

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

This would permit the existence of a residence that is located to within 4.8' of the southerly side of the property line.

The required side yard setback is 5' in the R-3A zone district.

**BACKGROUND**

Xavier Homes has submitted the enclosed letter stating that the error was made and a request to correct it. This is the second of two Builder Errors assigned to Xavier Homes from May 2009 through the current date.

**CALCULATIONS**

Required side yard setback = 5'

Requested side yard setback = 4.8'

**STAFF RECOMMENDATION**

Staff recommends approval as the request meets all the requirements of the Special Exception G.

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."



June 15, 2010

City of El Paso Texas  
2 Civic Center Plaza 5th Floor  
El Paso, TX. 79901-1196  
ATTN: Arturo Rubio.

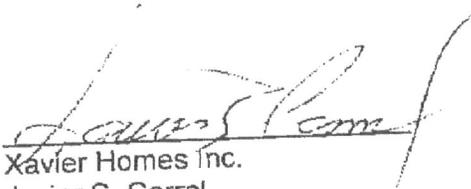
RE: Variance Application 3121 Sunny Prairie

Dear Mr. Rubio:

On address 3121 Sunny Prairie, Lot 19 Block 2, Ventanas Subdivision Unit 1, we had an error on the side setbacks. On the back in one of the sides instead of 5' it reads 4'7" and in the other side it reads 5'1". On the front in one of the sides it reads 4'8" and in the other side it reads 5'2"

We already submitted an application to your office with all the exhibits you requested in order to correct this error.

If you have any questions, please do not hesitate to contact us. You can call Javier at his cell phone 915-240-5265.

  
Xavier Homes Inc.  
Javier S. Corral

**BUILDERS ERROR LOG****For a 12 Month Period****May 4, 2009 to July 12, 2010**

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
5/04/2009	ZBA09-00016	1136 Calle Del Sur Drive	Winton & Associates, Inc.
8/10/2009	ZBA09-00027	5349 Jack Marcus Drive	Keystone Residences/Prime Prospects
8/10/2009	ZBA09-00028	11800 Holstein Drive	Eva Z. Melgar (homeowner)
10/12/2009	ZBA09-00036	718 Blacker	Clint Armstrong, Palms West
12/14/2009	ZBA09-00051	8036 Glendale Avenue	Gerardo Blanco/Luis Cardenas
01/11/2010	ZBA09-00057	3705 Tierra Isela Drive	Jesus Marquez, Rio Grande Homes
02/08/2010	ZBA10-00003	7336 Black Mesa Drive	New Horizon Builders, Inc.
06/14/10	ZBA10-00020	14256 Tierra Yamila	Mountain Vista Builders
7/12/2010	ZBA10-00023	3129 Sunny Prairie	Xavier Homes, Inc.
7/12/2010	ZBA10-00024	3121 Sunny Prairie	Xavier Homes, Inc.



DEVELOPMENT SERVICES DEPARTMENT

ZONING

These Plans Have Been Reviewed For General Compliance In The Regulations Of The Zoning Ordinance Of The City Of El Paso.

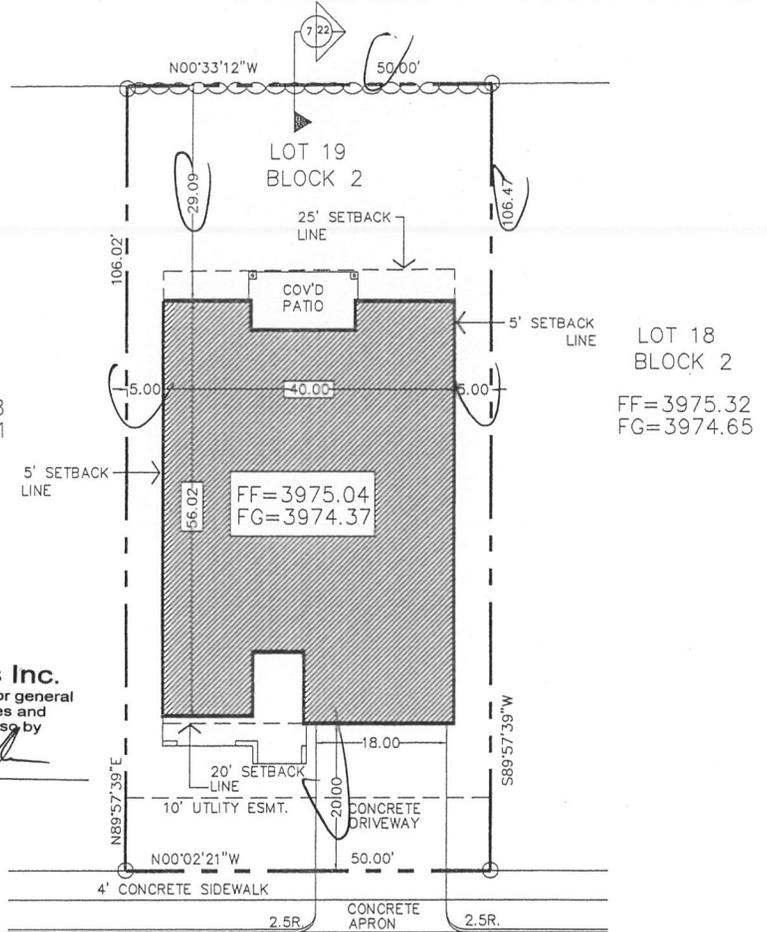
Zone R-3A  
Permitted Use RS  
Parking Required 2

SUN RIDGE UNIT 1 BY [Signature] DATE 03/18/10

DEVELOPMENT SERVICES DEPARTMENT  
BUILDING PERMITS & INSPECTIONS DIVISION

THIRD PARTY REVIEW

BY Walt Hale DATE 3/2/10



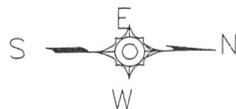
LOT 20  
BLOCK 2  
FF=3974.68  
FG=3974.01

LOT 18  
BLOCK 2  
FF=3975.32  
FG=3974.65

Vision Consultants Inc.  
These plans have been reviewed for general conformity with all pertinent codes and ordinances for the City of El Paso by Vision Consultants Inc.  
Date: 3-17-10 Reviewed by [Signature]

T.C. = 3973.60

T.C. = 3973.87



3121 SUNNY PRAIRIE DRIVE  
VENTANAS U-1  
LOT 19 BLOCK 2

RECEIVED

MAR 05 2010  
CITY OF EL PASO  
DEVELOPMENT SERVICES  
DEPARTMENT

Vision Consultants Inc.  
These plans have been reviewed for general conformity with all pertinent codes and ordinances for the City of El Paso by Vision Consultants Inc.  
Date: 3-5-10 Reviewed by [Signature]

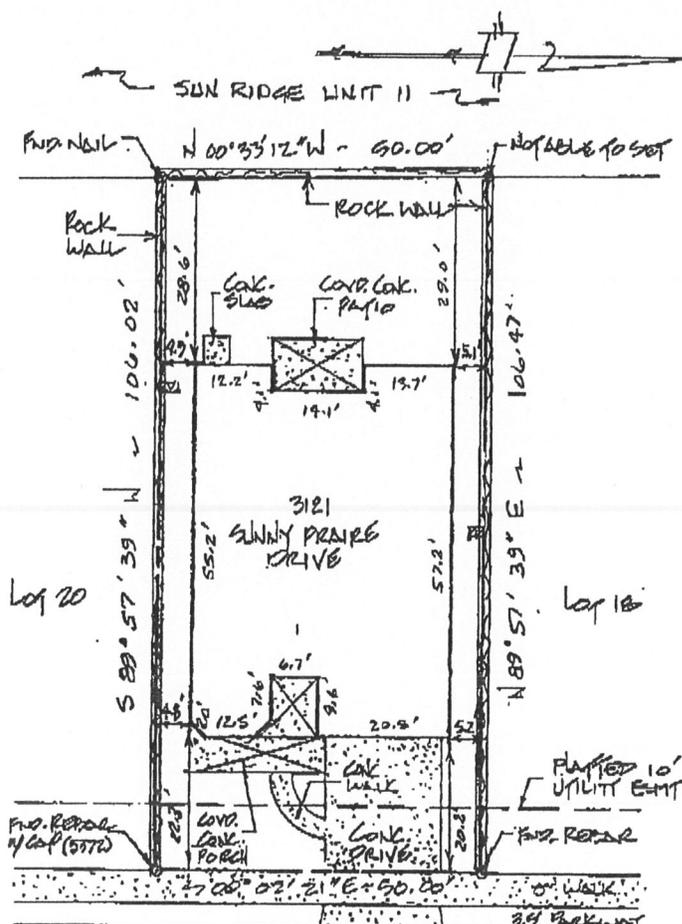
RSP10-00498

LEGAL DESCRIPTION:  
LOT 19, BLOCK 2, VENTANAS UNIT-1  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

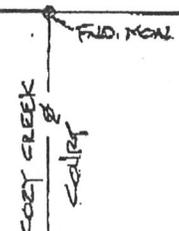
DATE:  
FEB. 2010  
SCALE:  
1" = 20'

TO BE BUILT BY:  
XAVIER  
HOMES

VISTA DEL SOL ARCHITECTURAL DESIGN  
LUIS LOPEZ  
FRAMING SERVICES  
PHONE: (915) 851-5117  
LUIS J. LOPEZ  
DRAFTSMAN AND  
2-10 I.R.R. INSPECTOR  
214 CONZALES ST.  
EL PASO, TX. 79907  
PHONE (915) 855-8254  
CELL (915) 494-1888  
PLAN # 6



SUNNY PRAIRIE DRIVE (52' R.O.W.)



CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN

*John A. Eby*  
JOHN A. EBY TX-5372 NM-17779

\* CLERK'S FILE NO. 20070102945



Lot 19, Block 2  
VENTANA SUBDIVISION UNIT ONE  
CITY OF EL PASO, EL PASO COUNTY, TX.

PLAT RECORD:  
VOLUME:  
PAGE:  
SEE \*

TITLE CO: RIO BLANCO TITLE FILE# 103342-10 DATED: 5-20-10

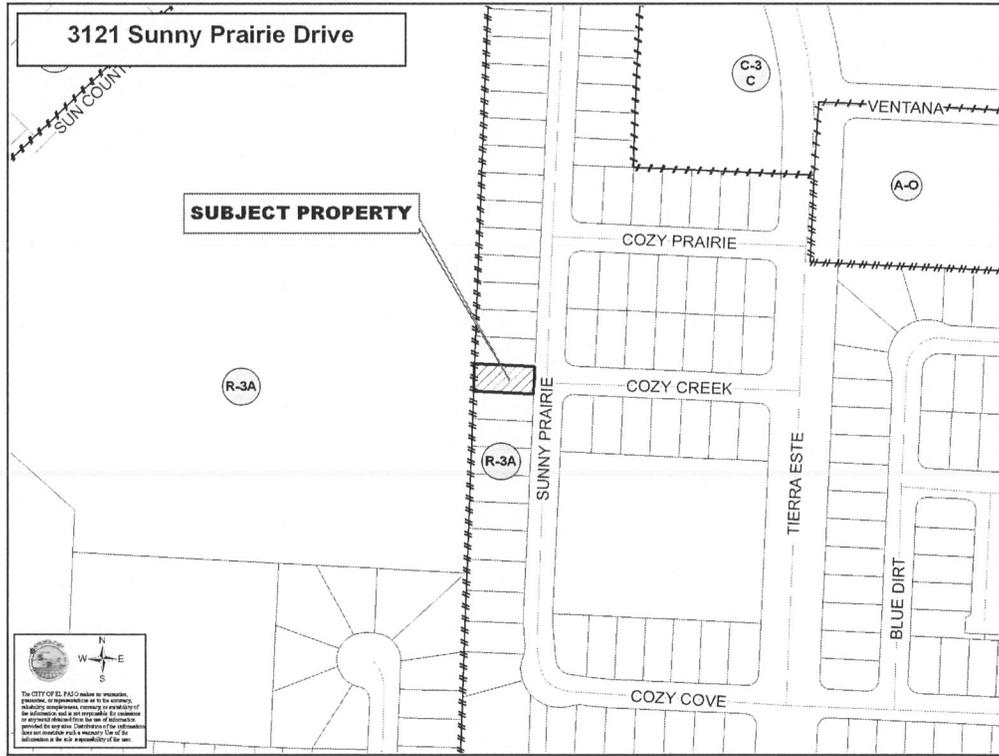
FIRM ZONE: X PANEL# 480212-175-B DATED: 9-4-1991

DATE OF SURVEY: 5-27-2010 SCALE: 1"=20' OFFICE: JTM FIELD: JE

PASO DEL NORTE SURVEYING INC.  
13898 BRADLEY ROAD, EL PASO, TEXAS 79938  
PH. 915-241-1841  
FAX 915-855-6925  
© COPYRIGHT

NOT VALID WITHOUT STAMP OR SEAL

# ZONING MAP



# NOTIFICATION MAP

