

**Applicant requests a Special Exception under Section 2.16.050 L (15 Years or More, Side Setback) in an R-2 (Residential) zone.**

The request is for an 18' by 22' addition that is built to within 0 feet of the southerly side property line.

The required cumulative side setback total is 20 feet in the R-2 zone district.

**BACKGROUND**

The applicant is requesting to keep a garage that is built to the side property line. She purchased the property in 2006 with the enclosed garage. A fire damaged the garage in November 2010. In December 2010 she received a permit, BLD10-05556, to rebuild the garage. Construction was stopped when a City inspector questioned the encroachment of the structure into the side yard setback.

The applicant provided a copy of a survey dated April 2000 which indicates a "covered carport" built to the side property line. The 1996 aerial shows a roof extending to the side property line. She is requesting the Special Exception to keep the garage. However, since the 2000 survey indicates a carport, not a garage, it is staff's recommendation that she only be permitted to keep a carport. The applicant has been informed of the staff's recommendation with conditions.

**CALCULATIONS**

Required side setback = 8'

Requested side setback = 0'

Recommended side setback = 2'

**STAFF RECOMMENDATION**

Staff recommends that the applicant be allowed to keep a carport with the following conditions:

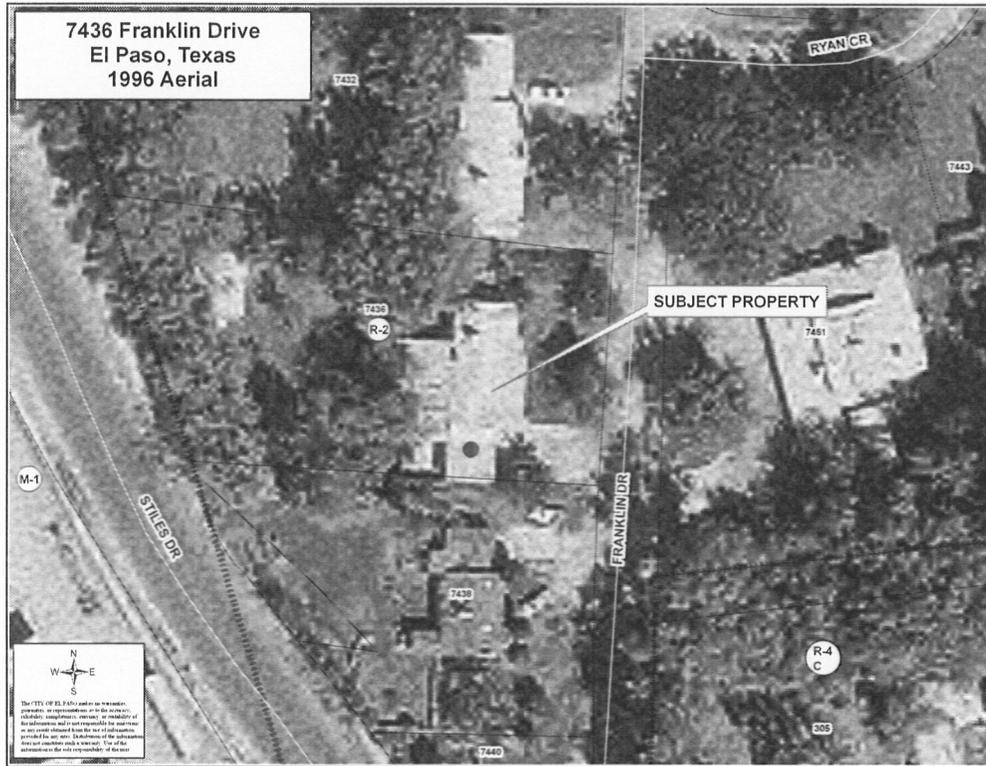
- the structure shall be reduced to be within 2 feet of the southerly side setback;
- the carport shall be open on 3 sides;
- the carport shall be screened by a 5 feet high rock wall at the southerly side property line; and,
- the carport trim and paint shall be of materials and color to match the existing house.

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

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code."

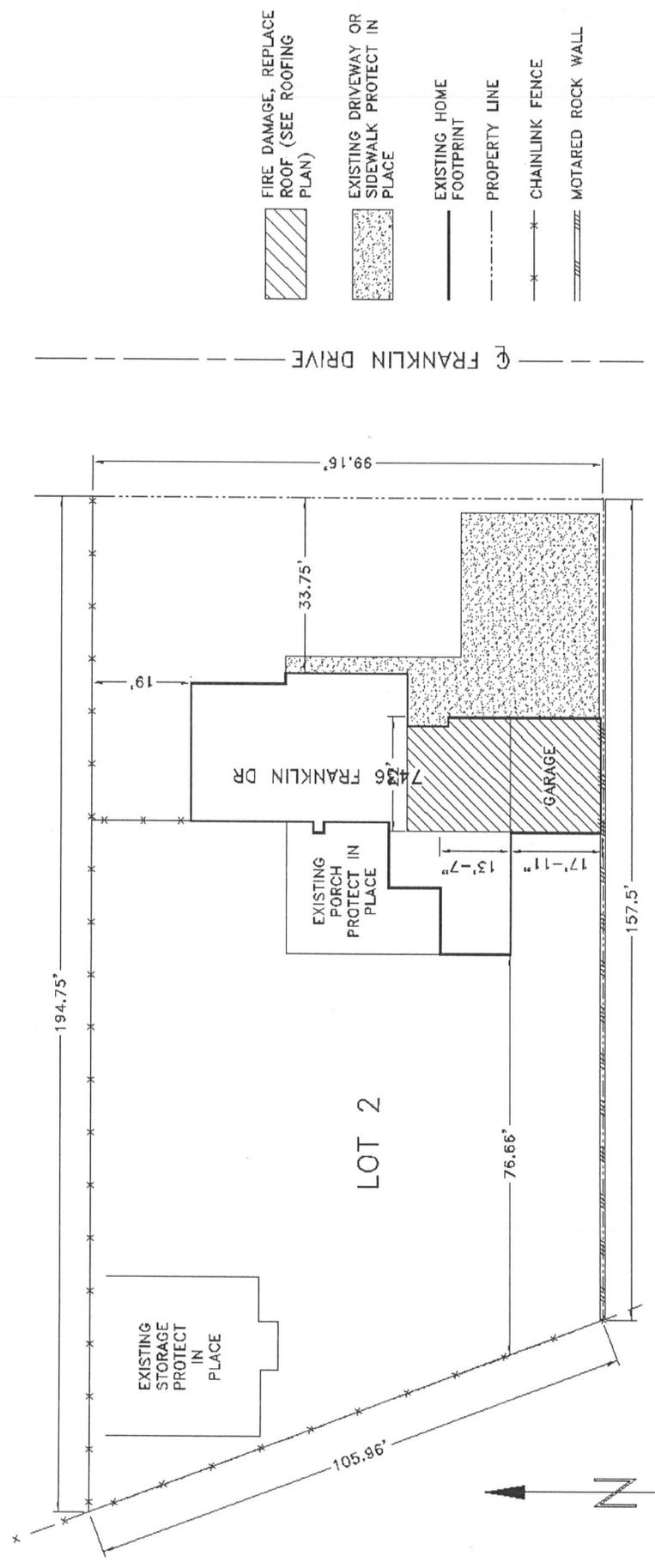
# 1996 AERIAL



PIDN: 97368 GEO: R74999900102500  
 1 ROSEDALE FARMS #3  
 LOT 2  
 7436 FRANKLIN DR  
 EL PASO, TEXAS

INDEX OF DRAWINGS

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-  FIRE DAMAGE, REPLACE ROOF (SEE ROOFING PLAN)
-  EXISTING DRIVEWAY OR SIDEWALK PROTECT IN PLACE
-  EXISTING HOME FOOTPRINT
-  PROPERTY LINE
-  CHAINLINK FENCE
-  MORTARED ROCK WALL

**PLOT PLAN**  
SCALE 1"=20'

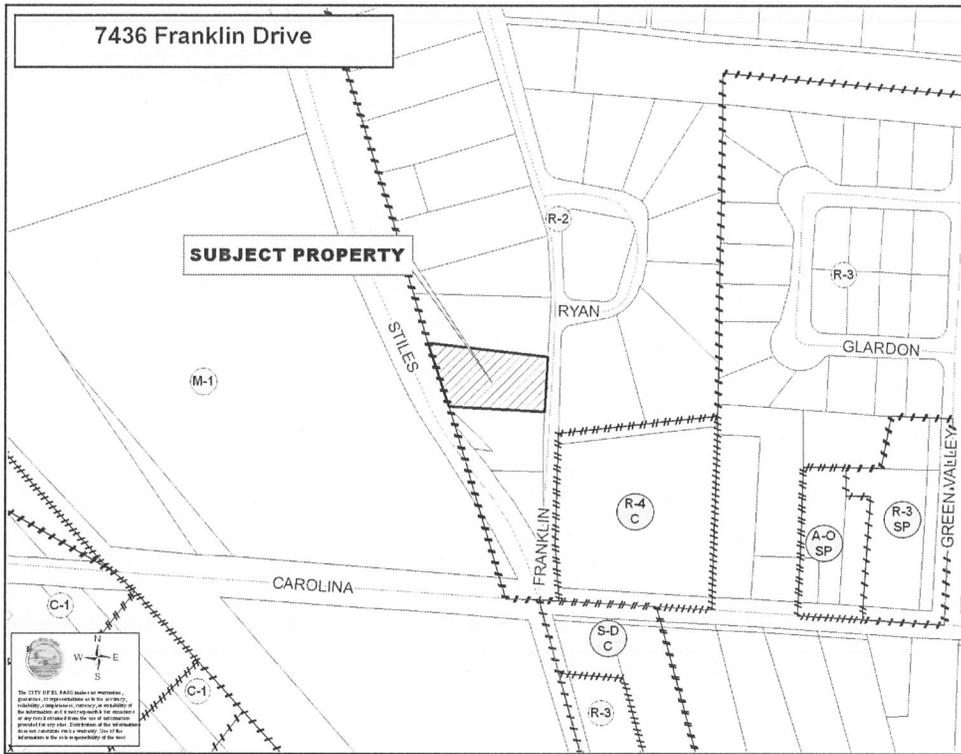


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1 OF 4  
NOVEMBER 2010

# ZONING MAP



# NOTIFICATION MAP

