

**Applicant requests a Variance (Front and Rear Yard Setbacks) from the requirements of Section 20.12.020, Table of Density and Dimensional Standards, R-5/c/sc/sp Zoning District, Building Setbacks, Single-family dwelling.**

This would permit the construction of a new residence that is proposed to encroach 4' into the required rear yard setback and 7 feet into the required front yard setback.

The required front yard setback is 20' and the required rear yard setback is 15' in this R-5/c/sc/sp (Light Density Residential/Conditions/Special Contract/Special Permit) zone.

**BACKGROUND**

The applicant is requesting a Variance from the front and rear yard setback requirements in order to build a new house on an irregularly shaped lot with reduced buildable area and with a lot depth that is less than the required 90 feet for a lot in the R-5/c/sc/sp zone. There is a Special Permit No. ZON06-00144 that granted a 15 foot rear yard setback for 11 lots in this subdivision. The footprint of the house is approximately 1,400 square feet.

**CALCULATIONS**

- Required front yard setback = 20'
- Requested front yard setback = 13'
- Required rear yard setback = 15'
- Requested rear yard setback = 11'

**STAFF RECOMMENDATION**

Staff recommends approval of the Variance because of the special condition of the irregular shape of the lot. Further, the condition is not self-imposed, and a literal enforcement of the setback requirements would result in an unnecessary hardship to the applicant. Approval of the Variance would be consistent with the public interest and with the spirit of the ordinance, and substantial justice would be served.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

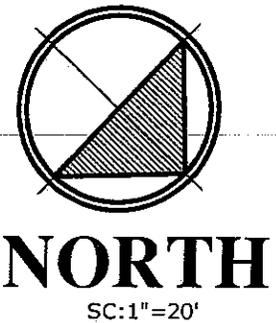
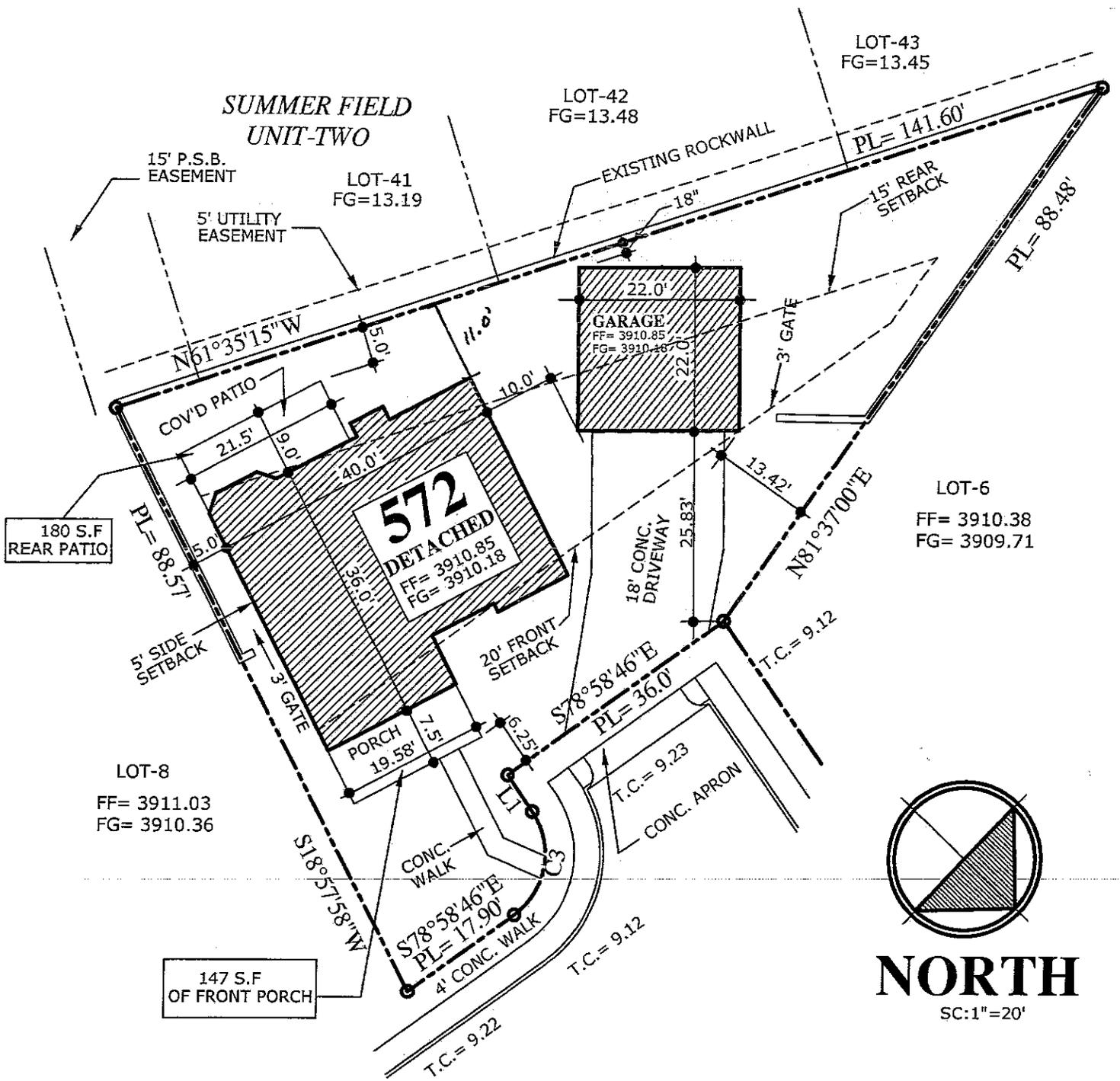
"Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."

**The following questions should be carefully considered in order to grant a variance:**

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

"Unnecessary hardship" is defined in Section 20.02.1128 of the El Paso Municipal Code:

*"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship which is self-imposed.*



# 9909 ANTONIA ARCO COURT

ROCKWALL	252 LF.
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CONCRETE DRIVEWAY/SIDEWALKS & APRON	982 S.F.
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LINE	BEARING	LENGTH
L1	S11 01'14"W	6.00'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C3	10.00'	15.71'	10.00'	14.14'	S56 01'14"W	90 00'00"



**FRANKLIN VILLAGE  
 UNIT-TWO  
 LOT-7 BLOCK-1  
 CITY OF EL PASO,  
 EL PASO COUNTY, TEXAS**

# FRANKLIN VILLAGE UNIT TWO

BEING A REPLAT OF PORTION OF TRACT 210,  
SOUTH PARKLAND ADDITION,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS  
CONTAINING 2.166 ACRES

## DEDICATION

STATE OF TEXAS  
COUNTY OF EL PASO

I, the undersigned, being of legal age, hereby present this plat to the public for the purpose of dedicating to the public the streets, alleys, easements, and other public uses shown on this plat, and I hereby certify that the same are not subject to any liens, mortgages, or other encumbrances, and that the same are not subject to any other claims or interests of any person or persons, and that the same are not subject to any other claims or interests of any person or persons, and that the same are not subject to any other claims or interests of any person or persons.

## ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF EL PASO

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Notary Public in and for the State of Texas,  
My Commission Expires \_\_\_\_\_

## CITY PLAN COMMISSION

The Commission is hereby advised that the applicant has filed with the City Engineer a copy of this plat and that the same has been approved by the City Engineer and that the same is hereby approved by the Commission.

Approved for the City of El Paso, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

## FILING

This plat was recorded in the office of the County Clerk of El Paso County, Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D., at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

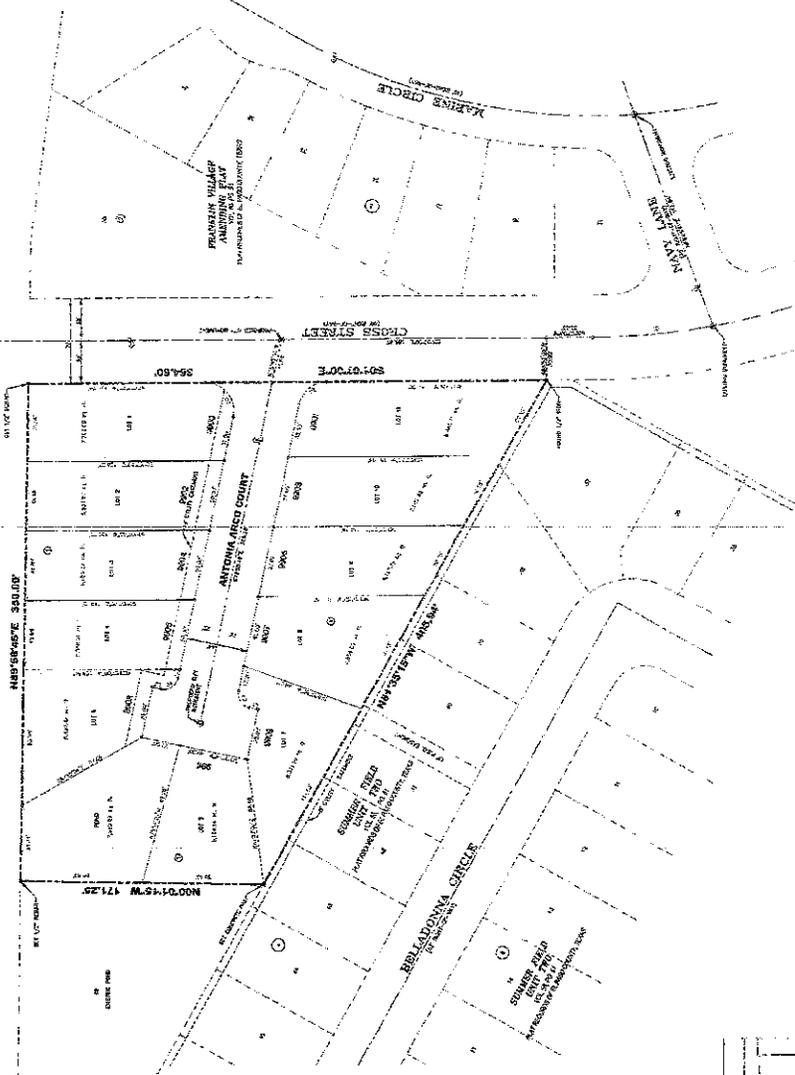
Notary Public in and for the State of Texas,  
My Commission Expires \_\_\_\_\_

## CERTIFICATION

This plat represents a true and correct copy of the original plat as filed in the office of the County Clerk of El Paso County, Texas, and that the same has been approved by the City Engineer and that the same is hereby approved by the Commission.

Approved for the City of El Paso, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

TRANS-MOUNTAIN ROAD  
1/2000' (AS SHOWN)



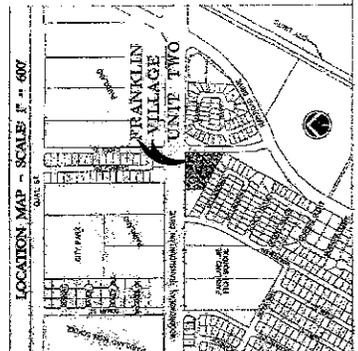
Lot No.	Area (Acres)	Area (Sq. Ft.)
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2	0.100	6,912.00
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100	0.100	6,912.00

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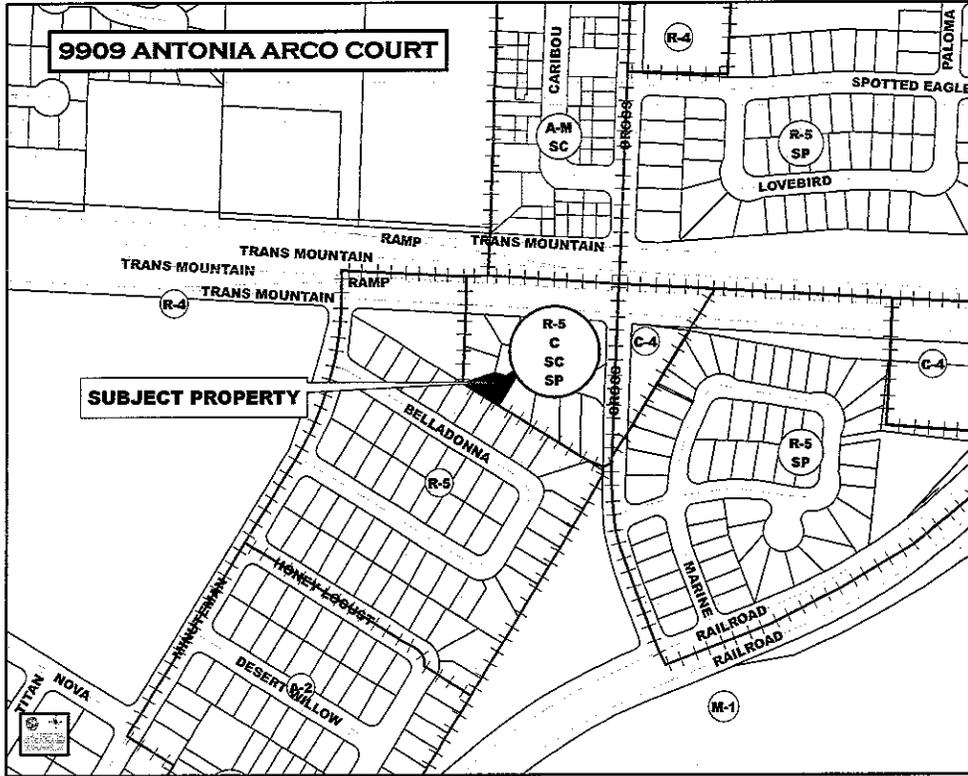
ATCON  
Engineering & Surveying  
10300 PELLICANO LARCE SPACE F  
El Paso Texas, 79905  
Ph: (915) 562-8878 (915) 562-2544



- NOTES:
1. ALL LOT DOCUMENTS ARE OF THE SAME OR SIMILAR DATE.
  2. THE PROPERTY HAS BEEN REDEVELOPED SINCE THE ORIGINAL SURVEY.
  3. THE ORIGINAL SURVEY WAS MADE BY THE CITY OF EL PASO.
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# ZONING MAP



# NOTIFICATION MAP

