

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error) in an R-5 (Residential) zone.

This would permit the existence of a new residence encroaching 0.3' into the easterly side yard setback.

The required interior side yard setback is 5' in an R-5 (Residential) zone.

BACKGROUND

The applicant is requesting the Special Exception to legalize the existing 0.3' encroachment into the interior side yard setback. The inadvertent error was caused when measurements were taken during the setting of the foundation. The home passed all applicable inspections, however, when the completed home was surveyed for sale, the survey showed the encroachment. The builder has not submitted a request for an error in construction within twelve months.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.7'

% Encroachment of the required yard setback = 6%

Number of Builder errors within 12 months = 0 (the application is the first submittal by the builder)

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception as the application meets the requirements under Section 2.16.050 G of the El Paso Municipal Code.

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; and,
6. 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,
7. The public convenience and welfare will be substantially served; and,
8. The use of neighboring property will not be substantially injured; and,
9. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

Xavier Homes Inc
12351 Paseo Nuevo Ste B
El Paso TX 79928
(915) 433-8047

City of El Paso, Texas
2 Civic Center Plaza-5th Floor
El Paso TX 79901

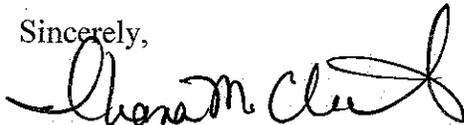
June 30, 2008

To Whom It May Concern:

We would like to request a city variance for the property located at 14257 Tierra Bronce El Paso TX 79938. Due to the fact that the set back on the right side of the property is less than the 5' requirement from the property line. This mistake was caused by a measuring error made on site. When measuring for the foundation 2" where accidentally increased to the left side setback of the home, therefore, causing a chain effect on the rest of the property measurements. We apologize for the inconvenience this is causing but please be assured this will not happen again. In the 8 years that we have been building new homes this is the first occurrence.

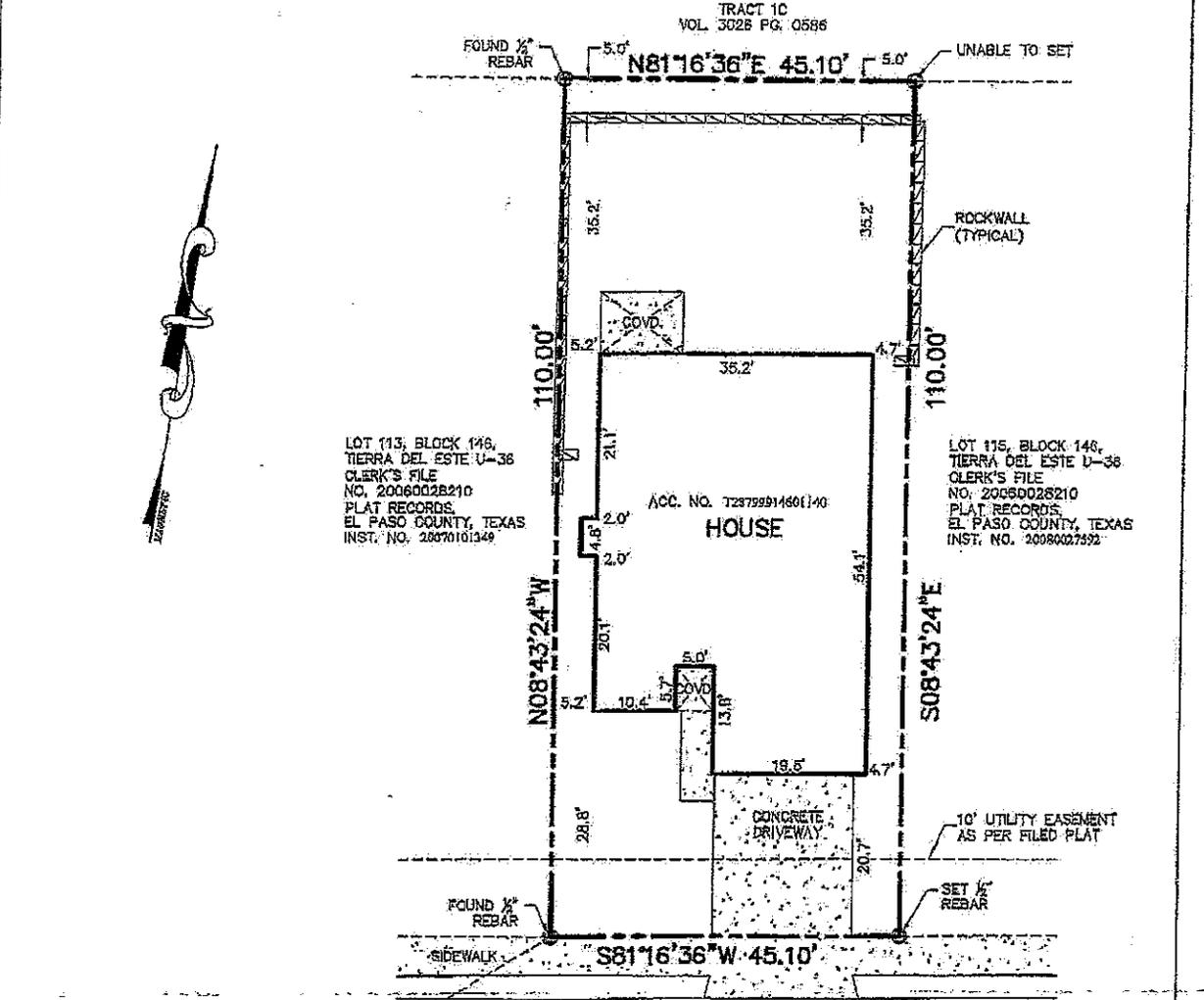
If you have any questions or we can be of further assistance please free to contact me at (915) 433-8047.

Sincerely,



Iliana M Clint
Vice President

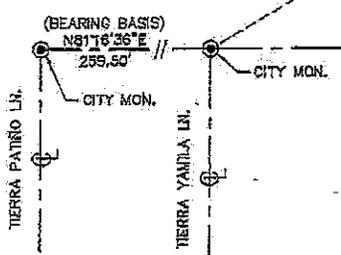
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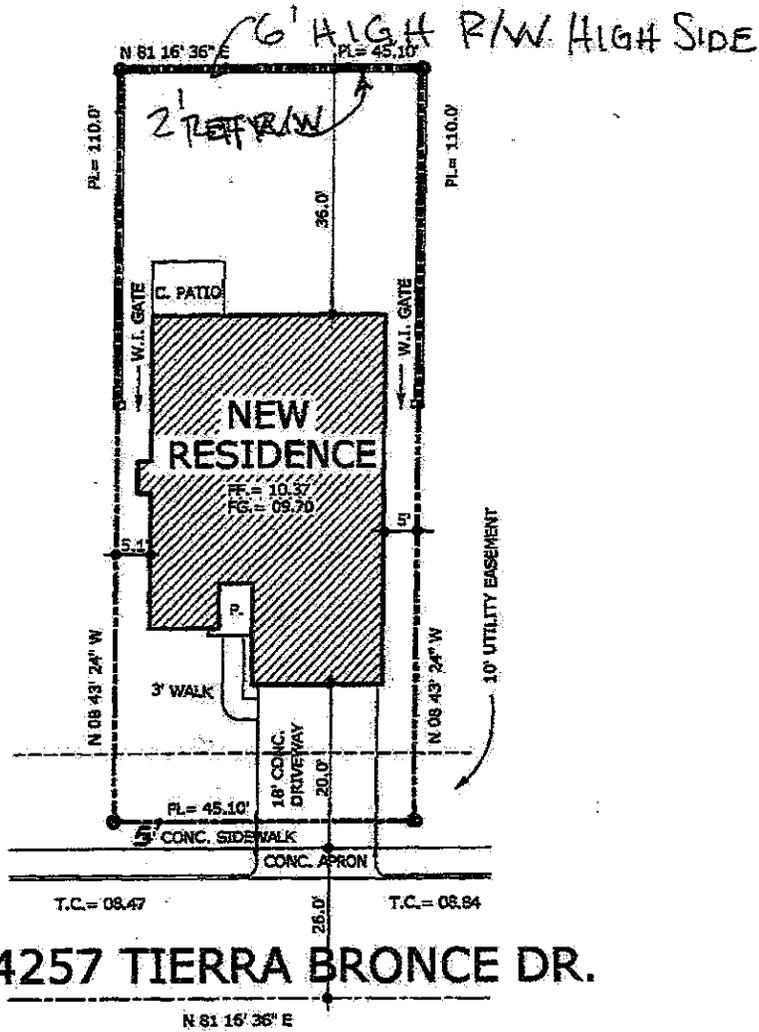
LOT 113, BLOCK 146,
TIERRA DEL ESTE U-36
CLERK'S FILE
NO. 20060028210
PLAT RECORDS
EL PASO COUNTY, TEXAS
INST. NO. 28370101349

LOT 115, BLOCK 146,
TIERRA DEL ESTE U-36
CLERK'S FILE
NO. 20050028210
PLAT RECORDS
EL PASO COUNTY, TEXAS
INST. NO. 20080027592

14257
TIERRA BRONCE DRIVE
(52' R.O.W.)



- NOTE:**
1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "C", AREA OF MINIMAL FLOODING, PER F.I.R.M. PANEL NUMBER 439, LAST REVISION DATE OCTOBER 15, 1982. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR TIERRA DEL ESTE UNIT THIRTY SIX.
 3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT, (NOT SHOWN).
 4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE



14257 TIERRA BRONCE DR.

25
ZONING SECTION
4/21/08

DEVELOPMENT SERVICES DEPARTMENT

SITE PLAN REVIEW

Reviewed For Conformance For Conditions Related To:

- Demolition Only
- Grading & Drainage
- Wheelchair Ramps
- On Site Parking Layout
- Sidewalks
- Driveways
- Retaining Rock Walls
- On Site Ponding of Storm Waters

Constructor Must Call 24 Hours Prior To Construction For

BY: Will Page DATE: 4-17-08

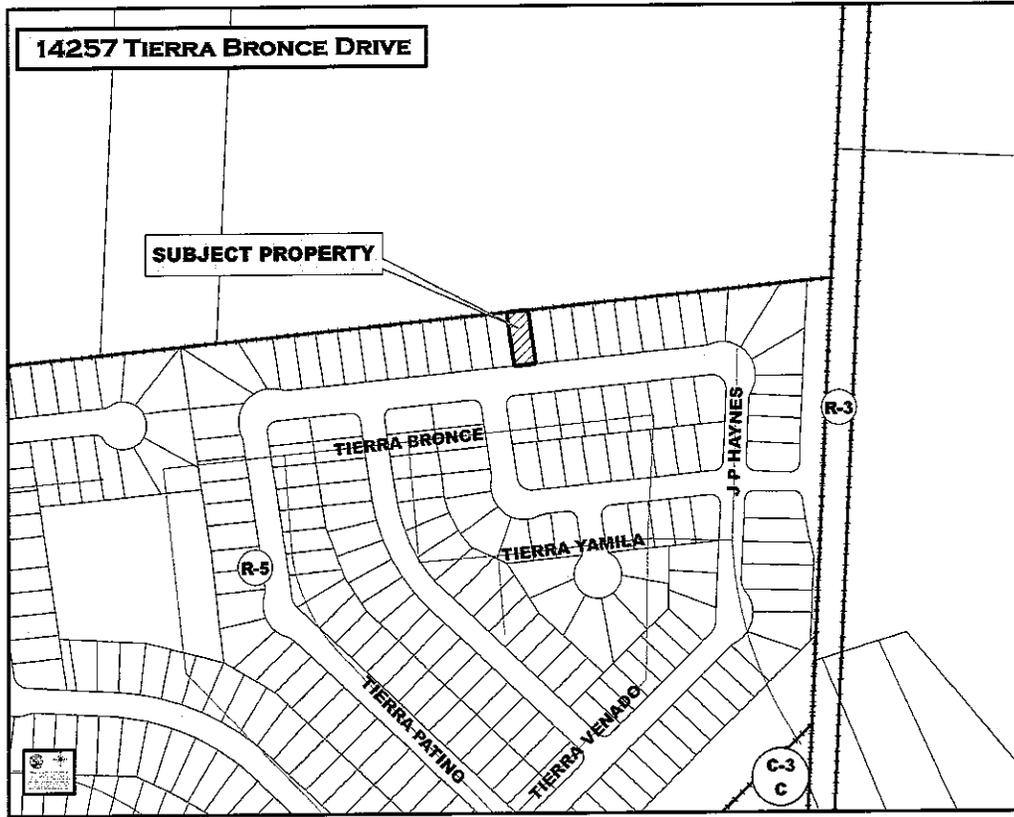
TIERRA DEL ESTE
UNIT-36
LOT-114 BLOCK-146

XAVIER HOMES

LOG FOR BUILDER'S ERRORS**For a 12 Month Period****July 23, 2007 to July 28, 2008**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
7/23/2007	ZBA07-00112	6238 Calle Pino Way	Harmon Custom Homes
8/13/2007	ZBA07-00128	3824 Tierra Lisboa Lane	Sanderson Custom Homes
8/27/2007	ZBA07-00132	1 Mina Perdida Court	Wayne Germano & Violeta Radenovich
01/14/2008	ZBA07-00198	6248 Snowheights	Jorge A. Valdez (Homeowner)
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.

ZONING MAP



NOTIFICATION MAP

