

4771 Cumberland

Zoning Board of Adjustment — May 5, 2025



CASE NUMBER: PZBA25-00003
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Patricia Beltran
REPRESENTATIVE: Jorge Limon
LOCATION: 4771 Cumberland Cir. (District 2)
ZONING: R-4/H (Residential/Historic)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: One (1) call of inquiry as of May 1, 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 permit a proposed home addition and allow to legalize an existing accessory structure 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 encroachments into that setback already present on at least two other neighboring properties and have existed for at least fifteen years. The condition is the following:

1. The accessory structure located to the rear of the property shall be relocated or removed to comply with zoning requirements.

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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 to the existing single-family dwelling, which would extend 5 feet into the required side yard setback for 85 square feet of total encroachment. Additionally, the applicant is requesting a special exception to allow to legalize the construction of an existing accessory structure, which extends 11 feet 4 ¾ inches into the required rear yard setback and 5 feet into the required side yard setback of which 145 square feet of that structure encroach into the rear and side yard setbacks.

BACKGROUND: The minimum rear setback in the R-4 (Residential) zone district is 25 feet. For the subject property, a rear setback of 25 feet is required in order to meet the cumulative front and rear setback total of 45 feet in the R-4 (Residential) zone district. The minimum side setback requirement in the R-4 (Residential) zone district is 5 feet. Aerial imagery reveals that at least two other homes on the same block have similar side encroachments. The properties are located at 4744 Cumberland Circle (85 square feet side yard encroachment) and 4747 Cumberland Circle (295 square feet side yard encroachment).

According to records from the El Paso Central Appraisal District, the current owner has held the property since 2018. The main residence was constructed in 1937; however, the exact date of construction for the accessory structure is unknown. Aerial imagery from 2009 confirms that the accessory structure existed in its current location and condition at that time, indicating the encroachment has been present for over 15 years.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	13 feet 7 ¼ inches
Cumulative Front & Rear	45 feet	33 feet 7 ¼ inches
Side (South)	5 feet	No Change
Side (North)	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. Aerial photos and site visits confirm that two other homes on the same block have similar side setback encroachments.
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 other properties with structures built that encroach into their required side yard setback equal to or beyond the proposed 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.

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 April 25, 2025 to all property owners within 300 feet of subject property. The Planning Division has received one (1) call of inquiry but has not received any communications in support or opposition to the special exception request.

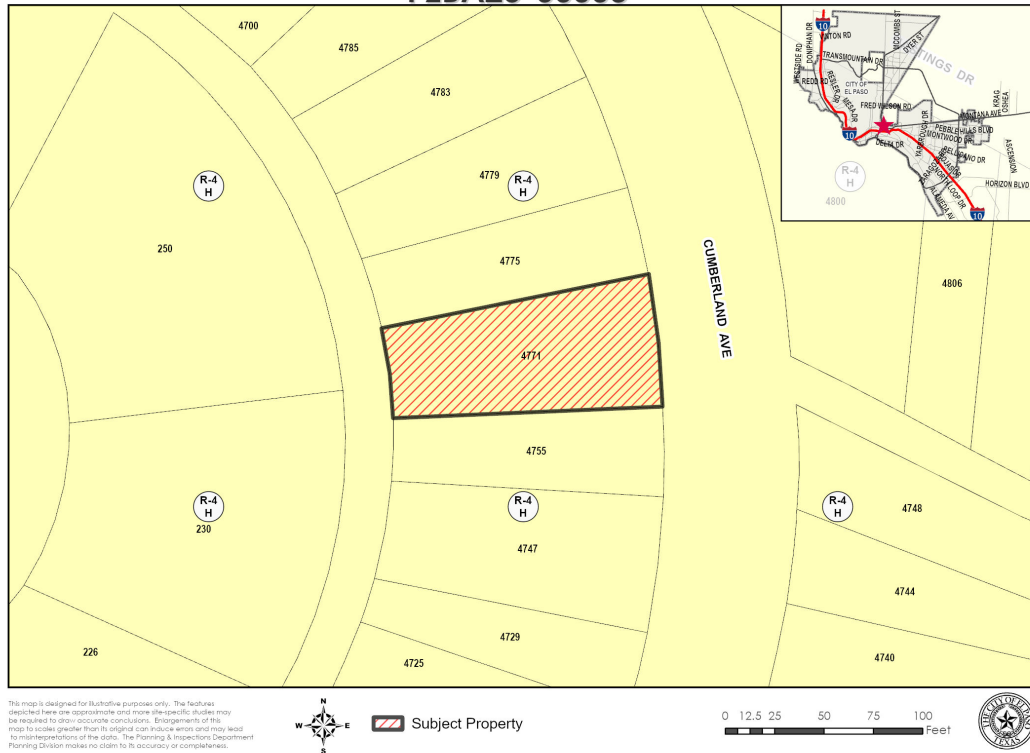
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

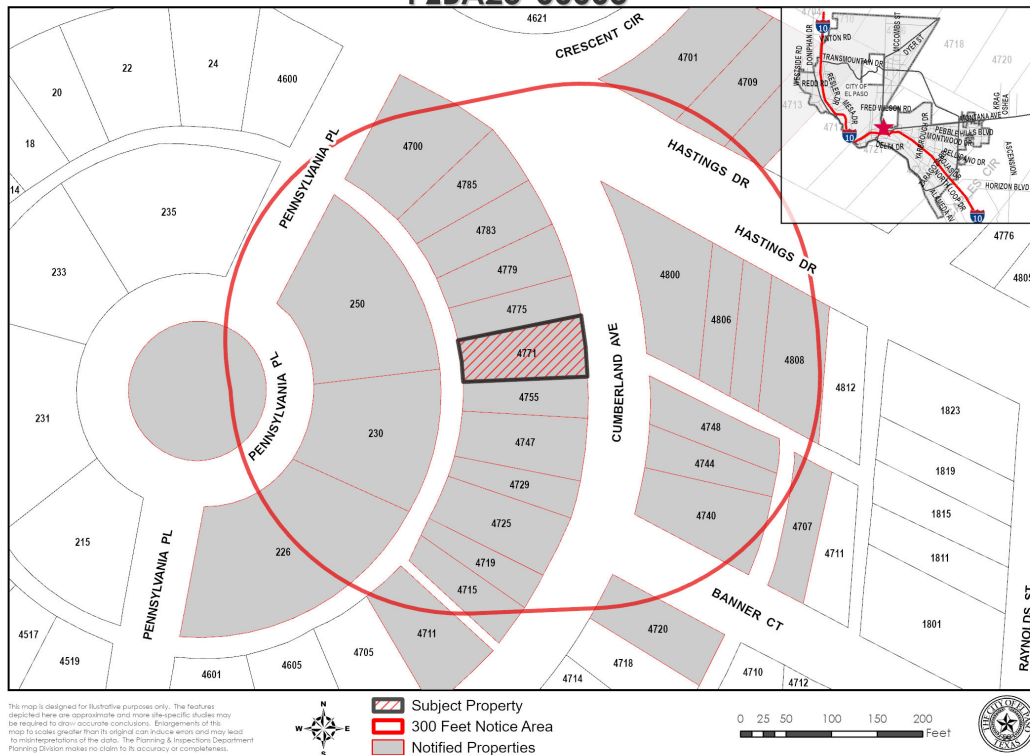
ZONING MAP

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NEIGHBORHOOD NOTIFICATION MAP

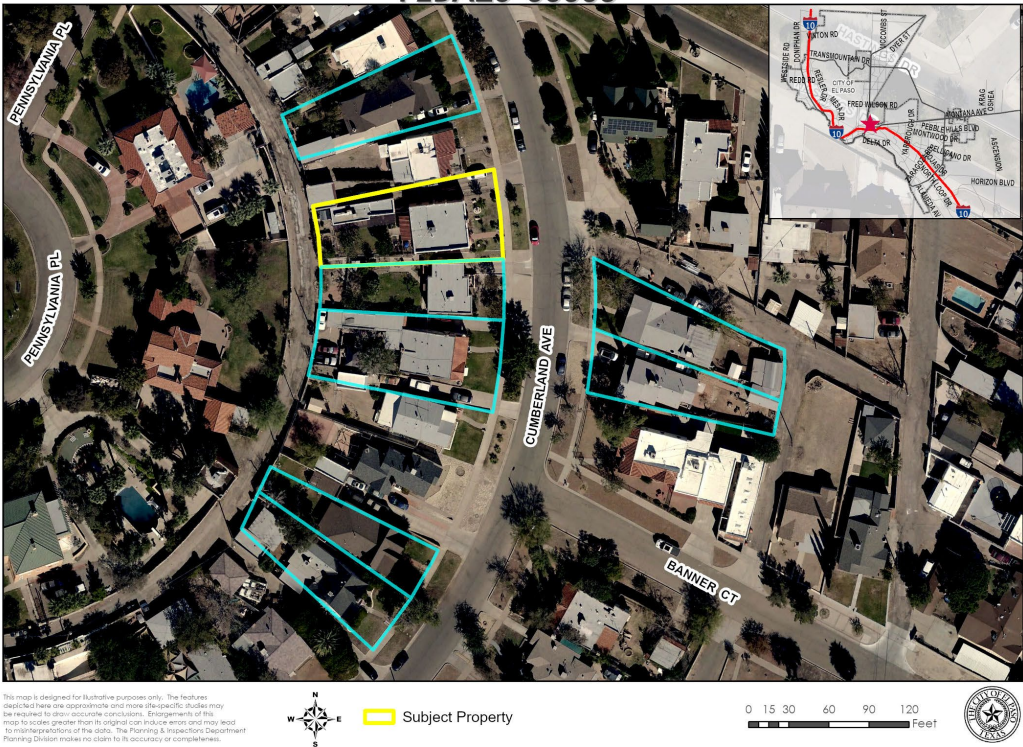
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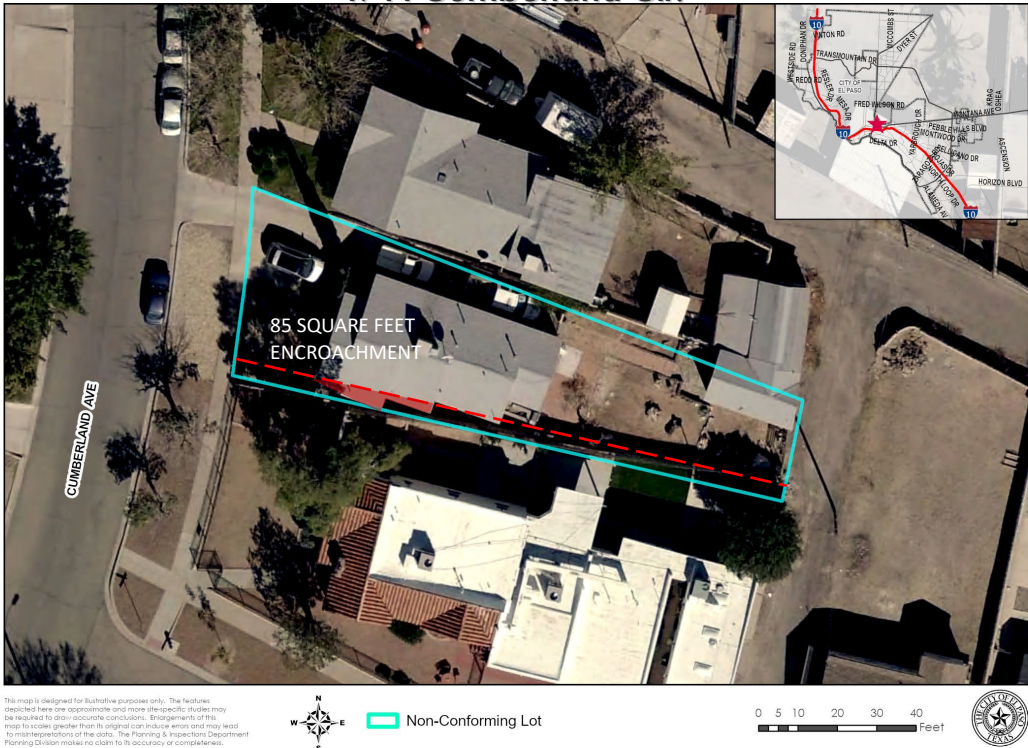
NONCONFORMING LOTS

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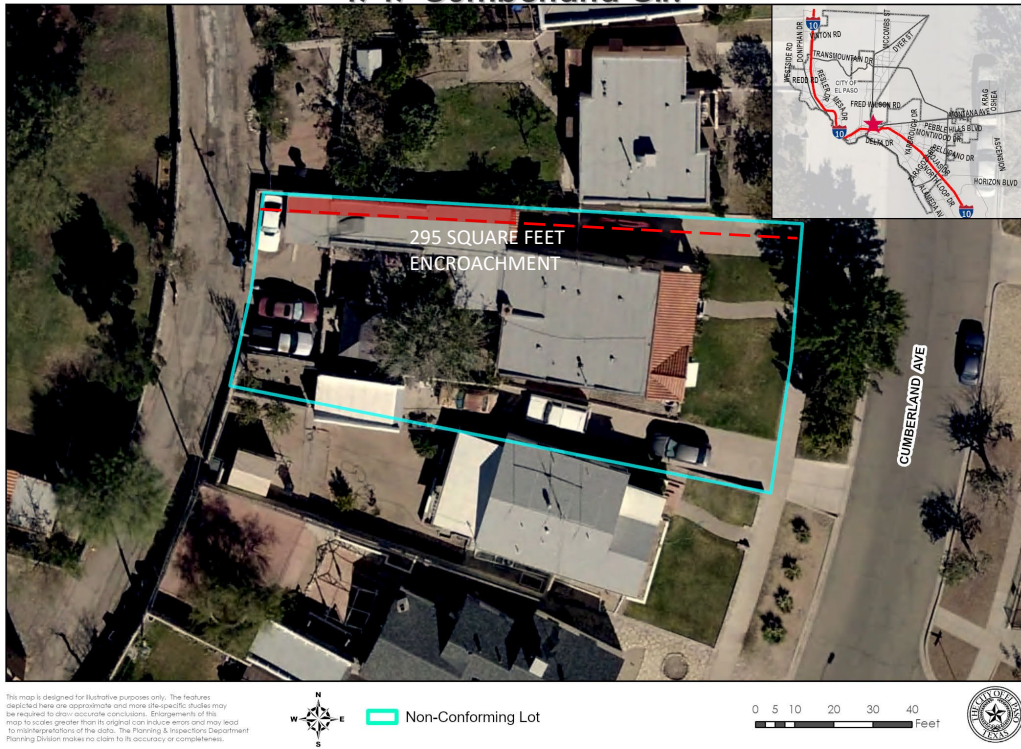
NONCONFORMING LOT 1

4744 Cumberland Cir.



NONCONFORMING LOT 2

4747 Cumberland Cir.



2009 AERIAL

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