

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

This would permit the construction of a 26'4" by 13' portion of an addition that is proposed to encroach 13 feet into the required rear yard setback.

The required front and rear side yard setback is 50' in an R-3 (Light Density Residential) zone.

BACKGROUND

The applicant was previously approved for a Special Exception to encroach in the rear yard setback on March 10, 2008, but he did not apply for a building permit within one year and the Special Exception expired. The applicant is still proposing a 26'4" wide addition to his house that is proposed to be located to within 10'8" of the rear property line in order to expand the living room, family room and bedrooms. The addition in the side street yard and the carport over the new driveway are within the buildable area and are not part of this request.

CALCULATIONS

1/3 average lot width = 37.83' (113.49 ÷ 3)

Requested width of encroachment = 26'4"

Required rear yard setback = 25'

Requested rear yard setback = 10'8"

STAFF RECOMMENDATION

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

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, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit."

PROJECT DATA

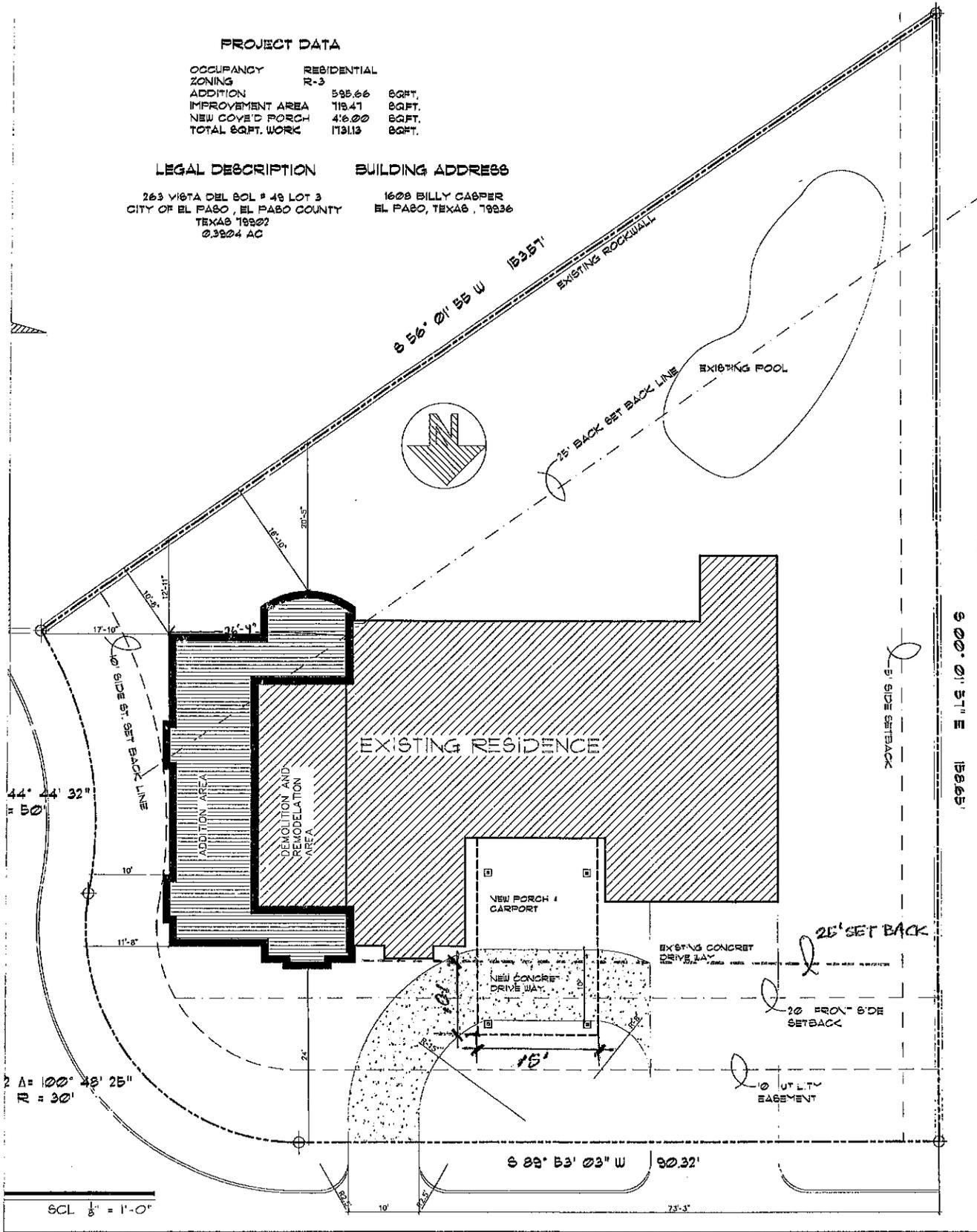
OCCUPANCY RESIDENTIAL
 ZONING R-3
 ADDITION 595.66 SQFT.
 IMPROVEMENT AREA 115.41 SQFT.
 NEW COVERED PORCH 416.00 SQFT.
 TOTAL SQFT. WORK 1131.3 SQFT.

LEGAL DESCRIPTION

263 VISTA DEL SOL # 48 LOT 3
 CITY OF EL PASO, EL PASO COUNTY
 TEXAS 79902
 0.3904 AC

BUILDING ADDRESS

1608 BILLY CASPER
 EL PASO, TEXAS, 79936



REVISIONS:	
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Δ	
Δ	
Δ	

LEGAL DESCRIPTION
 263 VISTA DEL SOL # 48 LOT 3
 CITY OF EL PASO, EL PASO
 COUNTY TEXAS 79902
 0.3904 AC

RESIDENTIAL ADDITION
 IMPROVEMENT & ADDITION
 FOR: DOMINGUEZ FAMILY
 ADDRESS: 1608 BILLY CASPER
 EL PASO, TEXAS 79936

DESIGN & DRAFTING
 5515 N. Stanton 15-1
 915-537-4687

SHEET TITLE
 FRATING ROOF PLAN
 ROOF PLAN

Date:
 MAY 2008

Scale:
 As Noted

Project No:
 0033-03

Sheet No:
A-1



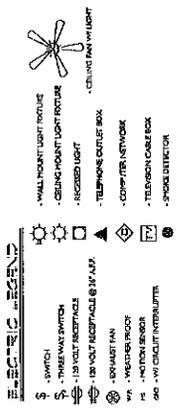
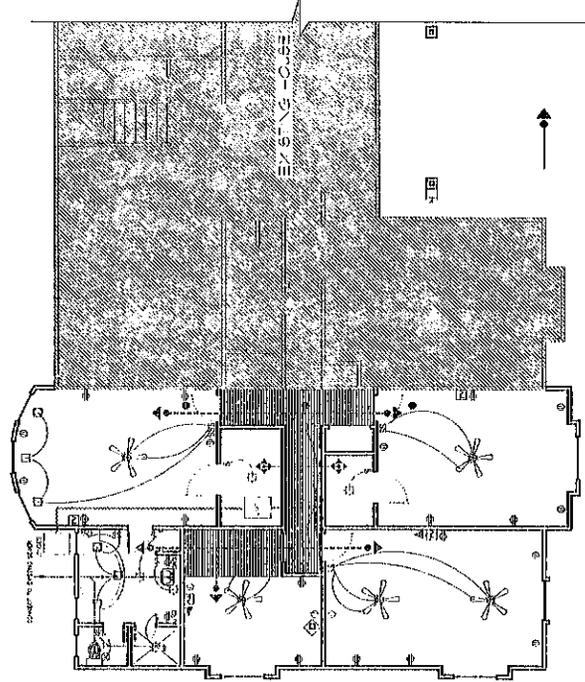
ARCHITECT
 NAME
 ADDRESS
 CITY
 STATE
 ZIP

SHEET TITLE
 PROJECT NO.
 DATE

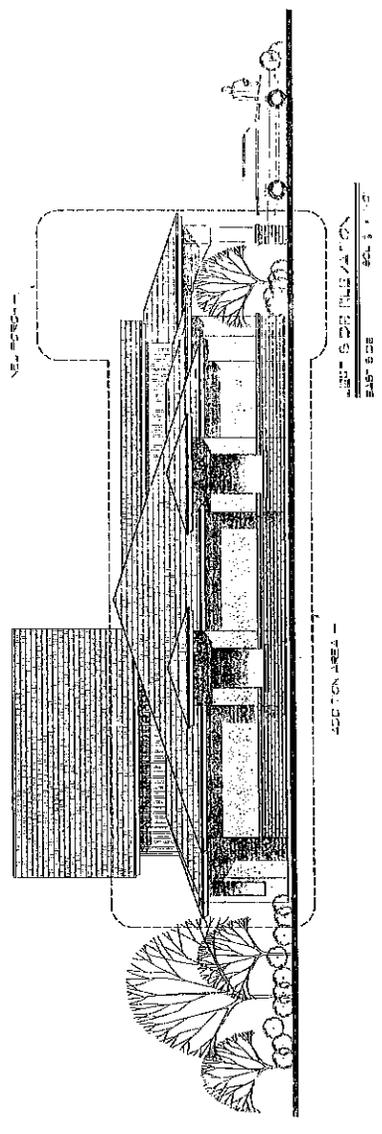
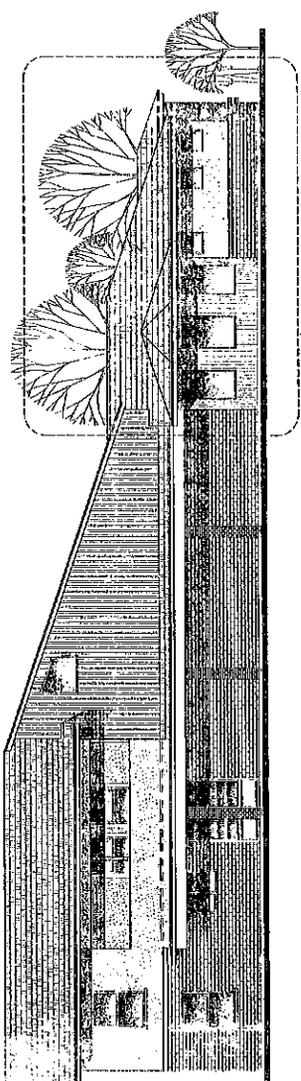
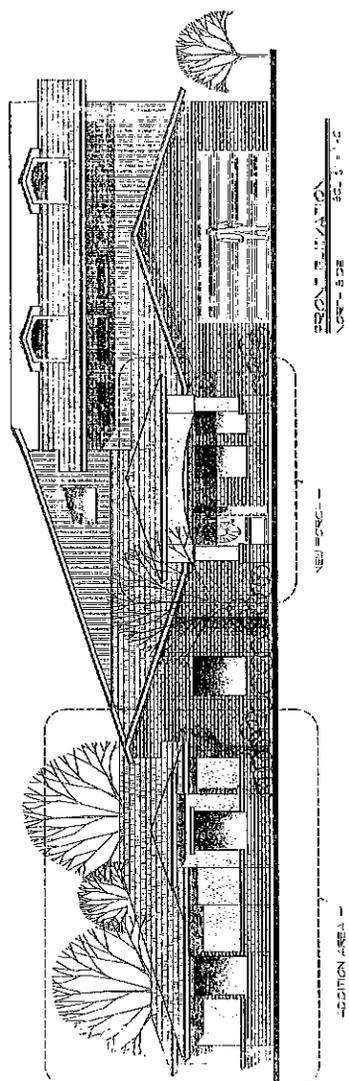
IMPROVEMENT & ADDITION
 FOR DOMINGUEZ FAMILY
 1608 ELLY CAMPER
 EL PASO, TEXAS 79926

LEGAL DESCRIPTION
 223 ACRA DEL SOL # 49123
 CITY OF EL PASO, EL PASO
 COUNTY TEXAS 79902
 OSBORN # 20

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NOTES:
 1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE CITY OF EL PASO ELECTRICAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF EL PASO.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL NEIGHBORHOODS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL RESOURCES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORICAL MONUMENTS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CULTURAL RESOURCES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SCIENTIFIC RESOURCES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ARCHAEOLGICAL RESOURCES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORIC DISTRICTS.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL LANDMARKS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL MONUMENTS.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL MEMORIALS.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL STATUES.
 16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL FOUNTAINS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL GARDENS.
 18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES.
 19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL PLANTS.
 20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ANIMALS.
 21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIRDS.
 22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL INSECTS.
 23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL MICROORGANISMS.
 24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ECOSYSTEMS.
 25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.
 26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.
 27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.
 28. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.
 29. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.
 30. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BIOSPHERES.



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

PATRICIA D. ADAUTO
DEPUTY CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
ZONING BOARD OF ADJUSTMENT
FORMAL DECISION
March 10, 2008

Andy and Monica Dominguez
1608 Billy Casper Drive
Legal Description: Lot 3, Block 263, Vista Del Sol Unit 49

Case# ZBA08-00016: The applicants requested a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-3 (Residential) zone of the City of El Paso Zoning Ordinance. This permits the construction of a 27' by 17' addition encroaching 14' into the required rear yard setback. Cumulative front and rear yard setbacks of 50' are required in an R-3 (Residential) zone of the City of El Paso Zoning Ordinance.

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 at an Open Public Meeting on March 10, 2008, the Board **APPROVED** the Special Exception under Section 2.16.050G (Rear Yard Setback) in an R-3 (Residential) 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 yards 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 March 2008, in the office of the Zoning Board of Adjustment.

Robert Peña
Zoning Board of Adjustment Secretary

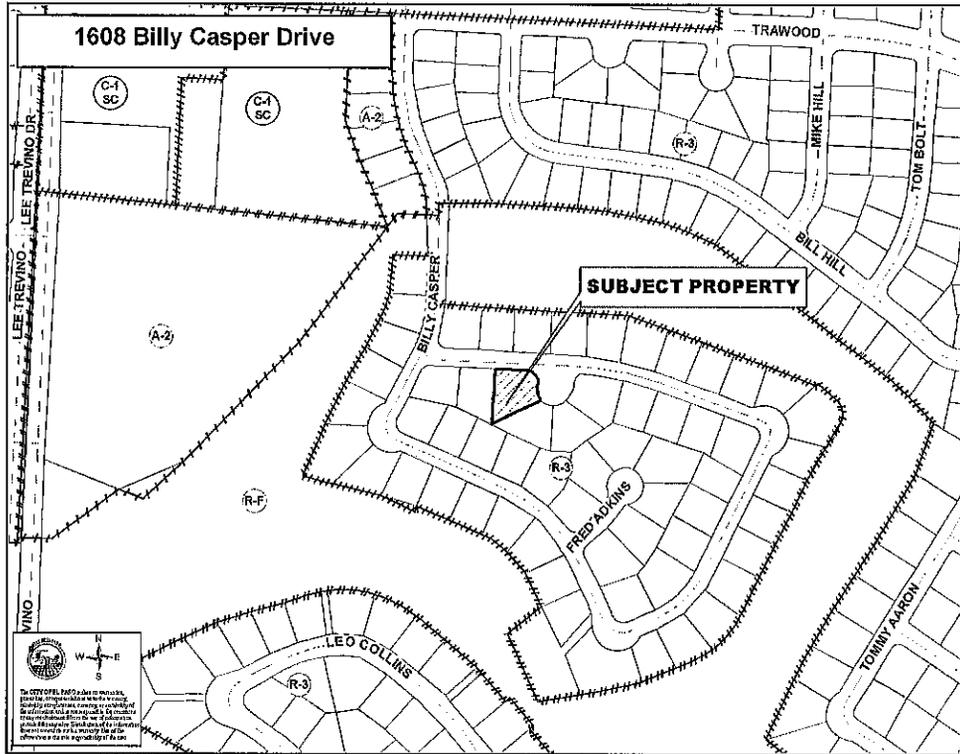
PLEASE NOTE: Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

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

ZONING MAP



NOTIFICATION MAP

