

4501 Parrot

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00051
CASE MANAGER: Juan C. Naranjo, (915) 212-1608, NaranjoJC@elpasotexas.gov
PROPERTY OWNER: Jonathan Scott Nehls
REPRESENTATIVE: Jonathan Scott Nehls
LOCATION: 4501 Parrot Way (District 1)
ZONING: R-2A (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of July 16, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to permit a proposed carport in an R-2A (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 structure located on the side street of the property shall be removed or modified to comply with the required minimum side street setback and be located more than 60 feet away from the front property line.
2. The accessory structure located at the rear shall be removed from the 5-foot utility easement area.

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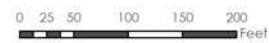


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed carport, which would extend all the way into the required side yard setback for 280 square feet of total encroachment.

BACKGROUND: The minimum side setback is 8 feet in the R-2A (Residential) zone district. The required side yard setback for the subject property is 8 feet to meet the cumulative side & side street setback of 16 feet in the R-2A (Residential) zone district. Aerial photographs indicate there are two other properties on the same block and within the block directly across and abutting the street that also contain structures located in the side yard that encroach into their respective side yard setbacks located at 4505 Parrot Way and 4568 Bobolink Way, with the area of encroachments respectively of 518 square feet and 379 square feet.

| SETBACKS | REQUIRED SETBACK | REQUESTED SETBACK |
|-------------------------|------------------|-------------------|
| Front | 25 feet | No Change |
| Rear | 25 feet | No Change |
| Cumulative Front & Rear | 60 feet | No Change |
| Side | 8 feet | 0 feet |
| Side Street | 10 feet | 10 feet |
| Cumulative Side | 16 feet | 10 feet |

| 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 two houses on the same block extend 8 feet into the side setback. |
| 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 into the required 8 feet side yard setback, at zero feet to the property line located at 4505 Parrot Way and 4568 Bobolink Way. |
| 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 July 10, 2024, to all property owners within 300 feet of the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

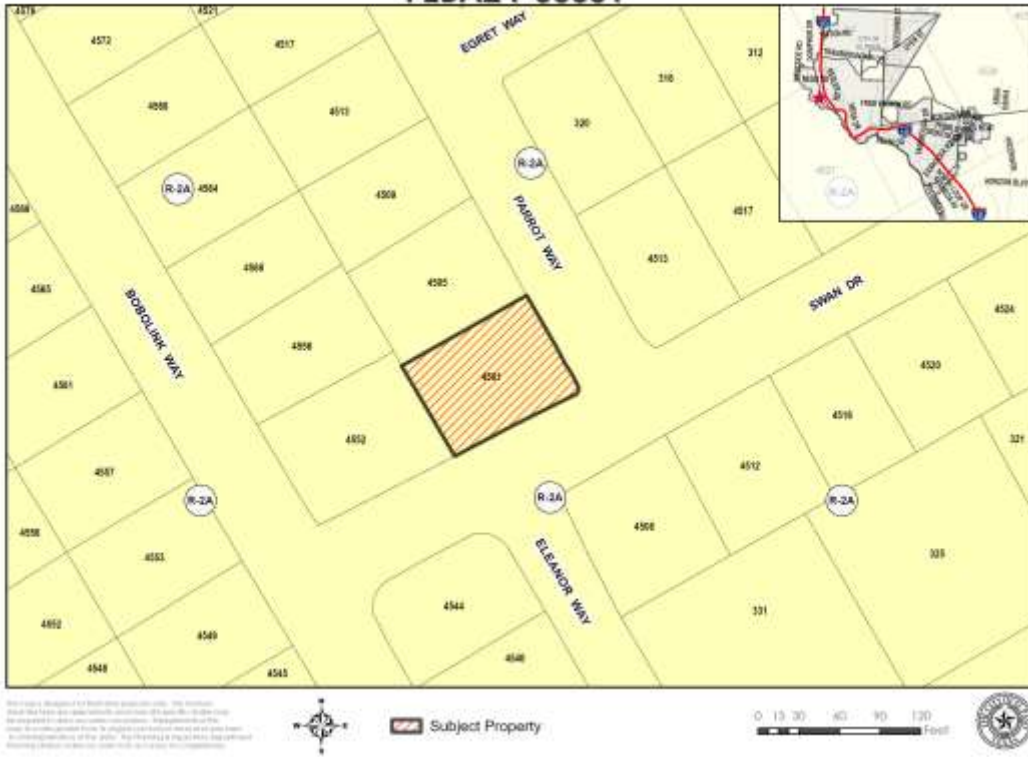
ZONING BOARD OF ADJUSTMENT OPTIONS:

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 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.

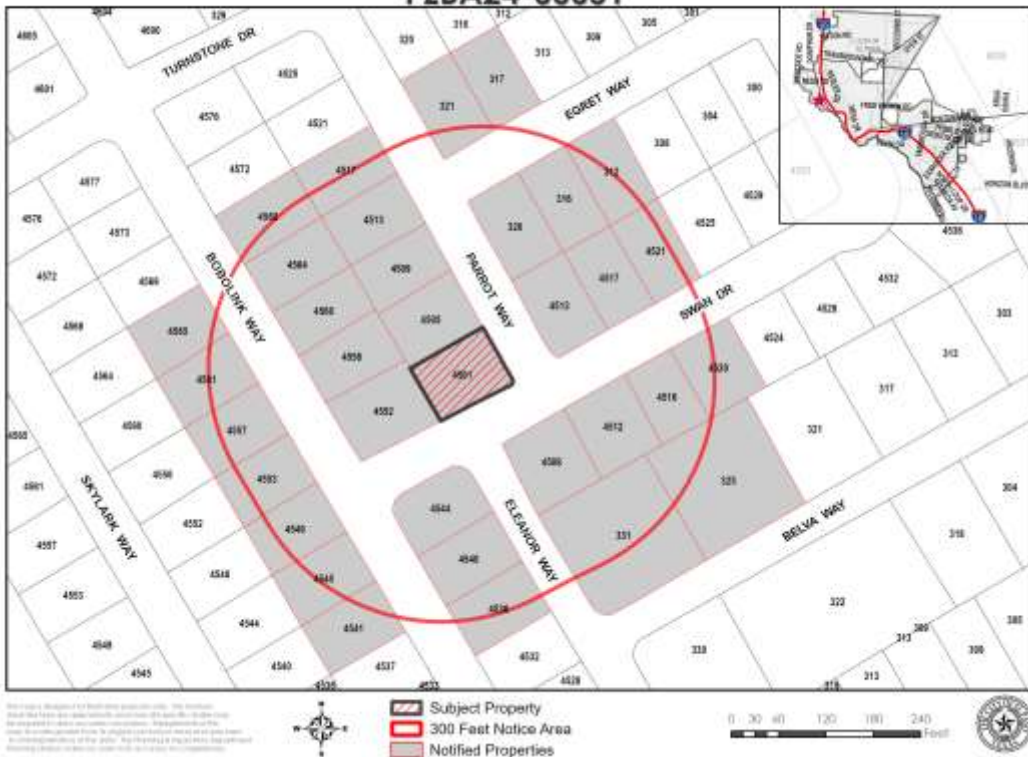
ZONING MAP

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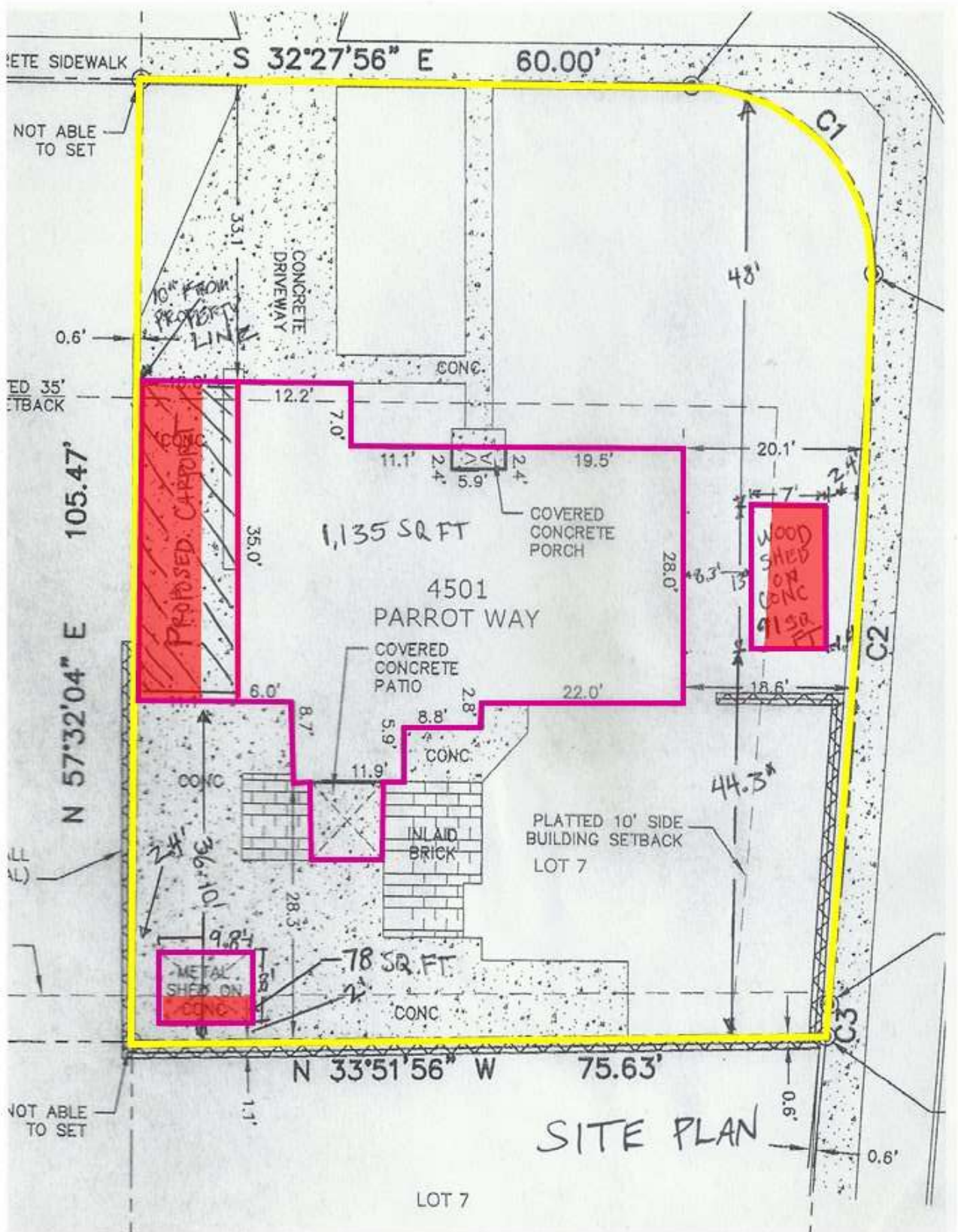


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00051



SITE PLAN



NONCONFORMING LOTS

PZBA24-00051



 Subject Property



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NONCONFORMING LOT 1

PZBA24-00051



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NONCONFORMING LOT 2

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