

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

This would permit the existence of a new residence that encroaches 0.5' (6 inches) into the required side street yard setback.

The required side street yard setback is 10' in an R-3A (Light Density Residential) zone.

BACKGROUND

The applicant purchased the house as a foreclosure and recently learned that there was an encroachment in the required side street yard setback. The applicant is not responsible for the encroachment and the encroachment is 6 inches, less than 10 percent of the required 10 foot side street yard permitted by the Builder Error Special Exception.

CALCULATIONS

Required side street yard setback = 10'

Requested rear yard setback = 9.5'

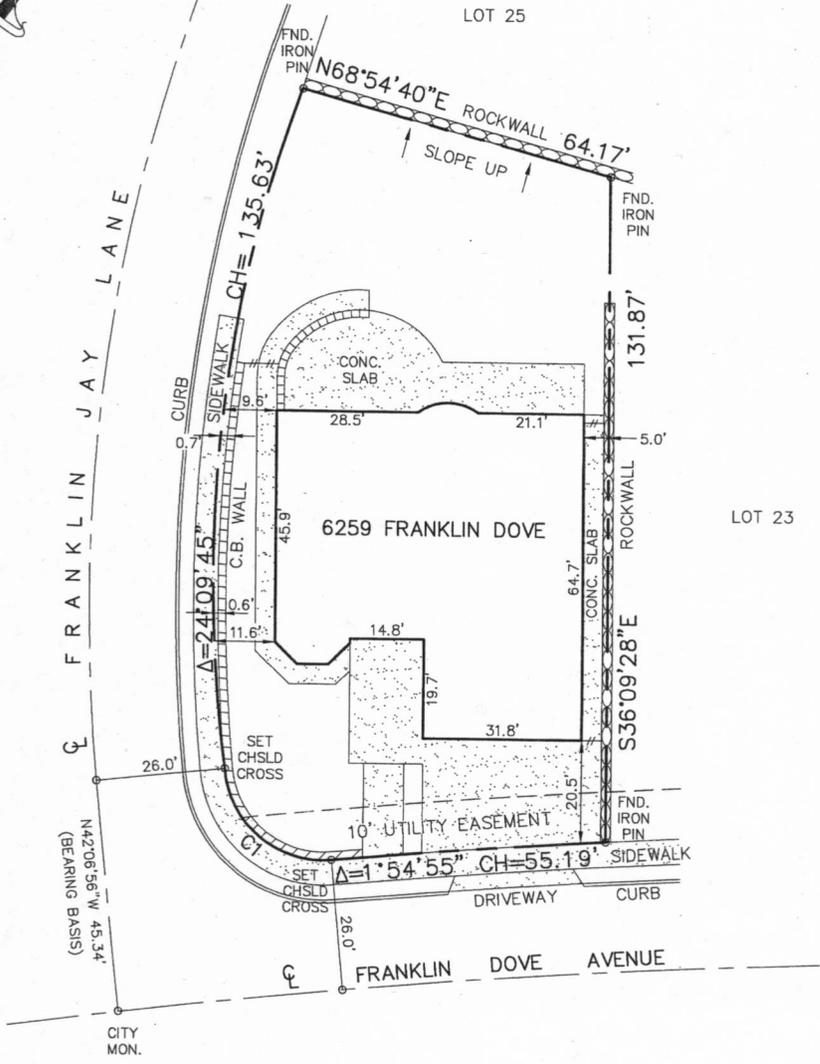
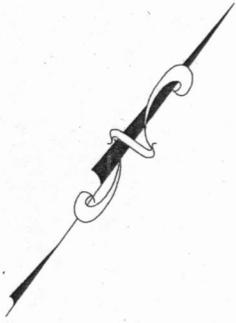
STAFF RECOMMENDATION

Staff recommends approval as the requirements for the Special Exception G are met.

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."



CURVE	RADIUS	BEARING	CHORD	DELTA	ARC
C1	20.00'	S86°42'08"E	28.15'	89°27'18"	31.23'

BEARING ORIENTATION AS PER PLAT OF
FRANKLIN HILLS UNIT SEVEN

This lot is not located in a flood hazard area as determined by the FIRM by U.S. Federal Emergency Management Agency National Federal flood Insurance Program.

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.

Manuel Calderon

Manuel Calderon
Registered Professional Land Surveyor No. 2564

Book 80 Page 65 Job No. 209-48

6259 FRANKLIN DOVE AVENUE,
LOT 24, BLOCK 28,
FRANKLIN HILLS UNIT SEVEN,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

Field JM Office MC-C6 Date 02-11-09 Scale 1"=30'

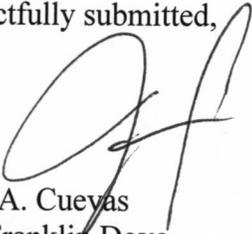
CALDERON ENGINEERING
CIVIL - STRUCTURAL
3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552

February 11, 2009

To the Board:

I sincerely apologize for any inconvenience I may have caused the city of El Paso and the members of the board. I kindly request that the variance represented in the survey which I provided be accepted as submitted. I purchased my home as a foreclosure and have dealt with several issues. I have been to City Hall innumerable times and was never notified that there might be an issue with the survey. Had I known that this might keep me from occupying my residence, I would not have made the investment. Once again, I kindly request that the board allow the variance. I thank you in advance for your attention in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Cuevas', written over the typed name.

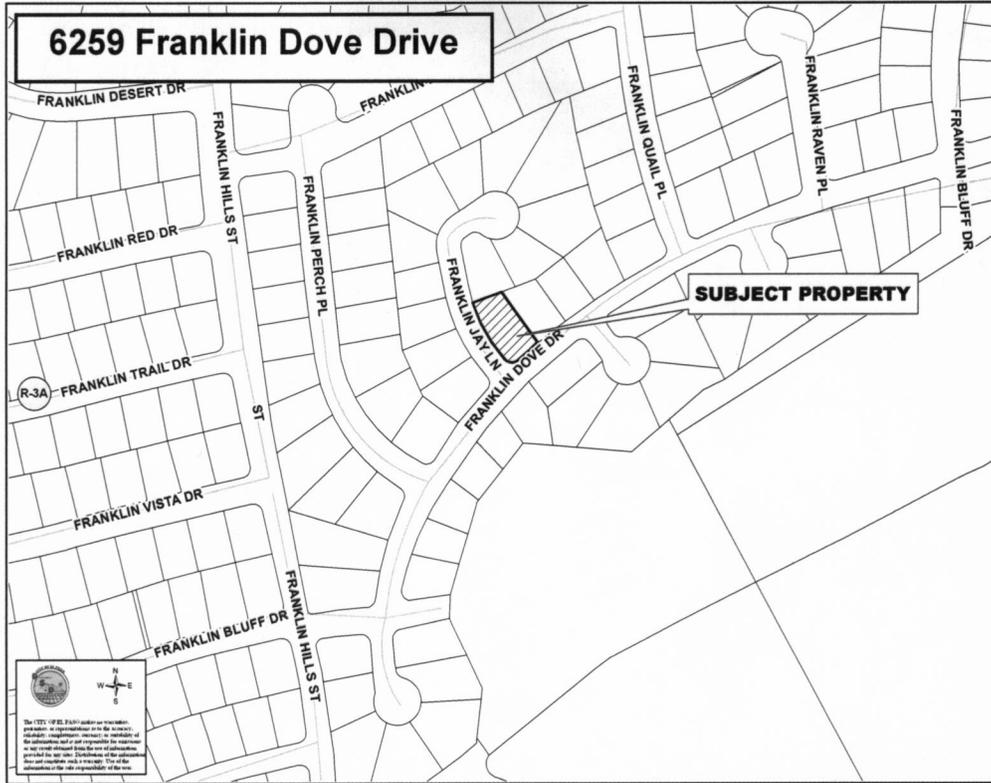
Javier A. Cuevas
6259 Franklin Dove
El Paso, TX 79912

In my absence,
Sergio Leos

LOG FOR BUILDER'S ERRORS**For a 12 Month Period****February 23, 2008 to February 23, 2009**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
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
02/23/2009	ZBA09-00006	6259 Franklin Dove Drive	Javier Cuevas (Homeowner)

ZONING MAP



NOTIFICATION MAP

