

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

This would permit the existence of a new residence that is encroaching 0.50 feet into the northerly side yard setback.

The required side yard setback is 5 feet in an R-5 (Light Density Residential) zone.

BACKGROUND

This is the applicant's third request for the builder error Special Exception since October 2008. Please see applicant's letter stating that the error is inadvertent and unintentional. Classic American Homes is not eligible to apply for another builder error Special Exception until October 13, 2009.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.5'

STAFF RECOMMENDATION

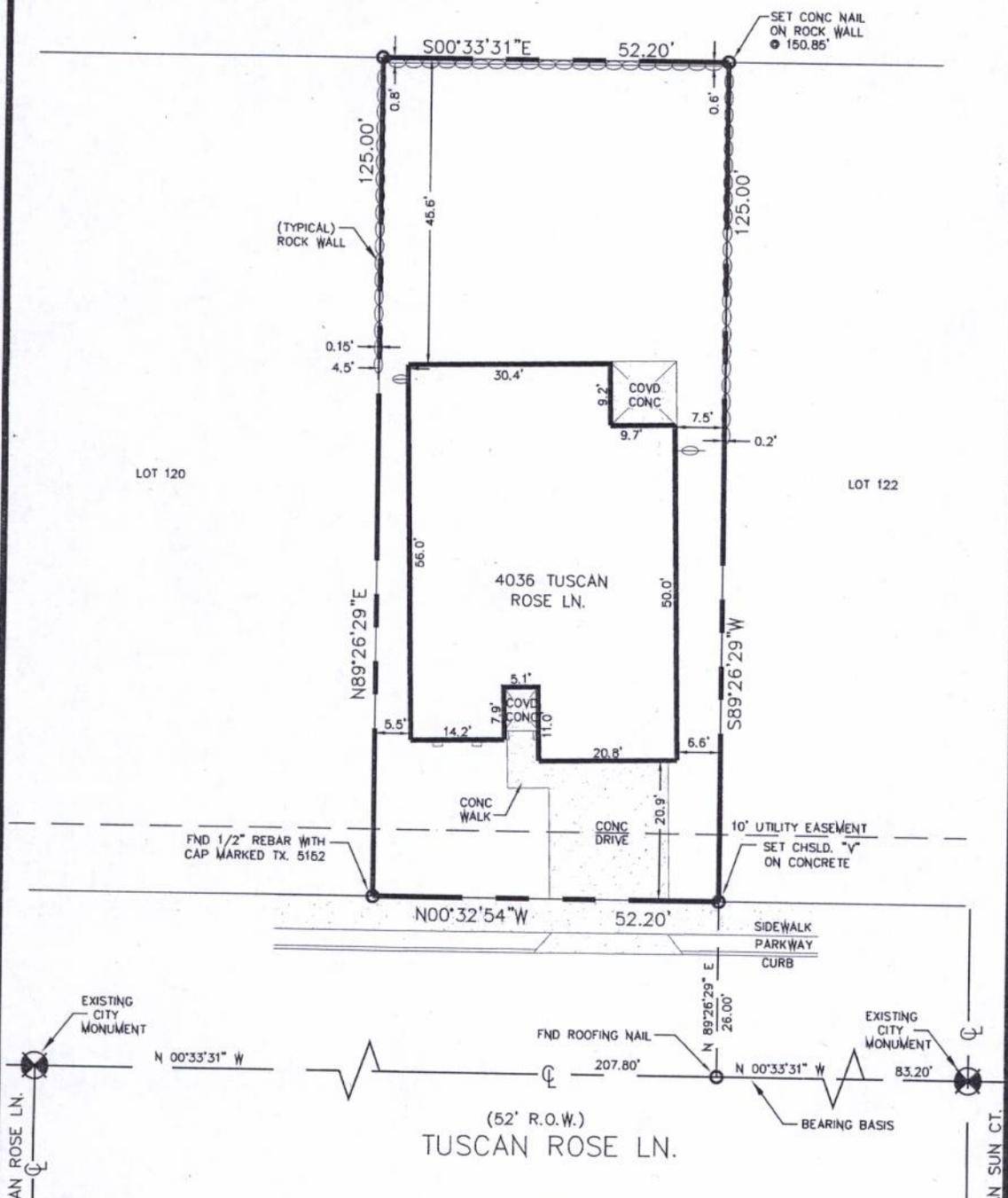
Staff recommends approval of the request, noting that Classic American Homes is not eligible for another Special Exception for the builder error until October 13, 2009.

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."

RICH BEEM BLVD.
(110' R.O.W.)



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.

RON R. CONDE
RON R. CONDE R.P.L.S #5152

SCALE: 1"=20'

JOB # i1208-11	DATE: DECEMBER 05, 2008	FIELD: D.G.	OFFICE: F.R.
LOCATED IN ZONE X	PANEL # 480212-0175B	DATED SEPT. 04, 1991	
RECORDED IN FILE NO. 20060114345 ,REAL PROPERTY RECORDS, EL PASO COUNTY, TX			
LOT 121, BLOCK 122 TIERRA DEL ESTE UNIT FORTY SIX CITY OF EL PASO, EL PASO COUNTY, TEXAS			
CONDE ENGINEERING INC. 1790 LEE TREVINO SUITE 400 EL PASO, TEXAS 79936		CADD FILE: C:\SU\i120811	



December 17, 2008

City of El Paso
Eddie Garcia – City Planning Department

Rc: 4036 Tuscan Rose Ln.

Mr. Garcia,

This letter is in reference to the property located at 4036 Tuscan Rose LN. – Lot 121 Block 122, Tierra Del Este Unit Forty Six. This house was set incorrectly. The setback at the left - rear corner is 4.5 ft. This was caused by a construction error at the time forms were set.

Conde Inc, has verified the incorrect setback.

Unfortunately the error was not discovered until recently, at the completion stage of the house. We are truly embarrassed by the fact that many years (twenty years) went by without this being an issue and now we have three instances of setback problems in recent months.

We have now field checked our existing inventory regardless of stage of construction. We feel confident that we have no other setback problems. 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 915.593.7707. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jorge Arroyo".

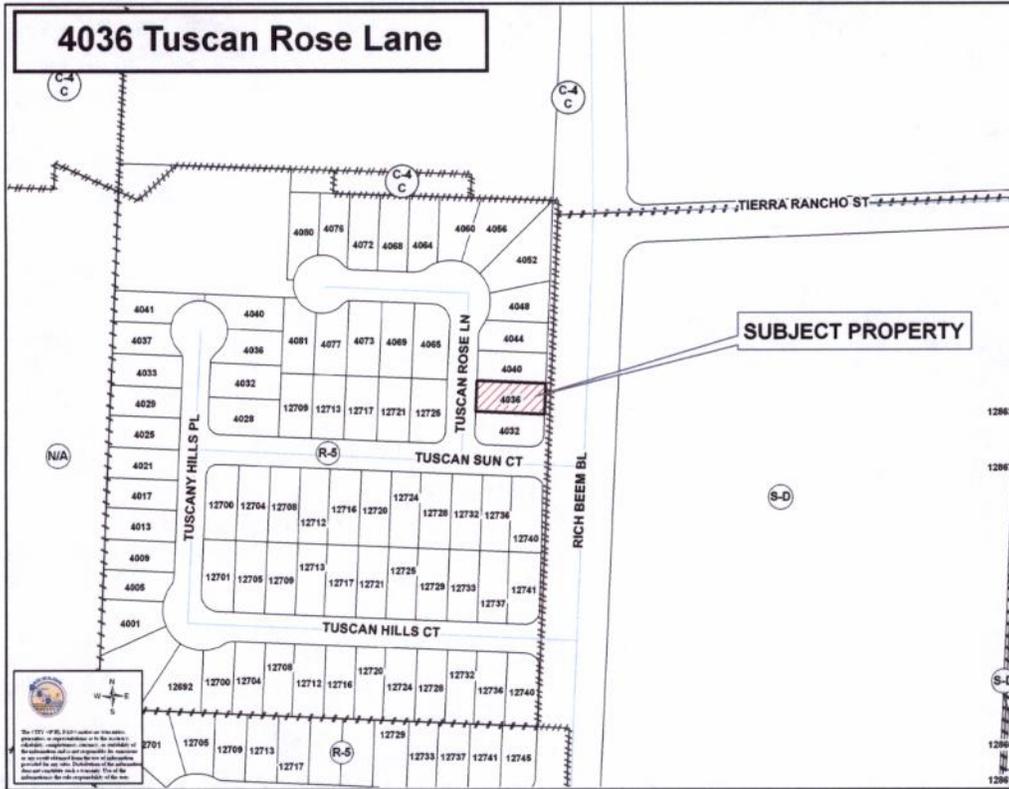
Jorge Arroyo
Vice President

Building The American Dream!

LOG FOR BUILDER'S ERRORS**For a 12 Month Period****January 14, 2008 to January 12, 2009**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
01/14/2008	ZBA07-00198	6248 Snowheights	Jorge A. Valdez (Homeowner)
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.
10/13/2008	ZBA08-00081	14344 Pacific Point Drive	Classic American Homes
11/10/2008	ZBA08-00083	14268 Patriot Point Drive	Classic American Homes
01/12/2009	ZBA08-00095	4036 Tuscan Rose Lane	Classic American Homes

ZONING MAP



NOTIFICATION MAP

