ZBA10-00048 1656 Bob Smith Maria L. McMillin

Applicant requests Special Exceptions under Section 2.16.050 C (Rear Yard Setback) and Section 2.16.050 L (15 Years or More, Accessory Building) in an R-3 (Residential) zone.

This would permit the existence of a 22.7' by 9.7' enclosure of a patio that encroaches in the required rear yard setback and a 10' by 20' storage building located in the rear yard and located less than 5 feet from the main structure.

The required cumulative front and rear yard setback total is 50 feet in the R-3 zone district.

BACKGROUND

The applicant purchased the house in 2008 and is requesting to legalize the 200 sq. ft. accessory structure which is located less than 5 feet from the main structure and is located to within 1 foot of the side and rear property lines. There is no building permit for the structure.

In addition, the porch that encroaches in the required rear yard setback has been enclosed. The applicant supplied a survey dated 1994 that shows the storage building and the encroachment in the rear yard to within 15.6 feet of the rear property line. The plans submitted for permit in 1978 indicate the encroachment in the rear yard as a porch. The 1986 aerial shows the accessory building and the patio roof existing then as it does now.

CALCULATIONS

Permitted encroachment in rear yard = 356.25 sq. ft. (23.75' [71.27' lot width ÷3] x 15' [3/5 of 25'])
Requested encroachment in rear yard = 220.19 sq. ft. (22.7' x 9.7')
Required rear yard setback = 25'
Requested rear yard setback = 15.6'

STAFF RECOMMENDATION

The recommendation is for approval of the Special Exception C for the porch enclosure. The recommendation is for denial of the request for the Special Exception L for the accessory building due to its location within 5 feet of the main house.

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, which shall be measured to the rear property line, not to the centerline of the alley, if one exists; provided, however, that:

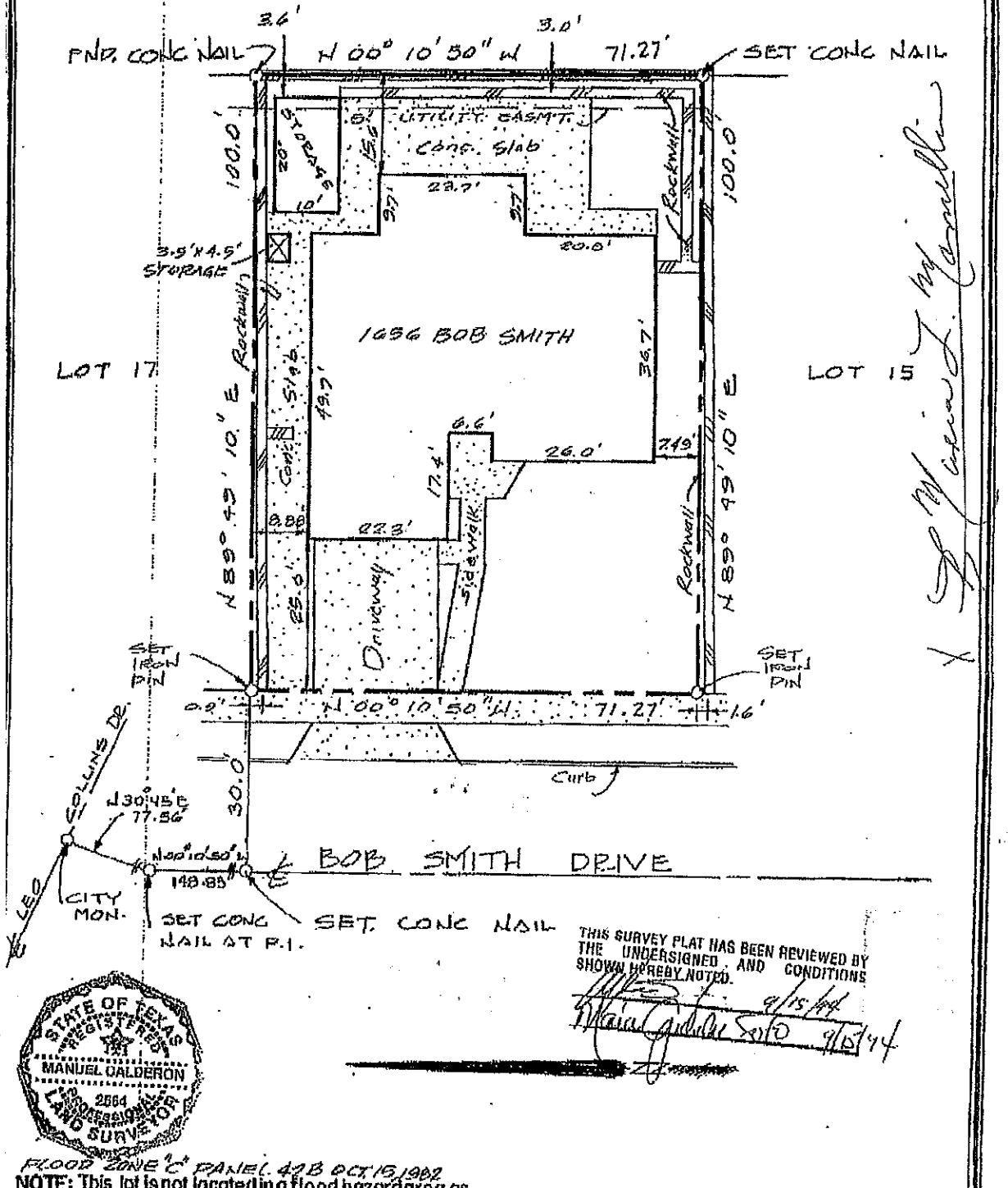
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard;
3. A minimum ten foot rear yard setback shall be required;
4. The minimum side and side street yards shall not be reduced;
5. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred eighty square feet;
6. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space; and
7. The extension shall not permit the creation of an additional dwelling unit for rental purposes.

ITEM #5

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

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code."



THIS SURVEY PLAT HAS BEEN REVIEWED BY THE UNDERSIGNED AND CONDITIONS SHOWN HEREBY NOTED.

9/15/94

9/15/94

STATE OF TEXAS REGISTERED MANUEL CALDERON 2564 PROFESSIONAL LAND SURVEYOR

FLOOD ZONE "C" PANEL 42B OCT 16, 1982

NOTE: This lot is not located in a flood hazard area as determined by the FIRM by the U.S. Federal Emergency Management Agency National Federal Insurance Program.

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 show. Only platted easements are shown.

Manuel Calderon

Registered Professional Land Surveyor 2564

Book 51 Page 14 Job No. 994-16

1656 BOB SMITH DRIVE
LOT 16, BLOCK 170
VISTA DEL SOL UNIT TWENTY-NINE
CITY OF EL PASO
EL PASO COUNTY, TEXAS

Field RP Office G.Y. Date 9-7-94 Scale 1"=20'

CALDERON ENGINEERING
CIVIL - STRUCTURAL
3031 TRAWOOD DR.
EL PASO TEXAS 79936 (915) 855-7552

TaxNetUSA
The Source for Property Tax Information

November 1, 2010

Certified Detail Report

Search Form | Search Results | Search Tips | Download Results

El Paso County Property Information

PIDN: 342834 **GEO:** V89399917003100 Print Version

Owner Name	**MCMILLIN MARIA L**
Mailing Address	1656 BOB SMITH DR EL PASO, TX 79936-5304
Location	1656 BOB SMITH DR EL PASO
Legal	170 VISTA DEL SOL #29 LOT 16 (7127 SQ FT)

Data up to date as of Sep 30, 2010 including 2010 certified values.

Entity Code	Entity Name	Tax Rate 2008
CEP	El Paso	0.653700
G01	El Paso County	0.363403
IYS	Ysleta ISD	1.330000
SCC	El Paso Co Community College Dist	0.107329
SHO	R. E. Thomason General Hospital Dis	0.182124
	Total	2.636556
	*Total Estimated Taxes	**$3,777.79**

Note:The Total Estimated Taxes are provided as a courtesy and should not be relied upon in making financial or other decisions.
*Tax amount does not include any abatements or exemptions.

Links to Common Forms

Agricultural (1-D-1)	Appointment of Agent Form	Homestead Exemption Form
Protest Form	Religious Exemption Form	Freeport Exemption

Property Details

Deed Date	06/30/2008
Deed Volume	
Deed Page	
Docket No.	20080053615
Exemptions	HS,
Freeze Exempt	F
ARB Protest	F
Agent Code	0
Land Acres	0.1636
Block	
Tract or Lot	16
Abstract Code	V893
Neighborhood Code	EV89311240

Value Information	2010 Certified
Land Value	$19,651.00
Improvement Value	$123,634.00
AG Value	$0.00
AG Productivity Value	$0.00
Timber Value	$0.00
Timber Productivity Value	$0.00
Assessed Value	$143,285.00
Total Value	**$143,285.00**
Previous Value	$0.00
Percent Change	0.000%

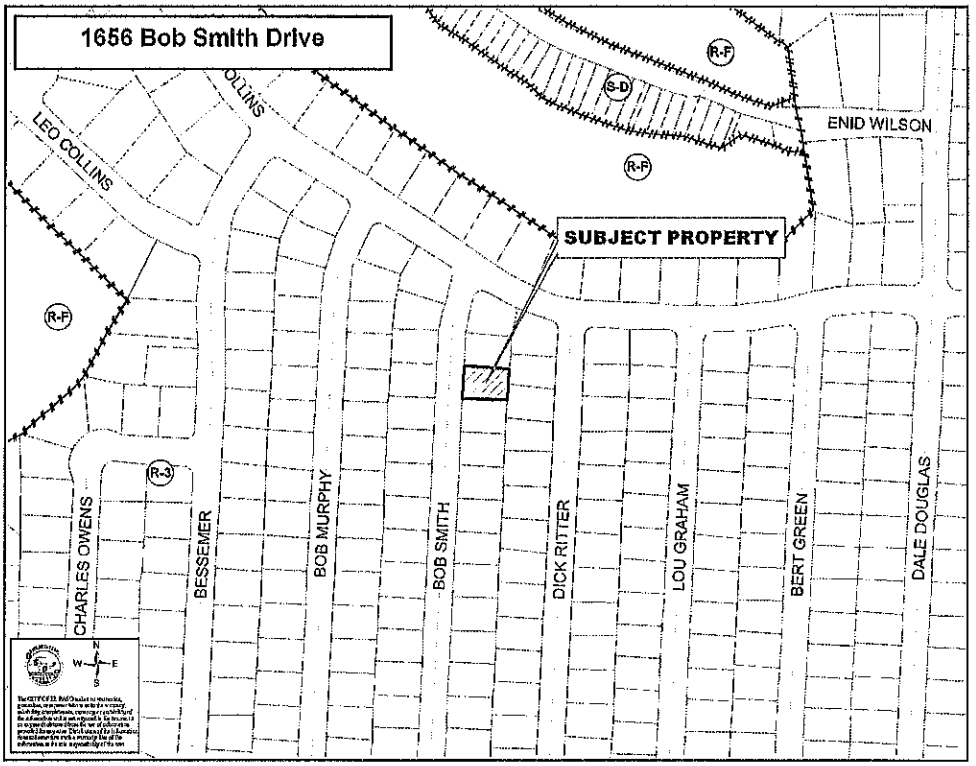
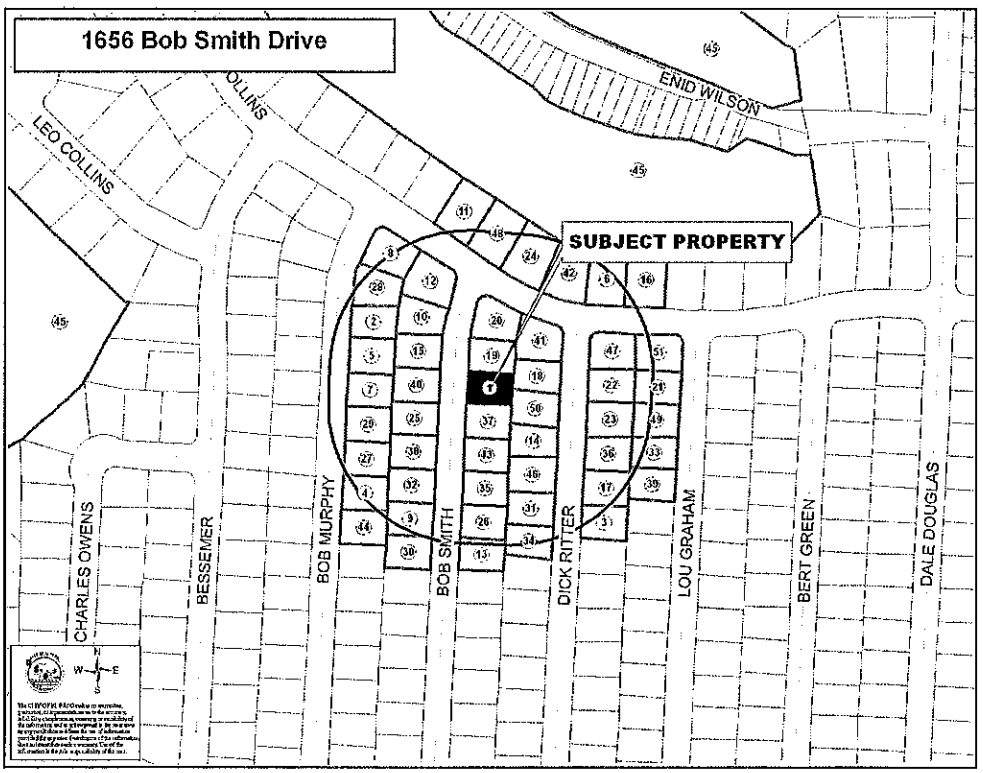
Improvement Information

Improvement ID	State Category	Description
1239336	A1	Residential

Segment Information

Imp ID	Seg ID	Type Code	Description	Class	Effective Year Built	Area
1239336	1239336	MA	MAIN AREA	R03+	1978	1,660
1239336	2592777	G	GARAGE	*	0	484
1239336	2592778	O	OPEN PORCH	*	0	280

ZONING MAP



NOTIFICATION MAP