

Applicant requests a Special Exception under Section 2.16.050 G (Rear Yard Setback) in an R-5 zone.

This would permit the construction of a new residence of which a 35' by 14.90' portion is proposed to encroach 15' into the rear yard setback.

The required cumulative front and rear yard setback total is 45' in an R-5 zone.

BACKGROUND

The applicant is requesting the Special Exception for the enclosure of a swimming pool that is proposed to encroach 15' into the required rear yard setback.

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 an application for a building permit to the City of El Paso Building Permits & Inspection Division on May 7, 2008. Thus, his rights are vested for purposes of applying for the Special Exception G under the prior ZBA Ordinance.

CALCULATIONS

1/3 average lot width = 35.17' (105.53' ÷ 3)

Total requested width of encroachment in rear yard = 35'

Required rear yard setback = 25'

Requested rear yard setback = 10'

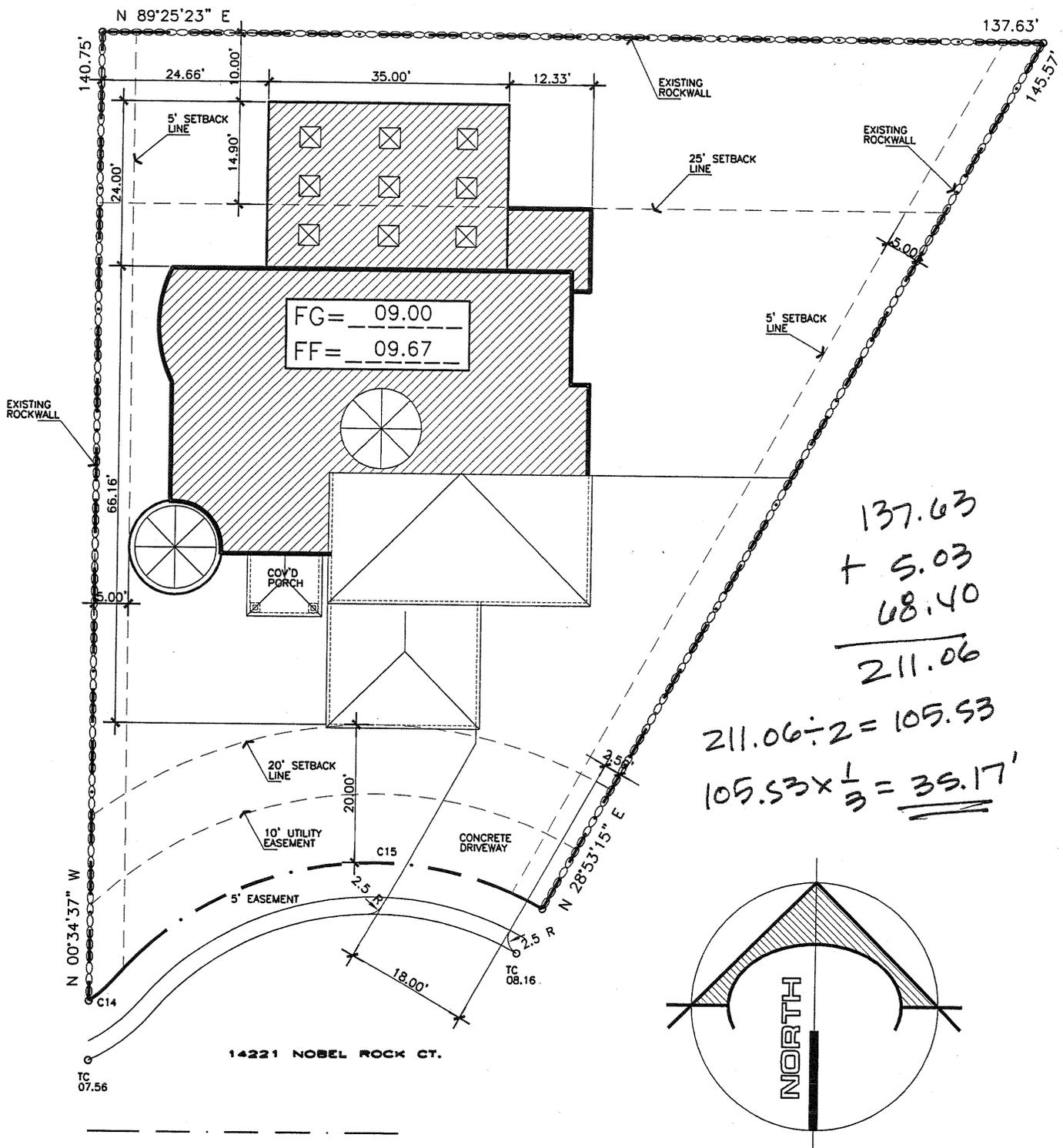
STAFF RECOMMENDATION

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."



TIERRA DEL ESTE **U-53**
LOT 16 **BLOCK 210**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C14	20.00	5.03	2.53	5.01	N 47°42'23" E	14°24'08"
C15	50.00	68.40	40.77	63.19	S 79°41'47" W	78°22'56"

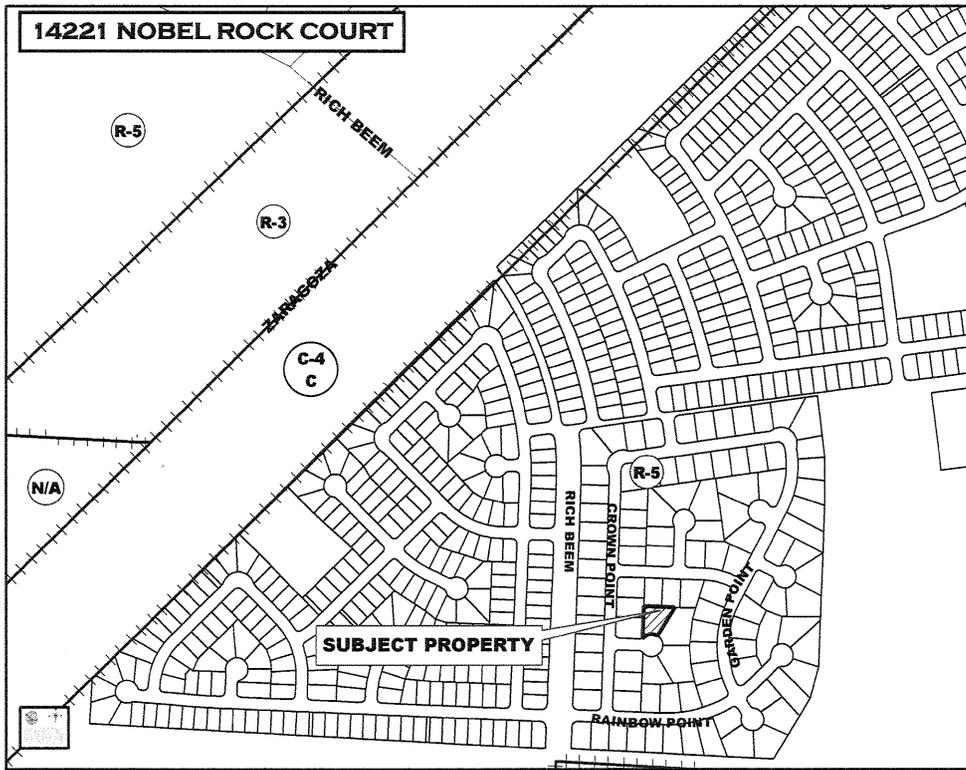
LEGAL DESCRIPTION:
 BEING A PORTION OF SECTION 38 AND 38, BLOCK 79,
 TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD

Date:
 April, 2008



Designer:

ZONING MAP



NOTIFICATION MAP

