

**Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3A (Residential) zone.**

This would allow an existing residential structure which encroaches 0.5 feet (6") into the required side yard setback and is located to within 4.5 feet of the easterly side property line.

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

**BACKGROUND**

The applicant is requesting the builder error for a 0.5' encroachment into the side yard setback and has submitted a letter stating that the error was unintentional. Carefree Homes has not requested the builder error special exception in the last 12 months.

**CALCULATIONS**

Required side yard setback = 5'

Requested side yard setback = 4.5'

**STAFF RECOMMENDATION**

Staff recommendation is for approval as it meets the requirements of the Builder Error Special Exception, with the condition that the structure located less than 5 feet to the side property line shall be of fire rated construction, per Chapter 6, 2009 International Building Code, Issues of Fire and Safety, Table 602, which requires five (5) feet between buildings; otherwise, the buildings must be fire code rated.

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

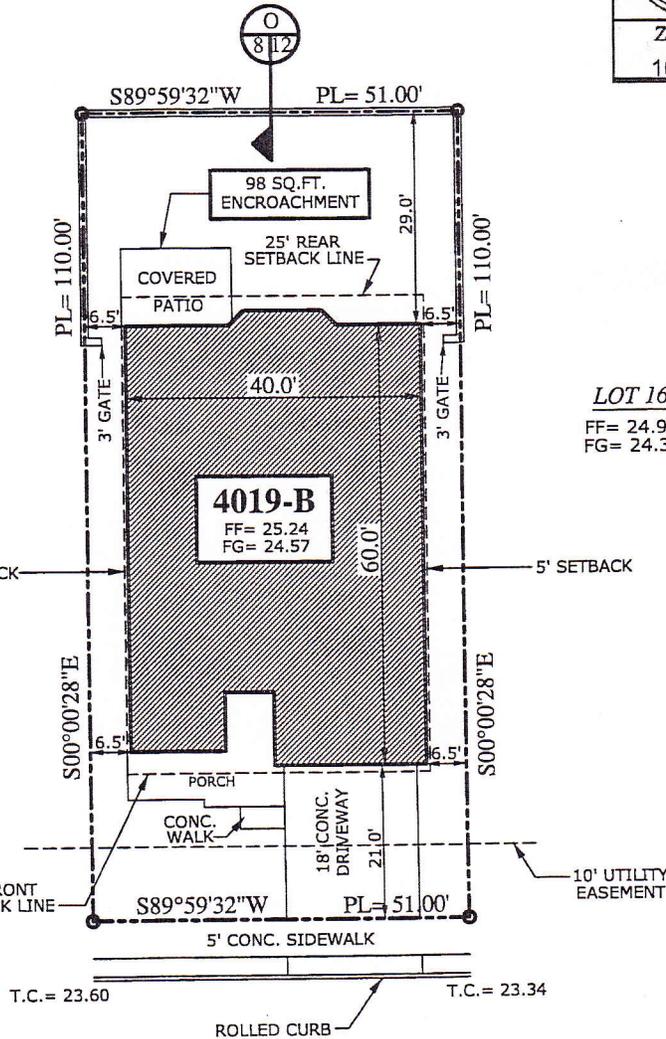
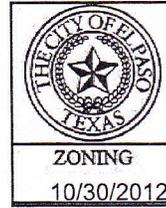
"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

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."



**MONTWOOD DR. EXTENSION**

130' RIGHT OF WAY



**LOT 18**  
FF= 25.49  
FG= 24.82

**LOT 16**  
FF= 24.98  
FG= 24.31

**14308 SOUTH CAVE AVE.**

45' RIGHT OF WAY

**TIERRA DEL ESTE  
UNIT-SIXTY FOUR  
LOT-17 BLOCK-297**

CITY OF EL PASO,  
EL PASO COUNTY, TEXAS

ROCKWALL	122 L.F.
CONCRETE	
DRIVEWAY/SIDEWALKS	698 S.F.



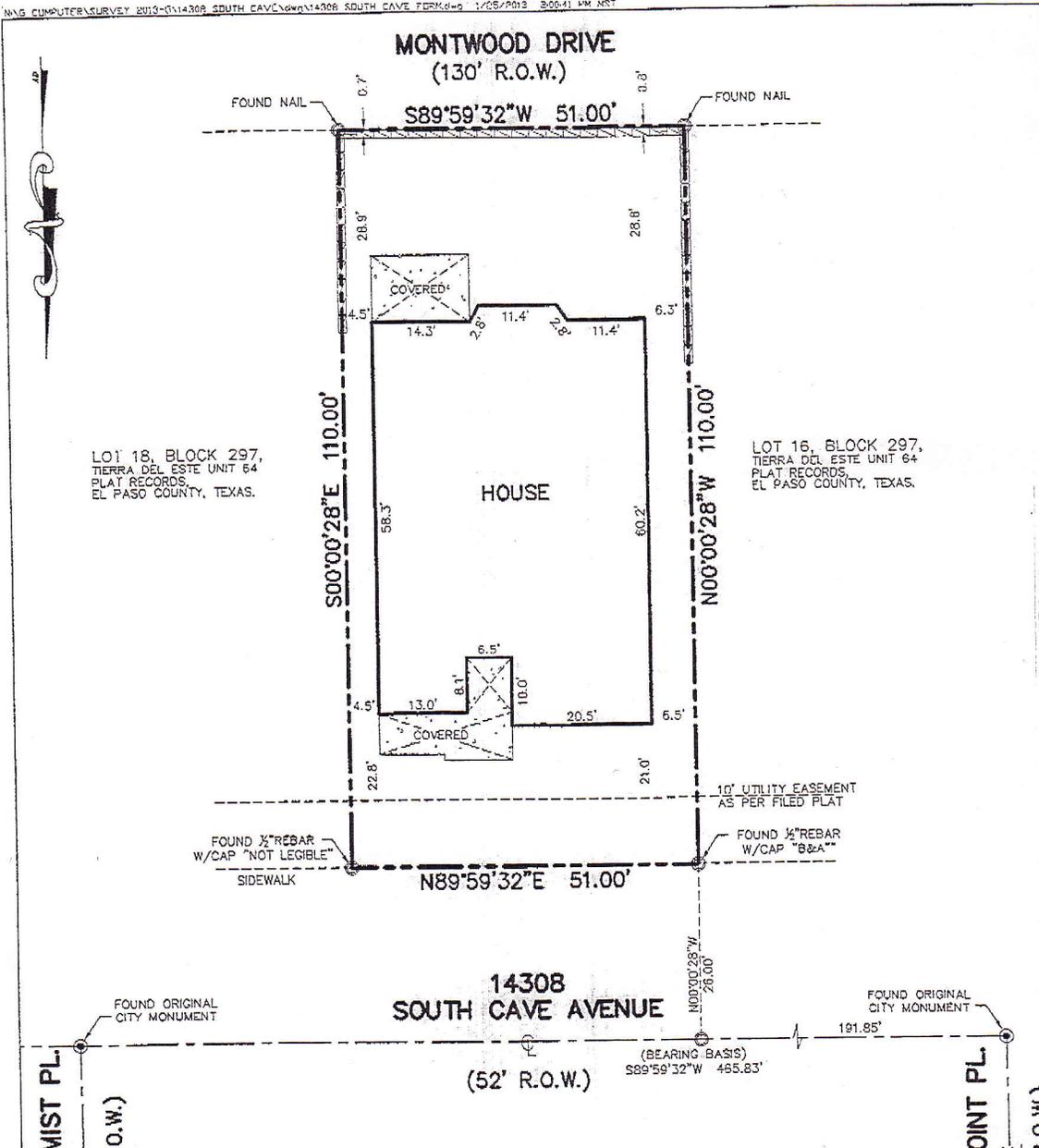
**NORTH**  
SC:1"=20'

DATE: 10-17-12  
REVISIONS:  
DRAWN BY: J.R.



**SITE PLAN**

NAG COMPUTER SURVEY 2013-08-14 308 SOUTH CAVE SOUTH CAVE PARK 1/25/2013 3:00:41 PM MST



LOT 18, BLOCK 297, TIERRA DEL ESTE UNIT 64 PLAT RECORDS, EL PASO COUNTY, TEXAS.

LOT 16, BLOCK 297, TIERRA DEL ESTE UNIT 64 PLAT RECORDS, EL PASO COUNTY, TEXAS.

**NOTE:**

- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X", PER F.I.R.M. COMMUNITY PANEL NUMBER 480212 01758, LAST REVISION DATE 9-4-91, 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.
- BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR TIERRA DEL ESTE UNIT SIXTY FOUR.
- 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.
- 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.
- 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.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**B** Barragan & Associates Inc.

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

**Plat of Survey**

LOT 17, BLOCK 297,  
TIERRA DEL ESTE  
UNIT SIXTY FOUR,  
AN ADDITION TO THE  
CITY OF EL PASO,  
EL PASO COUNTY, TEXAS.  
AREA 0.13 ACRES ±

Plat Reference CLERK'S FILE NO. 20110066076

Scale: 1"=20' Date: 1-25-13 Drawn By: AD

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.

Beato Barragan, D.R.P.L.S., No. 5615  
Job No. 130125-00 Copy Rights ©

Field BK Book NA Pg. NA



January 30, 2013

To whom it may concern:

Due to field error, a foreman working for Carefree Homes unintentionally built the home at 14308 South Cave, BRNN12-01458, six inches to the left on the 5' side setback. We are requesting a variance for this address as this home has already passed frame inspection by a City of El Paso Inspector.

If you have any questions please feel free to contact me at 915-590-8511 ext 129.

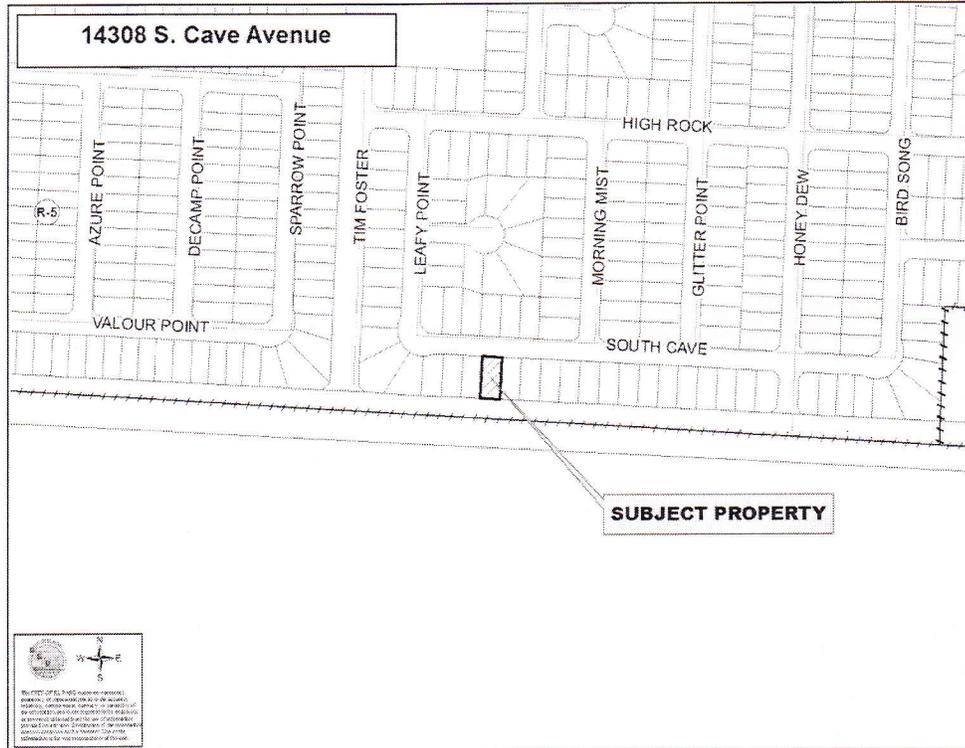
Thank you,

Valerie Chavez  
Carefree Homes II L.P.  
11427 Rojas Dr.  
(915) 590-8511 ext. 129  
Cell (915) 449-7487  
Fax (915) 591-3813

**BUILDER ERROR LOG****For a 12 Month Period****February 13, 2012 to February 11, 2013**

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
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)
2/11/2013	PZBA13-00005	14308 South Cave Avenue	Carefree Homes

# ZONING MAP



# NOTIFICATION MAP

