

Applicant requests a Special Exception under Section 2.16.050 H (Lot Size) in an R-4 zone.

This would permit the construction of a duplex on a lot that is 6,630 square feet and 65 feet wide. A lot area of 7,000 square feet and a lot width of 70' are required for a duplex in an R-4 zone. The lot depth of 102 feet exceeds the R-4 lot depth requirement of 90 feet.

The required front and rear yard cumulative setback total is 45' in the R-4 (Light Density Residential) zone.

BACKGROUND

The applicant is requesting the Special Exception to build a duplex on a lot that he purchased in 2004 from the City of El Paso. The lot is in the Chick-A-Dee Acres subdivision that was recorded in 1953 with 20 lots. Over the years, some of the lots have been changed by metes and bounds, and there are now 32 lots in the subdivision. It appears the subject lot has existed as a separate lot since 1979. The ZBA has granted three Variances to properties in this subdivision: in 1978 for the south 1/2 of Lot 17; in 1979 for Lots 6 and 7; and, in 1980 for Lot 10. All three Variances were granted to permit the construction of duplexes on lots that did not meet the required 70 feet width for a duplex in the R-4 zone district. Other duplexes have been constructed in the subdivision, including the lot adjacent to the subject property, on lots that meet the 70 feet width.

Technically, the ZBA has not yet granted this Special Exception for this subdivision. If the Special Exception is granted to the applicant, the 5 percent limit would be used up, based on one lot equaling 5 percent of the original 20 lots.

CALCULATIONS

- Lot depth = 102' (100%+ of required 90' depth)
- Lot width = 65' (92% of required 70' width)
- Lot square feet = 6,600 (95% of required 7,000 sq. ft.)
- Chick-A-Dee Acres subdivision in existence since 1953

STAFF RECOMMENDATION

Staff recommends approval of the request as it technically meets the requirements of the Special Exception H.

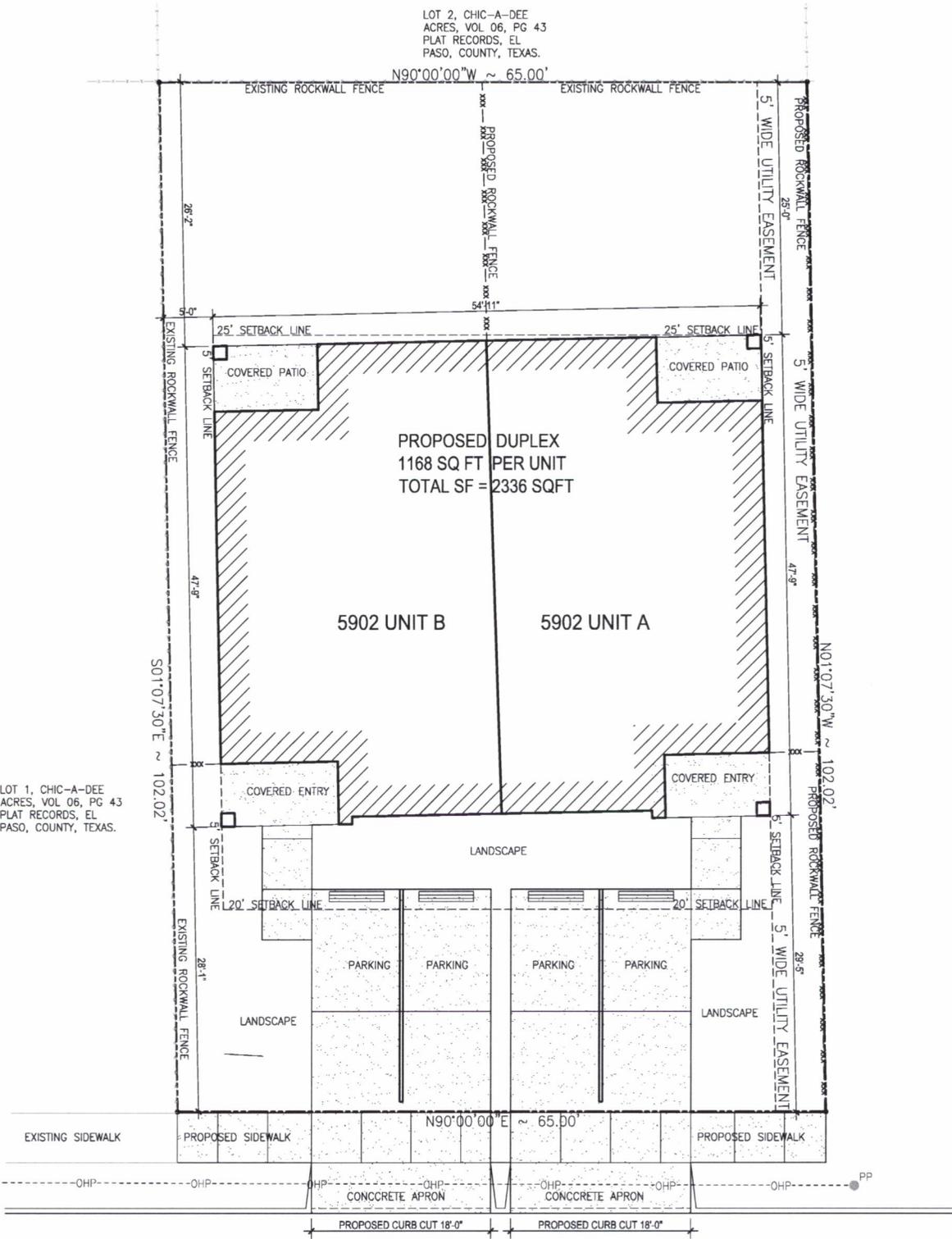
The Zoning Board of Adjustment is empowered under Section 2.16.050 H to:

"Permit the construction of a single-family residence in a residential (R) district on a lot that does not meet the required minimum lot width, minimum lot depth, or minimum lot area; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years; and,
2. A minimum of one of the required amounts, lot width, lot depth or lot area, meets the required minimum amount; and,
3. The lot width, lot depth or lot area amounts which do not meet the required minimum amounts are not less than ninety percent of the respective required minimum amount; and,
4. The residential structure conforms to the yard setbacks of the zone in which it is located; and,
5. The maximum number of lots for which this exception may be granted in any subdivision shall be five percent of the total number of lots in the subdivision or one lot, whichever is greater."

LOT 2, CHIC-A-DEE
ACRES, VOL 06, PG 43
PLAT RECORDS, EL
PASO, COUNTY, TEXAS.

N90°00'00"W ~ 65.00'



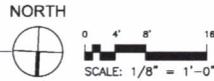
LOT 1, CHIC-A-DEE
ACRES, VOL 06, PG 43
PLAT RECORDS, EL
PASO, COUNTY, TEXAS.

LEGAL DESCRIPTION:
BEING WEST 65 FEET OF LOT 1,
CHIC-A-DEE ACRES, AN ADDITION
TO THE CITY OF EL PASO,
EL PASO, COUNTY, TEXAS.
AREA=0.15AC±

5902 QUAIL LANE
(60' R.O.W.)

SITE PLAN

ZONING BOARD OF ADJUSTMENTS APPLICATION



PROPERTY OWNER: FRANCISCO SUAREZ SR.
OWNER ADDRESS: 429 CORTEZ, EL PASO, TX. 79905
PACEL ID: C398-999-0010-0100
SPECIAL EXEMPTION OR VARIANCE REQUEST: SPECIAL EXEMPTION H (LOT SIZE)

CHICK-A-DEE ACRES

Being A Subdivision Of Tract 14D First Supplemental Map Of Park-land Addition To The City Of El Paso County, Texas.

Prepared By July 1953

L.C. LONDON COUNTY SURVEYOR

DEDICATION

James Dalton El Paso
 DALTON WHARTON Husband And HAZEL THYGERSON WHARTON Wife, sole Owners Of The Property Shown On This Map Designating Lots, Do Hereby Dedicate To Public Use The Street And Easement For Public Utilities, Easement For Overhang Of Service Wires, For Pole Type Utilities, And The Right To Service And Construction And The Right To Trim Interfering Trees And Shrubs.

This _____ Day Of _____ A.D. 1953

JOINT ACKNOWLEDGMENT

TEXAS
 EL PASO
 The Undersigned Authority, On This Day Personally Appeared JAMES DALTON And His Wife HAZEL THYGERSON WHARTON Both Known By Me To Be The Same Names Are Subscribed To The Foregoing Instrument, And That They Each Told Me That They Executed The Same For The Purpose And Consideration Expressed. And The Said HAZEL THYGERSON WHARTON Wife Of Said JAMES WHARTON Having Been Examined By Me Privately And Apart From Said Husband And The Same Fully Explained To Her, She The Said HAZEL THYGERSON WHARTON Told Me Such Instrument To Be Her Act And Deed, And She Declared That She Had Willing To Execute The Same For The Purpose And Consideration Therein Expressed, And That She Did Not Wish To Retract It.

For My Hand And Seal Of Office This The _____ Day Of _____ A.D. 1953

Notary Public In And For El Paso County Texas

Commission Expires _____

CITY PLAN COMMISSION

This is Hereby Approved As To The Platting And As To The Conditions Of The Dedication In Accordance With Chapter 231 - Page 342 Of The General And Special Laws Of The 40th Legislature Of Texas, Known As Senate Bill No. 277.

Chairman _____ Secretary _____

CITY COUNCIL

And Adopted By The City Council Of The City Of El Paso - Texas This The _____ Day Of _____ A.D. 1953.

Mayor _____ Clerk _____

COUNTY CLERK

Record In The Office Of The County Clerk Of El Paso County Texas This The _____ Day Of _____ A.D. 1953, In Book _____ Page _____
 El Paso County, Texas, Deed Records.

County Clerk _____ Deputy County Clerk _____

UTILITY APPROVAL

By El Paso Engineering Dept. By _____
 As to layout - impossible to furnish water and sewer service at this time

By El Paso Water And Sewer Dept. By Woodward 8/31/53

By El Paso Sanitation Dept. By Willman 9/3/53

By Southern Union Gas Co. By H.S. Tuckler

By M.S.T.&T. Co. By James V. Lard Aug 27 1953
 Outside Plant Engineer

By El Paso Electric Co. By Carl M. Olsen Aug. 31, 1953

