

4509 General Maloney

Zoning Board of Adjustment — November 10, 2025



CASE NUMBER:	PZBA25-00044
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Rogelio and Luz M. Carrillo
REPRESENTATIVE:	Rogelio and Luz M. Carrillo
LOCATION:	4509 General Maloney Cir. (District 4)
ZONING:	R-3A (Residential)
REQUEST:	Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT:	None received as of November 4, 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 porch, a canopy and two accessory structures in an R-3A (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** 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. The conditions are as follows:

1. Existing porch shall remain open on three sides.
2. Above ground pool shall be removed from easement.

PZBA25-00044



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize the construction of an existing porch, canopy, and two accessory structures. The porch and canopy structures encroach 20 feet into the required rear yard setback, totaling approximately 368 square feet. Two accessory structures encroach 5 feet into the required side yard setback, totaling approximately 72 square feet.

BACKGROUND: The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback requirement of 45 feet in the R-3A (Residential) zone district. The required side setback is 5 feet in the same district. Aerial imagery indicates that several homes on the same block have similar encroachments. At 4457 General Maloney Circle, an addition encroaches approximately 550 square feet into the rear setback; the accessory structure on this property was originally approved, but a later unpermitted addition now connects it to the main dwelling, resulting in one continuous structure. At 4445 General Maloney Circle, a similar condition exists, with the home encroaching approximately 530 square feet into the rear setback following an unpermitted addition that connected the approved accessory structure to the main dwelling. Additionally, at 4512 General Maloney Circle, an accessory structure encroaches approximately 75 square feet into the side setback with no permit on record, and at 4528 General Maloney Circle, another accessory structure encroaches approximately 83 square feet into the side setback, also with no permit on record.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	5 feet
Cumulative Front & Rear	45 feet	25 feet
Side	5 feet	0 feet
Side Street	10 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:

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. Based on aerial photos and site visits, it was determined that one home on the same block encroaches approximately 25 feet into the rear setback, while another encroaches approximately 23 feet. In addition, two other properties on the block each extend approximately 5 feet into the side yard 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 other properties with single-family dwellings that encroach into their required rear and side setbacks beyond the existing encroachment of the subject property.
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 October 29, 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.

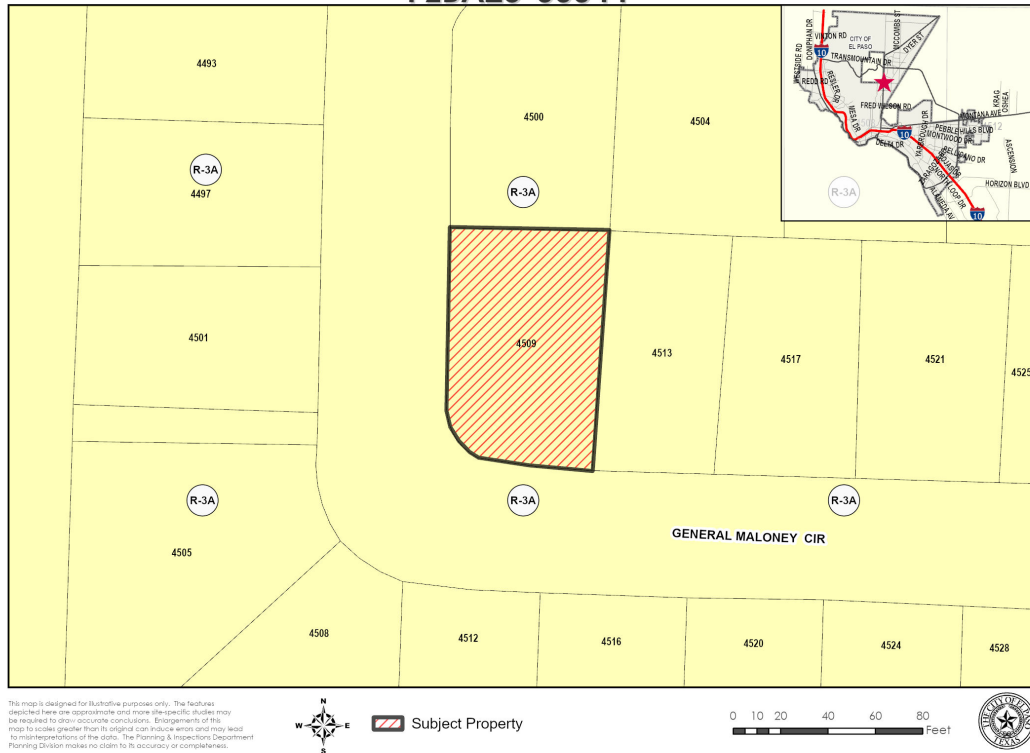
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

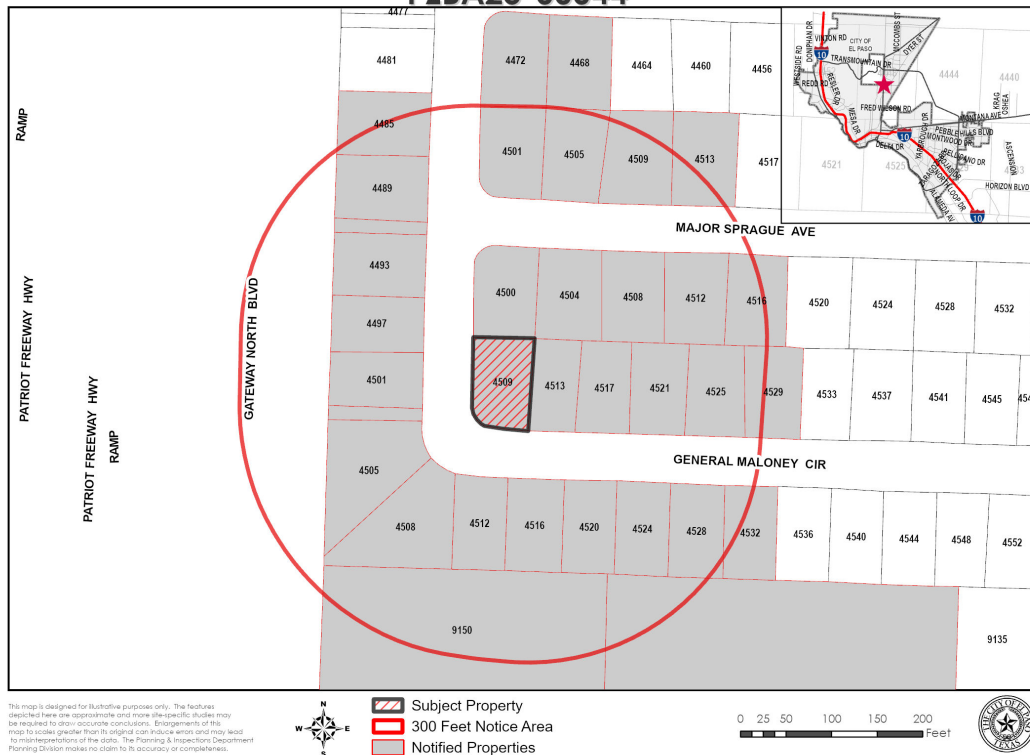
ZONING MAP

PZBA25-00044

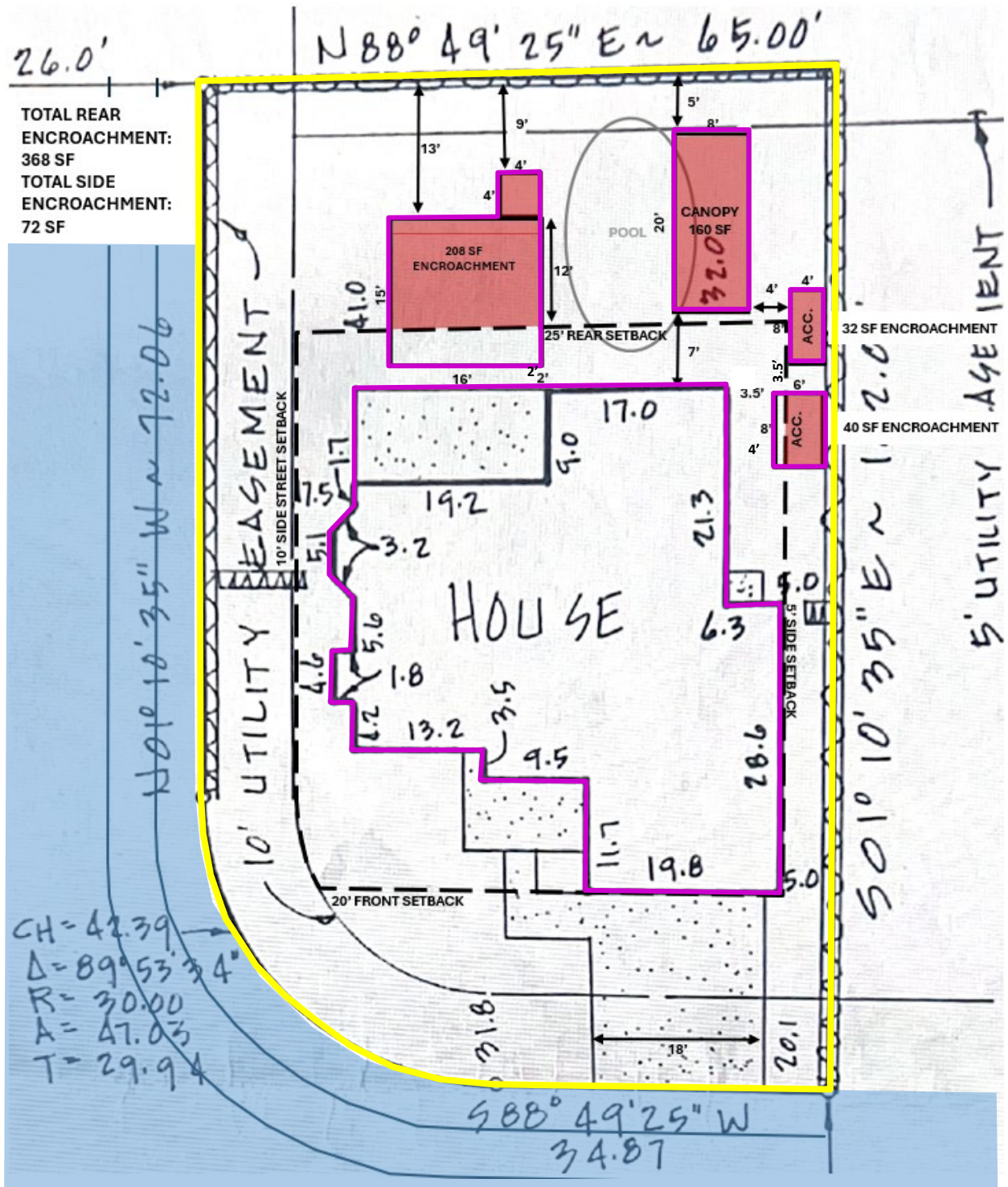


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00044



SITE PLAN



NONCONFORMING LOTS

PZBA25-00044



NONCONFORMING LOT 1

PZBA25-00044 | 4445 Gen. Maloney Cir.



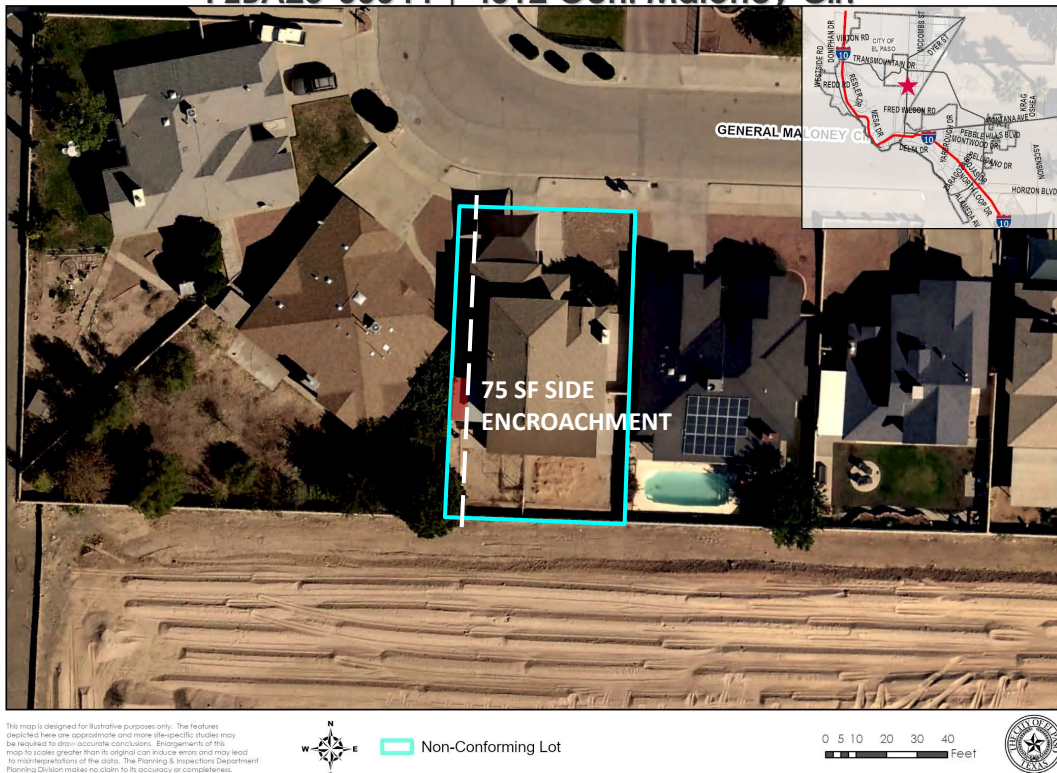
NONCONFORMING LOT 2

PZBA25-00044 | 4457 Gen. Maloney Cir.



NONCONFORMING LOT 3

PZBA25-00044 | 4512 Gen. Maloney Cir.



NONCONFORMING LOT 3

PZBA25-00044 | 4528 Gen. Maloney Cir.



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



 Non-Conforming Lot

0 5 10 20 30 40
Feet

