

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone.

This would permit the existence of a new single-family dwelling that is built encroaching 0.7' into the northerly side yard setback.

The required side yard setback in the R-5 zone district is 5 feet.

BACKGROUND

The applicant has submitted a letter stating that the error that resulted in an encroachment of 0.7' (8.4 inches) into the required side yard setback is unintentional and inadvertent.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.3'

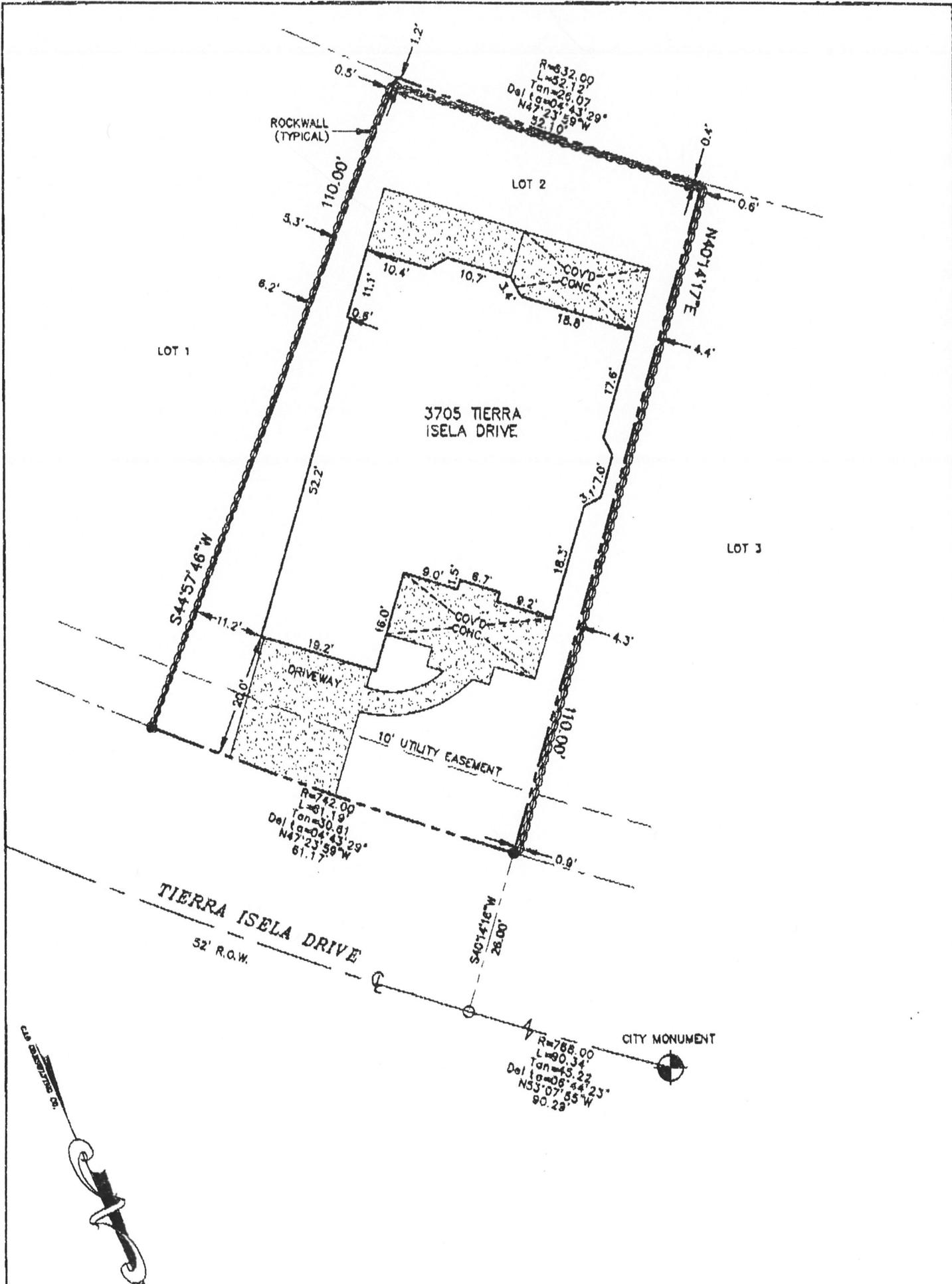
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception.

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



R=632.00
 L=52.12
 Tan=26.07
 Del ta=04°43'29"
 N47°23'59"W
 52.10

ROCKWALL (TYPICAL)

LOT 2

LOT 1

3705 TIERRA ISELA DRIVE

LOT 3

CONC.

DRIVEWAY

10' UTILITY EASEMENT

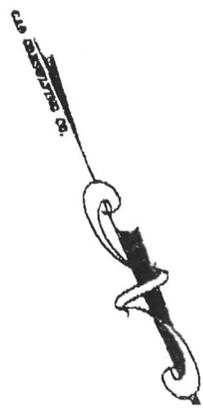
R=742.00
 L=61.19
 Tan=30.81
 Del ta=04°43'29"
 N47°23'59"W
 61.17

TIERRA ISELA DRIVE
 52' R.O.W.

S40°14'18"W
 28.00

CITY MONUMENT

R=788.00
 L=90.34
 Tan=45.22
 Del ta=06°44'23"
 N53°07'55"W
 90.28



SCALE 1"=20'

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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON. M. JIMENEZ

CARLOS M. JIMENEZ
PROFESSIONAL SURVEYOR
NO. 3950
R.P.L.S. No. 3950

JOB # 92752 DATE: 12-11-09 FIELD: AR OFFICE: SM FILE: NET:\SABINO\2009\92752

LOCATED IN ZONE C PANEL # 480214-0046-B DATED 10-15-82

RECORDED IN VOLUME 79 PAGE 116,116A, PLAT RECORDS, EL PASO COUNTY, TX

3705 TIERRA ISELA DRIVE
LOT 2, BLOCK 122
TIERRA DEL ESTE UNIT THIRTY
CITY OF EL PASO, EL PASO COUNTY, TEXAS



CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422

Carlos
633-6422

Rio Grande Homes, Inc.

1333 Don Budge Way

El Paso, Texas 79936

(915) 591-4287

(915) 591-4891 Fax

December 29, 2009

City Of El Paso

City Planning Department

Re: 3705 Tierra Isela, El Paso Texas 79938

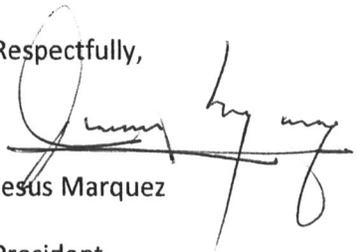
This letter is in reference to the property located at 3705 Tierra Isela, El Texas, 79938, Lot 2, block 122, Tierra Del Este unit 30. This house was set incorrectly.

CAD Consulting Company has verified the incorrect setback.

Unfortunately the error was not discovered until recently, at the completion stage of the house. In the fourteen years of construction this is the first instance that we have had with a set back problem.

We ask that you consider our overall history in allowing for a resolution to this unfortunate incident. If you have any questions you may contact me at (915) 588-8460.

Respectfully,


Jesus Marquez

President

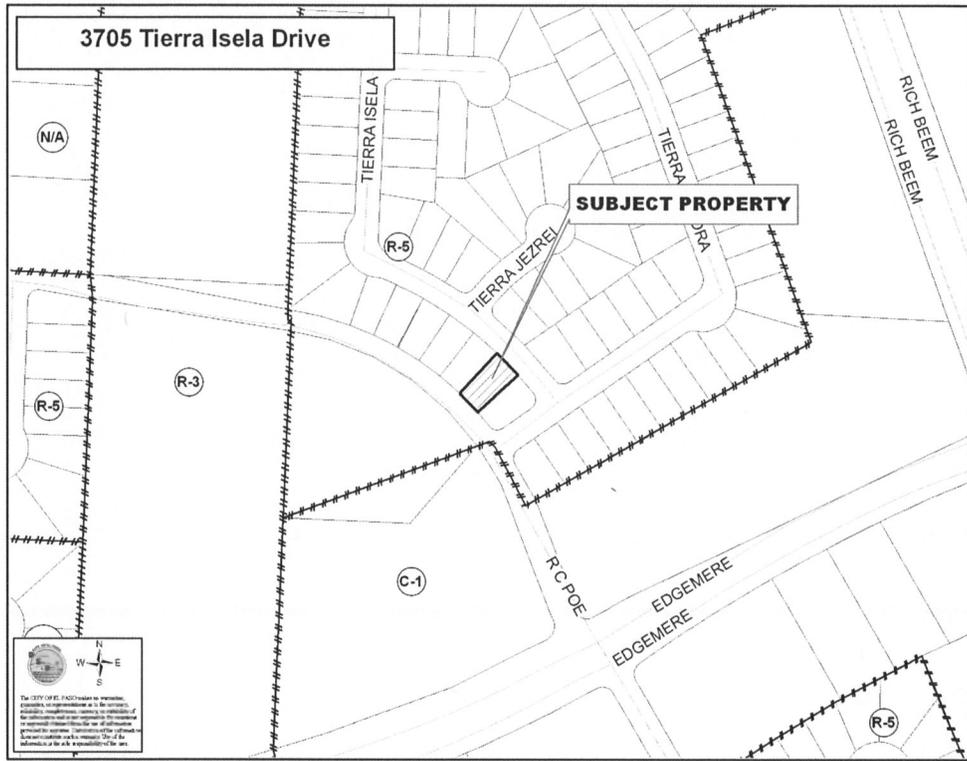
BUILDERS ERROR LOG

For a 12 Month Period

January 12, 2009 to January 11, 2010

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
01/12/2009	ZBA08-00095	4036 Tuscan Rose Lane	Classic American Homes
02/23/2009	ZBA09-00006	6259 Franklin Dove Drive	Javier Cuevas (Homeowner)
03/09/2009	ZBA09-00008	3436 Scarlet Point Drive	Zia Homes, Inc.
5/04/2009	ZBA09-00016	1136 Calle Del Sur Drive	Winton & Associates, Inc.
8/10/2009	ZBA09-00027	5349 Jack Marcus Drive	Keystone Residences/Prime Prospects
8/10/2009	ZBA09-00028	11800 Holstein Drive	Eva Z. Melgar (homeowner)
9/14/2009	ZBA09-00033	79 Sierra Crest	Willis Homes
10/12/2009	ZBA09-00036	718 Blacker	Clint Armstrong, Palms West
12/14/2009	ZBA09-00051	8036 Glendale Avenue	Gerardo Blanco/Luis Cardenas
01/11/2010	ZBA09-00057	3705 Tierra Isela Drive	Jesus Marquez, Rio Grande Homes

ZONING MAP



NOTIFICATION MAP

