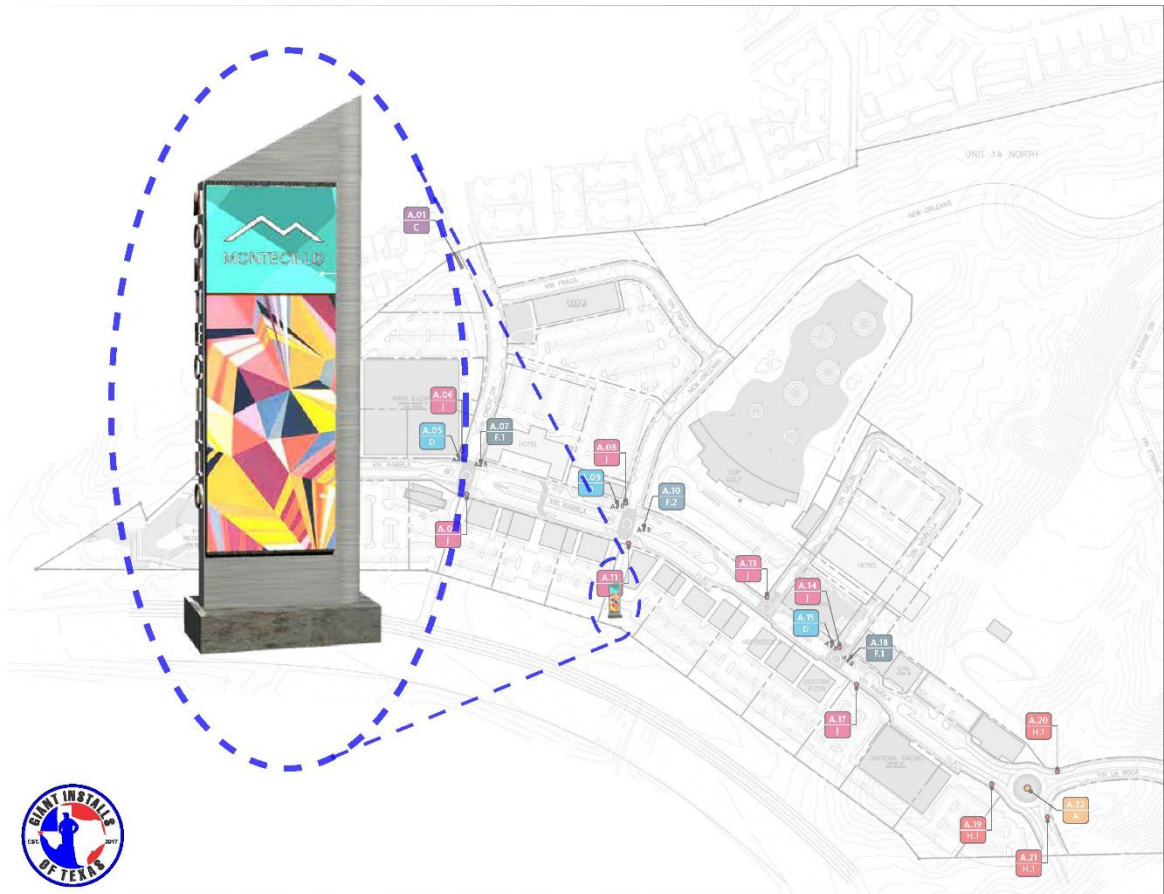
 Subject Property  


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Rendering | Day Light





Legislation Text

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File #: BC-81, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

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Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00045** Lot 11, Block A, Eastridge, City of El Paso, El Paso County,  
Texas  
ADDRESS: 9780 Eastridge Dr.  
APPLICANT: Dora Medina  
REPRESENTATIVE: Joe Gomez/Dora Medina  
REQUEST: Special Exception J (Carport Over a Driveway)  
DISTRICT: 7  
ZIPCODE: 79925  
STAFF CONTACT: Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov  
**POSTPONED FROM JULY 22, 2024**

# 9780 Eastridge

Zoning Board of Adjustment — August 5, 2024



**CASE NUMBER:** PZBA24-00045  
**CASE MANAGER:** Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov  
**PROPERTY OWNER:** Dora Medina  
**REPRESENTATIVE:** Dora Medina  
**LOCATION:** 9780 Eastridge Dr. (District 7)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception J (Carport Over a Driveway)  
**PUBLIC INPUT:** None received as of July 16, 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** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport.

## PZBA24-00045

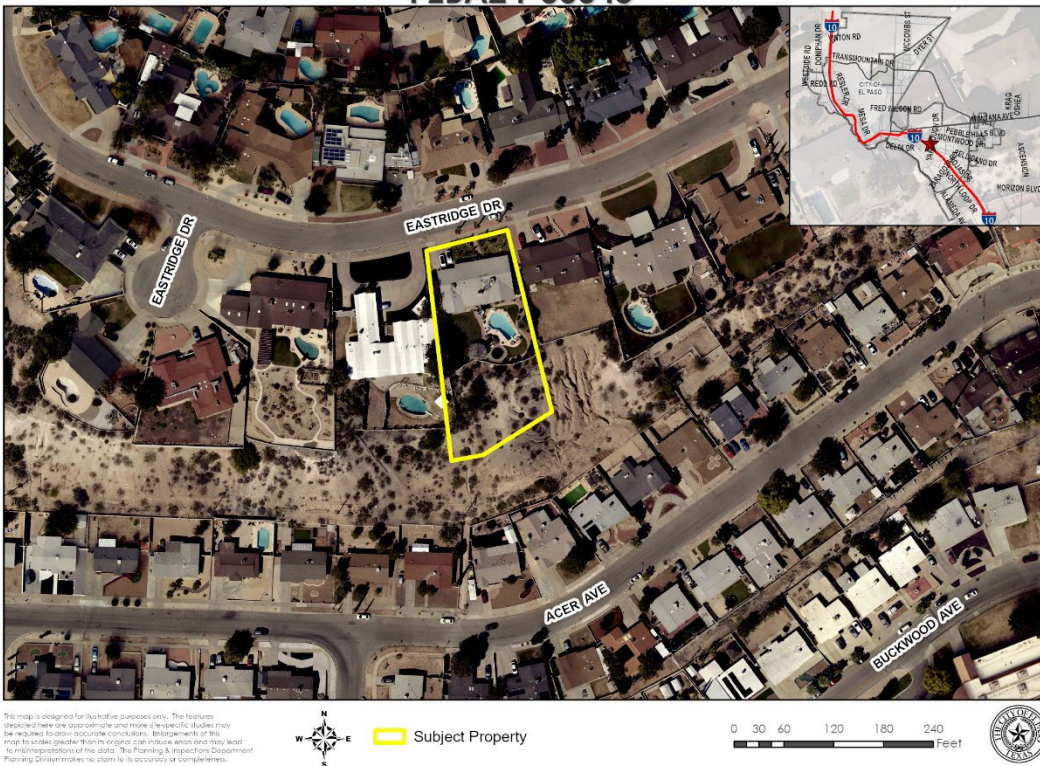


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to permit the construction of a proposed carport of approximately 22.8 feet by 21.6 feet and an area of 492.48 square feet, of which 172.8 square feet encroaches 9 feet into the front yard setback and is located to within 11 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.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	11 Feet
Rear	30 Feet	No Change
Cumulative Front & Rear	50 Feet	39 Feet
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change

**CALCULATIONS FOR CARPORT:**

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	558 Square Feet	1/5 of 558 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	172.8 Square Feet	7 Feet by 21.6 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 172.8 square feet is less than the maximum allowed area of 558 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
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**PUBLIC COMMENT:** Public notice was sent on July 11, 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. This item was postponed from the July 22<sup>nd</sup> hearing.

**ZONING BOARD OF ADJUSTMENT OPTIONS:**

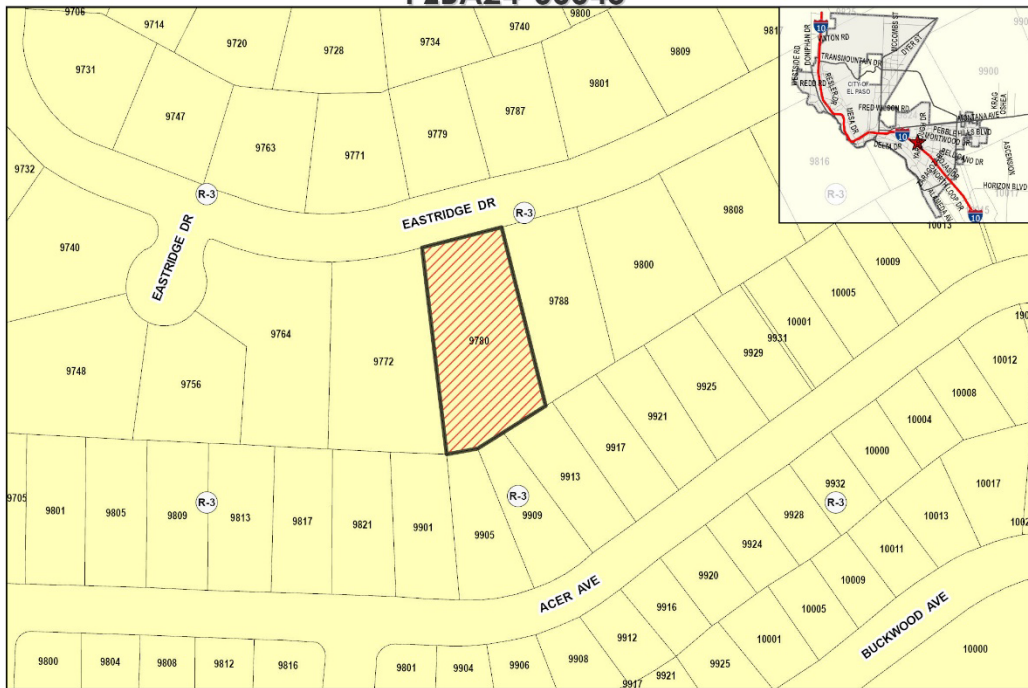
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA 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

PZBA24-00045



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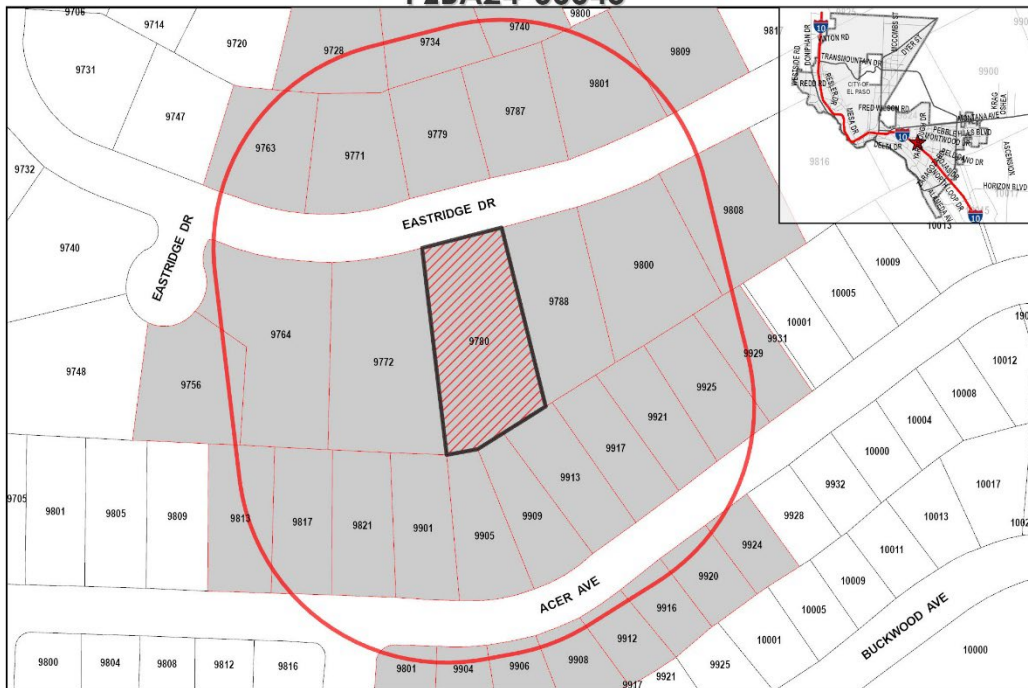


Subject Property



# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00045



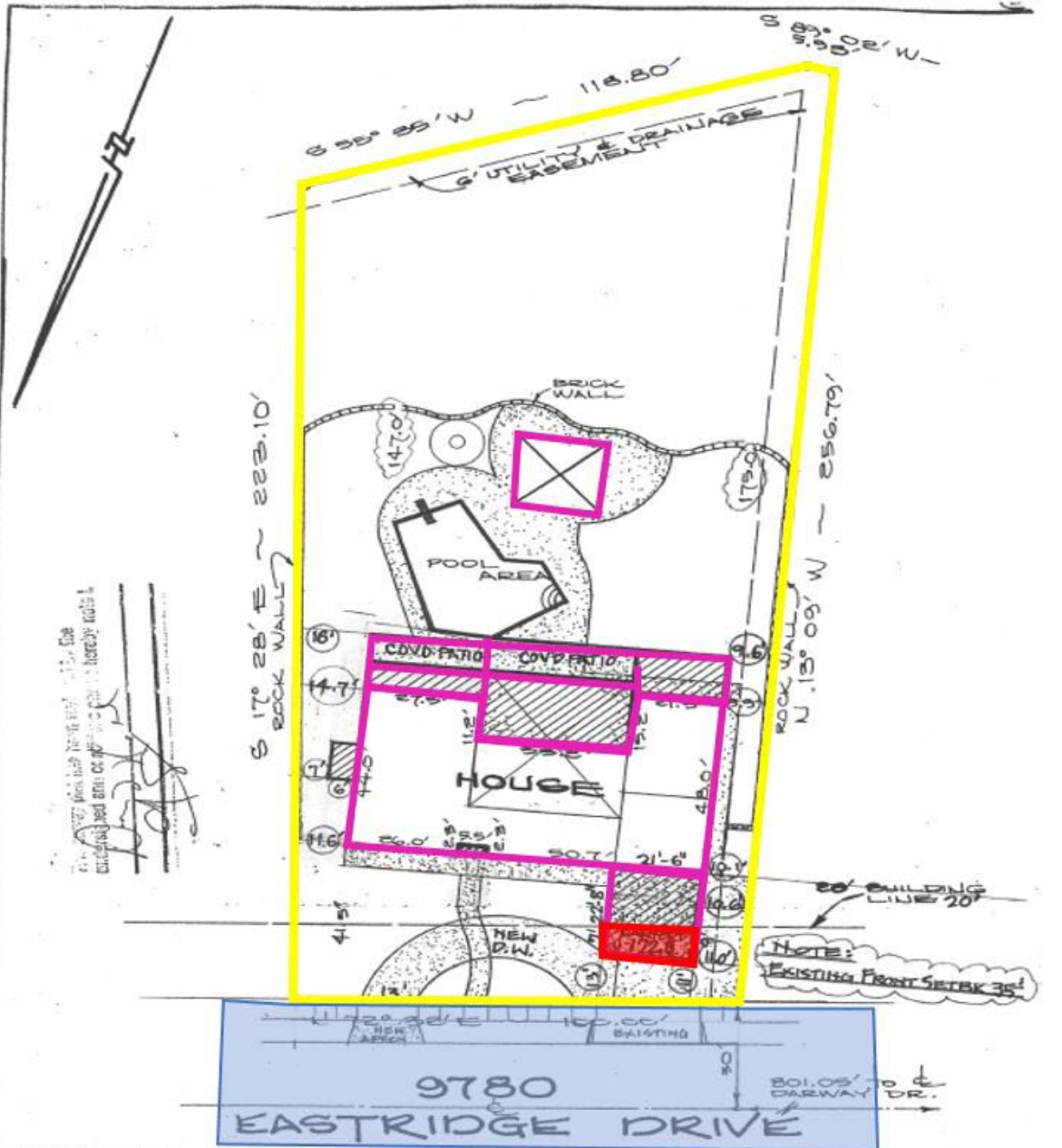
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Subject Property  
300 Feet Notice Area  
Notified Properties



# SITE PLAN

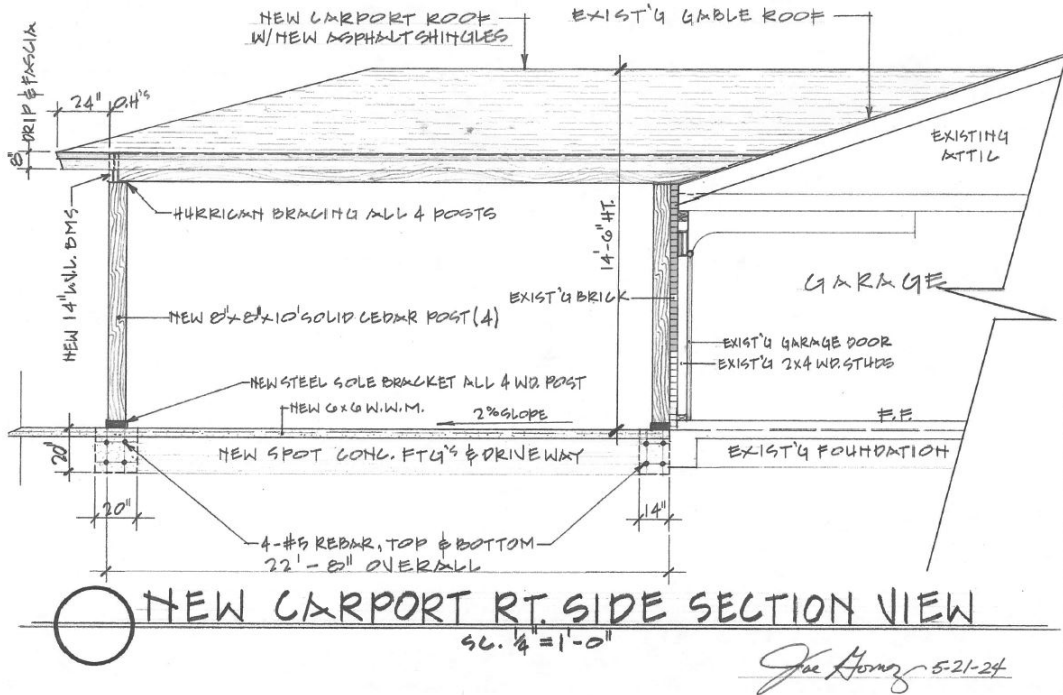


THIS HOUSE DOES NOT LIE WITHIN A FLOOD HAZARD ZONE AS DESIGNATED BY THE H.U.D. FLOOD HAZARD BOUNDARY MAPS DATED NOVEMBER 29, 1977.

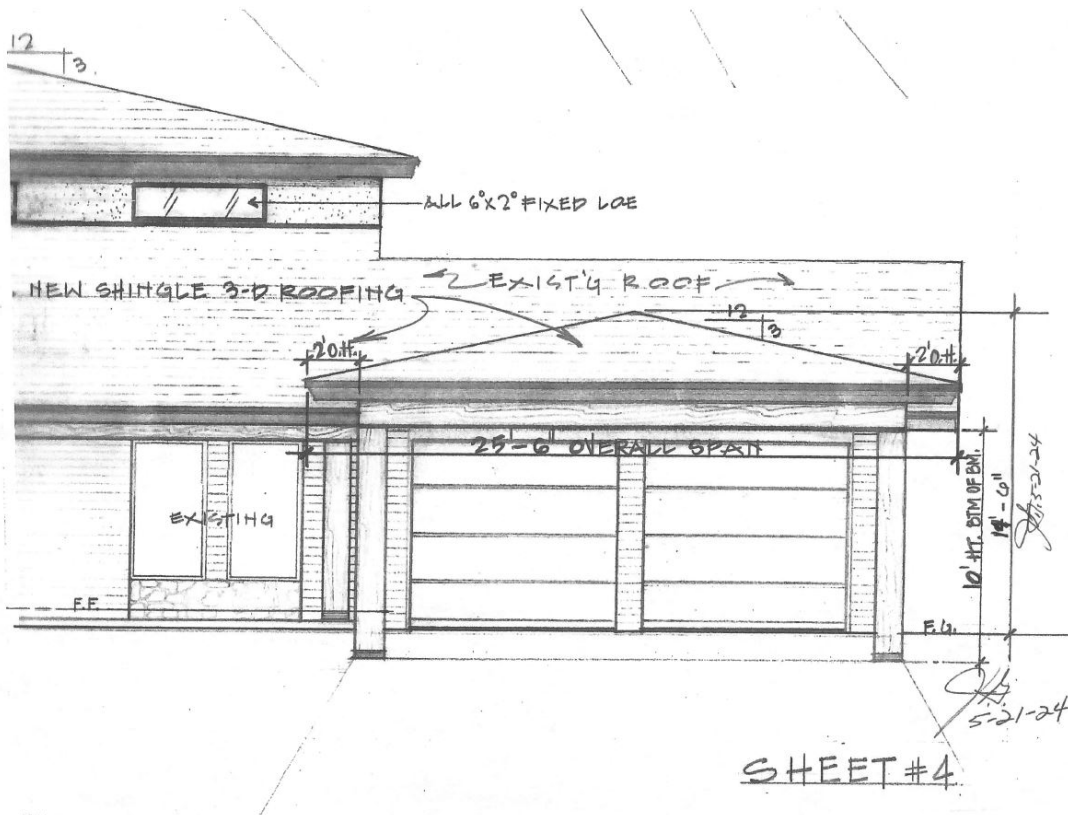
<p>1/2 MYRTLE - EL PASO, TEXAS</p>	<p><b>JERRY WILLIAMS ENGINEERING COMPANY, INC.</b> MORTGAGE LOAN INSPECTION</p>
<p>I hereby certify that the Professional Service shown herein conforms to the Standards and Specifications for Category A, Mortgage Loan Inspection, as set forth in the Uniform Standards of Professional Practice for Mortgage Loan Inspectors, published by the National Mortgage Inspection Association, Inc., dated 1/1/74.</p> <p>By: <i>Jerry Williams</i> JERRY WILLIAMS, P.E., R.S.B. S.U.C.</p>	<p>LOT 11 ; BLOCK A EASTRIDGE (UNIT 1) CITY OF EL PASO, EL PASO COUNTY, TEXAS</p> <p>RECORDED IN VOLUME 19 PAGE 31 EL PASO COUNTY PLAT RECORDS DRAWN BY: <i>clw.</i> DATE: 10-15-80 SCALE: = 30' PLAT NO: 20138</p>

# ELEVATION 1

# 9180 EASTRIDGE DRIVE



## ELEVATION 2





Legislation Text

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File #: BC-82, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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**PZBA24-00052**      Lot 6, Block 37, Vista Real Unit Three, City of El Paso, El Paso County, Texas  
ADDRESS:            11728 Corona Crest Ave.  
APPLICANT:         Roberto A. and Virginia Austin  
REPRESENTATIVE:   Roberto A. Austin  
REQUEST:            Special Exception C (Rear Yard Setback, Single-Family Residence)  
DISTRICT:            6  
ZIPCODE:             79936  
STAFF CONTACT:     Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

# 11728 Corona Crest



Zoning Board of Adjustment — August 5, 2024

**CASE NUMBER:** PZBA24-00052  
**CASE MANAGER:** Myrna Aguilar, (915) 212-1584, AguilarMp@elpasotexas.gov  
**PROPERTY OWNER:** Roberto A. & Virginia B. Austin  
**REPRESENTATIVE:** Geronimo Cortez  
**LOCATION:** 11728 Corona Crest Avenue (District 6)  
**ZONING:** R-5 (Residential)  
**REQUEST:** Special Exception C (Rear Yard Setback, Single-Family Residence)  
**PUBLIC INPUT:** None received as of July 30, 2024

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to allow to legalize an existing home addition into the rear yard setback in an R-5 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted.

## PZBA24-00052



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Subject Property

0 20 40 80 120 160 Feet



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 home addition, 8 feet 2 inches of which extends into the rear yard setback for a 97 square foot area of total encroachment.

**BACKGROUND:** The minimum rear setback is 20 feet in the R-5 (Residential) zone district. The required rear setback for the subject property is 19 feet 6 inches to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet 6 inches	No Change
Rear	19 feet 6 inches	11 feet 5 inches
Cumulative Front & Rear	45 feet	37 feet 1inch
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change
Cumulative Side	N/A	N/A

**CALCULATIONS:**

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	182 square feet	15.2' (45.5' average lot width ÷ 3) X 12' (3/5 of 20' required rear yard setback)
Requested Area of Encroachment	97 square feet	

<b>COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.C CRITERIA</b>	
The Zoning Board of Adjustment is empowered under Section 2.16.050.C to: <i>Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, provided the following criteria is met:</i>	
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 maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;	Yes. The maximum permitted area of encroachment is 182 square feet, which is more than the requested area of encroachment of 97 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have an 11 feet 5 inches rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

**PUBLIC COMMENT:** Public notice was sent on July 23, 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.

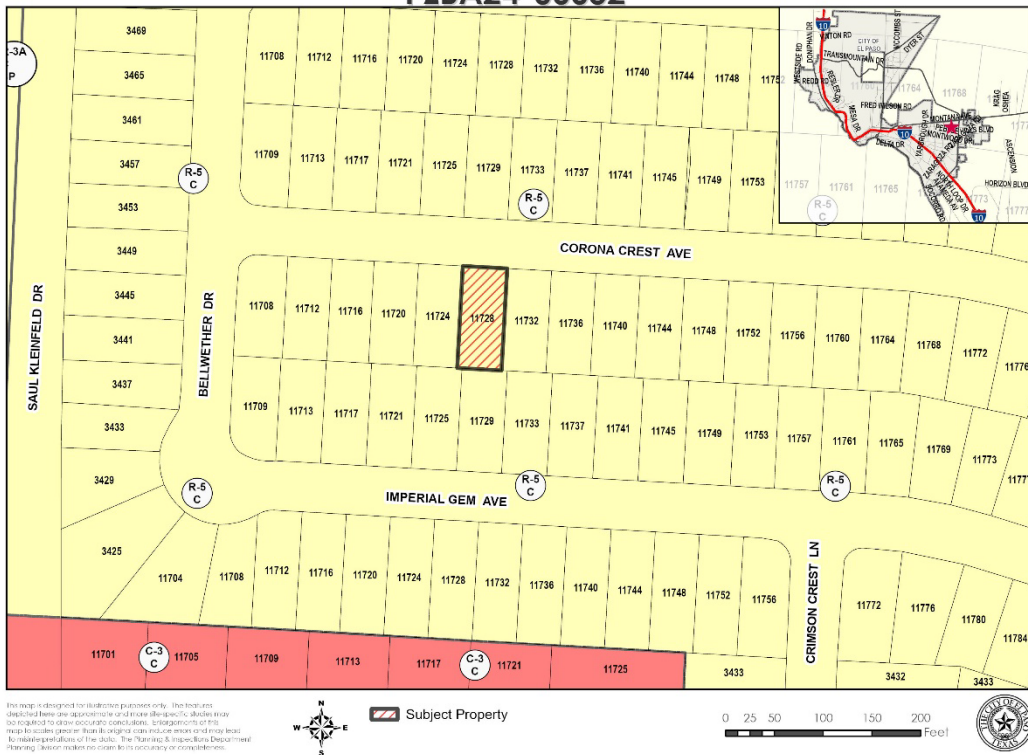
**ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.

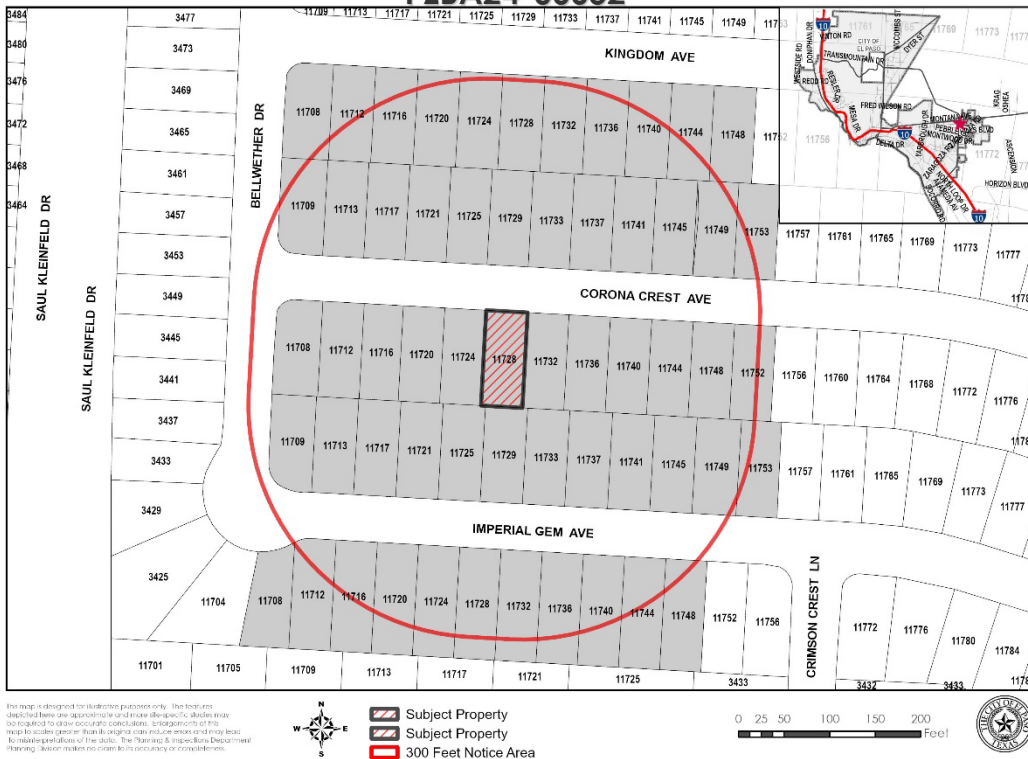
# ZONING MAP

PZBA24-00052



# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00052

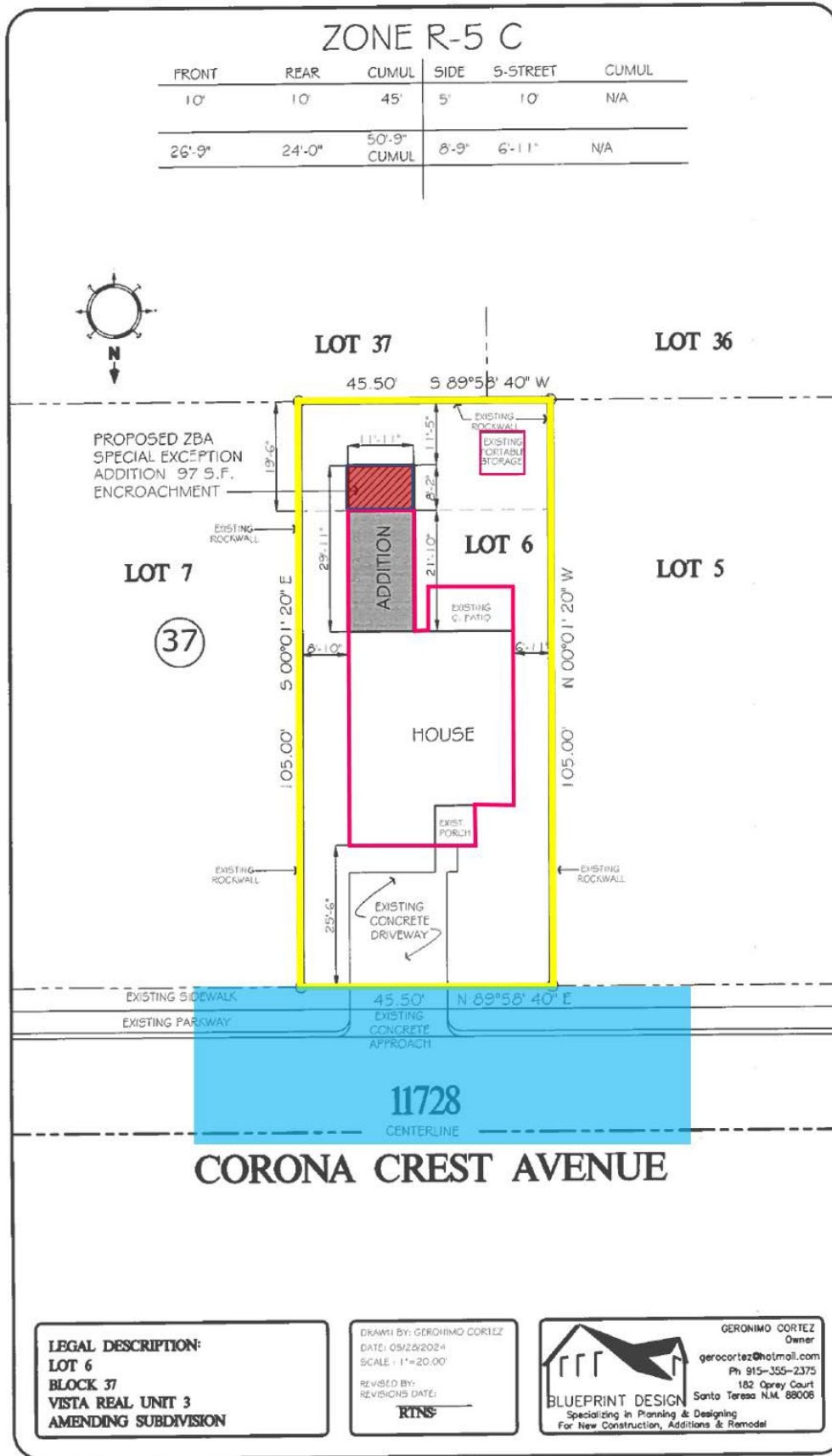
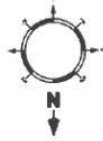




# SITE PLAN

## ZONE R-5 C

FRONT	REAR	CUMUL	SIDE	S-STREET	CUMUL
10'	10'	45'	5'	10'	N/A
26'-9"	24'-0"	50'-9" CUMUL	8'-9"	6'-11"	N/A



**LEGAL DESCRIPTION:**  
**LOT 6**  
**BLOCK 37**  
**VISTA REAL UNIT 3**  
**AMENDING SUBDIVISION**

DRAWN BY: GERONIMO CORTEZ  
 DATE: 05/26/2024  
 SCALE: 1"=20.00'  
 REVISED BY:  
 REVISIONS DATE:  
**RTNS**

**BLUEPRINT DESIGN**  
 Specializing in Planning & Designing  
 For New Construction, Additions & Remodel

GERONIMO CORTEZ  
 Owner  
 gerocortez@hotmail.com  
 Ph 915-355-2375  
 182 Oprey Court  
 Santa Teresa N.M. 88008



Legislation Text

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File #: BC-83, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00059**      Lot 1, Block 13, Foster Heights, City of El Paso, El Paso  
County, Texas

ADDRESS:            5301 Timberwolf Dr.

APPLICANT:        Ana C. Moreno and Angelina Badillo Moreno

REPRESENTATIVE: Cedans Architect, Daniel Mendoza

REQUEST:           Special Exception B (Two or More Nonconforming Lots)

DISTRICT:           3

ZIPCODE:            79903

STAFF CONTACT:   Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

# 5301 Timberwolf

Zoning Board of Adjustment — August 5, 2024



**CASE NUMBER:** PZBA24-00059  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Ana C. Moreno and Angelina Badillo Moreno  
**REPRESENTATIVE:** Cedans Architect, Daniel Mendoza  
**LOCATION:** 5301 Timberwolf Dr. (District 3)  
**ZONING:** R-4 (Residential)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots)  
**PUBLIC INPUT:** None received as of July 30, 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 and garage structures in an R-4 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment is equal to the encroachments into that setback already present on at least two other neighboring properties.

## PZBA24-00059



This map is designed for illustrative purposes only. The locations depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce 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 5 10 20 30 40 Feet



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 and garage structures, which extend 3 feet 9 inches (79 square feet) and 3 feet 4.5 inches (82 square feet) into their required side yard setbacks for 161 square feet of total encroachment.

**BACKGROUND:** The minimum side setback is five feet (5') in the R-4 (Residential) zone district. According to El Paso Central Appraisal District Records, the home along with the garage were constructed in 1951. The carport was constructed in 2012. Aerial photographs indicate there are four (4) other properties on the same block that contain structures located in their respective side yards located at 5505 (159.43 sq. ft), 5413 (192.02 sq. ft), 5313 (135.04 sq. ft), and 5209 Timberwolf Drive (125.11 sq. ft). The property at 5413 Timberwolf Drive is registered as Legal-Non-Conforming for the side carport encroachment into the required five-foot (5') side setback.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	45 feet	No Change
Side (West)	5 feet	No Change
Side (East)	<b>5 feet</b>	<b>1 foot 3 inches</b>
Cumulative Side	N/A	N/A

<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 four (4) houses on the same block extend five feet (5') into their side setbacks.
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. The properties on 5505 and 5209 Timberwolf Drive contain garages that encroach into their entire respective five-foot (5') side setbacks. The properties on 5313 and 5413 Timberwolf Drive contain carports that encroach into their entire respective five-foot (5') side setbacks.
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 24, 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:**

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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.
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# ZONING MAP

PZBA24-00059



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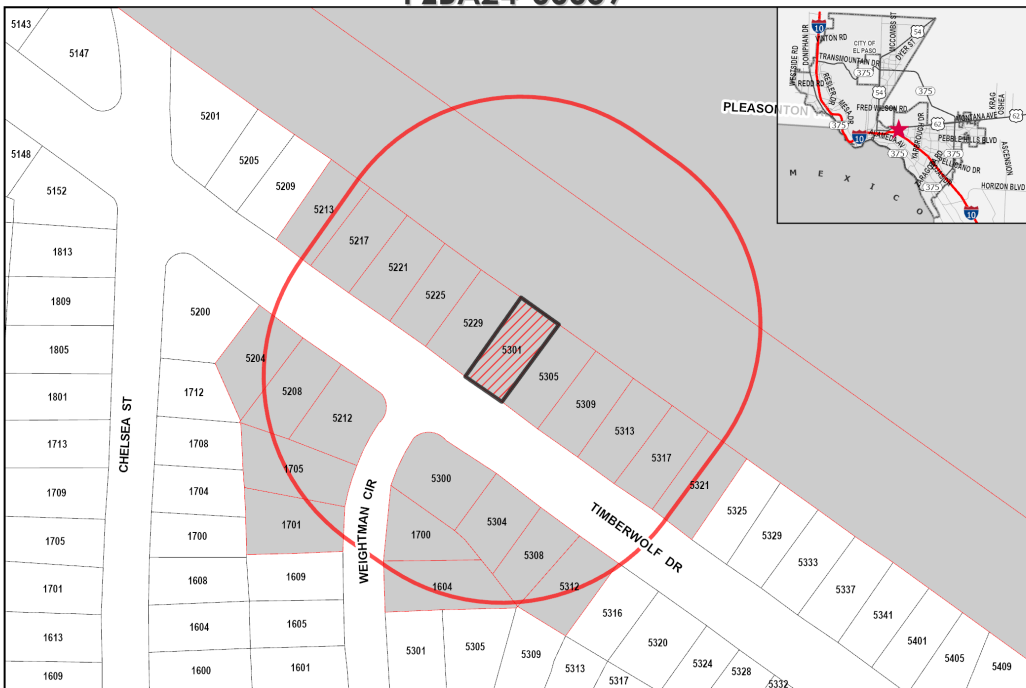
Subject Property

0 10 20 40 60 80 Feet



# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00059



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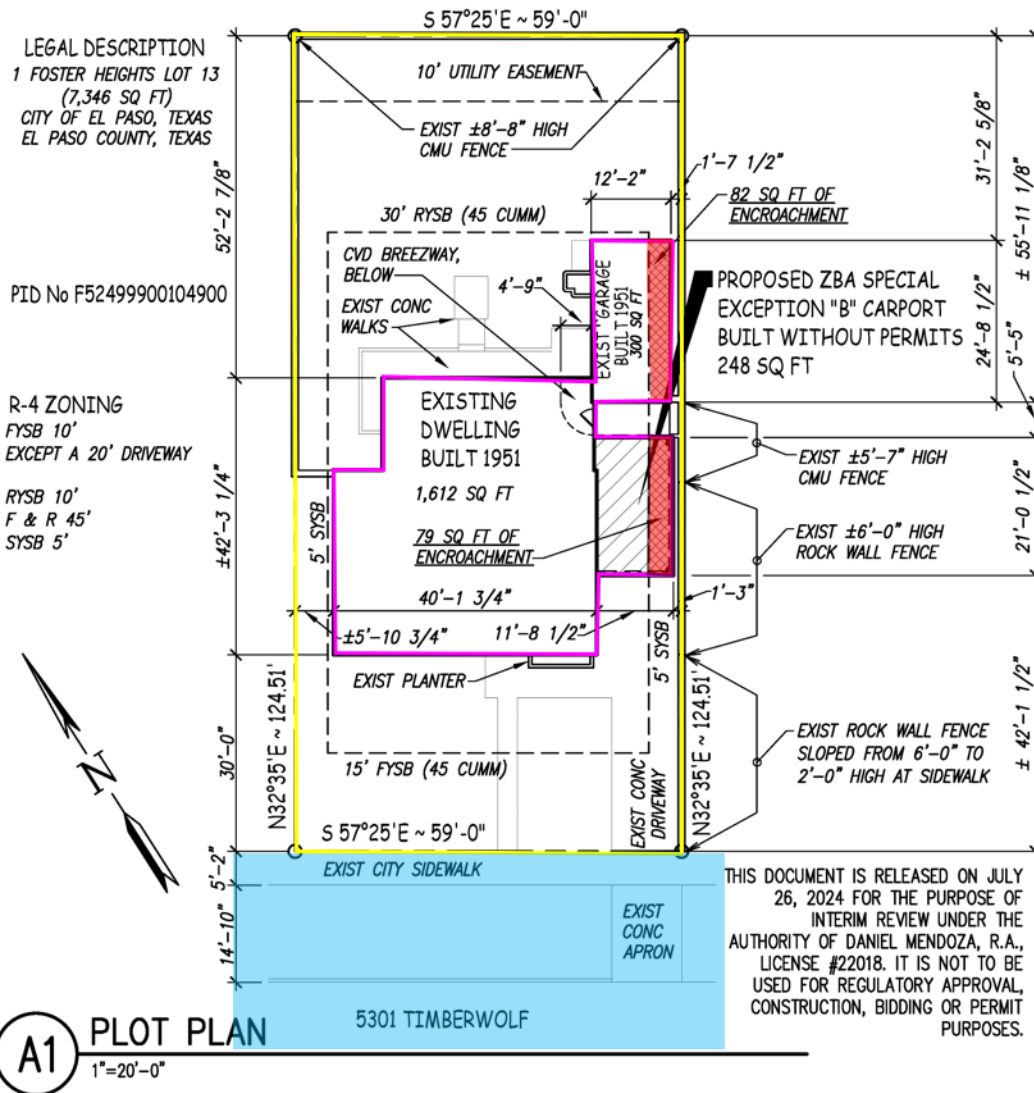


Subject Property  
 300 Feet Notice Area  
 Notified Properties

0 30 60 120 180 240 Feet



# SITE PLAN



**A1 PLOT PLAN**  
 1"=20'-0"

**PROJECT NAME:** MS MORENO & MRS BADILLO  
**PROJECT ADDRESS:** 5301 TIMBERWOLF  
 EL PASO, TEXAS  
 79903

**SHEET:** A-1  
**ISSUE DATE:** 7/26/2024  
**REVISIONS:** SETBACK CUMM  
 CVD BRZWAY

**CA PROJECT #:** 2410



1404 Lost Pines Lane      915.590.5683      EL PASO, TX 79936

NONCONFORMING LOTS

PZBA24-00059



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 Subject Property

0 37.5 75 150 225 300 Feet






# NONCONFORMING LOT 1

## PZBA24-00059



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 Subject Property

0 5 10 20 30 40 Feet



# NONCONFORMING LOT 2

## PZBA24-00059



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 Subject Property

0 5 10 20 30 40 Feet




# NONCONFORMING LOT 3

PZBA24-00059



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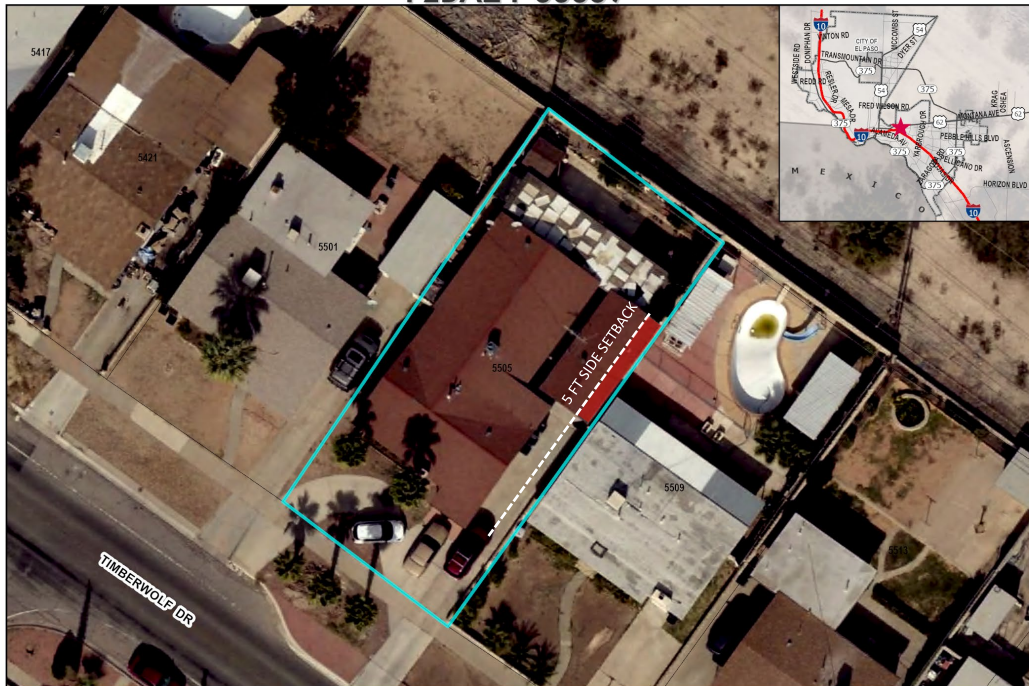
 Subject Property

0 5 10 20 30 40 Feet



# NONCONFORMING LOT 4

PZBA24-00059



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 Subject Property

0 5 10 20 30 40 Feet

