

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

The request is for an existing residence which encroaches in the required side yard setback and is located to within 4.7' of the easterly side property line.

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

**BACKGROUND**

The applicant is submitting three builder error requests for a three new residences on Gil Reyes Drive and has submitted a letter stating that the error is unintentional for the subject property.

**CALCULATIONS**

Required side yard setback = 5'

Requested side yard setback = 4.7'

**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; 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."

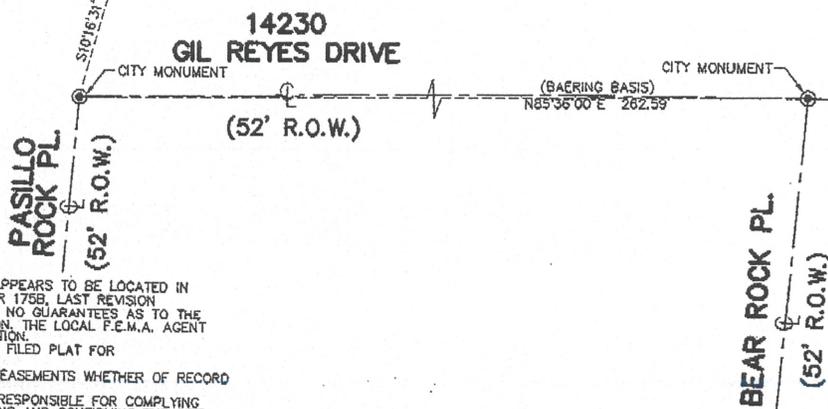
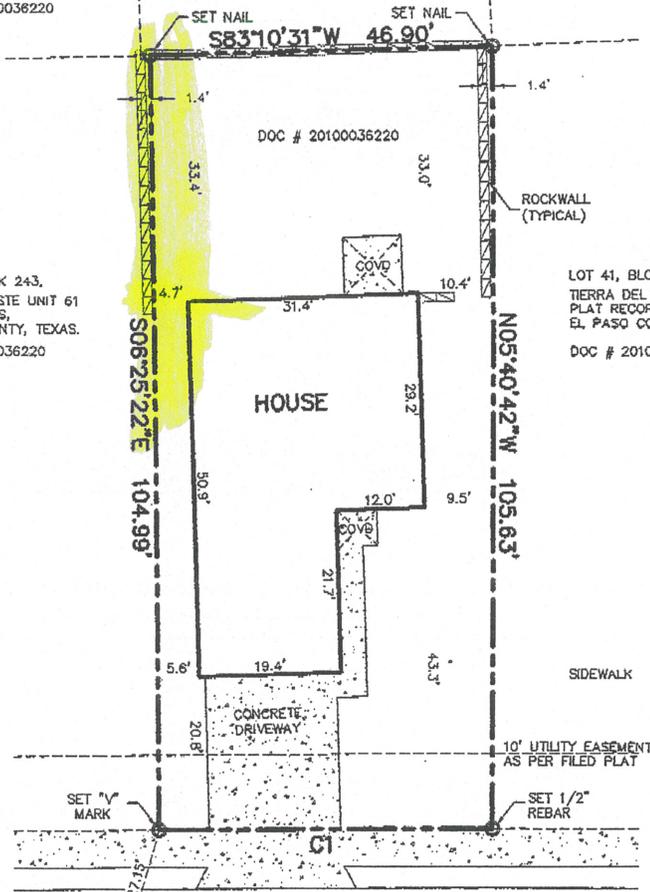
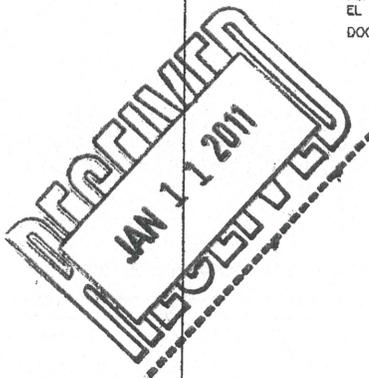
LOT 30, BLOCK 243,  
TIERRA DEL ESTE UNIT 61  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
DOC # 20100036220

LOT 29, BLOCK 243,  
TIERRA DEL ESTE UNIT 61  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
DOC # 20100036220

LOT 28, BLOCK 243,  
TIERRA DEL ESTE UNIT 61  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
DOC # 20100036220

LOT 39, BLOCK 243,  
TIERRA DEL ESTE UNIT 61  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
DOC # 20100036220

LOT 41, BLOCK 243,  
TIERRA DEL ESTE UNIT 61  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.  
DOC # 20100036220



**NOTE:**

- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X", PER F.I.R.M. PANEL NUMBER 175B, LAST REVISION DATE 9/4/91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL P.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
- BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR TIERRA DEL ESTE UNIT SIXTY ONE.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT (NOT SHOWN).
- 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.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	45.53'	3526.00'	22.76'	0°44'23"	N83°56'51"E	45.53'

**B** Barragan & Associates Inc.

LAND PLANNING & SURVEYING  
10850 Pelicano Dr. Building-F,  
El Paso, Tx 79935  
Phone (915) 591-5709 Fax (915) 591-5706

**Plat of Survey**

LOT 40, BLOCK 243,  
TIERRA DEL ESTE UNIT SIXTY ONE,  
AN ADDITION TO THE  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS.  
AREA 0.11 ACRES ±

Plat reference vol/bk file no: 20090073258  
Scale 1"=20' Date 1/10/11 Drawn by A.D.

CERTIFICATION:  
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED, DRAWN OR UNDER MY DIRECTION AND SUPERVISION AND THAT THIS MAP CORRECTLY SHOWS HEREON THE FACTS FOUND ON THE GROUND AT THE TIME OF THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Benito Barragan, P.E. R.P.L.S.No. 5915  
Job No. 110106-02 Copy Rights ©

*W. Ruth*

# DESERT VIEW HOMES

February 17, 2011

**VIA FACSIMILE TO: (915) 541-4725**

Linda Castle

Zoning Board of Adjustment

City of El Paso Texas

2 Civic Center Plaza 5<sup>th</sup> Floor

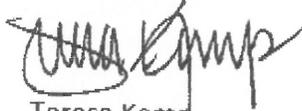
El Paso, Texas 79901-1196

*RE: Variance Request*  
*Property: 14230 Gil Reyes Drive*  
*14232 Gil Reyes Drive*  
*14242 Gil Reyes Drive*

Dear Ms. Castle:

We are requesting a variance for the properties listed above due to an unintentional inadvertent error. Thank you, we appreciate your cooperation and courtesy regarding this matter.

Best Regards,



Teresa Kemp

Director of Operations

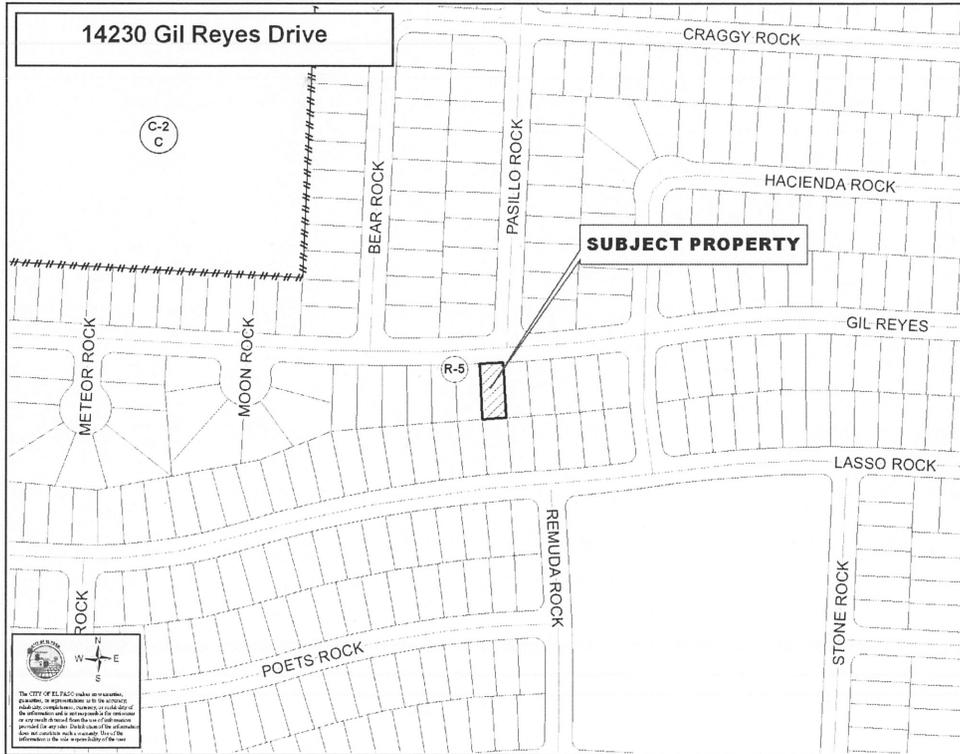
**BUILDER ERROR LOG**

For a 12 Month Period

February 8, 2010 to March 14, 2011

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
02/08/2010	ZBA10-00003	7336 Black Mesa Drive	New Horizon Builders, Inc.
6/14/2010	ZBA10-00020	14256 Tierra Yamila	Mountain Vista Builders
8/9/2010	ZBA10-00031 (Side Setbacks)	3170 Blue Dirt Circle	Saratoga Homes
9/13/2010	ZBA10-00041 (Rear Yard Setback)		
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/24/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes

# ZONING MAP



## NOTIFICATION MAP

Central Appraisal District Information as to neighboring property owners not available at time of notification, March 1, 2011.