

11229 Sandcastle

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00041
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Ruben Carrasco and Delia D. Carrasco
REPRESENTATIVE: Omar Verduzco, Superior Roofing Construction
LOCATION: 11229 Sandcastle Ct. (District 6)
ZONING: R-3 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: Five (5) letters in support received via email 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 allow to legalize an existing carport into their required 5-foot side yard setback in an R-3 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** 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 conditions are as follows:

1. Storage shed shall be removed or relocated from the 5-foot utility easement.
2. The gazebo shall be relocated 5 feet away from the main building as demonstrated on the site plan.
3. That the encroachment of the carport be no more than 20' in depth.

PZBA24-00041



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 include 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



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize an existing carport, which extends 3 feet 4 inches into the required side yard setback for 187 square feet of total encroachment.

BACKGROUND: The minimum side setback is 5 feet in the R-3 (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain carports located in the side yard that encroach into their respective side yard setbacks located at 11233 Sandcastle Court and 11216 Sandcastle Court for a total encroachment area of 77.81 square feet and 67.67 square feet.

According to the El Paso Central Appraisal District Records, this property was built in 1988. The current owner has owned the property since 1989 and the encroachment was built in 2007. The existing storage on the property that is over the 5’ utility easement will be demolished and the existing gazebo will be relocated to be 5’ away from the porch in the rear of the property.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	50 feet	No Change
Side (West)	5 feet	1 foot 8 inches
Side (East)	5 feet	No Change
Cumulative Side	N/A	No Change

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 5 inches into the side setback, and another house extends 3 feet 4 inches.
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 located within the side yards which extend into their required 5-foot side yard setback located at 11233 Sandcastle Court and 11216 Sandcastle Court.
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 subject property. The Planning Division has received five (5) letters via email in support of the special exception request.

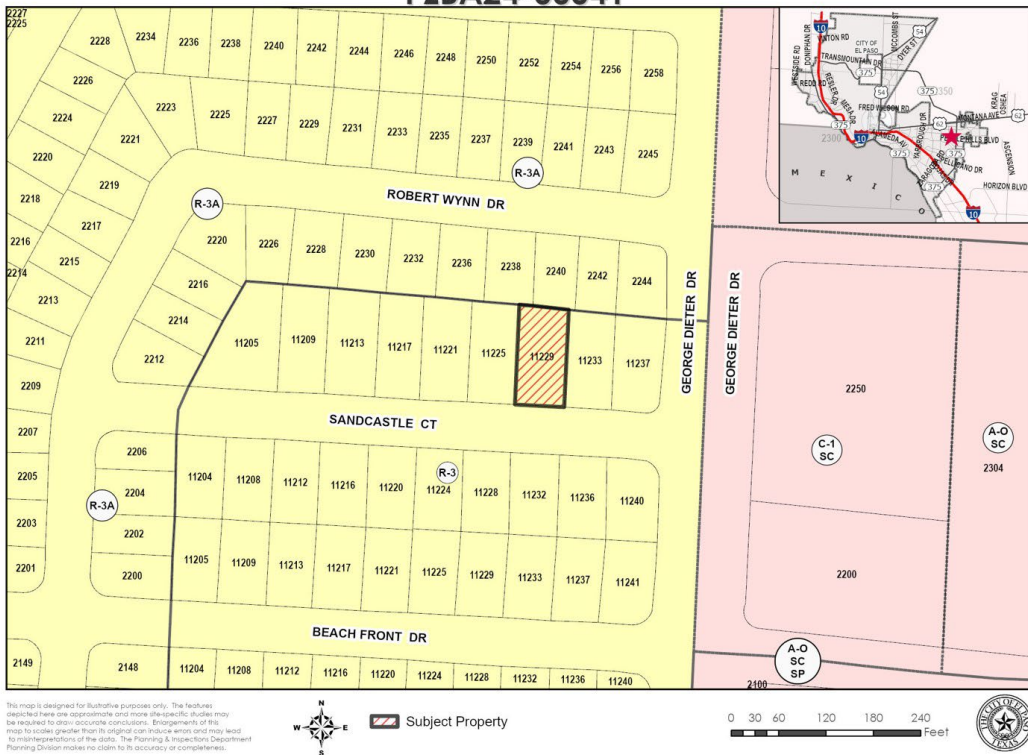
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

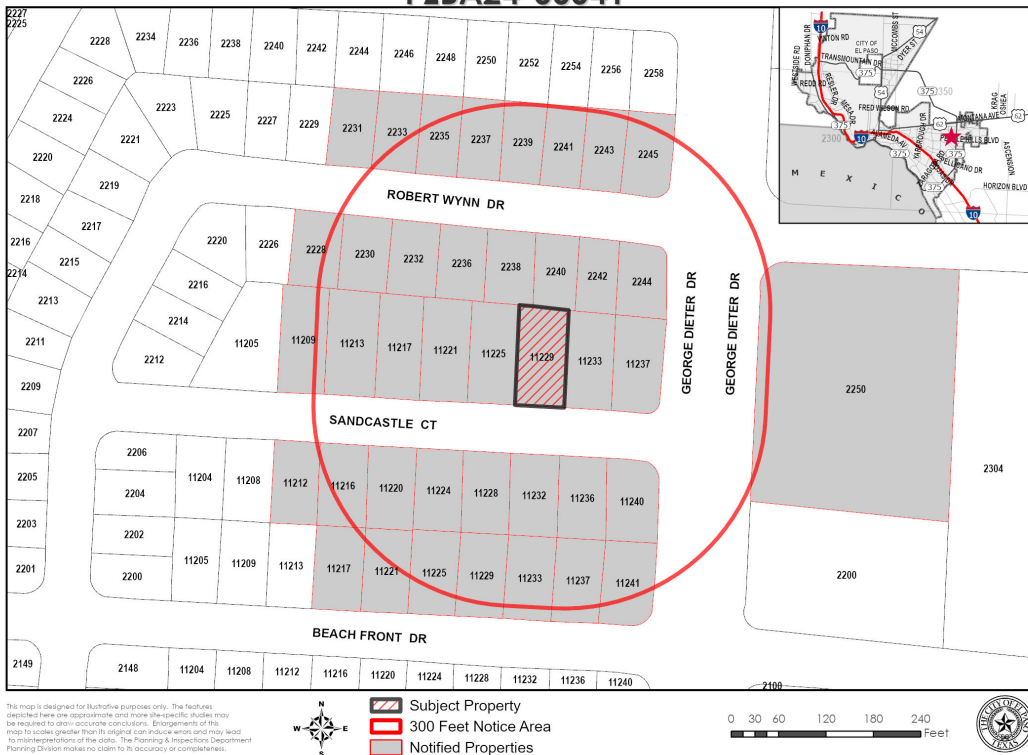
ZONING MAP

PZBA24-00041

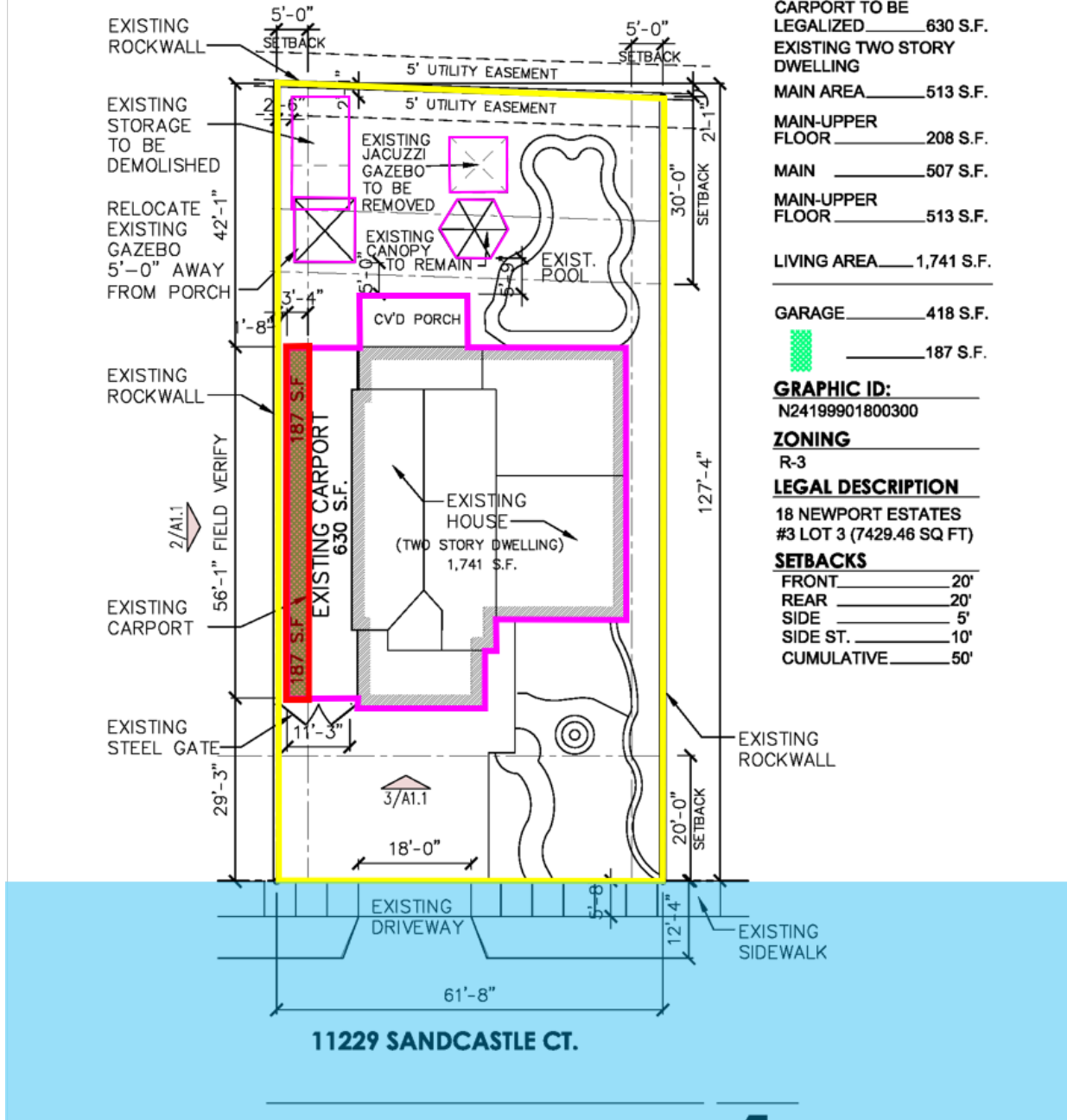


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00041



SITE PLAN



SQUARE FOOTAGE

CARPOT TO BE LEGALIZED	630 S.F.
EXISTING TWO STORY DWELLING	
MAIN AREA	513 S.F.
MAIN-UPPER FLOOR	208 S.F.
MAIN	507 S.F.
MAIN-UPPER FLOOR	513 S.F.
LIVING AREA	1,741 S.F.
GARAGE	418 S.F.
	187 S.F.

GRAPHIC ID:
N24199901800300

ZONING
R-3

LEGAL DESCRIPTION
18 NEWPORT ESTATES
#3 LOT 3 (7429.46 SQ FT)

SETBACKS

FRONT	20'
REAR	20'
SIDE	5'
SIDE ST.	10'
CUMULATIVE	50'



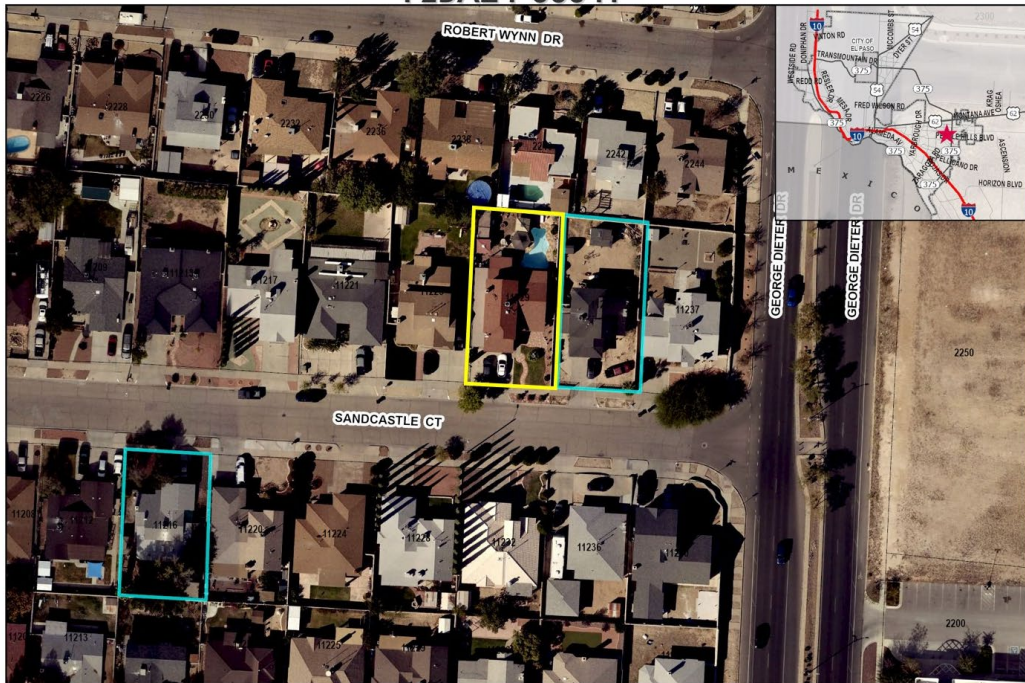
EXISTING SITE PLAN

SCALE: 1" = 20'-0" 630 S.F. A1.1

1



NONCONFORMING LOTS

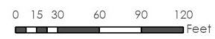
PZBA24-00041



This map is designed for illustrative purposes only. The features depicted here are representative 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
-  Non-conforming Lots



NONCONFORMING LOT 1

PZBA24-00041



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 introduce 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 4.5 9 18 27 36 Feet



NONCONFORMING LOT 2

PZBA24-00041



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 introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



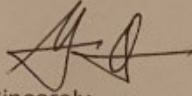
 Subject Property

0 4 8 16 24 32 Feet



To whom it may concern,

This is to inform you that I have been a neighbor of Mr. Carrasco for thirty four years and the porch that he built at his home at 11229 Sandcastle Court over twenty years ago does not disturb us in anyway and we don't have any issues with the porch.

A handwritten signature in black ink, appearing to read 'Guillermo Ochoa', with a stylized flourish extending to the right.

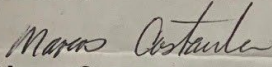
Sincerely,
Guillermo Ochoa
11236 Sandcastle Court
El Paso, Texas 79936

To Whom It May Concern,

July 12, 2024

This is to inform you that the porch that Mr. Carrasco had built at 11229 Sandcastle Court, El Paso Texas 79936 some twenty years ago does not bother us, and we don't have any issues with it.

Sincerely



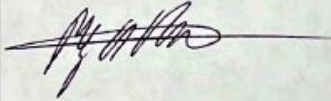
Marcos Castaneda
11225 Sandcastle Court
El Paso, Tx 79936

Miguel Martinez
11233 Sandcastle ct.
El Paso TX 79936

To whom it may concern:

I have been Mr. Carrasco's neighbor since 2015. His structure of his home, porch, was already there prior to us moving in to our home. Mr. Carrasco's porch has not caused any disturbance and will not cause any future disturbance to us. We have not had any issues or have been affected negatively with Mr. Carrasco's property.

Thank you,

A handwritten signature in black ink, appearing to read 'Miguel Martinez', with a horizontal line extending to the right.

July 12, 2024

To whom it may concern at The City of El Paso,

I am a neighbor of Mr. Ruben Carrasco. I live directly across from the Carrasco's at 11228 Sandcastle Ct. In the many years that we have been neighbors, Mr. Carrasco has always maintained his home beautifully! We have no problems with his porch. It fits well with the architecture of the rest of the house and looks nice in the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Johnson', with a stylized flourish extending to the right.

Ron Johnson
11228 Sandcastle Ct,
El Paso, TX 79926

7/16/24

To: The Zoning Board of Adjustments

THIS IS IN REGARDS TO THE LETTER I RECEIVED REGARDING CASE NUMBER PZBA24-00041, PROPERTY OWNERS/APPLICANT RUBEN & DELIA D. CARRASCO.

I AM THE PROPERTY OWNER AT 11224 SANDCASTLE COURT, EL PASO, TX 79936. MY NAME IS MARGARITA A. AGUILERA. I MAY BE REACHED AT (915) 525-7239.

I HAVE NO ISSUE IN REGARDS TO MR. CARRASCO'S SPECIAL EXCEPTION REQUEST OF AN EXISTING CARPORT. IT WILL BE FINE BY ME.

I RESPECTFULLY REQUEST THE ZONING BOARD OF ADJUSTMENTS TO ALLOW TO LEGALIZE THE EXTENSION AS REQUESTED.

Respectfully yours

MS. MARGARITA AGUILERA
11224 SANDCASTLE Ct.
EL PASO, TX 79936

(915) 525-7239