ZBA10-00020 14256 Tierra Yamila Lane Mountain Vista Builders, Inc.
Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone.

This would permit the existence of a new single-family dwelling that is built encroaching 0.7' into the easterly side yard setback.

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

BACKGROUND

The applicant has submitted a letter stating that the error that resulted in an encroachment of 0.7' (8.4 inches) into the required side yard setback is unintentional and inadvertent.

CALCULATIONS

Required side yard setback = 5'
Requested side yard setback = 4.3'

STAFF RECOMMENDATION

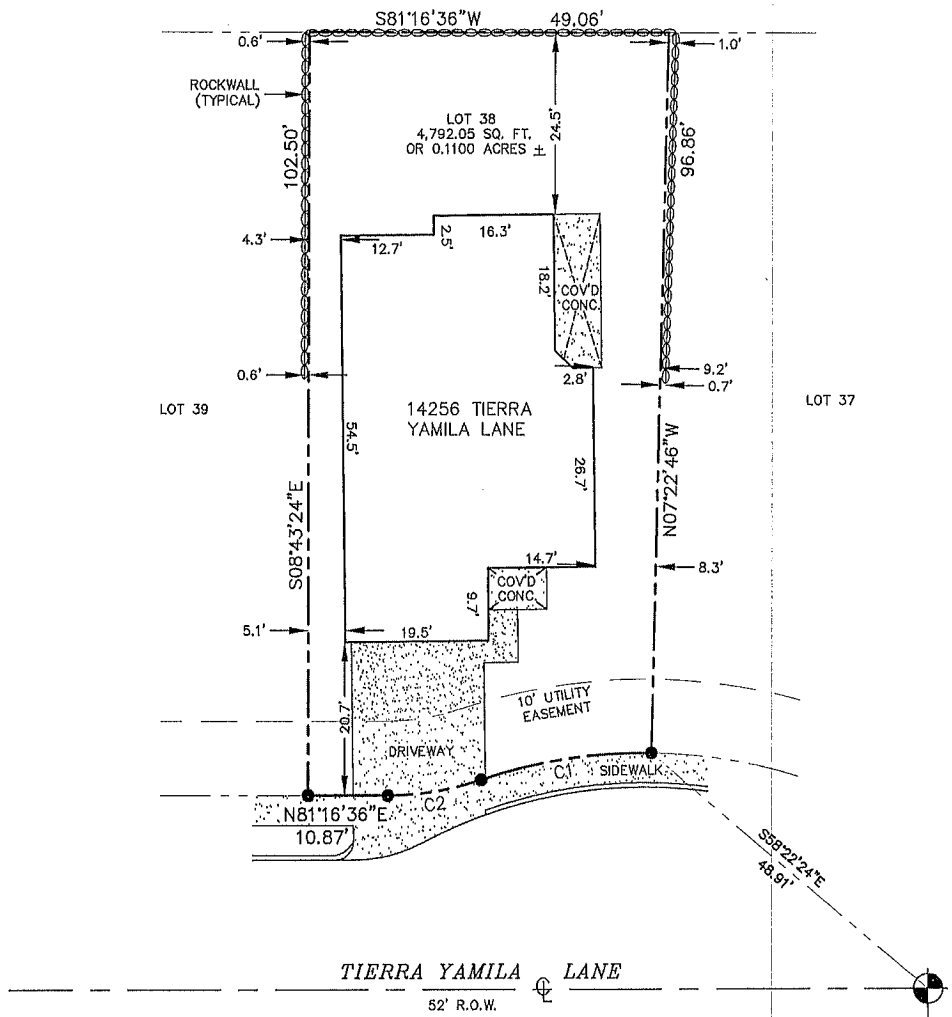
Staff recommends approval of the request as it meets the requirements of the Special Exception G.

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."

ITEM #5



NOTE:
BUIDINGS SETBACKS AS PER R-5 ZONING

MINIMUM FRONT ——— 20
MINIMUM REAR ——— 10
FRONT & REAR COMBINED ——— 45
SIDES ——— 5

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	70.00'	23.63'	11.93'	23.52'	N72°27'27"E	19°20'21"
C2	40.00'	12.91'	6.51'	12.85'	S72°01'56"W	18°29'20"

NOTE:
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

SCALE 1"=20'

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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. JIMENEZ
R.P.L.S. No. 4950

JOB # 01030 DATE: 05-14-10 FIELD: AR OFFICE: SM FILE: NET:\SABINO\2010\01030

LOCATED IN ZONE C PANEL # 480214-0046-B DATED 10-15-82

CLERK'S NO. 20060028210 , PLAT RECORDS, EL PASO COUNTY, TX

14256 TIERRA YAMILA LANE
LOT 38, BLOCK 148
TIERRA DEL ESTE UNIT THIRTY SIX
CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

MOUNTAIN VISTA BUILDERS
the peak of quality

June 2, 2010

Zoning Board of Adjustments
Development Services Dept.
Planning Division
Attn: Linda Castle

Re: 14256 Tierra Yamila encroachment

Dear Ms. Castle,
This letter is to inform you that Mountain Vista Builders unintentionally built the above mentioned home a few inches inside the building set back line. I assure you that it was completely unintentional. Both my Building Supervisor and Concrete Subcontractor have been warned and hopefully this won't happen again.

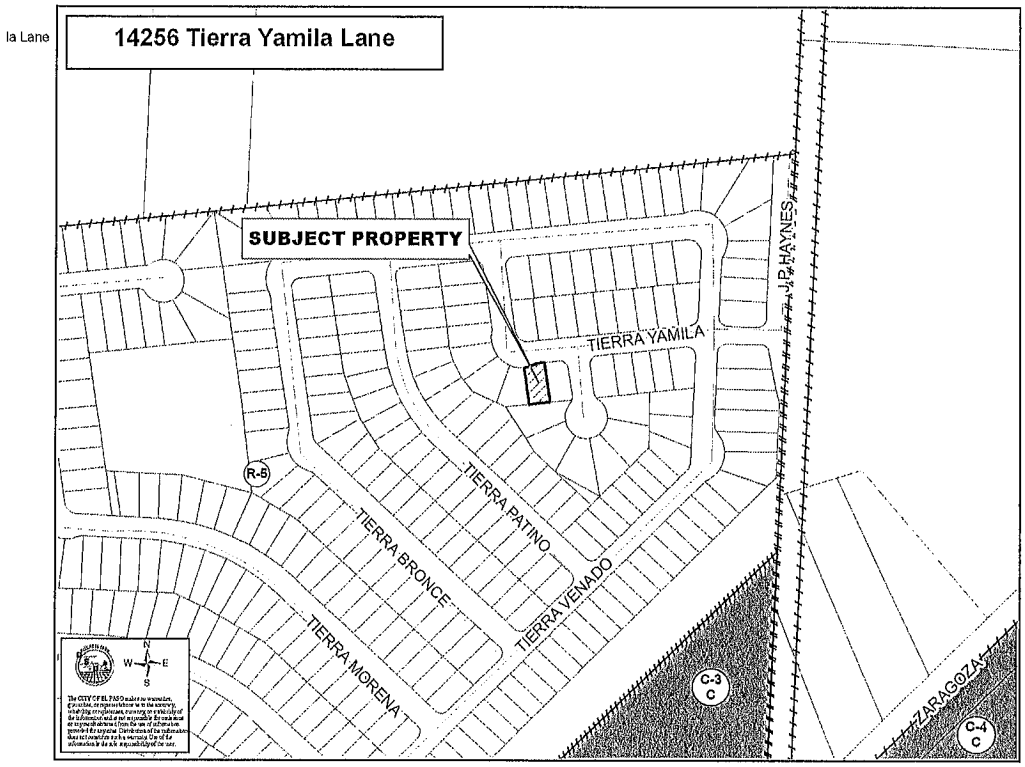
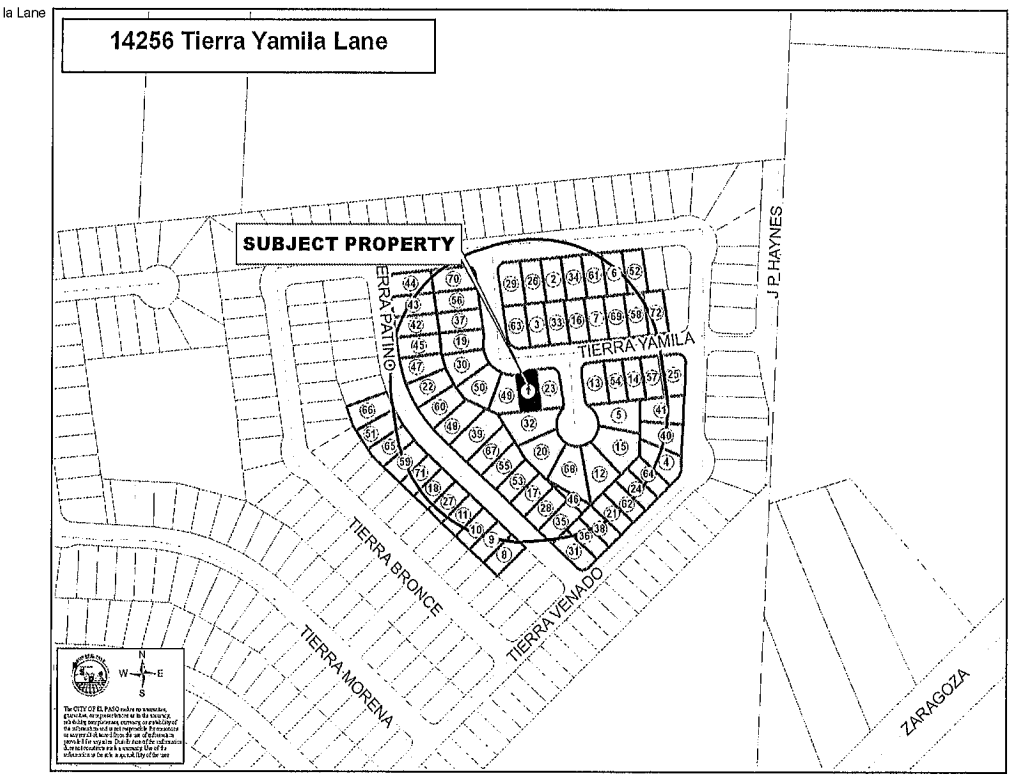
If you have any questions please do not hesitate to call me at (915) 855-4690.

Sincerely,

Ed Santamaria
President

10657 Vista Del Sol, Ste. H
El Paso, TX 79935
Office: (915) 855-4690
Fax: (915) 855-3795

ZONING MAP



NOTIFICATION MAP