

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

This would permit an addition of which a 14' by 10' portion (140 square feet) is proposed to encroach in the required rear yard setback and to be located to within 15 feet of the rear property line. The required front and rear yard setback cumulative total is 50 feet in the R-3 zone district.

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BACKGROUND

The applicants are requesting the Special Exception for an addition of a bedroom and bath. The property was previously granted a Special Exception on August 9, 2004, for the addition of a carport (see enclosed decision letter). A site visit shows three accessory structures in the rear yard. The applicant has been informed that he is restricted to 180 square feet of accessory structures if he is granted the Special Exception. The site plan shows the gazebo to be demolished.

The house was constructed over a utility easement, but the requested addition is not over the easement.

CALCULATIONS

Permitted square feet encroachment = 420 sq. ft. (28' [84' lot width ÷3] x 15' [3/5 of 25'])

Requested square feet encroachment = 140 sq. ft. (14' x 10')

Required rear yard setback = 25'

Requested rear yard setback = 15'

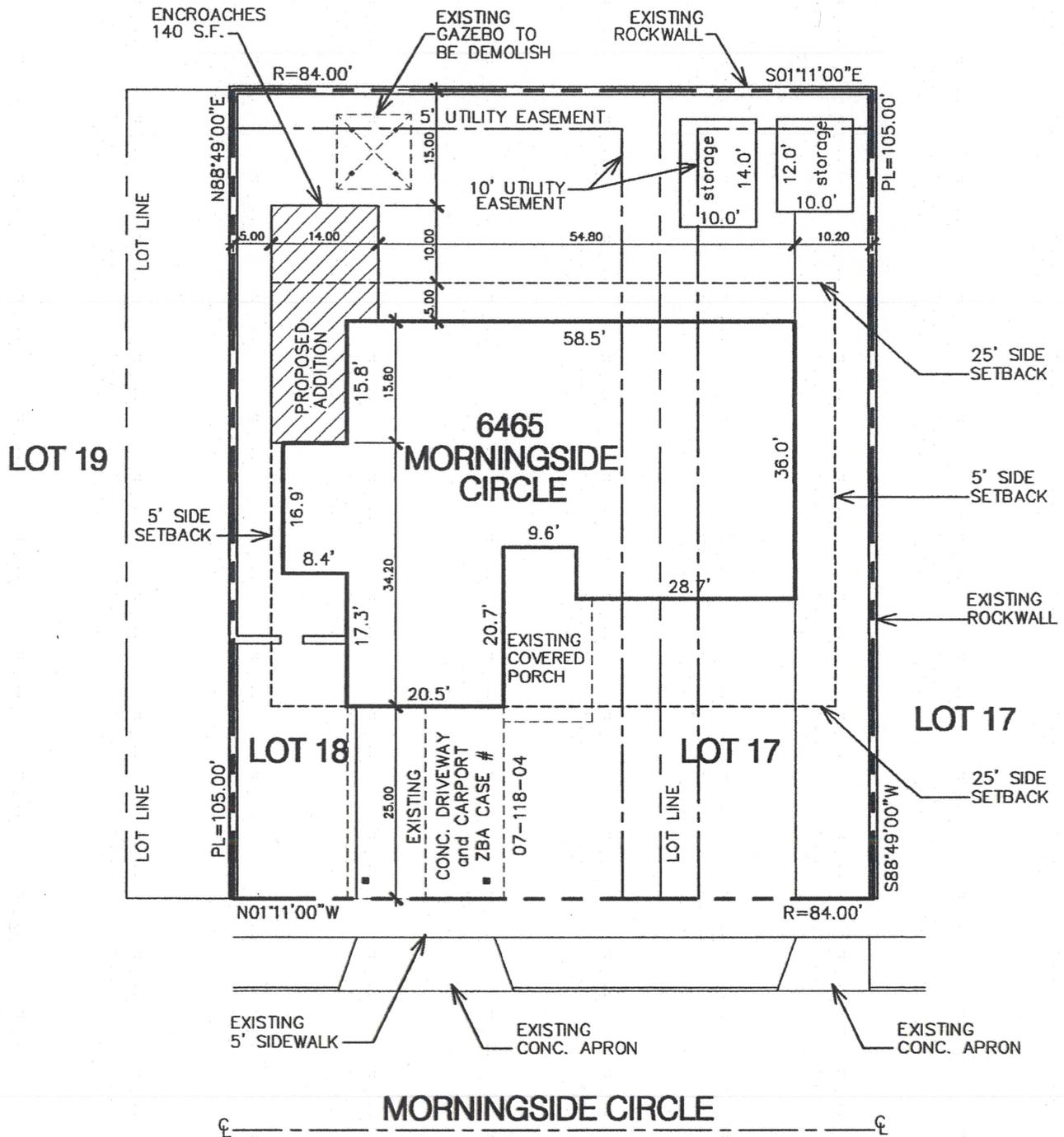
STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception C, with a recommendation that the owner apply to the Planning Division for replatting and vacation of the utility easement.

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 site 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.



MONTERREY PARK

6465 MORNINGSIDE CIRCLE
 THE NORTH 28 FEET OF LOT 17, AND THE
 SOUTH 56 FEET OF LOT 18, BLOCK 3

**FORMAL DECISION
ZONING BOARD OF ADJUSTMENT
EL PASO, TEXAS**

August 9, 2004

Case #07-118-04

6465 Morningside

Legal Description: Monterrey Park, Block 3, Portions of Lots 17 & 18.

At its regular meeting on August 9, 2004, the Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance. After due consideration of the facts presented, the Board reached the following decision:

GRANTED: 08/09/2004 (With new design to match existing)

A Special Exception under Section 2.16.050 "Q" (Carport Over a Driveway) R-3 Zone of the City of El Paso Zoning Ordinance. This would permit the construction of a 26' by 23' structure located to within 2' of the front property line. A 25' front yard setback is required in an R-3 zone.

The Board finds that this request is within its jurisdiction under Section 2.16.050 and that this request does meet all requirements of such section.

Filed for permanent record this 9th day of August 2004, in the office of the Zoning Board of Adjustment.

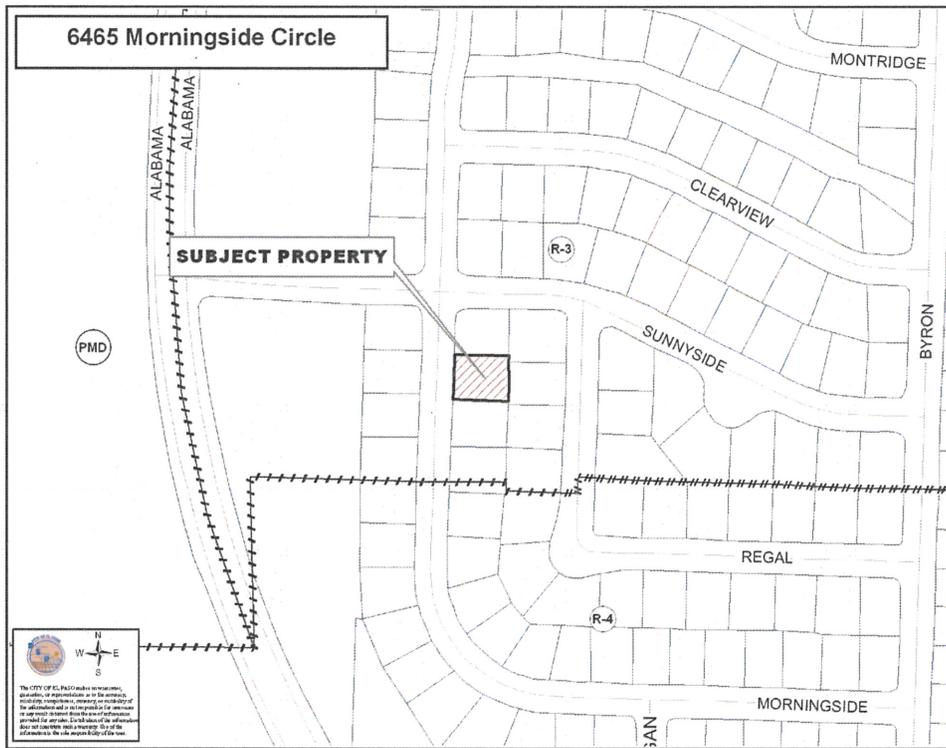
Robert Peña
Zoning Board Secretary

PLEASE NOTE: The Director for Building Permits and Inspections shall only issue a building permit for construction authorized by Board action during the first twelve months after Board authorization unless otherwise directed by the Board at the time authorization is approved.

You must notify the Zoning Section of the Planning, Research and Development Department of the start and of the completion of any construction or of the establishment of any use. Inspections will be made by the Building Permits and Inspections Department, Zoning Section, and compliance with Board action will be noted in official Board records.

cc: Tomas Segura
Enforcement Division
File

ZONING MAP



NOTIFICATION MAP

