

2900 Pershing

Zoning Board of Adjustment — June 17, 2024

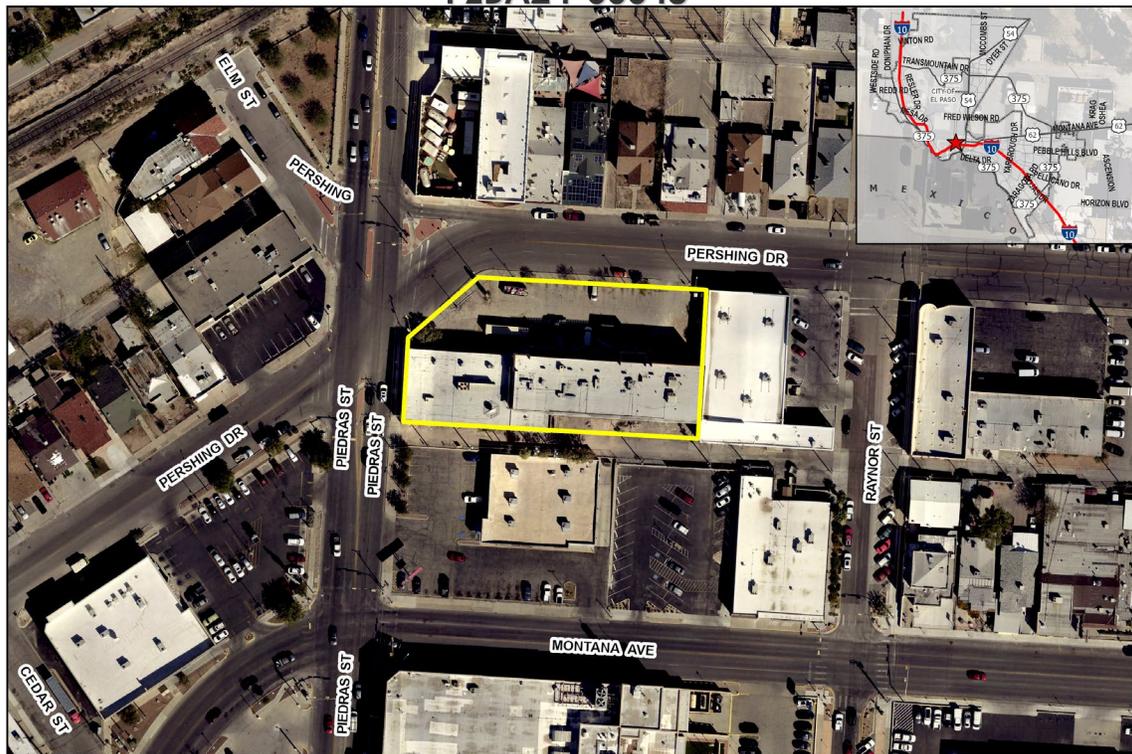


CASE NUMBER: PZBA24-00048
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: 2900 Pershing LLC
REPRESENTATIVE: Bruno Vasquez, AIA
LOCATION: 2900 Pershing Dr. (District 2)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of June 13, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to permit the construction of a proposed second floor addition to existing structure into their required 10-foot rear yard setback and 10-foot side street yard setback in a C-4 (Commercial) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than or equal to the encroachments into that setback already present on at least four other neighboring properties.

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Subject Property



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 second floor addition to the existing structure, which extends all the way into the required rear yard setback for 248.33 square feet of total encroachment. Additionally, the proposed second floor addition, which extends all the way into the required side street yard setback for 496.77 square feet of total encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the C-4 (Commercial) zone district. Also, the minimum side street setback is 10 feet in the C-4 (Commercial). Aerial photographs indicate there are four other properties on the same block that also contain structures located in the rear yard and side street yard that encroach into their respective rear yard and side street setbacks located at 2905, 2928, and 2931 Pershing Drive, and 2929 Montana Avenue for a total encroachment of 904 square feet (rear yard) and 1242 square feet (rear yard), 603 square feet (side street yard), and 1048 square feet (side street yard) respectively.

According to the El Paso Central Appraisal District, the structure was built in 1988. The current owner has owned property since May 31, 2023. The property is registered as legal non-conforming for the existing structure encroaching into the rear and side street yard setbacks.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 foot	No Change
Rear	10 feet	0 foot
Side	0 foot	No Change
Side Street	10 foot	0 foot
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: <i>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:</i>	
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 a property on the same block extends 0 foot into the rear and side street setbacks.
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 four other properties with structures that encroach into the required 10-foot rear yard setback and 10-foot side street setback at zero foot located at 2905, 2928, and 2931 Pershing Drive, and 2929 Montana Avenue.
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 June 6, 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.

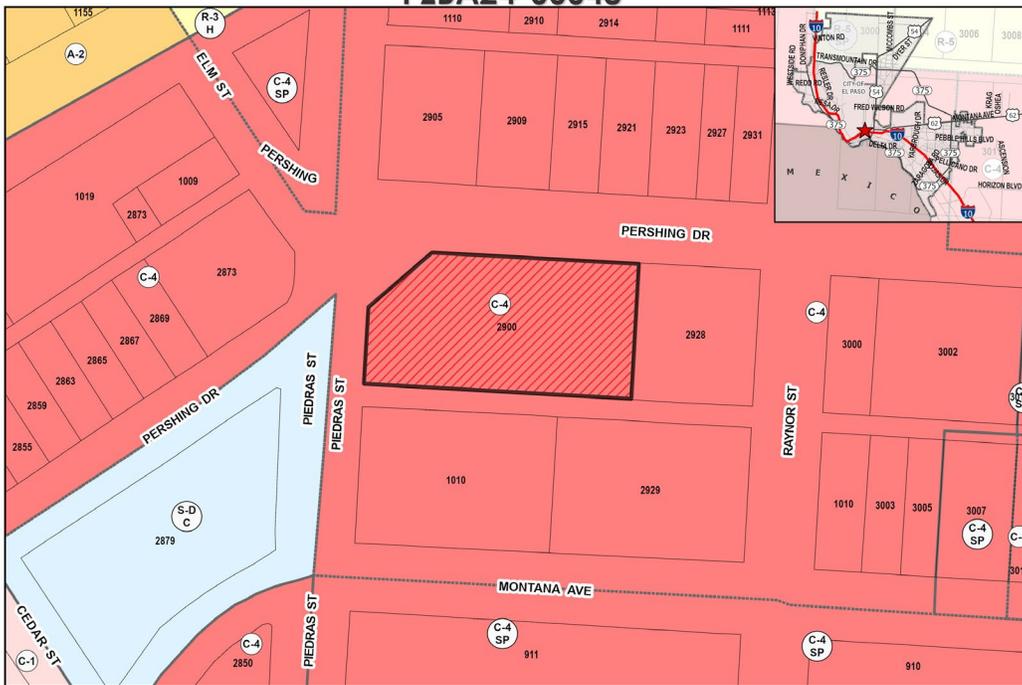
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

PZBA24-00048



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Subject Property

0 25 50 100 150 200 Feet



NEIGHBORHOOD NOTIFICATION MAP

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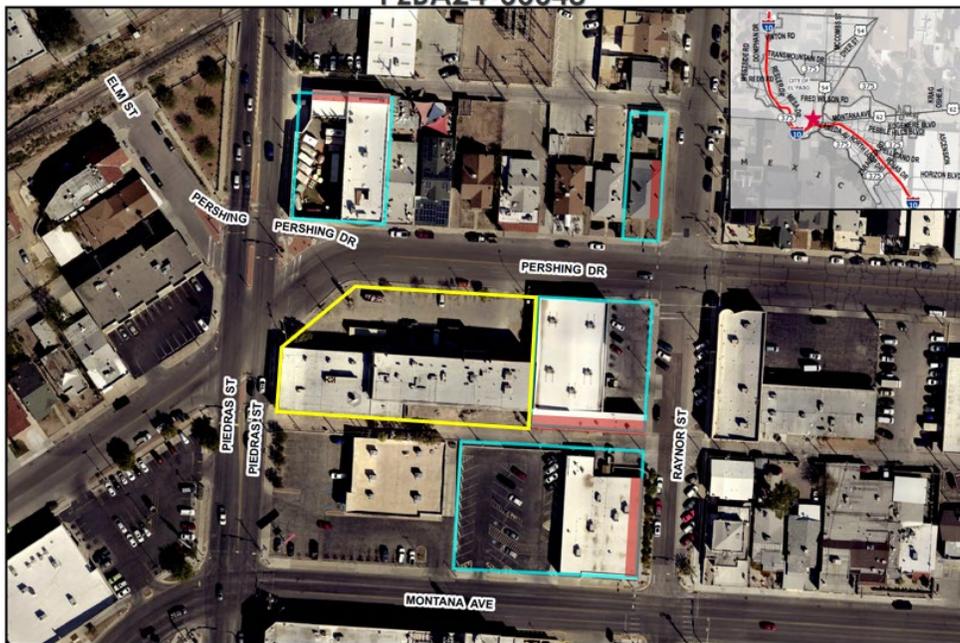
Subject Property
 300 Feet Notice Area
 Notified Properties

0 30 60 120 180 240 Feet



NONCONFORMING LOTS

PZBA24-00048



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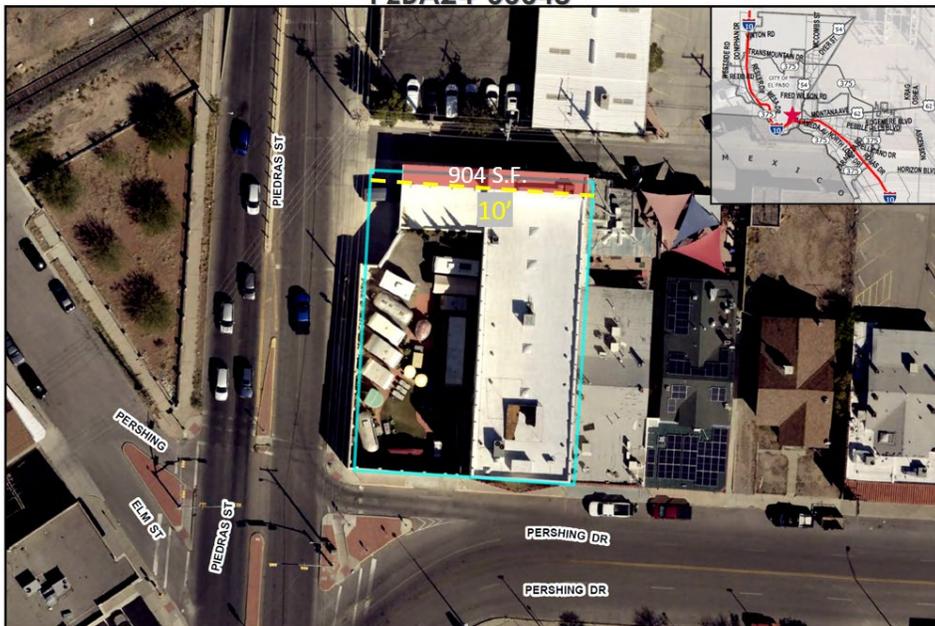
0 25 50 100 150 200 Feet



- Subject Property
- Non-conforming Lots

NONCONFORMING LOT 1

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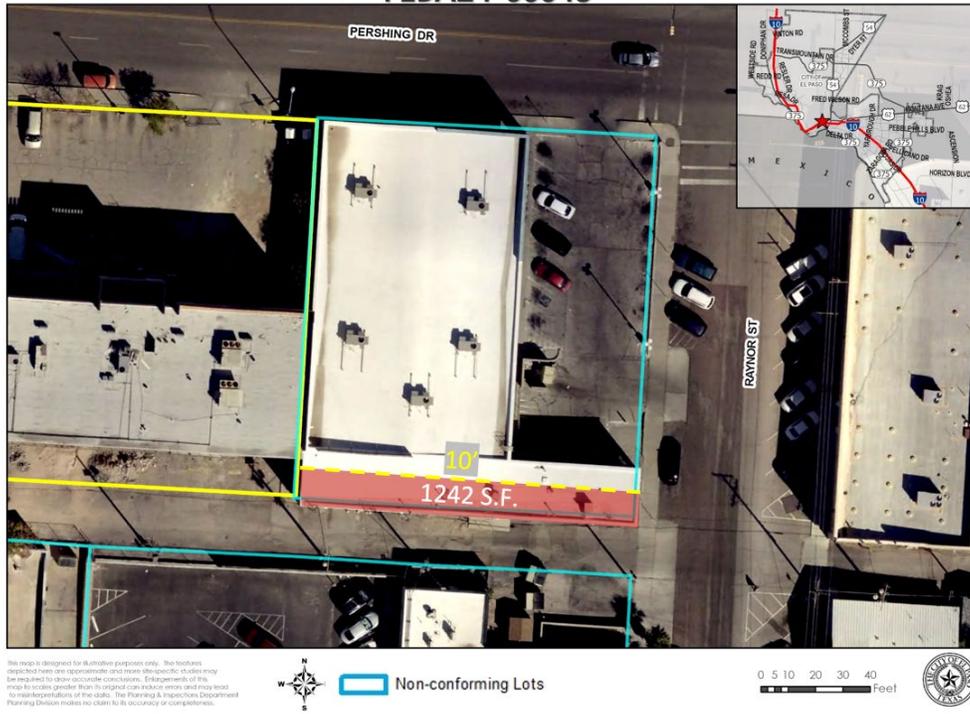
0 10 20 40 60 80 Feet



- Non-conforming Lots

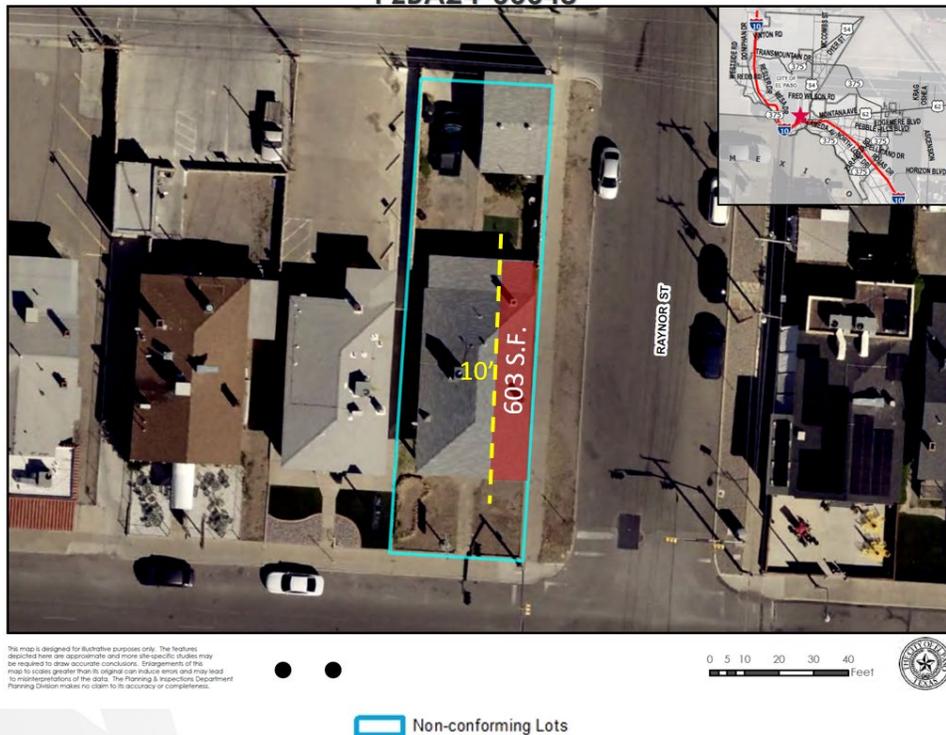
NONCONFORMING LOT 2

PZBA24-00048



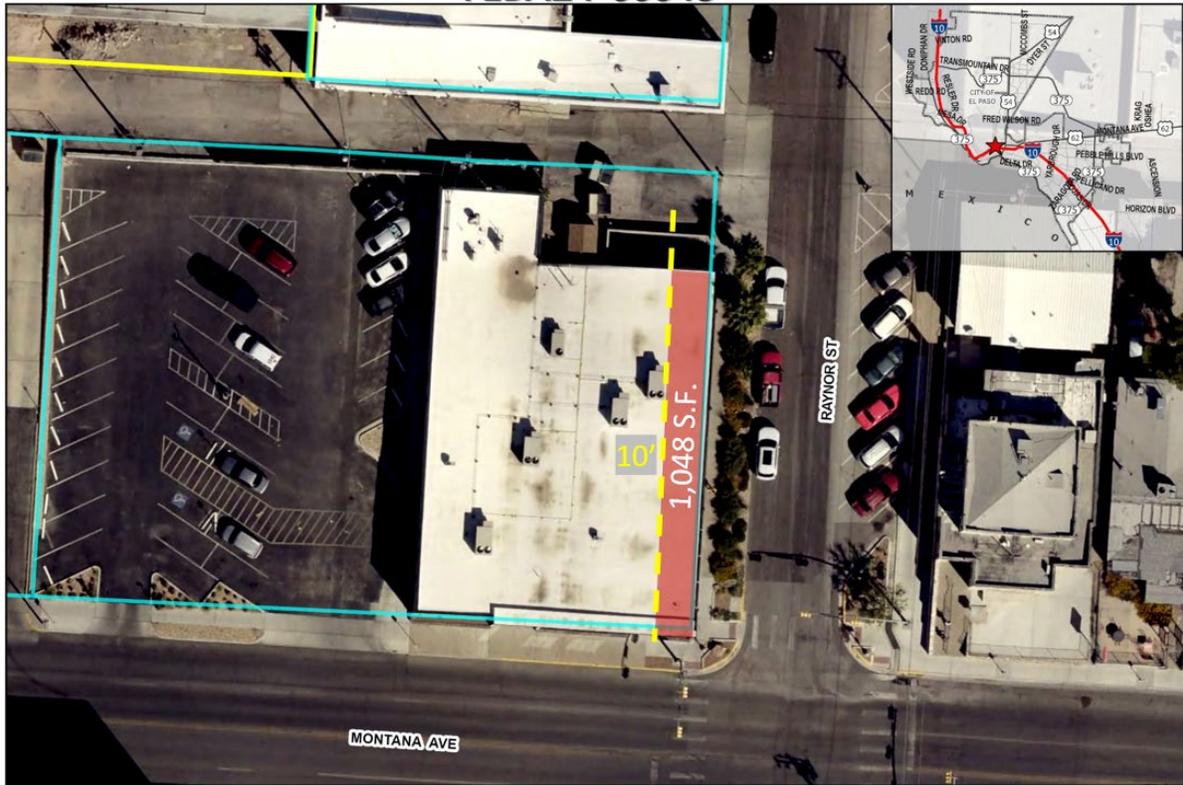
NONCONFORMING LOT 3

PZBA24-00048



NONCONFORMING LOT 4

PZBA24-00048



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 Non-conforming Lots

0 5 10 20 30 40 Feet

