

168 Cebada

Zoning Board of Adjustment — April 20, 2026



CASE NUMBER: PZBA26-00008
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Juan Palma Rodriguez
REPRESENTATIVE: Juan Palma Rodriguez
LOCATION: 168 Cebada St. (District 8)
ZONING: A-3 (Apartment)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of April 14, 2026

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and K (In Existence Fifteen Years or More) to allow to legalize an existing home in an A-3 (Apartment) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** 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 and has been in existence for more than fifteen (15) years.

PZBA26-00008



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 Subject Property

0 10 20 40 60 80 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 primary residence that encroaches approximately 12 feet into the required front yard setback, resulting in a total encroachment of 294 square feet, and 2 feet into the required side yard setback, totaling 74.5 square feet of encroachment. Additionally, the applicant is requesting a special exception to legalize an existing attached accessory structure that encroaches approximately 11 feet 10 inches into the required rear yard setback, resulting in 130.17 square feet of encroachment, and 2 feet into the required side yard setback, totaling 31.67 square feet of encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the A-3 (Apartment) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 40 feet in the A-3 (Apartment) zone district. The minimum side setback is 4 feet in the A-3 (Apartment) zone district. Aerial imagery indicates that homes on the same block have similar encroachments. At 217 Luna Street, the existing residence encroaches approximately 120 square feet into the required side setback and 275 square feet into the required rear setback. At 166 Cebada Street, the residence encroaches approximately 189 square feet into the side setback and 245 square feet into the rear setback. No building permits were found on record for either property.

The subject property has been under current ownership since 2024, and the primary structure was originally constructed in 1952, according to El Paso Central Appraisal District records. In 2011, the home was modified with an addition to the rear that connected the main dwelling to an accessory structure, resulting in a single, unified structure that has been in existence for 14 years. The primary residence itself has existed for approximately 70 years. Aerial imagery from 2010 confirms that the single-family home existed in the same configuration as it does today, with the residence located in its current position.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	12 feet
Rear	20 feet	11 feet 10 inches
Cumulative Front & Rear	40 feet	23 feet 10 inches
Side	4 feet	2 feet
Side Street	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. Through aerial photos and site visits, it was established that one house on the same block extends 3 feet into the side setback and 16 feet into the rear setback, and another house extends 4 feet into the side setback and 20 feet into the rear 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. There are other properties with single-family dwellings that encroach into their required rear and side setbacks beyond the existing 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	Yes. Only applicable lots are being considered.

used in determining the nonconforming lot restrictions of this special exception.	
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COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA	
The Zoning Board of Adjustment is empowered under Section 2.16.050.K to: <i>Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:</i>	
Criteria	Does the Request Comply?
1. The encroachment into the required yard setback has been in existence for more than fifteen years;	Yes. The encroachment has been in existence for more than fifteen years.
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;	Yes. Neither the applicant nor owner were responsible for the construction of the encroachment.
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;	Yes. Neither the applicant nor owner owned the property at the time.
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback;	Not applicable. Encroachment is not into the front yard setback.
5. The encroachment does not violate any other provision of the El Paso City Code.	Yes. The encroachment does not violate any other provision of the El Paso City Code.

PUBLIC COMMENT: Public notice was sent on April 10, 2026 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.

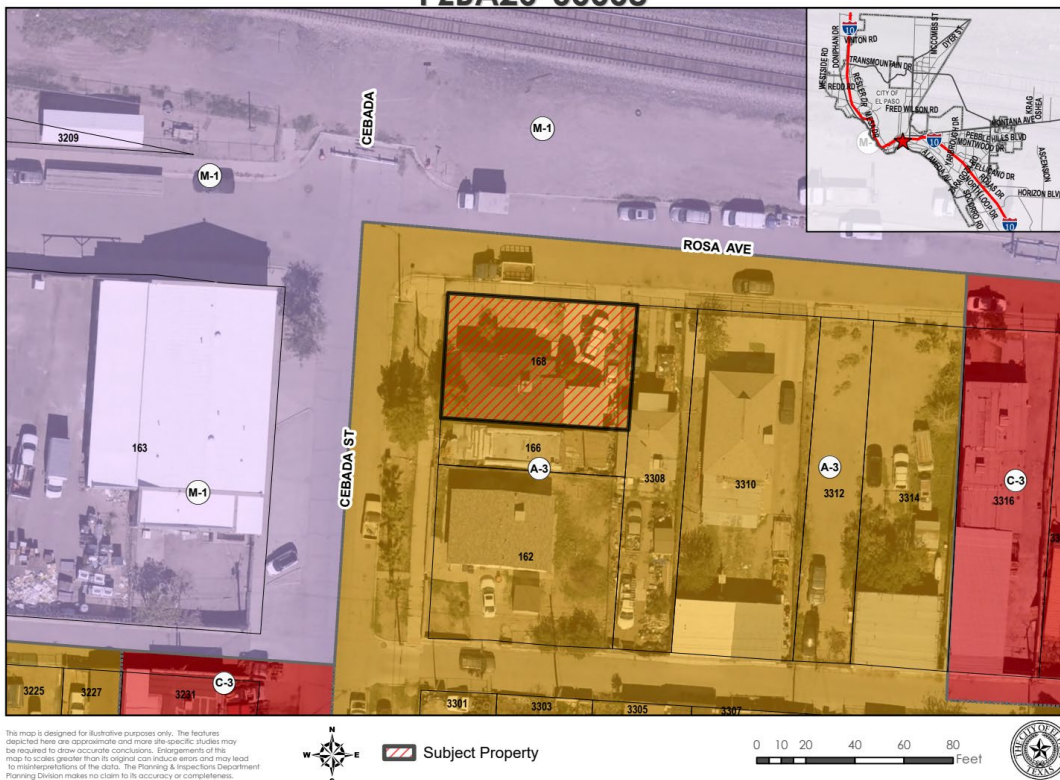
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

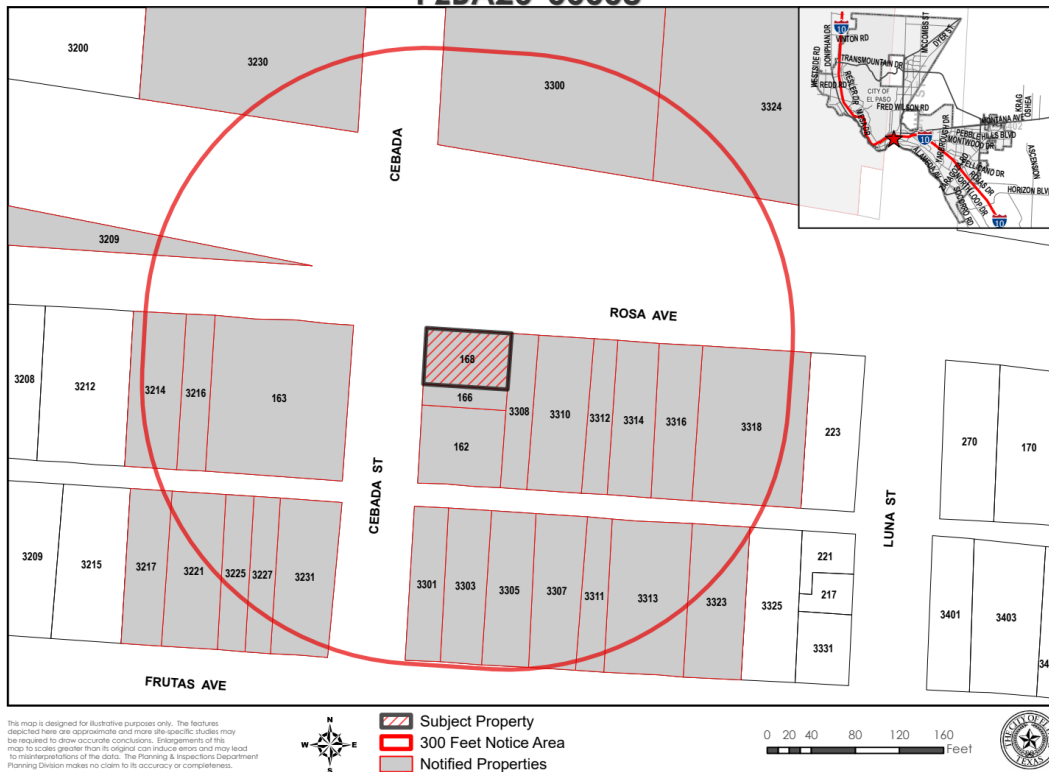
ZONING MAP

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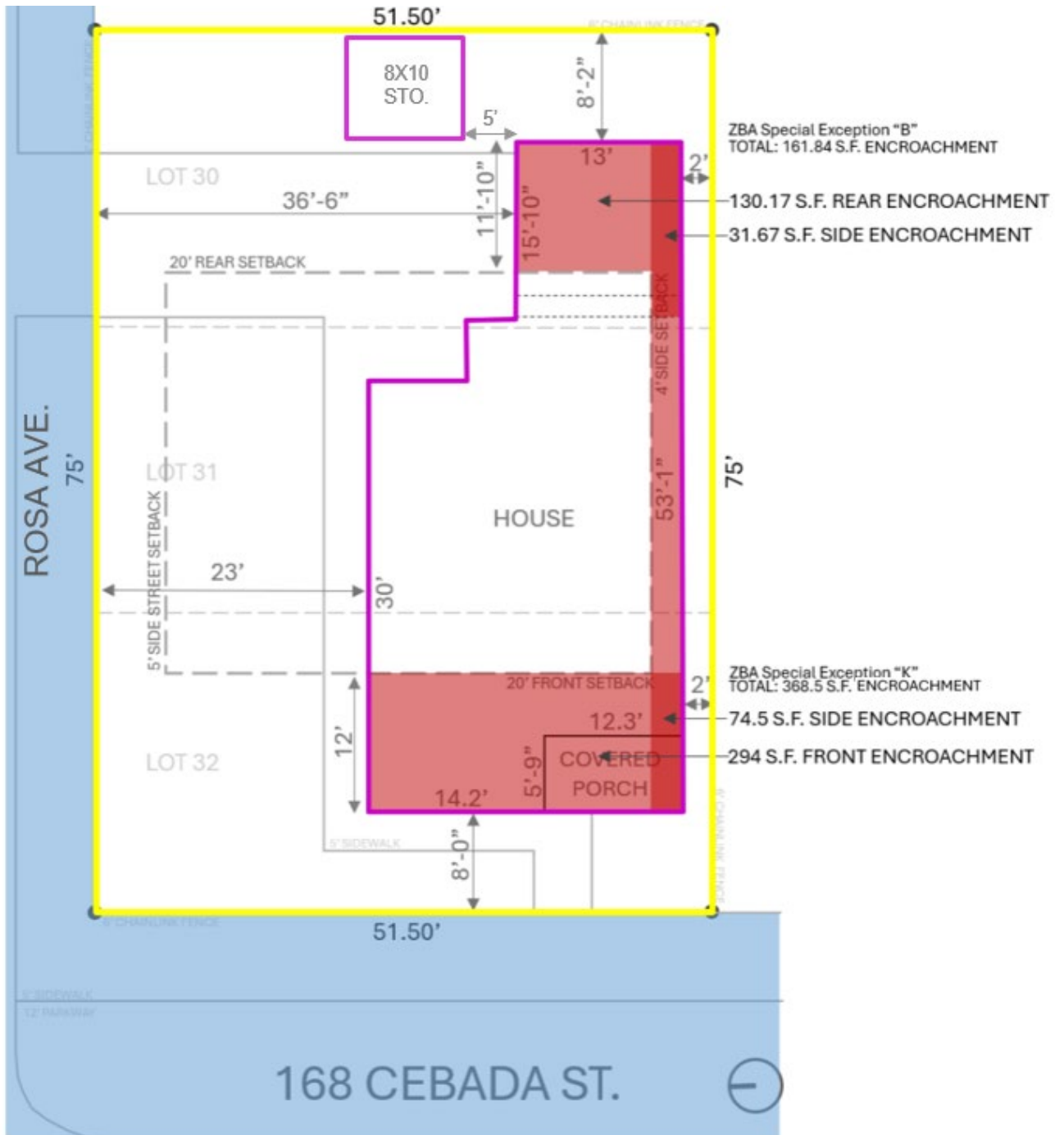


NEIGHBORHOOD NOTIFICATION MAP

PZBA26-00008



SITE PLAN



NONCONFORMING LOTS

PZBA26-00008 | Non-Conforming Lots



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 Subject Property

0 15 30 60 90 120 Feet



NONCONFORMING LOT 1

PZBA26-00008 | 217 N. Luna St.



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 Non-Conforming Lot

0 4 8 16 24 32 Feet



NONCONFORMING LOT 2

PZBA26-00008 | 166 Cebada St.



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Non-Conforming Lot

0 4 8 16 24 32 Feet



2010 AERIAL

PZBA26-00008 | 2010 Aerial



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Subject Property

0 5 10 20 30 40 Feet

