

# 5301 Timberwolf

Zoning Board of Adjustment — August 5, 2024



**CASE NUMBER:** PZBA24-00059  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Ana C. Moreno and Angelina Badillo Moreno  
**REPRESENTATIVE:** Cedans Architect, Daniel Mendoza  
**LOCATION:** 5301 Timberwolf Dr. (District 3)  
**ZONING:** R-4 (Residential)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots)  
**PUBLIC INPUT:** None received as of July 30, 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 and garage structures in an R-4 (Residential) zone district.

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

## PZBA24-00059



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Subject Property

0 5 10 20 30 40 Feet



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 garage structures, which extend 3 feet 9 inches (79 square feet) and 3 feet 4.5 inches (82 square feet) into their required side yard setbacks for 161 square feet of total encroachment.

**BACKGROUND:** The minimum side setback is five feet (5') in the R-4 (Residential) zone district. According to El Paso Central Appraisal District Records, the home along with the garage were constructed in 1951. The carport was constructed in 2012. Aerial photographs indicate there are four (4) other properties on the same block that contain structures located in their respective side yards located at 5505 (159.43 sq. ft), 5413 (192.02 sq. ft), 5313 (135.04 sq. ft), and 5209 Timberwolf Drive (125.11 sq. ft). The property at 5413 Timberwolf Drive is registered as Legal-Non-Conforming for the side carport encroachment into the required five-foot (5') side setback.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	45 feet	No Change
Side (West)	5 feet	No Change
Side (East)	<b>5 feet</b>	<b>1 foot 3 inches</b>
Cumulative Side	N/A	N/A

<b>COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA</b>	
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 four (4) houses on the same block extend five feet (5') into their side 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 properties on 5505 and 5209 Timberwolf Drive contain garages that encroach into their entire respective five-foot (5') side setbacks. The properties on 5313 and 5413 Timberwolf Drive contain carports that encroach into their entire respective five-foot (5') side 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 24, 2024 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

PZBA24-00059



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 Subject Property

0 10 20 40 60 80 Feet



# NEIGHBORHOOD NOTIFICATION MAP

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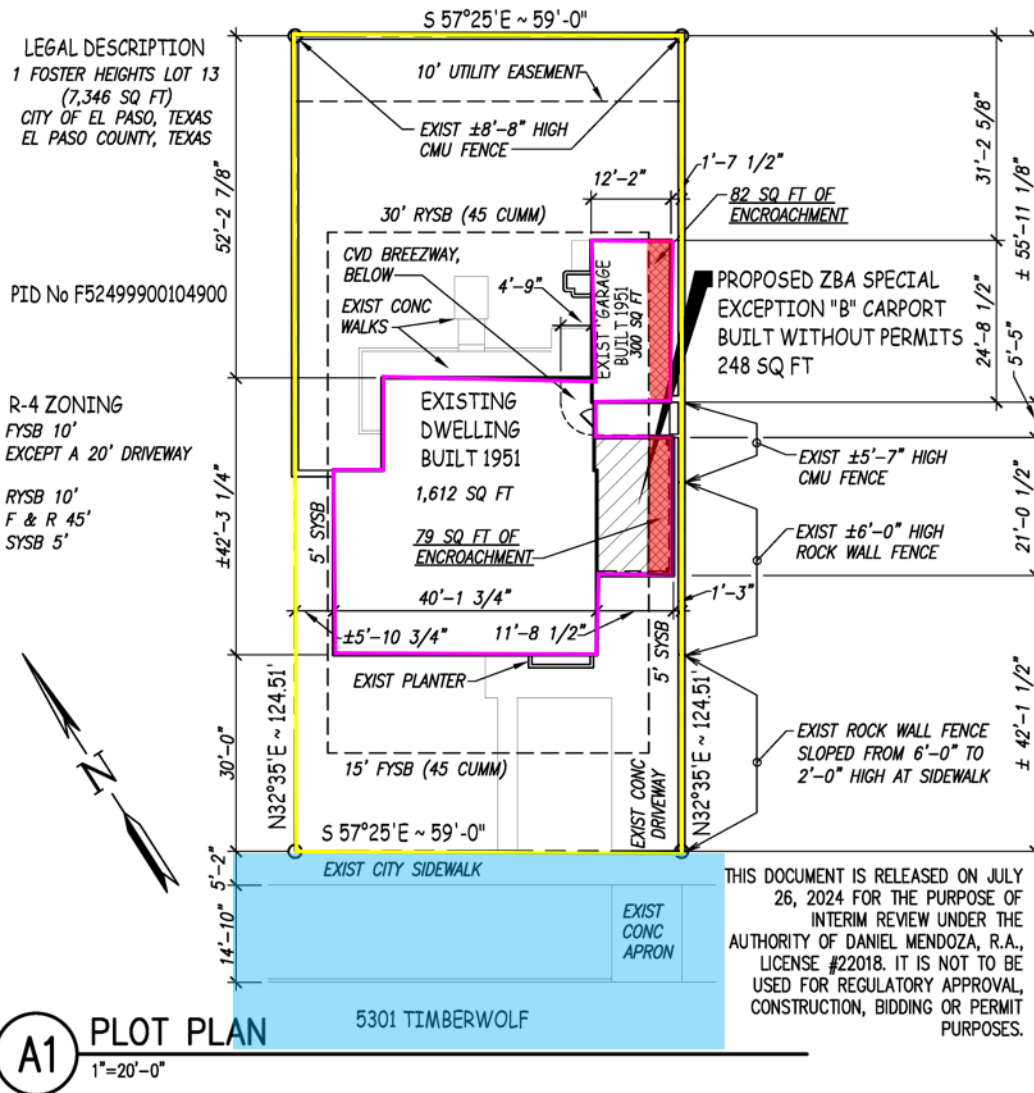


 Subject Property  
 300 Feet Notice Area  
 Notified Properties

0 30 60 120 180 240 Feet



# SITE PLAN



**A1 PLOT PLAN**  
 1"=20'-0"

**PROJECT NAME:** MS MORENO & MRS BADILLO  
**PROJECT ADDRESS:** 5301 TIMBERWOLF  
 EL PASO, TEXAS  
 79903

**SHEET:** A-1  
**ISSUE DATE:** 7/26/2024  
**REVISIONS:** SETBACK CUMM  
 CVD BRZWAY

**CA PROJECT #:** 2410



1404 Lost Pines Lane      915.590.5683      EL PASO, TX 79936

NONCONFORMING LOTS

PZBA24-00059



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 Subject Property

0 37.5 75 150 225 300 Feet




# NONCONFORMING LOT 1

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 Subject Property

0 5 10 20 30 40 Feet



# NONCONFORMING LOT 2

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 Subject Property

0 5 10 20 30 40 Feet




# NONCONFORMING LOT 3

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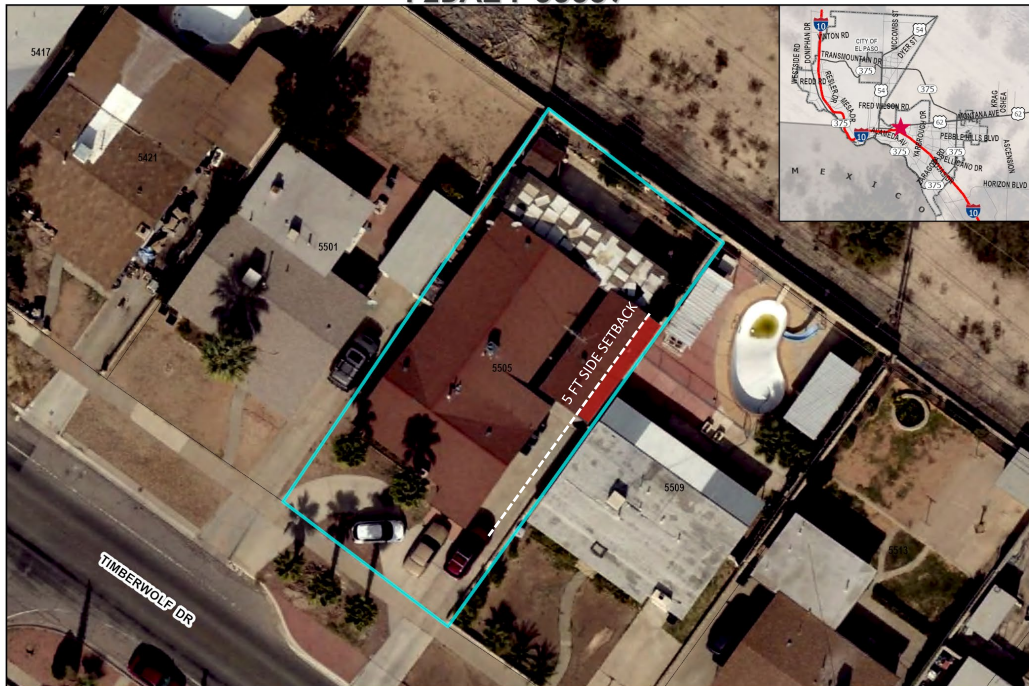
 Subject Property

0 5 10 20 30 40 Feet



# NONCONFORMING LOT 4

## PZBA24-00059



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 Subject Property

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