

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 4.6' 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 = 4.6'

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."

ZBIA

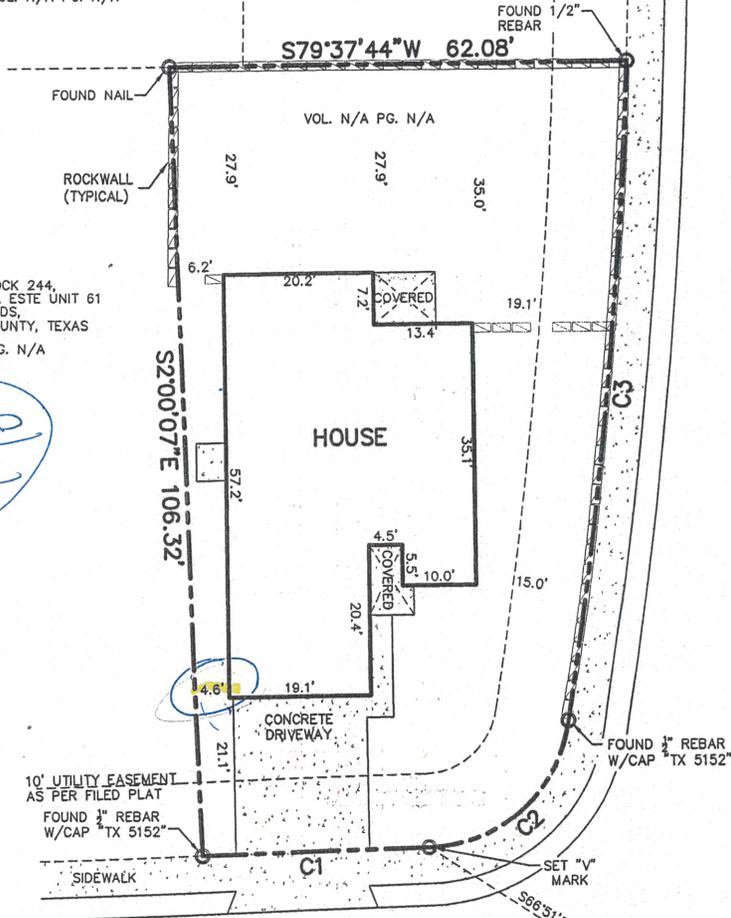


LOT 2, BLOCK 244,
TIERRAS DEL ESTE UNIT 61
PLAT RECORDS,
EL PASO COUNTY, TEXAS
VOL. N/A PG. N/A

LOT 1, BLOCK 244,
TIERRAS DEL ESTE UNIT 61
PLAT RECORDS,
EL PASO COUNTY, TEXAS
VOL. N/A PG. N/A

LOT 39, BLOCK 244,
TIERRAS DEL ESTE UNIT 61
PLAT RECORDS,
EL PASO COUNTY, TEXAS
VOL. N/A PG. N/A

CLOSED HOME



HACIENDA ROCK DR.
(52' R.O.W.)

14242
GIL REYES DRIVE

(52' R.O.W.)

NOTE:

- SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "X", PER F.I.R.M. PANEL NUMBER 175B, LAST REVISION DATE SEP 4, 1991. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION, THE LOCAL F.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	30.58'	3526.00'	15.29'	0°29'49"	N78°14'48"E	30.58'
C2	27.73'	20.00'	16.62'	79°26'57"	S38°46'14"W	25.56'
C3	89.34'	724.00'	44.73'	7°04'13"	N04°29'21"W	89.28'

B Barragan & Associates Inc.

LAND PLANNING & SURVEYING
10950 Pellicano Dr. Building-F,
El Paso, Tx 79935
Phone (915) 591-5709 Fax (915) 591-5706

Plat of Survey

LOT 40, BLOCK 244,
TIERRA DEL ESTE UNIT SIXTY ONE,
AN ADDITION TO THE
CITY OF EL PASO
EL PASO COUNTY, TEXAS.
AREA 0.13 ACRES ±

Plat reference CLERK'S FILE 20090073258.
Scale 1"=20' Date 11/9/2010 Drawn by A.D.

CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME 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
5815
PROFESSIONAL
LAND SURVEYOR

Benito Barragan, P.L.S. No. 5815
Job No. 101105-04 Copy Rights ©

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 5th Floor

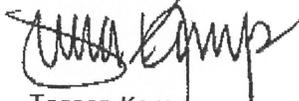
El Paso, Texas 79901-1196

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

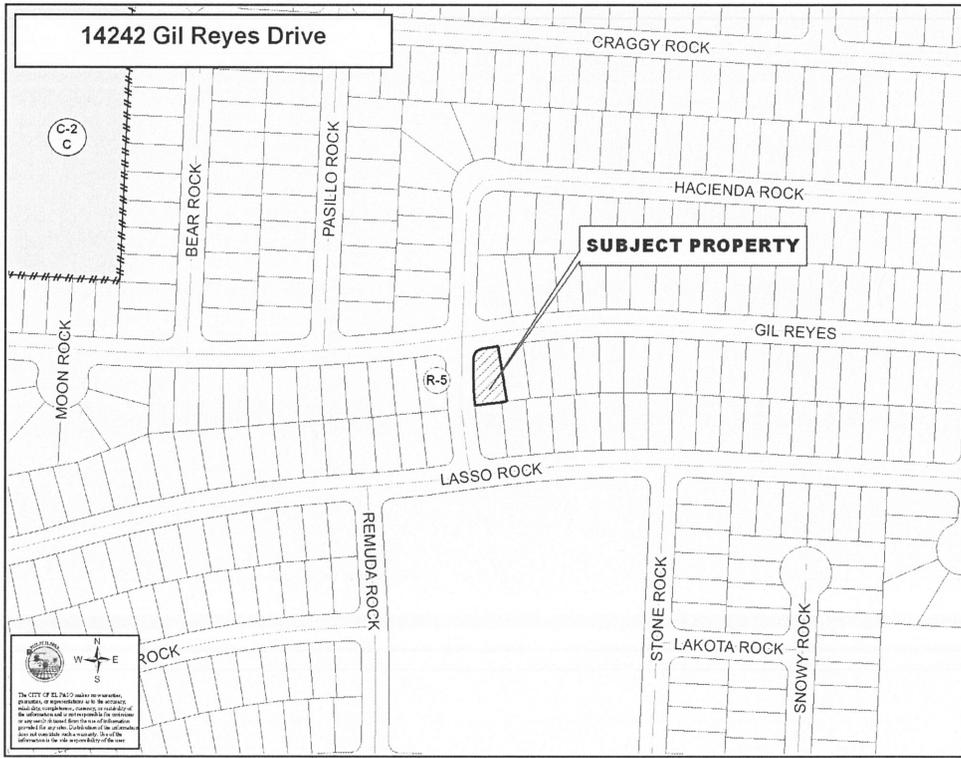
BUILDER ERROR LOG

For a 12 Month Period

February 8, 2010 to March 14, 2011

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
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.