



## **AGENDA FOR THE ZONING BOARD OF ADJUSTMENTS PUBLIC HEARING**

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**July 22, 2024**

**MAIN CONFERENCE ROOM, 300 NORTH CAMPBELL – 2ND FLOOR**

**1:30 PM**

Notice is hereby given that a Public Hearing of the Zoning Board of Adjustment will be conducted on the above date and time.

Members of the public may view the meeting via the following means:

Via the City's website. <http://www.elpasotexas.gov/videos>

Via television on City15,

YouTube: <https://www.youtube.com/user/cityofelpasotx/videos>

In compliance with the requirement that the City provide two-way communication for members of the public, members of the public may communicate with the Zoning Board of Adjustment during public comment, and regarding agenda items by calling the following number:

1-915-213-4096 or Toll Free Number: 1-833-664-9267

**At the prompt please enter the corresponding Conference ID: 801 295 55#**

If you wish to sign up to speak please contact Luis Zamora at [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov) or (915) 212-1552 no later than by the start of the meeting.

**A quorum of the Zoning Board of Adjustment members must be present and participate in the meeting.**

### **ROLL CALL**

### **AGENDA**

- |                        |  |
|------------------------|--|
| <b>1. PZBA24-00010</b> | Lot 29, Block 24, East Gate Subdivision Unit 2, City of El Paso, El Paso County, Texas |
| ADDRESS:               | 1747 Onizuka Dr.   |
| APPLICANT:             | Lorenzo and Magdalena Maldonado  |

**[BC-43](#)**

REPRESENTATIVE: Lorenzo and Magdalena Maldonado  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 6  
ZIPCODE: 79936  
STAFF CONTACT: JC Naranjo, 915-212-1604,  
NarajoJC@elpasotexas.gov

2. **PZBA24-00019** Lot 5, Block 5, Terry Allen, City of El Paso, El Paso County, Texas [BC-44](#)  
ADDRESS: 5107 Raymond Jays Rd.  
APPLICANT: Jerry L. Swoveland  
REPRESENTATIVE: Jerry L. Swoveland  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 3  
ZIPCODE: 79903  
STAFF CONTACT: Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov
3. **PZBA24-00026** Lot 21, Block 74, Vista Hills Unit Twenty-Three, an Addition to the City of El Paso, El Paso County, Texas [BC-45](#)  
ADDRESS: 11680 Spencer Dr.  
APPLICANT: Daniel Gonzalez  
REPRESENTATIVE: Daniel Gonzalez  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 6  
ZIPCODE: 79936  
STAFF CONTACT: Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov
4. **PZBA24-00039** Lot 12, Block 43, Montecillo Unit 11 Replat B, City of El Paso, El Paso County, Texas [BC-46](#)  
ADDRESS: 360 Vin Rambla Dr.  
APPLICANT: Montecillo Retail Investments LP  
REPRESENTATIVE: David Bogas  
REQUEST: Variance from Section 21.80.020  
DISTRICT: 8  
ZIPCODE: 79912  
STAFF CONTACT: Luis Zamora, (915) 212-1552,  
ZamoraLF@elpasotexas.gov  
**POSTPONED FROM JUNE 17, 2024**
5. **PZBA24-00041** Lot 3, Block 18, Newport Estates No. 3, City of El Paso, El Paso County, Texas [BC-47](#)  
ADDRESS: 11229 Sandcastle Ct.  
APPLICANT: Ruben Carrasco and Delia D. Carrasco  
REPRESENTATIVE: Omar Verduzco, Superior Roofing Construction  
REQUEST: Special Exception B (Two or More Nonconforming Lots)



DISTRICT: 6  
DISTRICT: 79936  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

6. **PZBA24-00043** Lot 41, Block 76, Vista Hills Unit Twenty Three, an Addition to the City of El Paso, El Paso County, Texas [BC-48](#)  
ADDRESS: 11613 Kristy Weaver Dr.  
APPLICANT: German Armenta and Sylvia Armenta  
REPRESENTATIVE: Ray Mancera  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 6  
ZIPCODE: 79936  
STAFF CONTACT: Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov
7. **PZBA24-00045** Lot 11, Block A, Eastridge, City of El Paso, El Paso County, Texas [BC-49](#)  
ADDRESS: 9780 Eastridge Dr.  
APPLICANT: Dora Medina  
REPRESENTATIVE: Joe Gomez/Dora Medina  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 7  
ZIPCODE: 79925  
STAFF CONTACT: Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov
8. **PZBA24-00047** Lot 33, Block 120, Cielo Vista Park, City of El Paso, El Paso County, Texas [BC-50](#)  
ADDRESS: 9141 McFall Dr.  
APPLICANT: Timothy Holt  
REPRESENTATIVE: Geronimo Cortez  
REQUEST: Special Exception J (Carport Over a Driveway)  
DISTRICT: 3  
ZIPCODE: 79925  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov
9. **PZBA24-00049** Lot 1-B, Block 7, Villa Lago Replat, City of El Paso, El Paso County, Texas [BC-51](#)  
ADDRESS: 10304 Luella Dr.  
APPLICANT: Charles G. and Yolanda Fitzgerald  
REPRESENTATIVE: Vanessa Duran  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 3  
ZIPCODE: 79925  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

- 10. PZBA24-00050** Lot 13, Block 2, Pleasant Valley, City of El Paso, El Paso County, Texas [BC-52](#)  
ADDRESS: 424 Valle Sereno Dr.  
APPLICANT: Maria Emma Rosalez  
REPRESENTATIVE: Maria Emma Rosalez, Bruno Huizar, and Joe Gomez  
REQUEST: Special Exception J (Carport Over Driveway)  
DISTRICT: 7  
ZIPCODE: 79907  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov
- 11. PZBA24-00051** Lot 7, Block 764, River Bend Estates, an Addition to the City of El Paso, El Paso County, Texas [BC-53](#)  
ADDRESS: 4501 Parrot Wy.  
APPLICANT: Jonathan Scott Nehls  
REPRESENTATIVE: Jonathan Scott Nehls  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 1  
ZIPCODE: 79922  
STAFF CONTACT: Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov
- 12. PZBA24-00054** A portion of Lot 130, Block 4, Del Norte Acres, City of El Paso, El Paso County, Texas [BC-54](#)  
ADDRESS: 8701 Norton St.  
APPLICANT: DSDB LLC.  
REPRESENTATIVE: Ray Baca  
REQUEST: Special Exception K (In existence 15 years or more)  
DISTRICT: 2  
ZIPCODE: 79904  
STAFF CONTACT: Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov
- 13. PZBA24-00055** Lot 2, Block 44, Montecillo Unit 10, City of El Paso, El Paso County, Texas [BC-55](#)  
ADDRESS: 161 Vin Salou Wy.  
APPLICANT: Montecillo Central Hotel LLC  
REPRESENTATIVE: David Bogas  
REQUEST: Variance from Section 21.50.060  
DISTRICT: 8  
ZIPCODE: 79912  
STAFF CONTACT: Luis Zamora, (915) 212-1552,  
ZamoraLF@elpasotexas.gov

- 14. PZBA24-00057** Lots 19 to 22, Block 88, Bassett, City of El Paso, El Paso County, Texas  
ADDRESS: 2507 E. Yandell Dr.  
APPLICANT: Leon E. & Rita T. Gluck  
REPRESENTATIVE: John Speers  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 8  
ZIPCODE: 79903  
STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

[BC-56](#)

- 15.** Approval of Minutes: June 17, 2024

[BC-57](#)

### **EXECUTIVE SESSION**

The Zoning Board of Adjustment of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda. The Zoning Board of Adjustment will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

### **ADJOURN**

### **NOTICE TO THE PUBLIC**

Sign language interpreters will be provided for this meeting upon request. Requests must be made to Luis Zamora at ZamoraLF@elpasotexas.gov a minimum of 48 hours prior to the date and time of this hearing.

If you need Spanish Translation Services, please email ZamoraLF@elpasotexas.gov at least 48 hours in advance of the meeting.

Posted this 17th of July by Andrew Salloum.



Legislation Text

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File #: BC-43, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00010**      Lot 29, Block 24, East Gate Subdivision Unit 2, City of El Paso, El Paso County, Texas

ADDRESS:            1747 Onizuka Dr.

APPLICANT:        Lorenzo and Magdalena Maldonado

REPRESENTATIVE: Lorenzo and Magdalena Maldonado

REQUEST:          Special Exception B (Two or More Nonconforming Lots)

DISTRICT:          6

ZIPCODE:           79936

STAFF CONTACT:   JC Naranjo, 915-212-1604,  
NarajoJC@elpasotexas.gov

# 1747 Onizuka

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00010  
**CASE MANAGER:** Juan C. Naranjo, (915) 212-1604, [NaranjoJC@elpasotexas.gov](mailto:NaranjoJC@elpasotexas.gov)  
**PROPERTY OWNER:** Lorenzo and Magdalena Maldonado  
**REPRESENTATIVE:** Lorenzo and Magdalena Maldonado  
**LOCATION:** 1747 Onizuka Dr. (District 6)  
**ZONING:** R-3A (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 allow to legalize an existing carport that encroaches into the required front setback and an existing home addition that encroaches into the required rear setback in a R-3A (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested encroachment is less or equal to the encroachments into that setback already present on at least two other neighboring properties. The condition is as follows:

*Storage shed shall be modified or removed from the 5-foot utility easement area, or the easement shall be vacated.*



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 would extend 11.7 feet into the required front yard setback for 217 square feet of total encroachment. The applicant is also requesting a special exception to allow to legalize the construction of an existing addition which extends 25.5 feet into the required rear setback contains 511 square feet of total encroachment.

**BACKGROUND:** The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 29 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1987. Aerial photographs indicate there are two other properties within the same block on the same side of the street that also contain structures located in the front yards that encroach into their respective front yard located at 1749 and 1751 Onizuka Drive. Aerial photographs indicate there are two others properties within the same block on the same side of the street that also contain structures located in the rear yards that encroach into their respective front yard located at 1746 and 1751 Onizuka Drive.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	16 feet	5.3 feet
Rear	29 feet	3.5 feet
Cumulative Front & Rear	45 feet	8.8 feet
Side (North)	5 feet	5 feet
Side (South)	5 feet	5 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:

*Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot, provided the following criteria are 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 1749 Onizuka Drive and 1751 Onizuka Drive. contain carports located within the front yards which extend into their required 15-foot front yard setback; properties on 1751 Onizuka Drive and 1746 Onizuka Drive contain structures that encroach into the required 15-foot 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. Two (2) other houses on the same block present carports extending into their required 15-foot front setback located at 1749 and 1751 Onizuka Drive. Additionally, there are two (2) other houses located within the same block on the same side of the street or within the block directly across and abutting the street that contain structures that encroach into the required rear setback located at 1746 and 1751 Onizuka Drive
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.



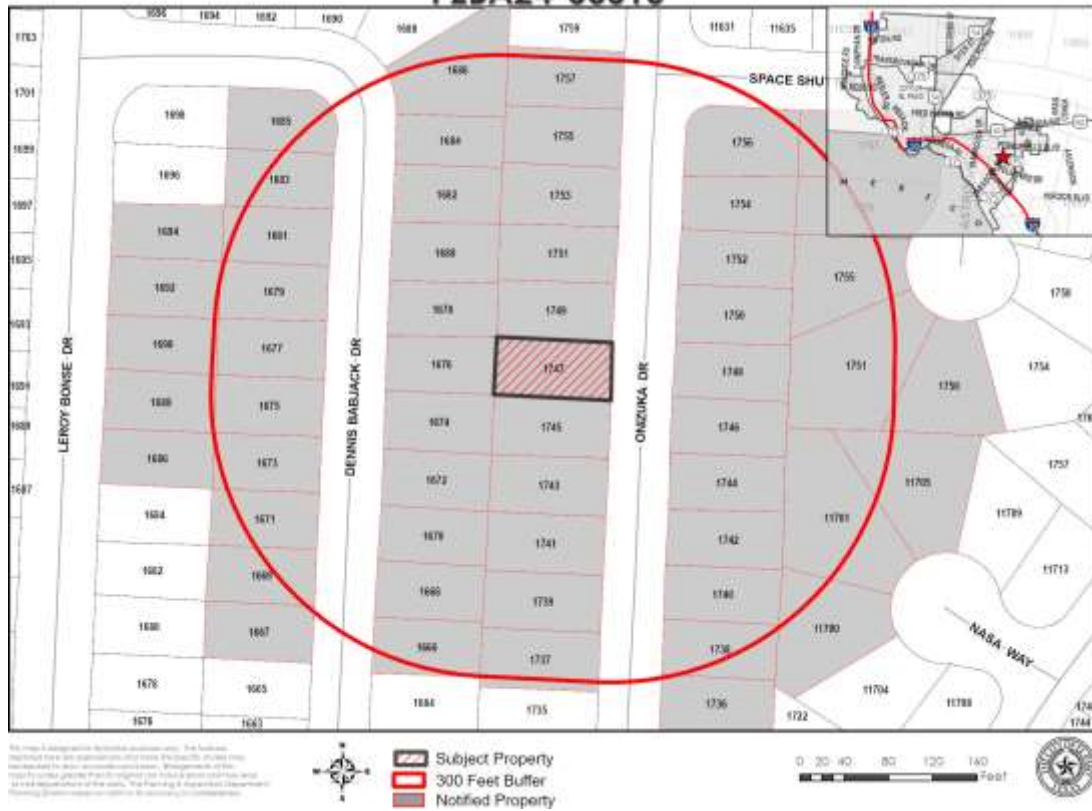
# ZONING MAP

PZBA24-00010



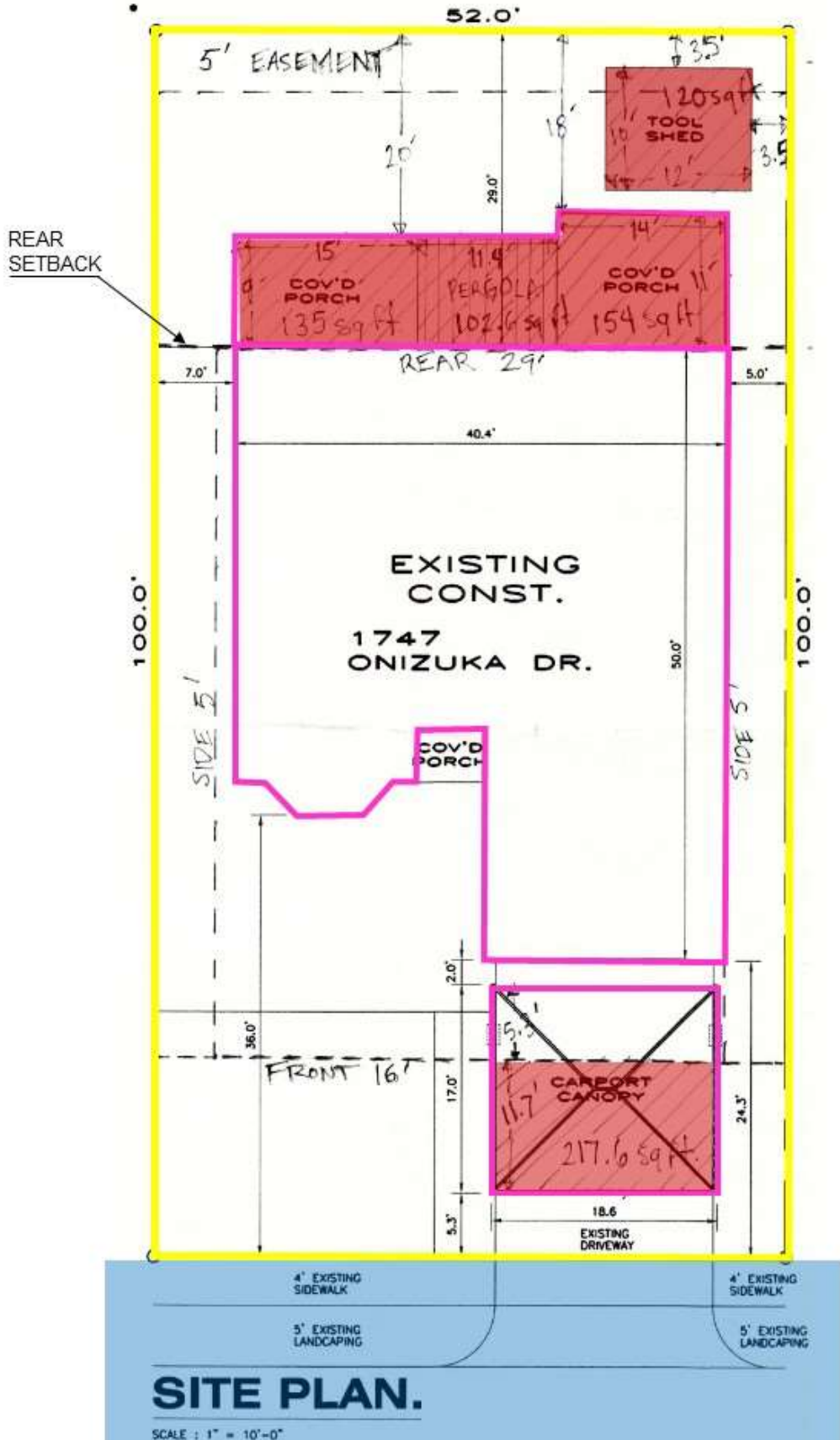
# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00010





# SITE PLAN



NONCONFORMING LOTS

PZBA24-00010



NONCONFORMING LOT 1

PZBA24-00010



## NONCONFORMING LOT 2

PZBA24-00010



## NCONFORMING LOT 3

PZBA24-00010





Legislation Text

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**File #: BC-44, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

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**PZBA24-00019**      Lot 5, Block 5, Terry Allen, City of El Paso, El Paso County,  
Texas  
ADDRESS:            5107 Raymond Jays Rd.  
APPLICANT:        Jerry L. Swoveland  
REPRESENTATIVE: Jerry L. Swoveland  
REQUEST:           Special Exception B (Two or More Nonconforming Lots)  
DISTRICT:           3  
ZIPCODE:            79903  
STAFF CONTACT:    Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov



# 5107 Raymond Jays

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00019  
**CASE MANAGER:** Juan C. Naranjo, (915) 212-1604, [NaranjoJC@elpasotexas.gov](mailto:NaranjoJC@elpasotexas.gov)  
**PROPERTY OWNER:** Jerry L. Swoveland  
**REPRESENTATIVE:** Jerry L. Swoveland  
**LOCATION:** 5107 Raymond Jays (District 3)  
**ZONING:** R-4 (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 legalize an existing rear structure and to permit the construction of a structure along the side and rear yard in an R-4 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested encroachment is less than or equal to the encroachments into that setback already present on at least two other neighboring properties. The condition is as follows:

*The detached storage shed shall be removed from the 5-foot utility easement area, or the easement shall be vacated.*



Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize an existing rear structure that encroaches into the required 20.9-foot rear setback, built at zero-feet at the rear property line, constructed to zero-feet at the right-side property line. In addition, the applicant seeks to permit the construction of a proposed 341 square-foot building built along the side yard to be located zero feet from the side property line, to abut the existing structure built into the required rear and side yard setbacks.

**BACKGROUND:** The minimum rear setback is 10 feet and the minimum side yard setback is 5 feet in the R-4 (Residential) zone district. The required rear setback for the subject property is 20.9 feet to meet the required cumulative front and rear setback of 45 feet. The required side setback is 5 feet.

Aerial photography indicates the existing rear structure was constructed before 1956, which is before the adoption of the “modern” zoning code of the City. El Paso Central Appraisal records indicate the existing home was constructed in 1950. There are two other properties located on the same block, 5119 Raymonds Jay Rd. and 5129 Raymonds Jay Rd. that contain structures that extend 20.9 feet into the rear setbacks and five feet into the required side yard setbacks. There is an existing code violation case for the existing rear structure that is pending the decision of the Zoning Board of Adjustment (ZBA).

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	24.1 feet	No Change
Rear	20.9 feet	0 feet
Cumulative Front & Rear	45 feet	24.1 feet
Side (South)	5 feet	No Change
Side (North)	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:

*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 5119 Raymonds Jay Rd. and 5129 Raymonds Jay Rd. extend 20.9 feet into the rear setbacks and five feet into the required side yard setbacks.
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. The examples of the existing encroachments both have structures built to zero-feet into the required rear and 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.

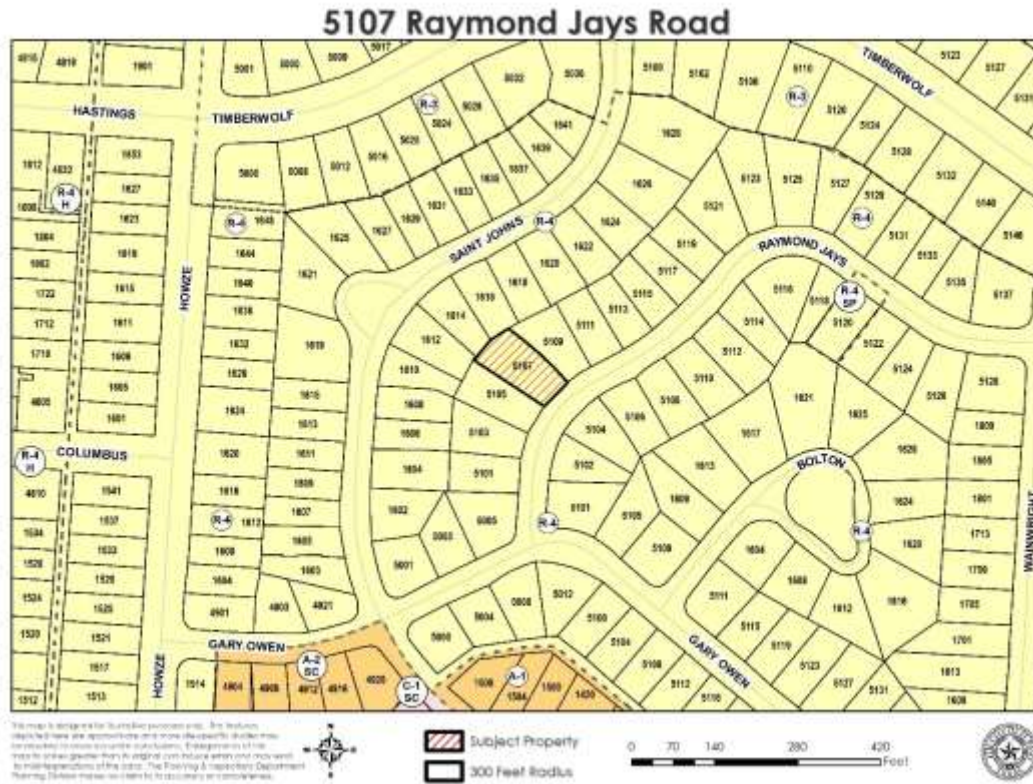
**PUBLIC COMMENT:** Public notice was sent on July 10, 2024, to all property owners within 300 feet of the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

### **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



## NEIGHBORHOOD NOTIFICATION MAP

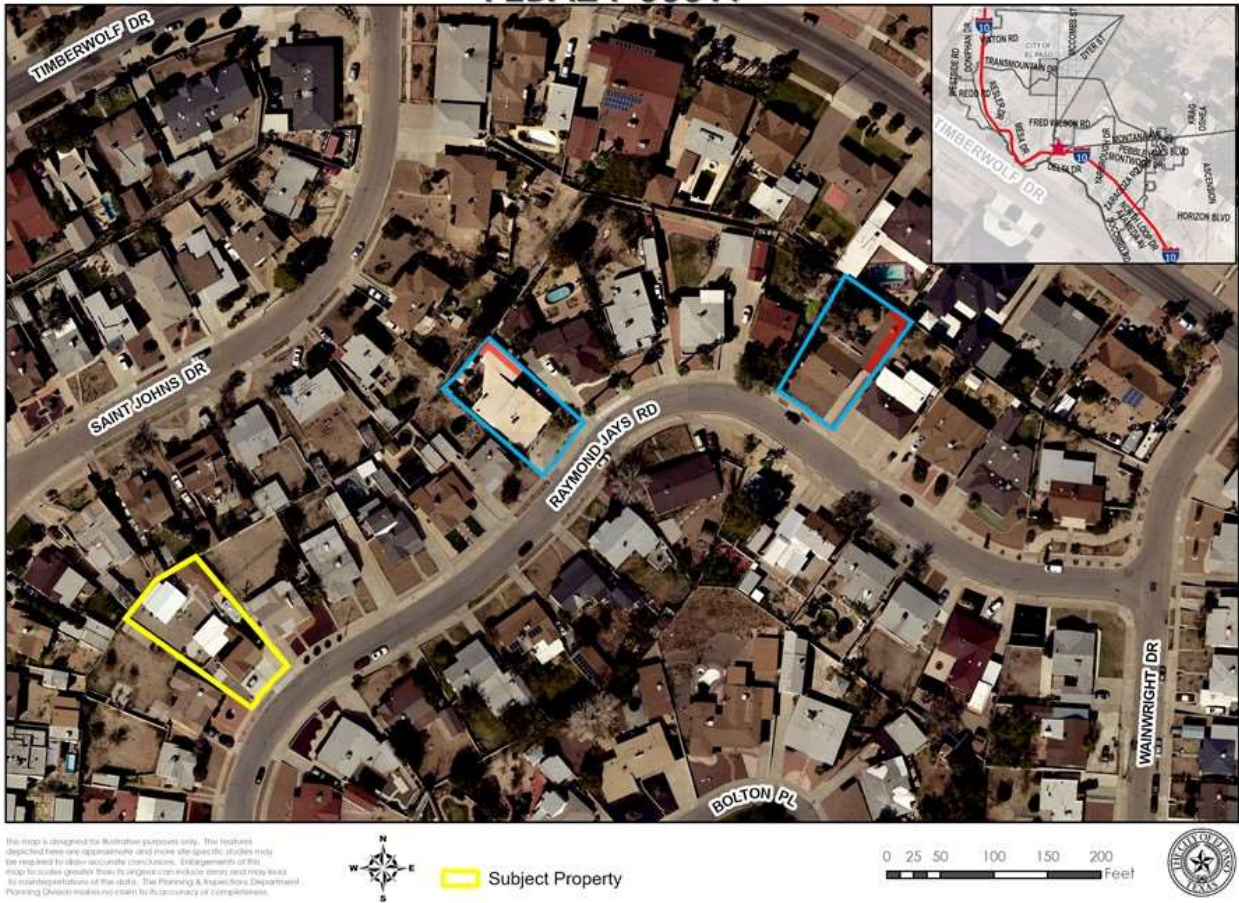




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NONCONFORMING LOTS

PZBA24-00019





## NONCONFORMING LOT 1



## NONCONFORMING LOT 2





Legislation Text

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**File #: BC-45, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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**PZBA24-00026**      Lot 21, Block 74, Vista Hills Unit Twenty-Three, an Addition  
to the City of El Paso, El Paso County, Texas

ADDRESS:            11680 Spencer Dr.

APPLICANT:        Daniel Gonzalez

REPRESENTATIVE: Daniel Gonzalez

REQUEST:          Special Exception B (Two or More Nonconforming Lots)

DISTRICT:          6

ZIPCODE:           79936

STAFF CONTACT:   Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov

# 11680 Spencer

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00026  
**CASE MANAGER:** Juan C. Naranjo, (915) 212-1604, [NaranjoJC@elpasotexas.gov](mailto:NaranjoJC@elpasotexas.gov)  
**PROPERTY OWNER:** Daniel Gonzalez  
**REPRESENTATIVE:** Daniel Gonzalez  
**LOCATION:** 11680 Spencer Dr. (District 6)  
**ZONING:** R-3A/sc (Residential/special contract)  
**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 allow to legalize an existing carport in an R-3A (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment is equal to the encroachments into that setback already present on at least two other neighboring properties.

## PZBA24-00026

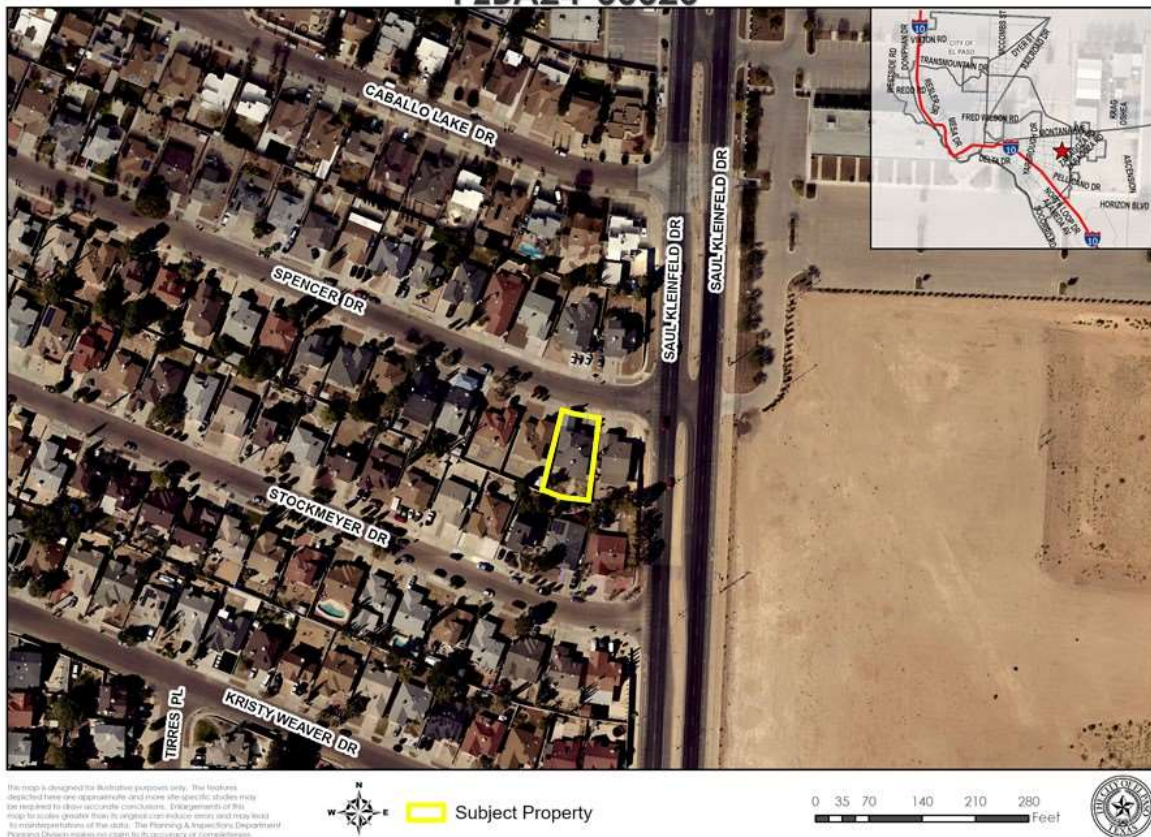


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to allow to legalize an existing carport, which extends right up to the property line into the required 15-foot front rear yard setback for a total encroachment of 233 square feet.

**BACKGROUND:** The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 30 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1992. Aerial photographs indicate there are two other properties within the same block on the same side of the street within the block directly across and abutting the street that also contain structures located in the front yards that encroach into their respective front yard setbacks located at 11609 Spencer Drive and 11673 Spencer Drive.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15 feet	0 feet
Rear	30 feet	No Change
Cumulative Front & Rear	45 feet	30 feet
Side (East)	5 feet	No Change
Side (West)	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 are 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 11609 Spencer Drive and 11673 Spencer Drive contain carports located within the front yards which extend into their required 15-foot front 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. Properties on 11609 and 11673 Spencer Drive have carports that extend right up to the front property line.
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 subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

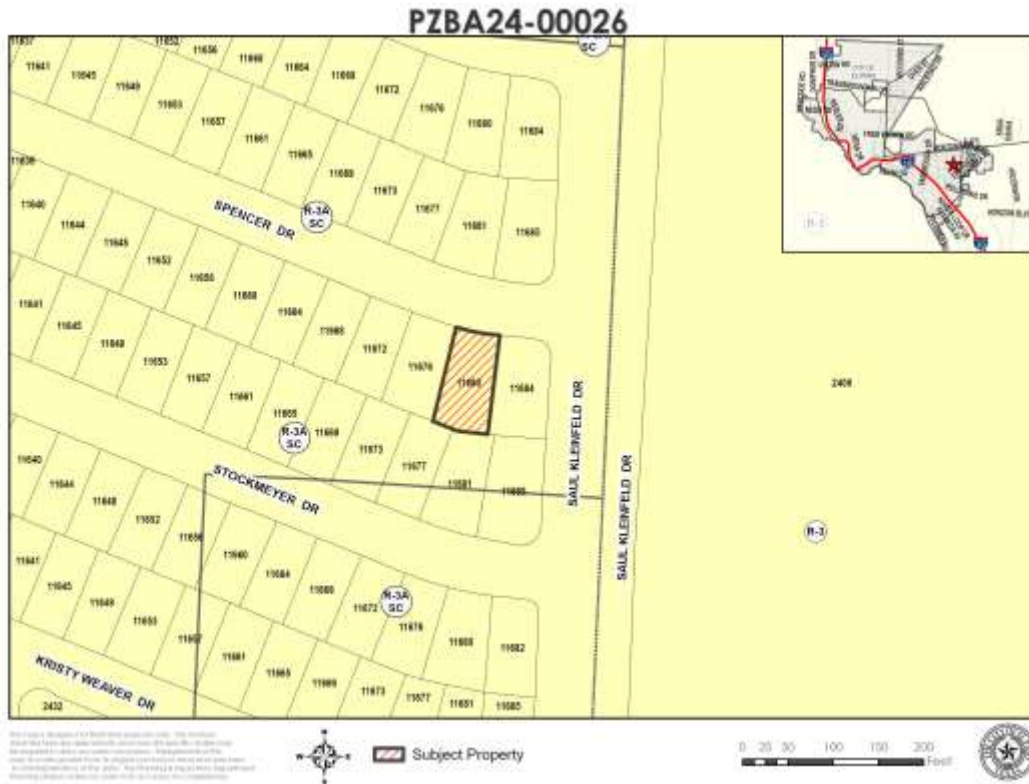


### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

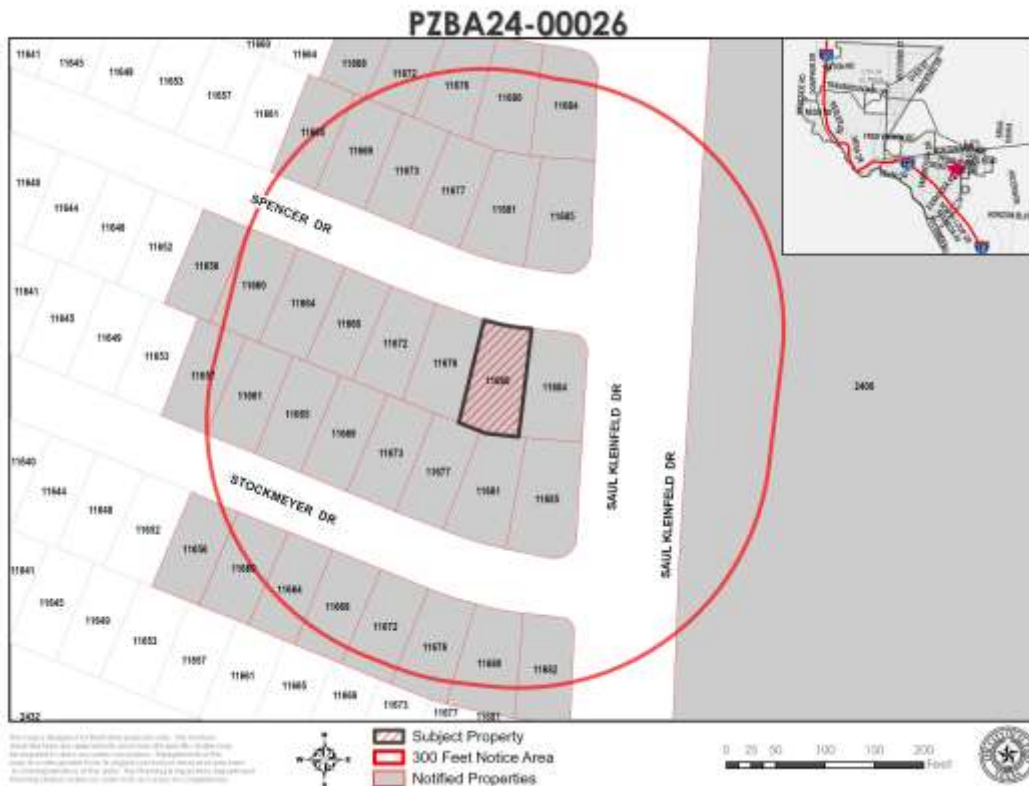
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA 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. **(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



# NEIGHBORHOOD NOTIFICATION MAP





[illegible]

NONCONFORMING LOTS

PZBA24-00026



NONCONFORMING LOT 1

PZBA24-00026



## NONCONFORMING LOT 3

**PZBA24-00026**





Legislation Text

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File #: BC-46, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00039**      Lot 12, Block 43, Montecillo Unit 11 Replat B, City of El Paso, El Paso County, Texas

ADDRESS:            360 Vin Rambla Dr.

APPLICANT:        Montecillo Retail Investments LP

REPRESENTATIVE: David Bogas

REQUEST:          Variance from Section 21.80.020

DISTRICT:          8

ZIPCODE:           79912

STAFF CONTACT:   Luis Zamora, (915) 212-1552,  
ZamoraLF@elpasotexas.gov

**POSTPONED FROM JUNE 17, 2024**



# 360 Vin Rambla

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00039  
**CASE MANAGER:** Luis Zamora, (915) 212-1552, [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov)  
**PROPERTY OWNER:** Montecillo Retail Investments LP  
**REPRESENTATIVE:** David Bogas & Richard Aguilar  
**LOCATION:** 360 Vin Rambla Dr. (District 8)  
**ZONING:** SCZ T5 (SmartCode Urban Center)  
**REQUEST:** Variance from 21.80.020  
**PUBLIC INPUT:** None received as of July 16, 2024

**SUMMARY OF REQUEST:** Applicant requests a Variance under Section 2.16.030 *Variances* to permit a superregional shopping center monument sign per El Paso City Code Section 21.10.050 *Warrants, variances, and adjustments*. The applicant is requesting to install a sign that exceeds the maximum height and sign area in an SCZ T5 (SmartCode Urban Center) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the Variance request.

## PZBA24-00039

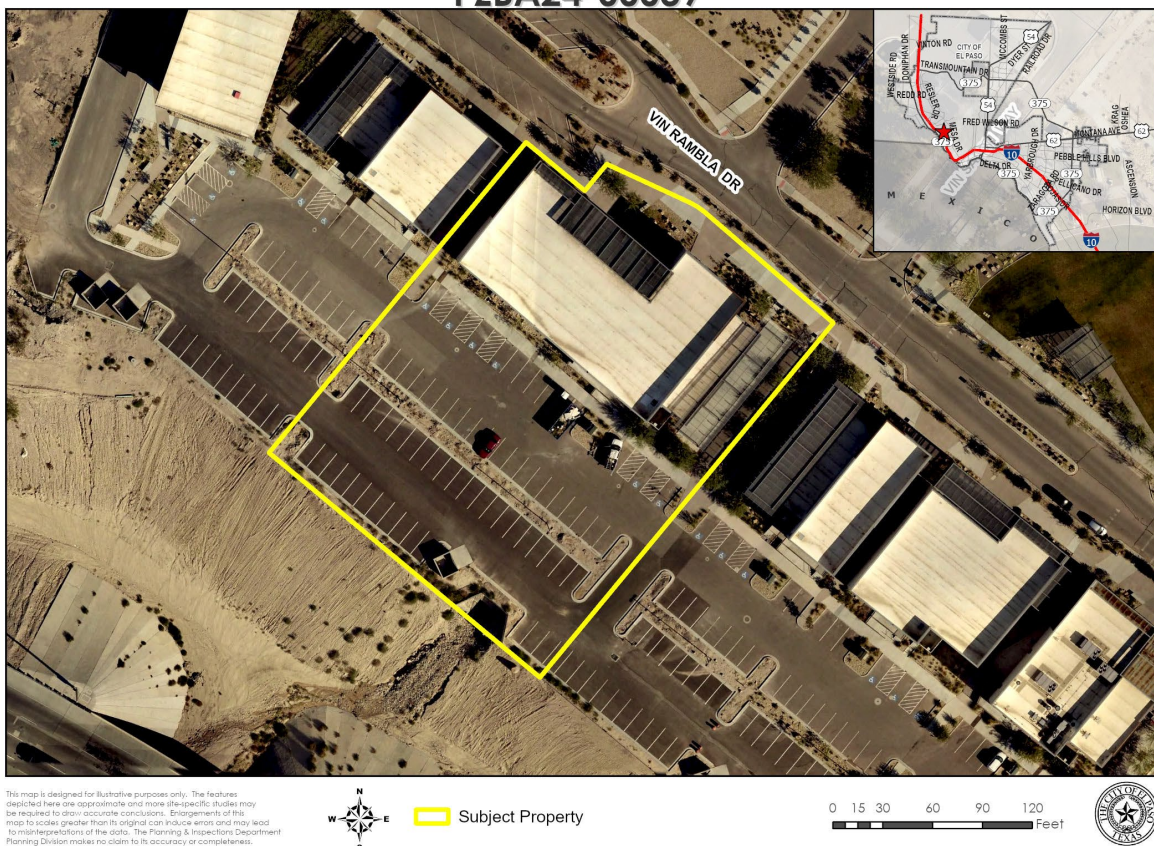


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to install a sign that exceeds the maximum height of six feet (6') for a fifty-foot (50') high sign, as well as exceeding the maximum sign area of forty-eight square feet (48 sq. ft.) for a four hundred seventy-five square feet (475 sq. ft.) sign area in an SCZ T5 (SmartCode Urban Center) zone district.

**BACKGROUND:** Monument signs under the SCZ T5 (SmartCode Urban Center) zone district are restricted to a maximum height of six feet (6') and maximum sign area of forty-eight square feet (48 sq. ft.). A monument sign may be used as a directory for multiple businesses or just one.

The SmartCode zoning districts are created to provide for a walkable and dense neighborhood with a sense of place. Signage standards are adopted to reinforce the uniqueness of development within the SmartCode zoning districts, specifically within the internal mixed-use walkable areas of the development. The applicant is requesting a variance based on unnecessary hardship due to the commercial development abutting Interstate 10 and SmartCode restricting dimensional standards for all signs located anywhere on the property.

Definition of Unnecessary Hardship, Section 20.02.1128:

*"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.*

SMARTCODE SIGN REQUIREMENTS	REQUIRED	REQUESTED
Max Height	6 feet	50 feet
Max Sign Area	48 square feet	475 square feet

(C-4) SIGN REQUIREMENTS	SUPERREGIONAL SHOPPING CENTERS ALONG I-10 *	REQUESTED
Max Height	45 feet*	50 feet
Max Sign Area	600 square feet*	475 square feet

\* For comparison only. These requirements do not apply to the SmartCode zoning districts.

**ANALYSIS:** Staff recommends approval of the Variance request. The property is currently located approximately one hundred and seventy-nine feet (179') from Interstate 10 with no direct access to or from the Interstate. Additionally, in comparing the requirements for superregional shopping center signage in C-4 (Commercial) zoning districts with frontage on Interstate 10, the requirements allow for a max height of forty-five feet (45') and a max sign area of six hundred square feet (600'). Dimensions for the proposed sign reflect a height of fifty feet (50'), exceeding the maximum allowed for superregional shopping centers by five feet (5') and a sign area of 475 square feet, under the maximum six hundred square feet (600') allowed.

#### COMPLIANCE WITH EL PASO CITY CODE SECTION 2.16.030

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

*Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.*

**The following questions should be carefully considered in order to grant a variance:**

Questions	Does the Request Comply?
1. Is the need for the variance due to special conditions?	Yes. Signage visibility from Interstate 10 is restricted due to topographical features.
2. Would a literal enforcement of the ordinance create an unnecessary hardship?	Yes. Other properties with frontage to Interstate 10 are allowed signage similar to what is being requested.

3. Is the variance consistent with public interest?	Yes. The public interest is kept protected even if the variance is granted and allows the property owner fair process for signage.
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?	<p>Yes. According to 20.18.030 (Purpose), the purpose of the sign ordinance, in part, is to:</p> <ul style="list-style-type: none"> <li>• Allow adequate opportunity for the exercise of free speech by the display of a message or an image on a sign, while balancing that opportunity against the community and public interests affected by signs;</li> <li>• Enhance the aesthetic value of the city's landscape by reducing visual clutter that is potentially harmful to property values and economic development;</li> <li>• Protect adjacent and nearby properties from the impact of excessive or inappropriate signage.</li> </ul>

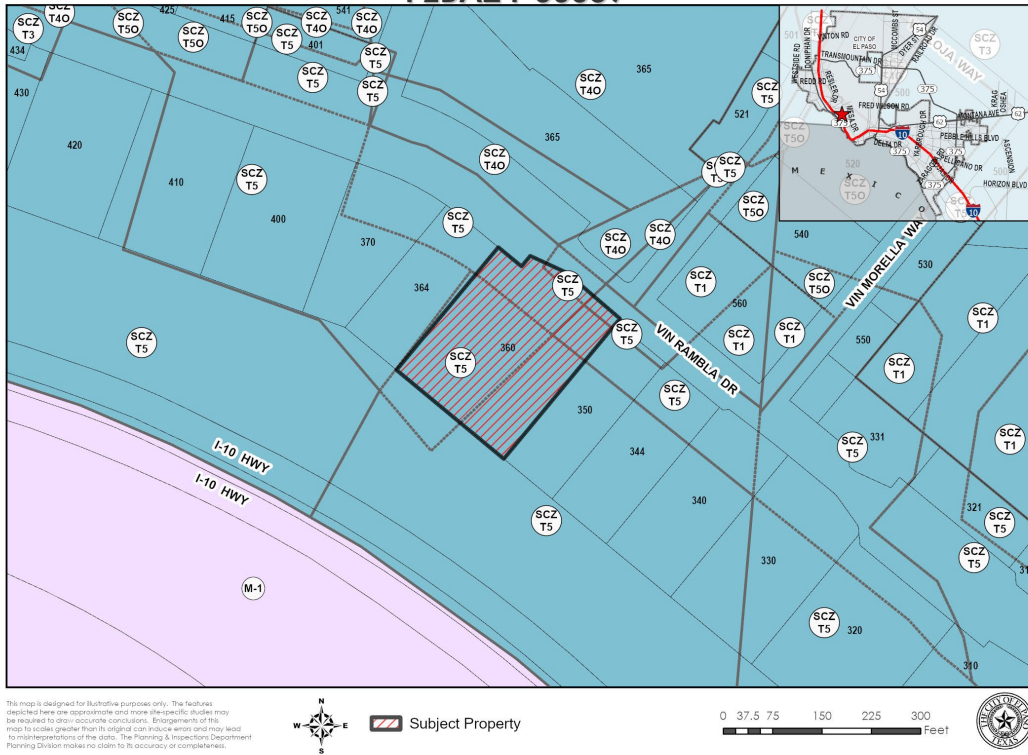
**PUBLIC COMMENT:** Public notice was sent on May 2, 2024 and June 5, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request. This item was postponed from the June 17<sup>th</sup> hearing.

**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) may authorize in specific cases a variance from the terms of the zoning ordinance (Title 20) or as specified in (Title 21) SmartCode if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the variance 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 variance 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 variance request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

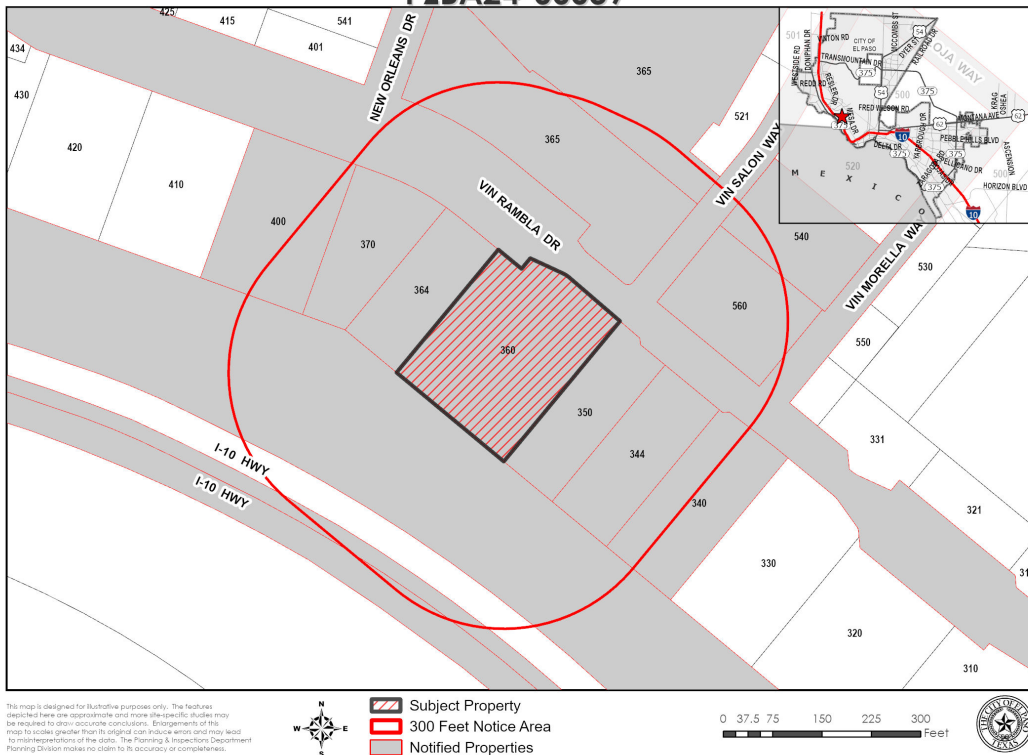
# ZONING MAP

PZBA24-00039



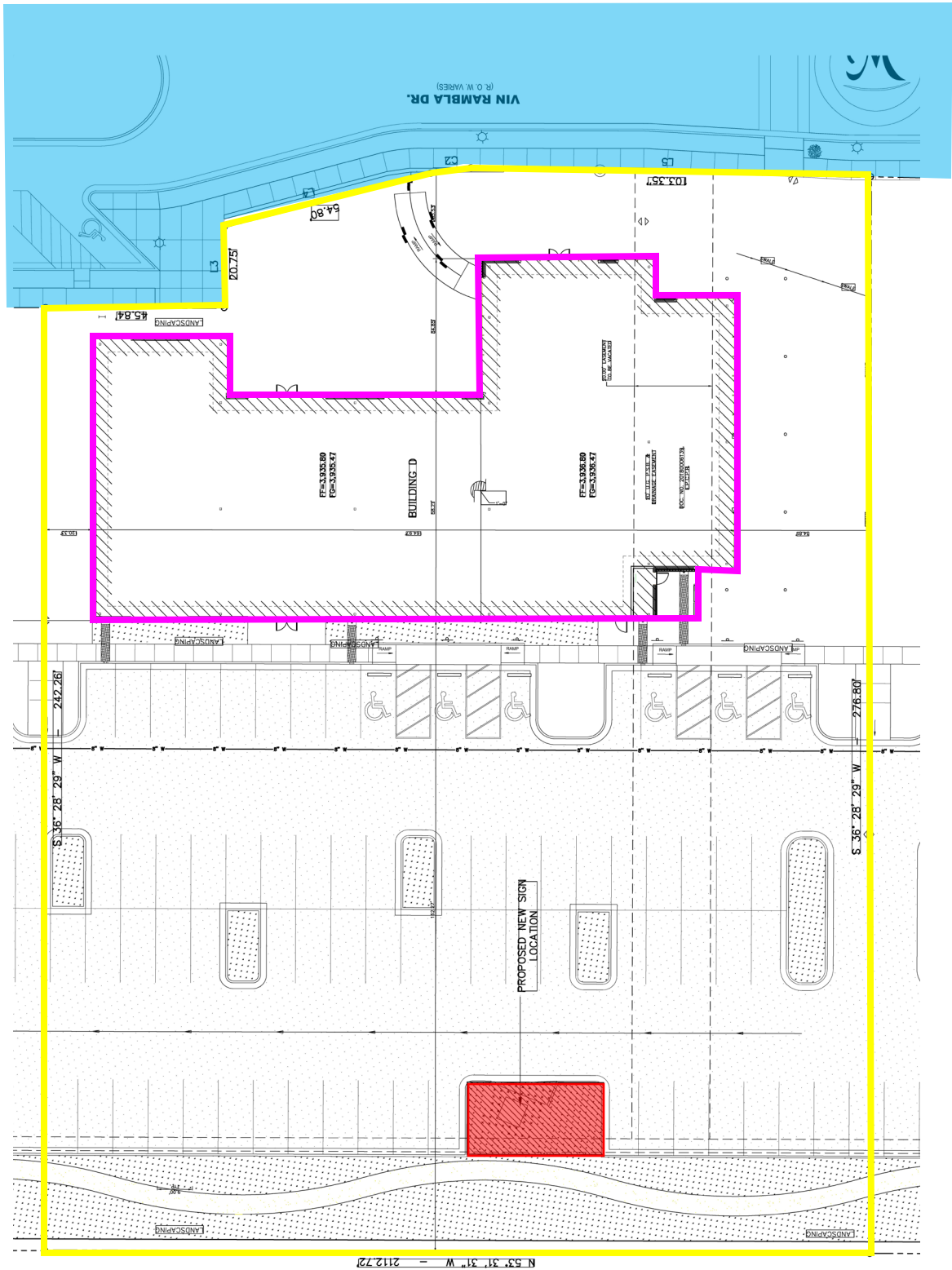
# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00039





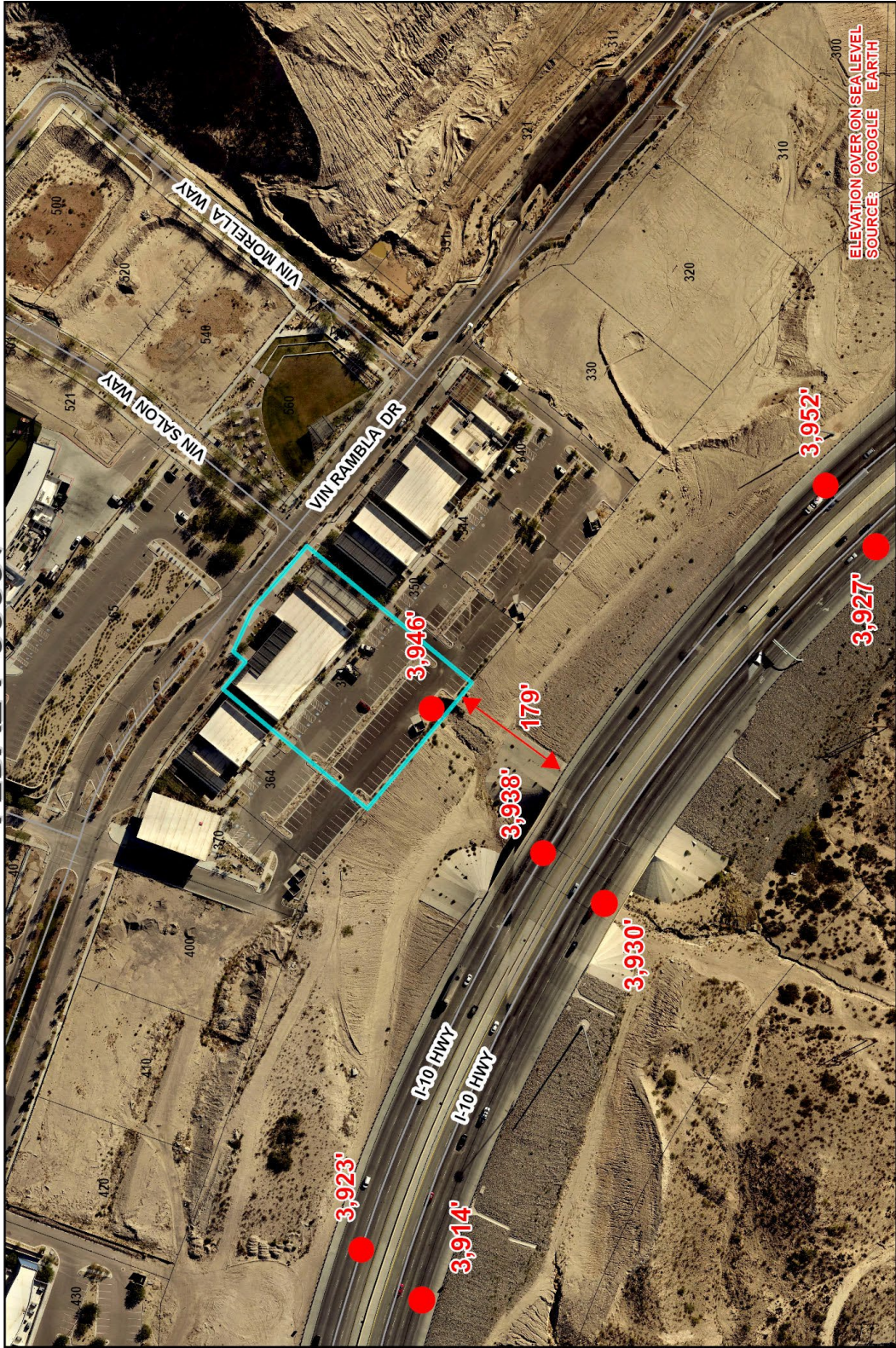
# SITE PLAN





# AERIAL

PZBA24-00039



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to confirm the accuracy of the data. The Planning & Inspections Department maintains interpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

Subject Property

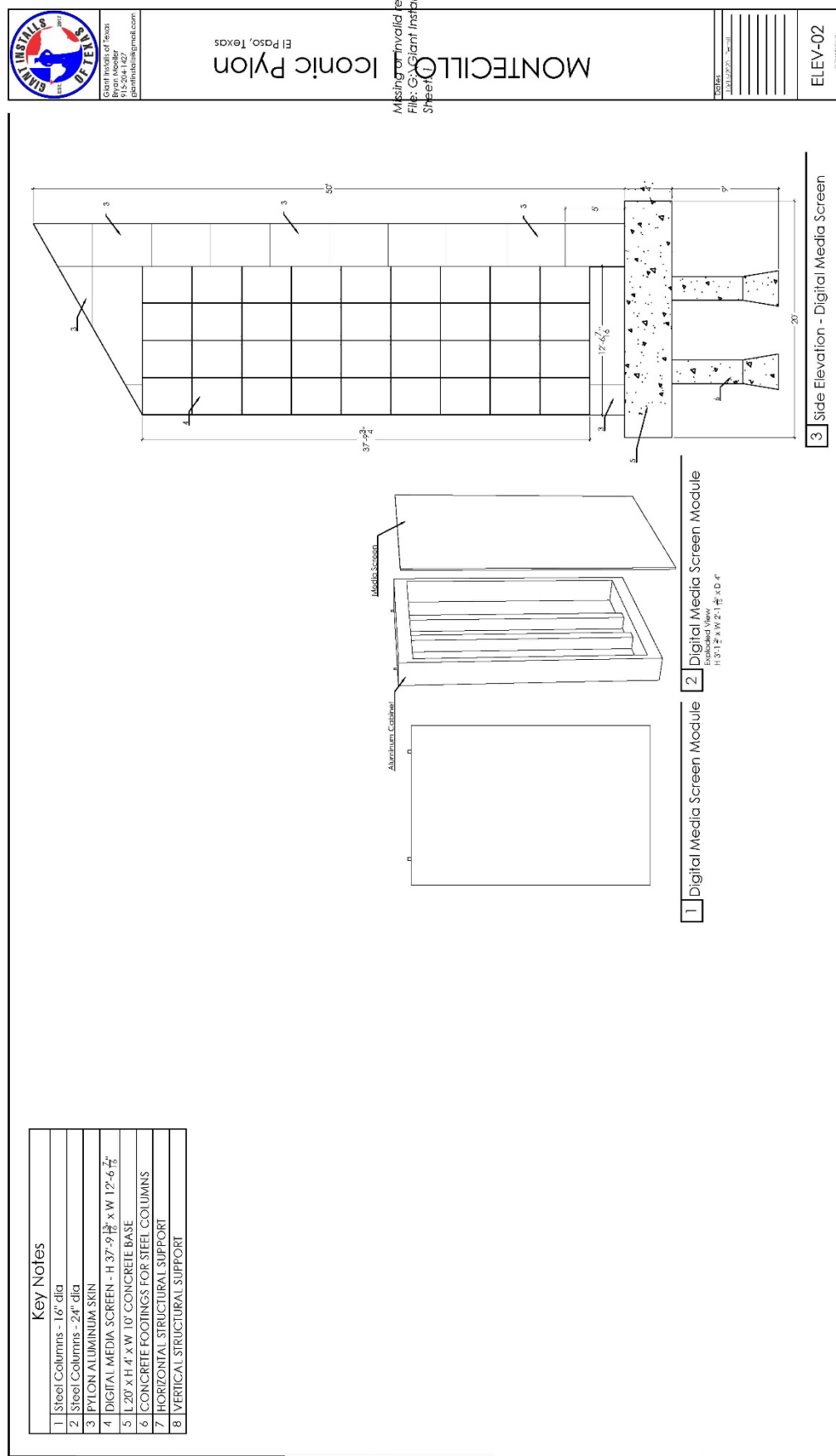
N E S W

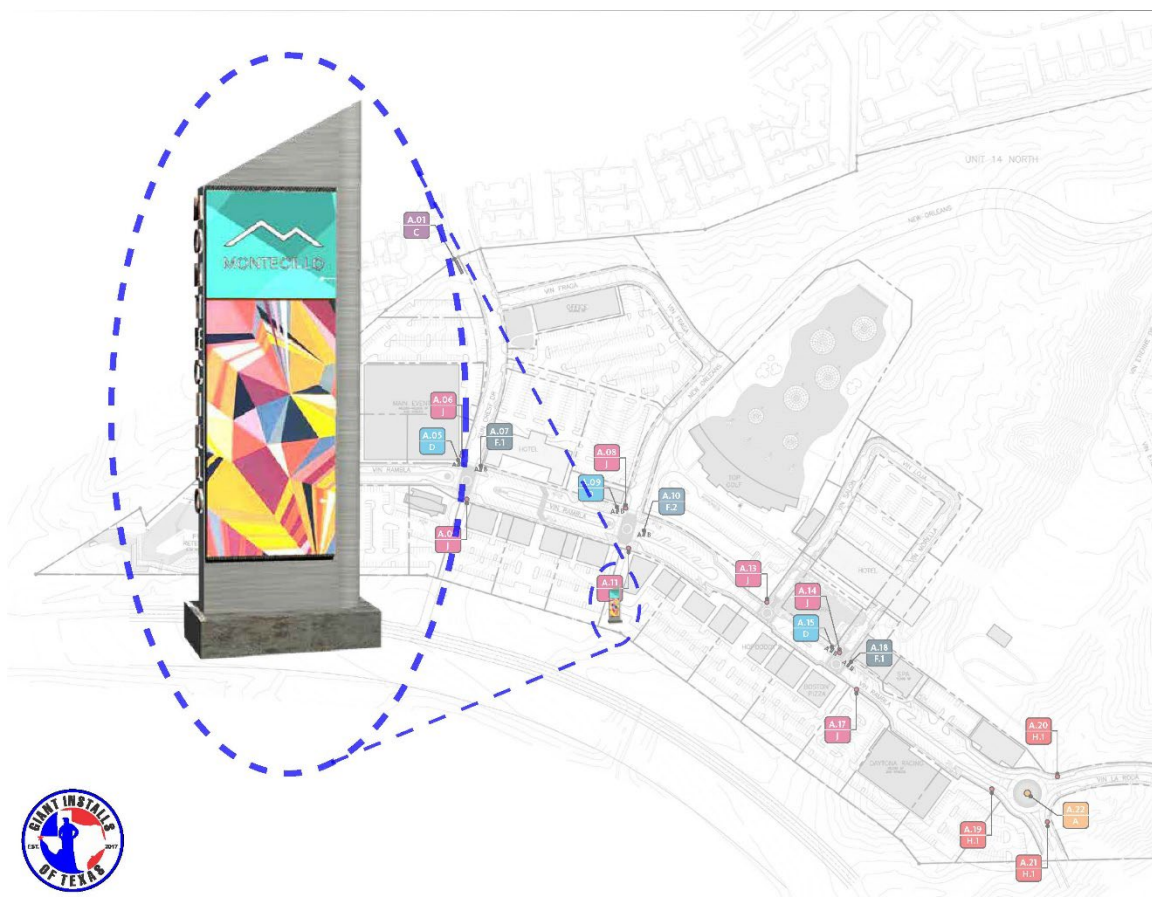
CITY OF EL PASO TEXAS

ELEVATION OVER ON SEA LEVEL  
SOURCE: GOOGLE EARTH

0 40 80 160 240 320 Feet











Legislation Text

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File #: BC-47, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00041**      Lot 3, Block 18, Newport Estates No. 3, City of El Paso, El  
Paso County, Texas  
ADDRESS:            11229 Sandcastle Ct.  
APPLICANT:        Ruben Carrasco and Delia D. Carrasco  
REPRESENTATIVE: Omar Verduzco, Superior Roofing Construction  
REQUEST:           Special Exception B (Two or More Nonconforming Lots)  
DISTRICT:           6  
DISTRICT:           79936  
STAFF CONTACT:    Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

# 11229 Sandcastle

Zoning Board of Adjustment — July 22, 2024



<b>CASE NUMBER:</b>	<b>PZBA24-00041</b>
<b>CASE MANAGER:</b>	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Ruben Carrasco and Delia D. Carrasco
<b>REPRESENTATIVE:</b>	Omar Verduzco, Superior Roofing Construction
<b>LOCATION:</b>	11229 Sandcastle Ct. (District 6)
<b>ZONING:</b>	R-3 (Residential)
<b>REQUEST:</b>	Special Exception B (Two or More Nonconforming Lots)
<b>PUBLIC INPUT:</b>	Five (5) letters in support received via email 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 allow to legalize an existing carport into their required 5-foot side yard setback in an R-3 (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. Storage shed shall be removed or relocated from the 5-foot utility easement.
2. The gazebo shall be relocated 5 feet away from the main building as demonstrated on the site plan.
3. That the encroachment of the carport be no more than 20' in depth.

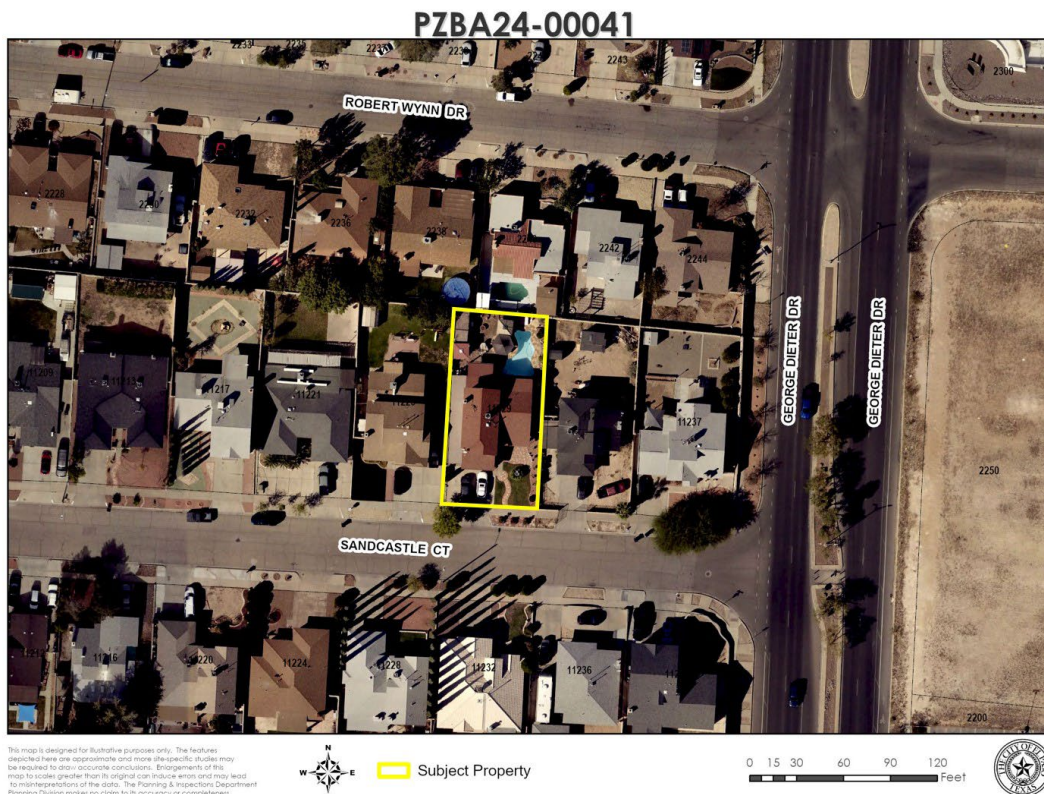


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to allow to legalize an existing carport, which extends 3 feet 4 inches into the required side yard setback for 187 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 carports located in the side yard that encroach into their respective side yard setbacks located at 11233 Sandcastle Court and 11216 Sandcastle Court for a total encroachment area of 77.81 square feet and 67.67 square feet.

According to the El Paso Central Appraisal District Records, this property was built in 1988. The current owner has owned the property since 1989 and the encroachment was built in 2007. The existing storage on the property that is over the 5' utility easement will be demolished and the existing gazebo will be relocated to be 5' away from the porch in the rear of the property.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	50 feet	No Change
Side (West)	5 feet	1 foot 8 inches
Side (East)	5 feet	No Change
Cumulative Side	N/A	No Change

#### 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 3 feet 5 inches into the side setback, and another house extends 3 feet 4 inches.
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) houses on the same block located within the side yards which extend into their required 5-foot side yard setback located at 11233 Sandcastle Court and 11216 Sandcastle Court.
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 subject property. The Planning Division has received five (5) letters via email in support of the special exception request.

### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

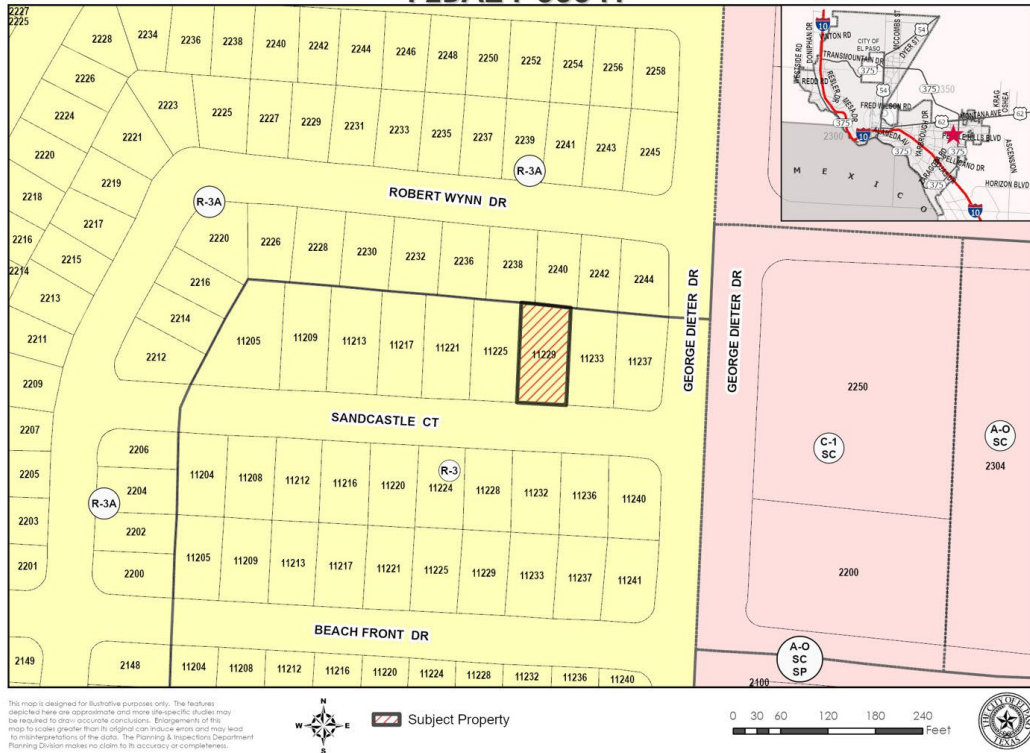
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA 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.
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.



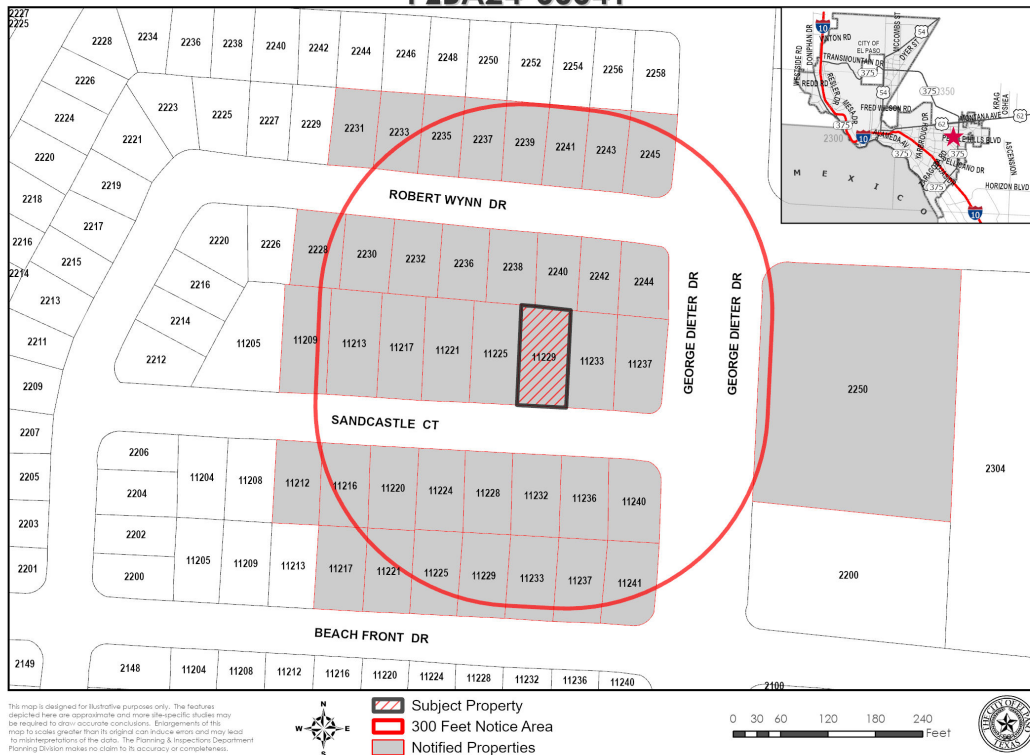
# ZONING MAP

PZBA24-00041

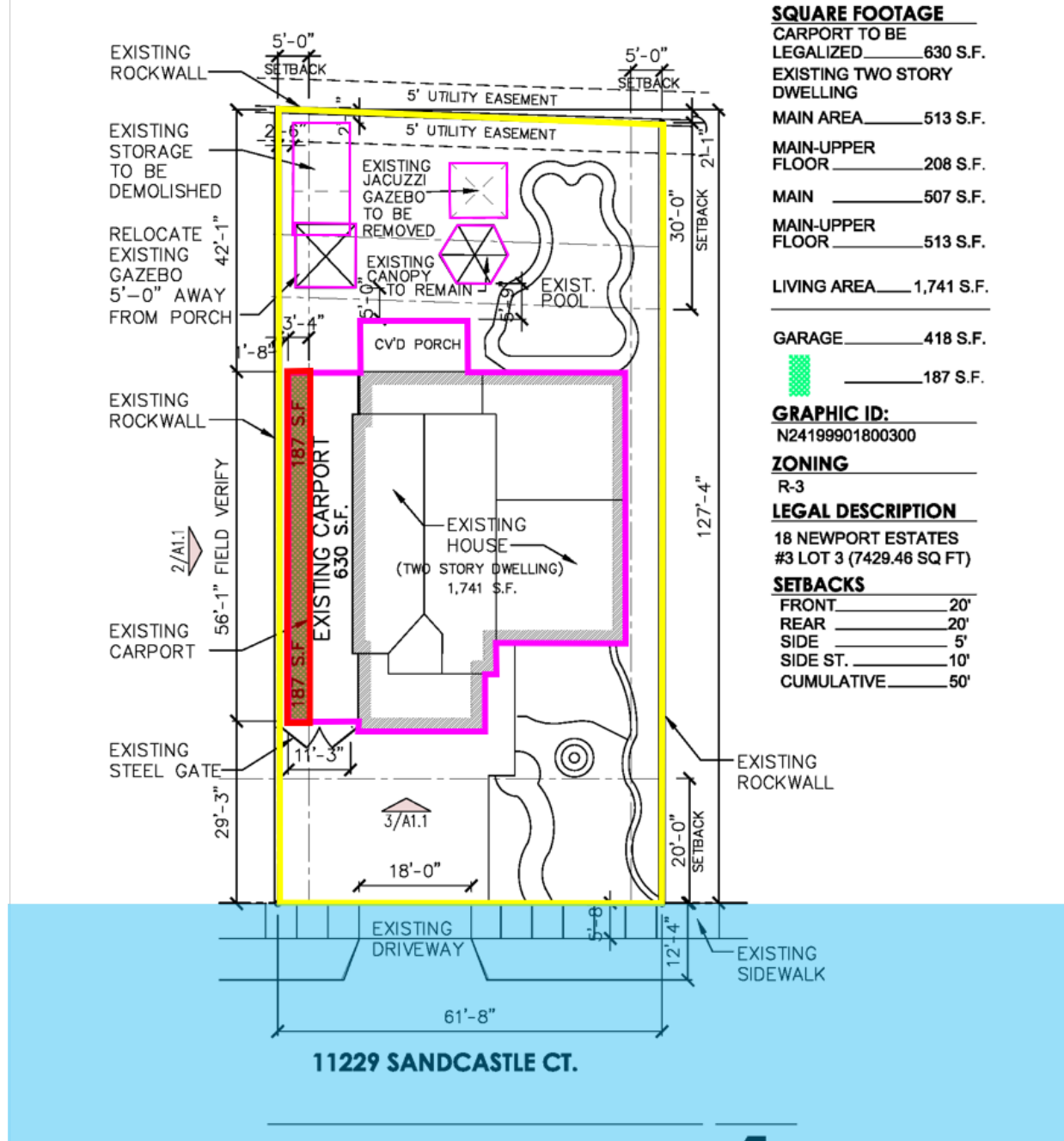


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00041



# SITE PLAN



## SQUARE FOOTAGE

CARPORT TO BE  
LEGALIZED 630 S.F.

EXISTING TWO STORY  
DWELLING

MAIN AREA 513 S.F.

MAIN-UPPER  
FLOOR 208 S.F.

MAIN 507 S.F.

MAIN-UPPER  
FLOOR 513 S.F.

LIVING AREA 1,741 S.F.

GARAGE 418 S.F.

187 S.F.

## GRAPHIC ID:

N24199901800300

## ZONING

R-3

## LEGAL DESCRIPTION

18 NEWPORT ESTATES  
#3 LOT 3 (7429.46 SQ FT)

## SETBACKS

FRONT 20'

REAR 20'

SIDE 5'

SIDE ST. 10'

CUMULATIVE 50'



## EXISTING SITE PLAN

SCALE: 1" = 20'-0"

630 S.F.

A1.1

1

# NONCONFORMING LOTS

PZBA24-00041





# NONCONFORMING LOT 1

PZBA24-00041



# NONCONFORMING LOT 2

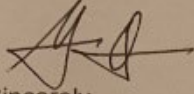
PZBA24-00041





To whom it may concern,

This is to inform you that I have been a neighbor of Mr. Carrasco for thirty four years and the porch that he built at his home at 11229 Sandcastle Court over twenty years ago does not disturb us in anyway and we don't have any issues with the porch.

A handwritten signature in dark ink, appearing to be 'Guillermo Ochoa', with a stylized, cursive script.

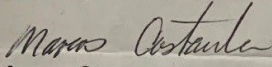
Sincerely,  
Guillermo Ochoa  
11236 Sandcastle Court  
El Paso, Texas 79936

To Whom It May Concern,

July 12, 2024

This is to inform you that the porch that Mr. Carrasco had built at 11229 Sandcastle Court, El Paso Texas 79936 some twenty years ago does not bother us, and we don't have any issues with it.

Sincerely



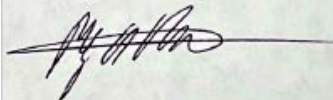
Marcos Castaneda  
11225 Sandcastle Court  
El Paso, Tx 79936

Miguel Martinez  
11233 Sandcastle ct.  
El Paso TX 79936

To whom it may concern:

I have been Mr. Carrasco's neighbor since 2015. His structure of his home, porch, was already there prior to us moving in to our home. Mr. Carrasco's porch has not caused any disturbance and will not cause any future disturbance to us. We have not had any issues or have been affected negatively with Mr. Carrasco's property.

Thank you,

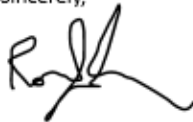
A handwritten signature in black ink, appearing to read 'Miguel Martinez', with a horizontal line extending to the right.

July 12, 2024

To whom it may concern at The City of El Paso,

I am a neighbor of Mr. Ruben Carrasco. I live directly across from the Carrasco's at 11228 Sandcastle Ct. In the many years that we have been neighbors, Mr. Carrasco has always maintained his home beautifully! We have no problems with his porch. It fits well with the architecture of the rest of the house and looks nice in the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Johnson', with a stylized flourish at the end.

Ron Johnson  
11228 Sandcastle Ct,  
El Paso, TX 79926



7/16/24

To: The Zoning Board of Adjustments

THIS IS IN REGARDS TO THE LETTER I RECEIVED REGARDING CASE NUMBER. PZBA24-00041, PROPERTY OWNERS/APPLICANT RUBEN & DELIA D. CARRASCO.

I AM THE PROPERTY OWNER AT 11224 SANDCASTLE COURT, EL PASO, TX 79936. MY NAME IS MARGARITA A. AGUILERA. I MAY BE REACHED AT (915) 525-7239.

I HAVE NO ISSUE IN REGARDS TO MR. CARRASCO'S SPECIAL EXCEPTION REQUEST OF AN EXISTING CARPORT. IT WILL BE FINE BY ME.

I RESPECTFULLY REQUEST THE ZONING BOARD OF ADJUSTMENTS TO ALLOW TO LEGALIZE THE EXTENSION AS REQUESTED.

Respectfully yours

MS. MARGARITA AGUILERA  
11224 SANDCASTLE CT.  
EL PASO, TX 79936

(915) 525-7239



Legislation Text

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**File #: BC-48, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00043**      Lot 41, Block 76, Vista Hills Unit Twenty Three, an Addition  
to the City of El Paso, El Paso County, Texas

ADDRESS:            11613 Kristy Weaver Dr.

APPLICANT:        German Armenta and Sylvia Armenta

REPRESENTATIVE: Ray Mancera

REQUEST:           Special Exception B (Two or More Nonconforming Lots)

DISTRICT:           6

ZIPCODE:            79936

STAFF CONTACT:   Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov

# 11613 Kristy Weaver

Zoning Board of Adjustment — July 22, 2024



<b>CASE NUMBER:</b>	<b>PZBA24-00043</b>
<b>CASE MANAGER:</b>	Juan C. Naranjo, (915) 212-1604, <a href="mailto:NaranjoJC@elpasotexas.gov">NaranjoJC@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	German and Sylvia Armenta
<b>REPRESENTATIVE:</b>	Ray Mancera
<b>LOCATION:</b>	11613 Kristy Weaver Dr. (District 6)
<b>ZONING:</b>	R-3A/sc (Residential/special contract)
<b>REQUEST:</b>	Special Exception B (Two or More Nonconforming Lots)
<b>PUBLIC INPUT:</b>	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 allow to legalize an existing carport that encroach into the required front 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.



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 11 feet into the required front yard setback for 220 square feet of total encroachment.

**BACKGROUND:** The minimum front setback is 15 feet in the R-3A (Residential) zone district. The required front setback for the subject property is 19.9 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. El Paso Central Appraisal District Records indicate the home was constructed in 1992. Aerial photographs indicate there are two other properties within the same block on the same side of the street that also contain structures located in the front yards that encroach into their respective front yard setbacks located at 11616 Stockmeyer Drive and 11620 Stockmeyer Drive.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	19.9 feet	4 feet
Rear	25.1 feet	25.1 feet
Cumulative Front & Rear	45 feet	29.1 feet
Side (East)	5 feet	No Change
Side (North/East/South/West)	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 are 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, it was established that two (2) properties on the same block both extend into the front 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. There are two other properties with structures built that encroach into their required front yard setback equal to or beyond the proposed encroachment of the subject property.
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. **(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

PZBA24-00043

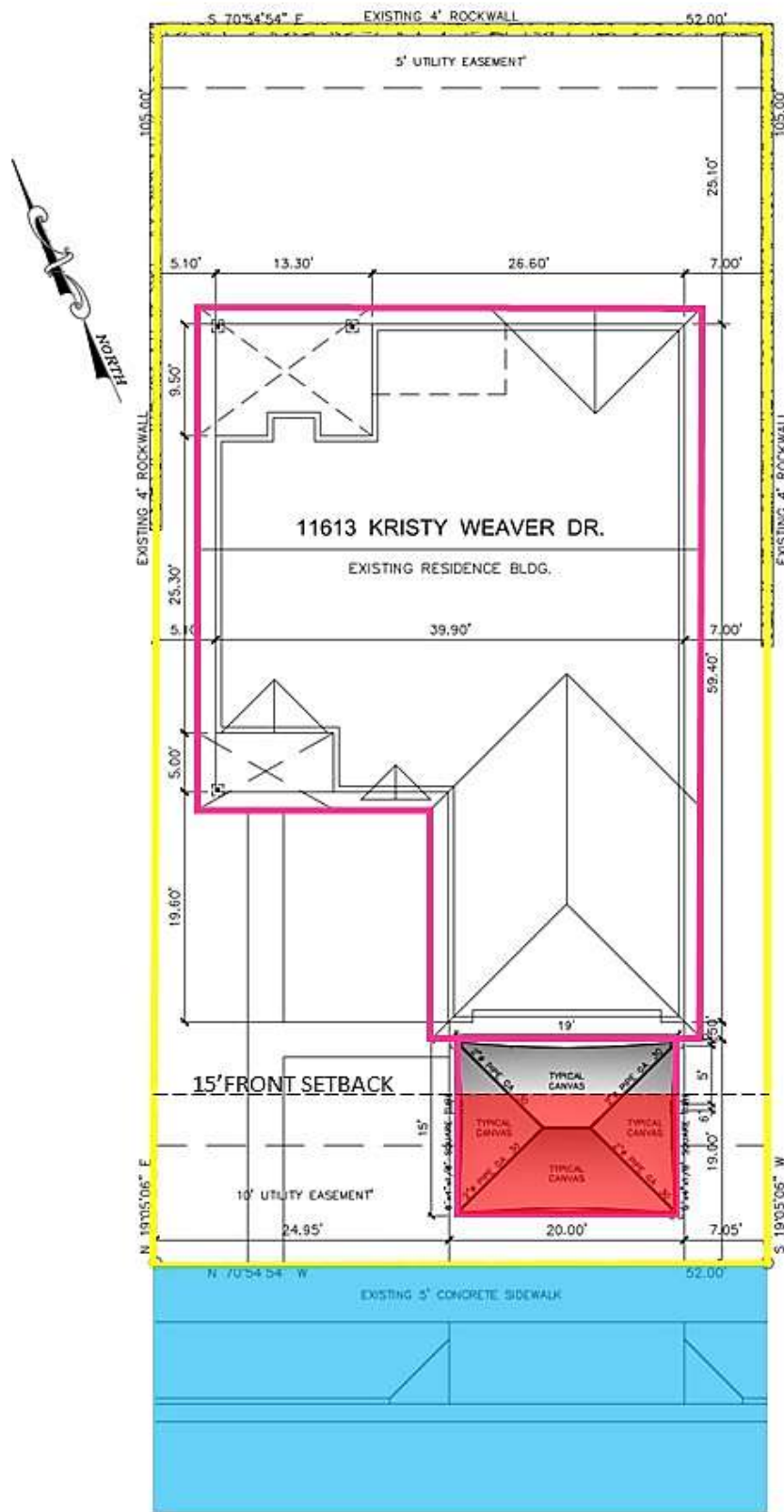


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00043



# SITE PLAN





NONCONFORMING LOTS

PZBA24-00043



Subject Property



This map is designed for illustrative purposes only. The boundaries depicted here are approximate and are not intended to be used for legal purposes. The map is not a survey and should not be used for legal purposes. The map is not a survey and should not be used for legal purposes.



# NONCONFORMING LOTS 1 & 2





Legislation Text

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**File #:** BC-49, **Version:** 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00045**      Lot 11, Block A, Eastridge, City of El Paso, El Paso County,  
Texas  
**ADDRESS:**            9780 Eastridge Dr.  
**APPLICANT:**        Dora Medina  
**REPRESENTATIVE:** Joe Gomez/Dora Medina  
**REQUEST:**           Special Exception B (Two or More Nonconforming Lots)  
**DISTRICT:**           7  
**ZIPCODE:**            79925  
**STAFF CONTACT:**   Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov

# 9780 Eastridge Drive

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00045  
**CASE MANAGER:** Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov  
**PROPERTY OWNER:** Dora Medina  
**REPRESENTATIVE:** Dora Medina  
**LOCATION:** 9780 Eastridge Drive (District 7)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception J (Carport Over a Driveway)  
**PUBLIC INPUT:** None received as of July 16, 2024

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to permit a proposed carport over a driveway in an R-3 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport.

## PZBA24-00045

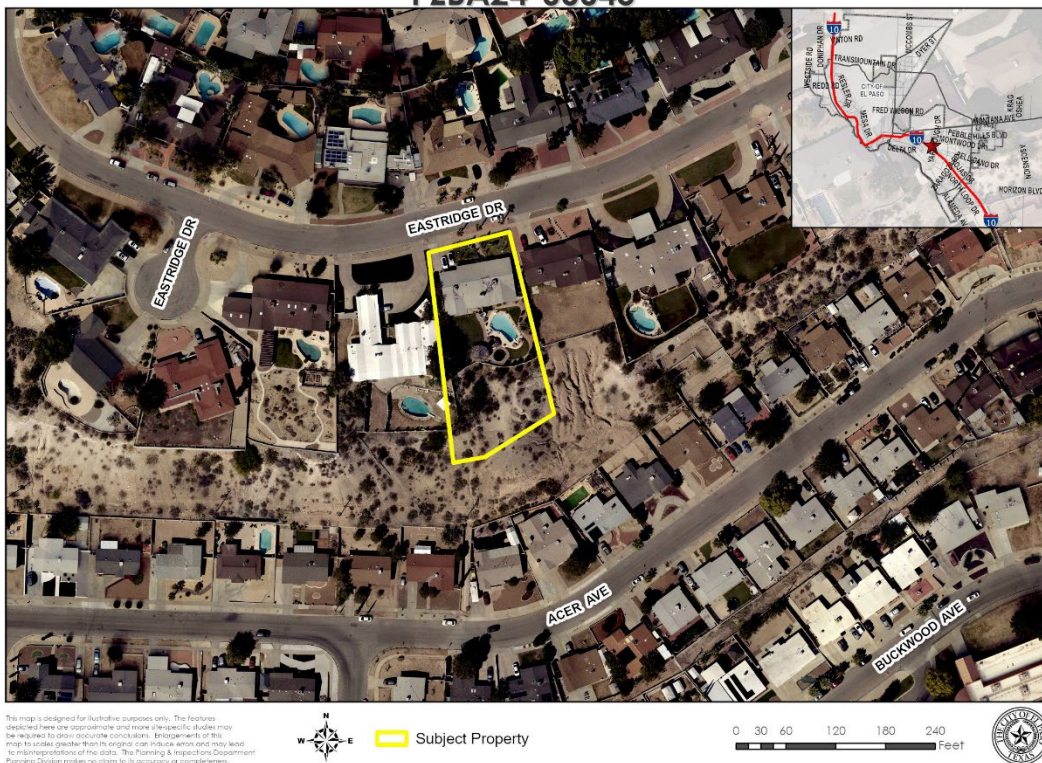


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to permit the construction of a proposed carport of approximately 22.8 feet by 21.6 feet and an area of 492.48 square feet, of which 172.8 square feet encroaches 9 feet into the front yard setback and is located to within 11 feet of the front property line.

**BACKGROUND:** The minimum front setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	11 Feet
Rear	30 Feet	No Change
Cumulative Front & Rear	50 Feet	39 Feet
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change

**CALCULATIONS FOR CARPORT:**

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	558 Square Feet	1/5 of 558 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	172.8 Square Feet	7 Feet by 21.6 Feet (Encroachment only)

**COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA**

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

*Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:*

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The proposed carport does resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The proposed carport encroachment of 172.8 square feet is less than the maximum allowed area of 558 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the proposed structure were submitted.
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.



8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space
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**PUBLIC COMMENT:** Public notice was sent on July 11, 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.

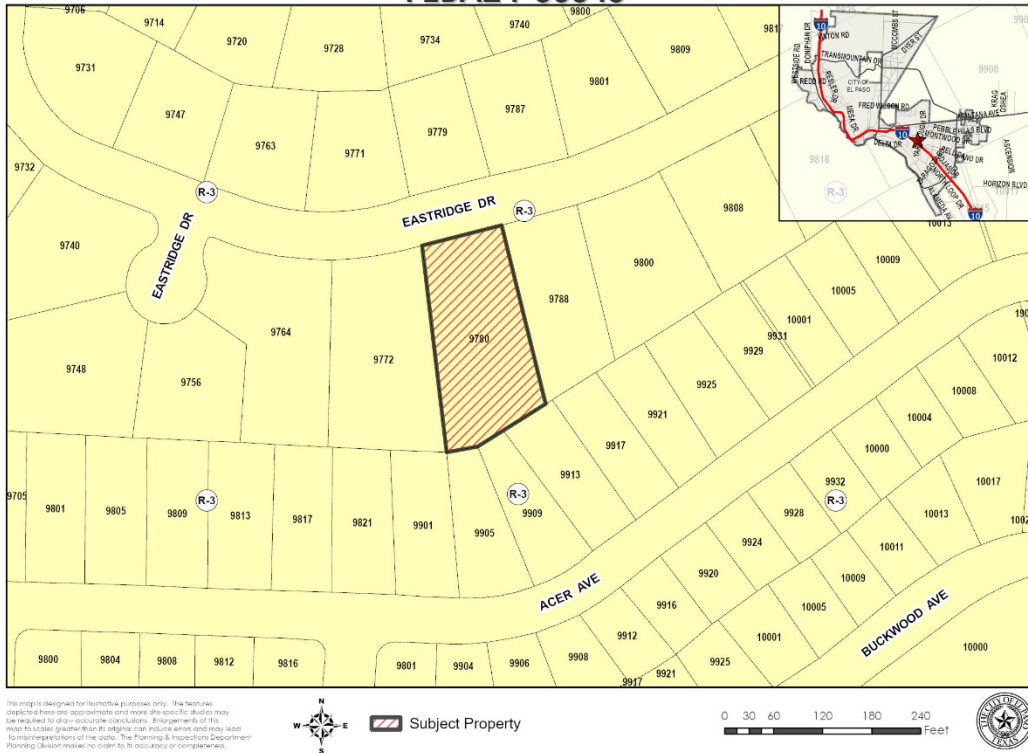
#### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.

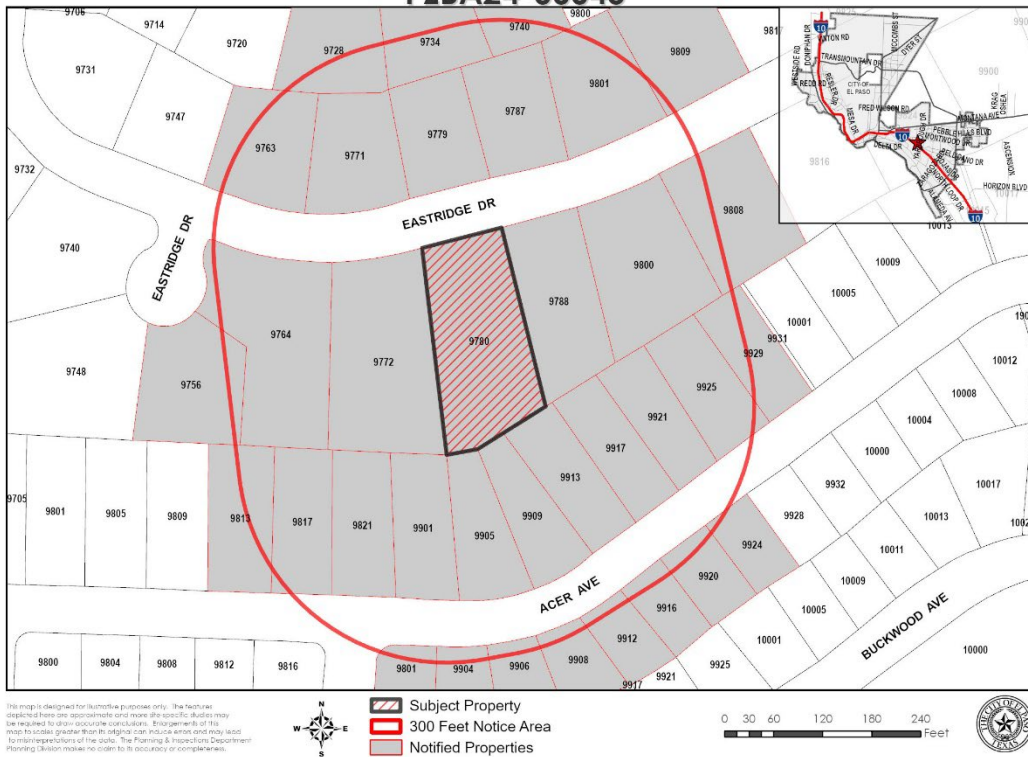
# ZONING MAP

PZBA24-00045

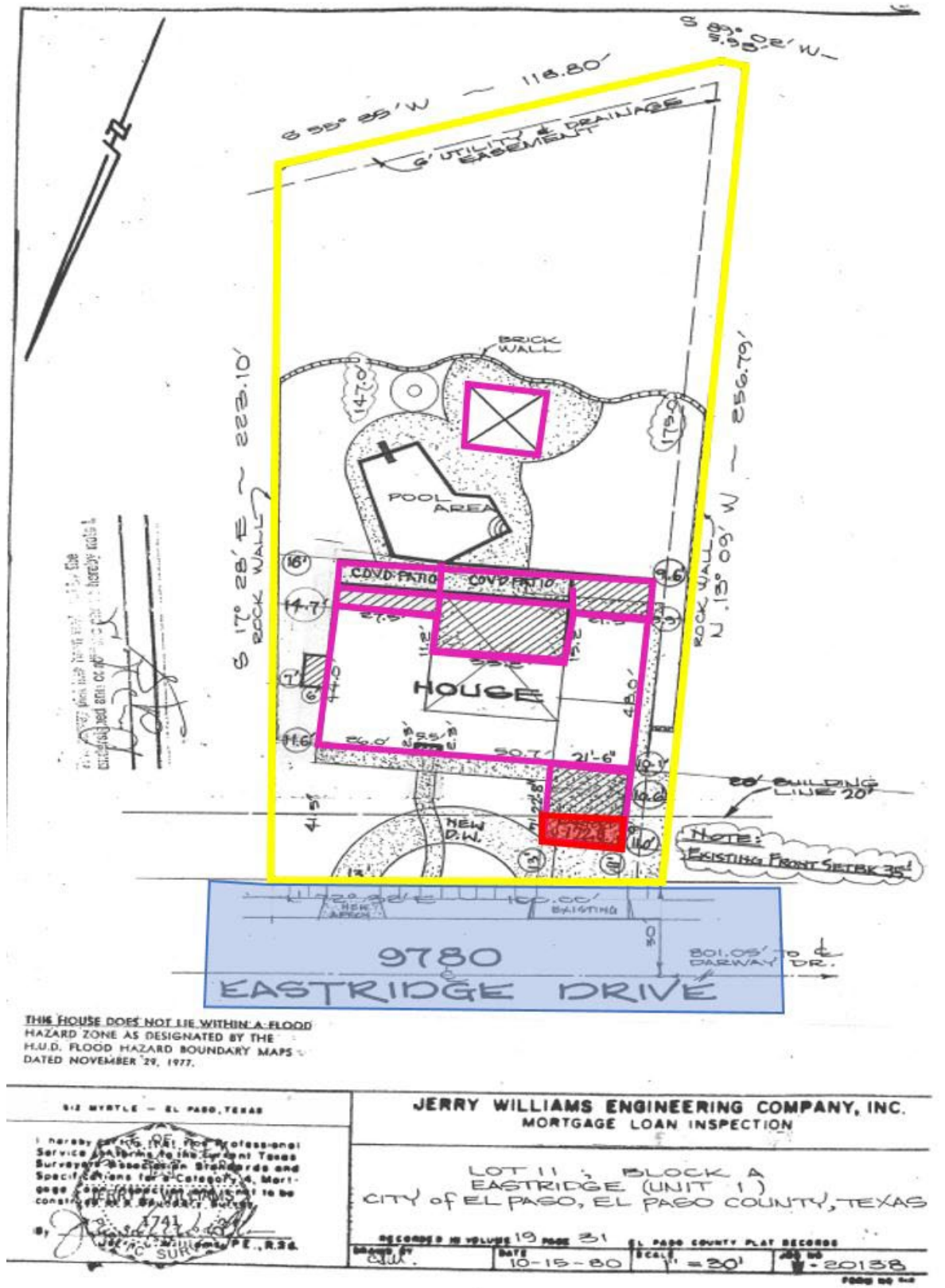


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00045

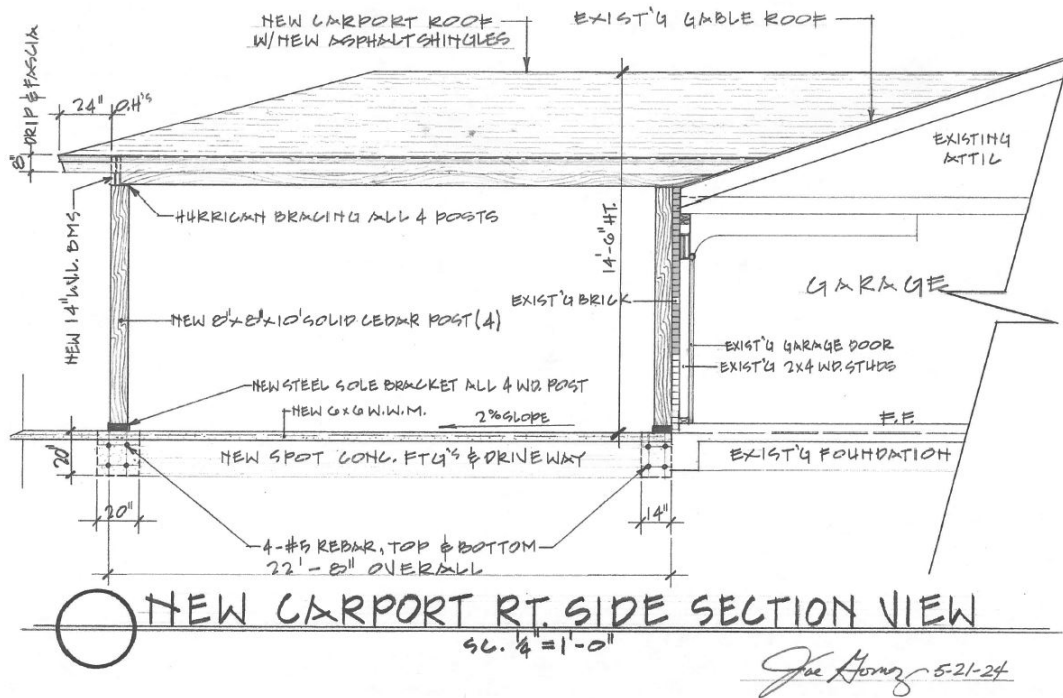


# SITE PLAN



# ELEVATION 1

# 9180 EASTRIDGE DRIVE



ELEVATION 2







Legislation Text

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File #: BC-50, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00047**      Lot 33, Block 120, Cielo Vista Park, City of El Paso, El Paso  
County, Texas  
ADDRESS:            9141 McFall Dr.  
APPLICANT:        Timothy Holt  
REPRESENTATIVE: Geronimo Cortez  
REQUEST:           Special Exception J (Carport Over a Driveway)  
DISTRICT:           3  
ZIPCODE:            79925  
STAFF CONTACT:    Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

# 9141 McFall Drive

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00047  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Timothy Holt  
**REPRESENTATIVE:** Geronimo Cortez  
**LOCATION:** 9141 McFall Drive (District 3)  
**ZONING:** R-4 (Residential)  
**REQUEST:** Special Exception J (Carport Over a Driveway)  
**PUBLIC INPUT:** One (1) phone call in opposition received as of July 16, 2024.

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to permit a proposed carport over a driveway in an R-4 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport.

## PZBA24-00047



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 of approximately 20 feet by 18 feet 8 inches and an area of 377 square feet, of which 377 square feet encroaches 18 feet 8 inches into the front yard setback and is located to within 1 foot 5.5 inches of the front property line.

**BACKGROUND:** The minimum front setback is 10 feet in the R-4 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. The canopy in the rear is encroaching the rear setback but is less than the 180 square feet allowed to encroach by right per Section 20.12.040 - Yards.

According to the El Paso Central Appraisal District Records, the home was built in 1968.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	1 Foot 5.5 inches
Rear	25 Feet	No Change
Cumulative Front & Rear	45 Feet	26 feet 5.5 inches
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change
Cumulative Side	N/A	N/A

**CALCULATIONS FOR CARPORT:**

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	501.2 Square Feet	1/5 of 2506 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	377 Square Feet	18 Feet 10 inches by 20 Feet (Encroachment only)

**COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA**

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

*Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:*

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The proposed carport does resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The proposed carport encroachment of 377 square feet is less than the maximum allowed area of 501.2 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the proposed structure were submitted.

6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.
7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

**PUBLIC COMMENT:** Public notice was sent on July 10, 2024 to all property owners within 300 feet of subject property. The Planning Division received one (1) phone call in opposition to the special exception request.

#### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

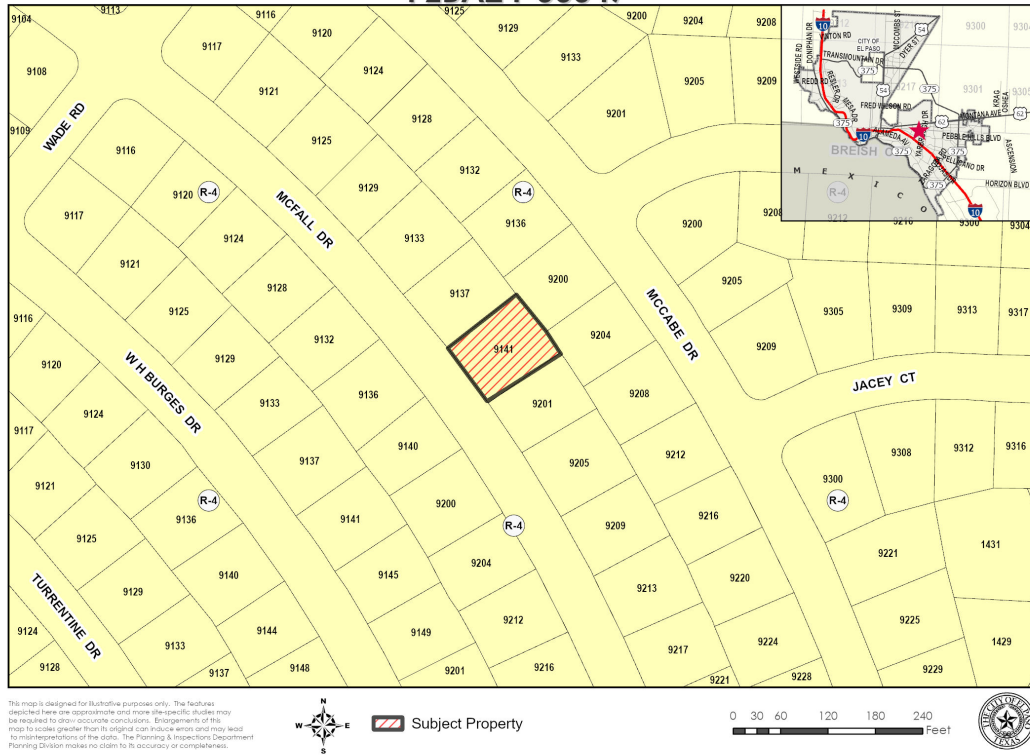
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA 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.



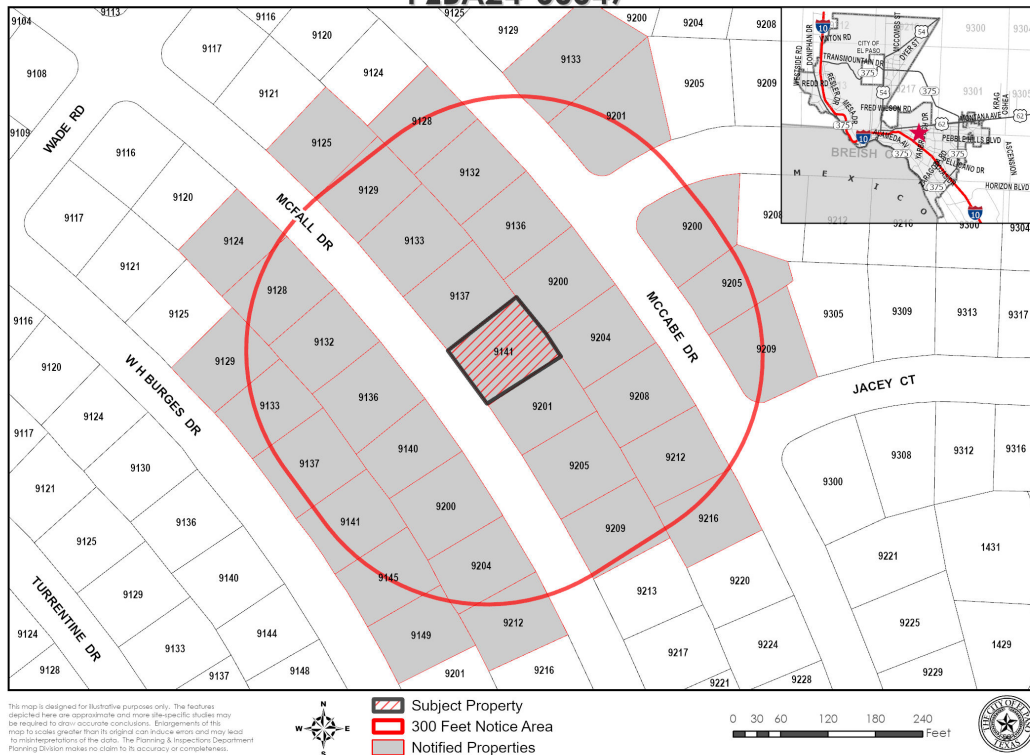
# ZONING MAP

PZBA24-00047



# NEIGHBORHOOD NOTIFICATION MAP

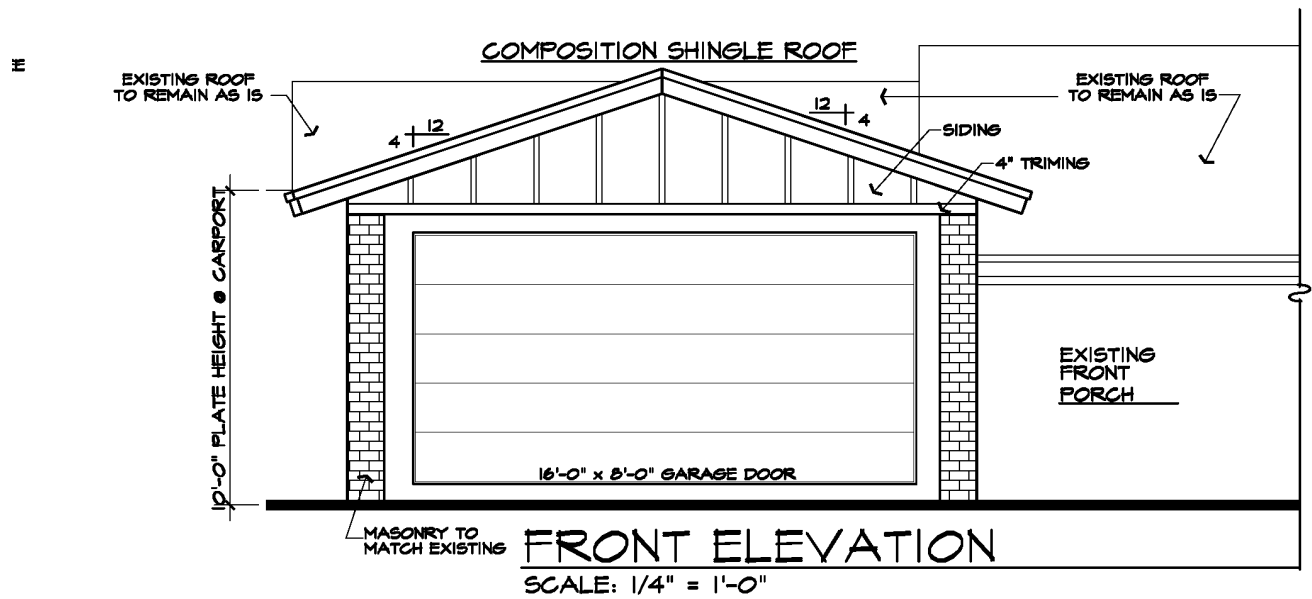
PZBA24-00047



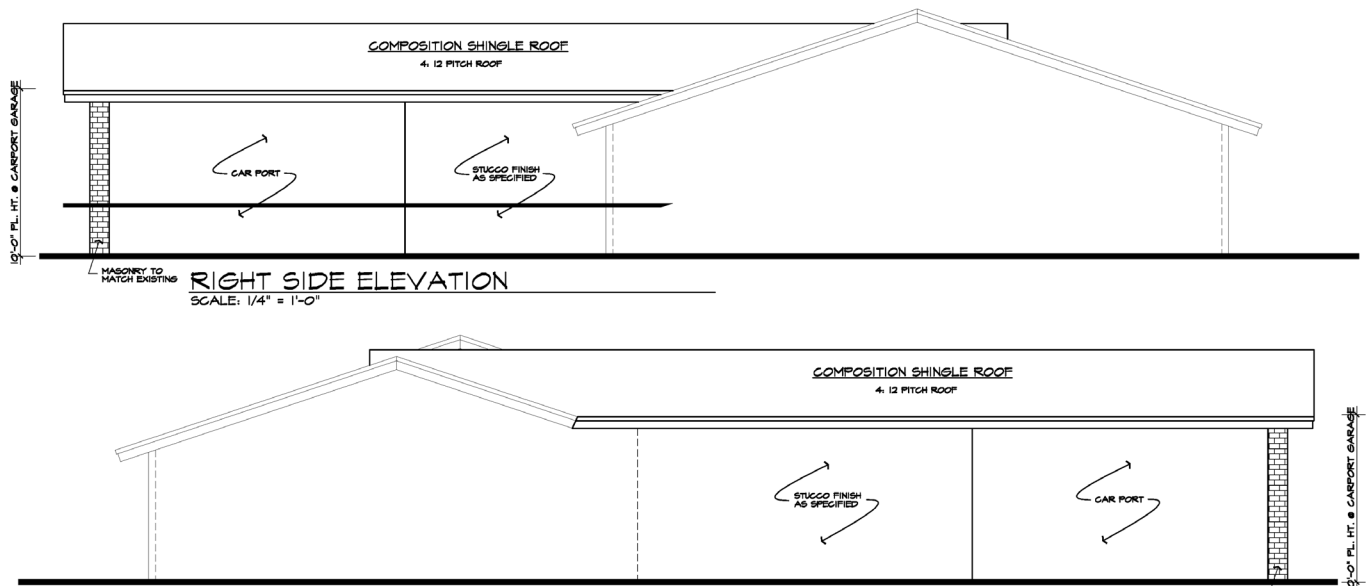
ZONE R-4



## ELEVATION 1



## ELEVATION 2





Legislation Text

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File #: BC-51, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

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**PZBA24-00049**      Lot 1-B, Block 7, Villa Lago Replat, City of El Paso, El Paso  
County, Texas  
ADDRESS:            10304 Luella Dr.  
APPLICANT:        Charles G. and Yolanda Fitzgerald  
REPRESENTATIVE: Vanessa Duran  
REQUEST:           Special Exception B (Two or More Nonconforming Lots)  
DISTRICT:           3  
ZIPCODE:            79925  
STAFF CONTACT:    Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov



# 10304 Luella Drive

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00049  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Charles G. Fitzgerald Sr & Yolanda Fitzgerald  
**REPRESENTATIVE:** Vanessa Duran  
**LOCATION:** 10304 Luella (District 3)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception B (Two or More Nonconforming Lots)  
**PUBLIC INPUT:** One (1) phone call of inquiry 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 allow to legalize an existing carport in an R-3 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested encroachment is equal to the encroachments into that setback already present on at least two other neighboring properties. The condition is as follows:

*That the existing pergola in the rear yard be modified to be out of the 5' utility easement area.*

## PZBA24-00049

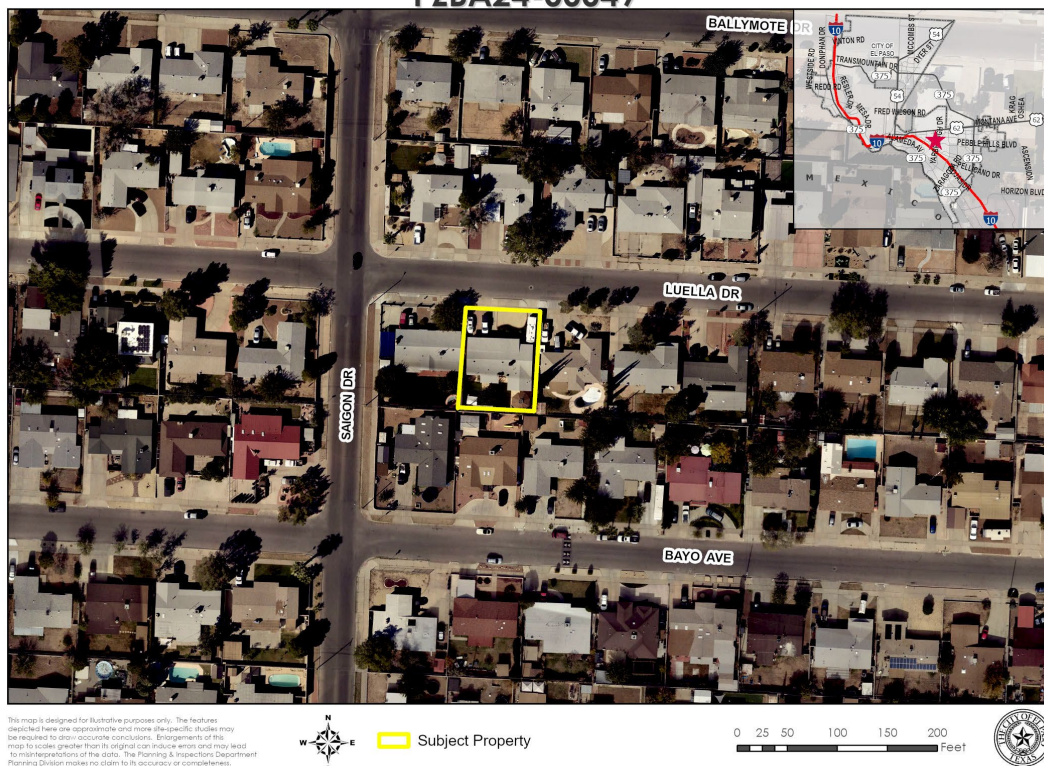


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to allow to legalize an existing carport, which extends 24 feet 8 inches into the required front setback and 4 feet into the side yard setback for 655.5 square feet of total encroachment and for an existing pergola in the rear yard, which extends 20 feet into the rear yard setback for a total encroachment of 154.50 square feet.

**BACKGROUND:** The pergola in the rear is being considered as part of the main structure. The minimum front yard setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 25 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district. The minimum side yard setback is 5 feet in the R-3 (Residential) zone district.

According to the El Paso Central Appraisal District records, the home was built in 1964 and the front carport encroachment was built in 2023. Aerial photographs indicate that there are four properties on the same block and abutting street that also contain structures located in the front, side and rear that encroach into their respective setbacks.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet	1 foot
Rear	25 feet	5 feet
Cumulative Front & Rear	50 feet	6 feet
Side (West)	5 feet	1 foot
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 two houses on the abutting street extend 24 feet and 25 feet into their front setbacks, 3 houses on the same block and abutting street that extend 5 feet and into their side setbacks and one that extends 4 feet, and 3 houses that extend 20 feet into their rear setbacks.
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 and abutting street located within the front yard which extend into their required 20-foot front setback located at 10337 Luella and 10345 Luella. There are four (4) other houses on the same block and abutting street located within the side yard which extend into their required 5-foot side setback located at 10317 Luella, 10337 Luella, 10341 Luella, and 10336 Luella. There are three (3) other houses on the same block and abutting street located within their rear yard which extend into their required 25-foot rear setback located at 10317 Luella, 10341 Luella, and 10346 Luella.
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	Yes. Only applicable lots are being considered.

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.	
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**PUBLIC COMMENT:** Public notice was sent on July 11, 2024 to all property owners within 300 feet of subject property. The Planning Division received one (1) phone call in inquiry of the special exception request.

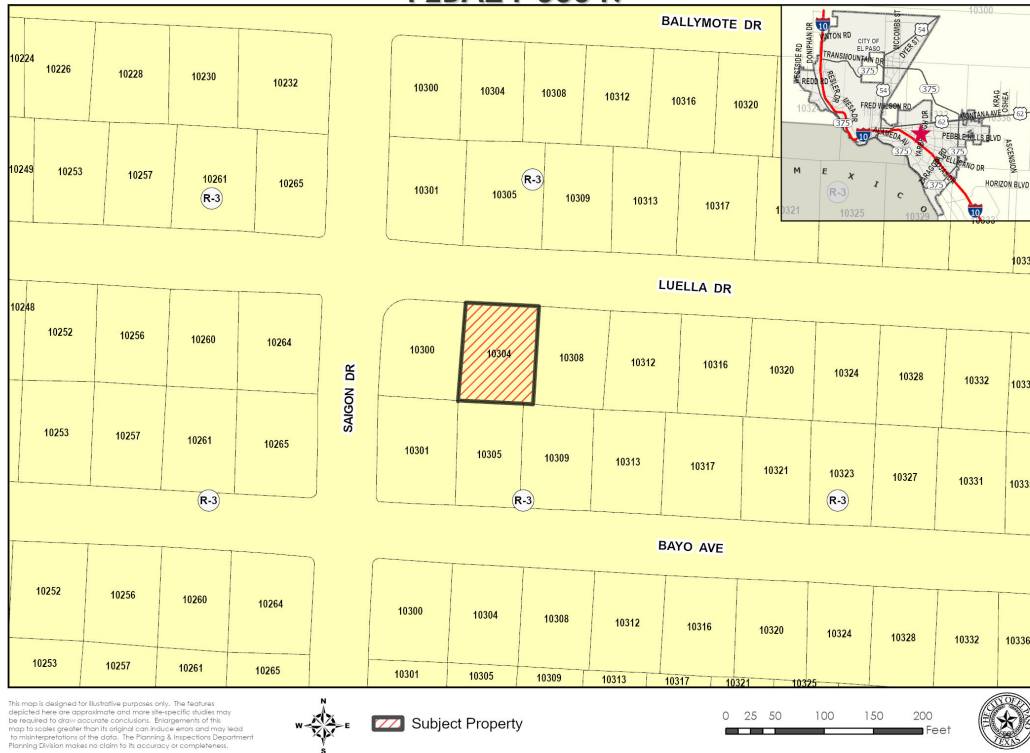
**ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.
- 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.

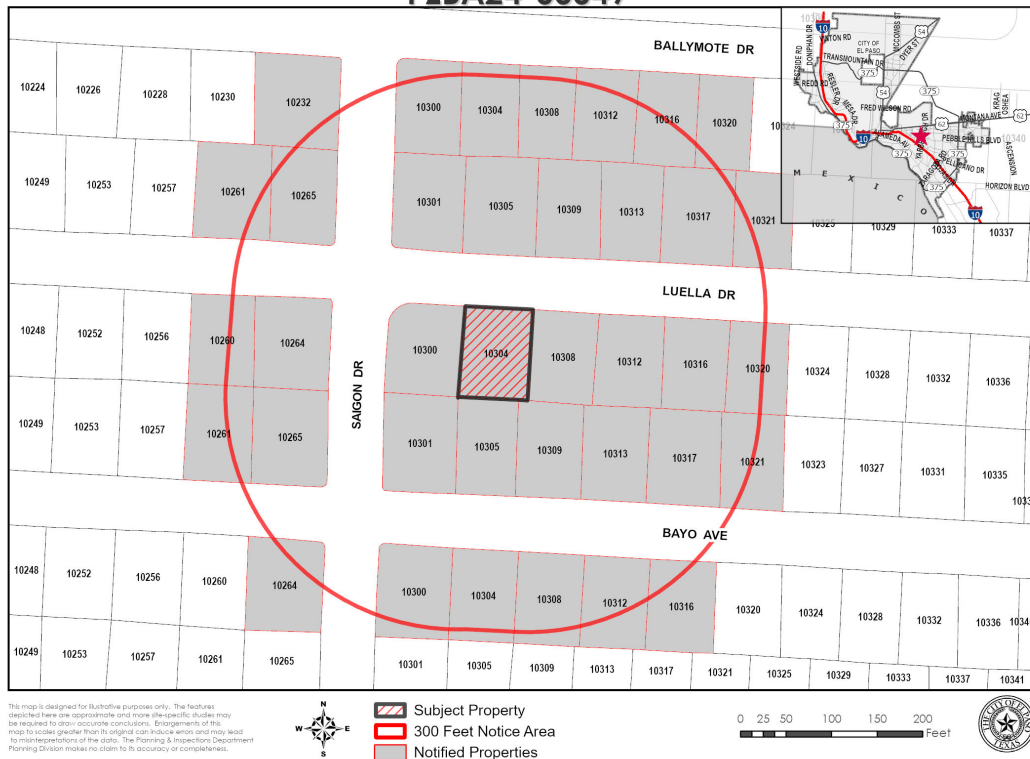
# ZONING MAP

PZBA24-00049



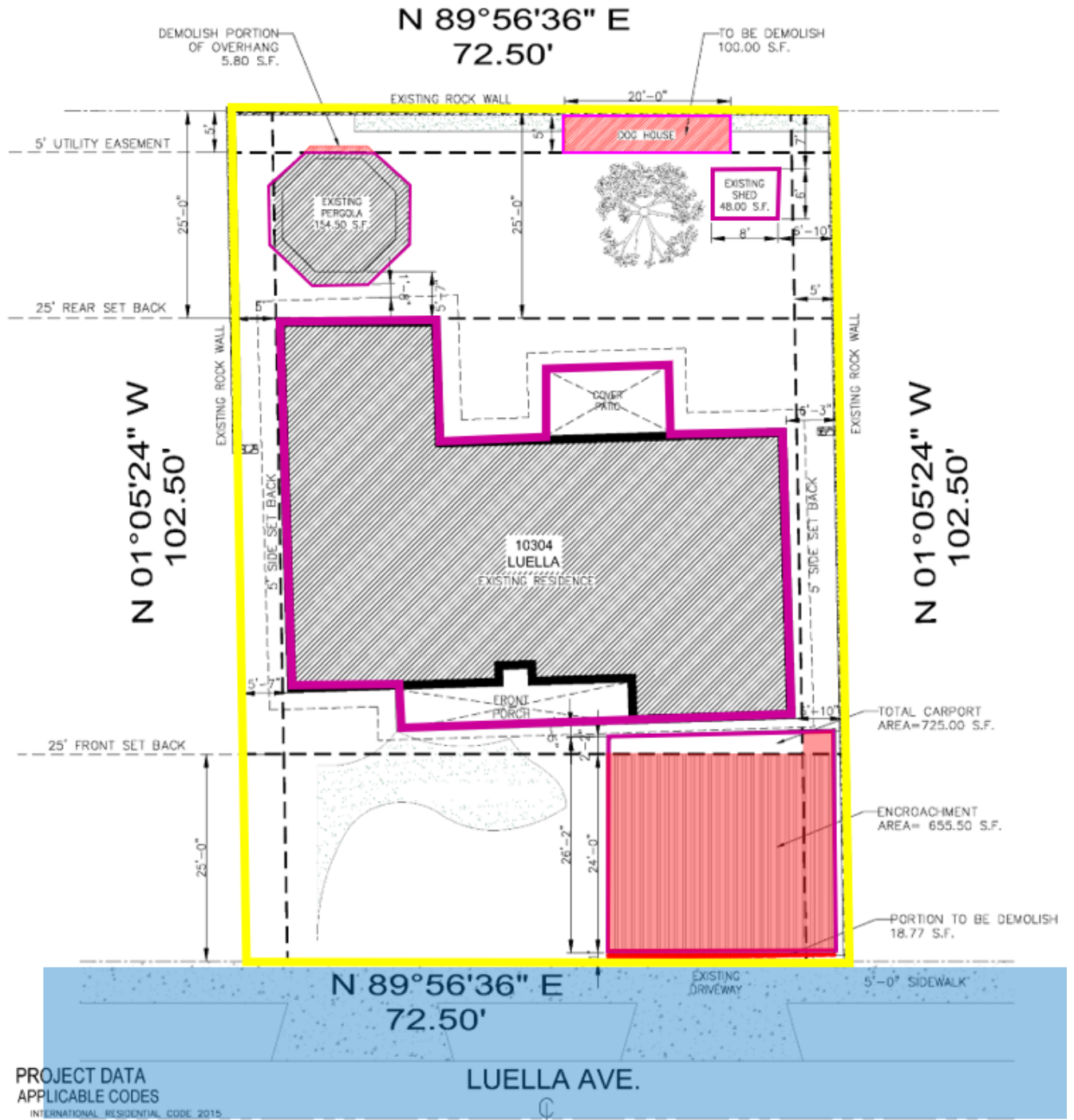
# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00049





# SITE PLAN



# NONCONFORMING LOTS

PLRG24-00005/ 2210 N. Virginia





## NONCONFORMING LOT 1

PZBA24-00049



## NONCONFORMING LOT 2

PZBA24-00049



**PZBA24-00049**






## NONCONFORMING LOT 5

PZBA24-00049



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 error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



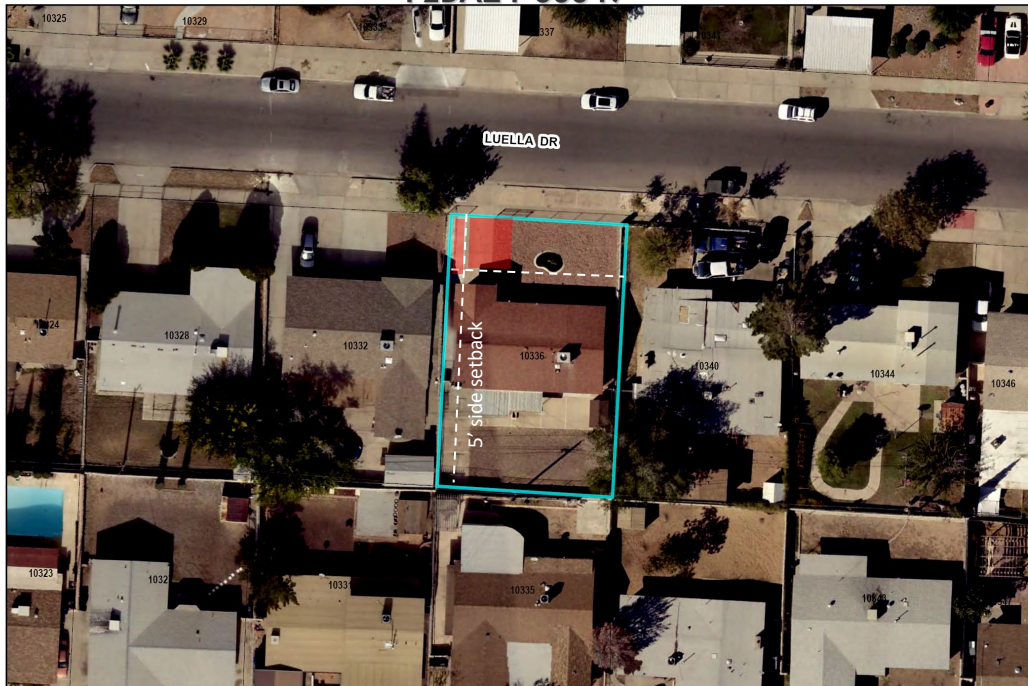
 Subject Property

0 5 10 20 30 40 Feet



## NONCONFORMING LOT 6

PZBA24-00049



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 error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 5 10 20 30 40 Feet







Legislation Text

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File #: BC-52, Version: 1

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**CITY OF EL PASO, TEXAS**  
**LEGISTAR AGENDA ITEM SUMMARY FORM**

AGENDA LANGUAGE:

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*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00050**      Lot 13, Block 2, Pleasant Valley, City of El Paso, El Paso  
County, Texas

ADDRESS:            424 Valle Sereno Dr.

APPLICANT:        Maria Emma Rosalez

REPRESENTATIVE: Maria Emma Rosalez, Bruno Huizar, and Joe Gomez

REQUEST:           Special Exception J (Carport Over Driveway)

DISTRICT:           7

ZIPCODE:            79907

STAFF CONTACT:   Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

# 424 Valle Sereno Drive

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00050  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Maria Emma Rosalez  
**REPRESENTATIVE:** Maria Emma Rosalez, Bruno Huizar and Joe Gomez  
**LOCATION:** 424 Valle Sereno Drive (District 7)  
**ZONING:** R-3 (Residential)  
**REQUEST:** Special Exception J (Carport Over A Driveway)  
**PUBLIC INPUT:** One (1) phone call of inquiry received as of July 16, 2024

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to permit a proposed carport in an R-3 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL WITH A CONDITION** of the special exception request as the requested encroachment is less than the maximum permitted for a carport.

*Storage shed shall be removed from the five-foot utility easement area or the easement shall be vacated.*

PZBA24-00050- 424 Valle Sereno



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 of approximately 20 feet by 10.15 feet and an area of 533 square feet, of which 203 square feet encroaches 10.15 feet into the front yard setback and is located to within 9 feet of the front property line.

**BACKGROUND:** The minimum front setback is 20 feet in the R-3 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 50 feet in the R-3 (Residential) zone district. The storage shed in the rear yard is within the 5-foot utility easement area and shall be removed from the easement area or the easement be vacated.

According to El Paso Central Appraisal District, the home was built in 1972. The current owner has owned the property since 1980.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	9 feet
Rear	30 feet	No Change
Cumulative Front & Rear	50 feet	39 feet
Side	5 feet	No Change
Side Street	10 feet	No Change
Cumulative Side	N/A	N/A

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	210.8 Square Feet	1/5 of 1,054 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	203 Square Feet	20 Feet by 10.15 Feet (Encroachment only)

#### COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA

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

*Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway, provided the following criteria is met:*

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has a valid certificate of occupancy for one continuous year.
2. The zoning board of adjustment has received the written approval of the structural design from the building official;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The proposed carport does resemble the main residential structure and is open on three sides.
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; and, shall be measured as the area covered by the carport roof, to include overhangs;	Yes. The proposed carport encroachment of 203 square feet is less than the maximum allowed area of 210.8 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the proposed structure were submitted.
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;	Not applicable. This is not a duplex.

7. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this Code;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

**PUBLIC COMMENT:** Public notice was sent on July 11, 2024 and July 15, 2024 to all property owners within 300 feet of subject property. The Planning Division received one (1) phone call of inquiry of the special exception request.

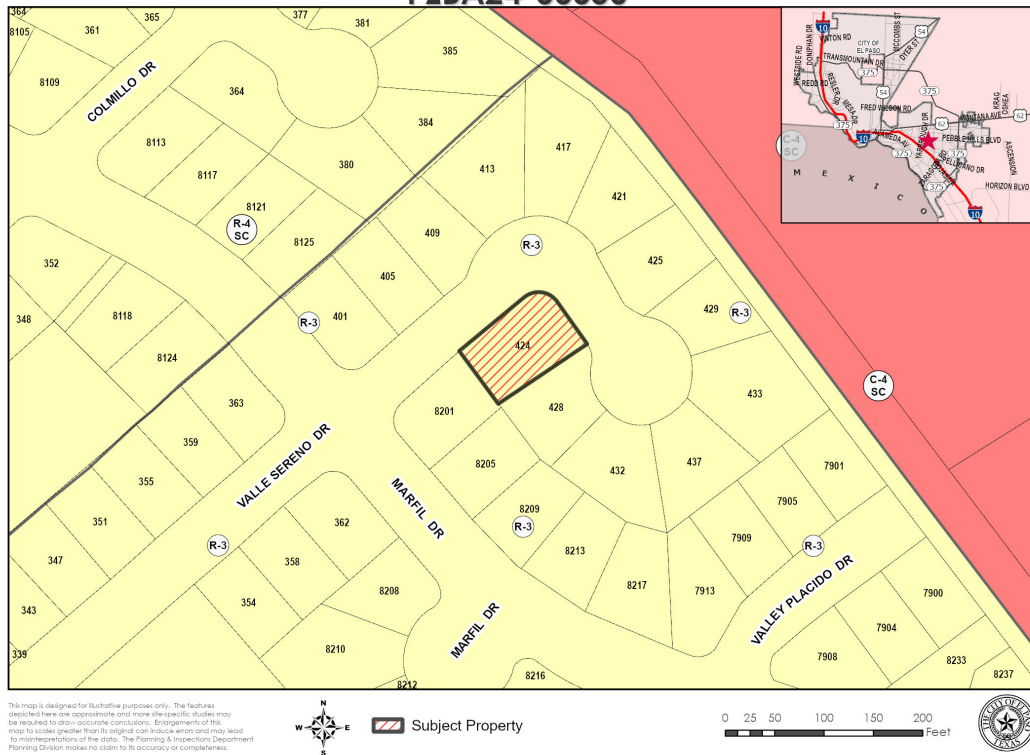
#### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.
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.

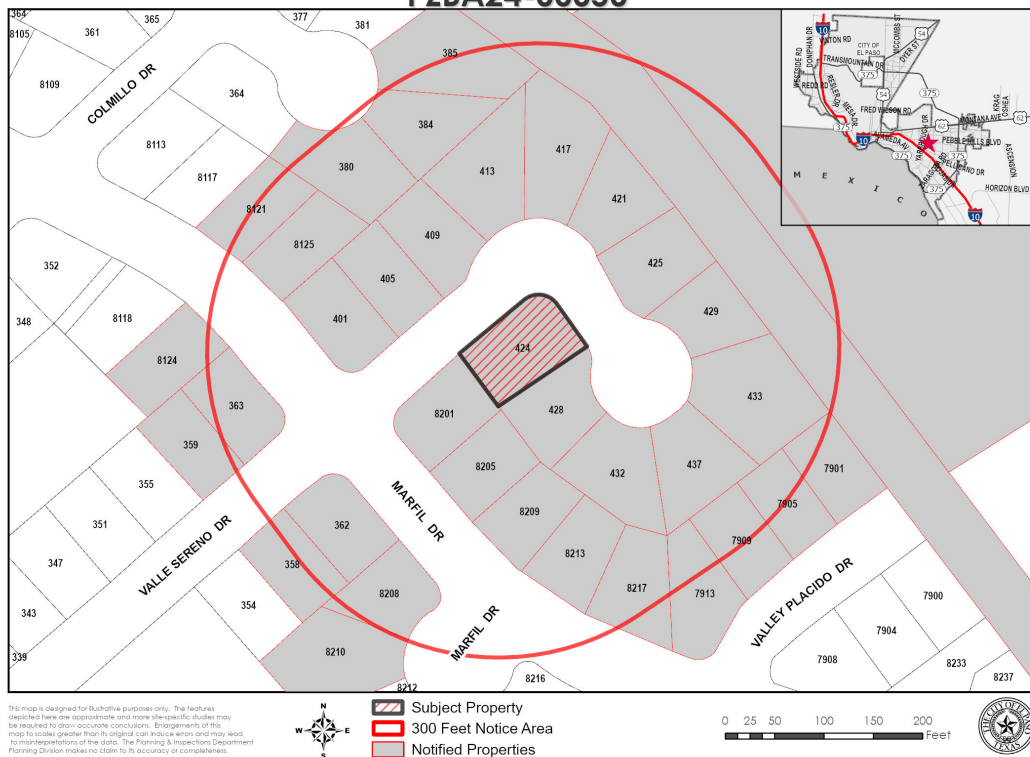
# ZONING MAP

PZBA24-00050

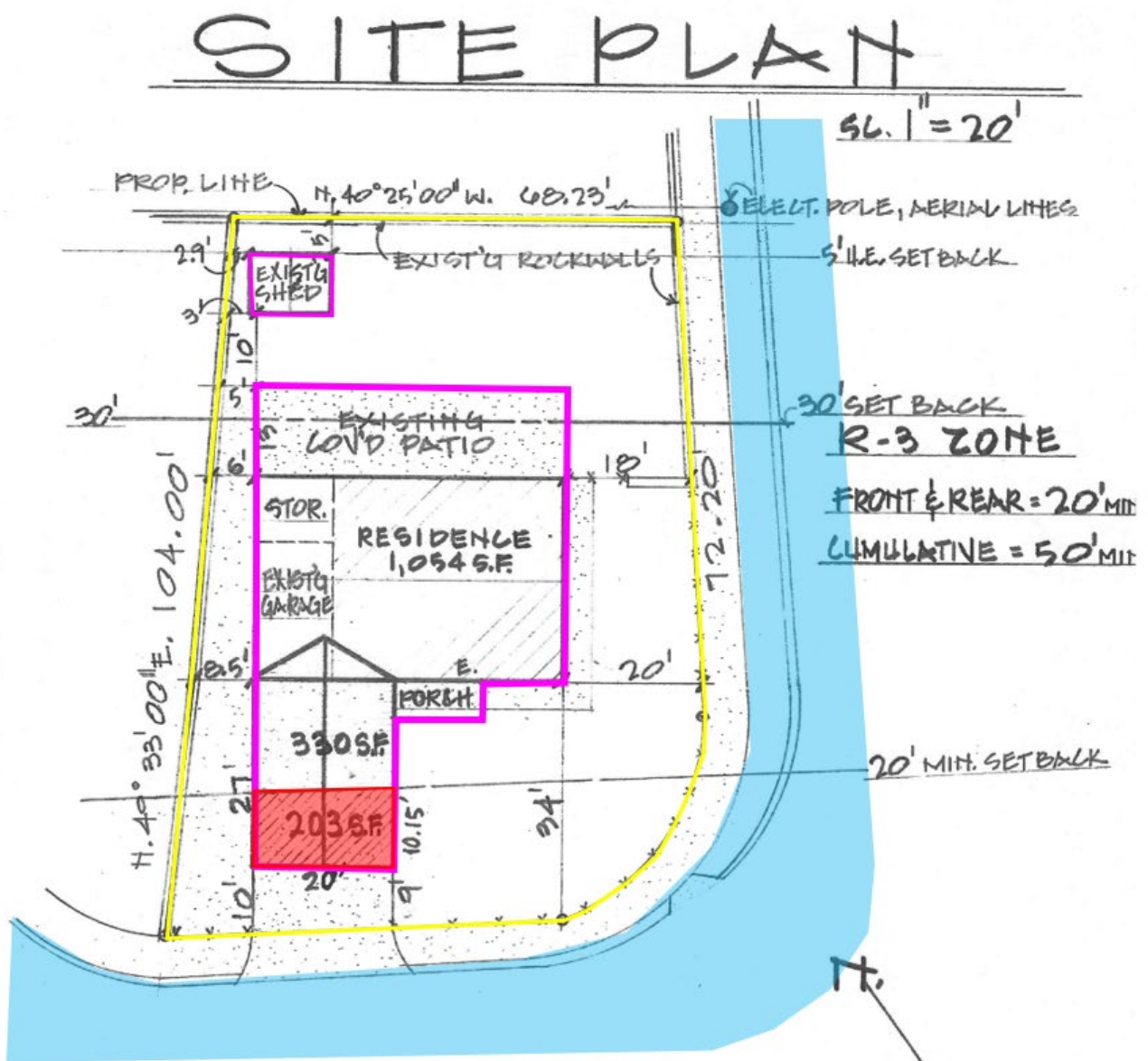


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00050



# SITE PLAN

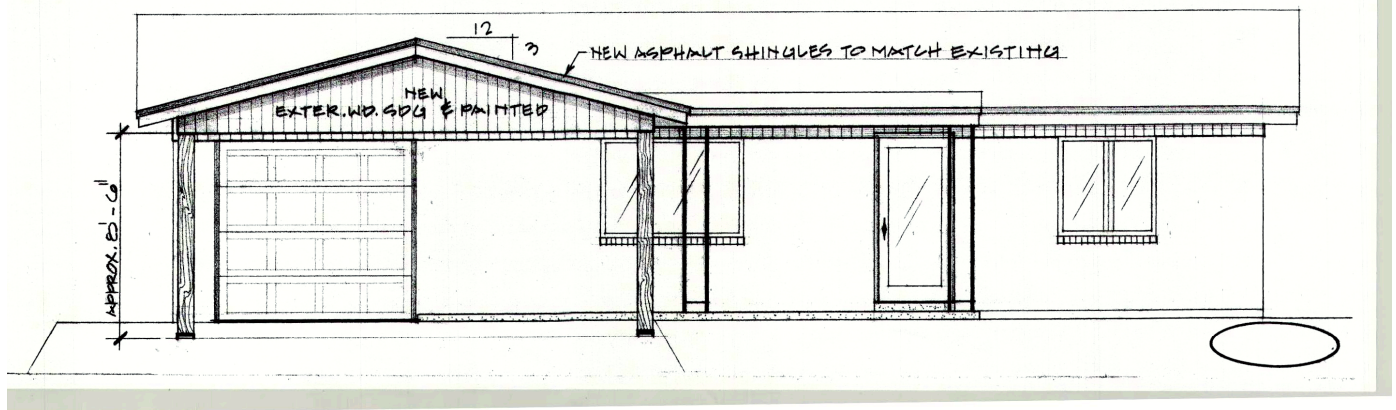


424 VALLE SERENO DR.

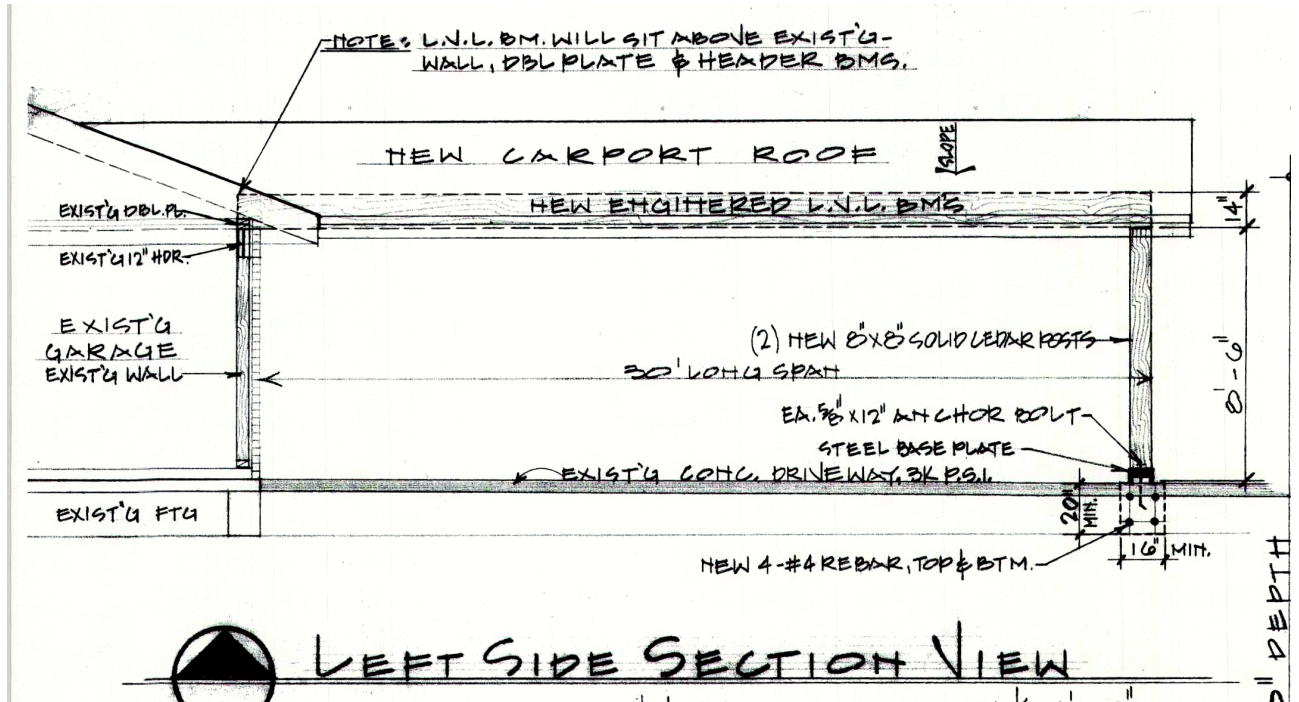
LOT 13, BLK. 2, PLEASANT VALLEY ADD'N



## ELEVATION 1



## ELEVATION 2





Legislation Text

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**File #: BC-53, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

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**PZBA24-00051**      Lot 7, Block 764, River Bend Estates, an Addition to the City  
of El Paso, El Paso County, Texas

ADDRESS:            4501 Parrot Wy.

APPLICANT:        Jonathan Scott Nehls

REPRESENTATIVE: Jonathan Scott Nehls

REQUEST:           Special Exception B (Two or More Nonconforming Lots)

DISTRICT:           1

ZIPCODE:            79922

STAFF CONTACT:   Juan C. Naranjo, (915)-212- 1604,  
NaranjoJC@elpasotexas.gov

# 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.

## PZBA24-00051



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:

*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 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.



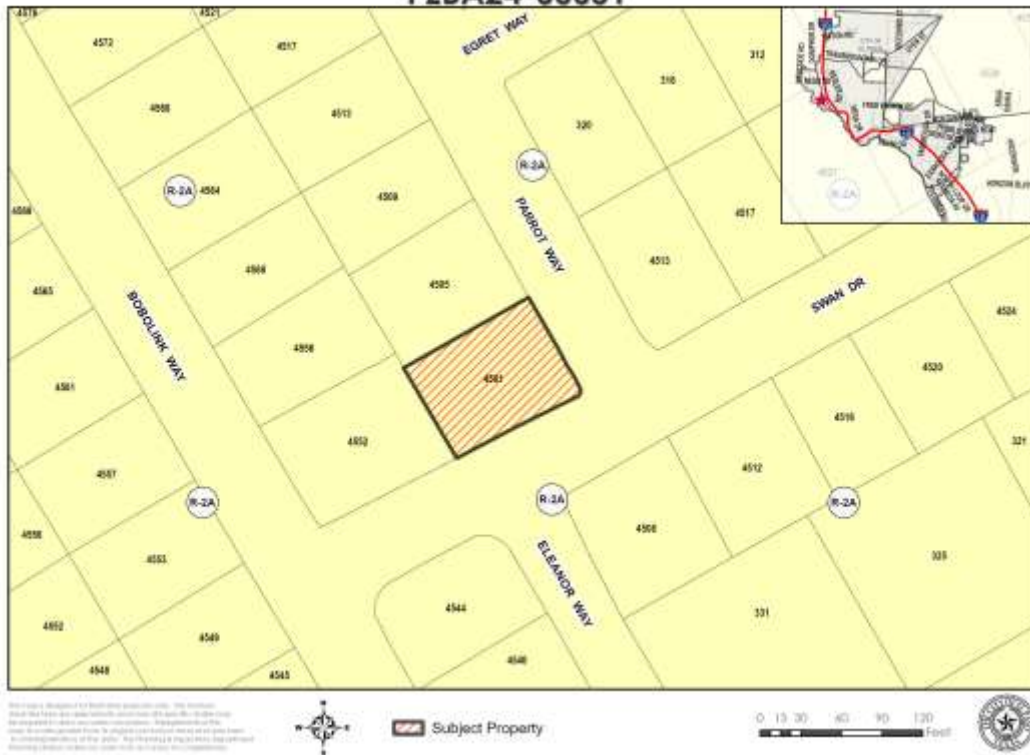
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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.

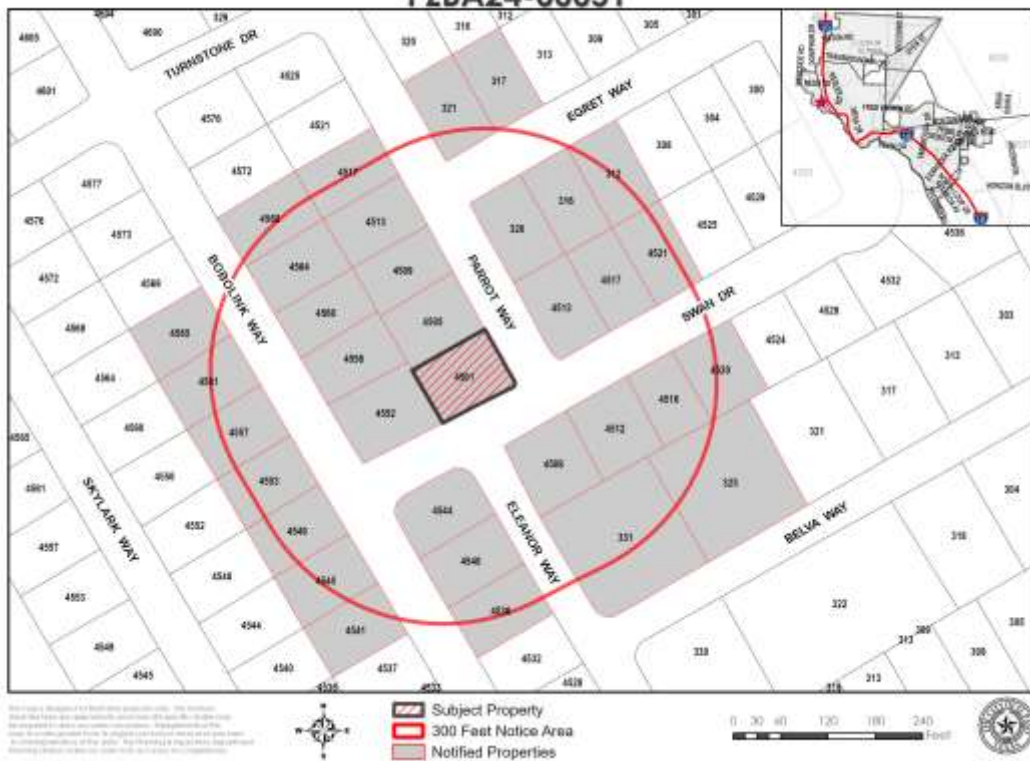
# ZONING MAP

PZBA24-00051

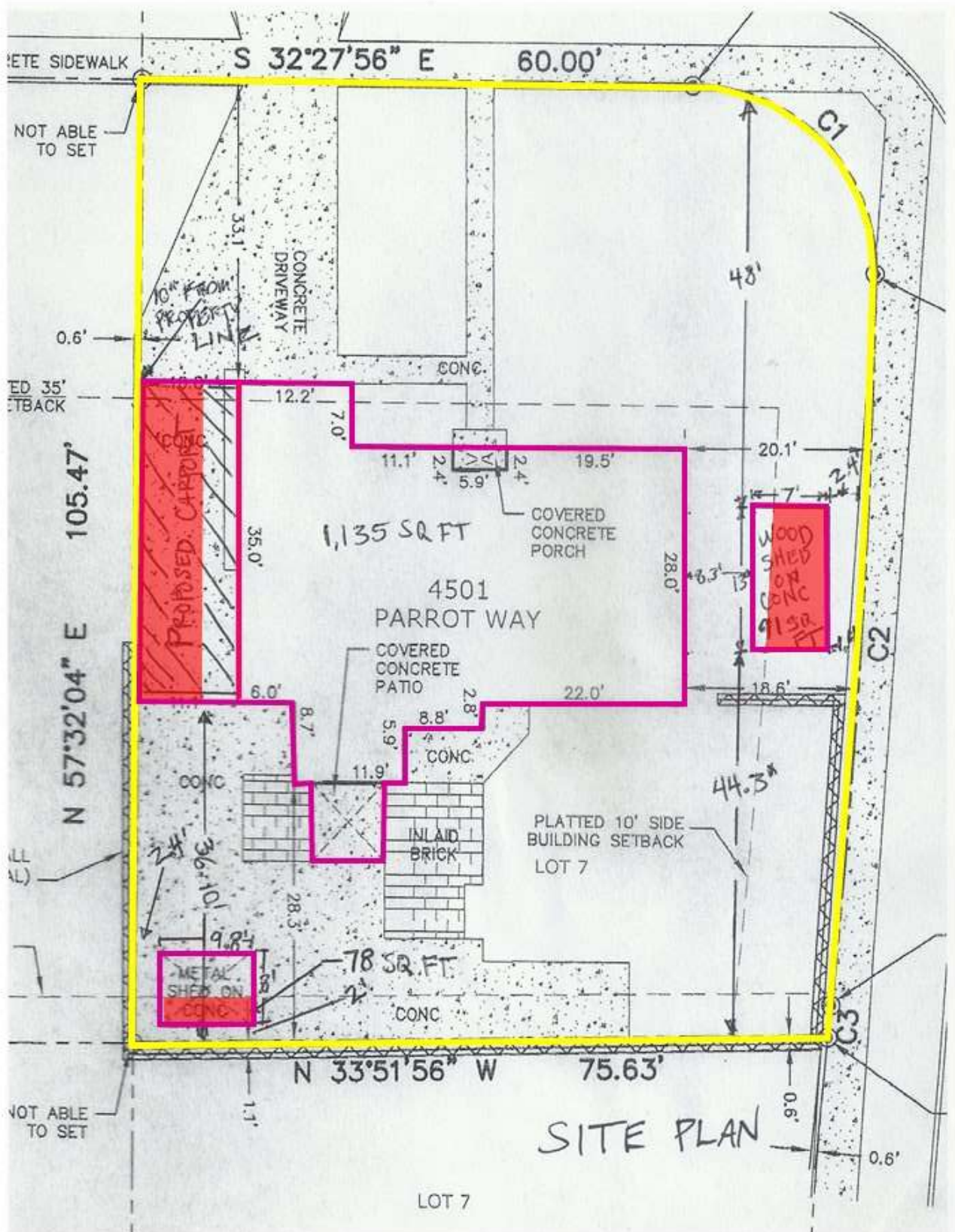


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00051



# SITE PLAN





NONCONFORMING LOTS

PZBA24-00051



Subject Property



This map is designed for illustrative purposes only. The locations depicted here are approximate and do not constitute a warranty of accuracy. The City of Mesa is not responsible for any errors or omissions in this map. The Planning & Research Department reserves the right to modify this map at any time without notice.



## NONCONFORMING LOT 1

**PZBA24-00051**



## NONCONFORMING LOT 2

**PZBA24-00051**





Legislation Text

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File #: BC-54, Version: 1

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

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**PZBA24-00054**      A portion of Lot 130, Block 4, Del Norte Acres, City of El Paso, El Paso County, Texas

ADDRESS:            8701 Norton St.

APPLICANT:        DSDB LLC.

REPRESENTATIVE: Ray Baca

REQUEST:           Special Exception K (In existence 15 years or more)

DISTRICT:           2

ZIPCODE:            79904

STAFF CONTACT:   Jose Beltran, (915) 212-1607,  
BeltranJV@elpasotexas.gov

# 9701 Norton Street

Zoning Board of Adjustment — July 22, 2024



<b>CASE NUMBER:</b>	<b>PZBA24-00054</b>
<b>CASE MANAGER:</b>	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
<b>PROPERTY OWNER:</b>	DSDB LLC.
<b>REPRESENTATIVE:</b>	Ray Baca
<b>LOCATION:</b>	8701 Norton St. (District 2)
<b>ZONING:</b>	A-2 (Apartment)
<b>REQUEST:</b>	Special Exception K (In Existence Fifteen Years or More)
<b>PUBLIC INPUT:</b>	None received as of July 16, 2024

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize two apartment buildings that encroach into the side street setback in an A-2 (Apartment) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than fifteen (15) years.

## PZBA24-00054

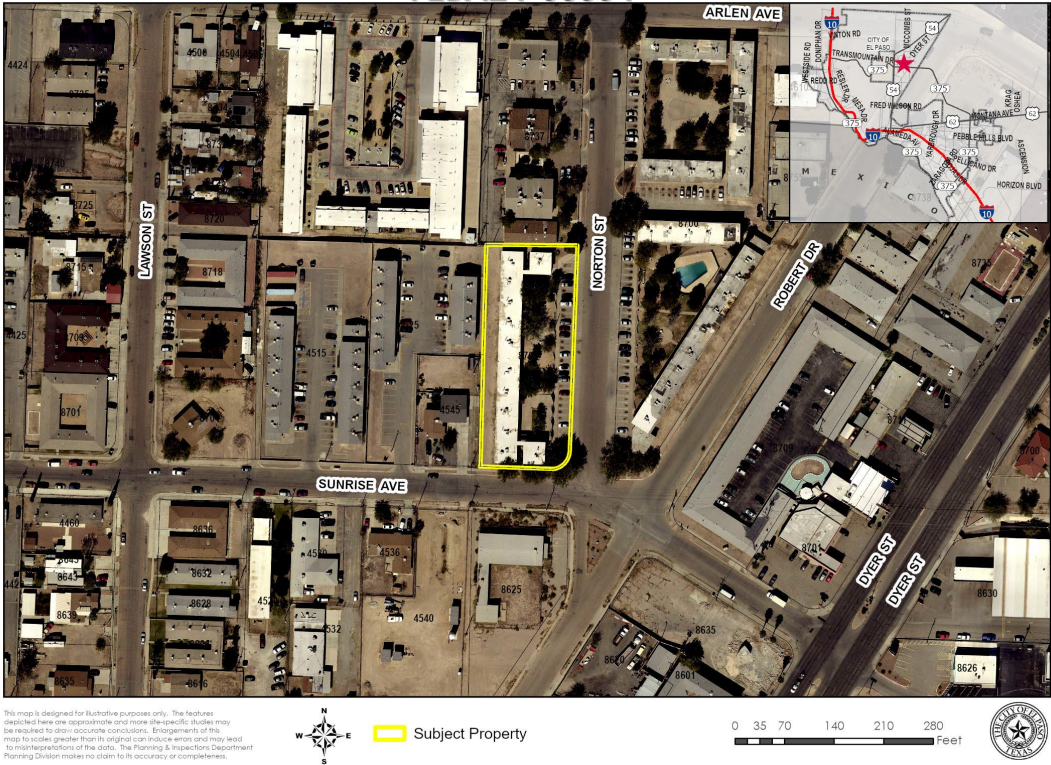


Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to legalize the construction of two existing apartment buildings, which extend 1 foot 10.75 inches and 1 foot 10.625 inches into the side street yard setback and of which 103.65 square feet total of these structures encroach into the street side yard setback.

**BACKGROUND:** The minimum street side setback is 10 feet in the A-2 (Apartment) zone district. The current owner has owned the property since 2019 and the buildings were constructed in 1962 based on El Paso Central Appraisal District records. The existing encroachment has been in existence approximately for 62 years. Based on 2009 aerial imagery, the property existed back then as it does today, with the apartment buildings in their current location.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 Feet	No Change
Rear	25 Feet	No Change
Cumulative Front & Rear	N/A	No Change
Side (West)	5 Feet	No Change
Side Street (East)	<b>10 Feet</b>	<b>8 Feet 1.125 inches</b>
Cumulative Side	N/A	No Change

**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 July 11, 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.



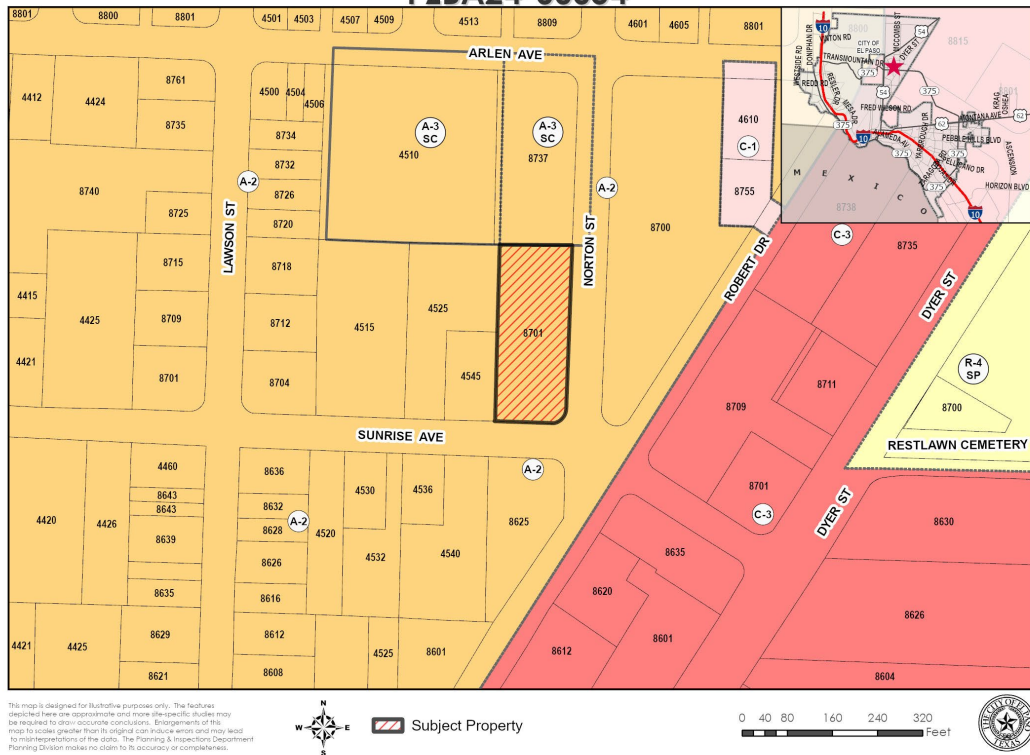
### **ZONING BOARD OF ADJUSTMENT OPTIONS:**

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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.

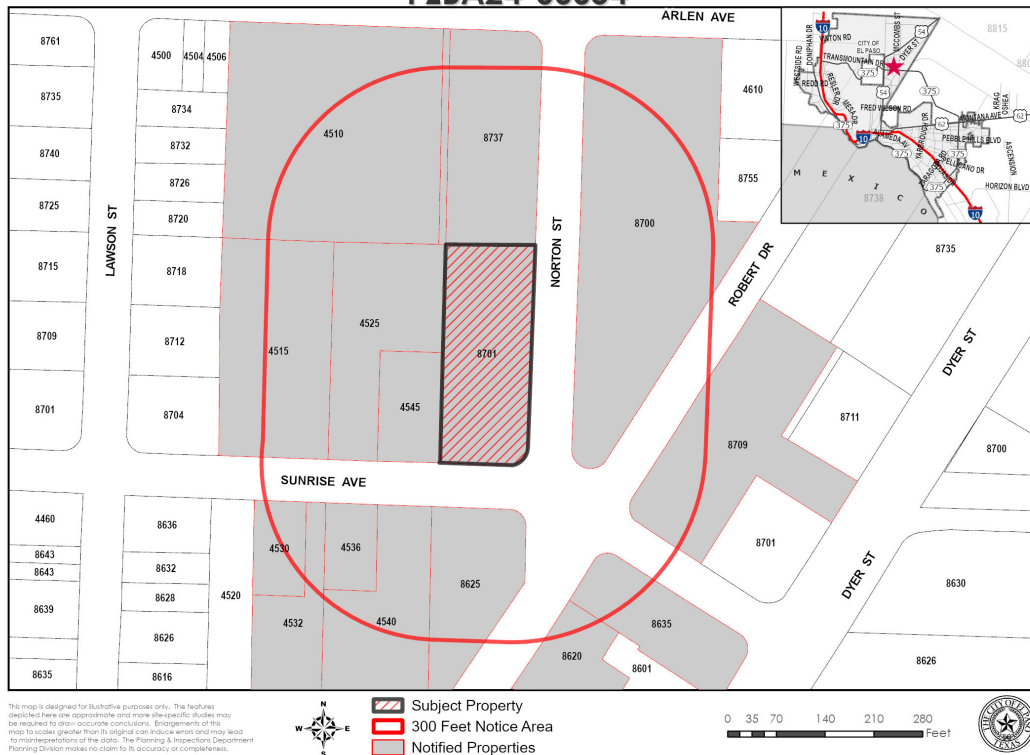
# ZONING MAP

PZBA24-00054

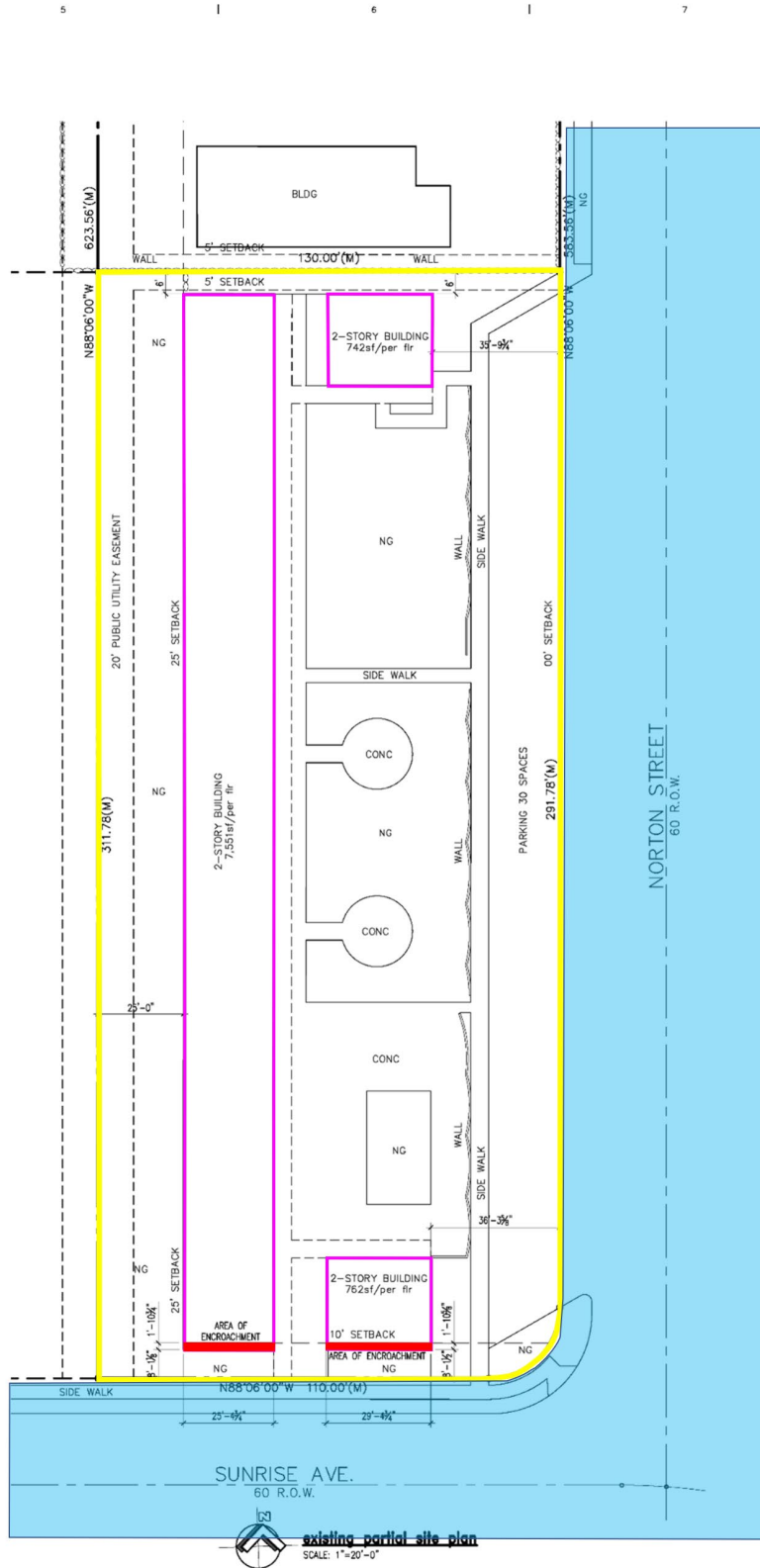


# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00054



# SITE PLAN



LEGAL DESCRIPTION  
4 DEL NORTE ACRES E 130 FT OF 1  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

**CODE COMPLIANCE REVIEW:**  
GENERAL:  
PID NO.:  
D36199900401100  
OWNERS NAME:  
DSDR LLC  
550 S MESA HILLS DR STE D-4 EL PASO TX  
79912-5786  
ADDRESS:  
8701 NORTON ST EL PASO, TX 79904  
ZONING:  
LEGAL DESCRIPTION:  
4 DEL NORTE ACRES E 130 FT OF 1  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
ZONING: Appendix B  
Zoning District: A-2  
Building Setbacks (in feet) SUBPART C  
Minimum Front Yard (in feet): 00  
Minimum Rear Yard (in feet): 25  
Minimum Cumulative Front & Rear Yard Total: N/A  
Minimum Side Yard (in feet): 5  
Minimum Side Street Yard (in feet): 10  
Minimum Cumulative Side & Side Street Yard Total:  
N/A

Construction Document Coordination:  
The drawings and specifications for the project are to be taken together as a single construction contract document and any division by trade or other designation is coincidental, contractor and all sub-contractors shall review and coordinate the entire set of drawings and project manual.  
NOT FOR REGULATORY APPROVAL, PERMITTING  
and CONSTRUCTION  
Zoning Adjustment for the  
Norton Manor Apartments  
8700 Norton St.  
El Paso, TX 79904



Roque Architecture, LLC  
10021 Buckwood Ave. El Paso, Texas 79925  
750 S. Ash Ave. Suite 8806  
Tempe, Arizona 85281  
(915) 204-7129  
roquearch1@gmail.com  
Arizona, Colorado, Texas and Utah  
EXISTING ARCHITECTURAL SITE  
PLAN  
15.05.2024

JUNE 2024

AS1.1

# 2009 AERIAL

PZBA24-00054



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. Enlargement of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 15 30 60 90 120 Feet







Legislation Text

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**File #: BC-55, Version: 1**

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**CITY OF EL PASO, TEXAS  
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**PZBA24-00055**      Lot 2, Block 44, Montecillo Unit 10, City of El Paso, El Paso  
County, Texas

ADDRESS:            161 Vin Salou Wy.

APPLICANT:        Montecillo Central Hotel LLC

REPRESENTATIVE: David Bogas

REQUEST:           Variance from Section 21.50.060

DISTRICT:           8

ZIPCODE:            79912

STAFF CONTACT:   Luis Zamora, (915) 212-1552,  
ZamoraLF@elpasotexas.gov

# 161 Vin Salou

Zoning Board of Adjustment — July 22, 2024



<b>CASE NUMBER:</b>	<b>PZBA24-00055</b>
<b>CASE MANAGER:</b>	Luis Zamora, (915) 212-1552, <a href="mailto:ZamoraLF@elpasotexas.gov">ZamoraLF@elpasotexas.gov</a>
<b>PROPERTY OWNER:</b>	Montecillo Central Hotel LLC
<b>REPRESENTATIVE:</b>	David Bogas
<b>LOCATION:</b>	161 Vin Salou Wy. (District 8)
<b>ZONING:</b>	SCZ T5 (SmartCode Urban Center)
<b>REQUEST:</b>	Variance from 21.50.060
<b>PUBLIC INPUT:</b>	None received as of July 16, 2024

**SUMMARY OF REQUEST:** Applicant requests a Variance under Section 2.16.030 *Variances* to provide the principal entrance away from the main road as per El Paso City Code Section 21.50.060 *Warrants, variances, and adjustments*. The applicant is requesting the principal entrance to the proposed hotel be from the parking area at the rear in an SCZ T5 (SmartCode Urban Center) zone district.

## PZBA24-00055



Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to provide the principal entrance to the proposed hotel from the parking area located at the rear of the property in an SCZ T5 (SmartCode Urban Center) zone district stating topographical features being a hardship inherent to the property.

**BACKGROUND:** El Paso City Code Section 21.50.060 Subsection C.1 requires that the principal entrance to the building shall be on a frontage line.

Definition of Unnecessary Hardship, Section 20.02.1128:

*“Unnecessary hardship” means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.*

**ANALYSIS:** Staff has reviewed the request with the applicant stating a grade difference of about four feet (4') making it hard for the entrance to be from Vin Salou. Design of development can provide relief without the granting of a variance as there does not seem to be any hardship being imposed on the property from which the applicant is seeking relief.

**COMPLIANCE WITH EL PASO CITY CODE SECTION 2.16.030**

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

*Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.*

**The following questions should be carefully considered in order to grant a variance:**

Questions	Does the Request Comply?
1. Is the need for the variance due to special conditions?	No. Building may be placed differently on the property to address the small topographic concern.
2. Would a literal enforcement of the ordinance create an unnecessary hardship?	No. No hardship seems to be created.
3. Is the variance consistent with public interest?	No. SmartCode is a form-based code to enhance the public realm and street frontage via quality architectural design and features of buildings.
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?	No. There is no hardship imposed on the property.

**PUBLIC COMMENT:** Public notice was sent on July 11, 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.

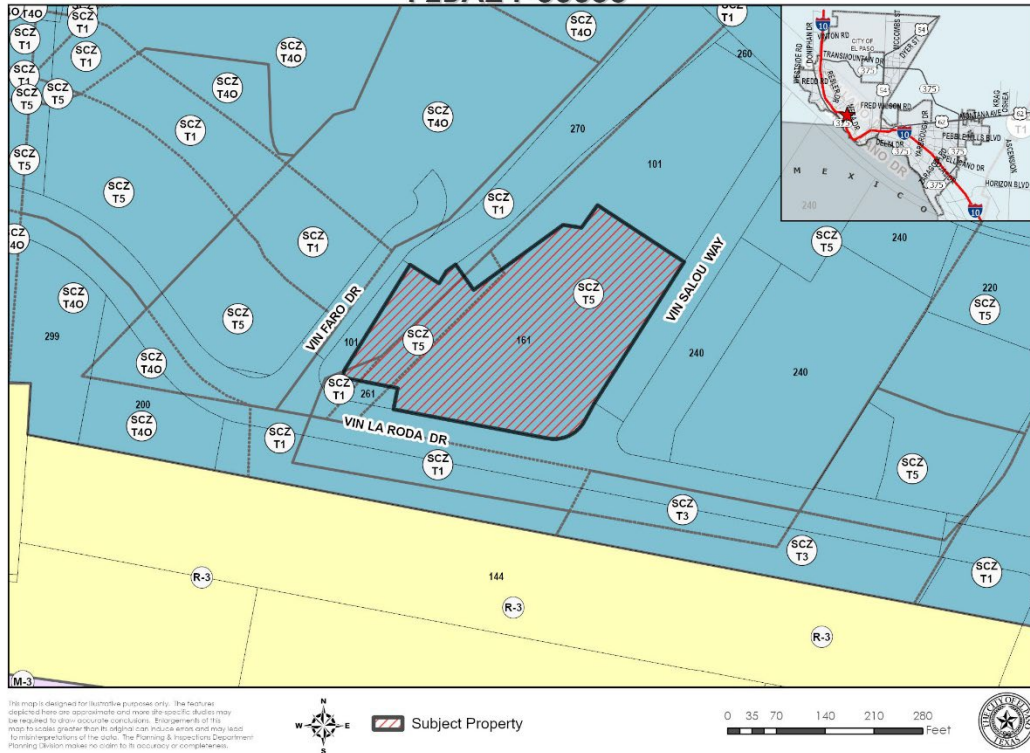
**ZONING BOARD OF ADJUSTMENT OPTIONS:** The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) may authorize in specific cases a variance from the terms of the zoning ordinance (Title 20) or as specified in (Title 21) SmartCode if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the variance 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 variance 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 variance request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.



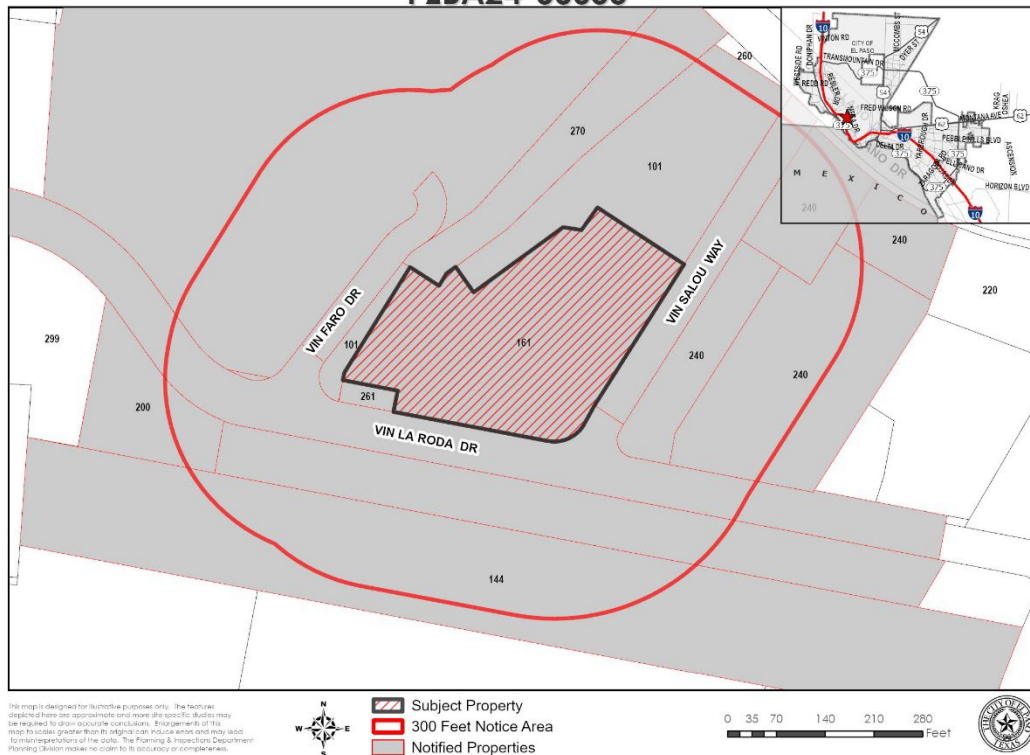
# ZONING MAP

PZBA24-00055



# NEIGHBORHOOD NOTIFICATION MAP

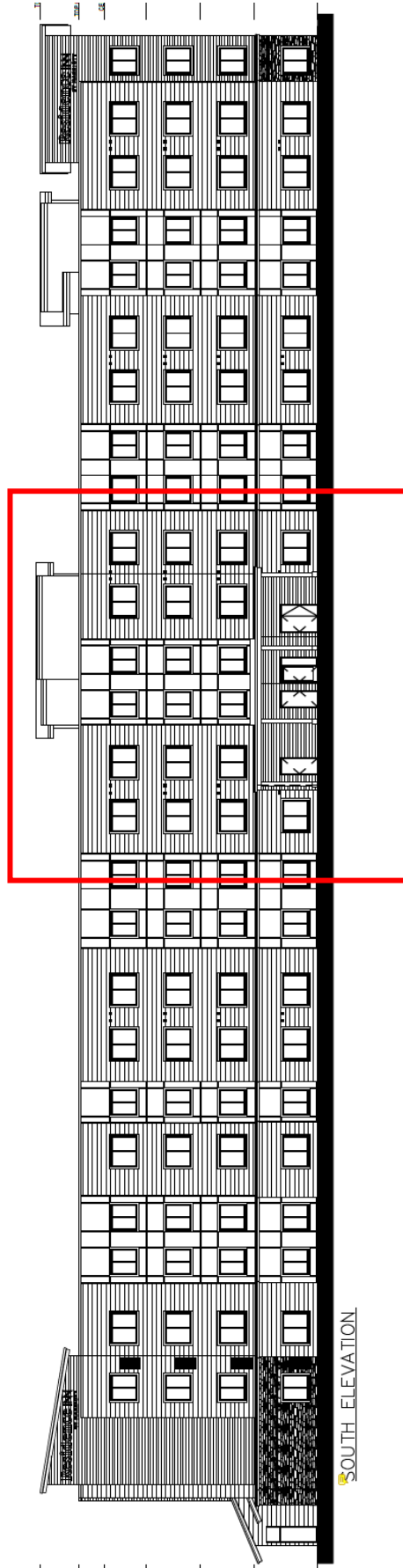
PZBA24-00055







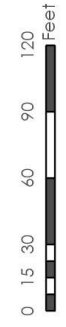
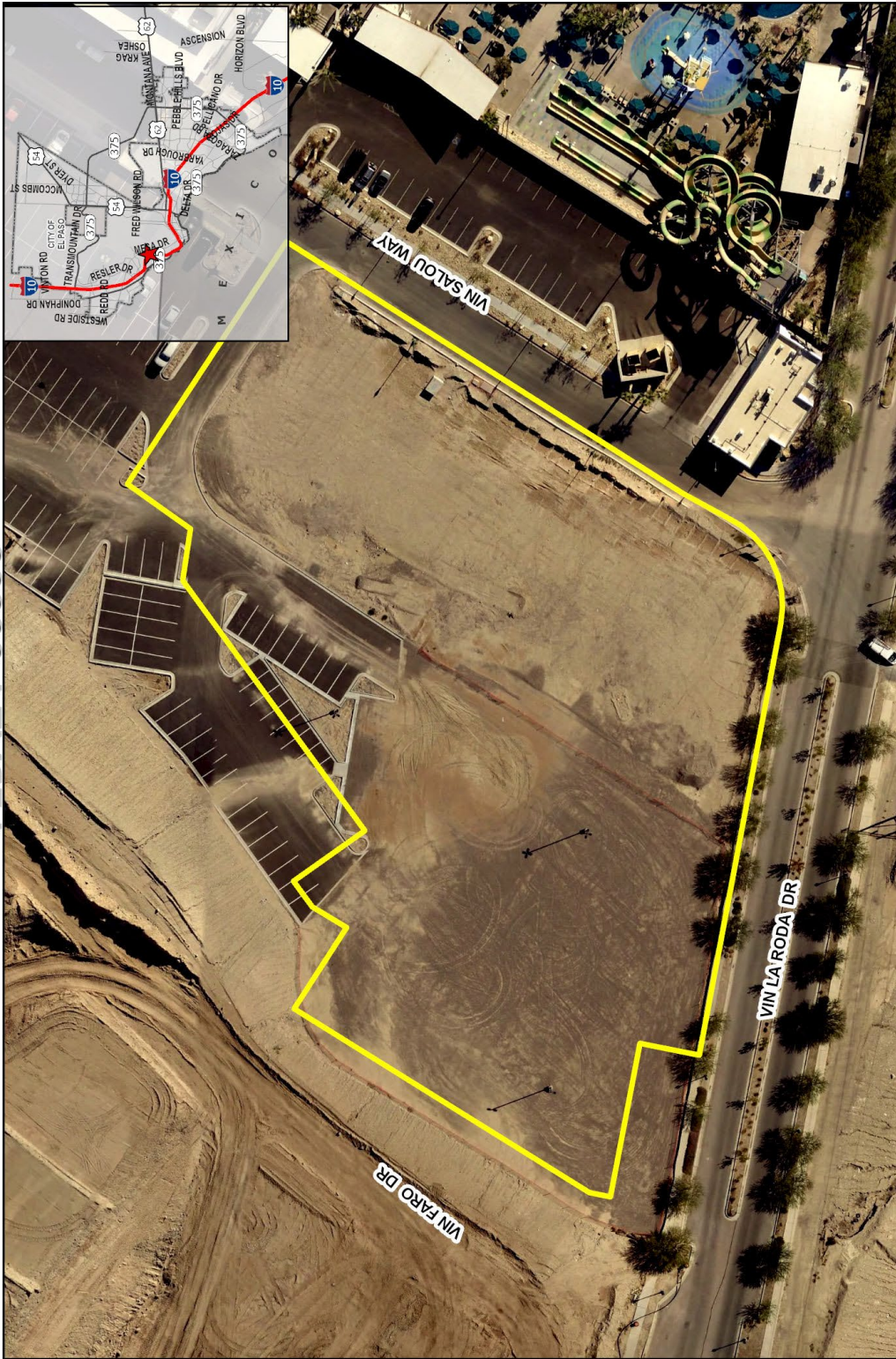
ELEVATION





# AERIAL

PZBA24-00055



Subject Property



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. Engagements of this type are not intended to be used for legal purposes and should not be relied upon for legal purposes. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Legislation Text

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**File #: BC-56, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

*Populate the table to maintain proper formatting. Copy and paste the agenda language in the designated area below. You may include more language after the table. Just make sure all posting language is populated between "TITLE" and "END".*

**PZBA24-00057**      Lots 19 to 22, Block 88, Bassett, City of El Paso, El Paso  
County, Texas  
ADDRESS:            2507 E. Yandell Dr.  
APPLICANT:        Leon E. & Rita T. Gluck  
REPRESENTATIVE: John Speers  
REQUEST:           Special Exception B (Two or More Nonconforming Lots)  
DISTRICT:           8  
ZIPCODE:            79903  
STAFF CONTACT:    Myrna Aguilar, 915-212-1584,  
AguilarMP@elpasotexas.gov



# 2507 E. Yandell

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00057  
**CASE MANAGER:** Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov  
**PROPERTY OWNER:** Leon E. & Rita T. Gluck  
**REPRESENTATIVE:** John Speers  
**LOCATION:** 2507 E. Yandell Drive (District 8)  
**ZONING:** C-4 (Commercial)  
**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 allow to legalize two existing structures into their required 10-foot rear yard setback in a C-4 (Commercial) zone district.

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

## PZBA24-00057



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 two existing structures, which extends 10 feet into the required rear yard setback for 432 square feet of total encroachment.

**BACKGROUND:** The minimum rear setback is 10 feet in the C-4 (Commercial) zone district. Aerial photographs indicate there are three other properties on the same block that also contain structures located in the rear yard that encroach into their respective rear yard setbacks. Properties are located at 2531 E. Yandell Drive, 2530 E. Yandell Drive and 2514 E. Yandell Drive for a total encroachment of 416.4 square feet, 497.2 square feet and 820.3 square feet respectively.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 feet	No Change
Rear	10 feet	0 feet
Cumulative Front & Rear	N/A	N/A
Side East	0 feet	No Change
Side West	0 feet	No Change

**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 at least three properties on the same block extends to 0 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 three other properties with structure built into the required 10 feet rear yard setback, at zero feet to the property line located at 2531 E. Yandell Drive, 2530 E. Yandell Drive and 2514 E. Yandell Drive.
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 11, 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:

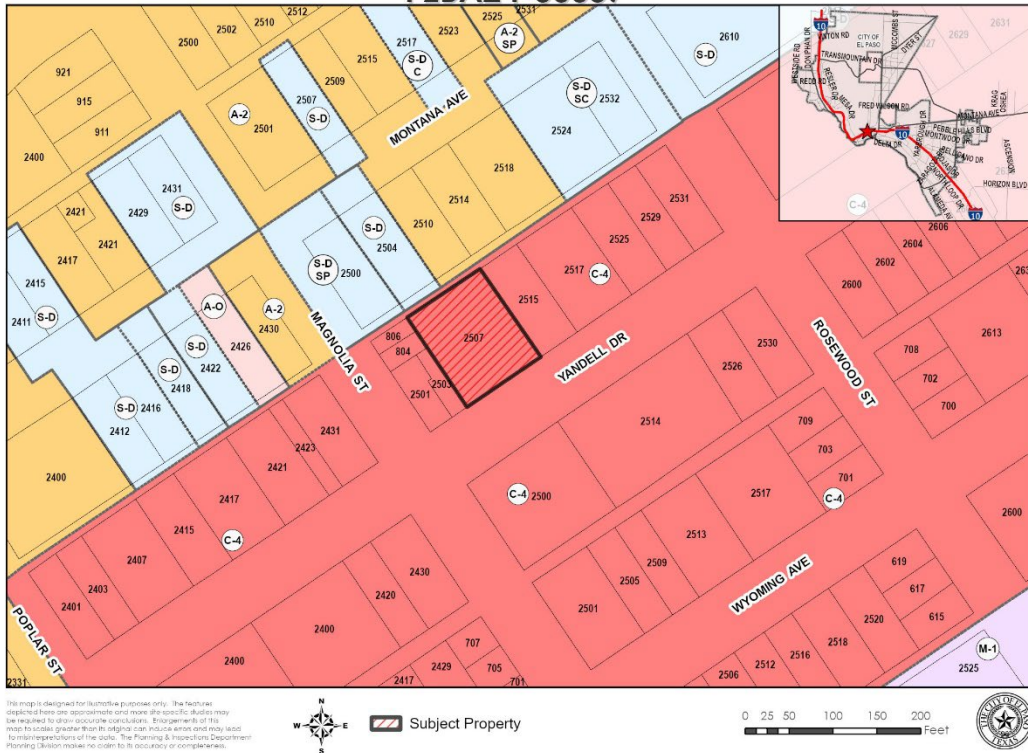
1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the

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.

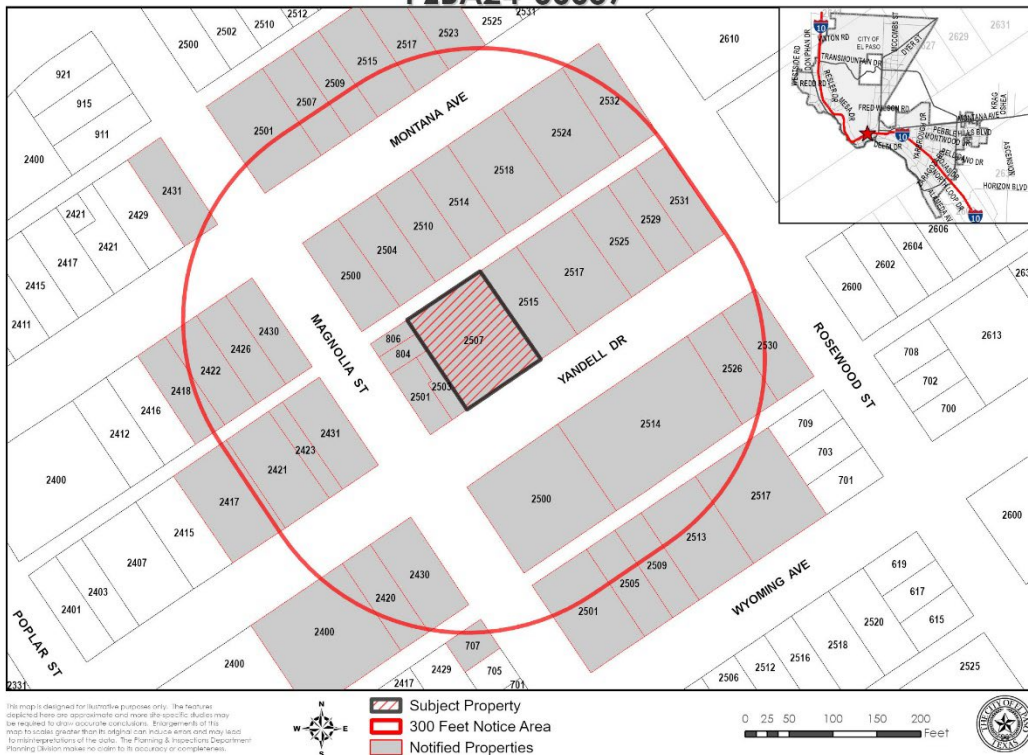
# ZONING MAP

PZBA24-00057



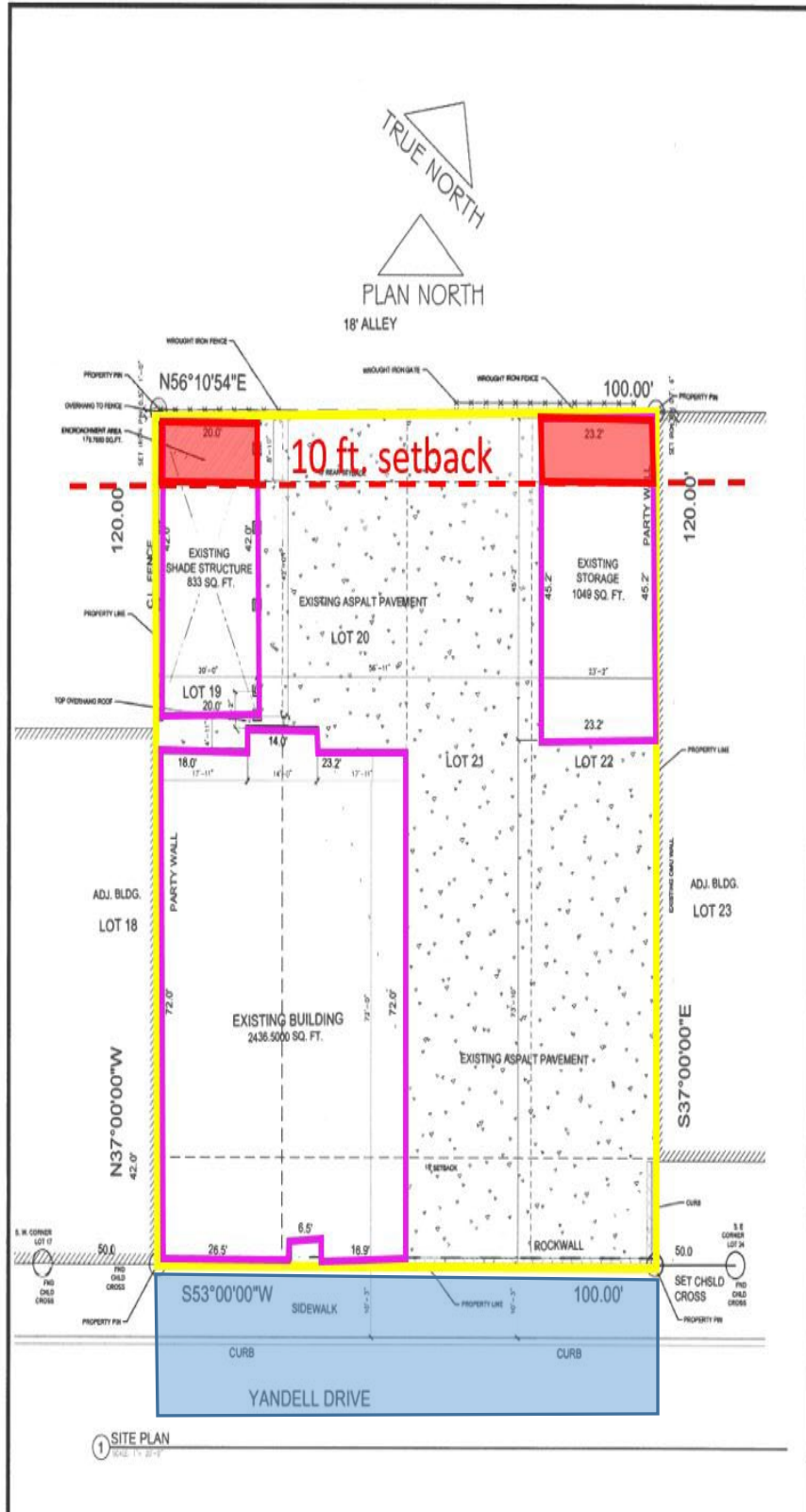
# NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00057



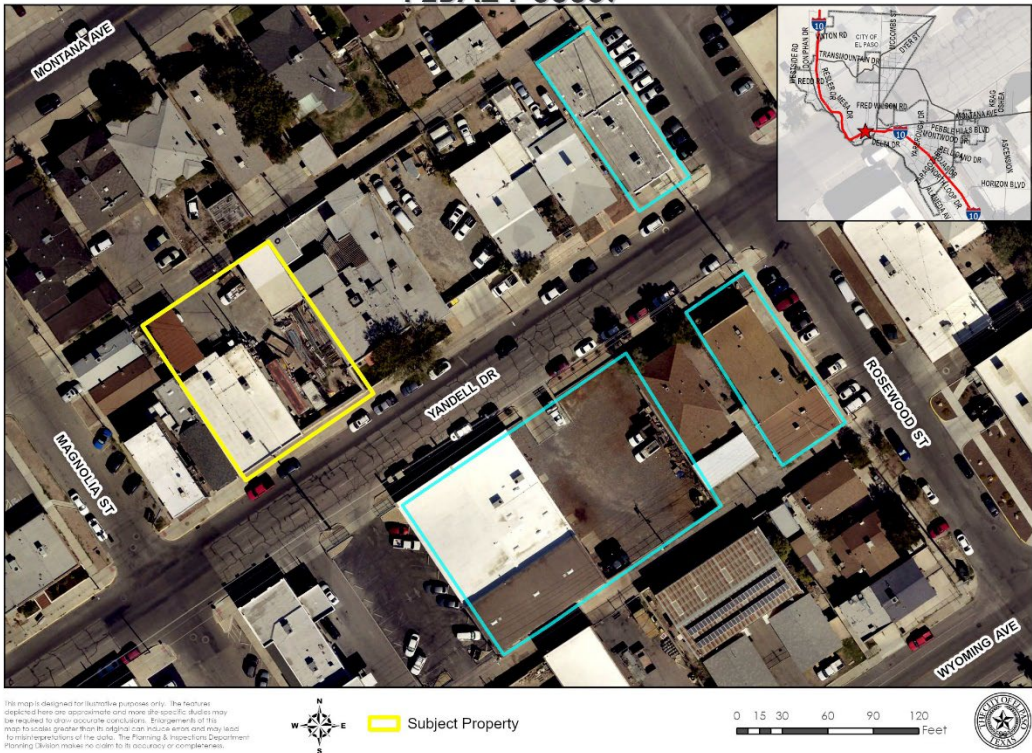


# SITE PLAN



NONCONFORMING LOTS

PZBA24-00057



NONCONFORMING LOT 1

PZBA24-00057





El Paso, TX

300 N. Campbell  
El Paso, TX

Legislation Text

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**File #: BC-57, Version: 1**

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**CITY OF EL PASO, TEXAS  
LEGISTAR AGENDA ITEM SUMMARY FORM**

**AGENDA LANGUAGE:**

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.*

Approval of Minutes: June 17, 2024



**ZONING BOARD OF ADJUSTMENT MEETING**  
**2<sup>nd</sup> Floor, Main Conference Room**  
**June 17, 2024**  
**1:30 P.M.**

**MINUTES**

The Zoning Board of Adjustment met at the above place and date.

The meeting was called to order at 1:32 p.m. Vice-Chairwoman Martha Isabel Aguayo present and presiding and the following Board Members and City Staff answered roll call.

**BOARD MEMBERS PRESENT:**

Martha Isabel Aguayo (Vice-Chairwoman)  
Christine Loveridge  
Heidi Avedician  
Alexis Alvarez  
Justin Bass  
Louis Edwards  
Jorge Leon  
Fabian Uribe

**BOARD MEMBERS ABSENT:**

Janet Fortune

**CITY STAFF INTRODUCTIONS**

Daniel Chavira, Building & Permitting Development Program Manager  
Luis Zamora, Chief Planner  
Jesus Quintanilla, Assistant City Attorney 1, City Attorney's Office  
Andrew Salloum, Senior Planner  
Martha Macias, Sign Language Interpreter, City Clerk's Office  
Jose Beltran, Planner  
Myrna Aguilar, Planner  
Nina Rodriguez, Senior Planner

**AGENDA**

Nina Rodriguez, Senior Planner read the opening statement into the record.

Vice-Chairwoman Aguayo asked everyone giving testimony today or online, please stand and raise your right hand "*Do you swear to tell the truth and nothing but the truth.*"

Luis Zamora, Chief Planner, stated no changes to agenda.

**NO ACTION TAKEN.**

AYES: N/A  
NAYS: N/A  
ABSTAIN: N/A



ABSENT: N/A  
NOT PRESENT FOR THE VOTE: N/A

.....  
**PUBLIC HEARING  
REGULAR AGENDA:**

**1. Board Member Elections: Chair and Vice Chair**

Martha Aguayo nominated Justin Bass for the Chair position. Mr. Bass accepted nomination.

**ACTION:** Motion made by Jorge Leon, seconded by Martha Aguayo **TO NOMINATE JUSTIN BASS AS CHAIR** and unanimously approved.

Motion Passed.

Mr. Justin Bass took over meeting as Chair.  
.....

- 2. PZBA24-00030:** A portion of Lot 15, Block 2, Coronado Country Estates Replat A, City of El Paso, El Paso County, Texas  
ADDRESS: 1121 Thunderbird Dr.  
APPLICANT: Anthony and Robin Furman  
REPRESENTATIVE: Henry Ordonez  
REQUEST: Special Exception C (Rear Yard Setback, Single-family Residence)  
DISTRICT: 1  
ZIP CODE: 79912  
STAFF CONTACT: Jose Beltran, (915) 212-1607, [BeltranJV@elpasotexas.gov](mailto:BeltranJV@elpasotexas.gov)

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on May 1, 2024 and June 6, 2024. The Planning Division received a phone call in opposition to the request, but was rescinded as the result of seeing the provided site plan. Staff recommends approval with condition of the exception request.

- That the existing structure encroaching into the side yard setback be modified to comply with zoning requirements.

Jose Beltran answered questions from the Board.

Henry Ordonez, Ordonez Construction, appeared for questions.

Public comment = None

**ACTION:** Motion by Martha Aguayo, seconded by Alexis Alvarez **TO APPROVE ITEM PZBA24-00030 WITH CONDITION BY STAFF** and unanimously approved.

Motion Passed.  
.....

- 3. PZBA24-00033:** Lot 25 and portion of Lot 26, Block 21, Highland Park Addition, City of El Paso, El Paso County, Texas  
ADDRESS: 2112 Tremont Ave.  
APPLICANT: Trinney Meza  
REPRESENTATIVE: Cesar Gonzalez  
REQUEST: Special Exception B (Two or more nonconforming lots)  
DISTRICT: 2

ZIP CODE: 79930  
STAFF CONTACT: Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)

Nina Rodriguez, Senior Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on May 3, 2024 and June 5, 2024. The Planning Division has not received any communications in support or opposition to the request. Planning Staff recommends approval with condition of the exception request:

- That the existing carport and shed be removed from the property.

Daniel Chavira, Building & Permitting Development Program Manager, answered questions from the Board. Nina Rodriguez, Senior Planner, answered questions from the Board.

Cesar Gonzalez, representing the owner appeared for questions. Chair Justin Bass asked representative if he understood what was being asked as condition to approval and if he agreed. Mr. Gonzalez replied yes, and that he agreed on the conditions.

**Public Comment:** None

**ACTION:** Motion made by Jorge Leon, seconded by Louis Edwards **TO APPROVE ITEM PZBA24-00033 AS RECOMMENDED BY STAFF** and unanimously approved.

Motion Passed.

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4. **PZBA24-00036:** A portion of Lot 5 and all Lots 6 to 16, Block 22, Cotton, City of El Paso, El Paso County, Texas  
ADDRESS: 2111 Montana Ave.  
APPLICANT: Richard L. Saunders Jr.  
REPRESENTATIVE: Richard L. Saunders Jr.  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 8  
ZIP CODE: 79903  
STAFF CONTACT: Myrna Aguilar, (915) 212-1584, [AguilarMP@elpasotexas.gov](mailto:AguilarMP@elpasotexas.gov)

Myrna Aguilar, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on May 3, 2024 and June 6, 2024. The Planning Division has not received any communications in support or opposition to the request. Planning Staff recommends approval of the exception special request B to legalize the encroachment into the rear yard setback.

Myrna Aguilar answered questions from the Board.

Richard Saunders appeared for questions.

**Public Comment:** None

**ACTION:** Motion made by Martha Aguayo, seconded by Jorge Leon **TO APPROVE ITEM PZBA24-00036** and unanimously approved.

Motion Passed.

.....

5. **PZBA24-00039:** Lot 12, Block 43, Montecillo Unit 11 Replat B, City of El Paso, El Paso County, Texas  
ADDRESS: 360 Vin Rambla Dr.  
APPLICANT: Montecillo Retail Investments LP

REPRESENTATIVE: David Bogas  
REQUEST: Variance from Section 21.80.020  
DISTRICT: 8  
ZIP CODE: 79912  
STAFF CONTACT: Luis Zamora, (915) 212-1552, [ZamoraLF@elpasotexas.gov](mailto:ZamoraLF@elpasotexas.gov)

Luis Zamora, Chief Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on May 2, and June 5, 2024. The Planning division has not received any communications in support or opposition to the request. Planning Staff recommends approval of the variance request.

Luis Zamora, Chief Planner, answered questions from the Board.

Applicant/Owner not available for questions.

**Public Comment:** None

**ACTION:** Motion made by Heide Avedician, seconded by Martha Aguayo **TO POSTPONE ITEM PZBA24-00039 TO NEXT MEETING.**

**VOTE:**

Ayes – 7 (Loveridge, Avedician, Alvarez, Aguayo, Bass, Leon, Uribe)  
Nays - 1 (Edwards)

Motion Passed.

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6. **PZBA24-00040:** A portion of Lots 5 and 6, Monte Vista #2, City of El Paso, El Paso County, Texas  
ADDRESS: 5005 Meadowlark Dr.  
APPLICANT: Tierra Rojo Property LLC  
REPRESENTATIVE: Jonathan Prieto  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 1  
ZIP CODE: 79922  
STAFF CONTACT: Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Andrew Salloum, Senior Planner, made a presentation to the Board through Martha Macias, American Sign Language interpreter. Public notices were mailed to property owners within 300 feet on May 1, 2024 and June 5, 2024. The Planning Division has not received any communications in support nor opposition to the request. Planning Staff recommends approval of the special exception B encroachment is less than the encroachment in the other two properties.

Jonathan Prieto, contractor, and agrees with all staff comments.

**Public Comment:** None

**ACTION:** Motion made by Martha Aguayo, seconded by Fabian Uribe **TO APPROVE ITEM PZBA24-00040** and unanimously approved.

Motion Passed.

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7. **PZBA24-00042:** Lot 24, Block 3, East Gate #1, City of El Paso, El Paso County, Texas  
ADDRESS: 1740 Alan Shepard Ln.  
APPLICANT: David P. and Patricia H. Theriault

REPRESENTATIVE: David P. and Patricia H. Theriault  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 6  
ZIP CODE: 79936  
STAFF CONTACT: Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Andrew Salloum, Senior Planner, made a presentation to the Board through Dario Garcia, American Sign Language interpreter. Public notices were mailed to property owners within 300 feet on May 1, 2024 and June 5, 2024. The Planning Division has not received any communication in support or opposition to the special exception request. Planning Staff recommends approval with condition of the special exception request as the existing encroachments are less than the encroachments into that setback already present on at least two other neighboring properties. The condition is the following:

- Storage shed shall be removed from the 5-foot utility easement area, or the easement shall be vacated.

Andrew Salloum answered questions from the Board.

David Theriault appeared for questions.

**Public Comment:** None

**ACTION:** Motion made by Fabian Uribe, seconded by Martha Aguayo **TO APPROVE ITEM PZBA24-00042 WITH STAFF CONDITIONS** and unanimously approved.

Motion Passed.

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8. **PZBA24-00048:** Lots 22 to 28, A portion of Lots 29-32, Block 97, East El Paso Addition, City of El Paso, El Paso County, Texas  
ADDRESS: 2900 Pershing Dr.  
APPLICANT: 2900 Pershing LLC  
REPRESENTATIVE: Bruno Vasquez, AIA  
REQUEST: Special Exception B (Two or More Nonconforming Lots)  
DISTRICT: 2  
ZIP CODE: 79903  
STAFF CONTACT: Andrew Salloum, (915) 212-1603, [SalloumAM@elpasotexas.gov](mailto:SalloumAM@elpasotexas.gov)

Andrew Salloum, Senior Planner, made a presentation to the Board through Dario Garcia, American Sign Language interpreter. Public notices were mailed to property owners within 300 feet on June 6, 2024. The Planning Division has not received any communication in support or opposition to the special exception request. Planning Staff recommends approval of special exception request as the requested encroachment is less than or equal to encroachments in to the setback already present at least four other neighboring properties.

Andrew Salloum answered questions from the Board.

Leonardo Flores, Chief Plans Examiner, answered questions from Board.

Luis Zamora, Chief Planner, made comments to Board on item.

Bruno Vasquez was available for questions.

**Public Comment:** None

**ACTION:** Motion made by Justin Bass, seconded by Alexis Alvarez **TO APPROVE ITEM PZBA24-00048**



and unanimously approved.

Motion Passed.

9. Approval of Minutes: April 15, 2024

**ACTION:** Motion made by Martha Aguayo, seconded by Jorge Leon **TO APPROVE THE APRIL 15, 2024 MINUTES** and unanimously approved.

Motion Passed.

10. Adjournment

Chair Bass adjourned the meeting at 2:50 p.m.

**ACTION:** Motion made by Heidi Avedician, seconded by Martha Aguayo **TO ADJOURN MEETING** and unanimously approved.

Motion Passed.

**EXECUTIVE SESSION**

**The Zoning Board of Adjustment of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda, consistent with the terms of the Open Meetings Act. The Zoning Board of Adjustment will return to open session to take any final action.**

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

A quorum of the Zoning Board of Adjustment must participate in the meeting.

Justin Bass  
Christine Loveridge  
Heidi Avedician  
Alexis Alvarez

Fabian Uribe  
Martha Isabel Aguayo  
Janet Fortune  
Jorge Leon

Audrey Gutierrez  
Louis Edwards