

Applicant requests a Variance (Accessory Building, Height) from the requirements of Section 20.10.030 A.1., Accessory Buildings & Structures, in an R-2/c (Light Density Residential/Condition) zone.

This would permit the construction of a two story accessory building that is proposed to be 22 feet high.

Residential accessory buildings not over one story or fifteen feet in height may be located in a rear yard.

BACKGROUND

The applicant's representative submitted a letter requesting withdrawal of the application.

The applicant requested the Variance in order to build a two story accessory building, with a full basement, to be used as a guest house and proposed to be located in his rear yard and to be 22 feet high from ground level to top of roof. He is claiming he is prevented from building the accessory structure with a larger footprint due to the 50 percent on-site ponding requirement for his lot. He is requesting a two story structure to get the space he requires for the guest house. The applicant has provided a calculation of 11,155 square feet of permeable surface area on his 20,087 square foot lot, or 55 percent of the lot. He has included the proposed accessory building coverage in his calculations. The zoning code restricts accessory buildings to one story or a height of 15 feet.

The staff has received two phone calls regarding this application, both in opposition to the request. At the June 9, 2008, meeting, the applicant presented letters from two neighbors in support of his request.

STAFF RECOMMENDATION

Staff recommends denial of the request for a Variance for a 22 feet high accessory building because a literal enforcement of the 15 feet height requirement for accessory structures does not create an unnecessary hardship, that is, the on-site ponding requirement is not an exceptional physical condition that has prevented or would prevent reasonable use of the property. Further, accessory buildings are not considered essential to a reasonable use of a property.

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."

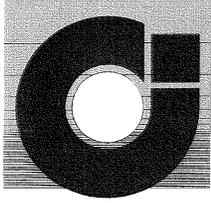
The following questions should be carefully considered in order to grant a variance:

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?

"Unnecessary hardship" is defined in Section 20.02.1128 of the El Paso Municipal Code:

"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 which is self-imposed.

ITEM #7



CONDE INC

July 3, 2008

Linda Castle
City of El Paso
Two Civic Center Plaza
El Paso, Texas 79901

RE: Zoning Board of Adjustments for: 4914 Olmos

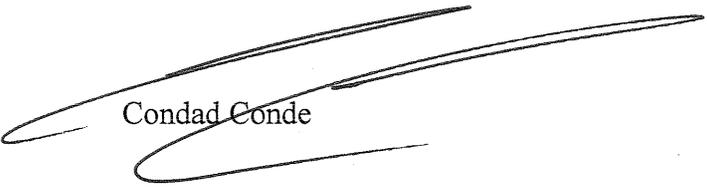
Dear Linda,

On behalf of Douglas A. Schwartz, we are hereby withdrawing the above referenced project.

We apologize for any inconvenience this may have caused. If you have any questions or need additional information, please feel free to contact us.

Sincerely,

CONDE, INC.


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