

7954 Sagitta Court

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00058
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Maria Beatriz Reyes
REPRESENTATIVE: Ricardo Ojeda
LOCATION: 7954 Sagitta (District 7)
ZONING: R-5 (Residential)
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT: None received as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit a proposed home addition that will encroach into the required rear setback in an R-5 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted.

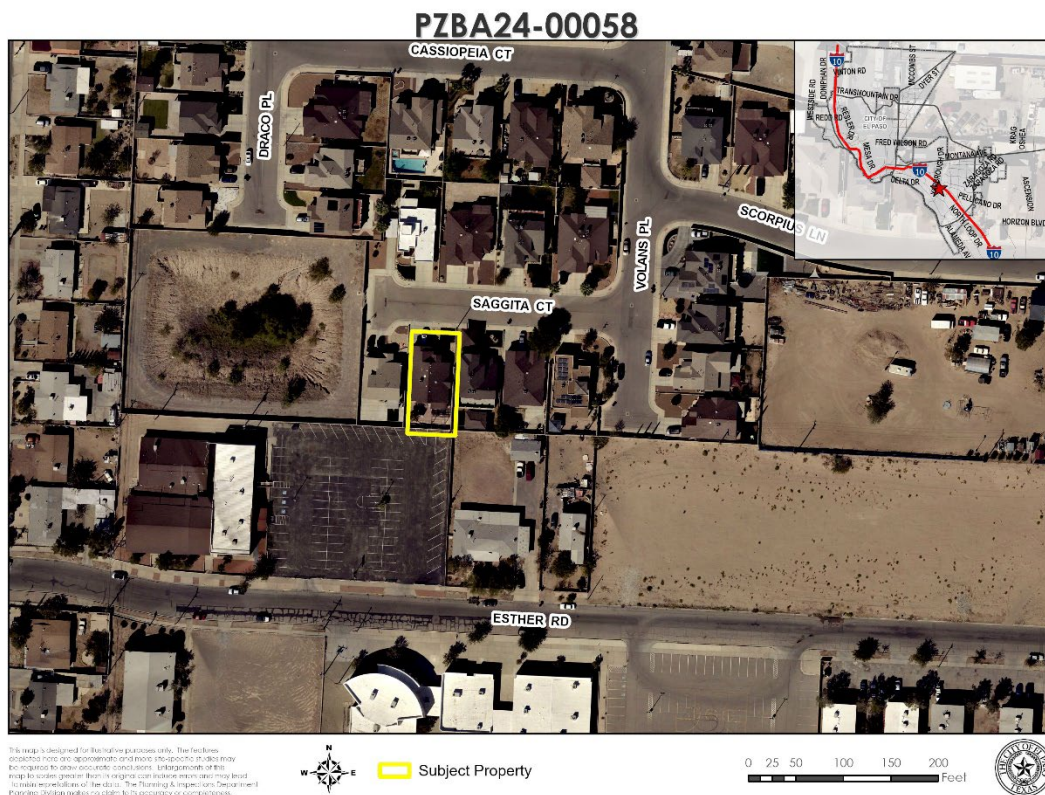


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed home addition, 2 feet and 5.5 inches of which would extend into the rear yard setback for a 57.5 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the R-5 (Residential) zone district. The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	22 feet 5.5 inches
Cumulative Front & Rear	45 feet	42 feet 5.5 inches
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	250 square feet	16.6' (50' average lot width ÷ 3) X 15' (3/5 of 25' required rear yard setback)
Requested Area of Encroachment	57.5 square feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.C CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.C to:
Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, 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 maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;	Yes. The maximum permitted area of encroachment is 250 square feet, which is more than the requested area of encroachment of 57.5 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 22 feet 5.5 inches rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

PUBLIC COMMENT: Public notice was sent on September 5, 2024 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.

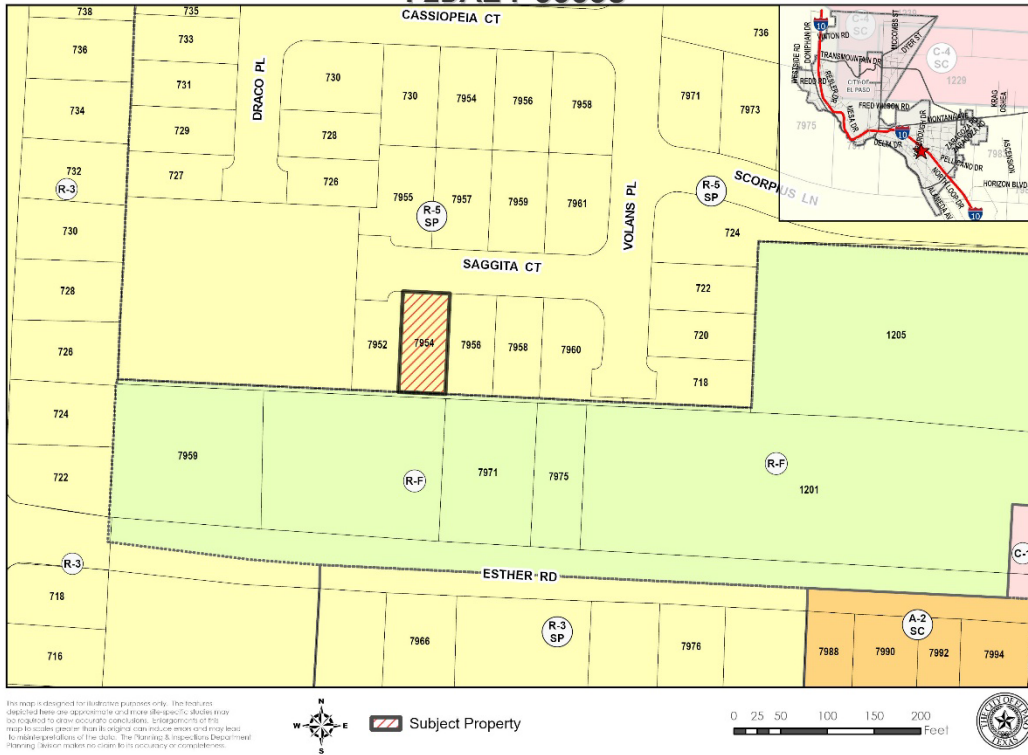
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

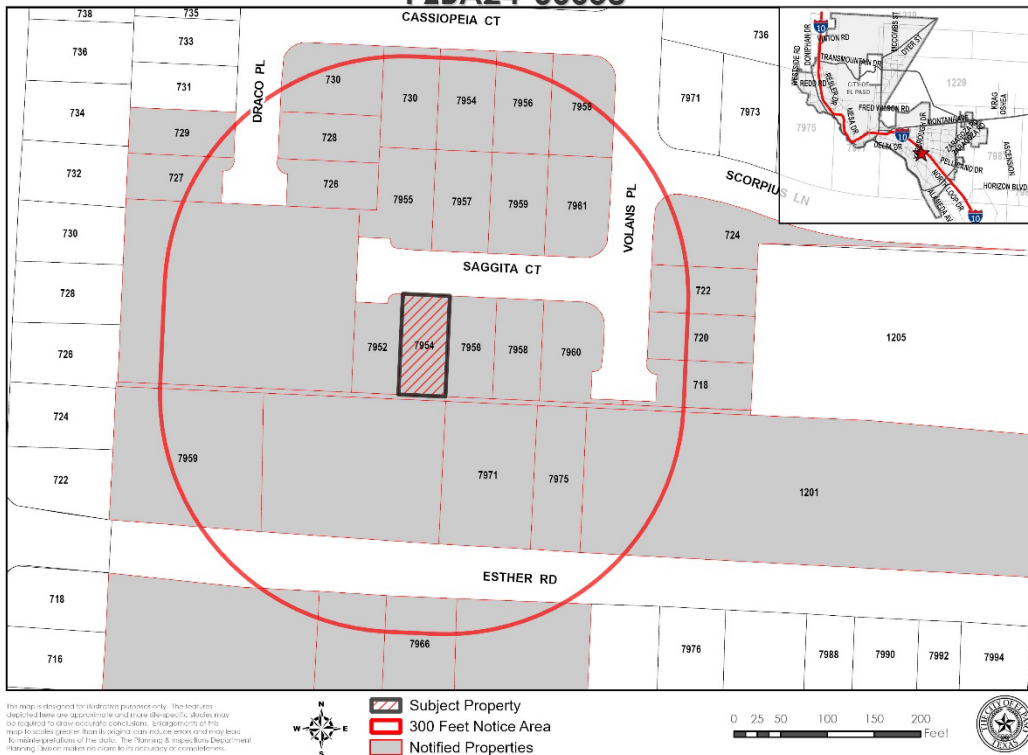
ZONING MAP

PZBA24-00058



NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00058



SITE PLAN

