

Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3A/c (Residential/conditions) zone.

This would allow a new single-family dwelling that is built encroaching 0.1 feet into the westerly side yard setback and is located to within 4.9 feet of the side property line.

The required side yard setback is 5 feet in the R-3A zone district.

BACKGROUND

The applicant is requesting the builder error for a 1.2" encroachment into the westerly side setback for an existing single-family dwelling.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.9'

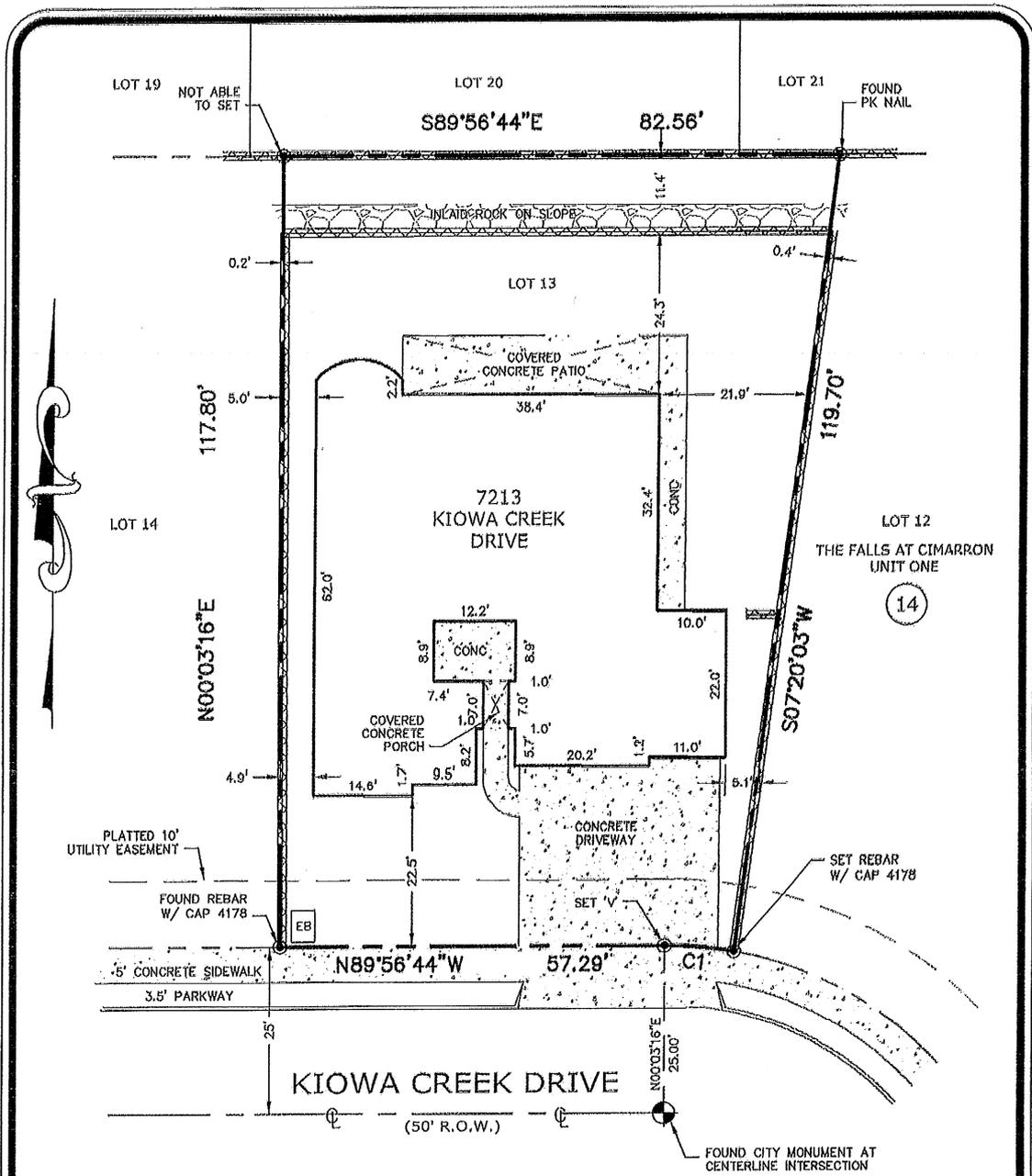
STAFF RECOMMENDATION

Staff recommendation is for approval of the request for the Builder Error, with the condition that the portion of the structure located less than 5 feet to the side property line shall be of fire rated construction, per Chapter 6, 2009 International Building Code, Issues of Fire and Safety, Table 602, which requires five (5) feet between buildings; otherwise, the buildings must be fire code rated.

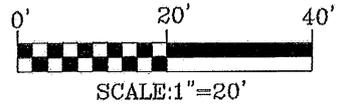
The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"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;
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;
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater;
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 building, contractor, or owner shall not exceed three in any twelve-month period."



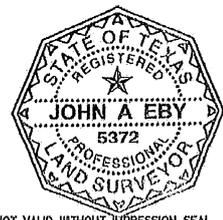
CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	10.16	55.00	10°35'03"	N84°39'13"W	10.15



- NOTES:
1. TEMPORARY DRAINAGE EASEMENT TO CITY OF EL PASO, RECORDED UNDER CLERK'S FILE NO. 20110072236, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (DOES NOT APPLY TO THIS PARCEL)
 2. EASEMENT AGREEMENT BY AND BETWEEN COLONY PARTNERS, LP AND SUMMIT PROPERTIES, RECORDED IN VOLUME 4643, PAGE 1946, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (DOES NOT APPLY TO THIS PARCEL)
 3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

John A. Eby
 JOHN A. EBY TX-5372 NM-17779



LOT 13, BLOCK 14,
 THE FALLS AT CIMARRON UNIT ONE,
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
 CLERKS FILE#
 20110072234

TITLE CO: LONE STAR TITLE FILE#: DATED:
 FIRM ZONE: C PANEL#: 480214-0017 C DATED: 2/5/1986
 DATE OF SURVEY: 7/3/2013 OFFICE: EA FIELD: JAE, AG, JC
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841
 13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925
 © COPYRIGHT

NOT VALID WITHOUT IMPRESSION SEAL



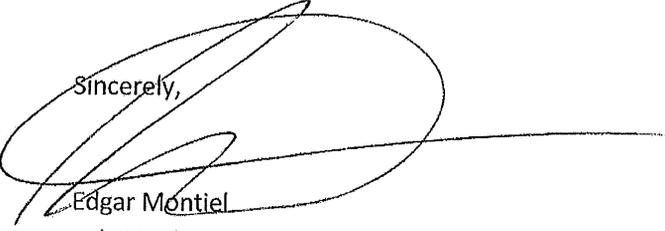
August 2, 2013

To whom it may concern:

This letter is to request a variance/builder error exception for the property located at 7213 Kiowa Creek (Lot 13, Block 14, The Falls at Cimarron Unit One). According to the survey performed by Paso del Norte Surveying on July 3, 2013 the SW corner of the property encroaches 0.1 feet (1.2 inches) in to the five foot side setback required in this subdivision. The other three corners of the home do comply with the five foot setback requirement. If you notice the SE corner of the home has a 5.1 foot setback. This should have been a 5.0 foot setback which is where we lost the 0.1 feet on the SW corner. Property pins were located at the jobsite prior to erecting the home. What complicated the identification and determination of the property lines was that both of the rear property pins were twelve feet above finished grade because of a slope/hill located in the rear of the home. This error was inadvertent and we were fully trying to comply with the setbacks during construction. We ask that you please consider our case and grant us the variance for the 1.2 inches that we are off in the SW corner of our home.

Please do not hesitate to contact me directly at 915-204-0409. Thank you for your time and assistance with this matter.

Sincerely,



Edgar Montiel

Palo Verde Homes

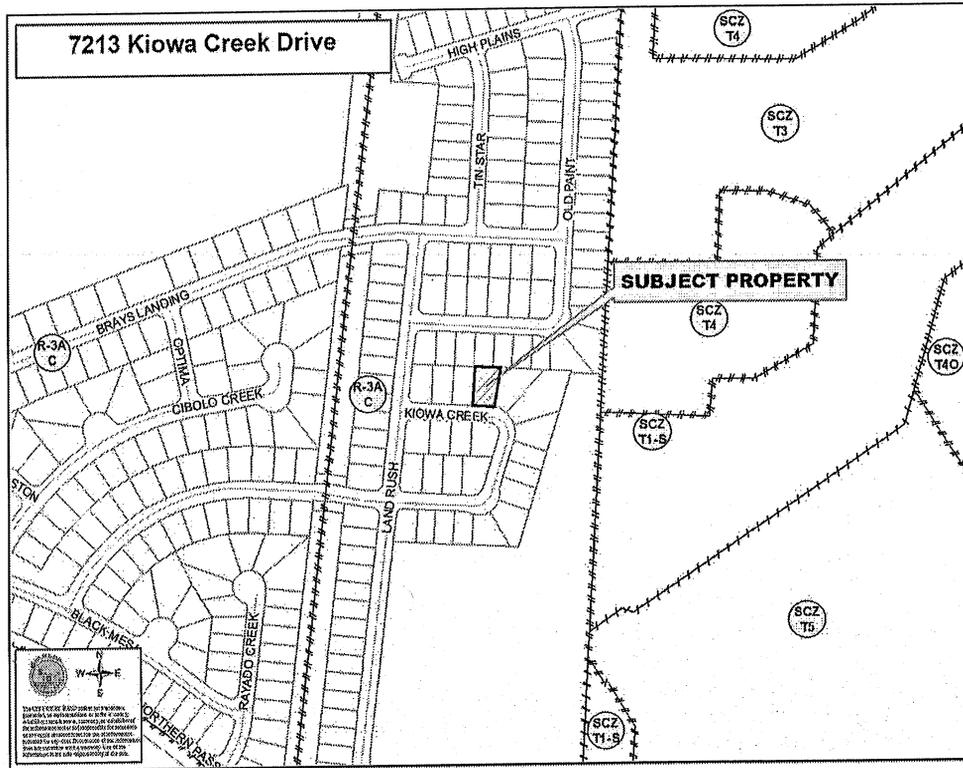
BUILDER ERROR LOG

For a 12 Month Period

August 1, 2012 to August 12, 2013

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
9/10/2012	PZBA12-00031	316 Villa Canto Street	Homeowner
11/12/2012	PZBA12-00039	3352 Scarlet Point Drive	Mencer Homes, Inc.
01/14/2013	PZBA12-00044	14369 East Cave Avenue	Desert View Homes
01/14/2013	PZBA12-00045	2313 Glitter Point Street	Casa De Leon, LLC
01/14/2013	PZBA12-00047	8700 Echo Street	Graciela Gonzalez, et al (homeowner)
2/11/2013	PZBA13-00005	14308 South Cave Avenue	Carefree Homes
8/12/2013	PZBA13-00022	7213 Kiowa Creek Drive	Palo Verde Homes

ZONING MAP



NOTIFICATION MAP

