

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard) in an R-3A (Residential) zone.

This would permit the existence of a single-family structure that encroaches in the required side yard setback and is located to within 4.1' of the southerly side property line.

The required side yard setback is 5 feet in the R-3A zone district.

BACKGROUND

The applicant has submitted a letter stating the error in placing the house was inadvertent and unintentional. The house is encroaching 0.9 feet (10.8 inches) into the southerly side setback.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.1'

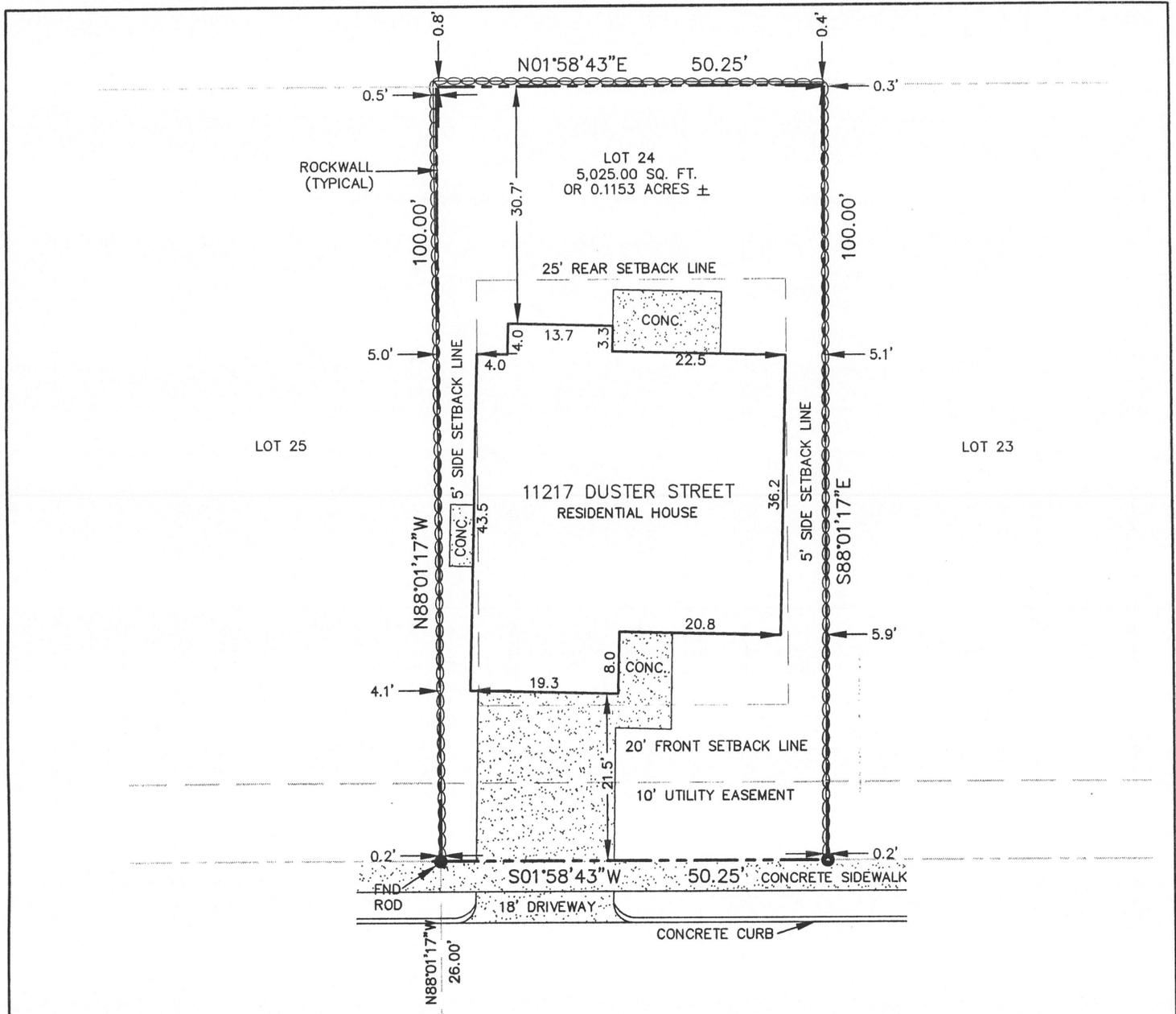
STAFF RECOMMENDATION

Staff recommendation is for approval as it meets the requirements of the Builder Error Special Exception.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

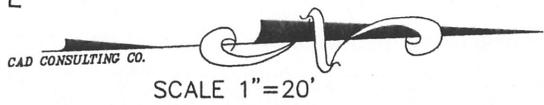
1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater; and,
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater; and,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period."



DUSTER STREET
52' R.O.W.



N01°58'43"E
238.25'



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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.

CARLOS M. SUMENOR
R.P.L.S. No. 33950

JOB # 11-1276 DATE: 04-20-11 FIELD: AR OFFICE: DG FILE: NET:\DAMIAN\2011\11-1276
LOCATED IN ZONE c PANEL # 480214-0014-D DATED 08-05-91
CLERK'S NO. 20070050525, PLAT RECORDS, EL PASO COUNTY, TX

11217 DUSTER STREET
LOT 24, BLOCK 14
SANDSTONE RANCH UNIT THREE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422



Development Services Department
Planning Division
City of El Paso, TX
2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: Request for Special Exception for 11217 Duster

To Whom It May Concern:

This Letter is in reference to the property located at 11217 Duster El Paso, TX 79924. The forms for this property were set incorrectly which resulted in this house inadvertently being built within the required setback.

Unfortunately the error was not discovered until the improvement survey was completed.

Tropicana Homes takes full responsibility for this builder error and we are requesting that you approve this Special Exception.

Respectfully,

A handwritten signature in black ink, appearing to read "Randy Bowling", is written over a light blue horizontal line.

Randy Bowling
President
Tropicana Homes

RECEIVED
MAY 05 2011

