

1740 Alan Shepard

Zoning Board of Adjustment — June 17, 2024



CASE NUMBER:	PZBA24-00042
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	David P. and Patricia H. Theriault
REPRESENTATIVE:	David P. and Patricia H. Theriault
LOCATION:	1740 Alan Shepard Lane (District 6)
ZONING:	R-3A (Residential)
REQUEST:	Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT:	None as of June 13, 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 storage shed addition into their required 5-foot side yard setback in an R-3A (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** 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 condition is the following:

Storage shed shall be removed from the five-foot utility easement area, or the easement shall be vacated.

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Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize an existing storage shed addition, which extends 3 feet into their required side yard setback for a total encroachment of 14.97 square feet.

BACKGROUND: The shed is being considered as home addition due to being located closer than 5 feet to the main structure. The minimum side yard setback is 5 feet in the R-3A (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain structures located in the side yard that encroach into their respective side yard setbacks located at 1784 Alan Shepard Lane and 1718 Leroy Bonse Drive for a total encroachment of 41.41 square feet and 74.77 square feet respectively.

The shed built over the five-foot utility easement area. It needs to be removed from the easement area or the easement shall be vacated. The property owner is responsible for the construction.

According to the El Paso Central Appraisal District, the home was built in 1986. The current owner has owned the property since 2022.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	No Change
Cumulative Front & Rear	45 feet	No Change
Side (East)	5 feet	No Change
Side (West)	5 feet	3 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:

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:

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 two houses on the same block extends 5 feet into the 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. There are two (2) other houses on the same block located within the side yards which extend into their required 5-foot side yard setback located at 1784 Alan Shepard Lane and 1718 Leroy Bonse Drive.
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 May 1, 2024 and June 5, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communication in support or opposition to the special exception request.

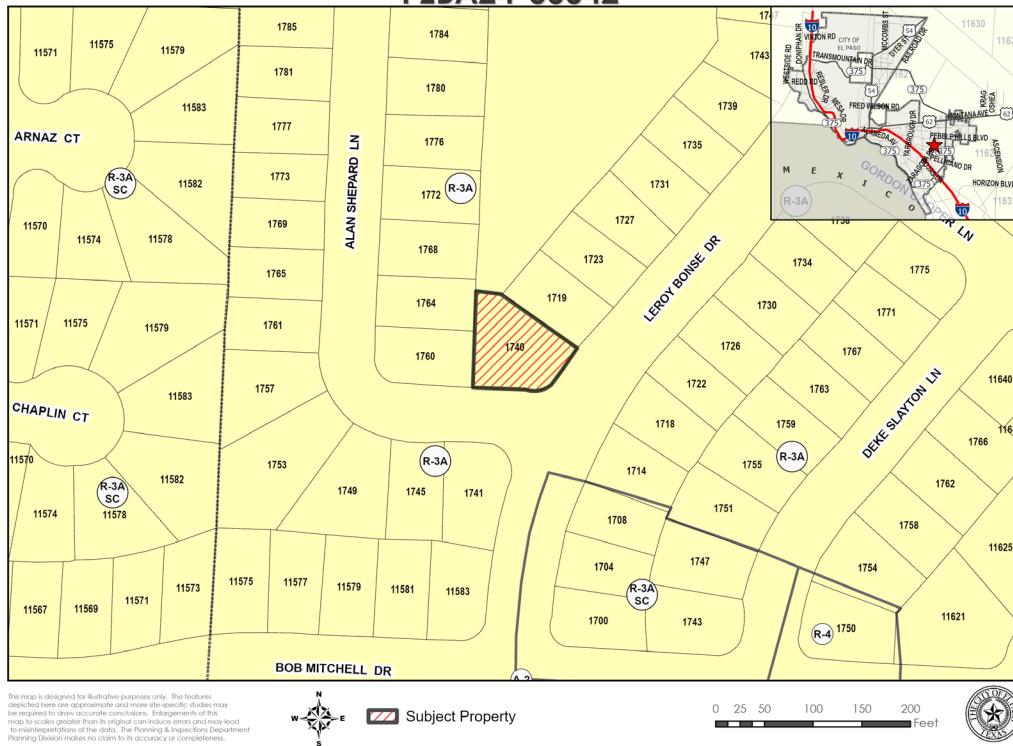
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

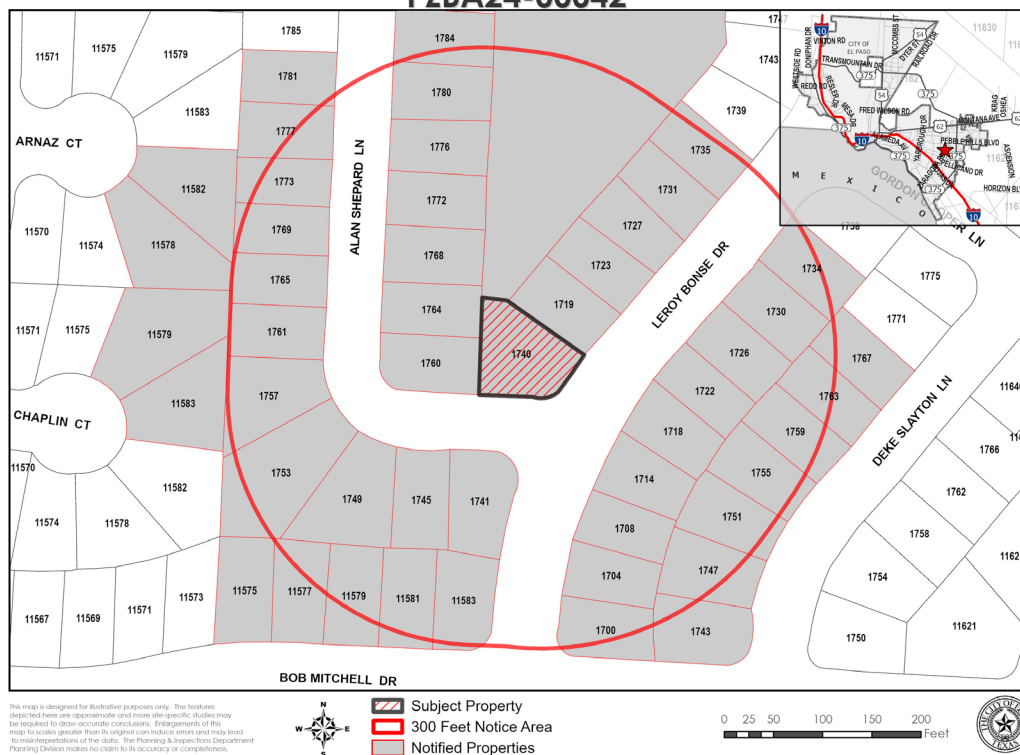
ZONING MAP

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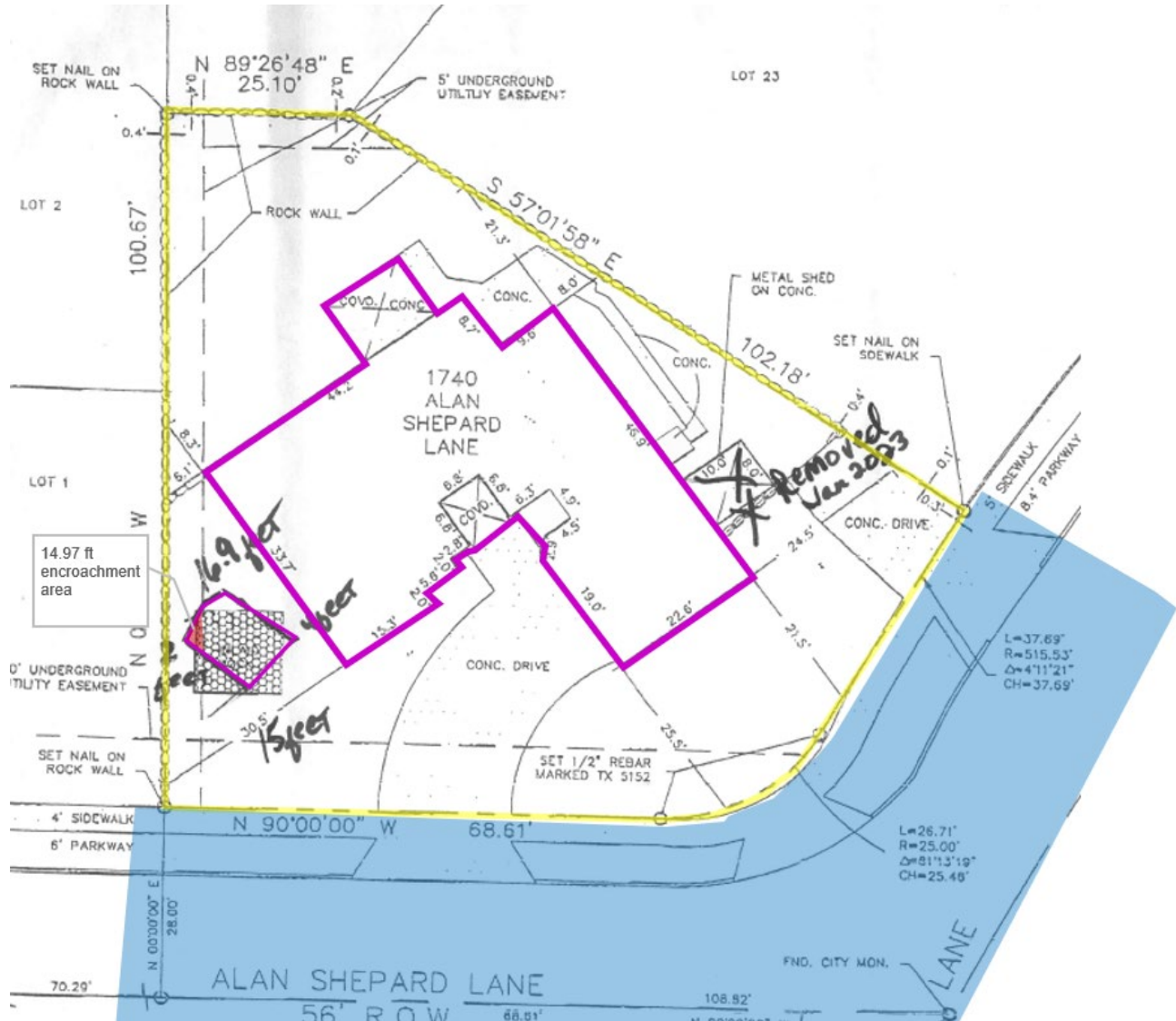


NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN



NONCONFORMING LOTS

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NONCONFORMING LOT 1

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NONCONFORMING LOT 2

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



Non-conforming Lots

0 5 10 20 30 40 Feet

