

Applicant requests a Variance (Accessory Building, Height) from the requirements of Section 20.10.030 A.1., Accessory Buildings & Structures, in an R-2/c (Light Density Residential/Condition) zone.

This would permit the construction of a two story accessory building that is proposed to be 22 feet high.

Residential accessory buildings not over one story or fifteen feet in height may be located in a rear yard.

BACKGROUND

The applicant is requesting the Variance in order to build a two story accessory building, with a full basement, to be used as a guest house and proposed to be located in his rear yard and to be 22 feet high from ground level to top of roof. He is claiming he is prevented from building the accessory structure with a larger footprint due to the 50 percent on-site ponding requirement for his lot. He is requesting a two story structure to get the space he requires for the guest house. The applicant has provided a calculation of 11,155 square feet of permeable surface area on his 20,087 square foot lot, or 55 percent of the lot. He has included the proposed accessory building coverage in his calculations. The zoning code restricts accessory buildings to one story or a height of 15 feet.

The staff has received two phone calls regarding this application, both in opposition to the request.

STAFF RECOMMENDATION

Staff recommends denial of the request for a Variance for a 22 feet high accessory building because a literal enforcement of the 15 feet height requirement for accessory structures does not create an unnecessary hardship, that is, the on-site ponding requirement is not an exceptional physical condition that has prevented or would prevent reasonable use of the property. Further, accessory buildings are not considered essential to a reasonable use of a property.

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:

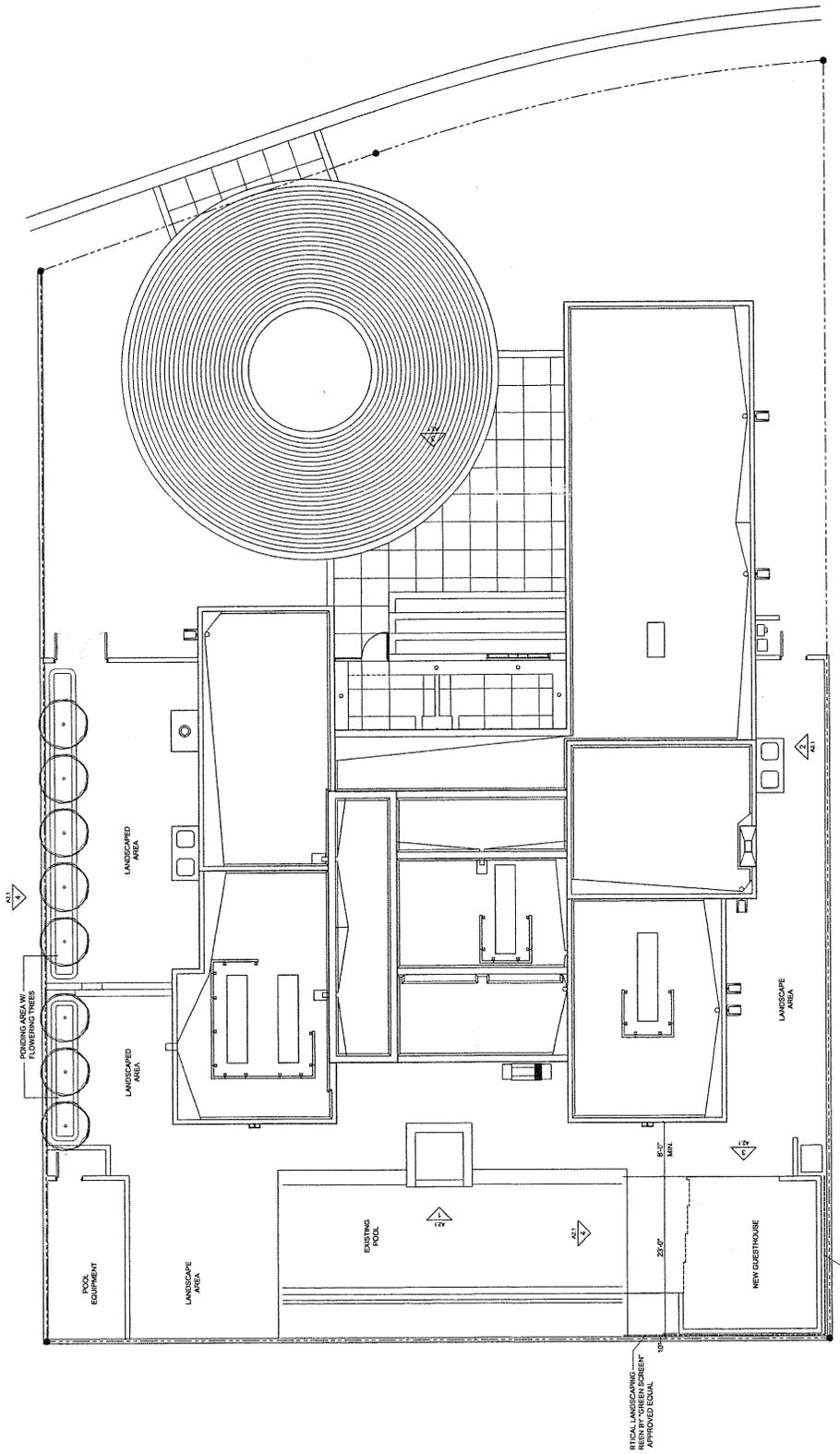
1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

"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>	



DATE: APRIL 2008
 SHEET TITLE:
 SITE PLAN
 SHEET NUMBER:

AS1.1

JON ANDERSON
 ARCHITECT
 912 ROMA AVENUE
 EL PASO, TEXAS
 79901
 817.711.0102
 505.784.8306
 JON ANDERSON
 ARCHITECT.COM

**SCHWARTZ RESIDENCE
 RENOVATION AND GUEST HOUSE**
 4914 OLMOS ST - EL PASO, TX

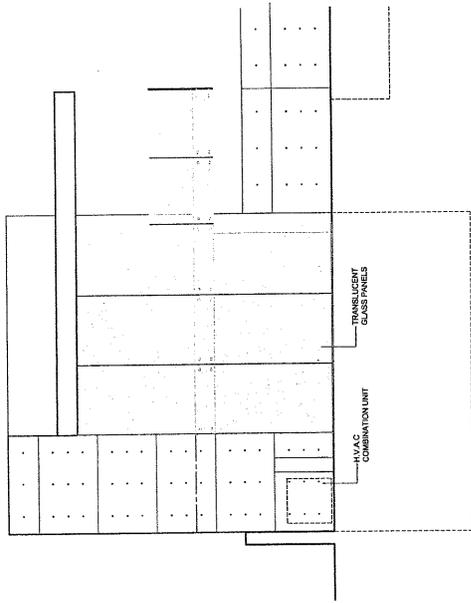
CONSTRUCTION
 DOCUMENTS



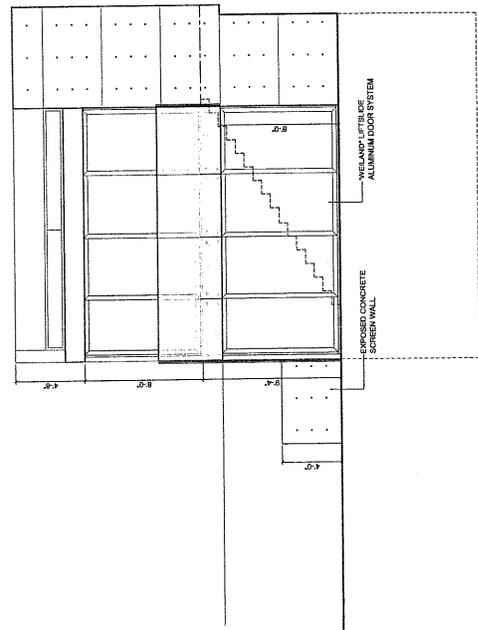
1 SITE & ROOF PLAN
 1/8" = 1'-0"

RTICAL LANDSCAPING -
 REIN BY 'GREEN SCREEN'
 APPROVED EQUAL

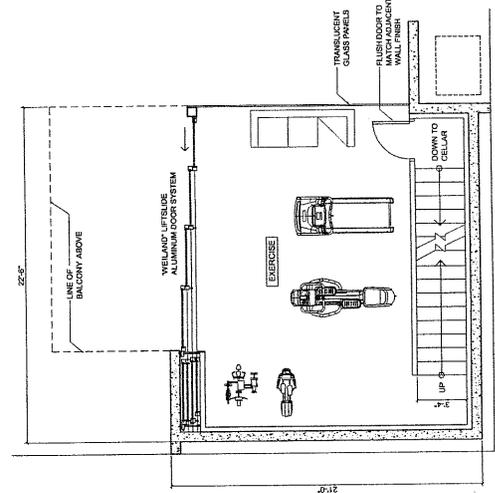
RTICAL LANDSCAPING -
 REIN BY 'GREEN SCREEN'
 APPROVED EQUAL



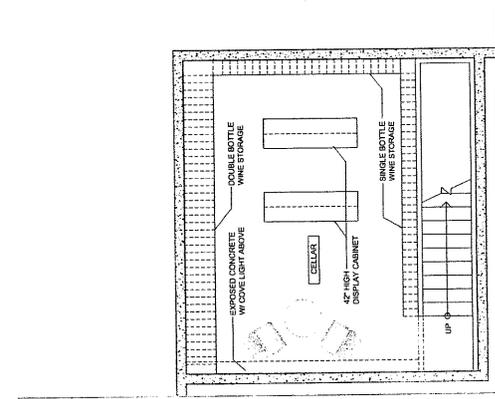
4 GUEST HOUSE - WEST ELEVATION
1/4" = 1'-0"



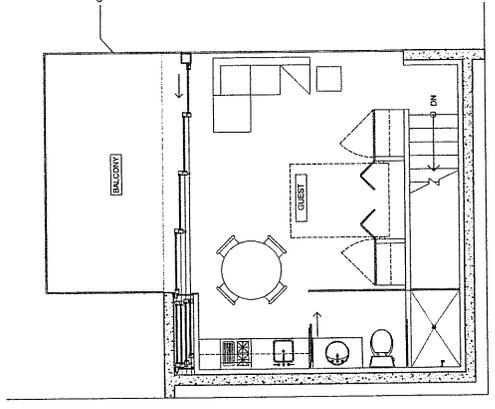
3 GUEST HOUSE - NORTH ELEVATION
1/4" = 1'-0"



1 GUEST HOUSE - GROUND LEVEL
1/4" = 1'-0"



2 GUEST HOUSE - LOWER LEVEL
1/4" = 1'-0"

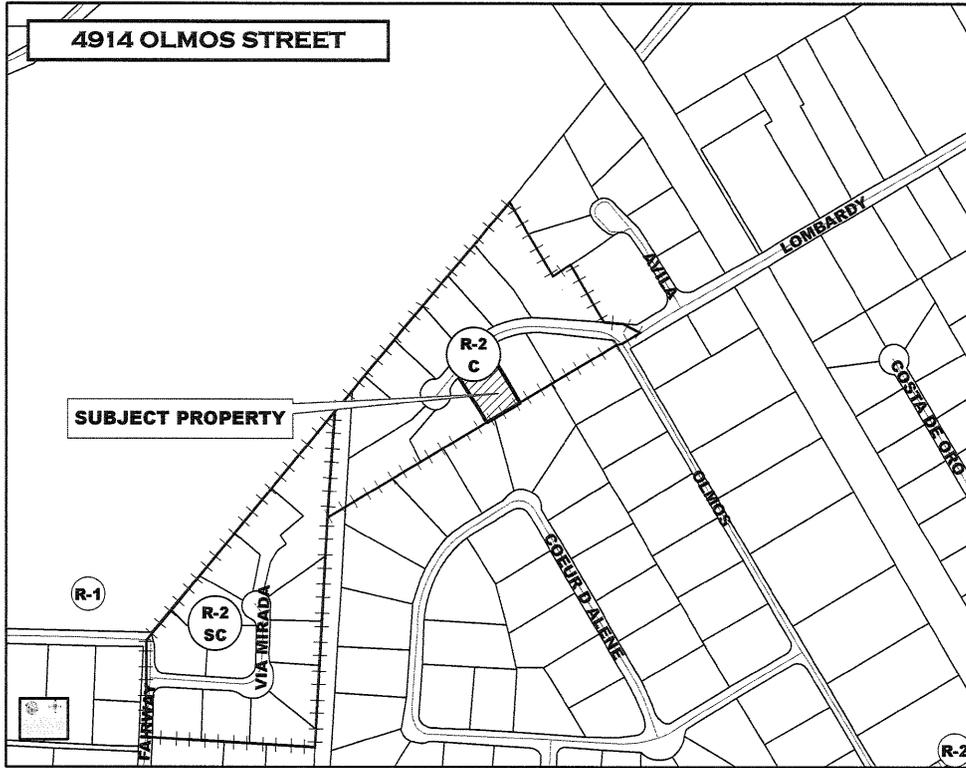


2 GUEST HOUSE - UPPER LEVEL
1/4" = 1'-0"

Jan 10, 2008

For information only
 11200 NW 87th Ave
 Albuquerque, NM 87122
 505.764.2879 f

ZONING MAP



NOTIFICATION MAP

