

**Applicants request a Variance (Accessory Building, Height) under Section 2.16.030 in an R-1 (Residential) zone.**

The request is for a detached garage that is proposed to be 17 feet in height.

The maximum permitted height for an accessory structure is 15 feet.

**BACKGROUND**

The applicant is requesting a variance from the El Paso City Code, Title 20, Zoning, Section 20.10.030, Accessory Buildings and Structures, Height, for a proposed detached garage to house his motor home.

**CALCULATIONS**

**STAFF RECOMMENDATION**

Staff recommends denial of the request for a Variance because there are no special conditions of the applicant's property that cause an unnecessary hardship. In addition, the applicant already has the fullest and best use of his property with the existing single-family dwelling in the R-1 zone district.

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:**

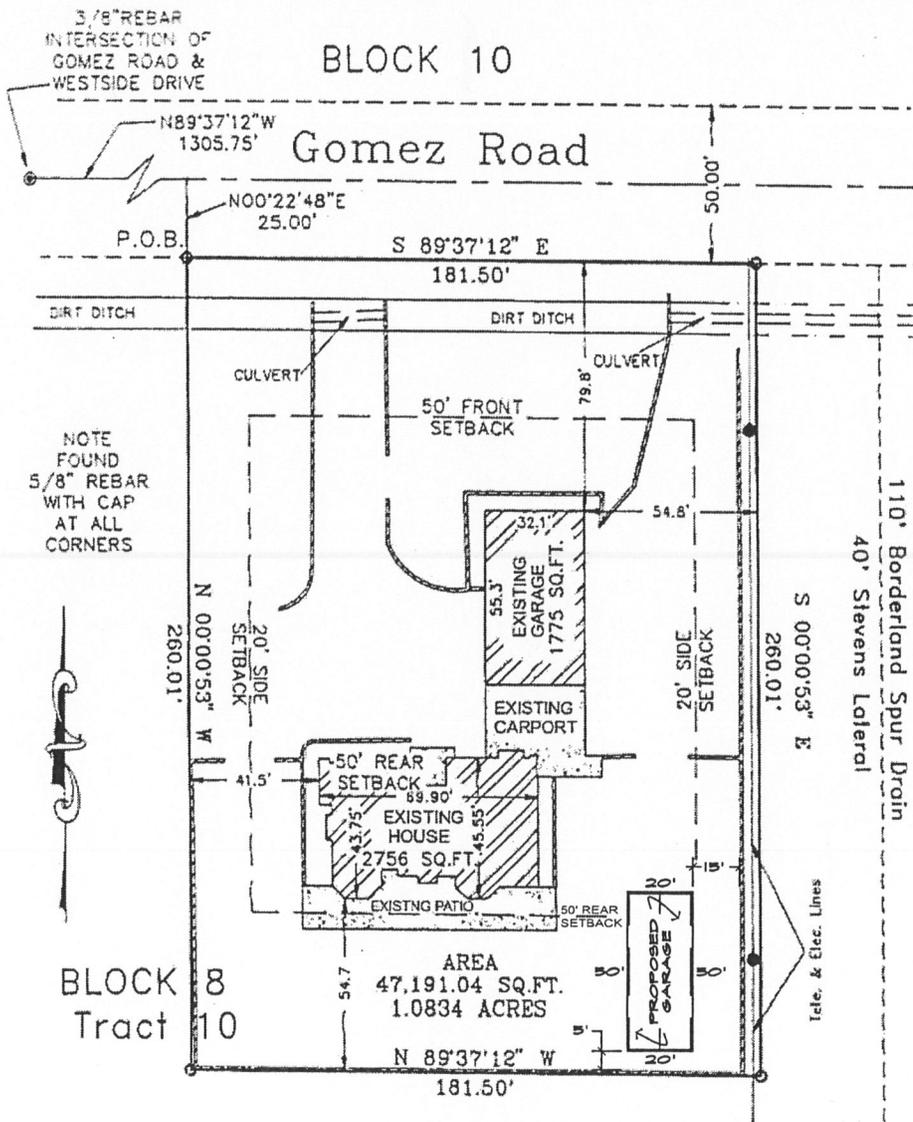
1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

**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, <b>CONTINUE</b> If no, <b>STOP</b></p> <p style="text-align: center;">↓</p>		The property is/has ... (e.g., odd-shaped, unusual topography, etc.)
<p>Is the condition one unique to the property requesting the variance?</p> <p>If yes, <b>CONTINUE</b> If no, <b>STOP</b></p> <p style="text-align: center;">↓</p>		The condition is unique to this property.
<p>Is the condition self-imposed or self-created?</p> <p>If yes, <b>STOP</b> If no, <b>PROCEED</b></p> <p style="text-align: center;">↓</p>		The condition necessitating the request was not created by the property owner.
<p>Will the literal enforcement of the zoning ordinance result in an unnecessary hardship?</p> <p>If yes, <b>CONTINUE</b> If no, <b>STOP</b></p> <p style="text-align: center;">↓</p>		Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.
<p>Will the hardship prevent any reasonable use whatsoever?</p> <p>If yes, <b>CONTINUE</b> If no, <b>STOP</b></p> <p style="text-align: center;">↓</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>Would the grant of the variance be contrary to public interest?</p> <p>If yes, <b>STOP</b> If no, <b>CONTINUE</b></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, <b>CONTINUE</b> If no, <b>STOP</b></p> <p style="text-align: center;">↓</p>		



ROCK WALL   
 CONCRETE 

As Built Survey  
 A Portion of  
 Tract 10, Block 8  
 Upper Valley Surveys  
 El Paso County, Texas

SITE PLAN

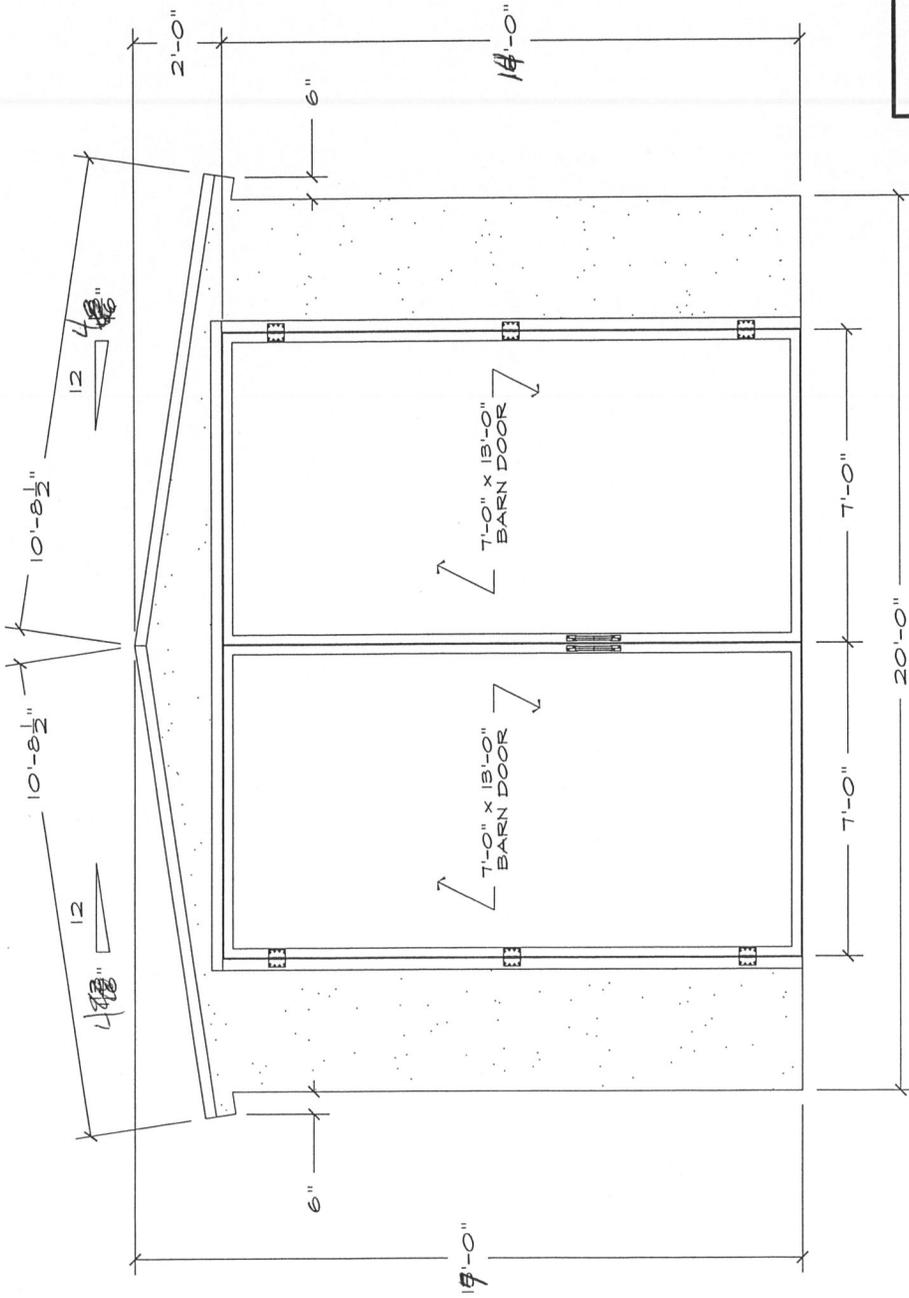
SCALE: 1" = 60'



SUNSETS WEST, INC.

PROPOSED SITE & FOUNDATION PLAN FOR GARAGE  
 TRACT 10, BLOCK 8 EL PASO COUNTY, TEXAS

APPROVED BY:	DRAWING NO.		
CHECKED BY:	DRAWN BY: CCR	SIZE B	
SCALE: AS NOTED	DATE: 04/21/2010	SHEET 1 OF 6	




**FRONT ELEVATION**  
 SCALE: 3/8" = 1'-0"

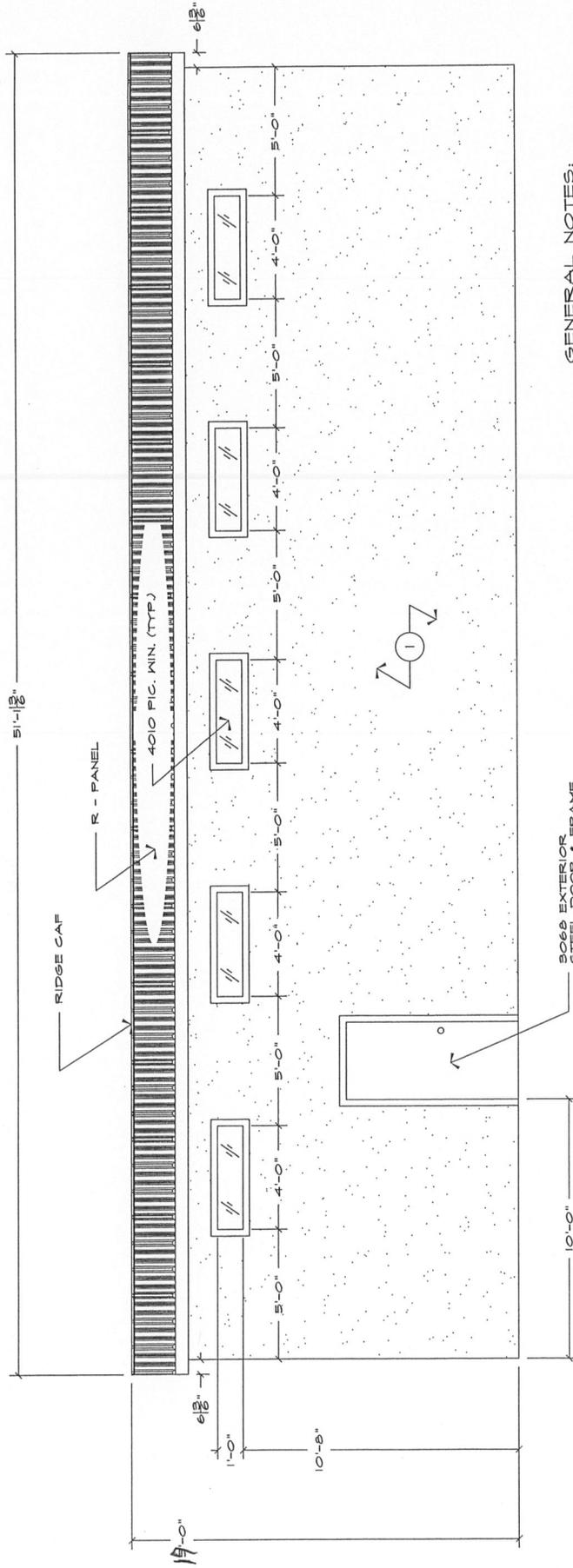
SUNSETS WEST, INC.

PROPOSED FRONT ELEVATION FOR GARAGE  
 TRACT 10, BLOCK 8 EL PASO COUNTY, TEXAS

APPROVED BY: \_\_\_\_\_ DRAWING NO. \_\_\_\_\_

CHECKED BY: \_\_\_\_\_ DRAWN BY: CCR SIZE: B

SCALE: AS NOTED DATE: 04/21/2010 SHEET 4 OF 6



GENERAL NOTES:

- ① 1/2" STUCCO ON G.S. EXT. BOARD

① SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

SUNSETS WEST, INC.

PROPOSED SIDE ELEVATION FOR GARAGE  
TRACT 10, BLOCK 8 EL PASO COUNTY, TEXAS

APPROVED BY:	DRAWING NO.	SIZE	SHEET
CHECKED BY:	DRAWN BY: CCR	B	5 OF 6
SCALE: AS NOTED	DATE: 04/21/2010		

# ZONING MAP



# NOTIFICATION MAP

