

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in a R-3 (Residential) zone.

This would permit an addition of which a portion, approximately 280 square feet, is proposed to encroach in the required rear yard setback and to be located to within 10' of the rear property line.

The required front and rear yard cumulative setback total is 50 feet in the R-3 zone district.

**BACKGROUND**

The ZBA approved Special Exceptions for this same project on March 10, 2008 and June 8, 2009 (see decision letters), but building permits were never requested and the approvals expired. The applicant is proposing additions and improvements to his house, of which approximately 280 square feet is proposed to encroach in the rear yard setback.

**CALCULATIONS**

Permitted square feet encroachment = 567 sq. ft. (37.81' [113.45' lot width ÷3] x 15' [3/5 of 25'])

Requested square feet encroachment = ~280 sq. ft.

Required rear yard setback = 25'

Requested rear yard setback = 10'

**STAFF RECOMMENDATION**

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

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

Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and,
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.

**PROJECT DATA**

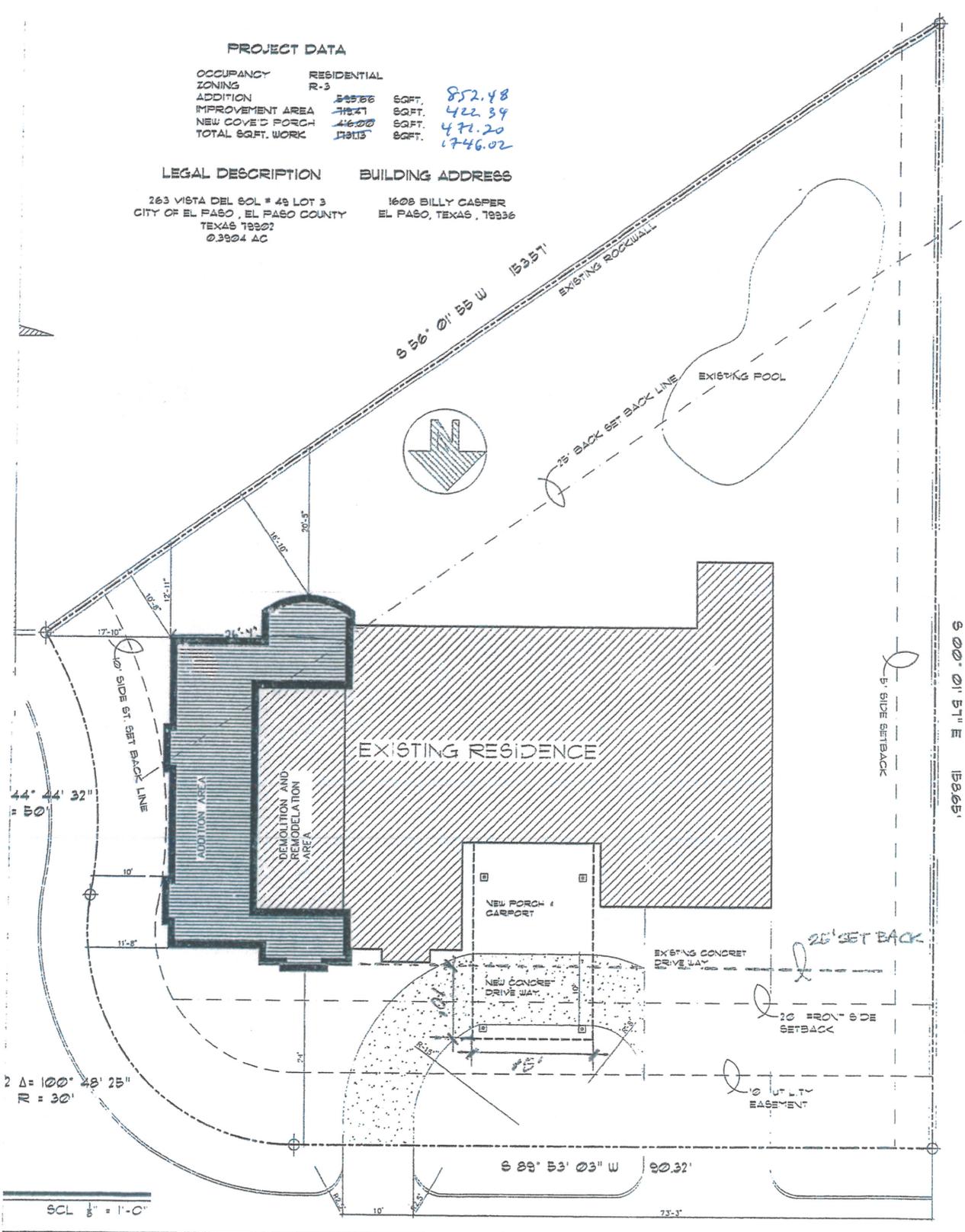
OCCUPANCY	RESIDENTIAL		
ZONING	R-3		
ADDITION	24566	SQFT.	852.48
IMPROVEMENT AREA	71247	SQFT.	422.34
NEW COVERED PORCH	4600	SQFT.	471.20
TOTAL SQFT. WORK	11115	SQFT.	1746.02

**LEGAL DESCRIPTION**

263 VISTA DEL SOL # 48 LOT 3  
CITY OF EL PASO, EL PASO COUNTY  
TEXAS 79902  
0.3904 AC

**BUILDING ADDRESS**

1608 BILLY CASPER  
EL PASO, TEXAS, 79936



Revisions:


**LEGAL DESCRIPTION**  
263 VISTA DEL SOL # 48 LOT 3  
CITY OF EL PASO, EL PASO  
COUNTY TEXAS 79902  
0.3904 AC

IMPROVEMENT & ADDITION  
**RESIDENTIAL ADDITION**  
FOR: DOMINGUEZ FAMILY  
ADDRESS: 1608 BILLY CASPER  
EL PASO, TEXAS 79936

DESIGN & DRAFTING  
5525 N. SHARLON 13-1  
915-532-4687

SHEET TITLE  
FRAMING ROOF PLAN  
ROOF PLAN

Date  
2-2009

Scale  
As Noted

Project No.  
CO33-C9

Draw. No.  
**A-1**



JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

PATRICIA D. ADAUTO  
DEPUTY CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
VACANT, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION  
ZONING BOARD OF ADJUSTMENT  
FORMAL DECISION  
March 10, 2008

**Andy and Monica Dominguez**  
**1608 Billy Casper Drive**  
**Legal Description: Lot 3, Block 263, Vista Del Sol Unit 49**

**Case# ZBA08-00016:** The applicants requested a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-3 (Residential) zone of the City of El Paso Zoning Ordinance. This permits the construction of a 27' by 17' addition encroaching 14' into the required rear yard setback. Cumulative front and rear yard setbacks of 50' are required in an R-3 (Residential) zone of the City of El Paso Zoning Ordinance.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice at an Open Public Meeting on March 10, 2008, the Board **APPROVED** the Special Exception under Section 2.16.050G (Rear Yard Setback) in an R-3 (Residential) zone of the City of El Paso Zoning Ordinance.

The Board determined that this request **QUALIFIED** under the criteria of Section 2.16.050 G of the ordinance for the following reasons:

- The total of all extensions granted do not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum 10 foot rear yard setback is required.
- The total width of all extensions granted shall not exceed one-third of the average width of the site.
- The minimum side and side street yards shall not be reduced.
- **The total floor area of all detached accessory structures existing or later constructed shall not exceed 120 square feet.**
- Unless otherwise provided in this ordinance, all remaining areas of the required rear yards shall be permanent open space.
- The extensions do not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.
- The exception is in harmony with the spirit and purposes of Titles 2 and 20.
- The public convenience and welfare will be substantially served and the use of neighboring property will not be substantially injured.

Filed for permanent record the 10th day of March 2008, in the office of the Zoning Board of Adjustment.

Robert Peña  
Zoning Board of Adjustment Secretary

**PLEASE NOTE:** Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

cc: Javier De La Cruz, Plans Examiner, Building Permits, and Inspections Division  
Environmental Services  
File



**Zoning Board of Adjustment**

June 8, 2009

**Andy Dominguez**  
**1608 Billy Casper Drive**

**Legal Description: Lot 3, Block 263, Vista Del Sol Unit 49, City of El Paso, El Paso County, Texas**

**Case# ZBA09-00021:** The applicant requested a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This will permit the construction of a 26'4" by 13' portion of an addition located to within 10'8" of the required rear yard setback. The required front and rear yard cumulative setback total is 50 feet in an R-3 (Residential) zoning district.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the El Paso Municipal Code, after due public notice at an Open Public Meeting on June 8, 2009, the Board **GRANTED** the Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zoning district.

The Board determined the request qualified under the criteria of Section 2.16.050 C of the ordinance for the following reasons:

- The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy.
- The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required rear yard, except that a minimum ten-foot rear yard setback shall be required.
- The total width of all extensions granted shall not exceed one-third of the average width of the site.
- The minimum side and side street yards shall not be reduced.
- The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet.
- Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.
- The extension shall not permit the creation of an additional dwelling unit.

Filed for permanent record the 8th day of June 2009, in the office of the Zoning Board of Adjustment.

Linda Castle  
Senior Planner

**PLEASE NOTE:** Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

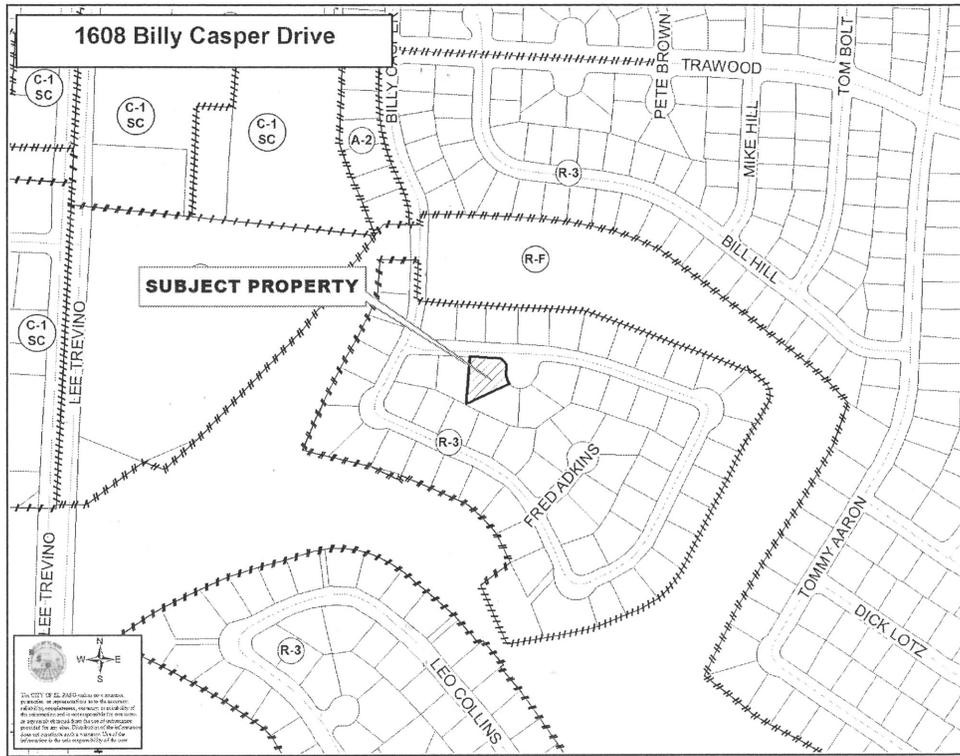
City Manager  
Joyce A. Wilson

**Development Services Department**

Victor Q. Torres - Director

2 Civic Center Plaza – 5<sup>th</sup> Floor · El Paso, Texas 79901 · (915) 541-4622 · Fax (915) 541-4725

# ZONING MAP



# NOTIFICATION MAP

