

**PZBA15-00009**

**190 Vinson Way**

**Norman Sangines and Gina Gonzalez**

**Applicants request a Special Exception under Section 2.16.050 K (15 Years or More) in an R-4 (Residential) zone.**

This would allow an existing house built to within 4.8' of the westerly corner side property line.

The required front and rear yard cumulative setback total in the R-4 zone district is 45 feet. The required side yard setback is 5 feet.

### **BACKGROUND**

The applicants are trying to sell subject property and are requesting the Special Exception to allow the existing encroachments into the side yard setback. The applicant has provided an affidavit, the original warranty deed and the probate court document. The 1996 aerial shows the property existing then as it does today.

The existing accessory building meets legal and conforming status as it has been in existence prior to 1956.

The existing carport has not been given a building permit nor authorized by approval of the ZBA. In its current state, it would not meet the conditions for approval currently. It shall be removed.

### **CALCULATIONS**

Required side yard setback in R-4 zone district = 5'

Requested southwesterly side yard setback = 4.8'

### **STAFF RECOMMENDATION**

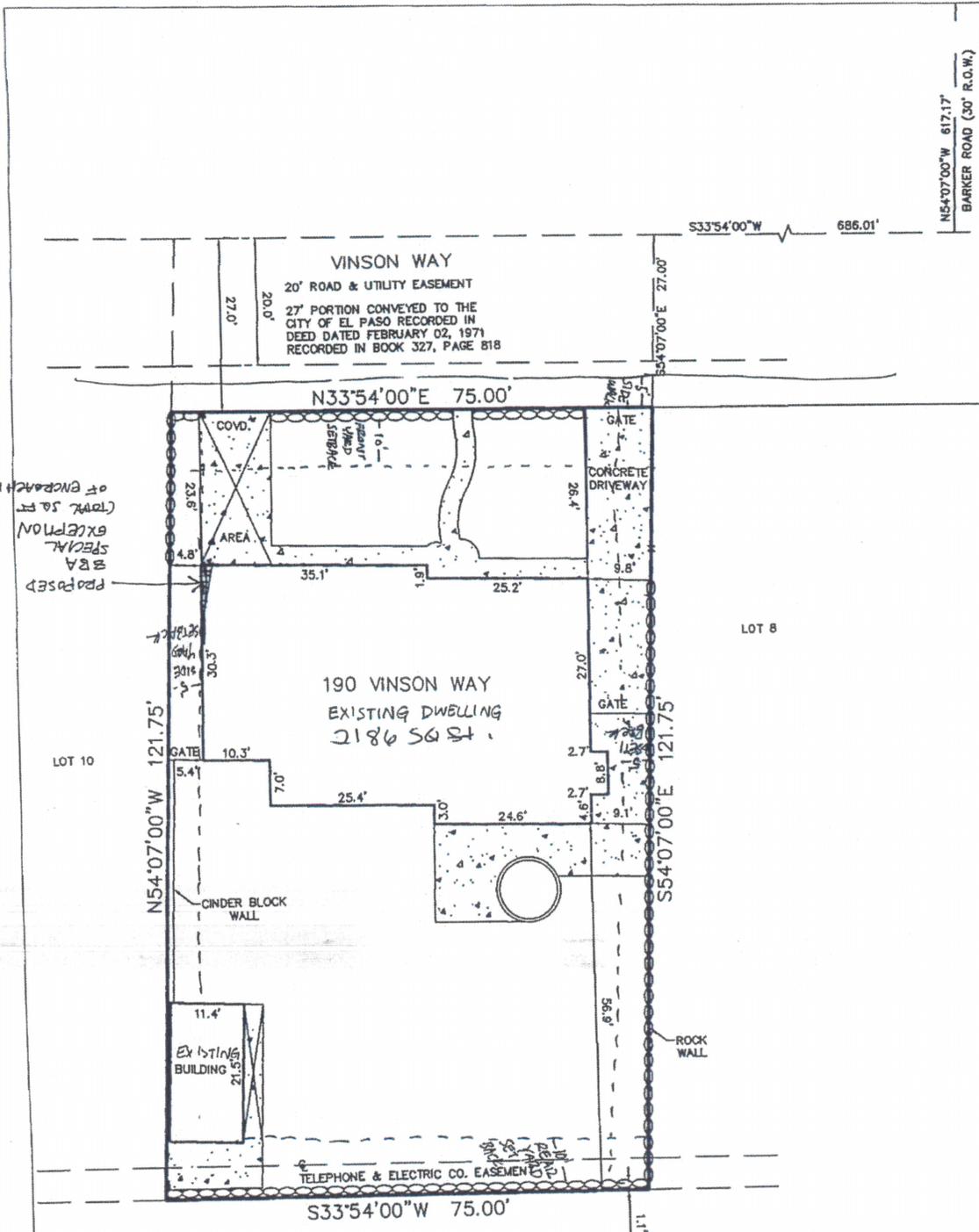
Staff recommends approval of the request for the Special Exception, with the following **CONDITION**: that the existing carport be removed.

The Zoning Board of Adjustment is empowered under Section 2.16.050 K 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;
2. Neither the applicant nor the current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
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 El Paso City Code.”

**ITEM #3**



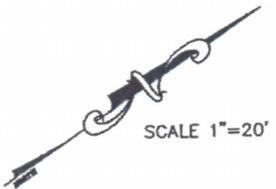
processed  
SBA  
SPECIAL  
EXCEPTION  
(TOTAL 50 FT  
OF ENCROACH  
INT)

TRACT 1C, BLOCK 23  
YSLETA GRANT

PLAT OF SURVEY BEING  
ALL OF LOT 9 SAVE AND EXCEPT THE WEST 27 FEET  
THEREOF, VINSON SUBDIVISION  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
RECORDED IN VOLUME 16, PAGE 61  
EL PASO COUNTY RECORDS.

PREPARED BY AND UNDER THE SUPERVISION OF

*Enrique A. Rey*  
ENRIQUE A. REY  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 3505



SCALE 1"=20'

NOTE:  
THIS PROPERTY LIES IN ZONE C, AS DESIGNATED BY THE  
F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL  
NO.480214 0044C, DATED, FEBRUARY 16,2006 EL PASO  
COUNTY, TEXAS

D.M.	MARCH 31, 2016
JOB NO. 2016-618	SIERRA TITLE
<b>REY ENGINEERING INC.</b>	
CONSULTING ENGINEERING-SURVEYING-LAND PLANNING	
9434 VISCOUNT DR. SUITE 148 EL PASO TEXAS, 79925	
PH. (915)309-1889 FAX (915) 633-8060	
TEXAS FIRM REGISTRATION F-3368	



MEMORANDUM OF COLLATERAL ASSIGNMENT

Assignor:	Maker:	Assignee:
THE RWE Family TRUST, dated December 8, 2014, RAMSEY M. ESPER, Grantor 5780 Diamond Point Circle El Paso, Texas 79912	NORMA C. SANGINES GINA MARIE GONZALEZ P.O. Box 220731 El Paso, Texas 79913	BANK of TEXAS 320 Texas Avenue El Paso, Texas 79901 Attn: Ray Owen

Collateral Note:

Principal Amount: \$43,000.00

Date: September 15, 2014

Collateral Note Security: Deed of Trust, recorded as Document #20140060102, Deed Records of El Paso County, Texas.

Property:

The East 121.75 feet of Tract 9, VINSON SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 16, Page 61, Plat Records of El Paso County, Texas.

Notice is hereby given that the Collateral Note and Collateral Note Security have been assigned to Bank of Texas.

Dated 4/2, 2015

Assignor:

THE RWE Family TRUST, dated December 8, 2014, RAMSEY M. ESPER, Grantor

By: RAMSEY M. ESPER, Trustee

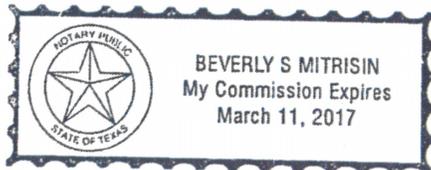
By: WAFAA F. ESPER, Trustee

STATE OF TEXAS )
COUNTY OF EL PASO )

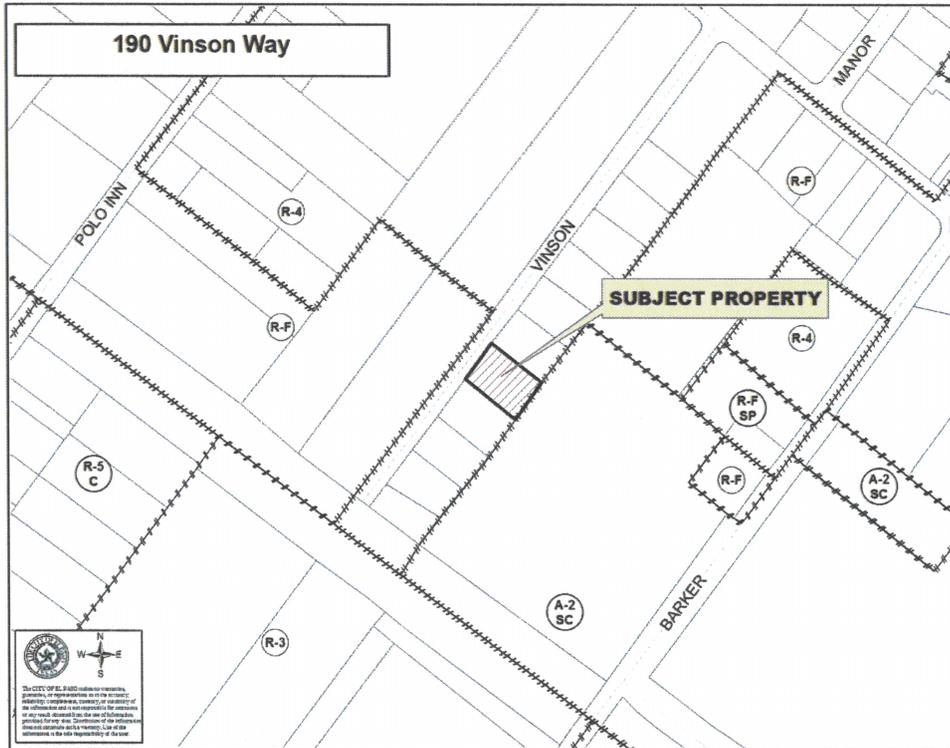
BEFORE ME on this day personally appeared Wafaa F. Esper, Trustee and Ramsey M. Esper, individually and as Trustee of THE RWE Family TRUST, dated December 8, 2014, RAMSEY M. ESPER, Grantor, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed for and on behalf of said Trust.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2 day of APRIL, 2015

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



# ZONING MAP



# NOTIFICATION MAP

