

Applicant requests a Special Exception under Section 2.16.050 L (15 Years or More, Side Yard Setback) in an R-F (Ranch and Farm) zone.

The request is to legalize a 15' by 19' portion of an existing building that is located to within 5' of the westerly side property line.

The required side yard setback is 20' in the R-F zone district.

BACKGROUND

The subject property was deeded to the Catholic Diocese of El Paso in July 2007 for use as a youth recreation center. Examination of the 1986 aerial shows the encroachment into the side yard in 1986, existing then as it does today. The applicant has submitted a rezoning application to the Planning Division, Case #ZON10-00018, for rezoning from R-F (Ranch and Farm) to R-2 (Light Density Residential).

CALCULATIONS

Required side yard setback = 20'

Requested side yard setback = 5'

STAFF RECOMMENDATION

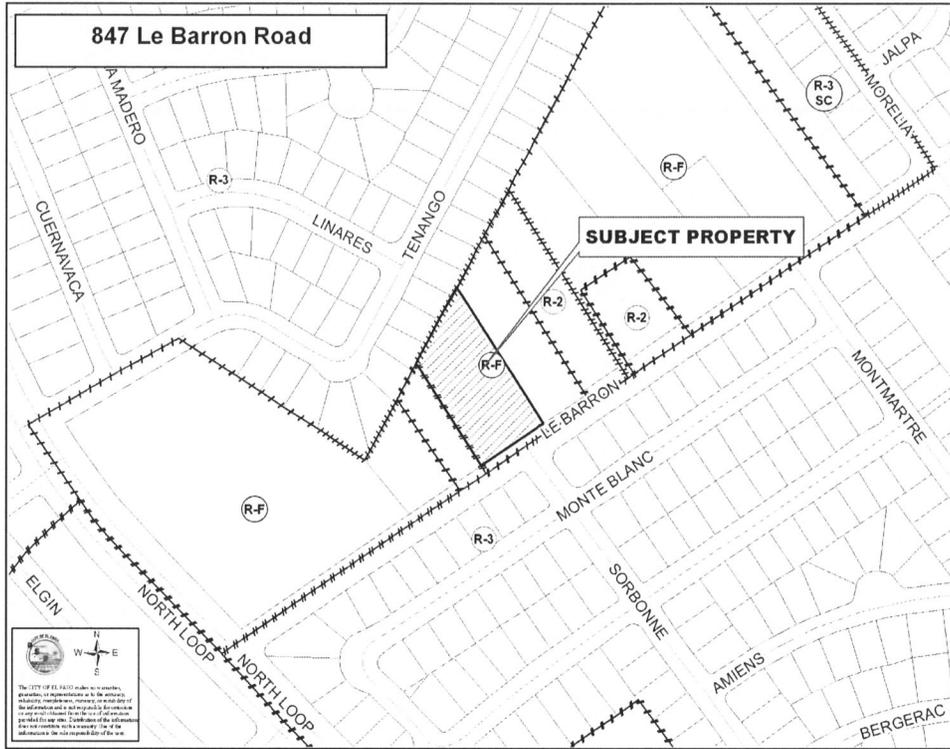
Staff recommends approval as the request meets the requirements of the Special Exception.

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

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code."

ZONING MAP



NOTIFICATION MAP

