

601 Woodland

Zoning Board of Adjustment — August 11, 2025



CASE NUMBER: PZBA25-00012
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Rena Shea Herman
REPRESENTATIVE: Jonathan Prieto
LOCATION: 601 Woodland Ave. (District 1)
ZONING: R-1 (Residential)
REQUEST: Special Exception B (Two or More Non-Conforming Lots) and K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of August 5, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Non-Conforming Lots) and K (In Existence Fifteen Years or More) to permit a proposed home addition and to allow to legalize an attached accessory structure in an R-1 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** 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 and have existed for at least fifteen years.

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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 home addition to an existing single-family dwelling, 13 feet 9 inches of which would extend into the required rear yard setback for a 481 square foot area of total encroachment and to allow to legalize an existing pergola extending 6 feet into the side yard setback for a total of 120 square foot area of total encroachment. Additionally, the applicant is requesting to allow to legalize an existing accessory structure, 15 feet of which would extend into the required side yard setback for a 270 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 30 feet in the R-1 (Residential) zone district. The required rear setback for the subject property is 64 feet to meet the cumulative front and rear setback of 100 feet in the R-1 (Residential) zone district. The minimum side setback is 15 feet to meet the cumulative side and side street setback of 40 feet in the R-1 (Residential) zone district. Aerial imagery indicates that at least two other homes on the same block show similar encroachments. The existing home at 4935 Vista del Monte Street encroaches approximately 485 square feet into the rear yard setback and 595 square feet into the side street setback. At 616 Linda Avenue, the existing home encroaches approximately 1,450 square feet into the rear setback. Additionally, the home at 607 Woodland Avenue encroaches into both side setback with the encroachment being approximately 750 square feet.

According to records from the El Paso Central Appraisal District, the current owner has owned the property since 2018. The attached accessory structure on the side yard is unknown since when it has been existent. However, based on a 2009 aerial imagery, the property existed in its current located and condition at that time, indicating the encroachment has been present for over 15 years. The existing rear porch complies with Section 20.10.040 – Yards, which permits an unenclosed porch to extend up to 12 feet and 180 square feet into the required rear yard setback.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	36 feet	No Change
Rear	64 feet	50 feet 3 inches
Cumulative Front & Rear	100 feet	86 feet 3 inches
Side	15 feet	0 feet
Side street	25 feet	No Change
Cumulative Side	40 feet	25 feet

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. Aerial photos and site visits confirm that two other homes on the same block have similar rear yard encroachments.
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 single-family dwellings that encroach into their required rear and side setbacks beyond the existing 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.

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:

Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

Criteria	Does the Request Comply?
5. The encroachment into the required yard setback has been in existence for more than fifteen years;	Yes. The encroachment has been in existence for more than fifteen years.
6. Neither the applicant nor current property owner is responsible for the construction of the encroachment;	Yes. Neither the applicant nor owner were responsible for the construction of the encroachment.
7. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;	Yes. Neither the applicant nor owner owned the property at the time.
8. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback;	Not applicable. Encroachment is not into the front yard setback.
9. The encroachment does not violate any other provision of the El Paso City Code.	Yes. The encroachment does not violate any other provision of the El Paso City Code.

PUBLIC COMMENT: Public notice was sent on July 31, 2025 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.

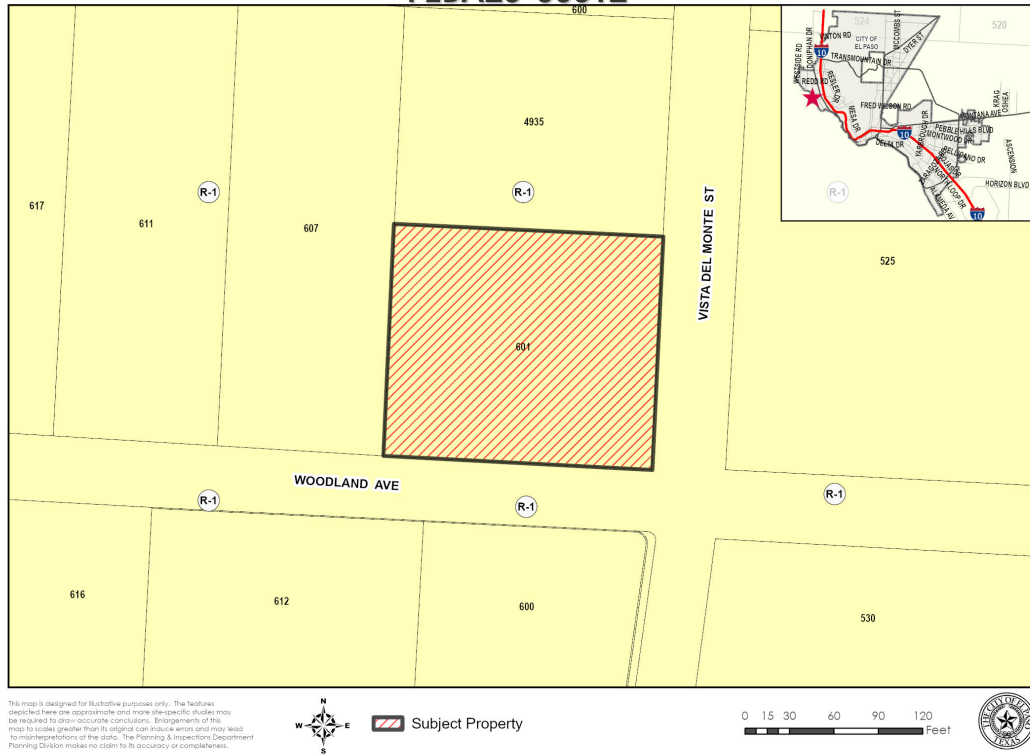
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

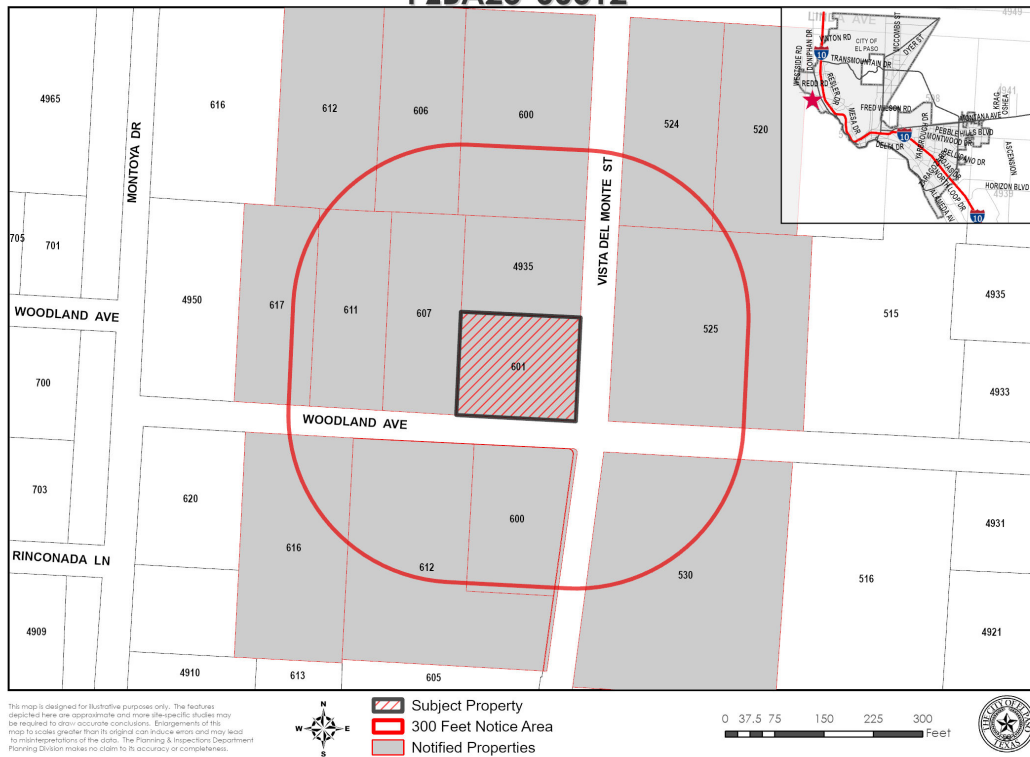
ZONING MAP

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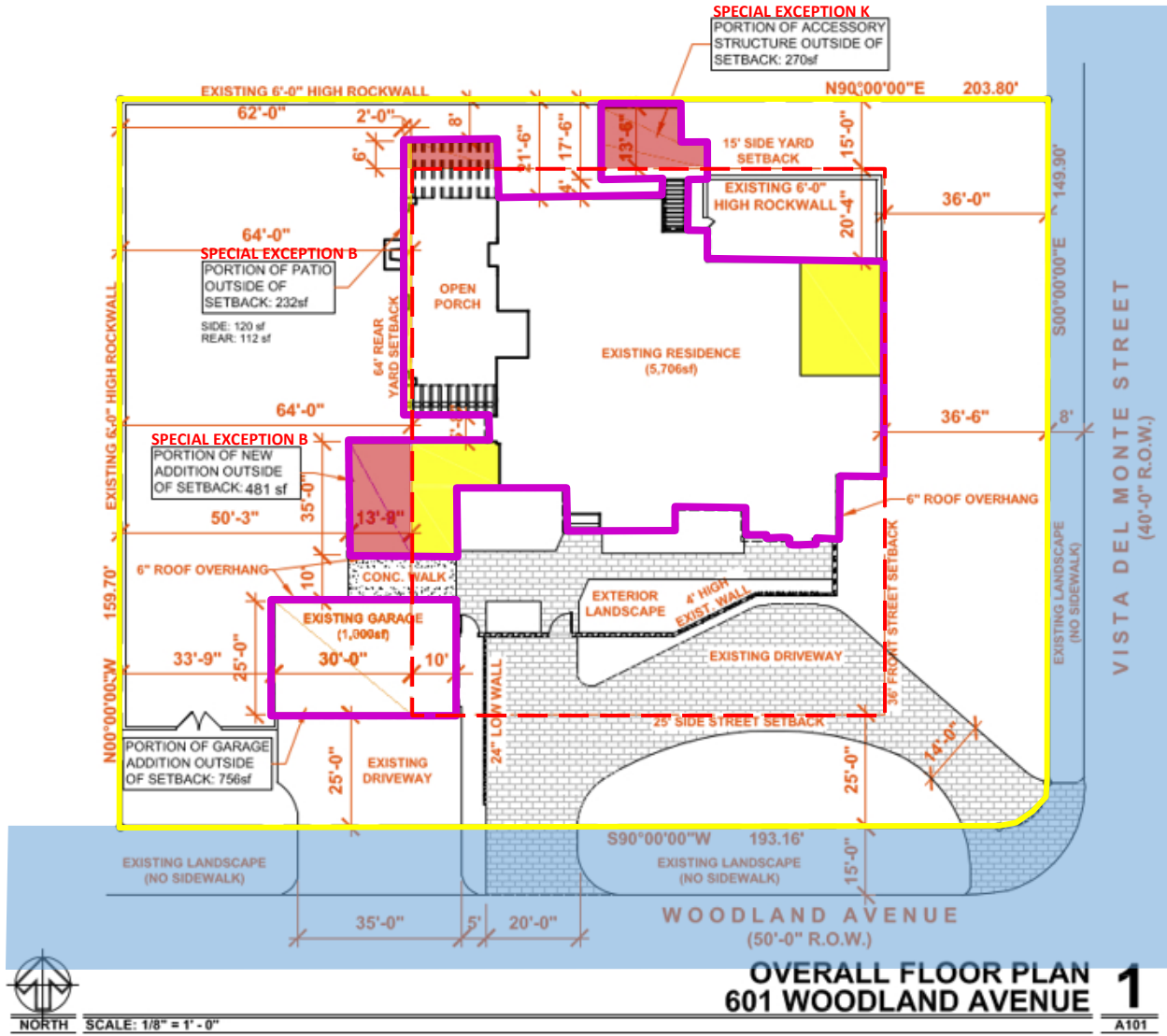


NEIGHBORHOOD NOTIFICATION MAP

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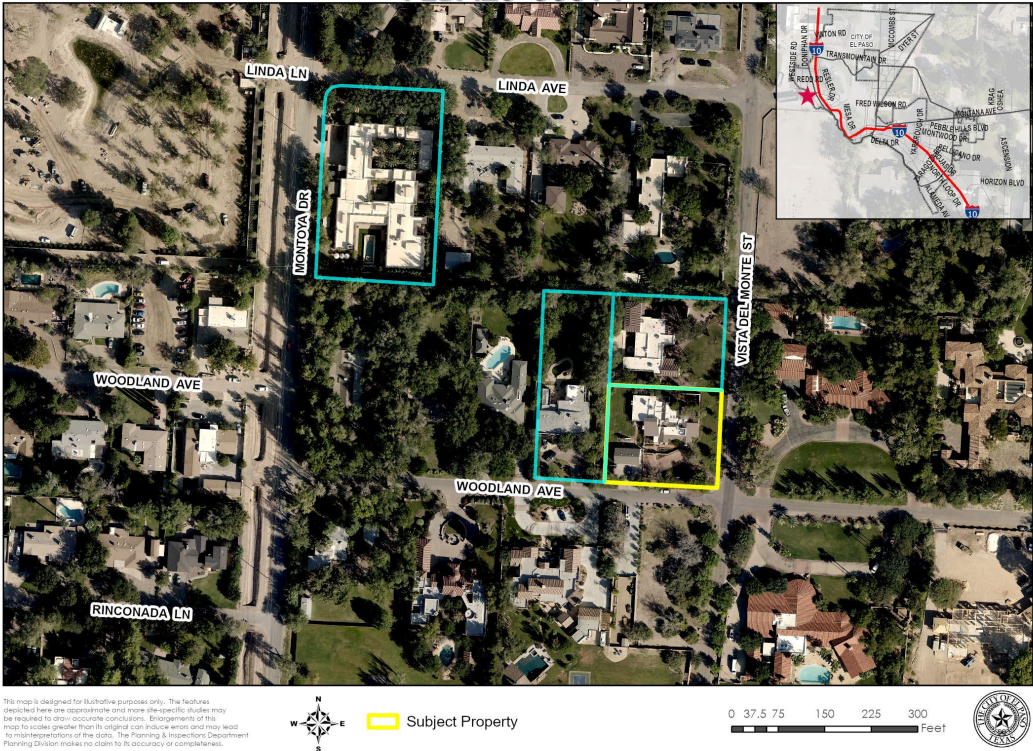


SITE PLAN



NONCONFORMING LOTS

PZBA25-00014



NONCONFORMING LOT 1

4935 Vista del Monte St.

SIDE ENCROACHMENT: 595 SF
REAR ENCROACHMENT: 485 SF



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. Encroachments of this map to scales greater than 1:10,000 can induce error and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Non-Conforming Lot

0 15 30 60 90 120 Feet



NONCONFORMING LOT 2

616 Linda Ave.

REAR ENCROACHMENT: 1450 SF



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Non-Conforming Lot

0 15 30 60 90 120 Feet



NONCONFORMING LOT 3

607 Woodland Ave.



2009 AERIAL

PZBA25-00012 | 2009 Aerial



