

Applicants request a Special Exception under Section 2.16.050 V (Front Yard Setback) in an R-3A (Light Density Residential) zone.

This would permit the construction of an 11'8" by 16'9" garage, a portion of which is proposed to encroach 5' into the required front yard setback.

The required cumulative front and rear yard setback total is 45' in an R-3A zone.

BACKGROUND

The applicants are requesting to add a garage proposed to be located to within 15' of the front property line. The ZBA granted the applicants a Special Exception to encroach into the rear yard setback on September 10, 2007.

CALCULATIONS

1/3 average lot width = 31.86' (95.60' ÷ 3)

Requested width of encroachment = 11'8"

Required front yard setback = 20'

Requested front yard setback = 15'

STAFF RECOMMENDATION

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

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

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

1. The total length all extensions granted shall not project into the required front yard a depth in excess of ten feet (10'), and
2. The total width of all extensions granted shall not exceed one-third of the average width of the site, and
3. The minimum side and side street yards shall not be reduced, and
4. A minimum of a ten foot (10') front setback from the property line shall be maintained, and
5. If the proposed modification is for an enclosed garage, a minimum twenty foot (20') driveway shall be required; and
6. Unless otherwise provided in this ordinance, all remaining areas of the required front yard shall be permanent open space; and
7. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.
8. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and
9. The public convenience and welfare will be substantially served; and
10. The use of neighboring property will not be substantially injured; and
11. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E., CBO
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



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STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
ZONING BOARD OF ADJUSTMENT
FORMAL DECISION
September 10, 2007

Stephen and Claire Rudderham

1034 Calle Fior Place

Legal Description: Lot 8, Block 4, Park Hills Unit One

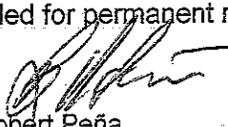
Case #ZBA07-00141: A Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-3A zone of the City of El Paso Zoning Ordinance. This permits the construction of a two-story addition of which a 25' by 15' portion is located to within 10' of the rear property line.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance at an Open Public Meeting on September 10, 2007. After due consideration of the facts presented, the Board **GRANTED** the Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-3A zone of the City of El Paso Zoning Ordinance.

The Board determined that this request **QUALIFIED** under the criteria of Section 2.16.050 G of the ordinance for the following reasons:

- The total of all extensions granted do not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum 10 foot rear yard setback is required.
- The total width of all extensions granted shall not exceed one-third of the average width of the site.
- The minimum side and side street yards shall not be reduced.
- The total floor area of all detached accessory structures existing or later constructed shall not exceed 120 square feet.
- Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space.
- The extensions do not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.
- The exception is in harmony with the spirit and purposes of Titles 2 and 20.
- The public convenience and welfare will be substantially served and the use of neighboring property will not be substantially injured.

Filed for permanent record the 10th day of September 2007, in the office of the Zoning Board of Adjustment.

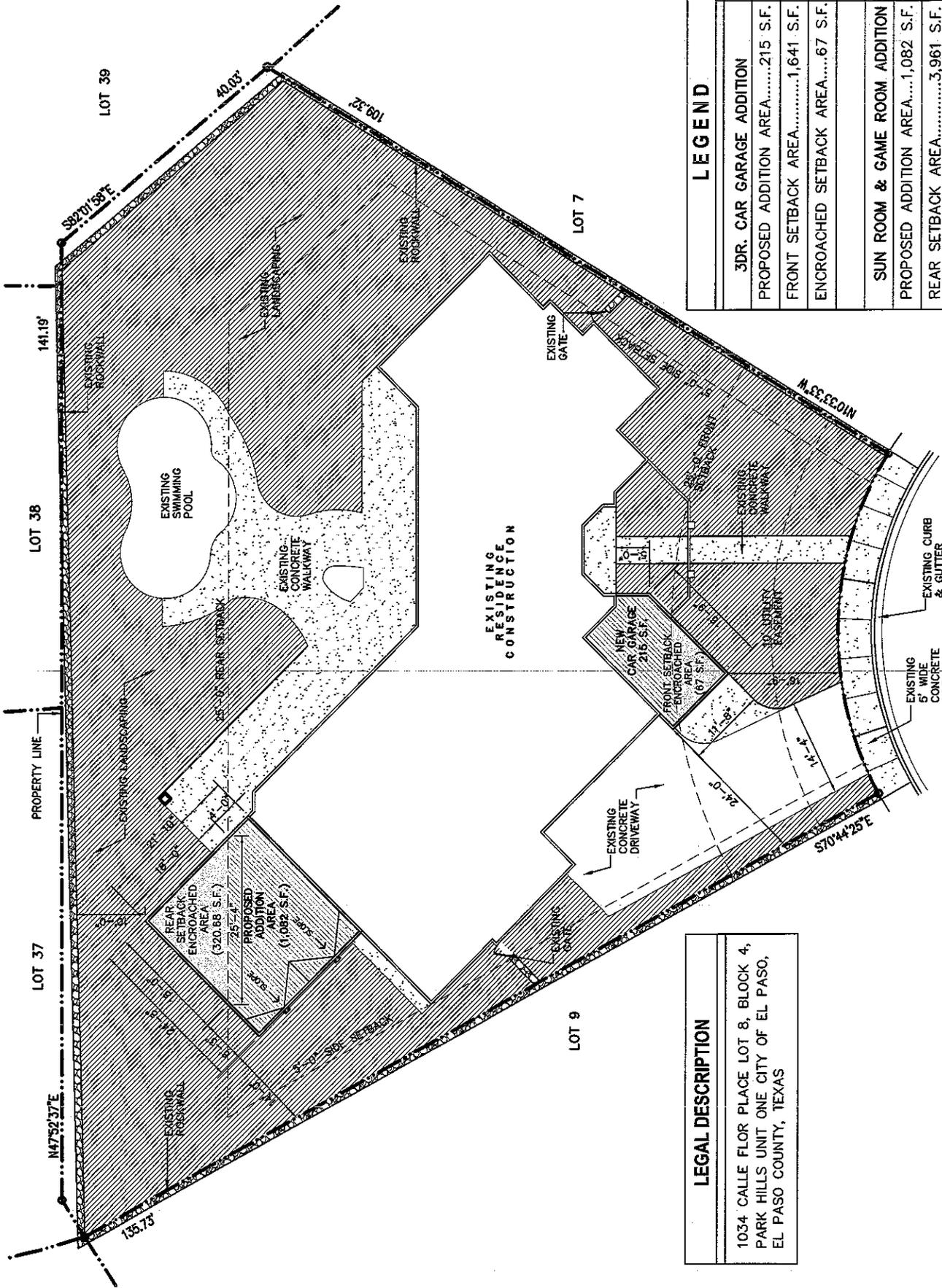

Robert Peña
Zoning Board of Adjustment Secretary

PLEASE NOTE: Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

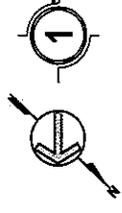
cc: Javier De La Cruz, Plans Examiner, Building Permits, and inspections Division
Environmental Services
File



LEGAL DESCRIPTION
 1034 CALLE FLOR PLACE LOT 8, BLOCK 4,
 PARK HILLS UNIT ONE CITY OF EL PASO,
 EL PASO COUNTY, TEXAS

LEGEND	
3DR. CAR GARAGE ADDITION	
PROPOSED ADDITION AREA.....	215 S.F.
FRONT SETBACK AREA.....	1,641 S.F. 100 %
ENCROACHED SETBACK AREA.....	67 S.F. 4.08 %
SUN ROOM & GAME ROOM ADDITION	
PROPOSED ADDITION AREA.....	1,082 S.F.
REAR SETBACK AREA.....	3,961 S.F. 100 %
ENCROACHED SETBACK AREA.....	320 S.F. 8.09 %
TOTAL ENCROACHED AREA.....	387 S.F. 12.17 %

OVERALL SITE PLAN



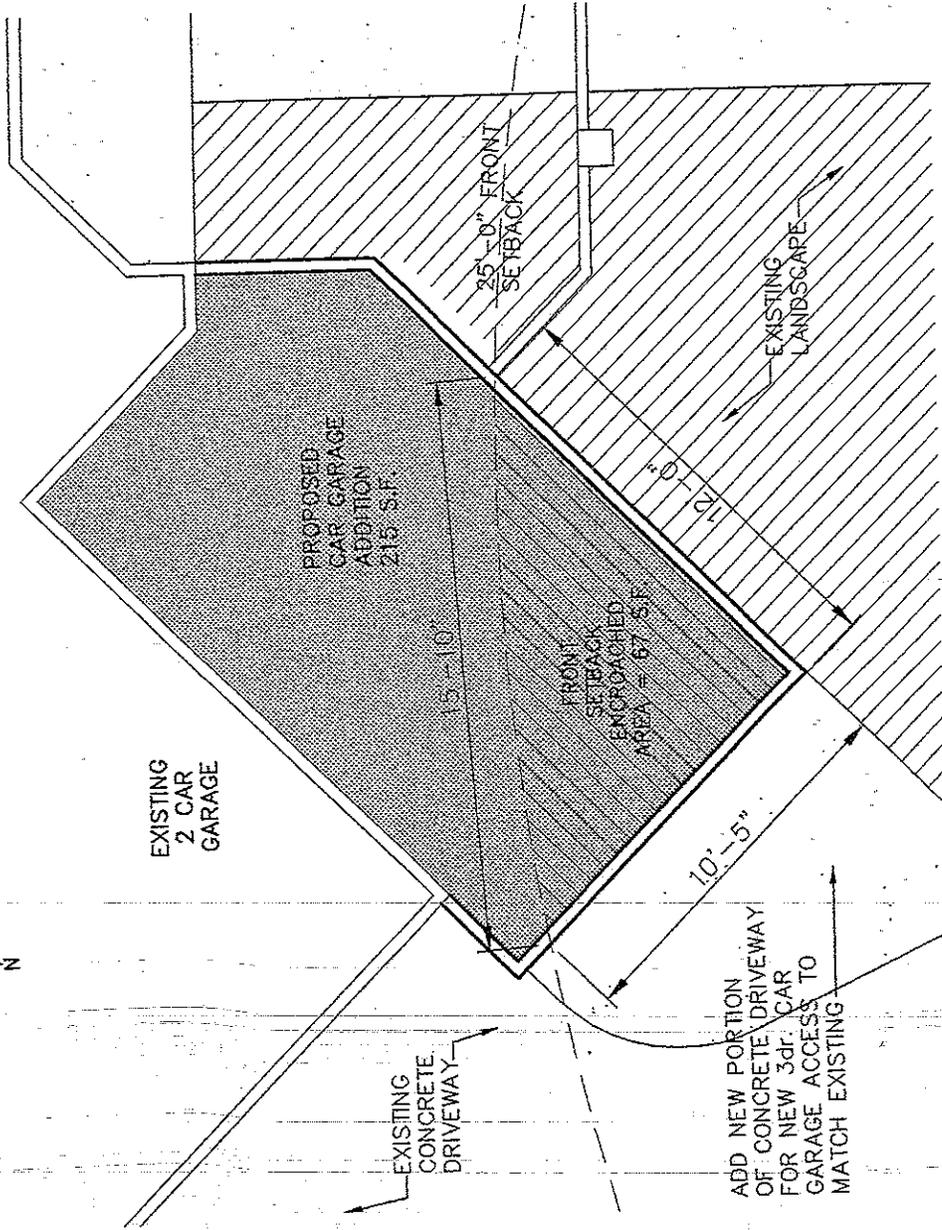
SCALE: 1"=20'-0"

(A)

FLOOR PLAN

SCALE: 1/4" = 1'-0"

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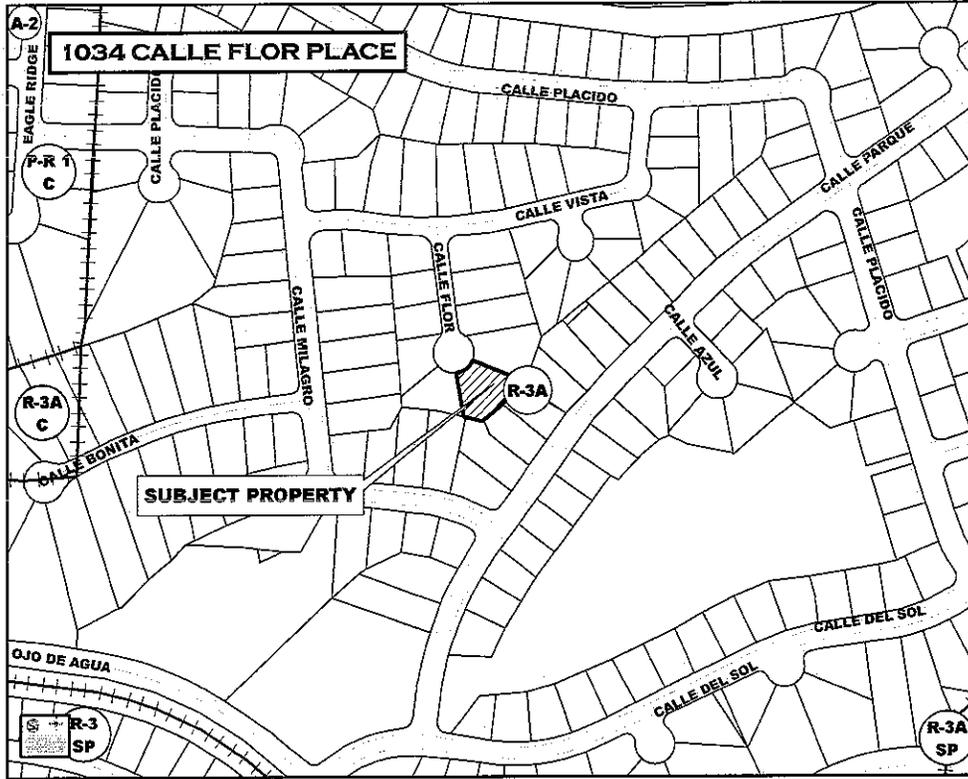
ENLARGED SITE PLAN

SCALE: 3/16" = 1'-0"

2



ZONING MAP



NOTIFICATION MAP

