

6216 Navajo

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00068
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Maria D. Franco
REPRESENTATIVE: Angel Martinez-Franco
LOCATION: 6216 Navajo Dr. (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and K (In Existence Fifteen Years or More)
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) and under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing carport and garage into the required 5-foot side yard setback in an R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** of the special exception requests. The requested side encroachment of the carport is equal to the side encroachments already present on at least two other neighboring properties. Additionally, the requested side encroachment of the garage has been in existence for more than fifteen (15) years. The condition is as follows:

- That the carport shall remain open on three sides.

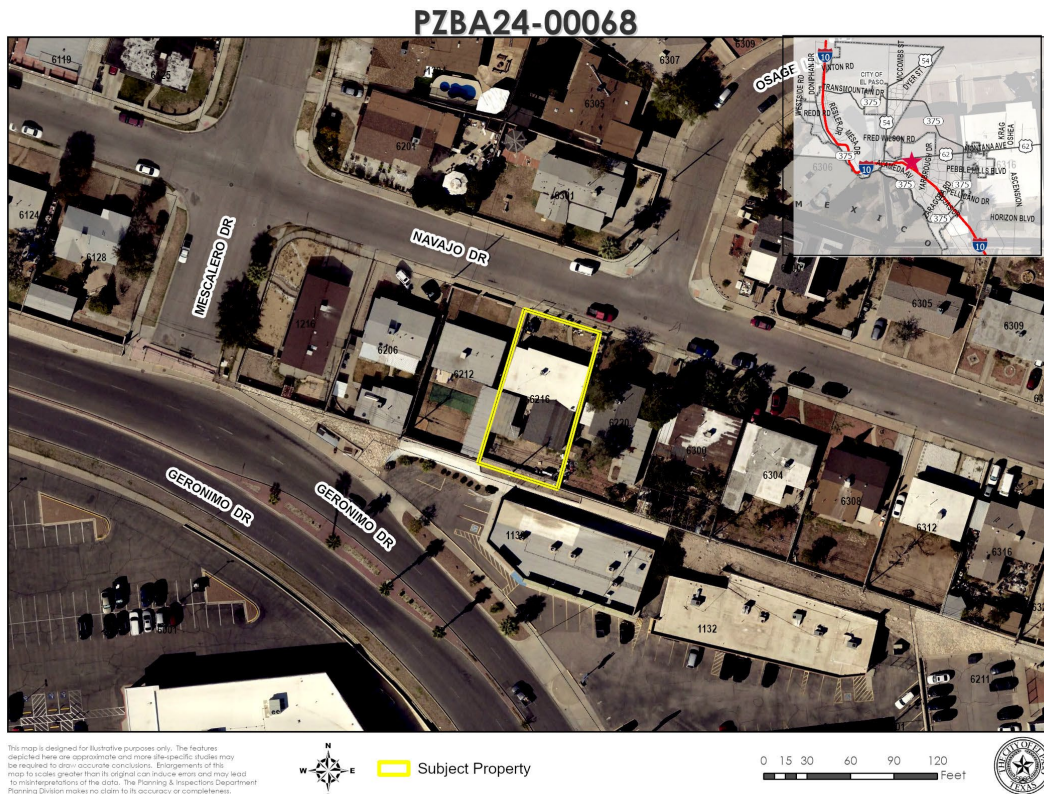


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport which extends 4 feet 1 inch into the required side yard setback for 120 square feet of total encroachment. Additionally, the applicant is requesting a special exception to allow to legalize the construction of an existing garage which extends 4 feet 1 inch into the required side yard setback for 102 square feet of total encroachment.

BACKGROUND: The minimum side setback is 5 feet in the R-4 (Residential) zone district. Based on El Paso Central Appraisal District records, the home was built in 1952 and the current owner has owned the property since 2004 and is responsible only for the encroachment of the carport. The existing garage on the property was not built by the current property owner and has existed since at least 1997 per aerial imagery. Additionally, permits will have to be obtained for the home addition in the rear that was built without permits.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet	No Change
Rear	25 feet	No Change
Cumulative Front & Rear	50 feet	No Change
Side (East)	5 feet	No Change
Side (West)	5 feet	11 inches
Cumulative Side	5 feet	5 feet

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 for a total encroachment of 201 square feet, and another house extends 5 feet into the side setback with a total encroachment of 150 square 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 (2) other houses on the same block located that have carport within the side yard that extend into their required 5-foot side setback located at 6300 Navajo and 1112 Zuni.
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.

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:

Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

Criteria	Does the Request Comply?
1. The encroachment into the required yard setback has been in existence for more than fifteen years;	Yes. The encroachment has been in existence for more than fifteen years.
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;	Yes. Neither the applicant nor owner were responsible for the construction of the encroachment.
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;	Yes. Neither the applicant nor owner owned the property at the time.
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback;	Not applicable. Encroachment is not into the front yard setback.
5. The encroachment does not violate any other provision of the El Paso City Code.	Yes. The encroachment does not violate any other provision of the El Paso City Code.

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.

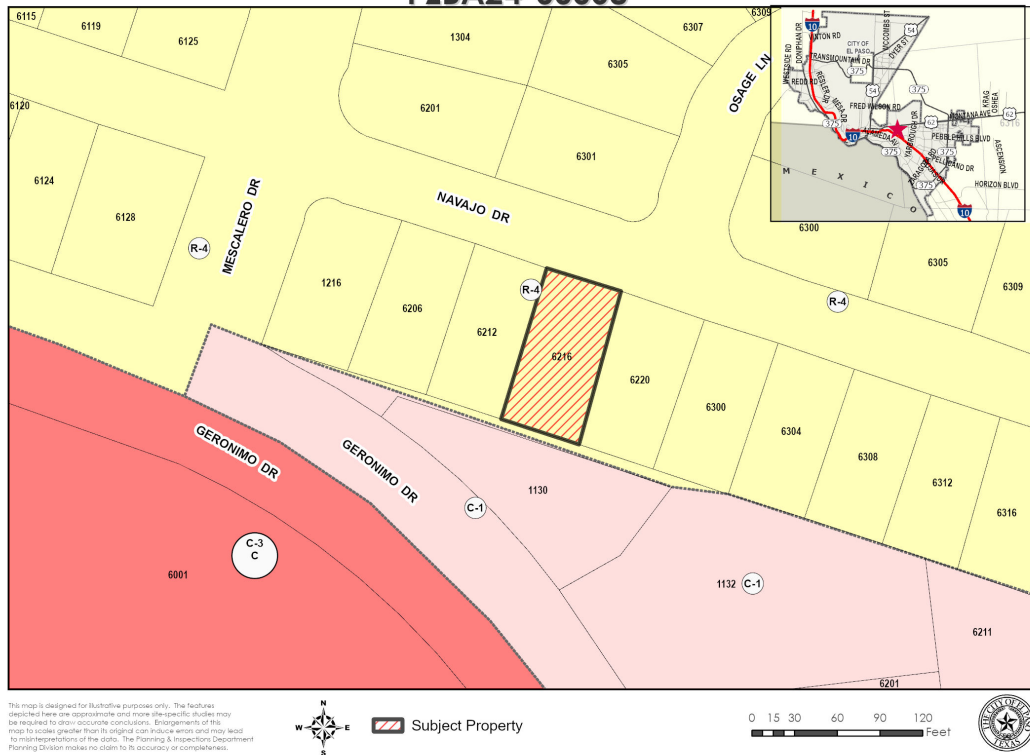
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.
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.

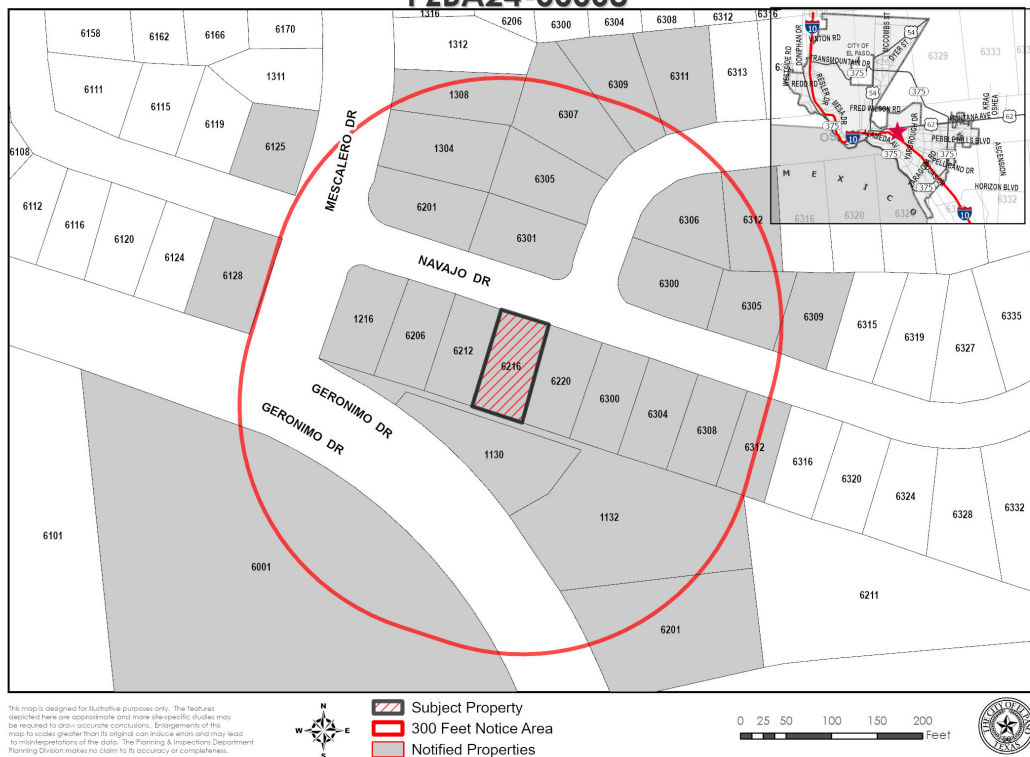
ZONING MAP

PZBA24-00068

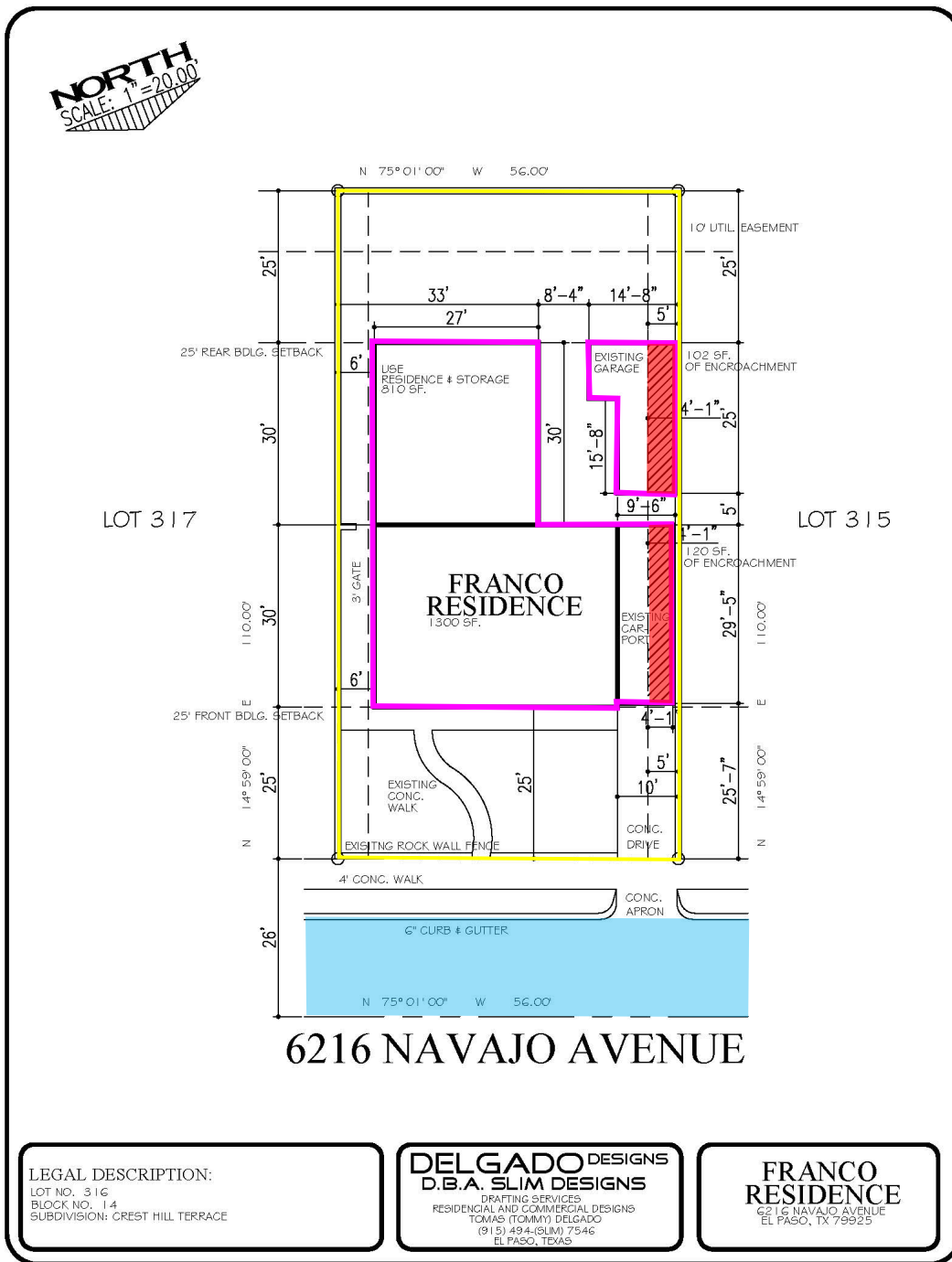


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00068

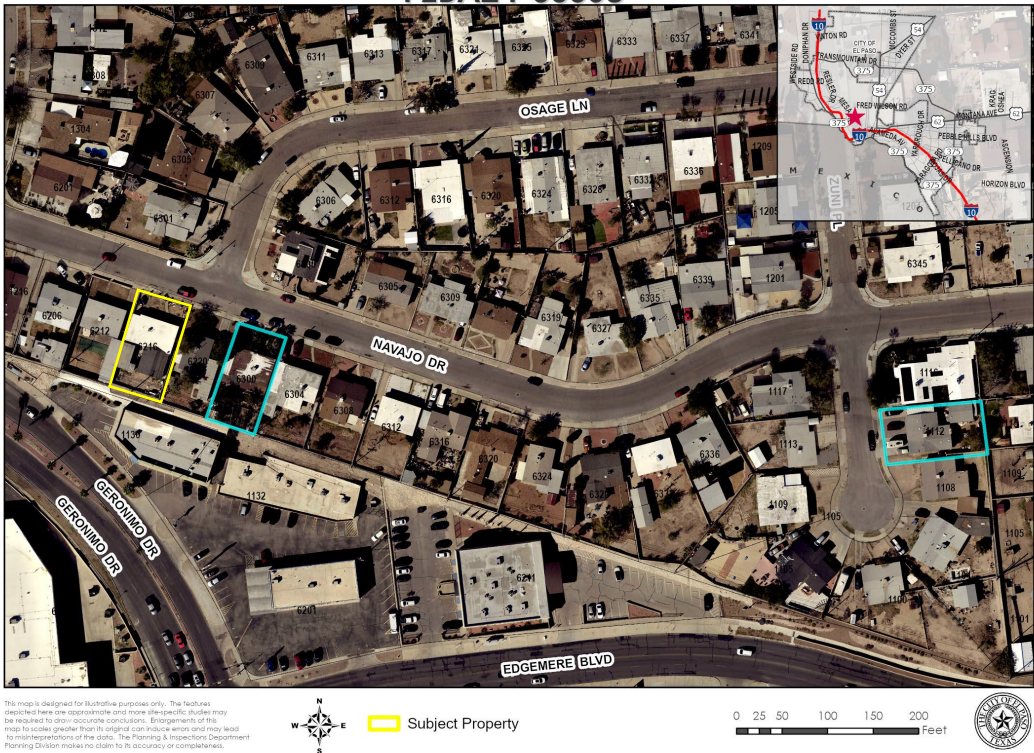


SITE PLAN



NONCONFORMING LOTS

PZBA24-00068



NONCONFORMING LOT 1

NONCONFORMING LOT 1



NONCONFORMING LOT 2

NONCONFORMING LOT 2



1997 Aerial

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



 Subject Property

0 5 10 20 30 40 Feet

