

# 10901 Dave Marr

Zoning Board of Adjustment — October 14, 2024



**CASE NUMBER:** PZBA24-00080  
**CASE MANAGER:** Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov  
**PROPERTY OWNER:** James T. Garcia and Maria T. Del Real  
**REPRESENTATIVE:** James T. Garcia  
**LOCATION:** 10901 Dave Marr Ct. (District 7)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception K (In Existence Fifteen Years or More)  
**PUBLIC INPUT:** None received as of October 8, 2024

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing storage shed addition into the required 5-foot side yard setback and the addition of a structure into the 20-foot rear yard setback in an R-3 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than fifteen (15) years.

## PZBA24-00080



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Subject Property

0 25 50 100 150 200 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to allow to legalize the existing storage shed, which extends 4.5 feet into the side yard setback for a total encroachment of 99 square feet, and is also requesting to allow to legalize an existing home extension of 2 inches into the required 20-foot rear yard setback for a total encroachment of 5 square feet.

**BACKGROUND:** The minimum side setback is 5 feet. The minimum rear yard setback is 20 feet to meet the 50 feet cumulative front and rear setbacks in the R-3 (Residential) zone district. The shed is being considered as part of the home due to being closer than 5 feet to the main structure.

According to the El Paso Central Appraisal District records, the current owner has owned the property since June 2024, and the property was constructed in 1978. Based on 2002 aerial imagery, the existing encroachments have been in existence approximately for 22 years, with the storage shed located in its current location as well as the property addition. The property owner is requesting the legalization of the storage shed to be able to build a proposed second garage; this garage will meet the property’s setbacks in accordance with R-4 (Residential) zone district and will not encroach into the rear nor front setbacks.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 Feet	No Change
Rear	20 Feet	19 Feet 10 Inches
Cumulative Front & Rear	50 Feet	No Change
Side (Left)	10 Feet	No Change
Side (Right)	5 Feet	6inches

<b>COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA</b>	
The Zoning Board of Adjustment is empowered under Section 2.16.050.K to: <i>Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:</i>	
Criteria	Does the Request Comply?
1. 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.
2. 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.
3. 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.
4. 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.
5. 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 October 3, 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.

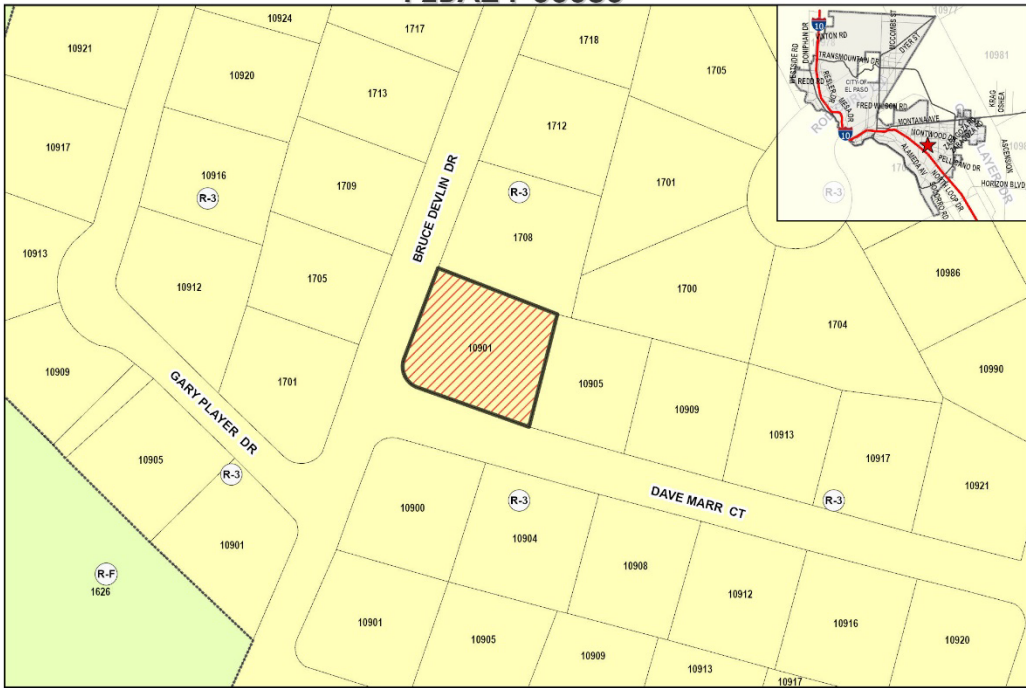
**ZONING BOARD OF ADJUSTMENT OPTIONS:**

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

PZBA24-00080



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Subject Property

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# NEIGHBORHOOD NOTIFICATION MAP

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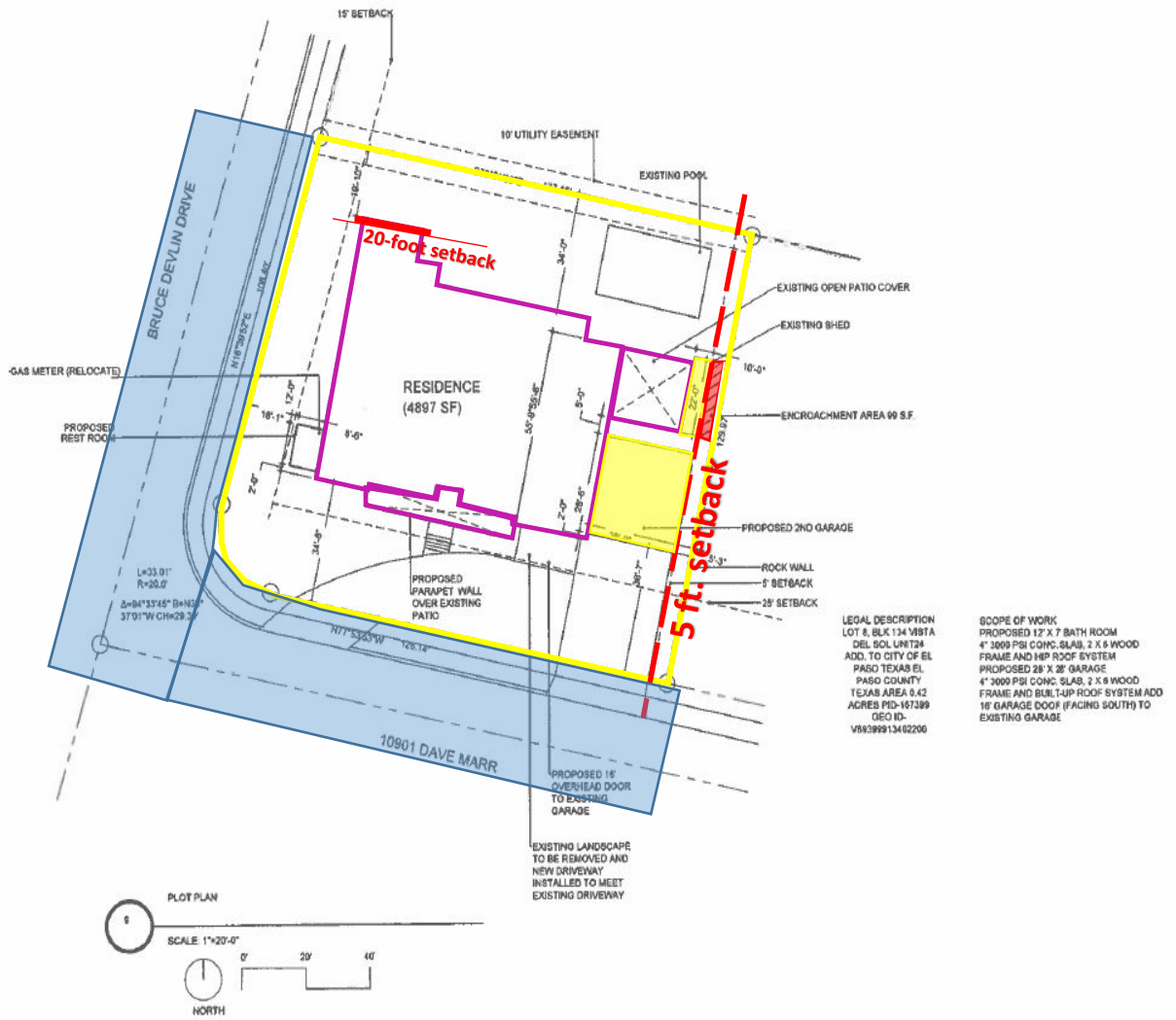


Subject Property  
 300 Feet Notice Area  
 Notified Properties

0 25 50 100 150 200 Feet



# SITE PLAN



2002 AERIAL

PZBA24-00080 -2002 AERIAL



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 Subject Property

