

5107 Raymond Jays

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00019
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Jerry L. Swoveland
REPRESENTATIVE: Jerry L. Swoveland
LOCATION: 5107 Raymond Jays (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of July 16, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to legalize an existing rear structure and to permit the construction of a structure along the side and rear yard in an R-4 (Residential) zone district.

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

The detached storage shed shall be removed from the 5-foot utility easement area, or the easement shall be vacated.

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Subject Property



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize an existing rear structure that encroaches into the required 20.9-foot rear setback, built at zero-feet at the rear property line, constructed to zero-feet at the right-side property line. In addition, the applicant seeks to permit the construction of a proposed 341 square-foot building built along the side yard to be located zero feet from the side property line, to abut the existing structure built into the required rear and side yard setbacks.

BACKGROUND: The minimum rear setback is 10 feet and the minimum side yard setback is 5 feet in the R-4 (Residential) zone district. The required rear setback for the subject property is 20.9 feet to meet the required cumulative front and rear setback of 45 feet. The required side setback is 5 feet.

Aerial photography indicates the existing rear structure was constructed before 1956, which is before the adoption of the “modern” zoning code of the City. El Paso Central Appraisal records indicate the existing home was constructed in 1950. There are two other properties located on the same block, 5119 Raymonds Jay Rd. and 5129 Raymonds Jay Rd. that contain structures that extend 20.9 feet into the rear setbacks and five feet into the required side yard setbacks. There is an existing code violation case for the existing rear structure that is pending the decision of the Zoning Board of Adjustment (ZBA).

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	24.1 feet	No Change
Rear	20.9 feet	0 feet
Cumulative Front & Rear	45 feet	24.1 feet
Side (South)	5 feet	No Change
Side (North)	5 feet	0 feet
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 5119 Raymonds Jay Rd. and 5129 Raymonds Jay Rd. extend 20.9 feet into the rear setbacks and five feet into the required side 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. The examples of the existing encroachments both have structures built to zero-feet into the required rear and side yard 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 10, 2024, to all property owners within 300 feet of the 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 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

5107 Raymond Jays Road

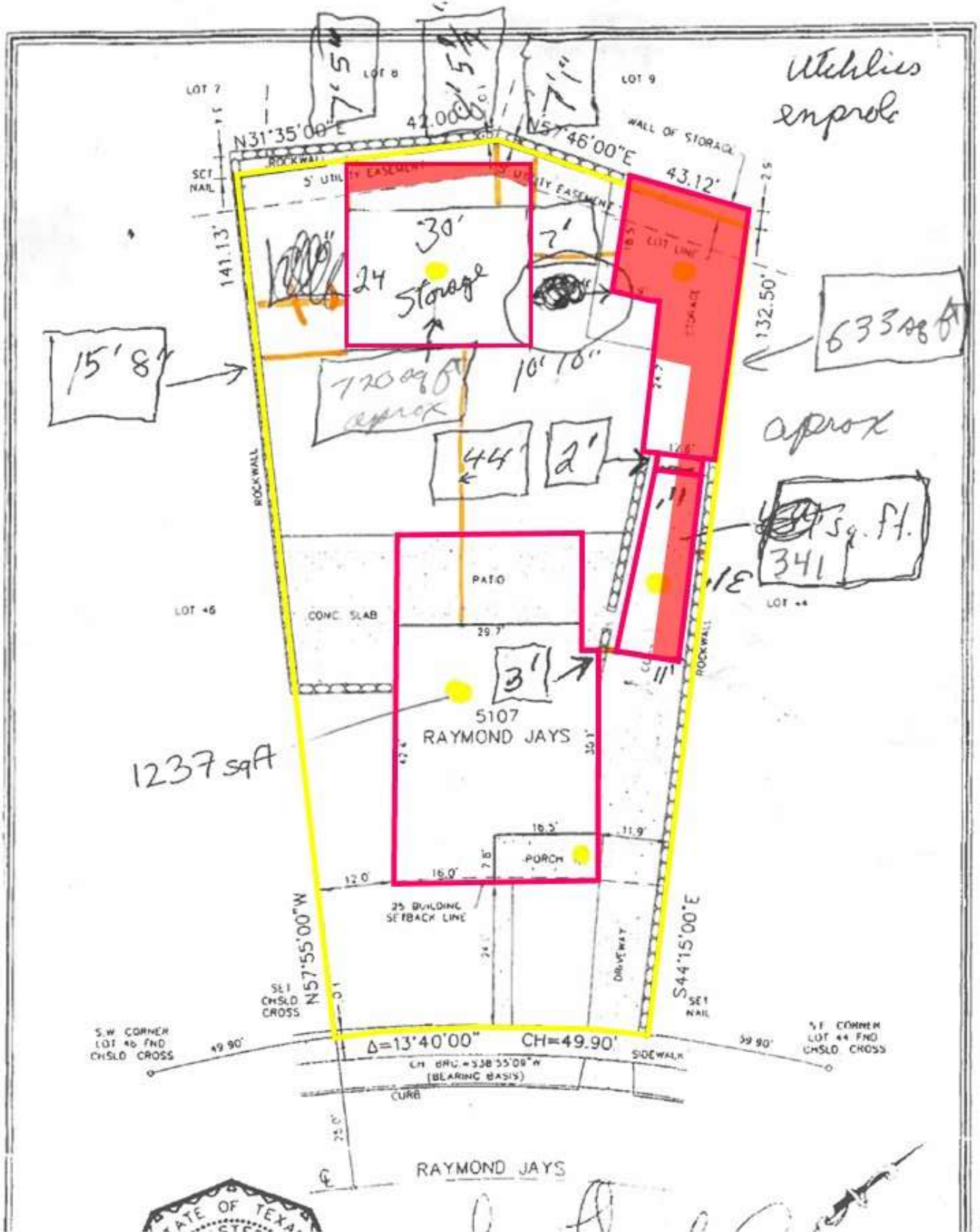


NEIGHBORHOOD NOTIFICATION MAP

5107 Raymond Jays Road



SITE PLAN (EXISTING AND PROPOSED)



NONCONFORMING LOTS

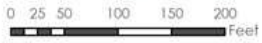
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 Subject Property



NONCONFORMING LOT 1

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NONCONFORMING LOT 2

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