

Applicant requests a release of a condition placed as part of a previously granted Special Exception under Section 2.16.050 "G" (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. Montclair Addition, Block 23, Lots 9 & 10

This item is being brought before the ZBA for reconsideration on a request to release a condition placed by the Board on 01-17-2003. The release of the condition would permit the construction of a new accessory structure that meets the current accessory structure requirements. The condition placed on the property would limit the proposed accessory structure to only 120' squared feet. The previously granted exception permitted a 33.8 by 27' addition located to within 10' of the rear property line.

A 25' rear yard setback is required in a R-3 zone.

STAFF RECOMMENDATION

Staff recommendation is for Approval of the condition release.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G 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 total of all extensions granted shall not project into the required rear yard for a depth in excess of three-fifths of the required yard, and
2. The total width of all extensions granted shall not exceed one-third of the average width of the site, and
3. The minimum side and side street yards shall not be reduced, and
4. The total floor area of all detached accessory structure(s) existing or later constructed on the site shall not exceed one hundred and twenty square feet, and
5. Unless otherwise provided in this ordinance, all remaining areas of the required rear yard shall be permanent open space, and
6. The extension shall not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site, and
7. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and
8. The public convenience and welfare will be substantially served; and
9. The use of neighboring property will not be substantially injured; and
10. Include any conditions and safeguards which the board deems appropriate, such as site arrangement, landscaping and hours of operation."

And the applicant submits the following:

"Game room/ Garage addition."

ITEM #8

**FORMAL DECISION
ZONING BOARD OF ADJUSTMENT
EL PASO, TEXAS**

January 27, 2003

Case # 01-017-03
2437 Gairloch

Legal Description: Montclair Addition, Block 23, Lots 9 & 10

At its regular meeting on January 27, 2003, the Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice, heard the above described request for relief from provisions of the Zoning Ordinance. After due consideration of the facts presented, the Board reached the following decision:

GRANTED: 01/27/03: (Subject to accessory structure being reduced to 120' or less)

A Special Exception under Section 2.16.050 "G" (Rear Yard Setback) R-3 Zone of the City of El Paso Zoning Ordinance. This would permit the construction of a 33.8 by 27' addition located to within 10' of the rear property line. A 25' rear yard setback is required in a R-3 zone.

The Board finds that this request is within its jurisdiction under Section 2.16.050 and that this request does meet all requirements of such section.

Filed for permanent record this 27th day of January, 2003, in the office of the Zoning Board of Adjustment.

Robert Pena
Zoning Board Secretary

PLEASE NOTE: The Deputy Director for Building Permits and Inspections shall only issue a building permit for construction authorized by Board action during the first twelve months after Board authorization unless otherwise directed by the Board at the time authorization is approved.

You must notify the Zoning Section of the Planning and Research and Development Department of the start and of the completion of any construction or of the establishment of any use. Inspections will be made by the Building Permits and Inspections Department, Zoning Section, and compliance with Board action will be noted in official Board records.

cc: R. Bonilla
Enforcement Division
File

