



AGENDA FOR THE ZONING BOARD OF ADJUSTMENT PUBLIC HEARING

October 14, 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. **PZBA24-00053** Lot 18, Block 5, Enrique Franco No. 1, City of El Paso, El

[BC-161](#)

Paso County, Texas

ADDRESS: 8452 Villanova Dr.
APPLICANT: Sergio and Olga Perez
REPRESENTATIVE: Sergio and Olga Perez
REQUEST: Special Exception B (Two or More Non-Conforming Lots)
DISTRICT: 7
ZIPCODE: 79907
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

2. **PZBA24-00068** Lot 316, Block 14, Crest Hill Terrace, City of El Paso, El Paso County, Texas

[BC-162](#)

ADDRESS: 6216 Navajo Dr.
APPLICANT: Maria D. Franco
REPRESENTATIVE: Angel Martinez-Franco
REQUEST: Special Exception B (Two or More Nonconforming Lots) and
Special Exception K (In Existence 15 Years or More)
DISTRICT: 3
ZIPCODE: 79925
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

3. **PZBA24-00070** Lot 28, Block 13, Del Norte Acres, City of El Paso, El Paso County, Texas

[BC-163](#)

ADDRESS: 8940 Ankerson St.
APPLICANT: Alfredo Ortega and Rachel Ruiz
REPRESENTATIVE: Mariano Adame/Alejandro Soto
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 2
ZIPCODE: 79904
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612,
PinaSJ@elpasotexas.gov

4. **PZBA24-00072** Lot 28, Block 1, Green Brook Unit 1, City of El Paso, El Paso County, Texas

[BC-164](#)

ADDRESS: 7905 Craddock
APPLICANT: Pablo Jr and Leticia Martinez
REPRESENTATIVE: Pablo Jr and Leticia Martinez
REQUEST: Special Exception J (Carport Over a Driveway)
District: 7
ZIPCODE: 79915
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

5. **PZBA24-00073** Lot 2, Block 9, Coronado Country Club Estates Replat, and a portion of Tract 17L, Foster Survey No. 258, City of El Paso, El Paso County,

[BC-165](#)

Texas

ADDRESS: 6104 Pinehurst Rd.
APPLICANT: John and Yuree Lee
REPRESENTATIVE: Tommy Fan/Fan Studio Architect PLLC
REQUEST: Special Exception J (Carport Over a Driveway)
DISTRICT: 1
ZIPCODE: 79912
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

6. **PZBA24-00074** Lot 7, Block 104, Cielo Vista Park #S, City of El Paso, El Paso County, Texas

[BC-166](#)

ADDRESS: 1452 Backus St.
APPLICANT: Daniel and Marianne Chacon
REPRESENTATIVE: New Republic Architects
REQUEST: Special Exception B (Two or More Nonconforming Lots) and
Special Exception J (Carport over a Driveway)
DISTRICT: 3
ZIPCODE: 79925
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612,
PinaSJ@elpasotexas.gov

7. **PZBA24-00075** A portion of Lots 27, and 29 and Lot 28, Block 12, East El Paso, City of El Paso, El Paso County, Texas

[BC-167](#)

ADDRESS: 3306 Alameda Ave.
APPLICANT: Leopoldo Herrera
REPRESENTATIVE: Rene Herrera
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 8
ZIPCODE: 79905
STAFF CONTACT: Myrna Aguilar, AguilarMP@elpasotexas.gov, 915-212-1584

8. **PZBA24-00076** Lot 13, Block 20, Ranchos Del Sol, City of El Paso, El Paso County, Texas

[BC-168](#)

ADDRESS: 12258 Bronco Buster Ln.
APPLICANT: Juan F. Lopez and Alba R. Lopez
REPRESENTATIVE: Juan F. Lopez and Alba R. Lopez
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
DISTRICT: 6
ZIPCODE: 79936
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

9. **PZBA24-00077** Lot 2, Block 8, Sandstone Ranch #2, City of El Paso, El Paso County, Texas

[BC-169](#)

ADDRESS: 11005 Northview Dr.
APPLICANT: Juan Arturo and Erika Torres
REPRESENTATIVE: Jaime Sandate
REQUEST: Special Exception C (Rear Yard Setback, Single-family Residence)
DISTRICT: 4
ZIPCODE: 79934
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov

10. **PZBA24-00079** Lot 13, Block 6, Collingsworth, City of El Paso, El Paso County, Texas

[BC-170](#)

ADDRESS: 225 S. Collingsworth St.
APPLICANT: Art and Rebecca Perales
REPRESENTATIVE: Art and Rebecca Perales
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 2
ZIPCODE: 79905
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

11. **PZBA24-00080** Lot 8, Block 134, Vista Del Sol Unit Twenty-Four, City of El Paso, El Paso County, Texas

[BC-171](#)

ADDRESS: 10901 Dave Marr Ct.
APPLICANT: James T. Garcia and Teresa del Real
REPRESENTATIVE: James T. Garcia
REQUEST: Special Exception K (In Existence Fifteen Years or More)
DISTRICT: 7
ZIPCODE: 79935
STAFF CONTACT: Myrna Aguilar, AguilarMP@elpasotexas.gov, 915-212-1584

12. Approval of Minutes: September 16, 2024

[BC-172](#)

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 11th of October by Andrew Salloum.



Legislation Text

File #: BC-161, **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".

PZBA24-00053 Lot 18, Block 5, Enrique Franco No. 1, City of El Paso, El Paso County, Texas

ADDRESS: 8452 Villanova Dr.

APPLICANT: Sergio and Olga Perez

REPRESENTATIVE: Sergio and Olga Perez

REQUEST: Special Exception B (Two or More Non-Conforming Lots)

DISTRICT: 7

ZIPCODE: 79907

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

8452 Villanova

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00053
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Sergio and Olga Perez
REPRESENTATIVE: Sergio and Olga Perez
LOCATION: 8452 Villanova Dr. (District 7)
ZONING: R-3 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing carport into the required 5-foot side yard 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. The condition is as follows:

PZBA24-00053



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.



 Subject Property

0 15 30 60 90 120
Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport, which extends 4 feet 3 inches into the required side yard setback for 114.75 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 structures located in the side yard that encroach into their respective side yard setbacks located at 8448 Villanova and 8433 Hartford, with respective encroachment areas of 131 square feet and 174 square feet.

El Paso Central Appraisal records indicate the main residence was built in 1980. The current property owner has owned the property since 2017 with the property owner responsible for the encroachment built in 2019.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
<i>Front</i>	25 feet	No Change
<i>Rear</i>	25 feet	No Change
<i>Cumulative Front & Rear</i>	50 feet	No Change
<i>Side (West)</i>	5 feet	9 inches
<i>Side (East)</i>	5 feet	No Change
<i>Cumulative Side</i>	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 one house on the same block extends 5 feet into the side setback, and another house also extends 5 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 is one house within the same block and another house within the same block that extend all the way into their required 5-foot 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 October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

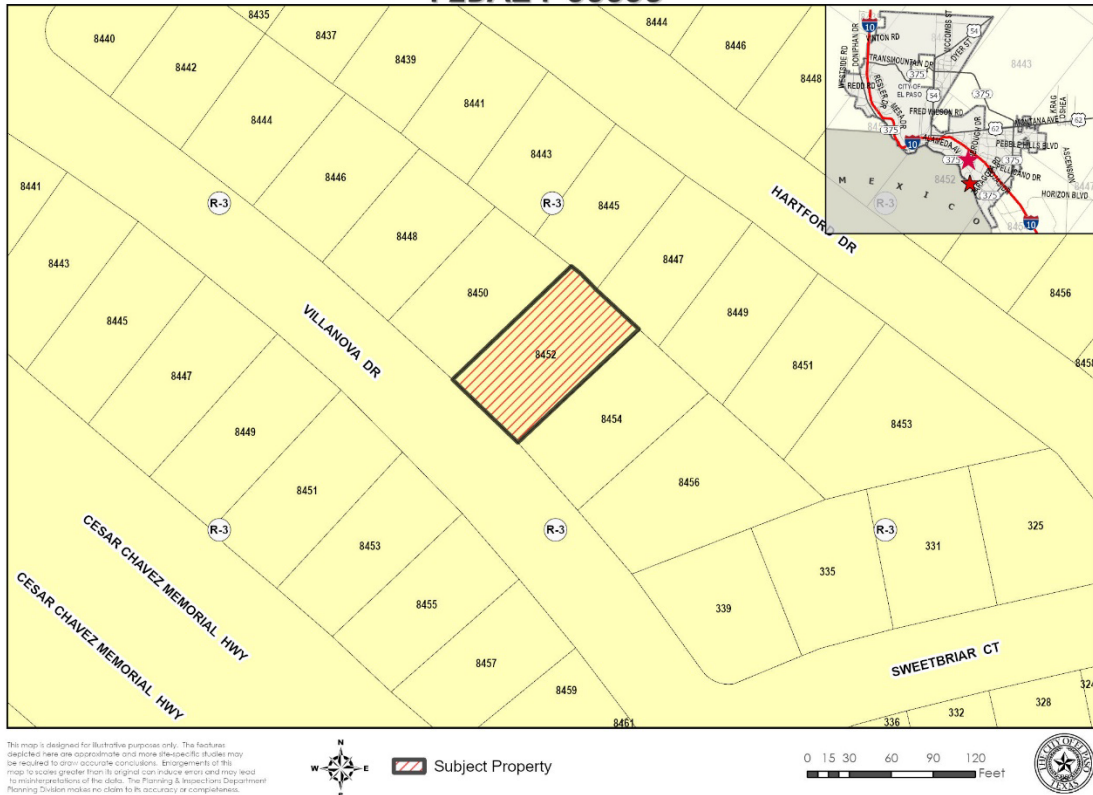
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. **(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.

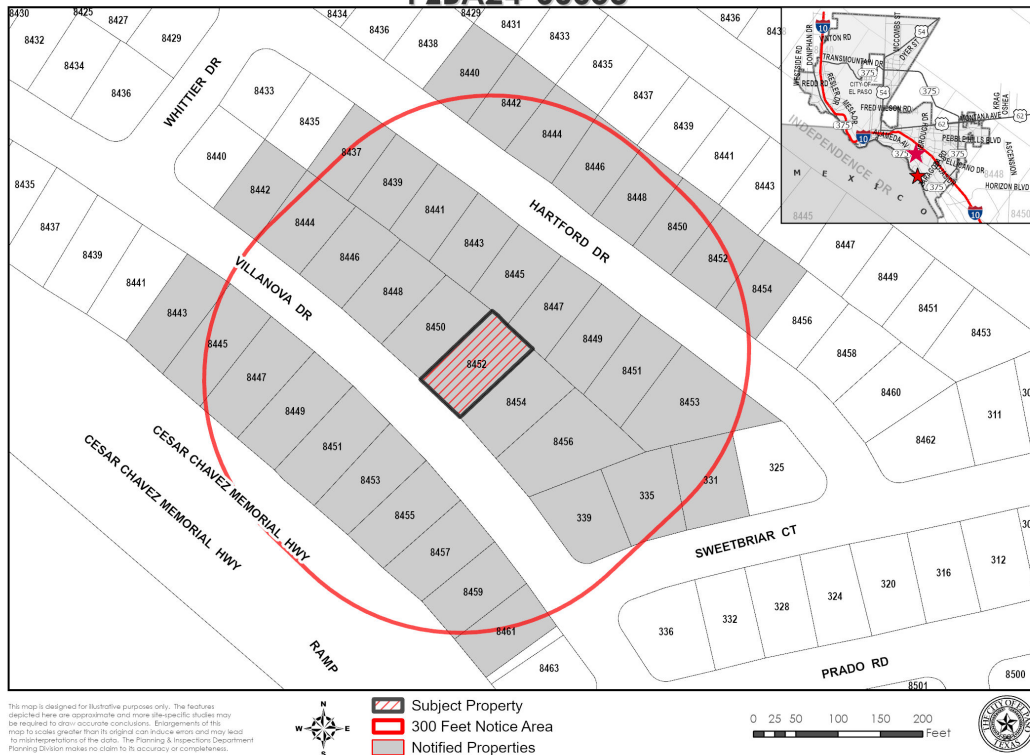
ZONING MAP

PZBA24-00053



NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00053



LOT No.19

EXISTING ROCKWALL

EXISTING STORAGE 423.60 S.F.

EXISTING ROCKWALL

EXISTING STORAGE 106.74 S.F.

EXISTING COVER PATIO 456.17 S.F.

EXISTING HOUSE AT 8452 VILLANOVA DR. 1,575.63 S.F.

EXISTING COVER PORCH

EXISTING DRIVEWAY 28'-0"

7' PARKWAY

VILLANOVA DRIVE

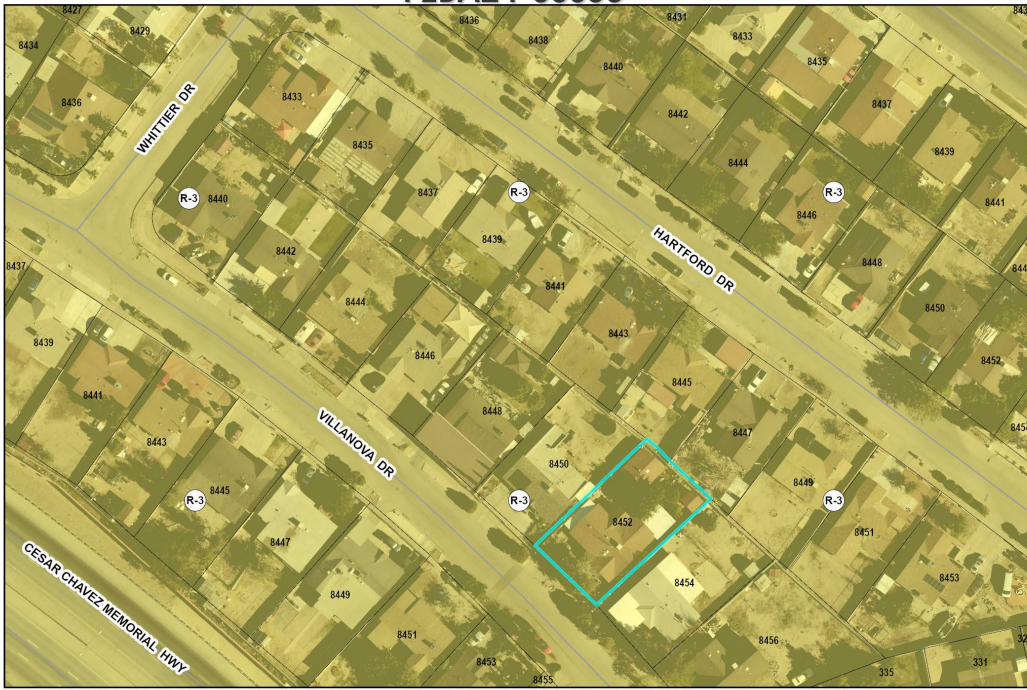
PLOT PLAN

SCALE: 1" = 20'

BEING ALL LOT 18, BLOCK 5,
ENRIQUE FRANCO #1
CITY OF EL PASO, EL PASO, COUNTY TEXAS.

NONCONFORMING LOTS

PZBA24-00053



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 Subject Property

0 15 30 60 90 120 Feet



NONCONFORMING LOT 1

PZBA24-00053



NONCONFORMING LOT 2

PZBA24-00053





Legislation Text

File #: BC-162, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

AGENDA LANGUAGE:

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PZBA24-00068 Lot 316, Block 14, Crest Hill Terrace, City of El Paso, El Paso
County, Texas

ADDRESS: 6216 Navajo Dr.

APPLICANT: Maria D. Franco

REPRESENTATIVE: Angel Martinez-Franco

REQUEST: Special Exception B (Two or More Nonconforming Lots) and
Special Exception K (In Existence 15 Years or More)

DISTRICT: 3

ZIPCODE: 79925

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

6216 Navajo

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00068
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Maria D. Franco
REPRESENTATIVE: Angel Martinez-Franco
LOCATION: 6216 Navajo Dr. (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing carport and garage into the required 5-foot side yard setback in an R-4 (Residential) zone district.

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

- That the carport shall remain open on three sides.

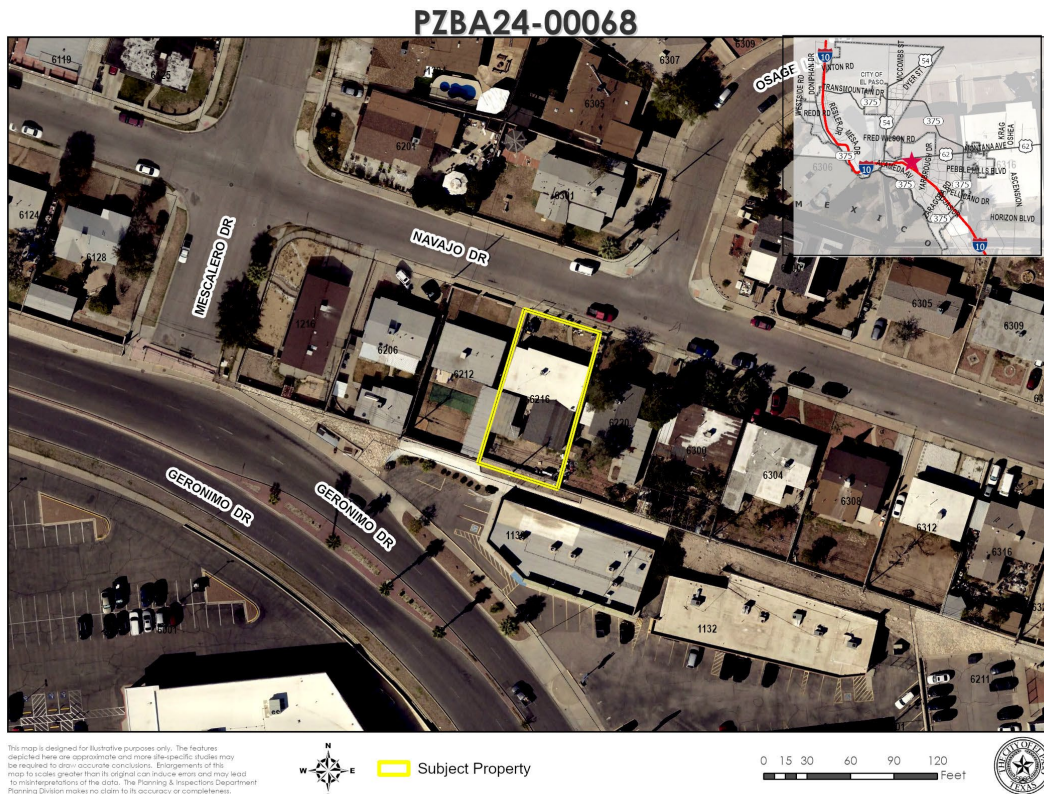


Figure A. Aerial of Subject Property & Immediate Surroundings

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

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

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

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

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

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

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that one house on the same block extends 5 feet into the side setback for a total encroachment of 201 square feet, and another house extends 5 feet into the side setback with a total encroachment of 150 square feet.
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots;	Yes. There are two (2) other houses on the same block located that have carport within the side yard that extend into their required 5-foot side setback located at 6300 Navajo and 1112 Zuni.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

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

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

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

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

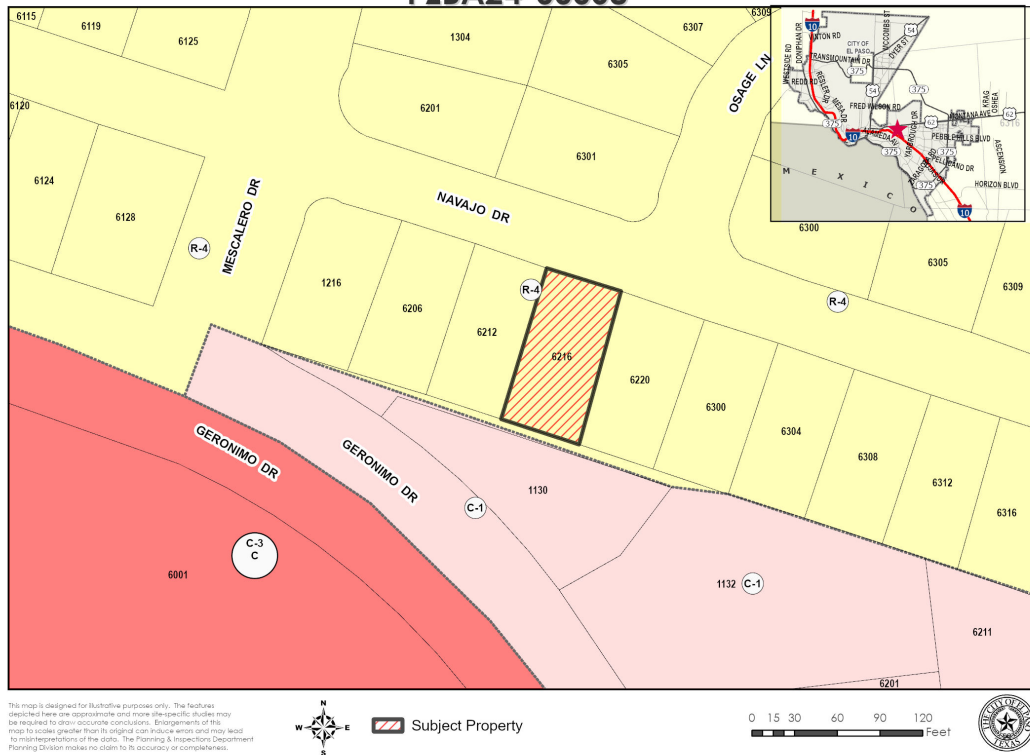
ZONING BOARD OF ADJUSTMENT OPTIONS:

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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.
2. **Approval with Modifications** of the special exception request to bring the request into conformance as provided in El Paso City Code Titles 2 and 20 as the board deems appropriate. (Staff Recommendation)
3. **Denial** of the special exception request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

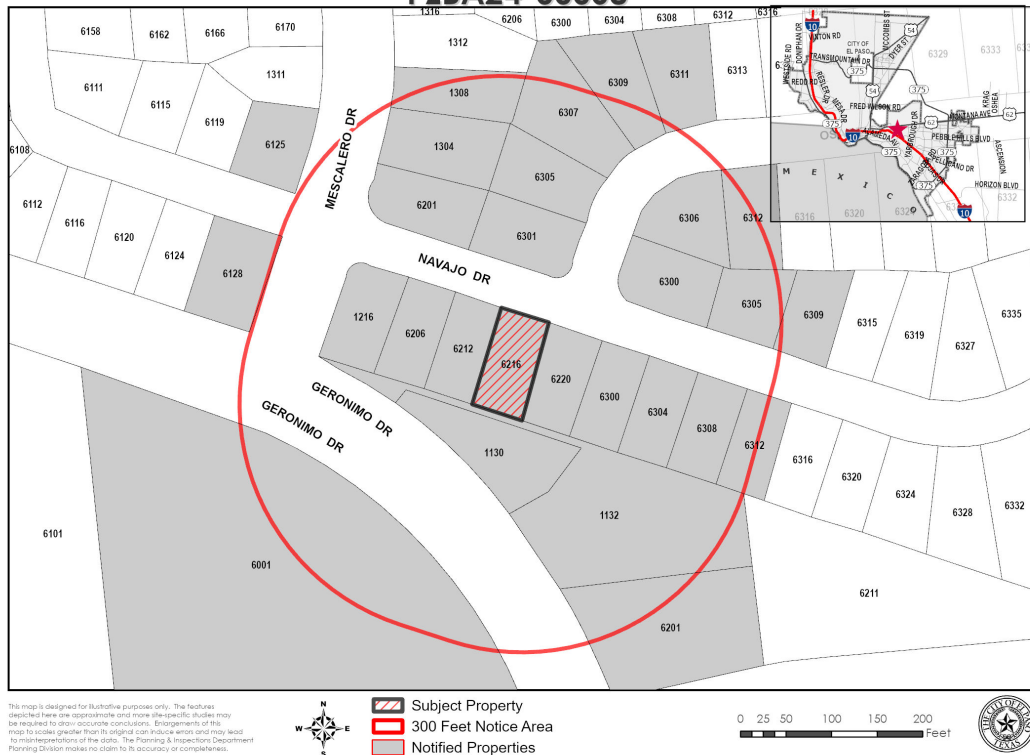
ZONING MAP

PZBA24-00068

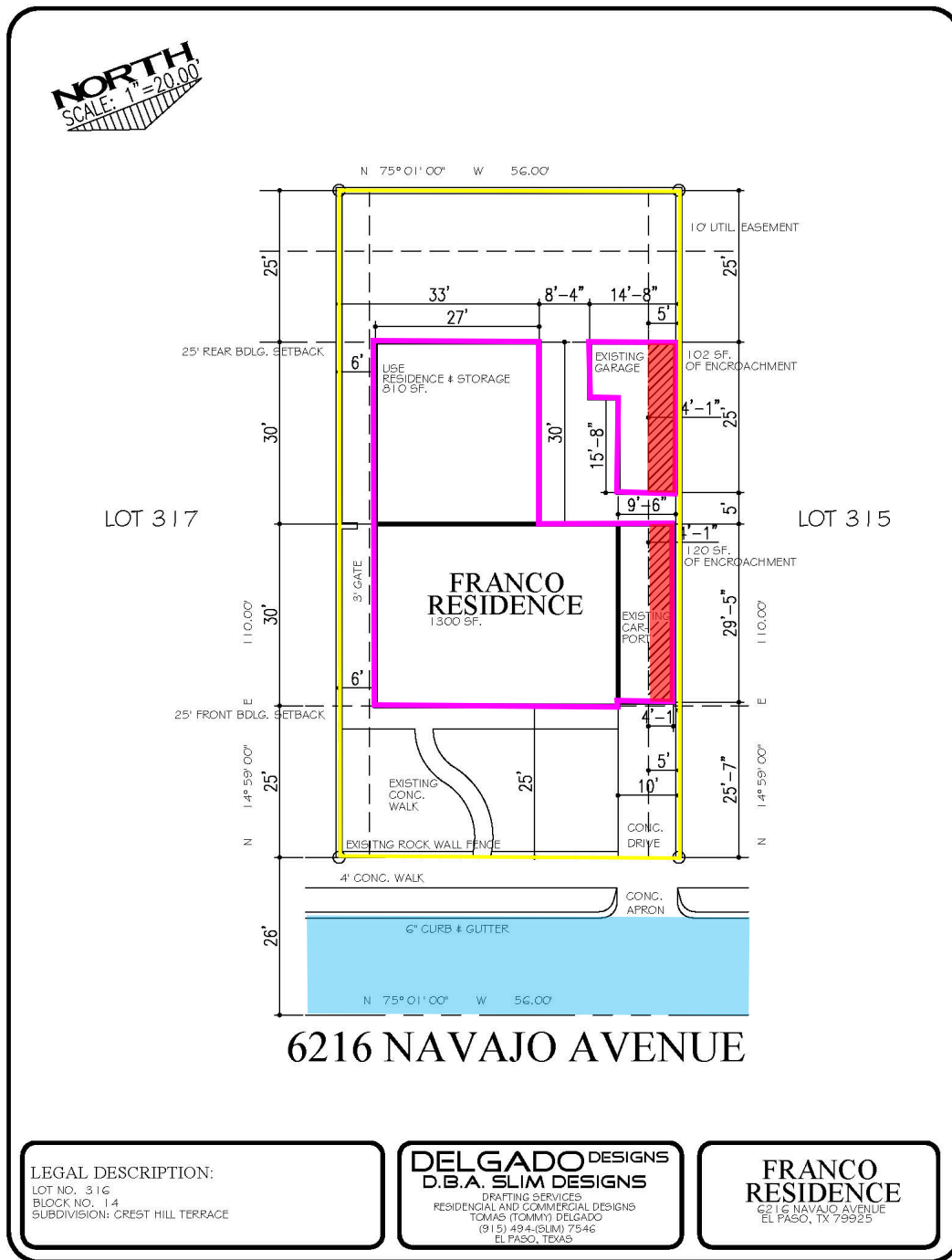


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00068

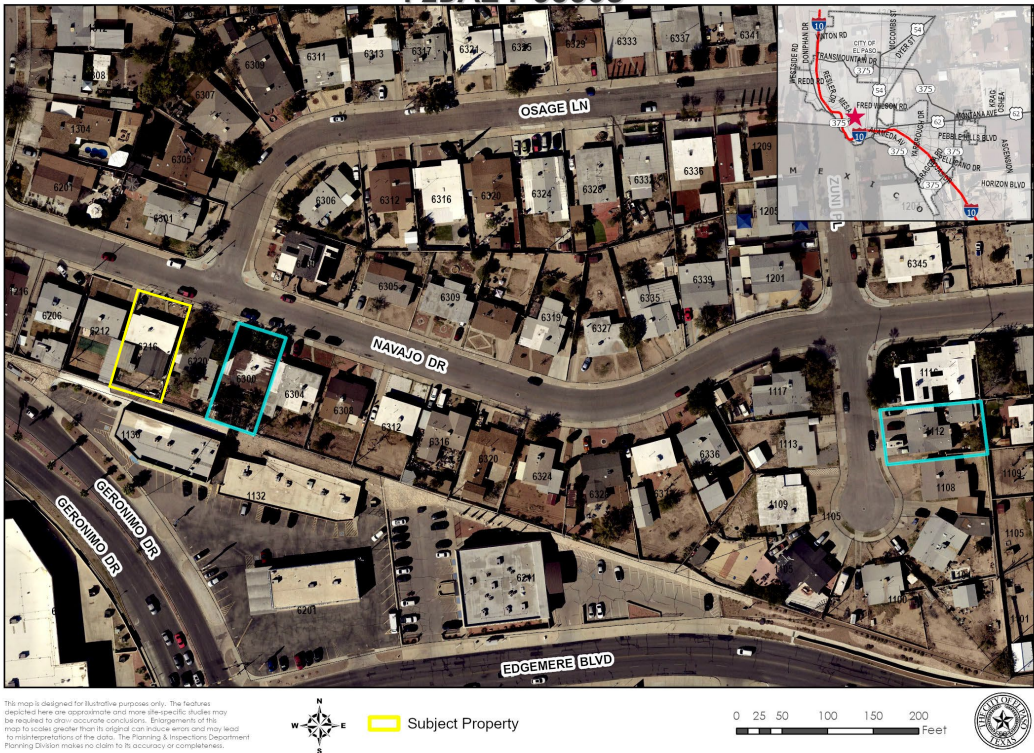


SITE PLAN



NONCONFORMING LOTS

PZBA24-00068



NONCONFORMING LOT 1

NONCONFORMING LOT 1



NONCONFORMING LOT 2

NONCONFORMING LOT 2



1997 Aerial

PZBA24-00068





Legislation Text

File #: BC-163, **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.

PZBA24-00070 Lot 28, Block 13, Del Norte Acres, City of El Paso, El Paso County, Texas

ADDRESS: 8940 Ankerson St.
APPLICANT: Alfredo Ortega and Rachel Ruiz
REPRESENTATIVE: Mariano Adame/Alejandro Soto
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 2
ZIPCODE: 79904
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov

8940 Ankerson

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00070
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Alfredo Ortega and Rachel Ruiz
REPRESENTATIVE: Mariano Adame/Alejandro Soto
LOCATION: 8940 Ankerson Street (District 2)
ZONING: A-2 (Apartment)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to permit a proposed home addition, extending into the required 25-foot rear yard setback in the A-2 (Apartment) zone district.

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

PZBA24-00070



Figure A. Aerial of Subject Property & Immediate Surroundings

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

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

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

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

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

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

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

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that 8913 and 8961 Ankerson Street, are at least two non-conforming properties that have structures with rear yard encroachments that are less conforming than those from 8940 Ankerson Street. Other properties on the vicinity have various structures with different uses, encroaching into the required rear yard setback.
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots;	Yes. 8913 and 8961 Ankerson Street have encroachments that extend into the rear yard setbacks. Both of these properties have structures extending beyond the required 25-foot rear yard setback.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

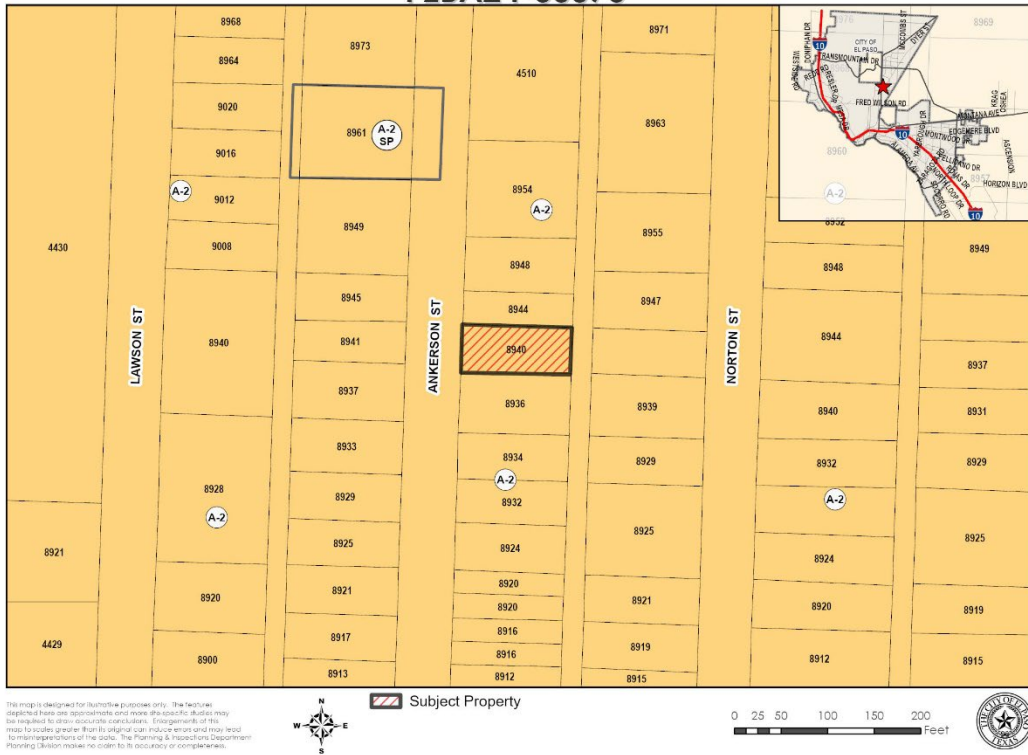
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

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

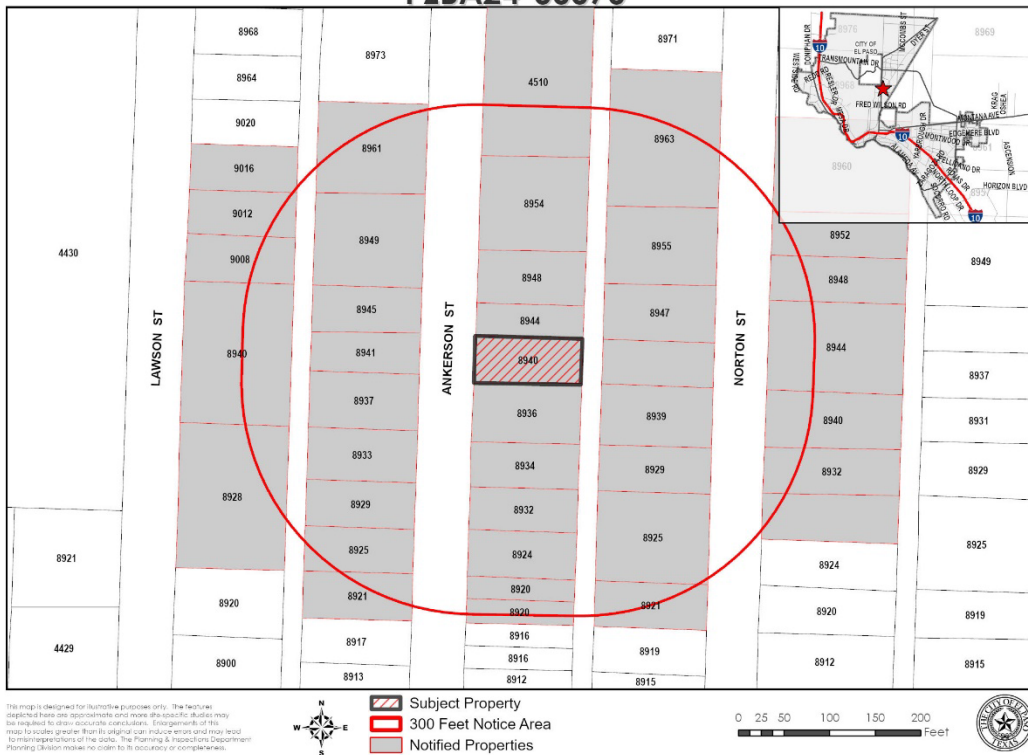
ZONING MAP

PZBA24-00070

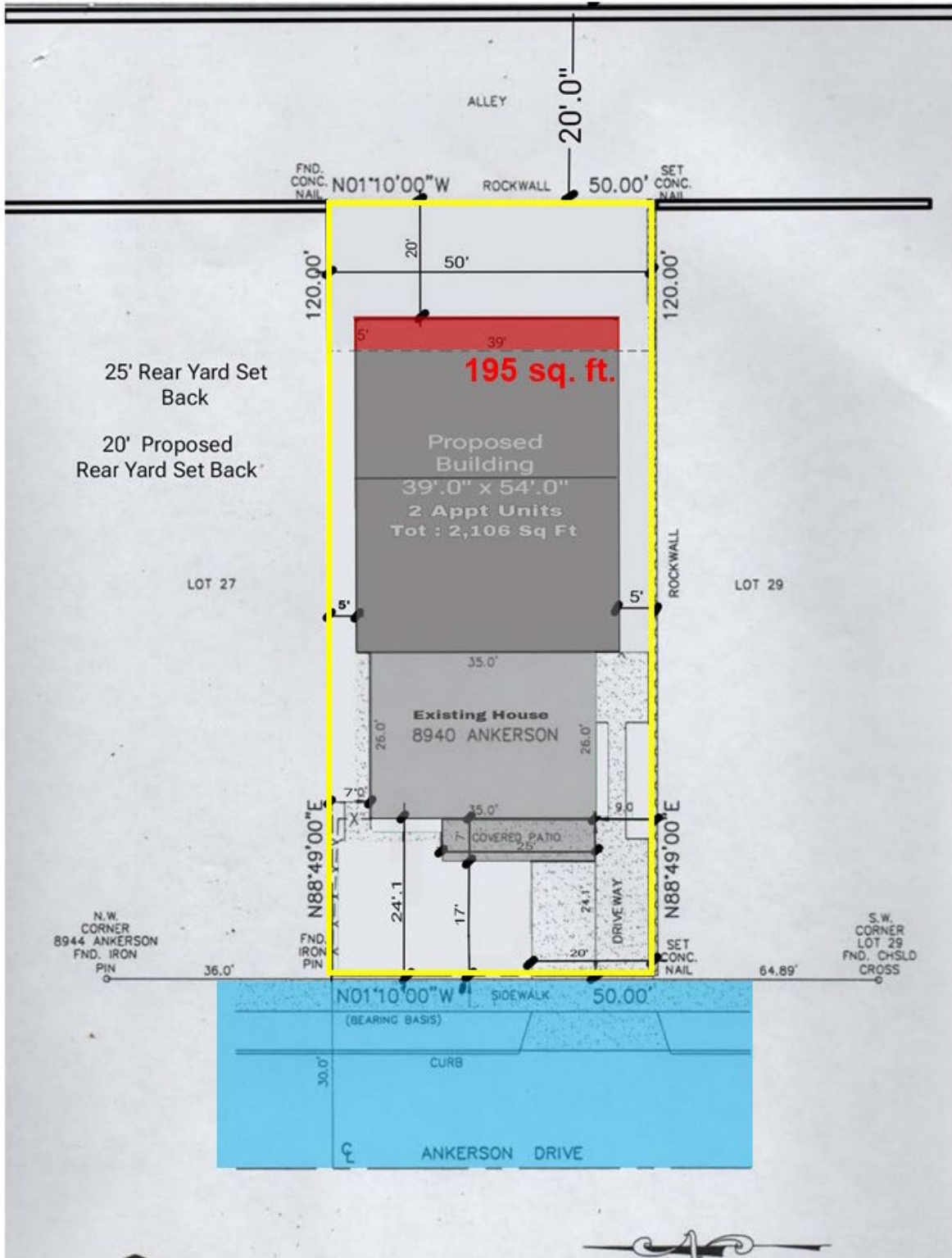


NEIGHBORHOOD NOTIFICATION MAP

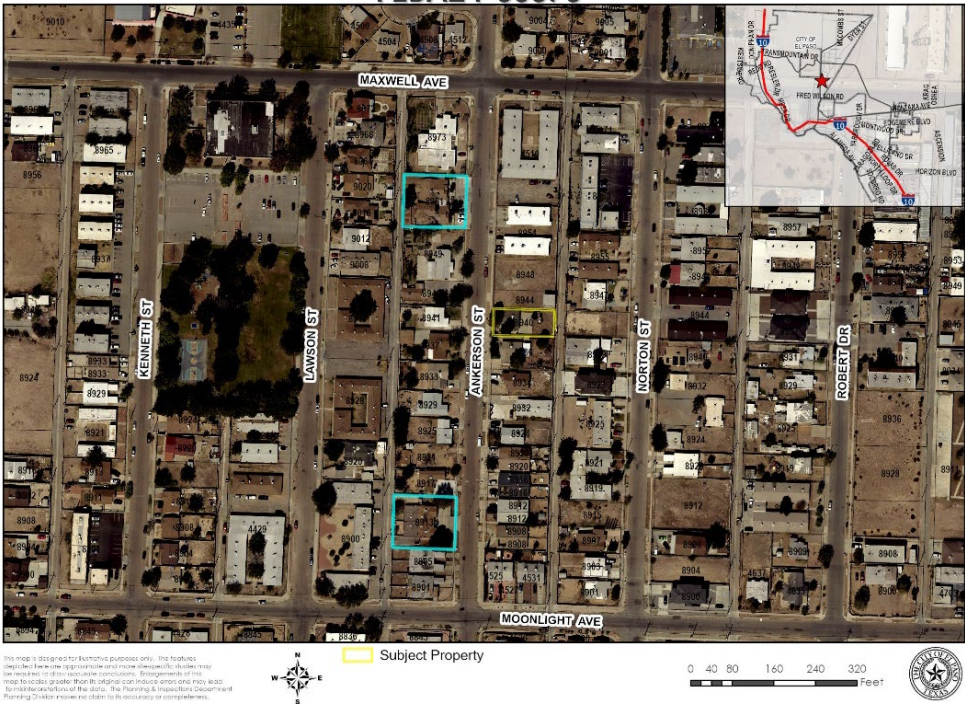
PZBA24-00070



SITE PLAN



NONCONFORMING LOTS PZBA24-00070



NONCONFORMING LOT 1



NONCONFORMING LOT 2





Legislation Text

File #: BC-164, **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.

PZBA24-00072 Lot 28, Block 1, Green Brook Unit 1, City of El Paso, El Paso County, Texas

ADDRESS: 7905 Craddock
APPLICANT: Pablo Jr and Leticia Martinez
REPRESENTATIVE: Pablo Jr and Leticia Martinez
REQUEST: Special Exception J (Carport Over a Driveway)
DISTRICT: 7
ZIPCODE: 79915
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

7905 Craddock

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER:	PZBA24-00072
CASE MANAGER:	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER:	Pablo Jr and Leticia Martinez
REPRESENTATIVE:	Pablo Jr Martinez
LOCATION:	7905 Craddock Ave. (District 7)
ZONING:	R-3 (Residential)
REQUEST:	Special Exception J (Carport Over a Driveway)
PUBLIC INPUT:	None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to allow to legalize an existing 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.

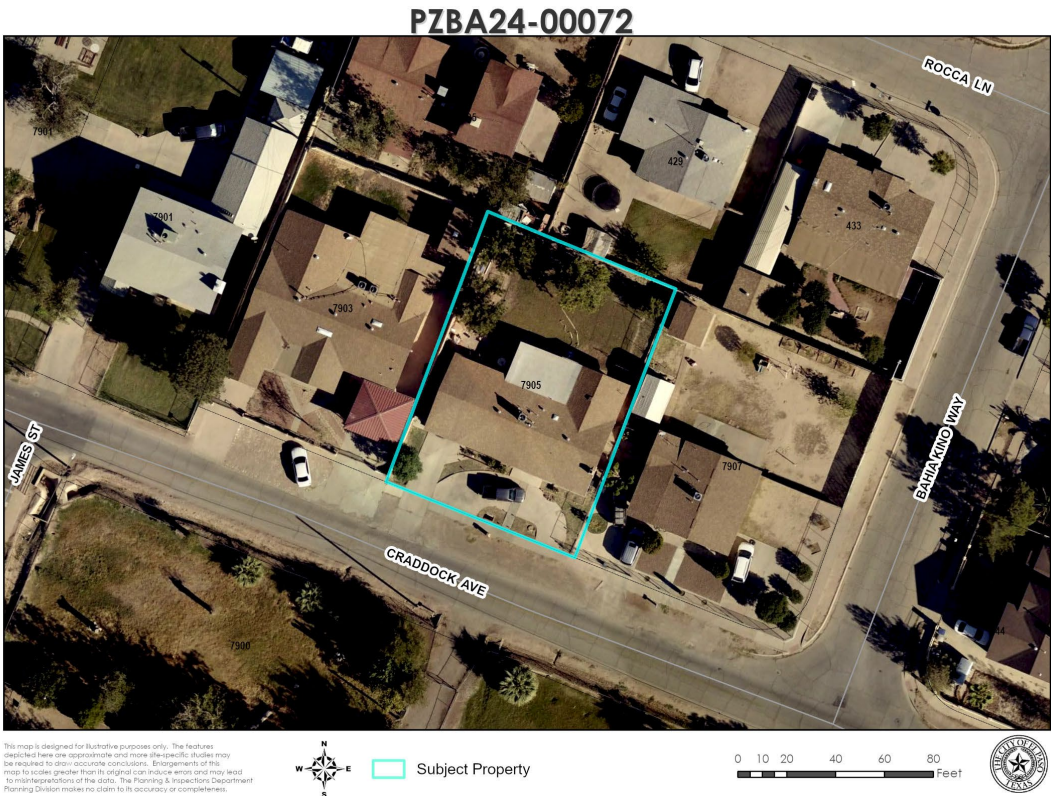


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport of approximately 22 feet by 19 feet and an area of 418 square feet, of which 352 square feet encroaches 16 feet into the front yard setback and is located to within 4 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 45 feet in the R-3 (Residential) zone district.

Based on El Paso Central Appraisal District records, the home was built in 1976 and the current owner has owned the home since 1976. The encroachment was built by the current owner in 2024 and the request is due to a code enforcement citation

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	4 Feet
Rear	25 Feet	No Change
Cumulative Front & Rear	45 Feet	29 Feet
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change
Cumulative Side	N/A	No Change

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	369 Square Feet	1/5 of 1845 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	352 Square Feet	22 Feet by 16 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 existing carport will 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 existing carport encroachment of 352 square feet is less than the maximum allowed area of 369 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the existing 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 October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

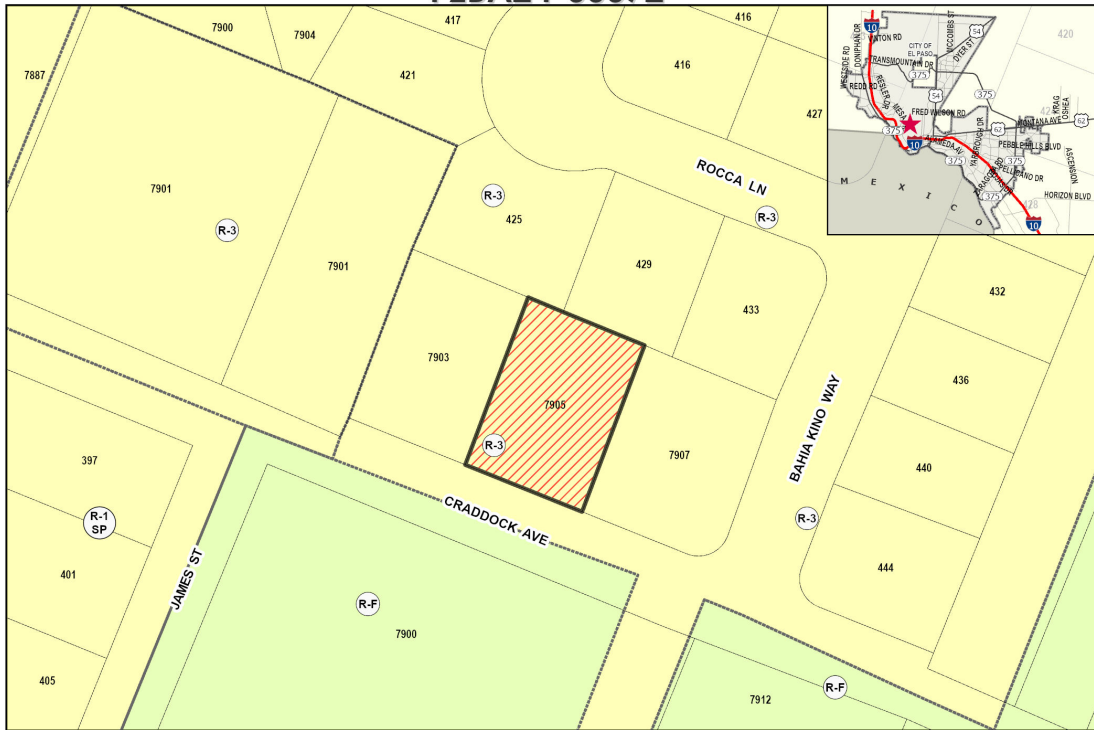
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. **(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.

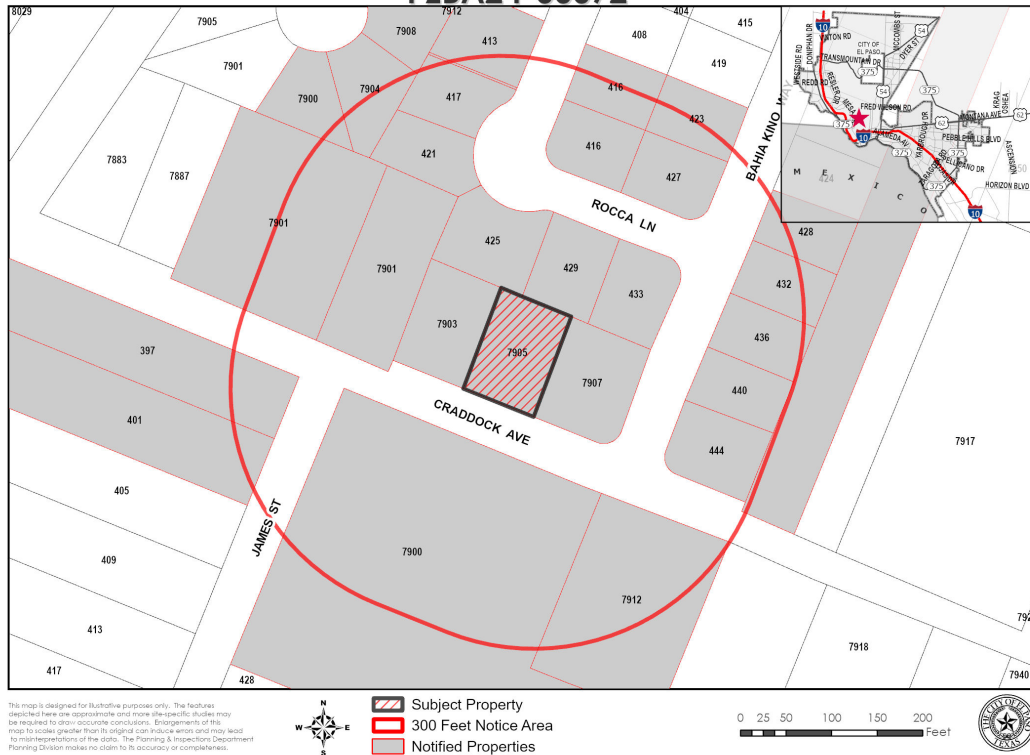
ZONING MAP

PZBA24-00072



NEIGHBORHOOD NOTIFICATION MAP

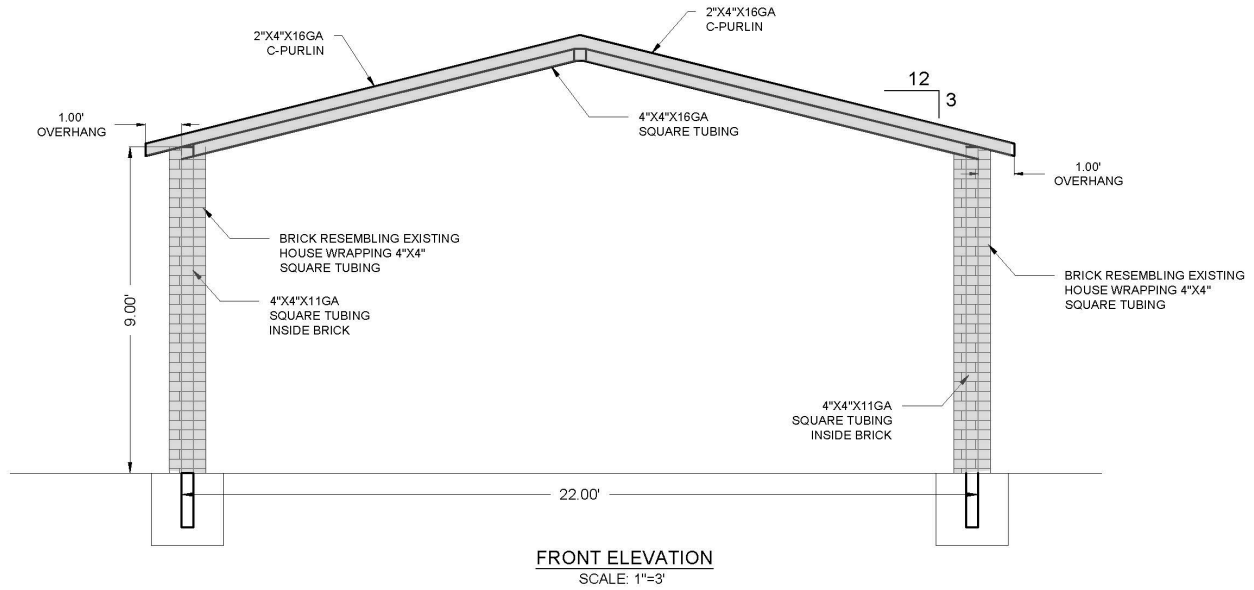
PZBA24-00072



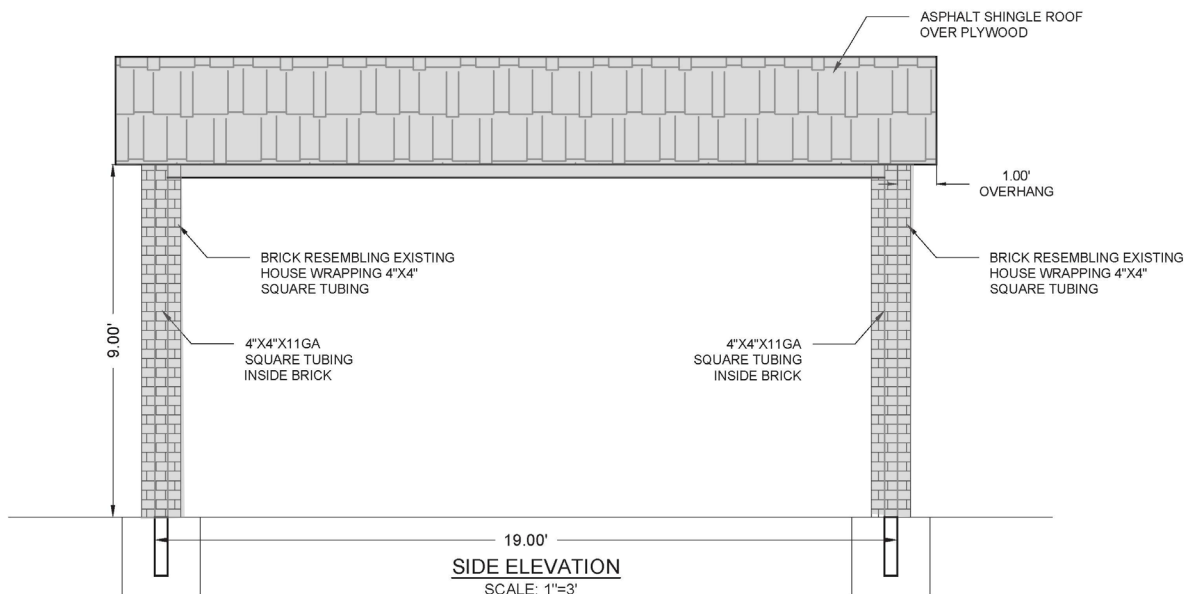
LEGAL DESCRIPTION:
GREEN BROOK UNIT ONE
BLOCK ONE
LOT 28



ELEVATION 1



ELEVATION 2





Legislation Text

File #: BC-165, 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.

PZBA24-00073 Lot 2, Block 9, Coronado Country Club Estates Replat, and a portion of Tract 17L,
Foster Survey No. 258, City of El Paso, El Paso County, Texas

ADDRESS: 6104 Pinehurst Rd.
APPLICANT: John and Yuree Lee
REPRESENTATIVE: Tommy Fan/Fan Studio Architect PLLC
REQUEST: Special Exception J (Carport Over a Driveway)
DISTRICT: 1
ZIPCODE: 79912
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

6104 Pinehurst

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER:	PZBA24-00073
CASE MANAGER:	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER:	John and Yuree Lee
REPRESENTATIVE:	Tommy Fan/Fan Studio Architect PLLC
LOCATION:	6104 Pinehurst Dr. (District 1)
ZONING:	R-2 (Residential)
REQUEST:	Special Exception J (Carport Over a Driveway)
PUBLIC INPUT:	Two (2) phone calls in opposition received as of October 8, 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-2 (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.

PZBA24-00073



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 feet 1 inch by 22 feet 8 ½ inches and an area of 511 square feet, of which 511 square feet encroaches 22 feet 6 inches into the front yard setback and is located to within 2 feet 6 inches of the front property line.

BACKGROUND: The minimum front setback is 25 feet in the R-2 (Residential) zone district. The required front setback for the subject property is 25 feet to meet the cumulative front and rear setback of 60 feet in the R-2 (Residential) zone district. Based on El Paso Central Appraisal records, the home was built in 1961 and the current owners have owned the home since 2023.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 Feet	2 feet 6 inches
Rear	35 Feet	No Change
Cumulative Front & Rear	60 Feet	27 Feet 6 inches
Side (Right)	10 Feet	No Change
Side (Left)	10 Feet	No Change
Cumulative Side	20 Feet	No Change

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	768 Square Feet	1/5 of 3,840 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	511 Square Feet	22 Feet 6 inches by 22 Feet 8 ½-inches (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 511 square feet is less than the maximum allowed area of 768 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 October 3, 2024 to all property owners within 300 feet of subject property. As of October 8, 2024, the Planning Division has received two phone calls in opposition to the special exception request.

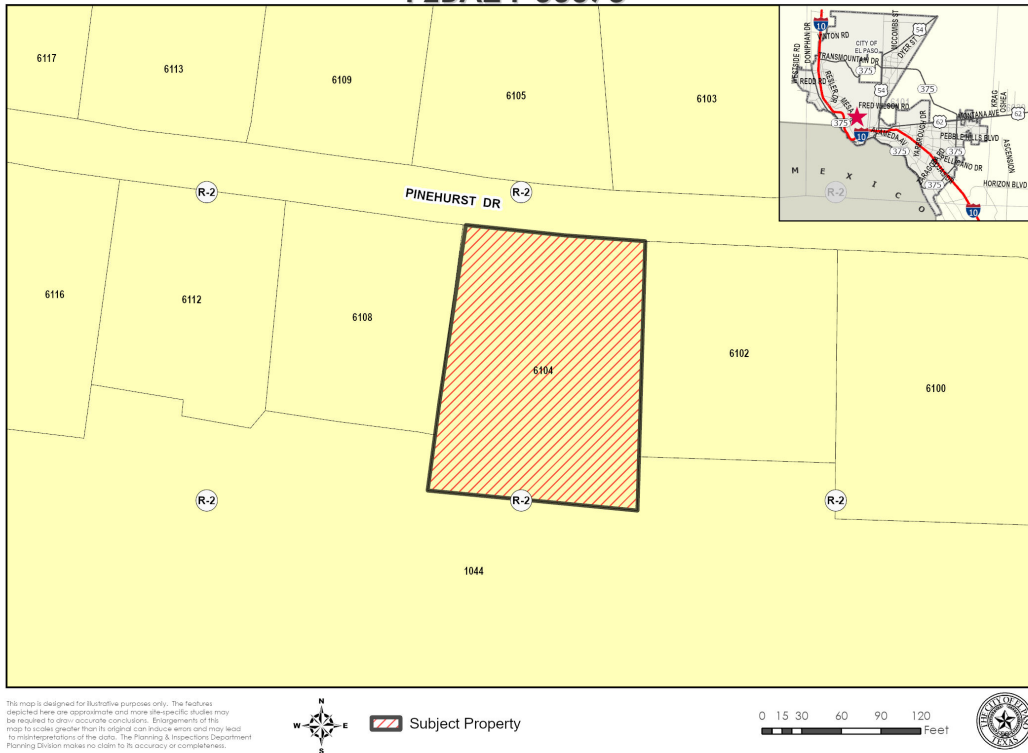
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

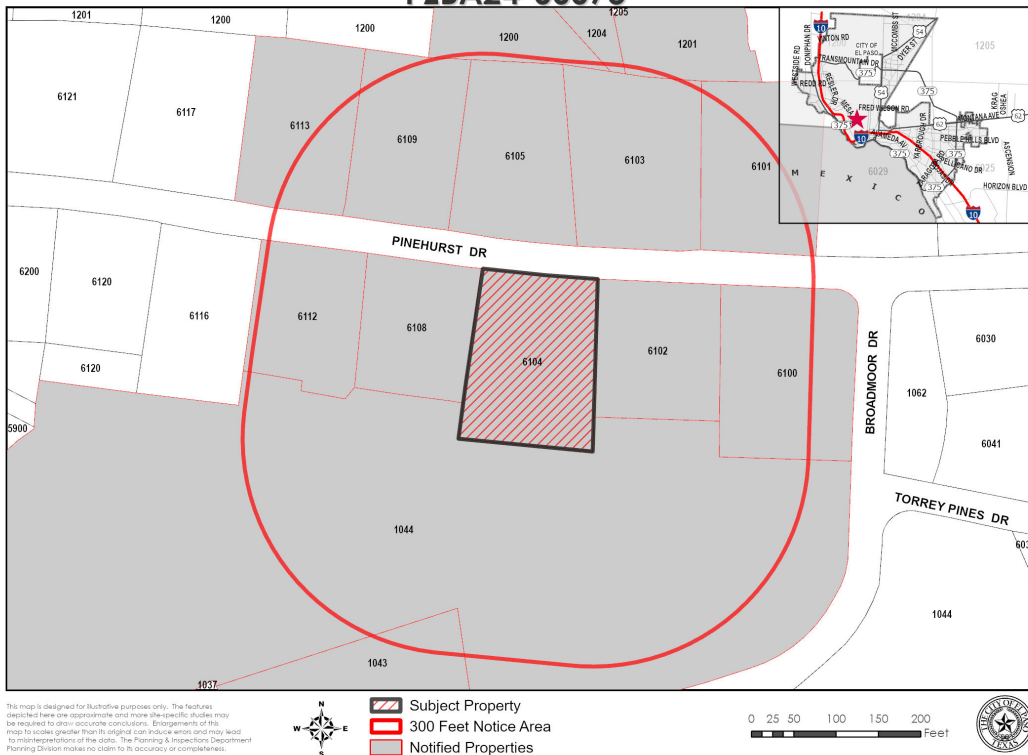
ZONING MAP

PZBA24-00073

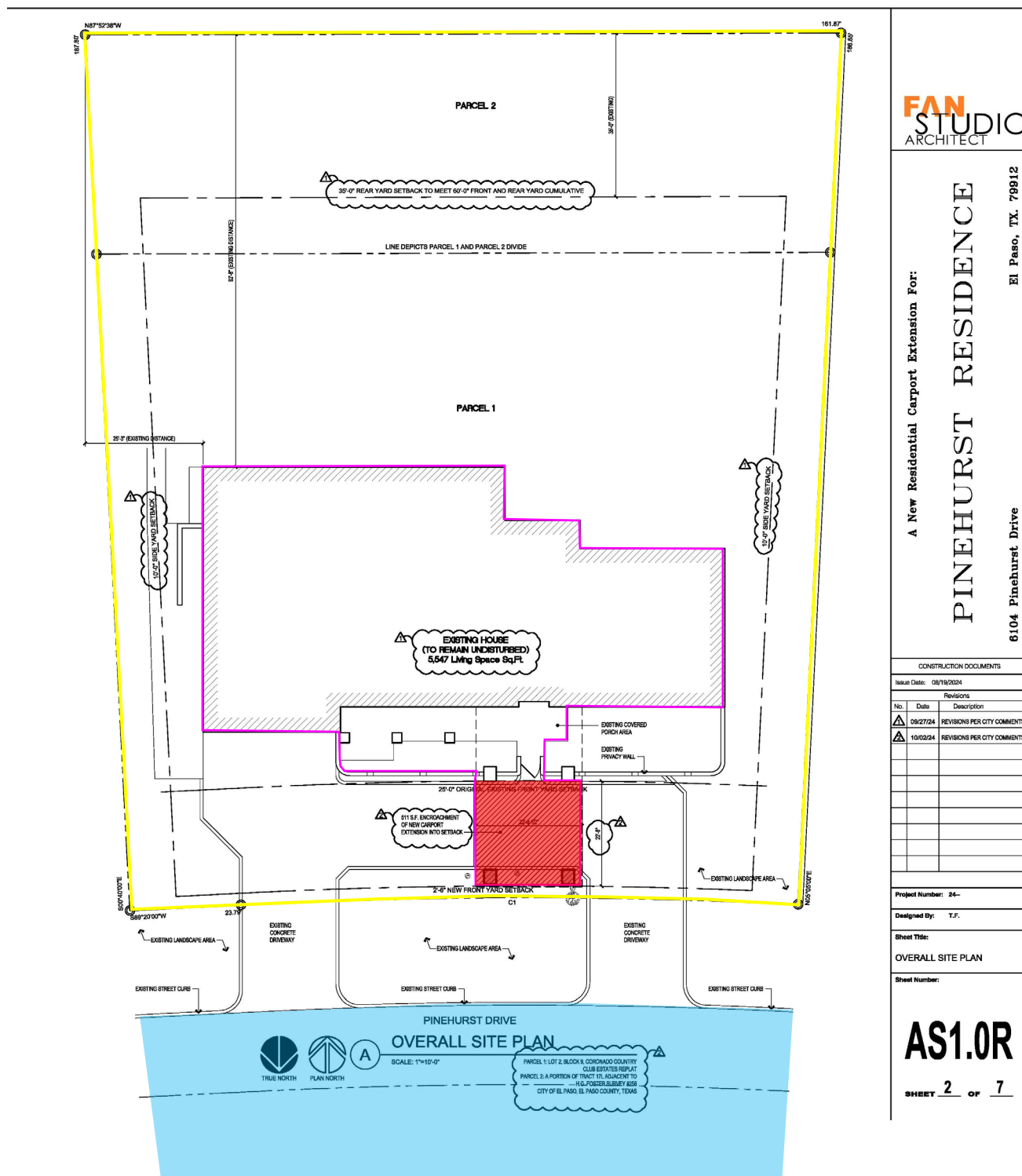


NEIGHBORHOOD NOTIFICATION MAP

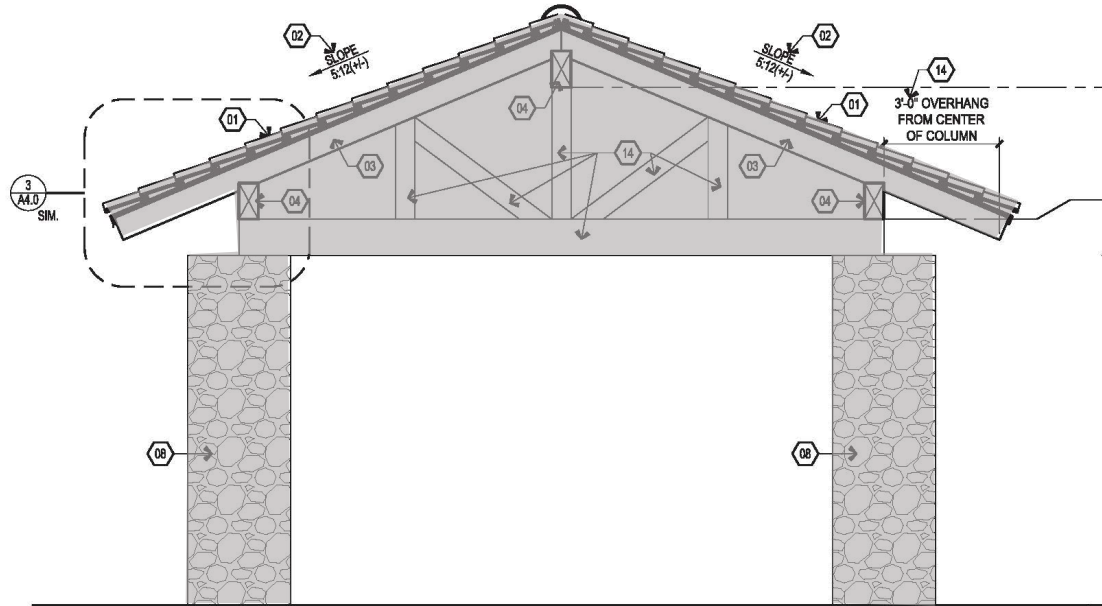
PZBA24-00073



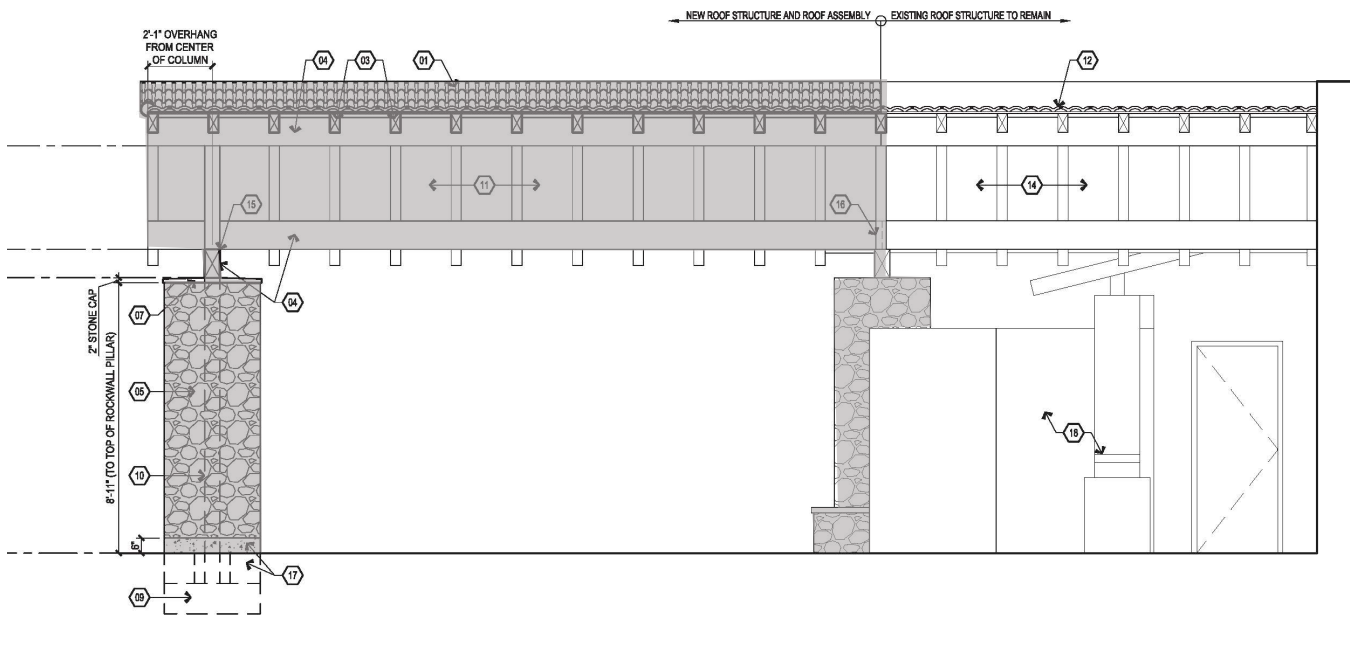
SITE PLAN



ELEVATION 1



ELEVATION 2





Legislation Text

File #: BC-166, **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.

PZBA24-00074 Lot 7, Block 104, Cielo Vista Park #S, City of El Paso, El Paso County, Texas

ADDRESS: 1452 Backus St.

APPLICANT: Daniel and Marianne Chacon

REPRESENTATIVE: New Republic Architects

REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception J
(Carport over a Driveway)

DISTRICT: 3

ZIPCODE: 79925

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

1452 Backus

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00074
CASE MANAGER: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Daniel and Marianne Chacon
REPRESENTATIVE: New Republic Architects
LOCATION: 1452 Backus Street (District 3)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception J (Carport Over a Driveway)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 J (Carport Over a Driveway) to allow to legalize two (2) attached accessory structures, extending into both the required side yard setbacks and to permit the construction of a proposed carport, extending into the required front yard setback in the R-4 (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH A CONDITION** of the special exception requests as the requested encroachment for the accessory structures are equal that the encroachments present on at least two other neighboring properties. In addition, the requested area of encroachment is less than the maximum permitted for a carport. The condition is as follows:

That the accessory structure located at the farthest point of the rear yard be relocated or removed from the utility easement area.

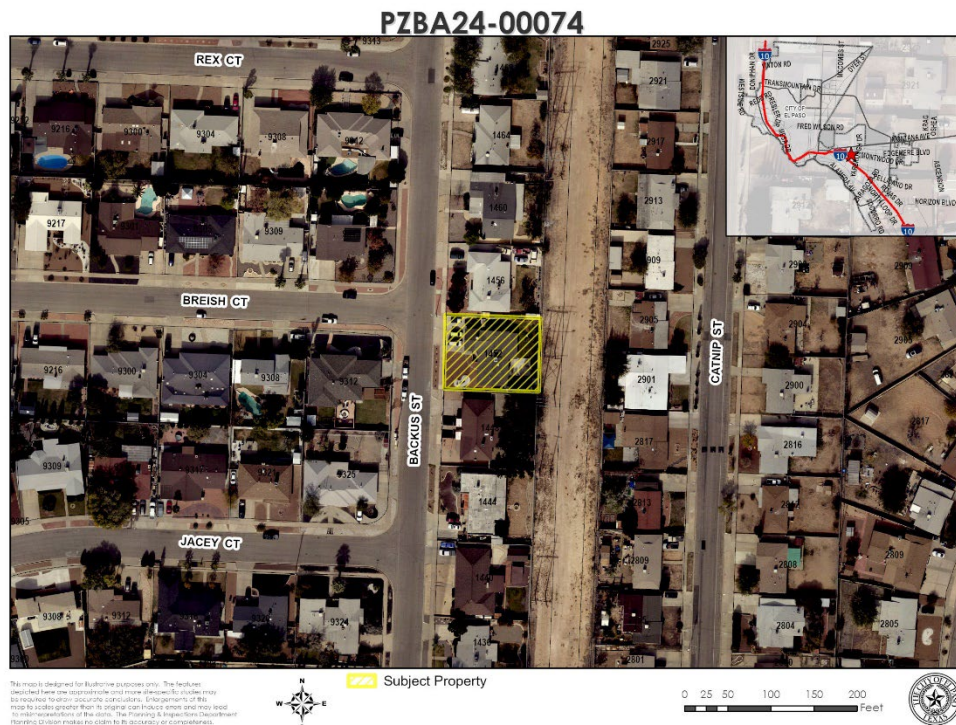


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize two (2) attached accessory structures, each with an area of 37.2 and 44.49 square feet, extending into each of the required 5-foot side yard setbacks. Additionally, the applicant is requesting a special exception to permit the construction of 520 square foot carport, extending 15 feet into the required front yard setback. This will result in a total encroachment of 473.69 square feet.

BACKGROUND: The required front setback is 20 feet in the R-4 (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-4 (Residential) zone district. The existing residence was built approximately in 1967, with property owners residing 37 years at most. Per El Paso City Code, the existing accessory structure located at the farthest point of the rear yard shall be relocated or removed from the utility easement area in order for this exception to apply.

Aerial photographs show that four other properties on the same block also have accessory structures in both side yard setbacks. 1400 Backus Street has an accessory structure encroaching on 42.21 square feet. Similarly, 1420 Backus Street has an accessory structure encroaching on 59.94 square feet, 1444 Backus Street has one accessory structure encroaching on 65.70 square feet, and 1456 Backus Street has one accessory structure encroaching on 42.41 square feet. The average area of encroachment for these accessory structures is 52.39 square feet, which is greater than the average of 40.85 square feet for the two accessory structures in question.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	5 feet
Rear	25 feet	25 feet
Cumulative Front & Rear	45 feet	30 feet
Side (West)	5 feet	0 feet
Side (East)	5 feet	0 feet
Cumulative Side	N/A	N/A

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	440 Square feet	1/5 of 2200.0 Sq. ft. (House 1 st floor area)
Requested Area of Encroachment	391 Square feet	26.8 feet by 14.6 feet (Encroachment only)

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 1400, 1420, 1444, and 1456 Backus Street are non-conforming properties with accessory structures attached to each respective main house. These properties have side yard encroachments similar to those at 1452 Backus Street. Each property has a structure located on either side of the main house.
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. 1400, 1420, 1444, and 1456 Backus Street have encroachments that extend into each of the respective side yard setbacks. All of these properties have attached accessory structures encroaching into each of the required 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.
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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 391 square feet is less than the maximum allowed area of 440 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.

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of the subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

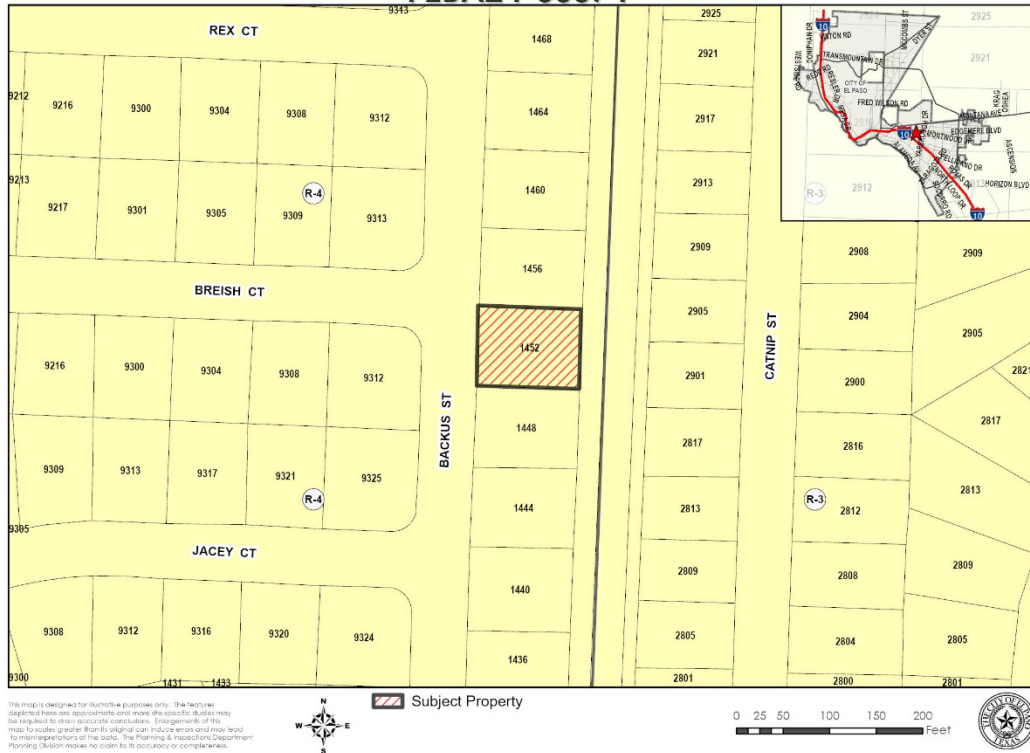
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured.
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.

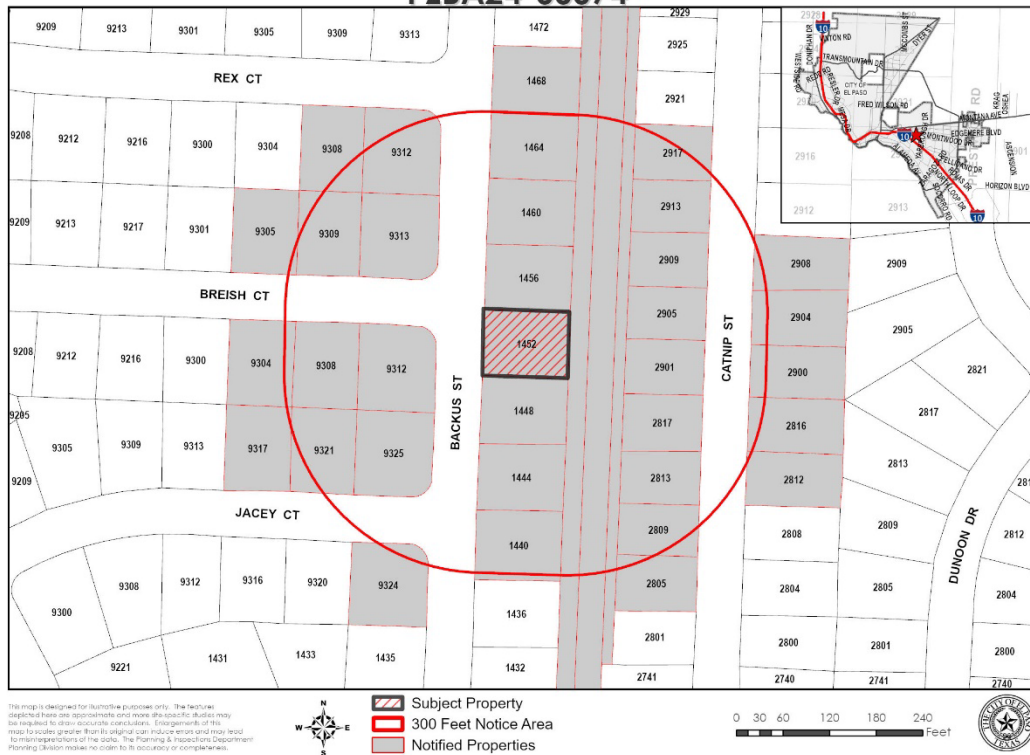
ZONING MAP

PZBA24-00074

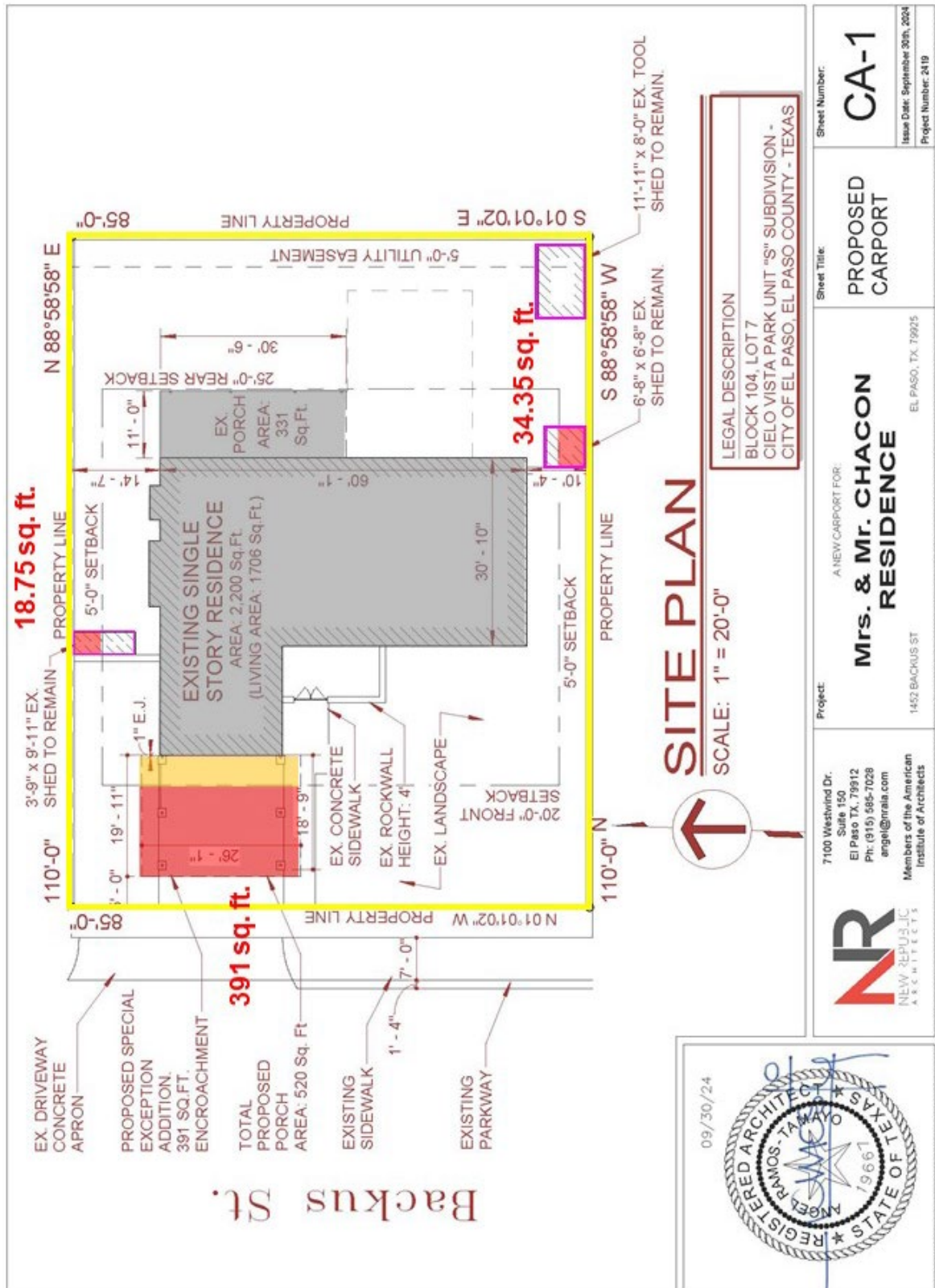


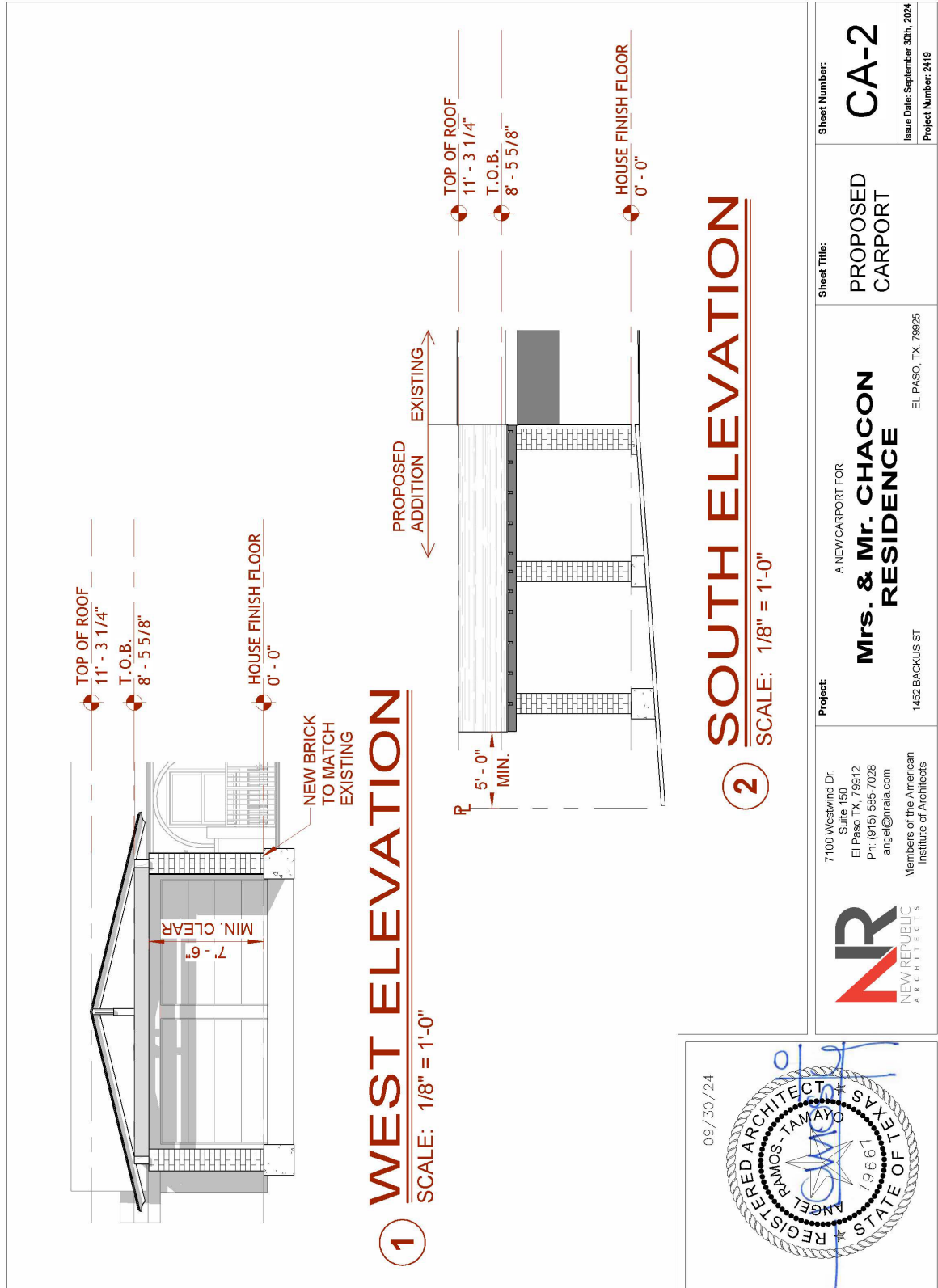
NEIGHBORHOOD NOTICE AREA MAP

PZBA24-00074



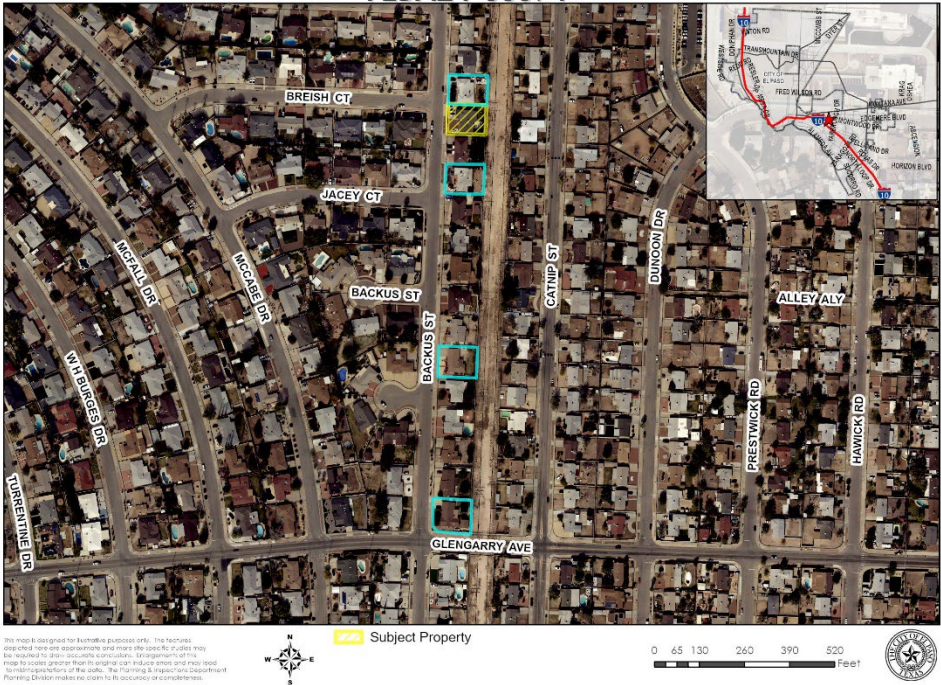
SITE PLAN





NONCONFORMING LOTS

PZBA24-00074



NONCONFORMING LOT 1



NONCONFORMING LOT 2



NONCONFORMING LOT 3



NONCONFORMING LOT 4





Legislation Text

File #: BC-167, 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.

PZBA24-00075 A portion of Lots 27, and 29 and Lot 28, Block 12, East El Paso, City of El Paso, El Paso County, Texas

ADDRESS: 3306 Alameda Ave.
APPLICANT: Leopoldo Herrera
REPRESENTATIVE: Rene Herrera
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 8
ZIPCODE: 79905
STAFF CONTACT: Myrna Aguilar, AguilarMP@elpasotexas.gov, 915-212-1584

3306 Alameda

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00075
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Leopoldo and Rene Herrera
REPRESENTATIVE: Rene Herrera
LOCATION: 3306 Alameda (District 8)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing canopy into the 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 the setback already present on at least two other neighboring properties.

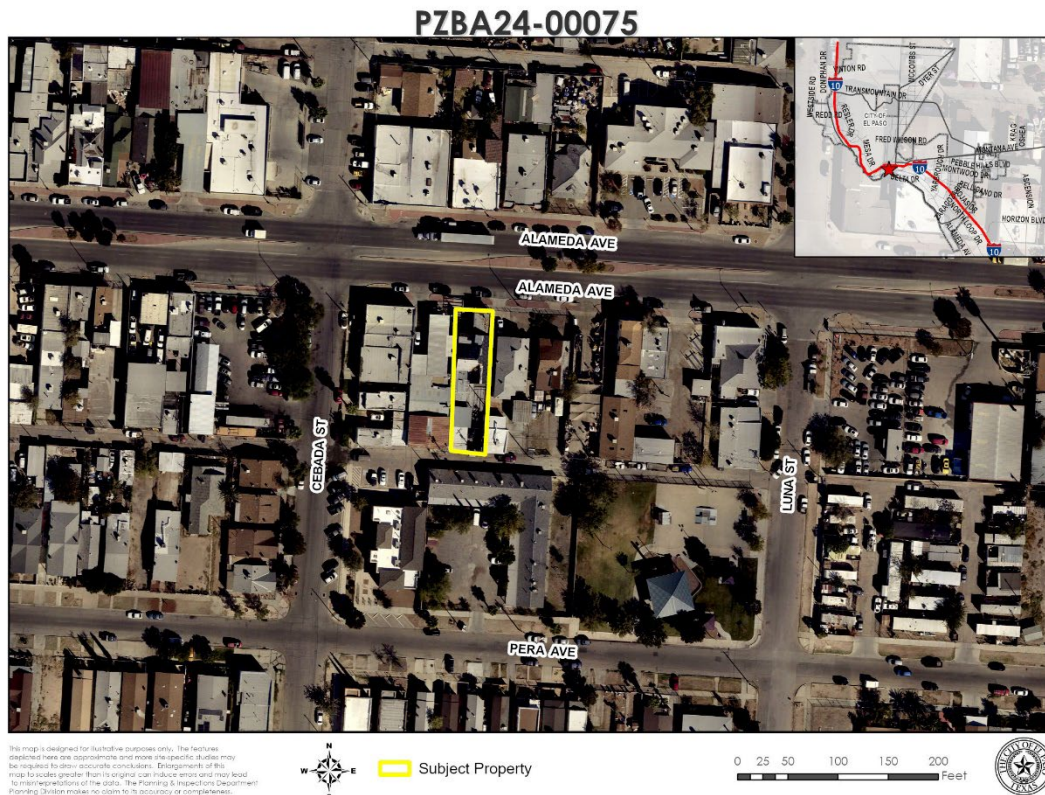


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the existing canopy that extends 10 feet into the required rear yard setback, resulting in a total encroachment of 385 square feet.

BACKGROUND: The minimum rear setback in a C-4(Commercial) zone district is 10 feet. Aerial photographs indicate that three nearby properties also encroach into their respective setbacks, with encroachments into the rear yard equal to or larger than those on the subject property. These properties 3304 Alameda (394 square feet rear yard encroachment), 3320 Alameda (334.4 square feet rear yard encroachment), and 3331 Alameda (588 square feet rear yard encroachment) - and are currently classified as non-conforming lots.

According to the El Paso Central Appraisal District, the property was built in 1958. The current owner, who has owned the property since 1994, is responsible for the construction of the canopy encroaching in the rear yard setback, which was built sometime in 2021. The property owner received two separate citations in a span of 13 months for the construction of rear canopy and constructing a canopy in the front side of the property without permits. The property is currently being used as a live-work flex unit within the C-4 (Commercial) zone district.

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. Aerial photos and site visits, have confirmed that three properties on the same block extend 10 feet into the rear setback and two properties extend at least 8 feet into the side 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 three properties with structures encroaching into the required 10-foot rear yard setback, extending to the property line, located at 3304 Alameda, 3320 Alameda and 3331 Alameda.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

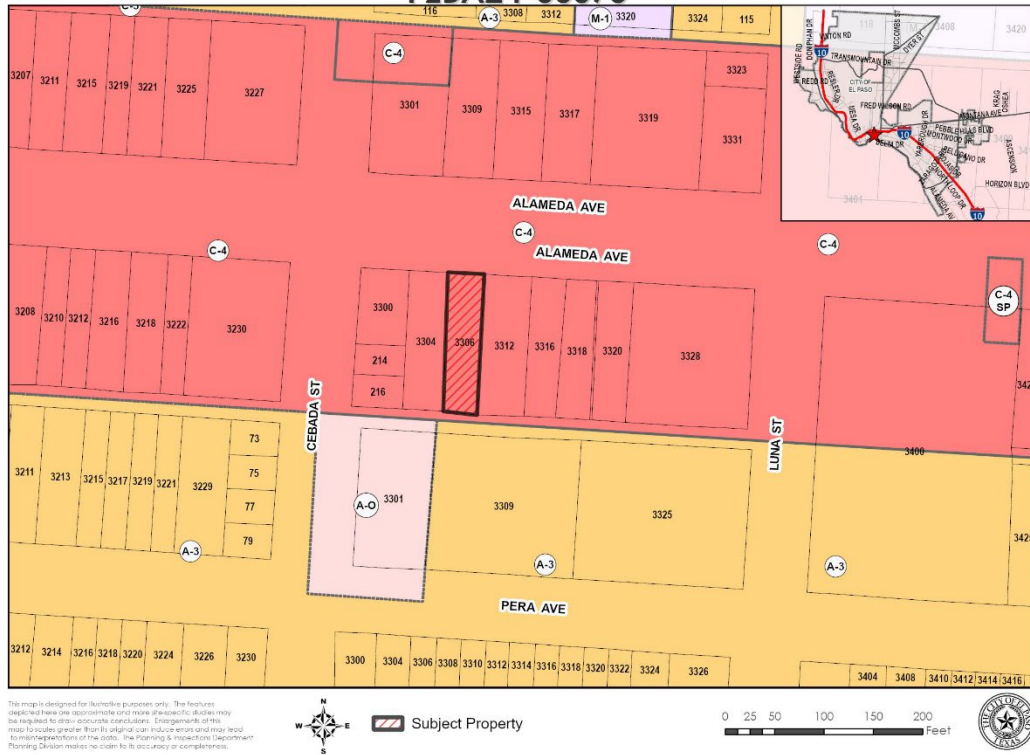
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

PZBA24-00075

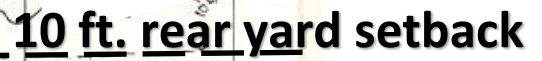


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00075



REAR ALLEY



NONCONFORMING LOTS

PZBA24-00075



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.



 Subject Property

0 15 30 60 90 120 Feet





Legislation Text

File #: BC-168, 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.

PZBA24-00076 Lot 13, Block 20, Ranchos Del Sol, City of El Paso, El Paso County, Texas
ADDRESS: 12258 Bronco Buster Ln.
APPLICANT: Juan F. Lopez and Alba R. Lopez
REPRESENTATIVE: Juan F. Lopez and Alba R. Lopez
REQUEST: Special Exception C (Rear Yard Setback, Single-Family Residence)
DISTRICT: 6
ZIPCODE: 79936
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

12258 Bronco Buster

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER:	PZBA24-00076
CASE MANAGER:	Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER:	Juan and Alba Lopez
REPRESENTATIVE:	Juan and Alba Lopez
LOCATION:	12258 Bronco Buster (District 6)
ZONING:	R-3A (Residential)
REQUEST:	Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT:	None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit the encroachment of a proposed porch 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.

PZBA24-00076



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 porch, 13 feet 3 inches of which would extend into the rear yard setback for a 383.79 square feet area of total encroachment.

BACKGROUND: The minimum rear setback is 25 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.

Based on Central Appraisal Records, the home was built in 2002 and the current owner has owned the property since 2015. There was prior approval for a porch that has been under construction but will be demolished to make way for the new proposed porch.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	12 feet 2 inches
Cumulative Front & Rear	45 feet	32 feet 2 inches
Side (Left)	5 feet	No Change
Side (Right)	5 feet	No Change
Cumulative Side	N/A	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	388 square feet	25.86' (77.6' average lot width ÷ 3) X 15' (3/5 of 15' required rear yard setback)
Requested Area of Encroachment	383.79 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 388 square feet, which is less than the requested area of encroachment of 383.79 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 12 feet 2 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 October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

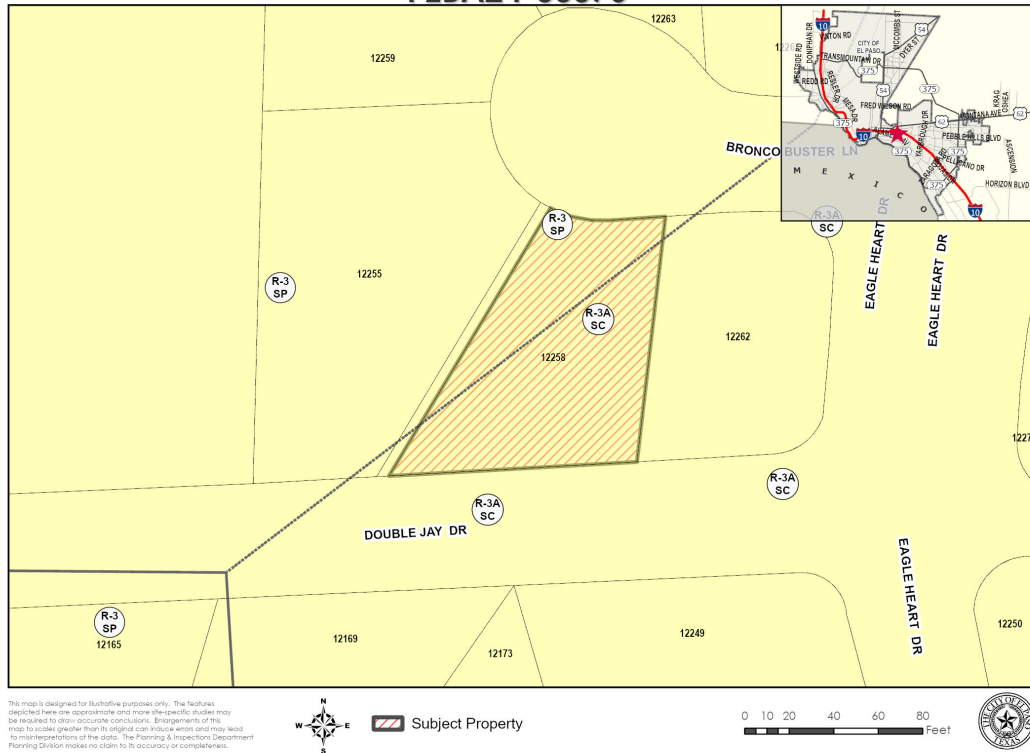
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. (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.

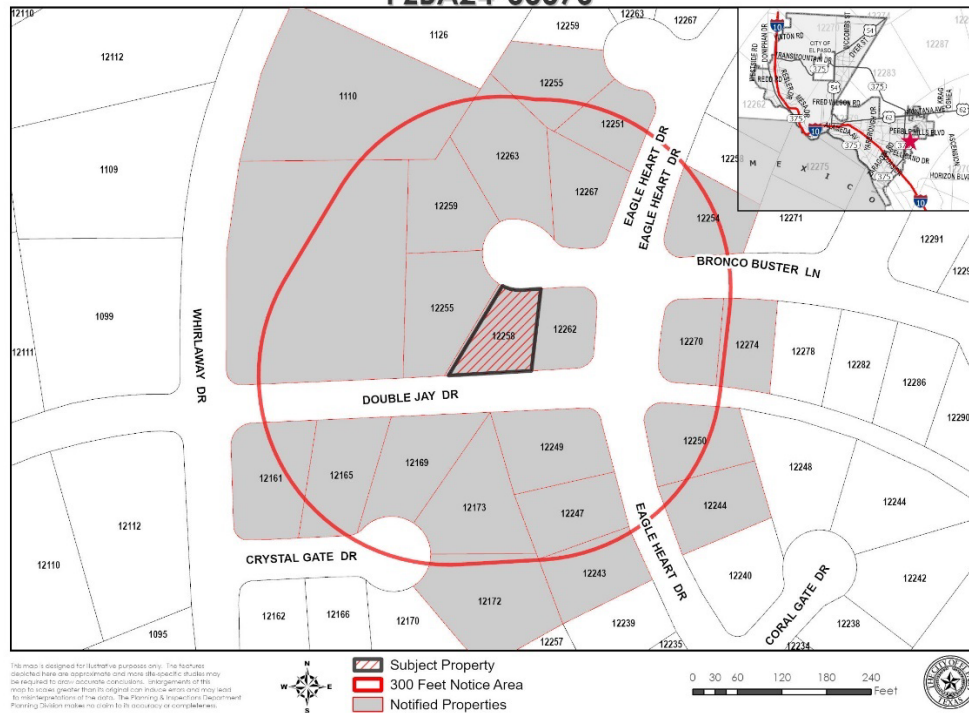
ZONING MAP

PZBA24-00076



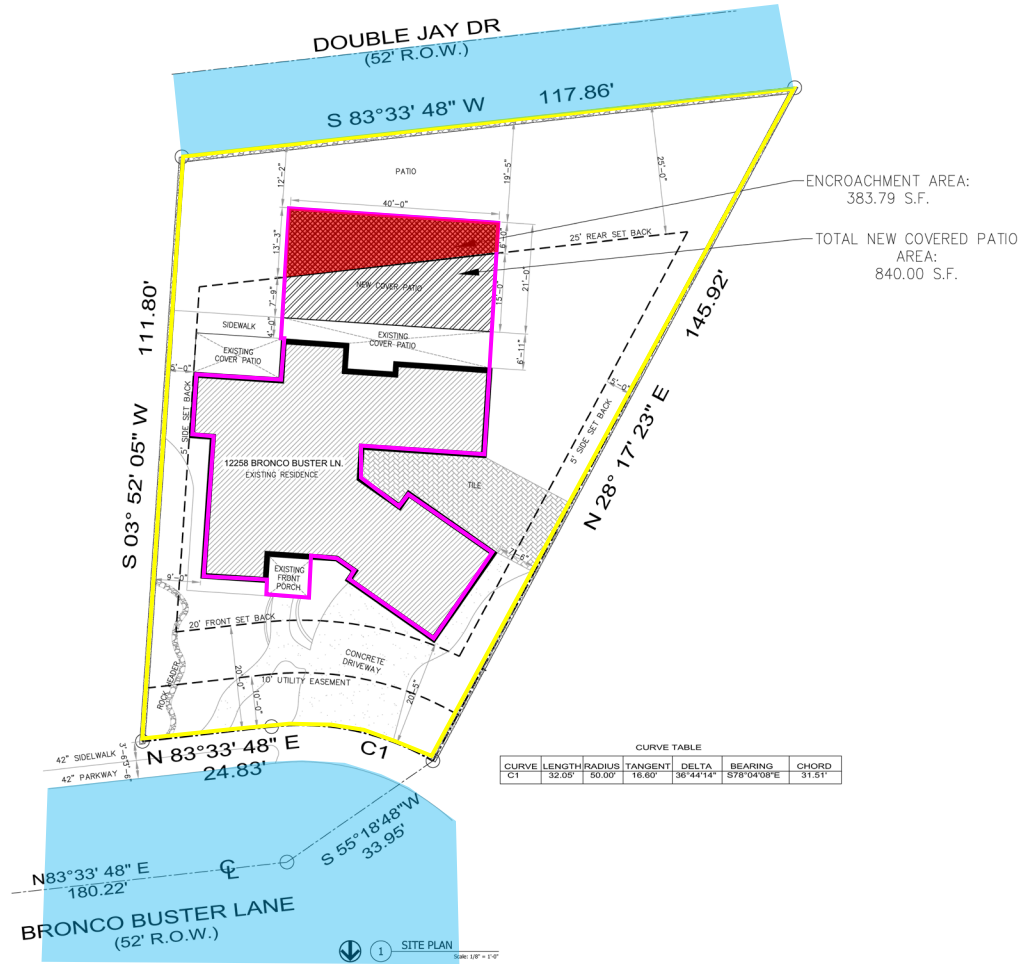
NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00076



SITE PLAN

PROJECT DATA
APPLICABLE CODES
 INTERNATIONAL RESIDENTIAL CODE 2021
LAND AREA
 SITE: 10,000.21 S.F. (0.23 ACRES)
LEGAL ADDRESS
 12258 BRONCO BUSTER LN.
 EL PASO, TEXAS 79936
LEGAL DESCRIPTION
 20 RANCHOS DEL SOL, #6 AMEND PLAT
 13 (EHC WLY PT) (10000.21 SQ FT)
ZONING
 ZONING: R-3A SC
 FRONT YARD: 15' EXCEPT THAT A 20' DRIVE WAY
 MUST BE PROVIDED
 REAR YARD: 15'
 CUMULATIVE FRONT AND REAR: 45'
 SIDE YARD: 5'
 SIDE YARD (STREET): 10'
 CUMULATIVE SIDE AND SIDE STREET YARD: N/A
BUILDING AREA
 EXISTING LIVING AREA = 2,811.00 Sq.Ft.
 TOTAL COVER PATIO AREA = 840.00 Sq.Ft.
 (1 TO BE LEGALIZED)
 ENCROACHMENT AREA = 383.79 S.F.
ZBA NOTES:
 SPECIAL EXCEPTION: C





Legislation Text

File #: BC-169, 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.

PZBA24-00077 Lot 2, Block 8, Sandstone Ranch #2, City of El Paso, El Paso County, Texas
ADDRESS: 11005 Northview Dr.
APPLICANT: Juan Arturo and Erika Torres
REPRESENTATIVE: Jaime Sandate
REQUEST: Special Exception C (Rear Yard Setback, Single-family Residence)
DISTRICT: 4
ZIPCODE: 79934
STAFF CONTACT: Saul J. G. Pina, (915) 212-1612, PinaSJ@elpasotexas.gov

11005 Northview

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER:	PZBA24-00077
CASE MANAGER:	Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Juan Arturo and Erika Torres
REPRESENTATIVE:	Jaime Sandate
LOCATION:	11005 Northview Dr. (District 4)
ZONING:	R-3A (Residential)
REQUEST:	Special Exception C (Rear Yard Setback, Single-Family Residence)
PUBLIC INPUT:	None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback, Single-Family Residence) to permit the construction of a proposed two (2) story home addition 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 area of encroachment is less than the maximum permitted.

PZBA24-00077



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a two (2) story home addition, of which 187 square feet encroaches 8.5 feet into the required 23.5-foot rear yard setback.

BACKGROUND: The minimum rear setback is 15 feet in the R-3A (Residential) zone district. The required rear setback for the subject property is 23.5 feet to meet the cumulative front and rear setback of 45 feet in the R-3A (Residential) zone district. The existing residence was built approximately in 2007, with property owners residing 1 year at most.

The existing house features a 171.5 square foot balcony, which encroaches 76 square feet and extends 4 feet into the required 23.5-foot rear yard setback. With the proposed addition, the total encroachment will be 263 square feet.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	21.5 feet	No Change
Rear	23.5 feet	15 feet
Cumulative Front & Rear	45 feet	36.5 feet
Side (Right)	5 feet	No Change
Side (Left)	5 feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	304.6 square feet	21.6' (65' average lot width ÷ 3) X 14.1' (3/5 of 23.5' required rear yard setback)
Requested Area of Encroachment	263 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 304.6 square feet, which is more than the requested area of encroachment of 263 square feet.
3. A minimum ten-foot rear yard setback shall be required;	Yes. The subject property will have a 15-foot 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 October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

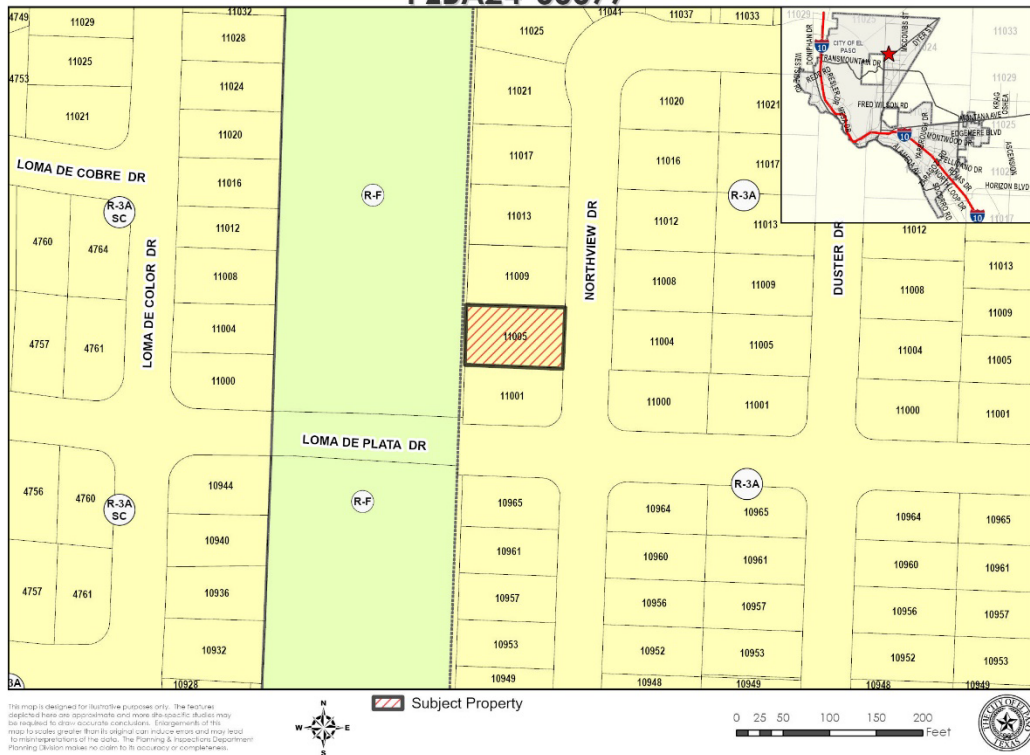
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. **(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.

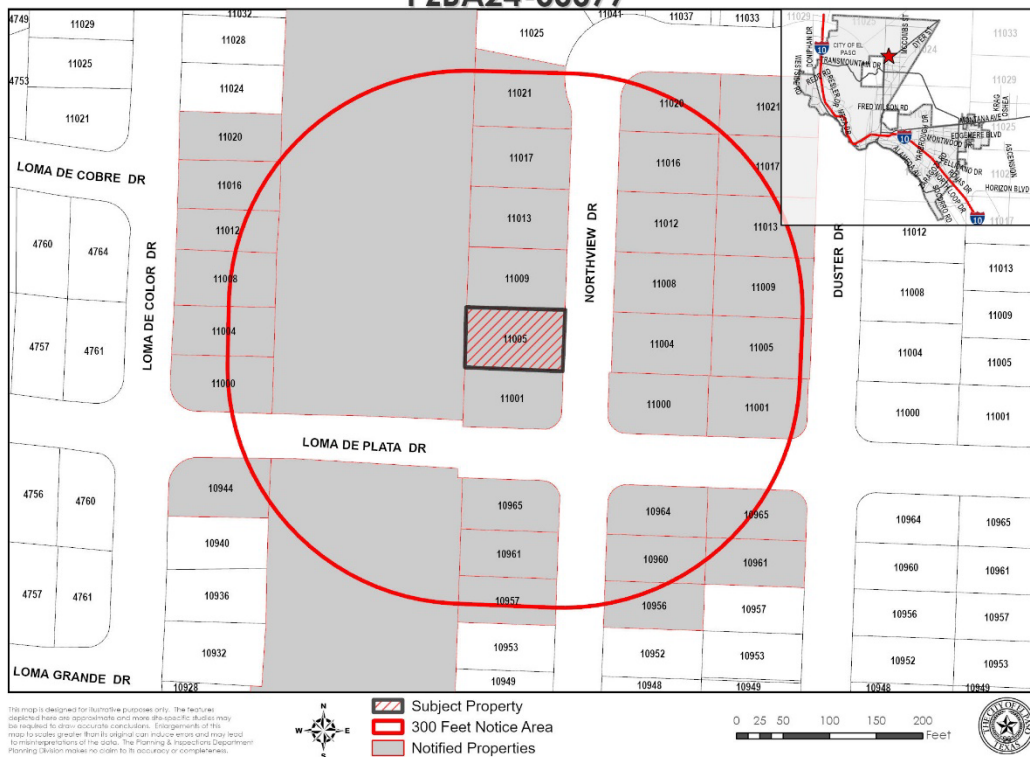
ZONING MAP

PZBA24-00077

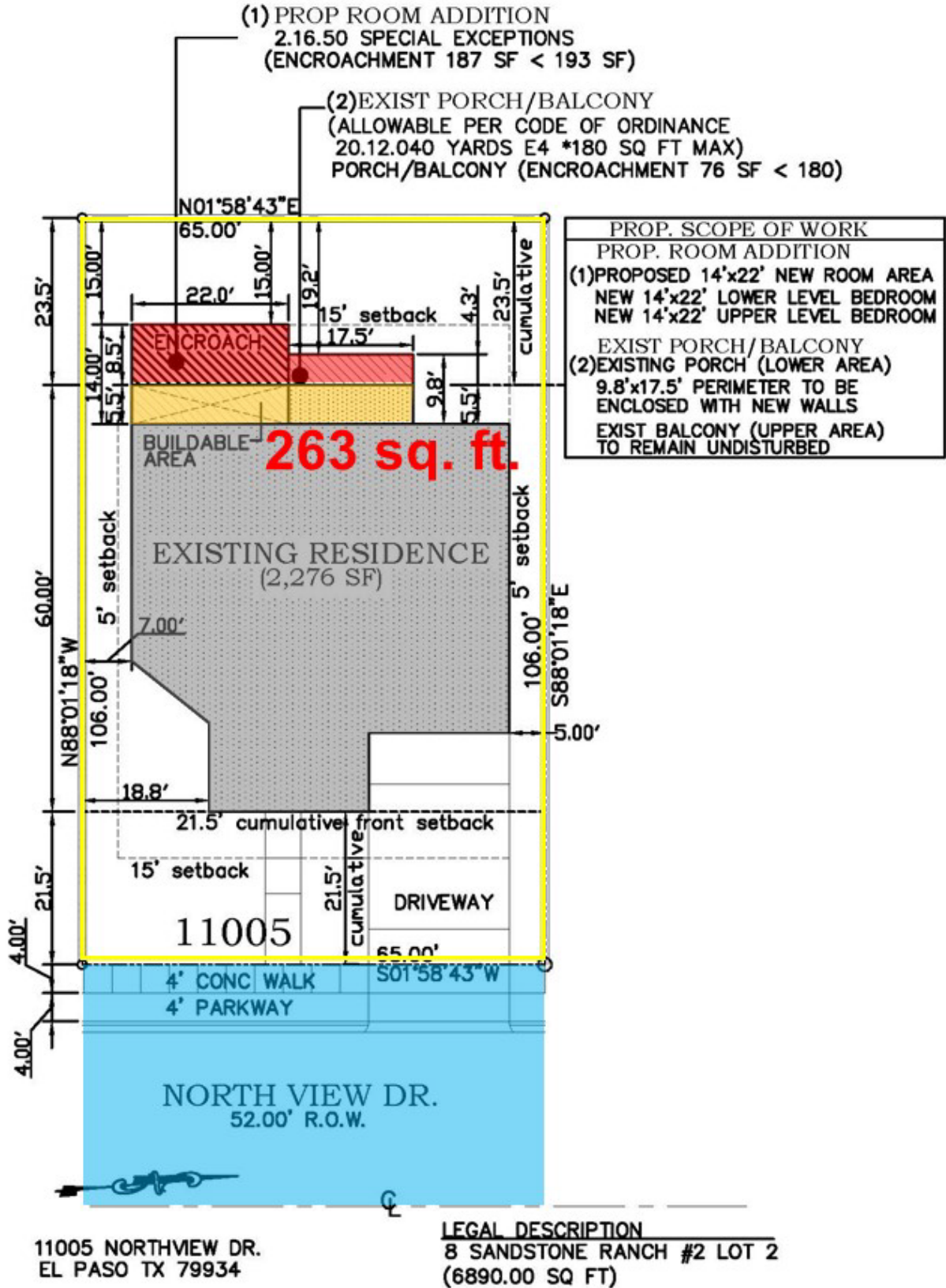


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00077



SITE PLAN



PROPOSED REAR ENCROACHMENT

SCALE:

1"=20'



Legislation Text

File #: BC-170, 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.

PZBA24-00079 Lot 13, Block 6, Collingsworth, City of El Paso, El Paso County, Texas

ADDRESS: 225 S. Collingsworth St.
APPLICANT: Art and Rebecca Perales
REPRESENTATIVE: Art and Rebecca Perales
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 2
ZIPCODE: 79905
STAFF CONTACT: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

225 S. Collingsworth

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER: PZBA24-00024
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Art and Rebecca Perales
REPRESENTATIVE: Art and Rebecca Perales
LOCATION: 225 S. Collingsworth (District 2)
ZONING: R-4 (Residential)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing addition of the existing single-family home in an R-4 (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 garage, storage and an open storage, which extend 3 feet into the side yard setback and of which 201 square feet of that structure encroach into the side yard setback.

BACKGROUND: The minimum side setback is 5 feet in the R-4 (Residential) zone district. The current owner has owned the property since 1987 and the was constructed in 1940 based on El Paso Central Appraisal District records.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	60 feet	No Change
Side (North/East/South/West)	5 feet	No Change
Side (North/East/South/West)	5 feet	2 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 one house on the same block extends 5 feet into the side setback for a total encroachment of 261 square feet, and another house extends 4 feet into the side setback for a total encroachment of 235 square feet.
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots;	Yes. There are two (2) other houses on the same block and abutting street located within the side yard which extend into their required 5-foot side setback located at 251 S. Collingsworth and 235 S. Collingsworth.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

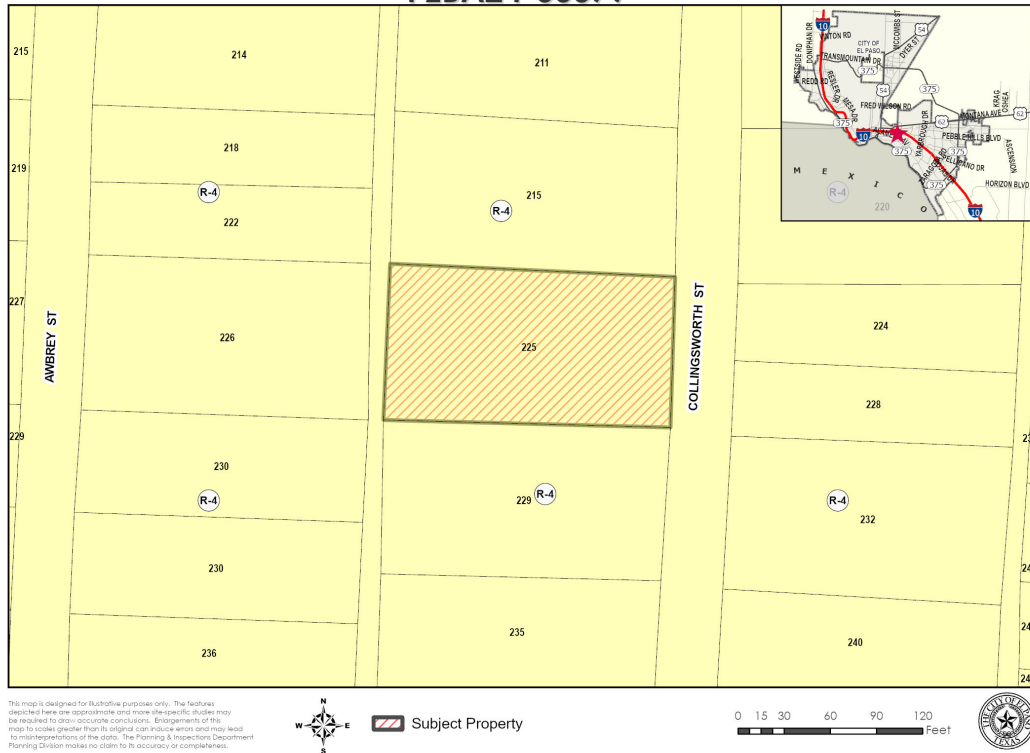
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

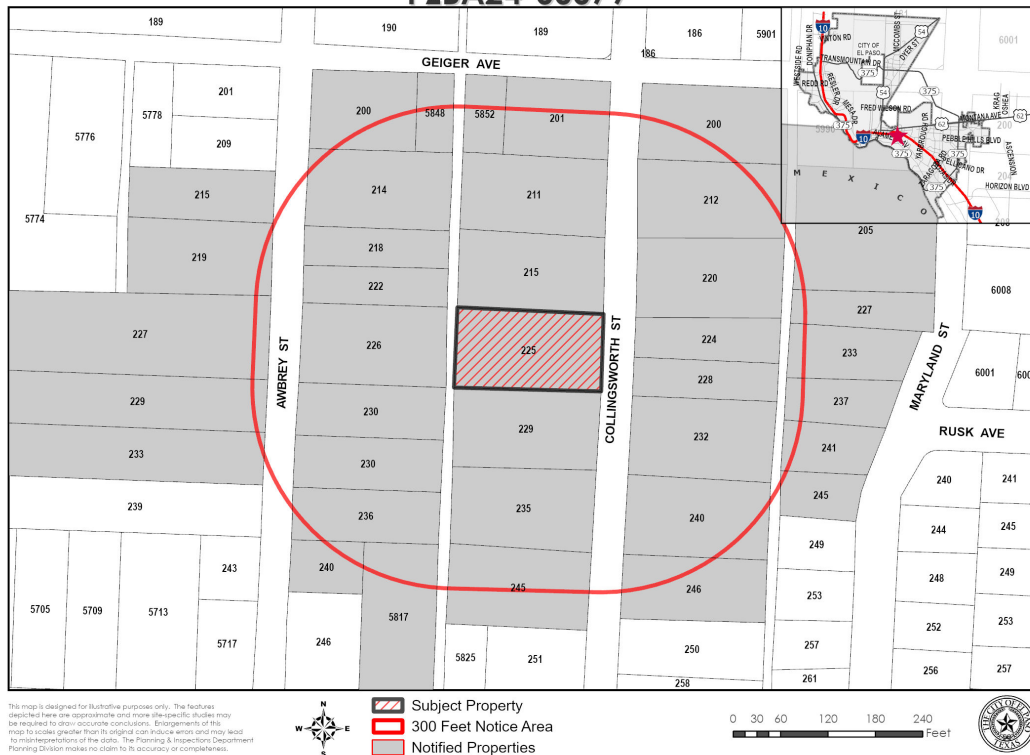
ZONING MAP

PZBA24-00079

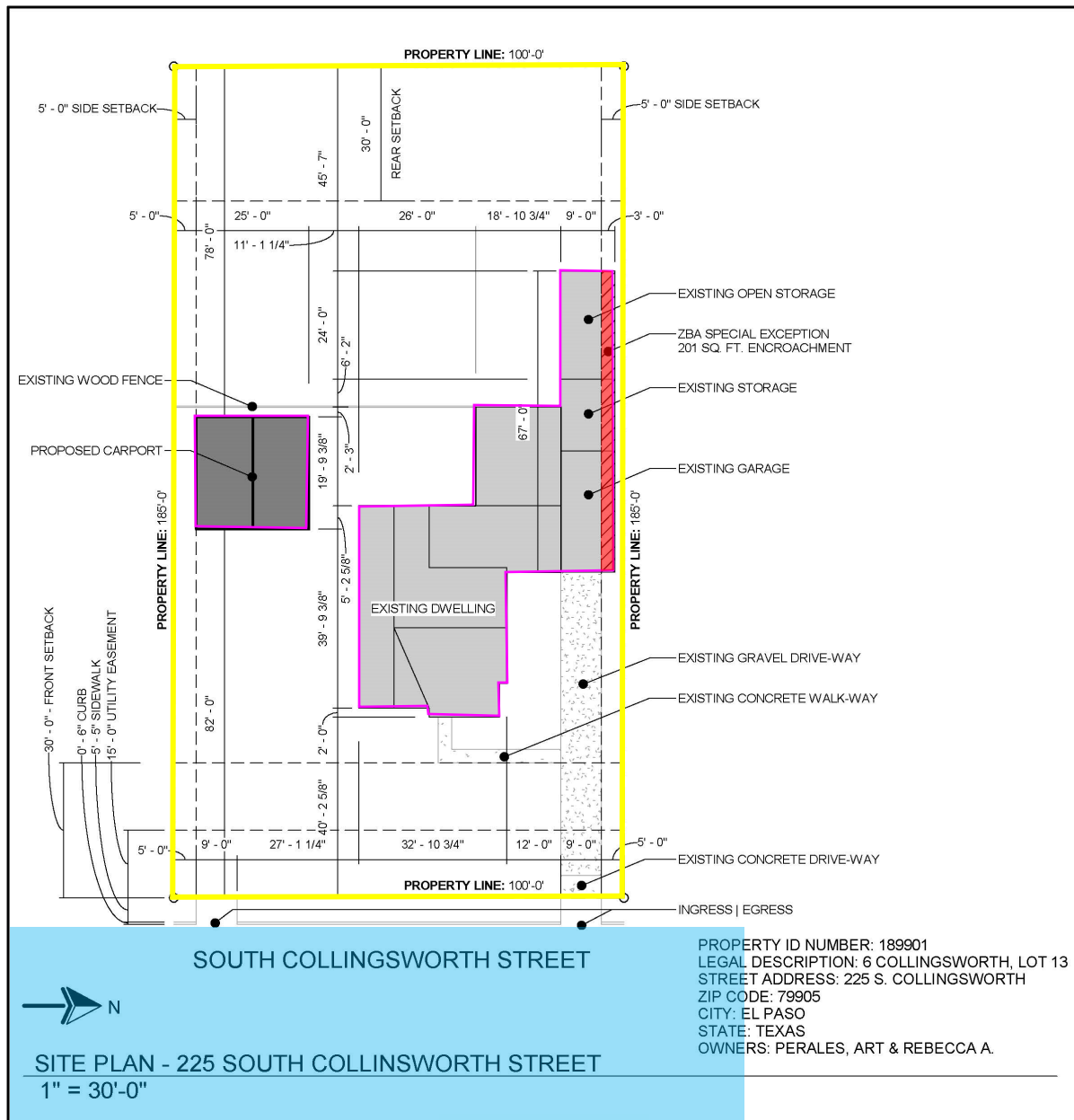


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00079



SITE PLAN




NONCONFORMING LOTS
PZBA24-00079



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.



 Subject Property

0 25 50 100 150 200 Feet



NONCONFORMING LOT 1

PZBA24-00079



NONCONFORMING LOT 2

PZBA24-00079





El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-171, 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.

PZBA24-00080 Lot 8, Block 134, Vista Del Sol Unit Twenty-Four, City of El Paso, El Paso County, Texas

ADDRESS: 10901 Dave Marr Ct.
APPLICANT: James T. Garcia and Teresa del Real
REPRESENTATIVE: James T. Garcia
REQUEST: Special Exception K (In Existence Fifteen Years or More)
DISTRICT: 7
ZIPCODE: 79935
STAFF CONTACT: Myrna Aguilar, AguilarMP@elpasotexas.gov, 915-212-1584

10901 Dave Marr

Zoning Board of Adjustment — October 14, 2024



CASE NUMBER:	PZBA24-00080
CASE MANAGER:	Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER:	James T. Garcia and Maria T. Del Real
REPRESENTATIVE:	James T. Garcia
LOCATION:	10901 Dave Marr Ct. (District 7)
ZONING:	R-3 (Residential)
REQUEST:	Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT:	None received as of October 8, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 K (In Existence Fifteen Years or More) to allow to legalize an existing storage shed addition into the required 5-foot side yard setback and the addition of a structure into the 20-foot rear yard 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 has been in existence for more than fifteen (15) years.

PZBA24-00080



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the existing storage shed, which extends 4.5 feet into the side yard setback for a total encroachment of 99 square feet, and is also requesting to allow to legalize an existing home extension of 2 inches into the required 20-foot rear yard setback for a total encroachment of 5 square feet.

BACKGROUND: The minimum side setback is 5 feet. The minimum rear yard setback is 20 feet to meet the 50 feet cumulative front and rear setbacks in the R-3 (Residential) zone district. The shed is being considered as part of the home due to being closer than 5 feet to the main structure.

According to the El Paso Central Appraisal District records, the current owner has owned the property since June 2024, and the property was constructed in 1978. Based on 2002 aerial imagery, the existing encroachments have been in existence approximately for 22 years, with the storage shed located in its current location as well as the property addition. The property owner is requesting the legalization of the storage shed to be able to build a proposed second garage; this garage will meet the property's setbacks in accordance with R-4 (Residential) zone district and will not encroach into the rear nor front setbacks.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 Feet	No Change
Rear	20 Feet	19 Feet 10 Inches
Cumulative Front & Rear	50 Feet	No Change
Side (Left)	10 Feet	No Change
Side (Right)	5 Feet	6 inches

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.K to:
Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

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

PUBLIC COMMENT: Public notice was sent on October 3, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

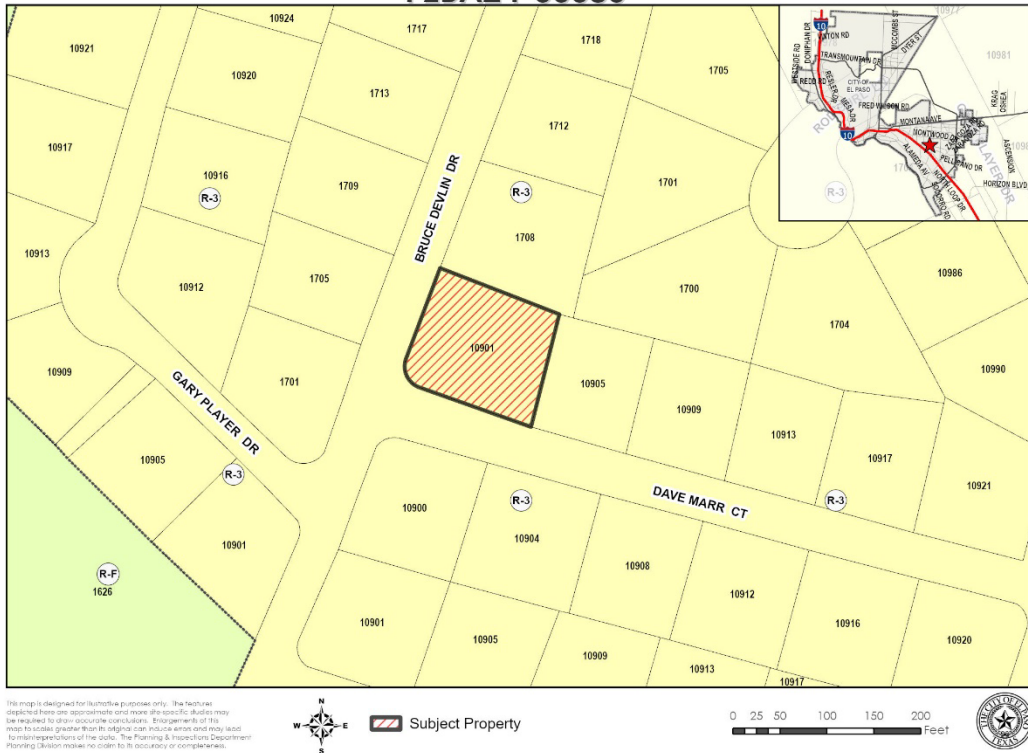
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. (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.

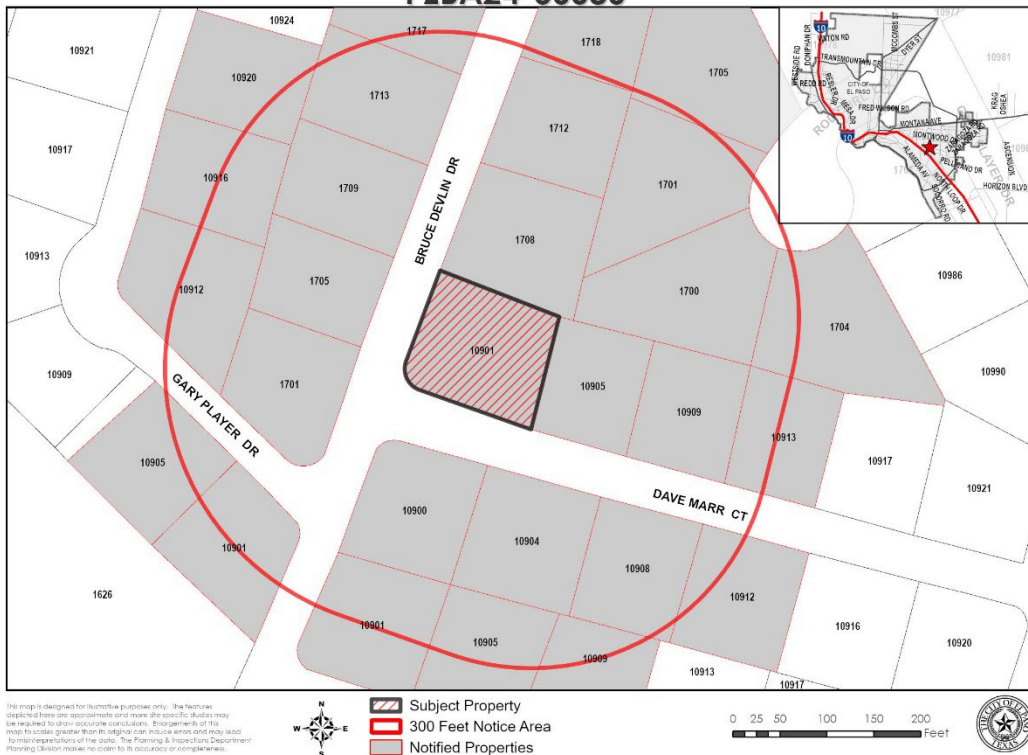
ZONING MAP

PZBA24-00080

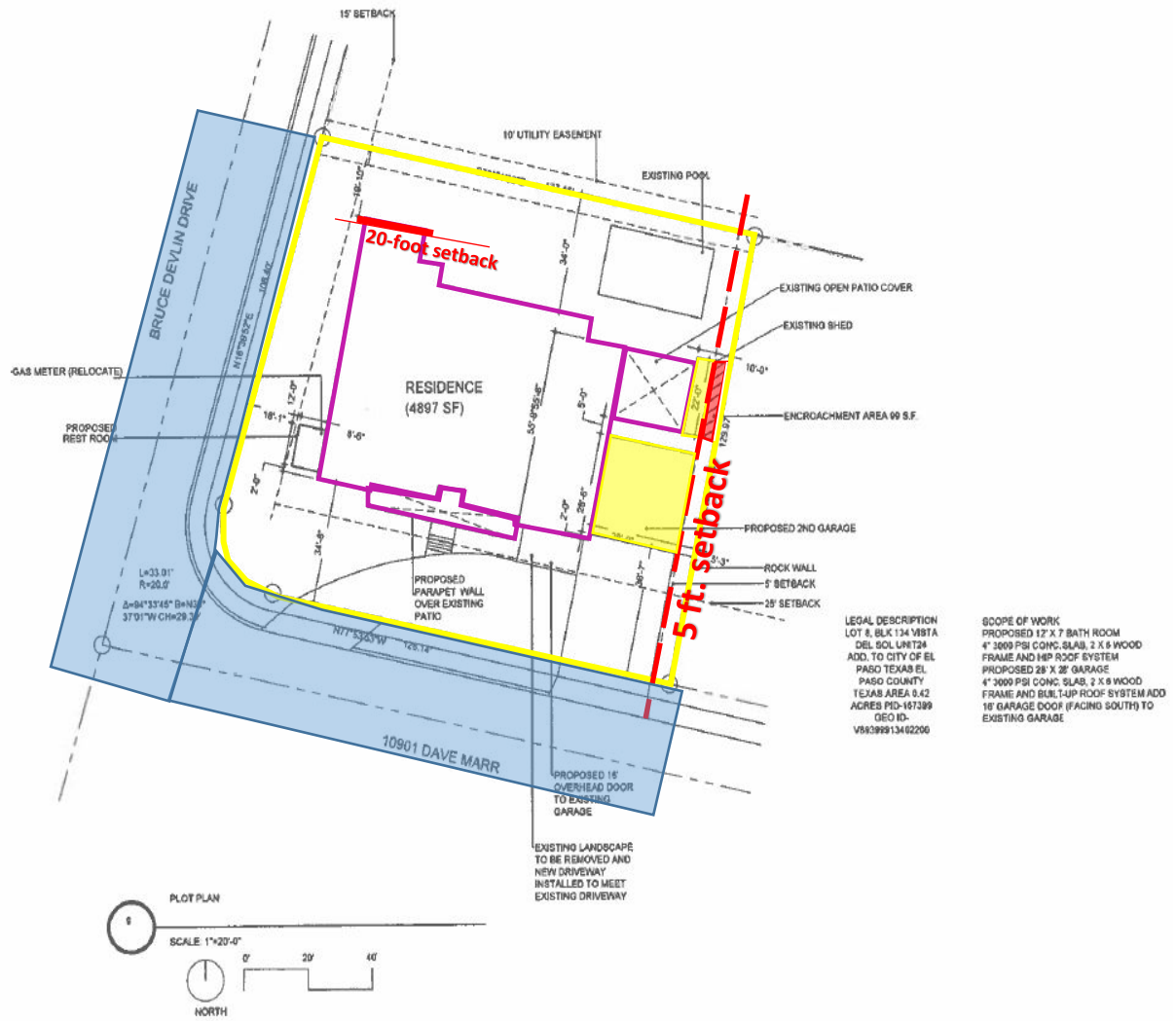


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00080



SITE PLAN



2002 AERIAL

PZBA24-00080 -2002 AERIAL



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.



Subject Property

0 10 20 40 60 80 Feet





El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-172, 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: September 16, 2024



***** DRAFT *****

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
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 11th of September by Luis Zamora.