

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

At the June 9, 2008, meeting the ZBA postponed this case until the June 23, 2008, meeting to give the applicant an opportunity to consider asking for a special exception for an attached addition to his residence instead of his request for a two story accessory building. The applicant has requested postponement of his case to the first ZBA meeting in July 2008.

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.

Castle, Linda

From: Castle, Linda
Sent: Tuesday, June 17, 2008 3:48 PM
To: 'Conrad Conde'
Subject: RE: OLMOS VARIANCE

Conrad,

The ZBA hearings in July are July 14th and July 28th. We will ask that the case be postponed to the July 14th meeting. Is that okay with you?

Linda Castle

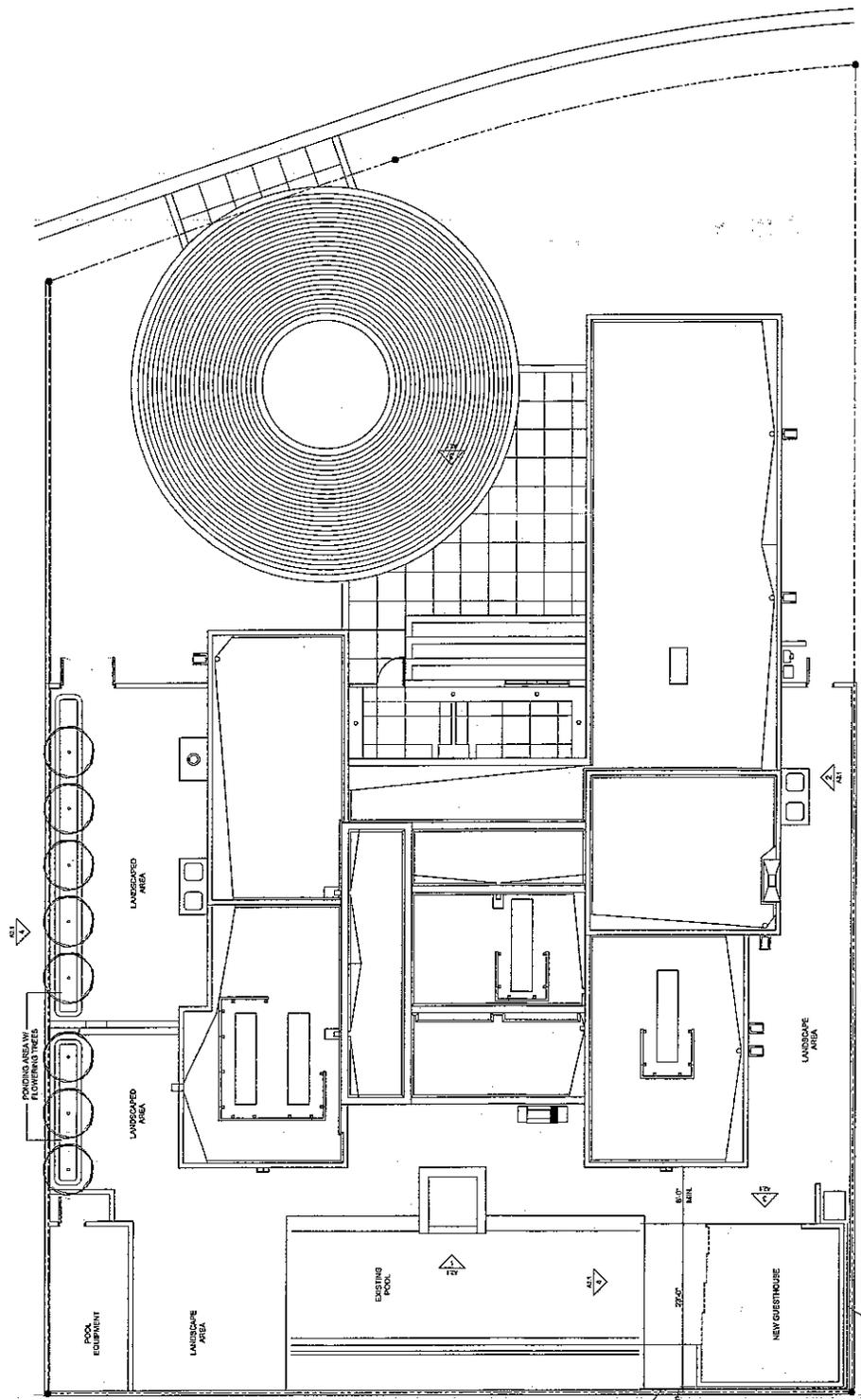
From: Conrad Conde [REDACTED]
Sent: Tuesday, June 17, 2008 2:44 PM
To: Castle, Linda
Subject: OLMOS VARIANCE

Please postpone for two weeks from the June 23 ZBA hearing to the July 7 ZBA hearing for the above referenced project.

Thanks for your assistance.

Conrad Conde

6/17/2008



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

CONSTRUCTION DOCUMENTS



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

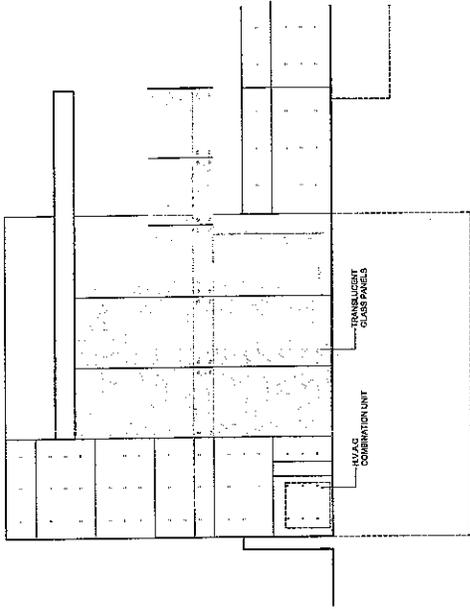
AS1.1

JON ANDERSON
ARCHITECT
912 ROMA AVE NW
ALBUQUERQUE
NEW MEXICO
805 764 8306
FAX 764 2879
JONANDERSON
ARCHITECT.COM

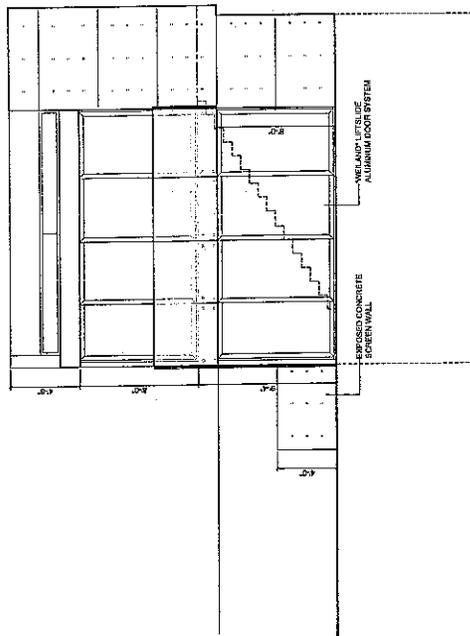
SCHWARTZ RESIDENCE
RENOVATION AND GUESTHOUSE
4914 OLMOS ST - EL PASO, TX

RICKL LANDSCAPING
DESIGNED BY: GREEN SCREEN
APPROVED: EDWAL

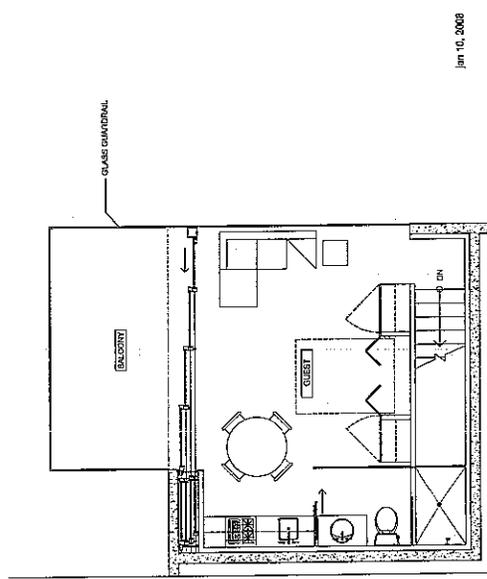
RICKL LANDSCAPING
DESIGNED BY: GREEN SCREEN
APPROVED: EDWAL



3 GUEST HOUSE - NORTH ELEVATION
1/8" = 1'-0"

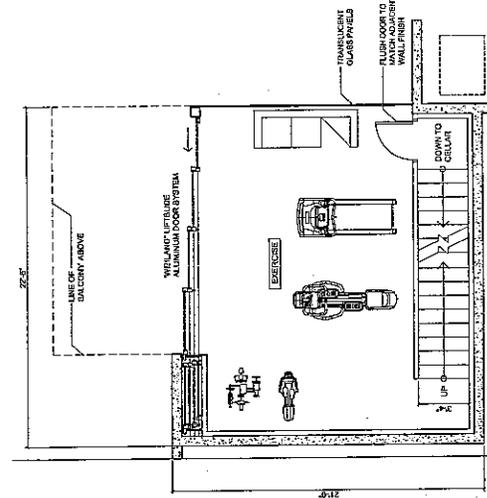


4 GUEST HOUSE - WEST ELEVATION
1/8" = 1'-0"

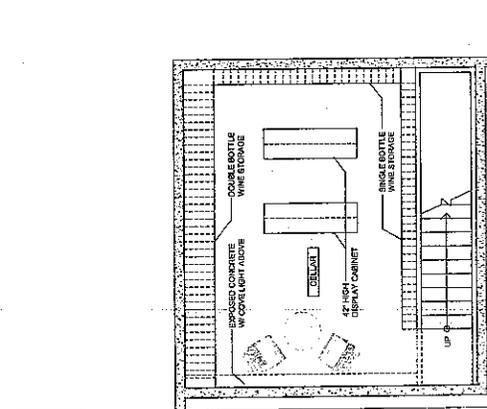


Jan 10, 2008

2 GUEST HOUSE - UPPER LEVEL
1/8" = 1'-0"



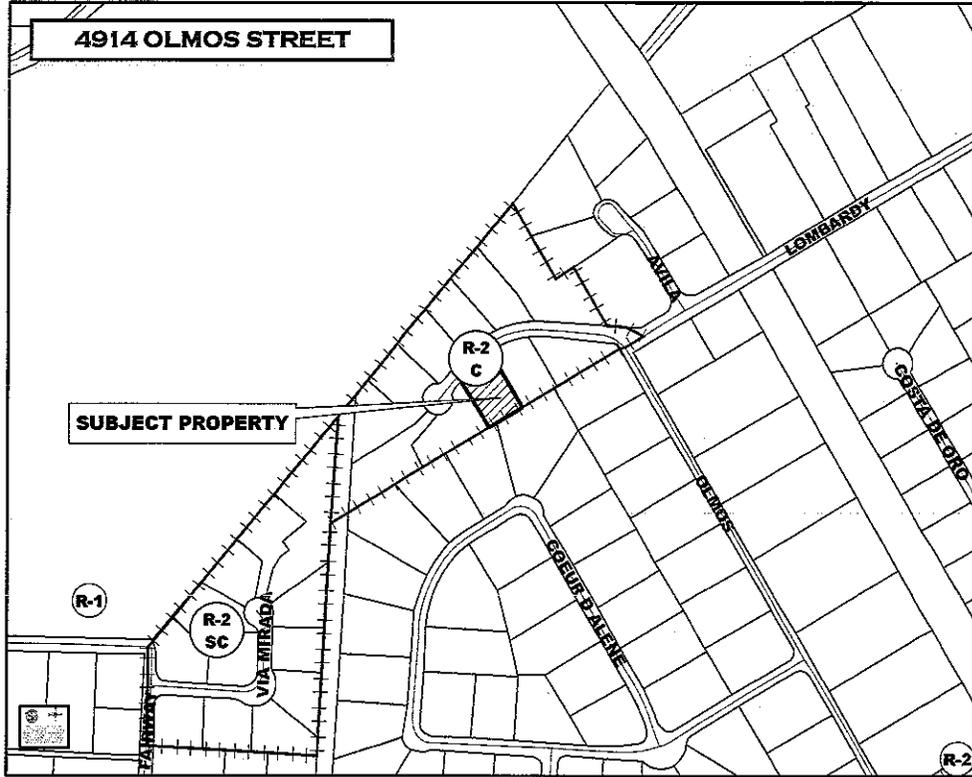
1 GUEST HOUSE - GROUND LEVEL
1/8" = 1'-0"



2 GUEST HOUSE - LOWER LEVEL
1/8" = 1'-0"

Jon Anderson architect
912 main avenue nw
dubuque, iowa 52002
505.784.8308 f
505.784.2879 f

ZONING MAP



NOTIFICATION MAP

