



**LEGAL NON-CONFORMING APPLICATION
PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION**

**City of El Paso, Texas
811 Texas Avenue
El Paso, TX 79901
915-212-0088**

1. CONTACT INFORMATION

APPLICANT(S): _____
ADDRESS: _____ ZIP CODE: _____ PHONE: _____
E-MAIL ADDRESS: _____ FAX: _____
PROPERTY OWNER (IF DIFFERENT FROM APPLICANT): _____

2. PARCEL INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: _____
STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____

3. ADDITIONAL INFORMATION

WHAT IS BEING DECLARED AS NON-CONFORMING? (A USE OR A STRUCTURE? PROVIDE DETAILS. EXPLAIN CONDITIONS, EXCLUSIONS.)

SINCE WHEN HAS THE STRUCTURE OR USE EXISTED? (CODE CHANGE OR ANNEXATION)

IS A SCALED PLOT PLAN ATTACHED? YES

LIST DOCUMENTS BEING PROVIDED AS PROOF OF NONCONFORMING STRUCTURE OR USE:

****OFFICE USE ONLY****

CASE # _____ RECEIVED DATE: ___/___/___ APPLICATION FEE: \$ _____

ACCEPTED BY: _____ PRINT NAME: _____



REQUIREMENTS FOR PROVING AND REGISTERING A NON-CONFORMING SITUATION

1. To be considered non-conforming, the non-conforming situation shall have existed since prior to November 23, 1955 when the “modern” Zoning Ordinance became effective, or since the location of the property was annexed by the City of El Paso, or prior to the approval of any ordinance, legal opinion or regulation, which rendered the property non-conforming.
2. In order to register a non-conforming situation, this department requires a scaled plot plan.
3. Per El Paso City Code Section 20.22.070, two forms of proof are required to establish that a use was legally established, unless the nonconforming improvements are clearly visible in an aerial photograph dated prior to the date the improvements became nonconforming. You may submit aerial photographs, copies of approved building permits, approved building permit plans, certificates of occupancy, copies of tax records, photographs and any other documents that show when the non-conforming situation began.
4. Any written statements (affidavits) submitted as proof need to be notarized.
5. If the need is to prove a non-conforming situation in regard to setbacks or other exterior structural or use, an aerial photo, identified and dated by City personnel, may be accepted, provided necessary details are shown on the photo.
6. If the need is to prove the non-conforming use of a dwelling in a commercial or manufacturing zone, a printout with a date of construction from the Central Appraisal District may be accepted.
7. After a review of documents, maps, photos, etc., by the Office of the Zoning Administrator, the City will only presume the structure or use of property to be non-conforming as to use, area, yards, setbacks, or off-

street parking. Should any other person or persons furnish the City with proof to contradict yours, you may, if you wish to resolve the issue, apply to the Zoning Board of Adjustment for a “Determination.”



AFFIDAVIT

NOTE: Affidavits become a permanent part of our records. We require that they be typed on letter size paper (8-½ x 11). Affidavits are sworn statements that must be notarized and state exactly what is being declared, for example:

- non-conforming height (state height)
- setbacks (example - 2' from front property line)
- use (example - auto sales in C-2 zone)

EXAMPLE OF AFFIDAVIT

To Whom It May Concern:

My name is John Doe and I reside at 100 S. Main Street. I have lived at this address since before 1955 and I am aware of the existing physical conditions in our neighborhood. Mr. Johnson's house, at 105 S. Main Street has been there since before 1955 and was built with a zero lot line on the north side of the lot.

Signature

STATE OF TEXAS

COUNTY OF EL PASO

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 20____.

Notary Public



SAMPLE PLOT PLAN

Requirements:

1. Legal description and street address for the property;
2. Location and arrangement of structures, including proposed additions or expansions;
3. Location and arrangement of accessory structures or buildings;
4. Location of streets with ingress and egress, including curb cuts and driveways;
5. Size and use of structures, including number of dwelling units;
6. Lot lines with dimensions of the areas;
7. Required yards and setbacks;
8. Utility rights-of-ways and easements;
9. Screening walls or fences, where required;
10. Retaining walls, where applicable; and
11. Pedestrian ways and sidewalks.

