ZBA10-00044 14235 Strata Rock Drive BIC Homes

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

The request is for an existing house that is built to within 4.3 feet of the westerly side property line.

The required side yard setback is 5 feet in the R-5 zone district.

BACKGROUND

The applicant has submitted a letter stating that the builder error was inadvertent and due to an incorrect placement of a property pin. This lot and the lot to the west are being re-platted to change the lot line. The lot to the west of the subject property will then meet the required 5' side setback, but the subject house will be encroaching 0.7 feet in the westerly side setback. The site plans submitted for permits for both houses showed 5' side setbacks.

CALCULATIONS

Required side yard setback = 5'
Requested westerly side yard setback = 4.3'

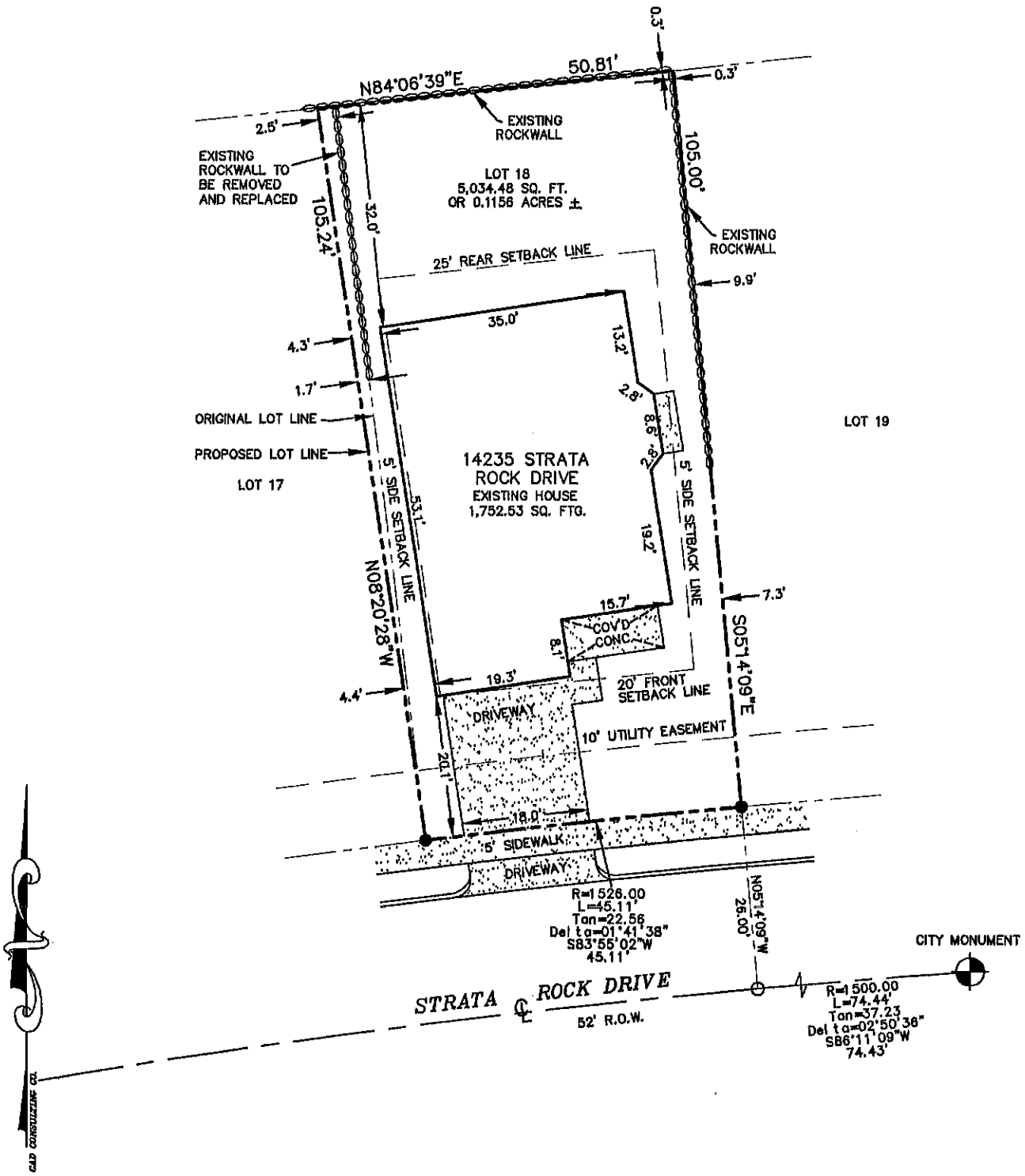
STAFF RECOMMENDATION

Staff recommends approval of the request for the Builder Error 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."



SCALE 1"=20'

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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
3950
PROFESSIONAL LAND SURVEYOR

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

JOB # 01847 DATE: 08-18-10 FIELD: HJ OFFICE: SM FILE: NET:\SABINO\2010\01847

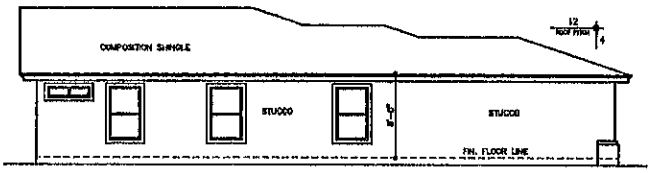
LOCATED IN ZONE X PANEL # 480212-0175-B DATED 09-04-91

CLERK'S NO. 20090073258 , PLAT RECORDS, EL PASO COUNTY, TX

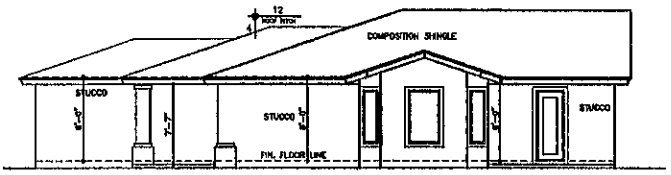
14235 STRATA ROCK DRIVE
LOT 18, BLOCK 247
TIERRA DEL ESTE UNIT SIXTY ONE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

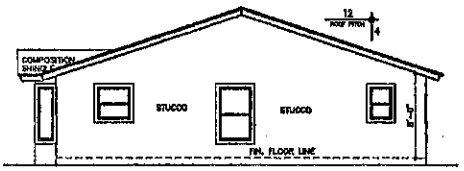
SCALE: 1/8"=1'-0"



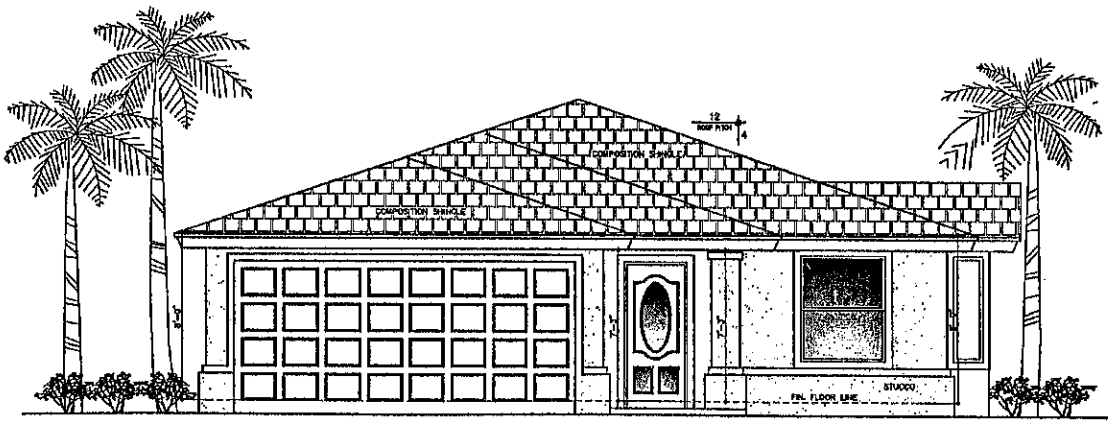
LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION

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CERTIFICATION

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CARLOS M. JIMENEZ
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JOB # 01847	DATE: 08-18-10	FIELD: HJ	OFFICE: SM	FILE: NET:\SABINO\2010\01847
LOCATED IN ZONE X	PANEL # 480212-0175-B		DATED 09-04-91	
CLERK'S NO. 20090073258	, PLAT RECORDS,		EL PASO COUNTY, TX	

14235 STRATA ROCK DRIVE
LOT 18, BLOCK 247
TIERRA DEL ESTE UNIT SIXTY ONE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

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

BIC
Homes LLC
"Built to Last"

September 21st, 2010

City Of El Paso
2 Civic Center Plaza
El Paso, TX, 79901

Attention: Zoning Board of Adjustment

By the means of this letter we are requesting your approval for an inadvertent builder error, which encroached on the east side of the following property:

14235 Strata Rock Block 247 Lot 18 Tierra Del Este 61

We built the home located on this property encroaching the left side setback because we had a property pin misplaced and we did not know this until we ordered the improvements survey.

The final measurement between the front part of the building and the side property line is 4.4', and between the back part of the building and the side property line is 4.3'

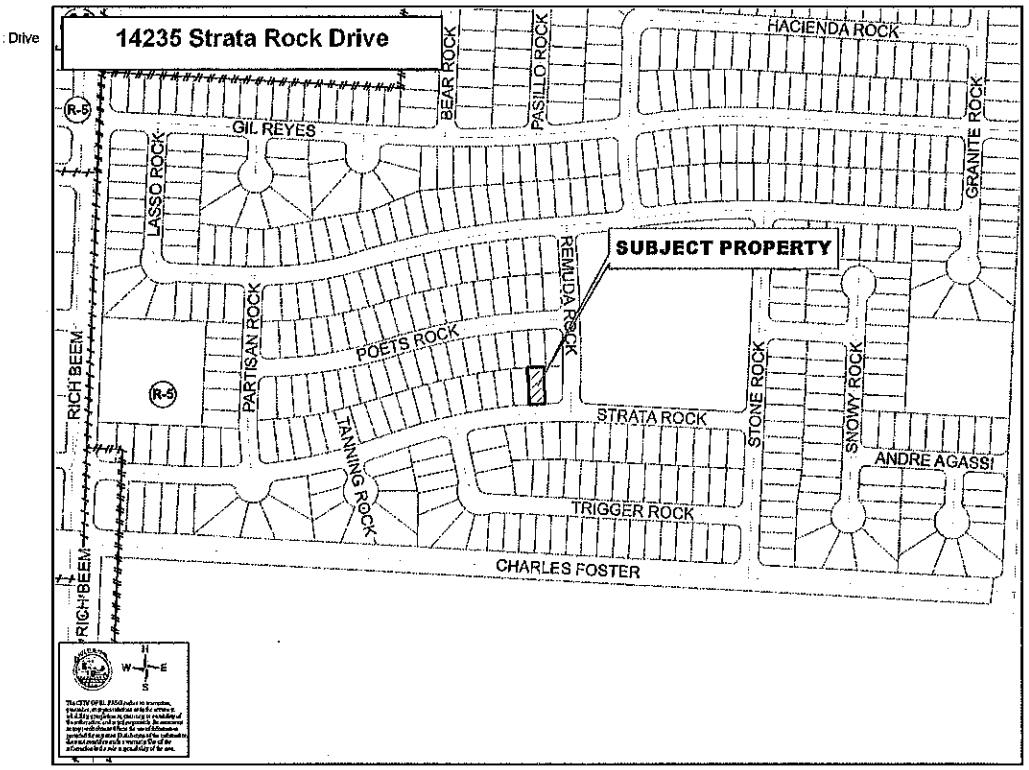
Please do not hesitate to contact me at (915) 892-3890 if you need any additional information.

Respectfully,

Antonio Cervantes
President

BUILDER ERROR LOG			
For a 12 Month Period			
October 12, 2009 to November 8, 2010			
MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
10/12/2009	ZBA09-00036	718 Blacker	Clint Armstrong, Palms West
12/14/2009	ZBA09-00051	8036 Glendale Avenue	Gerardo Blanco/Luis Cardenas
01/11/2010	ZBA09-00057	3705 Tierra Isela Drive	Jesus Marquez, Rio Grande Homes
02/08/2010	ZBA10-00003	7336 Black Mesa Drive	New Horizon Builders, Inc.
6/14/2010	ZBA10-00020	14256 Tierra Yamila	Mountain Vista Builders
8/9/2010 9/13/2010	ZBA10-00031 (Side Setbacks) ZBA10-00041 (Rear Yard Setback)	3170 Blue Dirt Circle	Saratoga Homes
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes

ZONING MAP



NOTIFICATION MAP

Central Appraisal District Information as to neighboring property owners not available at time of notification, October 2010.