

1344 Backus

Zoning Board of Adjustment — June 2, 2025



CASE NUMBER: PZBA25-00017
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Lourdes G. Alvarez
REPRESENTATIVE: Vanessa Duran
LOCATION: 1344 Backus St. (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) & Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: One (1) phone call of inquiry received as of May 29, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing carport, a rear covered patio, a gazebo and the addition of the single-family home in an R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the special exception requests as the requested encroachments are less than the encroachments into those setbacks already present on at least two other neighboring properties and has been in existence for more than fifteen (15) years. The conditions are as follows:

1. That the encroachments of the carport and single-family home into the southerly five (5) feet side yard setback be removed as demonstrated on the site plan.
2. That the carport shall resemble the single-family home in scale and character.

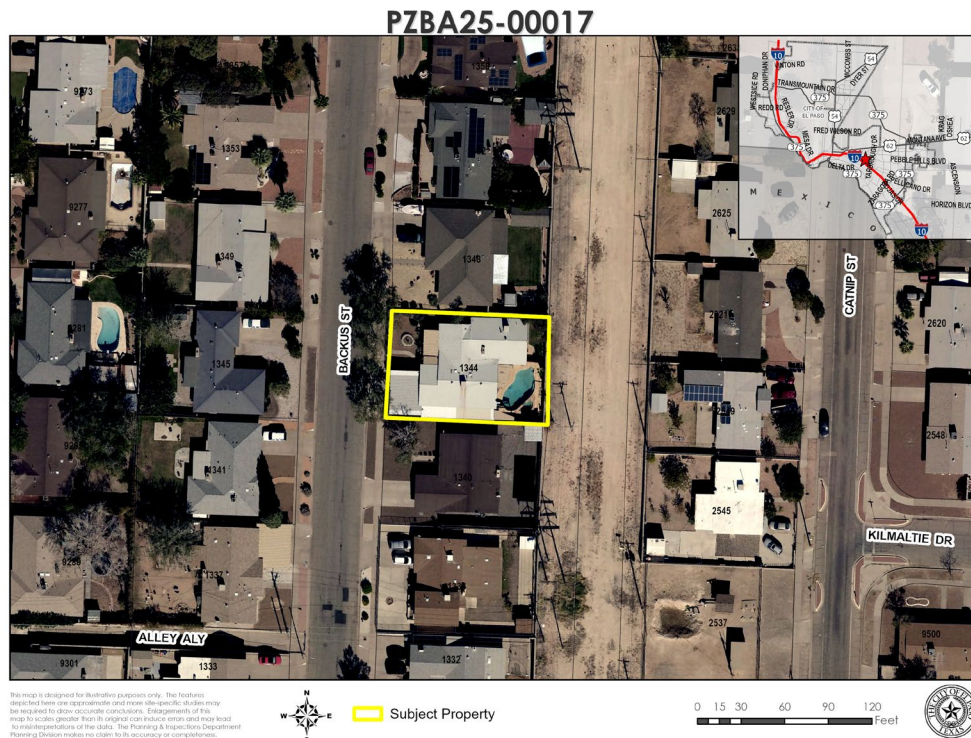


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting the two (2) special exceptions to allow to legalize the construction of an existing carport, rear covered patio, gazebo and a rear addition. The carport extends 7 feet 1 ½ inches into the required front yard setback for 191.27 square feet of total encroachment, the rear covered patio extends 12 feet 3 ½ inches into the rear yard setback for a total encroachment area of 124.65 square feet, the gazebo encroaches 14.36 square feet into the rear yard setback and 51.24 square feet into the side yard setback. The applicant is also requesting a special exception to allow to legalize the existing addition encroaching 20 feet into the rear yard setback for a total encroachment area of 560 square feet.

BACKGROUND: The minimum front setback is 10 feet in the R-4 (Residential) zone district. The required rear setback for the subject property is 35 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. The existing single-family home was built in 1970. The carport was constructed in 2021, while the rear covered patio and rear gazebo were built in 2017 by the current owner. The request is due to a code enforcement citation that was issued on December 17, 2024. The encroachments of the carport and single-family home into the southerly side setback will be removed.

Based on 2009 aerial imagery, the 560 square foot encroachment of the addition into the rear 35-foot rear yard setback existed back then as it does today and was not built by the current owner.

Aerial photographs indicate that there are six (6) other properties on the same block and abutting the street that contain structures in their front, rear and side yard setbacks. 1337 Backus Street has a carport with an encroachment area of 236.32 square feet and 1321 Backus Street has a carport with an encroachment area of 206.75 square feet, which obtained approval from the Zoning Board of Adjustment (ZBA) in 1977. 1361 Backus Street has a rear patio encroachment area of 159.48 square feet and 1348 Backus Street has a rear patio encroachment of 248.10 square feet. 1353 Backus Street has patio encroachment into the 5-foot side yard setback of 73.04 square feet and 1304 Backus Street has an addition encroachment into the 5-foot side yard setback of 126.59 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	10 feet	2 feet 11 inches
Rear	35 feet	15 feet
Cumulative Front & Rear	45 feet	17 feet 11 inches
Side (North)	5 feet	No Change
Side (South)	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 there are six (6) properties with non-conforming structures located in the front, rear and side yard 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. 1337 and 1321 Backus Street have additions that extend into their respective front yard setbacks, 1361 and 1348 Backus Street have additions that extend into their respective rear yard setbacks and 1353 and 1304 Backus have additions that also extend into their side yard setbacks are in the same nature as the subject property.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming	Yes. Only applicable lots are being considered.

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.	
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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 May 23, 2025 to all property owners within 300 feet of subject property. The Planning Division has received one (1) phone call of inquiry but no communications in support or opposition to the special exception request.

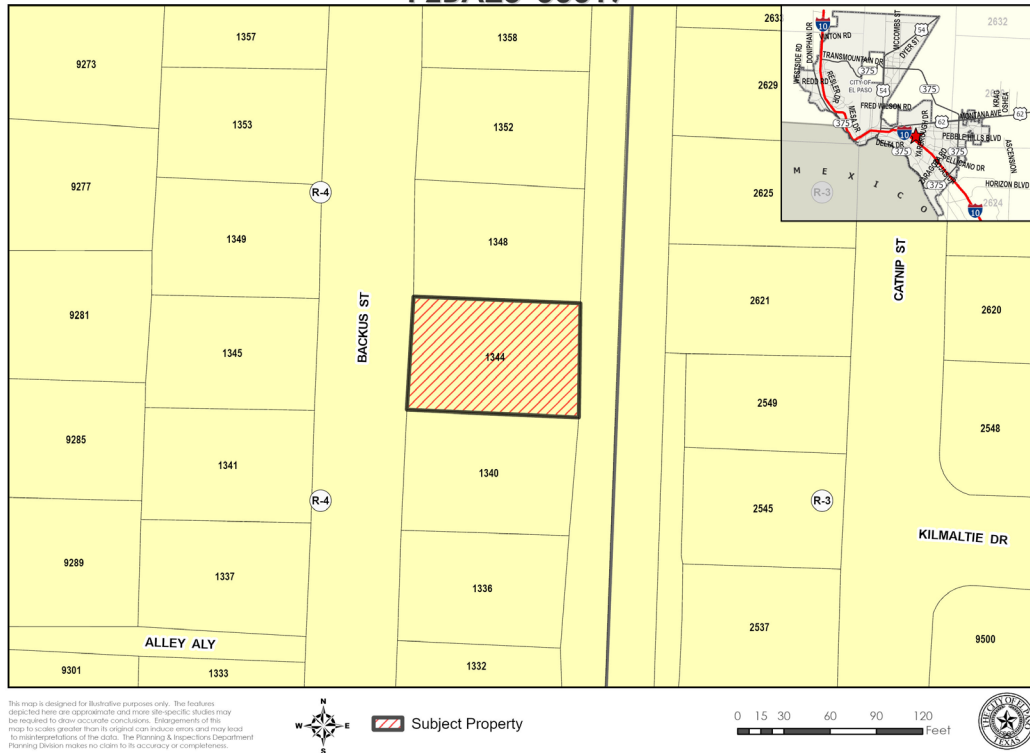
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

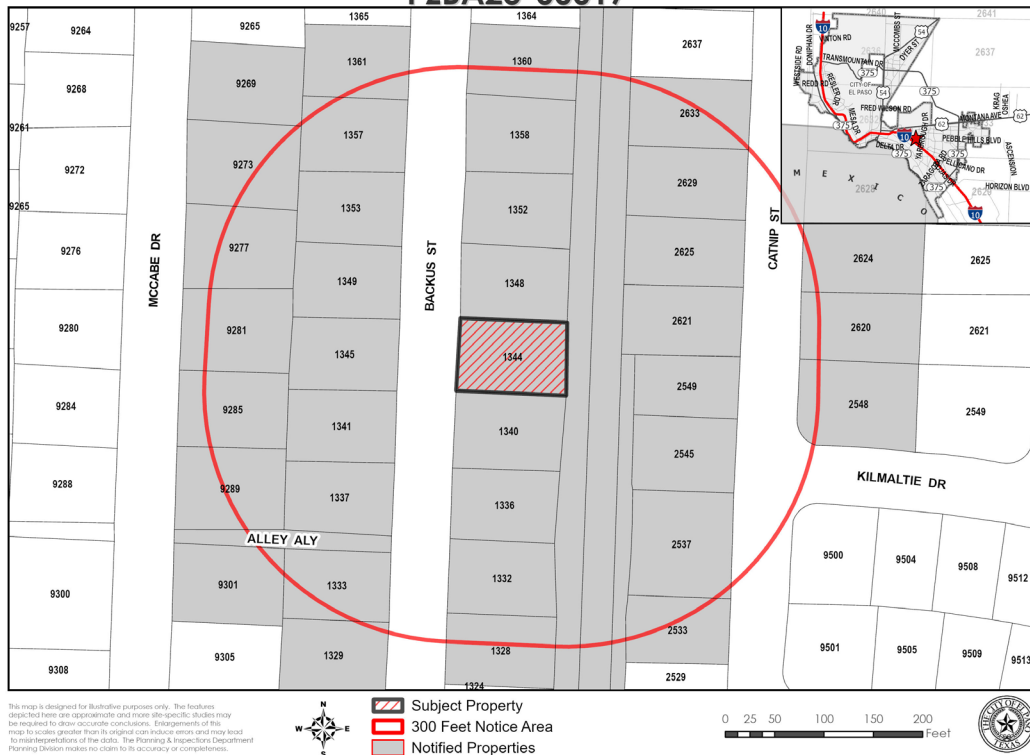
ZONING MAP

PZBA25-00017

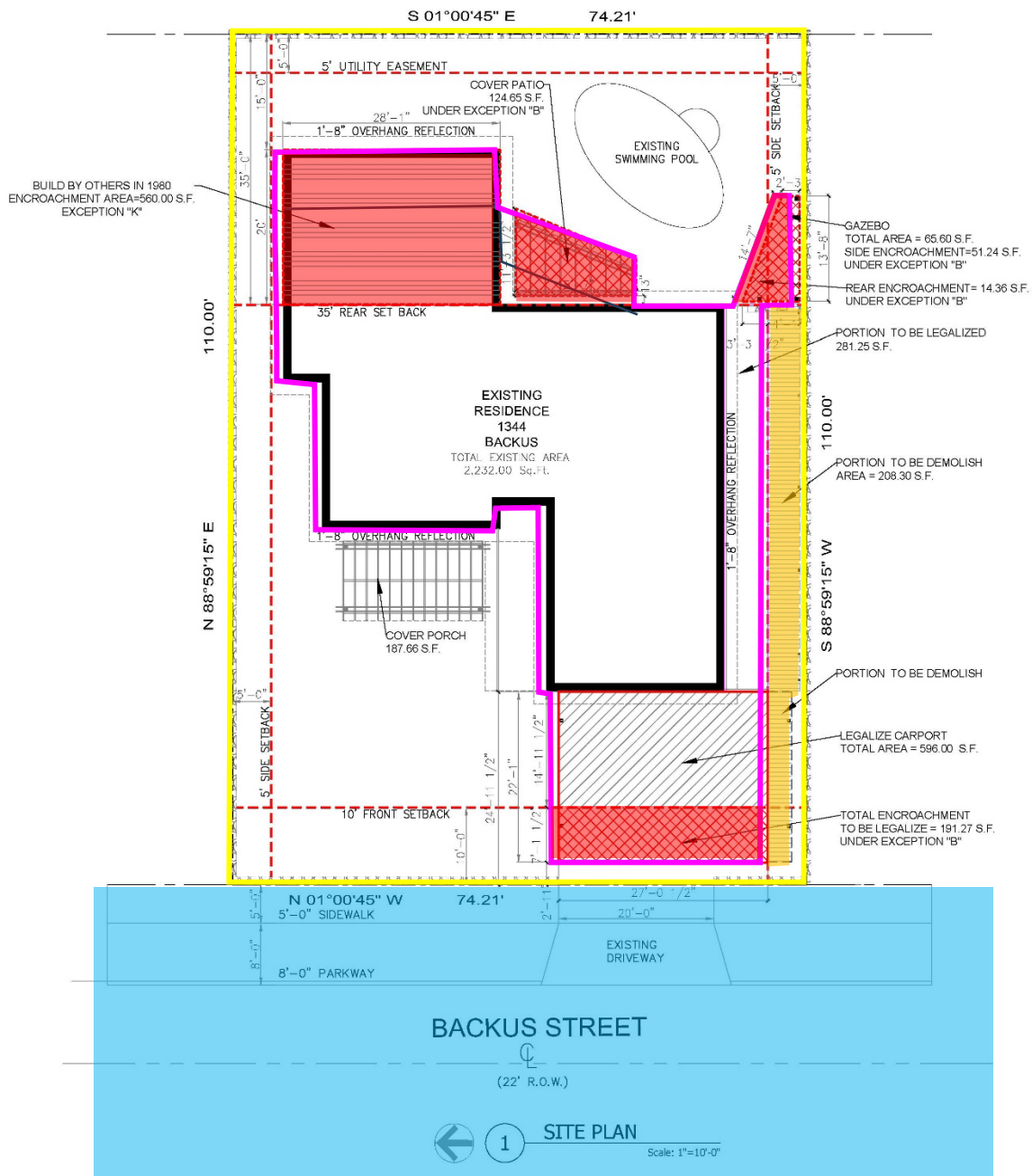


NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN



NONCONFORMING LOTS

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NONCONFORMING LOT 1 (Front Yard Setback Encroachment)

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NONCONFORMING LOT 2 (Front Yard Setback Encroachment)

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NONCONFORMING LOT 3 (Rear Yard Setback Encroachment)

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NONCONFORMING LOT 4 (Rear Yard Setback Encroachment)

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NONCONFORMING LOT 5 (Side Yard Setback Encroachment)

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NONCONFORMING LOT 6 (Side Yard Setback Encroachment)

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2009 Aerial

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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. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 10 20 40 60 80 Feet

