



AGENDA FOR THE ZONING BOARD OF ADJUSTMENT PUBLIC HEARING

April 07, 2025

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: 775 076 00

If you wish to sign up to speak please contact Andrew Salloum at SalloumAM@elpasotexas.gov or (915) 212-1603 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. **PZBA24-00092** Lot 22, Block 4, The Village, City of El Paso,

[BC-552](#)

ADDRESS: El Paso, County Texas
701 Ramsgate Road
APPLICANT: Catherine Oyston
REPRESENTATIVE: Catherine Oyston
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 7
ZIP CODE: 79907
STAFF CONTACT: Blanca Perez, (915) 212-1561
PerezBM@elpasotexas.gov

2. **PZBA25-00001** Lot 374, Block 22, Park Foothills Addition, [BC-553](#)
City of El Paso, El Paso County, Texas
ADDRESS: 3308 Garnet Dr.
APPLICANT: Raymond Attaguile
REPRESENTATIVE: Raymond Attaguile
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 2
ZIPCODE: 79904
STAFF CONTACT: Blanca Perez, (915) 212-1561,
PerezBM@elpasotexas.gov
3. **PZBA25-00002** Lot 7, Block 34, Cuesta Del Sol, City of El Paso, [BC-554](#)
El Paso County, Texas
ADDRESS: 12761 Persistence Ave.
APPLICANT: El Paso Property Investors LLC
REPRESENTATIVE: CAD Consulting Co.
REQUEST: Special Exception G (Builder Error)
DISTRICT: 6
ZIPCODE: 79928
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov
4. **PZBA25-00004** Lots 25, 26, and 27, Block 25, Bassett Addition, [BC-555](#)
City of El Paso, El Paso County Texas
ADDRESS: 321 S. Piedras St.
APPLICANT: Juan Larios
REPRESENTATIVE: Vanessa Duran
REQUEST: Special Exception B (Two or More Nonconforming Lots)
DISTRICT: 8
ZIPCODE: 79901
STAFF CONTACT: Saul J. G. Pina, (915) 212-1604,
PinaSJ@elpasotexas.gov

5. **PZBA25-00005** Lots 12 and 13, Block 24, Manhattan Heights,
City of El Paso, El Paso County Texas [BC-556](#)
ADDRESS: 3124 Federal Ave.
APPLICANT: Hosanna A. and Luis P. Gallegos
REPRESENTATIVE: Hosanna A. and Luis P. Gallegos
REQUEST: Special Exception (In Existence Fifteen
Years or More)
DISTRICT: 2
ZIPCODE: 79930
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov
6. **PZBA25-00007** Lot 27, Block 7, Palm Grove, City of El Paso
El Paso County, Texas [BC-557](#)
ADDRESS: 2605 Samoa Dr.
APPLICANT: Molly and Jason Arriola
REPRESENTATIVE: Vanessa Duran
REQUEST: Special Exception J (Carport over a driveway)
DISTRICT: 3
ZIPCODE: 79925
STAFF CONTACT: Blanca Perez, (915) 212-1561,
PerezBM@elpasotexas.gov
7. **PZBA25-00009** Lot 23 and a portion of Lot 24, Block 137, East
El Paso, City of El Paso, El Paso County, Texas [BC-560](#)
ADDRESS: 3618 Morenci Rd.
APPLICANT: Ruben Aguilar Jr.
REPRESENTATIVE: Ruben Aguilar Jr.
REQUEST: Special Exception K (In Existence Fifteen Years or
More)
DISTRICT: 2
ZIPCODE: 79903
STAFF CONTACT: Blanca Perez, (915) 212-1561,
PerezBM@elpasotexas.gov
8. **PZBA25-00010** A portion of Lot 4, Block A, Deal Addition,
City of El Paso, El Paso County, Texas [BC-558](#)
ADDRESS: 5916 Tampa Ave.
APPLICANT: Dominguez Ruak
REPRESENTATIVE: Geronimo Cortez
REQUEST: Special Exception K (In Existence Fifteen
Years or More)

DISTRICT: 2
ZIPCODE: 79905
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

9. Approval of Minutes: January 27, 2025

[BC-559](#)

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 Andrew Salloum at SalloumAM@elpasotexas.gov a minimum of 48 hours prior to the date and time of this hearing.

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

Posted this 3rd of April 2025

By Andrew Salloum, Senior Planner



Legislation Text

File #: BC-552, **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".

PZBA24-00092 Lot 22, Block 4, The Village, City of El Paso,
El Paso, County Texas
ADDRESS: 701 Ramsgate Road
APPLICANT: Catherine Oyston
REPRESENTATIVE: Catherine Oyston
REQUEST: Special Exception B (Two or More Nonconforming
Lots)
DISTRICT: 7
ZIP CODE: 79907
STAFF CONTACT: Blanca Perez, (915) 212-1561
PerezBM@elpasotexas.gov

701 Ramsgate Rd.

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER:	PZBA24-00092
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Catherine Oyston
REPRESENTATIVE:	Catherine Oyston
LOCATION:	701 Ramsgate Rd. (District 7)
ZONING:	R-2A (Residential)
REQUEST:	Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT:	One (1) call and one (1) e-mail in support to the special exception request as of December 4, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize an existing carport in an R-2A (Residential) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Pending.

PZBA24-00092

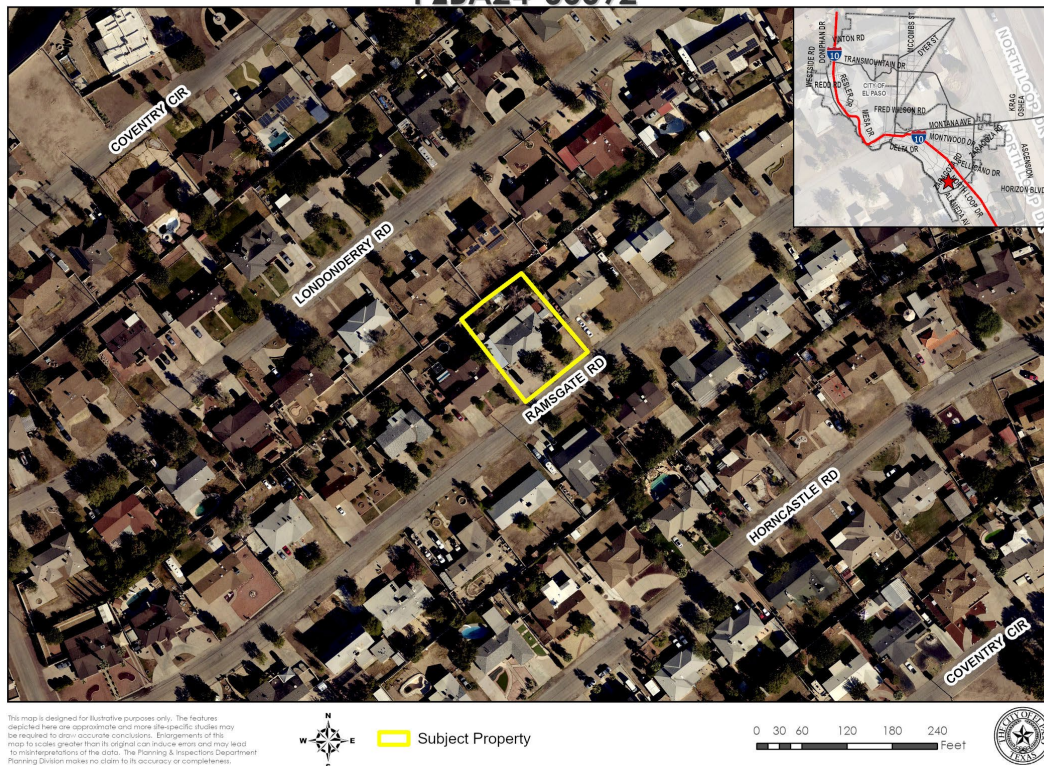


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing carport, which extends 8 feet into the required side yard setback for 280.73 square feet of total encroachment.

BACKGROUND: The minimum side setback is 8 feet in the R-2A (Residential) zone district. Aerial photographs indicate there are two other properties on the same block that also contain carports located in the side yard that encroach into their perspective side yard setbacks located at 716 Londonderry Road and 732 Londonderry Road for a total encroachment of 245.04 square feet and 187.11 square feet, respectively.

Based on the El Paso Central Appraisal District Records, this property was constructed in 1968. The current owner has held ownership since 2004, and aerial photographs indicate that the encroachment was added in 2022.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No Change
Rear	30 feet	No Change
Cumulative Front & Rear	60 feet	No Change
Side (West)	8 feet	0 feet
Side (East)	8 feet	No Change
Cumulative Side	16 feet	No Change

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

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

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

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded subdivision of at least ten years.
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;	Yes. Through aerial photos and site visits, it was established that one house on the same block extends 8 feet into the side setback, and another house extends 6.3 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) houses on the same block located within the side yards which extend into their required 8-foot side yard setback located at 716 Londonderry Road and 732 Londonderry Road.
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 November 27, 2024 to all property owners within 300 feet of subject property. The Planning Division has received one (1) call and one (1) email in support to the special exception request.

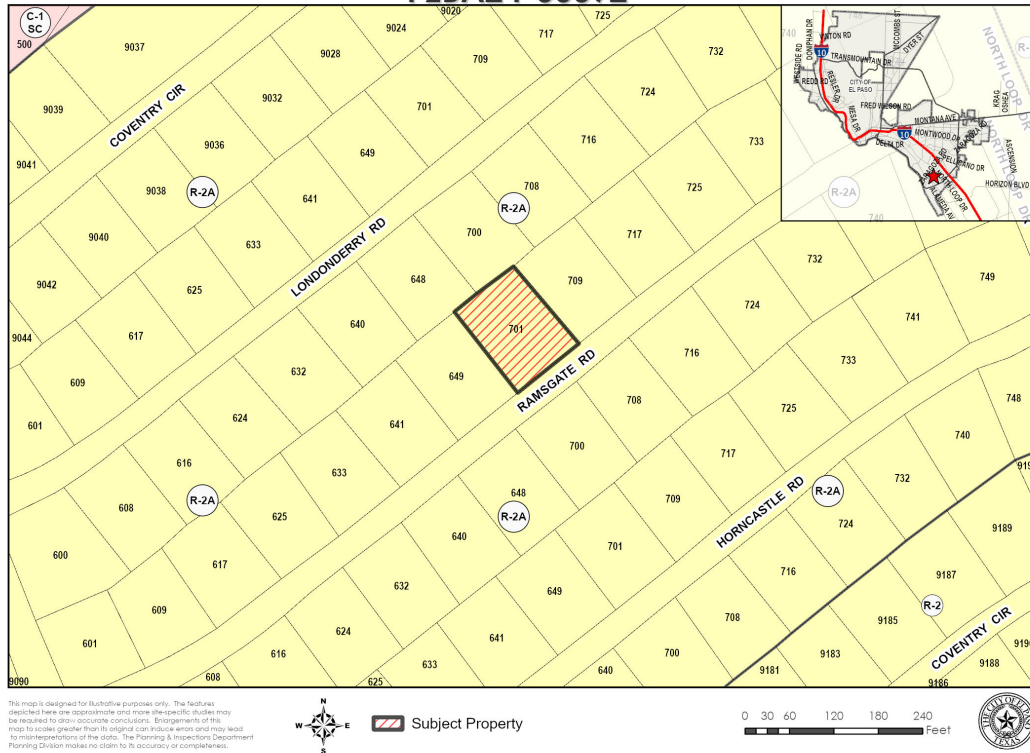
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

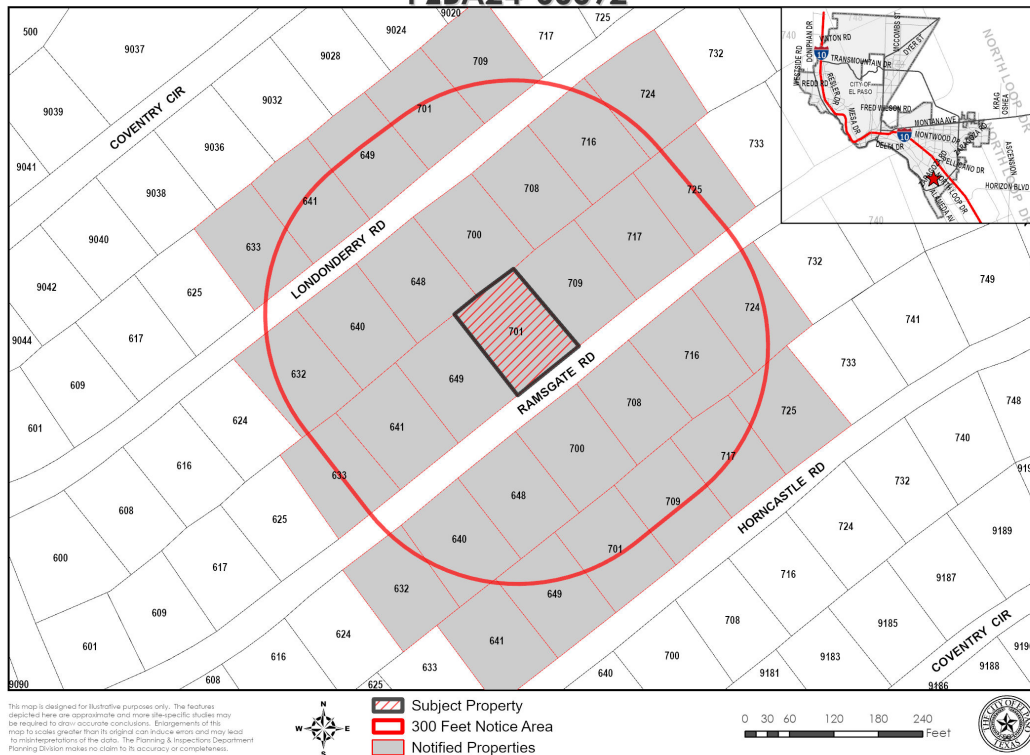
ZONING MAP

PZBA24-00092

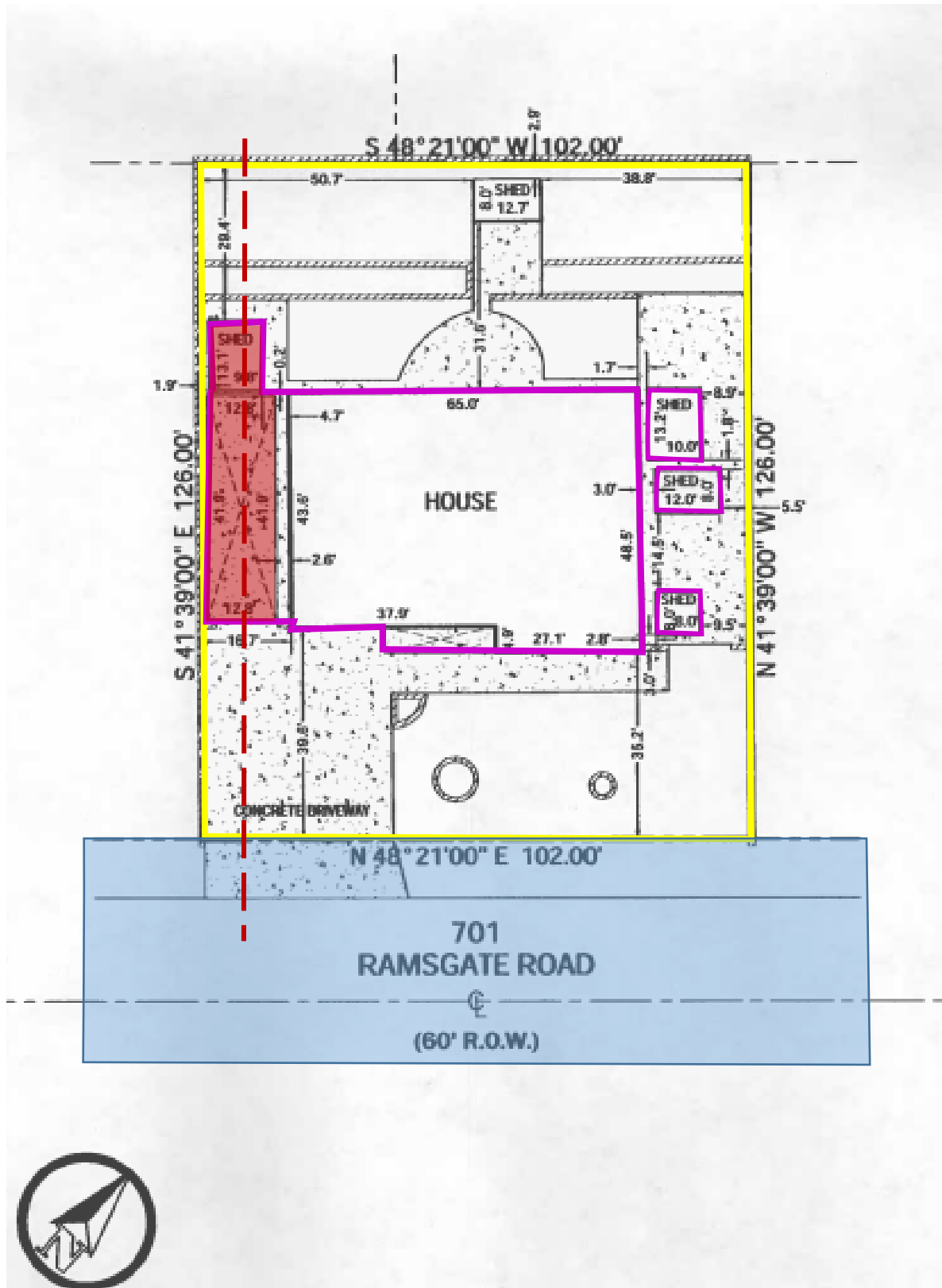


NEIGHBORHOOD NOTIFICATION MAP

PZBA24-00092



SITE PLAN



NONCONFORMING LOTS PZBA24-00092



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 scale include errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property
 Non-Conforming Lots

0 25 50 100 150 200 Feet



NONCONFORMING LOT 1

PZBA24-00092



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Subject Property

0 5 10 20 30 40 Feet



NONCONFORMING LOT 2

PZBA24-00092



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Subject Property

0 5 10 20 30 40 Feet



Perez, Blanca M.

From: MerrillWilliams <maw2042@verizon.net>
Sent: Tuesday, December 3, 2024 12:31 PM
To: Perez, Blanca M.
Cc: caoyston@yahoo.com
Subject: Voicing My Support to Allow Legalization of Extension of an Existing Carport at 701 Ramsgate Road, El Paso, TX Case # PZBA24-00092

You don't often get email from maw2042@verizon.net. [Learn why this is important](#)

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

Ms Blanca Perez:

Recently received a letter from your office concerning subject legalization of the extension of the existing carport adjacent to my property. My property is located at 649 Ramsgate Road. I have owned my property since May 1974. I have no issue with my neighbor, Catherine Oyston, request. Since a hearing was scheduled in the near future i called you today, 3 December 2024, to insure you knew my opinion. This email provides additional verification to you and notifies Ms Oyston of my approval.

I experienced difficulty trying to reach you. When I called your number listed on your letter (915-212-1561), I was told I could enter your extension or enter 4 for a list of available extensions however I was told to enter last name and then first but was not given a way to divide last and first name. The other option was to wait for an operator. After 5 minutes of silence I gave up on this option. After making some additional calls I was able to get a good number. Hopefully you can look into what I had missed.

Thank you for your assistance. Merrill Williams cell 757-218 2747.



Legislation Text

File #: BC-553, Version: 1

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

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PZBA25-00001 Lot 374, Block 22, Park Foothills Addition,
City of El Paso, El Paso County, Texas
ADDRESS: 3308 Garnet Dr.
APPLICANT: Raymond Attaguile
REPRESENTATIVE: Raymond Attaguile
REQUEST: Special Exception B (Two or More Nonconforming
 Lots)
DISTRICT: 2
ZIPCODE: 79904
STAFF CONTACT: Blanca Perez, (915) 212-1561,
 PerezBM@elpasotexas.gov

3308 Garnet Dr.

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER:	PZBA25-00001
CASE MANAGER:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER:	Raymond Attaguile
REPRESENTATIVE:	Raymond Attaguile
LOCATION:	3308 Garnet Dr. (District 2)
ZONING:	R-4 (Residential)
REQUEST:	Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT:	None received as of April 3, 2025.

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 unenclosed porch and an existing carport in an R-4 (Residential) zone district.

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

1. Accessory structure shall be removed or relocated from the 10-foot utility easement area.
2. The carport shall remain open on three sides.
3. For the carport to resemble the main residential structure.

PZBA25-00001

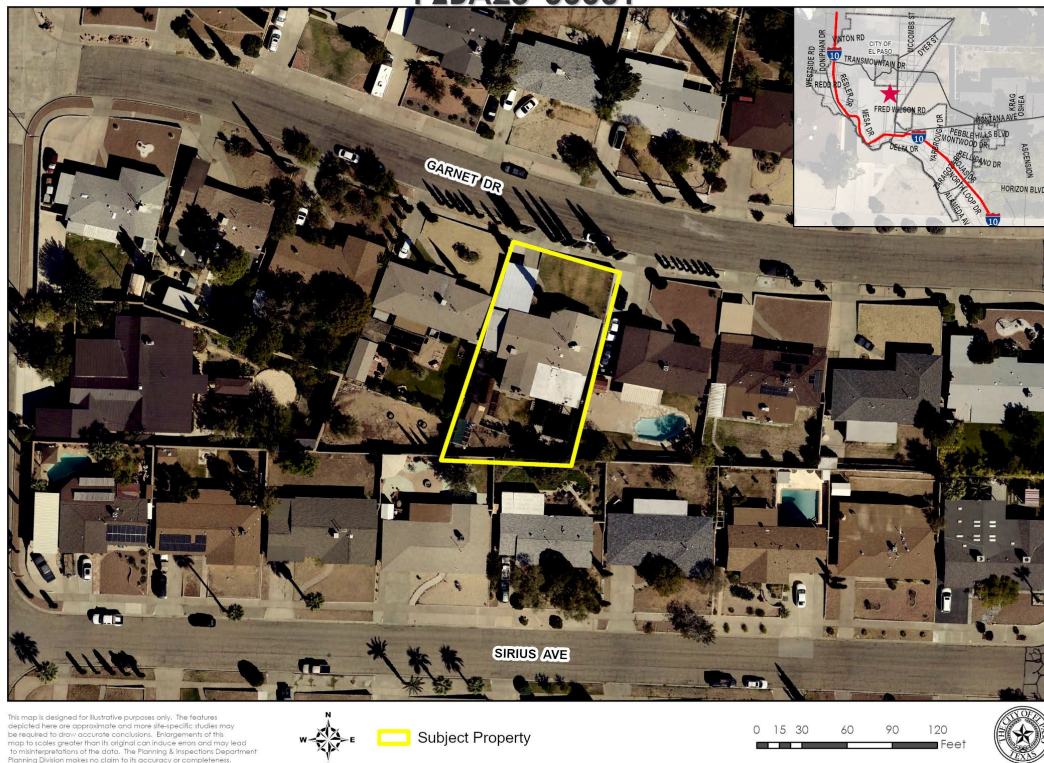


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize the construction of an existing unenclosed porch and a carport, both of which encroach into the required setbacks. The unenclosed porch extends 3.5 feet into the required side yard setback, resulting in a total encroachment of 108.5 square feet. The carport extends 3.5 feet into the required side yard setback, creating a total encroachment of 116.7 square feet, and extends 10 feet into the required front yard setback, with a total encroachment of 200 square feet.

BACKGROUND: The minimum side setback is 5 feet. The minimum front setback is 20 feet in the R-4 (Residential) zone district. The required front 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. Aerial photographs indicate that four homes on the same block have similar setback encroachments. At 3317 Garnet Drive, the porch extends 4.5 feet into the side yard setback, resulting in a 106.5 sq. ft. encroachment. Similarly, at 3312 Garnet Drive, the porch extends 5 feet into the side yard setback, encroaching 108 square feet. The carport at 8506 Westline Drive extends 23 feet into the front yard setback, with an encroachment of 207 square feet. Meanwhile, the carport at 3312 Garnet Drive encroaches both the front and side yard setbacks, extending 17 feet into the front yard (110 square feet encroachment) and 3.5 feet into the side yard (363 square feet encroachment). Additionally, the porch at 3307 Garnet Drive extends 5 feet into the side yard setback, encroaching 175.5 square feet.

According to El Paso Central Appraisal District records, the home was built in 1957, and the current owner has owned it since 2004. The unenclosed porch was constructed by the owner in 2017, while the carport was added in 2023.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	25 feet	15 feet
Rear	20 feet	No Change
Cumulative Front & Rear	45 feet	35 feet
Side (West)	5 feet	1.5 feet
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. Aerial photographs and site visits confirm that multiple homes on the same block have similar side and front setback encroachments.
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 four other properties with structures built that encroach into their required front and side yard setback equal to or beyond the proposed encroachment of the subject property.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on February 27, 2025 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

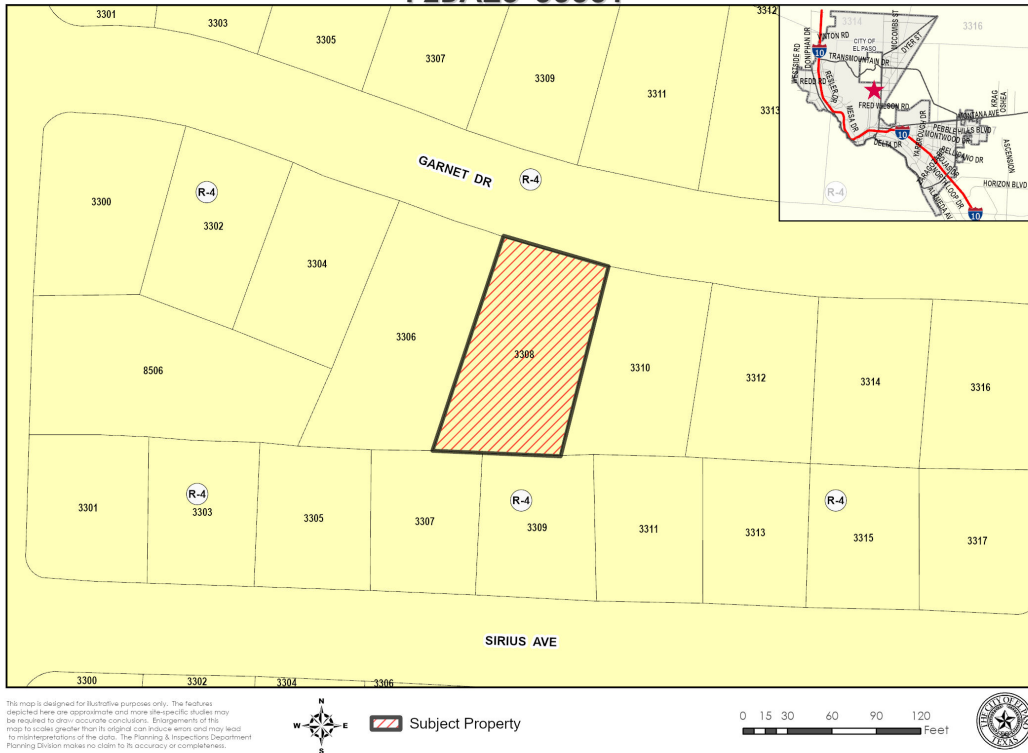
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

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

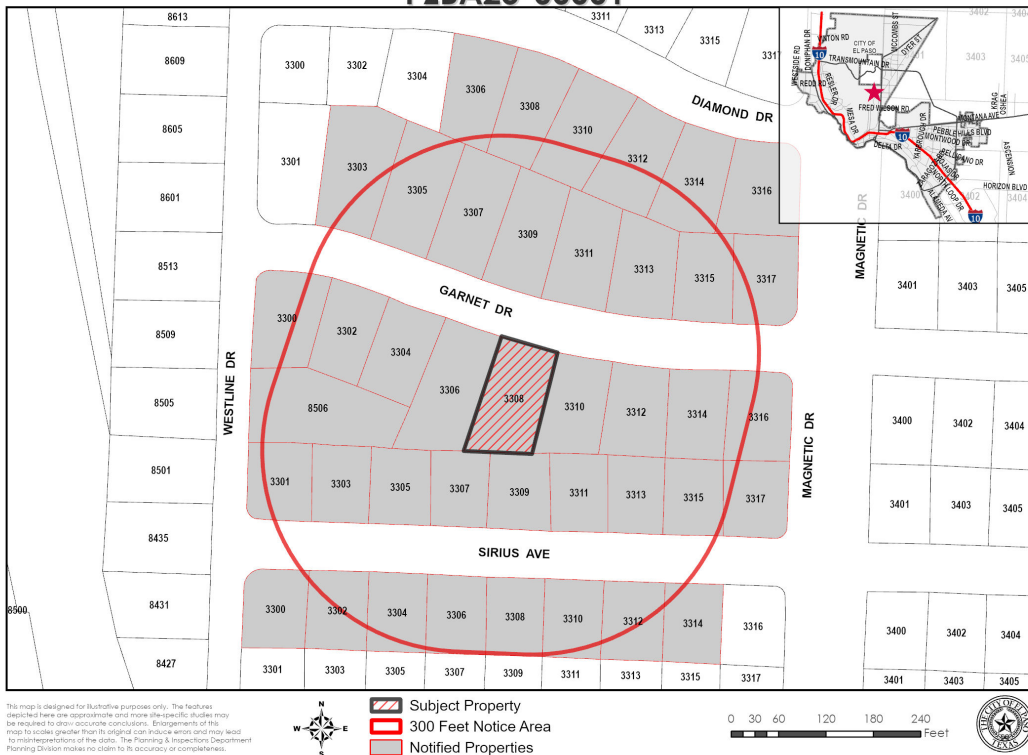
ZONING MAP

PZBA25-00001



NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00001



PARK FOOTHILLS ADDITION
THIRD SECTION



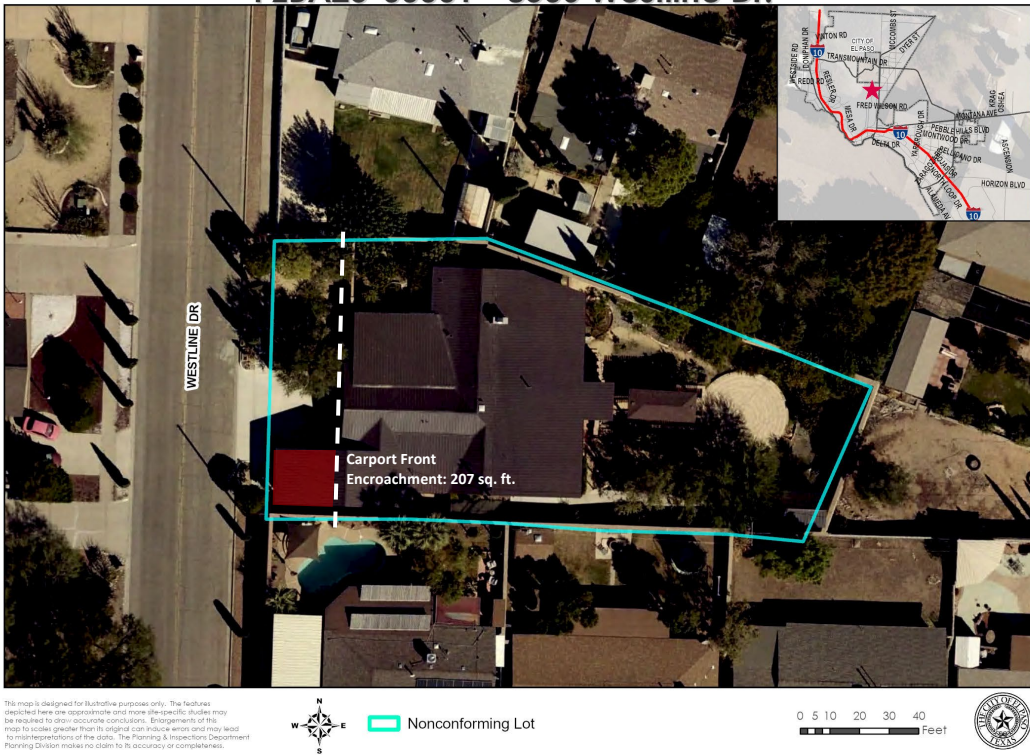
NONCONFORMING LOTS

PZBA25-00001



NONCONFORMING LOT 1

PZBA25-00001 - 8506 Westline Dr.



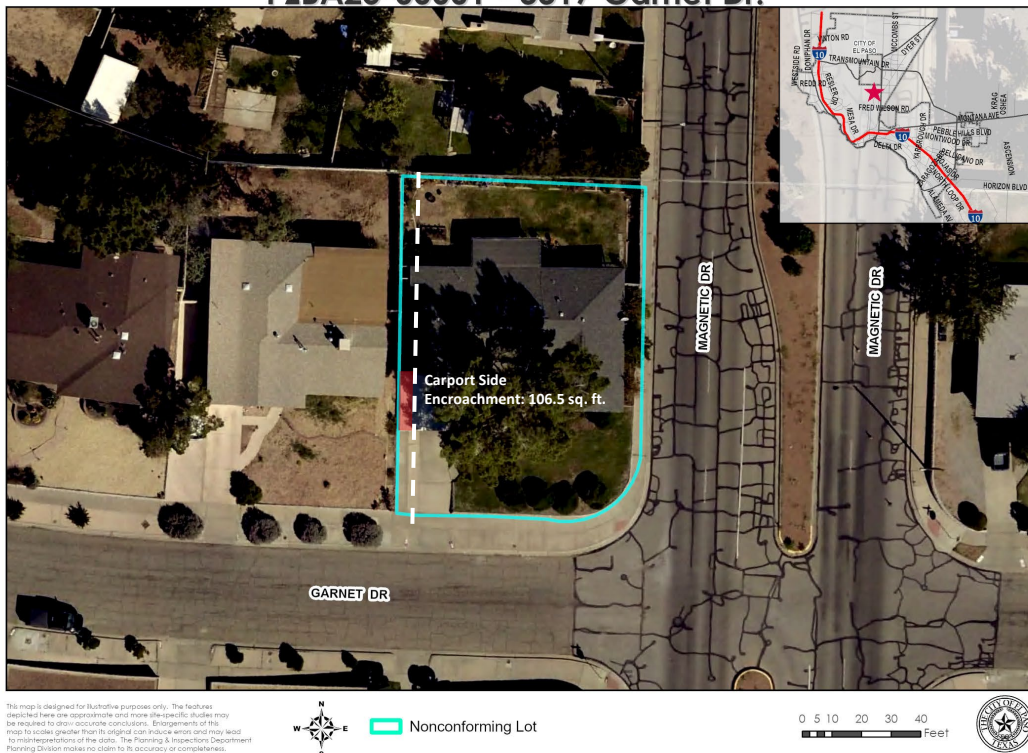
NONCONFORMING LOT 2

PZBA25-00001 - 3312 Garnet Dr.



NONCONFORMING LOT 3

PZBA25-00001 - 3317 Garnet Dr.



NONCONFORMING LOT 4

PZBA25-00001 - 3307 Garnet Dr.





Legislation Text

File #: BC-554, Version: 1

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

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PZBA25-00002 Lot 7, Block 34, Cuesta Del Sol, City of El Paso,
El Paso County, Texas
ADDRESS: 12761 Persistence Ave.
APPLICANT: El Paso Property Investors LLC
REPRESENTATIVE: CAD Consulting Co.
REQUEST: Special Exception G (Builder Error)
DISTRICT: 6
ZIPCODE: 79928
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

12761 Persistence

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00002
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: El Paso Property Investors LLC
REPRESENTATIVE: CAD Consulting Co.
LOCATION: 12761 Persistence Ave. (District 6)
ZONING: R-3A (Residential)
REQUEST: Special Exception G (Builder Error)
PUBLIC INPUT: None received as of April 3, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) for a side yard setback encroachment to legalize an existing single-family dwelling in an R-3A (Residential) zone district.

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

PZBA25-00002

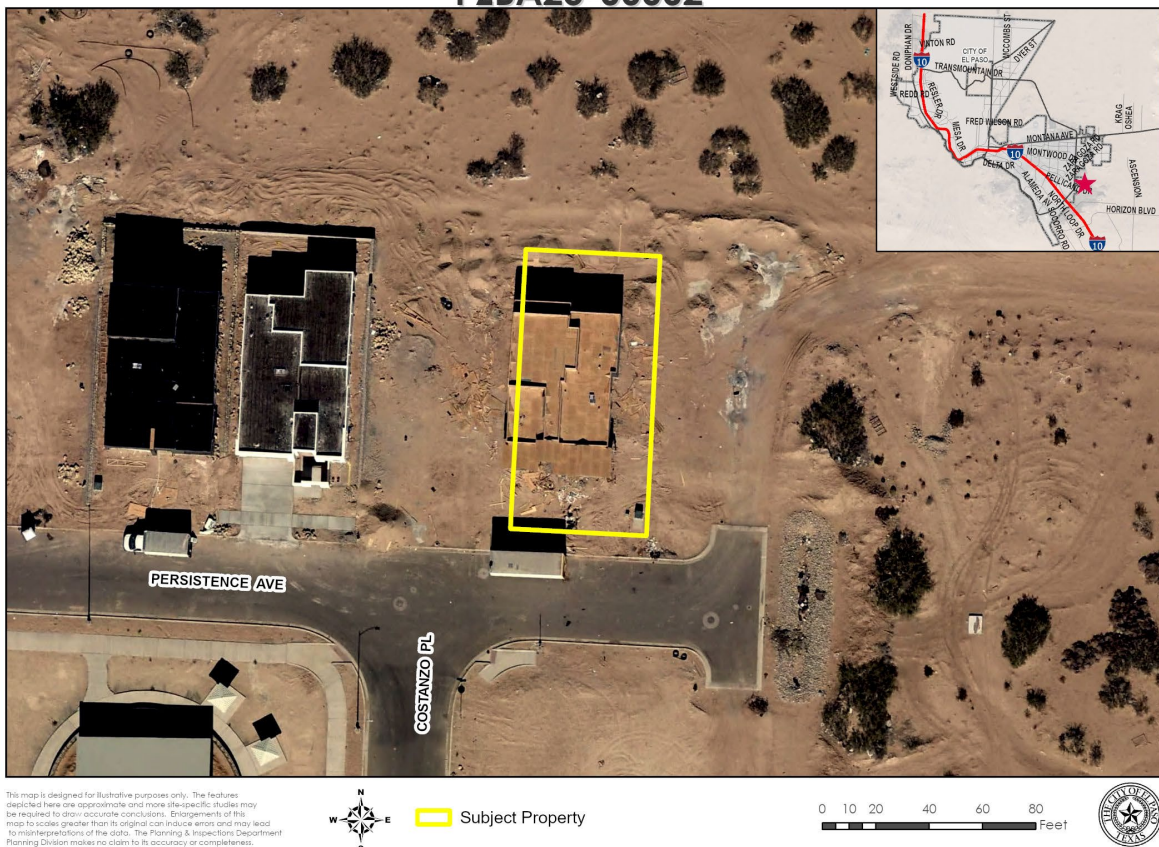


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of an existing single-family dwelling, of which 0.7 feet extends into the side yard setback for a total encroachment area of 43.62 square feet.

BACKGROUND: The minimum side setback is 5 feet in the R-3A (Residential) zone district. According to Central Appraisal District records, the single-family dwelling was built in 2024.

The Building Company is Blackstone Homes LLC; the contractor is Blackstone Homes LLC; the owner is El Paso Property Investors LLC. This request for builder error is the building company's first request in the last 12 months, the contractor's first request in the last 12 months, and the owner's first request in the last 12 months. The owner has stated that the error causing the encroachment was inadvertent and not intentional. The owner of the subject property has stated that the error which resulted in the encroachment was inadvertent and unintentional.

The final inspection of the single-family dwelling is pending due to the builder error.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 feet	No Change
Rear	25 feet	No Change
Cumulative Front & Rear	45 feet	No Change
Side (Left)	5 feet	4.3 feet
Side (Right)	5 feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Encroachment	1 foot	Greater of 1' or 0.5' (10% of 5' required side yard setback)
Requested Encroachment	0.7 feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.G CRITERIA

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

Criteria	Does the Request Comply?
1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;	No. The encroachment is not into the front yard setback.
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater;	Yes. The request is for 0.7 feet out of the required 5 feet, which is less than one foot (1') of the required side yard setback.
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;	No. The encroachment is not into the rear yard setback.
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional;	Yes. The owner has stated that the error causing the encroachment was inadvertent and not intentional.
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or	Yes. The request is the first for the builder, the first for the contractor, and the first for the owner in a twelve-month period.

owner shall not exceed three in any twelve-month period.	
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PUBLIC COMMENT: Public notice was sent on February 27, 2025 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.

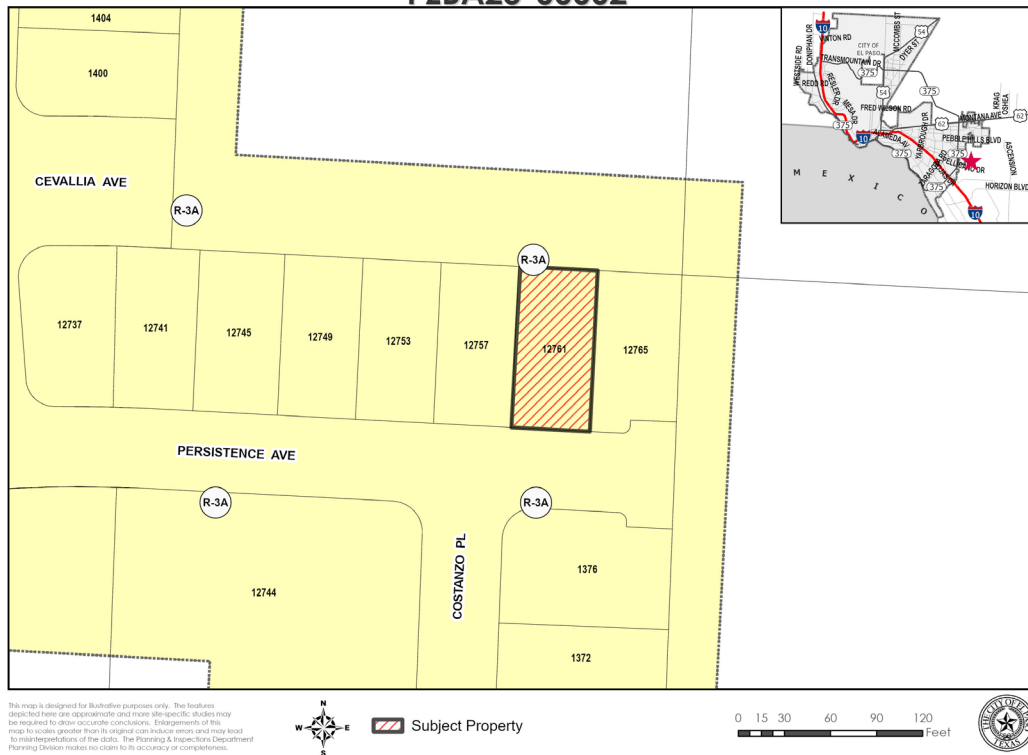
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

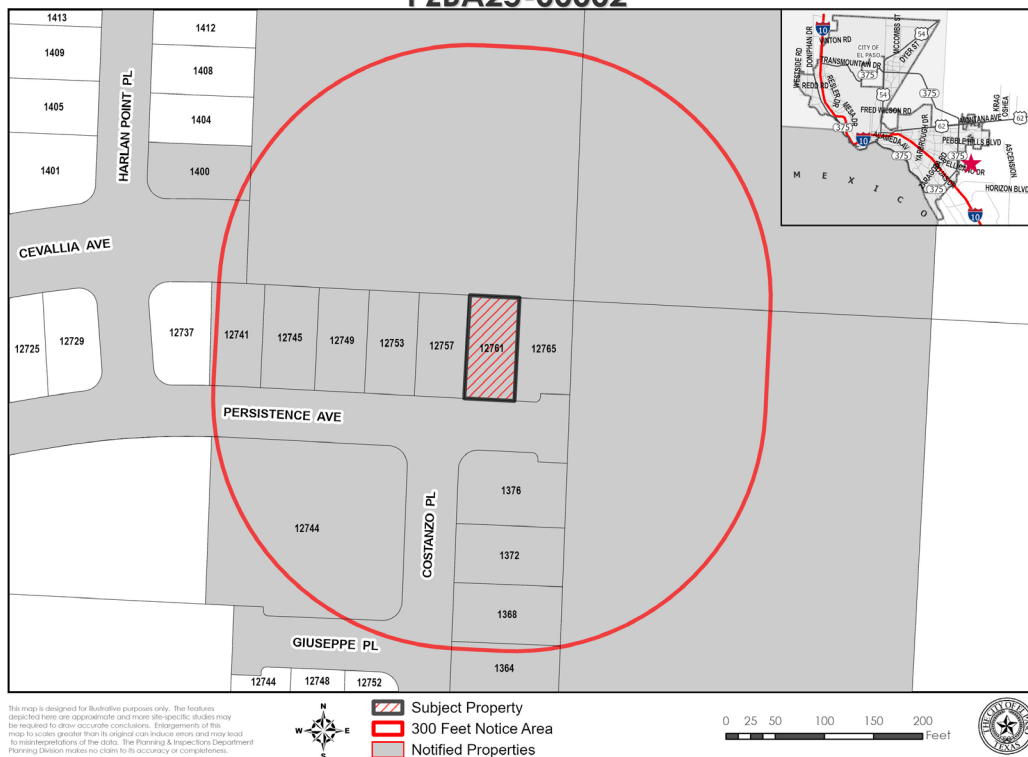
ZONING MAP

PZBA25-00002

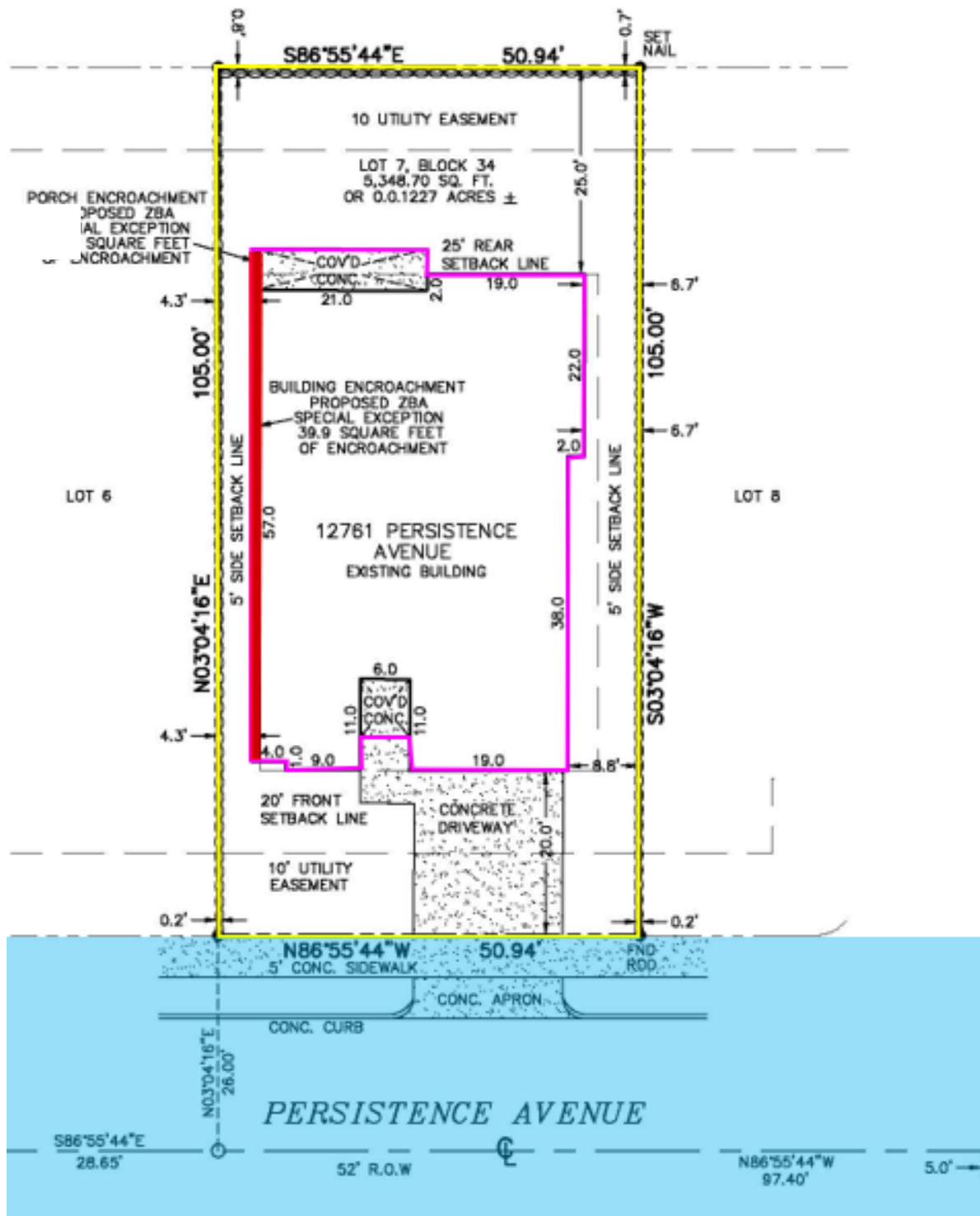


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00002



SITE PLAN





Legislation Text

File #: BC-555, Version: 1

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

AGENDA LANGUAGE:

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

PZBA25-00004 Lots 25, 26, and 27, Block 25, Bassett Addition,
City of El Paso, El Paso County Texas
ADDRESS: 321 S. Piedras St.
APPLICANT: Juan Larios
REPRESENTATIVE: Vanessa Duran
REQUEST: Special Exception B (Two or More Nonconforming
Lots)
DISTRICT: 8
ZIPCODE: 79901
STAFF CONTACT: Saul J. G. Pina, (915) 212-1604,
PinaSJ@elpasotexas.gov

321 S. Piedras

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00004
CASE MANAGER: Saul J. G. Pina, (915) 212-1604, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Juan Larios
REPRESENTATIVE: Vanessa Duran
LOCATION: 321 S. Piedras St. (District 8)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and
PUBLIC INPUT: One (1) call in opposition received as of April 3, 2025

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 home addition that encroaches into the rear yard setback in the C-4 (Commercial) zone district.

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

- That stormwater shall be retained within the subject property.

PZBA25-00004



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize an existing 263.50 square foot home addition, encroaching 78.50 square feet into the 10-foot rear yard setback.

BACKGROUND: The required rear setback is 10 feet on the C-4 (Commercial) zoning district. The existing residence was built approximately in 1918, with property owners residing there for up to 28 years. According to the El Paso City Code, a single-family dwelling use is not permitted in the zoning district.

The property is registered as legal nonconforming, allowing for an existing single-family dwelling structure and use with a 5-foot rear yard setback in a C-4 (Commercial) zone district. The property owner was responsible for the existing home addition, which requires review by the Zoning Board of Adjustment.

Aerial photographs show that other nearby properties also encroach into their respective rear setbacks, with encroachments equal to or larger than those on the subject property. The properties at 2302 Magoffin Avenue (454.9 square feet of rear yard encroachment) and 2301 Olive Avenue (261.9 square feet of rear yard encroachment) are currently classified as residential dwellings.

SETBACKS*	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 feet	No change
Rear	10 feet	0 feet
Cumulative Front & Rear	N/A	N/A
Side (West)	0** feet	No change
Side (East)	0** feet	No change
Cumulative Side	N/A	N/A

- Commercial setbacks for "Other Permissible Uses." *
- 0 feet when not adjoining a residential or apartment zoning district **

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 2302 Magoffin Avenue and 2301 Olive Avenue are non-conforming properties with existing structures encroaching into the rear yard.
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. 2302 Magoffin Avenue and 2301 Olive Avenue are residential use properties with existing structures encroaching into the rear yard. These properties are less conforming than 321 S. Piedras.
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 February 28, 2025 to all property owners within 300 feet of the subject property. The Planning Division received one (1) call in opposition to the special exception request, citing concerns for a potential encroachment extending beyond the property line.

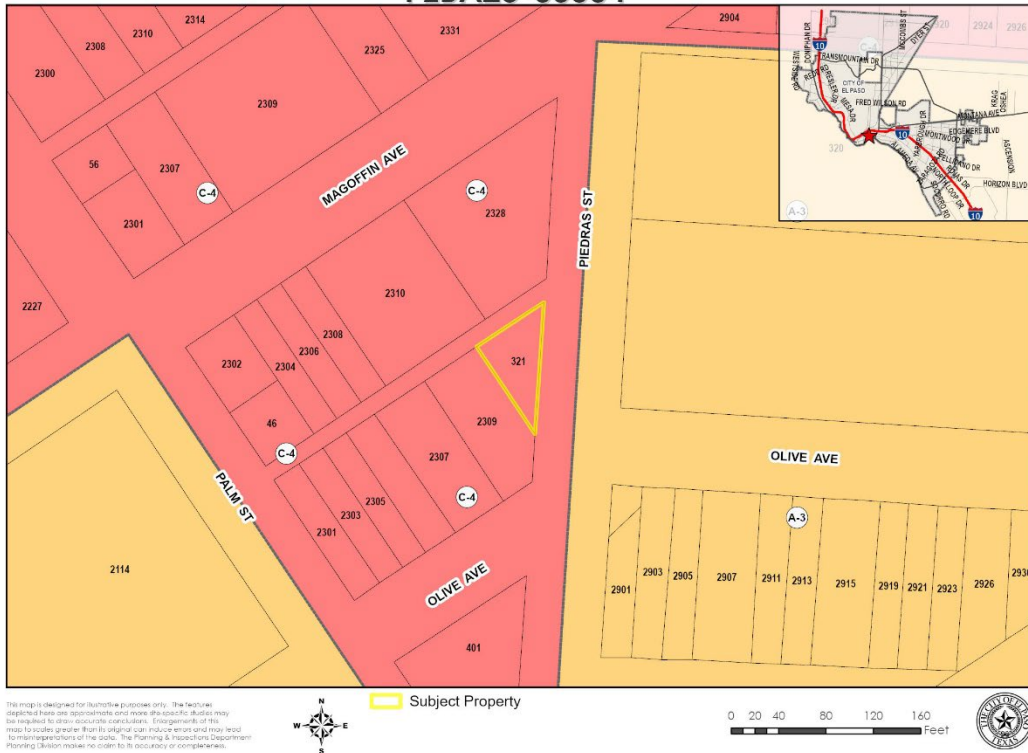
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

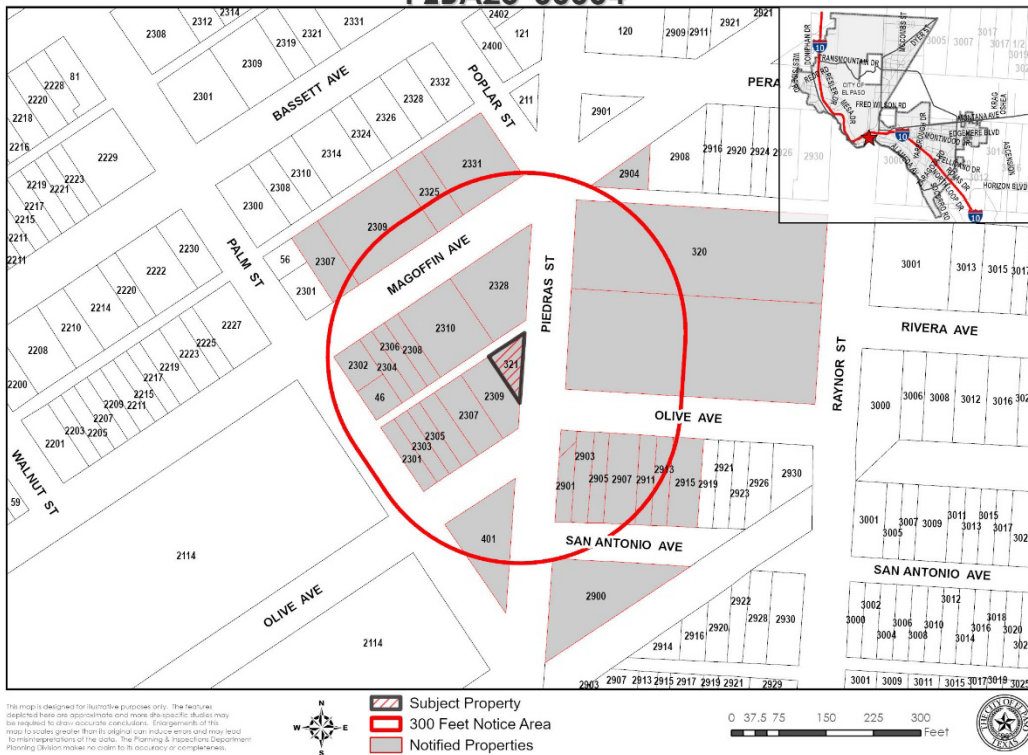
ZONING MAP

PZBA25-00004



NEIGHBORHOOD NOTIFICATION MAP

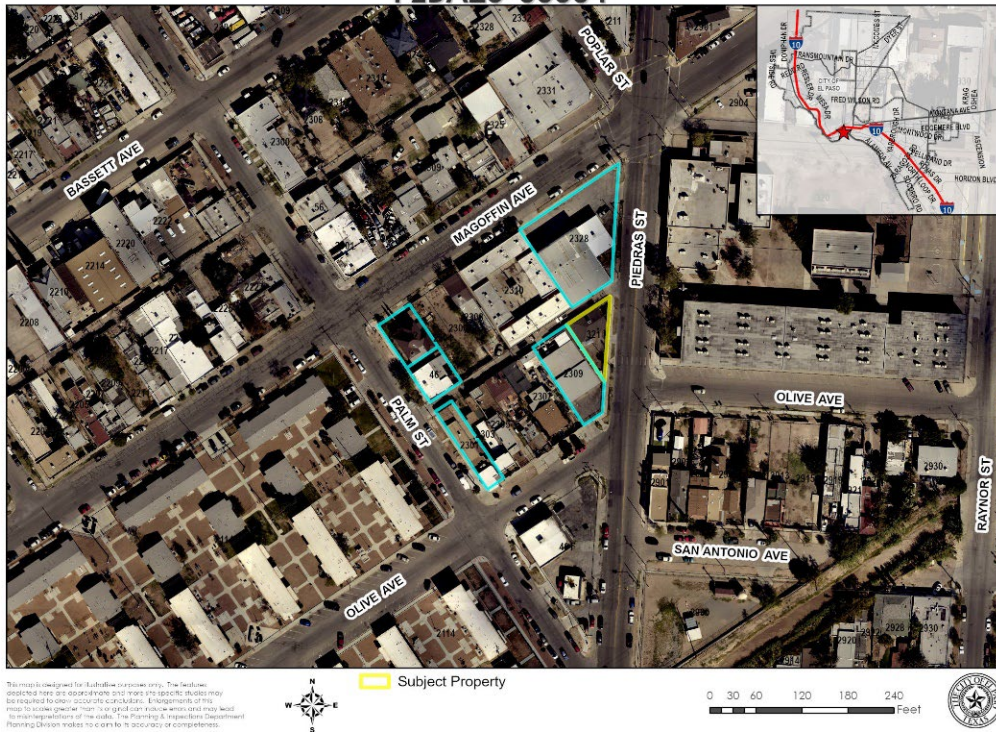
PZBA25-00004



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NONCONFORMING LOTS

PZBA25-00004



NONCONFORMING LOT 1



NONCONFORMING LOT 2





Legislation Text

File #: BC-556, Version: 2

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

AGENDA LANGUAGE:

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PZBA25-00005 Lots 12 and 13, Block 24, Manhattan Heights,
City of El Paso, El Paso County Texas
ADDRESS: 3124 Federal Ave.
APPLICANT: Hosanna A. and Luis P. Gallegos
REPRESENTATIVE: Hosanna A. and Luis P. Gallegos
REQUEST: Special Exception B (Two or More Non-conforming
Lots) and Special Exception K (In Existence Fifteen
Years or More)
DISTRICT: 2
ZIPCODE: 79930
STAFF CONTACT: Jose Beltran, (915) 212-1607,
BeltranJV@elpasotexas.gov

3124 Federal

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00005
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Hosanna A. and Luis P. Gallegos
REPRESENTATIVE: Hosanna A. and Luis P. Gallegos
LOCATION: 3124 Federal Ave. (District 2)
ZONING: R-3/H (Residential/Historic)
REQUEST: Special Exception B (Two or More Nonconforming Lots) and Special Exception K (In Existence 15 Years or More)
PUBLIC INPUT: None received as of April 3, 2025

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) and Section 2.16.050 K (In Existence 15 Years or More) to allow to legalize an existing porch, pergola and garage in an R-3/H (Residential/Historic) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception requests as the requested encroachments are less than the encroachments into that setback already present on at least two other neighboring properties and have existed for at least 15 years.



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 porch, pergola, and garage structure which extend 18 feet into the required 20-foot rear yard setback for 430.28 square feet of total encroachment. Additionally, the applicant is requesting a special exception to allow to legalize an existing garage structure, which extends 4.4 feet into the required 5-foot side yard setback for 137 square feet of total encroachment. The encroachment of the existing garage has existed since at least 1956 based on the 1956 Sanborn Map.

BACKGROUND: The minimum and required rear setback is 20 feet in the R-3/H (Residential/Historic) zone district. The required front setback for the subject property is 30 feet to meet the cumulative front and rear setback of 50 feet in the R-3/H (Residential/Historic) zone district. The required side yard setback is 5 feet in the R-3/H (Residential/Historic) zone district. Aerial photographs indicate that five (5) 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 are located at 3115 Federal Avenue (892.27 square feet rear yard encroachment), 3121 Federal Avenue (655.89 square feet rear yard encroachment), 3131 Copper Avenue (451.57 rear yard encroachment), 3117 Copper Avenue (723.28 square feet rear yard encroachment) and 3101 Copper Avenue (870.32 square feet rear yard encroachment).

Based on Central Appraisal District records, the single-family dwelling was built in 1921, with the current owner not responsible for the side yard setback encroachment. The current owner, however, is responsible for the encroachments of the rear porch and pergola, which were built in 2024. Additionally, the porch encroachment of the front yard setback is permitted per Section 20.12.040 – Yards of the City of El Paso Code.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	30 feet	No Change
Rear	20 feet	2 feet
Cumulative Front & Rear	50 feet	32 feet
Side (West)	5 feet	0.6 feet
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 five (5) houses on the same block and abutting street extend twenty feet (20') into their rear setback.
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots;	Yes. There are five (5) houses on the same block and abutting street that encroach into the required 20-foot rear yard setback and are located at 3115 and 3121 Federal Avenue, 3101, 3117, and 3131 Copper Avenue.
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be	Yes. Only applicable lots are being considered.

used in determining the nonconforming lot restrictions of this special exception.	
COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.K CRITERIA The Zoning Board of Adjustment is empowered under Section 2.16.050.K to: <i>Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:</i>	
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 the 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 February 27, 2025 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

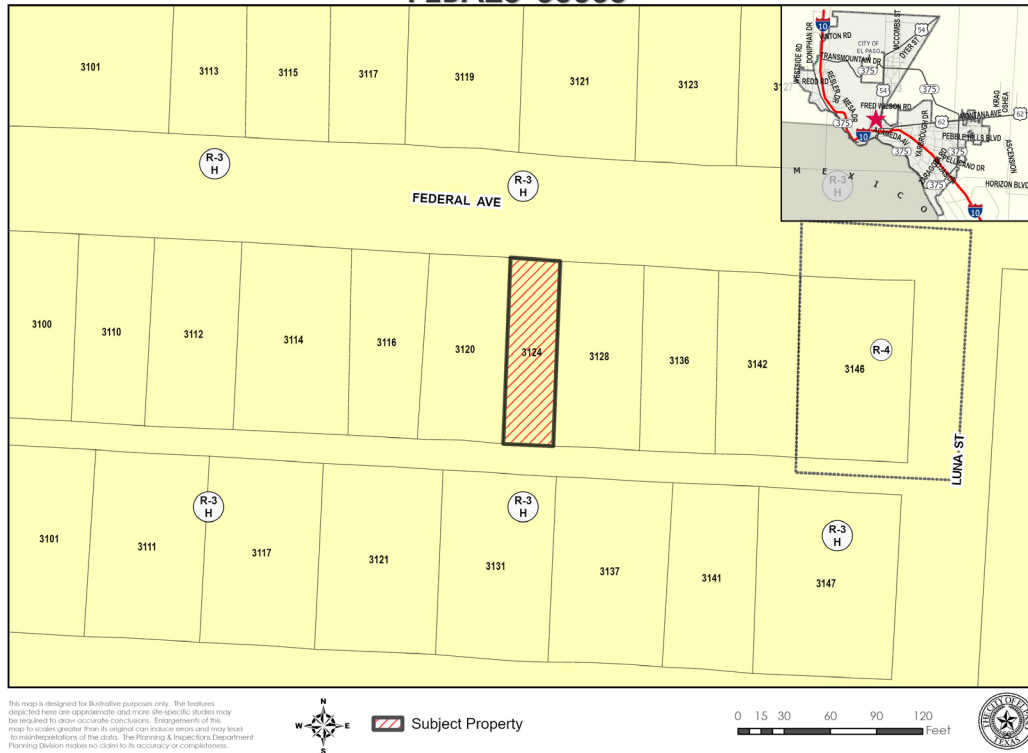
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

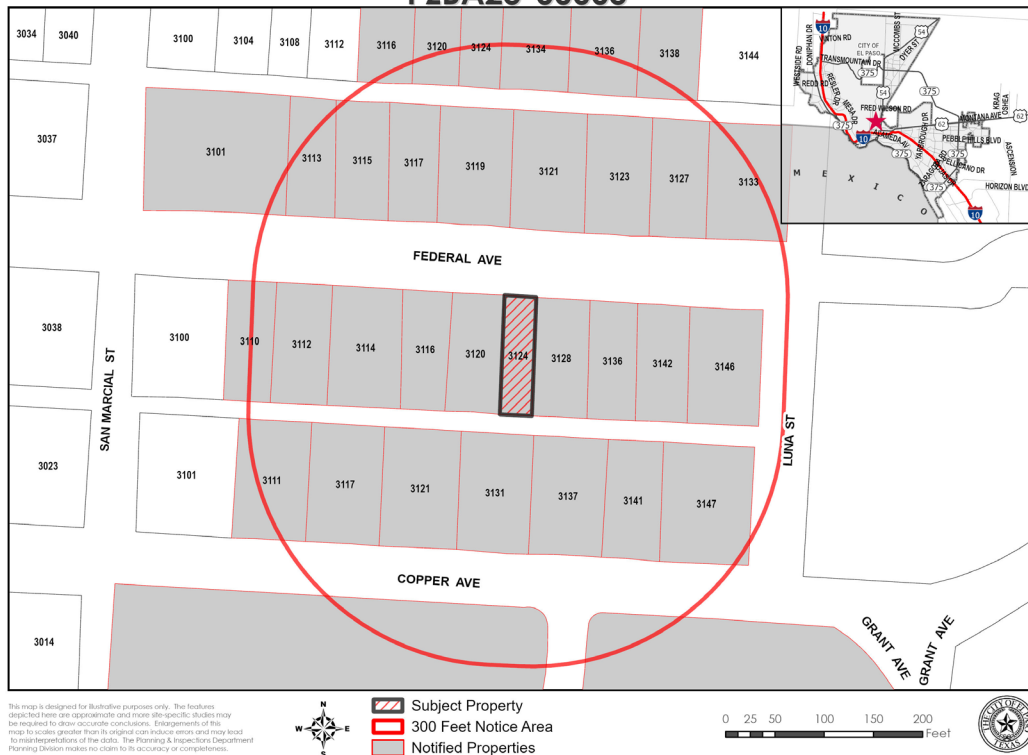
ZONING MAP

PZBA25-00005



NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00005



[illegible]

NONCONFORMING LOTS

PZBA25-00005



NONCONFORMING LOT 1 (3115 Federal Avenue)

PZBA25-00005



NONCONFORMING LOT 2 (3121 Federal Avenue)

PZBA25-00005



NONCONFORMING LOT 3 (3131 Copper Avenue)

PZBA25-00005



NONCONFORMING LOT 4 (3117 Copper Avenue)

PZBA25-00005



NONCONFORMING LOT 5 (3101 Copper Avenue)

PZBA25-00005



2009 Aerial (Exception K)

PZBA25-00005



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. Filings 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 5 10 20 30 40 Feet





Legislation Text

File #: BC-557, Version: 1

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

AGENDA LANGUAGE:

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PZBA25-00007	Lot 27, Block 7, Palm Grove, City of El Paso El Paso County, Texas
ADDRESS:	2605 Samoa Dr.
APPLICANT:	Molly and Jason Arriola
REPRESENTATIVE:	Vanessa Duran
REQUEST:	Special Exception J (Carport over a driveway)
DISTRICT:	3
ZIPCODE:	79925
STAFF CONTACT:	Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov

2605 Samoa Dr.

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00007
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Molly and Jason Arriola
REPRESENTATIVE: Vanessa Duran
LOCATION: 2605 Samoa Dr. (District 3)
ZONING: R-3 (Residential)
REQUEST: Special Exception J (Carport Over a Driveway)
PUBLIC INPUT: None received as of April 3, 2025.

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 WITH CONDITIONS** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport. The conditions are as follows:

1. Accessory structure shall be removed or relocated from the five-foot utility easement area.
2. For the finalized carport to resemble the main residential structure as shown on elevations.

PZBA25-00007



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to legalize the construction of an existing carport of approximately 20 feet 5 inches by 20 feet and an area of 408 square feet, of which 198 square feet encroaches 9 feet 8 ½ inches into the front yard setback and is located to within 10 feet 3 ½ inches of the front property line.

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

According to the El Paso Central Appraisal District records, the home was built in 1959 and the current owner has owned the home since 2024. 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	10 Feet 3 ½ Inches
Rear	30 Feet	No Change
Cumulative Front & Rear	50 Feet	40 Feet 3 ½ Inches
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change
Cumulative Side	N/A	N/A

CALCULATIONS FOR CARPORT:

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	347.8 Square Feet	1/5 of 1739 Sq. Ft. (House 1 st floor area)
Requested Area of Encroachment	198 Square Feet	9.71 Feet by 20.42 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 198 square feet is less than the maximum allowed area of 347.8 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 February 27, 2025 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

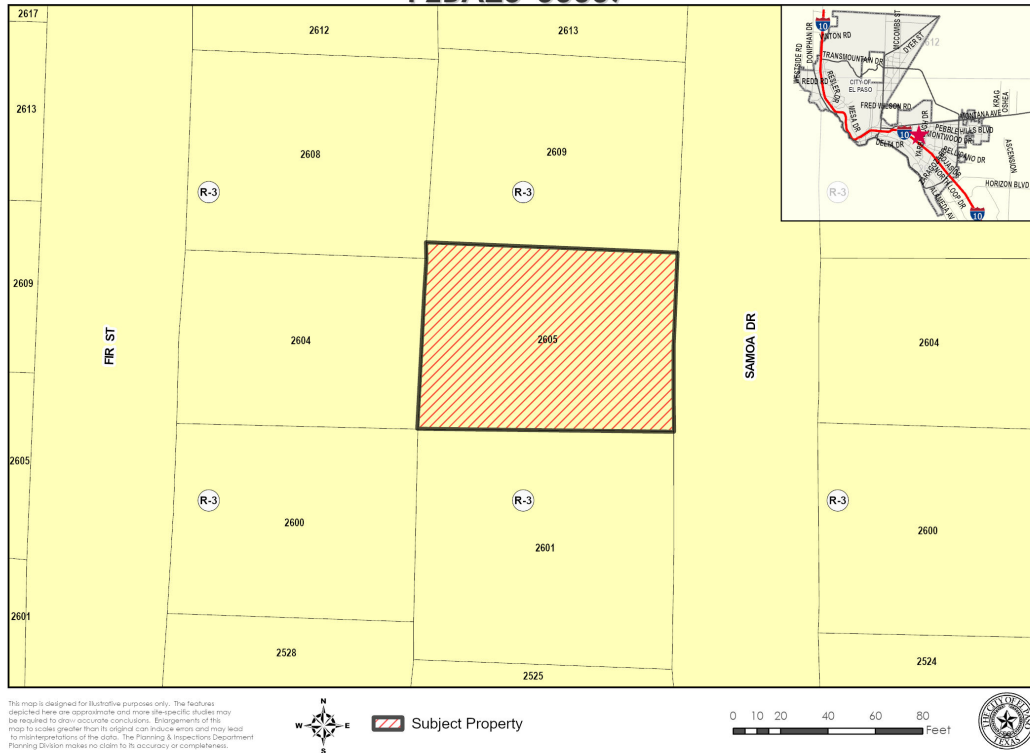
ZONING BOARD OF ADJUSTMENT OPTIONS:

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

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

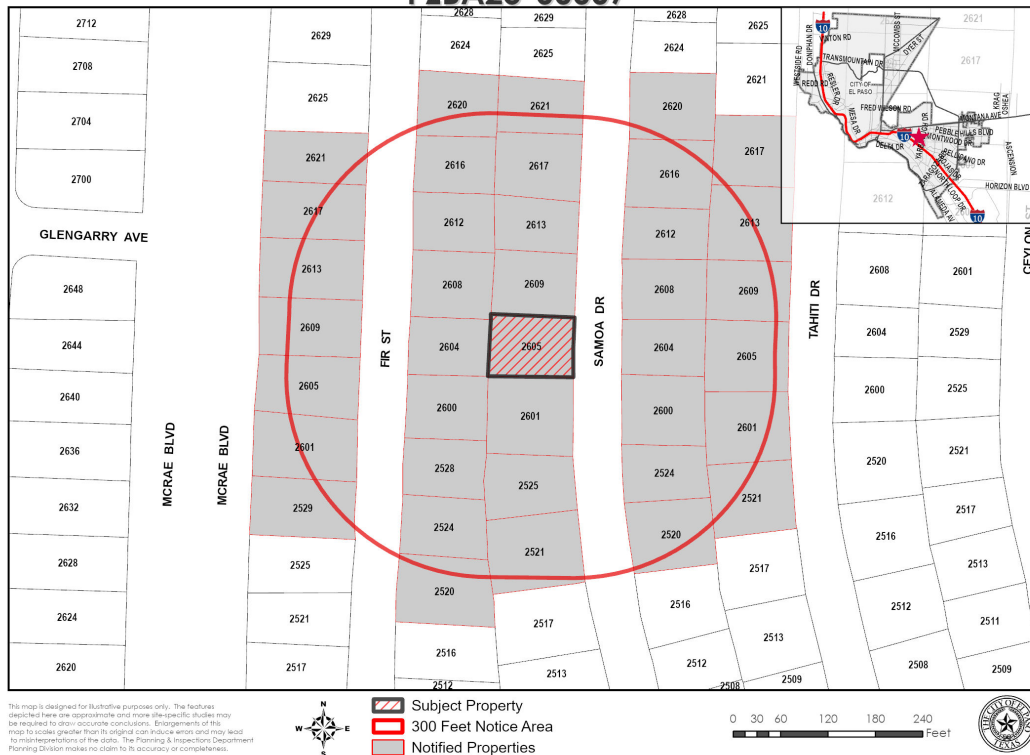
ZONING MAP

PZBA25-00007

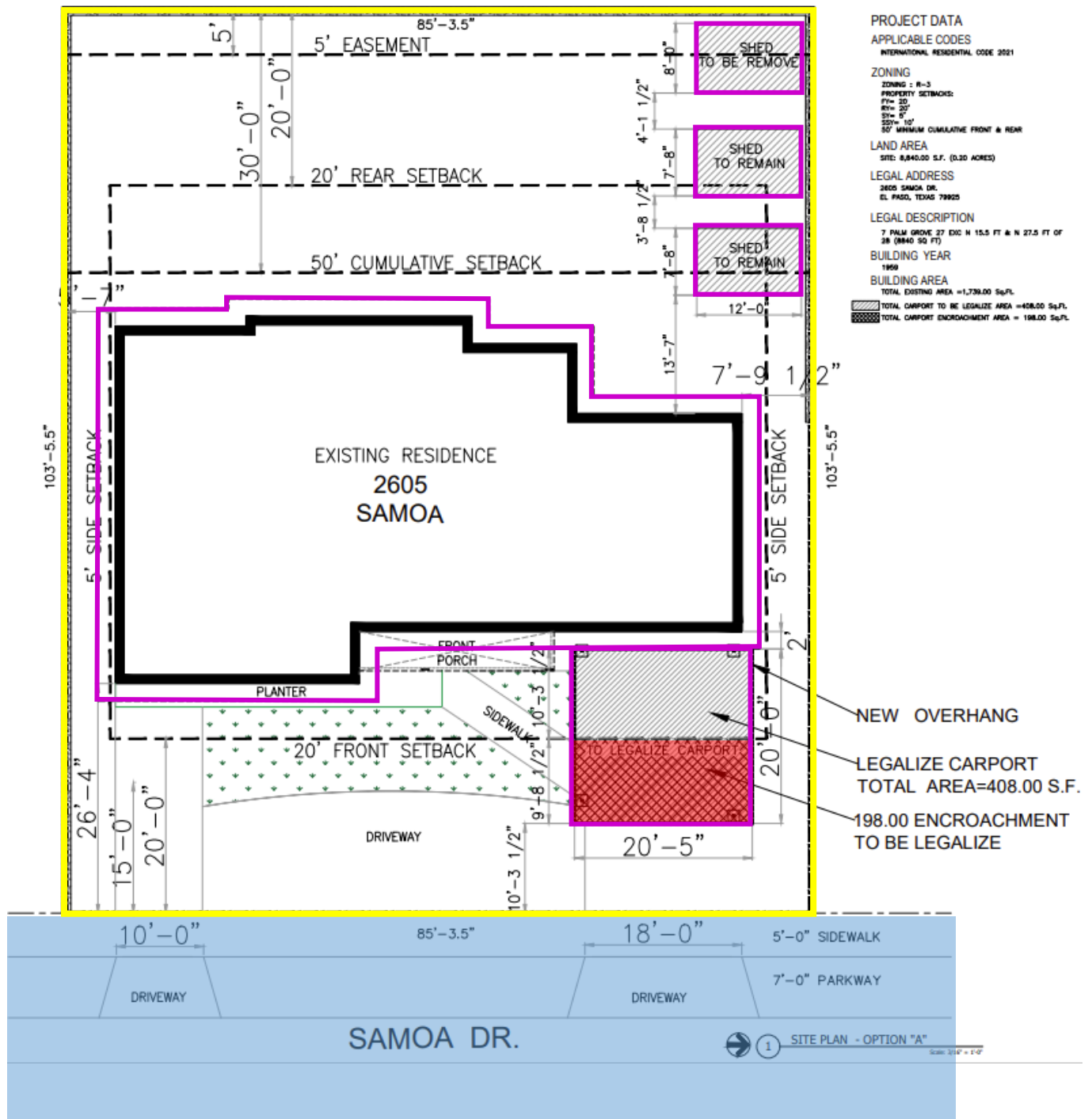


NEIGHBORHOOD NOTIFICATION MAP

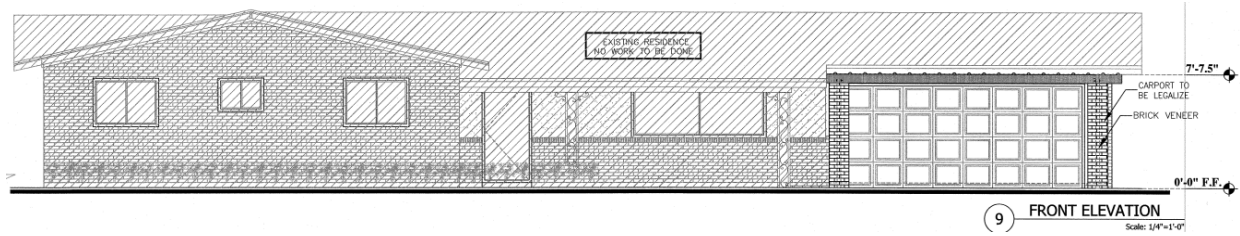
PZBA25-00007



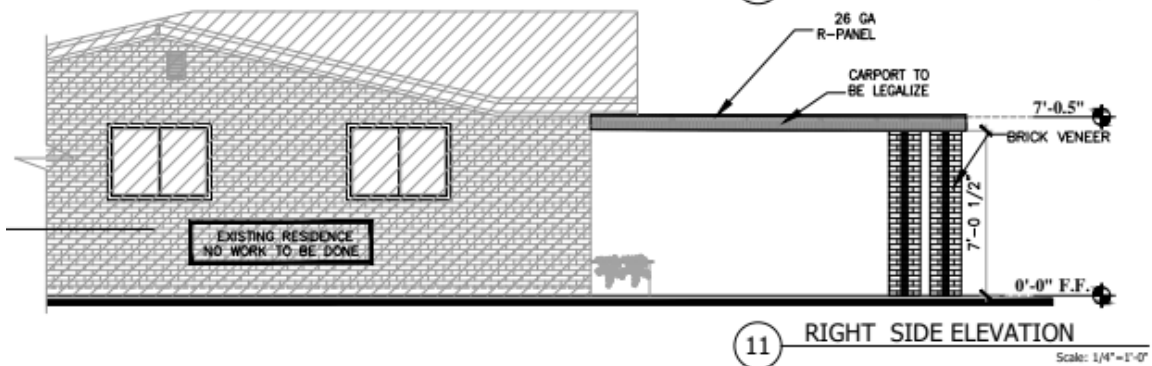
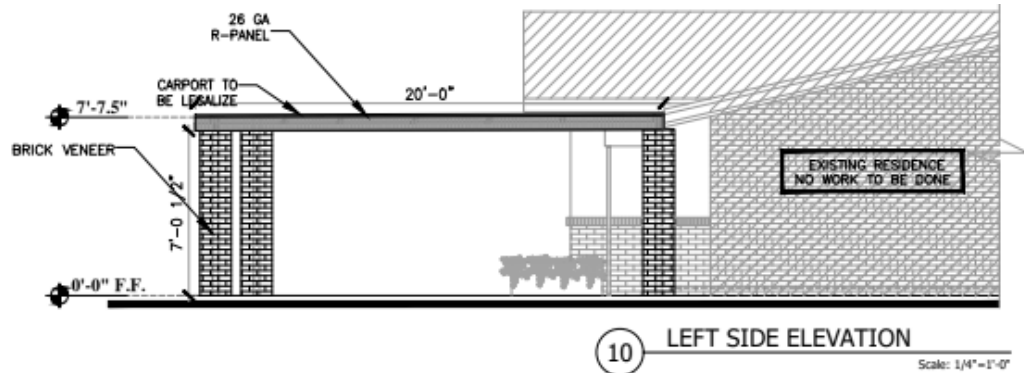
SITE PLAN



ELEVATION 1



ELEVATION 2





Legislation Text

File #: BC-560, **Version:** 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

AGENDA LANGUAGE:

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PZBA25-00009 Lot 23 and a portion of Lot 24, Block 137, East
El Paso, City of El Paso, El Paso County, Texas

ADDRESS: 3618 Morenci Rd.

APPLICANT: Ruben Aguilar Jr.

REPRESENTATIVE: Ruben Aguilar Jr.

REQUEST: Special Exception K (In Existence Fifteen Years or
More)

DISTRICT: 2

ZIPCODE: 79903

STAFF CONTACT: Blanca Perez, (915) 212-1561,
PerezBM@elpasotexas.gov

3618 Morenci Rd.

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00009
CASE MANAGER: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov
PROPERTY OWNER: Ruben Aguilar Jr.
REPRESENTATIVE: Ruben Aguilar Jr.
LOCATION: 3618 Morenci Rd. (District 2)
ZONING: R-5 (Residential)
REQUEST: Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of April 3, 2025

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 home that encroaches into the side yard setback in a R-5 (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.

PZBA25-00009



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 home, which extends 3 feet into the side yard setback and of which 96 square feet of that structure encroach into the side yard setback.

BACKGROUND: The minimum side setback is 5 feet in the R-5 (Residential) zone district.

The current owner has owned the property since 2024 and the building was constructed in 1928 based on El Paso Central Appraisal District records. The existing encroachment has been in existence approximately for 97 years. Based on 2009 aerial imagery, the property existed back then as it does today, with the home in its current location.

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

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 March, 28, 2025 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:

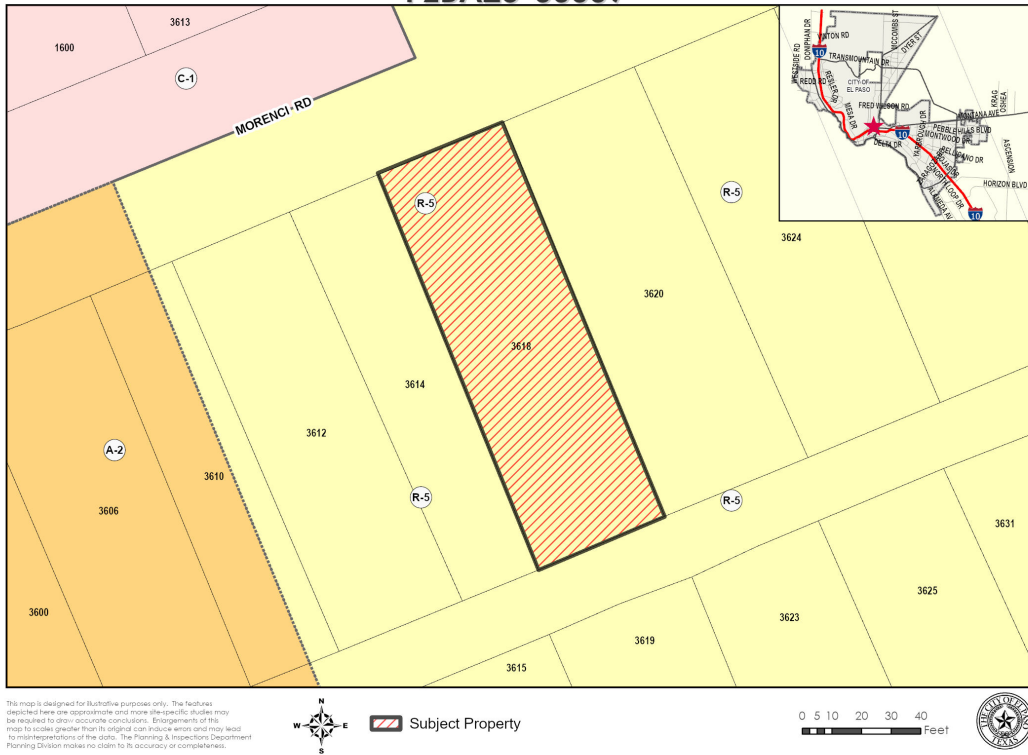
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA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

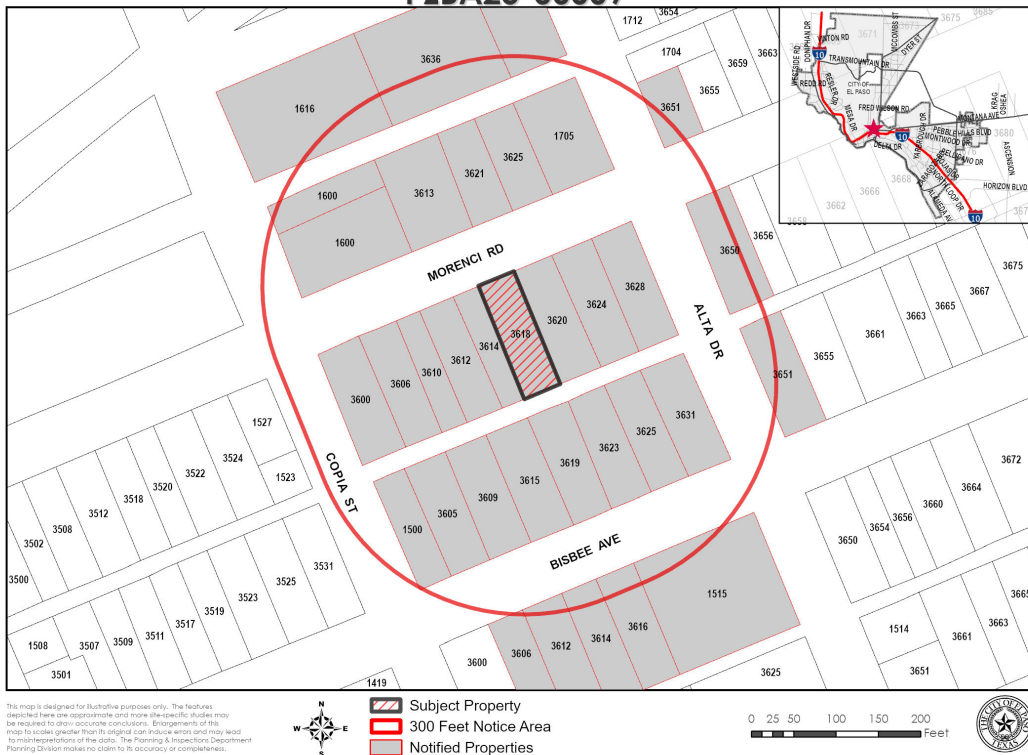
ZONING MAP

PZBA25-00009

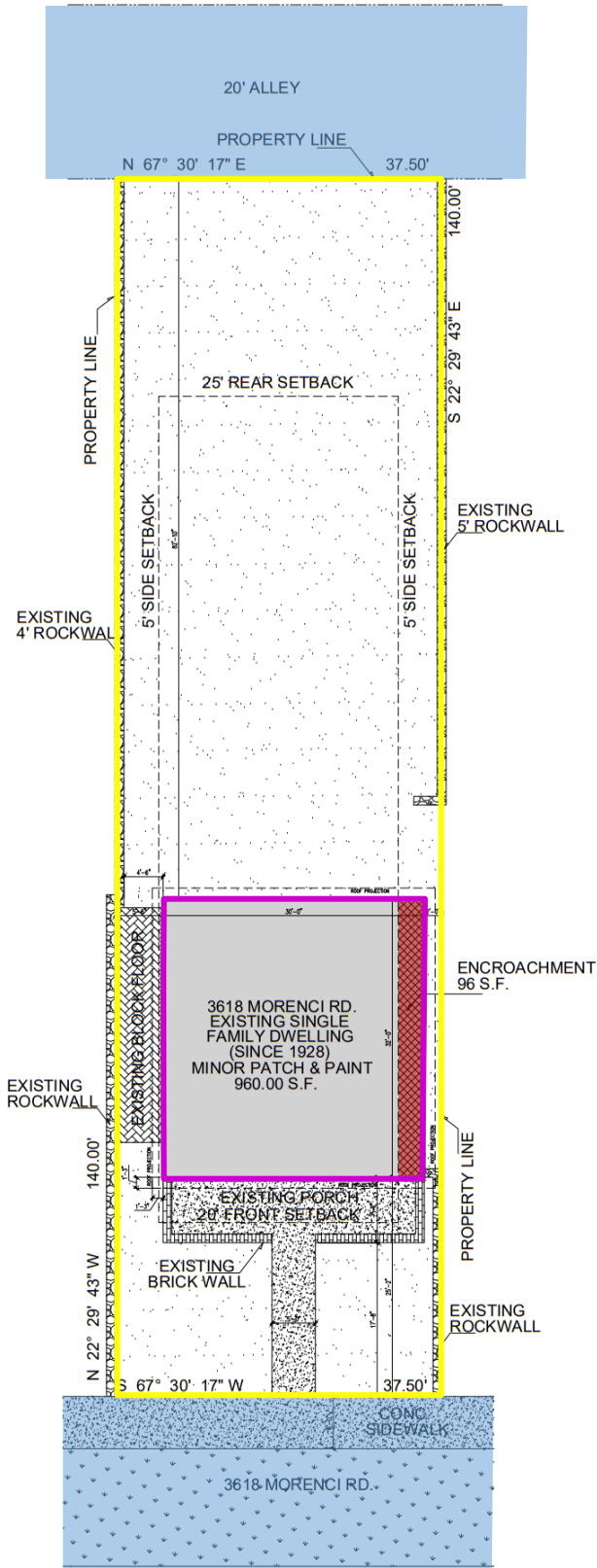


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00009



SITE PLAN



2014 AERIAL

PZBA24-00072



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





Legislation Text

File #: BC-558, **Version:** 1

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

AGENDA LANGUAGE:

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

PZBA25-00010 A portion of Lot 4, Block A, Deal Addition,
City of El Paso, El Paso County, Texas

ADDRESS: 5916 Tampa Ave.

APPLICANT: Dominguez Ruak

REPRESENTATIVE: Geronimo Cortez

REQUEST: Special Exception K (In Existence Fifteen
Years or More)

DISTRICT: 2

ZIPCODE: 79905

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

5916 Tampa

Zoning Board of Adjustment — April 7, 2025



CASE NUMBER: PZBA25-00010
CASE MANAGER: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov
PROPERTY OWNER: Dominguez Ruak
REPRESENTATIVE: Geronimo Cortez
LOCATION: 5916 Tampa Ave. (District 2)
ZONING: R-5 (Residential)
REQUEST: Special Exception K (In Existence Fifteen Years or More)
PUBLIC INPUT: None received as of April 3, 2025

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 single-family dwelling in an R-5 (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.

PZBA25-00010



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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 legalize the construction of an existing single-family dwelling, which extends 9 inches into the west side yard setback and one inch into the east side setback for a total encroachment area of 13 square feet.

BACKGROUND: The minimum side setback is 5 feet in the R-5 (Residential) zone district. The current owner has owned the property since 2018 and the building was constructed in 1963 based on El Paso Central Appraisal District records.

Based on 2009 aerial imagery, the property existed as it does today, with the single-family home in its current configuration.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	10 Feet	No Change
Rear	35 Feet	No Change
Cumulative Front & Rear	45 Feet	No Change
Side (west)	5 Feet	4 Feet 3 Inches
Side (east)	5 Feet	4 Feet 11 Inches
Cumulative Side	N/A	N/A

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 March 25, 2025 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:

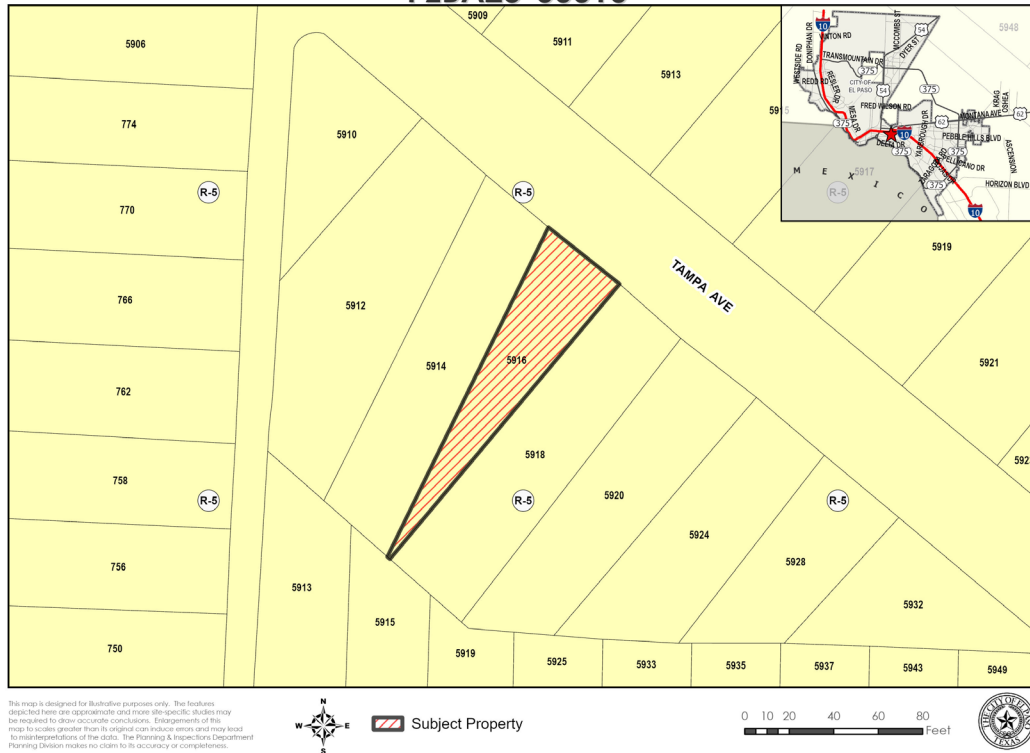
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA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

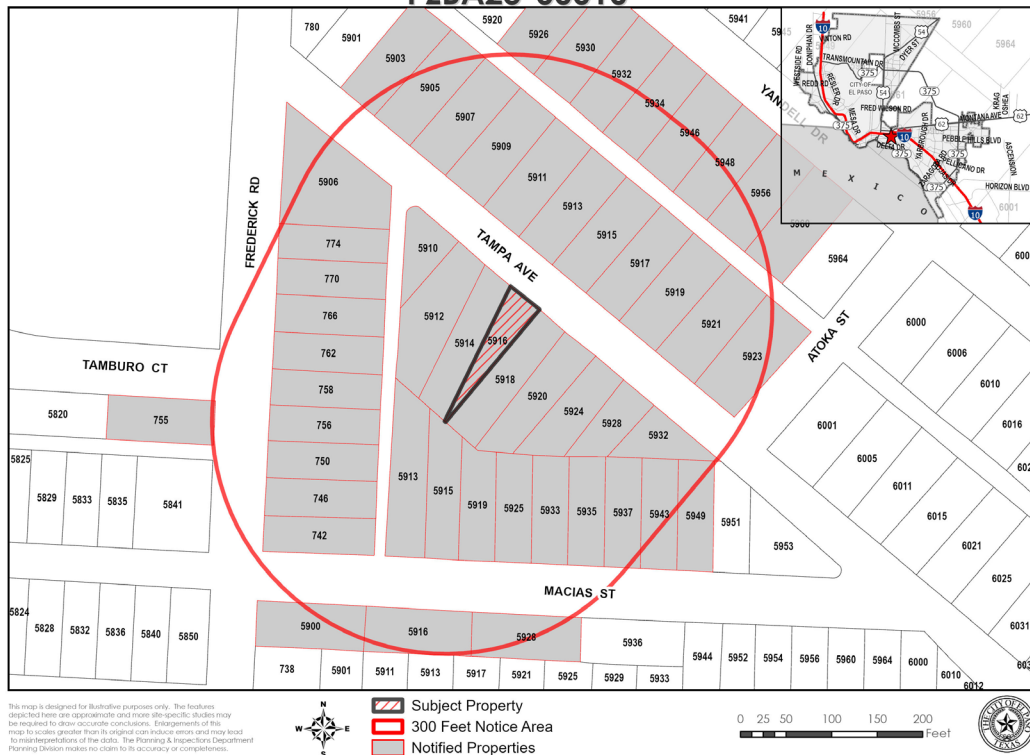
ZONING MAP

PZBA25-00010

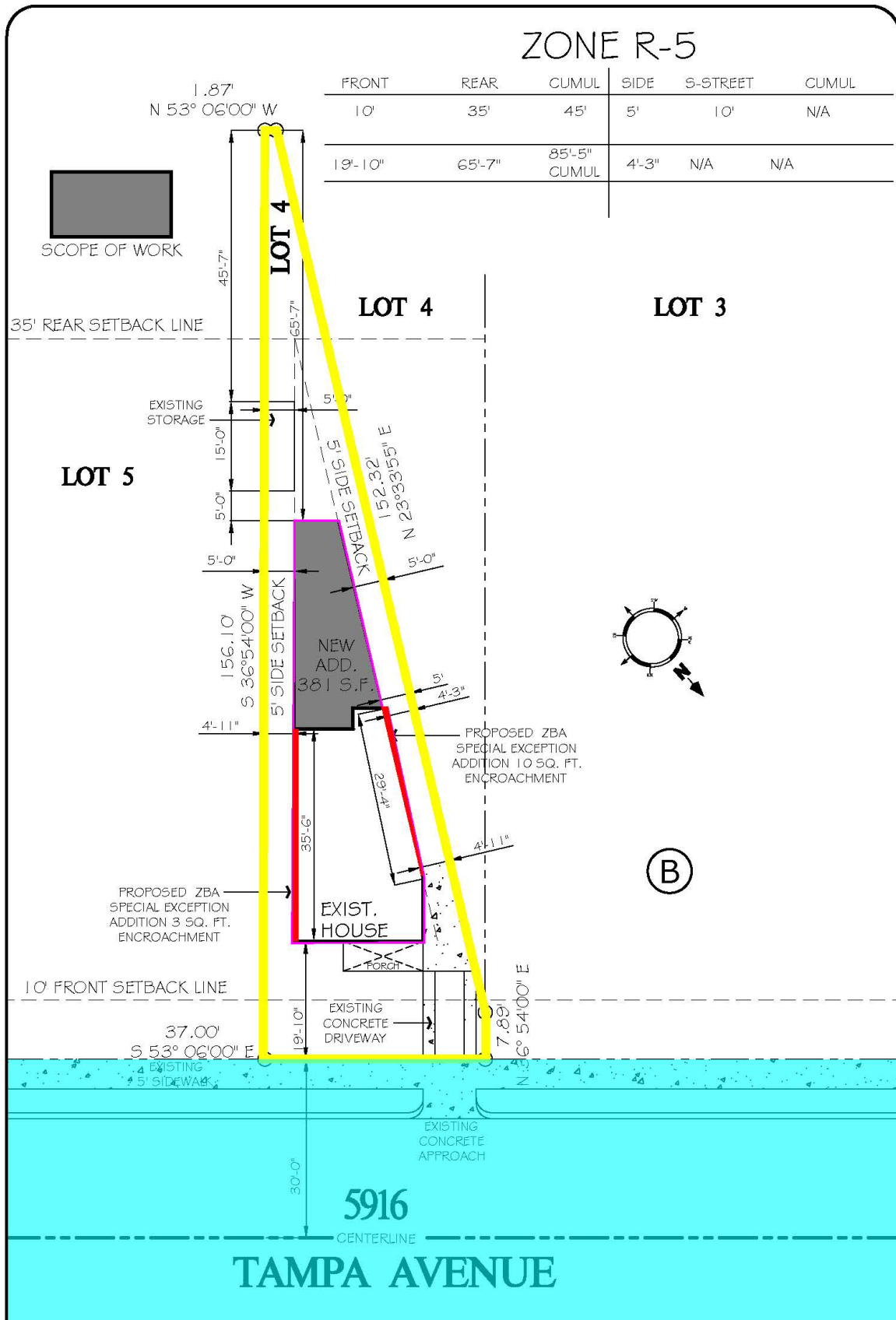


NEIGHBORHOOD NOTIFICATION MAP

PZBA25-00010

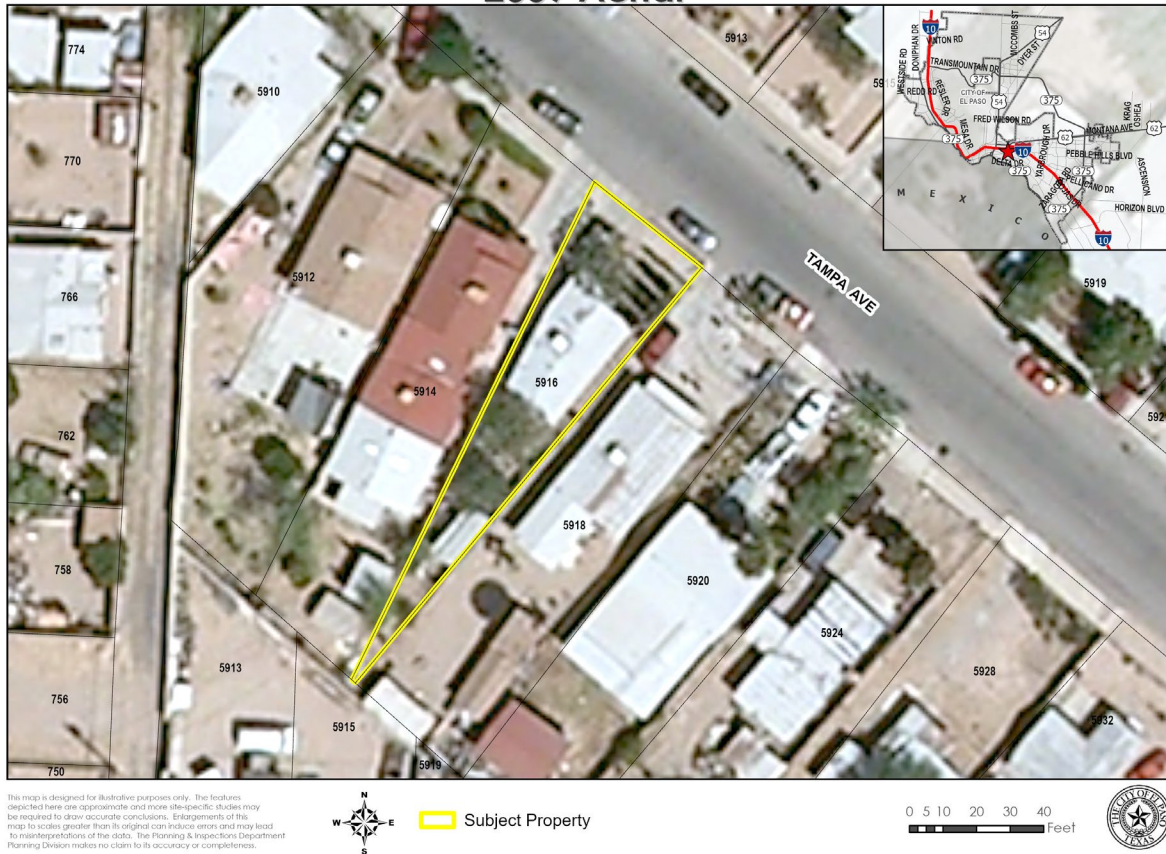


SITE PLAN



2009 AERIAL

2009 Aerial





El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: BC-559, **Version:** 1

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

AGENDA LANGUAGE:

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Approval of Minutes: January 27, 2025



ZONING BOARD OF ADJUSTMENT MEETING
2nd Floor, Main Conference Room
January 27, 2025
1:30 P.M.

MINUTES

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

The meeting was called to order at 1:30 p.m. Chairman Justin Bass present and presiding and the following Board Members and City Staff answered roll call.

BOARD MEMBERS PRESENT:

Justin Bass (Chair)
Martha Isabel Aguayo (Vice-Chairwoman)
Heidi Avedician
Janet Fortune
Jorge Leon
Christine Loveridge
Elizabeth Thurmond-Bengtson

BOARD MEMBERS ABSENT:

Alexis Alvarez
Audrey Gutierrez
Gloria Franco Clark
Fabian Uribe

CITY STAFF INTRODUCTIONS

Luis Zamora, Chief Planner
Russell Abeln, Assistant City Attorney, City Attorney's Office
Andrew Salloum, Senior Planner
Jose Beltran, Planner
Blanca Perez, Planner
Saul Pina, Senior Planner
Venessa Rangel, Senior Plans Examiner

AGENDA

Jose Beltran, Planner, read the opening statement into the record.

Chairman Bass asked everyone giving testimony today or online, please stand and raise your right hand
"Do you swear to tell the truth and nothing but the truth."

Luis Zamora, Chief Planner, requesting Item 2 to be postponed PZBA24-00092 to next meeting.

ACTION: Motion made by Board Member Christine Loveridge, seconded by Board Member Jorge Leon to
APPROVE CHANGES TO AGENDA, and unanimously carried.

Motion Passed.

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**PUBLIC HEARING
REGULAR AGENDA:**

1. **PZBA24-00090:** Lots 17 to 32, and a portion of Lots 1 to 16 and vacated right-of-way of Eucalyptus Street bounded by Missouri Street and Wyoming Street, Block 3, Cotton Addition, City of El Paso, El Paso County, Texas
- Address: 2000 Wyoming Ave.
Applicant: Alan Russell
Representative: Priscilla Ortega
Request: Special Exception B (Two or More Non-Conforming Lots)
District: 8
Zip Code: 79903
Staff Contact: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on November 26, 2024 and January 17, 2025. The Planning Division received one (1) phone call of inquiry but no communication in support or opposition to the request. Staff recommend approval with a condition of the exception request.

- That no construction shall happen until the encroachment into right-of-way of the raised dock to the east along Willow Street be addressed.

Cesar Gonzalez is available for questions and had no comments.

ACTION: Motion made by Board Member Martha Aguayo **TO APPROVE ITEM PZBA24-00090**, seconded by Board Member Heidi Avedician and unanimously carried.

Motion Passed.

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2. **PZBA24-00092:** Lot 22, Block 4, The Village, City of El Paso, El Paso County, Texas
- Address: 701 Ramsgate Road
Applicant: Catherine Oyston
Representative: Catherine Oyston
Request: Special Exception B (Two or more non-conforming lots)
District: 7
Zip Code: 79907
Staff Contact: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov

**POSTPONED FROM DECEMBER 9, 2024
ITEM POSTPONED TO NEXT MEETING**

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3. **PZBA24-00093:** Lot 151, Block 9, Coronado Hills #1, City of El Paso, El Paso County, Texas
- Address: 6056 Isabella Drive
Applicant: Jose Barriga
Representative: Jorge Campos
Request: Special Exception C (Rear yard setback, single-family residence) and Special Exception J (Carport over a driveway)
- District: 8
Zip Code: 79912
Staff Contact: Blanca Perez, (915) 212-1561, PerezBM@elpasotexas.gov

Blanca Perez, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on January 16, 2025. The Planning Division has not received any communications in support or opposition to the request. Staff recommend approval with a condition of Special Exception C and Special Exception J for the property located at 6056 Isabella Drive:

- To relocate the existing accessory structure as shown on the site plan.

Jorge Campos agrees with staff recommendations.

Public: None

ACTION: Motion made by Board Member Janet Fortune **TO APPROVE ITEM PZBA24-00093**, seconded by Board Member Jorge Leon and unanimously carried.

Motion Passed.

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4. PZBA24-00095: A portion of Lots 40 and 41, Block 45, First Supplemental Map of Kern Place Addition, City of El Paso, El Paso County, Texas

Address: 915 Kelly Way

Applicant: Thomas C. Norris

Representative: Thomas C. Norris

Request: Special Exception K (In Existence 15 Years or More) & Special Exception B (Two or More Non-Conforming Lots)

District: 8

Zip Code: 79902

Staff Contact: Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov

Jose Beltran, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on January 17, 2025. The Planning Division has received one (1) phone call in support of the request. Staff recommends Approval of the Special Exception requests.

Thomas Norris agrees with staff comments.

Public: None

ACTION: Motion made by Board Member Janet Fortune, seconded by Board Member Martha Aguayo **TO APPROVE ITEM PZBA24-00095** and unanimously carried.

Motion Passed.

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5. PZBA24-00098: Portion of Tract 27, Lamb Subdivision, City of El Paso, El Paso County, Texas

Address: 552 Martha Way

Applicant: Rebecca Lopez and Jaime Lopez

Representative: Rebecca Lopez and Jaime Lopez

Request: Special Exception K (In existence fifteen years or more)

District: 7

Zip Code: 79907

Staff Contact: Blanca Perez, (915)212-1561, PerezBM@elpasotexas.gov

Blanca Perez, Planner, made a presentation to the Board. Public notices were mailed to property owners within 300 feet on January 16, 2025. The Planning Division has not received any communications in

support or opposition to the request. Staff recommend approval with condition of Special Exception J request for the property located at 552 Martha Way.

Rebeccas and Jaime Lopez agree with staff recommendations.

PUBLIC: None

ACTION: Motion made by Board Member Martha Aguayo **TO APPROVE ITEM PZBA24-00098**, seconded by Board Member Christine Loveridge and unanimously carried.

Motion Passed.

6. Approval of Minutes:
a. December 9, 2024

ACTION: Motion made by Board Member Christine Loveridge, seconded by Board Member Heidi Avedician **TO APPROVE MINUTES FOR DECEMBER 9, 2024** and unanimously carried.

Motion Passed.

7. Adjournment

ACTION: Motion made by Board Member Elizabeth Thurmond-Bengtson **TO ADJOURN ZONING BOARD OF ADJUSTMENTS MEETING**, seconded by Board Member Jorge Leon and unanimously carried.

Motion Passed.

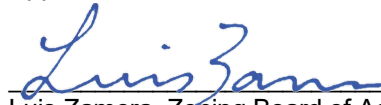
Chair Bass adjourned the meeting at 1:51 p.m.

EXECUTIVE SESSION

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

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

Approved as to form:



Luis Zamora, Zoning Board of Adjustments Executive Secretary