

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback in an R-3 (Residential) zone.

This would allow a proposed addition, approximately 38' by 16', of which a 380 sq. ft. portion is proposed to encroach in the required rear yard setback and to be located to within 10 feet of the rear property line.

The required cumulative front and rear yard setback total is 50 feet in the R-3 zone district.

BACKGROUND

The applicant's property was registered legally nonconforming by a previous owner (in 1996) for an encroachment into the rear yard setback to within 10 feet of the rear property line, existing since 1942 and prior to the effective date of 1955 of the zoning code. The applicant is requesting additions of a new bathroom, bedroom, and closet which will encroach in the required rear yard setback.

Ann and Gerald Lucker, who live across the street from the subject property, sent a letter of objection to the applicant's request. See enclosed letter.

CALCULATIONS

Permitted area of encroachment in required rear yard = 415 sq. ft. (26' [78' lot width ÷ 3] x 15' [3/5 of 25'])

Requested area of encroachment = 380 sq. ft. (~38" x 16')

Required front and rear yard setback total = 50'

Requested front and rear yard setback total = 35'

STAFF RECOMMENDATION

Staff recommendation is for approval of the request as it meets the requirements of the Special Exception C.

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

"Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space."



DEPARTMENT OF PUBLIC INSPECTION
ZONING DIVISION

FORM TO BE FILLED OUT WHEN
REGISTERING A NONCONFORMING STRUCTURE OR USE

Name and telephone number of person registering nonconformity.
MRS. LOUISE WEE

Address of nonconforming structure or use.
1218 MOORE

Legal description of nonconforming structure or use.
BLOCK 49 KERN PLACE E. 78 FT. OF LOT 11.

What is it that is being declared as being nonconforming (A use or a structure)? RESIDENCE.

Since when has the structure or use existed (Code change or annexation)? BEFORE 1955

Is a scaled plot plan attached? YES (1/6" = 1'-0")

Are three affidavits attached? YES

Are affidavits property notarized? YES

If/ not, what is replaced, one for one, for the affidavits.
N/A

FINAL NOTE: Affidavits become a permanent part of our records, and therefore, we require they be typed on an 8 1/2" x 11" letter sized paper. Affidavits must state exactly what is being declared. Nonconforming as to height (State height), setbacks (State why - Example: 2' from front property line), use (Auto shop in C-2 zone), etc.

1218 Moore

Reference: Case #PZBA13-00013

City Development Dept.
Planning Division
PO Box 1890
El Paso, TX 79950

May 6, 2013

Attn: Linda Castle

To Whom It May Concern:

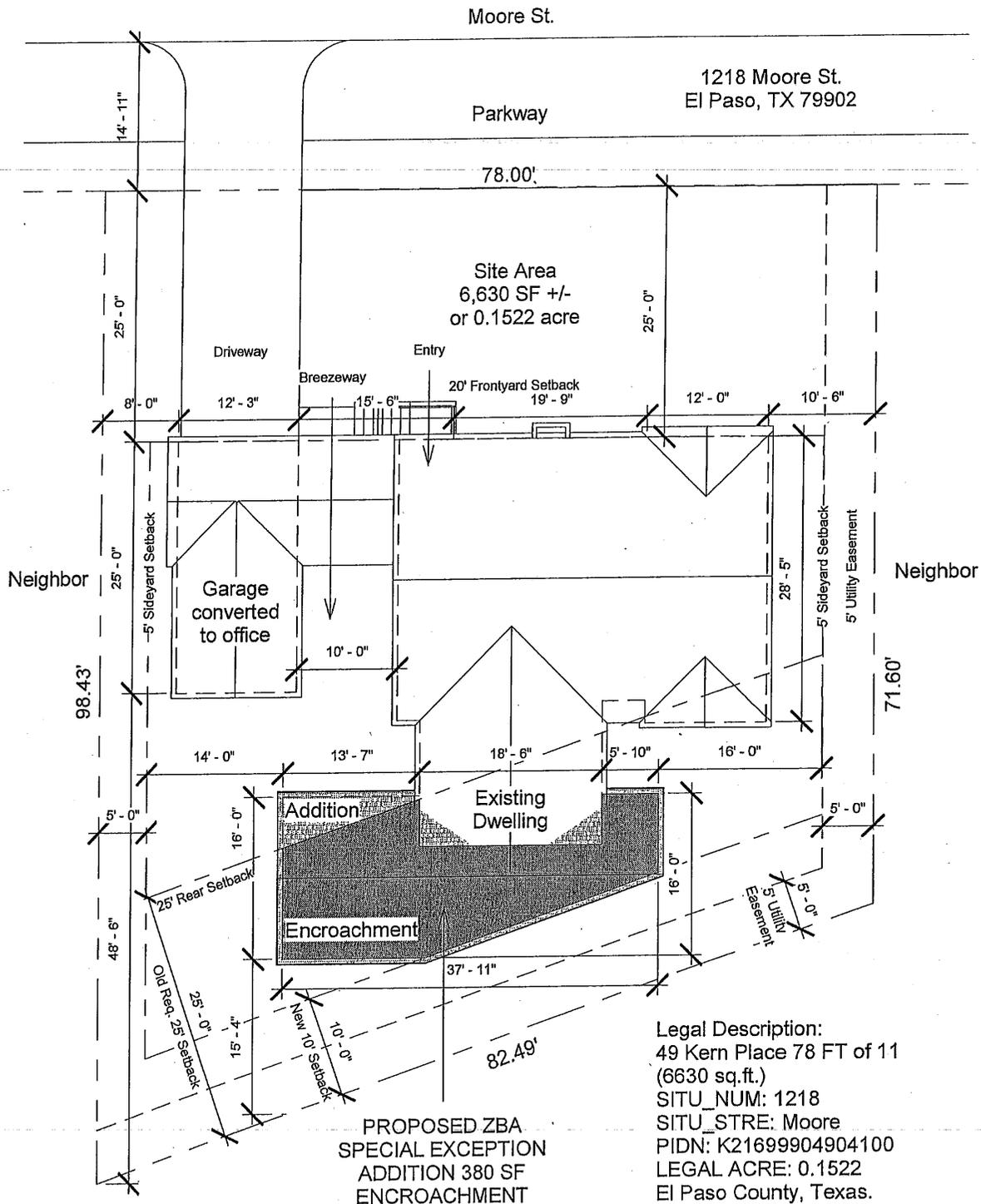
As we will be out of town on May 13, 2013, we are writing to express our concern and objection to Mr. Escalante's request for an exception to the Residential zoning ordinance governing the rear yard setback.

The encroachment requested of 380 square feet, on a lot that already crowds into his rear neighbor, is far too big to be considered a mere "modification." It is asking to completely disregard the setbacks designated for a residential neighborhood as if they don't exist. If he can be excepted from the rules, then, in fairness, so can others. Obviously the character of the neighborhood would change and the homes would increasingly crowd together.

The zoning requirements exist to protect the property values of all the residents who purchase homes in an area and their quality of life. I urge careful consideration to this request for such a large exception as it will definitely crowd the adjacent houses. We respectfully request that you enforce the setback rules.

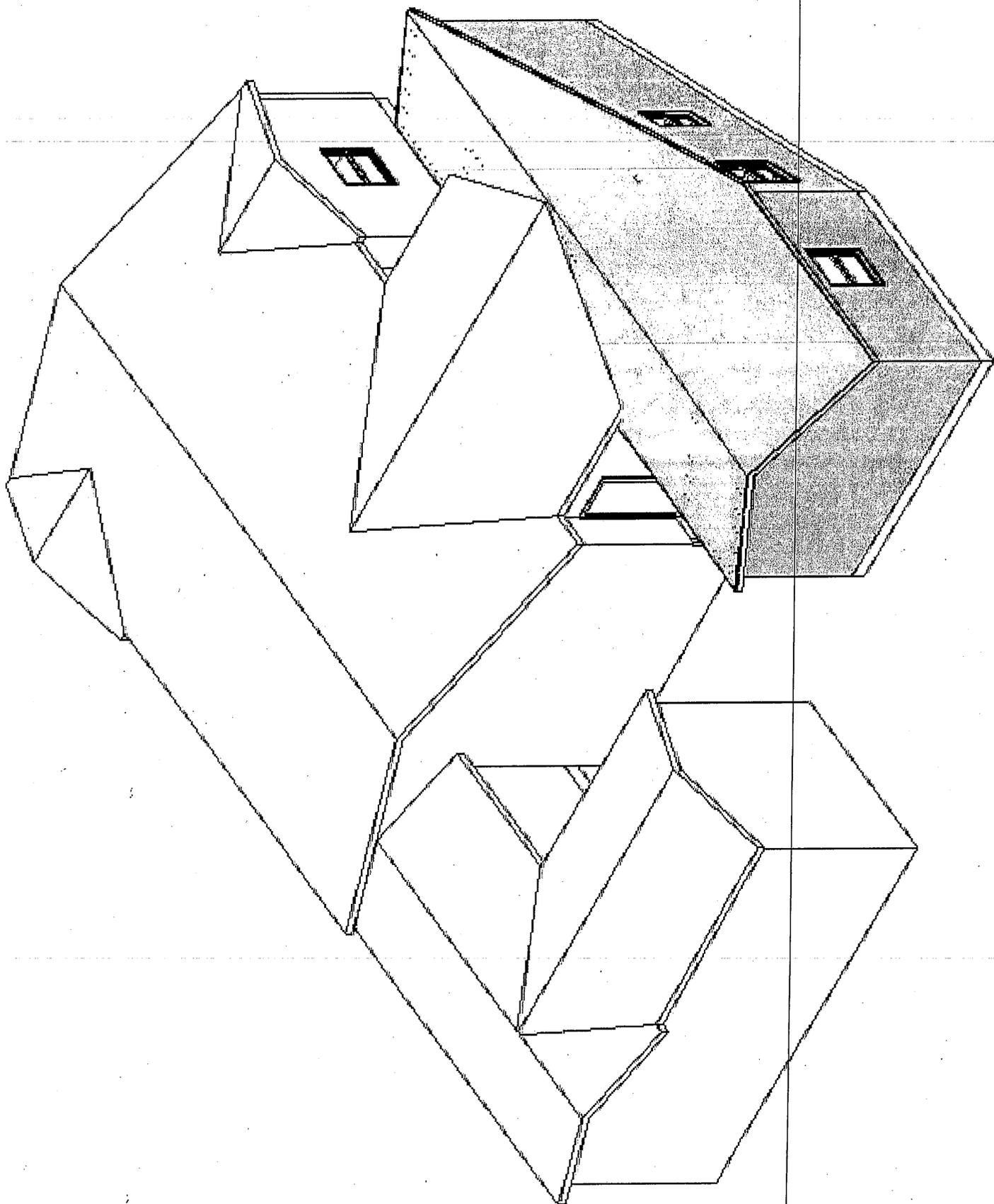
Sincerely,

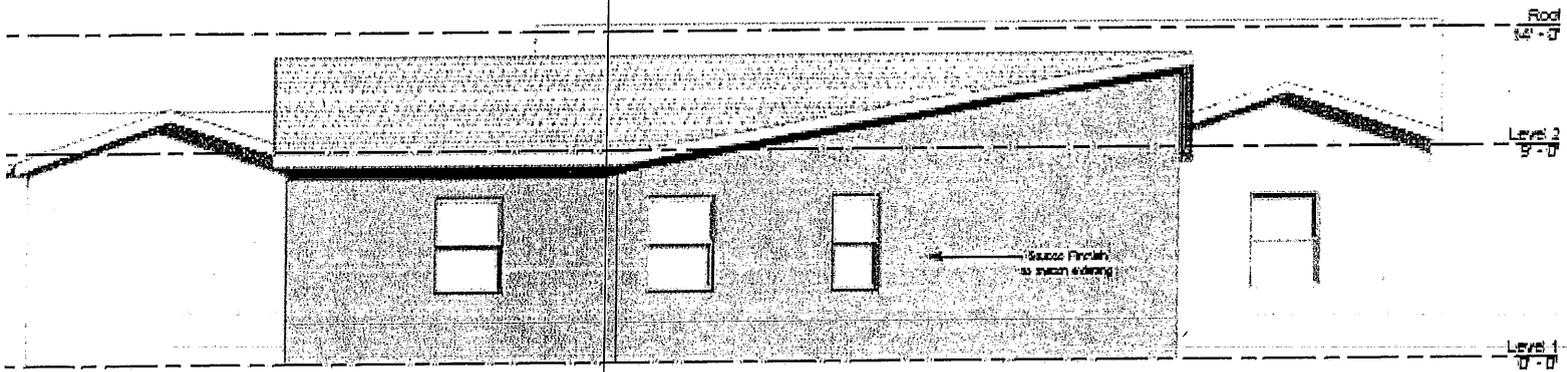
Ann M. Lucker and Gerald W. Lucker
1201 Moore St.
915-532-8169



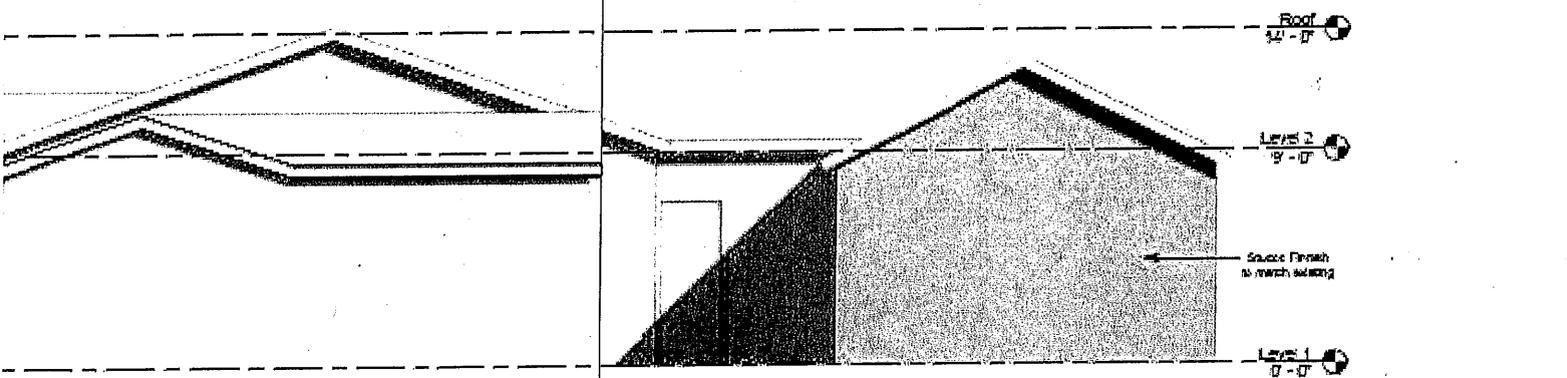
1 Site
1/16" = 1'-0"



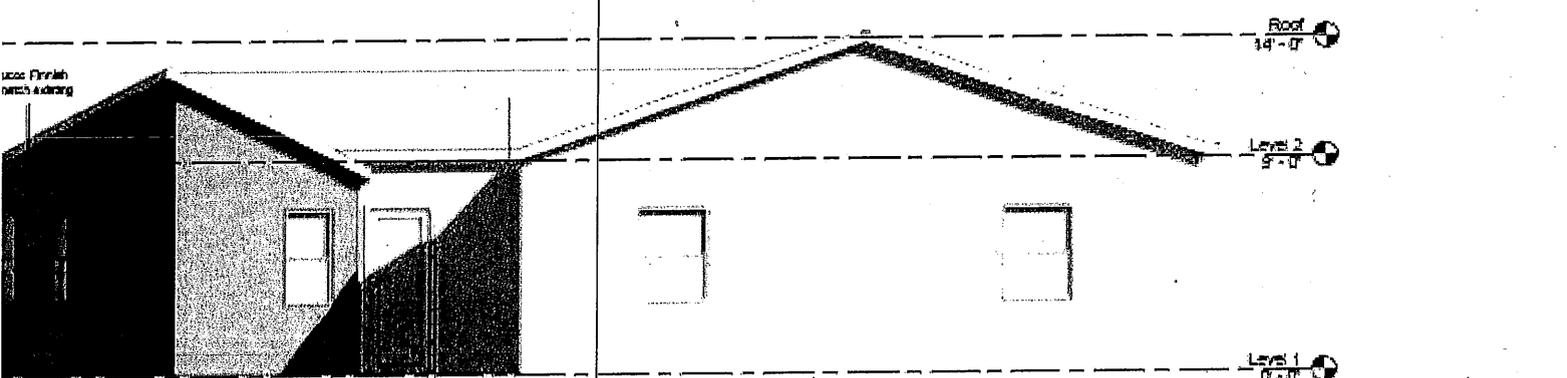




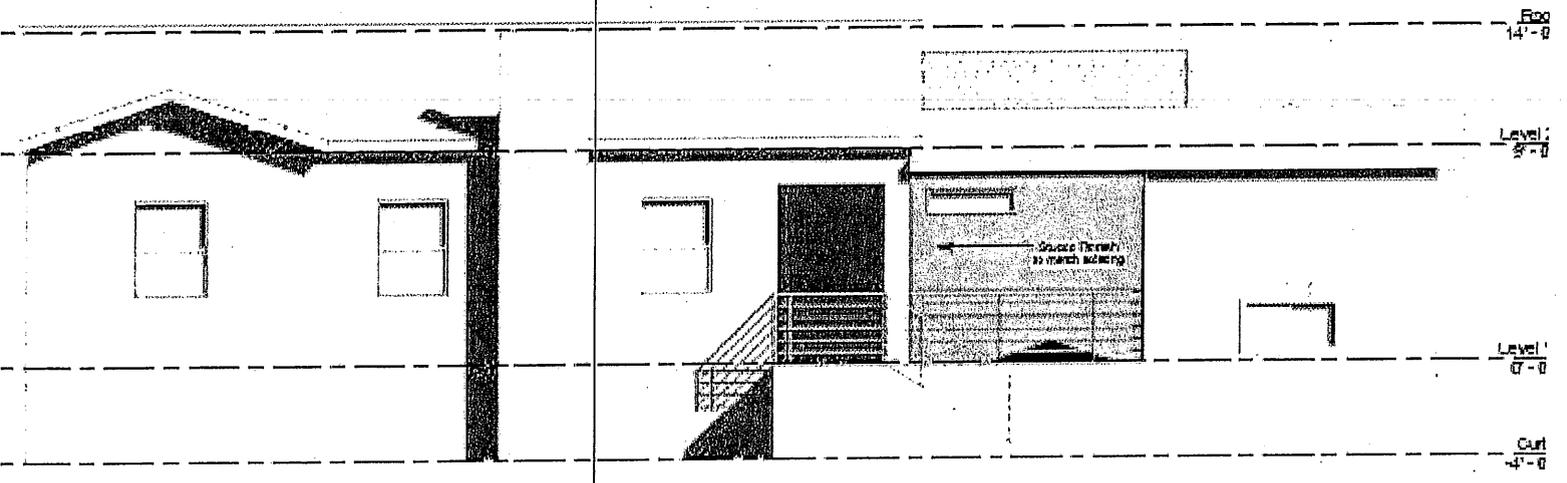
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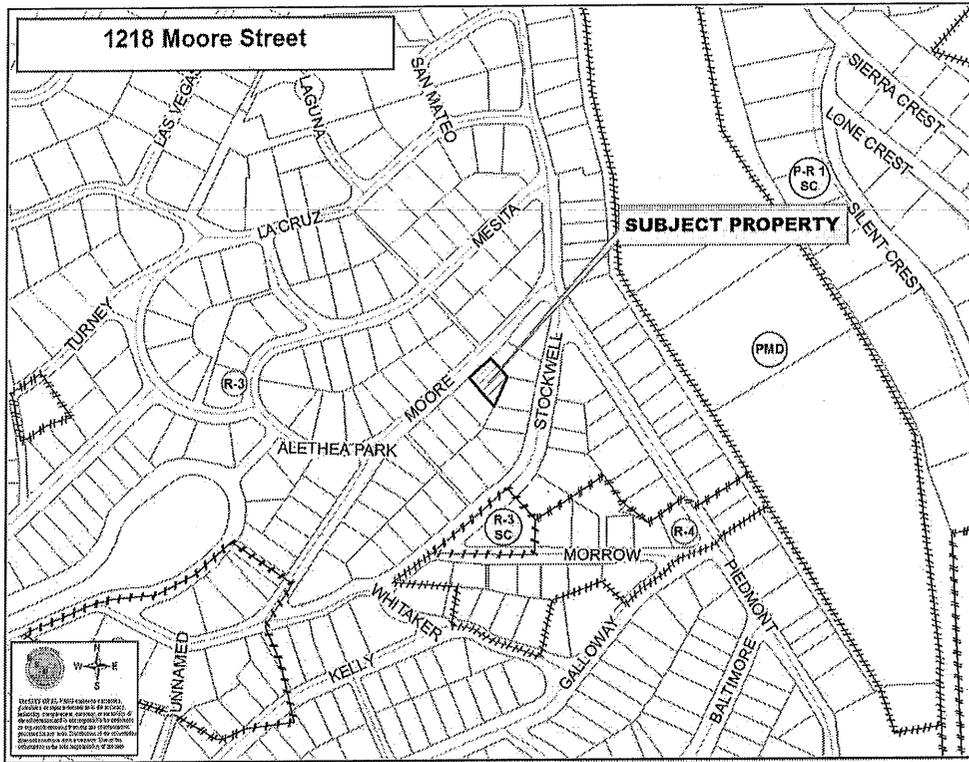


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ZONING MAP



NOTIFICATION MAP

