

Applicant requests a Special Exception under Section 2.16.050 F (Side Street Yard Setback) in an R-5 zone.

This would permit the existence of a two-family structure (duplex) that is located to within 5 feet of the side street property line.

The required side street yard setback is 10 feet in the R-5 (Residential) Districts.

BACKGROUND

The applicant is requesting the special exception to legalize a duplex that was constructed encroaching on public right-of-way at the side street yard. The City Council approved an Ordinance on May 19, 2009, to sell a portion of the right-of-way to Mountain Vista Builders. Please see enclosed explanation provided to City Council by the Financial Services Department. The applicant is requesting to reduce the required 10 foot side street yard setback to 5 feet. The Engineering Department-Traffic Division has reviewed the site and has no objections to the request.

CALCULATIONS

Required side street yard setback = 10'

Requested side street yard setback = 5'

STAFF RECOMMENDATION

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

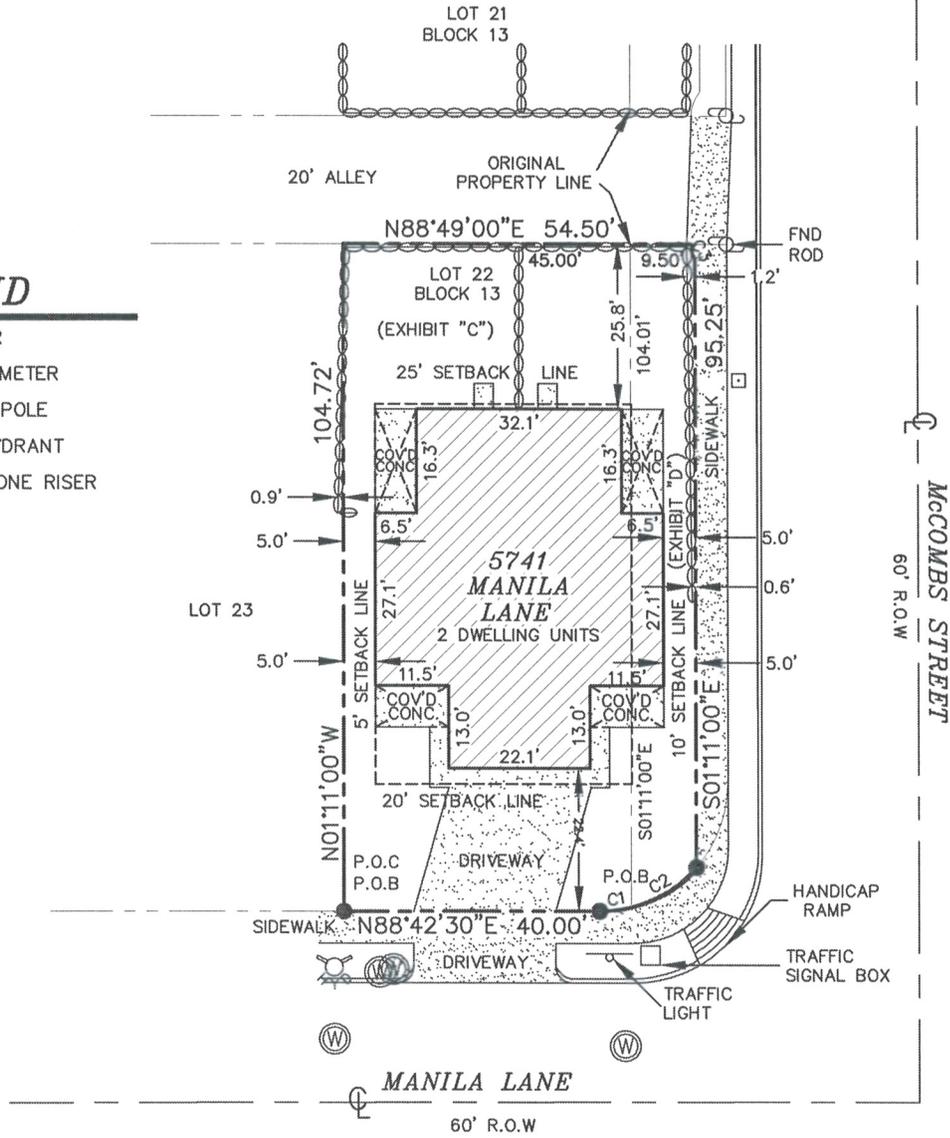
The Zoning Board of Adjustment is empowered under Section 2.16.050 F to:

“Modify district side street yard requirements where the following conditions are met:

1. The proposed modification does not exceed fifty percent of the required side street yard requirement; and,
2. The minimum front and rear setbacks shall not be reduced; and,
3. The zoning board of adjustment has received the written approval, based on traffic safety considerations, of the traffic engineer; and,
4. The proposed modification does not permit the creation of an additional dwelling unit.”

LEGEND

- = ANCHOR
- ⊙ = WATER METER
- ⊕ = POWER POLE
- ⊕ = FIRE HYDRANT
- ⊕ = TELEPHONE RISER
- ⊕ = SIGN



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	20.00'	5.05'	2.54'	5.04'	N81°34'40"E	14°28'40"
C2	20.00'	12.07'	6.22'	11.88'	N57°03'15"E	34°34'10"
C3	5.50'	2.60'	1.33'	2.58'	S14°44'47"E	27°07'33"

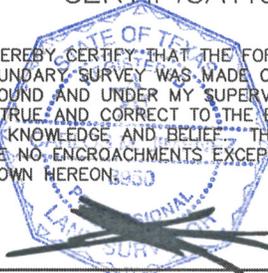
NOTE:
THIS SURVEY WAS
DONE WITHOUT THE
BENEFIT OF A
TITLE COMMITMENT.

SCALE 1"=30'

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CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.



CARLOS M. JIMENEZ
R.P.L.S. No. 3950

JOB # 5741 DATE: 08-26-09 FIELD: AR OFFICE: EA FILE: NET:\ENRIQUE\2009\5741

LOCATED IN ZONE C PANEL # 480214-0020-B DATED 10-15-82

RECORDED IN VOLUME 4 PAGE 18, PLAT RECORDS, EL PASO COUNTY, TX

5741 MANILA STREET
LOT 22, BLOCK 13 (SEE EXHIBITS "C", "D")
SAHARA SUBDIVISION
CITY OF EL PASO, EL PASO COUNTY, TEXAS



CONSULTING COMPANY
1790 LEE TREVINO DRIVE SUITE 503
EL PASO, TEXAS 79936
(915) 633-6422

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Financial Services
AGENDA DATE: Introduction: May 12, 2009
Public Hearing: May 19, 2009
CONTACT PERSON/PHONE: Liza Ramirez-Tobias, Capital Assets Manager, 915-541-4074
DISTRICT(S) AFFECTED: #4, Representative Castro

SUBJECT:

An ordinance authorizing the City of El Paso to sell a portion of Lot 21 and a portion of Lot 22, Block 13, Sahara Subdivision, El Paso, El Paso County, Texas, to Mountain Vista Builders, Inc.

BACKGROUND / DISCUSSION:

There is currently an encroachment on to City property of approximately ten feet, due to error of ownership identification. The Capital Assets & Real Estate Committee (CARE) recommends: in accordance with Section 272.001 of the Texas Local Government Code, that the identified parcels be sold to the abutting property owner because the parcels are narrow strips of land and because of their shape and small area cannot be used independently under the City's current zoning or under applicable subdivision or other development control ordinances. Mountain Vista Builders, Inc. is the abutting property owner for both parcels, and the City of El Paso has received an independent appraisal of the market value of for its interest in the identified properties. Mountain Vista Builders, Inc. is willing to pay the appraised value of \$5,500.00 for the identified properties.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

CARE Committee has recommend sale, no city use identified.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Carmen Quieta-Candelaria
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____



John Cook
Mayor

Joyce Wilson
City Manager

R. Alan Shubert, PE
City Engineer

City Council

Ann Morgan Lily, District 1
Susannah M. Byrd, District 2
Emma Acosta, District 3
Carl L. Robinson, District 4
Rachel Quintana, District 5
Eddie Holguin, Jr. District 6
Steve Ortega, District 7
Beto O' Rourke, District 8

ENGINEERING DEPARTMENT

TO: Linda J. Castle, Senior Planner

FROM: Margarita Molina - Traffic Division

DATE: October 1, 2009

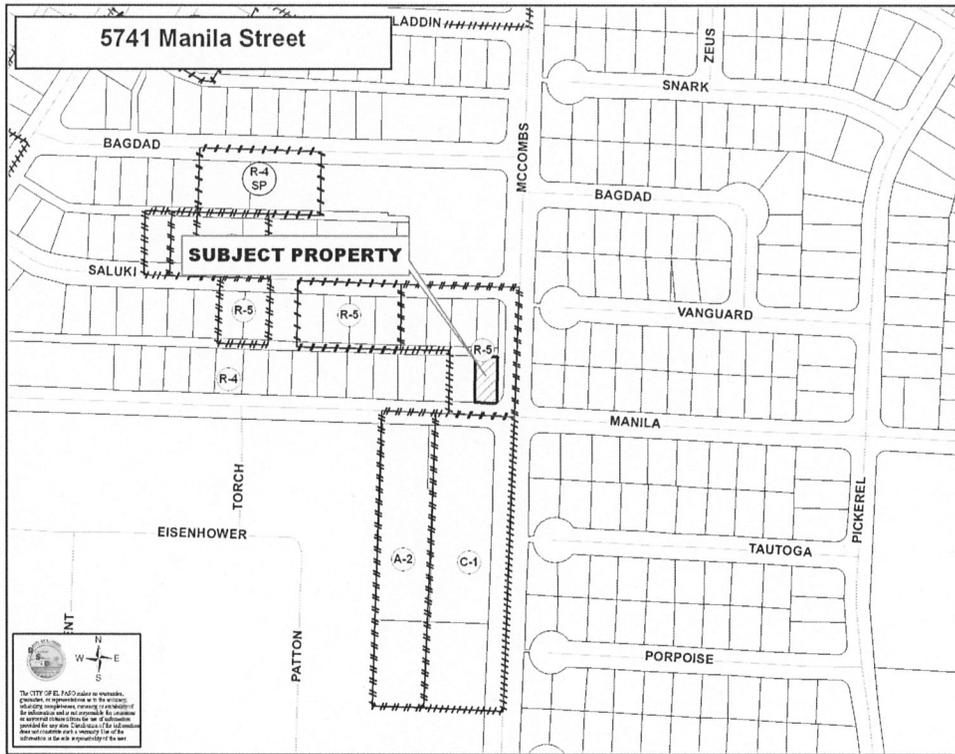
SUBJECT: **ZBA09-00037 5741 Manila Street**
Side Street Yard Setback

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- *No objection to proposed side street yard set back reduction.*

Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina at 541-4223.

ZONING MAP



NOTIFICATION MAP

