

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 property line.

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

BACKGROUND

Xavier Homes has submitted the enclosed letter stating their error in situating the house. This is one 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

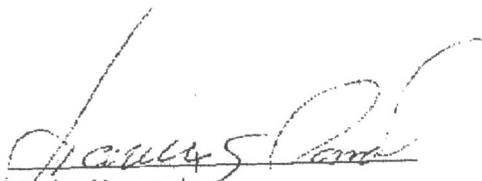
RE: Variance Application 3129 Sunny Prairie

Dear Mr. Rubio:

On address 3129 Sunny Prairie, Lot 15 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 4'9" 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

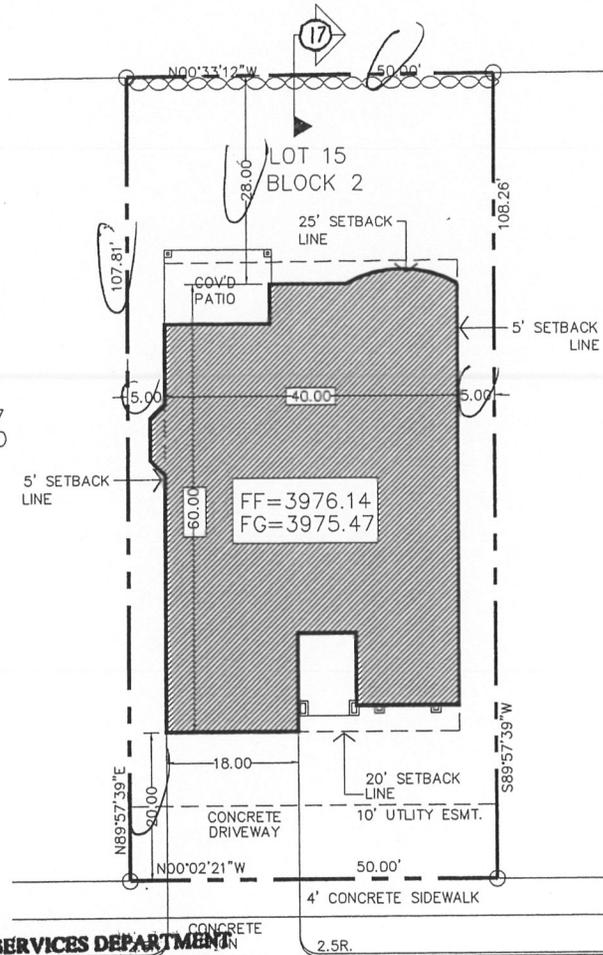

Xavier Homes Inc.
Javier S. Corral

SUN RIDGE UNIT 11

DEVELOPMENT SERVICES DEPARTMENT
 BUILDING PERMITS & INSPECTIONS DIVISION
 THIRD PARTY REVIEW
 3-19-10
 DATE
 Rudy Walker

LOT 16
 BLOCK 2
 FF=3975.87
 FG=3975.20

LOT 14
 BLOCK 2
 FF=3976.42
 FG=3977.75



DEVELOPMENT SERVICES DEPARTMENT

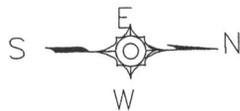
ZONING

These Plans have been reviewed for general compliance
 in the regulations of the zoning ordinance of
 the City of El Paso.

Zone: R31
 Permitted Use: RES
 Parking Required: 4
 BY: [Signature] DATE: 3/23/10

T.C.=3974.97

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: 7-17-10 Reviewed by: [Signature]



3129 SUNNY PRAIRIE DRIVE

VENTANAS U-1

LOT 15 BLOCK 2

RECEIVED

MAR 17 2010

CITY OF EL PASO
 DEVELOPMENT SERVICES
 DEPARTMENT

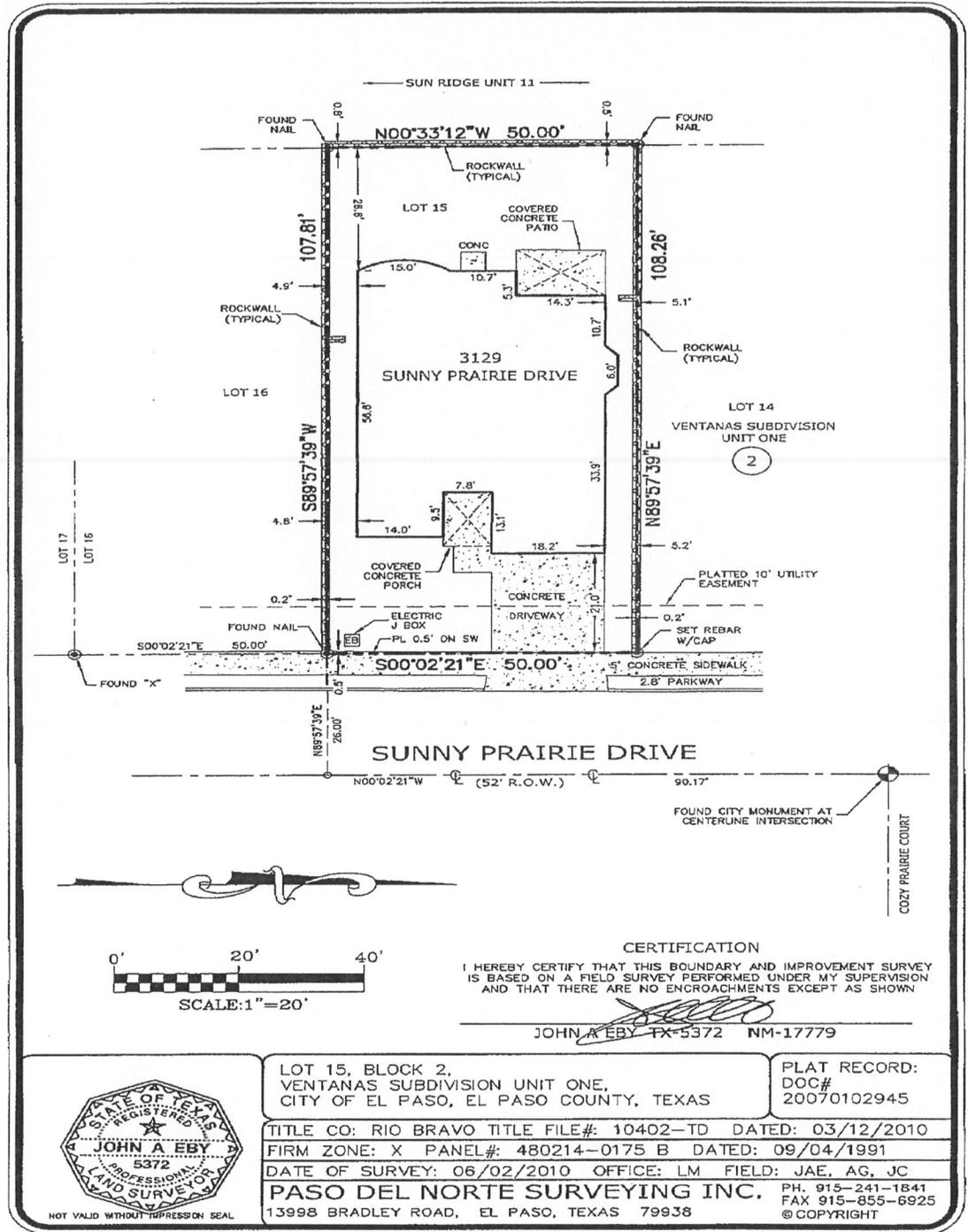
RSP10-00551

LEGAL DESCRIPTION:
 LOT 15, BLOCK 2, VENTANAS UNIT-1
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

TO BE BUILT BY:
 XAVIER
 HOMES

LUIS LOPEZ
 DRAFTSMAN AND
 2-10 I.B.N. INSPECTOR
 VISTA DEL SOL
 ARCHITECTURAL DESIGN
 214 GONZALES ST.
 EL PASO, TX. 79907
 PHONE: (915) 851-5117
 PHONE: (915) 858-6264
 CELL: (915) 494-1988
 DRAWING NO. 1-A



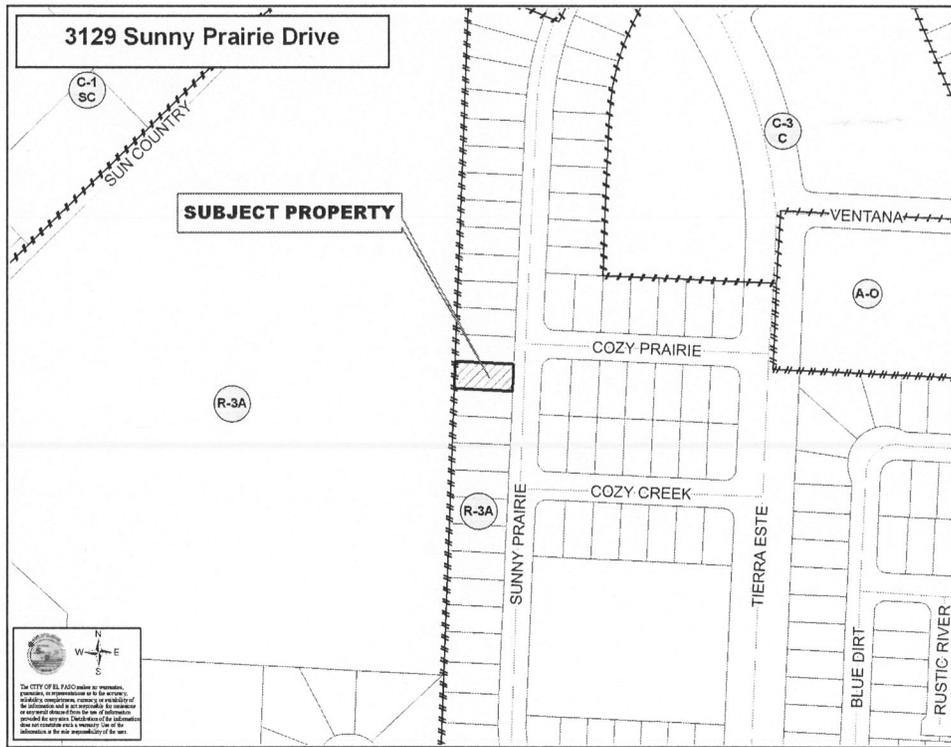
BUILDERS ERROR LOG

For a 12 Month Period

May 4, 2009 to July 12, 2010

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
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.

ZONING MAP



NOTIFICATION MAP

