

**PZBA16-00018**

**7937 San Jose Road**

**Raul, Carlos and Hemila Pallares**

**Applicant request a Special Exception under Section 2.16.050 K (In existence fifteen years or more) in an A-2 (Apartment) zone.**

This would permit the encroachment of an existing 602 sq. ft. existing dwelling unit, which is encroaching 1.75' (4.2 sq. ft. total) into the required side yard setback and is located within 3.25' of the side property line, to remain.

The required side setback is 5 feet in the A-2 (Apartment) zone district.

### **BACKGROUND**

The applicant is requesting Special Exception K to allow the existing encroachments into the side yard setback for a 4.2 sq. ft. area of an existing dwelling. The applicant has provided a 1991 aerial map and central appraisal records indicating the year built as 1973. The 1991 aerial shows the property existing then as it does today, with the existing dwelling in its current location.

The Planning Division has not received any communications in support or opposition to the special exception request.

### **CALCULATIONS**

Required side yard setback = 5'

Requested side yard setback = 3.25'

### **STAFF RECOMMENDATION**

Staff recommends approval of the special exception request as the requested encroachment has been in existence for more than 15 years.

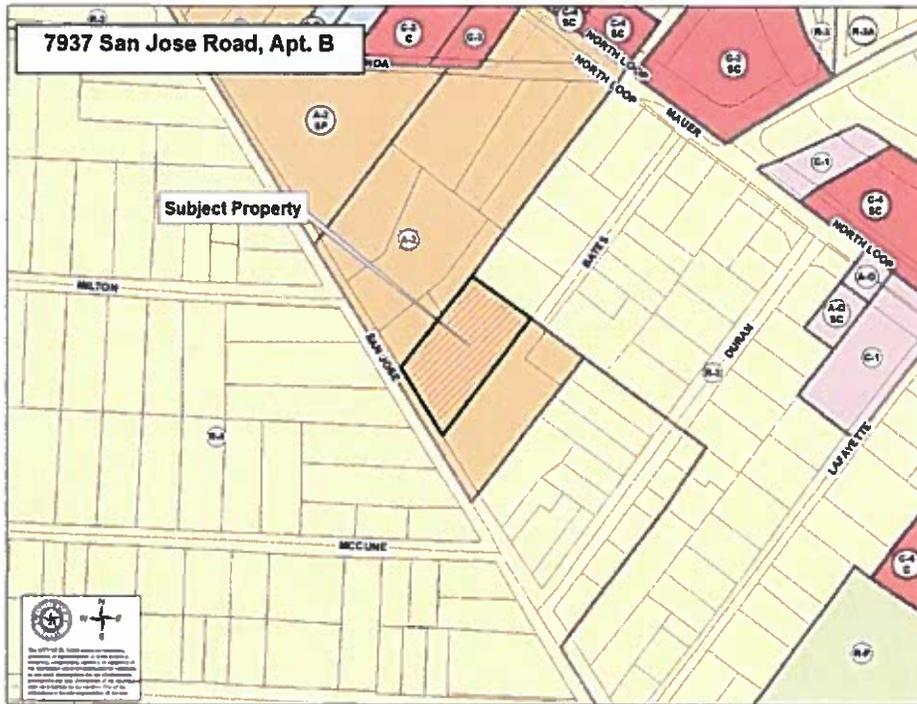
The Zoning Board of Adjustment is empowered under Section 2.16.050 K to:

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

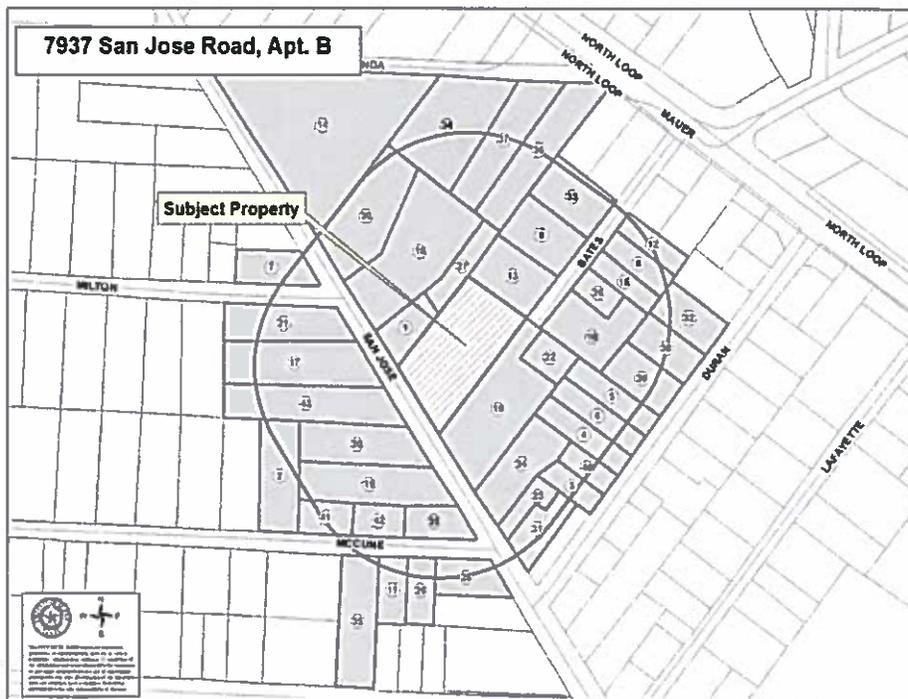
1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and
5. The encroachment does not violate any other provision of the El Paso City Code."

**ITEM #1**

# ZONING MAP

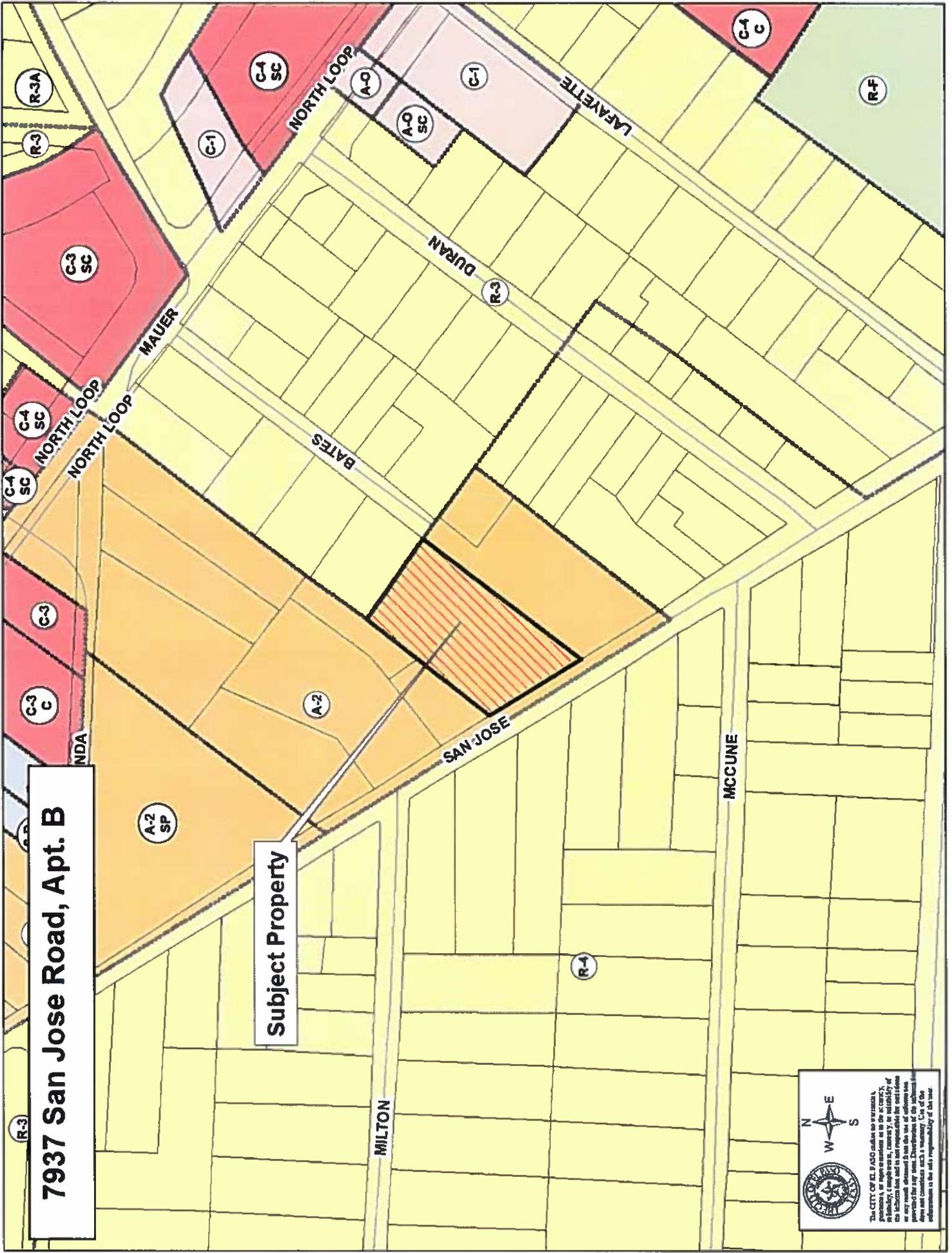


# NOTIFICATION MAP

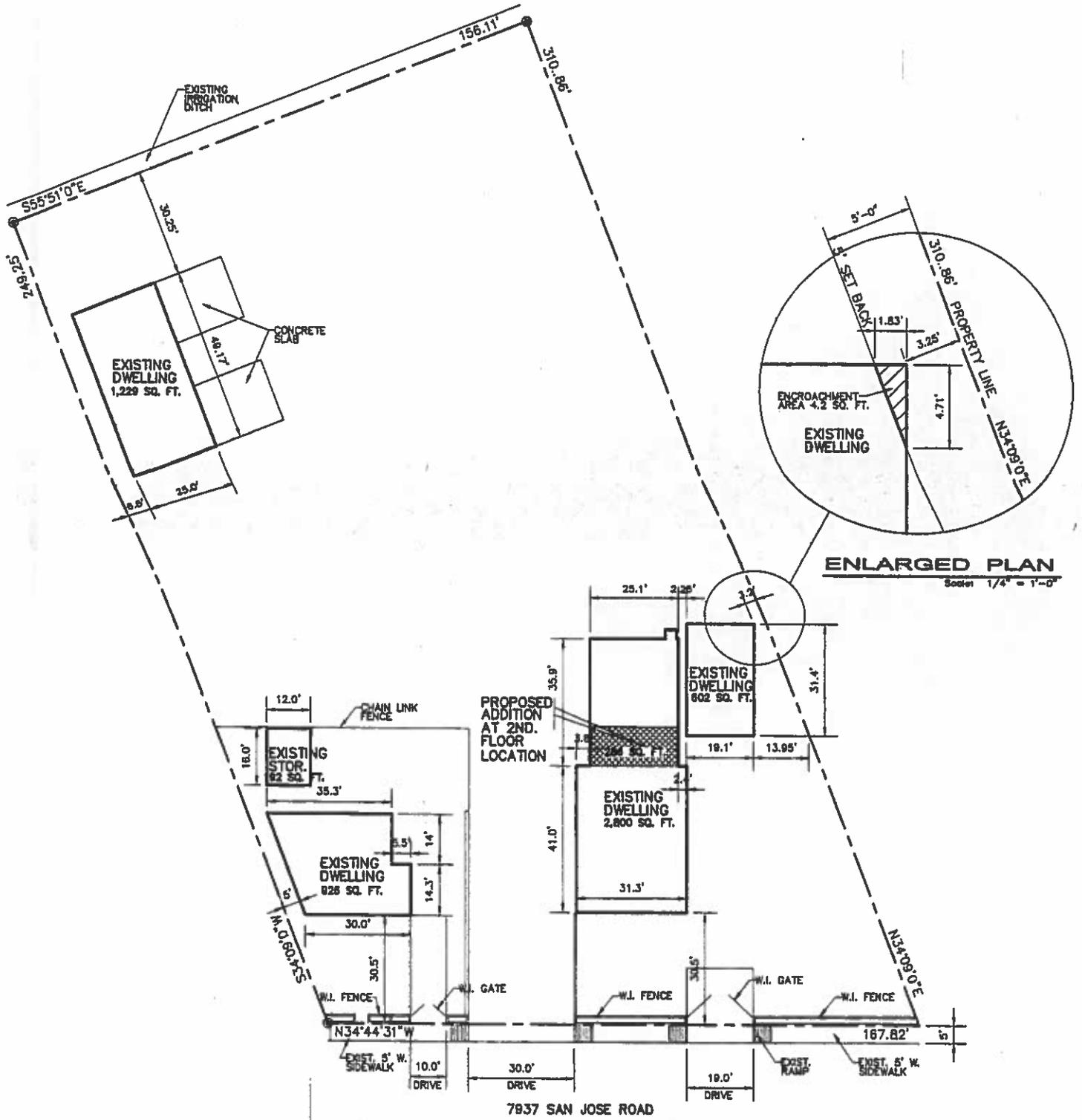


7937 San Jose Road, Apt. B

Subject Property



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**SITE PLAN**

Scale:  $1" = 20.0'$

**LEGAL DESCRIPTION**

WESTERLY PORTION OF TRACT 3 LAFAYETTE PLACE  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS.

