

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

This would permit a 0.2' encroachment into the southerly side yard setback for a new residential structure, to within 4.8' of the side property line.

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

BACKGROUND

The applicant's representative submitted a survey of the property showing that the house is encroaching 2.4 inches into the southerly side setback. The applicant submitted a letter stating the error was due to a misplacement of forms and is unintentional.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.8'

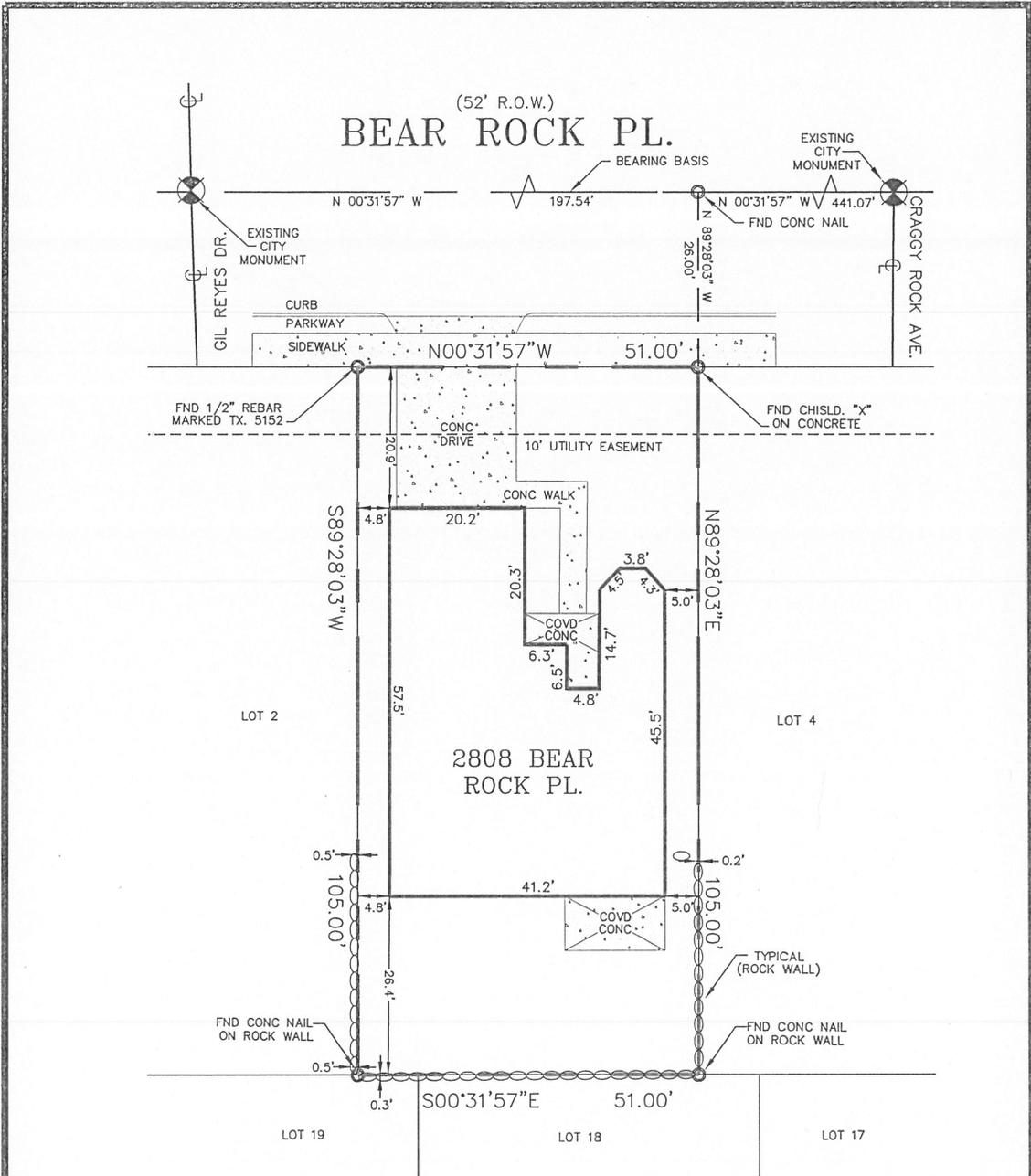
STAFF RECOMMENDATION

Staff recommendation is for approval of the request as it meets the requirements of the Special Exception G.

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

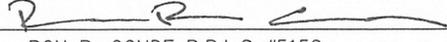
"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

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."



CONDE INC. 
 SCALE: 1"=20'

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

JOB # i811-02	DATE: AUGUST 03, 2011	FIELD: M.R.	OFFICE: M.H.
LOCATED IN ZONE X	PANEL # 480212-0175B	DATED SEPT. 04, 1991	
RECORDED IN FILE NO. 20090073258 ,REAL PROPERTY RECORDS, EL PASO COUNTY, TX			

LOT 3, BLOCK 239
 TIERRA DEL ESTE UNIT SIXTY ONE
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

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CONDE INC.
 6080 SURETY SUITE 100
 EL PASO, TEXAS 79905
 CADD FILE: S:\SU\8\i811-02



August 6, 2011

City of El Paso

Re: 2808 Bear Rock

To Whom It May Concern,

This letter is in reference to the property located at 2808 Bear Rock, Lot 3, Block 239, Tierra Del Este Unit 61. The house was set incorrectly. The setbacks on the right side of home are 4.8 ft. (see attached). This was caused by a construction error at the time the forms were set.

Unfortunately the error was not discovered until the time the improvement survey was done by Conde Inc. on August 3, 2011. We have since verified the incorrect setback.

You will find that historically this is not a common occurrence with Zia Homes, Inc. We ask that this be taken into consideration in allowing for a resolution to this unfortunate incident. If you have any questions you may contact me at (915) 591-8153. Thank you.

Respectfully,



Ronald D. Costa
President

BUILDER ERROR LOG

For a 12 Month Period

August 9, 2010 to September 12, 2011

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
8/9/2010	ZBA10-00031 (Side Setbacks)	3170 Blue Dirt Circle	Saratoga Homes
9/13/2010	ZBA10-00041 (Rear Yard Setback)		
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes
6/13/2011	PZBA11-00015	11217 Duster Street	Tropicana Homes
7/11/2011	PZBA11-00019	3125 Sunny Prairie	Xavier Homes
9/12/2011	PZBA11-00029	2808 Bear Rock Place	Zia Homes

