

# 2112 Tremont

Zoning Board of Adjustment — June 17, 2024



**CASE NUMBER:** PZBA24-00033  
**CASE MANAGER:** Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)  
**PROPERTY OWNER:** Trinney Meza  
**REPRESENTATIVE:** Cesar Gonzalez  
**LOCATION:** 2112 Tremont Ave. (District 2)  
**ZONING:** R-5 (Residential)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots)  
**PUBLIC INPUT:** None received 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 covered patio in an R-5 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH A 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 as follows:

1. That the existing carport and shed be removed from the property as stated on the site plan.

## PZBA24-00033



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Subject Property

0 10 20 40 60 80 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 covered patio, which extends 4.25 feet into the required side yard setback for 96 square feet of total encroachment.

**BACKGROUND:** The minimum side setback is 5 feet in the R-5 (Residential) zone district. According to El Paso Central Appraisal District (EPCAD) records and Sanborn maps, the home was constructed in 1957, before the current owner purchased the home in 2000. It was established through aerial imagery that the covered patio was constructed between 2008 and 2010. The property contains a detached accessory dwelling unit (ADU) that has a legal nonconforming registration, allowing for its encroachment with a 0' rear setback and 0' east side setback.

The total square footage of the covered patio, detached accessory dwelling unit (ADU), carport, and shed exceeds the permitted amount of square footage allowed for accessory structures per Section 20.10.030.A.4 of the City Code. Therefore, staff recommends approval of the request provided that the applicant remove the existing carport and shed in the rear yard to comply with requirements.

| SETBACKS                | REQUIRED SETBACK | REQUESTED SETBACK |
|-------------------------|------------------|-------------------|
| Front                   | 17 feet          | No Change         |
| Rear                    | 28 feet          | No Change         |
| Cumulative Front & Rear | 45 feet          | No Change         |
| Side (East)             | 5 feet           | No Change         |
| Side (West)             | 5 feet           | 0.75 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 one house on the same block with an encroachment that extends all the way into the 5-foot west side yard setback, and another house extends all the way into both 5-foot east and west side yard 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. Both properties extend further in to the required side yard setbacks than the proposed 0.75 setback of the subject property.  |
| 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 3, 2024 and on June 5, 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.

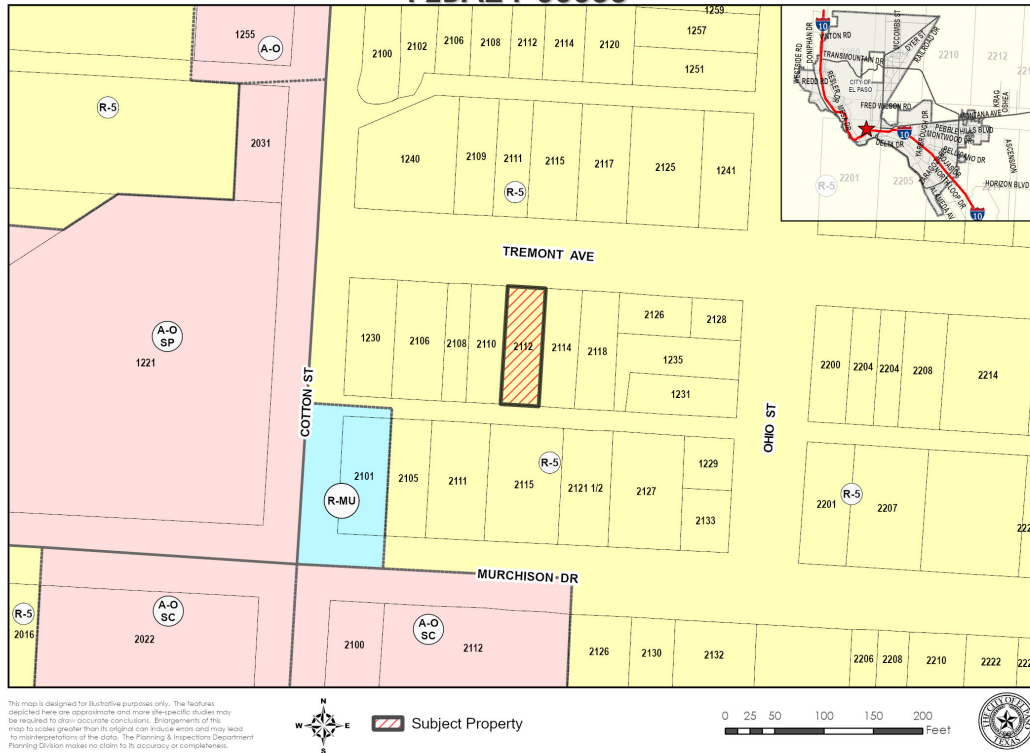
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.
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.

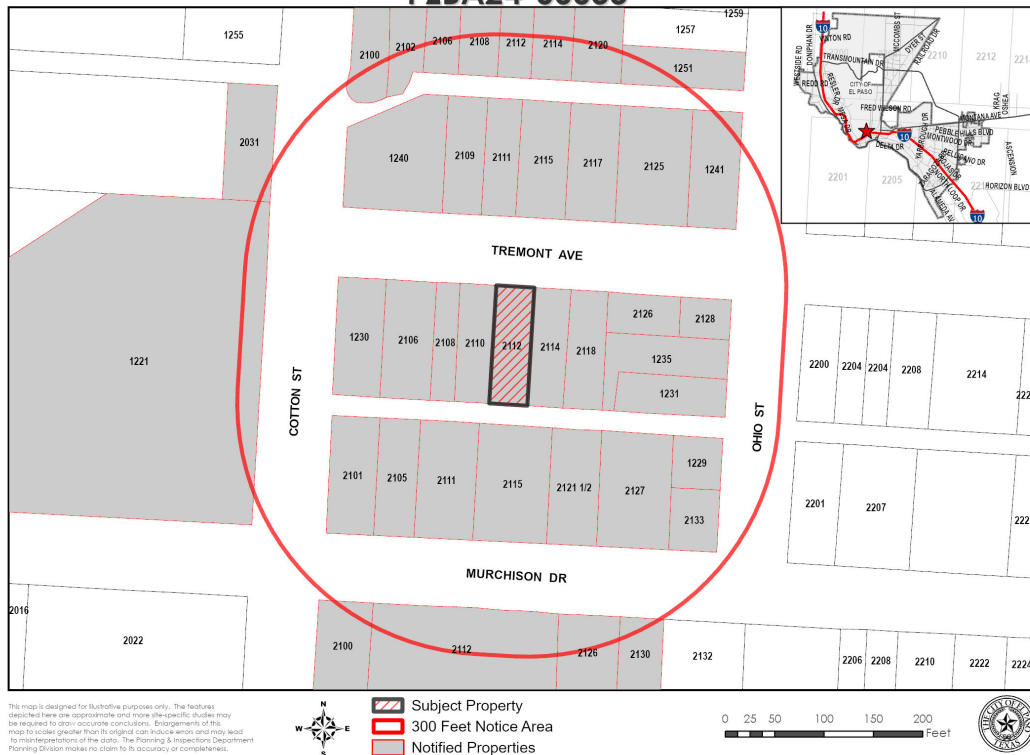
# ZONING MAP

PZBA24-00033



# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00033





## SITE PLAN

# 2112 TREMONT AVE for: TRINIDAD SIFUENTES

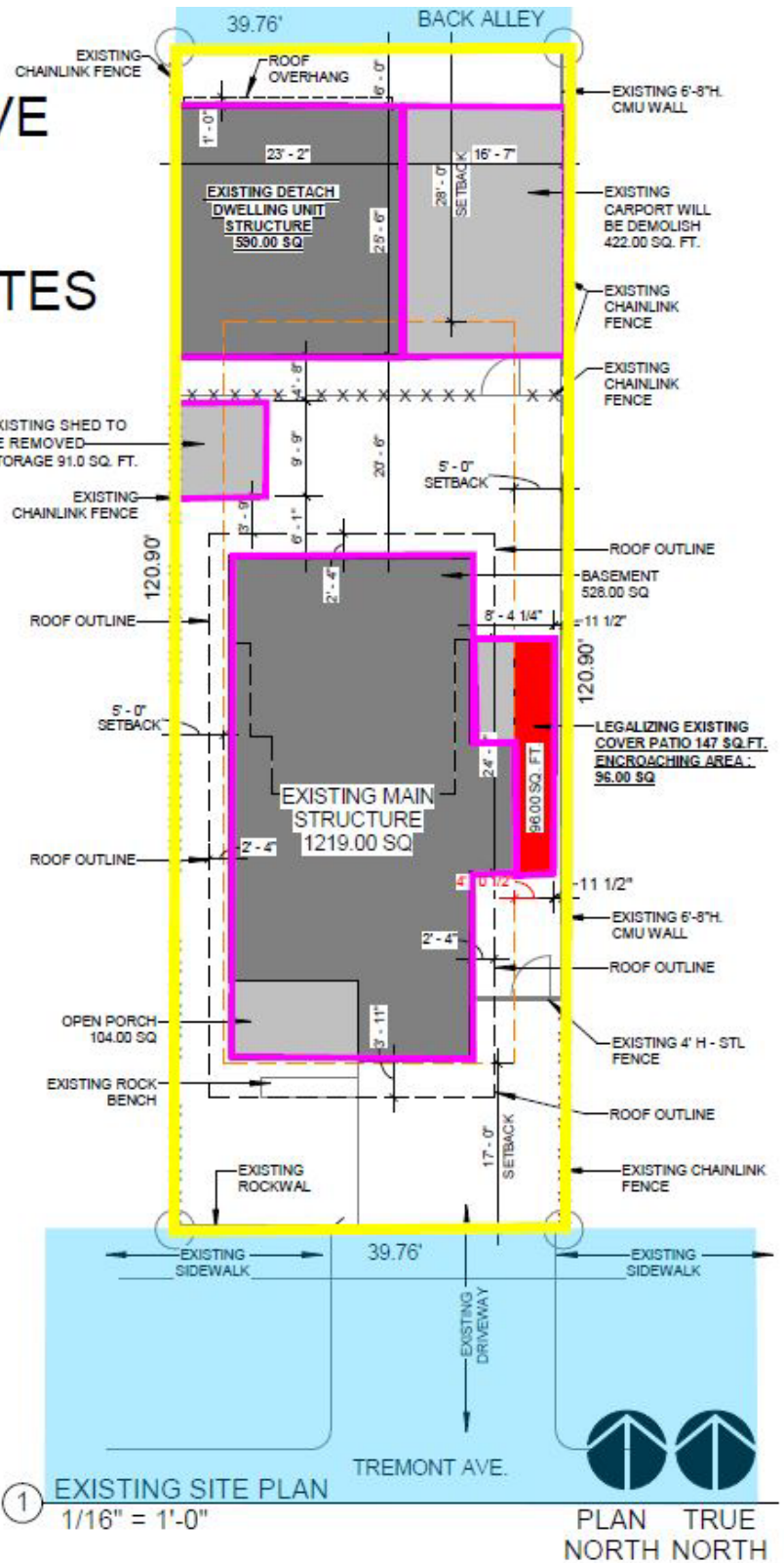
ZONING CODE: R5  
PID: H45399021A7100  
STREET NUM: 2112  
STREET NAME: TREMONT  
LEGAL\_DESC: 21 HIGHLAND PARK 25 & E 15 FT OF 26 (4800 SQ FT)

### EXISTING MAIN HOUSE

MAIN AREA: 1,219.00 SQ.  
BASEMENT: 528.00 SQ.  
OPEN FRONT PORCH: 104.00 SQ.  
COVER SIDE PORCH: 146.00 SQ.

### DETACH DWELLING UNIT

EXISTING UNIT: - 590.00 SQ.  
CARPORT: 422.00 SQ.



### SCOPE OF WORK

Owner will like legalize the cover side patio.

APRIL 12, 2024



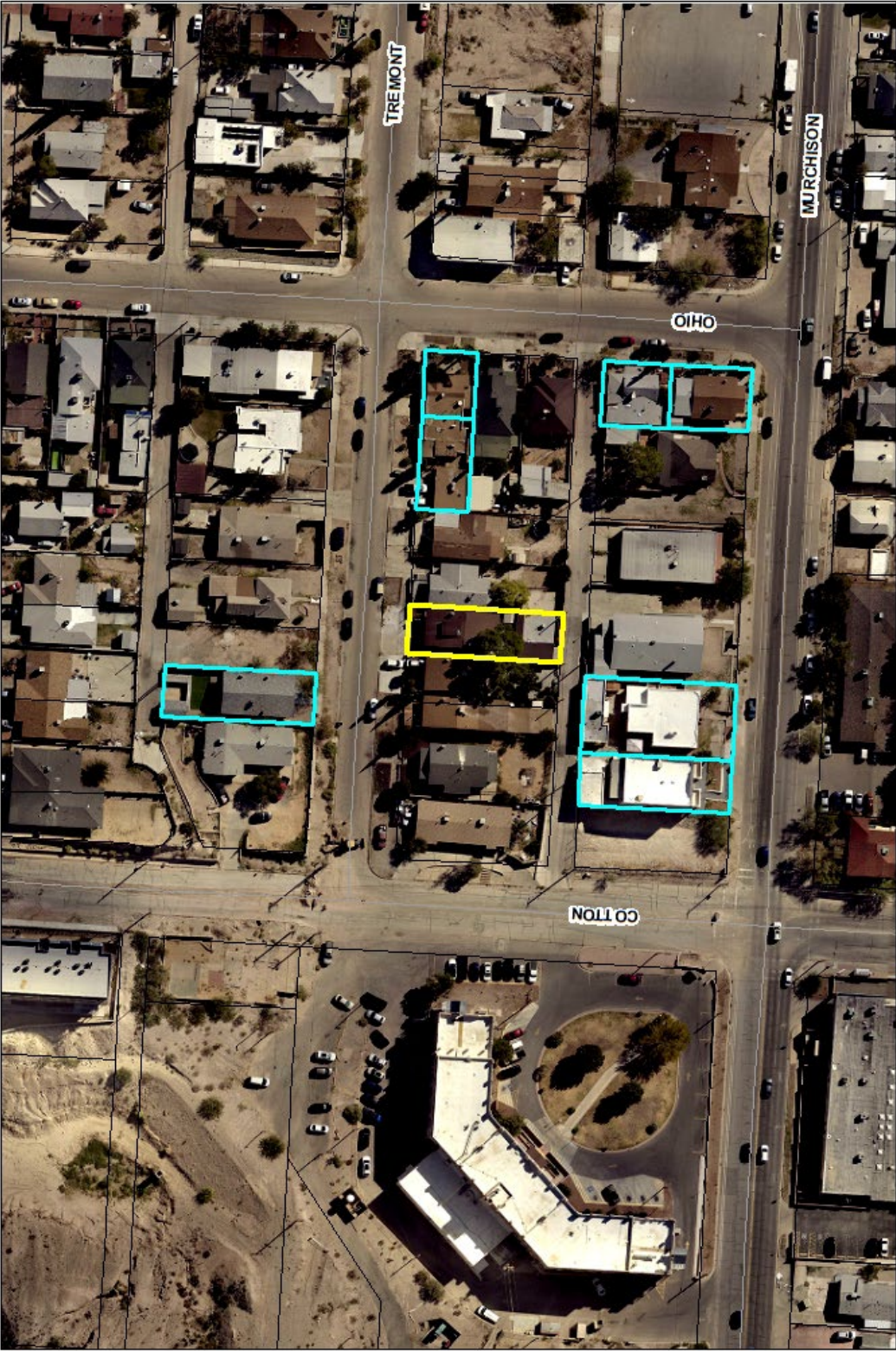
19017 Darrington  
Horizon City, TX 79928  
p 915.407.3095

2112 TREMONT AVE. LEGALIZING SIDE PORCH  
2112 Tremont Ave., El Paso, Texas 79900  
TRINIDAD SIFUENTES

4/15/2024 1:48:04 AM

NONCONFORMING LOTS

PZBA24-00033



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## NONCONFORMING LOT 1

2109 Tremont Ave.



## NONCONFORMING LOT 2

2126 Tremont Ave.

