

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

This would allow an existing residential structure which encroaches 0.3 feet (3.6 inches) into the required side yard setback and is located to within 4.7' feet of the north side property line.

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

BACKGROUND

This request for the builder error is Pointe Homes' 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 Planning Division has not received any communications in support or opposition to the special exception request.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.7'

STAFF RECOMMENDATION

Staff recommends approval with a condition of the request as it meets the requirements of the Special Exception G. The condition is as follows:

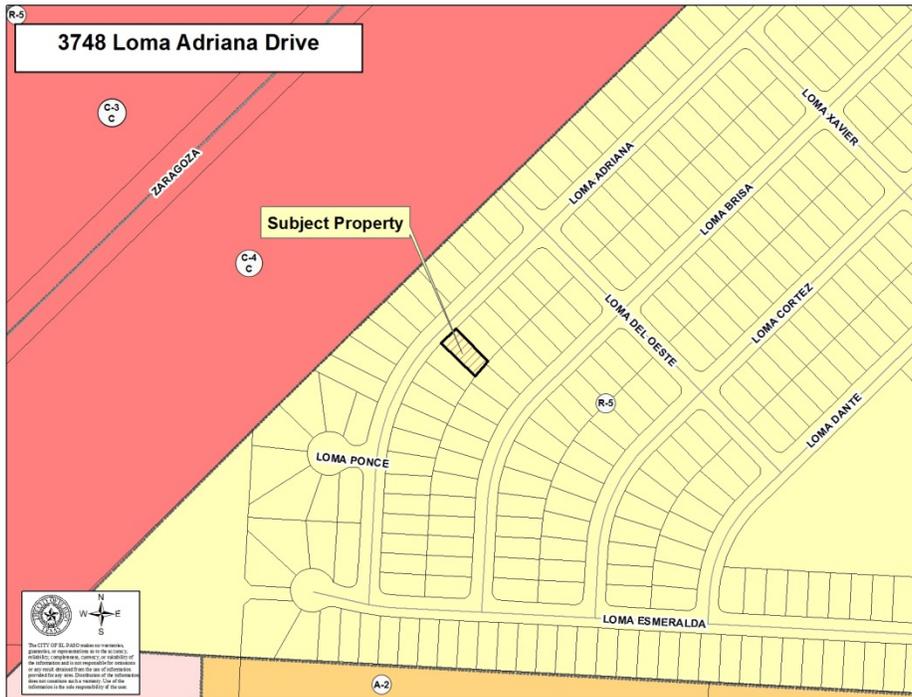
The north wall of the building shall be one-hour fire rated.

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

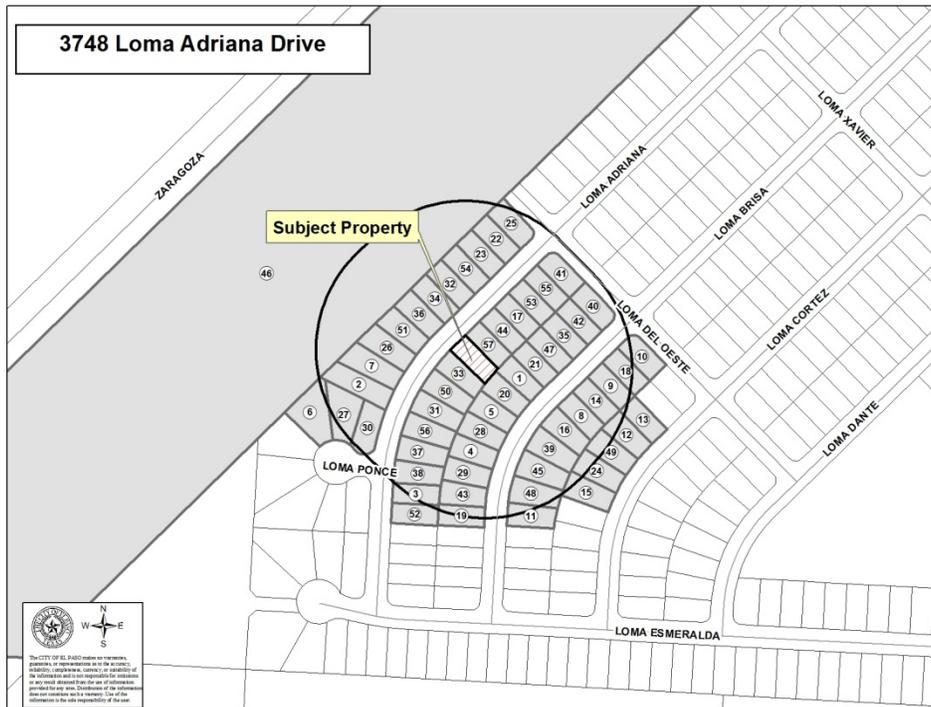
“Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

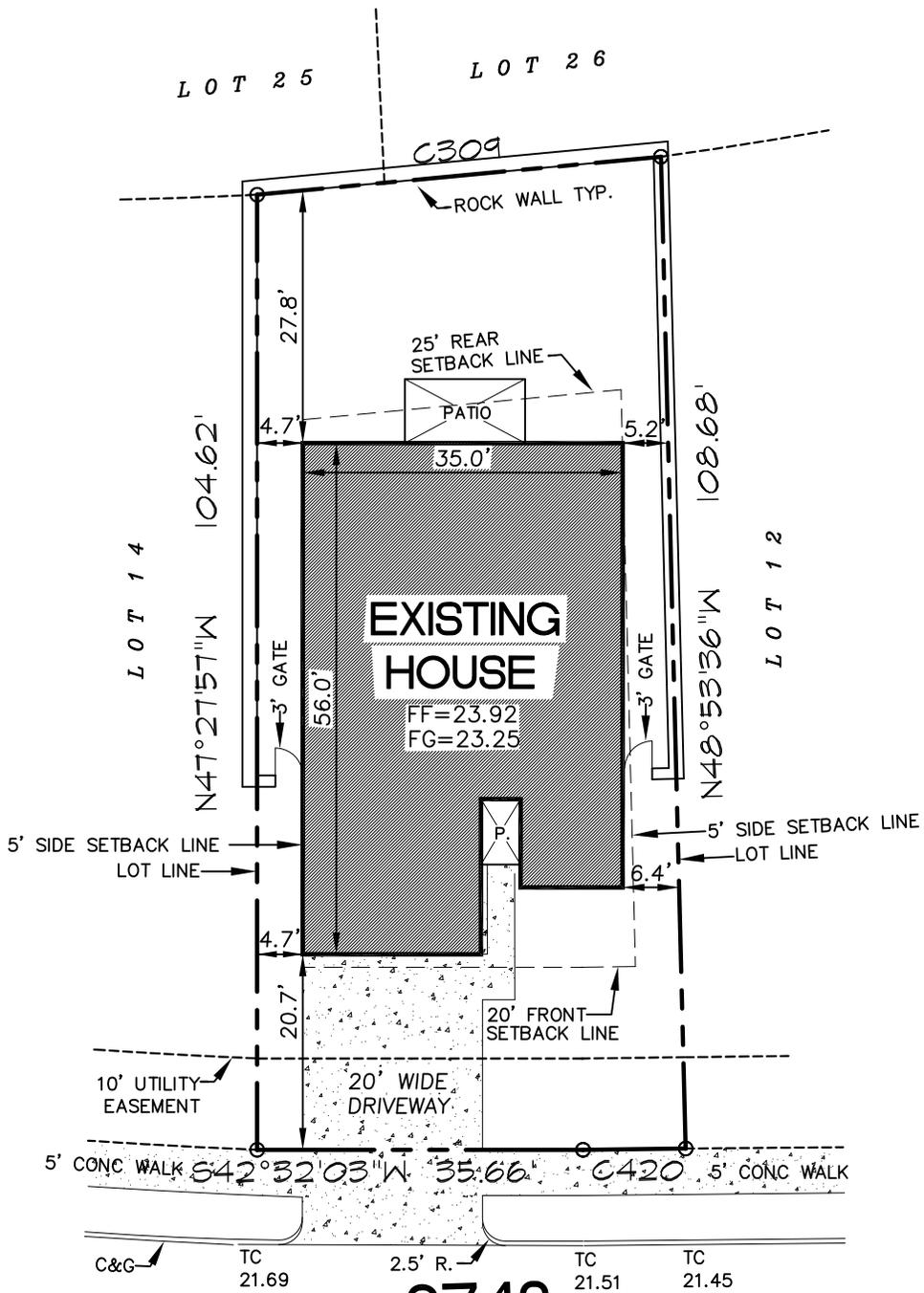
1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater;
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is 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.”

ZONING MAP



NOTIFICATION MAP





3748
LOMA ADRIANA
(50' WIDE PUBLIC R.O.W.)

SITE PLAN



BEING LOT 13, BLOCK 13, LOMAS DEL ESTE SUBDIVISION
CITY OF EL PASO, EL PASO COUNTY TX.

SCALE 1"=20'

| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING | DELTA |
|-------|--------|--------|---------|-------|-------------|----------|
| C420 | 451.00 | 11.24 | 5.62 | 11.24 | S41°44'14"W | 1°25'39" |
| C309 | 503.00 | 44.40 | 22.21 | 44.39 | S37°09'01"W | 5°03'28" |