

3127 Tularosa

Zoning Board of Adjustment — April 20, 2026



CASE NUMBER: PZBA25-00056
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Daniel Fox
REPRESENTATIVE: Daniel Fox
LOCATION: 3127 Tularosa Ave. (District 2)
ZONING: A-2 (Apartment)
REQUEST: Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of April 14, 2026

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 attached accessory structure in an A-2 (Apartment) 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.

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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 legalize an existing attached accessory structure that encroaches into both the rear and side yard setbacks. The structure extends 25 feet into the required rear yard setback, resulting in an encroachment area of 962.5 square feet. In addition, the structure extends approximately 5 feet into the required side yard setback, resulting in an encroachment area of 140.5 square feet. The total encroachment area is 1,103 square feet.

BACKGROUND: The minimum rear setback is 15 feet in the A-2 (Apartment) zone district. The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the A-2 (Apartment) zone district.

The current owner has owned the property since 2022, and the main dwelling was constructed in 1916, according to El Paso Central Appraisal District records. The date of construction for the attached accessory structure is unknown; however, the existing encroachment is estimated to have been in existence for more than 28 years. Based on 2009 aerial imagery, the property appears substantially the same as it exists today, with the attached accessory structure located in its current position.

There is an existing Legal Nonconforming registration on the property for the construction of the carport, based on a building permit approved in 1988, at a time when the property consisted of additional lots and was classified as a duplex. The property was subsequently subdivided. The carport has since been converted into a garage in 2025; however, the area and extent of the encroachment have not been altered. Any enclosure or modification of the former carport remains subject to the issuance of the appropriate building permits.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	No Change
Rear	25 Feet	0 Feet
Cumulative Front & Rear	45 Feet	20 Feet
Side (Left)	5 Feet	0 Feet
Side Street (Right)	10 Feet	No Change
Cumulative Side	N/A	N/A

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?
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 April 10, 2026 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.

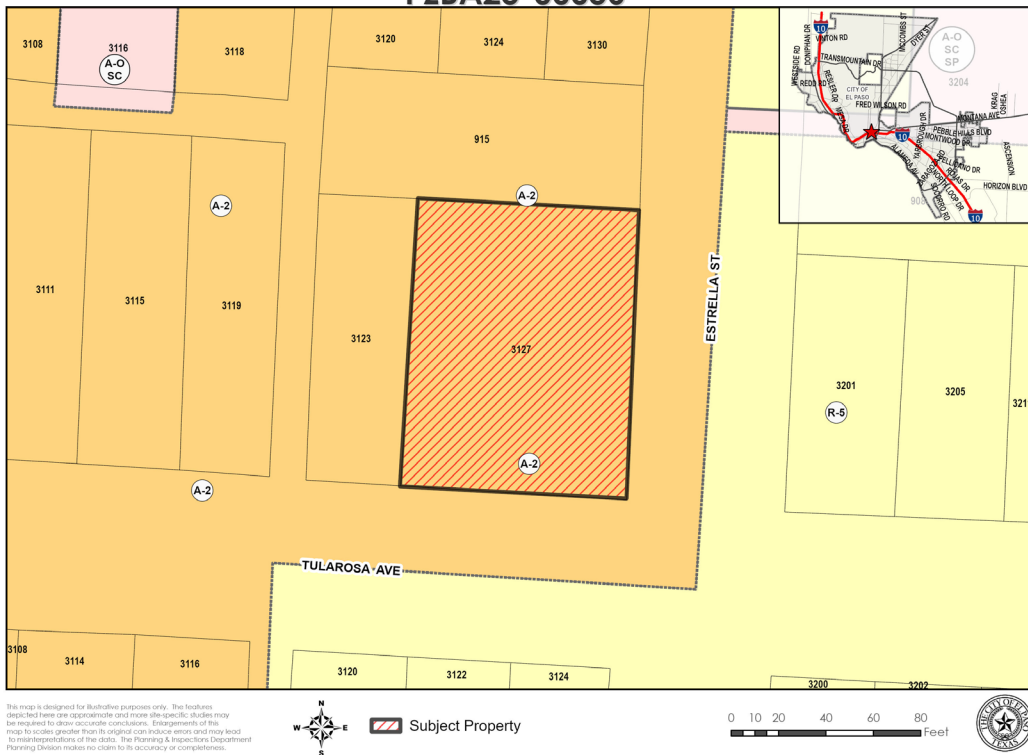
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

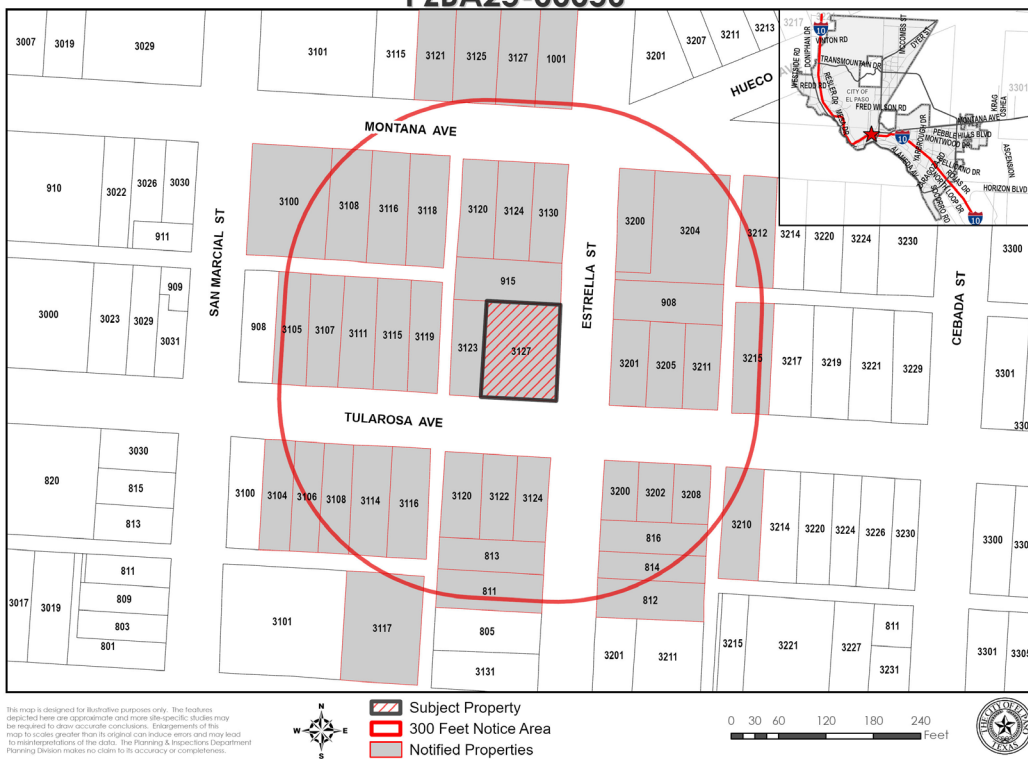
ZONING MAP

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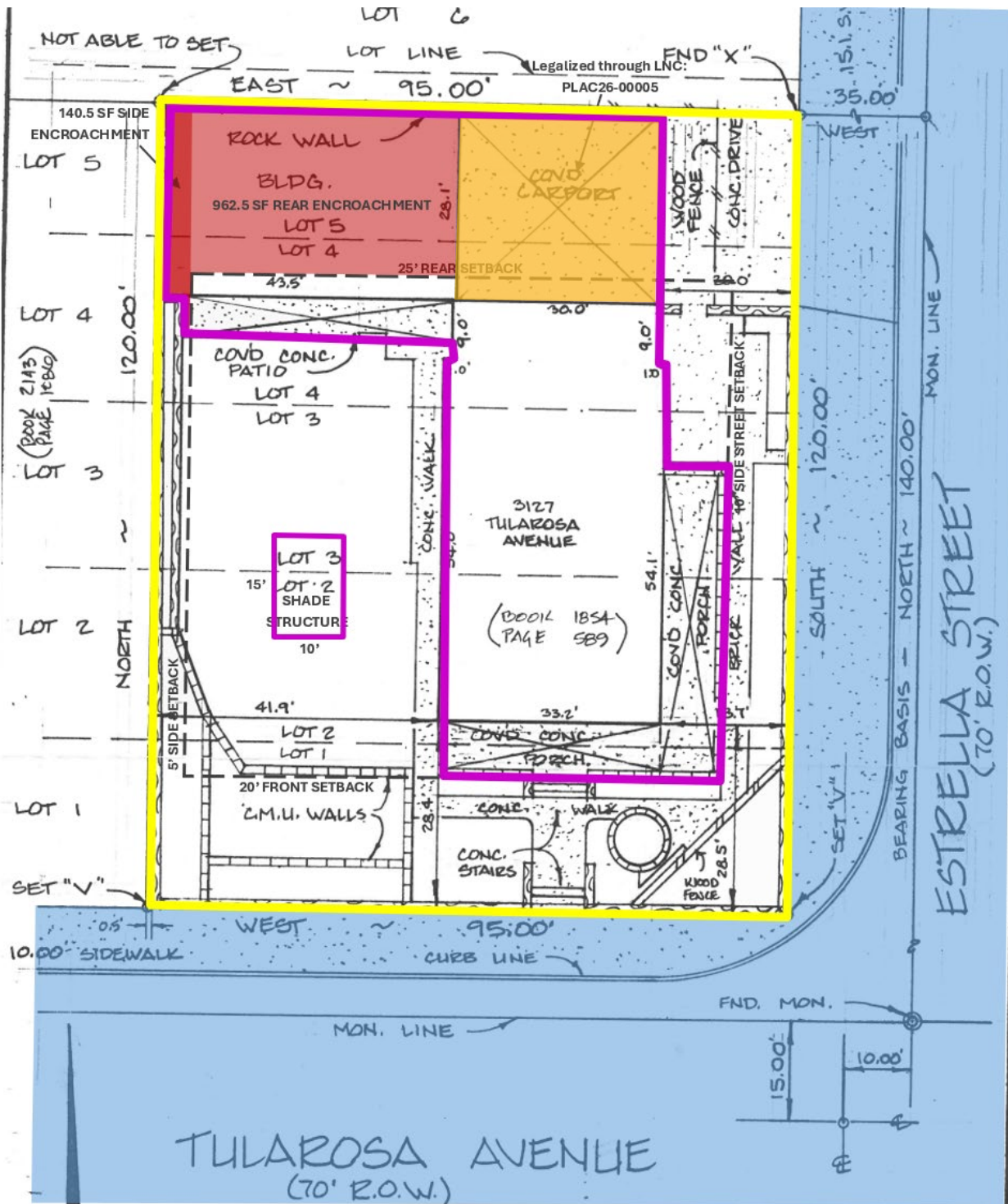


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00056



SITE PLAN



2009 AERIAL

PZBA25-00056



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