

1337 Backus

Zoning Board of Adjustment — June 2, 2025



CASE NUMBER: PZBA25-00016
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Jorge Rodriguez
REPRESENTATIVE: Vanessa Duran
LOCATION: 1337 Backus St. (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception J (Carport Over a Driveway)
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 J (Carport Over a Driveway) to allow to legalize an existing carport over a driveway in an R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested encroachment is less than the maximum permitted for a carport. The condition is as follows:

- That the portion of the existing carport that encroaches into the northerly 5 feet side yard setback be removed.

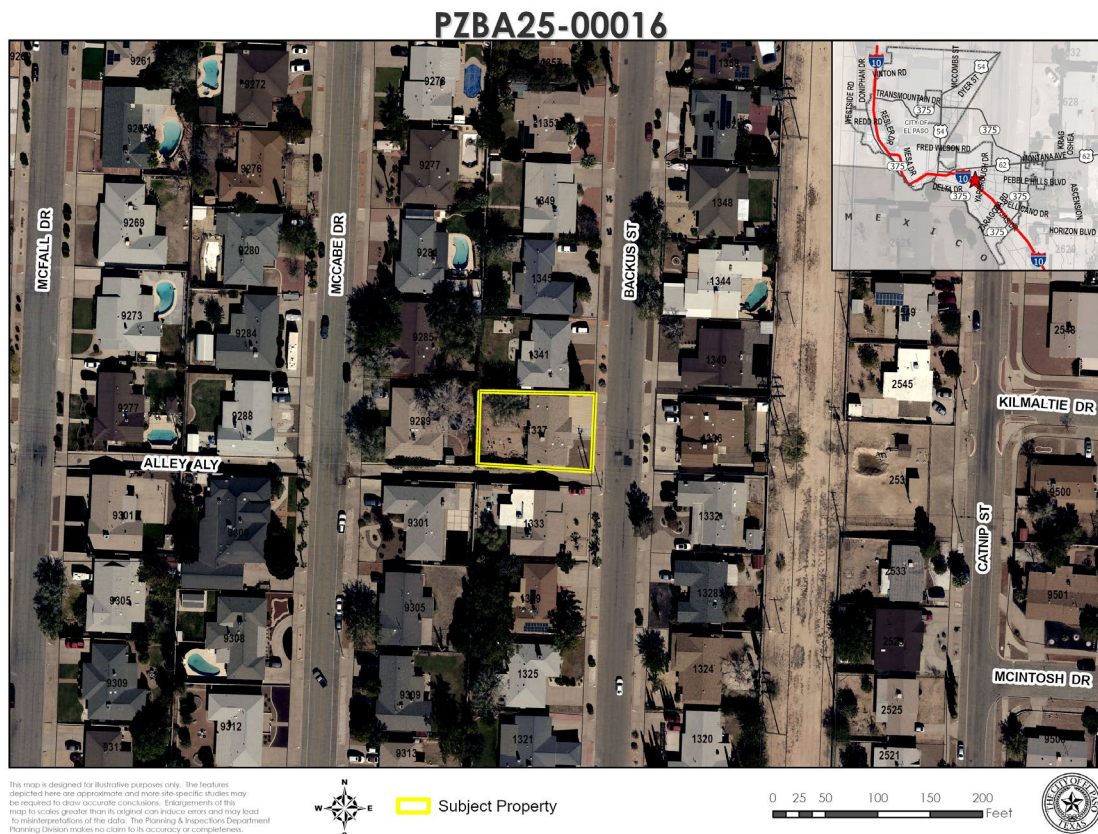


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport of approximately 25 feet 11 inches by 23 feet 7 inches and an area of 604.04 square feet, of which 236.32 square feet encroaches 9 feet into the front yard setback and is located to within 1 foot of the front property line.

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. Based on El Paso Central Appraisal District records, the single-family home was built in 1969 and the encroachment was built in 2023 by the current owner. The request is due to a code enforcement citation that was issued on December 17, 2024. The portion of the carport that encroaches into the 5-foot side setback will be removed.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	10 feet	1 foot
Rear	35 feet	35 feet
Cumulative Front & Rear	45 feet	36 feet
Side (North)	5 feet	No Change
Side (South)	5 feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	333.6 Square Feet	1/5 of 1668 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	236.32 Square Feet	9 Feet by 25 Feet 11 Inches (Encroachment only)

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.J to:

Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The existing carport shall resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The existing carport encroachment of 236.32 square feet is less than the maximum allowed area of 333.6 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the existing structure were submitted.
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.

7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

PUBLIC COMMENT: Public notice was sent on May 23, 2025 to all property owners within 300 feet of the 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.

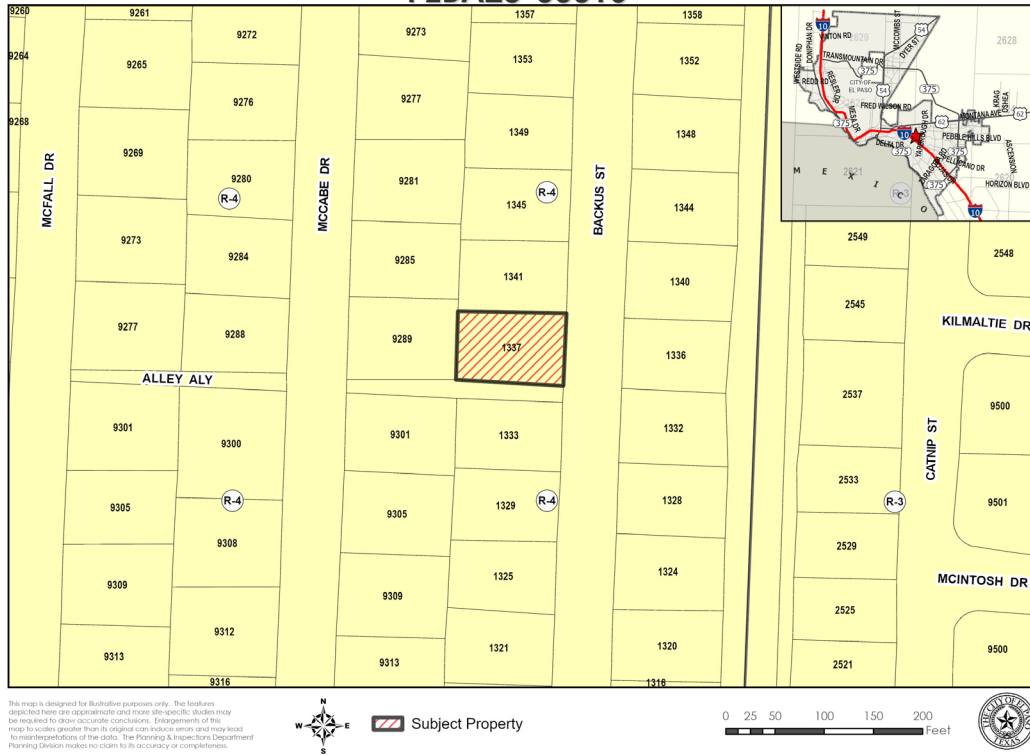
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

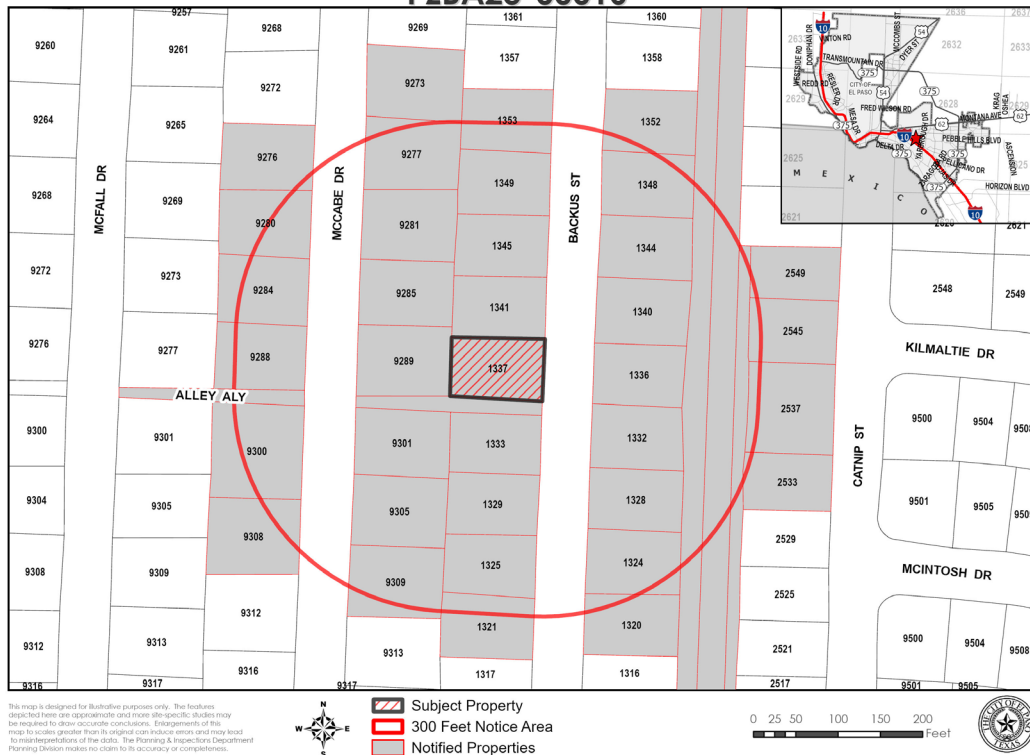
ZONING MAP

PZBA25-00016

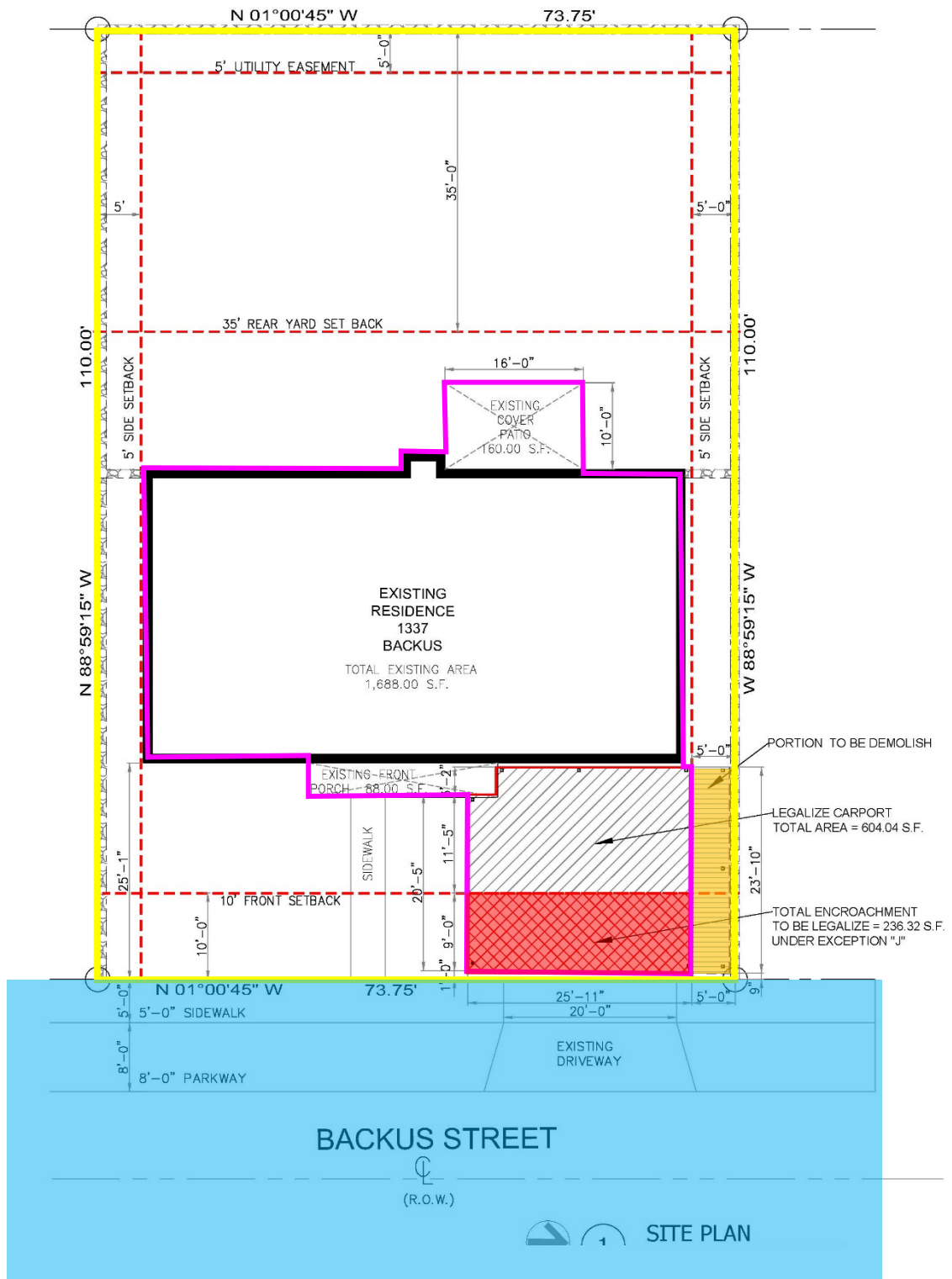


NEIGHBORHOOD NOTIFICATION MAP

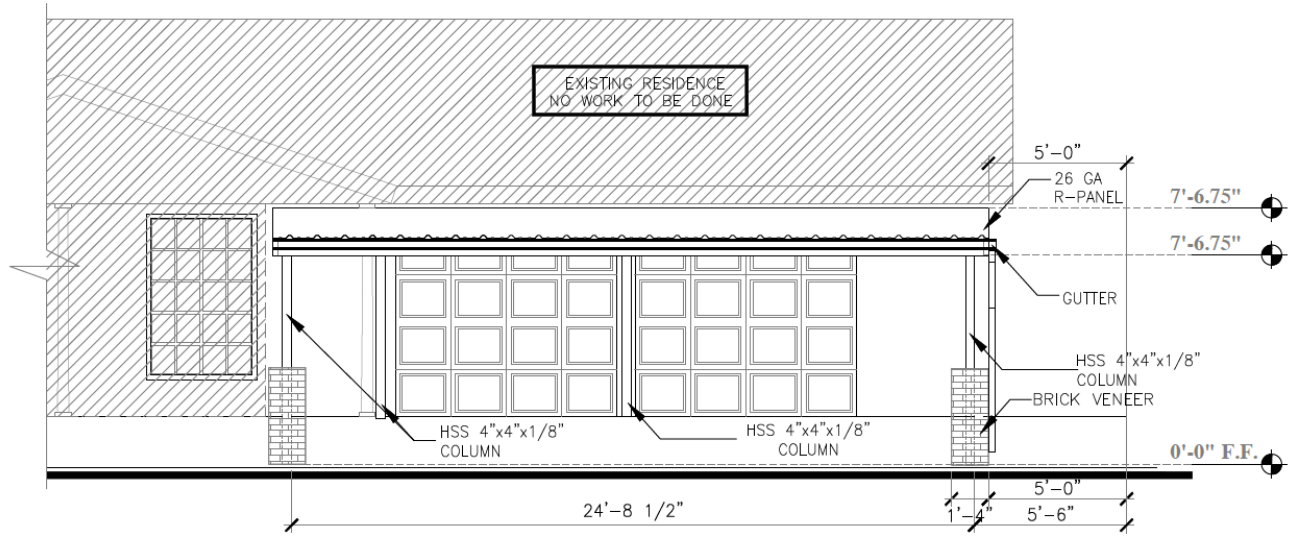
PZBA25-00016



SITE PLAN



ELEVATION 1



ELEVATION 2

