

**PZBA12-00044      14369 East Cave Avenue      Desert View Homes**  
**Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in**  
**an R-3A (Residential) zone.**

This would permit an existing residential structure which was built encroaching 0.8 feet (9.6") into the westerly side setback and is located to within 4.2 feet of the side property line.

The required side yard setback in the R-3A zone district is 5 feet.

**BACKGROUND**

This request for the builder error special exception is for a 9.6" encroachment into the required side yard setback. The applicant has submitted a letter stating that the error was unintentional. The applicant has not requested the builder error in the last 12 month period.

**CALCULATIONS**

Required side yard setback = 5'  
Requested front yard setback = 4.2'

**STAFF RECOMMENDATION**

Staff recommendation is for approval of the request as it meets the requirements of the Special Exception G.

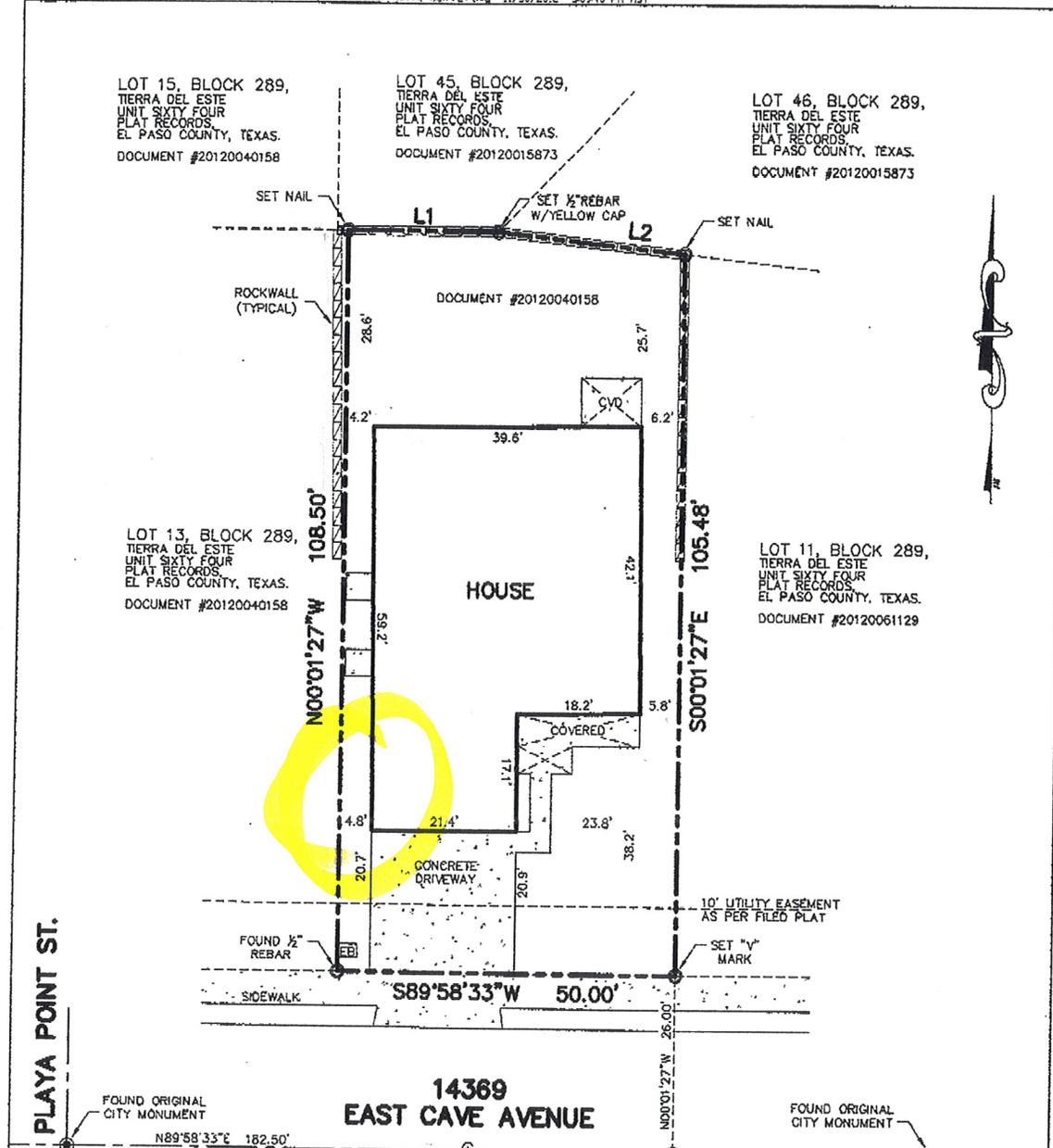
The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"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."

**ITEM #2**

N:\Computer\2012 SURVEYS\114369 EAST CAVE\dwg\14369 EAST CAVE SURVEY.dwg 11/30/2012 3:09:10 PM MST



PLAYA POINT ST.

SUN SEEKER PL.

**NOTE:**

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X", PER F.I.R.M. COMMUNITY PANEL NUMBER 480212 0175B, LAST REVISION DATE 09-04-1991. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR TIERRA DEL ESTE UNIT SIXTY FOUR.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT. (NOT SHOWN). NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°58'33"E	22.39'
L2	S83°45'27"E	27.78'

4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**B** Barragan & Associates Inc.

LAND PLANNING & SURVEYING  
10950 Pellicano Dr. Building-F,  
El Paso, Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

LOT 12, BLOCK 289,  
TIERRA DEL ESTE  
UNIT SIXTY FOUR,  
AN ADDITION TO THE  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS.  
AREA 0.12 ACRES ±

Plat Reference FILE NUMBER 20110088076

Scale: 1"=20' Date: 11/30/2012 Drawn By: JM

I hereby certify that the foregoing boundary and improvement survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.



Sergio Barragan, Registered Professional Surveyor, No. 5615  
Job No. 120129-PLS-10 Copy Rights ©

Field CC Book N/A Pg. N/A

# DESERT VIEW HOMES

December 5, 2012

City of El Paso  
2 Civic Center Plaza-5<sup>th</sup> Floor  
El Paso, TX 79901-1196  
ATTN: Linda Castle  
Senior Planner  
Planning & Economic Development Dept.

RE: 14369 East Cave Avenue, El Paso, TX 79938  
Legal Description Lot number 12 Block Number 289, Tierra Del Este Unit 64

Dear Ms. Castle:

In reference to the above mentioned property the wrong property pins were used when laying out the house location on the lot noted above and as a result there is a 2" to 9" setback encroachment on the west side of the yard. It was never Desert View Homes intention for this encroachment to happen, and therefore we are requesting that the committee grant us a variance. This will enable Desert View Homes to complete and finalize the sale of this home. Your consideration into this matter is greatly appreciated.

If you should have any questions, please feel free in contacting my office at 915-591-6319.

Sincerely,



Thomas A. Romero

Director of Purchasing & Estimating

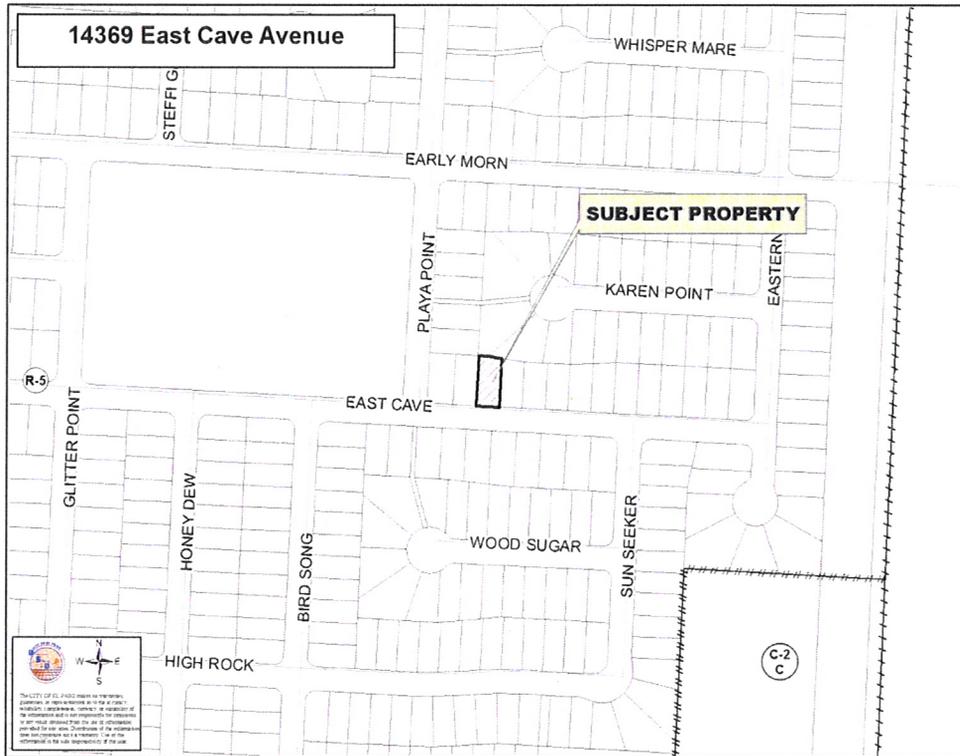
**BUILDER ERROR LOG**

For a 12 Month Period

November 14, 2011 to January 14, 2013

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
11/14/2011	PZBA11-00036	2609 Tanning Rock Way	BIC Homes
2/13/2012	PZBA11-00040	14200 Rattler Point Drive	Zia Homes
2/13/2012	PZBA11-00041	14192 Rattler Point Drive	Zia Homes
9/10/2012	PZBA12-00031	316 Villa Canto Street	Homeowner
11/12/2012	PZBA12-00039	3352 Scarlet Point Drive	Mencer Homes, Inc.
01/14/2013	PZBA12-00044	14369 East Cave Avenue	Desert View Homes
01/14/2013	PZBA12-00045	2313 Glitter Point Street	Casa De Leon, LLC
01/14/2013	PZBA12-00047	8700 Echo Street	Graciela Gonzalez, et al (homeowner)

# ZONING MAP



# NOTIFICATION MAP

