

Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Light Density Residential) zone.

This would permit the encroachment of a 20' by 15' portion of an existing house that is encroaching 42' by 16.5' feet into the required rear yard setback.

The required cumulative front and rear yard setback total is 50' in an R-3 zone.

BACKGROUND

The applicant is the original owner of this residence and he has made additions to his house that are of greater width and depth than would be permitted by a Special Exception. There are no building permit records on file in the Building Permits & Inspections Division for these additions. He was cited in March 2007 by Code Compliance for building without permit. Initially, he requested a Variance because he wanted to keep the additions to his house, but has decided to demolish part of the house and has changed his application to a request for a Special Exception.

Under the Special Exception C, he would be permitted to keep a 20' by 15' portion of the house. He is, however, requesting to keep a 14' by 16.5' portion, located to 8.5' of the rear property line (see site plan). Under the Special Exception, a minimum 10 foot rear yard setback is required. He is required to demolish any other encroaching portions, including the encroachments into the side yard, of the existing house.

CALCULATIONS

- 1/3 average lot width = 20'
- Requested width of encroachment = 14'
- Required rear yard setback = 25'
- Requested rear yard setback = 8.5'
- Permitted rear yard setback = 10'

STAFF RECOMMENDATION

Staff recommends that the applicant be permitted to keep a 20' by 15' portion of the house that encroaches in the required rear yard setback, with the condition that all other encroachments in the side and rear setbacks be demolished.

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

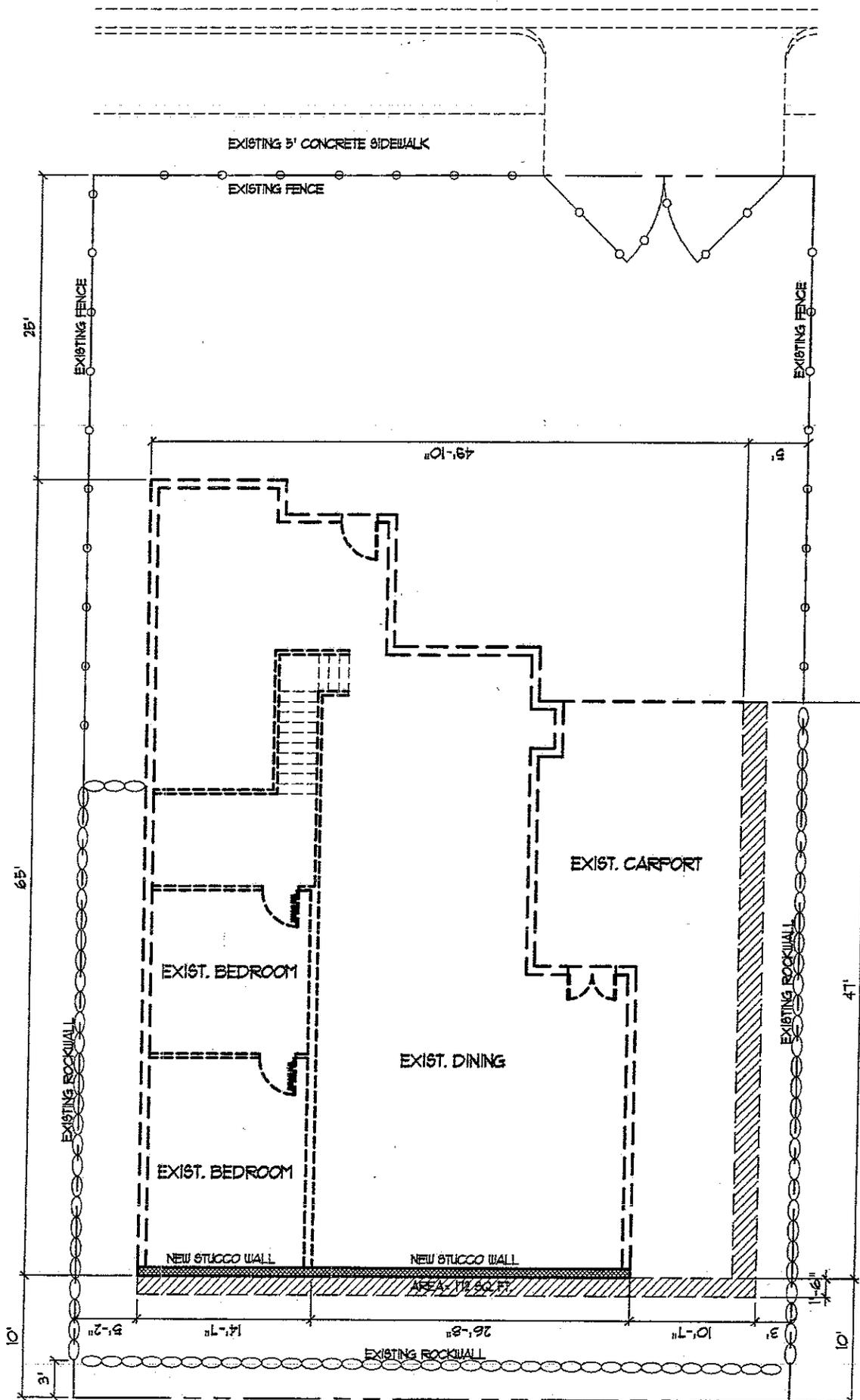
“Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. 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 ten foot rear yard setback shall be required; and,
3. The total width of all extensions granted shall not exceed one-third of the average width of the site; and,
4. The minimum side and side street yards shall not be reduced; and,
5. The total floor area of all detached accessory structure(s) existing or later constructed on the shall not exceed one hundred eighty square feet; and,
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and,
7. The extension shall not permit the creation of an additional dwelling unit.
8. 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 the property is located;
9. The public convenience and welfare will be substantially served; and
10. The use of neighboring property will not be substantially injured; and
11. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation.”

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>	

9364 SORBONNE DRIVE



EXISTING 5' CONCRETE SIDEWALK

EXISTING FENCE

EXISTING FENCE

EXISTING FENCE

25'

49'-10"

65'

EXIST. CARPORT

EXIST. BEDROOM

EXIST. DINING

EXIST. BEDROOM

NEW STUCCO WALL

NEW STUCCO WALL

EXISTING ROCKWALL

DEMOLITION PLAN:

SCALE: 1/8" = 1'-0"

10'

3'

5'-2"

14'-7"

26'-8"

10'-7"

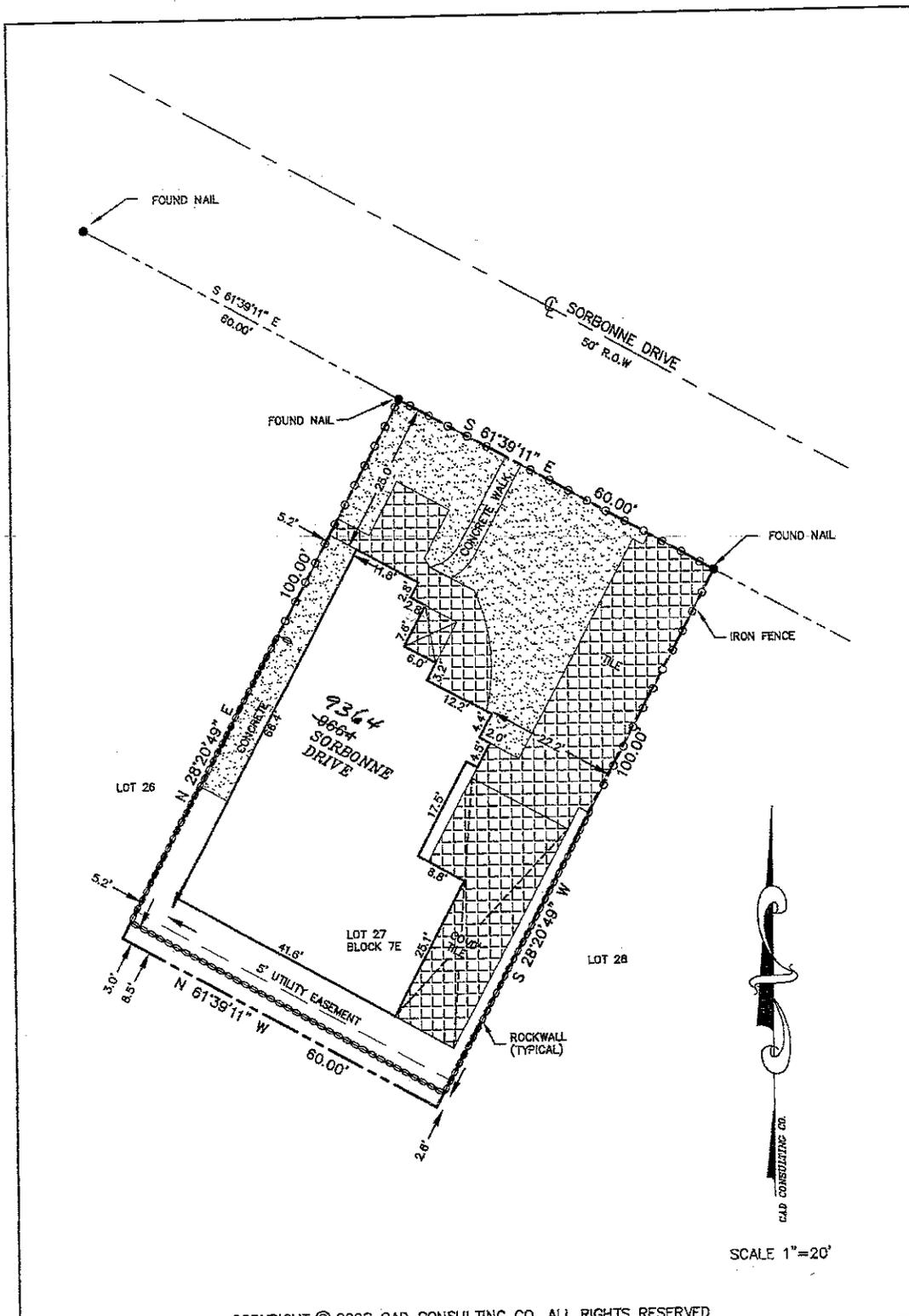
3'

1'-6"

41'

10'

EXISTING ROCKWALL



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<p>CERTIFICATION</p> <p>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 ENCUMBRANCES EXCEPT AS SHOWN HEREON.</p> <p>3950</p> <p>CAD CONSULTING CO.</p> <p>CARLOS M. JIMENES</p> <p>R.P.L.S. No. 3890</p>	<p>JOB # 232354 DATE: 03-03-08 FIELD: JM OFFICE: AO FILE: NET\ALAN_2008\</p>
	<p>LOCATED IN ZONE AH PANEL # 480214-0048-B DATED 10-15-82</p>
	<p>RECORDED IN VOLUME 55 PAGE 14A , PLAT RECORDS, EL PASO COUNTY, TX</p>
	<p>9364 SORBONNE DRIVE LOT 27, BLOCK 7E LE BARRON PARK REPLAT C CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>
	<p>CAD CONSULTING COMPANY 1790 LEE TREVINO DRIVE SUITE 309 EL PASO, TEXAS 79936 (915) 633-6422</p>

9364
Sobonne

B-38240

Driveway Slopes Must Be 10% Max
From Gutter For First 12 FT and 14%
Max Thereafter (Bldg CD 18.08.060 C)

N 61° 39' 11" W

REQUIRED
CONCRETE AND 5' WIDE

RE:
5" CONCRETE
N.W.F.
4" CONCRETE
W.W.F. OR
ETC.
#4 3000 PSI

CITY CODE

SOBONNE DR.

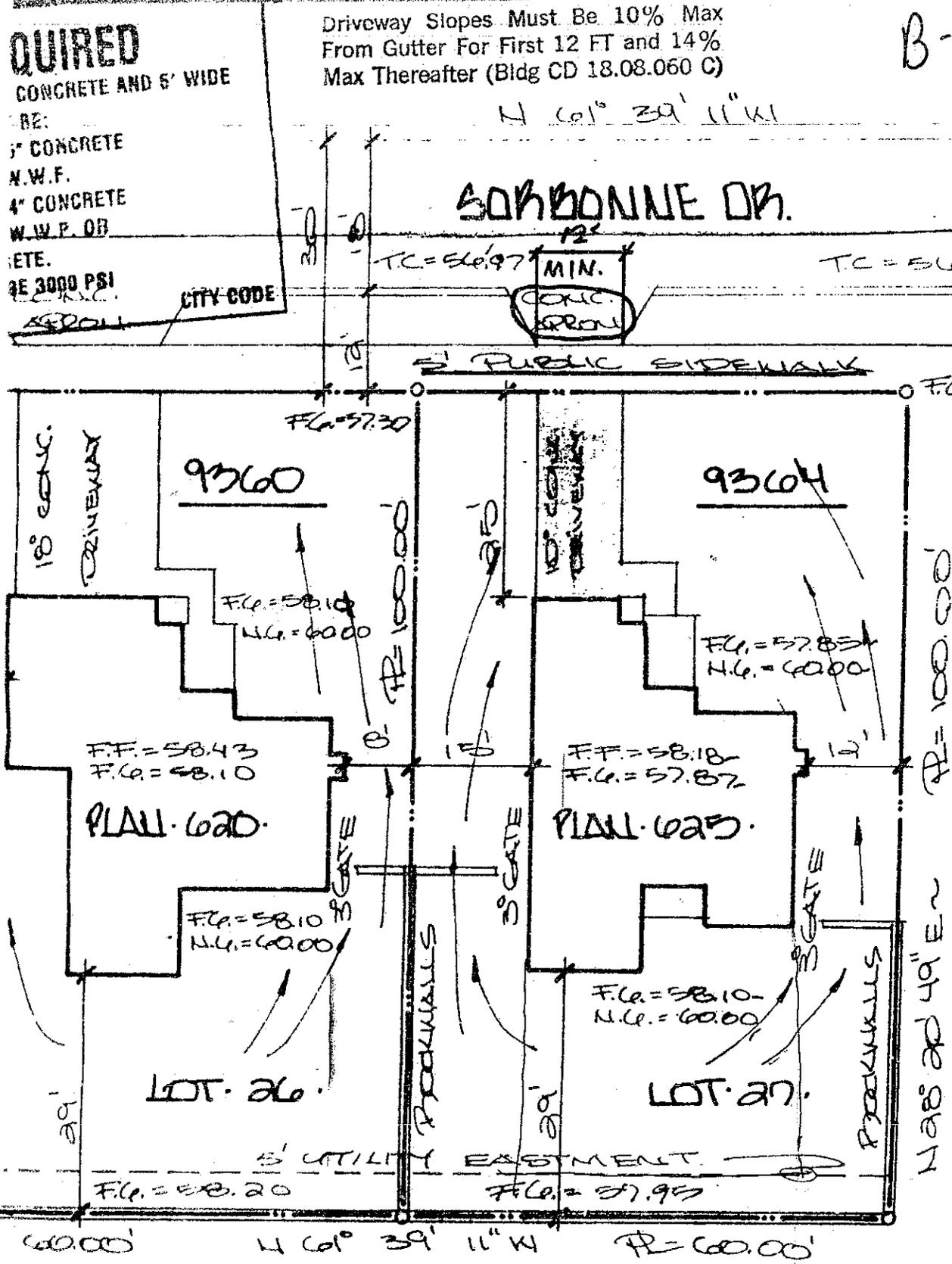
APPROVED

grading, drainage,
shown or noted. I
affecting public r
the City Engine
construction.

It is the respons
inspections 24 ho
approved facilities
(Grading permit i
must be obtained

CITY ENGINEER

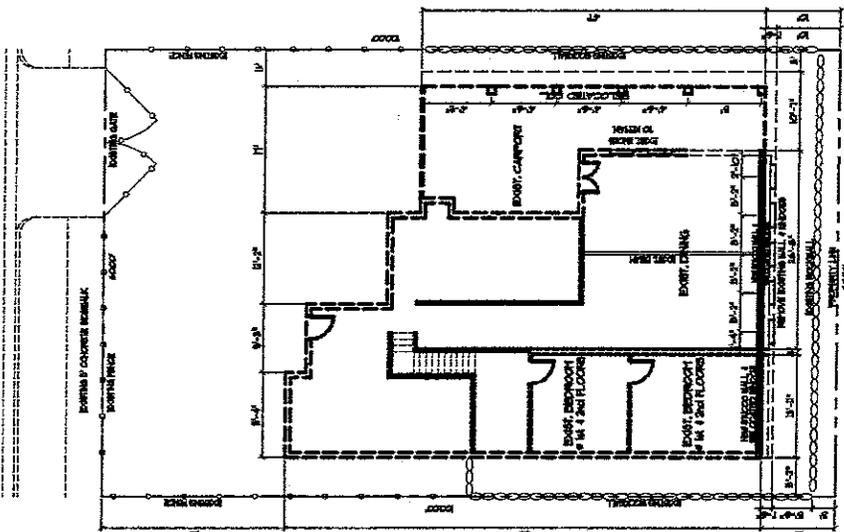
By *[Signature]*



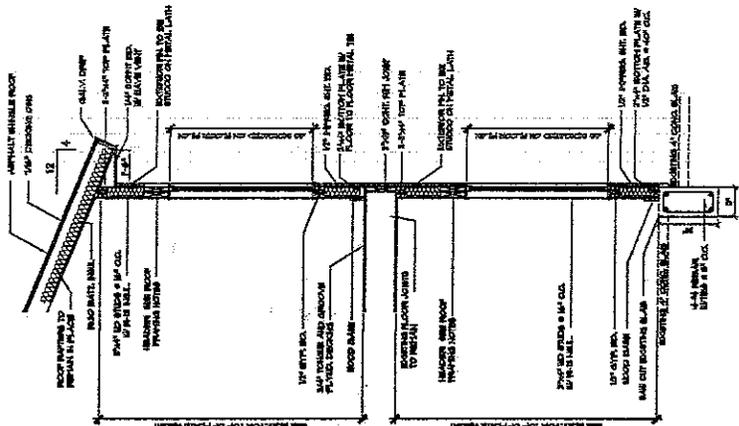
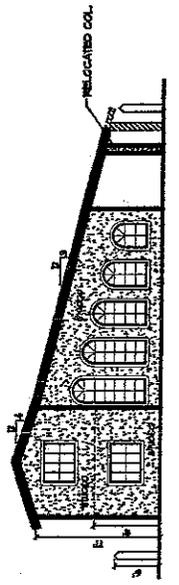
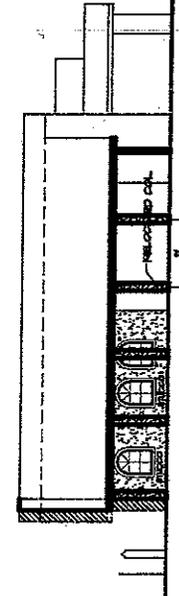
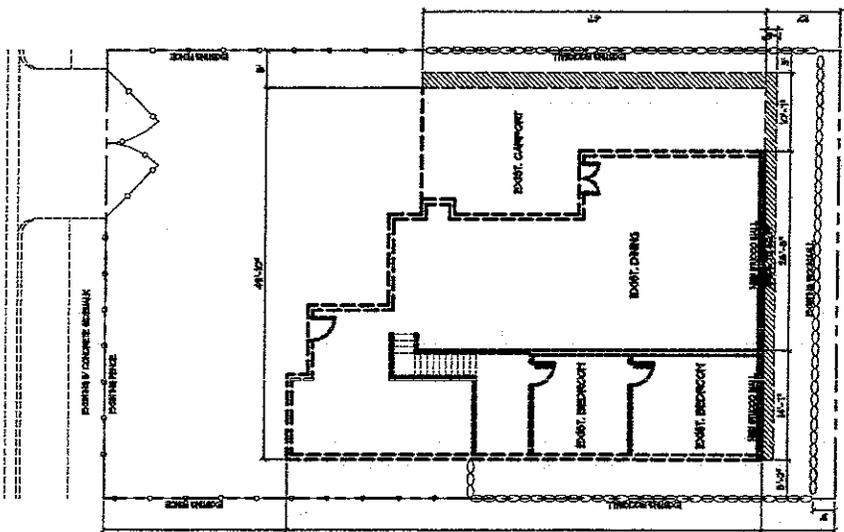
All elevati
approved
(where ap

2/

3664 SOBORNE DRIVE



3664 SOBORNE DRIVE



Ali S. Boureslan
4/29/08

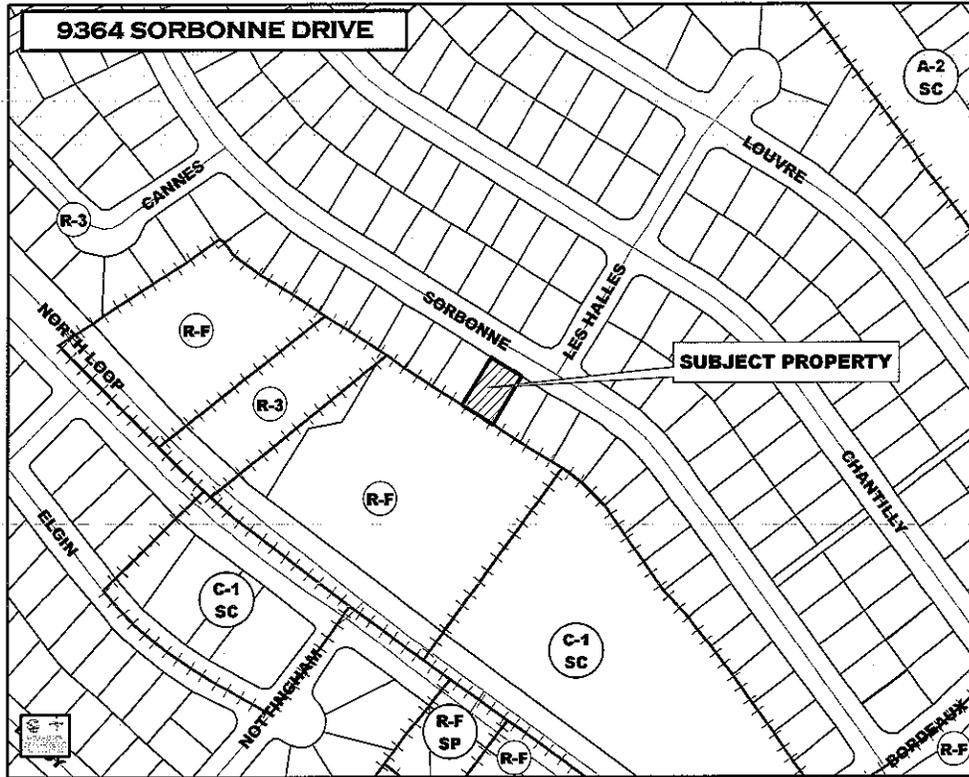
LEGAL DESCRIPTION:
LOT 27, BLOCK 7-E
EL BARRON PARK REPLAT 'C'
EL PASO COUNTY,
EL PASO, TEXAS

EL PASO, TEXAS

HOME IMPROVEMENTS FOR:
MR. & MRS. SAAVEDRA
9864 SOBORNE DRIVE
EL PASO, TEXAS

DWG NO: 008
DATE: MARCH, 2008
SCALE: As Noted
PROJECT: 082528-11
SHEET NO: 1 of 1

ZONING MAP



NOTIFICATION MAP

