

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

This would permit the existence of a new residence that was built encroaching 0.2' into the westerly side yard setback.

The required side yard setback is 5 feet in an R-5 (Light Density Residential) zone.

BACKGROUND

The applicant is requesting a builder error for a new residence that was placed incorrectly and encroaches 0.2 feet into the required side yard setback. Please see applicant's letter stating that the error was inadvertent. The applicant has not applied for the builder error in the last 12 months.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.8'

STAFF RECOMMENDATION

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

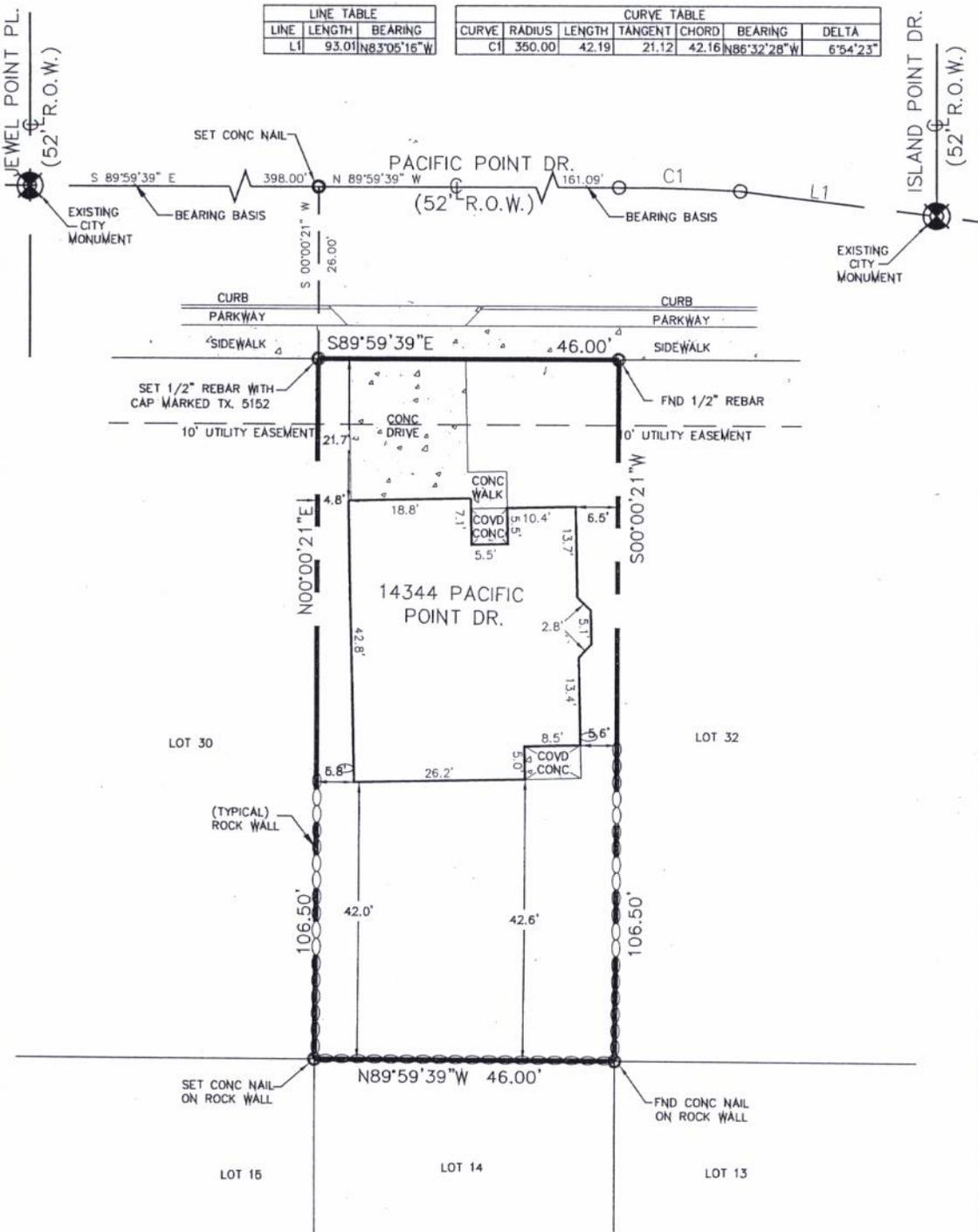
The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"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."

LINE TABLE		
LINE	LENGTH	BEARING
L1	93.01	N83°05'16"W

CURVE TABLE							
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA	
C1	350.00	42.19	21.12	42.16	N86°32'28"W	6°54'23"	



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.

R R

RON R. CONDE R.P.L.S #5152

JOB # i80850	DATE: AUGUST 26, 2008	FIELD: D.G.	OFFICE: J.I.I.
LOCATED IN ZONE X	PANEL # 480212-0175B	DATED SEPT. 04, 1991	
RECORDED IN FILE NO. 20070084456 ,REAL PROPERTY RECORDS, EL PASO COUNTY, TX			

LOT 31, BLOCK 171
TIERRA DEL ESTE UNIT FORTY NINE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC. CADD FILE: J:\JULIO\i80850
1790 LEE TREVINO SUITE 400
EL PASO, TEXAS 79936

SCALE: 1"=20'

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September 12, 2008

City of El Paso
Eddie Garcia – City Planning Department

Re: 14344 Pacific Point

Mr. Garcia,

This letter is in reference to the property located at 14344 Pacific Point Dr. – Lot 31 Block 171, Tierra Del Este Unit 49. This house was set incorrectly. The setback at the right front corner is 4.8 ft. (see attached). This was caused by a construction error at the time forms were set.

Unfortunately the error was not discovered until the time of the improvement survey done by Conde Inc. on August 26, 2008. We have since verified the incorrect setback.

You will find that historically this is not a common occurrence with Classic American Homes. In the last 20 years Classic American Homes has had 3 – ZBA requests due to setback errors. 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 915.593.7707. Thank you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jorge Arroyo".

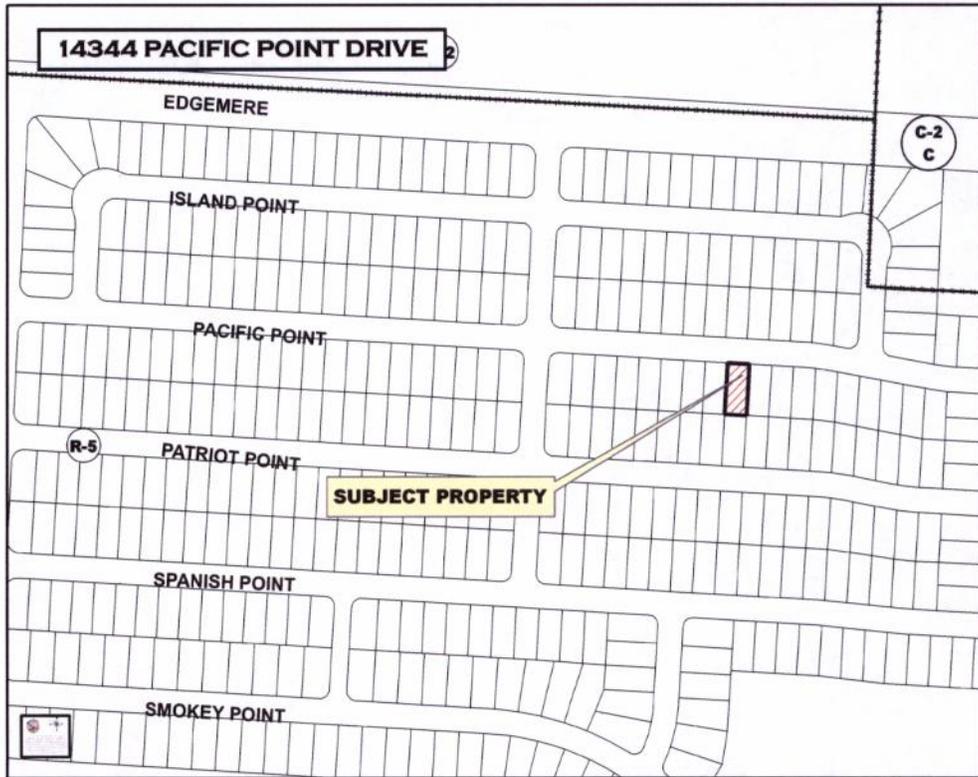
Jorge Arroyo
Vice President

Building The American Dream!

LOG FOR BUILDER'S ERRORS**For a 12 Month Period****October 8, 2007 to October 13, 2008**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
01/14/2008	ZBA07-00198	6248 Snowheights	Jorge A. Valdez (Homeowner)
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.
10/13/2008	ZBA08-00081	14344 Pacific Point Drive	Classic American Homes

ZONING MAP



NOTIFICATION MAP

