

11680 Spencer

Zoning Board of Adjustment — July 22, 2024

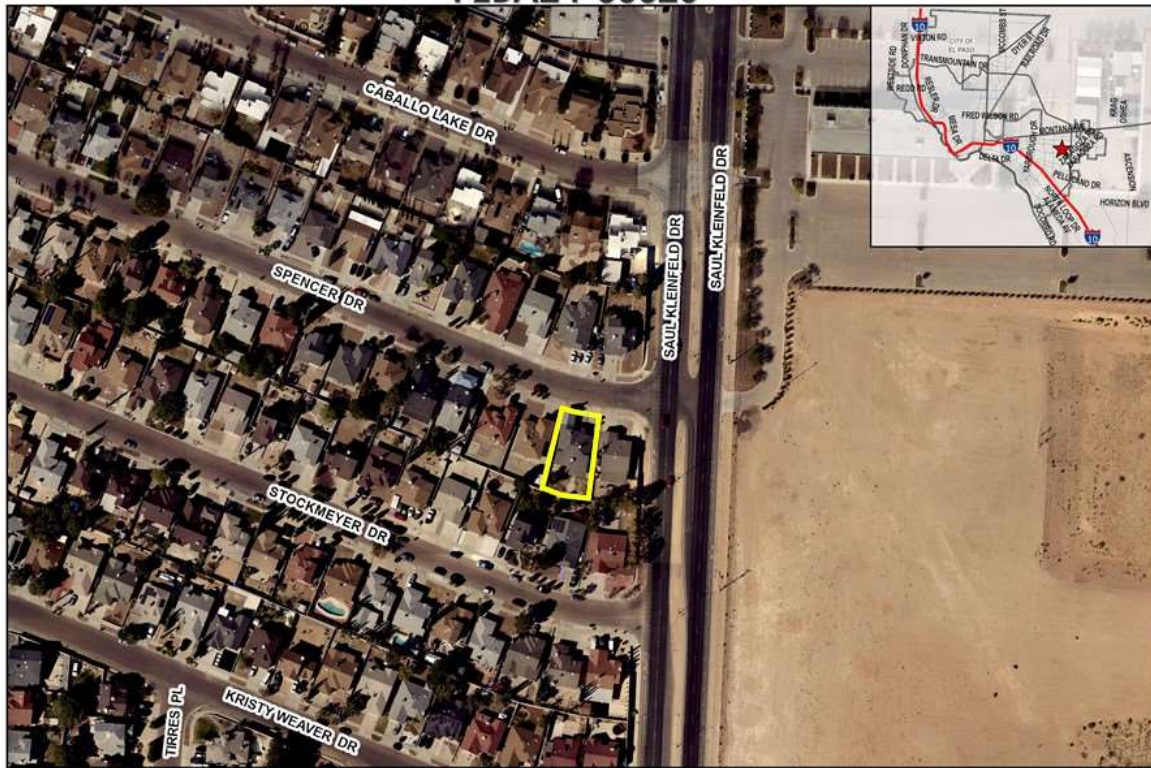


CASE NUMBER: PZBA24-00026
CASE MANAGER: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Daniel Gonzalez
REPRESENTATIVE: Daniel Gonzalez
LOCATION: 11680 Spencer Dr. (District 6)
ZONING: R-3A/sc (Residential/special contract)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of July 16, 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 in an R-3A (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.

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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 the original projection may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Subject Property



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize an existing carport, which extends right up to the property line into the required 15-foot front rear yard setback for a total encroachment of 233 square feet.

BACKGROUND: The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 30 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1992. Aerial photographs indicate there are two other properties within the same block on the same side of the street within the block directly across and abutting the street that also contain structures located in the front yards that encroach into their respective front yard setbacks located at 11609 Spencer Drive and 11673 Spencer Drive.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15 feet	0 feet
Rear	30 feet	No Change
Cumulative Front & Rear	45 feet	30 feet
Side (East)	5 feet	No Change
Side (West)	5 feet	No Change
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: <i>Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot, provided the following criteria are 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 11609 Spencer Drive and 11673 Spencer Drive contain carports located within the front yards which extend into their required 15-foot front yard setback.
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. Properties on 11609 and 11673 Spencer Drive have carports that extend right up to the front property line.
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 10, 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.

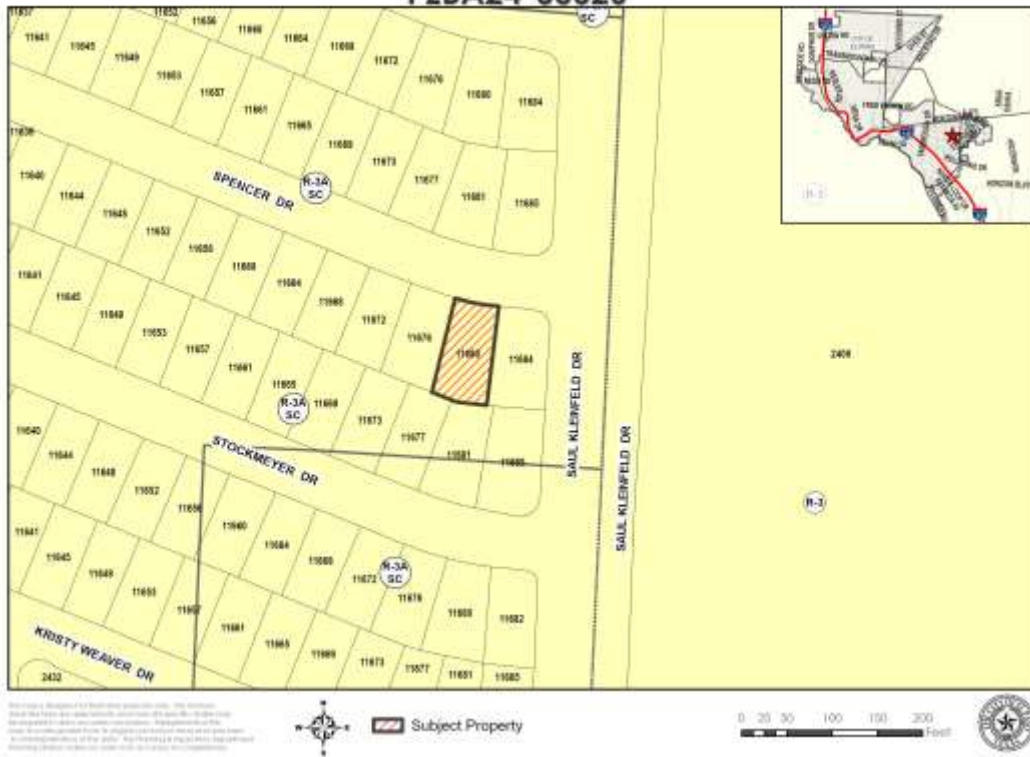
ZONING BOARD OF ADJUSTMENT OPTIONS:

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 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.

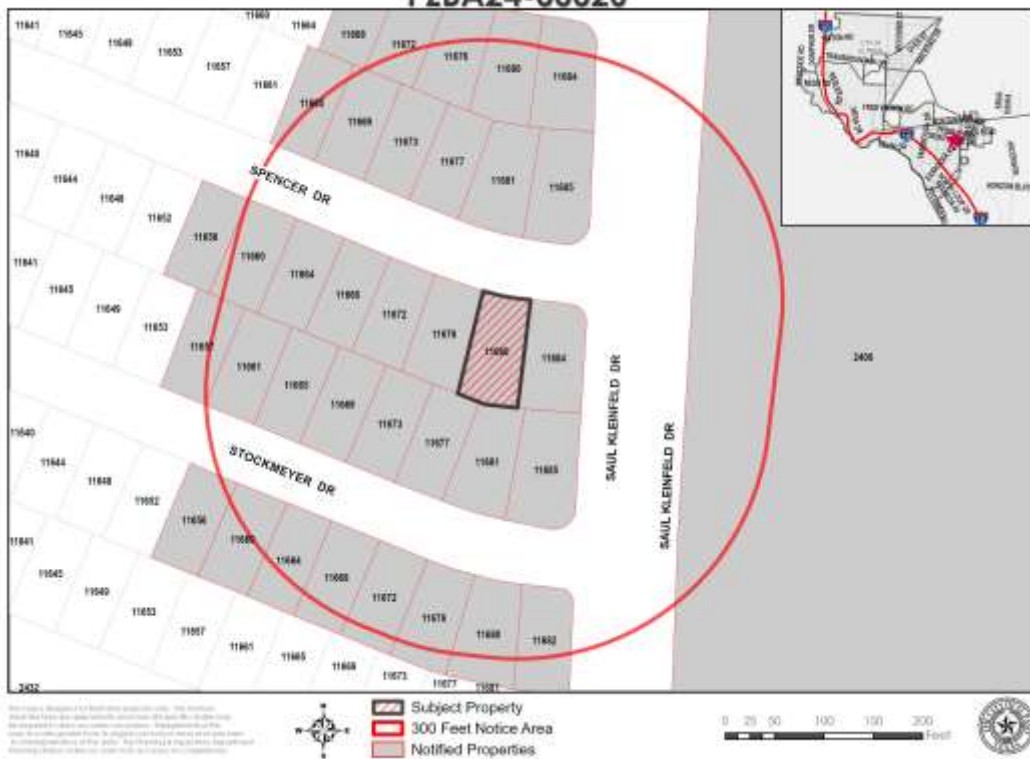
ZONING MAP

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NEIGHBORHOOD NOTIFICATION MAP

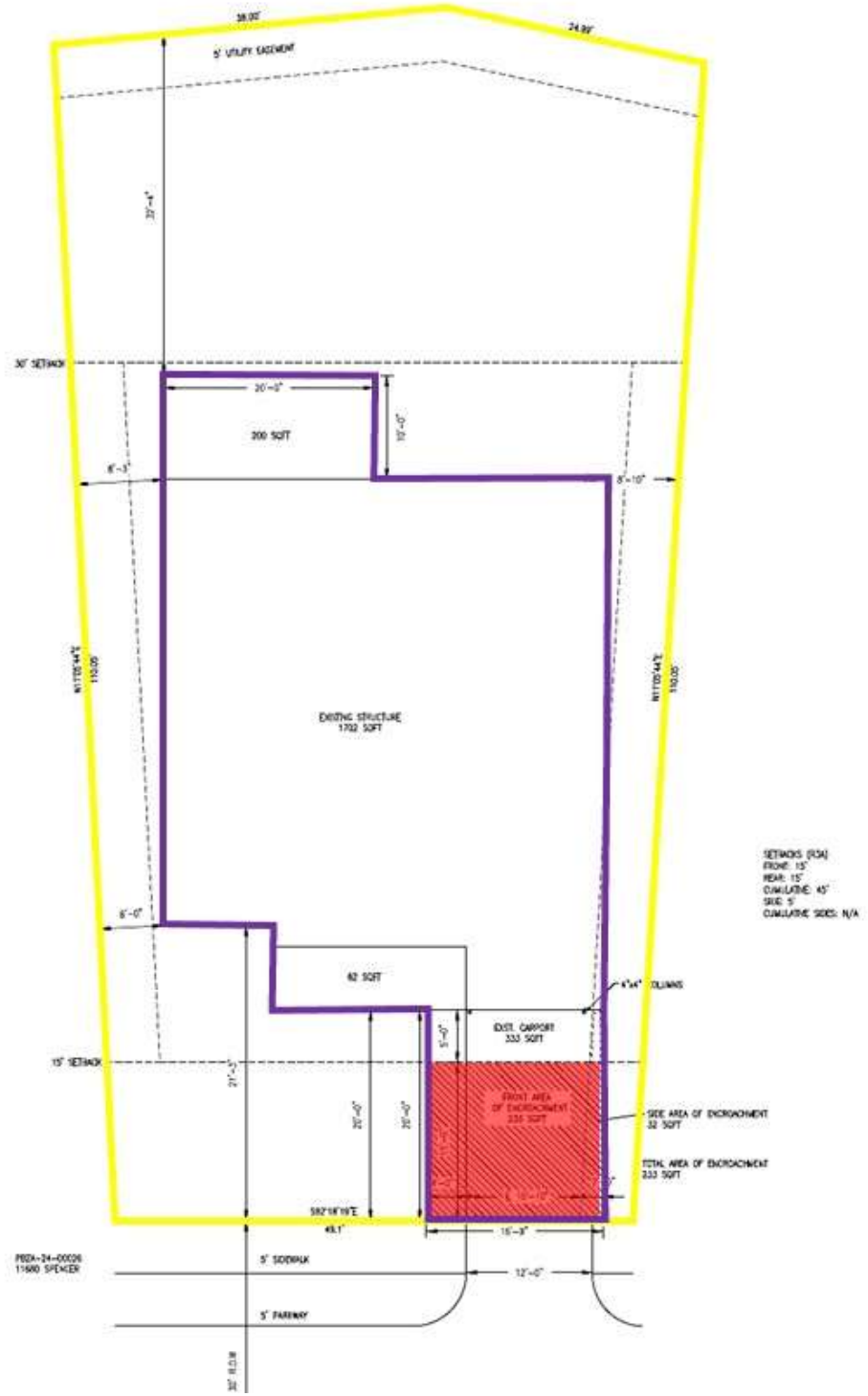
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SITE PLAN



11680 SPENCER DR.
74 VISTA HILLS #23 LOT 21



NONCONFORMING LOTS

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NONCONFORMING LOT 1

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NONCONFORMING LOT 3

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