

ZBA09-00053

5829 Angel Street

Earl V. Dunnington, Jr. Living Trust

Applicant requests a Variance from Section 20.12.020, Table of Density and Dimensional Standards, in an R-2/c/sp (Light Density Residential/Conditions/Special Permit) zone district, Side Yard Setbacks, Single-family dwelling.

This would permit a 14' by 44' accessory building that is proposed to encroach 2' into the required side yard setback and to be located to within 8' of the side property line.

The required side yard setback is 10 feet in this R-2/c/sp zone district.

BACKGROUND

The applicant was granted a building permit, BLD09-01548, for a garage to house his motor home, located 8' from the side property line. However, there is a Special Permit ZON05-00021 granted to this subdivision for a planned residential development with a private street. The site plan submitted and approved by City Council for the Special Permit application indicates a requirement for 10' side yard setbacks. After consultation with city attorneys, it has been determined that the Zoning Board of Adjustment has no jurisdiction to modify the setbacks in a detailed site plan approved by City Council. The applicant has been advised to apply for a modification of the detailed site plan with review by City Plan Commission and City Council.

CALCULATIONS

Required side yard setback = 10'

Requested side yard setback = 8'

STAFF RECOMMENDATION

Recommendation is to delete the request for a Variance.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

"Authorize in specific cases a variance from the terms of a zoning ordinance 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."

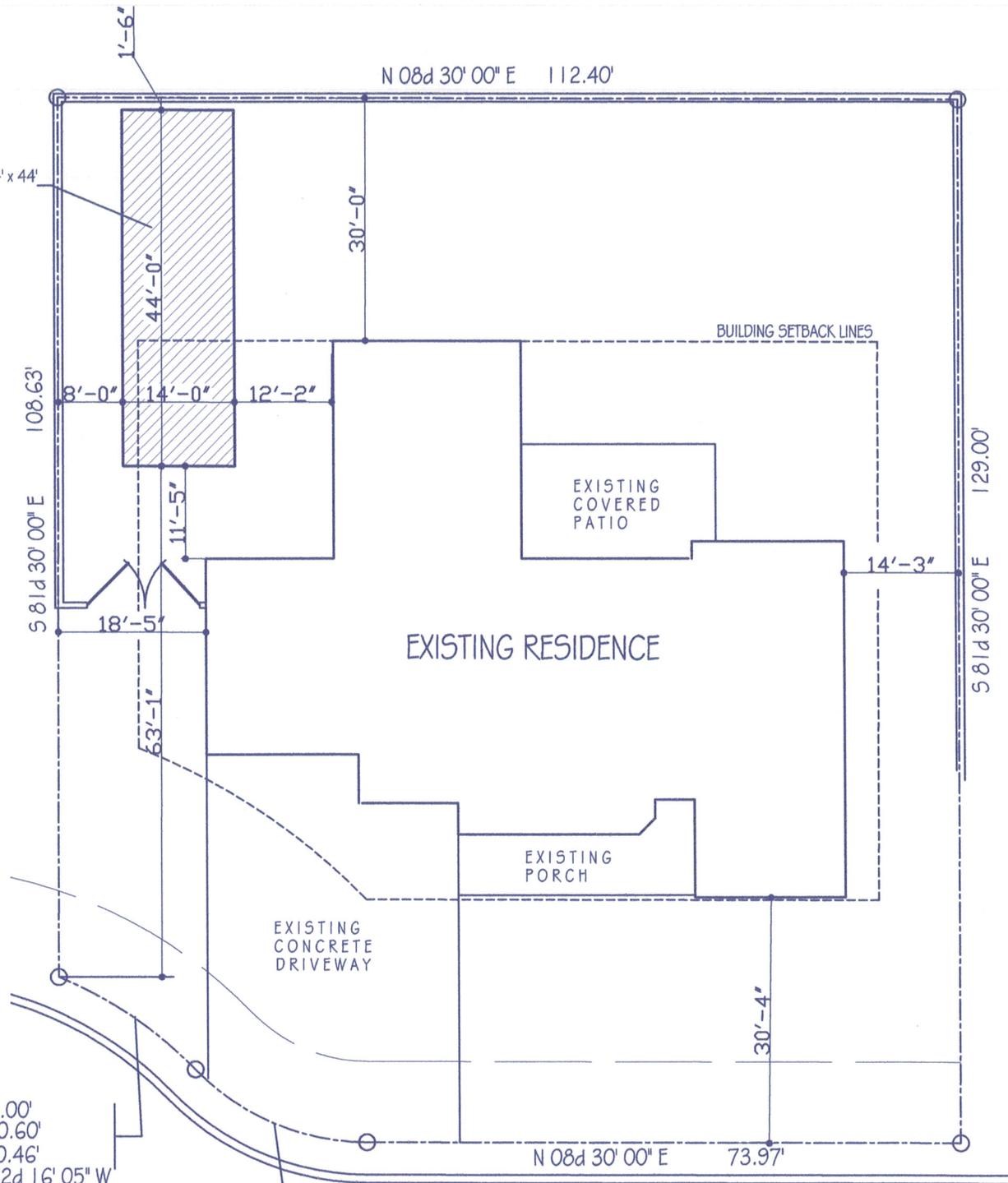
The following questions should be carefully considered in order to grant a variance:

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

Definition of Unnecessary Hardship, 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.

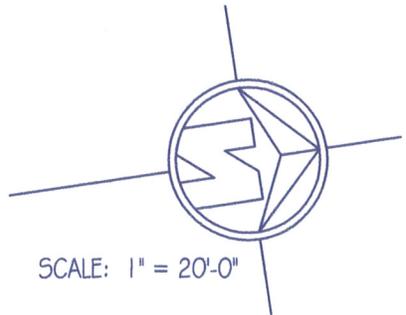
PROPOSED 14' x 44'
R.V. GARAGE



R - 50.00'
 L - 20.60'
 CH - 20.46'
 C.B. - S 42d 16' 05" W

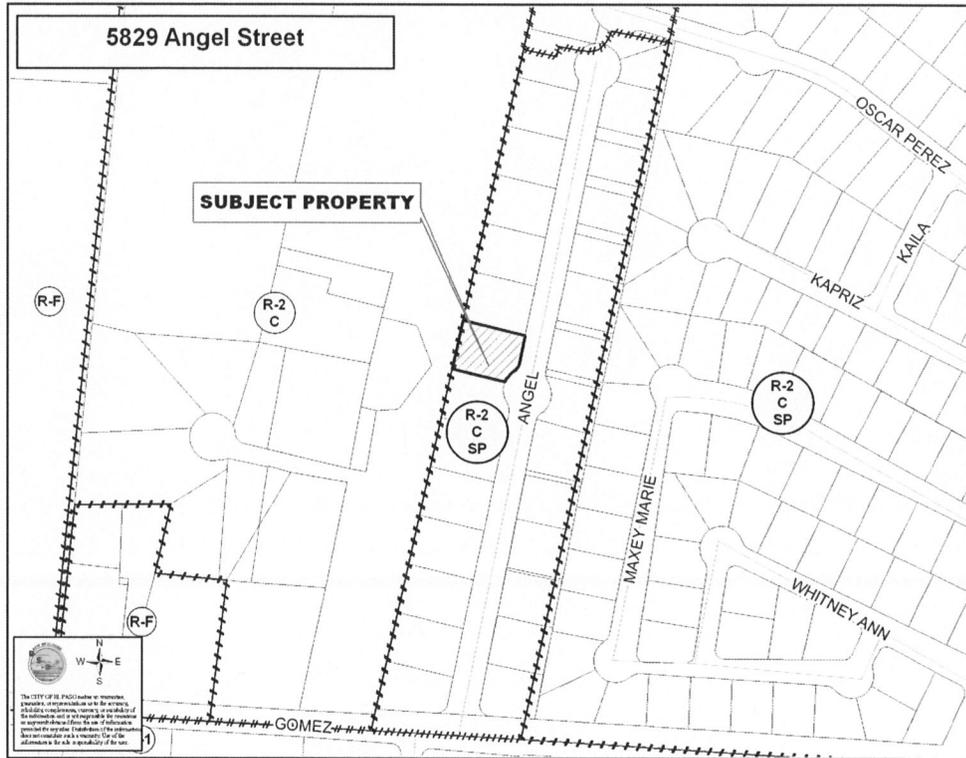
R - 30.00'
 L - 23.86'
 CH - 23.24'
 C.B. - N 31d 17' 11" E

ANGEL
5829 ANGLE STREET



**ORTIZ FARMS
 LOT - 8
 BLK - 1
 CITY OF EL PASO, TEXAS**

ZONING MAP



NOTIFICATION MAP

