

10461 Achilles

Zoning Board of Adjustment — May 5, 2025



CASE NUMBER: PZBA25-00006
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Nancy and Jose De La Torre
REPRESENTATIVE: Lorena Armenta
LOCATION: 10461 Achilles Dr. (District 4)
ZONING: R-3/sc (Residential/special contract)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of May 1, 2025

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** 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.

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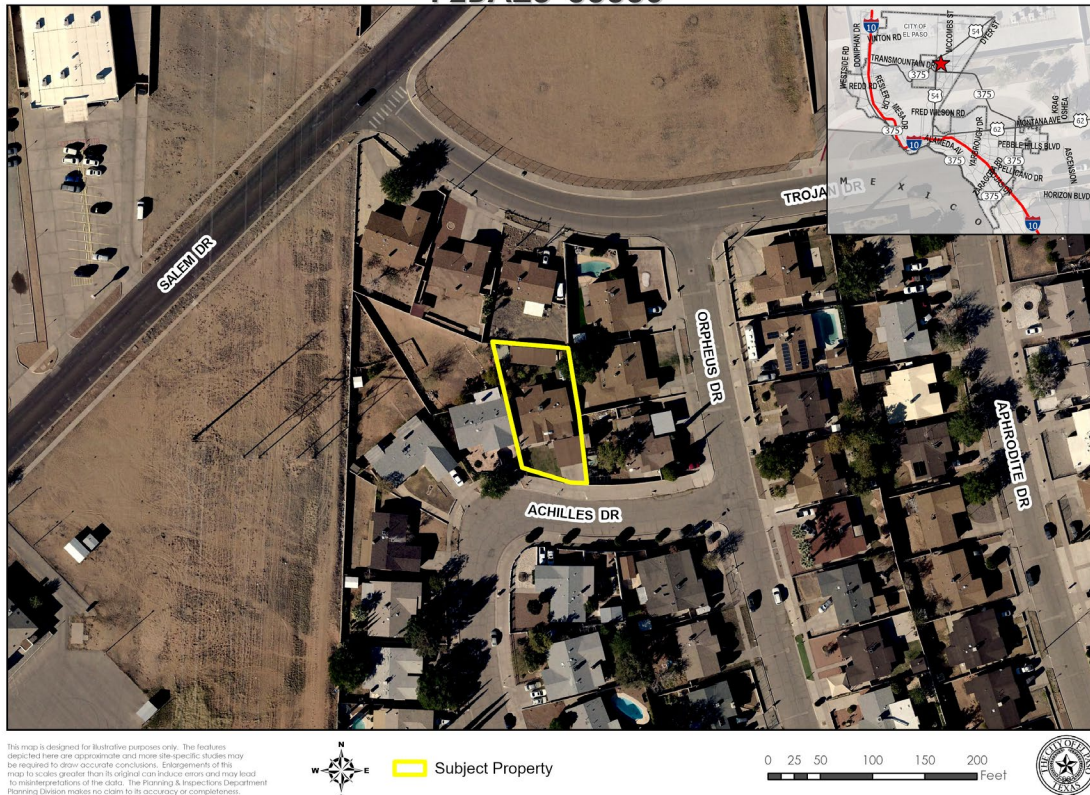


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize an existing carport, which extends 5 feet into the required side yard setback for 110 square feet of total encroachment.

BACKGROUND: The minimum side setback is 5 feet in the R-3 (Residential) zone district. Aerial photographs indicate that two (2) nearby properties also encroach into their respective side yard setbacks, with encroachments into the side yard larger than those on the subject property. These properties are located at 10431 Achilles Drive (162.54 square feet) and 10428 Achilles Drive (279.61 square feet). The encroachment of the existing carport into the front yard setback is less than the maximum 150 square feet permitted per Section 20.10.040 – Yards of the El Paso City Code.

Based on El Paso Central Appraisal District records, the home was built in 1977 and the existing encroachment was built in 2024 by the current owner.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	50 feet	No Change
Side (West)	5 feet	No Change
Side (East)	5 feet	0 feet
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:

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 and site visits, it was established that one house on the same block extends 5 feet into the side setback, and another house extends 5 feet into the side 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 (2) houses on the same block that encroach into their required 5-foot side yard setback located at 10431 Achilles Drive and 10428 Achilles Drive.
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 April 23, 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.

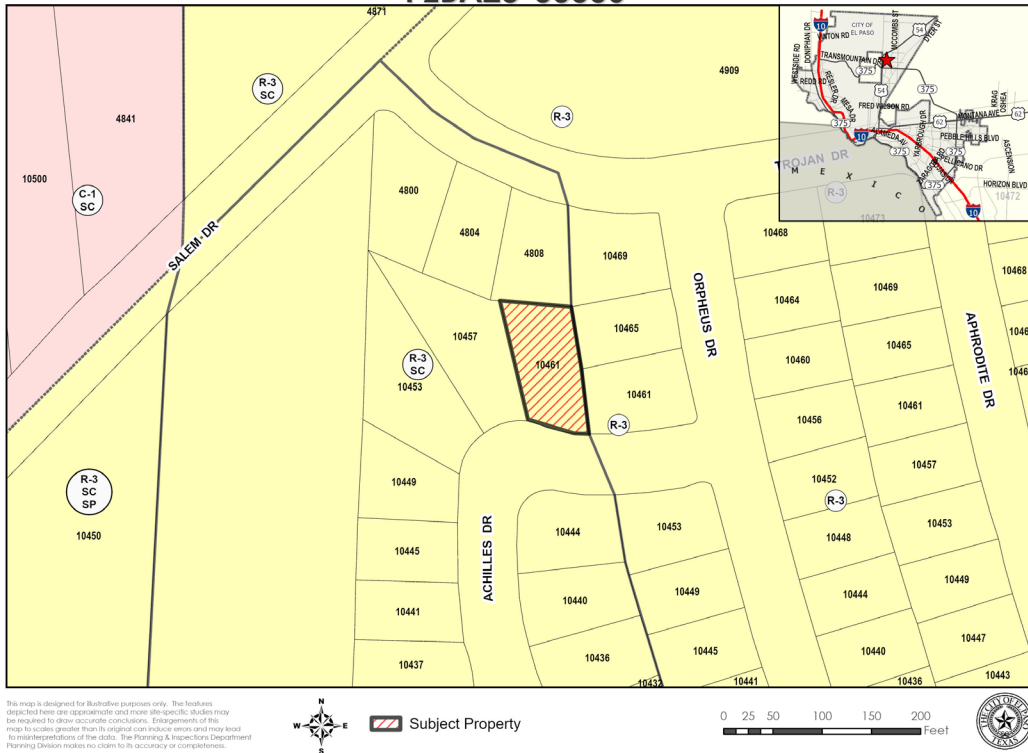
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

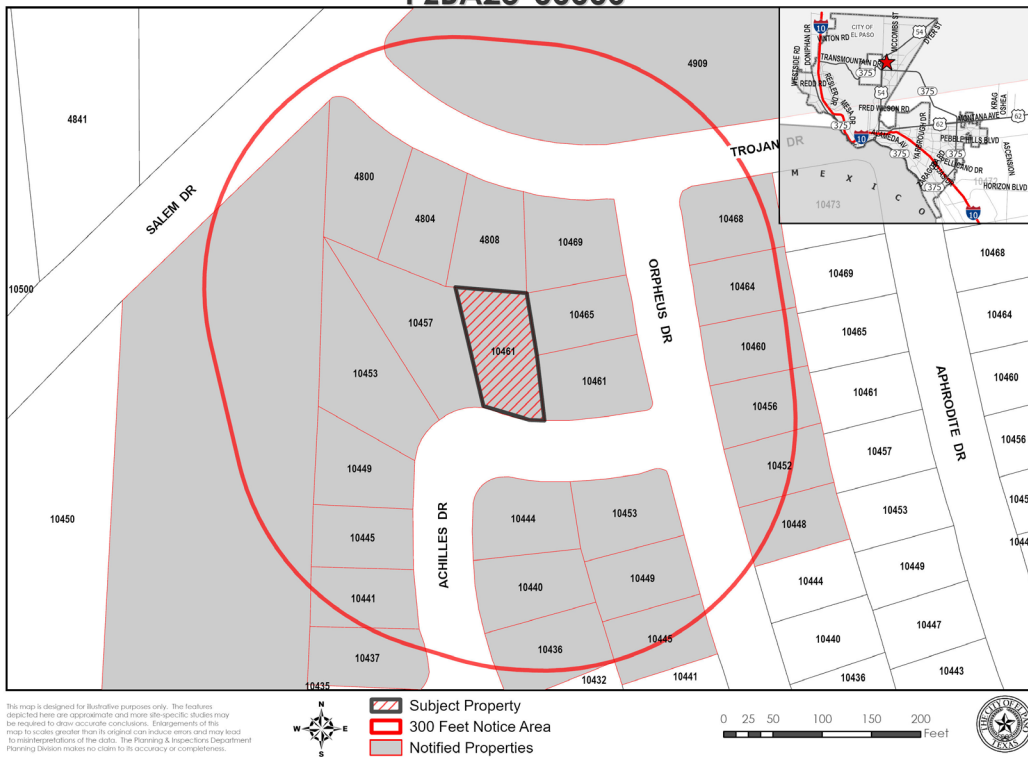
ZONING MAP

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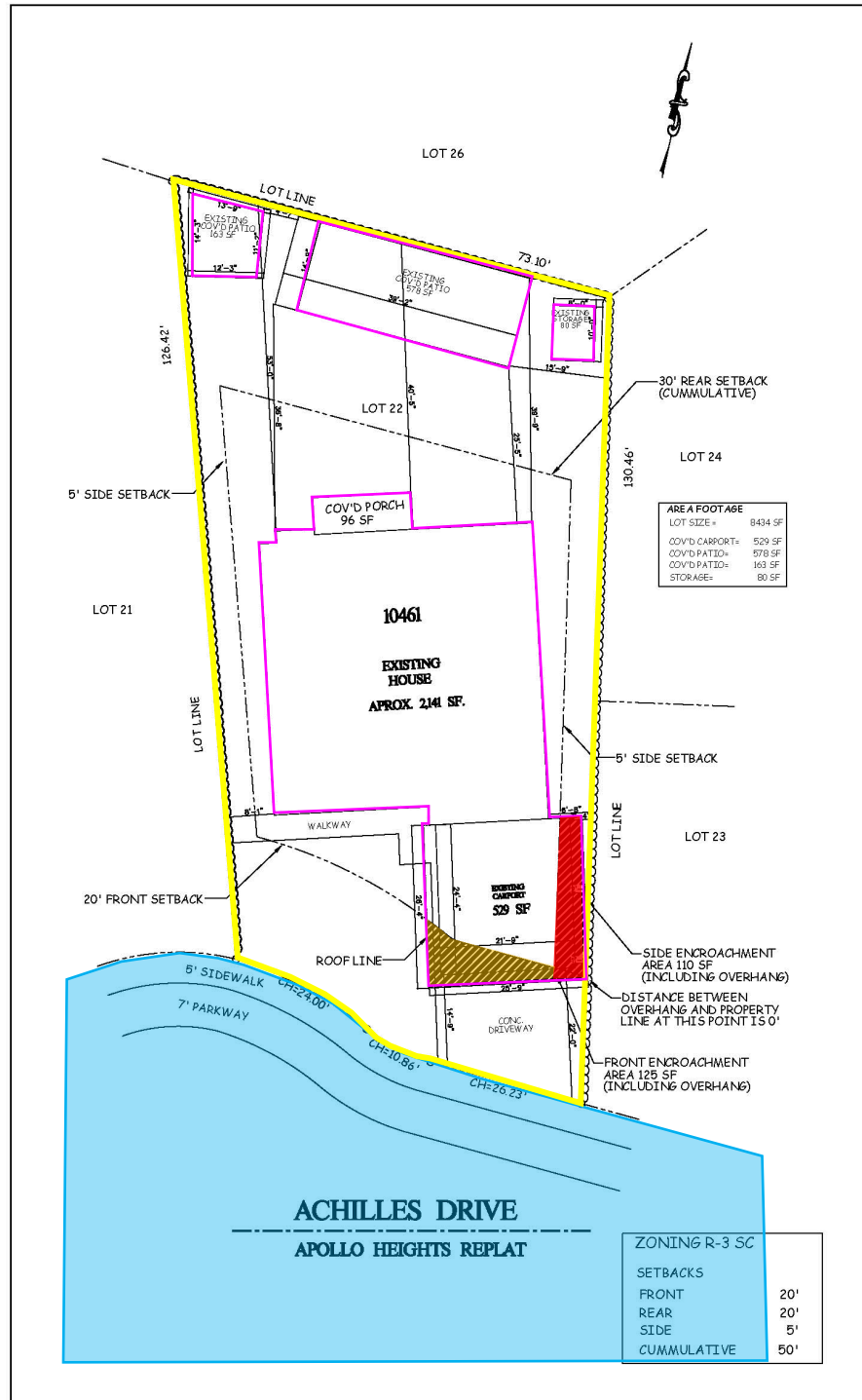


NEIGHBORHOOD NOTIFICATION MAP

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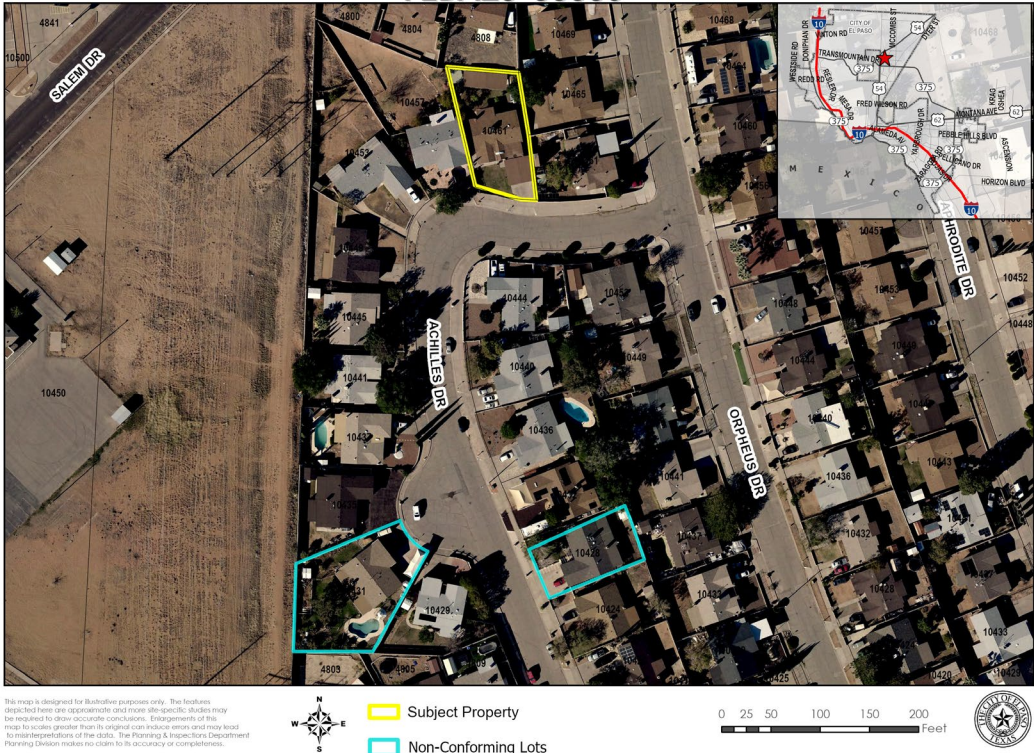


SITE PLAN



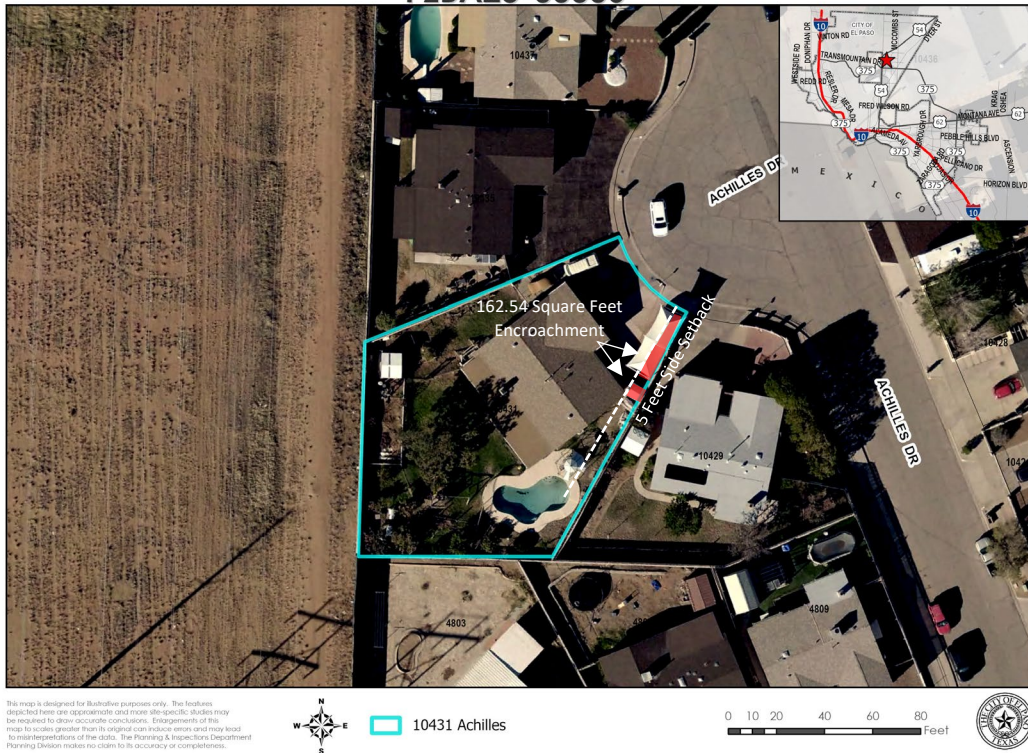
NONCONFORMING LOTS

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NONCONFORMING LOT 1

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NONCONFORMING LOT 2

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