

8940 Ankerson

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00070
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Alfredo Ortega and Rachel Ruiz
REPRESENTATIVE: Mariano Adame/Alejandro Soto
LOCATION: 8940 Ankerson Street (District 2)
ZONING: A-2 (Apartment)
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 permit a proposed home addition, extending into the required 25-foot rear yard setback in the A-2 (Apartment) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than the encroachments present on at least two other neighboring properties.

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Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception request to permit a proposed 2,106 square foot home addition, extending 5 feet into the required 25-foot rear yard setback for a total encroachment of 195 square feet.

BACKGROUND: The minimum required rear yard setback is 25 feet in the A-2 (Apartment) zoning district. The main residence was built approximately in 1961, with current owners residing in the property for 1 year at most. The proposed home addition will convert the existing single-family dwelling into a triplex, which is permissible in the A-2 (Apartment) zoning district.

Aerial photographs indicate there are three other properties on the same block that also have structures located in the rear yard that encroach into their respective rear yard setbacks. 8913 Ankerson Street is a quadruplex structure, encroaching on an area of 346.78 square feet. Similarly, 8961 Ankerson Street has attached structures encroaching on an area of 1397.20 square feet. This results in a total average encroachment of 1743.98 square feet between the two properties.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No change
Rear	25 feet	20 feet
Cumulative Front & Rear	N/A	N/A
Side (West)	5 feet	No change
Side (East)	5 feet	No change
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:

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 8913 and 8961 Ankerson Street, are at least two non-conforming properties that have structures with rear yard encroachments that are less conforming than those from 8940 Ankerson Street. Other properties on the vicinity have various structures with different uses, encroaching into the required rear yard 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. 8913 and 8961 Ankerson Street have encroachments that extend into the rear yard setbacks. Both of these properties have structures extending beyond the required 25-foot rear yard setback.
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 the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

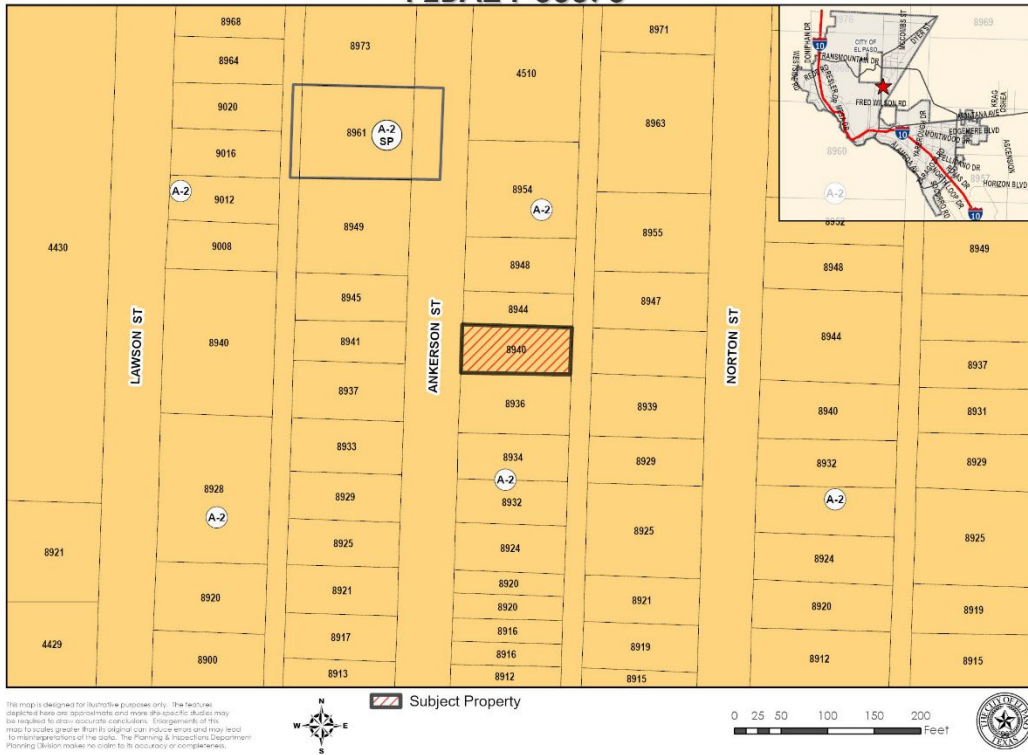
ZONING BOARD OF ADJUSTMENT OPTIONS:

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 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.

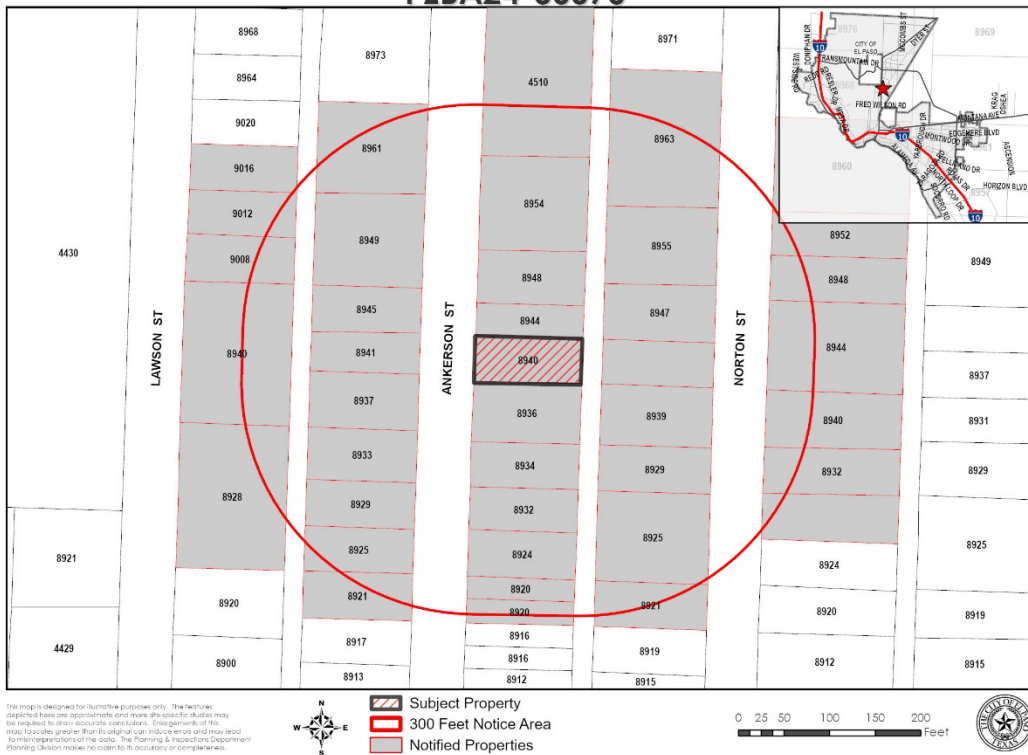
ZONING MAP

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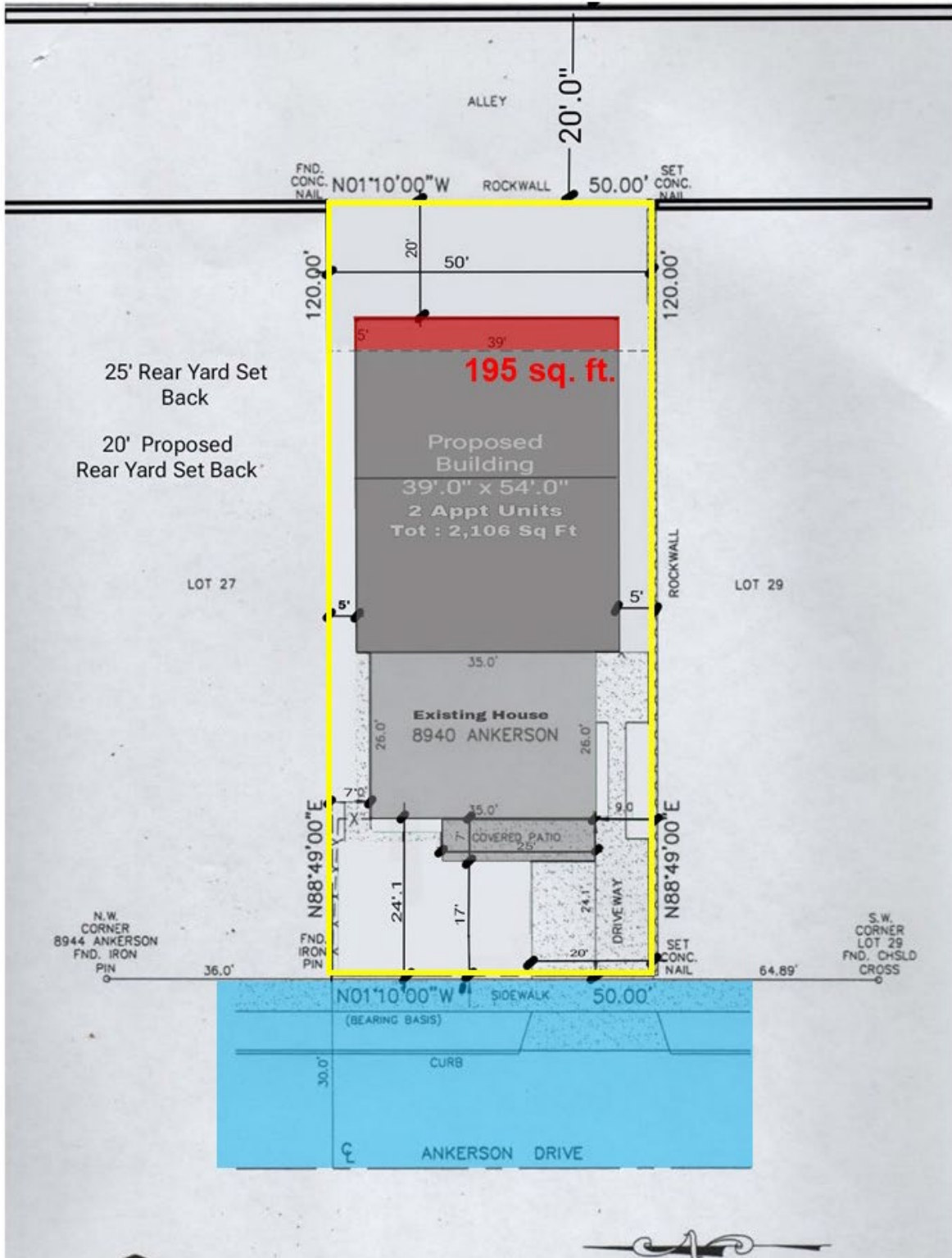


NEIGHBORHOOD NOTIFICATION MAP

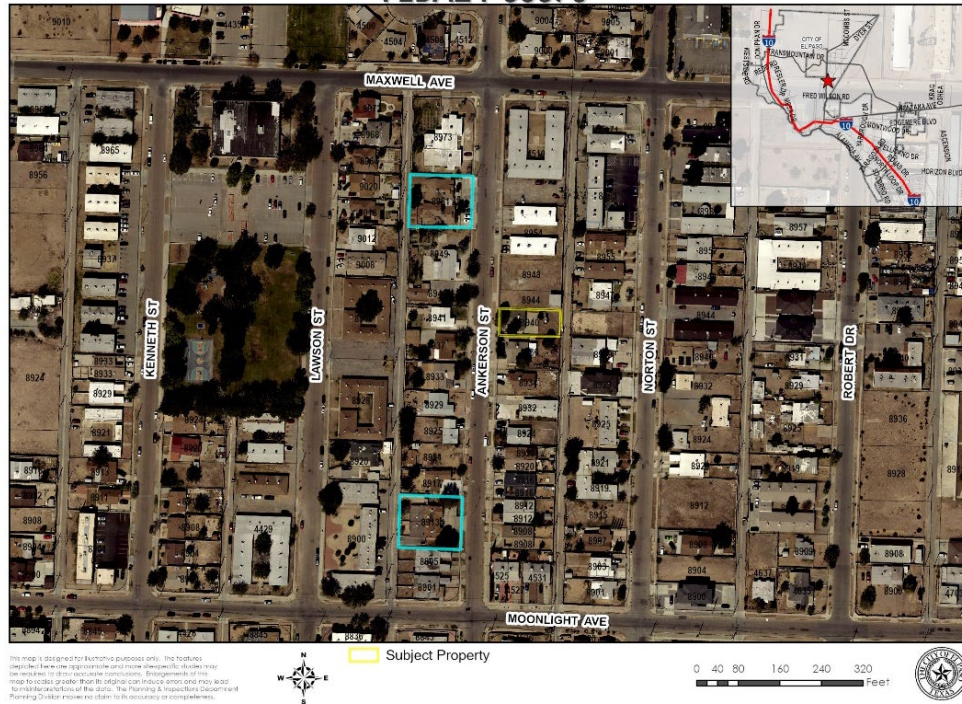
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SITE PLAN



NONCONFORMING LOTS PZBA24-00070



NONCONFORMING LOT 1



NONCONFORMING LOT 2

