

**Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Rear Yard Setback) in an R-3A (Residential) zone.**

The request is for a residence under construction which encroaches in the required rear yard setback and is located to within 21.25' of the rear property line. The required cumulative front and rear yard setback is 45 feet in the R-3A zone district.

**BACKGROUND**

The applicant is submitting a builder error request for a residence under construction at 3125 Sunny Prairie Drive and has submitted a letter stating that the error is unintentional for the subject property.

**CALCULATIONS**

Required rear yard setback = 25'

Requested rear yard setback = 21.25'

**STAFF RECOMMENDATION**

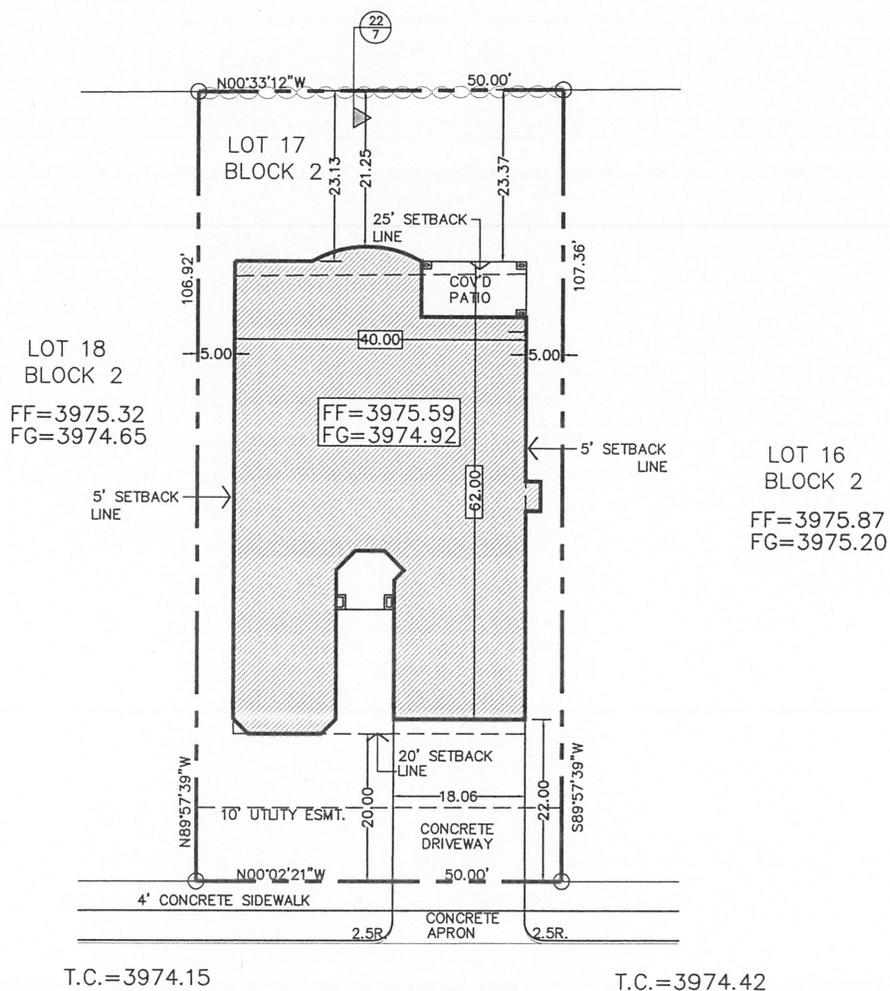
Staff recommendation is for approval as it meets the requirements of the Builder Error Special Exception.

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."

SUN RIDGE UNIT 11

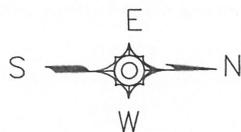


3125 SUNNY PRAIRIE DRIVE

VENTANAS U-1

LOT 17

BLOCK 2



LEGAL DESCRIPTION:  
LOT 17, BLOCK 2, VENTANAS UNIT-1  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

DATE:  
MAY, 2011

SCALE:  
1"=20'

TO BE BUILT BY:  
**XAVIER  
HOMES**

LUIS LOPEZ  
FRAMING SERVICES  
PHONE: (915) 891-8117

LUIS J. LOPEZ  
DRAFTSMAN AND  
2-10 I.B.W. INSPECTOR

**VISTA DEL SOL**  
ARCHITECTURAL DESIGN

214 CONZALES ST.  
EL PASO, TX 79907

PHONE (915) 856-8264  
CELL (915) 484-1988



Xavier Homes

12351 Paseo Nuevo Suite B

EL Paso, Texas 79928

To whom it may concern:

This letter is to clarify that the encroachment on 3125 Sunny Prairie dr. was not intentionally. It was a mistake done by the concrete subcontractor.

If you have any questions please contact me at (915)240-5265 Javier Corral.

Thank You

A handwritten signature in black ink, appearing to read 'Javier Corral', written over a horizontal line.

Javier Corral

Xavier Homes-Owner

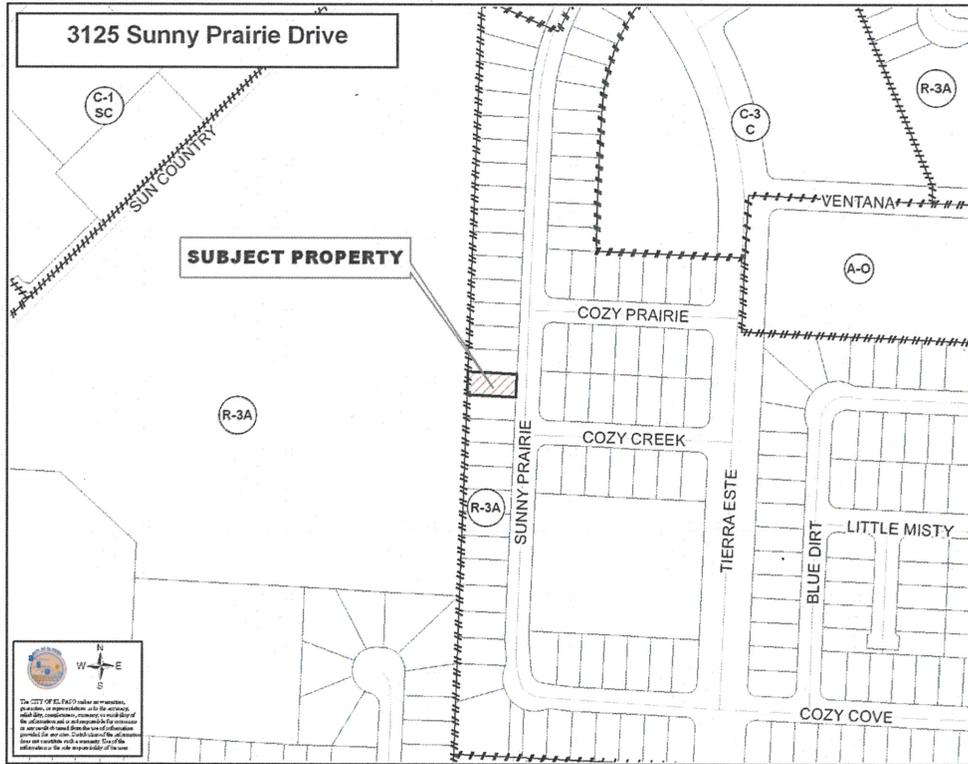
**BUILDER ERROR LOG**

For a 12 Month Period

June 14, 2010 to July 11, 2011

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
6/14/2010	ZBA10-00020	14256 Tierra Yamila	Mountain Vista
8/9/2010	ZBA10-00031 (Side Setbacks)	3170 Blue Dirt Circle	Saratoga Homes
9/13/2010	ZBA10-00041 (Rear Yard Setback)		
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes
6/13/2011	PZBA11-00015	11217 Duster Street	Tropicana Homes
7/11/2011	PZBA11-00019	3125 Sunny Prairie	Xavier Homes

# ZONING MAP



# NOTIFICATION MAP

