PZBA11-00015 11217 Duster Street Tropicana Homes
Applicant requests a reconsideration of a previously granted Special Exception under Section 2.16.050 G (Builder Error, Side Yard) in an R-3A (Residential) zone.

This is a reconsideration of a previous case that was posted with an incorrect legal description.

BACKGROUND

The request for the builder error special exception was approved by the ZBA on June 13, 2010; however, the item was posted on the June 13, 2011 meeting agenda with the incorrect legal description. The application was submitted with the incorrect block number of Block 4; the correct legal description is Lot 24, Block 14, Sandstone Ranch Unit #3, City of El Paso, El Paso County, Texas. The case was notified to the neighboring properties on June 1, 2011 with the correct address of 11217 Duster Street.

The applicant has submitted a letter stating the error in placing the house was inadvertent and unintentional. The house is encroaching 0.9 feet (10.8 inches) into the southerly side setback.

CALCULATIONS

Required side yard setback = 5'
Requested side yard setback = 4.1'

STAFF RECOMMENDATION

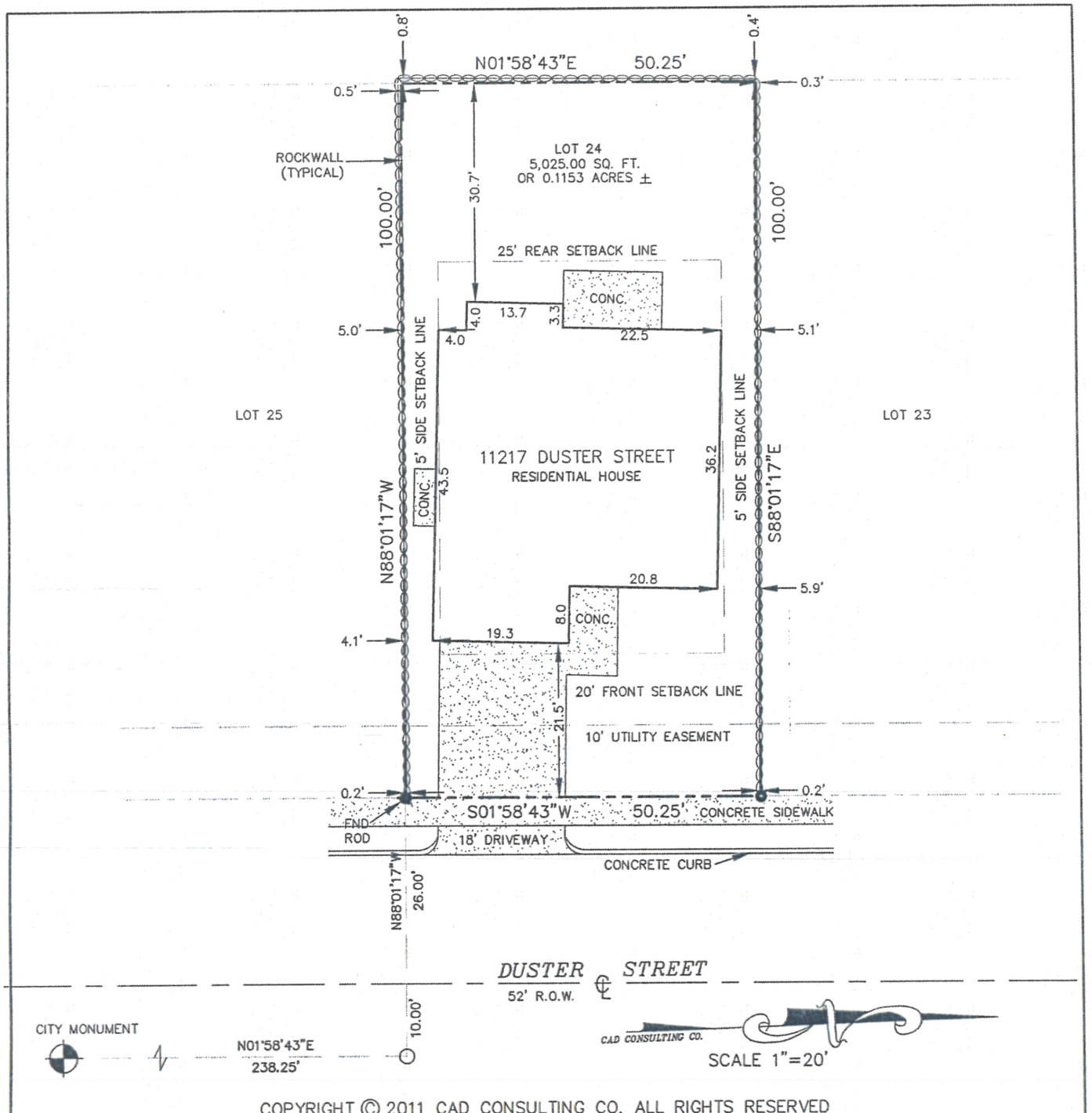
Staff recommendation is for approval of the Reconsideration of the application as it meets the requirements of the Builder Error Special Exception.

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."

ITEM #5



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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.

CARLOS M. JIMENEZ
PROFESSIONAL LAND SURVEYOR
CARLOS M. JIMENEZ
R.P.L.S. No. 3959

JOB # 11-1276 DATE: 04-20-11 FIELD: AR OFFICE: DG FILE: NET:\DAMIAN\2011\11-1276

LOCATED IN ZONE c PANEL # 480214-0014-D DATED 08-05-91

CLERK'S NO. 20070050525 , PLAT RECORDS, EL PASO COUNTY, TX

11217 DUSTER STREET
LOT 24, BLOCK 14
SANDSTONE RANCH UNIT THREE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CAD CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422

BUILDER ERROR LOG			
For a 12 Month Period			
June 14, 2010 to July 11, 2011			
MEETING DATE	**CASE NUMBER**	**ADDRESS**	**CONTRACTOR**
6/14/2010	ZBA10-00020	14256 Tierra Yamila	Mountain Vista
8/9/2010 9/13/2010	ZBA10-00031 (Side Setbacks) ZBA10-00041 (Rear Yard Setback)	3170 Blue Dirt Circle	Saratoga Homes
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes
6/13/2011	PZBA11-00015	11217 Duster Street	Tropicana Homes
7/11/2011	PZBA11-00019	3125 Sunny Prairie	Xavier Homes

Tropicana™ HOMES

Development Services Department
Planning Division
City of El Paso, TX
2 Civic Center Plaza, 5th Floor
El Paso, TX 79901

Re: Request for Special Exception for 11217 Duster

To Whom It May Concern:

This Letter is in reference to the property located at 11217 Duster El Paso, TX 79924. The forms for this property were set incorrectly which resulted in this house inadvertently being built within the required setback.

Unfortunately the error was not discovered until the improvement survey was completed.

Tropicana Homes takes full responsibility for this builder error and we are requesting that you approve this Special Exception.

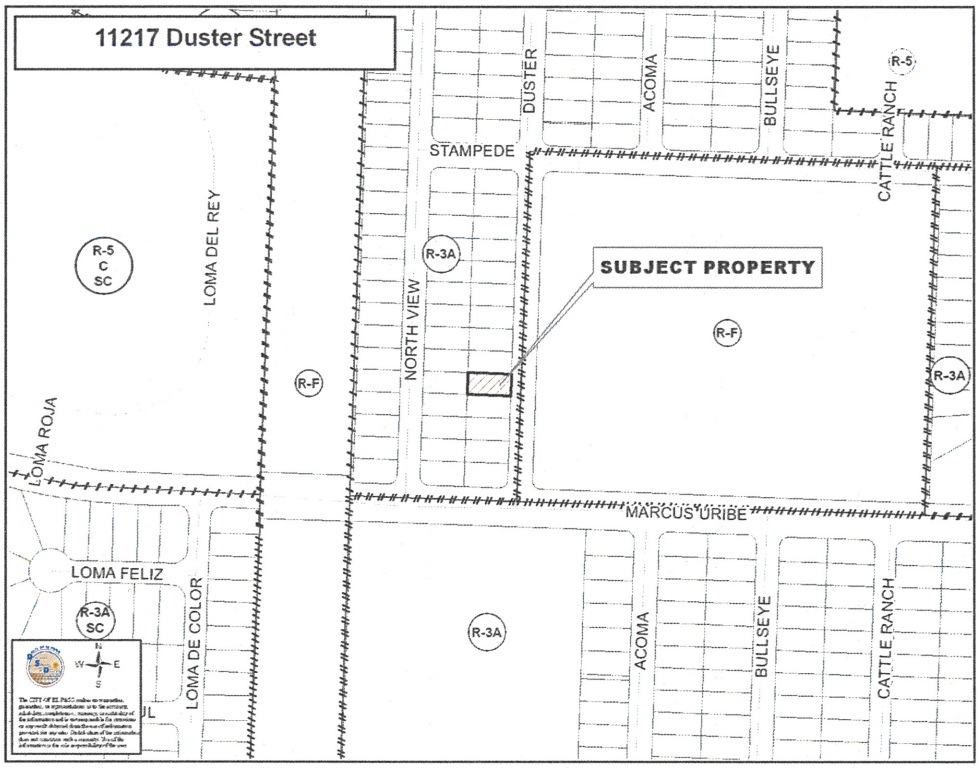
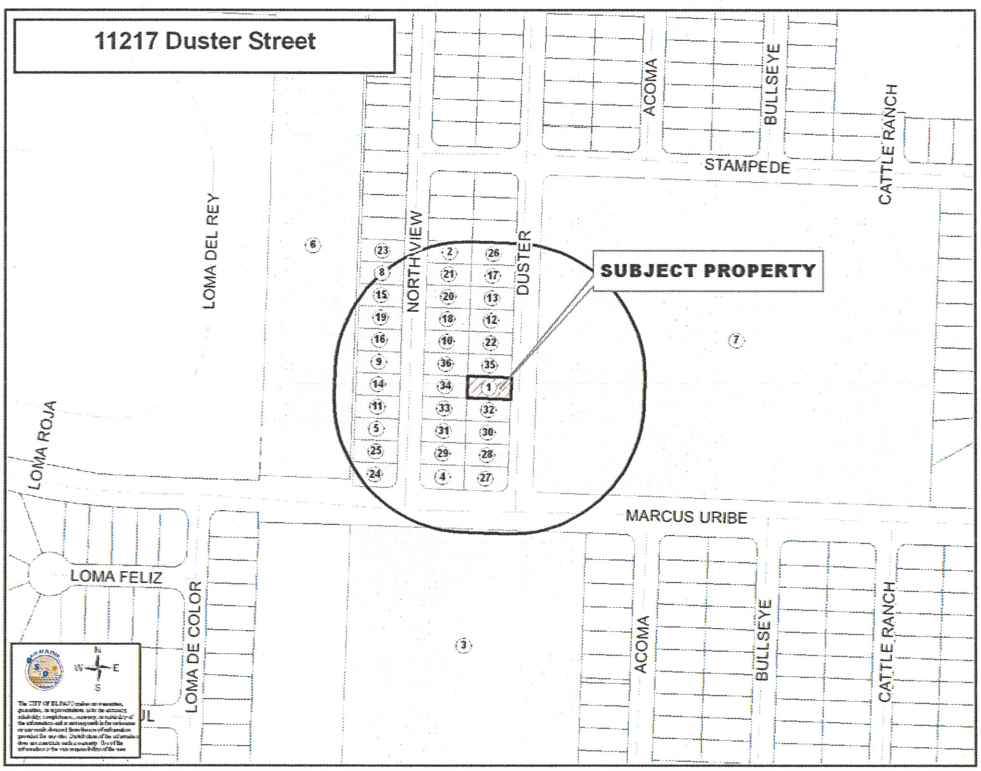
Respectfully,

Randy Bowling
President
Tropicana Homes

RECEIVED
MAY 05 2011

4655 Cohen, El Paso, TX 79924 • (915) 821-3550 • Fax: (915) 821-3556
TropicanaHomes.com

ZONING MAP



NOTIFICATION MAP