

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

This would allow an existing residential structure which encroaches 0.9 feet (10.8") into the required side street yard setback and is located to within 9.1 feet of the east side property line. Additionally, this would allow an encroachment of 0.6 feet (7.2") into the required front and rear yard cumulative setback, for a total cumulative front and rear setback of 44.4 feet.

The required side street yard setback is 10 feet, and the required cumulative front and rear yard setback is 45 feet in the R-5 zone district.

BACKGROUND

This request for the builder error is BIC Homes LLC's first request in the last 12 months and is the third request to the ZBA for the builder error special exception in the past 12 months. The applicant has submitted a letter stating the error was unintentional (see enclosed letter).

CALCULATIONS

Required side street yard setback = 10'

Requested side street yard setback = 9.1'

Required front and rear cumulative yard setback = 45'

Requested front and rear cumulative yard setback = 44.4'

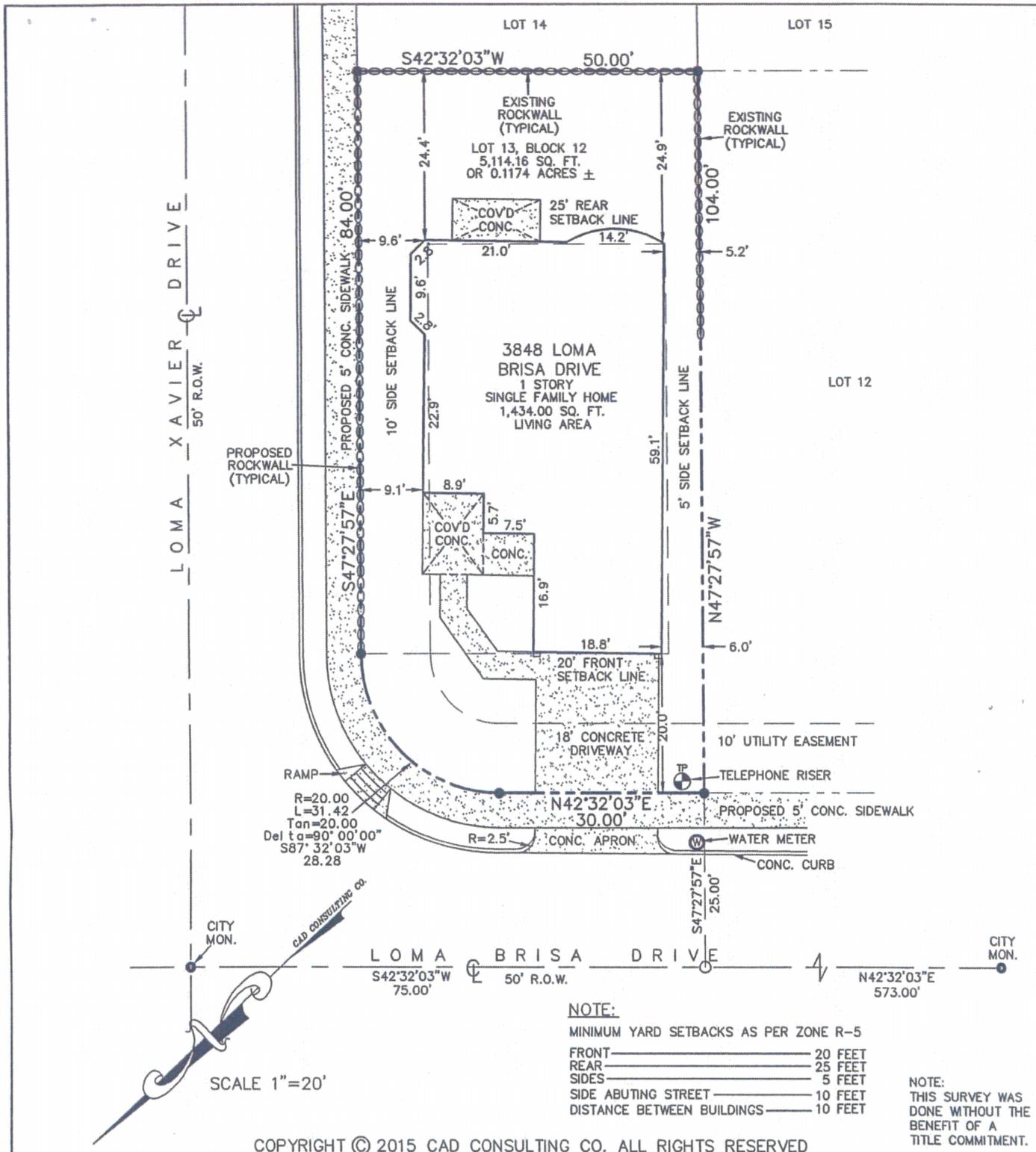
STAFF RECOMMENDATION

Staff recommends 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;
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;
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;
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 building, contractor, or owner shall not exceed three in any twelve-month period."



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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
R.P.L.S. No. 3950

JOB # 15- DATE: 02-02-15 FIELD: DG OFFICE: EA FILE: NET:\ENRIQUE\2015\15-
 LOCATED IN ZONE x PANEL # 480212-0175-B DATED 09-04-91
 CLERKS# 20130092950 , PLAT RECORDS, EL PASO COUNTY, TX

3848 LOMA BRISA DRIVE
 LOT 13, BLOCK 12
 LOMAS DEL ESTE SUBDIVISION
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

FIRM# 10099300

ZONING MAP



NOTIFICATION MAP

