

9139 Matterhorn

Zoning Board of Adjustment — September 8, 2025 **REVISED**



CASE NUMBER: PZBA25-00015
CASE MANAGER: Andrew Giraldi, (915) 212-1644, GiraldiAW@elpasotexas.gov
PROPERTY OWNER: Fernando Fajardo
REPRESENTATIVE: Enrique Gutierrez
LOCATION: 9139 Matterhorn Drive (District 4)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: One (1) call of inquiry received as of September 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 carport and a portion of the existing main structure in an R-4 (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. The accessory structure located to the rear of the property shall be modified, relocated, or removed from the five-foot easement area.
2. That the canopy connecting between the main structure and accessory to be removed.
3. That the lattice connecting between the carport to the fence to be removed.
4. That the accessory structure along the sidewalk shall be relocated or removed.

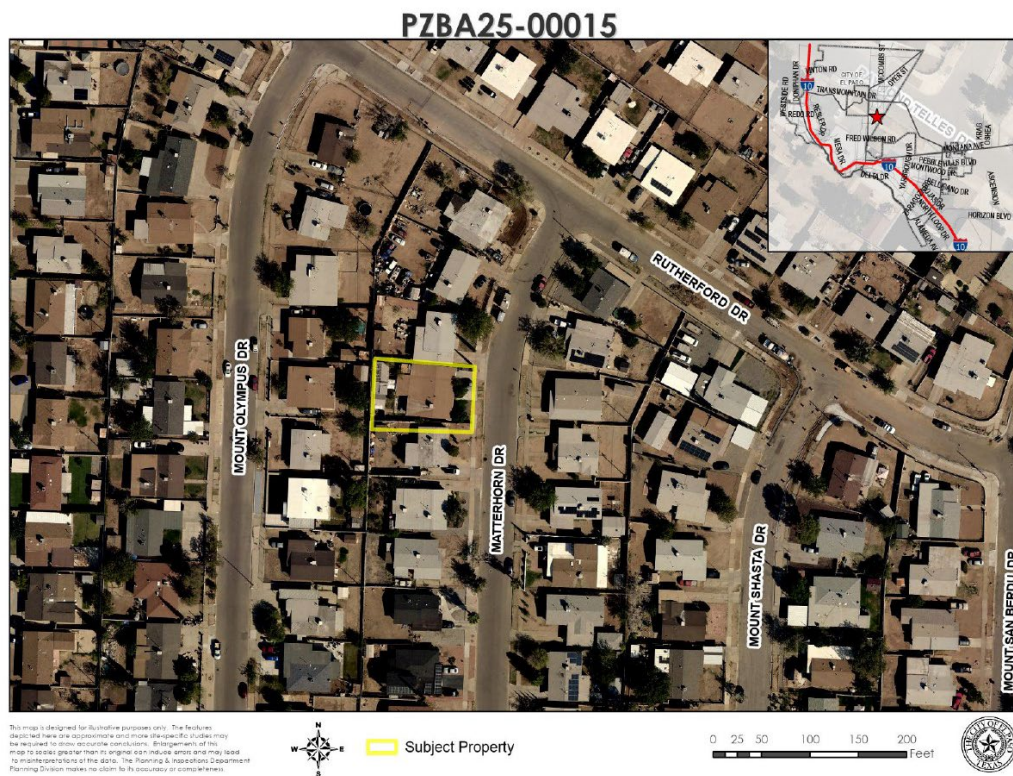


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the extension of an existing carport and a portion of the home, which extends 3.5 feet into the side yard setback for 121 square feet of total encroachment.

BACKGROUND: The required side setback for the subject property is 5 feet in the R-4 (Residential) zone district. The current owner has owned the property since 2019, and the building and the existing encroachment was constructed in 1956 based on El Paso Central Appraisal District records. The previous owner was responsible for the encroachment. This request is due to a code enforcement citation.

There are two homes located at 9124 Matterhorn and 9143 Matterhorn with side setback encroachments of 360.76 square feet and 166.68 square feet, respectively. Both properties qualify for this request but do not have a permit or variance on record for their encroachments.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet 1 inch	20 feet 1 inch
Rear	24 feet 11 inches	No changes
Cumulative Front & Rear	45 feet	No changes
Side (South)	5 feet	No Change
Side (North)	5 feet	1 foot 5 inches
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 one house on the same block extends 4.5 feet into the side setback, and another house extends 5 feet.
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 houses encroaching into the side setback. Across the street, 9124 Matterhorn has a 5-foot encroachment that occupies 360.76 square feet in the required side setback. On the same block, 9143 Matterhorn has a 4 feet 5 inches encroachment that occupies 166.68 square feet in the required side setback.
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 August 28, 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, and has received one (1) call of inquiry.

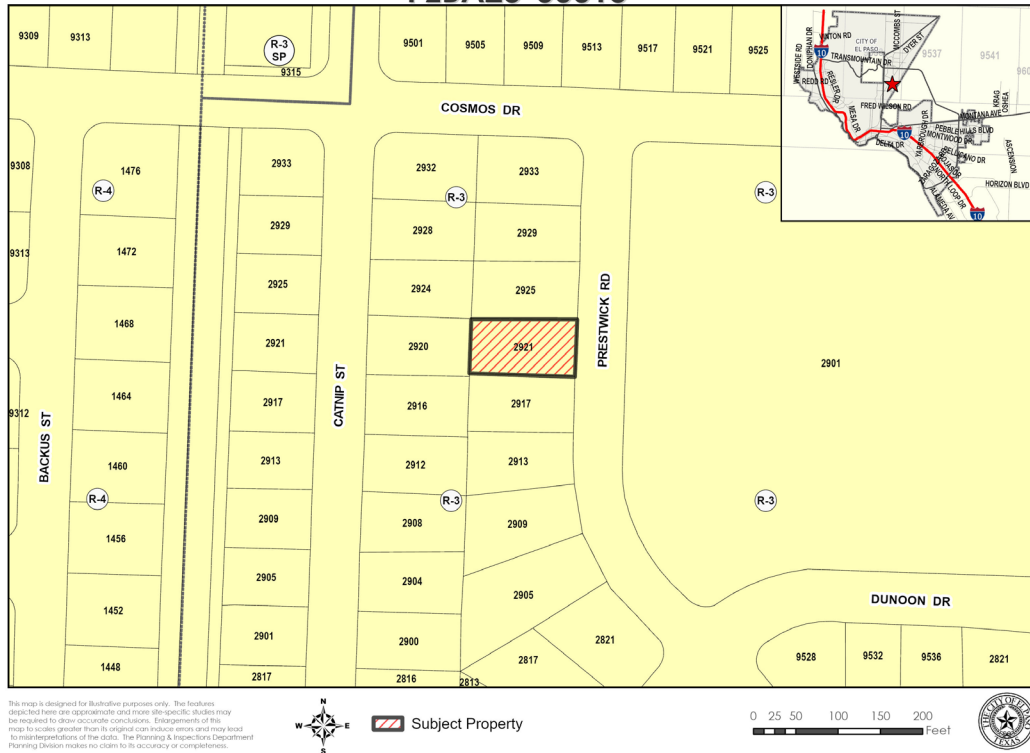
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

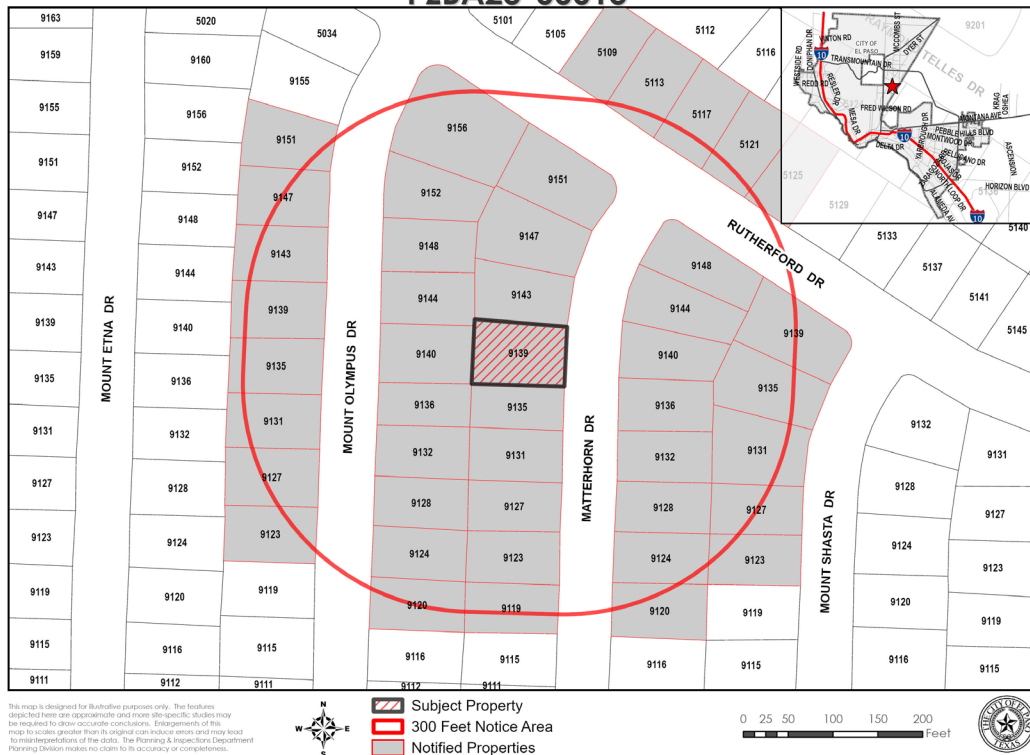
ZONING MAP

PZBA25-00015



NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00015

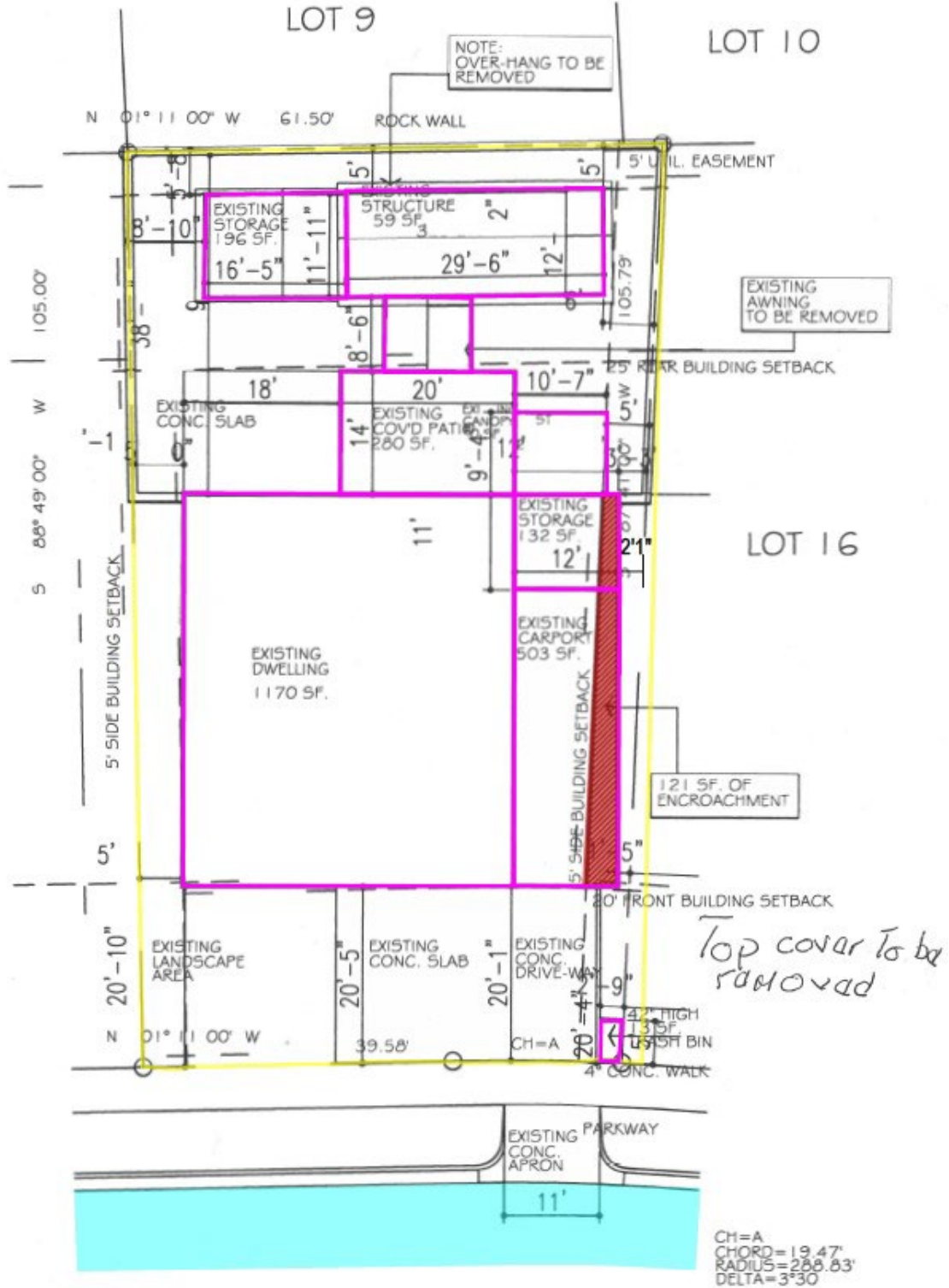


SITE PLAN

LOT 8

LOT 9

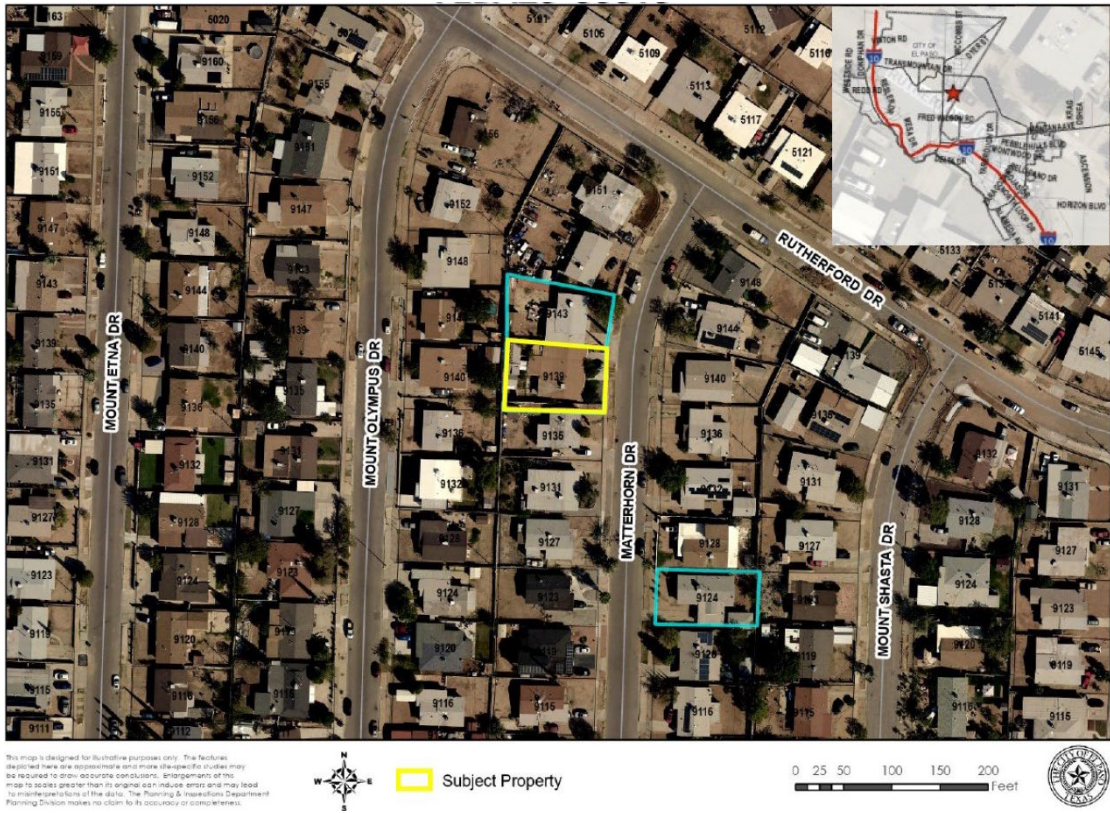
LOT 10



9139 MATTERHORN DRIVE

NONCONFORMING LOTS

PZBA25-00015 | Non-Conforming Lots



NONCONFORMING LOT 1 **PZBA25-00015 | 9124 Matterhorn**



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 & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 4.5 9 18 27 36 Feet



NONCONFORMING LOT 2 **PZBA25-00015 | 9143 Matterhorn**



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Subject Property

0 5 10 20 30 40 Feet

