

Applicants request Special Exceptions under Sections 2.16.050 G (Rear Yard Setback) and V (Front Yard Setback) in an R-1/sp (Light Density Residential/Special Permit) zone.

This would permit the construction of a new residence of which a 42' by 30' portion is proposed to encroach 30' into the required rear yard setback. This would also permit a 42' by 10' portion that is proposed to encroach 10' into the required front yard setback.

The required cumulative front and rear yard setback total is 100' in an R-1/sp zone.

BACKGROUND

The applicant submitted an application to the ZBA on April 17, 2008, and is requesting the Special Exceptions G and V under the ZBA Ordinance existing on that date for the construction of a new residence that encroaches in the front and rear yard setbacks. At the May 19, 2008, meeting the Board postponed the case to the meeting of June 9, 2008, to allow the applicant to submit a finalized site plan. The applicant has submitted a revised site plan.

NOTE: The ZBA Ordinance adopted by El Paso City Council on May 13, 2008, restricts new home construction from qualifying for the special exceptions to encroach into the front and rear yard setbacks; however, the applicant submitted his application to the ZBA on April 17, 2008, under the prior ZBA Ordinance.

CALCULATIONS

- 1/3 average lot width = 42.77' (128.31 ÷ 3)
- Requested width of encroachments, front and rear = 42'
- Required rear yard setback = 50'
- Requested rear yard setback = 20'
- Required front yard setback = 50'
- Requested front yard setback = 40'

STAFF RECOMMENDATION

Staff recommends denial of the request for the Special Exceptions because new houses should be built within the setback requirements of the zone in which they are located.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G 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 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 10 foot rear yard setback shall be required;
2. The total width of all extensions granted shall not exceed one-third of the average width of the site;
3. The minimum side and side street yards shall not be reduced;
4. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred and twenty square feet;
5. Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space;
6. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site;
7. 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;
8. The public convenience and welfare will be substantially served;
9. The use of neighboring property will not be substantially injured; and
10. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

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.”

AVAILABLE AREA FOR ON SITE PONDING

480 SF EXTENDED REAR AREA
 743 SF TOTAL AREA AVAILABLE
 1207234 SF LOT SIZE
 #1751032 SF 1007 PMH#

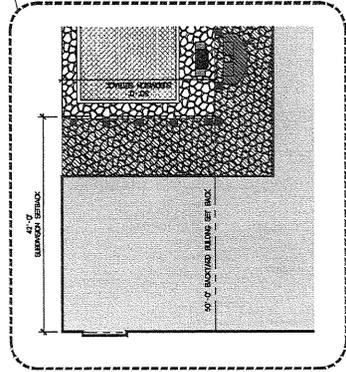
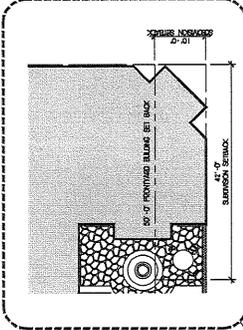
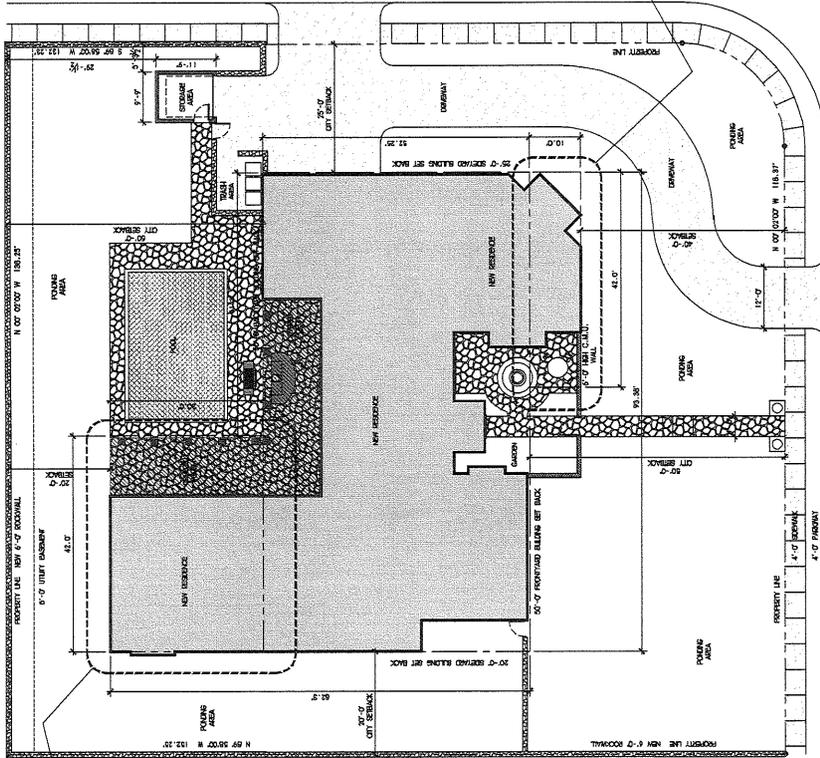
PROJECT DATA

CONTRACTOR: MRS. S. BASKIN, 5000 W. 10TH ST., PASADENA, TX 77478
 LEGAL DESCRIPTION: LOT 7, BLOCK 6, EMBALDO VALLEY SUBDIVISION, COUNTY, TEXAS
 COMPANY TYPE: RESIDENTIAL
 SETBACKS: FRONT YARD: 25 FT.
 SIDE YARD: 5 FT.
 REAR YARD: 5 FT.
 ADJUTING STREET: 50 FT.
 REAR YARD: 5 FT.
 RESURFACE: ASPHALT DRIVEWAY
 TOTAL: 480 SF
 DRIVEWAY: 778 SF
 PORCHES: 507 SF
 TOTAL: 1207 SF

CGNDDESIGNS
 697 N. MEASSTERS BLVD. EL PASO, TEXAS 79912
 TEL: 915.801.3748 FAX: 915.801.1588

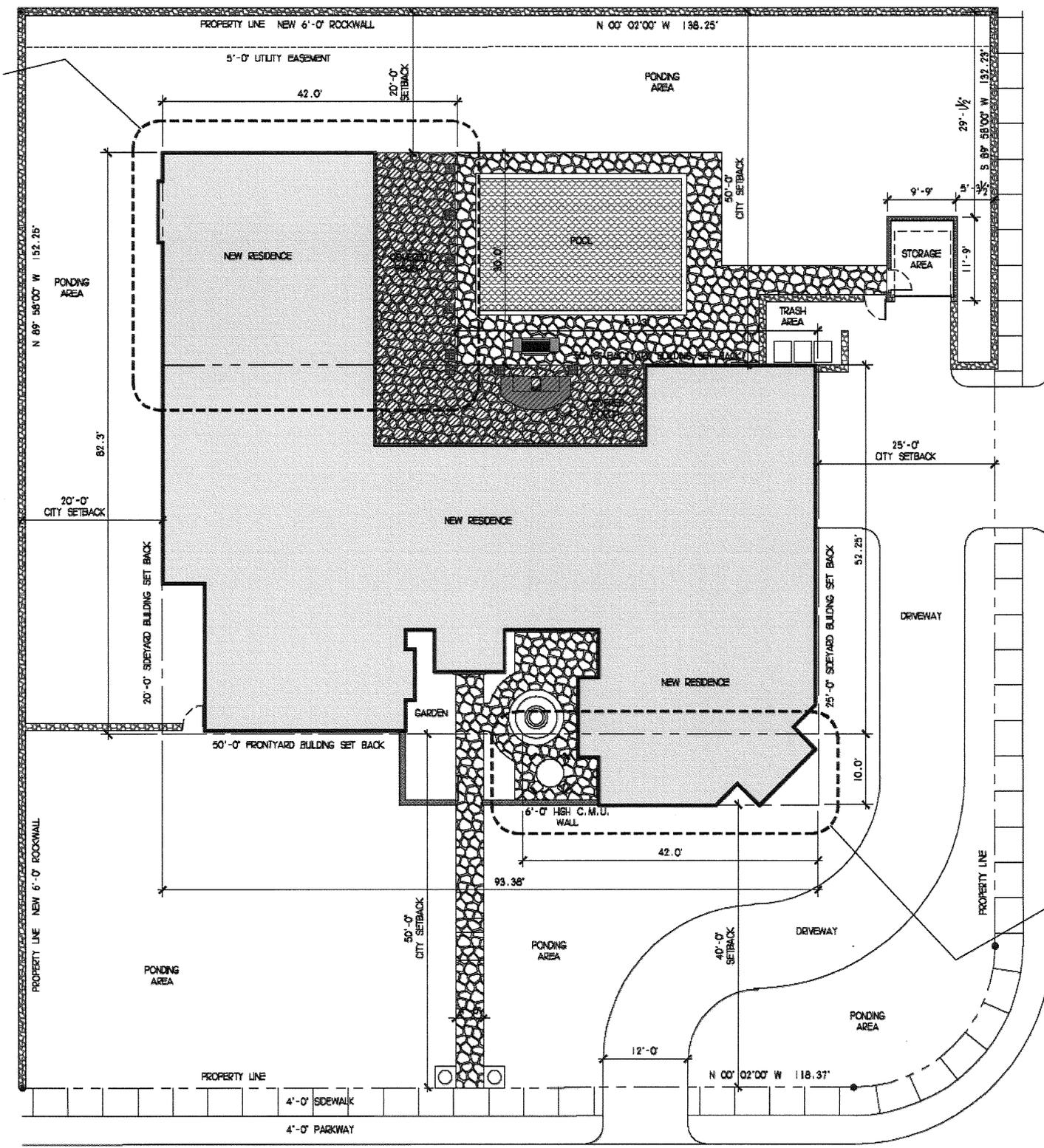
CITY PERMIT SET
 NEW RESIDENCE FOR
 DR. & MRS. BASKIN

SHEET NO. 1
 DATE: 08/15/2011
 PROJECT DATA
 SHEET NUMBER: 1
 SHEET TOTAL: 1
 A001



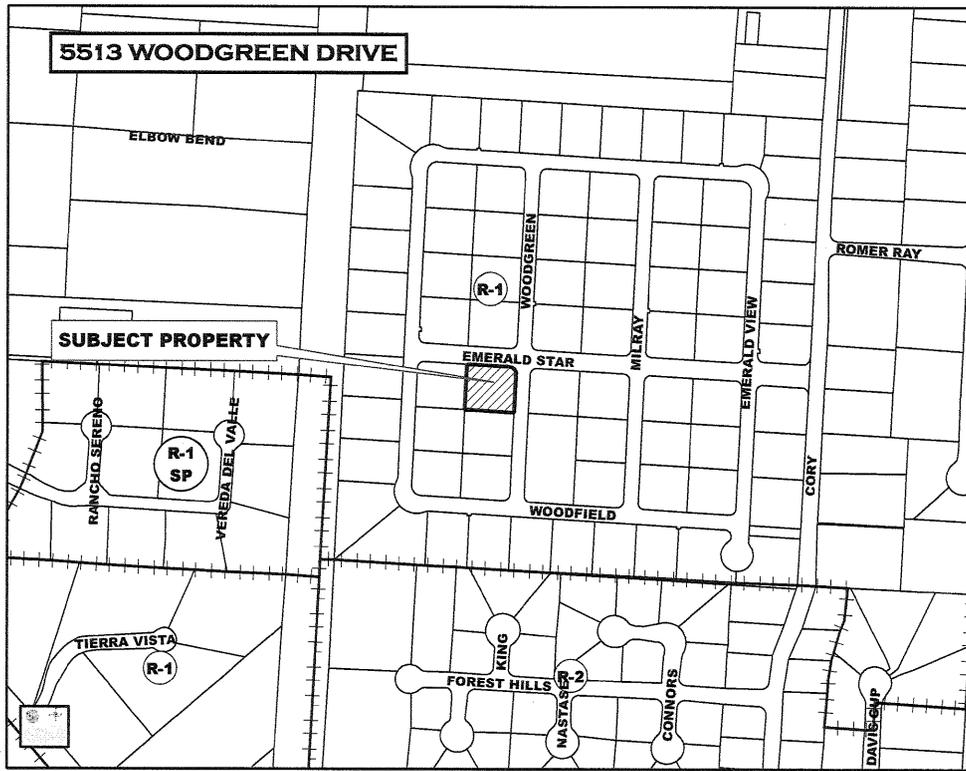
SITE PLAN
 SCALE: 1" = 10'-0"
 1/8" = 1'-0"

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5513 Woodgreen Drive

ZONING MAP



NOTIFICATION MAP

