



# **ZONING BOARD OF ADJUSTMENT**

## **BOARD MEMBER TRAINING**

**March 31, 2014**



## ZONING BOARD OF ADJUSTMENT MEMBERS

The Board consists of nine members and nine alternates appointed by Mayor and Council. Each appointment is for a staggered two-year term.

### REGULAR ZBA MEMBERS

- Mayor                      Margaret Livingston
- District 1                      Robert Garland
- District 2                      Robert Concha, Jr.
- District 3                      Luis De La Cruz
- District 4                      Roy Gilyard
- District 5                      Vacant
- District 6                      Vacant
- District 7                      Othon Medina
- District 8                      Vacant



## ALTERNATE ZBA MEMBERS

**Having alternate members ensures that meetings are not postponed due to absences or conflicts of interest.**

- Mayor Rick Cordova
- District 1 Lamar Skarda
- District 2 Samuel Barela
- District 3 Jeffrey E. Gonzalez
- District 4 Vacant
- District 5 Vacant
- District 6 Vacant
- District 7 Jim Graham
- District 8 Michael Bray



## ADMINISTRATION

- Applications are accepted by the City Development Department–Planning Division.
- Fees for Applications:
  - Residential \$662.50
  - Commercial \$662.50
- Building permits may only be issued for 1 year after approval of the board.
- Extensions may be requested prior to the expiration of the 1 year.
- Special Exceptions and Variances may be granted, granted with conditions or denied by the Board.
- The Board will not consider an application that is the same or very similar to one that has been denied for a period of one year.
- The Board of Adjustment has the authority to revoke a special exception or variance if it finds development and/or operation is not in accordance with conditions imposed at the time the special exception or variance was granted.



## STATUTES AUTHORIZING BOARDS OF ADJUSTMENT

- Texas Local Government Code, Section 211.008
- El Paso Municipal Code, Chapter 2.16
  
- ZBA is a quasi-judicial body
- Exists to offer relief to property owners from the strict regulations of the zoning code



## TOOLS FOR MAKING DECISIONS

- Code requirements in Chapter 2.16 and Title 20
- Staff report
- Site plan
- Public hearing testimony
- Board can impose conditions with finding of approval



## APPEALS OF ADMINISTRATIVE OFFICIAL'S DECISION

The Board is empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of Title 20.

### Code Reference – Title 20

Section 20.04.050 Zoning board of adjustment.

In accordance with Chapter 2.16, the zoning board of adjustment has authority to hear and finally decide appeals and applications for variances and special exceptions. Appeals from the zoning board of adjustment lie directly to the district court. (Ord. 16653 § 2 (part), 2007)



# Appeals of Board Decisions

## Code Reference, Texas Local Government Code

### § 211.011. JUDICIAL REVIEW OF BOARD DECISION.

Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

- (1) a person aggrieved by a decision of the board;
- (2) a taxpayer; or
- (3) an officer, department, board, or bureau of the municipality.

The petition must be presented within 10 days after the date the decision is filed in the board's office.



# VARIANCES

## **Section 2.16.030 Variances**

The Board of Adjustment may authorize in specific cases a Variance from the terms of the Zoning Ordinance (Title 20) or as specified in SmartCode (Title 21) if the Variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.



## The following questions should be carefully considered in order to grant a Variance:

- Is the need for the variance due to special conditions?
- Would a literal enforcement of the ordinance create an unnecessary hardship per definition in the Zoning Code, Section 20.02.1128?

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

- Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?
- Is the variance consistent with public interest?



## Variances - Title 21 (SmartCode)

21.10.050 Warrants, variances, and adjustments.

C. A variance allows a modification of a requirement under this title, provided that the modification is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. "Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed. Requests for variances shall be heard by the zoning board of adjustment in accordance with the provisions of Chapter 2.16 of the City Code.



**APPENDIX A: Findings – Variances**

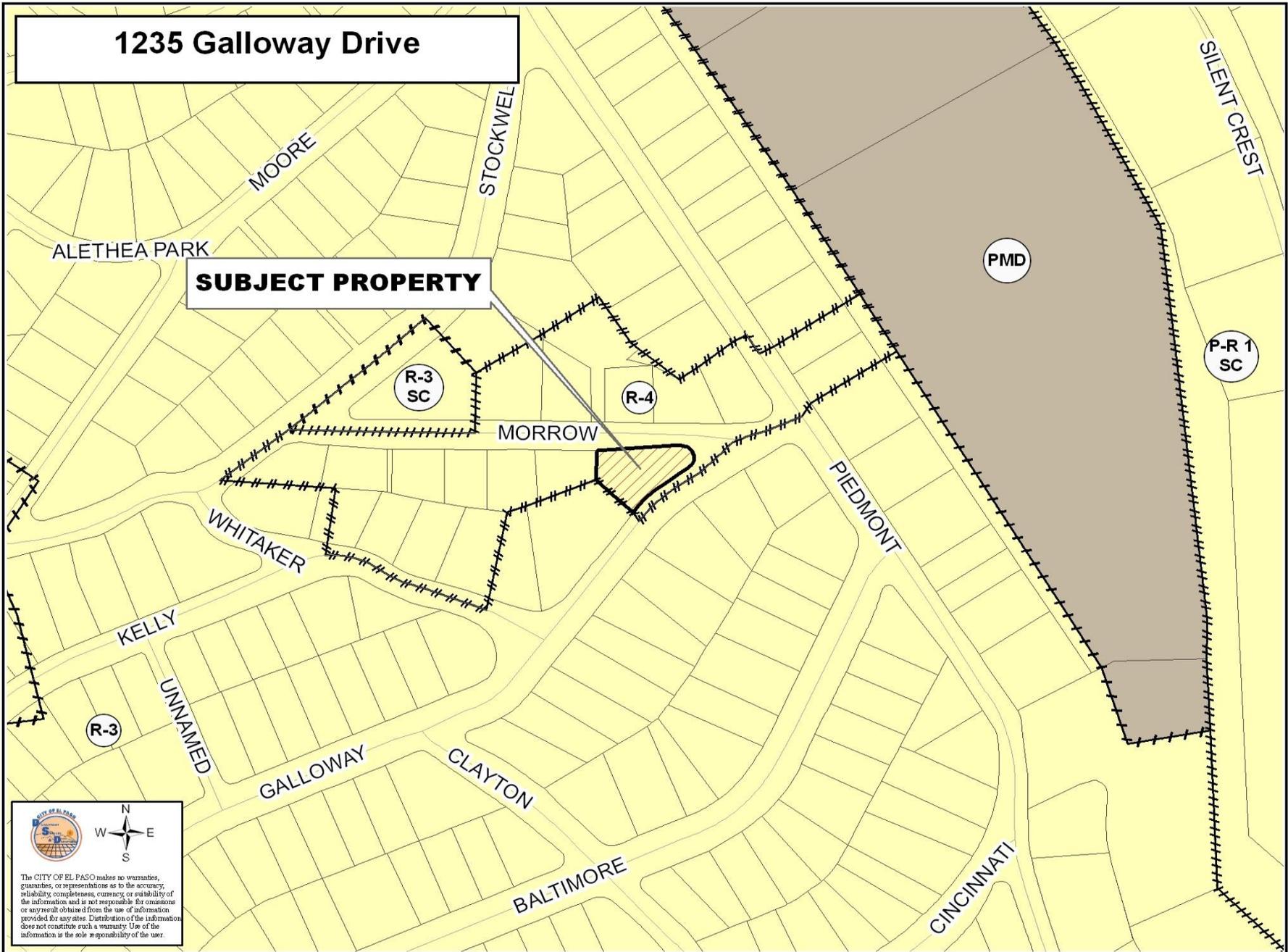
INQUIRY		FINDINGS
Is the request for a variance owing to special condition inherent in the property itself?  If yes, <b>CONTINUE</b> If no, <b>STOP</b>  ↓		The property is/has ... (e.g., odd-shaped, unusual topography, etc.)
Is the condition one unique to the property requesting the variance?  If yes, <b>CONTINUE</b> If no, <b>STOP</b>  ↓		The condition is unique to this property.
Is the condition self-imposed or self-created?  If yes, <b>STOP</b> If no, <b>PROCEED</b>  ↓		The condition necessitating the request was not created by the property owner.
Will the literal enforcement of the zoning ordinance result in an unnecessary hardship?  If yes, <b>CONTINUE</b> If no, <b>STOP</b>  ↓		Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.
Will the hardship prevent any reasonable use whatsoever?  If yes, <b>CONTINUE</b> If no, <b>STOP</b>  ↓		Without the grant of the requested variance, the property owner would be deprived of the right to use his property. Financial considerations alone cannot satisfy this requirement.
Would the grant of the variance be contrary to public interest?  If yes, <b>STOP</b> If no, <b>CONTINUE</b>  ↓		
Is the request within the spirit of the ordinance and does it further substantial justice?  If yes, <b>CONTINUE</b> If no, <b>STOP</b>  ↓		

Last approved variance, ZON10-00025  
1233 Galloway



1235 Galloway Drive

**SUBJECT PROPERTY**



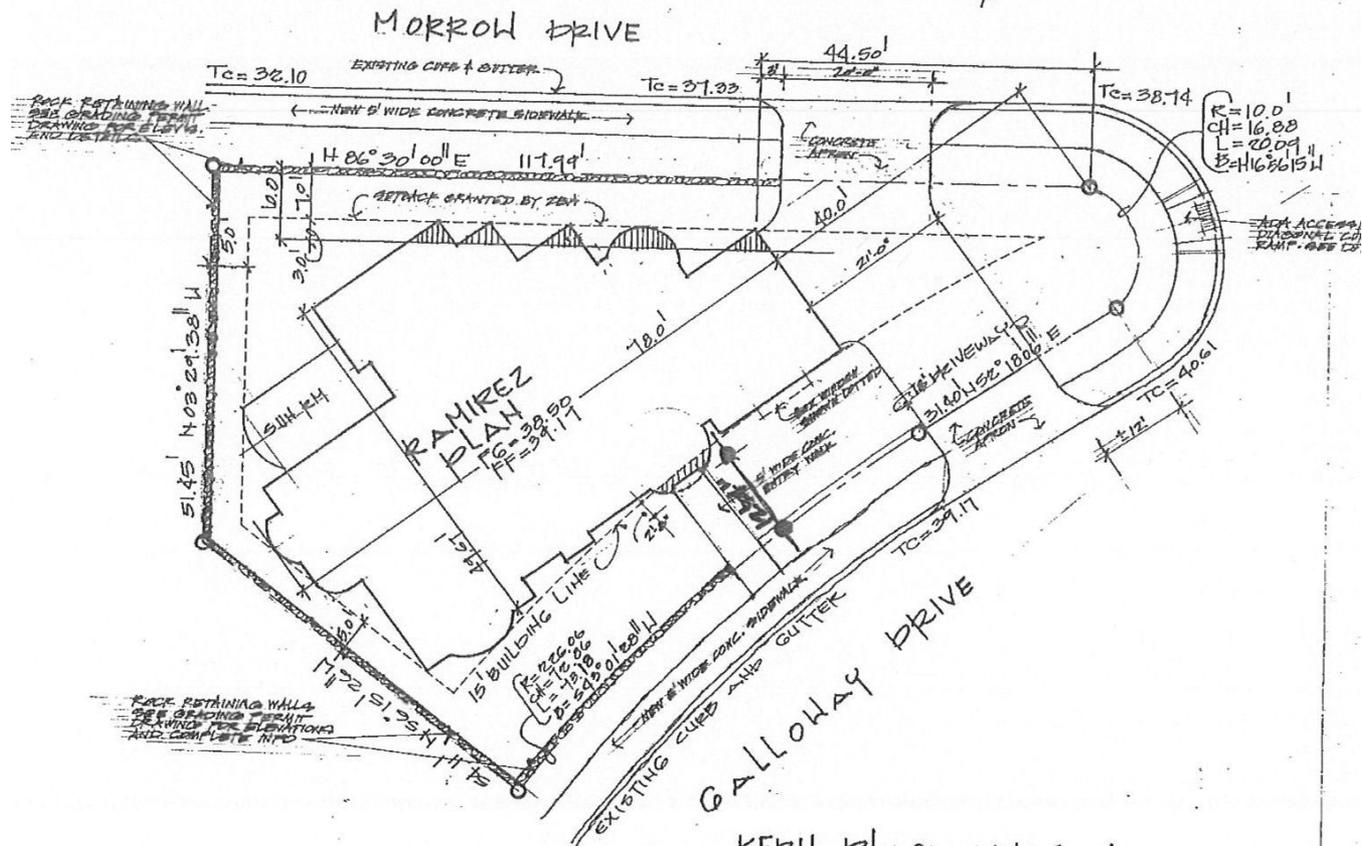

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The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, currency or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any site. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.



# SITE PLAN

SC. 1" = 10.0'



KERH PLACE ADDITION  
 LOT 7 BLOCK 40  
 CITY OF EL PASO - EL PASO COUNTY, TX.

## PLOT PLAN - 1233 GALLOWAY

1" = 10'

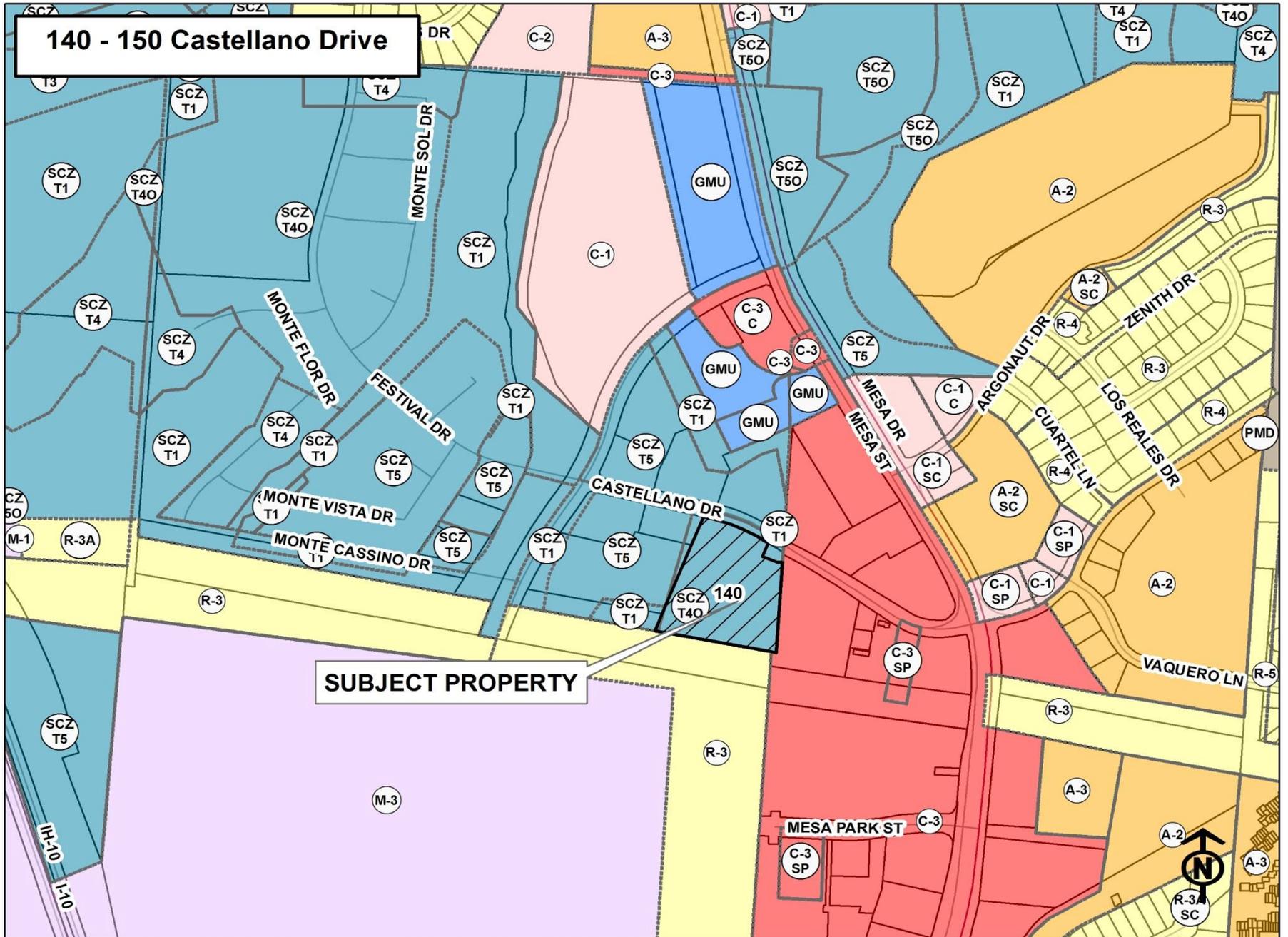
THIS DRAWING IS FOR DIMENSIONAL INFORMATION ON:  
 LOCATION OF NEW RESIDENCE; SETBACK STANDARDS  
 FROM STREETS; SIDEWALK & DRIVEWAY LOCATIONS; ADA  
 COMPLIANCE; ETC.  
 SEE SITE INFORMATION (DRAWINGS, ELEVATIONS, ETC.)  
 REFER TO GRADING PERMIT DRAWINGS & DETAILS.

**One approved variance under SmartCode  
PZBA11-00037  
140 and 150 Castellano Drive**





140 - 150 Castellano Drive





## SPECIAL EXCEPTIONS

The zoning board of adjustment, in specific cases, may, after notice and a public hearing, make special exceptions to the zoning code only as provided in Titles 2 and 20 of The El Paso Municipal Code.

### Section 2.16.050 Special Exceptions

The board shall not grant a special exception unless it makes, and records in its minutes, specific findings that:

1. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and
2. The public convenience and welfare will be substantially served; and
3. The use of neighboring property will not be substantially injured; and
4. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation.



Provided these 4 findings are met, the Board can recommend the addition of new Special Exceptions or deletion of Special Exceptions from the City Code or recommend modifications of current Special Exceptions.

Special Exceptions have undergone several changes and modifications through the years.



## Special Exceptions - current

- B** Two or more nonconforming properties within the block
- C** Rear yard setback
- D** Rear yard setback, duplex
- E** Yard requirements for schools
- F** Side street yard setback
- G** Builder error
- H** Lot size (area, depth, width)
- I** Off-street parking reduction (15%)
- J** Carport over a driveway
- K** 15 years or more, encroachments into setbacks
- L** Front yard setback



## Special Exception B, Two or more lots within the block

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, however, that:

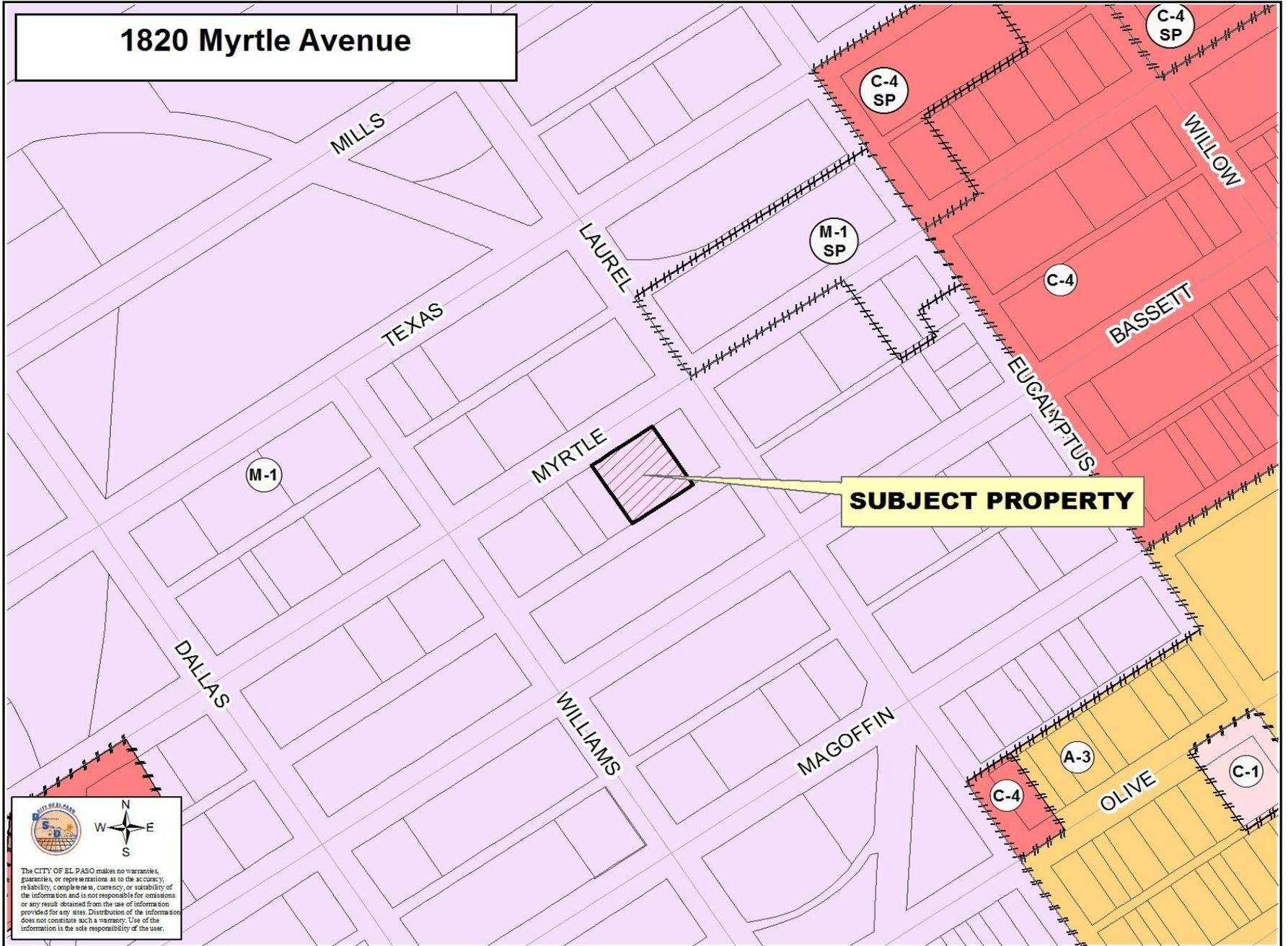
1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street; and,
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots, and,
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.

**Special Exception B, PZBA13-00025  
1820 Myrtle Avenue**





# 1820 Myrtle Avenue



**SUBJECT PROPERTY**

  
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1820 Myrtle Avenue



**SUBJECT PROPERTY**



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**1996 Aerial**  
**Two or More Nonconforming Properties**  
**1803 Myrtle and 1831 Myrtle**





## Special Exception C, Rear Yard Setback

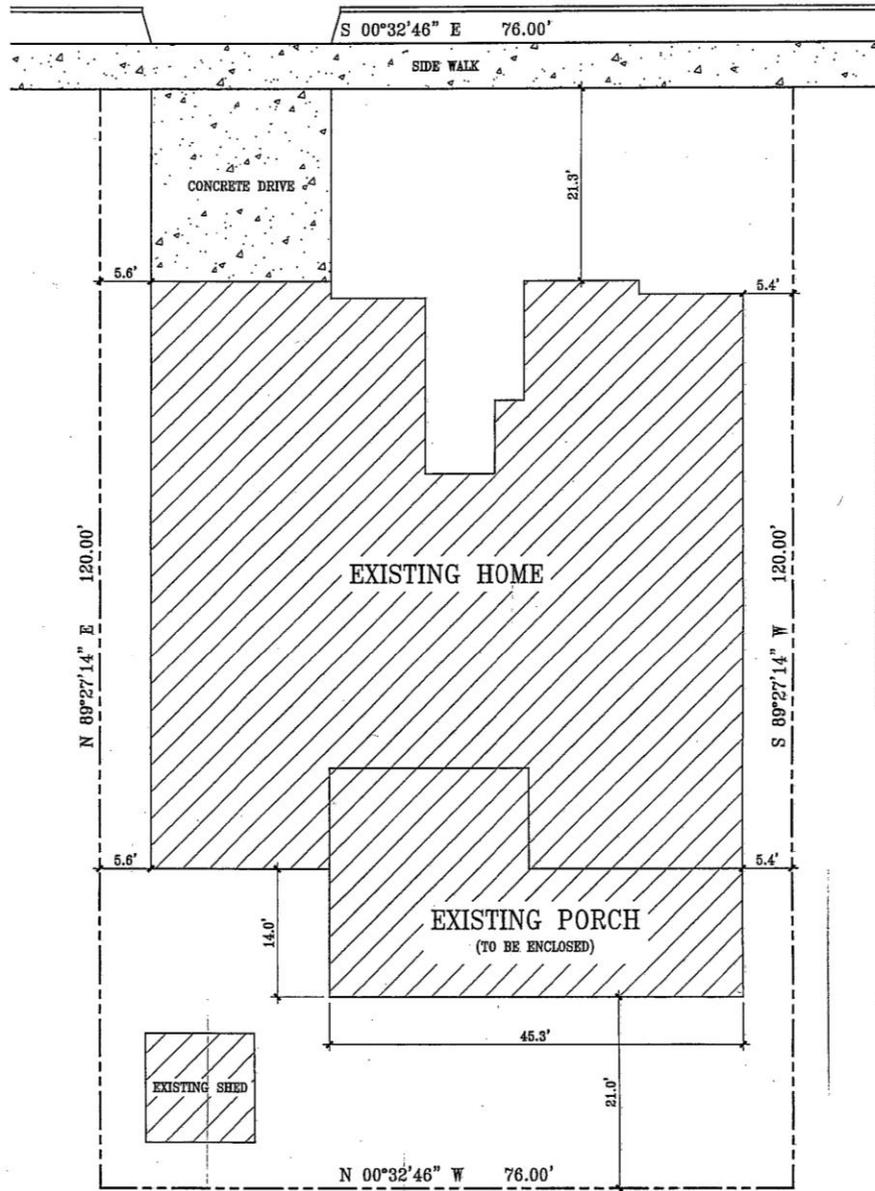
The Zoning Board of Adjustment is empowered under Section 2.16.050 C to permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with 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;
3. A minimum ten foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and,
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.

**Special Exception C**  
**3129 Tierra Nora Drive, PZBA13-00015**







SITE PLAN - 3129 TIERRA NORA DRIVE

SCALE:  $\frac{3}{32}'' = 1'-0''$

3129 Tierra Nora Drive

TIERRA PERLA

TIERRA ALEXIS

TIERRA TIGRE

**SUBJECT PROPERTY**

TIERRA SONORA

R-3A

TIERRA ENCINO

R-3

R-5

TIERRA ASIA

TIERRA BOWLES

TIERRA CUERVO

TIERRA MONA

TIERRA NORA

TIERRA MINA

TIERRA PAOLA

TIERRA

TIERRA SALAS

TIERRA MONJE



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## Special Exception D – Rear Yard, Duplex

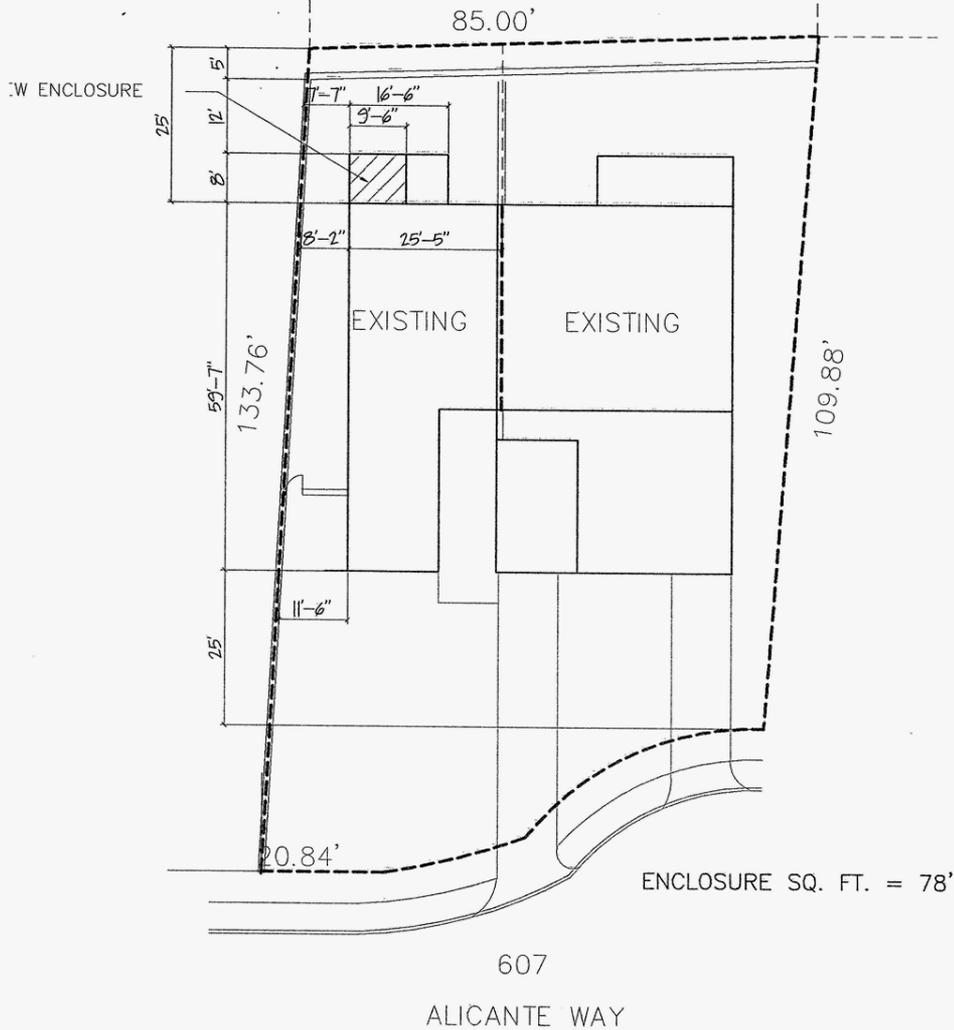
The Zoning Board of Adjustment is empowered under Section 2.16.050 D to permit an extension of a duplex residential structure into the required rear yard setback which shall be measured to the rear property line; provided, however, that:

1. The duplex has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed to each unit of the duplex shall not exceed the result of multiplying one-sixth of the average width of the lot by three-fifths of the required rear yard setback; except that, subject to the approval of all owners, the total of all extensions that could be granted to each unit may be combined and granted to one unit provided that the total of all extensions granted for both units of the duplex shall not exceed the result of multiplying one-third the average lot width by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced;
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred square feet per unit;
6. The extension shall not permit the creation of an additional dwelling unit; and,
7. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.

607 Alicante Way  
Special Exception H (Duplex, Rear Yard Setback)  
ZBA07-00081







70-4



## Site Plan

SCALE: 1" = 20'-0"

BLOCK 6 2A , LOT 6  
CHAPARRAL PARK UNIT 16, REPLAT A  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

**607 ALICANTE WAY**

(A-0)

(C-1)

(A-2)

(R-3)

(A-2)

**DESERT EAGLE**

**SUBJECT PROPERTY**

**ALICANTE**

(A-2)

**RESLER**

**RESLER**

**PORTUGAL**

(R-4)

**PORTUGAL**

(C-2)

**ORIZABA**

(C-1)





## Special Exception F - Side Street Yard Setback

The Zoning Board of Adjustment is empowered under Section 2.16.050 F to modify district side street yard requirements where the following conditions are met:

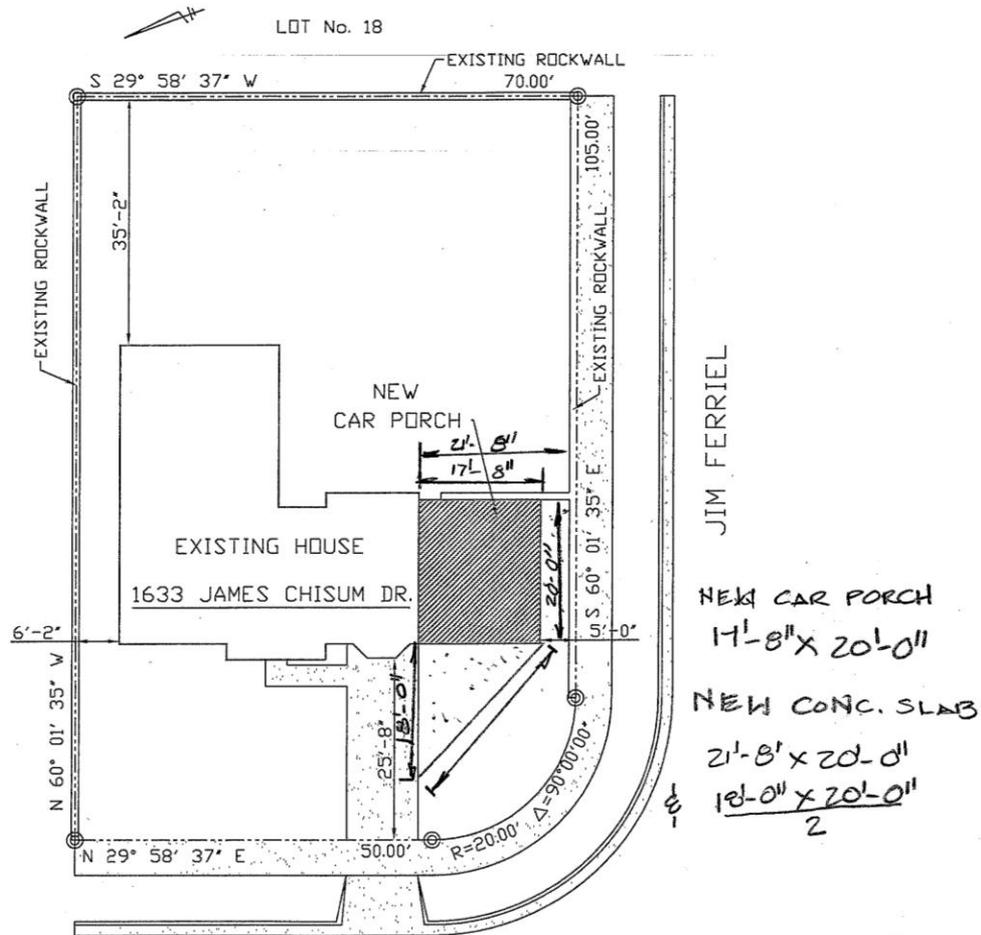
1. The proposed modification does not exceed fifty percent of the required side street yard setback requirement;
2. The minimum front and rear yard setbacks shall not be reduced; and,
3. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer.

**1633 James Chisum Drive  
Special Exception K (Side Street Yard Setback)  
PZBA13-00021**





LOT No. 20



JAMES CHISUM DRIVE

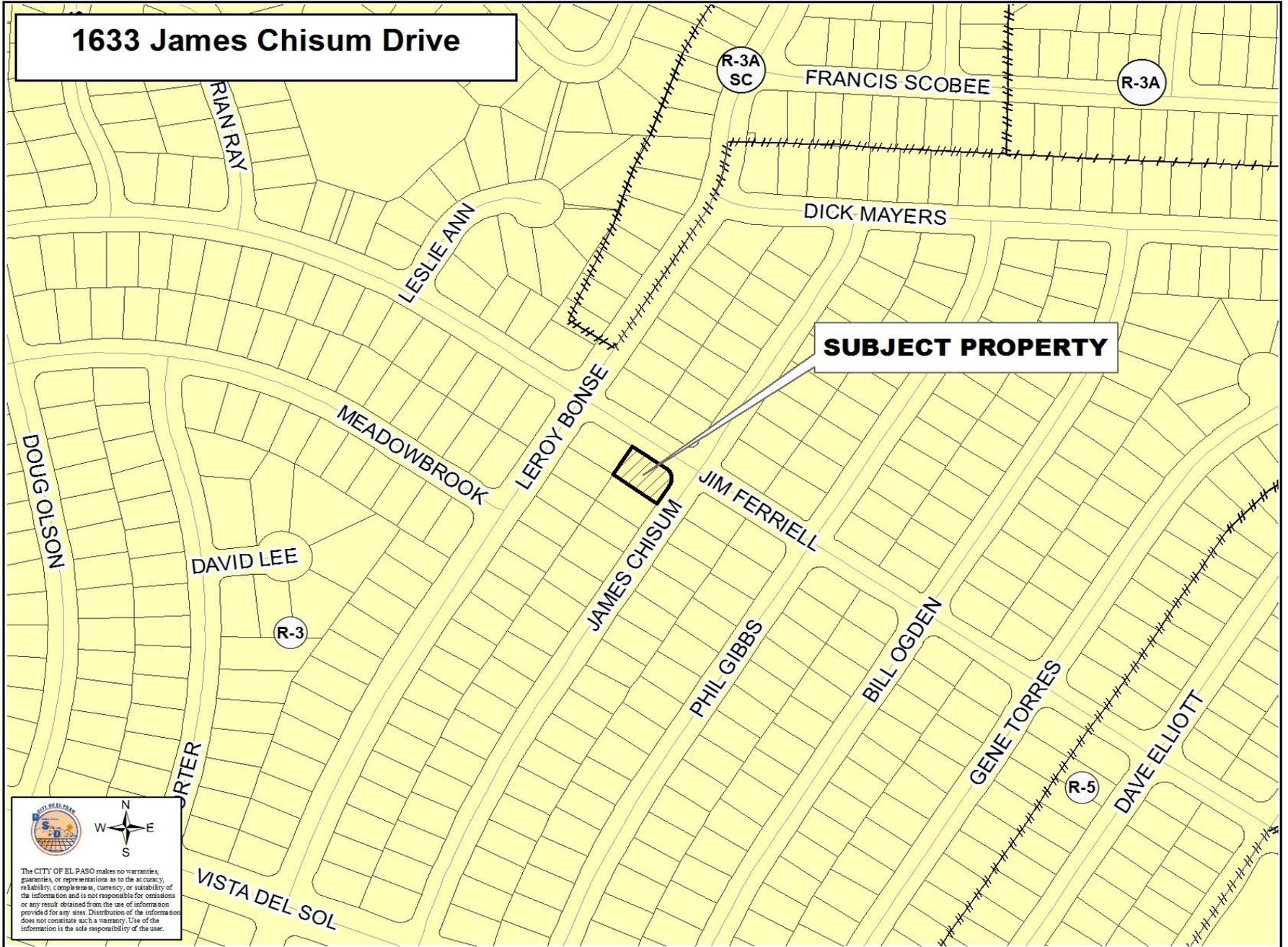
### PLOT PLAN

SCALE: 1" = 20'

#### LEGAL DESCRIPTION:

BEING ALL LOT 9, BLOCK 252,  
 VISTA DEL SOL #46 REPLAT "A"  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

# 1633 James Chisum Drive



**SUBJECT PROPERTY**



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## Special Exception G - Error in Construction

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, however, that:

1. The permitted encroachment into any front yard setback shall not exceed 10 percent of the required setback, or 1 foot, whichever is greater,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed 10 percent of the required setback or 1 foot, whichever is greater.
3. The permitted encroachment into any rear yard setback shall not exceed 15 percent of the required setback or 1 foot, whichever is greater,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed 3 in any 12-month period.

**Builder Error (Side Yard)**  
**7213 Kiowa Creek, PZBA13-00022**





69033

**WARNING**  
DANGER OF ELECTRIC SHOCK  
AND BURNING  
DO NOT OPEN  
DO NOT TOUCH  
DO NOT REMOVE  
DO NOT REMOVE  
DO NOT REMOVE

**NOTICE**  
NOTICE  
AVISO





# Builder's Error Log

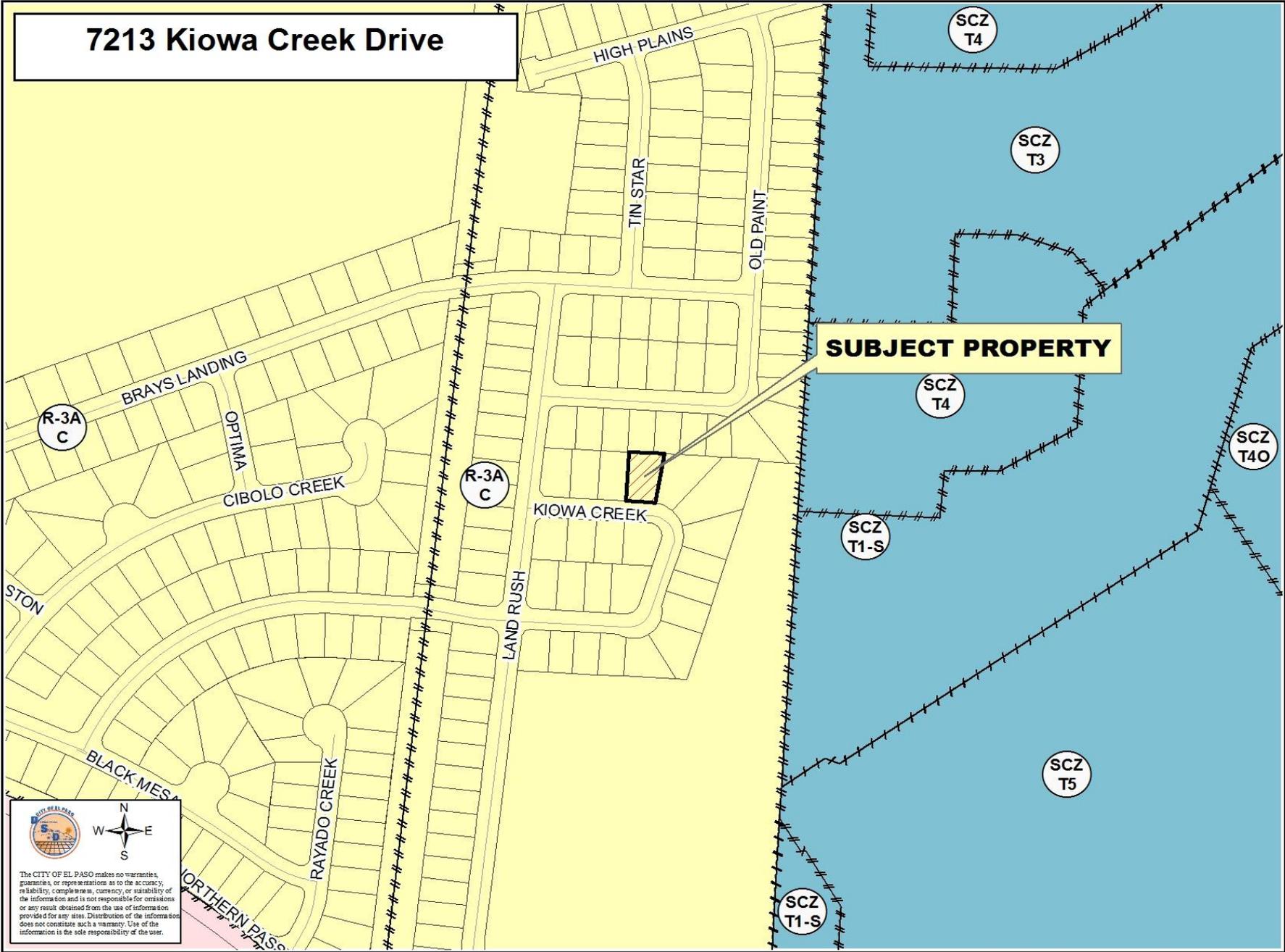
## BUILDER ERROR LOG

For a 12 Month Period

January 14, 2013 to January 13, 2014

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
01/14/2013	PZBA12-00044	14369 East Cave Avenue	Desert View Homes
01/14/2013	PZBA12-00045	2313 Glitter Point Street	Casa De Leon, LLC
01/14/2013	PZBA12-00047	8700 Echo Street	Graciela Gonzalez, et al (homeowner)
2/11/2013	PZBA13-00005	14308 South Cave Avenue	Carefree Homes
8/12/2013	PZBA13-00022	7213 Kiowa Creek Drive	Palo Verde Homes

7213 Kiowa Creek Drive



**SUBJECT PROPERTY**

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## Special Exception H - Lot Size

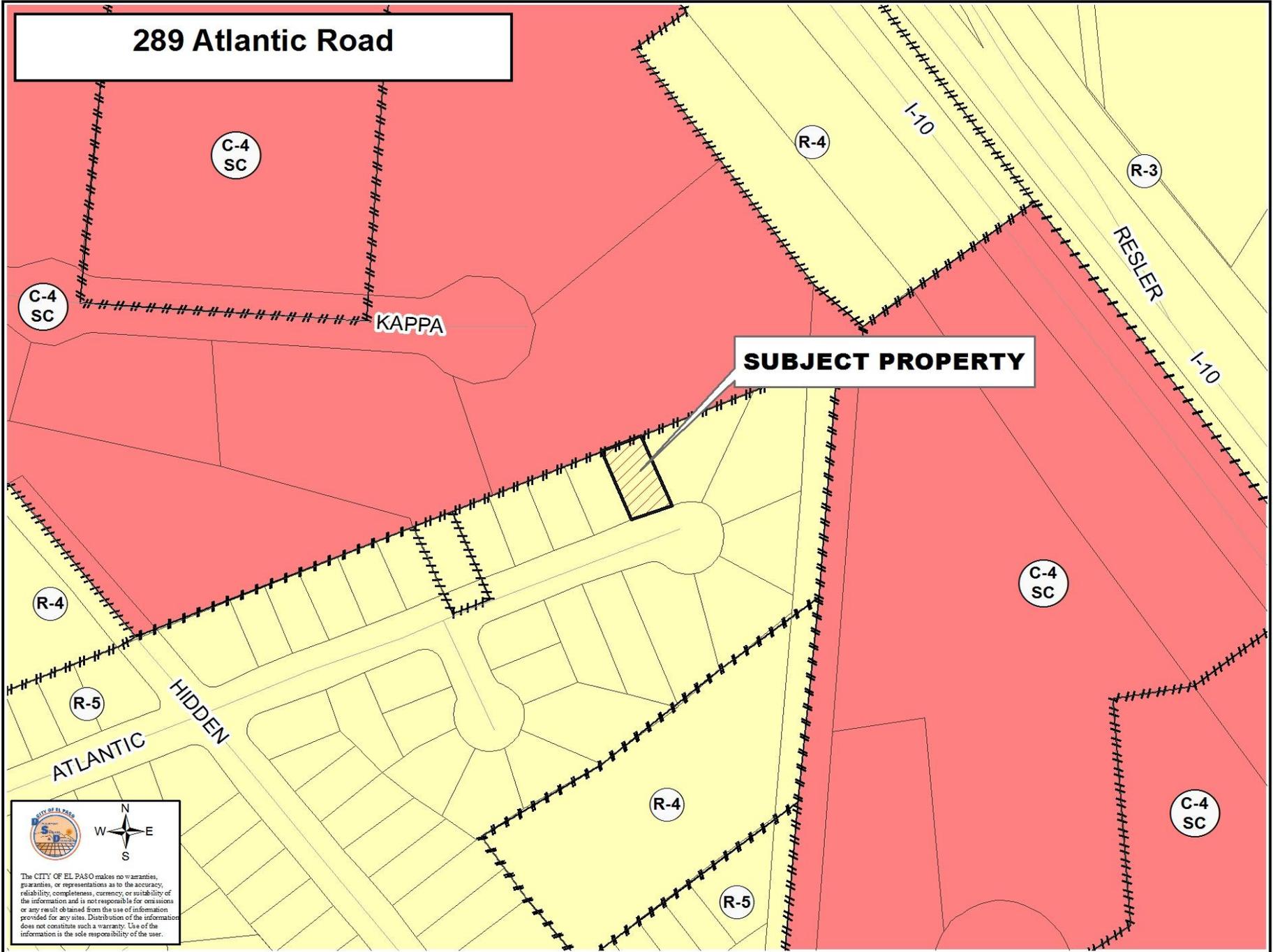
The Zoning Board of Adjustment is empowered under Section 2.16.050 H to permit the construction of a single-family residence in a residential (R) district on a lot that does not meet the required minimum lot width, minimum lot depth, or minimum lot area; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. A minimum of one of the required amounts, lot width, lot depth or lot area, meets the required minimum amount; and,
3. The lot width, lot depth or lot area amounts which do not meet the required minimum amounts are not less than ninety percent of the respective required minimum amount; and,
4. The residential structure conforms to the yard setbacks of the zone in which it is located; and,
5. The maximum number of lots for which this exception may be granted in any subdivision shall be five percent of the total number of lots in the subdivision or one lot, whichever is greater.”

**Special Exception H (Lot Size, Area)  
289 Atlantic Road – PZBA12-00003**



# 289 Atlantic Road



**SUBJECT PROPERTY**

  
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# Analysis for PZBA12-00003

Zoning Board of Adjustment Cases - Pacific Park Subdivision, 1959 to present				
Street	Special Exception/Variance	Granted	Denied	
Arrollo Road	N/A			
256 Atlantic Road	Variance - rear yard	1981		
264 Atlantic Road	Variance -front yard	1976		
277 Atlantic Road	Special Exception - lot size, duplex	2007		
281 Atlantic Road	Special Exception - lot size, duplex	2006		
289 Atlantic Road	Requesting Special Exception for lot size for duplex development - PZBA12-00003			
Celia Road	N/A			
120 Elvira Way	Special Exception - Front yard	1961		
3913 Hidden Way	Variance - existing carport	1976		
3917 Hidden Way	Variance - existing carport	1976		
3921 Hidden Way	Variance - existing carport	1975		
3936-38 Hidden Way	Variance - duplex, lot size (no construction)	1987		
4000-02 Hidden Way	Variance - duplex, lot size	1978		
117 Pacific Drive	Special Exception - Rear yard	1959		
140 Pacific Drive	Special Exception - Rear yard	1995		
148 Pacific Drive	Variance, front yard	1988		
153 Pacific Drive	Rear yard	1959		
3937 Panama Way	Special Exception - day care	1985		
3940 Panama Way	Special Exception - rear yard	1998		
Rio Road	N/A			
<b>City Council granted Special Permit ZON07-00165 for Infill, duplex - 2008</b>				
273 Atlantic				
<b>Summary</b>				
113 lots in subdivision				
2 have been granted the ZBA Special Exception for lot size to build duplexes				
2 have been granted Variances by ZBA to build duplexes, 1 of these is not built				
1 has been granted Special Permit by City Council for infill, duplex				
1 is being requested at 02/13/2012 ZBA meeting				
Appear to be at least 12 existing duplexes in subdivision, 6 of these are on Atlantic Road				
113 x 5% = 5.65 lots				



# Special Exception I

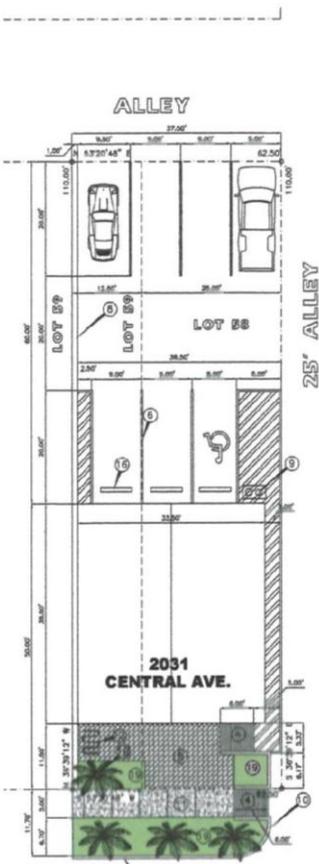
## 15 Percent Off-Street Parking Reduction

The Zoning Board of Adjustment is empowered under Section 2.16.050 I to authorize the reduction of the off-street parking requirements; provided, however, that:

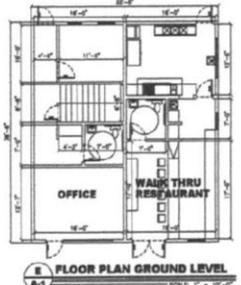
1. The owner shall demonstrate through testimony or documentation that the required number of off-street parking spaces cannot be reasonably accommodated on the property involved; and,
2. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer; and,
3. The reduction authorized shall not modify the number of required off-street parking spaces by more than fifteen percent.

Special Exception I – Off-Street Parking Reduction  
2031 Central Avenue – ZBA09-00035





**A SITE DEVELOPMENT PLAN**  
SCALE: 1" = 10'-0"



**E FLOOR PLAN GROUND LEVEL**  
SCALE: 1" = 10'-0"



**F FLOOR PLAN UPPER LEVEL**  
SCALE: 1" = 10'-0"

- KEY NOTES**
- 1.- NEW LANDSCAPING AREA
  - 2.- EXIST. CURB TO REPAIR
  - 3.- EXIST. SIDEWALK TO REPAIR
  - 4.- NEW ADA RAMP
  - 5.- NEW CONCRETE SLAB
  - 6.- NEW PARKING STRIPES
  - 7.- NEW PAVEMENT AREA
  - 8.- EXIST. 6" MC. HOODPILL
  - 9.- NEW GRADE TRAP
  - 10.- NEW 4" STC. CURB
  - 11.- NEW CONCRETE SIDEWALK
  - 12.- NEW BICYCLE SPACES
  - 13.- BUSH SHOT
  - 14.- A/D UNIT
  - 15.- EXIST. FIRE
  - 16.- C&P SURVEY
  - 17.- PORTABLE SURFACE
  - 18.- EXIST. PALM TREE TO REPAIR
  - 19.- LANDSCAPING AREA



**PROJECT LOCATION**



**VICINITY MAP**  
SCALE: 1" = 2000'-0"



**LEGAL DESCRIPTION**  
LOT 28, AND EAST 1/2 OF LOT 26, BLOCK B, BASSETT ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

**BENCHMARK**  
CITY MONUMENT AT THE MONUMENT CORNER OF INTERSECTION OF PALM STREET AND BASSETT STREET ELEVATION 3603.18 (CITY DATA)

**BUILDING DATA**

TOTAL LAND AREA	4,125.00 SF
RESTAURANT AREA	664.88 SF
OFFICE AREA	664.88 SF
STORAGE AREA	664.88 SF
ZONE	A/D SD

PARKING REQUIRED 8  
PARKING SPACES AVAILABLE 7 SPACES 12.5% PARKING REDUCTION < 15%  
BICYCLE SPACES 3

**LANDSCAPE CALCULATIONS**

SITE FRONTAGE X SITE DEPTH X 0.075 = LANDSCAPE REQ.  
37.50 X 110.00 X 0.075 = 309.38 SF  
LANDSCAPE REQ. = 309.38 SF  
LANDSCAPE PROPOSED = 318.77 SF

**PARKING CALCULATIONS**

REQUIRED PARKING SPACES:  
664.88 SF / A00 (FOR OFFICE BUILDING) = 1.6 PARKING SPACES  
664.88 SF (FOR STORAGE) = 0 PARKING SPACES  
664.88 SF / 100 (FOR RESTAURANT) = 6.6 PARKING SPACES  
INCLUDING 1 A.D.A. PARKING SPACE  
PROPOSED PARKING SPACES:  
7 PARKING SPACES  
INCLUDING 1 A.D.A. PARKING SPACE

**FLOOD INSURANCE DATA**  
1.- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480214-0039B DATED OCTOBER 15, 1982 THIS PROPERTY IS IN FLOOD ZONE C.  
ZONE C ARE AREAS OF MINIMAL FLOODING.

**NOTES (UTILITIES)**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND UTILITY COMPANY AS-BUILT DRAWINGS. THE ENGINEER MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA OTHER IN SERVICE OR ABANDONED. THE ENGINEER FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE ENGINEER HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

Civil & Structural Engineering Consultants

**PE PLAZA ENGINEERING**

716 North Palm Vista Street  
El Paso, Texas 79906  
(915) 834-0977 Fax

R.O. Box 1000  
Lubbock, Texas 79408  
(806) 861-0812  
(806) 861-0818 Fax

Sergio F. Plaza, P.E.  
Principal

PROJECT NO. 2070  
DATE 08/27/09  
SHEET TITLE  
**SITE DEVELOPMENT PLAN**  
NO. SHEET 2008-053

PLAZA ENGINEERING, L.L.C.  
F-2011

DATE 09-16-09

**"EL PAISA" RESTAURANT**  
MR. ALFREDO GUTIERREZ  
2031 CENTRAL AVE.  
EL PASO, TEXAS

**ubci**  
UBI & Partners  
A Public Agency  
1400 West 10th Street  
El Paso, Texas 79906  
(915) 834-0977  
www.ubci.com

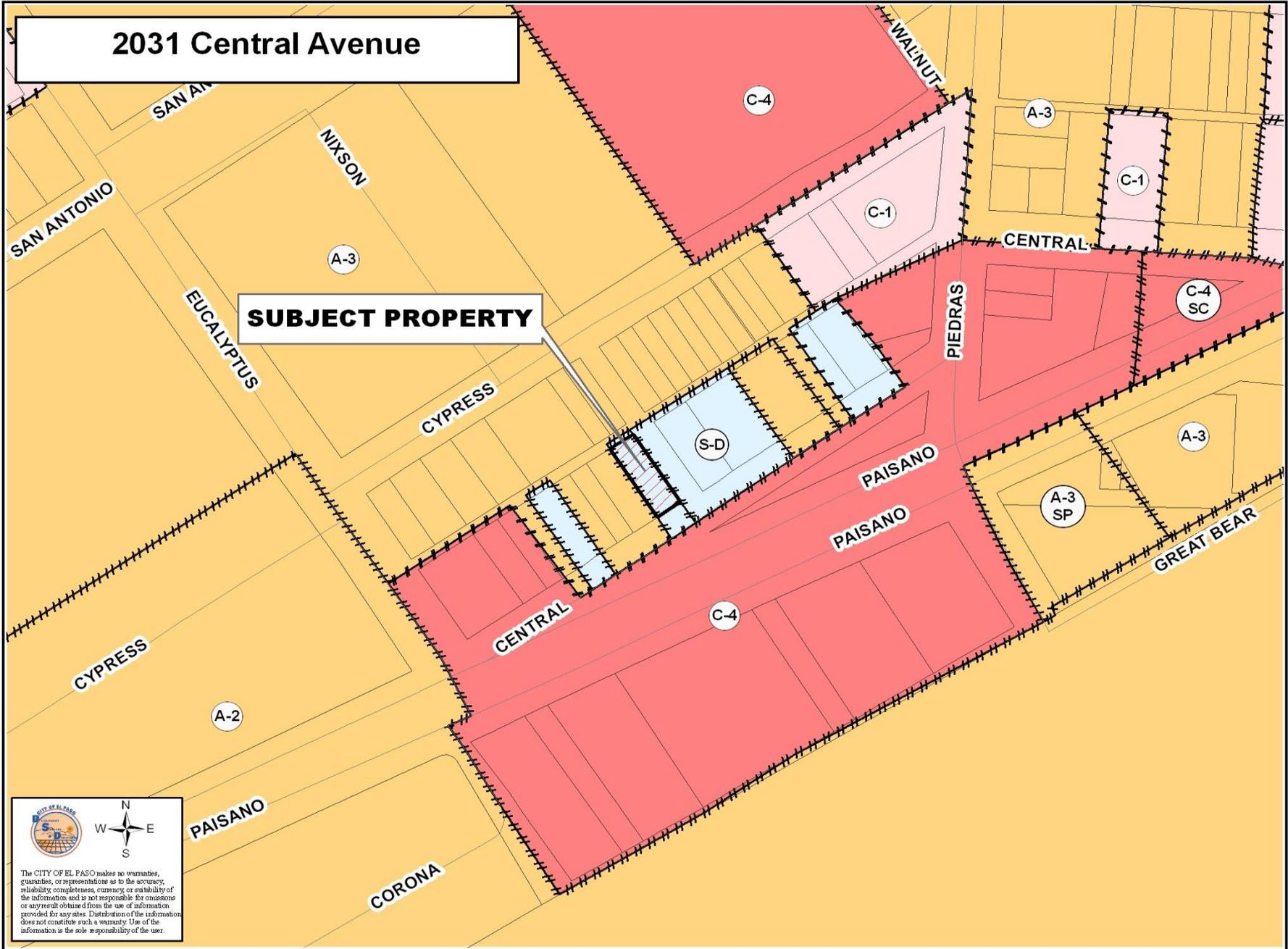
**SITE DEVELOPMENT PLAN**

DATE	08/27/09
PROJECT NO.	2070
SHEET NO.	053
TITLE	SITE DEVELOPMENT PLAN

ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE UTILITIES SHOWN ON THIS PLAN. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATION TO VERIFY THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN. THE ENGINEER HAS NOT CONDUCTED ANY OTHER INVESTIGATION TO VERIFY THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.

2031 Central Avenue

SUBJECT PROPERTY



**CITY OF EL PASO**

The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, currency or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.



## **Special Exception J - Carport over a Driveway**

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, however, that:



## Carport Requirements

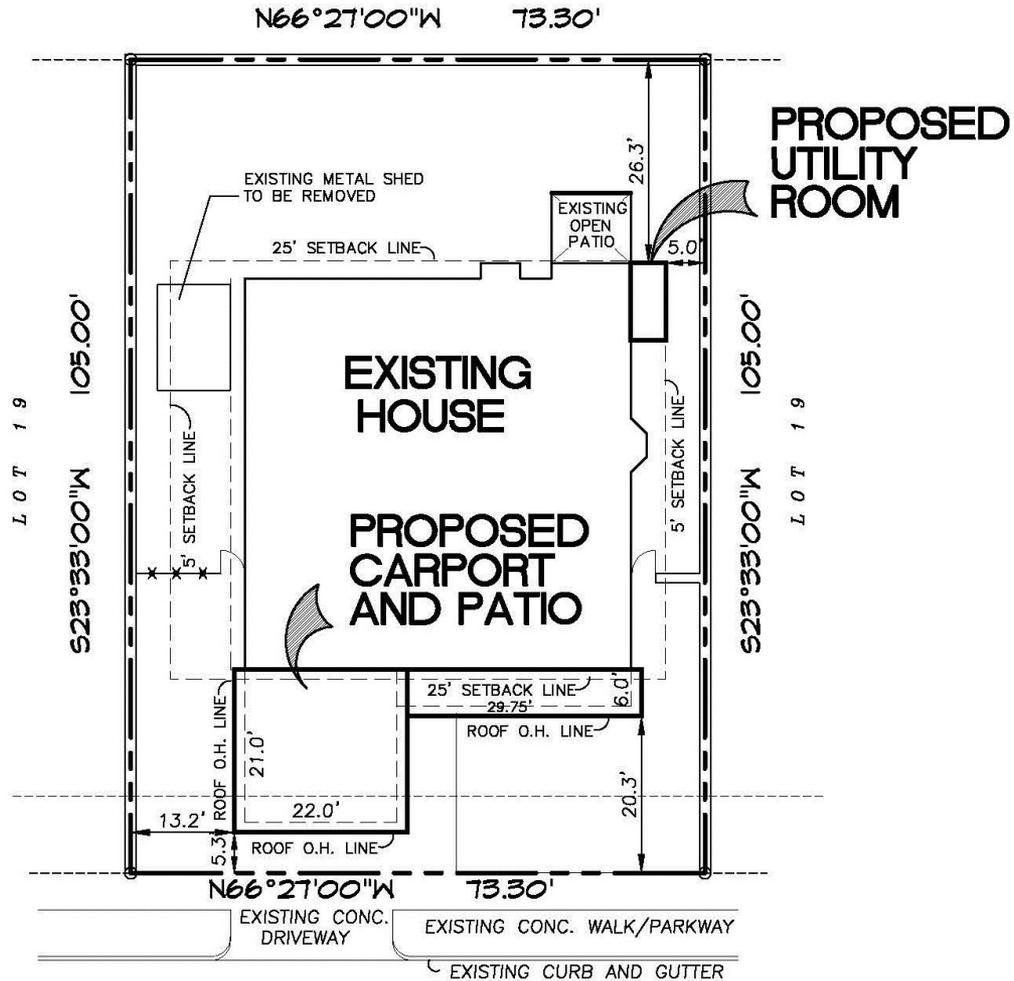
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, shall be open on three sides, shall be attached to the main structure and shall rise no higher than the highest point of the roof of the dwelling;
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;
5. Elevation drawings of the proposed structure shall be 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;
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; and,
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.

S E R V I C E   S O L U T I O N S   S U C C E S S



Special Exception J (Carport over a Driveway)  
11037 Tom Shaw Drive – PZBA13-00008



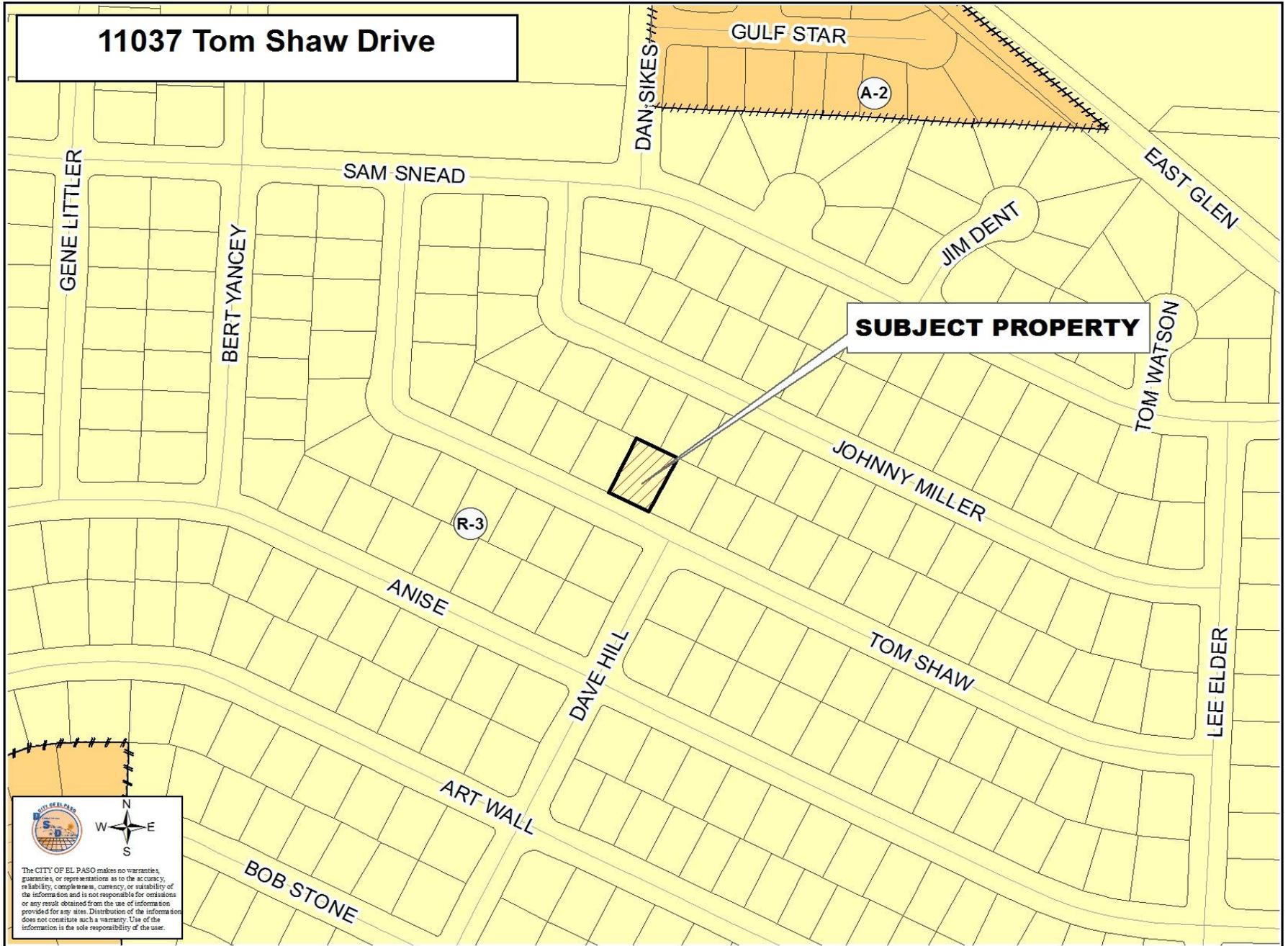


**11037**  
**TOM SHAW**  
(PUBLIC R.O.W.)

**CARPORT AREA: 462**



11037 Tom Shaw Drive



**SUBJECT PROPERTY**

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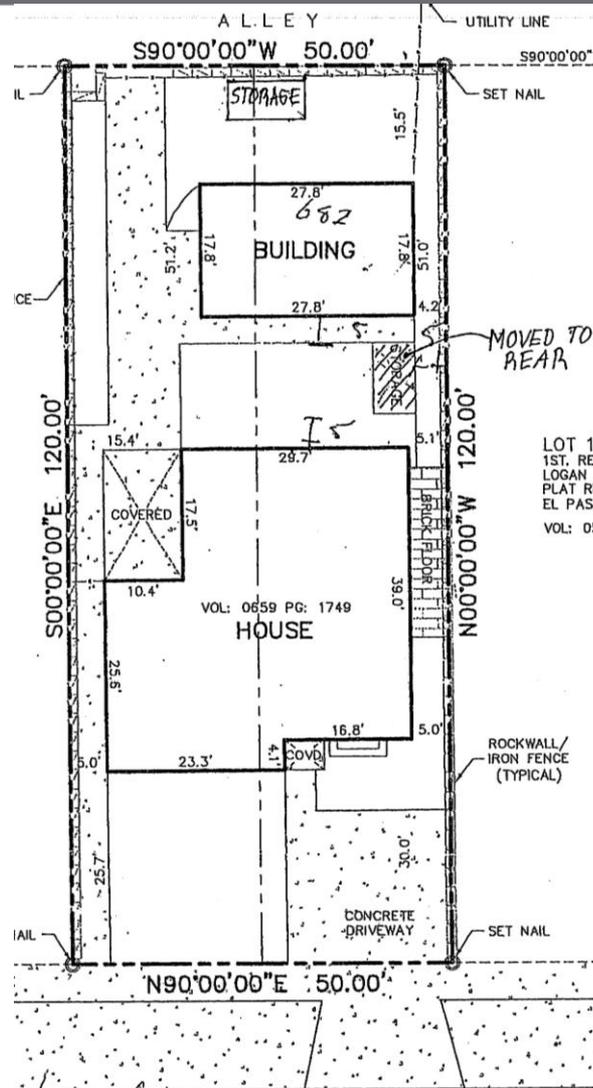


## Special Exception K

### Existing encroachment for more than 15 Years

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:

1. The encroachment into the required yard setback 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;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the El Paso City Code.



LOT 1  
1ST. RE  
LOGAN  
PLAT R  
EL PAS  
VOL: 0:

*Hernandez*  
*des copies* 3604  
MC CONNELL AVENUE  
(70' R.O.W.)

3604 McConnell Avenue  
PZBA13-00032





▼ Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	10/23/2012 12:00:00 AM	WAD	WARRANTY DEED	HERNANDEZ MAGDALEN,	CORREA MAGDALENA D			20120080501
2	8/18/2011 12:00:00 AM	WDL	WARRANTY DEED WITH VENDOR LIEN	EVANGELICAL MENNONIT	HERNANDEZ MAGDALEN,			20110058518
3	2/1/1976 12:00:00 AM	L	CAD/Other		EVANGELICAL MENNONIT	0659	1749	

3604 McConell Avenue

MCCONNELL

RUSSELL

STEVENS

KELTNER



**SUBJECT PROPERTY**



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# 1986 AERIAL

SERVICE SOLUTIONS SUCCESS





## Exception V – Front Yard Setback

The Zoning Board of Adjustment is empowered under Section 2.16.050 L to permit an extension of a single-family residential structure into the required front yard setback, which shall be measured to the property line; provided, however, that:

1. The residential structure has been in existence with a valid certificate of occupancy for one continuous year;
2. The total length of all extensions granted shall not project into the required front yard setback a depth in excess of ten feet;
3. The total width of all extensions granted shall not exceed one-third of the average width of the site;
4. The minimum side and side street yard setbacks shall not be reduced;
5. A minimum of a ten-foot front setback from the property line shall be maintained;
6. If the proposed modification is for an enclosed garage, a minimum twenty-foot driveway shall be required; and,
7. Unless otherwise provided in this section, all remaining areas of the required front yard shall be permanent open space.

**3448 Kirkwall Street  
Special Exception V (Front Yard Setback)  
ZBA07-00109**





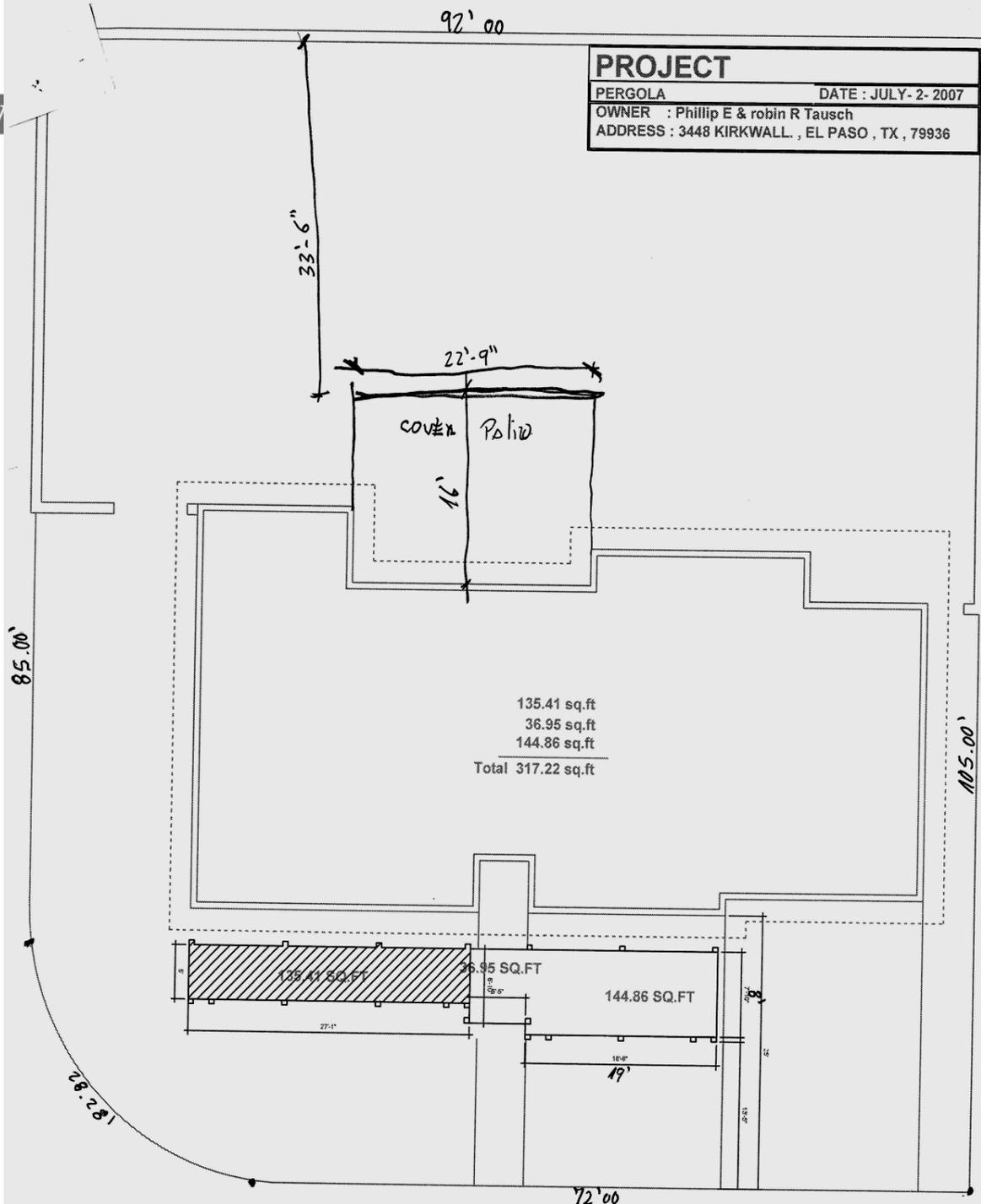
### PROJECT

PERGOLA

DATE : JULY-2-2007

OWNER : Phillip E & robin R Tausch

ADDRESS : 3448 KIRKWALL , EL PASO , TX , 79936



**3448 KIRKWALL STREET**

SC

C-1  
SC

**WICK**

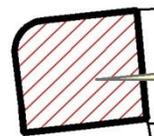
**MONTROSE**

A-2

**MCRAE**

**FALKIRK**

**SUBJECT PROPERTY**



R-3

**RUTHERGLEN**

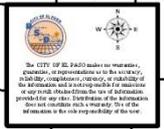
**GREENOCK**

**KIRKWALL**

**NAIRN**

**MCRAE**

**KIRKCALDY**





## Cumulative Setback Requirements

- The modification to the zoning code permits cumulative front and rear setbacks in all residential zoning districts.
- The cumulative setbacks permit reduced setbacks in the front and rear yard provided a minimum setback is met.
- Calculations are provided in the staff report



## ZBA CASES, BY TYPE – 2013

	2013	Approved 2013	Denied 2013	Pending
Special Exception B (2 or More Nonconforming)	4	4	0	
Special Exception C (Rear Yard)	20	20	0	
Special Exception D (Rear Yard, Duplex)	0	0	0	
Special Exception E (Setbacks, schools)	0	0	0	
Special Exception F (Side street yard setback)	2	2	0	
Special Exception G (Builder Error)	5	5	0	
Special Exception H (Lot size)	0	0	0	
Special Exception I (Parking Reduction)	0	0	0	
Special Exception J (Carport)	11	9	0	2
Special Exception K (15 Years or More)	2	2	0	
Special Exception L (Front Yard)	0	0	0	
Variances	0	0	0	
Appeals	0	0	0	
Extension of Time	1	N/A	N/A	
<b>Totals</b>	<b>45</b>	<b>43</b>	<b>0</b>	<b>2</b>



## ETHICAL CONDUCT

- Ethics Ordinance, El Paso City Code, Section 2.92.
- Ethical conduct is more than merely meeting the standards required by law.
- Ethical conduct means doing the right thing simply because it is the right thing to do.
- Violating legal standards for conduct means that legal sanctions can be imposed.



## CONFLICTS OF INTEREST

- ZBA duties on behalf of public interest

VS.

Personal/family financial interest

- Financial disclosure required annually
- If you have concerns, at any time, about whether you have a conflict of interest, consult with the City attorney and City staff.



**Questions? Concerns?**