

Applicant requests a Variance from Section 20.12.020, Table of Density and Dimensional Standards, Building Setback Requirements, Single-family dwelling in an R-3 (Light Density Residential) zone district.

This would permit an existing residential structure that is encroaching 30' into the required rear yard setback and 5' into each of the required side yard setbacks.

The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district. The required side yard setbacks are 5 feet per side in the R-3 zone district.

BACKGROUND

The applicant purchased his residence as a new home in 1993 and has since constructed additions to his house without permit that are located to 0' of the rear and side property lines. The applicant's representative has been provided with a letter from the Planning Division that explains the El Paso City Code requirements as far as setbacks and also explains the Special Exceptions that are available from the ZBA. The applicant wishes to request a Variance in order to keep everything that he has built.

CALCULATIONS

Required rear yard setback = 30'
Requested rear yard setback = 0'
Required side yard setback = 5'
Requested side yard setback = 0'

STAFF RECOMMENDATION

Staff recommends denial of the request for a Variance from the required rear and side yard setbacks as there are no exceptional topographic conditions or other exceptional conditions of the property. The applicant shall demolish all encroaching structures.

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?

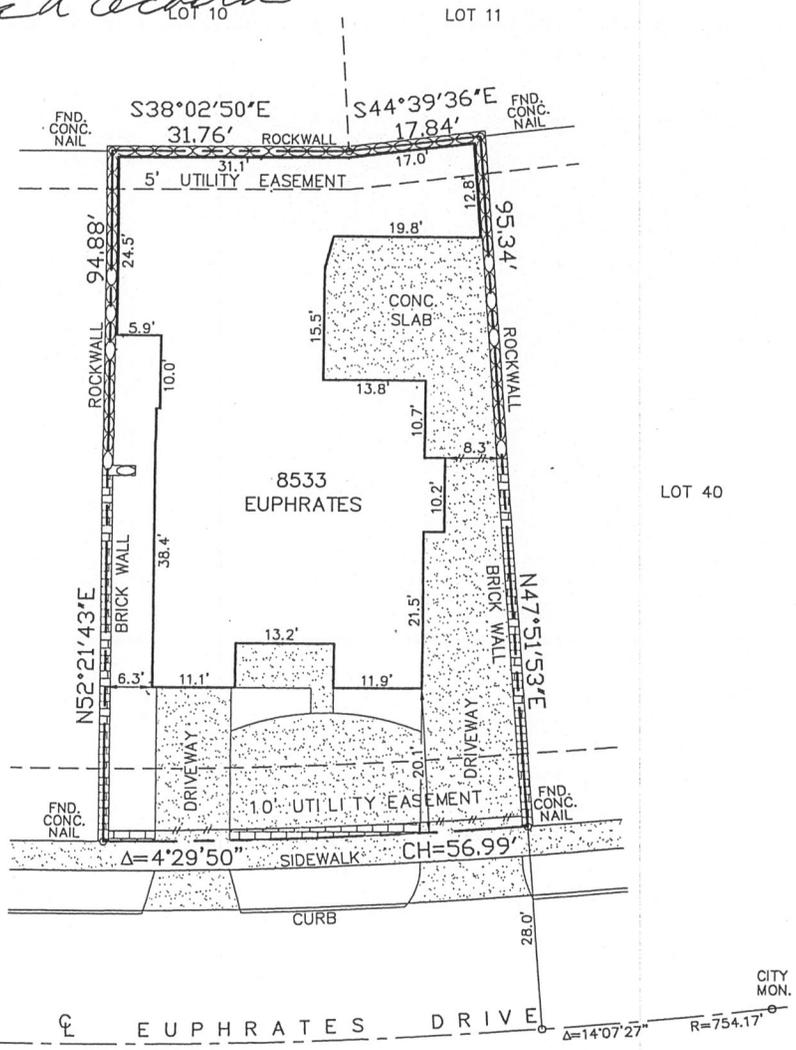
Definition of Unnecessary Hardship, Section 20.02.1128

"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.

APPENDIX A: Findings – Variances

INQUIRY	FINDINGS
<p>Is the request for a variance owing to special condition inherent in the property itself?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The property is/has ... (e.g., odd-shaped, unusual topography, etc.)</p>
<p>Is the condition one unique to the property requesting the variance?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The condition is unique to this property.</p>
<p>Is the condition self-imposed or self-created?</p> <p>If yes, STOP If no, PROCEED</p> <p style="text-align: center;">↓</p>	<p>The condition necessitating the request was not created by the property owner.</p>
<p>Will the literal enforcement of the zoning ordinance result in an unnecessary hardship?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.</p>
<p>Will the hardship prevent any reasonable use whatsoever?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>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.</p>
<p>Would the grant of the variance be contrary to public interest?</p> <p>If yes, STOP If no, CONTINUE</p> <p style="text-align: center;">↓</p>	
<p>Is the request within the spirit of the ordinance and does it further substantial justice?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	

J. Ignacio Calderon
Maria R. Calderon
 LOT 10



This house is not located in a flood hazard area as determined by the FIRM by U.S. Federal Emergency Management Agency National Federal flood Insurance Program.

CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Manuel Calderon

Manuel Calderon
 Registered Professional Land Surveyor No. 2564

Book 63 Page 10 Job No. 805-66

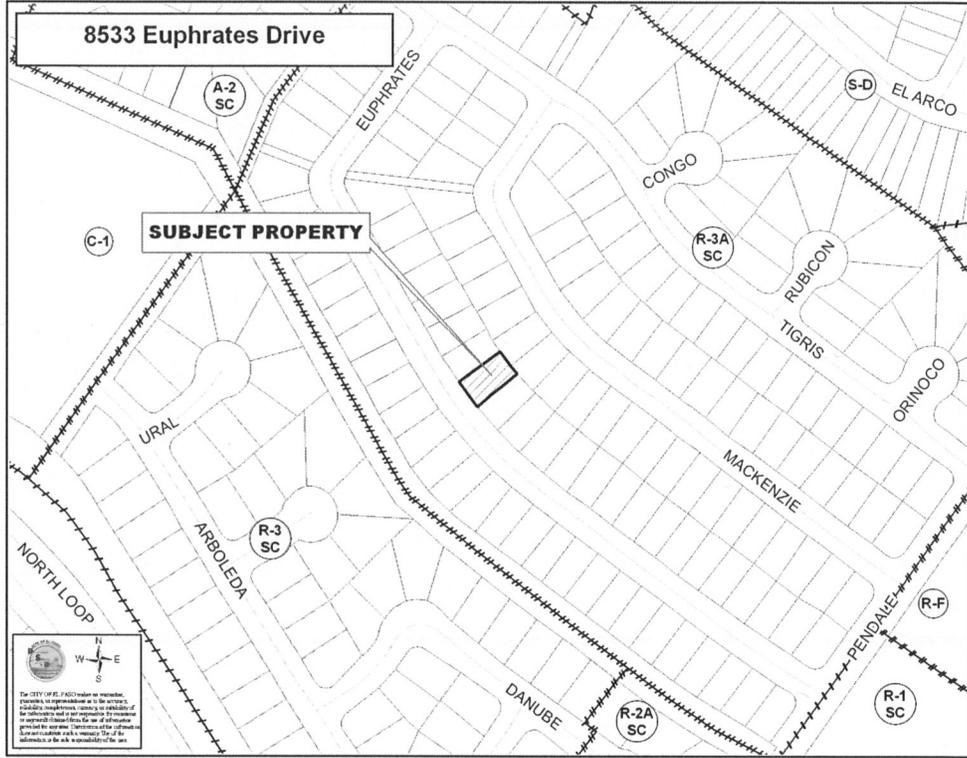
8533 EUPHRATES DRIVE
 LOT 41, BLOCK 10,
 COLONIA DEL CARMEN UNIT THREE
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS

Field JM Office AL-C3 Date 08-09-05 Scale 1"=20'

CALDERON ENGINEERING
 CIVIL - STRUCTURAL
 3031 TRAWOOD DR.
 EL PASO, TEXAS 79936 (915) 855-7552

ZONING MAP

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NOTIFICATION MAP

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