

Applicant requests Special Exceptions under Section 2.16.050 G (Rear Yard Setback) and Section 2.16.050 V (Front Yard Setback) in an R-1/sp zone.

This would permit the construction of a new residence of which a 21'-7½" by 14' portion is proposed to encroach 14' into the rear yard setback and a 24' by 39' portion is proposed to encroach 39' into the rear yard setback. This would also permit a 29'-4½" by 10' portion that is proposed to encroach 10' into the required front yard setback; a 13' by 4' portion that is proposed to encroach 4' into the required front yard setback; and, a 6'-6½" by 4' portion that is proposed to encroach 4' 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 is requesting the Special Exceptions for portions of a new residence that are proposed to encroach into the required front and rear yard setbacks.

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 May 12, 2008, under the prior ZBA Ordinance.

CALCULATIONS

1/3 average lot width = 48.98' (146.94' ÷ 3)

Total requested width of encroachment in rear yard = 45'-7½"

Total requested width of encroachment in front yard = 48'11" (48.92')

Required rear yard setback = 50'

Requested rear yard setback = 11'

Required front yard setback = 50'

Requested front yard setback = 40'

STAFF RECOMMENDATION

Staff recommends denial of the request because new houses should be built within the setbacks 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.”

REVISIONS

PROJECT NUMBER: 2144
 DATE: 05/12/08
 PROJECT NAME: A NEW RESIDENCE FOR SONNY VAN HASELEN

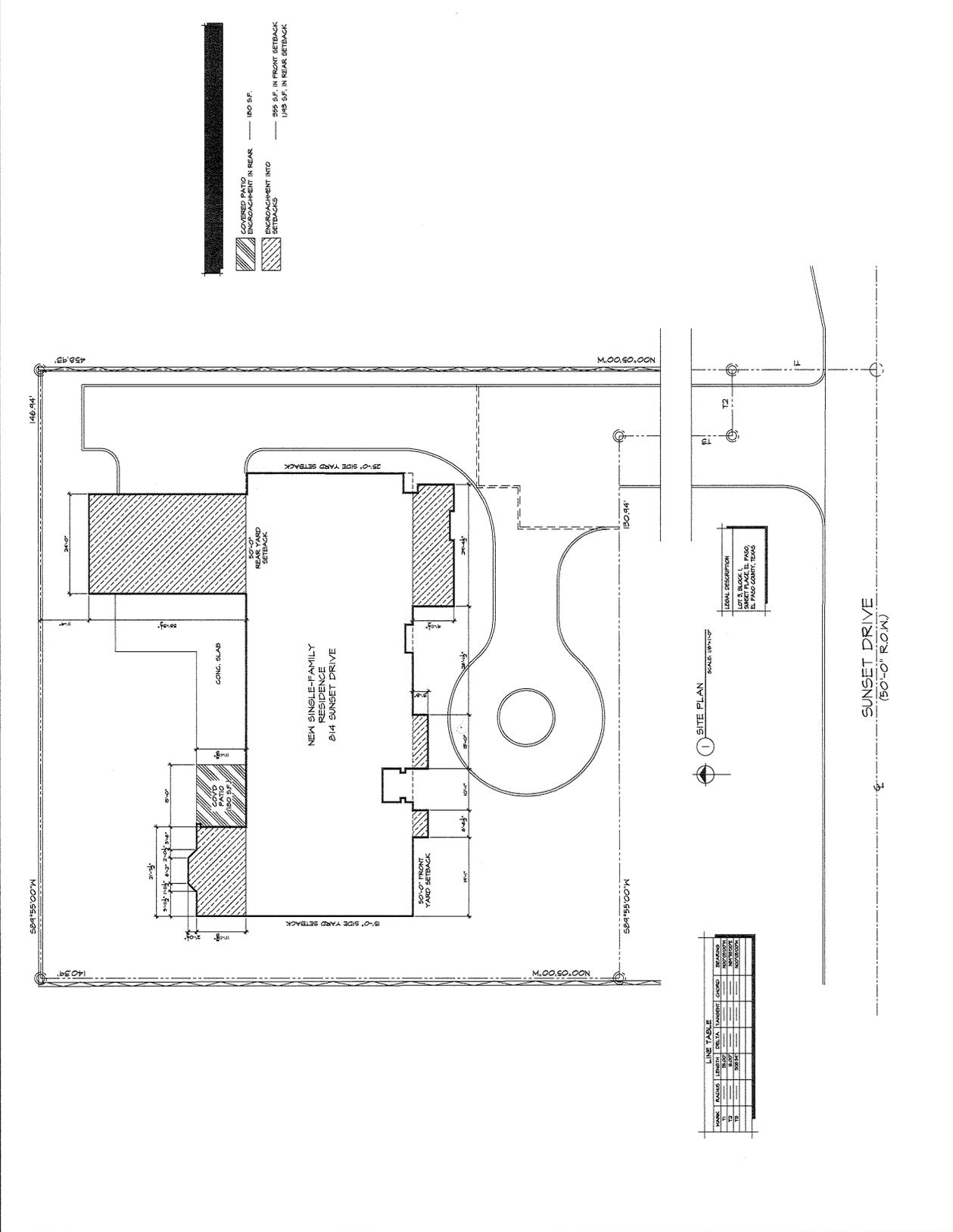
A NEW RESIDENCE FOR SONNY VAN HASELEN
 2144 SUNSET DRIVE
 EL PASO, TEXAS 79922

DESIGN ALLIANCE
 Jeffery J. Harty
 REGISTERED ARCHITECT
 TITLE: ARCHITECT
 EX. 117000000
 79000
 EX. 117000000
 EX. 117000000

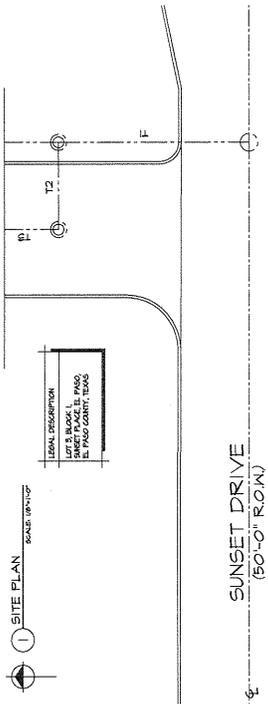


A1.0

NOT FOR CONSTRUCTION -- SPECIAL EXCEPTION 05-12-08



COVERED PATIO ENCROACHMENT INTO SETBACKS 100 SF
 ENCROACHMENT INTO SETBACKS 100 SF
 100 SF IN FRONT SETBACK
 100 SF IN REAR SETBACK

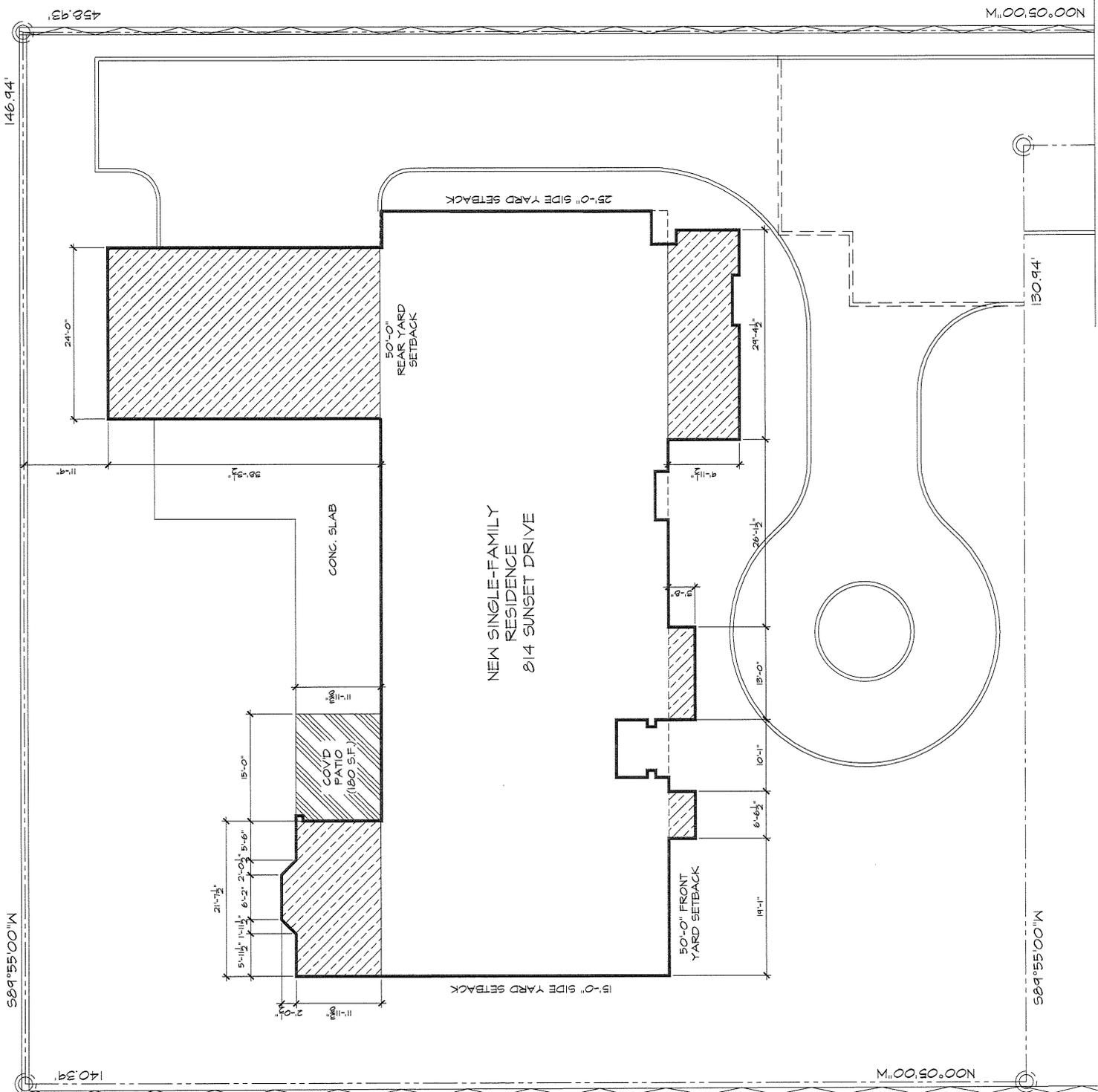


LEGAL DESCRIPTION
 LOT 5, BLOCK 1, PHASE 2
 OF PALO CANTO, TRACT

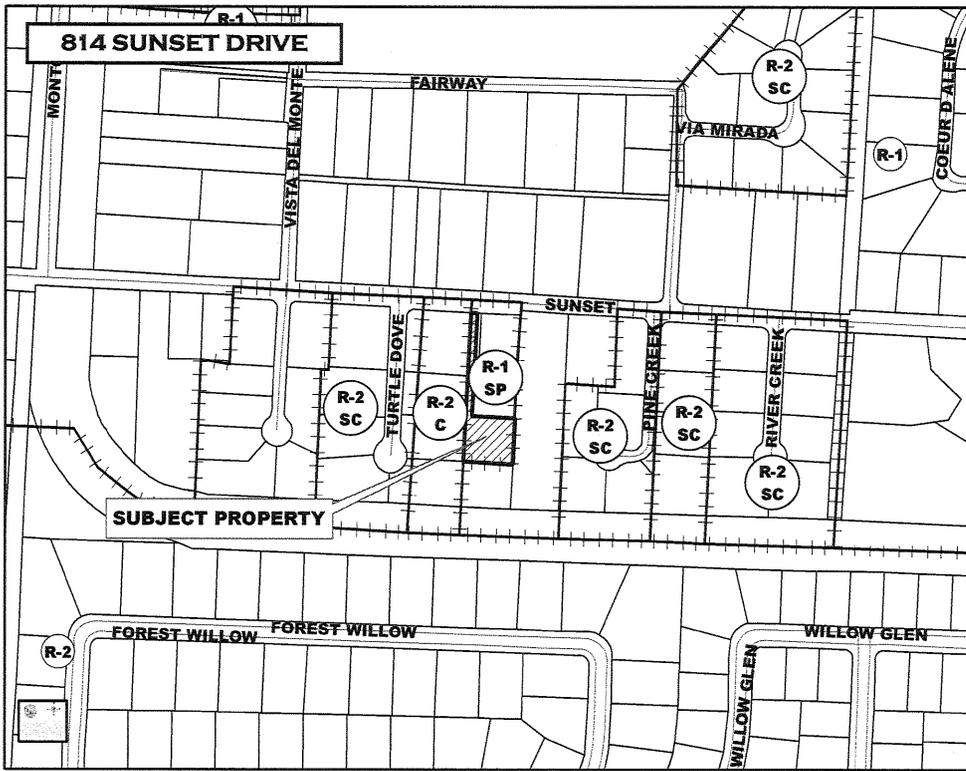
LINE TABLE

LINE NO.	START POINT	END POINT	LENGTH	AREA	PERIMETER	REMARKS
1
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99
100

SUNSET DRIVE
 (50'-0" ROW)



ZONING MAP



NOTIFICATION MAP

