

Applicant requests a Variance (Yard Setbacks) under Section 2.16.030 in an R-4 (Residential) zone.

The request is for a Variance from Title 20, Zoning, Section 20.12, Density and Dimensional Standards, Yard Setback Requirements.

The required front and rear yard setback cumulative total is 45 feet; the required side street setback is 10 feet; and, the required side yard setback is 5 feet in the R-4 zone district.

BACKGROUND

The request is for a new, two story residential structure that encroaches into the required yard setbacks. Applicant requests the following set backs: front 43'8", rear 9' 6", sides 10'. The zoning administrator determined that the front setback is along Galloway Drive, the rear setback is along Morrow Drive, and the side setbacks are at the west and east. The zoning administrator also determined that the front setback along Galloway should be 15'.

STAFF RECOMMENDATION

Staff recommends approval of a Variance due to the odd shape of the lot with a recommendation that the front setback along Galloway be 15' from the property line.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

"Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."

The following questions should be carefully considered in order to grant a variance:

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

Definition of Unnecessary Hardship, Section 20.02.1128

"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

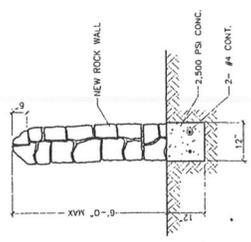
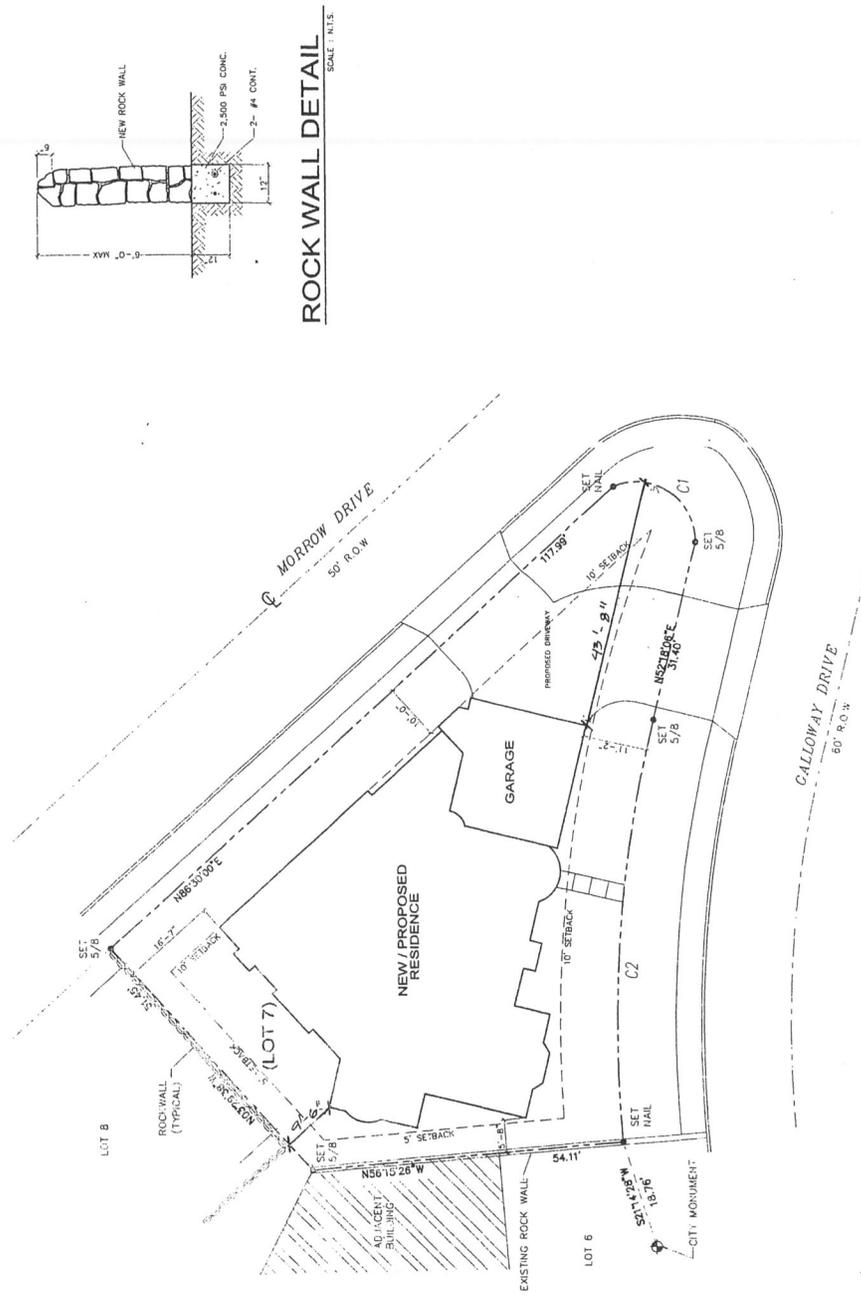
APPENDIX A: Findings – Variances

INQUIRY	FINDINGS
<p>Is the request for a variance owing to special condition inherent in the property itself?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The property is/has ... (e.g., odd-shaped, unusual topography, etc.)</p>
<p>Is the condition one unique to the property requesting the variance?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>The condition is unique to this property.</p>
<p>Is the condition self-imposed or self-created?</p> <p>If yes, STOP If no, PROCEED</p> <p style="text-align: center;">↓</p>	<p>The condition necessitating the request was not created by the property owner.</p>
<p>Will the literal enforcement of the zoning ordinance result in an unnecessary hardship?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.</p>
<p>Will the hardship prevent any reasonable use whatsoever?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	<p>Without the grant of the requested variance, the property owner would be deprived of the right to use his property. Financial considerations alone cannot satisfy this requirement.</p>
<p>Would the grant of the variance be contrary to public interest?</p> <p>If yes, STOP If no, CONTINUE</p> <p style="text-align: center;">↓</p>	
<p>Is the request within the spirit of the ordinance and does it further substantial justice?</p> <p>If yes, CONTINUE If no, STOP</p> <p style="text-align: center;">↓</p>	

DATE ISSUED:	12-08-08
REVISION:	A 1-19-10

A-0

KERN PLACE ADDITION
LOT 7 BLOCK 48
CITY OF EL PASO, EL PASO COUNTY, TEXAS.

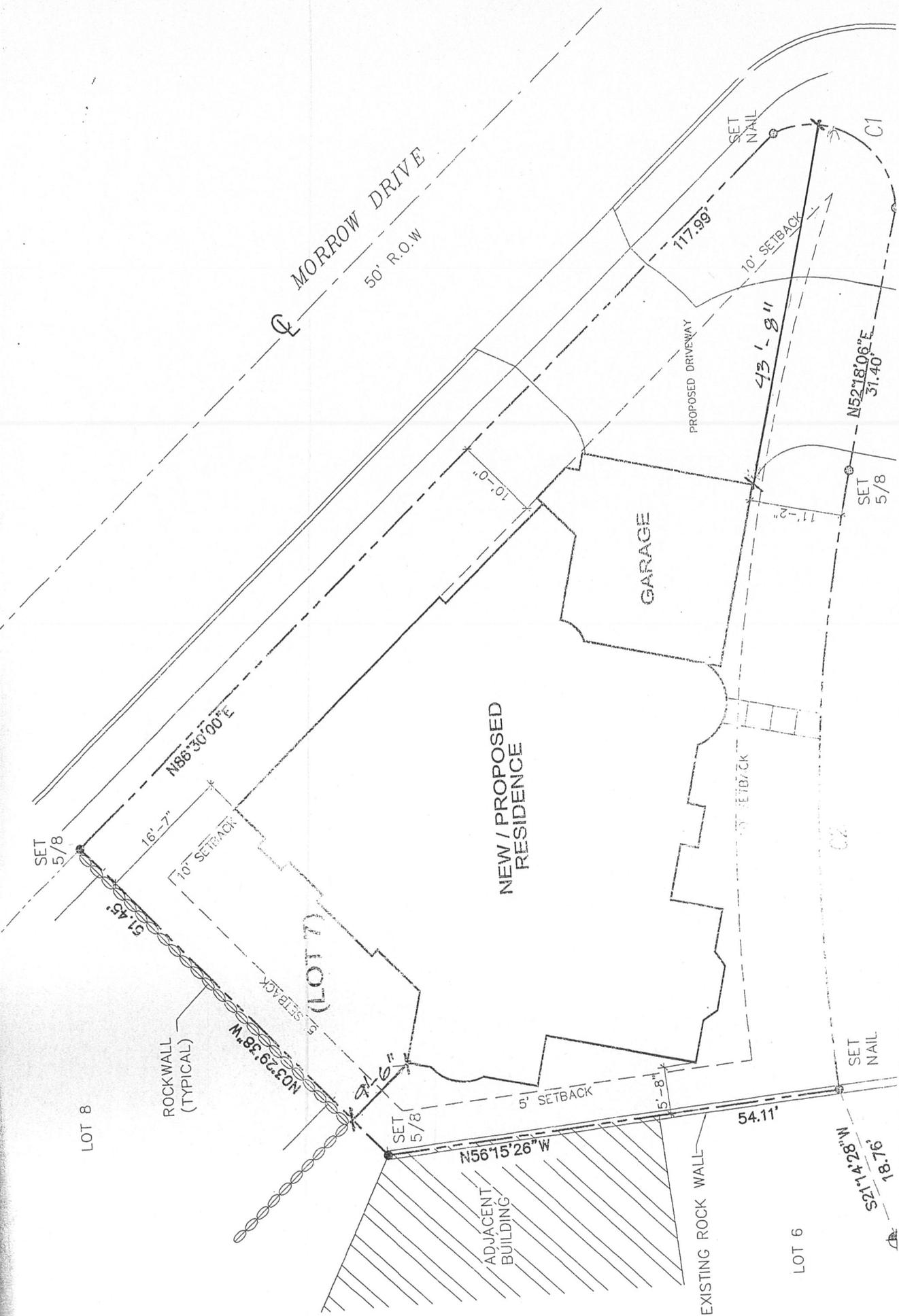


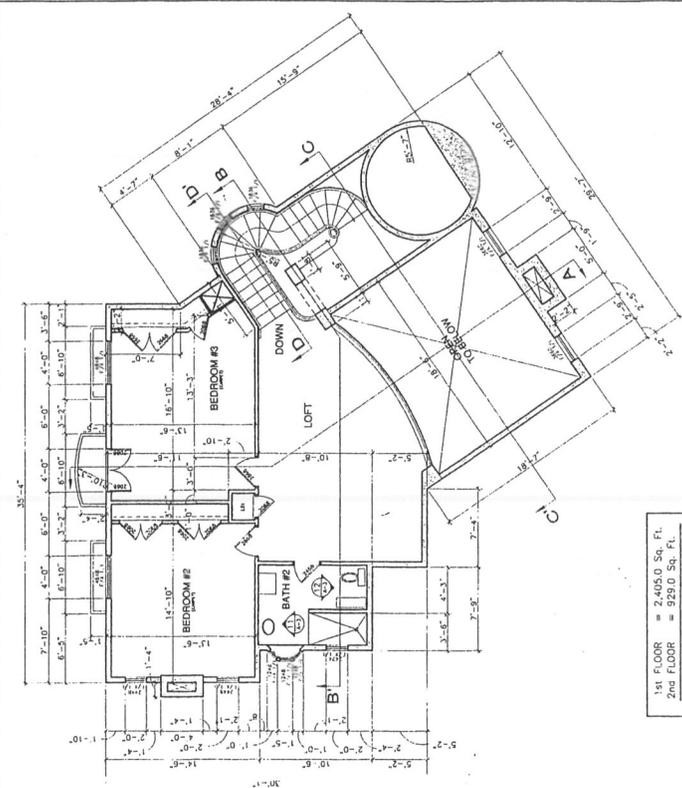
CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	10.00'	20.09'	15.74'	16.88'	N16°56'15"W	115°07'48"
C2	226.06'	73.18'	36.91'	72.86'	S4°30'28"W	16°32'51"

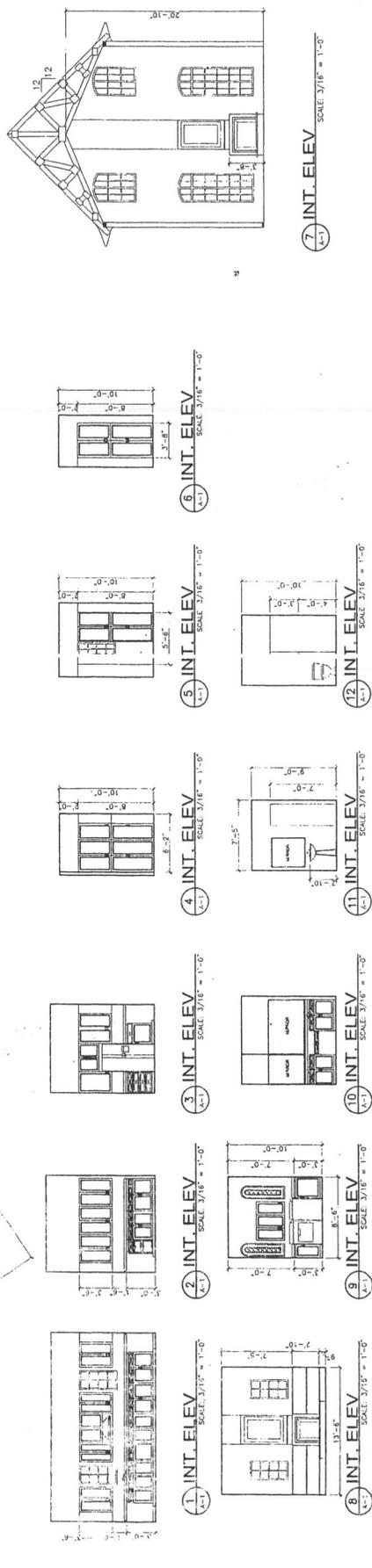
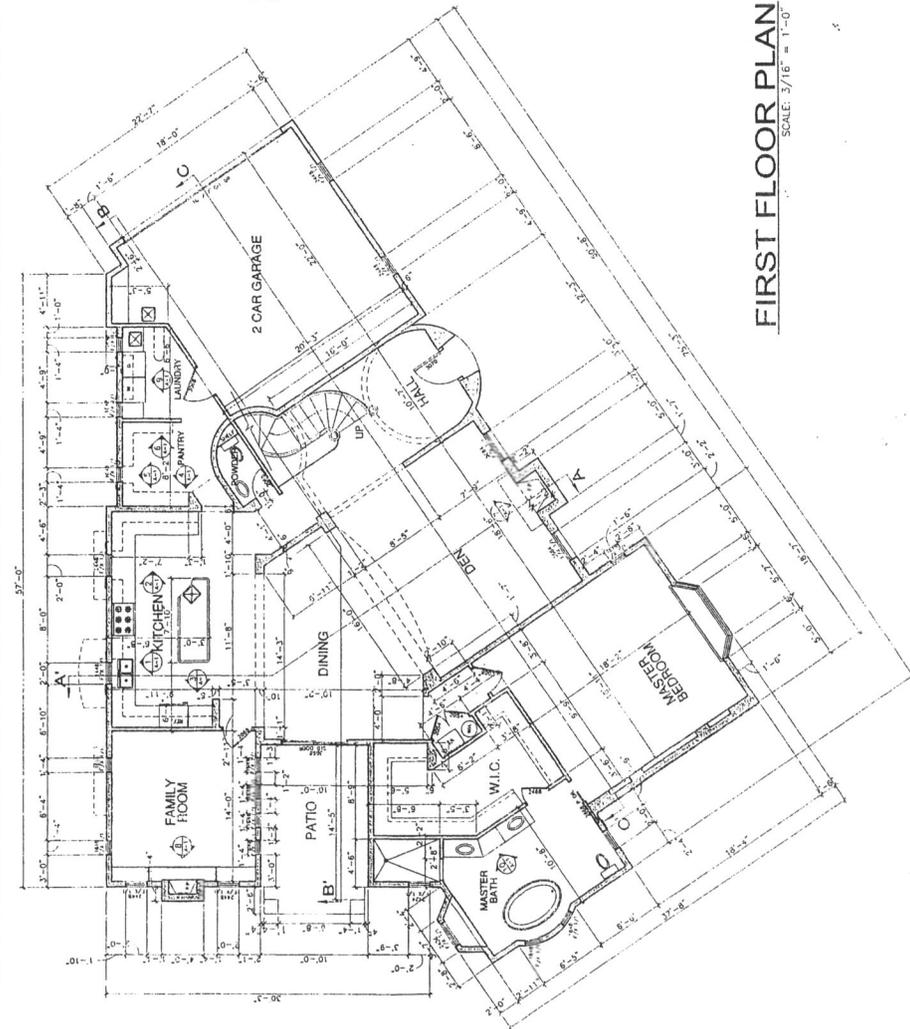
SITE PLAN

SCALE: 1" = 10.0'

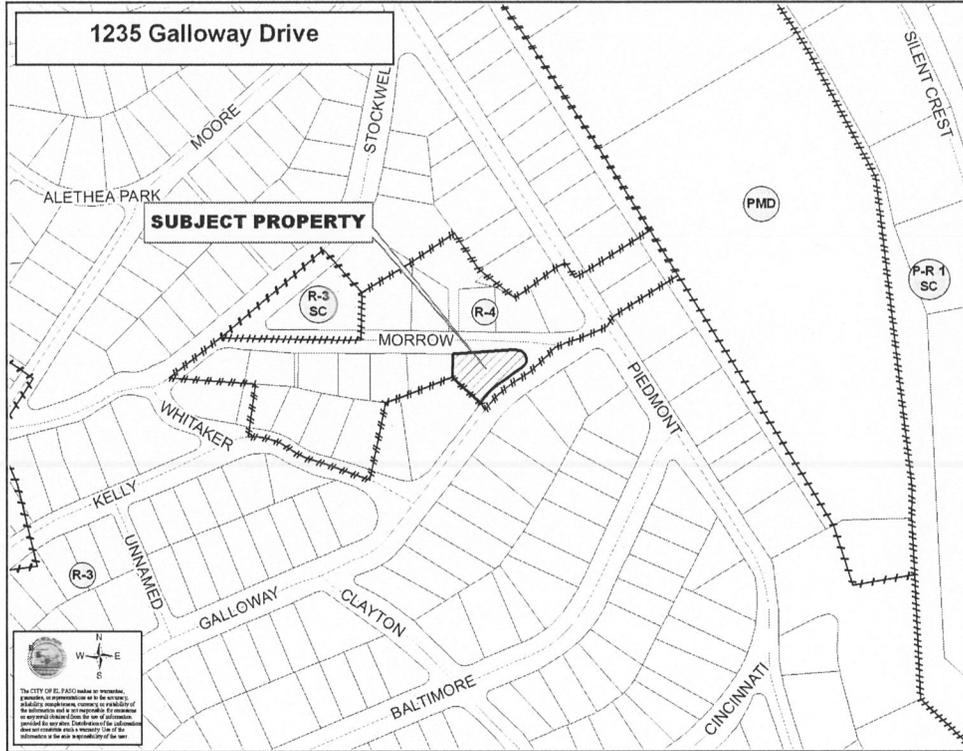




1st FLOOR	= 2,405.0 Sq. Ft.
2nd FLOOR	= 929.0 Sq. Ft.
TOTAL	= 3,334.0 Sq. Ft.
GARAGE	= 471.0 Sq. Ft.
COVERED PATIO	= 155.0 Sq. Ft.
BALCONY	= 15.0 Sq. Ft.
TOTAL	= 170.0 Sq. Ft.



ZONING MAP



NOTIFICATION MAP

