

10304 Luella Drive

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00049
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Charles G. Fitzgerald Sr & Yolanda Fitzgerald
REPRESENTATIVE: Vanessa Duran
LOCATION: 10304 Luella (District 3)
ZONING: R-3 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: One (1) phone call of inquiry 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-3 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** 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. The condition is as follows:

That the existing pergola in the rear yard be modified to be out of the 5' utility easement area.

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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 an existing carport, which extends 24 feet 8 inches into the required front setback and 4 feet into the side yard setback for 655.5 square feet of total encroachment and for an existing pergola in the rear yard, which extends 20 feet into the rear yard setback for a total encroachment of 154.50 square feet.

BACKGROUND: The pergola in the rear is being considered as part of the main structure. The minimum front yard setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 25 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district. The minimum side yard setback is 5 feet in the R-3 (Residential) zone district.

According to the El Paso Central Appraisal District records, the home was built in 1964 and the front carport encroachment was built in 2023. Aerial photographs indicate that there are four properties on the same block and abutting street that also contain structures located in the front, side and rear that encroach into their respective setbacks.

| SETBACKS | REQUIRED SETBACK | REQUESTED SETBACK |
|-------------------------|------------------|-------------------|
| Front | 25 feet | 1 foot |
| Rear | 25 feet | 5 feet |
| Cumulative Front & Rear | 50 feet | 6 feet |
| Side (West) | 5 feet | 1 foot |
| Side (East) | 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 is 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 two houses on the abutting street extend 24 feet and 25 feet into their front setbacks, 3 houses on the same block and abutting street that extend 5 feet and into their side setbacks and one that extends 4 feet, and 3 houses that extend 20 feet into their rear setbacks. |
| 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 (2) other houses on the same block and abutting street located within the front yard which extend into their required 20-foot front setback located at 10337 Luella and 10345 Luella. There are four (4) other houses on the same block and abutting street located within the side yard which extend into their required 5-foot side setback located at 10317 Luella, 10337 Luella, 10341 Luella, and 10336 Luella. There are three (3) other houses on the same block and abutting street located within their rear yard which extend into their required 25-foot rear setback located at 10317 Luella, 10341 Luella, and 10346 Luella. |
| 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 | Yes. Only applicable lots are being considered. |

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|---|--|
| 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. | |
|---|--|

PUBLIC COMMENT: Public notice was sent on July 11, 2024 to all property owners within 300 feet of subject property. The Planning Division received one (1) phone call in inquiry of the special exception request.

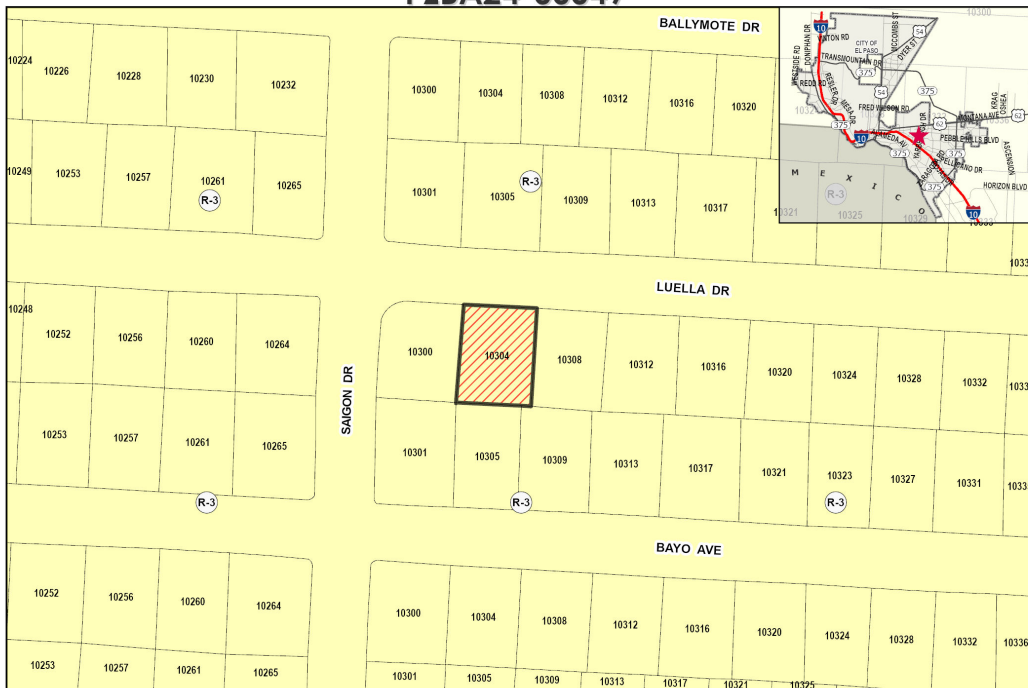
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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. **(Staff Recommendation)**
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

PZBA24-00049



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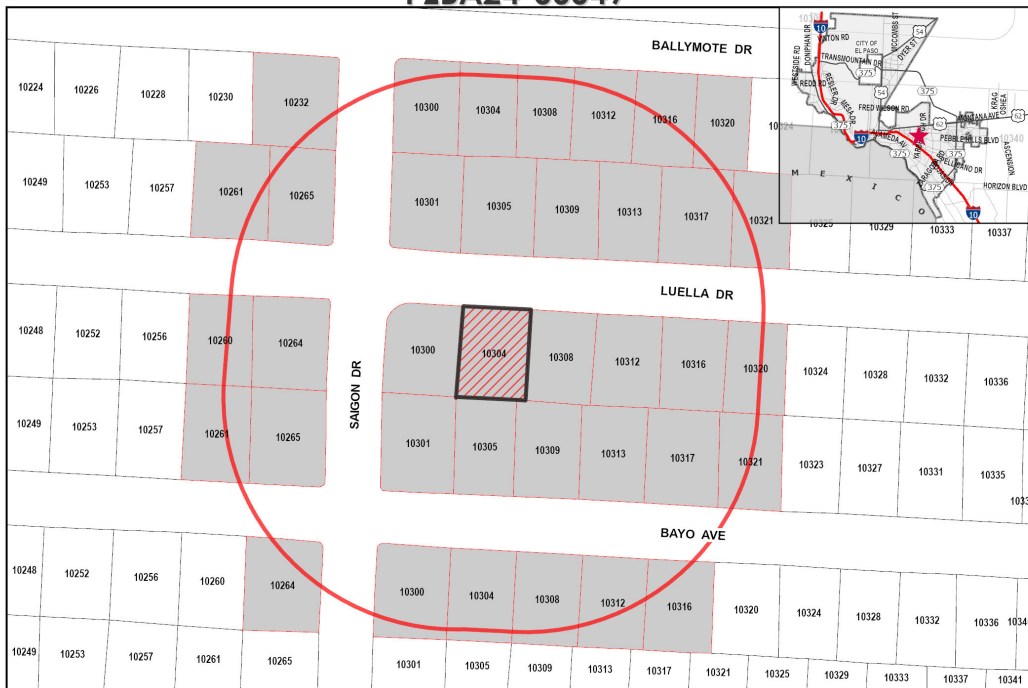
Subject Property

0 25 50 100 150 200 Feet



NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00049



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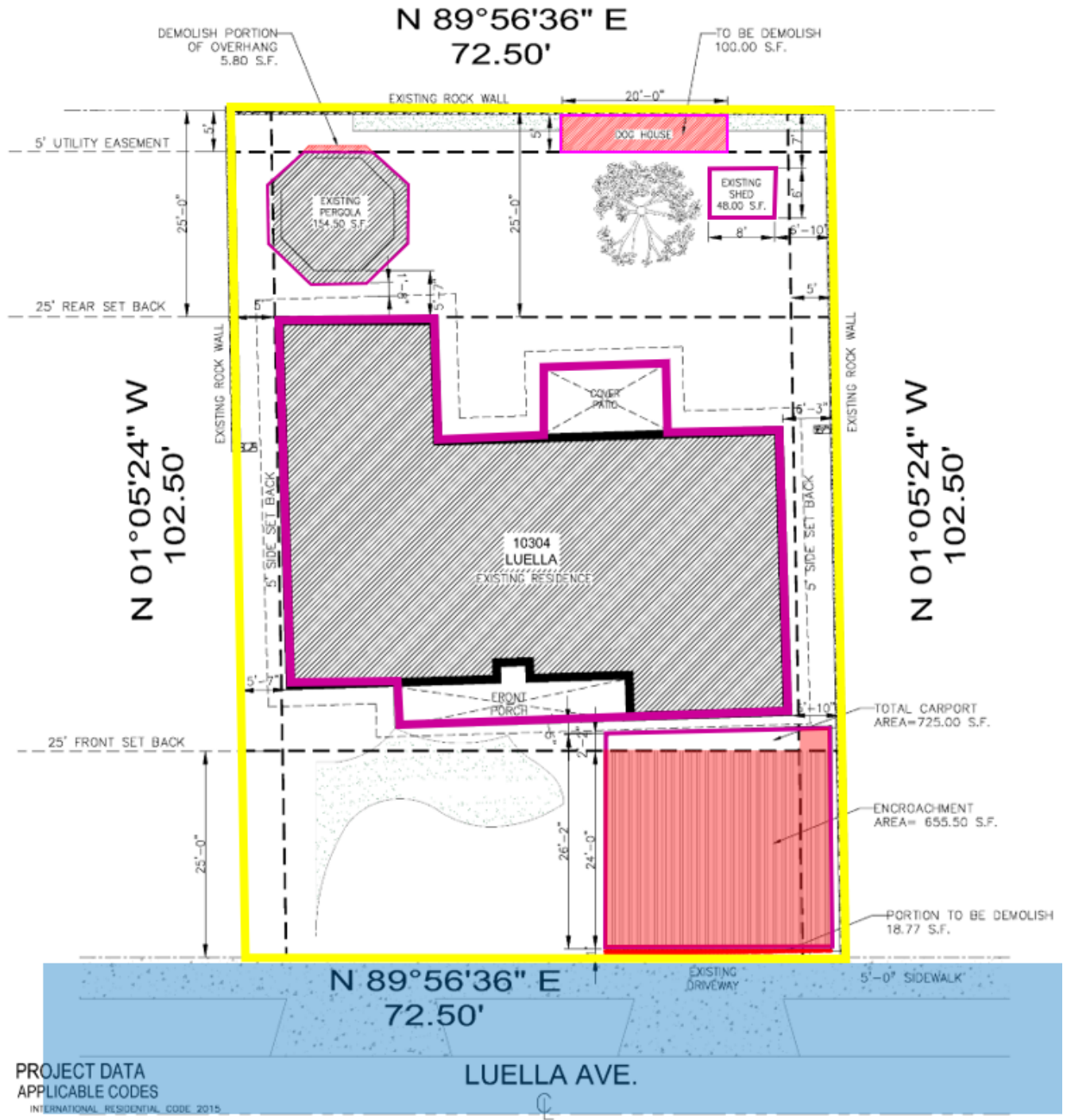


Subject Property
 300 Feet Notice Area
 Notified Properties

0 25 50 100 150 200 Feet



SITE PLAN



NONCONFORMING LOTS

PLRG24-00005/ 2210 N. Virginia



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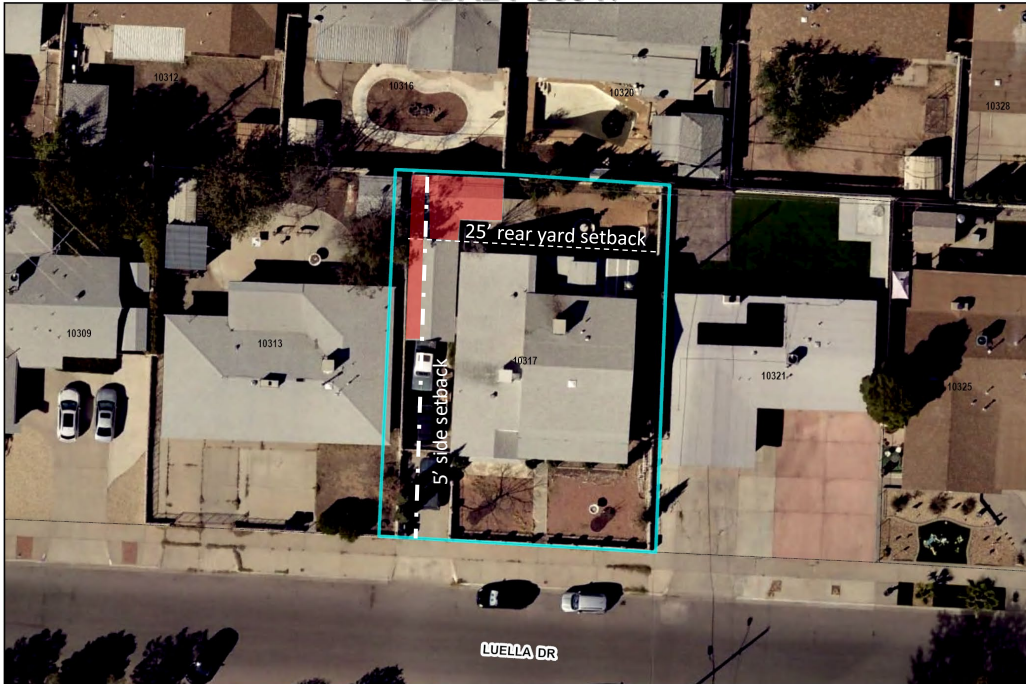


 Subject Property



NONCONFORMING LOT 1

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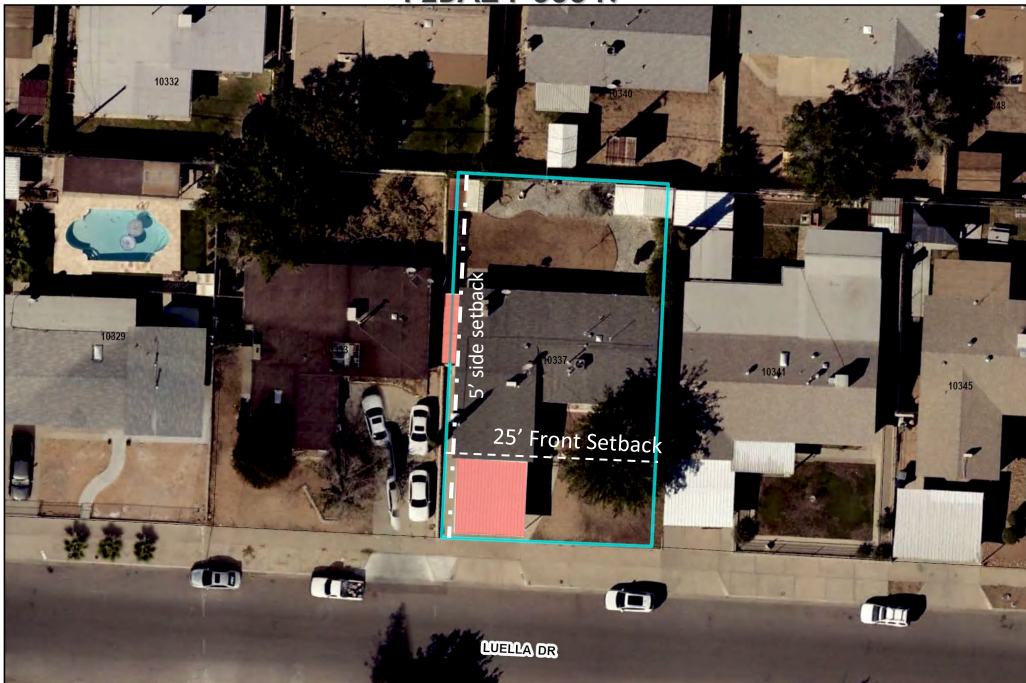


Subject Property



NONCONFORMING LOT 2

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Subject Property



NONCONFORMING LOT 3

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Subject Property

0 5 10 20 30 40 Feet



NONCONFORMING LOT 4

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Subject Property

0 5 10 20 30 40 Feet



NONCONFORMING LOT 5

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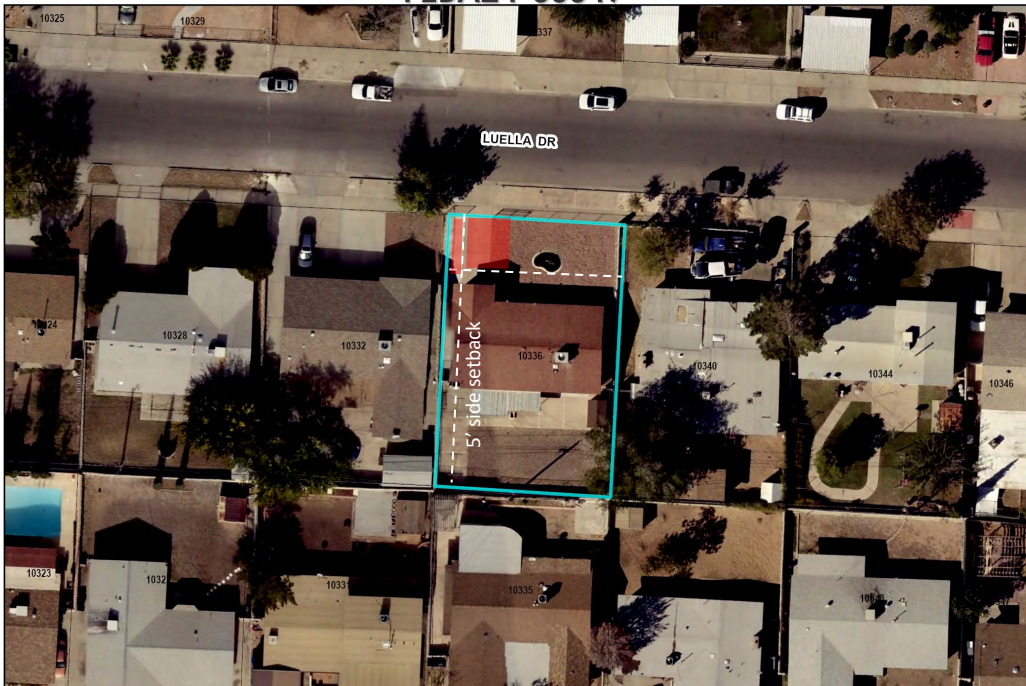
 Subject Property

0 5 10 20 30 40
Feet



NONCONFORMING LOT 6

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 Subject Property

0 5 10 20 30 40
Feet



