

11005 Northview

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00077
CASE MANAGER: Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Juan Arturo and Erika Torres
REPRESENTATIVE: Jaime Sandate
LOCATION: 11005 Northview Dr. (District 4)
ZONING: R-3A (Residential)
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit the construction of a proposed two (2) story home addition 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 area of encroachment is less than the maximum permitted.

PZBA24-00077



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a two (2) story home addition, of which 187 square feet encroaches 8.5 feet into the required 23.5-foot rear yard setback.

BACKGROUND: The minimum rear setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 23.5 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. The existing residence was built approximately in 2007, with property owners residing 1 year at most.

The existing house features a 171.5 square foot balcony, which encroaches 76 square feet and extends 4 feet into the required 23.5-foot rear yard setback. With the proposed addition, the total encroachment will be 263 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	21.5 feet	No Change
Rear	23.5 feet	15 feet
Cumulative Front & Rear	45 feet	36.5 feet
Side (Right)	5 feet	No Change
Side (Left)	5 feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	304.6 square feet	21.6' (65' average lot width ÷ 3) X 14.1' (3/5 of 23.5' required rear yard setback)
Requested Area of Encroachment	263 square feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.C CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.C to:
Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;	Yes. The maximum permitted area of encroachment is 304.6 square feet, which is more than the requested area of encroachment of 263 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 15-foot rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

PUBLIC COMMENT: Public notice was sent on October 3, 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.

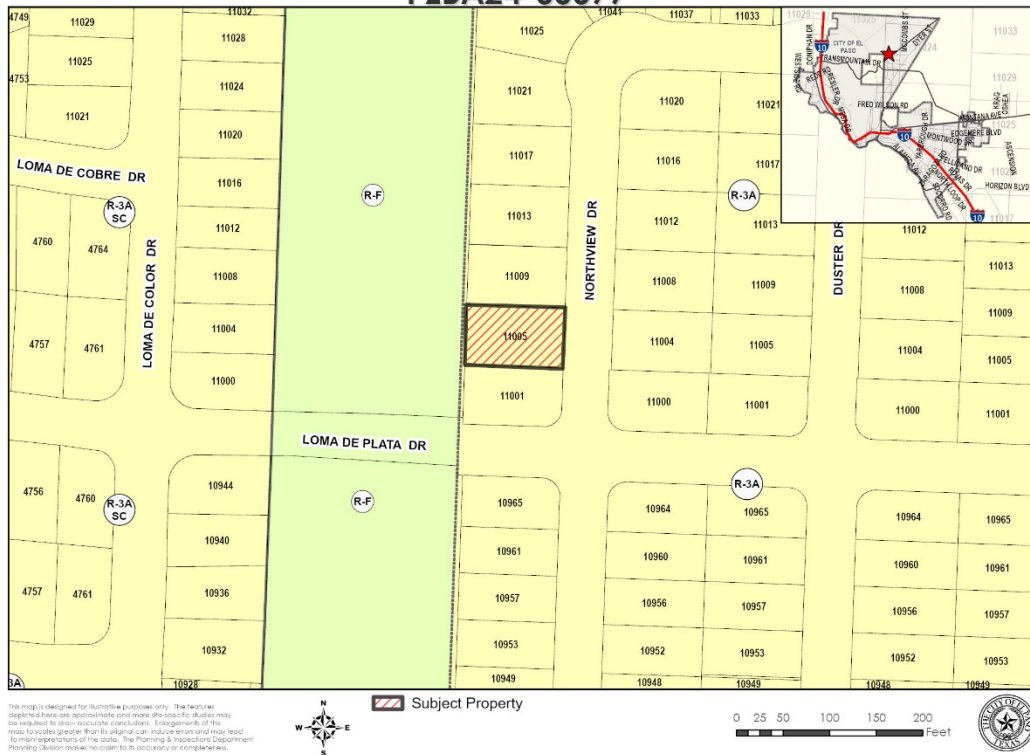
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

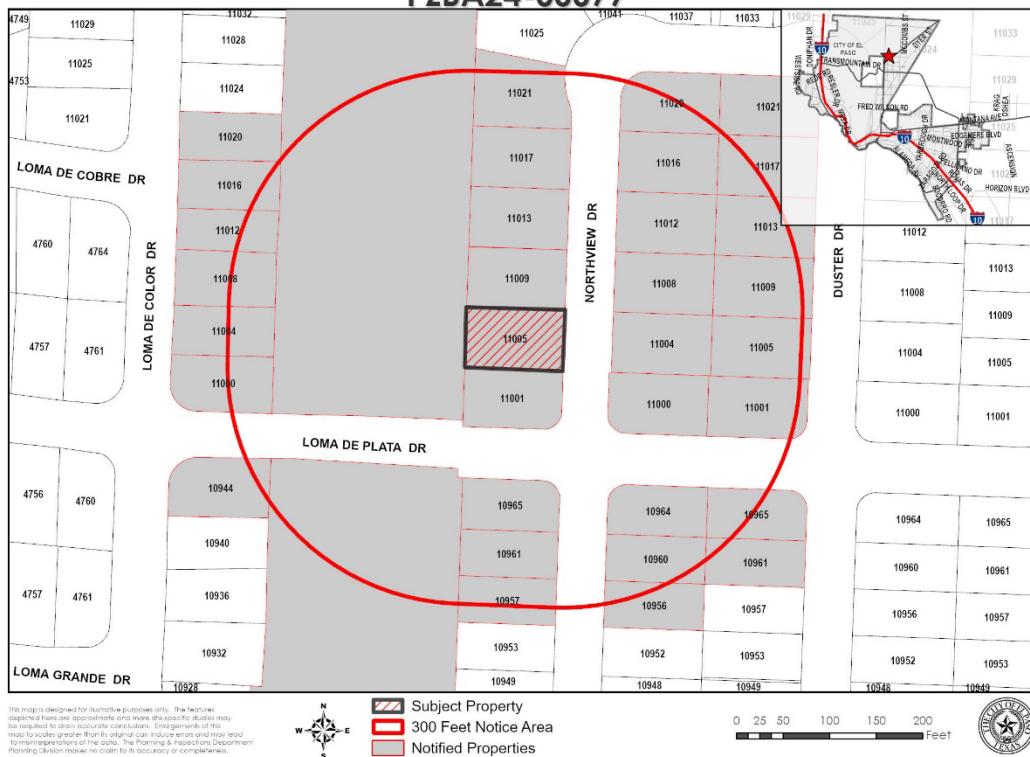
ZONING MAP

PZBA24-00077

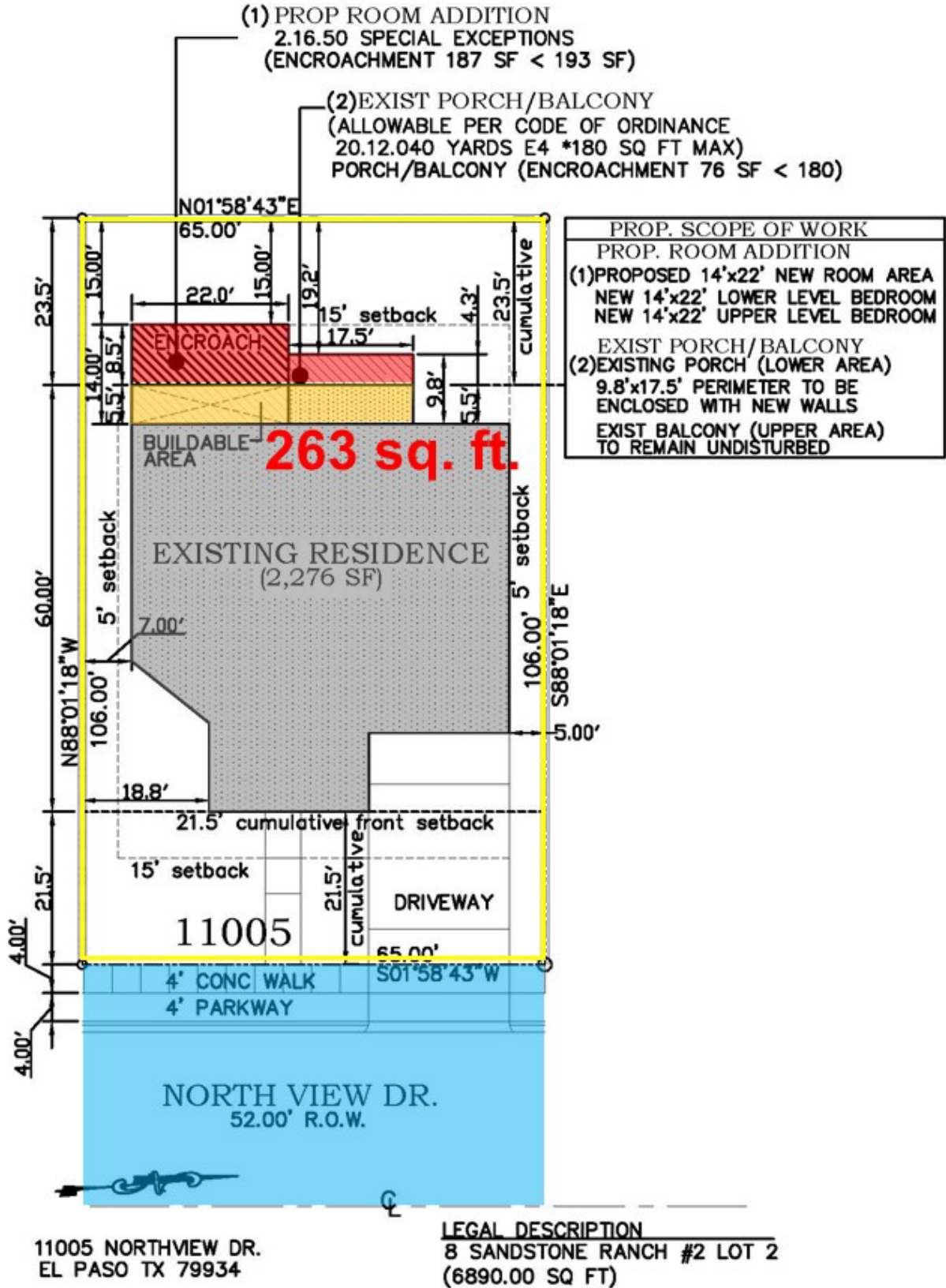


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00077



SITE PLAN



PROPOSED REAR ENCROACHMENT

SCALE:

1"=20'