

PZBA14-00036 4017 Tuscan Hills Place Michelle & Frank C. Malone III
Applicants request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-5 (Residential) zone.

This would allow a 12' by 18' addition, proposed to be located to within 2 feet of the main structure, of which a 12' by 13' (156 sq. ft.) portion will encroach into the required rear yard setback and be located to within 11 feet of the rear property line.

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

BACKGROUND

The applicants are proposing to add a new covered patio and a bedroom/bathroom addition detached from the house and located to within 2 feet of the main house. The bedroom addition will encroach into the required rear yard setback. A building closer than 5 feet to the main structure is considered an addition to the house. It is a dwelling unit and as such is required to comply with the requirements of the Zoning Code, Title 20, Section 20.10.035 B., Attached Accessory Dwelling Unit:

- B. Attached accessory dwelling units are permitted when they comply with the following:*
- 1. Only one ADU is permitted on a lot with a single-family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.*
 - 2. The minimum lot area is five thousand five hundred square feet.*
 - 3. The ADU shall not exceed eight hundred square feet of gross floor area except that for lots containing eight thousand square feet or more, the ADU shall not exceed one thousand two hundred square feet gfa.*
 - 4. The ADU shall not contain more than one bedroom.*
 - 5. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.*
 - 6. The ADU shall comply with all yard standards of the zoning district.*
 - 7. A separate entrance shall be provided for the ADU.*
 - 8. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.*
 - 9. The height of the ADU shall not exceed the height of the principal unit.*
 - 10. ADUs shall resemble the principal unit in scale, material and color. Roof pitch, siding material and color shall match the principal unit.*
 - 11. Windows shall be similar to the principal unit in the following ways: type of window, trim style, proportions.*

CALCULATIONS

Permitted area of encroachment in required rear yard setback = 244.80 sq. ft. (17' [51' lot width ÷ 3] x 14.4' [3/5 of 24'])

Requested area of encroachment in rear yard = 156 sq. ft. (12' x 13')

Required front and rear yard setback total = 45'

Requested front and rear yard cumulative setback = 32'

STAFF RECOMMENDATION

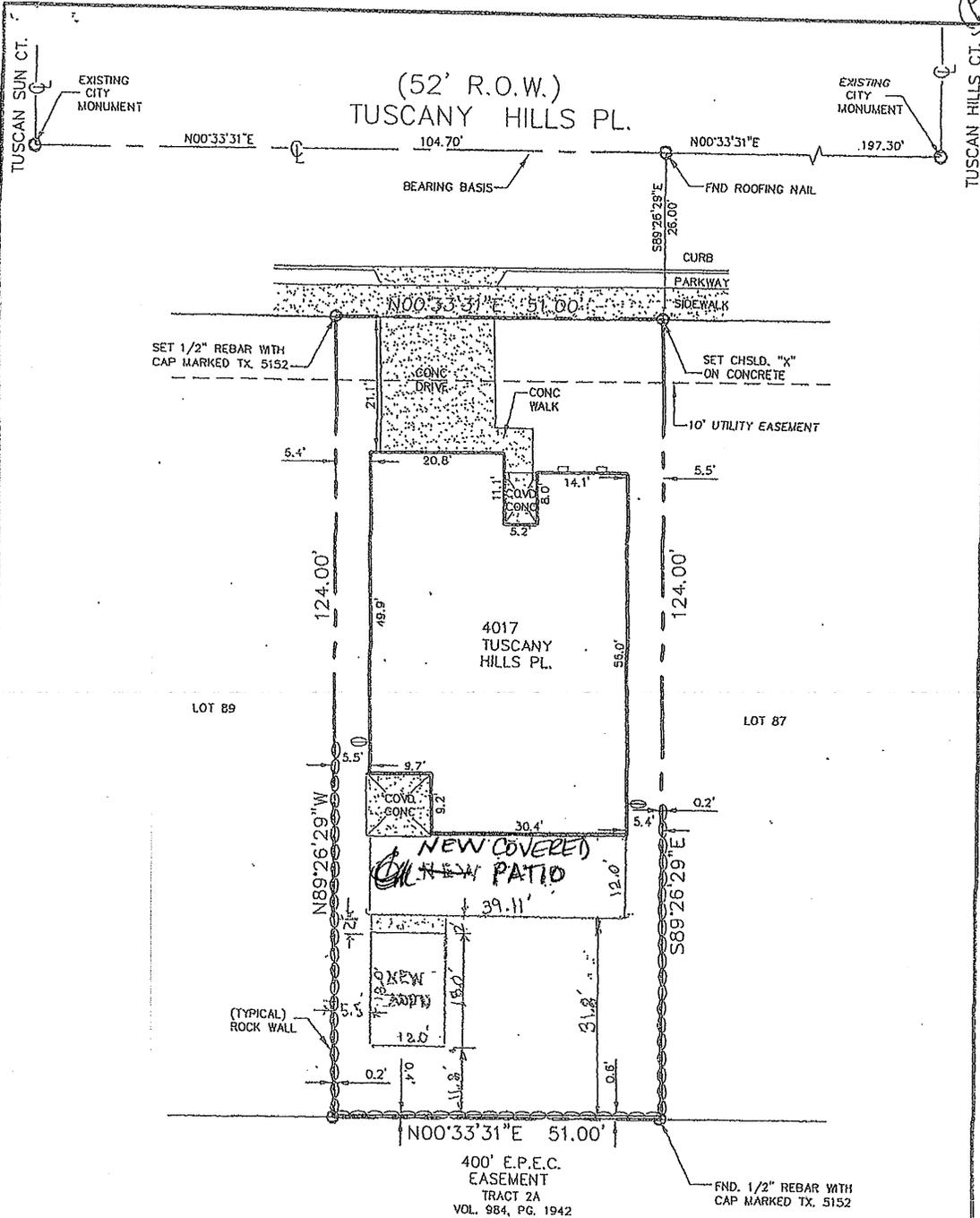
Staff recommends approval of the request as it meets the requirements of the Special Exception, with a NOTE that the requirements of Section 20.10.035 B., Attached Accessory Dwelling Unit, shall be complied with.

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:

ITEM #3

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."



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 ENCRDACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

R R Conde

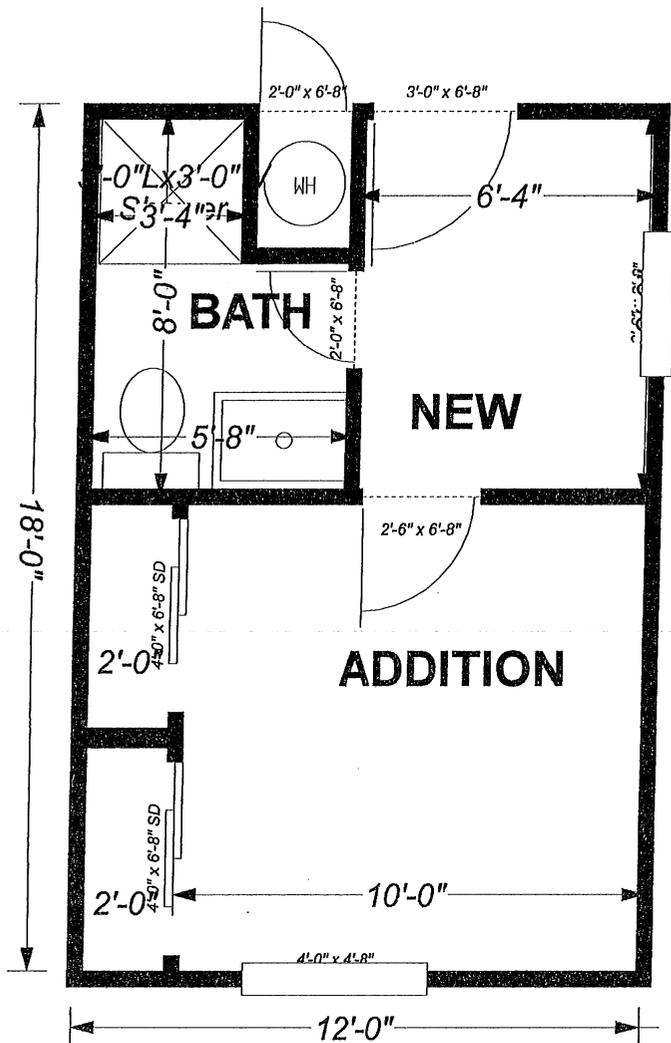
RON R. CONDE R.P.L.S. No. 5152

JOB # 11007-36	DATE: OCTOBER 24, 2007	FIELD: U.P.	OFFICE: F.R.
LOCATED IN ZONE X	PANEL # 480212-175B	DATED SEPT. 4, 1991	
RECORDED IN FILE NO. 20060114345, PLAT RECORDS, EL PASO COUNTY, TX			

LOT 88, BLOCK 122
 TIERRA DEL ESTE UNIT FORTY SIX
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

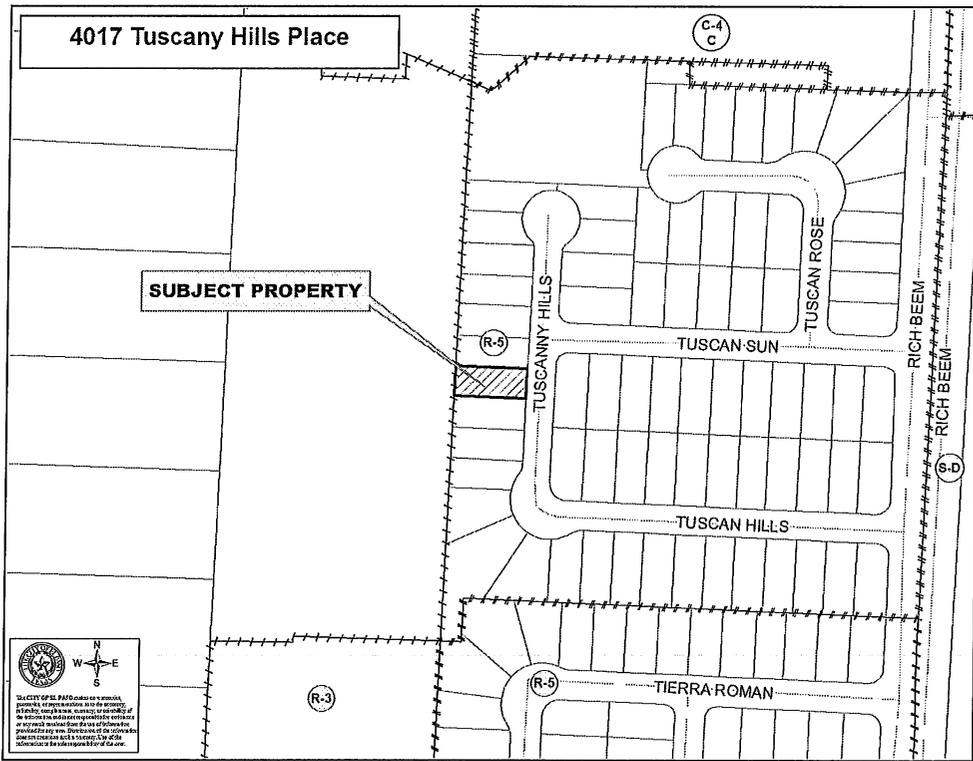
CONDE ENGINEERING INC. (915) 592-0283
 1790 LEE TREVINO SUITE 400
 EL PASO, TEXAS 79936

**NEW PATIO
BEYOND**



**FLOOR PLAN ADD'N.
SCALE: 1/4"=1'-0"**

ZONING MAP



NOTIFICATION MAP

