ZBA08-00083 14268 Patriot Point Drive Classic American Homes

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 encroaches 0.55' into the easterly 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 0.55 feet (or 6.6") into the required side yard setback. Please see applicant's letter stating that the error was inadvertent. This is the second request from Classic American Homes for the builder error in the last 12 months.

CALCULATIONS

Requested side yard setback = 4.45'
Required side yard setback = 5'

STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception G with a condition that the applicant is only allowed one more request for the Builder Error through October 2009.

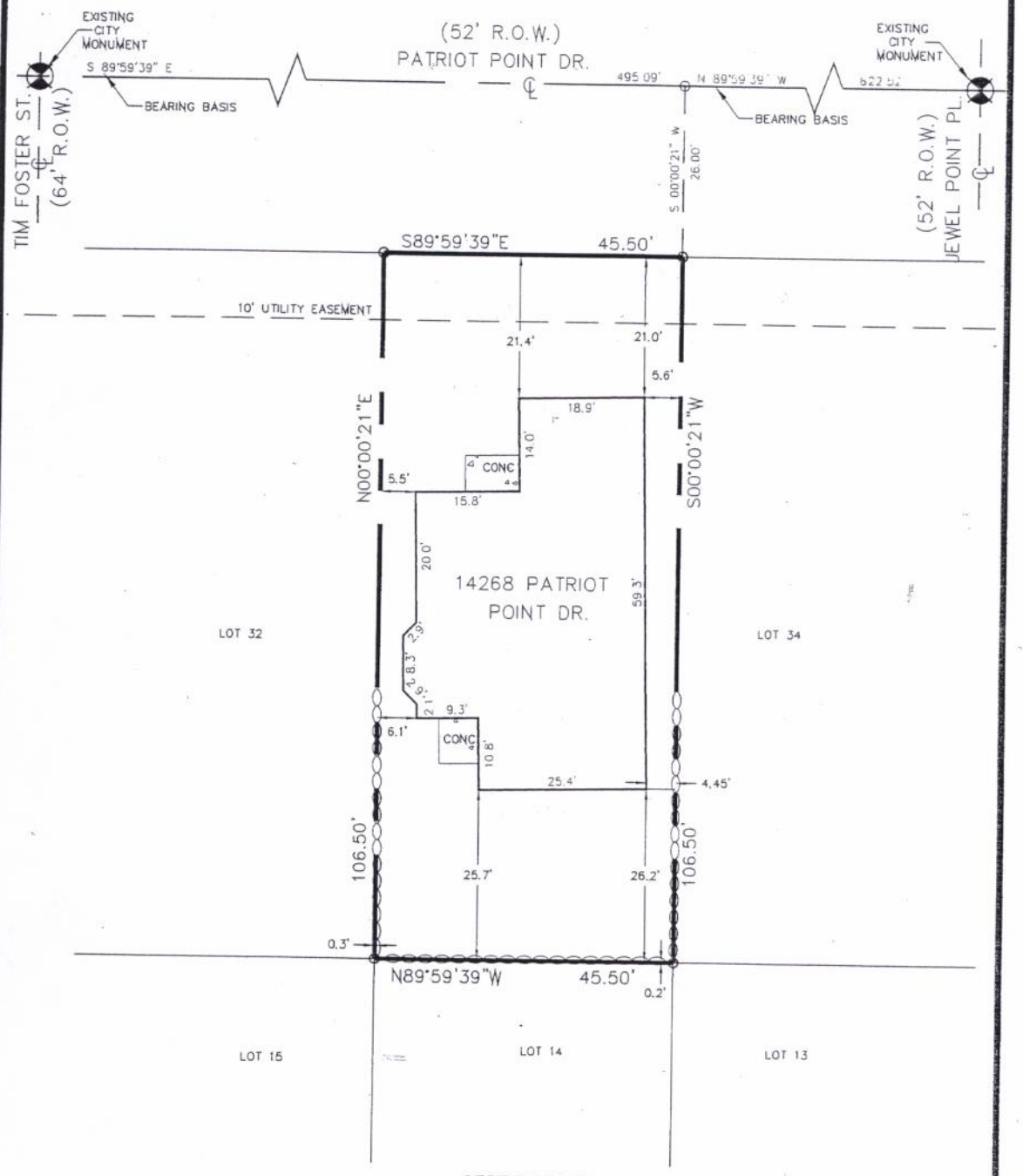
The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"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."

ITEM #2

NOTE: HOUSE NOT COMPLETE AT TIME OF THIS SURVEY.



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.

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

JOB # 1008-28	DATE: OCTOBER 09, 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			

SCALE: 1"=20'

LOT 33, BLOCK 173
TIERRA DEL ESTE UNIT FORTY NINE
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE ENGINEERING INC.
1790 LEE TREVINO SUITE 400
EL PASO, TEXAS 79936

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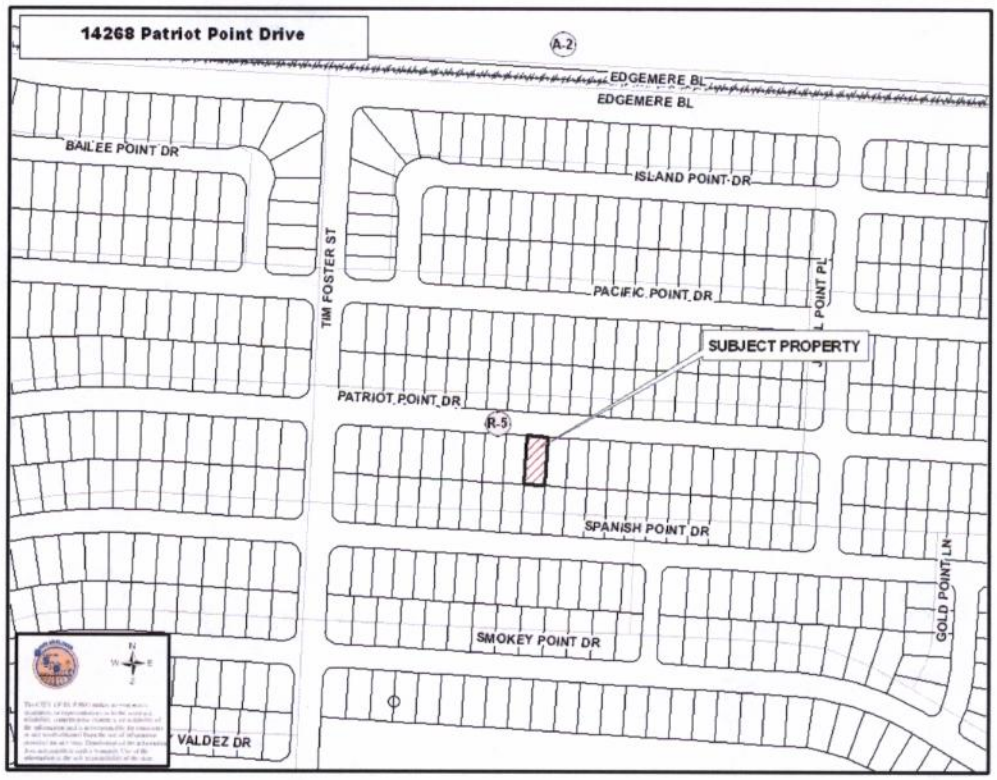
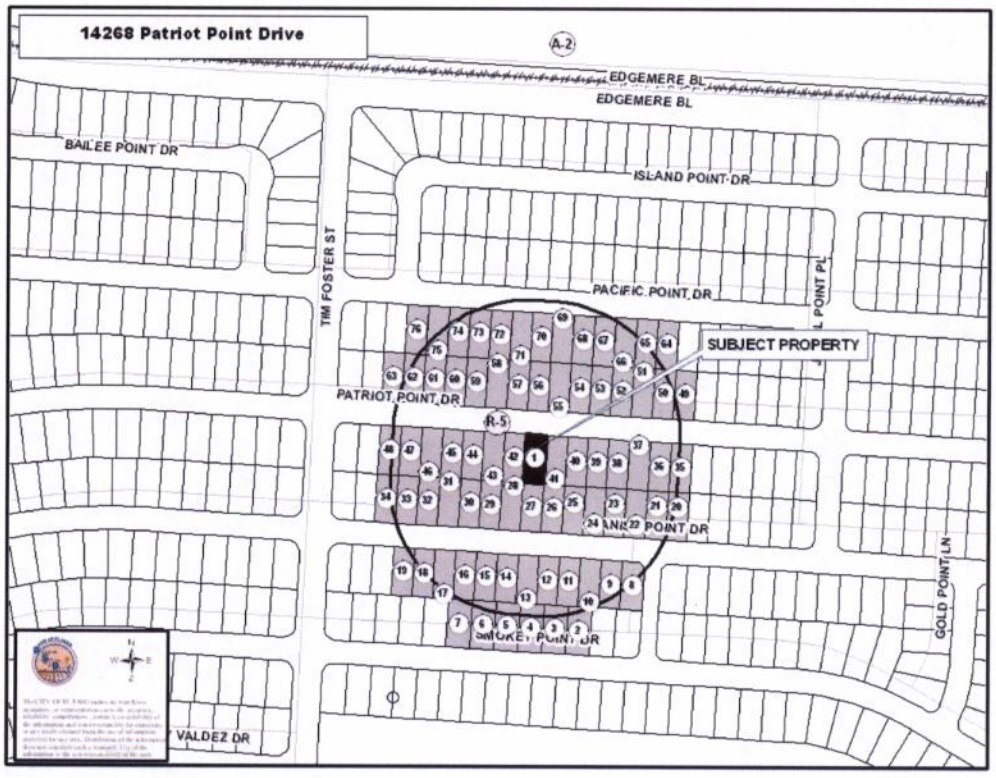
LOG FOR BUILDER'S ERRORS			
For a 12 Month Period			
October 8, 2007 to November 10, 2008			
MEETING DATE	**CASE NUMBER**	**ADDRESS**	**CONTRACTOR**
01/14/2008	ZBA07-00198	6248 Snowheights	Jorge A. Valdez (Homeowner)
7/28/2008	ZBA08-00060	14257 Tierra Bronce Drive	Xavier Homes, Inc.
10/13/2008	ZBA08-00081	14344 Pacific Point Drive	Classic American Homes
11/10/2008	ZBA08-00083	14268 Patriot Point Drive	Classic American Homes

ZONING MAP



NOTIFICATION MAP