

**REVISED**

**ZBA10-00025**

**1233 Galloway Drive**

**Maria L. Ramirez**

**Applicant requests Reconsideration of a Variance (Yard Setbacks) under Section 2.16.030 in an R-4 (Residential) zone.**

The request is for reconsideration of a Variance from Title 20, Zoning, Section 20.12, Density and Dimensional Standards, Yard Setback Requirements.

**BACKGROUND**

The request is for reconsideration of a previously approved application (Case # ZBA10-00025) to the Zoning Board Adjustment for a Variance from the El Paso City Code, Title 20, Zoning, Section 20.12, Density and Dimensional Standards, Yard Setback Requirements, for a new residential structure at 1233 Galloway. The ZBA previously approved a 15' front setback along Galloway and a 7' rear setback along Morrow, with 5' and 41'9" side setbacks. The applicant subsequently submitted plans for permit (RSP10-01390), but the plans failed for encroachment into the approved 15' front setback.

The designer/contractor has revised the permit set of plans and is requesting the additional encroachment of 2'8" into the previously approved 15 feet front yard setback on Galloway in order to accommodate an entry portico.

**STAFF RECOMMENDATION**

Staff recommends approval of a Variance due to the odd shape of the lot with a recommendation that the front setback along Galloway be 12'4" from the property line.

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?

**Definition of Unnecessary Hardship, Section 20.02.1128**

*"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 that is self-imposed.*