

8201 Dempsey

Zoning Board of Adjustment — April 20, 2026



CASE NUMBER: PZBA26-00002
CASE MANAGER: Alejandra González, (915) 212-1506, GonzalezAG@elpasotexas.gov
PROPERTY OWNER: Joshua & Elizabeth Burch
REPRESENTATIVE: Jorge Campos
LOCATION: 8201 Dempsey Avenue (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT: None received as of April 14, 2026

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 addition to the single-family dwelling in a R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested area of encroachment is less than the maximum permitted. The condition is as follows:

1. That the existing accessory structure at the rear be relocated or removed from the 5-foot utility easement area as stated on the site plan.

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Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed addition which would extend 15 feet into the required rear yard setback for a 352.5 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the R-4 (Residential) zone district. The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. The current owner has owned the property since 2022 based on El Paso Central Appraisal District. The single-family dwelling was built in 1956.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	10 feet
Cumulative Front & Rear	45 feet	30 feet
Side (West)	5 feet	No Change
Side (East)	5 feet	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	361 square feet	25.3' (76' average lot width ÷ 3) X 14.25' (3/5 of 23.75' required rear yard setback)
Requested Area of Encroachment	352.5 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: <i>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:</i>	
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 361 square feet, which is more than the requested area of encroachment of 352.5 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 10-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 April 10, 2026 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.
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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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.



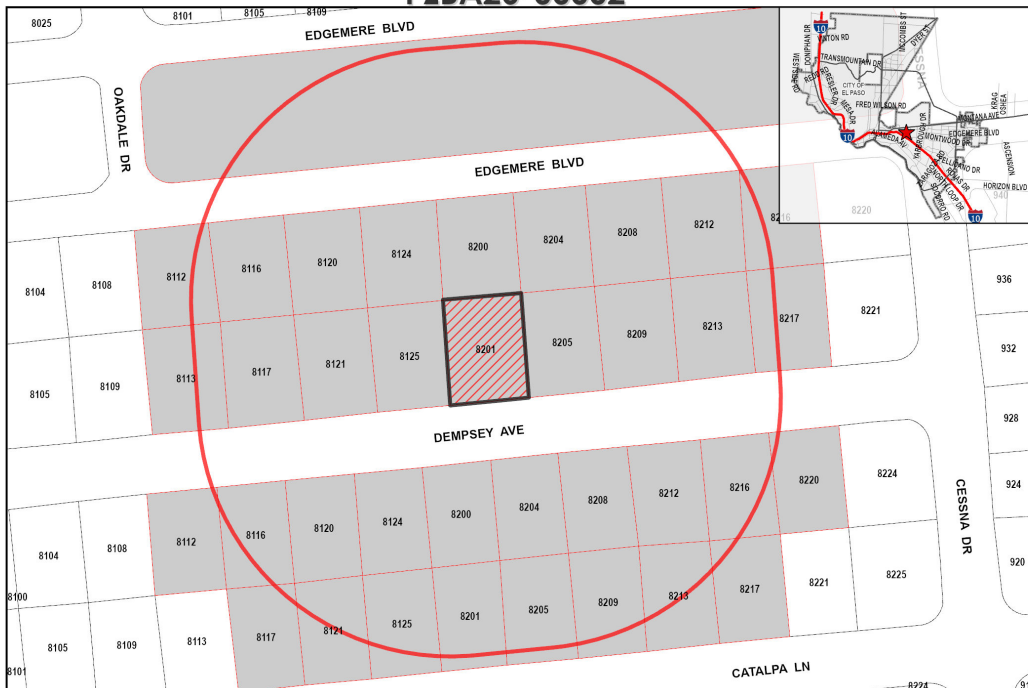
 Subject Property

0 20 40 80 120 160 Feet



NEIGHBORHOOD NOTIFICATION MAP

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 Subject Property
 300 Feet Notice Area
 Notified Properties

0 25 50 100 150 200 Feet



