

Applicant requests a Special Exception under Section 2.16.050 K (15 Years or More, Rear Yard Setback) in a C-4 (Commercial) zone.

This would permit a 119.4' by 10' portion of a building that is encroaching into the rear yard setback and is located to within 0' of the rear property line. The required front and rear yard cumulative setback total is 10 feet in the C-4 zone district.

BACKGROUND

The applicant purchased the subject property in 1987 (see copy of warranty deed). The 1986 aerial shows that the entire building encroaching to the rear property line. The ZBA granted a Special Exception on June 8, 1981 to the referenced property for a 50' by 55' (3 bays) garage structure located up to the rear property line. However, at some time between 1981 and 1986, the entire 119.4' of the building was extended to the rear property line. Further, a portion of the building is built to 0' of the front property line. A recent code change in March 2012 permits a 0' front yard setback in the C-4 zone district if a cumulative front and rear yard setback of 10 feet is provided.

CALCULATIONS

Required front and rear yard cumulative setback total = 10'
Requested front and rear yard cumulative setback total = 0'
Requested front yard setback = 0'

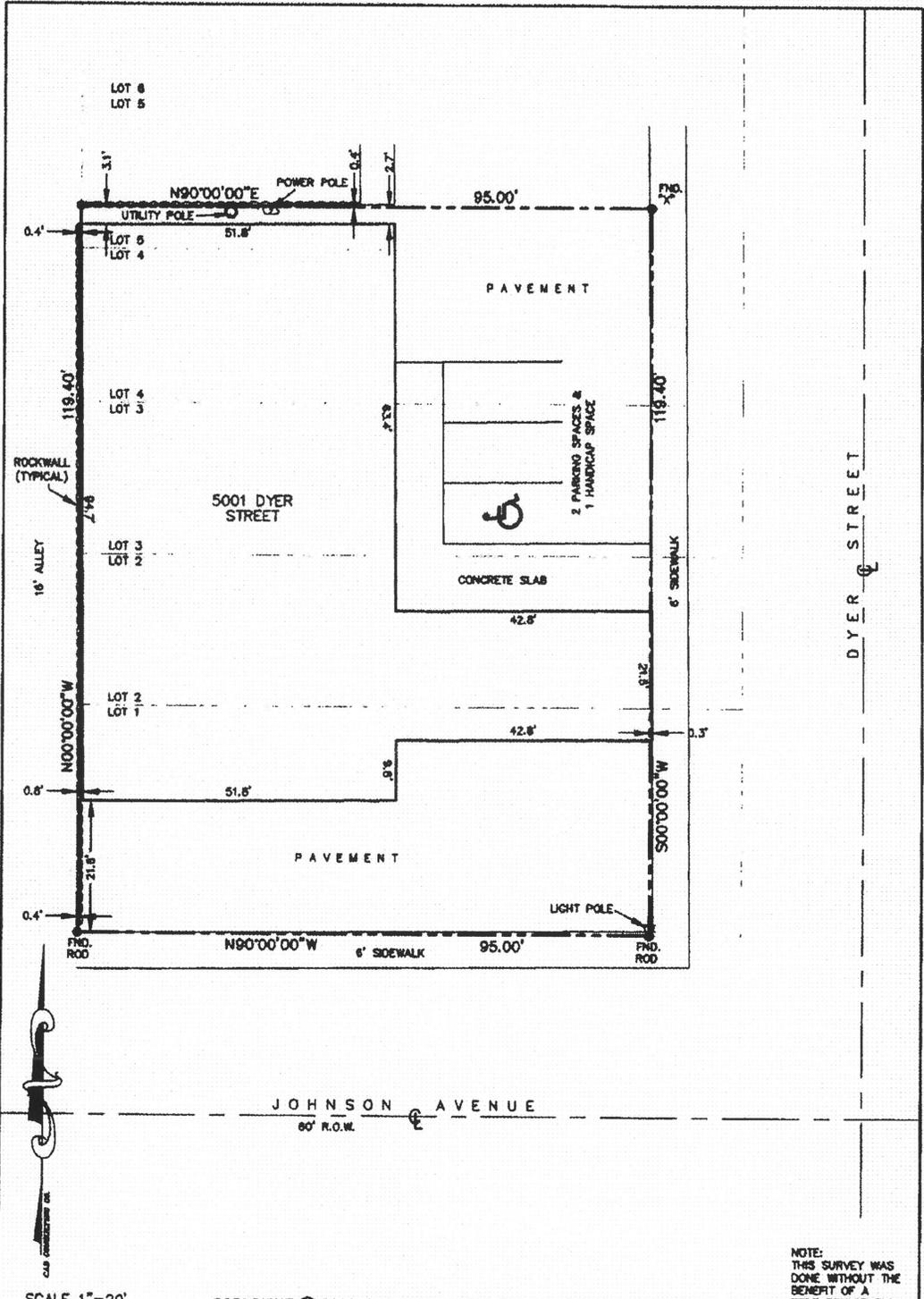
STAFF RECOMMENDATION

Staff recommendation is pending.

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; 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 El Paso City Code."



SCALE 1"=20'

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NOTE:
THIS SURVEY WAS
DONE WITHOUT THE
BENEFIT OF A
TITLE COMMITMENT.

CERTIFICATION
OF THE
STATE OF TEXAS

I HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN HEREIN.

3950

STARBUCK
SURVEYOR

CARLOS M. JIMENEZ
R.P.L.S. No. 3950

JOB # 12-0718 DATE: 03-23-12 FIELD: DG OFFICE: EA FILE: NET\ENRIQUE\2012\12-0718
LOCATED IN ZONE c PANEL # 480214-0034-B DATED 10-15-82
RECORDED IN VOLUME XX PAGE XX , PLAT RECORDS, EL PASO COUNTY, TX

5001 DYER STREET - THE WEST 95 FEET OF
LOTS 1 THROUGH 4, AND THE SOUTH 7 FEET
OF LOT 5, BLOCK 123, MORNINGSIDE HEIGHTS
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CD CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422

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Property

In Search List: 2 of 2 [< Prev](#) [Next >](#)

Name, Address and Property Information

Tax Year: 2012 [< Prev](#) [Next >](#)

Property ID: 300136 **Owner:** SCHEIBE EARL REALTY CORP (389354)

Geo ID: M79499912300900 **Address:** 225 BROADWAY # 18, SAN DIEGO, CA 92101-5005

Ref ID 1: M79412300900 **Situs:** 5001 DYER ST EL PASO, TX

Ref ID 2: **Legal:** 123 MORNINGSIDE HEIGHTS W 95 FT OF 1 TO 4 & S 7 FT OF 5 (11343 SQ FT)

[Search Results](#)
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Ownership History

- [Values](#)
- [Property Summary](#)
- [Land Detail](#)
- [Improvement Detail](#)
- [ARB Detail](#)
- [View Picture](#)
- [Special Info](#)
- [Building Permits](#)
- [Ag Rollback Info](#)
- [Shared/Overlap Acct](#)

Deed Type	Volume	Page	Doc Number	Recorded	Entered
UNK	0000	0000			01/03/1900
UNK	0761	0490			02/04/1977
UNK	1126	1522			10/01/1980
W	1927	1155			07/09/1987

- [History](#)
- [Ownership History](#)
- [Split/Merge History](#)
- [Supplement History](#)
- [Roll Value History](#)
- [Events](#)



06518

Prepared by the State Bar of Texas for use by lawyers only. Revised 1-1-76. Revised to include grantee's address (art. 6626, RCS) 1-1-82.

24089 -
87501280
~~105~~ 5.00

REFILED TO INCLUDE CORRECT LEGAL DESCRIPTION-BLOCK #

~~015444~~
WARRANTY DEED
018854

OK 24141-500

THE STATE OF TEXAS
COUNTY OF EL PASO

KNOW ALL MEN BY THESE PRESENTS:

That, I, M. L. STEWART

of the County of ~~HAYWARD~~ ^{ALAMEDA}

and State of CALIFORNIA

for and in

consideration of the sum of TEN (\$10.00)

DOLLARS

and other valuable consideration to the undersigned paid by the grantee which is hereby acknowledged,

herein named, the receipt of

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto EARL ~~SCHWEIB~~ ^{SCHWEIB} REALTY CORPORATION

of the County of EL PASO

and State of TEXAS

, all of

the following described real property in EL PASO County, Texas, to-wit:
The West 95 feet of Lots 1 through 6, inclusive, Block 123, MORNINGSIDE HIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas. More commonly known as 5001-5021 Dyer Street.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, his heirs and assigns forever; and I do hereby bind my heirs, executors and administrators to

WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

It is expressly agreed that any liens that would arise in favor of either party by operation of law, by reason of the exchange of property, shall not exist in favor of either party against the other, and any and all implied liens so arising are expressly waived and released by the parties hereto.

EXECUTED this 9th day of July

A.D. 19 87


M. L. STEWART

~~1927 1155~~
1933 0920 1823 1566

94-34206

GENERAL WARRANTY DEED
(Cash)

THE STATE OF TEXAS
COUNTY OF EL PASO

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

THAT THE UNDERSIGNED, EARL SCHEIB REALTY CORP., A California Corporation, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto ALBERT NABHAN, herein referred to as "Grantee", whether one or more, all Grantor's right, title and interest in and to the real property described as follows:

Self-off
BETTER

The West 95 feet of Lot 6 and the West 95 feet of the North 18 feet of Lot 5, Block 123, MORNINGSIDE HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 11, Page 33, Plat Records of El Paso County, Texas.

This conveyance, however, is made and accepted subject to any utility easements and prescriptive rights visible and apparent on the ground, rights of adjoining owners in yard party walls where situated on a common boundary line and all restrictions relating to the hereinabove described property as now reflected by the records of the County Clerk of El Paso County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor's heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 5th day of May, 1994.

EARL SCHEIB REALTY CORP.

Donald R. Scheib
BY: Donald R. Scheib,
TITLE: President

Grantee's Address:

10622 Morningwood, Suite H
El Paso, Texas 79935

2734/1184

THE STATE OF CALIFORNIA

§
§
§

COUNTY OF Los Angeles

This instrument was acknowledged before me on 5th day of May, 1994, by DONALD R. SCHEIB, of EARL SCHEIB REALTY CORP., a California corporation, on behalf of said corporation.

Teresita I. Alidio

NOTARY PUBLIC, STATE OF CALIFORNIA
PRINTED NAME OF NOTARY

TERESITA I. ALIDIO

MY COMMISSION EXPIRES:

March 8, 1996



Return to:

Albert Nabhan
10622 Montwood, Suite H
El Paso, Texas 79935

94-34206

FILED

MAY 19 1994

EL PASO COUNTY

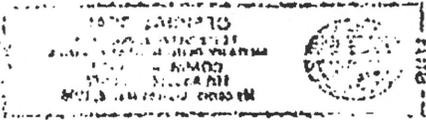
AT TESTIMONY HEREBY WHICH RESTRICTS THE SALE, LEASE, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS REVOKED AND UNENFORCEABLE UNDER FEDERAL LAW STATE OF TEXAS COUNTY OF EL PASO I hereby certify that this instrument was filed on the date and time stamped herein by me and was duly recorded in the volume and page of the Official Public Record of Real Property of El Paso County, Texas.

MAY 10 1994



El Paso County, Texas

H. C. [Signature]



ZONING MAP



NOTIFICATION MAP

