

Applicants request a Variance (Accessory Building, Height) under Section 2.16.030 in an R-1 (Residential) zone.

The request is for a detached garage that is proposed to be 17 feet in height.

The maximum permitted height for an accessory structure is 15 feet.

BACKGROUND

After hearing the request at the July 12, 2010, meeting, the Board postponed the case to the meeting of August 9, 2010, to allow the applicant to explore alternatives regarding his request for an accessory building that is more than 15 feet in height. The applicant again requested postponement to the September 13, 2010 meeting.

The applicant received a building permit on August 30, 2010, for an accessory building that meets the code requirements. He submitted a request to withdraw his application for a variance.

STAFF RECOMMENDATION

The applicant has withdrawn his request for a variance.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

"Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."

The following questions should be carefully considered in order to grant a variance:

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

Definition of Unnecessary Hardship, Section 20.02.1128

"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.

Castle, Linda

From: Wendy [rodericke9@aol.com]
Sent: Tuesday, September 07, 2010 1:33 PM
To: Castle, Linda
Subject: Re: ZBA10-00022

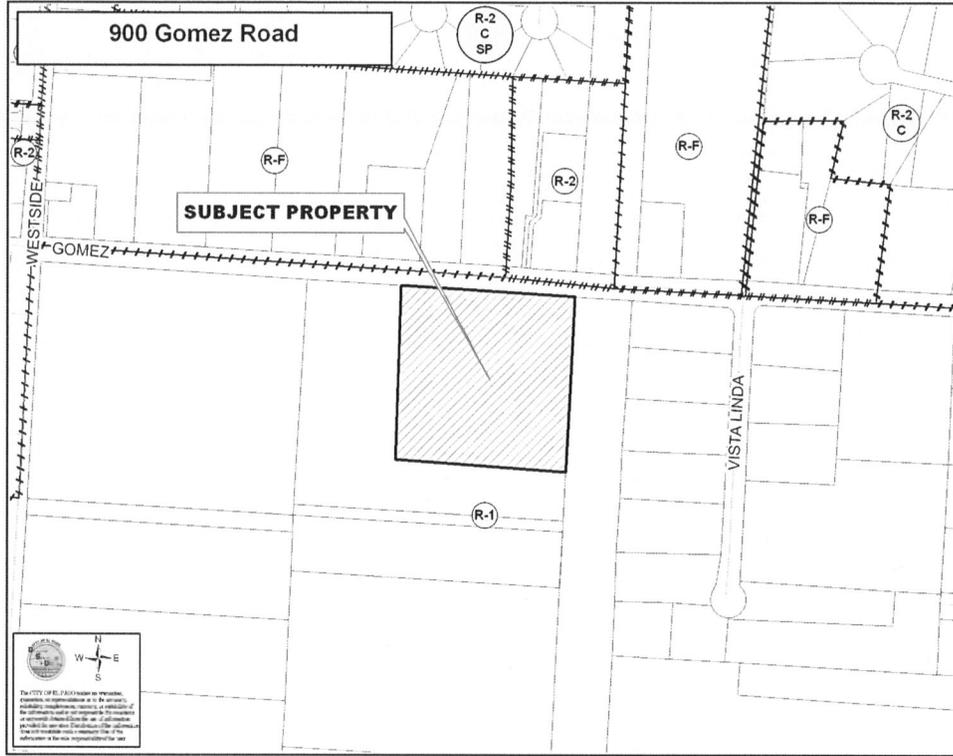
Ms. Castle,
I would like to withdraw my request for a change in variance. My case # is zba10-00022.

Thank you
Edward
Roderick

"Castle, Linda" <CastleLJ@elpasotexas.gov> wrote:

>Mr. Roderick,
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>
>Will you be withdrawing your request for the variance? I need a letter
>or email from you requesting the withdrawal.
>
>
>
>Linda Castle
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>
>Linda J. Castle
>
>Senior Planner
>
>Planning and Economic Development
>
>2 Civic Center Plaza - 5th Floor
>
>El Paso, Texas 79901
>
>Phone (915) 541-4029 Fax (915) 541-4725
>
>castlelj@elpasotexas.gov
>
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ZONING MAP



NOTIFICATION MAP

