

Applicants request Special Exceptions under Section 2.16.050 G (Rear Yard Setback) and Section 2.16.050 V (Front Yard Setback) in an R-1 zone.

This would permit the construction of a new residence with a 27' by 10' portion of a front porch that is proposed to encroach 10' into the front yard setback. This would also permit a 27' by 11' portion of a patio that is proposed to encroach 11' into the required rear yard setback.

The required cumulative front and rear yard setback total is 100 feet in an R-1 zone.

BACKGROUND

The applicants are constructing a new residence in Emerald Valley Estates and are requesting the Special Exceptions under the prior code, existing prior to May 13, 2008. They are proposing to encroach in the front and rear yard setbacks with patios that are larger than permitted by code. The ZBA granted this property a Special Exception V in August 2006 to encroach in the front yard setback. The builder who requested the Special Exception did not build the house.

NOTE: The ZBA Ordinance adopted by El Paso City Council on May 13, 2008, restricts new home construction from qualifying for the special exceptions to encroach into the front and rear yard setbacks; however, the applicant submitted an application for a building permit to the City of El Paso Building Permits & Inspection Division on January 18, 2008. Thus, his rights are vested for purposes of applying for the Special Exceptions G and V under the prior ZBA Ordinance.

CALCULATIONS

- 1/3 average lot width = 43.87' (131.62' ÷ 3)
- Total requested width of encroachment in rear yard = 27'
- Total requested width of encroachment in front yard = 27'
- Required rear yard setback = 50'
- Requested rear yard setback = 39'
- Required front yard setback = 50'
- Requested front yard setback = 40'

STAFF RECOMMENDATION

Staff recommends denial of the request because new houses should be built within the setbacks of the zone in which they are located.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"Permit an extension of a single-family residential structure into the required rear yard, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

1. The total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, except that a minimum 10 foot rear yard setback shall be required;
2. The total width of all extensions granted shall not exceed one-third of the average width of the site;
3. The minimum side and side street yards shall not be reduced;
4. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred and twenty square feet;
5. Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space;
6. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site;
7. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought;
8. The public convenience and welfare will be substantially served;
9. The use of neighboring property will not be substantially injured; and
10. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

The Zoning Board of Adjustment is empowered under Section 2.16.050 V to:

"Permit an extension of a single-family residential structure into the required front yard, which shall be measured to the property line, provided, however, that:

1. The total length all extensions granted shall not project into the required front yard a depth in excess of ten feet (10'), and
2. The total width of all extensions granted shall not exceed one-third of the average width of the site, and
3. The minimum side and side street yards shall not be reduced, and
4. A minimum of a ten foot (10') front setback from the property line shall be maintained, and
5. If the proposed modification is for an enclosed garage, a minimum twenty foot (20') driveway shall be required; and
6. Unless otherwise provided in this ordinance, all remaining areas of the required front yard shall be permanent open space; and
7. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.
8. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and
9. The public convenience and welfare will be substantially served; and
10. The use of neighboring property will not be substantially injured; and
11. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
Planning Division
ZONING BOARD OF ADJUSTMENT - FORMAL DECISION
August 14, 2006

Case #08-158-06
5521 Woodgreen Drive
Legal Description: Emerald Valley Estates, Block 7, Lot 4

At its regular meeting on August 14, 2006, the Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance. After due consideration of the facts presented, the Board reached the following decision.

GRANTED 8/14/2006: A Special Exception under Section 2.16.050 V (Front Yard Setback) in an R-1 zone of the City of El Paso Zoning Ordinance. This would permit the construction of a 27' by 5' portion of the structure located to within 45' of the front property line and a 15' by 10' portion of the structure located to within 40' of the front property line. A 50' front yard setback is required in an R-1 zone.

The Board finds that this request is within its jurisdiction under Section 2.16.050 and that this request does meet all requirements of such section.

Filed for permanent record the 14th day of August 2006 in the office of the Zoning Board of Adjustment.

Roberto R. Peña
Zoning Board of Adjustment Secretary

PLEASE NOTE: The Director of Building Permits and Inspections Division shall only issue a building permit for construction authorized by Board action during the first twelve months after Board authorization unless otherwise directed by the Board at the time authorization is approved.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records.

cc: Joel Guzman
Enforcement Division
File



Receipt #: 320080000000000003459

Date: 06/12/2008
Station ID: 3

Line Items:

Case No	Address	Tran Code	Description	Revenue Account No	Amount Paid
ZBA08-00057	5521 WOODGREEN	0020	ZBA Residential	08010034-404116	120.00
Line Item Total:					\$120.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	ALEJANDRO OR JESSICA MELENDEZ		1304		In Person	120.00
Payment Total:						\$120.00





Case Activity Listing
Case #: RSP08-00120
 5521 WOODGREEN

6/24/2008
 3:37:28PM

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
RSPA005	Application Received			1/18/2008	None	DONE	RJH	CA	1/18/2008 CA	
RSPB003	1st Review Completed Timeline	1/18/2008		1/23/2008	None	DONE		RJH	6/2/2008 RJH	
RSPB125	Development Review	1/18/2008		1/22/2008	HwO	FAIL		RTG	1/22/2008 RTG	1.show all easements 2.show parkway to lot 3.show dwy w/conc.apron 4.needs elevations on site plan[all] 5.onsite ponding requirements 6.elevation marker detail 7.grading & drainage plan signed sealed by PE for review 8.grading permit required 9.soils report w/foundation recommendations sealed by PE 10.percolation rate test sealed by PE 11.onsite ponding rockwall detail 12.typical lot grading x-section address development comments, driveway, easements, ect.
RSPB010	Zoning Review	1/22/2008		1/23/2008	HwO	FAIL		RJH	1/23/2008 RJH	
RSPB010	Zoning Review	1/23/2008		6/2/2008	HwO	FAIL		RJH	6/2/2008 RJH	front and rear setback encroachments (open patio permitted to encroach 150 square ft front yard and 180 square ft rear yard)
RSPB030	Residential Review	1/23/2008		6/2/2008	HwO	FAIL		RJH	6/2/2008 RJH	1) provide roof and floor framing plans, (modified truss package is illegible and not to scale) 2) truss package requires engineer's seal, must provide at least one copy of complete package (with individual product details)



Case Activity Listing

Case #: RSP08-00120

5521 WOODGREEN

6/24/2008
3:37:28PM

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
RSPB030	Residential Review	1/23/2008		1/23/2008	HwO	FAIL		RJH	1/23/2008 RJH	1) P.E. seal and project info missing on post tension fo undation plan 2) provide roof and floor freaming plans 3) signature missing on res-check 4) R-19 insulation does not fit in 2x4" wall cavity 5) specify location/type of heating equipment
RSPB260	Plan Review Notification			1/23/2008	None	DONE		RJH	1/23/2008 RJH	Notified Carlos Villalobos w/Pointe Homes
RSPB200	Hold for Corrections			1/23/2008	None	DONE		RJH	1/23/2008 RJH	to hfc bin
RSPB180	Out for Corrections			1/28/2008	None	DONE		CA	1/28/2008 CA	OFC - CARLOS VILLALOBOS
RSPB165	Revised Plans Received			5/19/2008	None	DONE		CA	5/19/2008 CA	TO DEVELOPMENT
RSPB125	Development Review	5/19/2008		5/22/2008	HwO	FAIL		RTG	5/22/2008 RTG	1.address prior comments completely [correct] 2.address red lines on grading & drainage plan 3.show correct legal on site plan 4.site plan shall be to scale
RSPB010	Zoning Review	6/2/2008			HwO				6/2/2008 RJH	
RSPB260	Plan Review Notification			6/2/2008	None	DONE		RJH	6/2/2008 RJH	left voice message for Carlos Villalobos
RSPB200	Hold for Corrections			6/2/2008	None	DONE		RJH	6/2/2008 RJH	



Case Activity Listing

Case #: RSP08-00120

5521 WOODGREEN

6/24/2008
3:37:28PM

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
RSPB180	Out for Corrections			6/4/2008	None	DONE		JFX	6/4/2008 JFX	CARLOS VILLALOBOS

