

Applicant requests a Special Exception under Section 2.16.050 B (Two or More Non-Conforming Lots) in an R-3/NCO (Residential/Neighborhood Conservancy Overlay) zone.

This would allow a 23' x 22.5' garage addition, 25' feet in height, totaling 517.5 sq. ft., to encroach to within zero feet of the side lot line.

The required side yard setback in the R-3/NCO zone district is 5 feet.

BACKGROUND

The applicant applied and was denied a variance to permit a two-story addition to the existing accessory garage building on July 9, 2007 (ZBA07-00099). Two-story accessory dwelling units are prohibited under our current code and the applicant failed to demonstrate the economic or topographic necessity to warrant a variance.

The City Review Committee, which reviews all construction in NCO overlay districts, approved the architectural elements of the proposed construction on September 23, 2013 (PLRG13-00004).

The adjoining property at 811 Rim, constructed in 1929, includes a two story detached garage 0' on the side lot line. Furthermore, the property at 711 Rim, constructed in 1939, also features a detached garage 0' on the side lot line.

At the October 14, 2013, meeting the ZBA was presented the request for the Special Exception B for the encroachment in the side yard setback for a garage addition. The applicant requested to postpone until November so that staff can review the height restriction modification.

The Planning division received one phone call in support of this application.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 0'

STAFF RECOMMENDATION

Staff recommendation is for **APPROVAL with conditions**: The wall on the zero side setback shall be fire-rated and storm water shall be handled on the applicant's property.

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

"Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

1. The lot is in a legally recorded and developed subdivision of at least ten years;
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception."

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To Whom it May Concern:

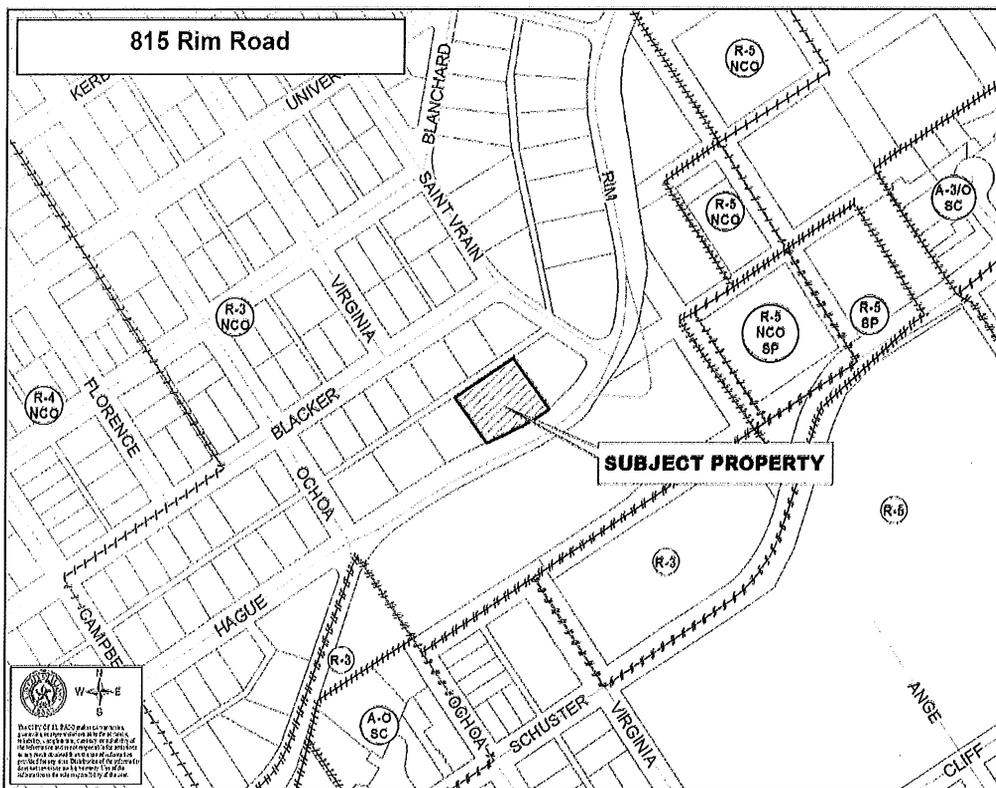
I am Norman Haddad's next door neighbor to his residence at 815 Rim Road. This letter is in respect to his application for a zoning variance for the 815 Rim property. I don't believe that his proposed project in any way detracts from the neighborhood appearance and hope that you will grant his request.

Sincerely,



Charles A. Kohlhaas

ZONING MAP



NOTIFICATION MAP

