

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

This would allow an existing residential structure that was built encroaching 0.8 feet (9.6") into the required rear yard setback and is located to within 22.7 feet of the rear property line.

The required front and rear yard cumulative setback total is 45 feet in the R-5 zone district.

BACKGROUND

This request for the builder error special exception is for a 9.6" encroachment into the required rear 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 front and rear yard setback total = 45'

Requested front and rear yard setback total = 44.2'

STAFF RECOMMENDATION

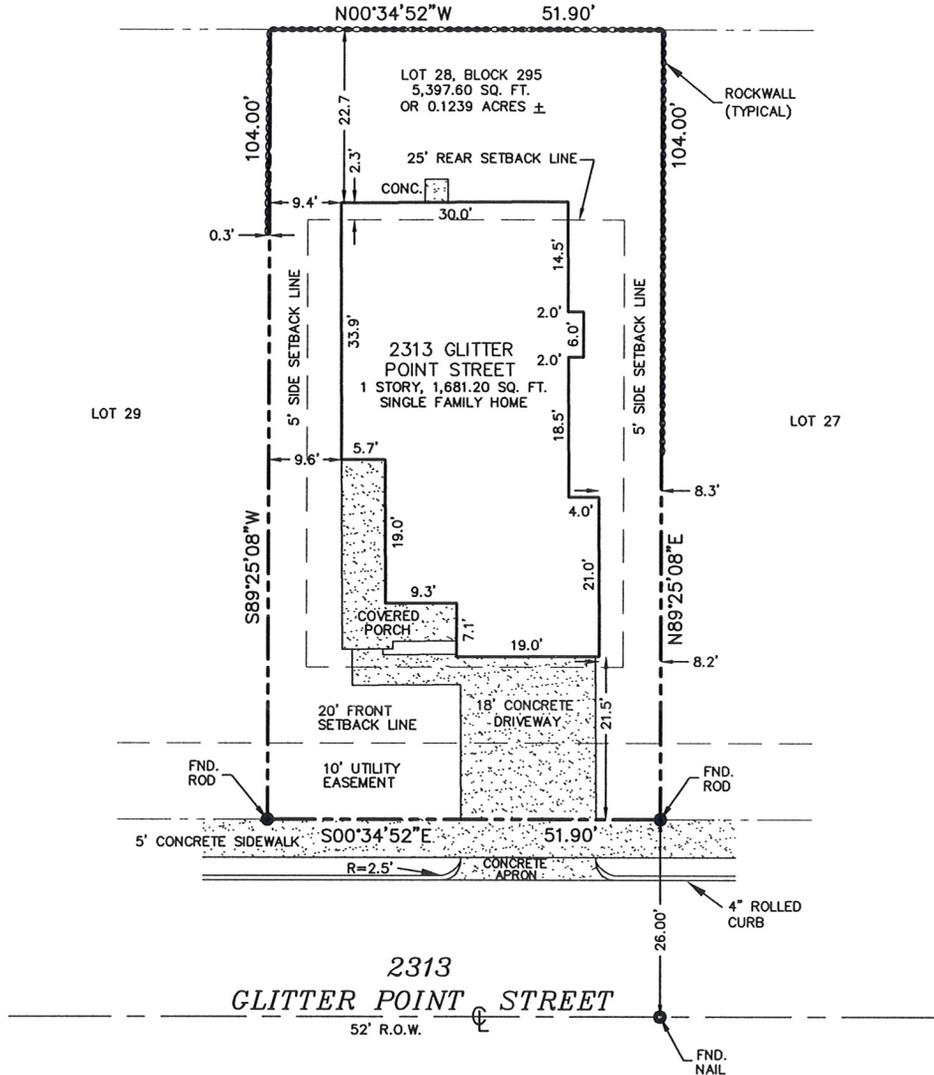
Staff recommendation is for approval of the request as it meets the requirements of the Special Exception G.

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."

LOT 11



SCALE 1"=20'

NOTE:

- MINIMUM YARD SETBACKS AS PER ZONE R-5
- FRONT _____ 20 FEET
- REAR _____ 25 FEET
- SIDES _____ 5 FEET
- SIDE ABUTING STREET _____ 10 FEET
- DISTANCE BETWEEN BUILDINGS _____ 10 FEET

LEGEND:

- FND. = FOUND
- CONC. = CONCRETE
- COVD = COVERED
- R.O.W. = RIGHT-OF-WAY

NOTE:
 THIS SURVEY WAS
 DONE WITHOUT THE
 BENEFIT OF A
 TITLE COMMITMENT.

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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.

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

JOB # 12-2498 DATE: 12-08-12 FIELD: DG OFFICE: RDJ FILE: NET:\RDJ\2012\12-2498
 LOCATED IN ZONE x PANEL # 480212-0175-B DATED 09-04-91
 CLERK'S NO. 20110066076 , PLAT RECORDS, EL PASO COUNTY, TX

2313 GLITTER POINT STREET
 LOT 28, BLOCK 295
 TIERRA DEL ESTE UNIT SIXTY FOUR
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

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



Casas De Leon
6006 North Mesa Street, Suite 710
El Paso, Texas 79912
Phone: (915) 584.5050
Fax: (915) 584.2346

December 1, 2012

City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

Attention: Zoning Board of Adjustment

By the means of this letter we are requesting your approval for an inadvertent builder error, which encroached on the rear /eastside of the following property:

2313 Glitter Point Block 295 Lot 28 Tierra del Este 64

We built the home located on this property encroaching the rear side of the setback because we had a property pin misplaced and we did not know this until we ordered the improvement survey.

The final measurement between the rear part of the building and the back property line is 22 feet and 7 inches.

Please do not hesitate to contact me at 915.584.5050 if you need any additional information.

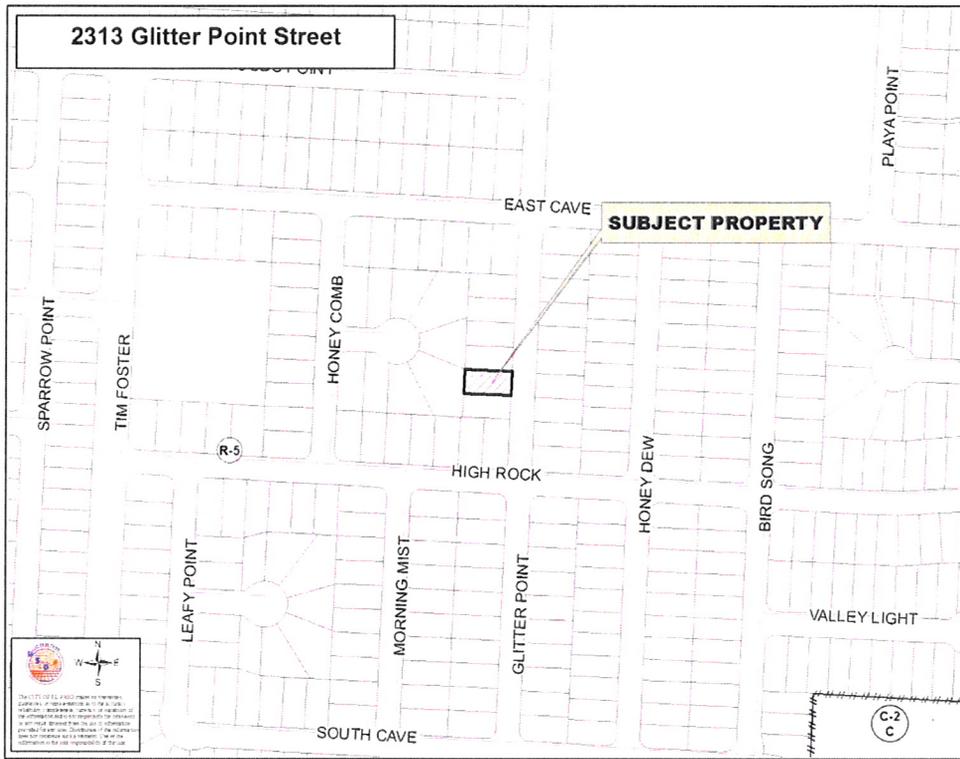
Respectfully,

Jaime Dixon
Silvia Estevez
Purchasing Agents

BUILDER ERROR LOG**For a 12 Month Period****November 14, 2011 to January 14, 2013**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
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

