ZBA10-00031 3170 Blue Dirt Circle Saratoga Homes

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

The request is to permit the existence of a new single-family dwelling that is located to within 4.8 feet of the northerly and southerly side yard setback.

The required side yard setback is 5 feet in the R-5 zone district.

BACKGROUND

The applicant built a new house that is encroaching in both side yards at the rear of the house.

CALCULATIONS

Required side yard setback = 5'
Requested side yard setback = 4.8'

STAFF RECOMMENDATION

Staff recommends approval of the request, pending receipt of a letter from the applicant that the error was inadvertent and unintentional.

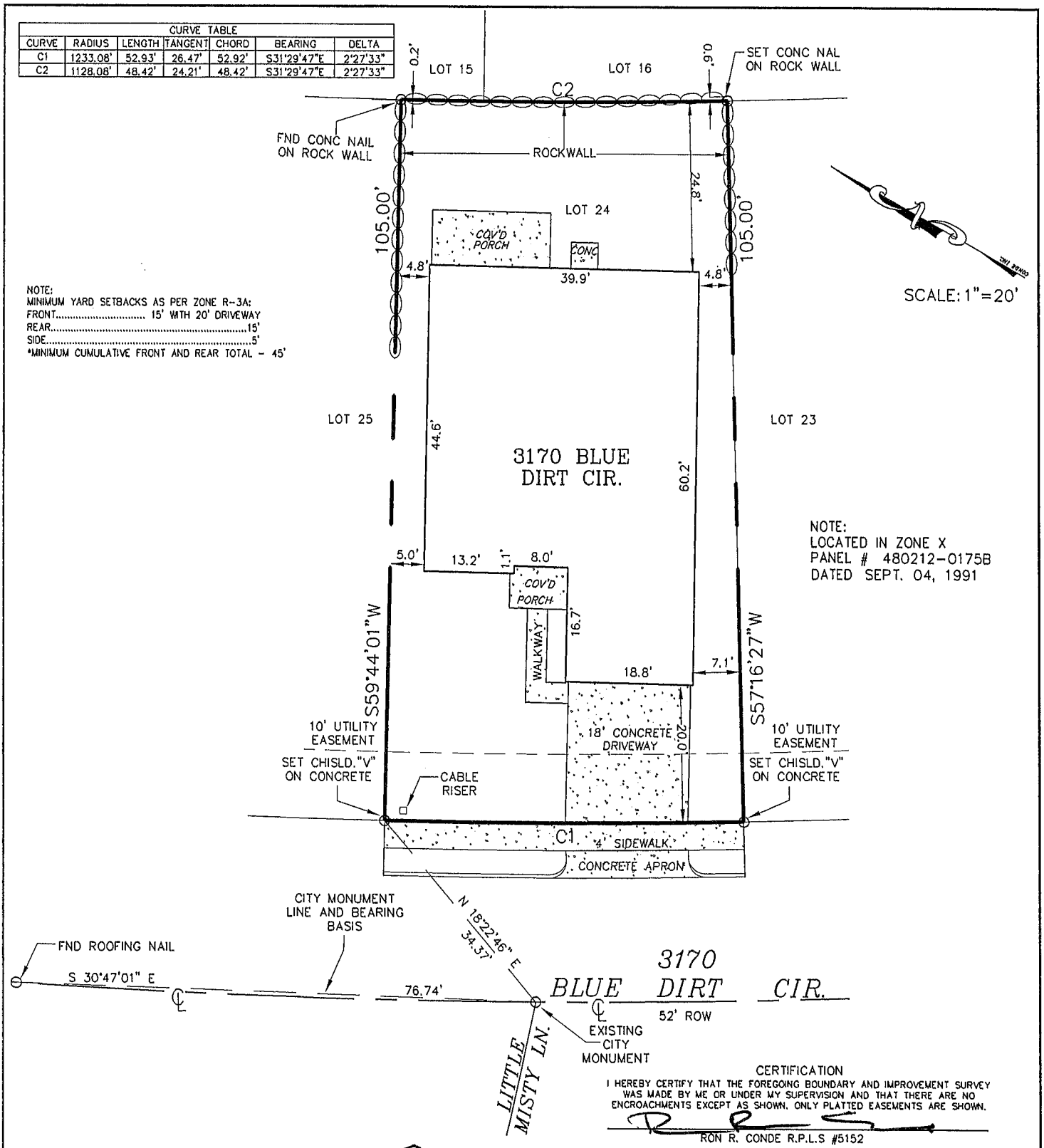
The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"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 #3

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1233.08'	52.93'	26.47'	52.92'	S31°29'47"E	2°27'33"
C2	1128.08'	48.42'	24.21'	48.42'	S31°29'47"E	2°27'33"



NOTE:
MINIMUM YARD SETBACKS AS PER ZONE R-3A:
FRONT..... 15' WITH 20' DRIVEWAY
REAR.....15'
SIDE.....5'
*MINIMUM CUMULATIVE FRONT AND REAR TOTAL - 45'

NOTE:
LOCATED IN ZONE X
PANEL # 480212-0175B
DATED SEPT. 04, 1991

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

RON R. CONDE R.P.L.S #5152

STATE OF TEXAS REGISTERED RONALD ROBERT CONDE 5152 PROFESSIONAL LAND SURVEYOR

RECORDED FILE No. 20070102945 JOB #i610-54

DATE: JUNE 21, 2010 FIELD: D.G. OFFICE: F.R.

LOT 24, BLOCK 11,
VENTANAS UNIT ONE,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.
6080 SURETY, SUITE 100
EL PASO, TEXAS 79905

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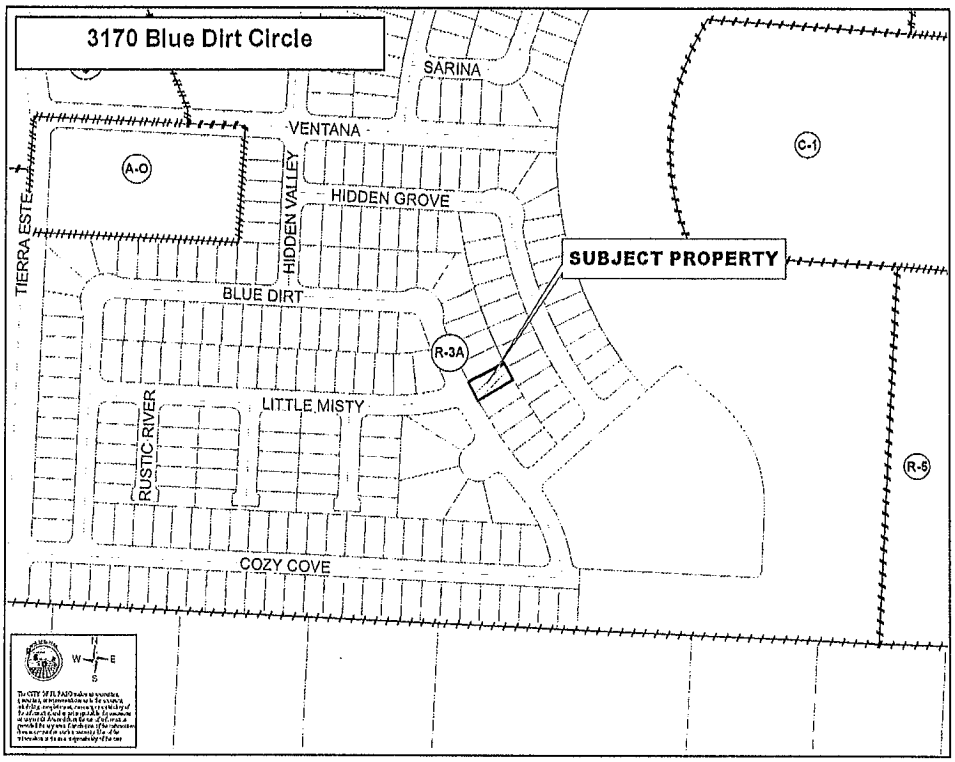
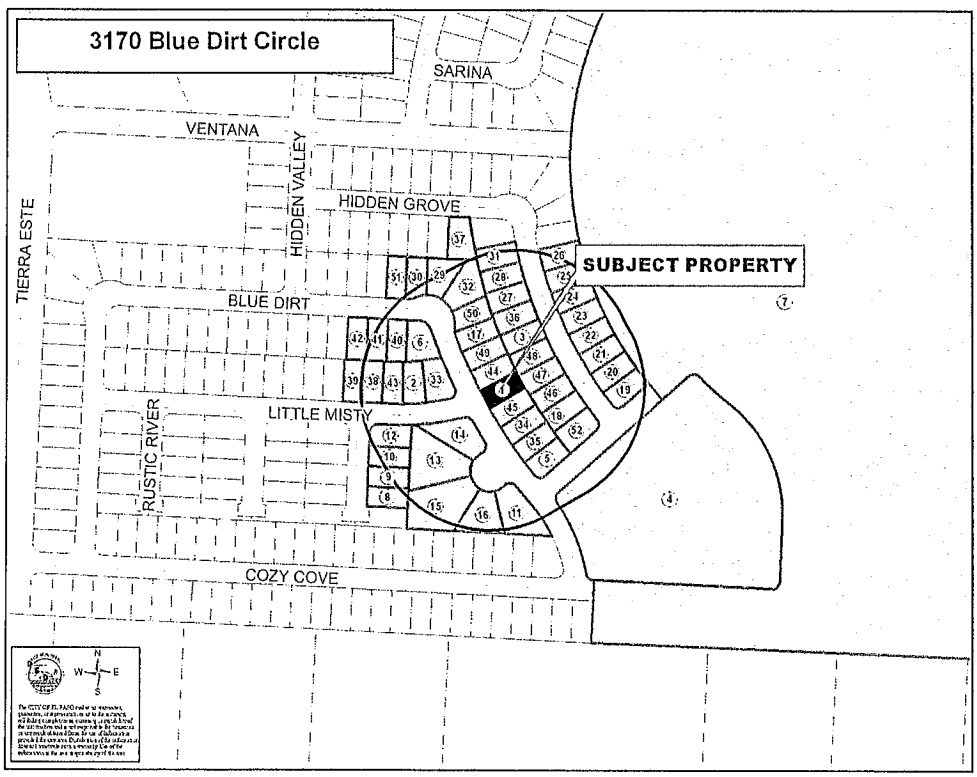
BUILDERS ERROR LOG			
For a 12 Month Period			
August 10, 2010 to August 9, 2010			
MEETING DATE	**CASE NUMBER**	**ADDRESS**	**CONTRACTOR**
8/10/2009	ZBA09-00027	5349 Jack Marcus Drive	Keystone Residences/Prime Prospects
8/10/2009	ZBA09-00028	11800 Holstein Drive	Eva Z. Melgar (homeowner)
10/12/2009	ZBA09-00036	718 Blacker	Clint Armstrong, Palms West
12/14/2009	ZBA09-00051	8036 Glendale Avenue	Gerardo Blanco/Luis Cardenas
01/11/2010	ZBA09-00057	3705 Tierra Isela Drive	Jesus Marquez, Rio Grande Homes
02/08/2010	ZBA10-00003	7336 Black Mesa Drive	New Horizon Builders, Inc.
6/14/2010	ZBA10-00020	14256 Tierra Yamila	Mountain Vista Builders
8/9/2010	ZBA10-00031	3170 Blue Dirt Circle	Saratoga Homes

ZONING MAP



NOTIFICATION MAP