

PZBA14-00029 11185 Quintana Drive Ingo Voss & Monica M. Batalla Morell
Applicants request Special Exceptions under Sections 2.16.050 C (Rear Yard Setback) and 2.16.050 K (15 Years or More) in an R-4/sp (Residential/special permit) zone.

This would allow a new 14' by 10' addition (140 sq. ft.) which is proposed to encroach into the required rear yard setback and to be located to within 10 feet of the rear property line. Further, this would allow an 11.3' by 22.5' covered patio which is built to within 0 feet of the easterly side property line.

The required front and rear yard cumulative setback total in the R-4 zone district is 45 feet; the required side yard setback is 5 feet.

BACKGROUND

The applicants are requesting the Special Exception C for a new addition which will encroach in the required rear yard setback. In addition, the applicants purchased the home in January 2014 (see warranty deed) with a covered patio in the east side setback which is built to 0 feet of the side property line. An aerial photo from 1996 shows a roof in the east side yard setback. Staff review notes that the underside of a roof of an unenclosed structure located within 3 feet of a side property line shall be of fire-rated construction.

CALCULATIONS

Permitted area of encroachment in required rear yard setback = 247.20 sq. ft. (20.60' [61.80' average lot width ÷ 3] x 12' [3/5 of 20'])

Requested area of encroachment in rear yard = 140 sq. ft. (14' x 10')

Required front and rear yard setback total = 45'

Requested front and rear yard cumulative setback = 38'

Required side yard setback = 5'

Requested east side yard setback = 0'

STAFF RECOMMENDATION

Staff recommends approval of the request as the requirements for the Special Exceptions C and K are met, with CONDITIONS that the structure in the east side yard setback is never enclosed and that the structure shall be of fire-rated construction.

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

"Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space."

The Zoning Board of Adjustment is empowered under Section 2.16.050 K to

“Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the El Paso City Code.”

LOT 21

LOT 22

LOT 23

27.9' 47.5' 14.4' 0.2' 0.3'

NOT ABLE TO SET

NOT ABLE TO SET

ROCKWALL

ROCKWALL

85

LOT 26

LOT 25

LOT 24

PEBBLE HILLS
SUBDIVISION UNIT 10
REPLAT "A"

000#20080074603,
EL PASO, COUNTY CLERKS
DEED RECORDS

000#20080074603,
EL PASO, COUNTY CLERKS
DEED RECORDS

000#20080074603,
EL PASO, COUNTY CLERKS
DEED RECORDS



ROCKWALL

ROCKWALL

SET PK. NAIL

SET PK. NAIL

30'-0"

11185 QUINTANA DRIVE

CENTER LINE
(60' R.O.W.)

LEGAL DESCRIPTION:

LOT NO. 25
BLOCK NO. 85
PEBBLE HILLS SUBDIVISION UNIT 10
ZONE - 4 , (SP)

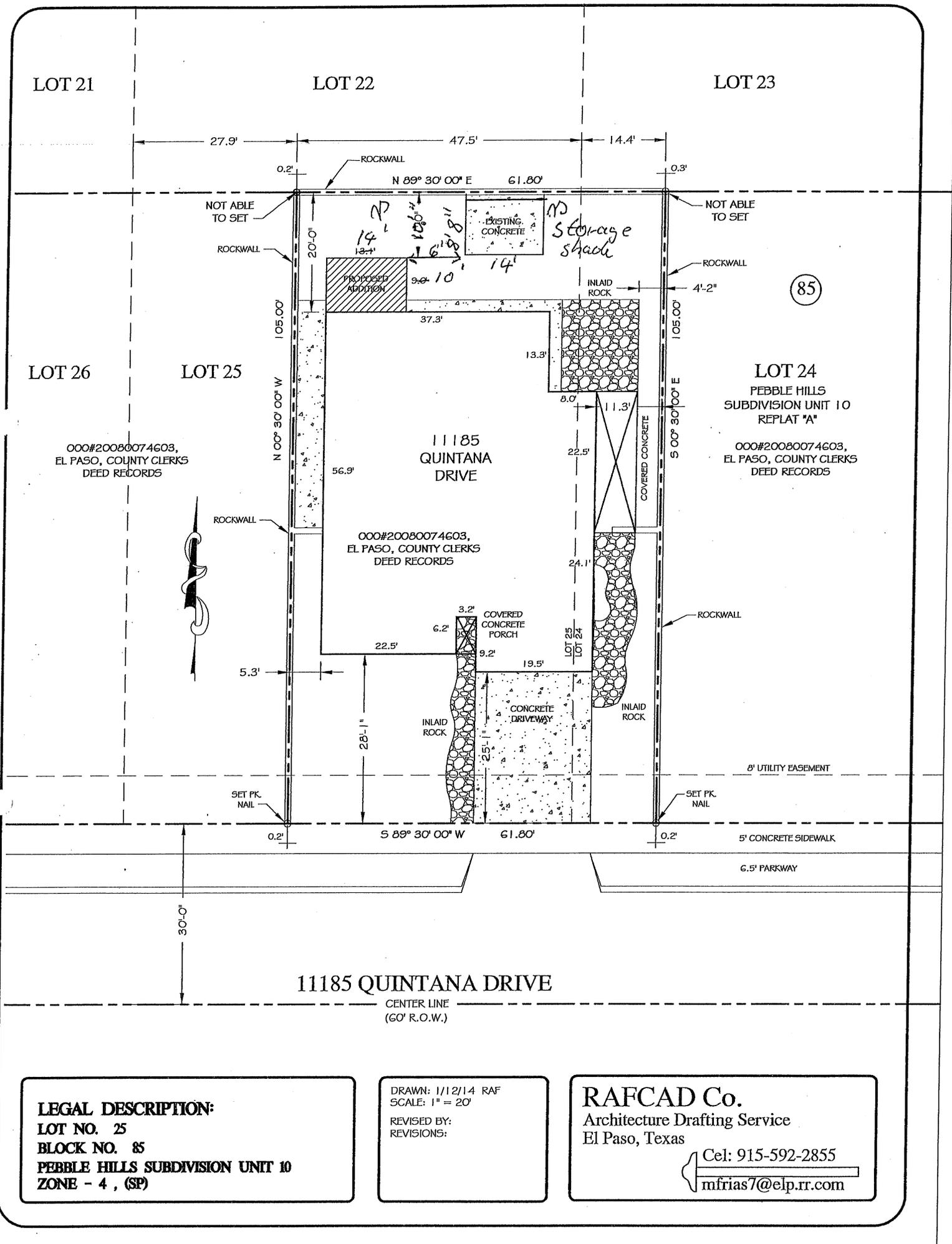
DRAWN: 1/12/14 RAF
SCALE: 1" = 20'
REVISED BY:
REVISIONS:

RAFCAD Co.

Architecture Drafting Service
El Paso, Texas

Cel: 915-592-2855

mfrías7@elp.rr.com



current year have been prorated and are assumed by Grantee. This conveyance is made and accepted subject to any and all validly existing restrictions, mineral reservations and interests, conditions, covenants, easements, and rights of way, if any, applicable to and enforceable against the above described property as now reflected by the records of the County Clerk in said County and State and to any applicable zoning laws or ordinances.

But it is expressly agreed and stipulated that the Vendor's Lien and the Superior Title are retained and reserved in favor of the payee in said note against the above described property, premises and improvements, until said note, and all interest thereon is fully paid according to the face and tenor, effect and reading thereof, when this deed shall become absolute.

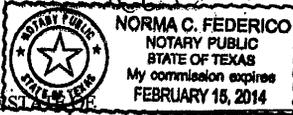
When this deed is executed by one person, or when the Grantee is one person, the instrument shall read as though pertinent verbs and pronouns were changed to correspond, and when executed by or to a corporation the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "Successors and assigns".

Dated this the 27th day of December, 2013

[Signature]
EMILIO TRONCOSO
RUTH BARAZA M.
RUTH TRONCOSO

THE STATE OF TEXAS
COUNTY OF EL PASO

This instrument was acknowledged before me on Dec 31 2013
Emilio Troncoso & Ruth Troncoso A.C.A.R.O.M. Baraza M.



[Signature]
Notary Public, State of Texas

COUNTY OF _____

This instrument was acknowledged before me on _____, by _____ of _____ on behalf of said corporation.

Grantee Address:

RETURN TO:
INGO PAUL VOSS
11185 QUINTANA DRIVE
EL PASO, TX 79936-1815

Notary Public, State of _____

Doc# 20140000391
#Pages 2 #NFPages 1
1/3/2014 3:23:58 PM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk 3 SE
Fees \$30.00

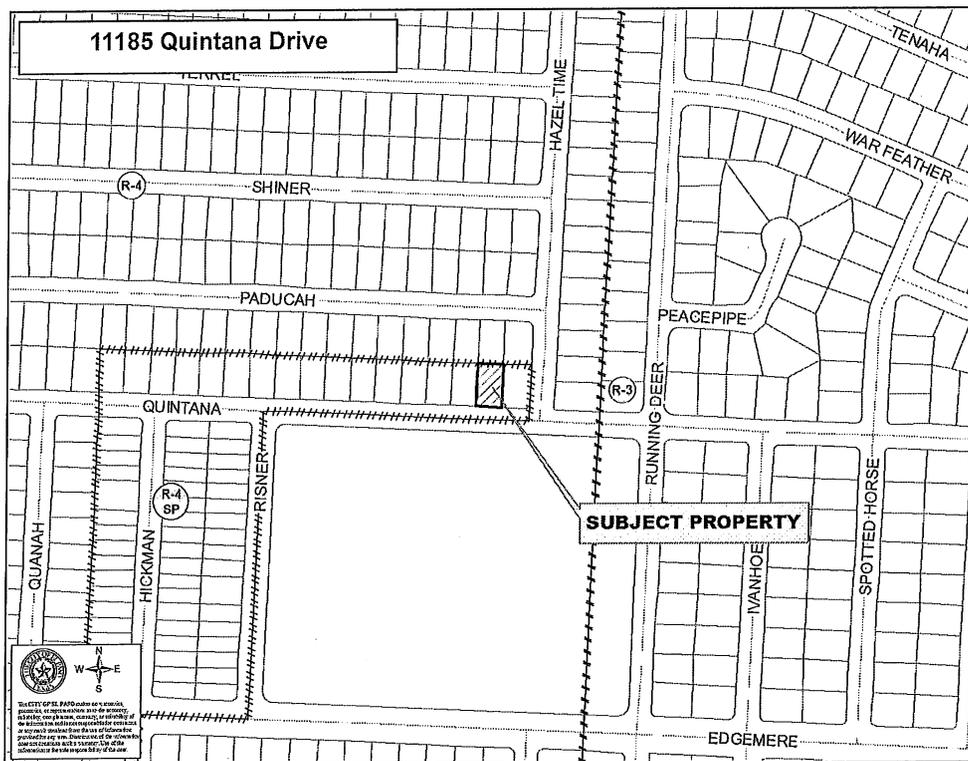
I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones

ZONING MAP



NOTIFICATION MAP

