

Applicant request a Special Exception under Section 2.16.050 G (Builder Error, Left Side Setback) in an R-5 (Residential) zone.

This would allow an existing residential structure which encroaches 7 inches into the required side yard setback and is located to within 4.3 feet of the south side property line.

The required side yard setback is 5 feet in the R-5 zone district.

BACKGROUND

This request for the builder error is Joseph Homes' first request in the last 12 months and is the fourth request to the ZBA for the builder error special exception in the past 12 months. The applicant has submitted a letter stating the error was unintentional.

The Planning Division has not received any communications in support or opposition to the special exception request.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.3'

STAFF RECOMMENDATION

Staff recommends approval with a condition of the request as it meets the requirements of the Special Exception G.

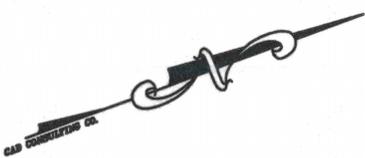
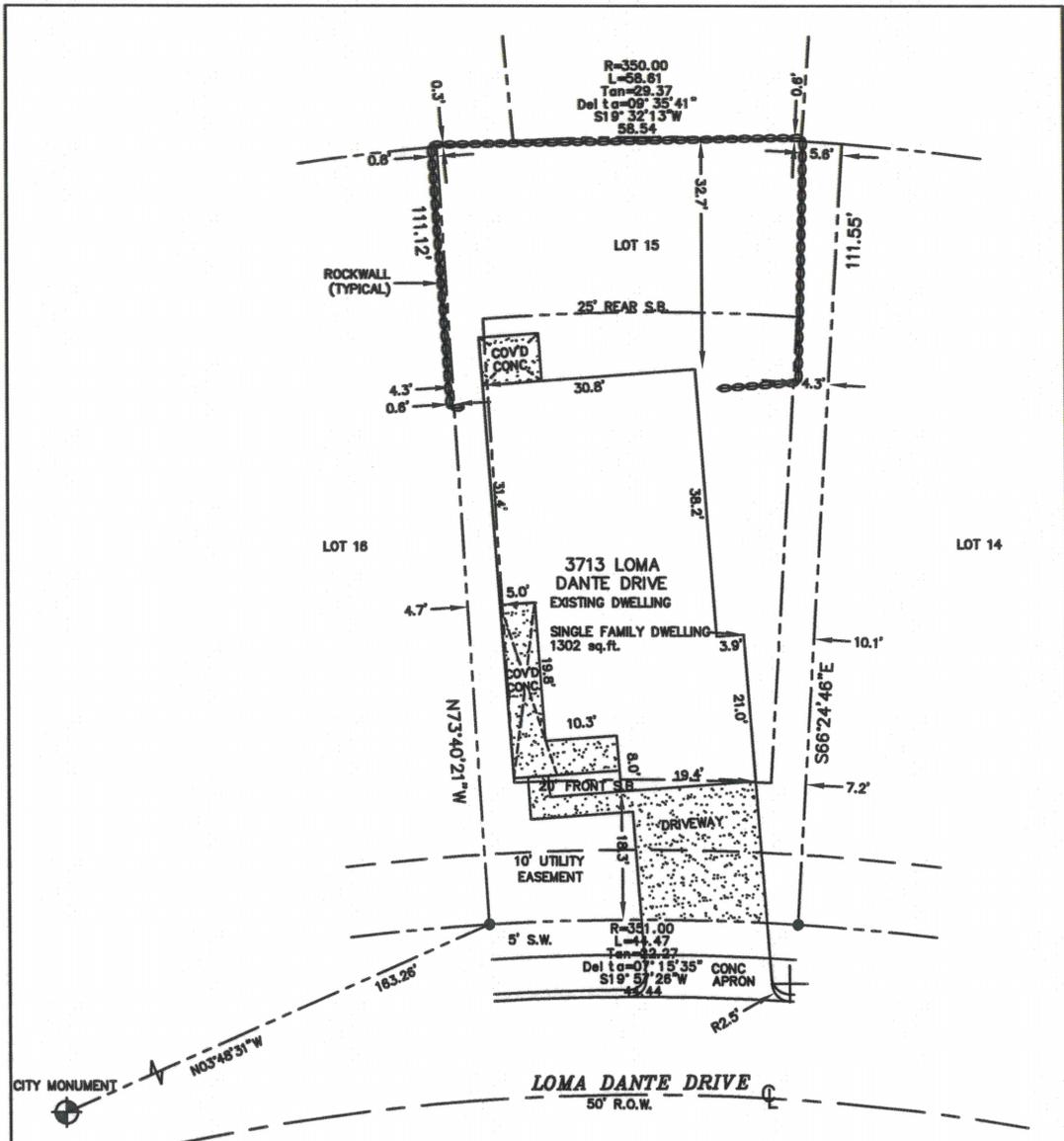
Condition as follows:

The south wall of the building shall be one-hour fire rated.

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;
2. Neither the applicant nor the current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
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.”



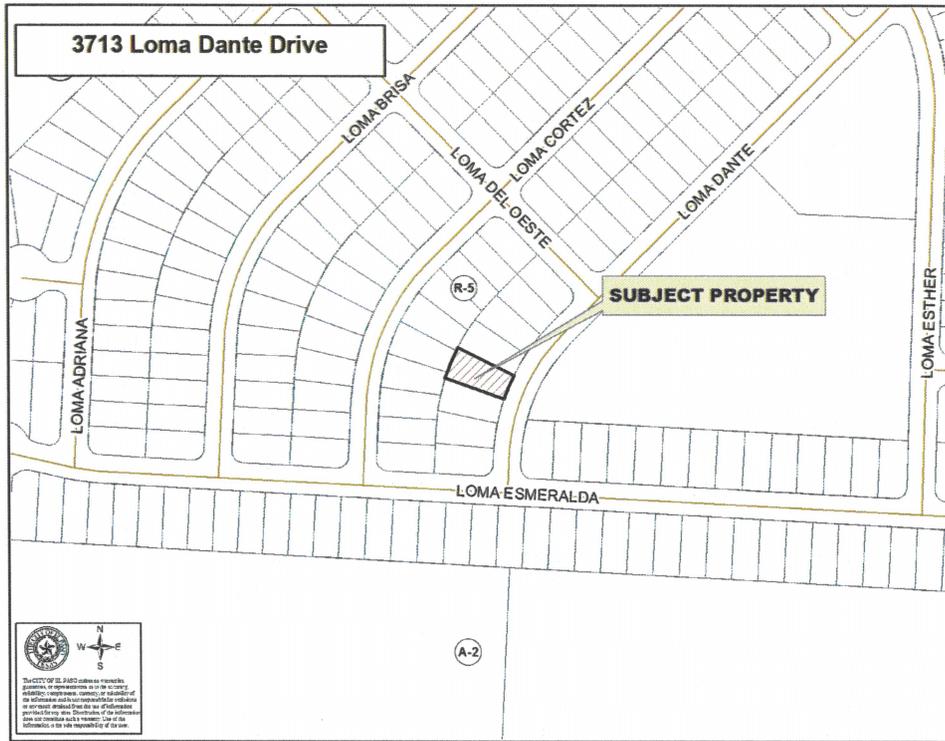
SCALE 1"=20'

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

CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON. <hr/> CARLOS M. JIMENEZ R.P.L.S. No. 3950	JOB # 15-1136 DATE: 05-14-15 FIELD: DG OFFICE: JR FILE: NET:\JORGE\2015\15-1136
	LOCATED IN ZONE C PANEL # 480214-0046-B DATED 10-15-82
	CLERK'S NO. 20130092950 , REAL PROPERTY RECORDS, EL PASO COUNTY, TX
	3713 LOMA DANTE DRIVE LOT 15, BLOCK 9 LOMAS DEL ESTE SUBDIVISION CITY OF EL PASO, EL PASO COUNTY, TEXAS
	 CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422

ZONING MAP



NOTIFICATION MAP

