

915 Kelly

Zoning Board of Adjustment — January 27, 2025



CASE NUMBER: PZBA24-00095
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Thomas C. Norris
REPRESENTATIVE: Thomas C. Norris
LOCATION: 915 Kelly Way (District 8)
ZONING: R-3 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception K (In Existence 15 Years or More)
PUBLIC INPUT: One (1) phone call of support received as of January 23, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 K (In Existence 15 Years or More) to allow to legalize an existing single-family home that encroaches the front, rear and side setback and permit the construction of a proposed porch that encroaches the rear yard setback in an R-3 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exceptions request as the requested encroachments of the existing single-family home have been in existence for more than fifteen (15) years and the requested encroachment of the proposed porch is less than the encroachments into that setback already present on at least two other neighboring properties.

PZBA24-00095



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Subject Property

0 10 20 40 60 80 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 single-family home, which extends 2 inches into the required front yard setback, 5 feet into the required side yard setback, and 30 feet into the rear yard setback for 821 square feet of total encroachment. Additionally, the applicant is also requesting a special exception to permit the construction of a proposed porch which would encroach the required 30-foot rear yard setback for 213.13 square feet of total encroachment.

BACKGROUND: The minimum front setback is 20 feet and the minimum side setback is 5 feet in the R-3 (Residential) zone district. The required rear setback for the subject property is 30 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district. Based on El Paso Central Appraisal District records, the home was built in 1940, but has remained in its existing layout since at least 1956 based on aerial imagery. The current owner has owned the home since 2004 and was not responsible for the existing encroachments.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	19 feet 10 inches
Rear	30 feet	0 feet
Cumulative Front & Rear	50 feet	19 feet 10 inches
Side (North)	5 feet	No Change
Side (South)	5 feet	0 feet
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 one house on the same block extends 30 feet into the rear setback, and another house extends 30 feet into the rear 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 (2) other houses on the same block located within the rear yard which have structures that extend into their required 30-foot rear yard setback located at 825 Galloway Drive and 714 Winter Drive. The total areas of encroachment are 395 square feet and 394.82 square feet, respectively.
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 encroachments have 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;	Yes. The encroachment into the front yard setback does not exceed fifty percent (50%) of the required 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 January 16, 2025 to all property owners within 300 feet of subject property. The Planning Division has received one (1) phone call in support of the special exception request.

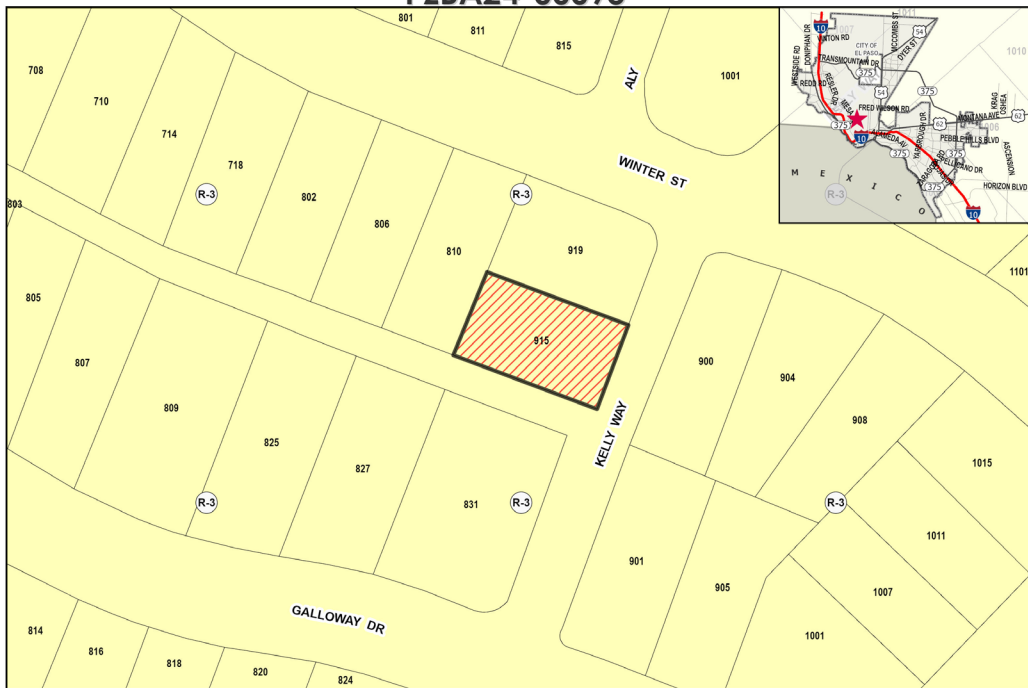
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

PZBA24-00095



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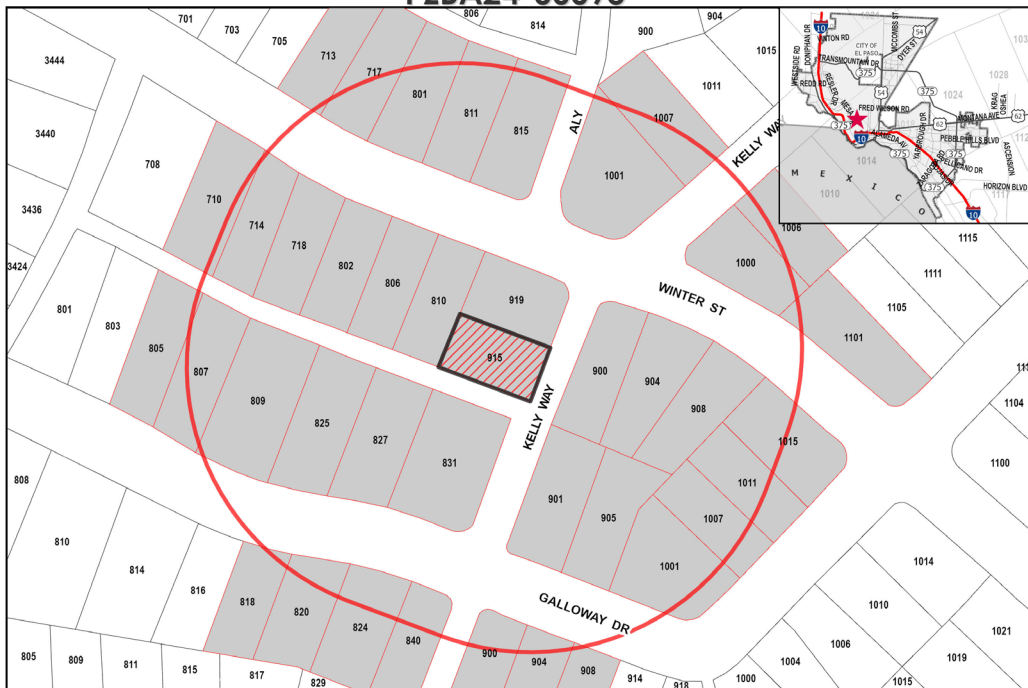
Subject Property

0 15 30 45 90 120 Feet



NEIGHBORHOOD NOTIFICATION MAP

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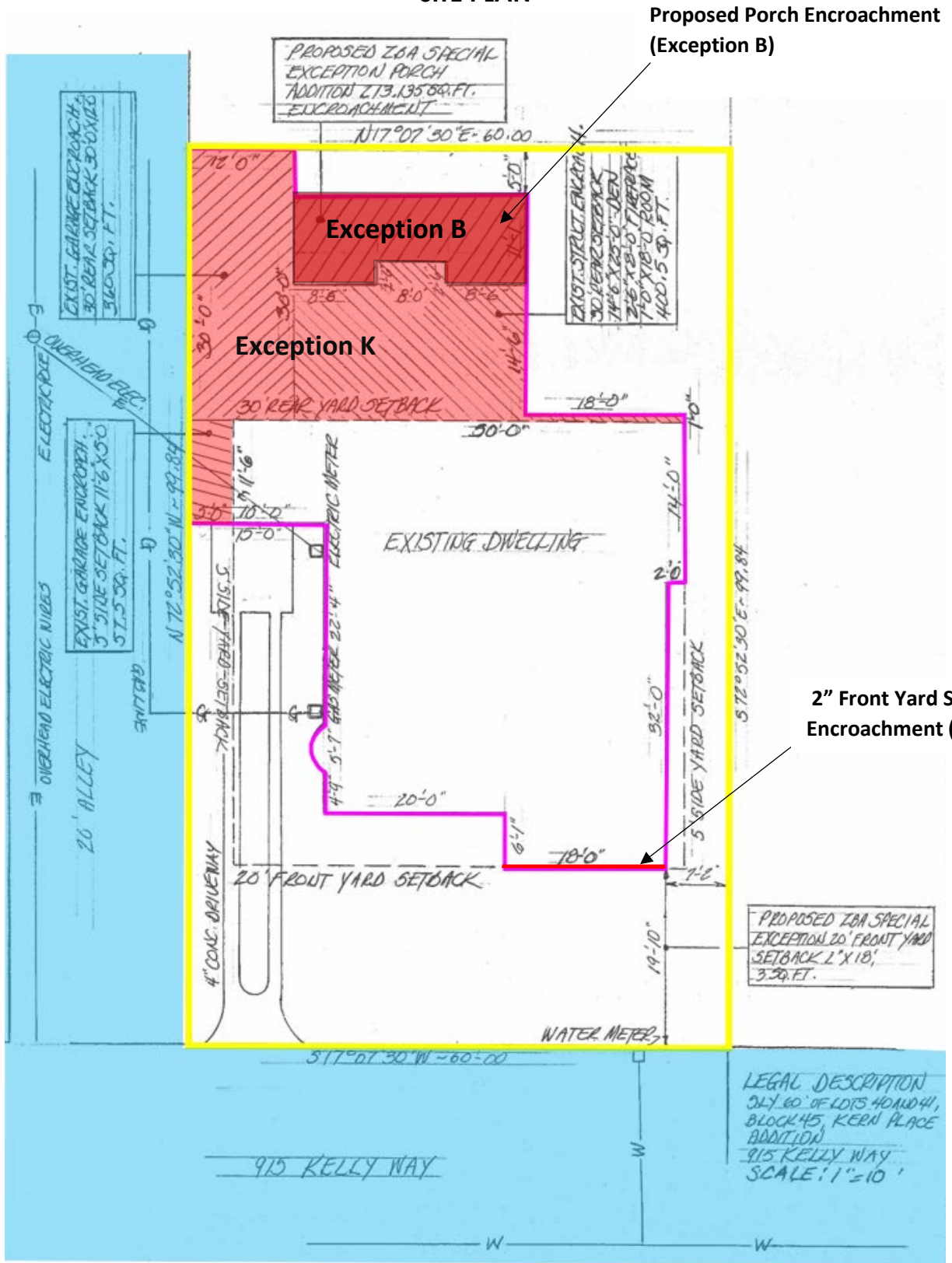


Subject Property
 300 Feet Notice Area
 Notified Properties

0 25 50 100 150 200 Feet



SITE PLAN



NONCONFORMING LOTS

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 Subject Property

0 12.5 25 50 75 100 Feet



NONCONFORMING LOT 1

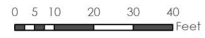
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Subject Property



NONCONFORMING LOT 2

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2010 Aerial

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 Subject Property

0 5 10 20 30 40 Feet

