

**Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Front, Side and Rear Yard Setbacks) in an R-3A zone.**

This would permit the existence of a new single-family dwelling that was built encroaching less than 2 inches into the required front yard setback, to within 19.9' of the front property line. The structure is also encroaching less than 2 inches into the required rear yard setback, to within 24.9' of the rear property line. Further, the structure is encroaching 4.8 inches into the required side yard setback, to within 4.6' of the east side property line.

The required front and rear yard setback cumulative total is 45', and the required side yard setback is 5' in the R-3A (Light Density Residential) zone.

**BACKGROUND**

The applicant is requesting the Builder Error Special Exception for a house that was built encroaching less than 1 foot into the front yard setback; less than 1 foot into the rear yard setback; and, less than 1 one foot into the east side yard setback. The builder, Prime Prospects, states the errors were unintentional and inadvertent. This is the only request by the applicant in a 12 month period (see enclosed Builders Error Log).

**CALCULATIONS**

Required front and rear yard setback cumulative total = 45'

Requested front and rear yard setback cumulative total = 44.8'

Required side yard setback = 5'

Requested side yard setback = 4.6'

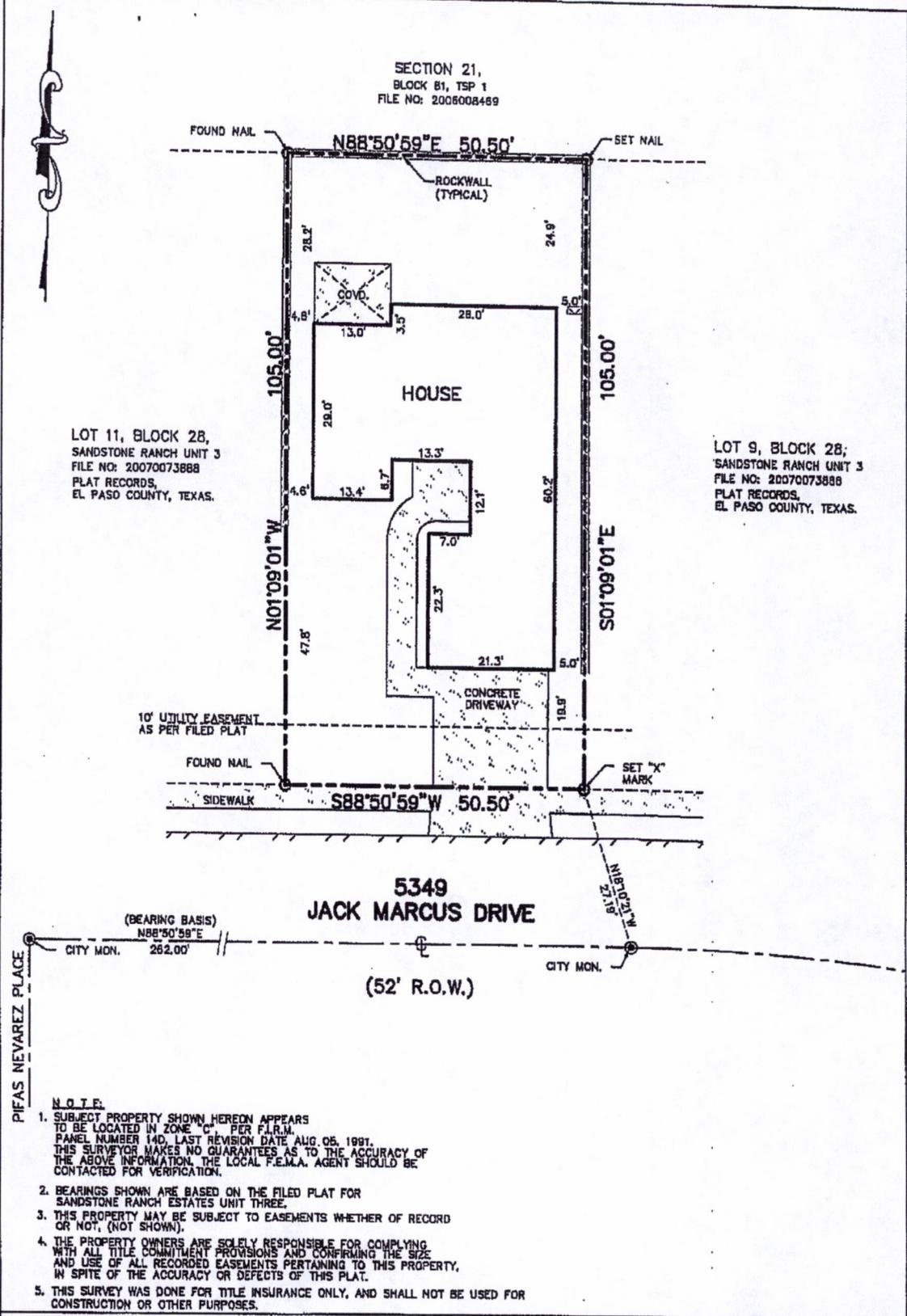
**STAFF RECOMMENDATION**

Staff recommends approval of the request as it meets the requirements of the 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:

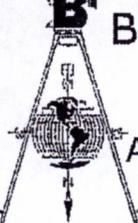
1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever 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."



LOT 11, BLOCK 28,  
SANDSTONE RANCH UNIT 3  
FILE NO: 20070073888  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.

LOT 9, BLOCK 28;  
SANDSTONE RANCH UNIT 3  
FILE NO: 20070073888  
PLAT RECORDS,  
EL PASO COUNTY, TEXAS.

**B** Barragan & Associates



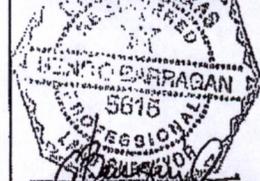
LAND PLANNING & SURVEYING  
10850 Pelicano Dr. Building-F,  
El Paso, TX 79907

## Plat of Survey

LOT 10, BLOCK 28,  
SANDSTONE RANCH ESTATES  
UNIT THREE,  
AN ADDITION TO THE  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS.  
AREA 0.12 ACRES ±

FILE NO: 20070073888

I hereby certify that the foregoing boundary and improvement survey was made on the ground and under my supervision and is true and correct to the best of my knowledge and belief.



Benito Barragan, P.L.S. TX. No. 5815

July 2, 2009

To whom it may concern

We are kindly requesting to be excused for unintended error by builder on property's setback. The house was newly constructed by Prime Prospects Inc. yet owned by Keystone Residences LLC. The property has been recently surveyed and we found out that the house was constructed 3 inches less than the allowed setback on side and front. East side of the house has 4' 9" instead of 5' and front has 19'9" instead of the allowed 20'. Also, the rear setback is encroaching by a couple inches as well.

Furthermore, the property has already certificate of occupancy and is on a pending sale contract and lender is requesting this permission from the City of El Paso in order to allow funding.

Please feel free to contact me at anytime. I am attaching the CAD print out where it shows owner, notarized application and survey.

I am acting as an agent for Keystone Residences and Prime Prospects Inc. and I will be attending your committee meeting whenever you request it.

Best Regards,

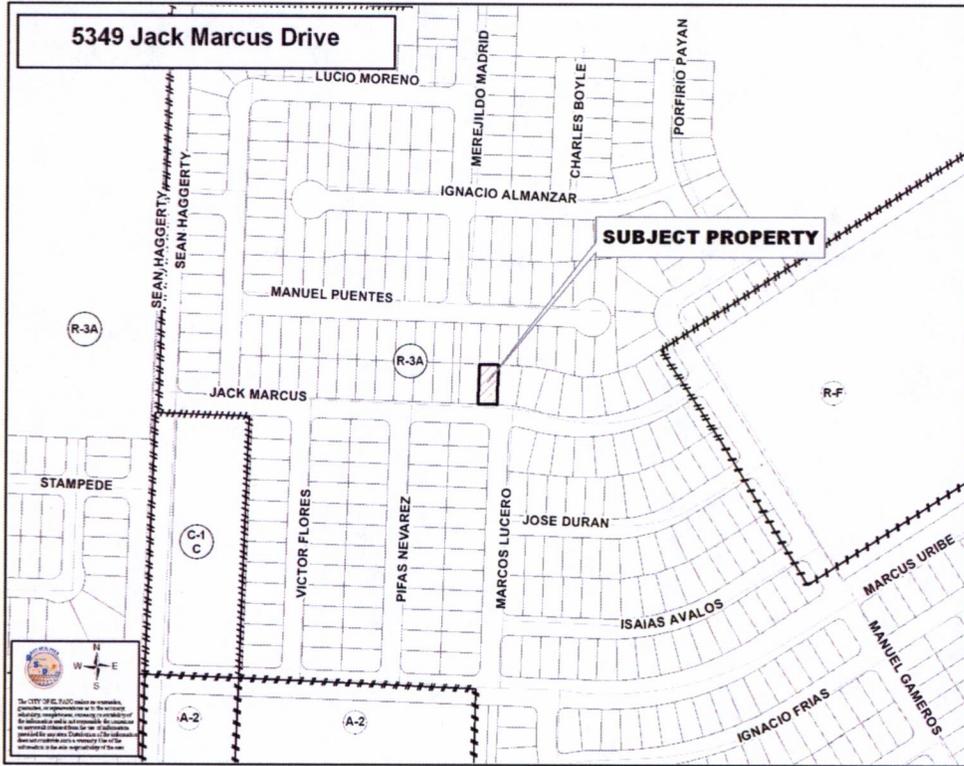
A handwritten signature in blue ink, appearing to read 'Martha T. Sanchez', with a long horizontal flourish extending to the right.

Martha T. Sanchez  
915 820 4591

**BUILDERS ERROR LOG****For a 12 Month Period****July 28, 2008 to August 10, 2009**

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.
10/13/2008	ZBA08-00081	14344 Pacific Point Drive	Classic American Homes
11/10/2008	ZBA08-00083	14268 Patriot Point Drive	Classic American Homes
01/12/2009	ZBA08-00095	4036 Tuscan Rose Lane	Classic American Homes
02/23/2009	ZBA09-00006	6259 Franklin Dove Drive	Javier Cuevas (Homeowner)
03/09/2009	ZBA09-00008	3436 Scarlet Point Drive	Zia Homes, Inc.
5/04/2009	ZBA09-00016	1136 Calle Del Sur Drive	Winton & Associates, Inc.
8/10/2009	ZBA09-00027	5349 Jack Marcus Drive	Keystone Residences/Prime Prospects
8/10/2009	ZBA-09-00028	11800 Holstein Drive	Eva Z. Melgar (homeowner)

# ZONING MAP



# NOTIFICATION MAP

