

# 3826 Mountain

Zoning Board of Adjustment — May 5, 2025



**CASE NUMBER:** PZBA25-00011  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, [BeltranJV@elpasotexas.gov](mailto:BeltranJV@elpasotexas.gov)  
**PROPERTY OWNER:** Olga M. Chavez  
**REPRESENTATIVE:** Olga M. Chavez  
**LOCATION:** 3826 Mountain Ave. (District 2)  
**ZONING:** R-4 (Residential)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots)  
**PUBLIC INPUT:** One (1) phone call of inquiry received as of May 1, 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 carport and storage shed addition in an R-4 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITION** 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 condition is as follows:

1. That the portion of the carport encroaching the side setback be removed.

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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 and storage shed addition, which extend 21 feet into the required rear yard setback for 428 square feet of total encroachment.

**BACKGROUND:** The minimum rear setback is 10 feet in the R-4 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. Aerial photographs indicate that two (2) nearby properties also encroach into their respective rear yard setbacks, with encroachments into the rear yard larger than those on the subject property. These properties are located at 3805 Nations Avenue (449.10 square feet rear yard encroachment) and 3823 Nations Avenue (532.29 square feet rear yard encroachment).

Based on El Paso Central Appraisal District records, the home was built in 1943. The current owner is responsible for the encroachment of the rear yard setback which was built in 2015. Additionally, the existing front porch complies with Section 20.10.040 – Yards, which permits an unenclosed porch to extend up to 150 square feet in the required front yard setback. The storage shed is being considered as a home addition since it is located less than 5-feet from the main home. In addition, the portion of the carport encroaching the side setback will be removed.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	4 feet
Cumulative Front & Rear	45 feet	22 feet 4 inches
Side (West)	5 feet	No Change
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:

*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:*

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 two (2) houses on the same block extend 25 feet (25') into their respective rear yard 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. There are two (2) houses on the same block that encroach into their required 25-foot rear yard setback and are located at 3805 Nations Avenue and 3823 Nations Avenue.
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 April 24, 2025 to all property owners within 300 feet of subject property. The Planning Division has received one (1) phone call of inquiry to the special exception request.

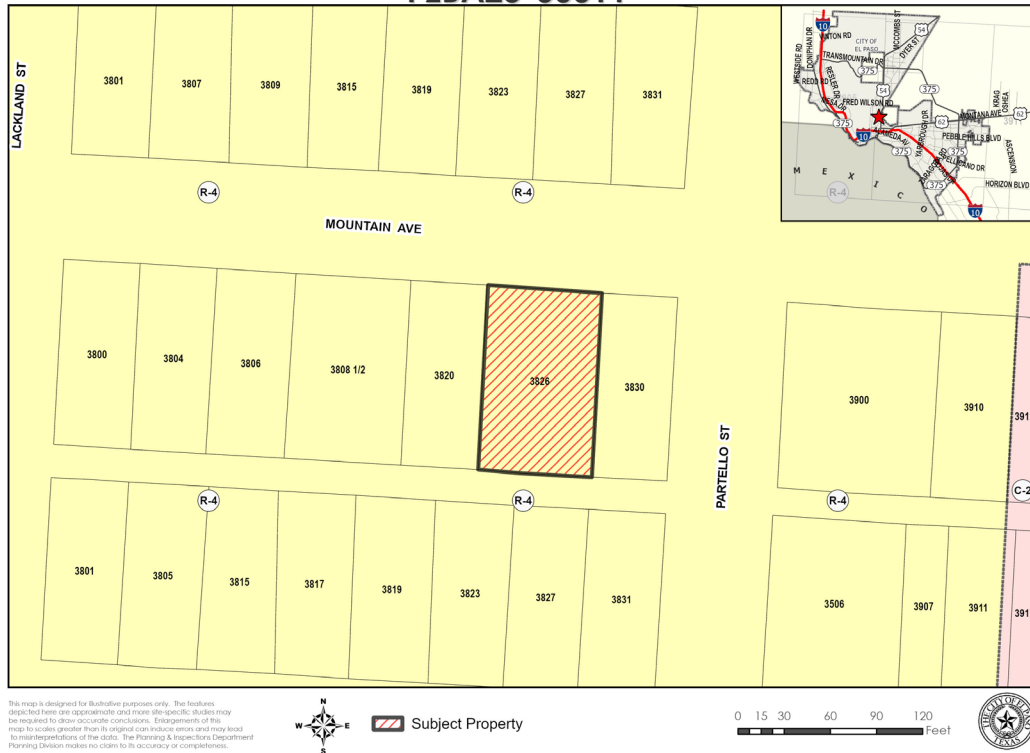
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.

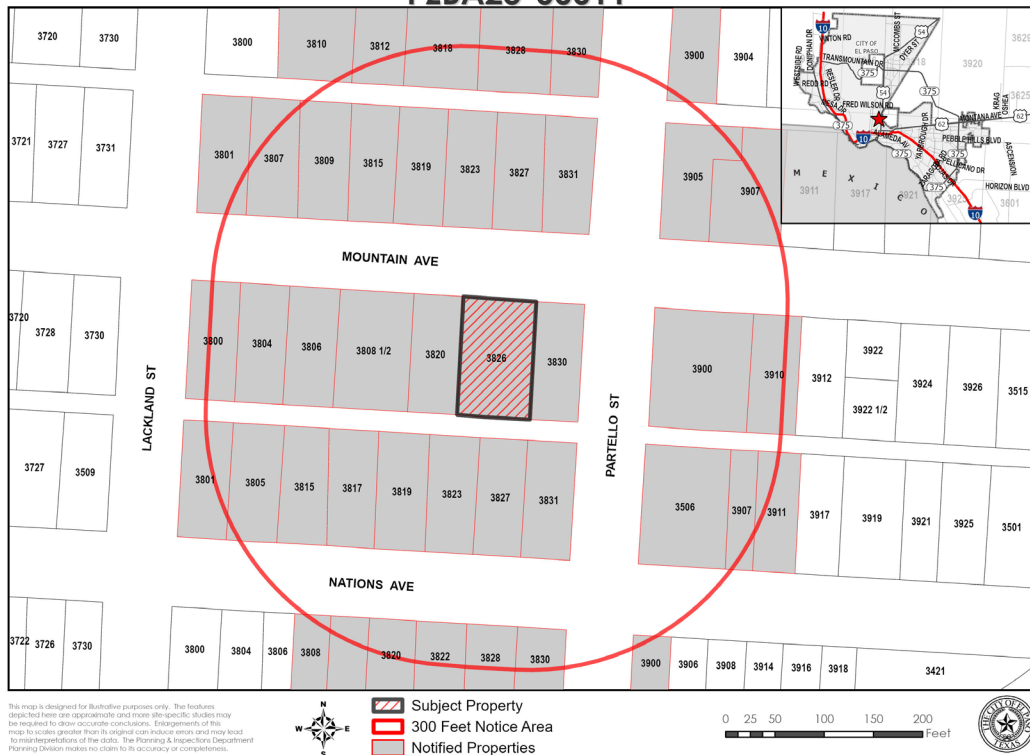
# ZONING MAP

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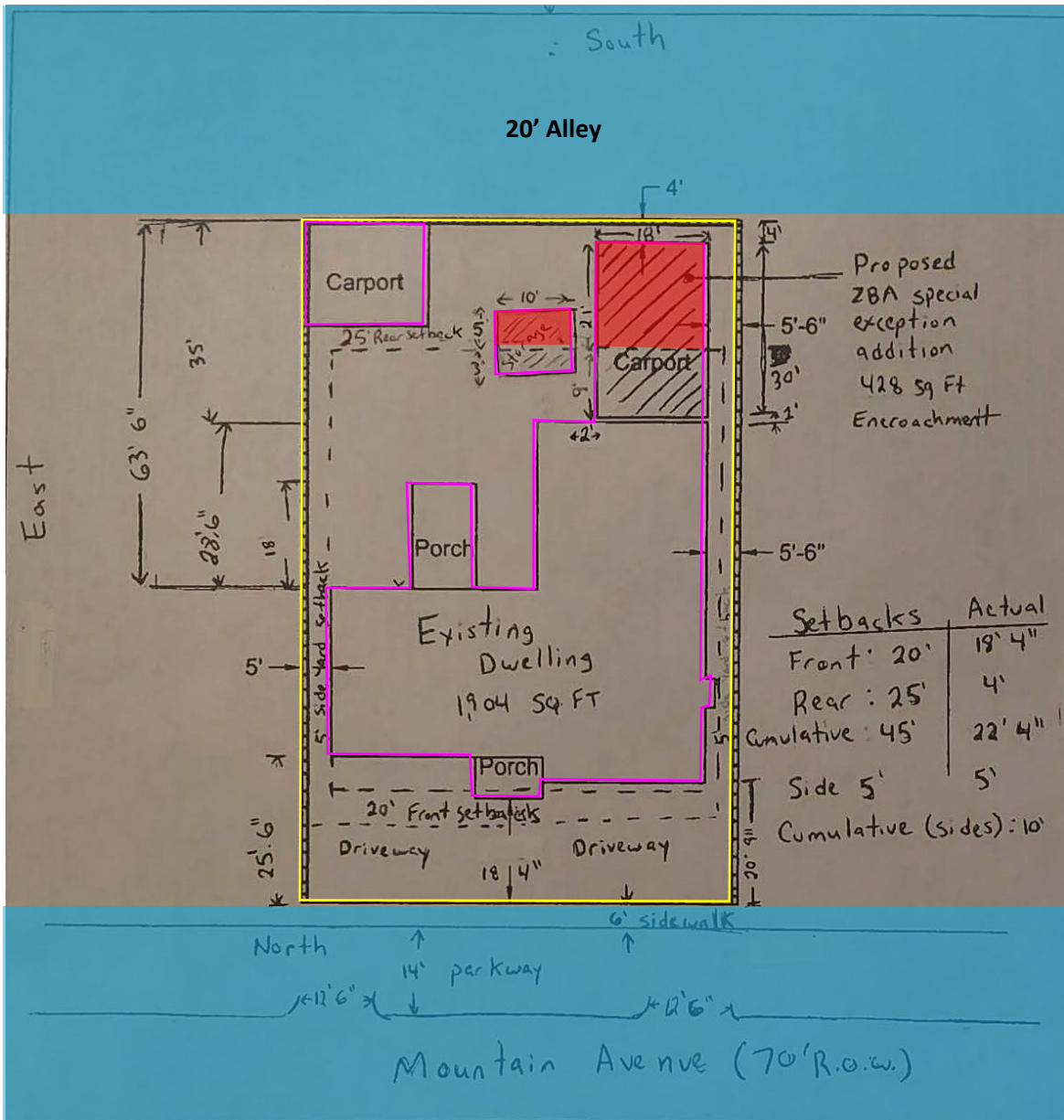


# NEIGHBORHOOD NOTIFICATION MAP

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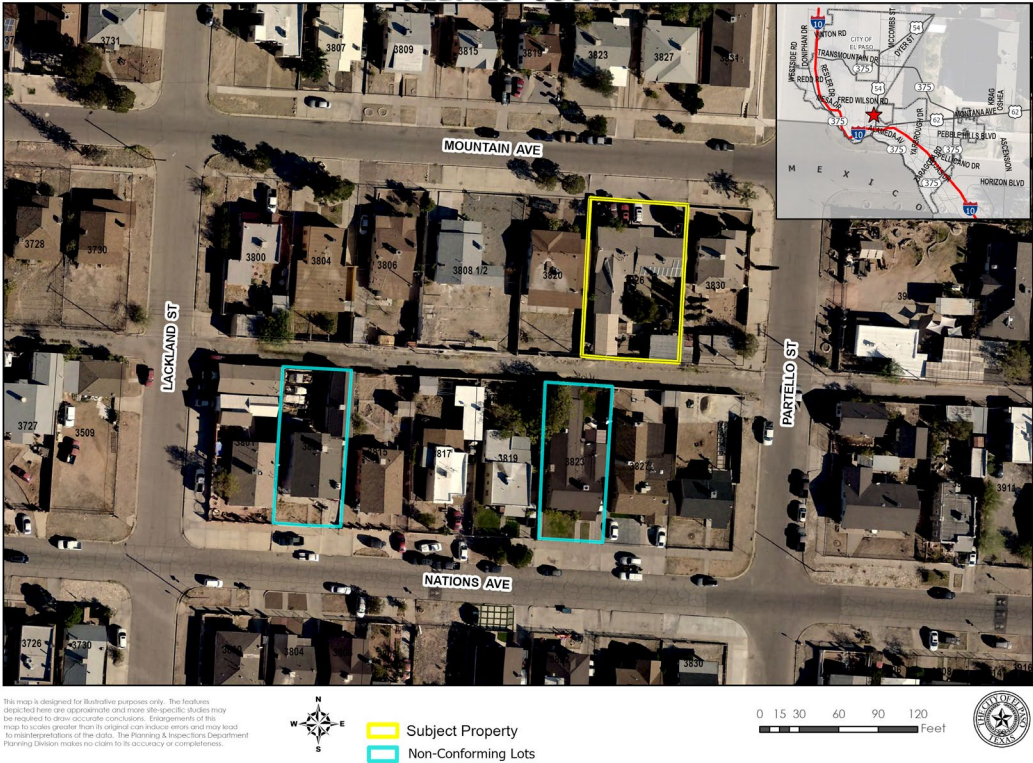
# SITE PLAN





NONCONFORMING LOTS

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# NONCONFORMING LOT 1

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# NONCONFORMING LOT 2

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