

Applicants request a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3A zone.

This would permit the existence of a residence that is located to within 4.5' of the westerly side property line.

The required side yard setback is 5' in an R-3A (Light Density Residential) zone.

BACKGROUND

The applicants are attempting to sell this house that was built in 2004 by Winton and Associates, Inc., and purchased by the applicants in May 2005. A survey shows that the house was constructed encroaching 6 inches into the westerly side yard setback. Winton and Associates, Inc. have submitted the enclosed letter stating that the error was unintentional and inadvertent. This is the only Builder Error assigned to Winton and Associates, Inc., from May 2008 through the current date.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.5'

STAFF RECOMMENDATION

Staff recommends approval as it meets the requirements of the Special Exception for the Builder Error.

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."

WINTON & ASSOCIATES, INC.

6300 Escondido Drive
El Paso, Texas 79912

(915) 584-8629

April 9, 2009

Development Services Department
Planning Division
City of El Paso, Texas
2 Civic Center Plaza, 5th Floor
El Paso, Texas 79901

Re: Request for Special Exception for 1136 Calle del Sur

To Whom It May Concern:

This letter is being written in support of the request for Special Exception for 1136 Calle del Sure. The undersigned was the builder of the home and the location of the rock wall at 4.5 feet from the side of the property instead of 5 feet was an inadvertent construction error and was not intentional.

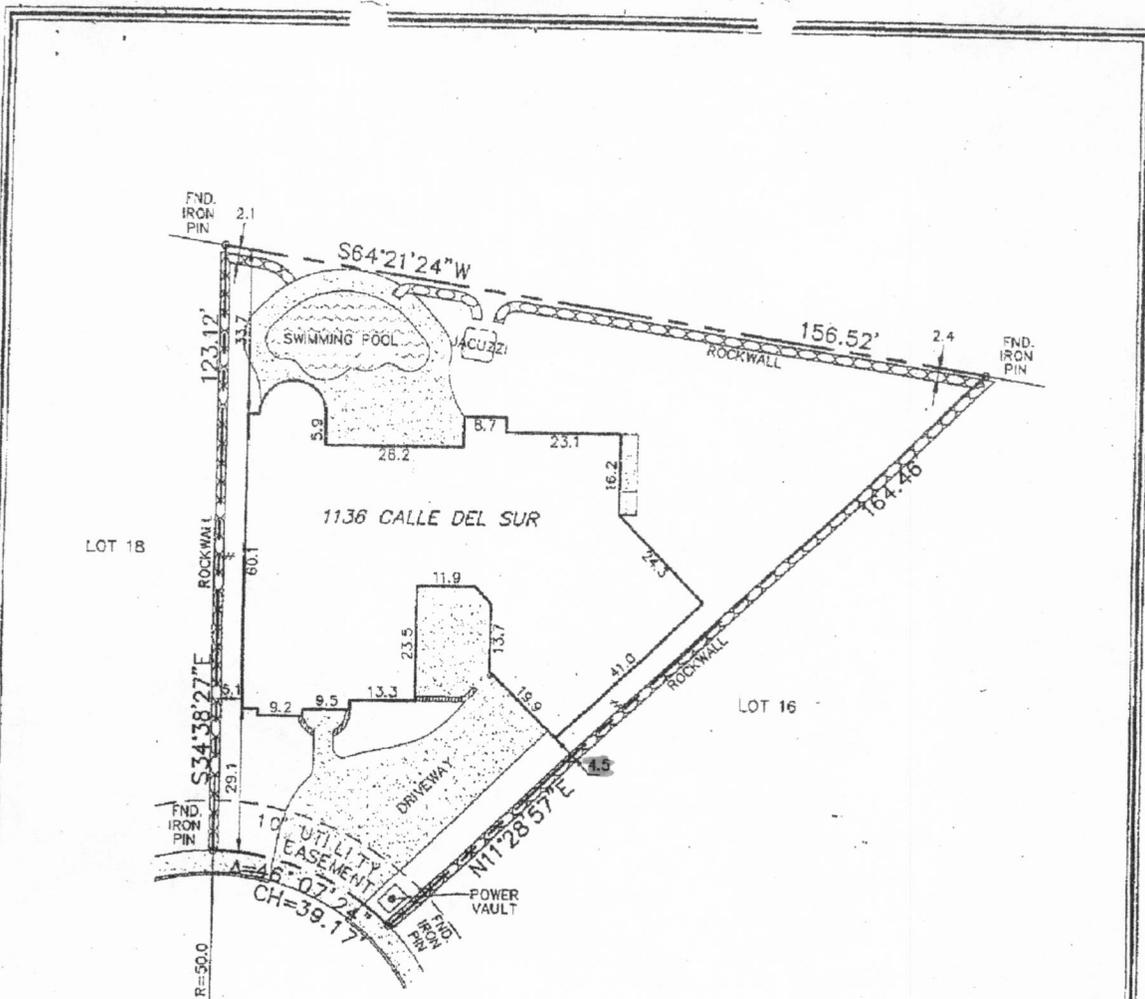
Please do not hesitate to contact me should you have any questions regarding this matter. Thank you.

Very truly yours,

WINTON & ASSOCIATES, INC.

By: 
Name: Herschel Stringfield
Title: President

(DANNY 539-9584)
VARIANCE FUNDS MON



This survey plat has been reviewed by the undersigned and conditions shown hereby noted.

[Handwritten Signature]



BEARING ORIENTATION AS PER PLAT OF, PARK HILLS UNIT SEVEN

This lot is not located in a flood hazard area as determined by the FIRM by U.S. Federal Emergency Management Agency National Federal flood Insurance Program.

CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

[Handwritten Signature]
 Manuel Calderon
 Registered Professional Land Surveyor No. 2564

Book 79 Page 69 Job No. 505-44

1136 CALLE DEL SUR DR.
 LOT 17, BLOCK 9
 PARK HILLS UNIT SEVEN
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS.

Field RP Office PP-02 Date 5-6-05 Scale 1"=30'

CALDERON ENGINEERING

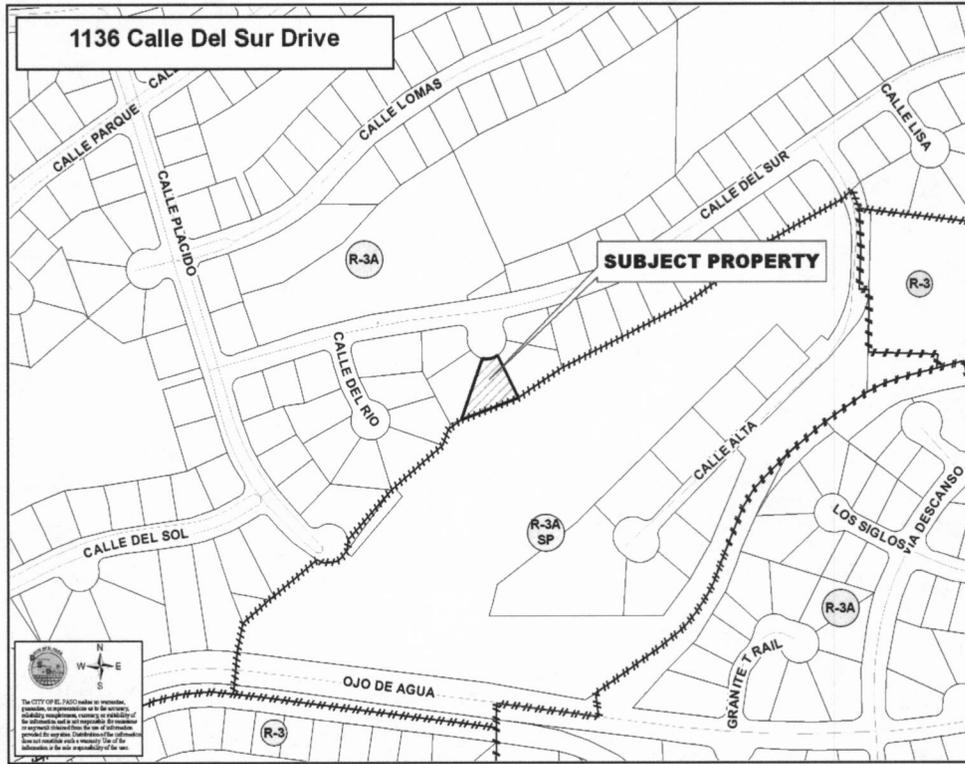
CIVIL - STRUCTURAL

3031 TRAWOOD DR.
 EL PASO, TEXAS 79936 (915) 855-7552

LOG FOR BUILDER'S ERRORS**For a 12 Month Period****April 2008 to May 4, 2009**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
April – June 2008	No applications to ZBA for the Builder Error Special Exception		
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.
10/13/2008	ZBA08-00081	14344 Pacific Point Drive	Classic American Homes
11/10/2008	ZBA08-00083	14268 Patriot Point Drive	Classic American Homes
01/12/2009	ZBA08-00095	4036 Tuscan Rose Lane	Classic American Homes
02/23/2009	ZBA09-00006	6259 Franklin Dove Drive	Javier Cuevas (Homeowner)
03/09/2009	ZBA09-00008	3436 Scarlet Point Drive	Zia Homes, Inc.
5/04/2009	ZBA09-00016	1136 Calle Del Sur Drive	Winton & Associates, Inc.

ZONING MAP



NOTIFICATION MAP

