

1121 Thunderbird

Zoning Board of Adjustment — June 17, 2024



CASE NUMBER: PZBA24-00030
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Anthony and Robin Furman
REPRESENTATIVE: Henry Ordonez
LOCATION: 1121 Thunderbird Dr. (District 1)
ZONING: R-2 (Residential)
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT: One (1) phone call in opposition as of June 13, 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 addition to the single-family dwelling that will encroach into the required rear setback in an R-2 (Residential) zone district.

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

- That the existing structure encroaching into the side yard setback be modified to comply with zoning requirements.

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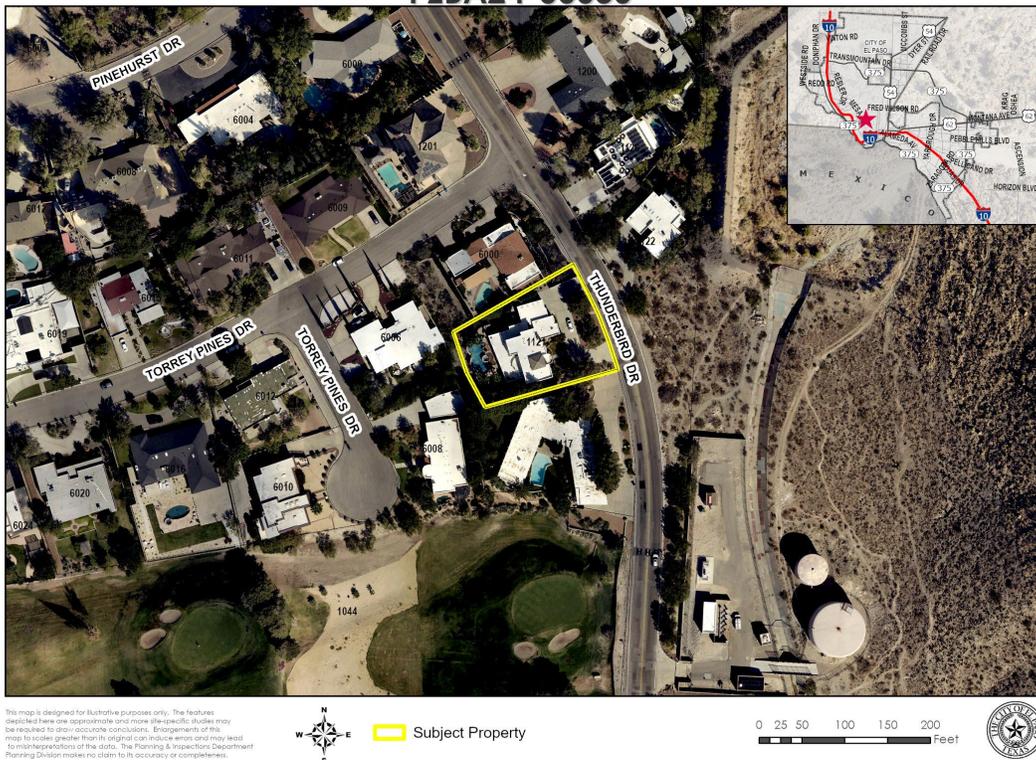


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed addition to the single-family home, 22 feet 3 inches of which would extend into the rear yard setback for a 443 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 25 feet in the R-2 (Residential) zone district. The required rear setback for the subject property is 33 feet to meet the cumulative front and rear setback of 60 feet in the R-2 (Residential) zone district. The home was built in 1999 according to El Paso Central Appraisal District records. The garage structure on the side of the residence was built without permits by the current owner and encroaches into the side setback. The included condition recommendation is necessary to comply with the required side yard setback to meet Section 2.16.050.C criteria.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	27 feet	No Change
Rear	33 feet	10 feet 9 inches
Cumulative Front & Rear	60 feet	37 feet 9 inches
Side (Left)	12 feet	No Change
Side (Right)	8 feet	No Change
Cumulative Side	20	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	519 square feet	34.6' (103.7' average lot width ÷ 3) X 15' (3/5 of 25' required rear yard setback)
Requested Area of Encroachment	443 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: <i>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:</i>	
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 519 square feet, which is more than the requested area of encroachment of 443 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 10 feet 9 inches rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. A condition is recommended requiring modifications for compliance with this criterion as the minimum side yard setbacks shall not be 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 May 1, 2024 and June 5, 2024 to all property owners within 300 feet of subject property. The Planning Division has received a phone call in opposition to the special exception request.

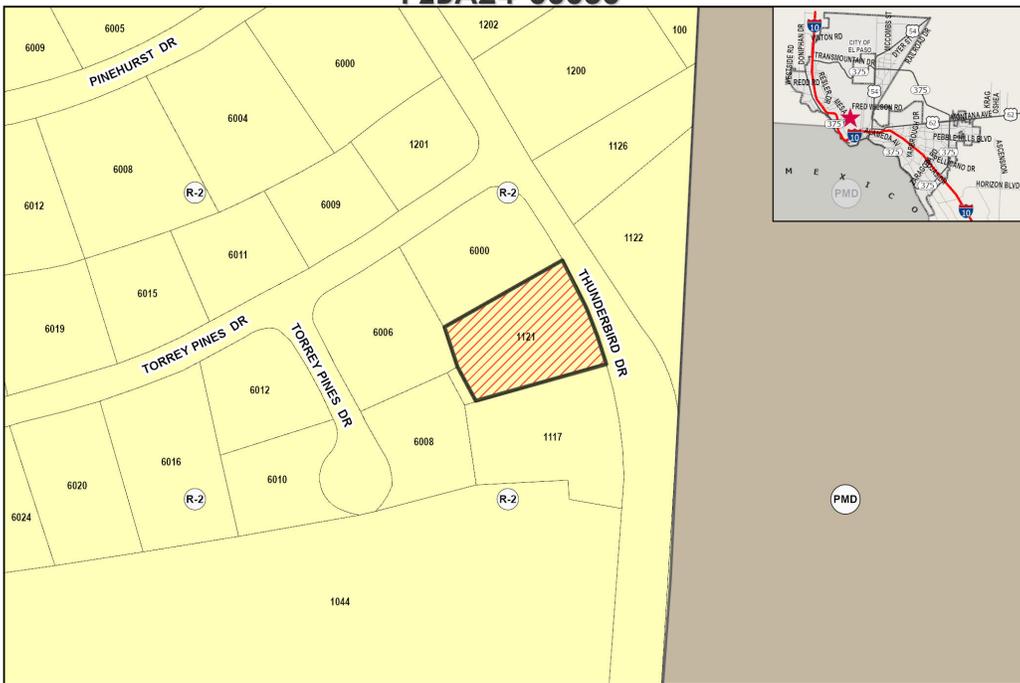
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

PZBA24-00030



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.



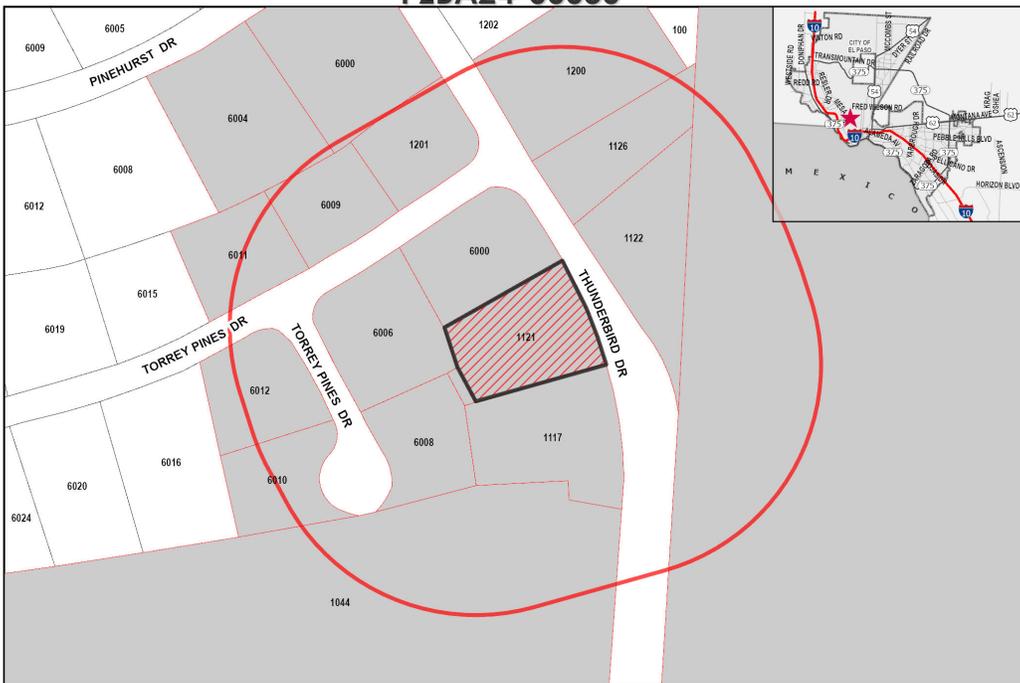
Subject Property

0 25 50 100 150 200 Feet



NEIGHBORHOOD NOTIFICATION MAP

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Subject Property
 300 Feet Notice Area
 Notified Properties

0 25 50 100 150 200 Feet



SITE PLAN

