

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

This would allow the existence of a new residential structure which is located to within 4.3' of the southwesterly side property line.

The required side yard setback is 5 feet in the R-4 zone district.

BACKGROUND

The applicant constructed a new residence that is encroaching 0.7 feet (8.4 inches) into the southwesterly side setback. Mencer Homes, Inc. has submitted a letter stating the error is inadvertent and unintentional. This is their only request for the builder error in the past 12 months.

CALCULATIONS

Required side yard setbacks = 5'

Requested side yard setback = 4.3'

STAFF RECOMMENDATION

Staff recommendation is for approval as it meets the requirements of the Special Exception.

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

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

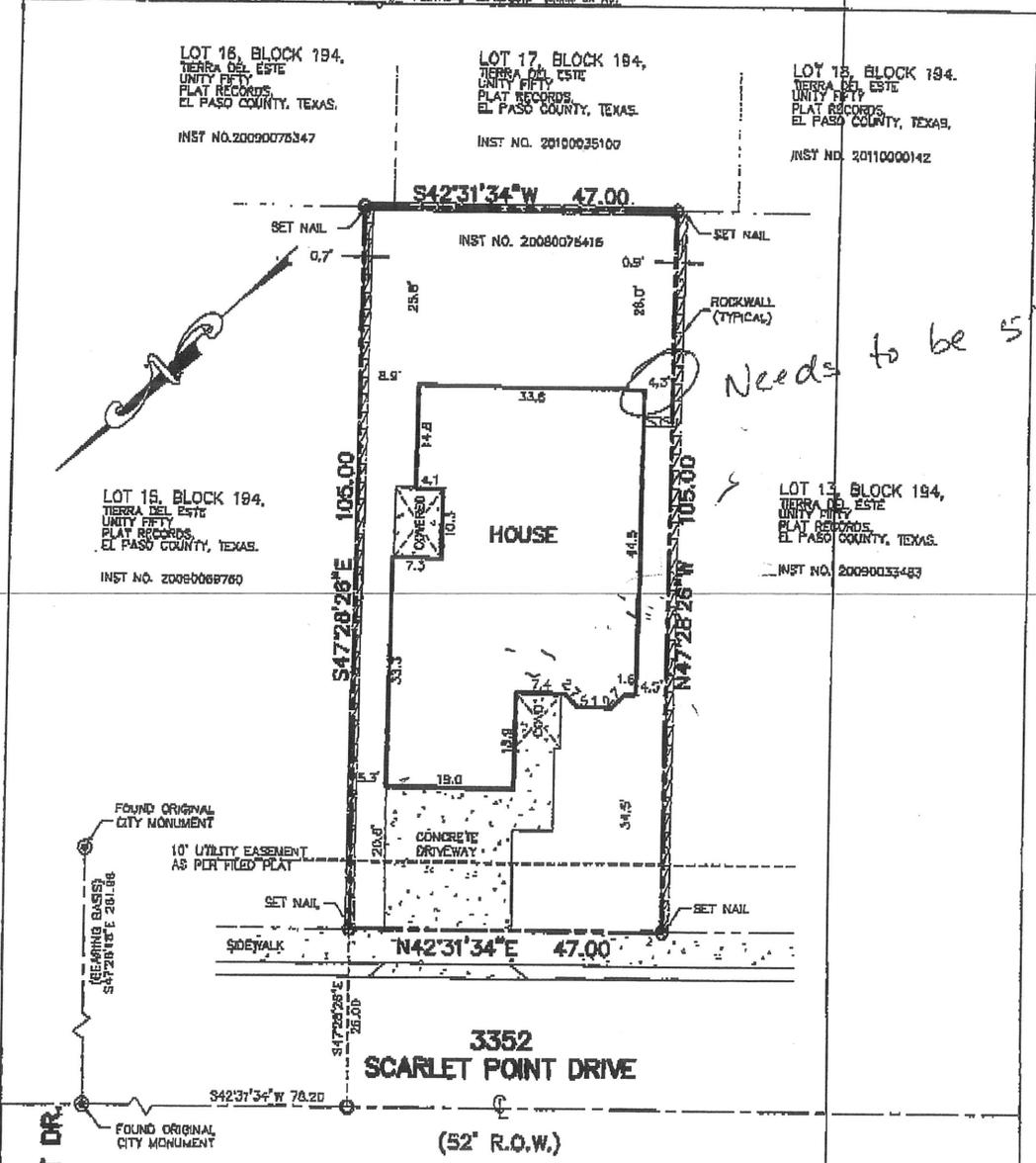
1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the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

204-7933

NAI Computer 2012 SURVEYS - 1222 SCARLET POINT 1222 SCARLET POINT.dwg 10/16/2012 6:22:00 AM

33-6227

Keys



Needs to be 5'

N.O.T.E.

1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "A" FOR FURN. COMMUNITY PANEL NUMBER 480212 0175 B. LAST REVISION DATE 08-04-91. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR TIERRA DEL ESTE UNIT FIFTY.
3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD OR NOT. (NOT SHOWN) NO ADDITIONAL RESEARCH WAS PERFORMED BY B&A INC. FOR ANY RESERVATIONS, RESTRICTIONS, BUILDING LINES AND OR EASEMENTS WHICH MAY OR MAY NOT AFFECT SUBJECT PARCEL.
4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
5. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS ONLY TO BE USED FOR TITLE INSURANCE BY THE HEREON NAMED BORROWER, MORTGAGE COMPANY, AND/OR TITLE COMPANY.
6. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

B Barragan & Associates Inc.

LAND PLANNING & SURVEYING
10550 Polanco Dr. Building F,
El Paso, TX 79935
Phone (915) 851-5700 Fax (915) 851-5706

Plat of Survey

LOT 14, BLOCK 194,
TIERRA DEL ESTE
UNIT FIFTY,
AN ADDITION TO THE
CITY OF EL PASO,
EL PASO COUNTY, TEXAS.
AREA 0.11 ACRES ±

Plat Reference CLERK'S FILE NO. 20070092091
Scale 1"=20' Date: 10-8-2012 Drawn By: 00

I have surveyed the foregoing boundary and prepared this survey map in accordance with the laws and rules of the State of Texas and the rules of the Board of Professional Engineers and Surveyors of the State of Texas.

BENITO BARRAGAN
1985

Bohler & Associates, Inc. R.P.L.S. No. 5815
Job No. 121004-07 Copy Rights ©
Field MB Book N/A Pg. N/A



8972 Lawson
El Paso TX 79904
(915) 355-4589
(915) 759-9764 fax

October 25, 2012

City of El Paso
2 Civic Center Plaza – 5TH Floor
El Paso, Texas 79901-1196

Attn: Linda J. Castle
Senior Planner
Planning & Economic Development Department

RE: 3352 Scarlet Point Drive, El Paso, Texas 79938

Dear Ms. Castle:

In reference to the above-mentioned property the rockwall was inadvertently built inside the property line by 9 (nine) inches. It was never are intention for this matter to happen and hope that the committee will grant us this variance enabling Mencer Homes to complete and finalize the sale of this home. If you should have any questions, please feel free in contacting my office at 915-346-5498.

Sincerely,

Albert Rojas
President

AR/gec
cc: file

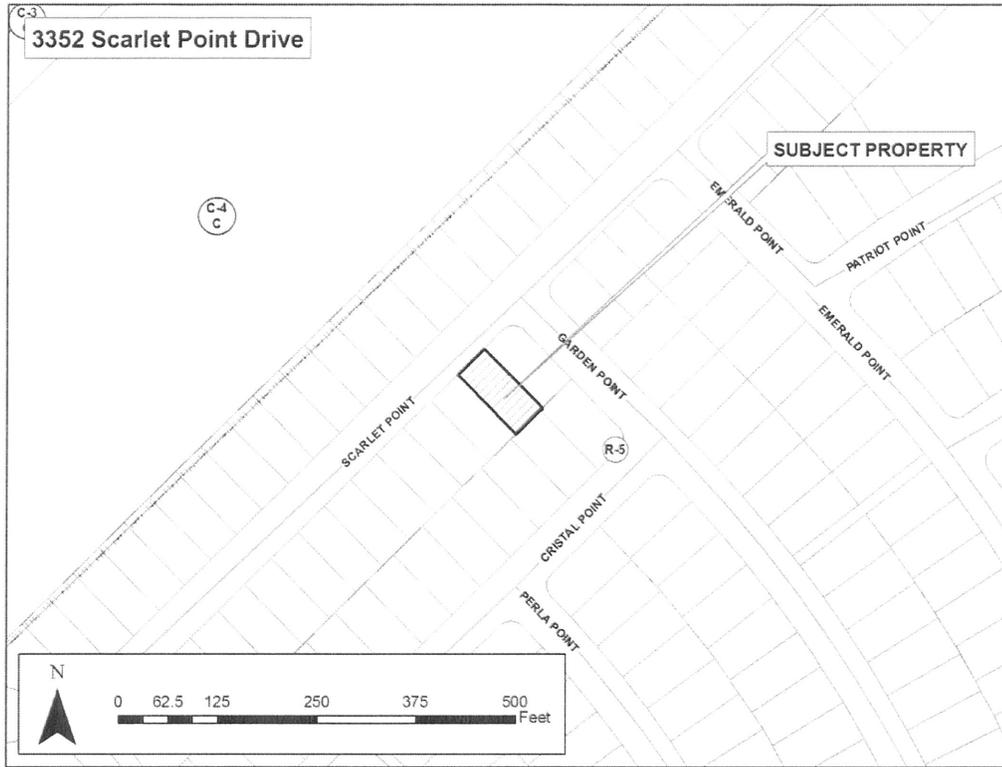
BUILDER ERROR LOG

For a 12 Month Period

November 14, 2011 to November 12, 2012

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
11/14/2011	PZBA11-00036	2609 Tanning Rock Way	BIC Homes
2/13/2012	PZBA11-00040	14200 Rattler Point Drive	Zia Homes
2/13/2012	PZBA11-00041	14192 Rattler Point Drive	Zia Homes
9/10/2012	PZBA12-00031	316 Villa Canto Street	Homeowner
11/12/2012	PZBA12-00039	3352 Scarlet Point Drive	Mencer Homes, Inc.

ZONING MAP



NOTIFICATION MAP

