

5005 Meadowlark Drive

Zoning Board of Adjustment — June 17, 2024



CASE NUMBER: PZBA24-00040
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Tierra Rojo Property LLC
REPRESENTATIVE: Jonathan Prieto
LOCATION: 5005 Meadowlark Drive (District 1)
ZONING: R-1 (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 20.16.050 B (Two or More Nonconforming Lots) to permit a proposed addition to the existing single-family dwelling that encroach in a R-1 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachments are less than the encroachments into that setback already present on at least two other neighboring properties.

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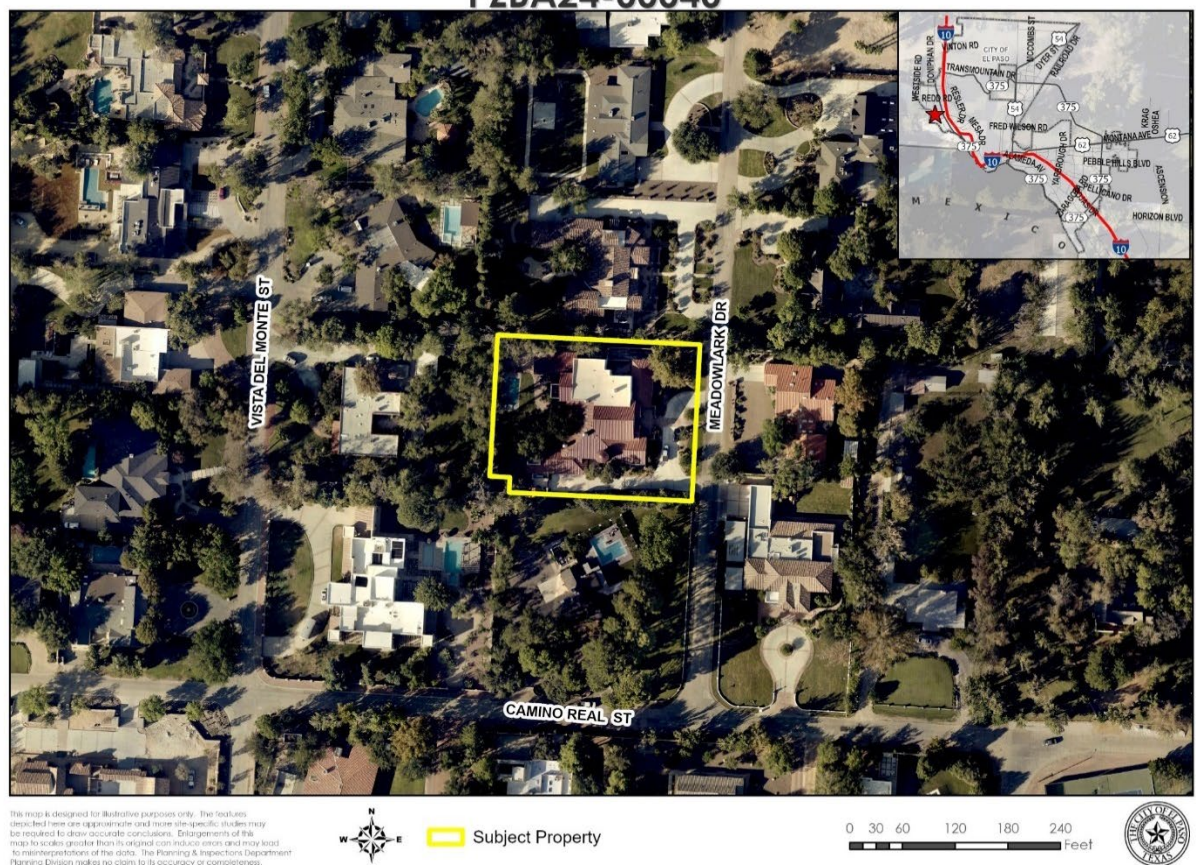


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting the special exception to permit the construction of a proposed addition to an existing single-family dwelling structure, which would extend 16 feet 2 inches in to the required side yard setback for 652 square feet total encroachment.

BACKGROUND: On April 3, 2023, Zoning Board of Adjustment approved of the special exception request to permit the construction of a proposed addition to an existing single-family dwelling structure. The minimum side yard setback is 15 feet in the R-1 (Residential) zone district. The required side yard setback for the subject property is 24 feet 2 inches to meet the cumulative side setback of 40 feet in the R-1 (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain structures located along the side yards that encroach into their respective side yard setbacks located at 5061 Meadowlark Drive and 5020 Vista Del Monte Drive for a total encroachment of 99.08 square feet and 50.34 square feet, respectively.

According to the El Paso Central Appraisal District, the home was built in 1986. The current owner has owned the property since 2018.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	50	No change
Rear	50	No change
Cumulative Front & Rear	100 feet	No change
Side (North)	15 feet 10 inches	No change
Side (South)	24 feet 2 inches	8 feet
Cumulative Side	40 feet	23 feet 10 inches

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, it was established that two (2) properties on the same block both extend into the side 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. There are two other properties with structure built that encroach into their required side yard setback beyond the proposed encroachment 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 1, 2024 and 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.

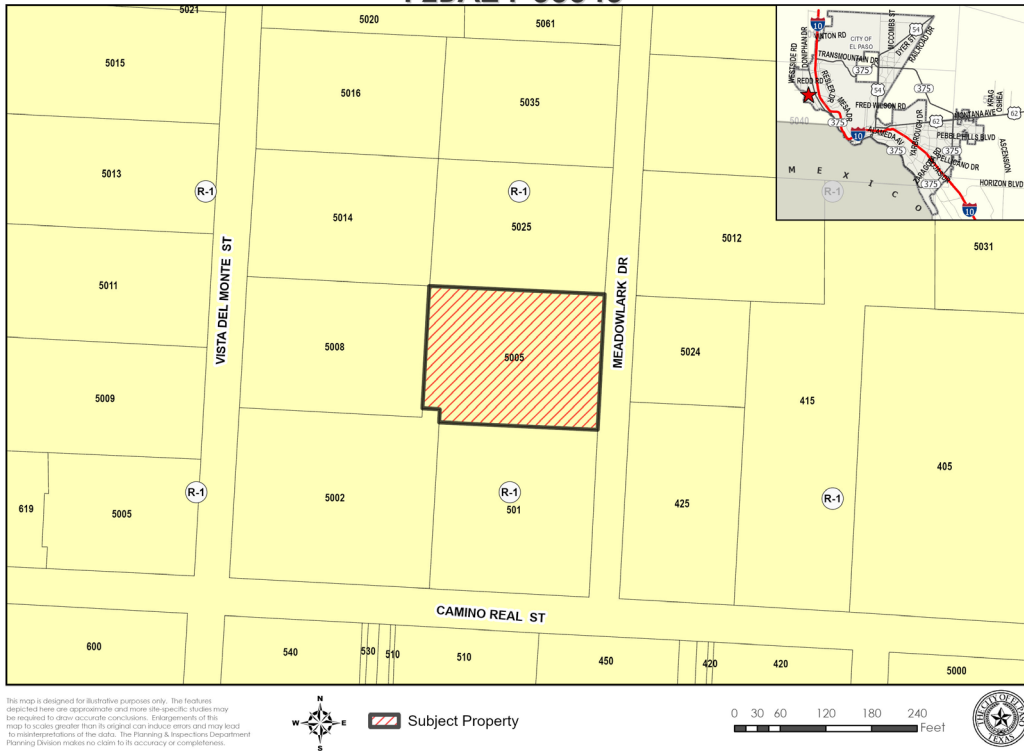
ZONING BOARD OF ADJUSTMENT OPTIONS:

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. **(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.

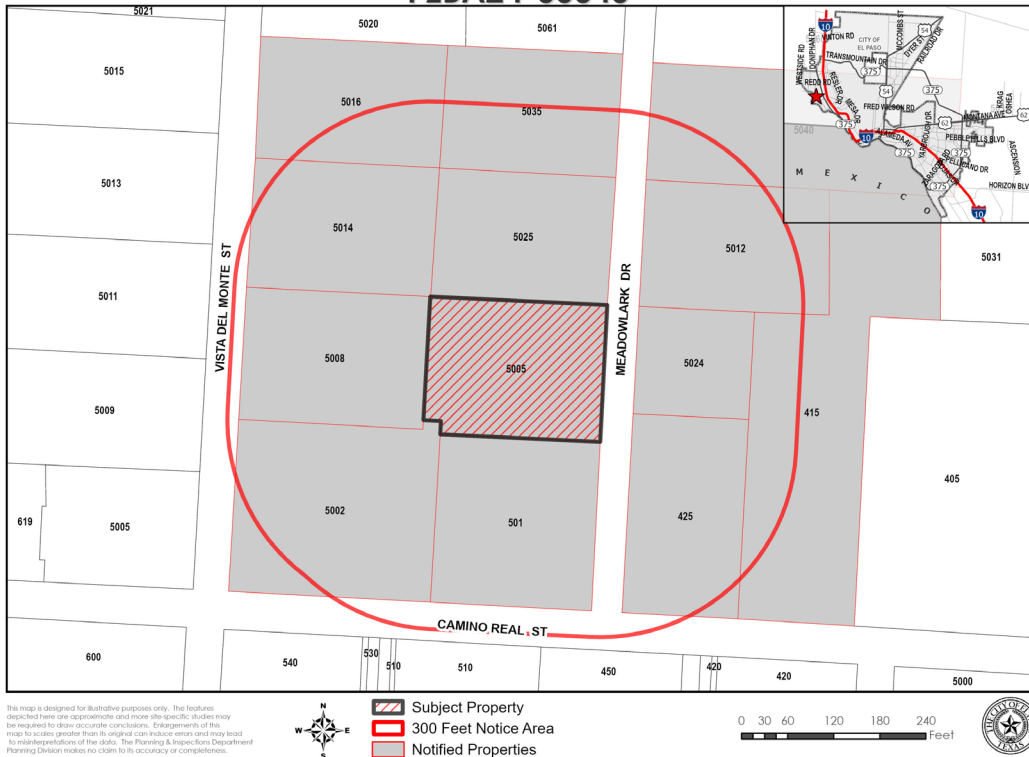
ZONING MAP

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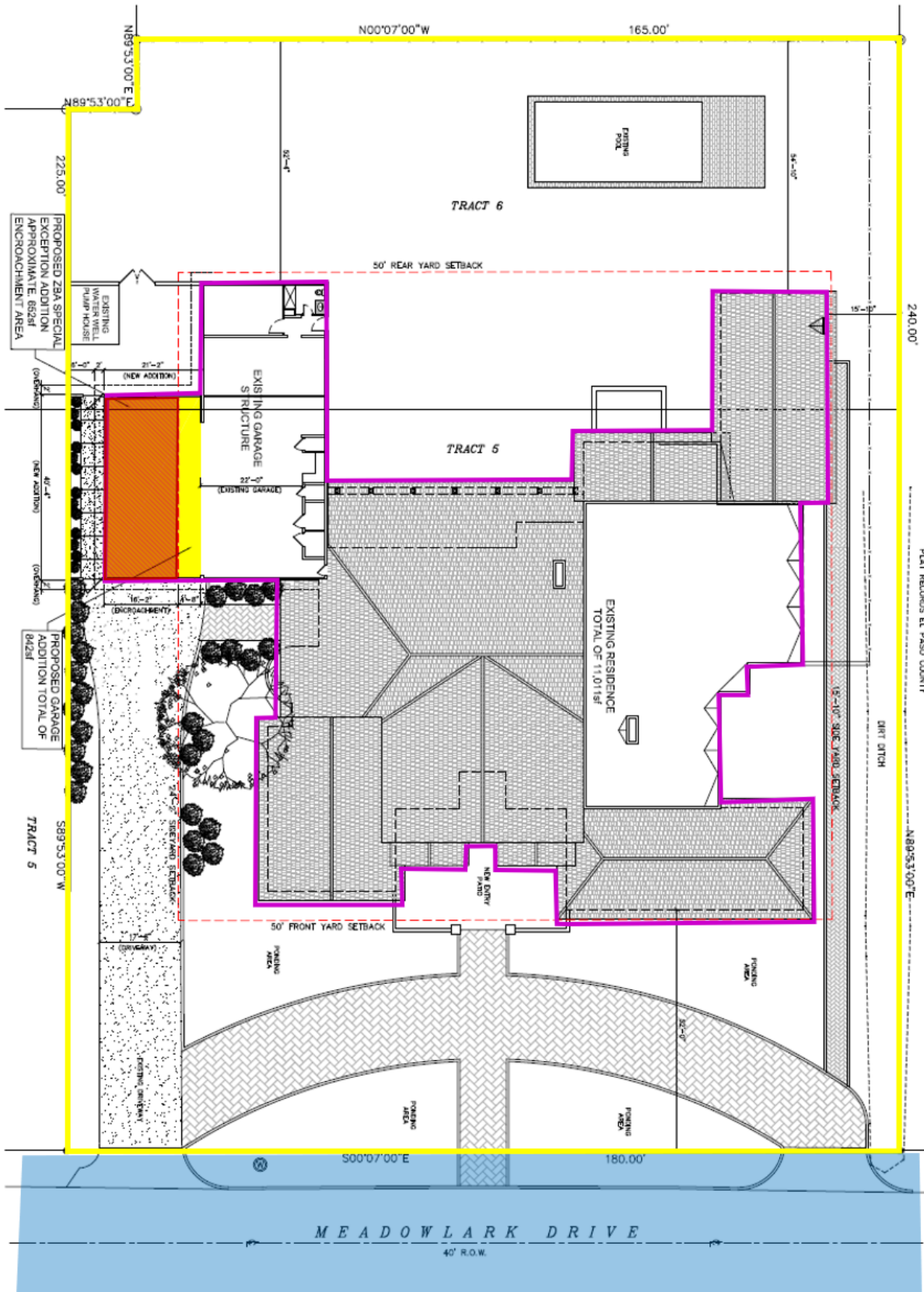


NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN



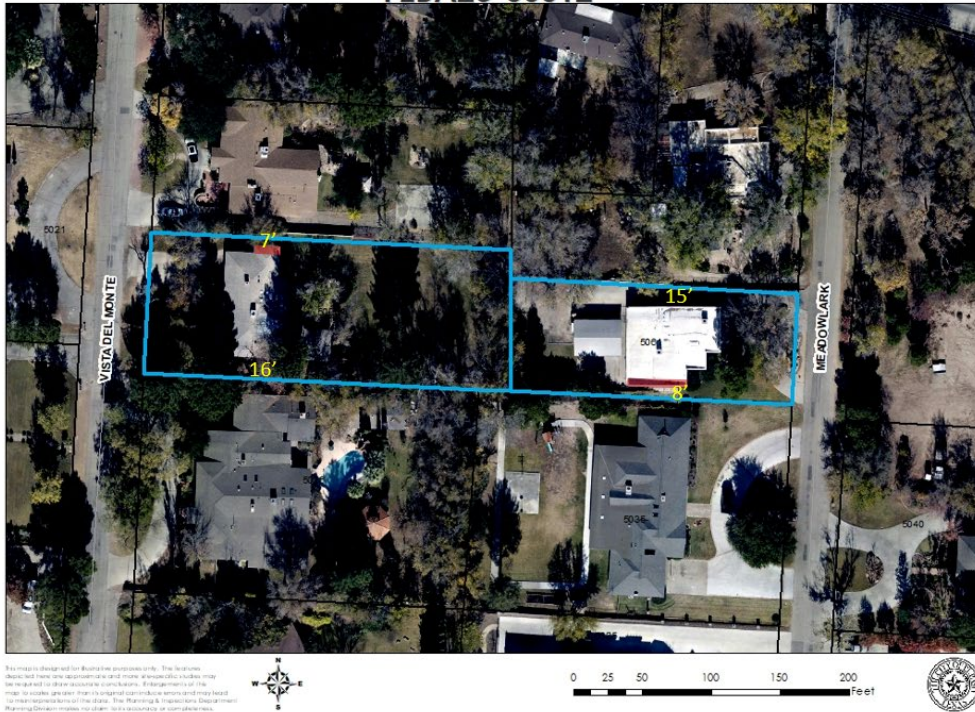
NON-CONFORMING LOTS

PZBA23-00012



 Subject Property Nonconforming Properties – side yard

PZBA23-00012



5061 Meadowlark Drive
Side (North): 15'
Side (South): 8'
Cumulative Side Total: 23'

5020 Vista Del Monte Drive
Side (North): 7'
Side (South): 16'
Cumulative Side Total: 23'

 Nonconforming Properties – side yard