

8452 Villanova

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00053
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Sergio and Olga Perez
REPRESENTATIVE: Sergio and Olga Perez
LOCATION: 8452 Villanova Dr. (District 7)
ZONING: R-3 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

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 into the required 5-foot side yard setback in an R-3 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** 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 condition is as follows:

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 Subject Property

0 15 30 60 90 120
Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport, which extends 4 feet 3 inches into the required side yard setback for 114.75 square feet of total encroachment.

BACKGROUND: The minimum side setback is 5-feet in the R-3 (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain structures located in the side yard that encroach into their respective side yard setbacks located at 8448 Villanova and 8433 Hartford, with respective encroachment areas of 131 square feet and 174 square feet.

El Paso Central Appraisal records indicate the main residence was built in 1980. The current property owner has owned the property since 2017 with the property owner responsible for the encroachment built in 2019.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
<i>Front</i>	25 feet	No Change
<i>Rear</i>	25 feet	No Change
<i>Cumulative Front & Rear</i>	50 feet	No Change
<i>Side (West)</i>	5 feet	9 inches
<i>Side (East)</i>	5 feet	No Change
<i>Cumulative Side</i>	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 5 feet into the side setback, and another house also extends 5 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 is one house within the same block and another house within the same block that extend all the way into their required 5-foot side yard setbacks.
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 October 3, 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.

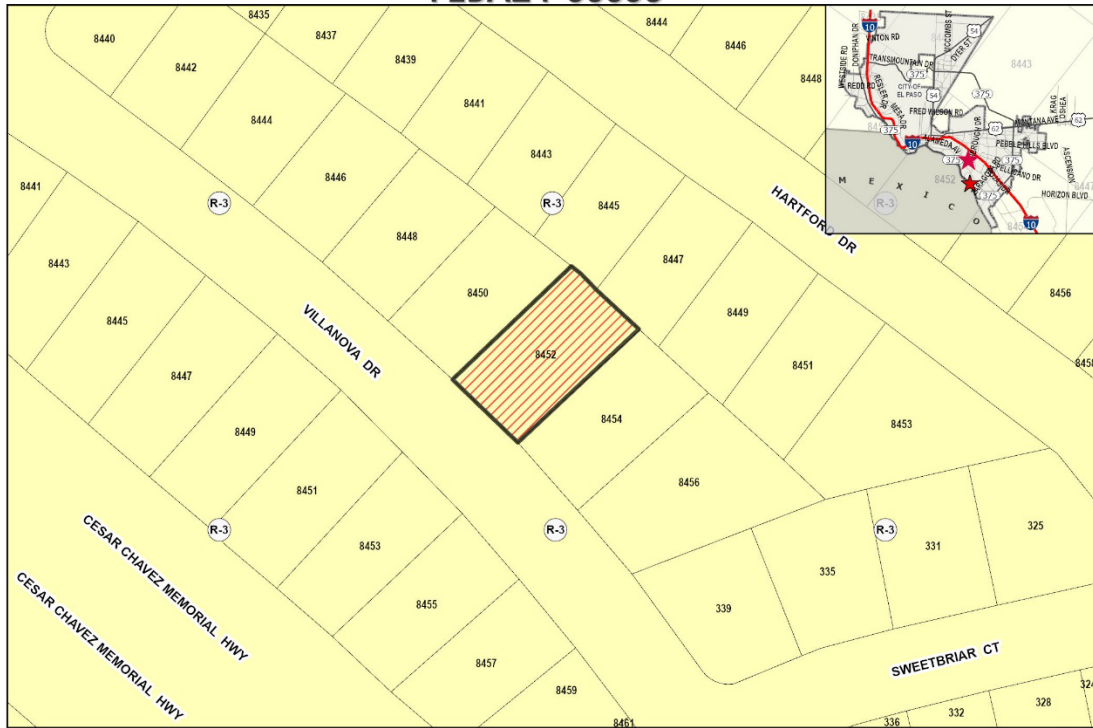
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

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NEIGHBORHOOD NOTIFICATION MAP

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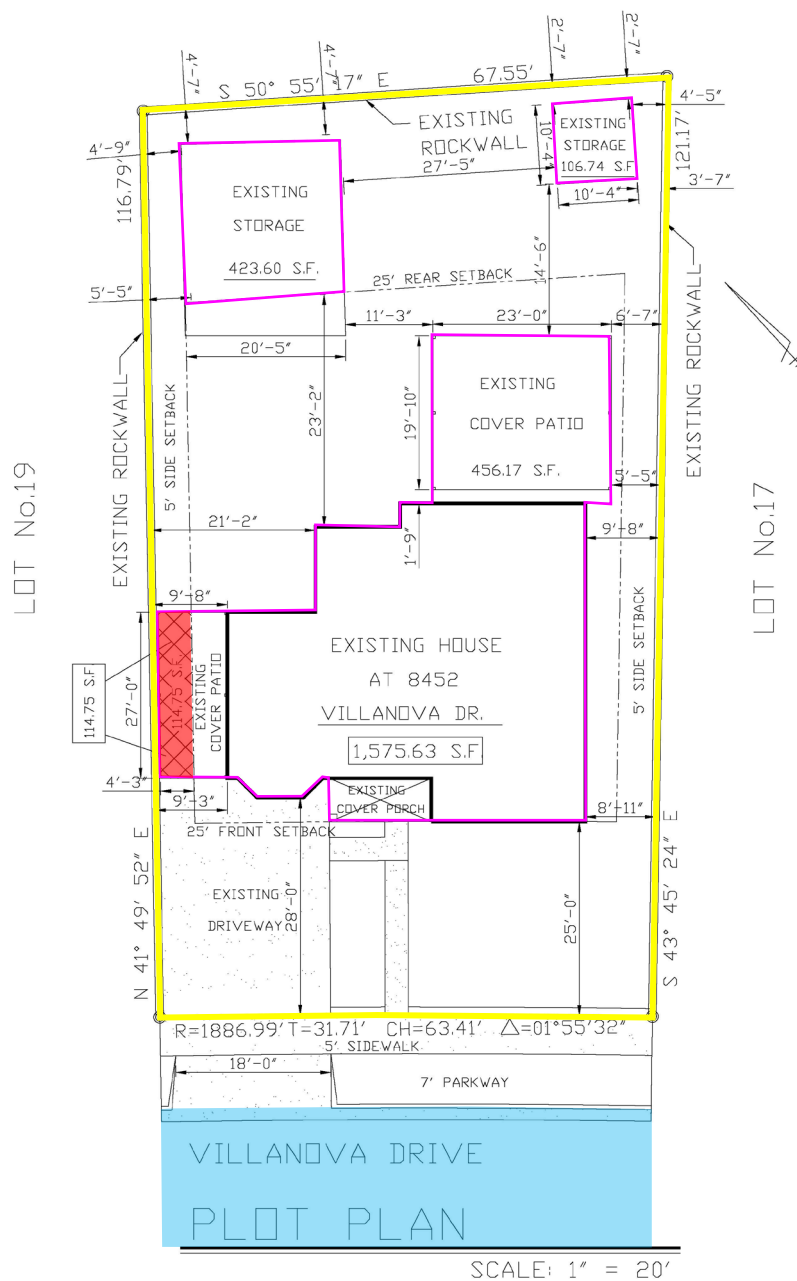


Subject Property
300 Feet Notice Area
Notified Properties

0 25 50 100 150 200 Feet



SITE PLAN



LEGAL DESCRIPTION:

BEING ALL LOT 18, BLOCK 5,
ENRIQUE FRANCO #1
CITY OF EL PASO, EL PASO, COUNTY TEXAS.

NONCONFORMING LOTS

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NONCONFORMING LOT 1

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NONCONFORMING LOT 2

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