

Applicant requests Variances (Front and Rear Yard Setbacks, Accessory Building Location) from the requirements of Section 20.12.020, Table of Density and Dimensional Standards, R-5 Zoning District, Building Setbacks, Single-family dwelling, and from Section 20.10.030 A.3., Accessory Buildings & Structures.

This would permit the construction of a new residence that is proposed to encroach 4 feet into the required rear yard setback and 7 feet into the required front yard setback. This would also permit an accessory building proposed to be located 20 feet from the front property line.

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. Further, accessory buildings are required to be located 60 feet from the front property line.

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 the 11 lots in this subdivision. The footprint of the house is approximately 1,400 square feet. The applicant is also requesting a Variance for a garage that is proposed to be detached from the house in order to meet the 20 foot driveway length requirement and proposed to be located 25 feet from the front property line.

CALCULATIONS

- Required front yard setback = 20'
- Requested front yard setback = 13'
- Required rear yard setback = 15'
- Requested rear yard setback = 11'
- Required location of accessory building = 60' from front property line
- Requested location of accessory building = 20' from front property line

STAFF RECOMMENDATION

Staff recommends approval of the requests for the Variances 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 and accessory building location requirement 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."

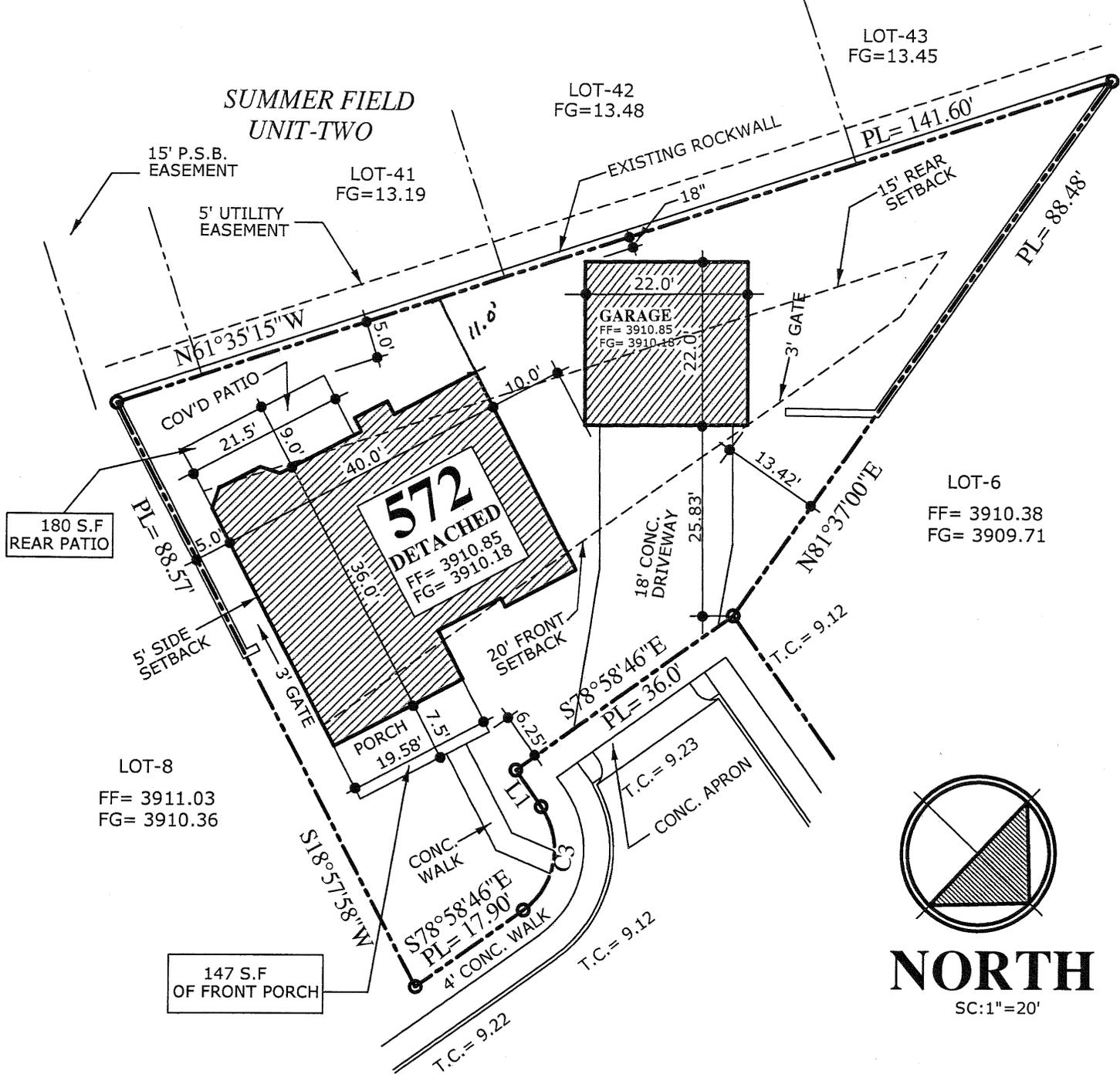
The following questions should be carefully considered in order to grant a variance:

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.

APPENDIX A: Findings – Variances

INQUIRY	FINDINGS
<p>Is the request for a variance owing to special condition inherent in the property itself?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The property is/has ... (e.g., odd-shaped, unusual topography, etc.)</p>
<p>Is the condition one unique to the property requesting the variance?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The condition is unique to this property.</p>
<p>Is the condition self-imposed or self-created?</p> <p>If yes, STOP If no, PROCEED</p> <p style="text-align: center;">↓</p>	<p>The condition necessitating the request was not created by the property owner.</p>
<p>Will the literal enforcement of the zoning ordinance result in an unnecessary hardship?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.</p>
<p>Will the hardship prevent any reasonable use whatsoever?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>Without the grant of the requested variance, the property owner would be deprived of the right to use his property. Financial considerations alone cannot satisfy this requirement.</p>
<p>Would the grant of the variance be contrary to public interest?</p> <p>If yes, STOP If no, CONTINUE</p> <p style="text-align: center;">↓</p>	
<p>Is the request within the spirit of the ordinance and does it further substantial justice?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	



9909 ANTONIA ARCO COURT

ROCKWALL	252 LF.
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CONCRETE	982 S.F.
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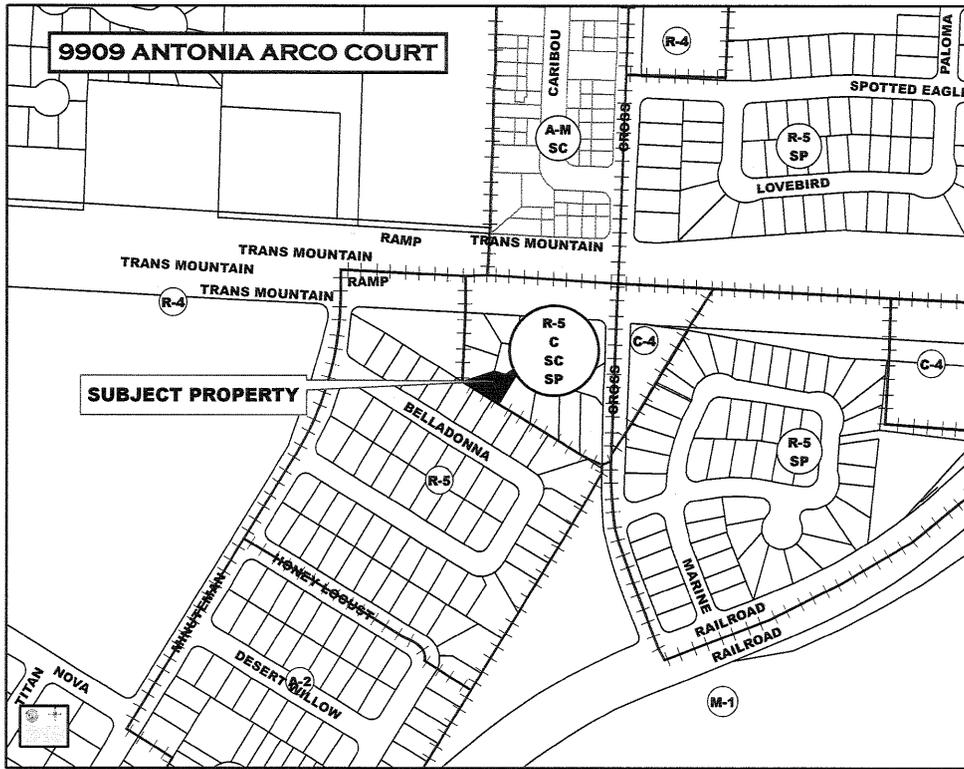
LINE	BEARING	LENGTH
L1	S11 01'14\"W	6.00'

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

ZONING MAP



NOTIFICATION MAP

