ZBA08-00037 **5005 Love Road** **St. Mark's United Methodist Church**

Applicant is appealing an Administrative Official's Decision under Section 2.16.040 in an R-1/sp (Residential/Special Permit) zone.

St. Mark's United Methodist Church has filed an Appeal of an Administrative Official's Decision **(Case #ZBA08-00037)** with the Zoning Board of Adjustment under Section 2.16.040, Appeals, concerning property located at 5005 Love Road in an R-1 zone.

BACKGROUND

This case was originally scheduled for the ZBA meeting of June 23, 2008. To date, the applicant's representatives, Harrel Davis and Yolanda Giner, have requested three postponements of the appeal hearing. Please see their request of July 17th for a two week postponement, to the meeting of August 11, 2008.

Applicant's Statement

Statement of appeal and exhibits were submitted by Harrel Davis, III, attorney for St. Mark's Church, regarding the City's denial of Building Permit No. BLD07-07891 for the property located at 223 Oleander.

City's Statement

The applicant submitted plans (Building Permit No. BLD07-07891) to the City in August 2007 for the change of occupancy of an existing building from office space to classroom space. The plans failed zoning review due to encroachments of existing buildings into the rear yard setback. The following Section of the El Paso Municipal Code applies to both churches and schools which are permitted non-residential uses in residential zoning districts:

20.12.040 Yards

A. Yards Generally. More than one principal building may be located on a lot in the following instances; however, the provision of these exceptions shall not be construed to allow any building to be constructed outside the buildable area of the lot:

1. Institutional buildings;
2. Public or semipublic buildings;
3. Multifamily dwellings or groups of single-family attached buildings;
4. Commercial or industrial buildings;
5. Homes for the elderly.

The code does not permit encroachments into the required setbacks for non-residential uses. The issue may be resolved by rezoning the subject property to a zone that would permit a reduction in the setbacks.

Thirty-three neighbors have submitted letters of opposition to the issuance of Building Permit No. BLD07-07891 to St. Mark's Methodist Church.

STAFF RECOMMENDATION

The staff is not making a recommendation.

The Zoning Board of Adjustment is empowered under Section 2.16.040, Appeals, 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. In exercising these powers the board may, in conformity with the state act and this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Also, please note the following in Section 2.16.020, Powers:

B. The concurring vote of seven members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under Title 20 of this code, or to effect any variation in requirements of Title 20.

ITEM #5

Gordon Mott & Davis P.C.

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July17, 2008

Via Facsimile 541-4725

Department of Planning
Two Civic Center Plaza, 2nd Floor
El Paso, Texas 79901
Attention: Linda Castle

Re: 5000 and 5016 Love Road ("Property");
Case # ZBA07-00145 Appeal

Dear Ms. Castle:

We respectfully request a two (2) week postponement of the ZBA Appeal referenced above which is currently set for Monday, July 28, 2008.

Thank you so much for your assistance and please call me at 545-1133 if you need more information and provide us your response as soon as possible to (915) 545-4433.

Sincerely,

GORDON MOTT & DAVIS, P.C.

Yolanda Giner

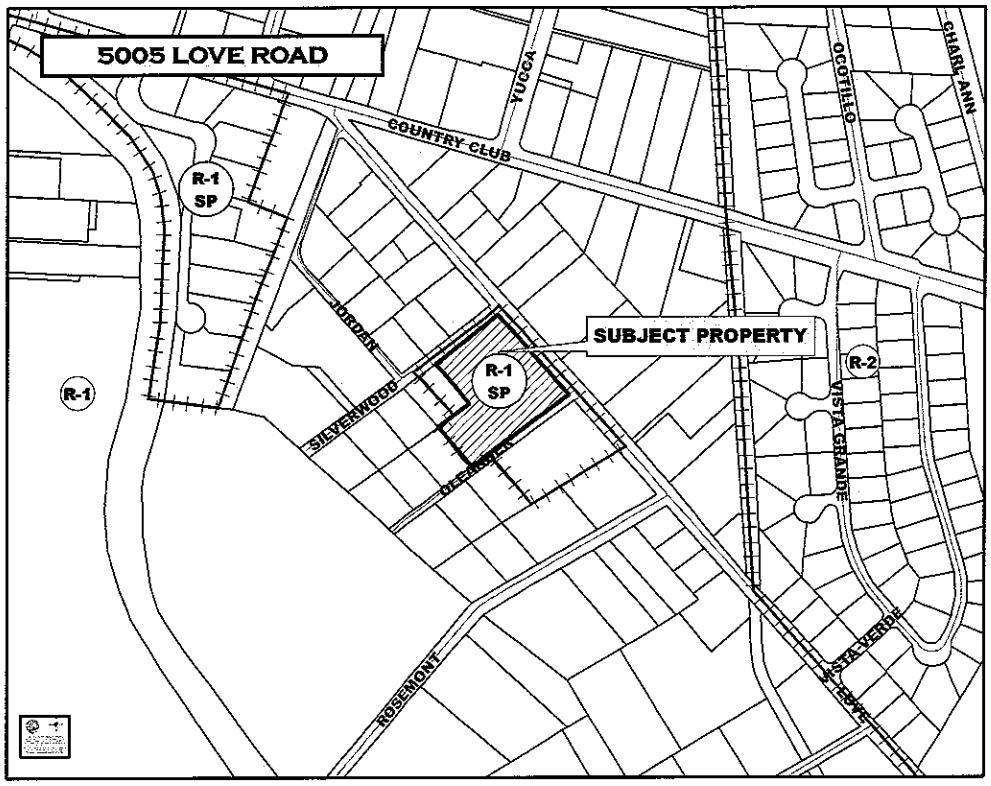
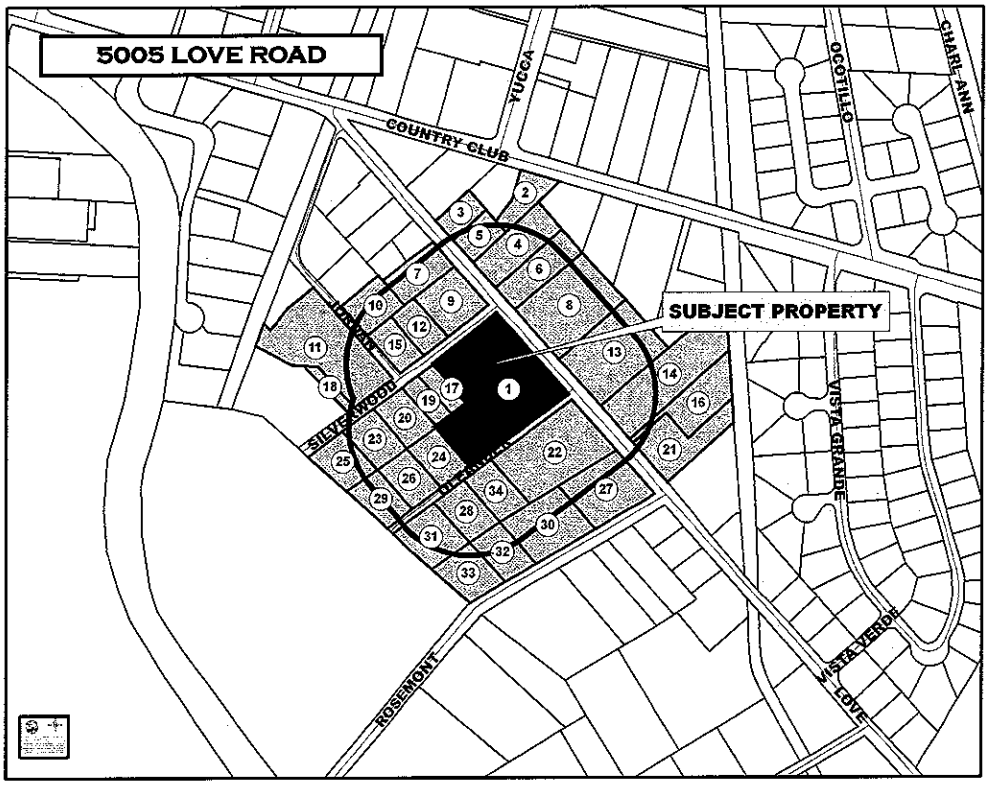
Cc: Cynthia Osborn
City Attorney's Office

Harrel Davis

{3559.7/YGIN/06091288.1}

ST. MARK UNITED METHODIST CHURCH
DESIGN & DRAFTING
A-1
SITE PLAN
7/19/02
PARKING
SITE PLAN

ZONING MAP



NOTIFICATION MAP