

5501 Mike Vane

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00061
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Andre Roland & Blanca C. Aragon
REPRESENTATIVE: Jose Martin Lopez
LOCATION: 5501 Mike Vane Drive. (District 4)
ZONING: R-3A (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of September 10, 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 pergola, extending into the required rear yard setback in the R-3A (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than the encroachments present on at least two other neighboring properties.

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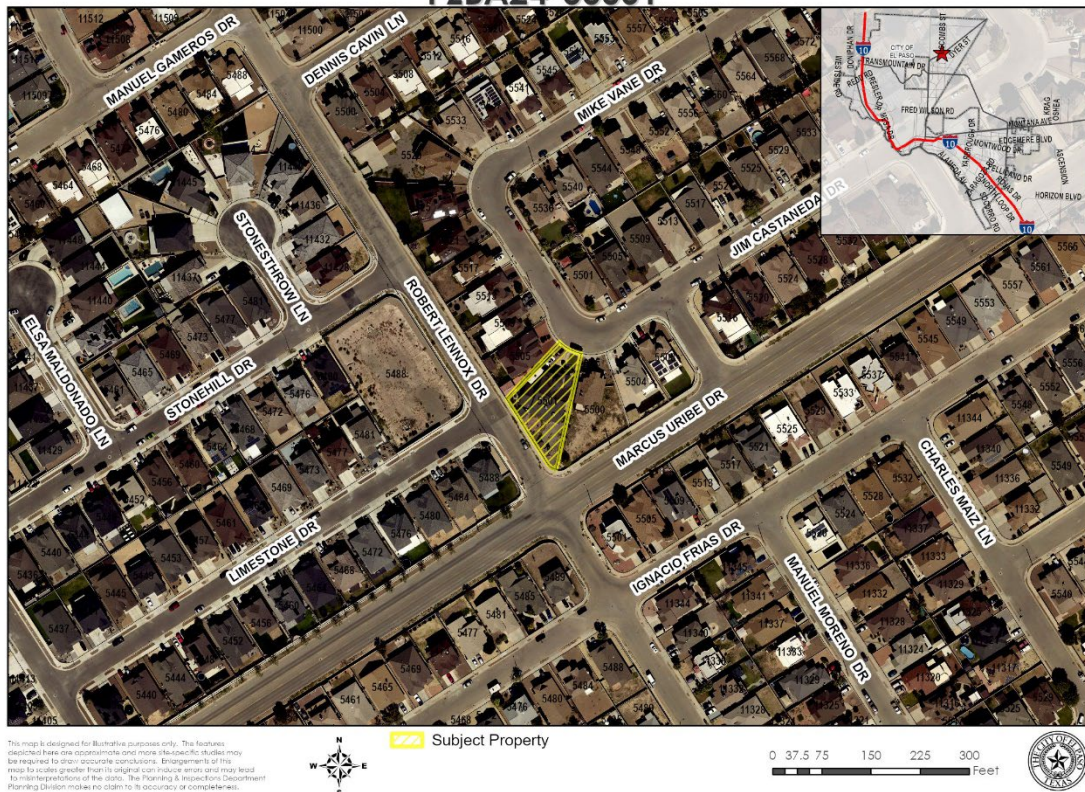


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception request to allow to legalize an existing 230 square foot pergola, of which 11.37 feet extend into the required 15-foot rear yard setback, resulting in a total encroachment of 189 square feet.

BACKGROUND: The minimum front setback is 15 feet in the R-3A (Residential) zoning district. The required rear setback is 15 feet to meet the cumulative front and rear setback of 45 feet. The main residence was built approximately in 2012, with current owners residing in the property for 12 years at most. The existing pergola was built approximately in 2012, and has an area of encroachment of 189 square feet.

Per Special Exception B, two other nonconforming properties have been identified. 5577 Mike Vane Drive has attached structures encroaching onto the rear yard setback with an area of 200.89 square feet. Similarly, 5585 Mike Vane Drive has attached structures encroaching onto the rear yard setback with an area of 286.70 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No change
Rear	15 feet	1.46 feet
Cumulative Front & Rear	45 feet	31.46 feet
Side (West)	5 feet	No change
Side (East)	10 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 5577 and 5585 Mike Vane Drive, are two non-conforming properties that have rear yard encroachments that are less conforming than those from 5501 Mike Vane Drive.
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. 5577 and 5585 Mike Vane Drive have encroachments that extend into the rear yard setbacks. Both of these properties have attached accessory structures encroaching into their required rear yard setback.
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 September 6, 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.

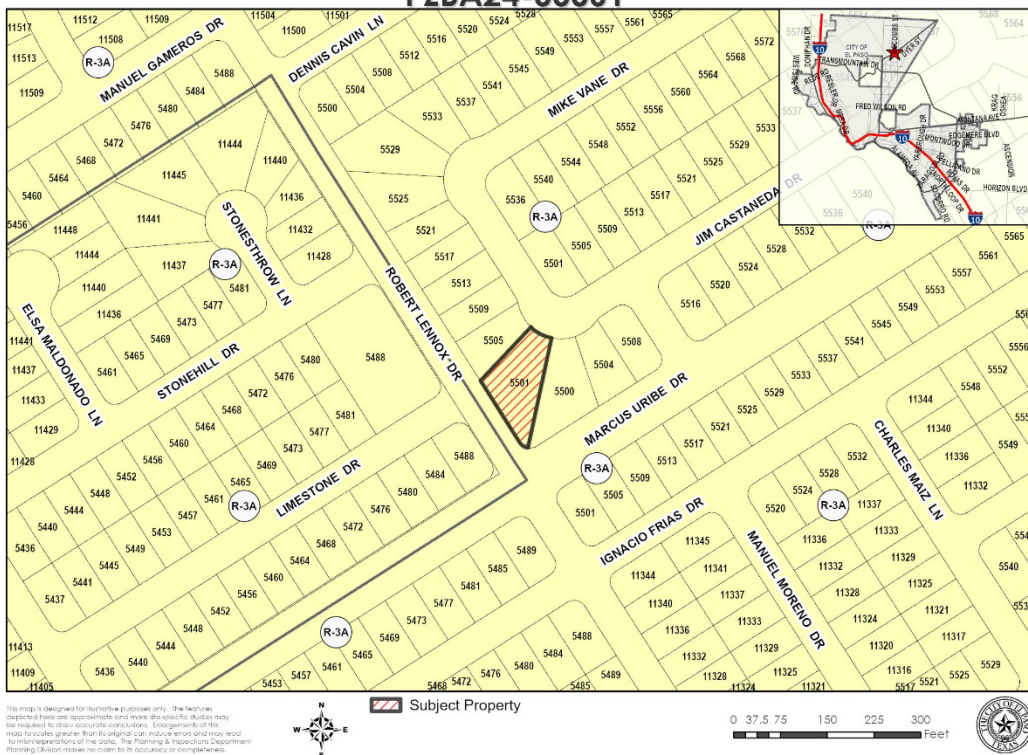
ZONING BOARD OF ADJUSTMENT OPTIONS:

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 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.

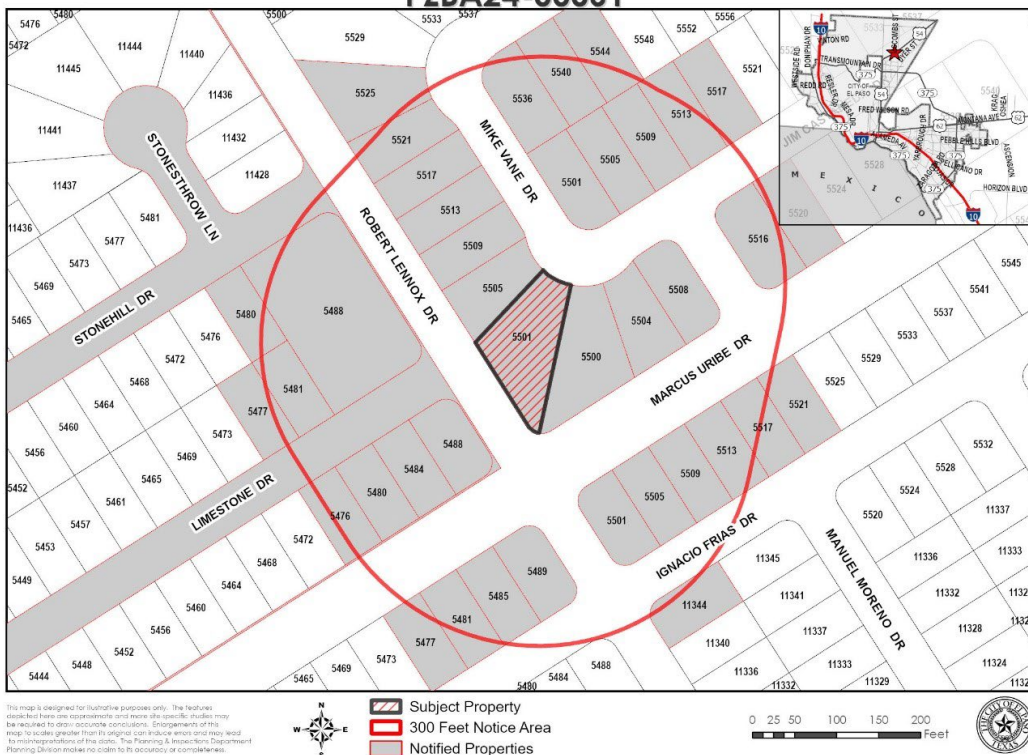
ZONING MAP

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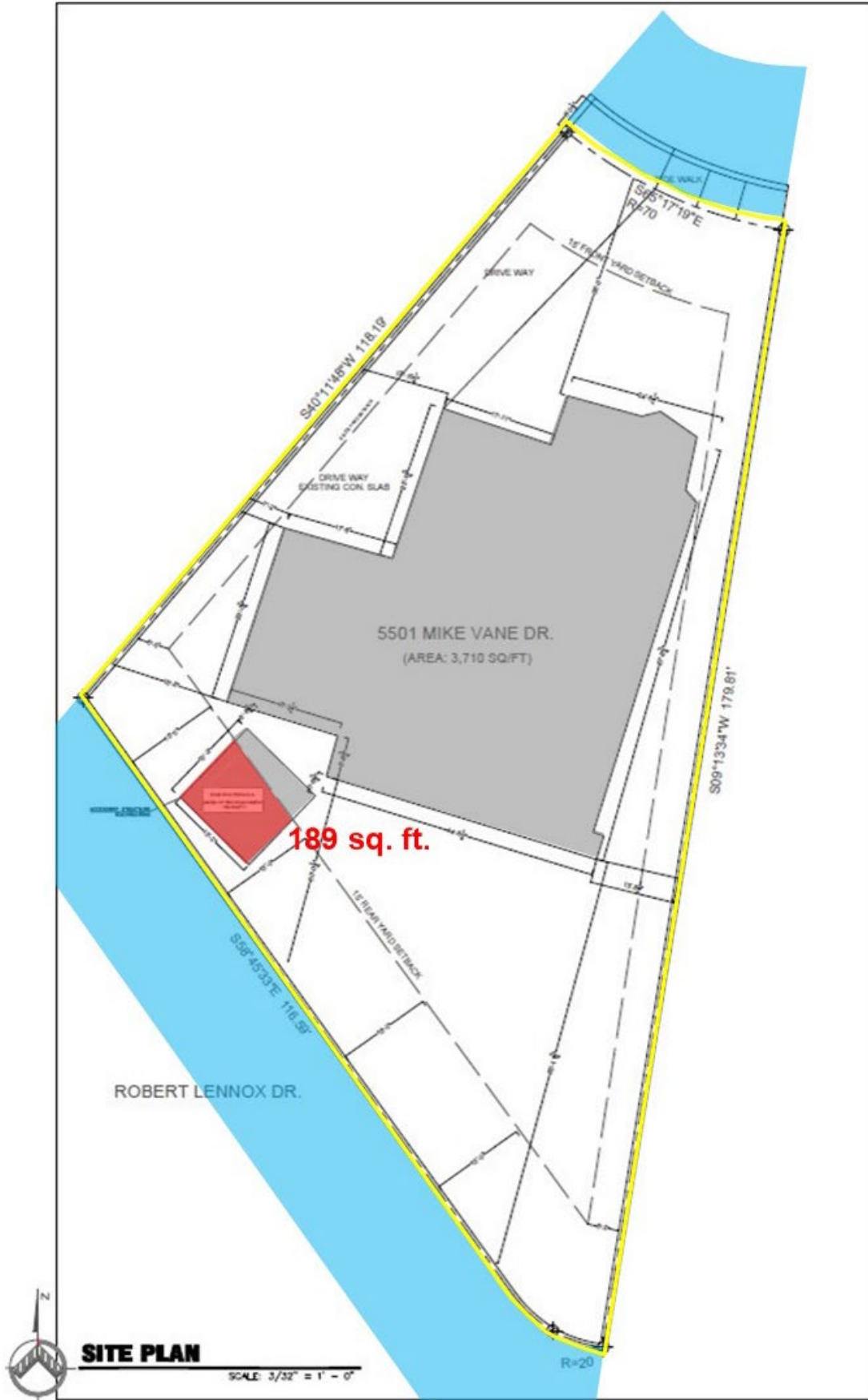


NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN



NONCONFORMING LOTS



NONCONFORMING LOT 1



NONCONFORMING LOT 2

