



AGENDA FOR THE ZONING BOARD OF ADJUSTMENTS PUBLIC HEARING

September 16, 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 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.

PUBLIC COMMENT

ROLL CALL

AGENDA

1. **PZBA24-00043** - Lot 41, Block 76, Vista Hills Unit Twenty-Three (Addition), City

[BC-132](#)

of El Paso, El Paso County, Texas

ADDRESS: 11613 Kristy Weaver Dr.
APPLICANT: German and Sylvia Armenta
REPRESENTATIVE: Ray Mancera
REQUEST: Special Exception B (Two or more non-conforming lots)
DISTRICT: 6
ZIPCODE: 79936
STAFF CONTACT: Myrna Aguilar, 915-212-1584;
AguilarMP@elpasotexas.gov
RECONSIDERATION

2. **PZBA24-00035** - Lots 15 to 17, Block 6, Mundy Heights, City of El Paso, El Paso County, Texas

[BC-137](#)

ADDRESS: 1533 Upson Dr.
APPLICANT: Paul D. Cicala
REPRESENTATIVE: Jose G. Flores
REQUEST: Variance from Section 20.10.030 and Section 20.12.020
DISTRICT: 8
ZIPCODE: 79902
STAFF CONTACT: Luis Zamora, (915) 212-1552,
ZamoraLF@elpasotexas.gov

3. **PZBA24-00038** - Lot 16, Block 1, Clardy Fox, City of El Paso, El Paso County, Texas

[BC-130](#)

ADDRESS: 720 S. Concepcion St.
APPLICANT: Maria Guadalupe Munoz
REPRESENTATIVE: Manny Aranda
REQUEST: Special Exception B (Two or More Nonconforming Lots) and
Special Exception F (Side Street Yard Setback)
DISTRICT: 2
ZIPCODE: 79905
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612;
PinaSJ@elpasotexas.gov

4. **PZBA24-00056** - Lot 1, Block 1, Ardelle Subdivision, City of El Paso, El Paso County, Texas

[BC-133](#)

ADDRESS: 11313 Ardelle Ave.
APPLICANT: Kid Motors
REPRESENTATIVE: Denise Vedder
REQUEST: Special Exception G (Builder Error)
DISTRICT: 6
ZIPCODE: 79936
STAFF CONTACT: Andrew Salloum, (915) 212-1603,
SalloumAM@elpasotexas.gov

5. **PZBA24-00058** - Lot 22, Block 32, Bel-Air Estates, City of El Paso, El Paso

[BC-134](#)

County, Texas

ADDRESS: 7954 Saggita Ct.
APPLICANT: Maria Beatriz Reyes
REPRESENTATIVE: Ricardo Ojeda
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
DISTRICT: 7
ZIPCODE: 79907
STAFF CONTACT: Myrna Aguilar, 915-212-1584,
AguilarMP@elpasotexas.gov

6. **PZBA24-00061** - Lot 39, Block 13, Sandstone Ranch Estates #5 Replat A, City of El Paso, El Paso County, Texas

[BC-131](#)

ADDRESS: 5501 Mike Vane Dr.
APPLICANT: Andre Roland and Blanca C. Aragon
REPRESENTATIVE: Jose Martin Lopez
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 4
ZIPCODE: 79934
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612,
PinaSJ@elpasotexas.gov

7. **PZBA24-00063** - Lot 13, Block 7, Franklin Hills #3 (Amending), City of El Paso, El Paso County, Texas

[BC-135](#)

ADDRESS: 6304 Franklin Bluff Dr.
APPLICANT: Steve & Faith Yapp
REPRESENTATIVE: Steve & Faith Yapp
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
DISTRICT: 1
ZIPCODE: 79912
STAFF CONTACT: Myrna Aguilar, 915-212-1584,
AguilarMP@elpasotexas.gov

8. **PZBA24-00071** - Lot 5, Block 2, North Hill Unit Two, City of El Paso, El Paso County, Texas

[BC-136](#)

ADDRESS: 4412 Loma de Brisas Dr.
APPLICANT: Pauline Fraser & Ron Cabrera
REPRESENTATIVE: Pauline Fraser & Ron Cabrera
REQUEST: Special Exception B (Two or more non-conforming lots)
DISTRICT: 4
ZIPCODE: 79934
STAFF CONTACT: Myrna Aguilar, 915-212-1584,
AguilarMP@elpasotexas.gov

9. Approval of Minutes:

[BC-138](#)

- a. July 22, 2024
- b. August 5, 2024

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 12th of September by Luis Zamora.



Legislation Text

File #: BC-132, Version: 1

**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 (Addition), City of El Paso, El Paso County, Texas

ADDRESS: 11613 Kristy Weaver Dr.

APPLICANT: German and Sylvia Armenta

REPRESENTATIVE: Ray Mancera

REQUEST: Special Exception B (Two or more non-conforming lots)

DISTRICT: 6

ZIPCODE: 79936

STAFF CONTACT: Myrna Aguilar, 915-212-1584; AguilarMP@elpasotexas.gov

RECONSIDERATION

11613 Kristy Weaver

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00043 (RECONSIDERATION)
CASE MANAGER: Myrna Aguilar, (915) 212-1604, AguilarMP@elpasotexas.gov
PROPERTY OWNER: German and Sylvia Armenta
REPRESENTATIVE: Ray Mancera
LOCATION: 11613 Kristy Weaver 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 September 10, 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.

PZBA24-00043

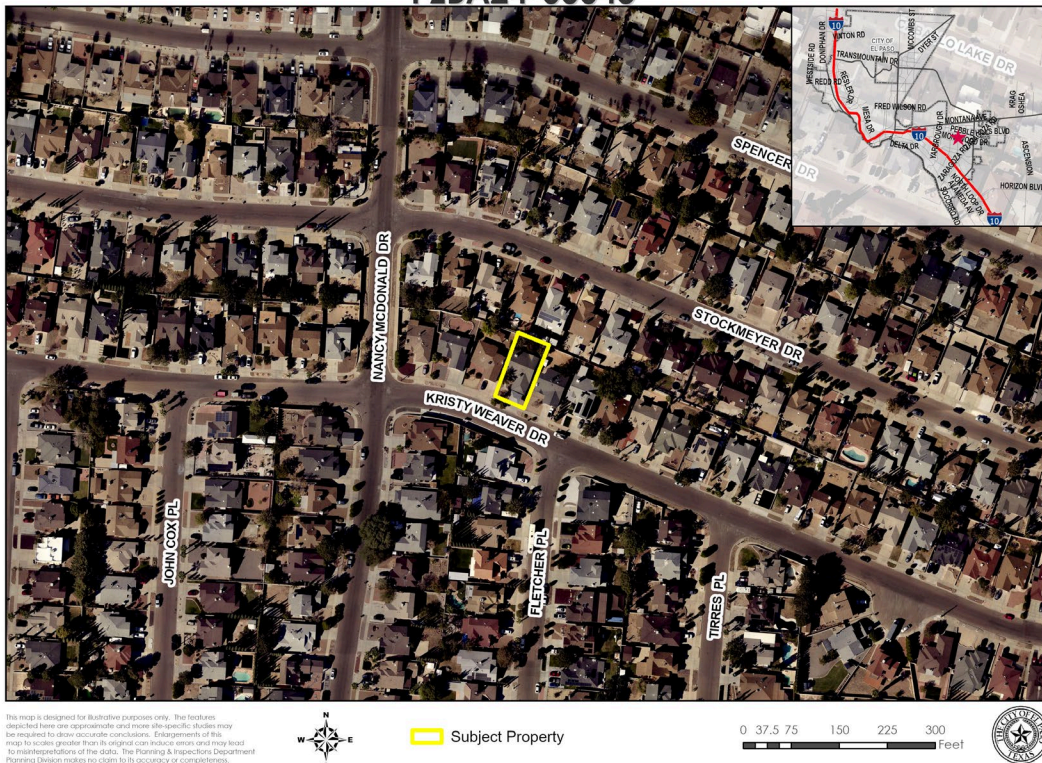


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport, which extends 16 feet into the required front yard setback for 300 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 20 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.

On July 22, 2024, Zoning Board of Adjustment approved of the special exception request. This case needs to be reconsidered due to inconsistencies regarding the required front yard setback and provided information that the ZBA considered on their decision.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	4 feet
Rear	25 feet	25 feet
Cumulative Front & Rear	45 feet	29 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 originally sent on July 10, 2024 to all property owners within 300 feet of the subject property. Public notice was re-sent on September 5, 2024 to all property owners within 300 feet of the subject property for reconsideration. The Planning Division has not received any communications in support or opposition to the special exception request.

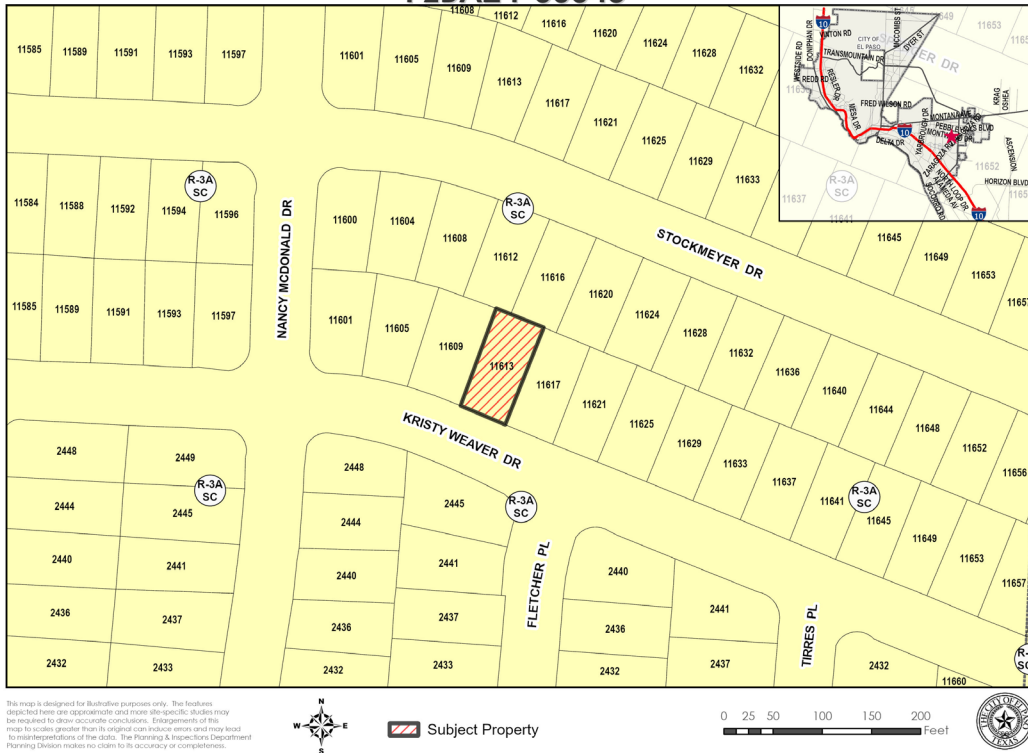
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

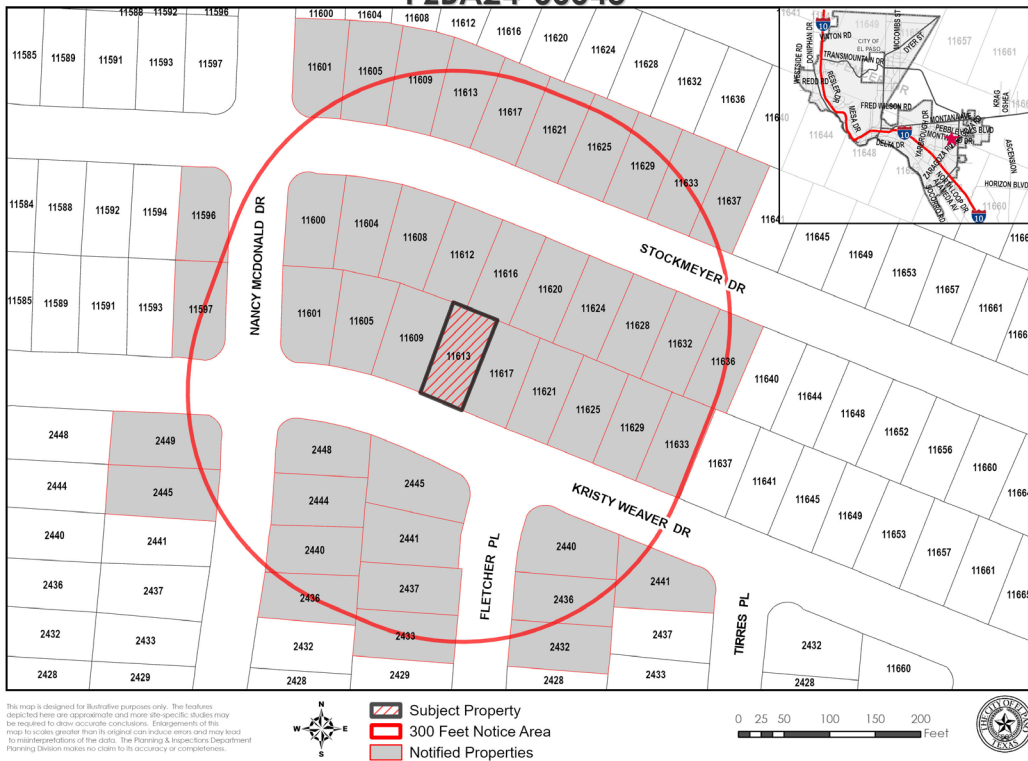
ZONING MAP

PZBA24-00043

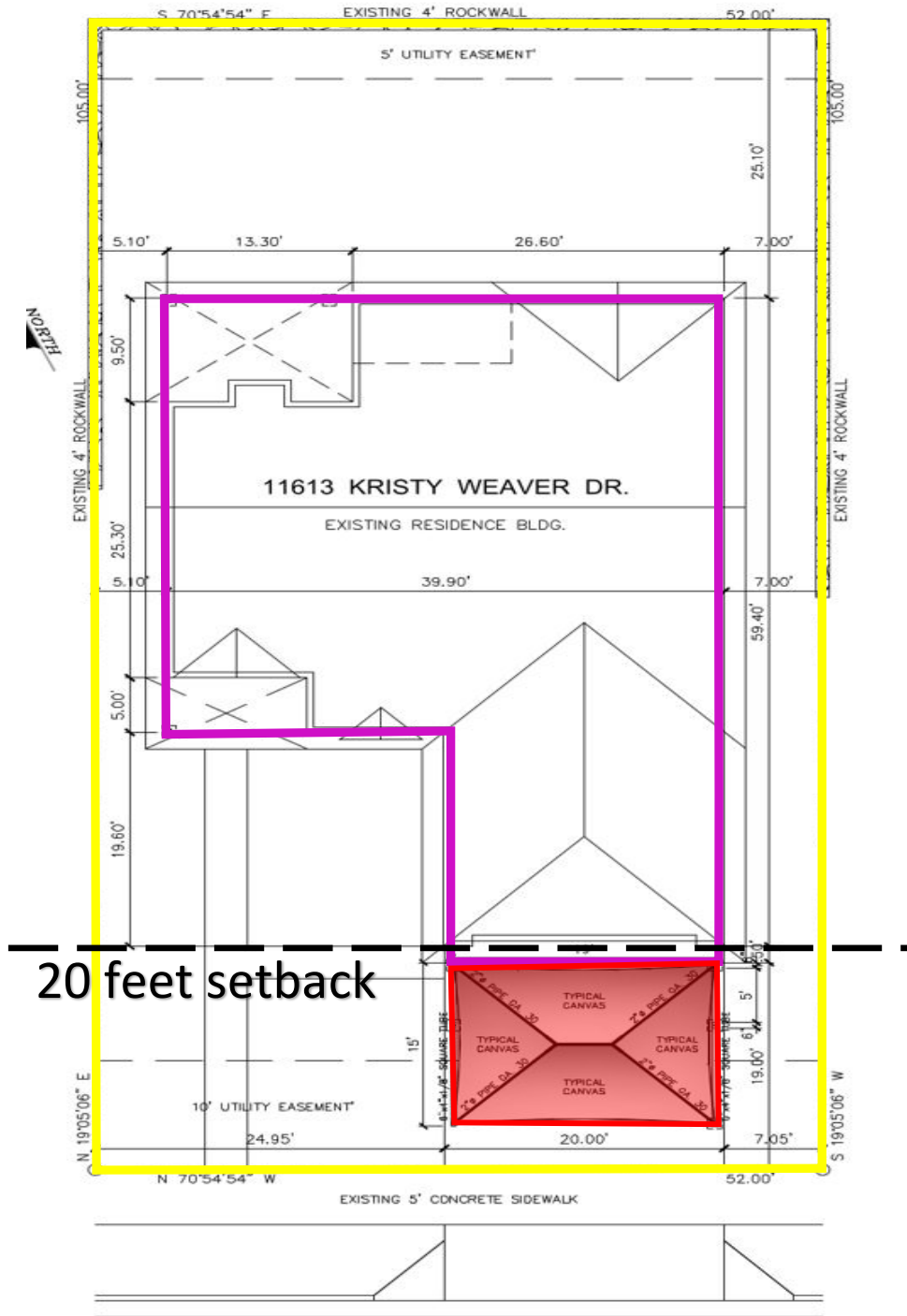


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00043



SITE PLAN

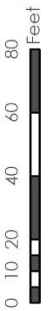
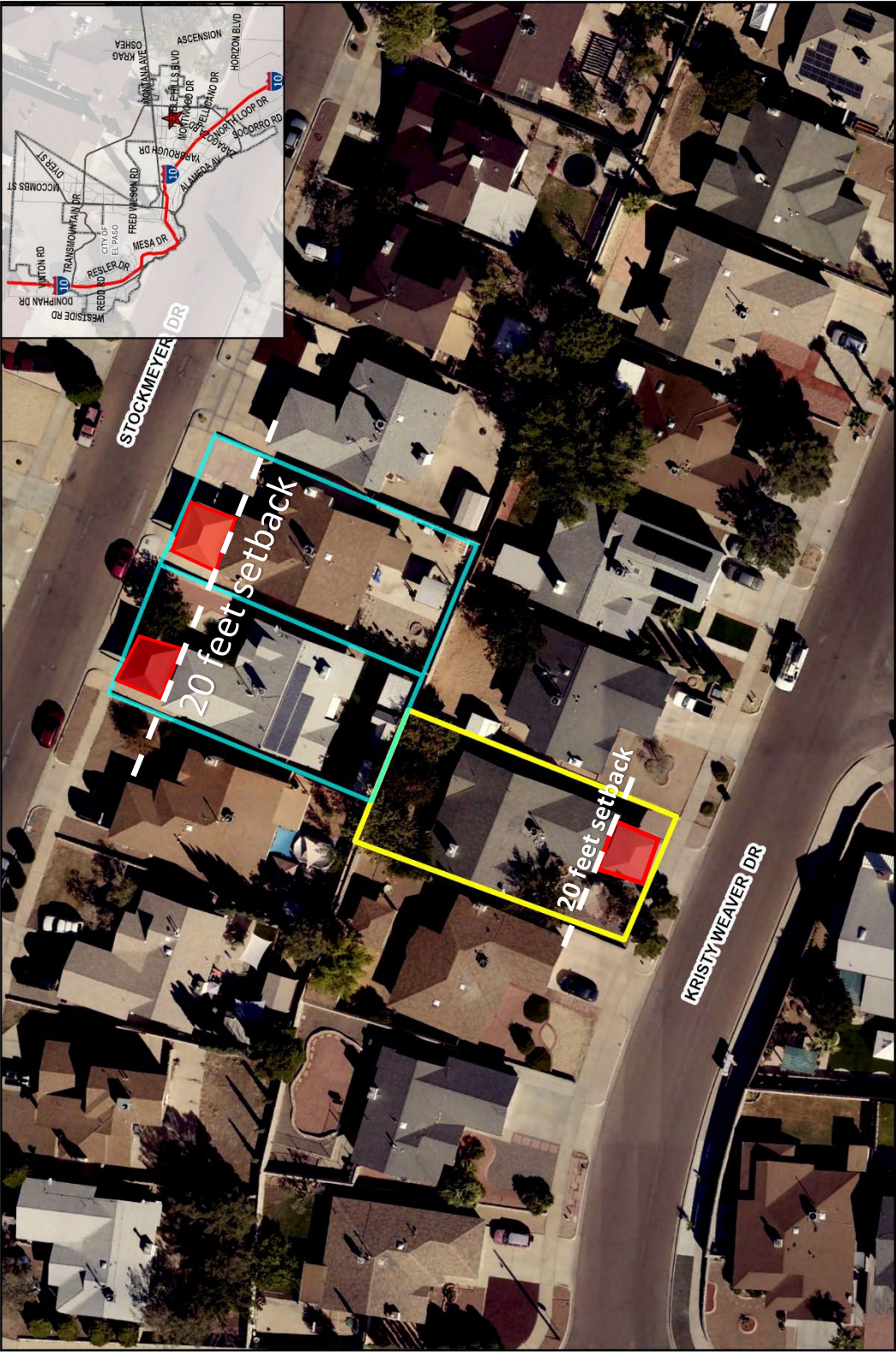


11613 KRISTY WEAVER DR.

SITE PLAN:

NONCONFORMING LOTS

PZBA24-00043



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. Enlargements 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.



Legislation Text

File #: BC-137, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

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PZBA24-00035 - Lots 15 to 17, Block 6, Mundy Heights, City of El Paso, El Paso County, Texas

ADDRESS: 1533 Upson Dr.

APPLICANT: Paul D. Cicala

REPRESENTATIVE: Jose G. Flores

REQUEST: Variance from Section 20.10.030 and Section 20.12.020

DISTRICT: 8

ZIPCODE: 79902

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

1533 Upson

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00035
CASE MANAGER: Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
PROPERTY OWNER: Paul Cicala
REPRESENTATIVE: Jose G. Flores
LOCATION: 1533 Upson Dr. (District 8)
ZONING: R-4/H (Residential/Historic)
REQUEST: Variance from Section 20.10.030 and Section 20.12.020
PUBLIC INPUT: None received as of September 12, 2024

SUMMARY OF REQUEST: Applicant requests a Variance under Section 2.16.030 to allow to legalize the encroachment of an existing detached ADU (Accessory Dwelling Unit) and deck into the required 10-foot side street setback required per El Paso City Code Section 20.12.020 and into the required 60-foot front setback required per El Paso City Code Section 20.10.030 in an R-4/H (Residential/Historic) zone district.

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

PZBA24-00035

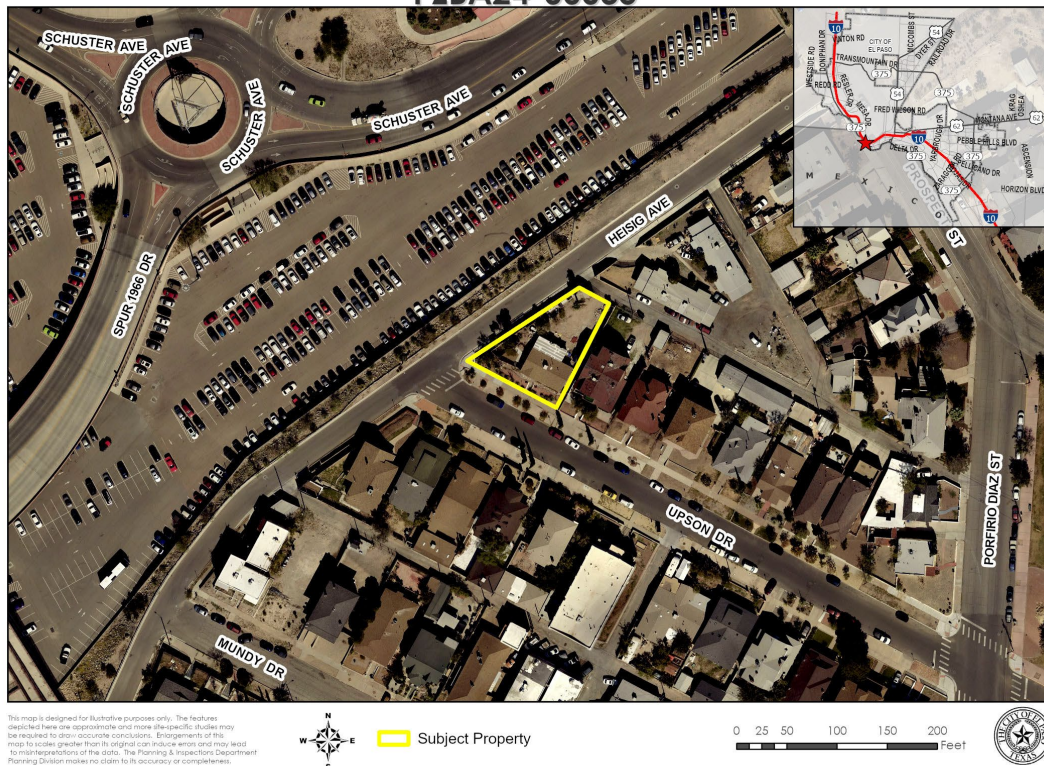


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a variance under Section 2.16.030 to allow to legalize the encroachment of an existing ADU (Accessory Dwelling Unit) and deck into the required 10- foot side street setback required per El Paso City Code Section 20.12.020 and into the required 60-foot front setback required per El Paso City Code Section 20.10.030 in an R-4/H (Residential/Historic) zone district.

BACKGROUND: The required side street setback is 10 feet in the R-4 (Residential) zoning district. The required front yard setback for accessory structures (including ADU) is 60 feet from the front property line. Per El Paso City Code Section 20.10.030, detached accessory structures located on the side of a home, shall comply with the required district setbacks and be at least 5 feet away from the main building.

The applicant requests a variance to allow the detached accessory structure to remain on the location based on an unnecessary hardship as no vision issues being are being created by encroaching into the side street setback as the property has topographical constraints as well as the addition being done to an existing underground bunker, which the improvements being located below ground at the house grade.

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.

CALCULATIONS:

	REQUIRED	REQUESTED
Side Street Setback*	10 Feet	0 Feet
Front Setback for Accessory Structures (20.10.030)*	60 Feet	12 Feet

*Regulations applicable to accessory structures

ANALYSIS: Staff recommends approval of the Variance request. There are special conditions inherent to the subject property that would entitle it to a Variance and would allow for the encroachment of existing ADU and deck into the required 10-foot street side setback as well as allow it to be within 12 feet for the front property line. It is further found that the hardship is inherent to the property and to the existing construction being underground.

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. Property is on higher ground than finished road. The existing structure and new construction added are located partially underground mostly visible due to the elevation difference between the property and the finished street.
2. Would a literal enforcement of the ordinance create an unnecessary hardship?	Yes. Given the structure being located partially underground, literal enforcement of the ordinance would require the removal of such existing structure in addition to removal of existing added construction, creating a hardship to the property owner.

3. Is the variance consistent with public interest?	Yes. The request does not harm the public interest nor inhibits public safety of neighboring residents. Moreover, existing construction and modifications will require review and approval of the Historic Landmark Commission.
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?	Yes. The property will be allowed to keep the construction of an existing underground structure to include the existing illegal construction added to it.

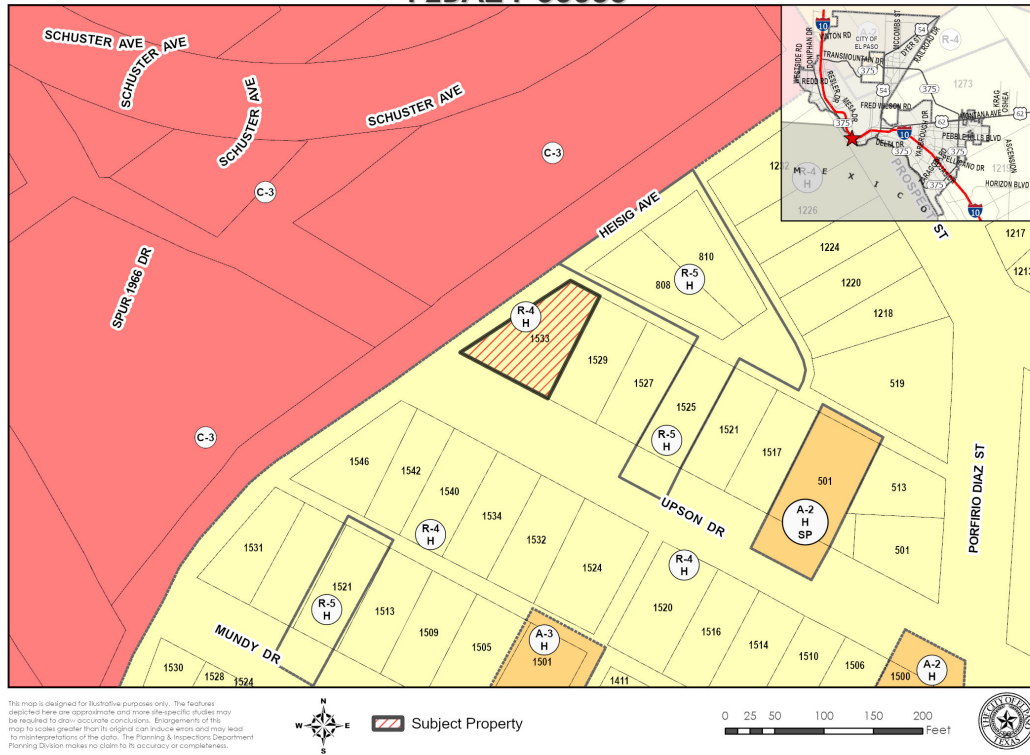
PUBLIC COMMENT: Public notice was sent on September, 5, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

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.

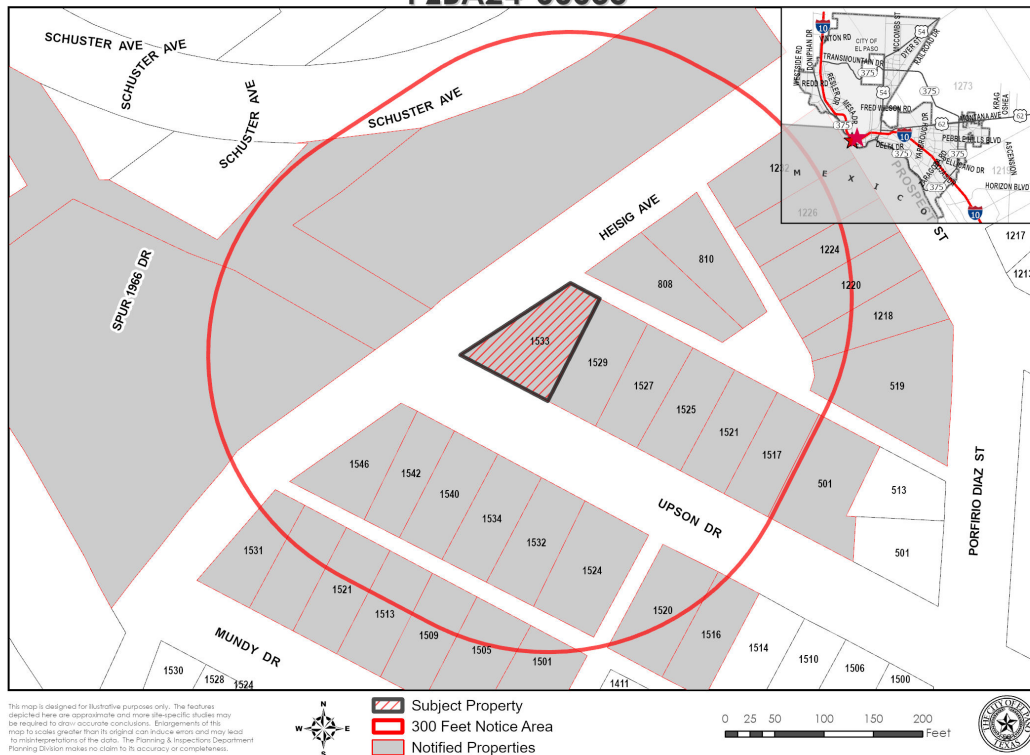
ZONING MAP

PZBA24-00035

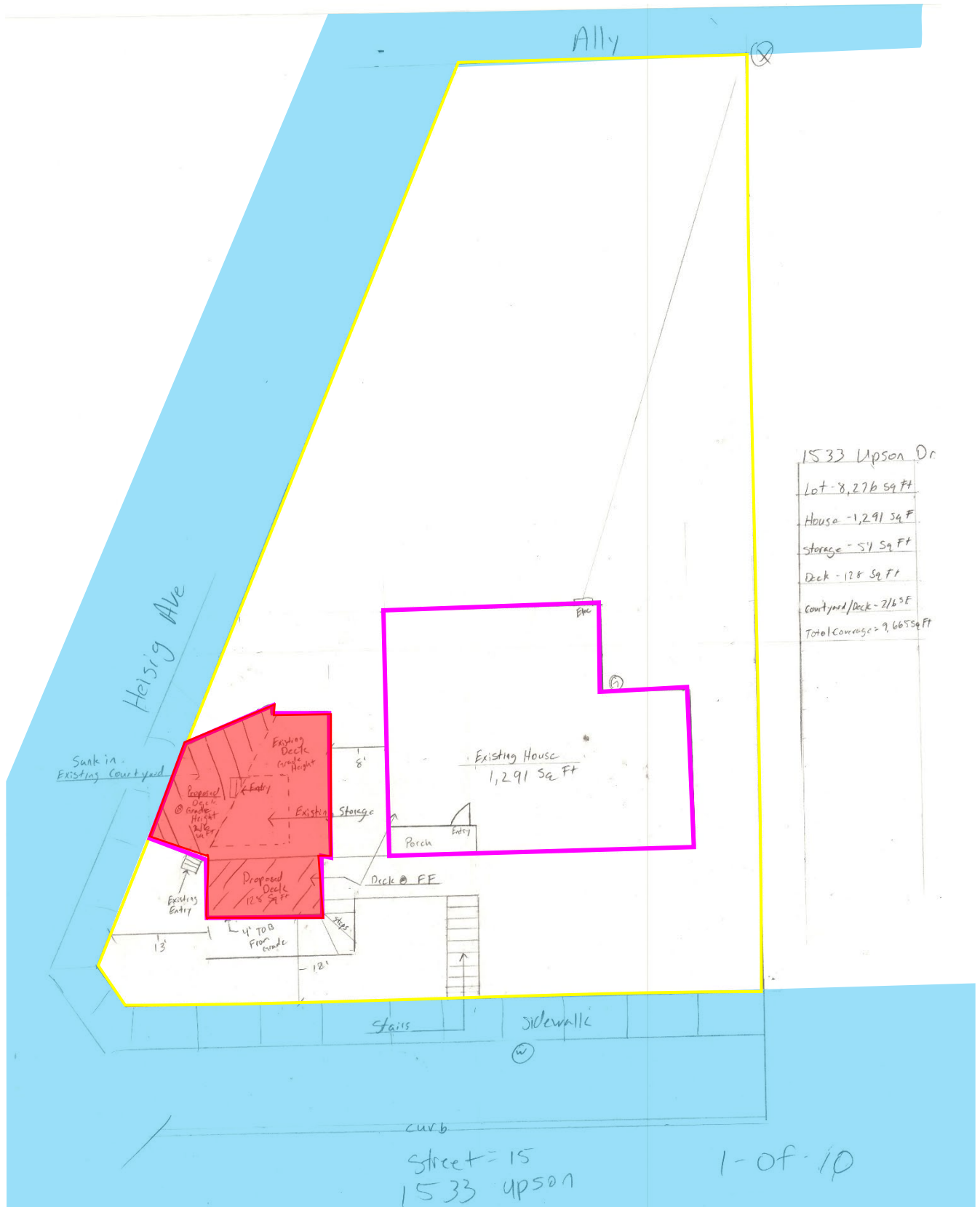


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00035



SITE PLAN



PICTURES







Legislation Text

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PZBA24-00038 - Lot 16, Block 1, Clardy Fox, City of El Paso, El Paso County, Texas

ADDRESS: 720 S. Concepcion St.

APPLICANT: Maria Guadalupe Munoz

REPRESENTATIVE: Manny Aranda

REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception F (Side Street Yard Setback)

DISTRICT: 2

ZIPCODE: 79905

STAFF CONTACT: Saul J. G. Pina, (915) 212-1612; PinaSJ@elpasotexas.gov

720 S. Concepcion

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00038
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Maria Guadalupe Muñoz
REPRESENTATIVE: Manny Aranda
LOCATION: 720 S. Concepcion St. (District 2)
ZONING: R-5 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception F (Side Street Yard Setback)
PUBLIC INPUT: One (1) call in support as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 F (Side Street Yard Setback) to permit a proposed home addition and to legalize the side portion of an existing carport in the R-5 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception requests. The requested side encroachment is equal to the side encroachments already present on at least two other neighboring properties. Additionally, the requested rear encroachment is less than the rear encroachments already present on at least two other neighboring properties. The requested side street yard setback encroachment is 50% of the required yard setback.

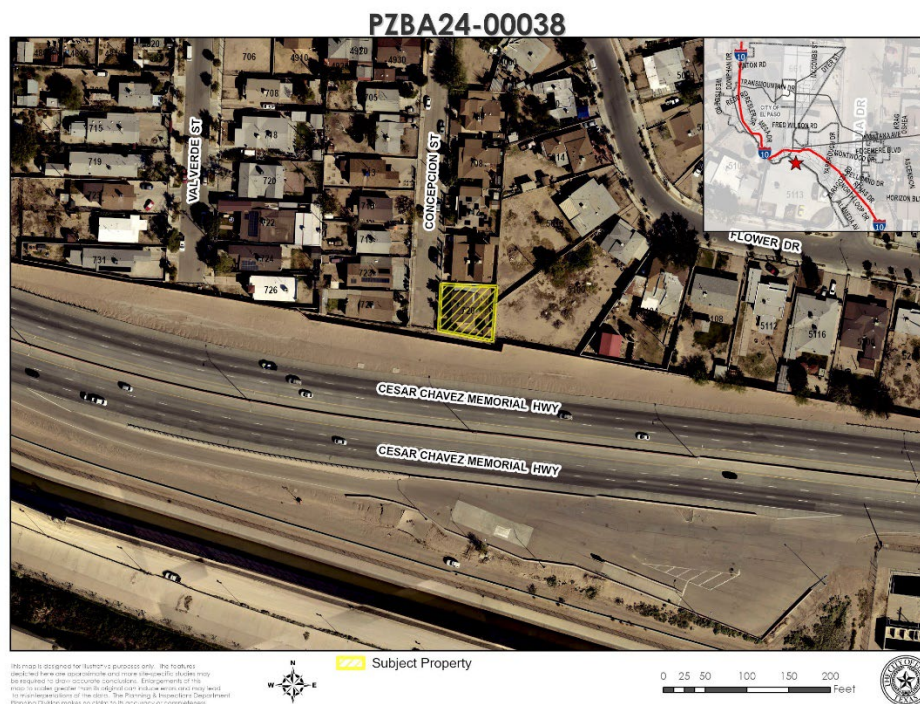


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting two (2) special exceptions to permit a proposed 487 square foot home addition, of which extends 12.34 feet into the required 29.67-foot rear yard setback and 5 feet into the required 10-foot side street yard setback, and to allow to legalize a 346 square foot carport, of which extends all the way into the required 5-foot side yard setback. The total encroachment area will be 637 square feet.

BACKGROUND: The minimum rear and side street setbacks are 10 feet and the minimum side setback is 5 feet. The required rear setback is 29.67 feet to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zoning district. The main residence was built approximately in 1950, with current owner residing in the property for 25 years at most. No adverse comments were received by TxDOT.

Per Special Exception B, two other nonconforming properties have been identified. 712 S. Concepcion Street has attached structures and part of the home, encroaching onto the side and rear yard setbacks with a total area of 925.31 square feet. Similarly, 716 S. Concepcion Street has attached structures, encroaching onto the side and rear yard setbacks with a total area of 1,457.12 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	15.33 feet	No change
Rear	29.67 feet	18.42 feet
Cumulative Front & Rear	45 feet	33.75 feet
Side (West)	5 feet	0 feet
Side (East)	10 feet	5 feet
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Encroachment	5 feet	5' (1/2 X 10' required side street yard setback)
Requested Encroachment	5 feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

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

Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that 712 and 716 S. Concepcion Street, are two non-conforming properties that have side and rear yard encroachments that are less conforming than those from 720 S. Concepcion Street.
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. 712 and 716 S. Concepcion Street, have encroachments that extend into the rear and side setbacks. Both of these properties have home portions and attached accessory structures encroaching into their 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	Yes. Only applicable lots are being considered.

used in determining the nonconforming lot restrictions of this special exception.	
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COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.F CRITERIA

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

Modify district side street yard requirements where the following conditions are met:

Criteria	Does the Request Comply?
1. The proposed modification does not exceed fifty percent of the required side street yard setback requirement;	Yes. The request is to encroach 5 feet from the required 10-foot side street yard setback. This encroachment is equal to fifty percent (50%) of the required side street yard setback.
2. The minimum front and rear yard setbacks shall not be reduced;	Yes. The minimum front and rear yard setbacks are not being reduced.
3. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer.	Yes. The Traffic Engineer has reviewed the request, and has provided written comments.

PUBLIC COMMENT: Public notice was sent on September 6, 2024 to all property owners within 300 feet of the subject property. The Planning Division received one (1) call in support of the special exception requests.

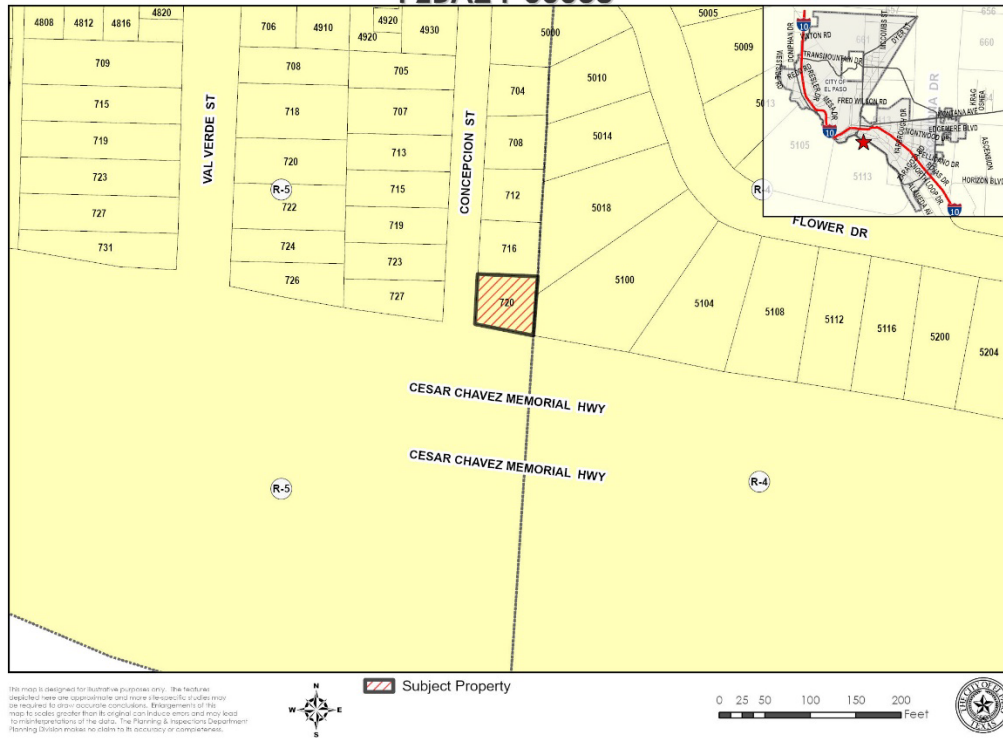
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

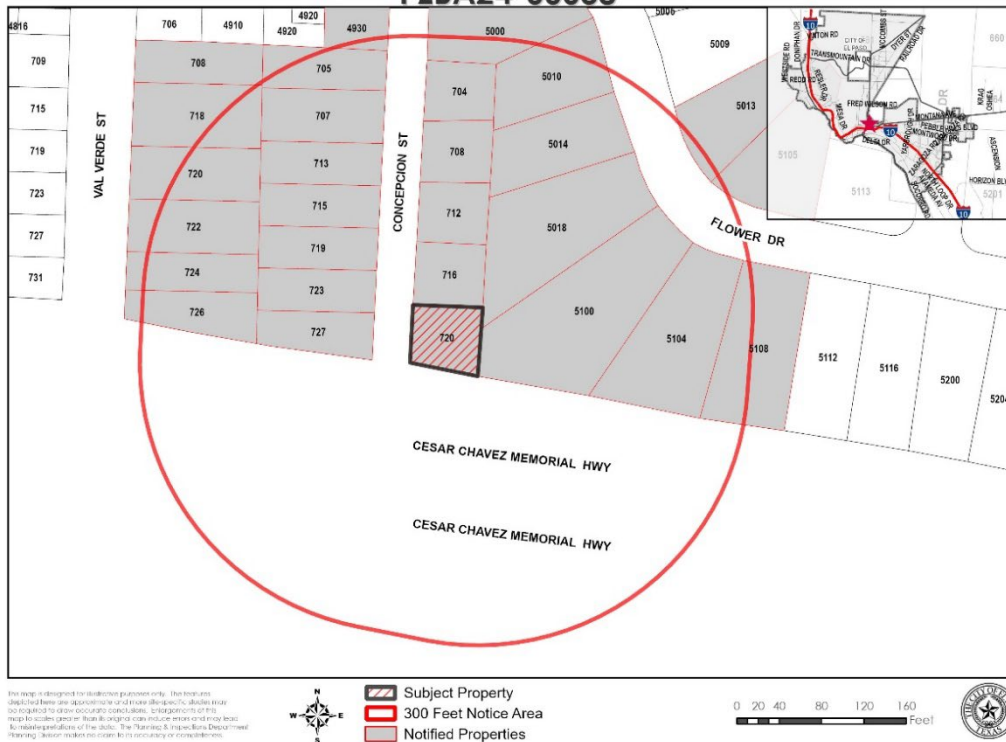
ZONING MAP

PZBA24-00038



NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00038



[illegible]

EXISTING HOME = 879 SQ.FT.
EXISTING COVERED PATIO = 346 SQ. FT.
NEW ADDITION = 487 SQ. FT

SCALE: 3/16" = 1'-0"



NONCONFORMING LOTS



NONCONFORMING LOT 1



NONCONFORMING LOT 2



INPUT

From: [Martin Sotelo](#)
To: [Pina, Saul J.](#)
Subject: RE: Zoning Board of Adjustment Application (PZBA24-00038 - 720 Concepcion)
Date: Wednesday, August 28, 2024 2:11:14 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Hello sir,

No comments on the files provided.

Martin

From: Pina, Saul J. <PinaSJ@elpasotexas.gov>
Sent: Wednesday, August 28, 2024 2:02 PM
To: Martin Sotelo <Martin.Sotelo@txdot.gov>
Subject: Zoning Board of Adjustment Application (PZBA24-00038 - 720 Concepcion)

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Martin,

Could you please provide your comments on this Zoning Board of Adjustment case by **tomorrow** at the latest? I have attached a few documents for your review.

Thank you,

Saul J. G. Pina | Planner
P: 915.212.1612
A: 801 Texas Ave, El Paso, TX 79901
E: PinaSJ@elpasotexas.gov
ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso



Legislation Text

File #: BC-133, **Version:** 1

**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".

PZBA24-00056 - Lot 1, Block 1, Ardelle Subdivision, City of El Paso, El Paso County, Texas

ADDRESS: 11313 Ardelle Ave.

APPLICANT: Kid Motors

REPRESENTATIVE: Denise Vedder

REQUEST: Special Exception G (Builder Error)

DISTRICT: 6

ZIPCODE: 79936

STAFF CONTACT: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov

11313 Ardelle

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00056
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Kid Motors
REPRESENTATIVE: Denise Vedder
LOCATION: 11313 Ardelle Ave. (District 6)
ZONING: R-4/c (Residential/conditions)
REQUEST: Special Exception G (Builder Error)
PUBLIC INPUT: None received as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) for a front and rear yard setbacks encroachment to legalize an existing portion of the structure in an R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Pending.

PZBA24-00056

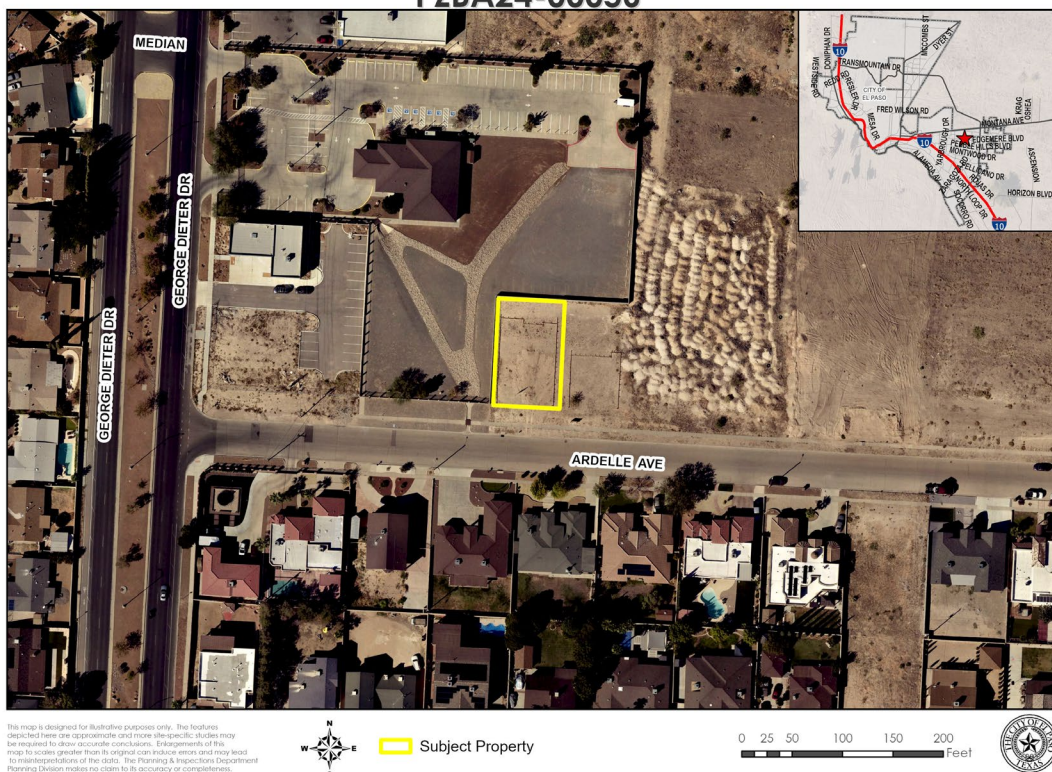


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing portion of the structure, of which extends 1.76 feet into the front yard setback of which 147.60 square feet encroach into the front yard setback. Additionally, an existing portion of structure, of which extends 1.49 feet into the rear yard setback of which 221.66 square feet encroach into the rear yard setback.

BACKGROUND: The minimum rear yard setback is 25 feet in the R-4 (Residential) zone district. The required rear yard setback for the subject property is 23.50 feet to meet the cumulative front and rear yard setback of 45 feet in the R-4 (Residential) zone district.

Per Section 20.12.040 - Yards in the City Code, open, unenclosed porches that do not exceed one hundred eighty square feet in area may extend twelve feet into a required rear yard. The existing porch area is to be decreased to comply.

The Building Company is Innovated Custom Homes LLC; the contractor is ZTEX Construction; the owner is Kid Motors Inc. This request for builder error is the building company's first request in the last 12 months, the contractor's first request in the last 12 months, and the owner's first request in the last 12 months. The owner has stated that the error causing the encroachment was inadvertent and not intentional.

The single-family dwelling is currently under construction. The final inspection for the structure is pending due to the builder error.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	21.5 feet	19.74 feet
Rear	23.5 feet	15.92 feet
Cumulative Front & Rear	45 feet	35.66 feet
Side (Left)	5 feet	No Change
Side (Right)	5feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Encroachment	2.2 feet And 3.53 feet	Greater of 1' or 2.2' (10% of 21.5' required front yard setback) and Greater of 1' or 3.53' (15% of 23.5' required rear yard setback)
Requested Encroachment	1.76 foot And 1.49 feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.G CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.G to:
Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;	Yes. The request is for 1.76 feet out of the required 21.5 feet, which is less than ten percent (10%)/one foot (1') of the required front yard setback.
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater;	No. Encroachment is not into the side or side street yard setback.

3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;	Yes. The request is for 1.49 feet out of the required 23.5 feet, which is less than fifteen percent (15%)/one foot (1') of the required rear yard setback.
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional;	Yes. The owner has stated that the error causing the encroachment was inadvertent and not intentional.
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period.	Yes. The request is the first for the builder, the first for the contractor, and the first for the owner in a twelve-month period.

PUBLIC COMMENT: Public notice was sent on September 6, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

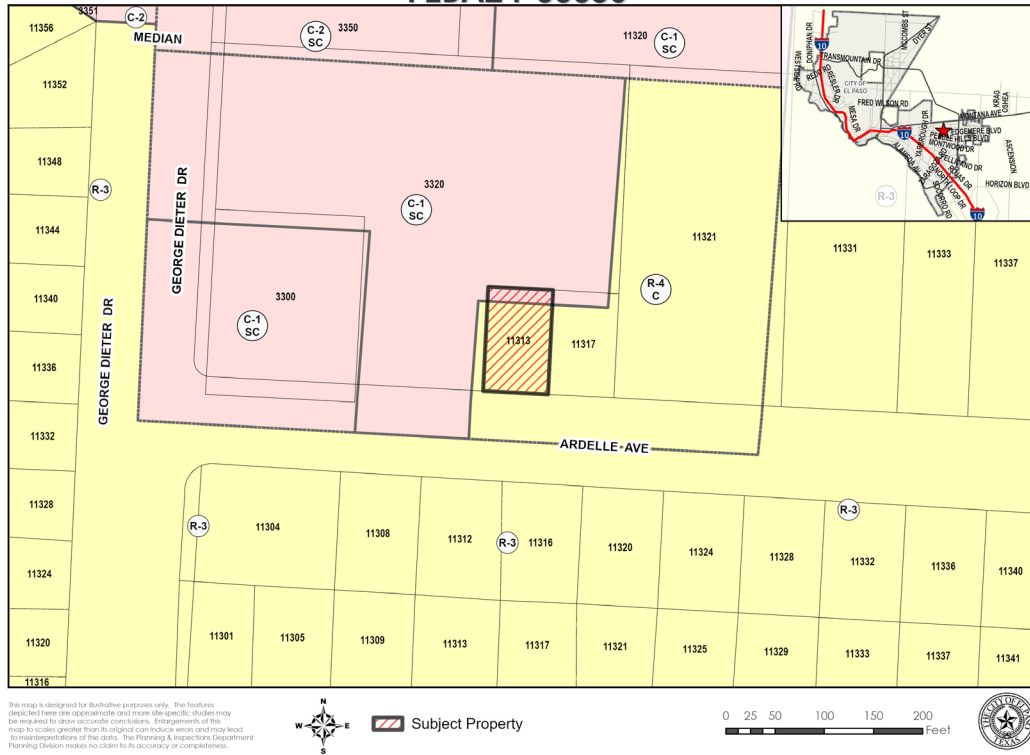
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.
2. **Approval with Modifications** of the special exception request to bring the request into conformance as provided in El Paso City Code Titles 2 and 20 as the board deems appropriate. **(Staff Recommendation)**
3. **Denial** of the special exception request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

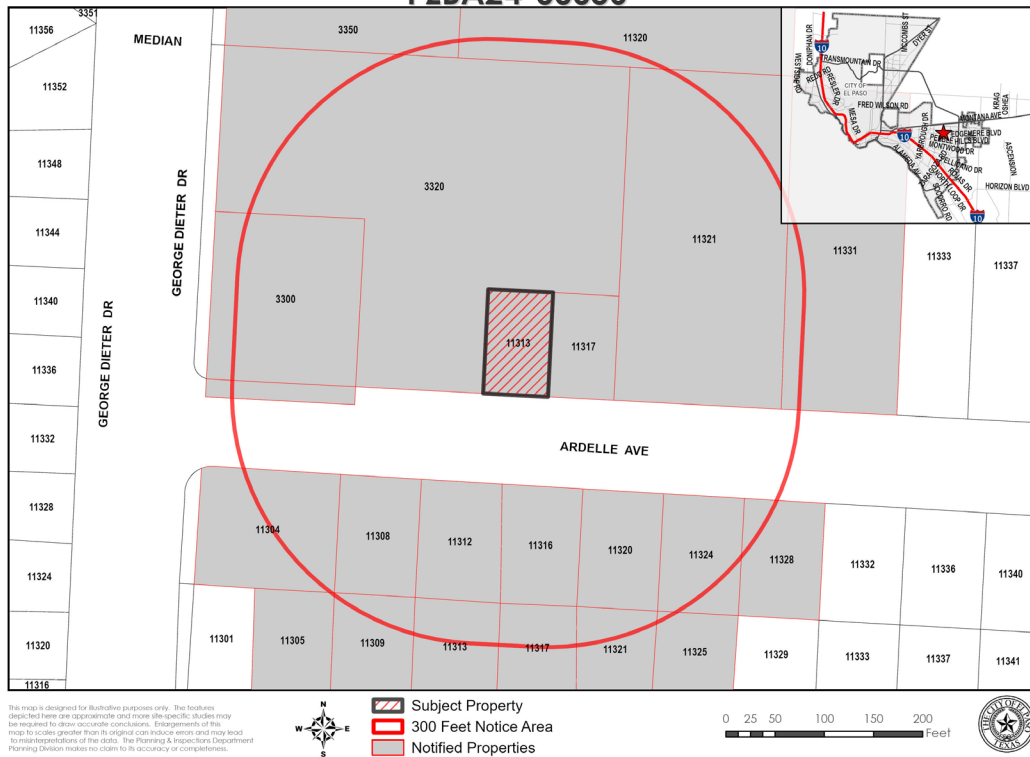
ZONING MAP

PZBA24-00056

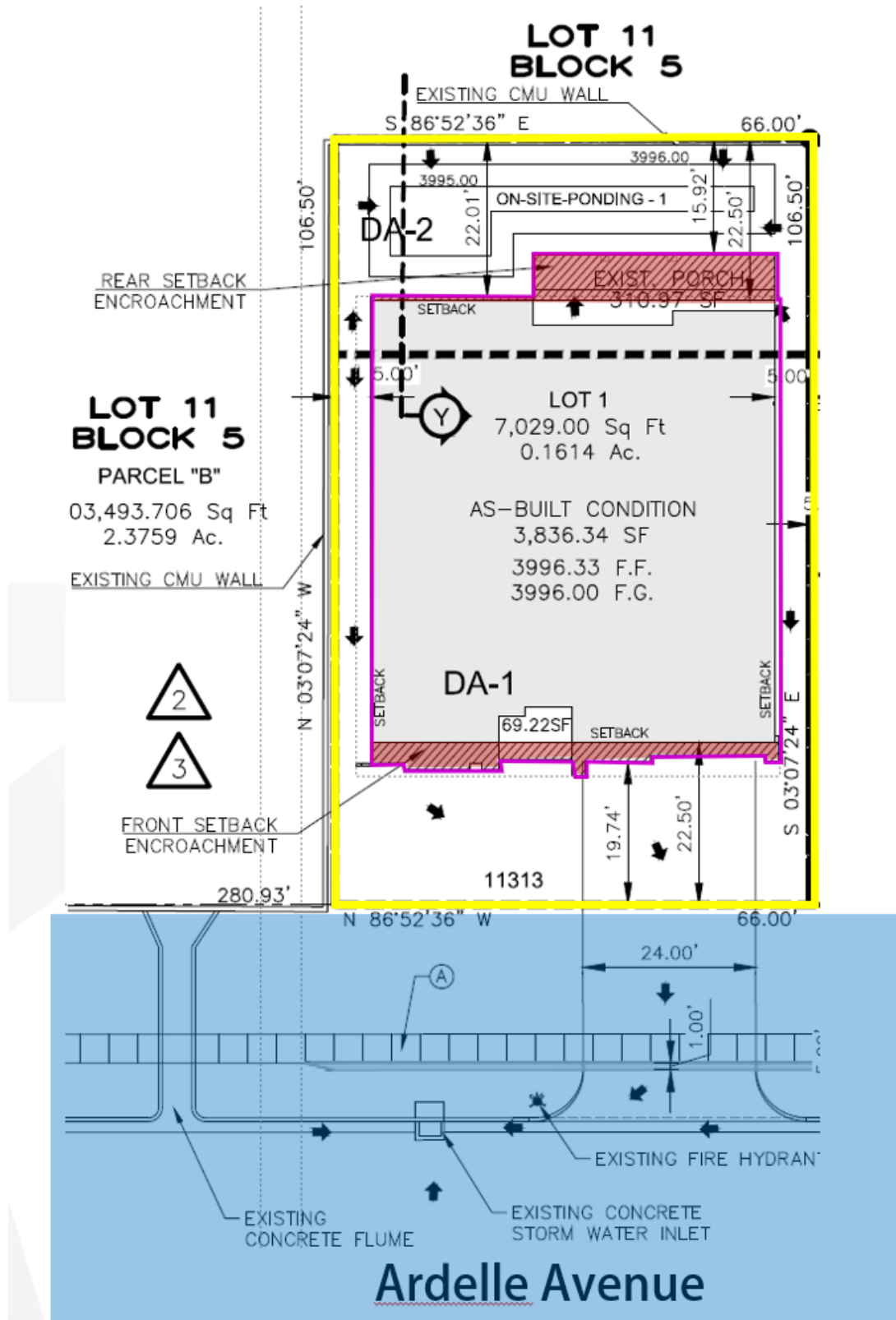


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00056



SITE PLAN





Legislation Text

File #: BC-134, Version: 1

**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".

PZBA24-00058 - Lot 22, Block 32, Bel-Air Estates, City of El Paso, El Paso County, Texas

ADDRESS: 7954 Saggita Ct.

APPLICANT: Maria Beatriz Reyes

REPRESENTATIVE: Ricardo Ojeda

REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)

DISTRICT: 7

ZIPCODE: 79907

STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

7954 Sagitta Court

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00058
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Maria Beatriz Reyes
REPRESENTATIVE: Ricardo Ojeda
LOCATION: 7954 Sagitta (District 7)
ZONING: R-5 (Residential)
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT: None received as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit a proposed home addition that will encroach into the required rear setback in an R-5 (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.

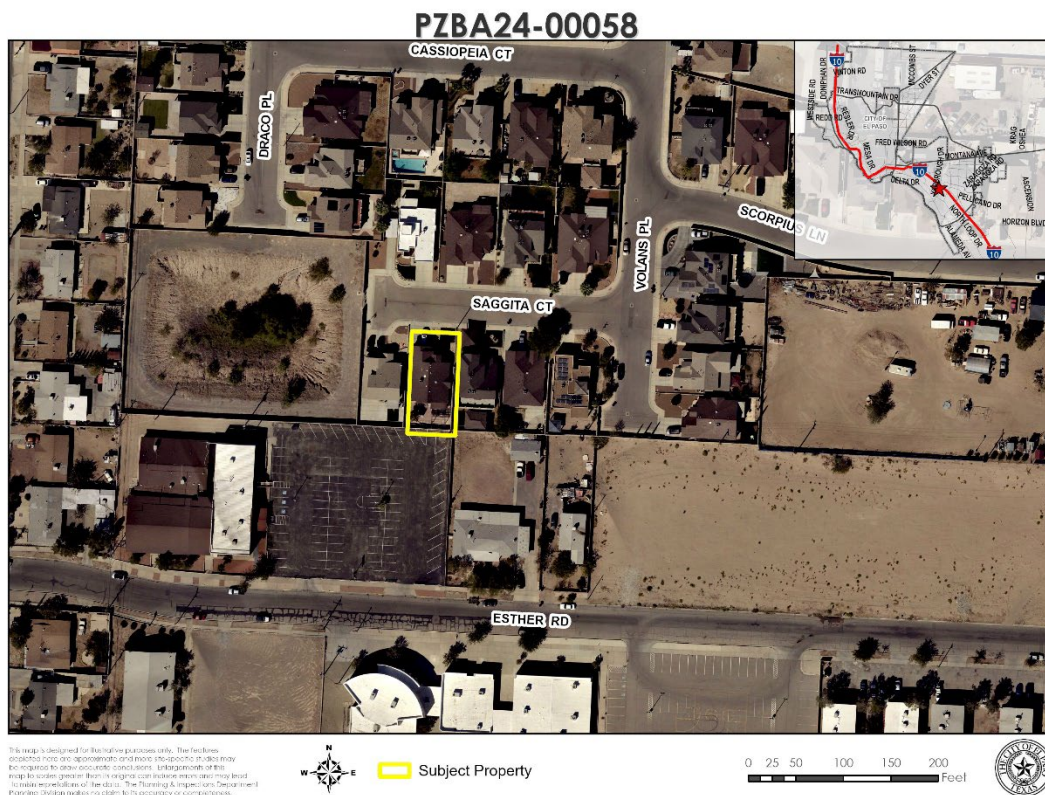


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed home addition, 2 feet and 5.5 inches of which would extend into the rear yard setback for a 57.5 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the R-5 (Residential) zone district. The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the R-5 (Residential) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	22 feet 5.5 inches
Cumulative Front & Rear	45 feet	42 feet 5.5 inches
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	250 square feet	16.6' (50' average lot width ÷ 3) X 15' (3/5 of 25' required rear yard setback)
Requested Area of Encroachment	57.5 square feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.C CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.C to:
Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, 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 maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;	Yes. The maximum permitted area of encroachment is 250 square feet, which is more than the requested area of encroachment of 57.5 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 22 feet 5.5 inches rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

PUBLIC COMMENT: Public notice was sent on September 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.

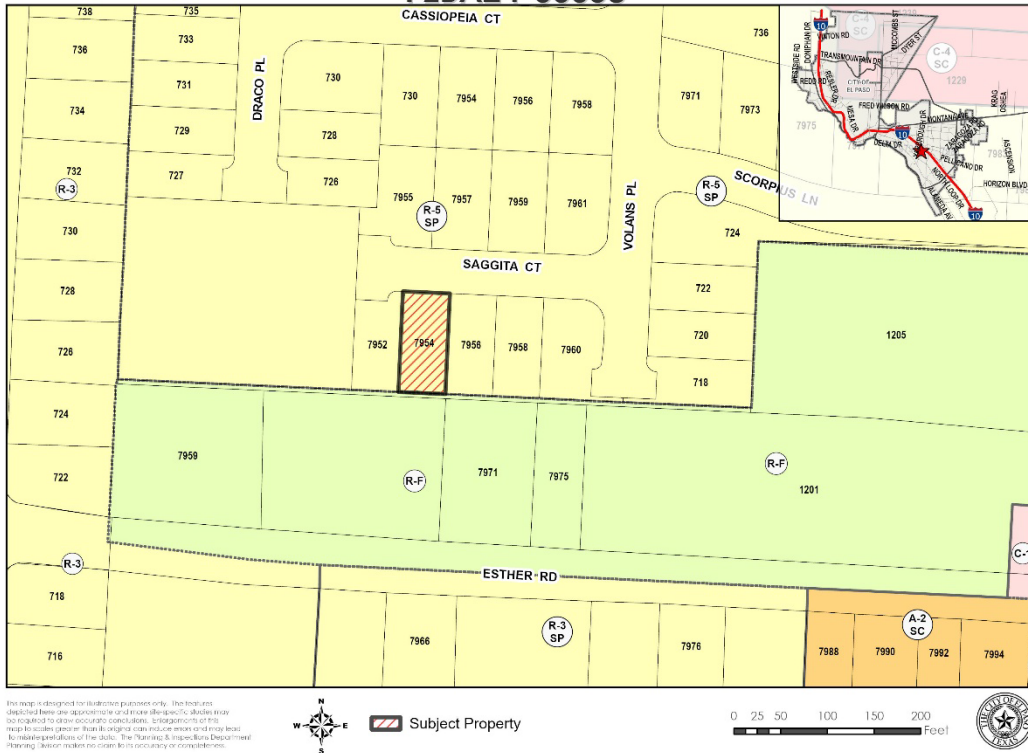
ZONING BOARD OF ADJUSTMENT OPTIONS:

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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.

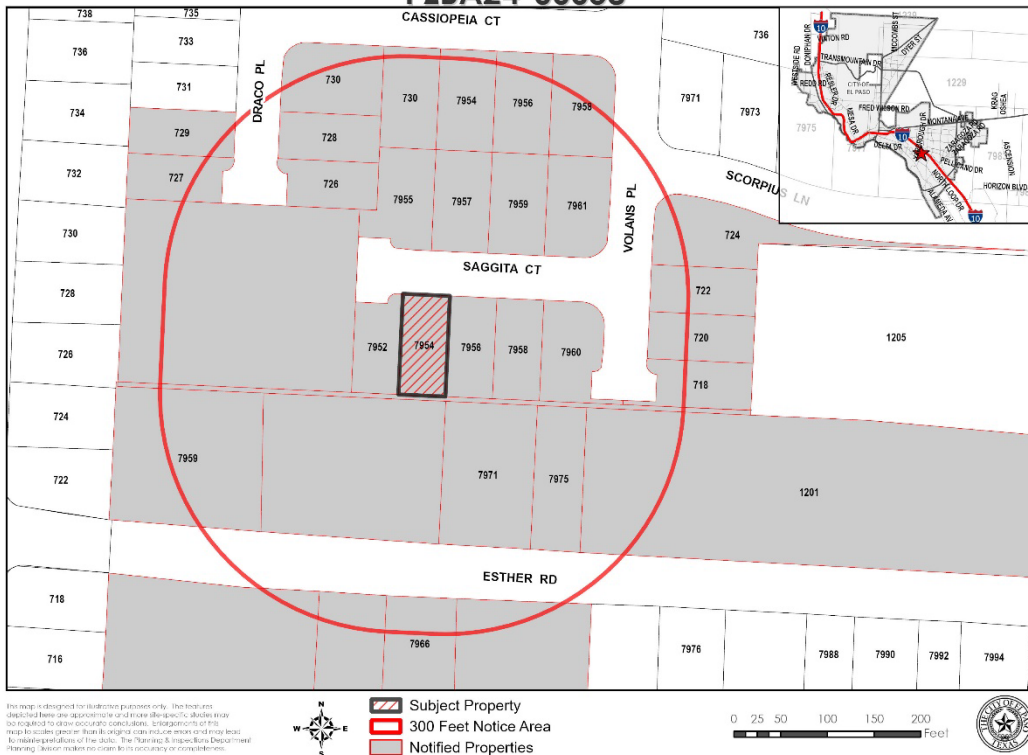
ZONING MAP

PZBA24-00058

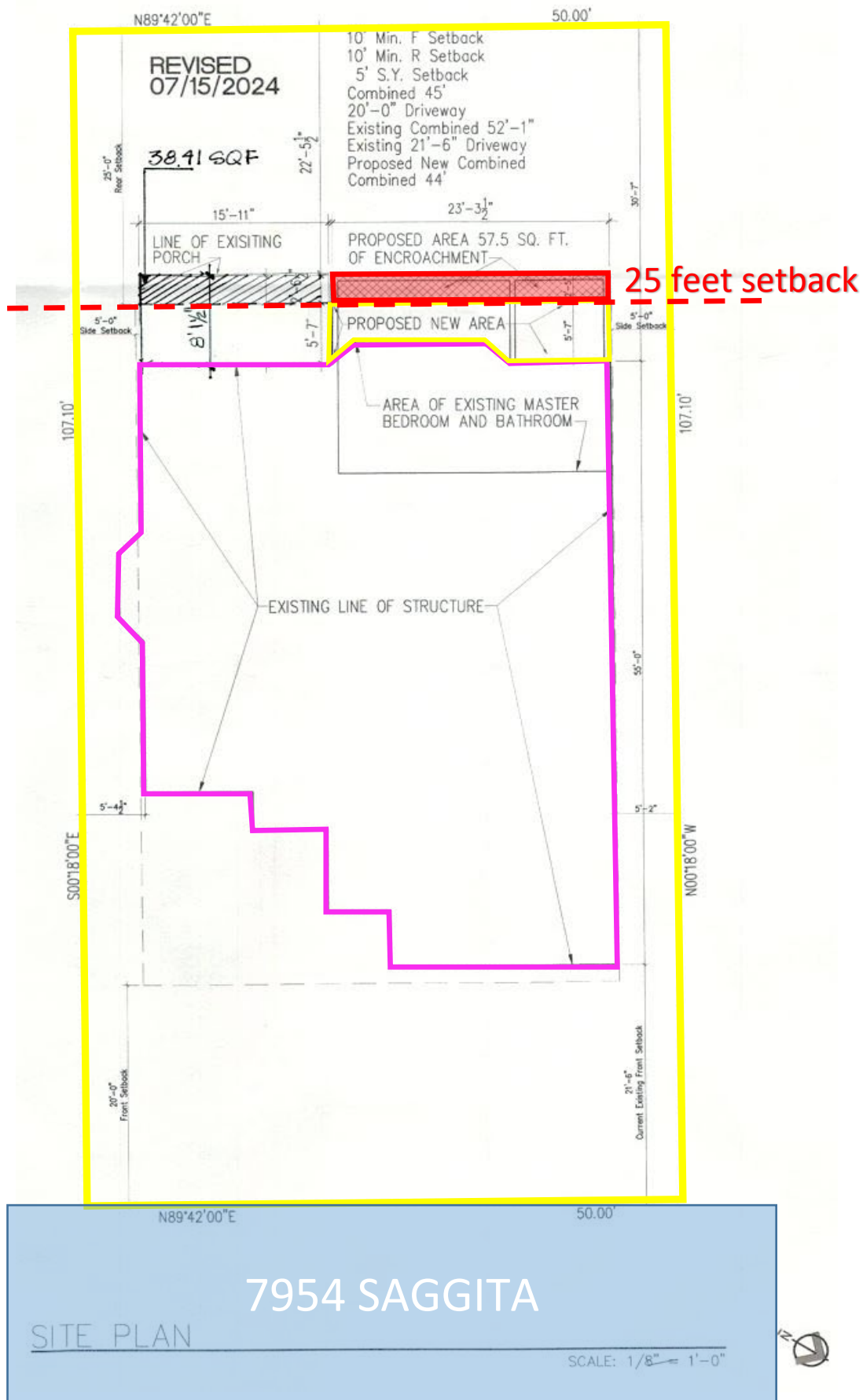


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00058



SITE PLAN





Legislation Text

File #: BC-131, Version: 1

**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".

PZBA24-00061 - Lot 39, Block 13, Sandstone Ranch Estates #5 Replat A, City of El Paso, El Paso County, Texas

ADDRESS: 5501 Mike Vane Dr.

APPLICANT: Andre Roland and Blanca C. Aragon

REPRESENTATIVE: Jose Martin Lopez

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

DISTRICT: 4

ZIPCODE: 79934

STAFF CONTACT: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov

5501 Mike Vane

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER: PZBA24-00061
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Andre Roland & Blanca C. Aragon
REPRESENTATIVE: Jose Martin Lopez
LOCATION: 5501 Mike Vane Drive. (District 4)
ZONING: R-3A (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of September 10, 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 pergola, extending into the required rear yard setback in the R-3A (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 present on at least two other neighboring properties.

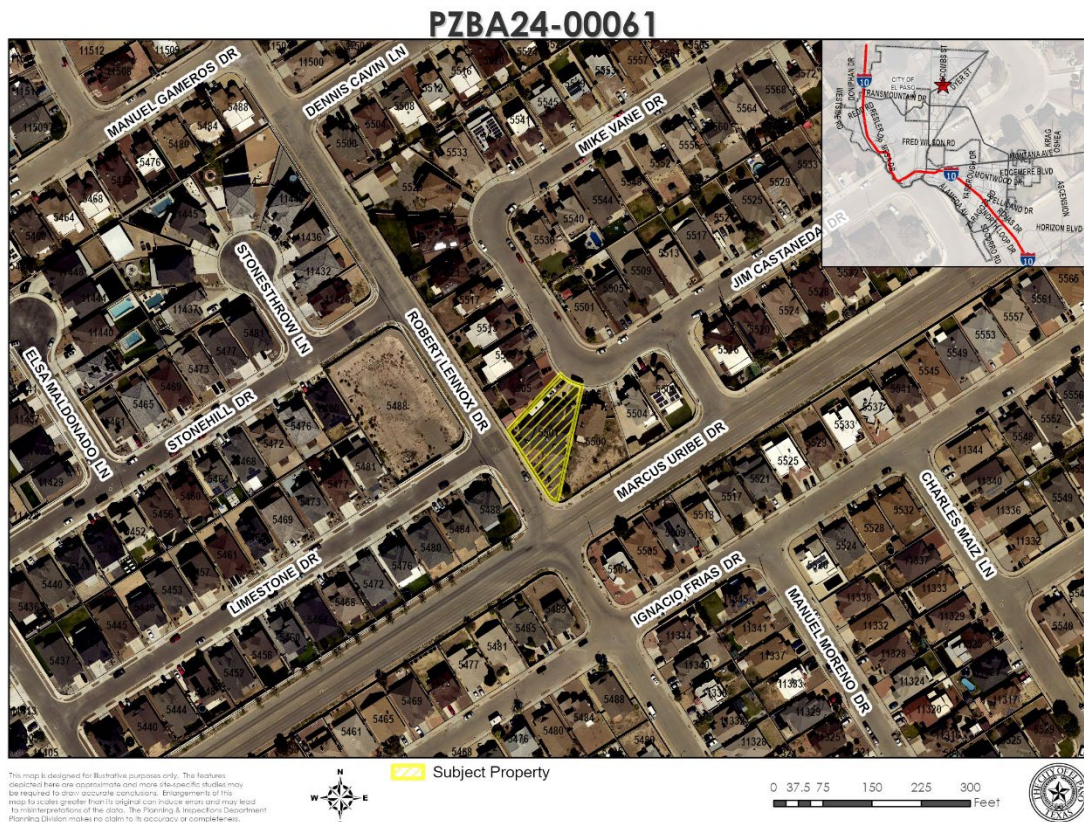


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception request to allow to legalize an existing 230 square foot pergola, of which 11.37 feet extend into the required 15-foot rear yard setback, resulting in a total encroachment of 189 square feet.

BACKGROUND: The minimum front setback is 15 feet in the R-3A (Residential) zoning district. The required rear setback is 15 feet to meet the cumulative front and rear setback of 45 feet. The main residence was built approximately in 2012, with current owners residing in the property for 12 years at most. The existing pergola was built approximately in 2012, and has an area of encroachment of 189 square feet.

Per Special Exception B, two other nonconforming properties have been identified. 5577 Mike Vane Drive has attached structures encroaching onto the rear yard setback with an area of 200.89 square feet. Similarly, 5585 Mike Vane Drive has attached structures encroaching onto the rear yard setback with an area of 286.70 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No change
Rear	15 feet	1.46 feet
Cumulative Front & Rear	45 feet	31.46 feet
Side (West)	5 feet	No change
Side (East)	10 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: <i>Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot, provided the following criteria is met:</i>	
Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that 5577 and 5585 Mike Vane Drive, are two non-conforming properties that have rear yard encroachments that are less conforming than those from 5501 Mike Vane Drive.
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. 5577 and 5585 Mike Vane Drive have encroachments that extend into the rear yard setbacks. Both of these properties have attached accessory structures encroaching into their required rear yard setback.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on September 6, 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.

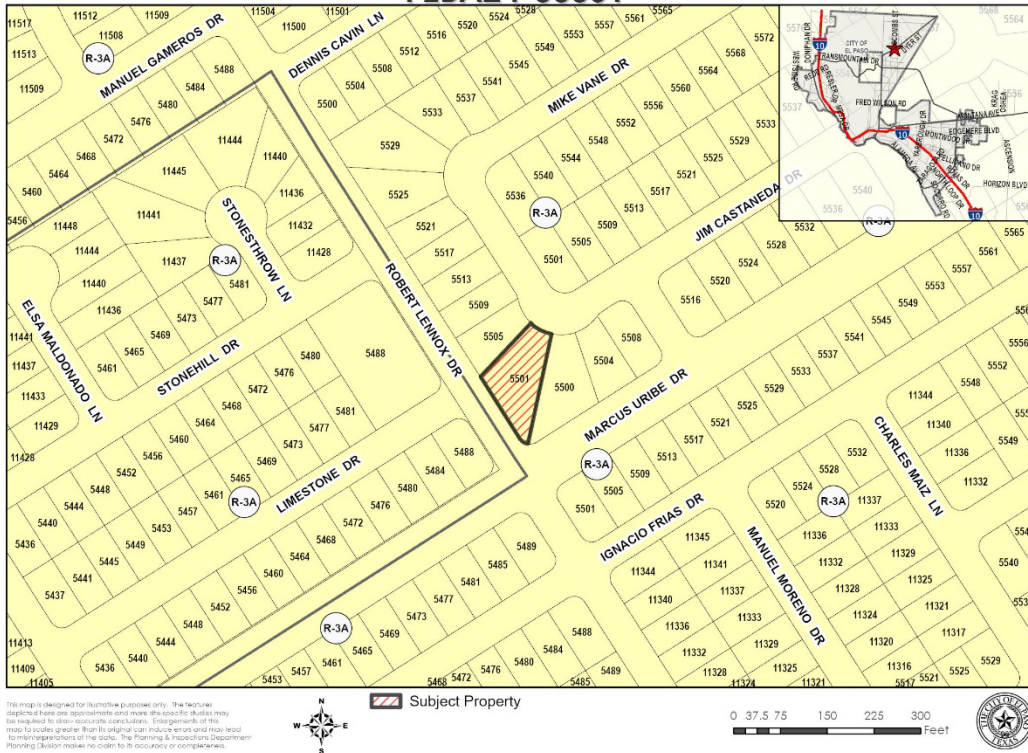
ZONING BOARD OF ADJUSTMENT OPTIONS:

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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.

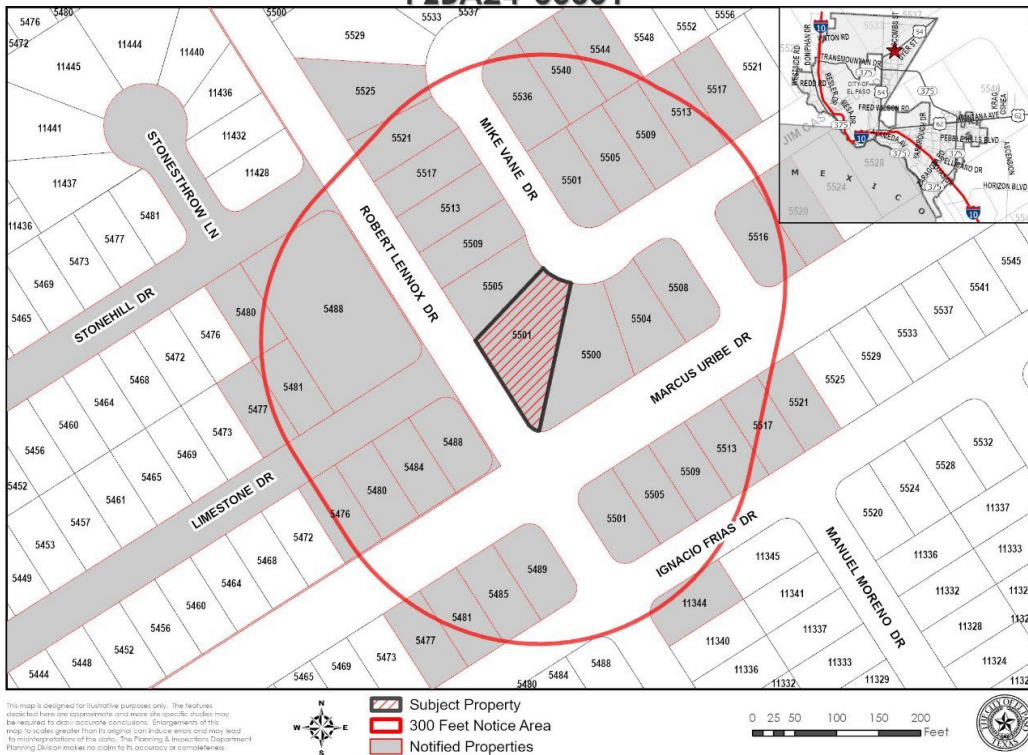
ZONING MAP

PZBA24-00061

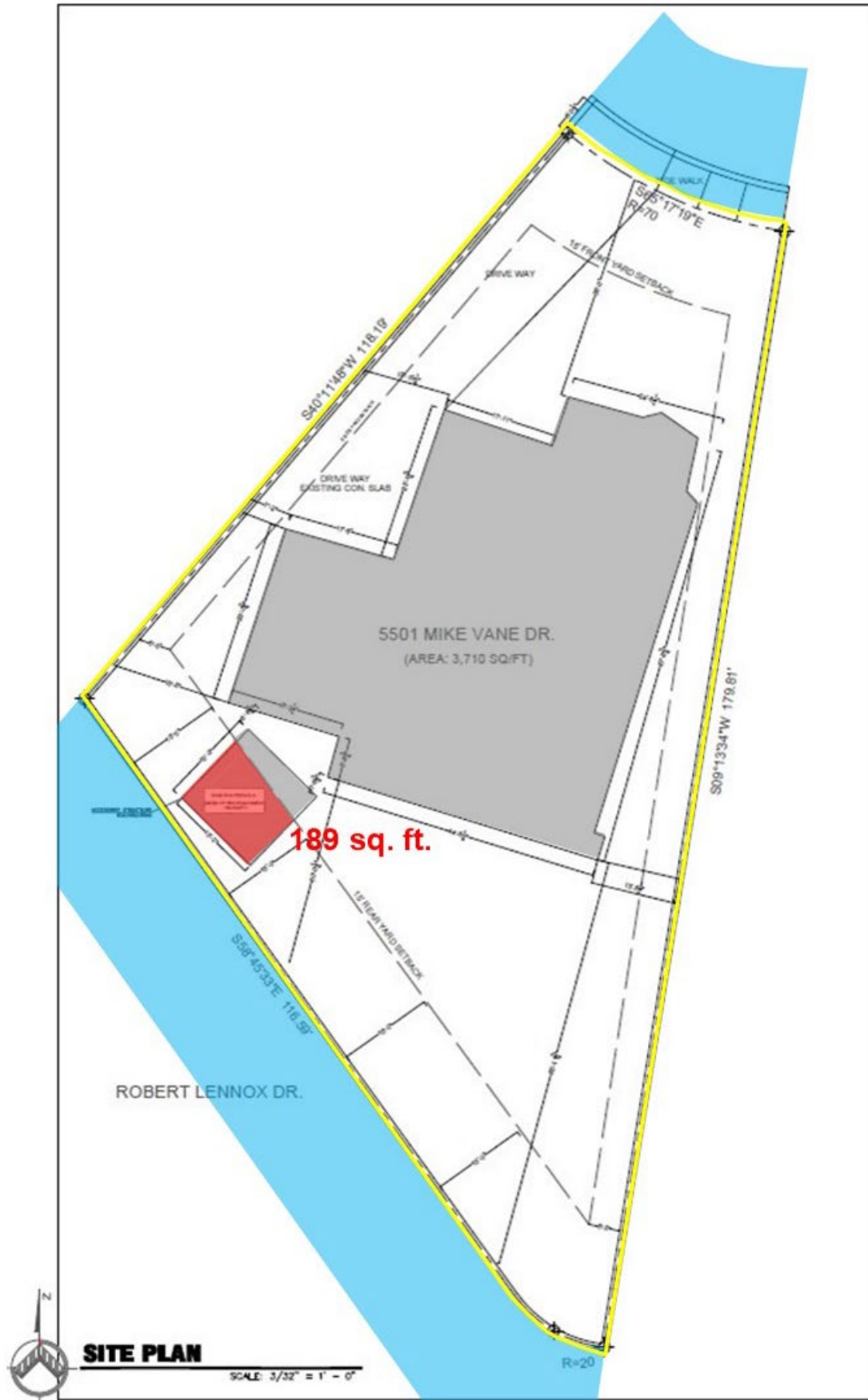


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00061



SITE PLAN



NONCONFORMING LOTS



NONCONFORMING LOT 1



NONCONFORMING LOT 2





Legislation Text

File #: BC-135, Version: 1

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

AGENDA LANGUAGE:

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PZBA24-00063 - Lot 13, Block 7, Franklin Hills #3 (Amending), City of El Paso, El Paso County, Texas

ADDRESS: 6304 Franklin Bluff Dr.

APPLICANT: Steve & Faith Yapp

REPRESENTATIVE: Steve & Faith Yapp

REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)

DISTRICT: 1

ZIPCODE: 79912

STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

6304 Franklin Bluff

Zoning Board of Adjustment — September 16, 2024

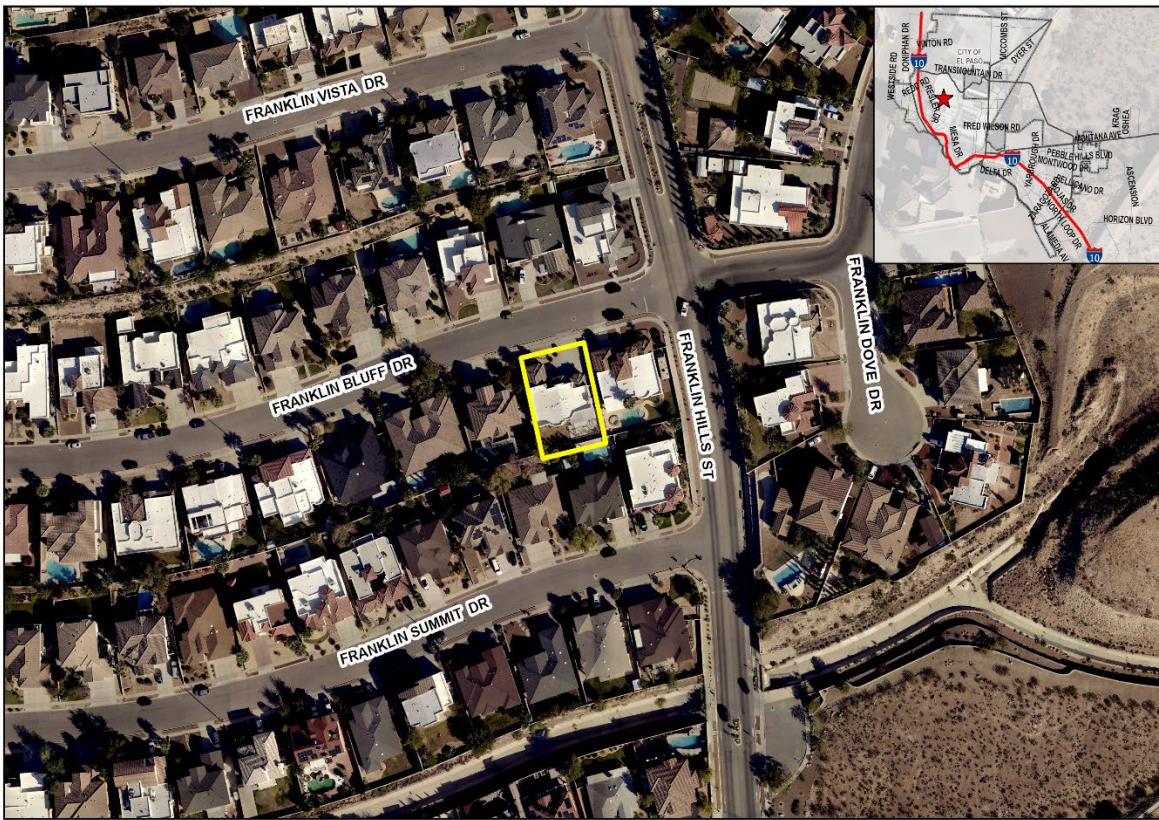


CASE NUMBER:	PZBA24-00063
CASE MANAGER:	Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER:	Steve & Faith Yapp
REPRESENTATIVE:	Steve & Faith Yapp
LOCATION:	6304 Franklin Bluff (District 1)
ZONING:	R-3A (Residential)
REQUEST:	Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT:	None received as of September 10, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit a proposed home addition that will encroach into the required rear setback in an R-3A (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.

PZBA24-00063



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



Subject Property

0 30 60 120 180 240 Feet



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 home addition, 14 feet 6 inches of which would extend into the rear yard setback for a 330.96 square foot area of total encroachment.

BACKGROUND: The minimum rear setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 25 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	10 feet 6 inches
Cumulative Front & Rear	45 feet	30 feet 6 inches
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	360.6 square feet	24.04' (72.11' average lot width ÷ 3) X 15' (3/5 of 25' required rear yard setback)
Requested Area of Encroachment	330.96 square feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.C CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.C to:
Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line, 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 maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;	Yes. The maximum permitted area of encroachment is 360.55 square feet, which is more than the requested area of encroachment of 330.96 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 10 feet 6 inches rear yard setback.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

PUBLIC COMMENT: Public notice was sent on September 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.

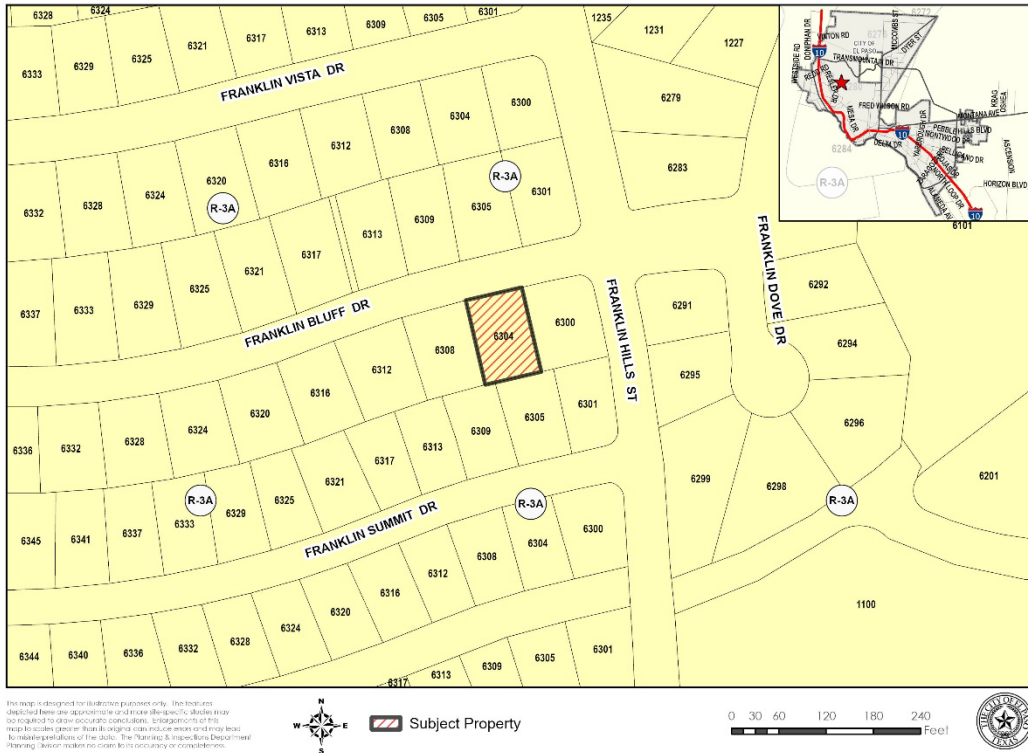
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

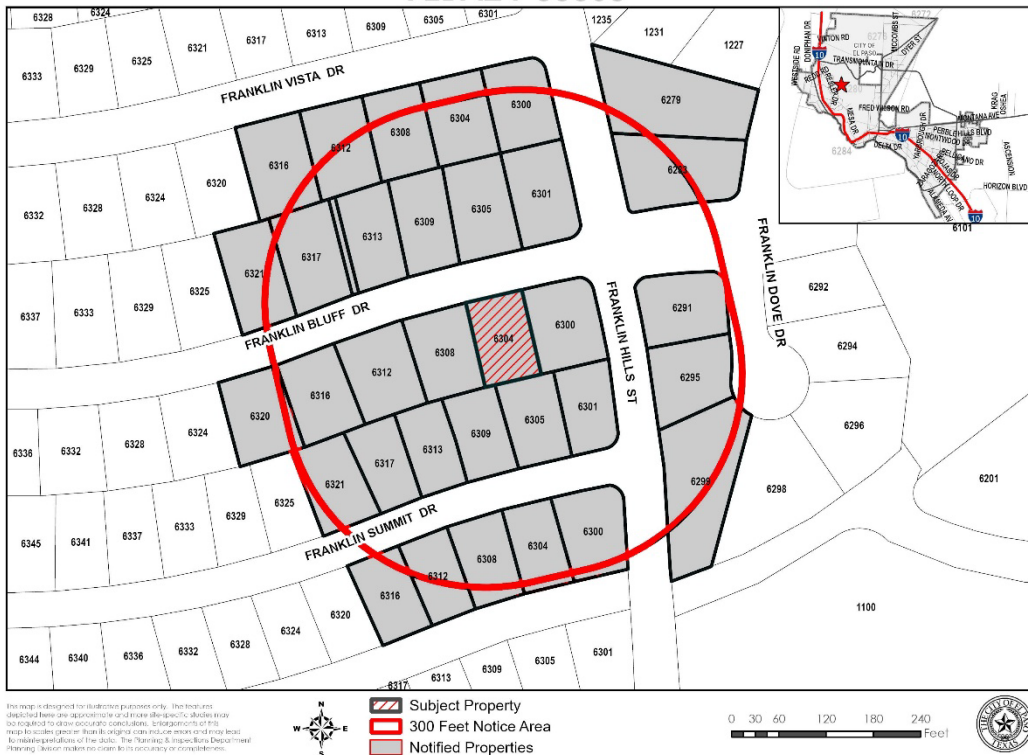
ZONING MAP

PZBA24-00063



NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00063



[illegible]



Legislation Text

File #: BC-136, Version: 1

**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".

PZBA24-00071 - Lot 5, Block 2, North Hill Unit Two, City of El Paso, El Paso County, Texas

ADDRESS: 4412 Loma de Brisas Dr.

APPLICANT: Pauline Fraser & Ron Cabrera

REPRESENTATIVE: Pauline Fraser & Ron Cabrera

REQUEST: Special Exception B (Two or more non-conforming lots)

DISTRICT: 4

ZIPCODE: 79934

STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

4412 Loma de Brisas

Zoning Board of Adjustment — September 16, 2024



CASE NUMBER:	PZBA24-00071
CASE MANAGER:	Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER:	Pauline Fraser & Ron Cabrera
REPRESENTATIVE:	Ron Cabrera
LOCATION:	4412 Loma de Brisas (District 4)
ZONING:	R-3 (Residential)
REQUEST:	Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT:	None received as of September 10, 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 storage encroaching into their required 5-foot side yard setback and required 60-foot front setback for an accessory structure 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 or equal to the encroachments into that setback already present on at least two other neighboring properties. The condition is as follows:

In addition of obtaining permit for storage, an electrical permit must be obtained for electrical line running from property to storage unit.

PZBA24-00071



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 storage, which extends 5 feet into the required side yard setback for 80 square feet of total encroachment. It would also allow to keep the storage unit as built encroaching into the required 60 foot front yard setback for accessory structures.

BACKGROUND: The minimum side setback is 5 feet in the R-3 (Residential) zone district. Detached accessory structures are required to be at least 5 feet away from the main structure and comply with the required 60 feet front setback per El Paso City Code Section 20.10.030. Other nonconforming properties have been identified encroaching similarly on the side yard setback as well as not meeting the required 60-foot front setback for accessory structures at 4408 Loma de Brisas and 4416 Loma Hermosa.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet 4 inches	No Change
Rear	27 feet 8 inches	No Change
Cumulative Front & Rear	50 feet	No Change
Side (East)	5 feet	0 feet
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 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 two properties on the same block extend to zero feet into the side yard setback and 60 foot front setback requirement for accessory structures.
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 properties with structures built into the required five (5) feet side setback, at zero feet to the property line located at 4408 Loma de Brisas and 4416 Loma Hermosa. Neither one of the properties meet the 60 foot required front setback for accessory structures.
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 September 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.

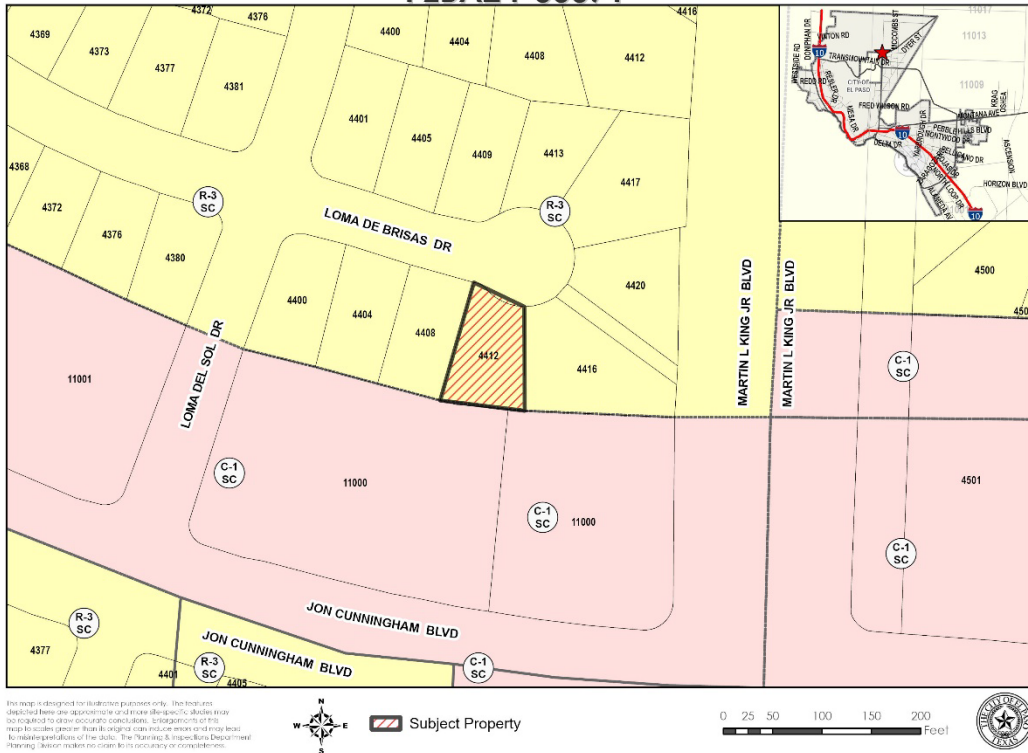
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

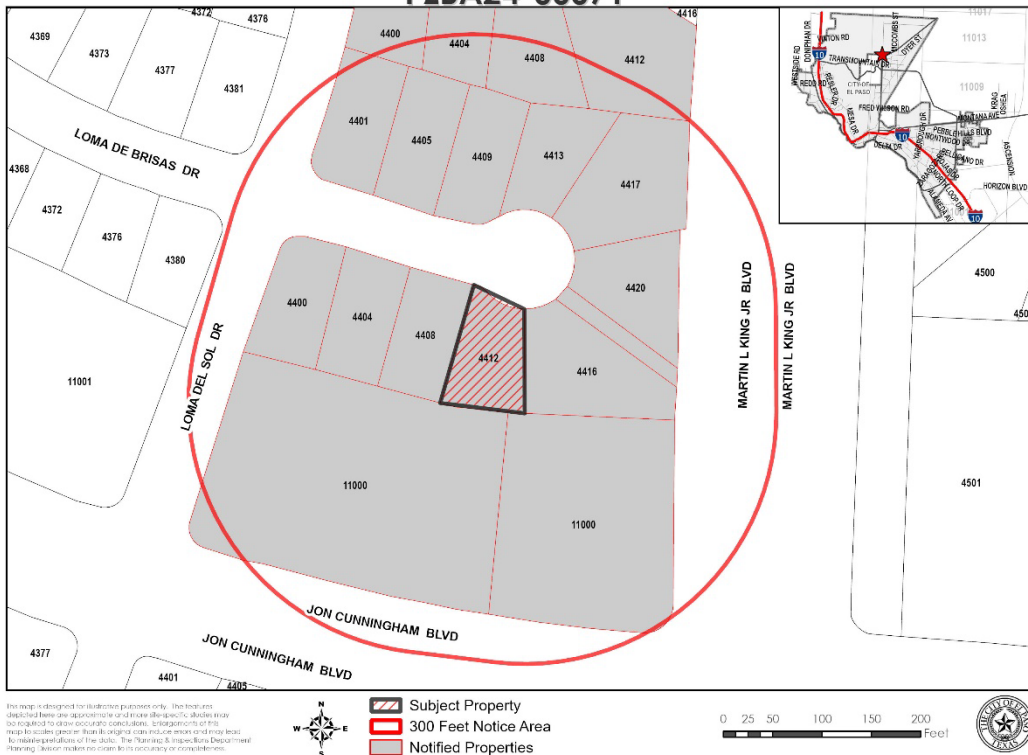
ZONING MAP

PZBA24-00071

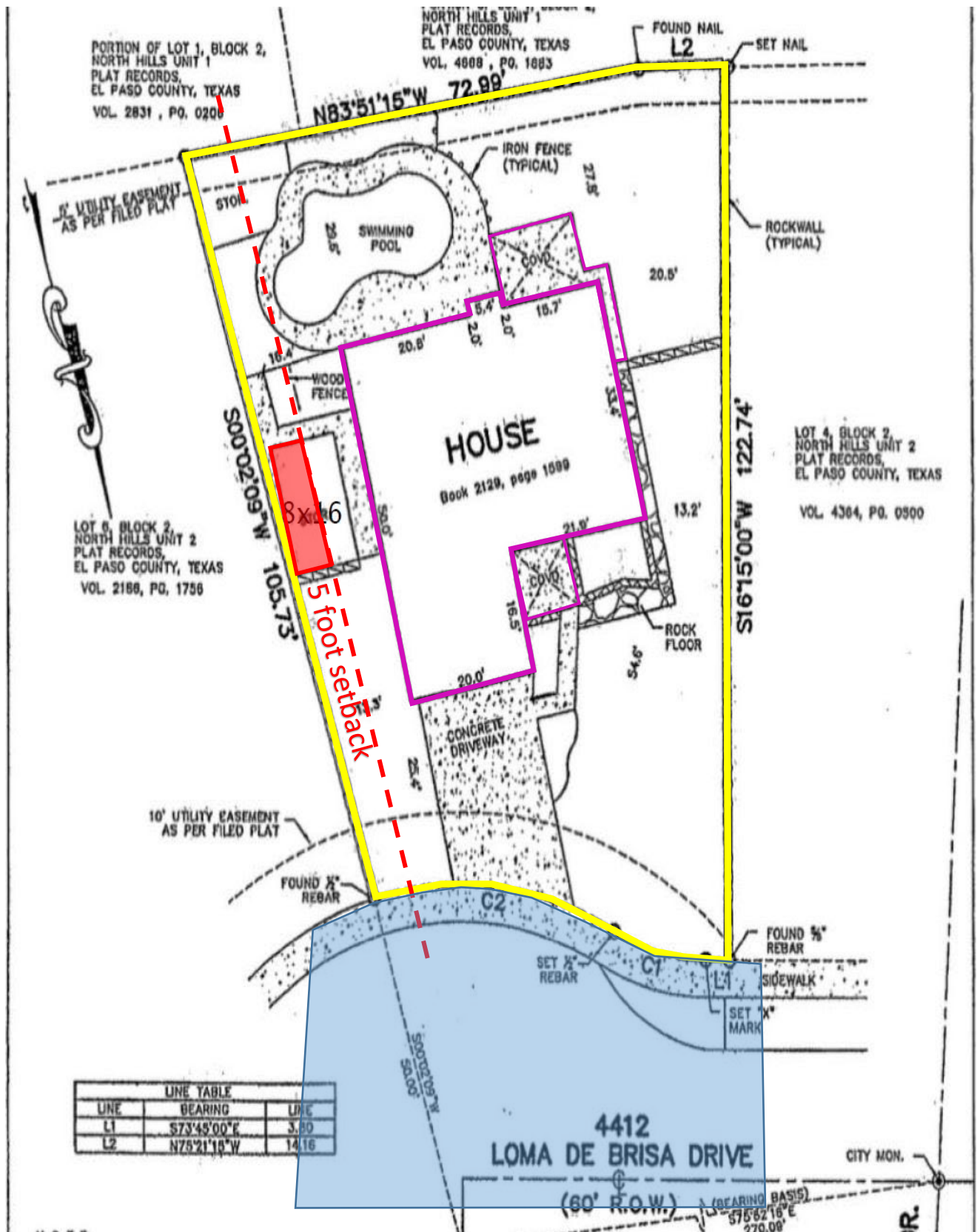


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00071

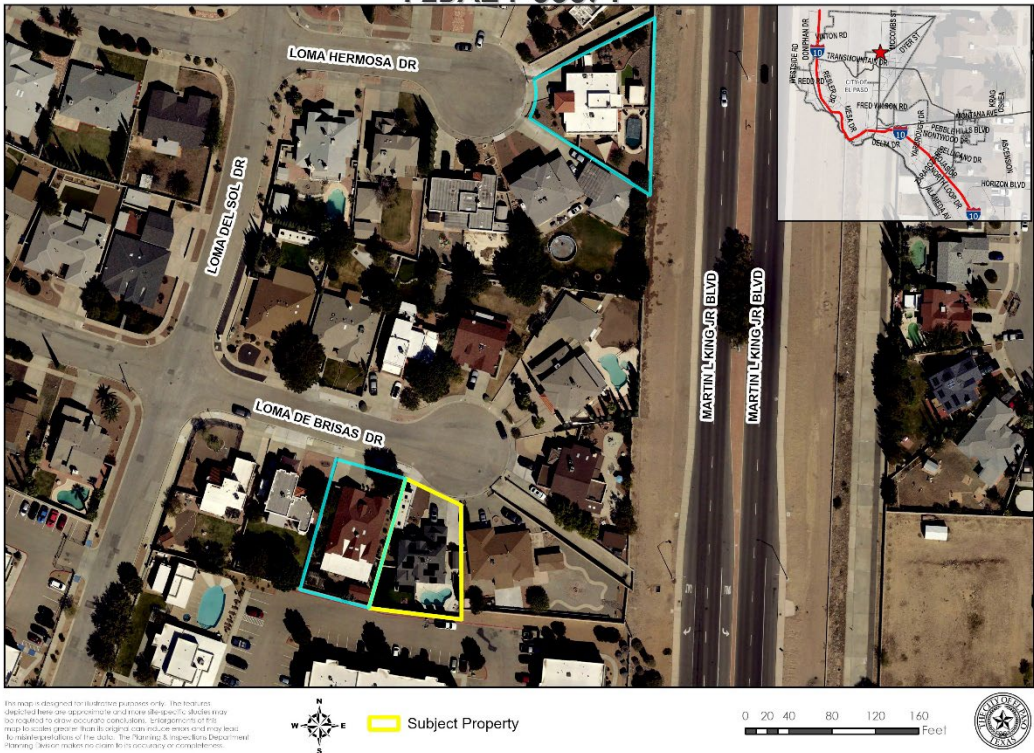


SITE PLAN



NONCONFORMING LOTS

PZBA24-00071



NONCONFORMING LOT 1

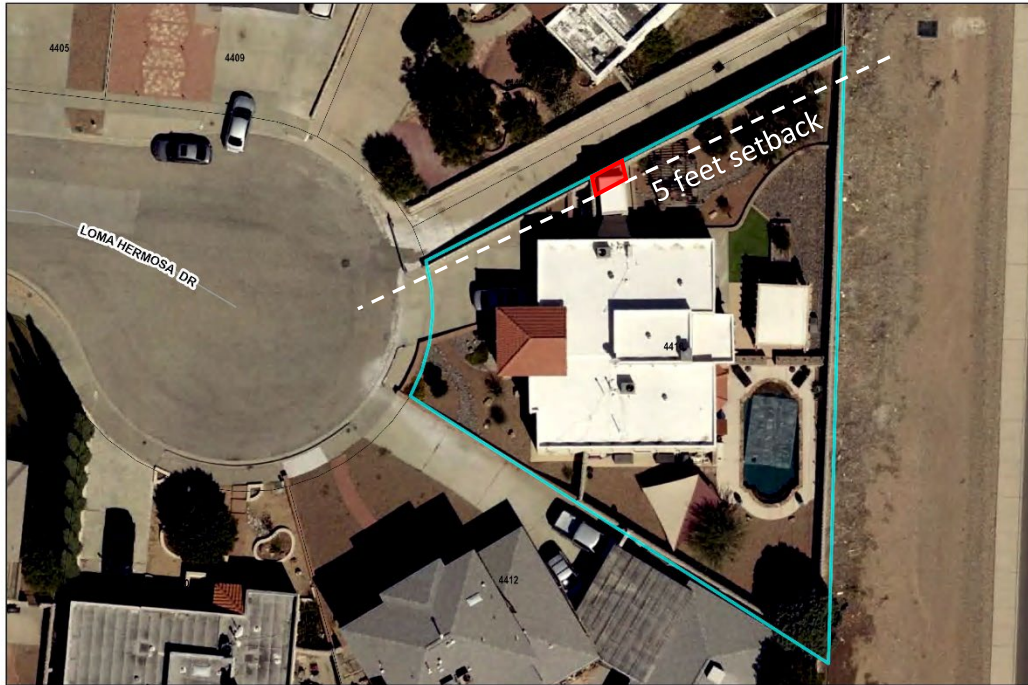
PZBA24-00071



4408 Loma de Brisas

NONCONFORMING LOT 2

PZBA24-00071



This map is designed for illustrative purposes only. The features depicted herein are approximate and more precise studies may be required to derive accurate conclusions. Enlargement of this map to scales greater than 1:10,000 may cause errors and may lead to misinterpretation of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 5 10 20 30 40 feet



4416 Loma Hermosa



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-138, Version: 1

**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:

- a. July 22, 2024
- b. August 5, 2024



ZONING BOARD OF ADJUSTMENT MEETING
2nd Floor, Main Conference Room
July 22, 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 1:37 p.m. by Luis Zamora, Chief Planner with the following Board Members and City Staff present.

BOARD MEMBERS PRESENT:

Heidi Avedician
Alexis Alvarez
Janet Fortune
Gloria Franco Clark
Audrey Gutierrez
Christine Loveridge
Elizabeth Thurmond-Bengtson

BOARD MEMBERS ABSENT:

Justin Bass (Chair)
Martha Isabel Aguayo (Vice-Chairwoman)
Fabian Uribe

CITY STAFF INTRODUCTIONS

Daniel Chavira, Building & Permitting Development Program Manager
Leonardo Flores, Chief Building Officer
Luis Zamora, Chief Planner
Jesus Quintanilla, Assistant City Attorney 1, City Attorney's Office
Andrew Salloum, Senior Planner
Jose Beltran, Planner
Myrna Aguilar, Planner

Luis Zamora advised the Board that there currently was not a Chair available to run meeting and needed a nomination and action made by Board.

ACTION: Motion made by Gloria Clark, seconded by Alexis Alvarez **TO APPOINT JANET FORTUNE AS CHAIR, TEMPORARILY FOR THIS MEETING, JULY 22, 2024** and unanimously carried.

Motion Passed.

AGENDA

Myrna Aguilar, Planner read the opening statement into the record.

Chairwoman Fortune 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.”*

Chairwoman Fortune asked if there were any changes on the agenda.

Luis Zamora, Chief Planner, noted Item 13 **PZBA24-00055** will be deleted.

ACTION: Motion made by Alvarez, seconded by Gutierrez **TO ACCEPT CHANGES TO THE AGENDA** and unanimously carried.

Motion Passed.

AYES: Avedician, Alvarez, Clark, Fortune, Gutierrez, Thurmond-Bengtson, Loveridge

NAYS: N/A

ABSTAIN: N/A

ABSENT: Bass, Aguayo, Uribe

NOT PRESENT FOR THE VOTE: N/A

.....

PUBLIC HEARING
REGULAR AGENDA:

- 1. 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, NaranjoJC@elpasotexas.gov

Andrew Salloum, Senior Planner, filling in for Juan Naranjo made a presentation to the Board through James Garcia, American Sign Language interpreter. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has not received any communications in support or opposition to the request. Planning Staff recommends approval with condition of the special exception request as the requested encroachments are less than the encroachments and to the set back already present at least on two other in neighboring area

Lorenzo and Magdalena Maldonado appeared for questions.

PUBLIC:

Joe Gomez, architectural designer suggested 5' removal of shed so easement can stay in place.

ACTION: Motion made by Audrey Gutierrez, seconded by Heidi Avedician **TO APPROVE ITEM PZBA24-00010 WITH CONDITIONS RECOMMENDED BY STAFF** and unanimously carried.

Motion Passed.

-
- 2. 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

Andrew Salloum, Senior Planner, filling in for Juan Naranjo made a presentation to the Board through Martha Macias, American Sign Language interpreter. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has not received any communications in support or opposition to the request. Planning Staff recommends approval with condition of the special exception request.

The condition is as follows:

- 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.

Jerry Swoveland appeared to answer questions.

Public: Ray Alba - opposed

ACTION: Motion by Gloria Clark, seconded by Alexis Alvarez **TO APPROVE ITEM PZBA24-00019 WITH STAFF RECOMMENDATIONS** and unanimously approved.

Motion Passed.

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3. 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
ZIP CODE: 79936
STAFF CONTACT: Juan C. Naranjo, (915) 212-1604, NaranjoJC@elpasotexas.gov

Luis Zamora, Chief Planner, filling in for Juan Naranjo made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 9, 2024. The Planning Division has not received any communications in support nor opposition to the request. Staff recommends approval with conditions of the exception request.

The condition is as follows:

- That the carport structure shall be modified to meet the required side setback.

Applicant not available for comment.

Public: None

ACTION: Motion made by Christine Loveridge, seconded by Gloria Clark **TO APPROVE ITEM PZBA24-00026 WITH STAFF CONDITIONS** and unanimously approved.

Motion Passed.

4. **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

Public Comment: None

Thurmond-Bengston - abstained

Jesus Quintanilla, Assistant City Attorney, noted that since there was one Board member abstaining from this item and only six Board members available of which seven are required, this item would need to be postponed to next meeting.

NO ACTION TAKEN.

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

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has received six (6) letters via email in support of the request from property owners within 300 feet. Staff recommends Approval with Conditions of the exception request.

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.

Jose Beltran answered questions from the Board.

Delia and Ruben Carrasco appeared for questions.

Public Comment: None

ACTION: Motion made by Alexis Alvarez, seconded by Heidi Avedician **TO APPROVE ITEM PZBA24-00041 WITH STAFF CONDITIONS** and unanimously carried.

Motion Passed.

6. **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

Myrna Aguilar, Planner, filling in for Juan Naranjo made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has not received any communications in support or opposition to the request. Staff recommends approval of the exception request.

Ray Mancera, representative for applicant agrees with all staff comments.

Public: Charles Hamilton - opposed
Mrs. Hamilton - opposed

ACTION: Motion made by Alexis Alvarez, seconded by Christine Loveridge **TO APPROVE ITEM PZBA24-00043** and unanimously carried.

Motion Passed.

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7. **PZBA24-00045:** Lot 11, Block A, Eastridget, 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

Myrna Aguilar, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 11, 2024. The Planning Division has not received any communications in support or opposition to the request. Staff recommends approval of the exception request.

Joe Gomez, Dora Medina, Marcus Medina available to answer questions.

Public: Ray Baca – opposed

ACTION: Motion made by Gloria Clark, seconded by Audrey Gutierrez **TO APPROVE ITEM PZBA24-00045 with staff recommendations.**

1-opposed

Motion Failed.

Applicant would like to postpone item.

ACTION: Motion made by Gloria Clark , seconded by Audrey Gutierrez **TO RESCIND MOTION PREVIOUSLY MADE** and unanimously carried.

Motion Passed.

ACTION: Motion made by Heidi Avedician, seconded by Christine Loveridge **TO POSTPONE ITEM TO**

NEXT MEETING and unanimously carried.

Motion Passed.

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

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has received one (1) phone call in opposition to the request. Staff recommends approval of the exception request.

Geronimo Cortez, Designer, was available for questions.

Public: None

ACTION: Motion made by Gloria Clark, seconded by Christine Loveridge **TO APPROVE ITEM PZBA24-00047.**

1 - opposed

Motion Failed.

ACTION: Motion by Christine Loveridge, seconded by Gloria Clark **TO RESCIND PAST VOTE** and unanimously carried.

Motion Passed.

Public: Gus Matthew - opposed
Ray Baca - opposed

ACTION: Motion by Elizabeth Thurmond-Bengston, seconded by Heidi Avedician **TO DENY RECOMMENDATION.**

1-OPPOSED

Motion Passed.

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

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division received one (1) phone call of inquiry, one (1) email in support and one (1) phone call in opposition of the request. Staff recommends **Approval with Conditions** of the exception request with the following condition:

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

Vanessa Duran designer for owners available for questions.

Public: None

0ACTION: Motion made by Christine Loveridge, seconded by Gloria Clark **TO APPROVE ITEM PZBA24-00049 WITH MODIFICATIONS** and unanimously carried.

Motion Passed.

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10. PZBA24-00050: Lot 13, Block 2, Pleasant Valley, City of El Paso, El Paso County, Texas
ADDRESS: 424 Valle Sereno Drive
APPLICANT: Maria Emma Rosalez
REPRESENTATIVE: Maria Emma Rosalez, Bruno Huizar, and Joe Gomez
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 7
ZIP CODE: 79907
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024 and July 12, 2024. The Planning Division received one (1) phone call of inquiry of the request. Staff recommends **Approval with Conditions** of the exception request.

- That the rear storage be moved out of the 5' utility easement area or the easement shall be vacated.

Bruno Huizar owner appeared for questions.

Public = None

ACTION: Motion made by Audrey Gutierrez, seconded by Gloria Clark **TO APPROVE ITEM PZBA24-00050** and unanimously carried.

Motion Passed.

.....

11. PZBA24-00051: Lot 7, Block 764, River Bend Estates, an Addition to the City of El Paso, El Paso County, Texas
ADDRESS: 4501 Parrot Way
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

Myrna Aguilar, Planner, filled in for Juan Naranjo and made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has not received

any communications in support or opposition to the request. Staff recommends **approval with conditions** of the exception request. The conditions are as follows:

- Storage shed shall be removed from the 5-foot utility easement area, or the easement shall be vacated.
- The structure located on the left side of the property should be removed or modified to comply with the required minimum 10' side street setback.

Jonathan Nehls owner of property appeared for questions.

Public = None

ACTION: Motion made by Alexis Alvarez, seconded by Heidi Avedician **TO APPROVE ITEM PZBA24-00051** and unanimously carried.

Motion Passed.

.....

12. 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
ZIP CODE: 79904
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 10, 2024. The Planning Division has not received any communications in support or opposition to the request. Staff recommends APPROVAL of the exception request.

Ray Baca representing applicant appeared for questions.

Public = None

ACTION: Motion made by Heidi Avedician, seconded by Audrey Gutierrez **TO APPROVE ITEM PZBA24-00054 WITH STAFF RECOMMENDATIONS** and unanimously carried.

Motion Passed.

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13. 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
ZIP CODE: 79912
STAFF CONTACT: Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov

DELETED

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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
 ZIP CODE: 79903
 STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

Myrna Aguilar, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 11, 2024. The Planning Division has not received any communication in support or opposition to the request. Staff recommends Approval of the exception request.

Owner agrees with staff recommendations.

Public = None

ACTION: Motion made by Gloria Clark, seconded by Christine Loveridge **TO APPROVE ITEM PZBA24-00057 WITH STAFF RECOMMENDATIONS** and unanimously carried.

Motion Passed.

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15. Approval of Minutes: June 17, 2024

ACTION: Motion made by Alexis Alvarez, seconded by Christine Loveridge **TO APPROVE THE JUNE 17, 2024 MINUTES** and unanimously approved.

Motion Passed.

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16. Adjournment

Chair Fortune adjourned the meeting at 3:55 p.m.

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	Heidi Avedician	Fabian Uribe
Christine Loveridge	Alexis Alvarez	Martha Isabel Aguayo

Janet Fortune
Jorge Leon

Audrey Gutierrez
Louis Edwards



ZONING BOARD OF ADJUSTMENT MEETING
2nd Floor, Main Conference Room
August 5, 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 1:30 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)
Alexis Alvarez
Janet Fortune
Gloria Franco Clark
Audrey Gutierrez
Christine Loveridge
Elizabeth Thurmond-Bengtson

BOARD MEMBERS ABSENT:

Justin Bass (Chair)
Heidi Avedician
Fabian Uribe

CITY STAFF INTRODUCTIONS

Daniel Chavira, Building & Permitting Development Program Manager
Leonardo Flores, Chief Building Officer
Luis Zamora, Chief Planner
Jesus Quintanilla, Assistant City Attorney 1, City Attorney's Office
Andrew Salloum, Senior Planner
Jose Beltran, Planner
Myrna Aguilar, Planner
Saul Pina, Planner

AGENDA

Myrna Aguilar, 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, no changes to agenda.

ACTION: No action taken.

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**PUBLIC HEARING
REGULAR AGENDA:**

1. **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

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. Staff recommends approval of the variance request.

Luis Zamora answered questions from the Board.

David Bogas appeared to answer questions from Board.

PUBLIC: None

ACTION: Motion made by Janet Fortune, seconded by Gloria Clark **TO APPROVE ITEM PZBA24-00039 VARIANCE REQUEST WITH THE CONDITION THAT THE REQUIREMENTS FOR THE SUPER REGIONAL SHOPPING CENTER SIGNAGE PER TITLE 20 WILL APPLY** and unanimously carried.

Motion Passed.

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2. **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
POSTPONED FROM JULY 22, 2024

Myrna Aguilar, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 11, 2024. The Planning Division has not received any communications in support or opposition to the request. Staff recommends approval of the exception request of a carport encroaching into the driveway of the property located at 9780 Eastridge Dr.

Joe Gomez, architectural designer, was available for any questions from the Board.

Marco son of applicant was available for questions.

Public: None

ACTION: Motion made by Gloria Clark, seconded by Christine Loveridge **TO APPROVE ITEM PZBA24-00045** and unanimously approved.

Motion Passed.

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3. PZBA24-00052: Lot 6, Block 37, Vista Real Unit Three, City of El Paso, El Paso County, Texas
ADDRESS: 11728 Corona Crest Ave.
APPLICANT: Roberto A. and Virginia Austin
REPRESENTATIVE: Roberto A. Austin
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
DISTRICT: 6
ZIPCODE: 79936
STAFF CONTACT: Myrna Aguilar, 915-212-1584, AguilarMP@elpasotexas.gov

Myrna Aguilar, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 24, 2024. The Planning Division has not received any communications in support or opposition to the request. Staff recommends approval of the special exception request of encroaching into the rear yard setback of the property located at 11728 Corona Crest Ave.

Roberto Austin was available for questions from the Board.

Public Comment: None

Public: None

ACTION: Motion made by Janet Fortune, seconded by Alex Alvarez **TO APPROVE ITEM PZBA24-00052** and unanimously approved.

Motion Passed.

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4. PZBA24-00059: Lot 1, Block 13, Foster Heights, City of El Paso, El Paso County, Texas
ADDRESS: 5301 Timberwolf Drive
APPLICANT: Ana C. Moreno and Angelina Badillo Moreno
REPRESENTATIVE: Cedans Architect, Daniel Mendoza
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 3
ZIPCODE: 79903
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on July 24, 2024. The Planning Division received one (1) phone call of inquiry of the request. Staff recommends approval of the exception request.

Jose Beltran answered questions from the Board.

Daniel Mendoza, architect, was available for questions from the Board.

Public Comment: None

ACTION: Motion made by Janet Fortune, seconded by Christine Loveridge **TO APPROVE ITEM PZBA24-00059** and unanimously carried.

Motion Passed.

5. Approval of Minutes: July 22, 2024

Luis Zamora, Chief Planner, mentioned to the Board that the minutes were not available to take action.

No action was taken.

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6. Adjournment

Chair Aguayo adjourned the meeting at 2:22 p.m.

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