

11-213-06

7808 Pecan Street

Margarita & Jose A. Jordan, Jr.

Applicants request a Special Exception under Section 2.16.050 U (Side Yard Setback) in an R-3 zone of the City of El Paso Zoning Ordinance.

This would permit the existence of a 40.7' by 5' portion of a structure located to within 0' of the side property line.

A side yard setback of 5' is required in an R-3 zone.

STAFF COMMENTS

The applicants are requesting to legalize the existing encroachment in the side yard setback in order to obtain a building permit for a new roof. The applicant purchased the house in 1980, according to Central Appraisal District Records, and says that the encroachment in the side yard existed when he purchased the house. The 1979 aerial does not show the encroachment in the side yard. According to lot grading plans submitted to the City in 1970, the lots in the Thomas Manor subdivision have on-site ponding requirements in the area of the side yards. The applicant's house has been built over the required on-site ponding area in the side yard. The applicant was requested to provide affidavits from persons who knew the encroachment existed in 1980. He has provided 10 affidavits.

STAFF RECOMMENDATION

Staff recommends denial due the following:

- 1979 aerial shows a building in the side yard towards the rear but no encroachment of the house in the side yard;
- 1986 aerial shows two roofs, separated, in the side yard;
- 1996 and 2003 aerials show a solid roof area located on the side property line; and,
- House has been built over the required ponding area in the side yard.

The applicant will have to cut back his house so that the required 5' side yard setback and required ponding area are restored.

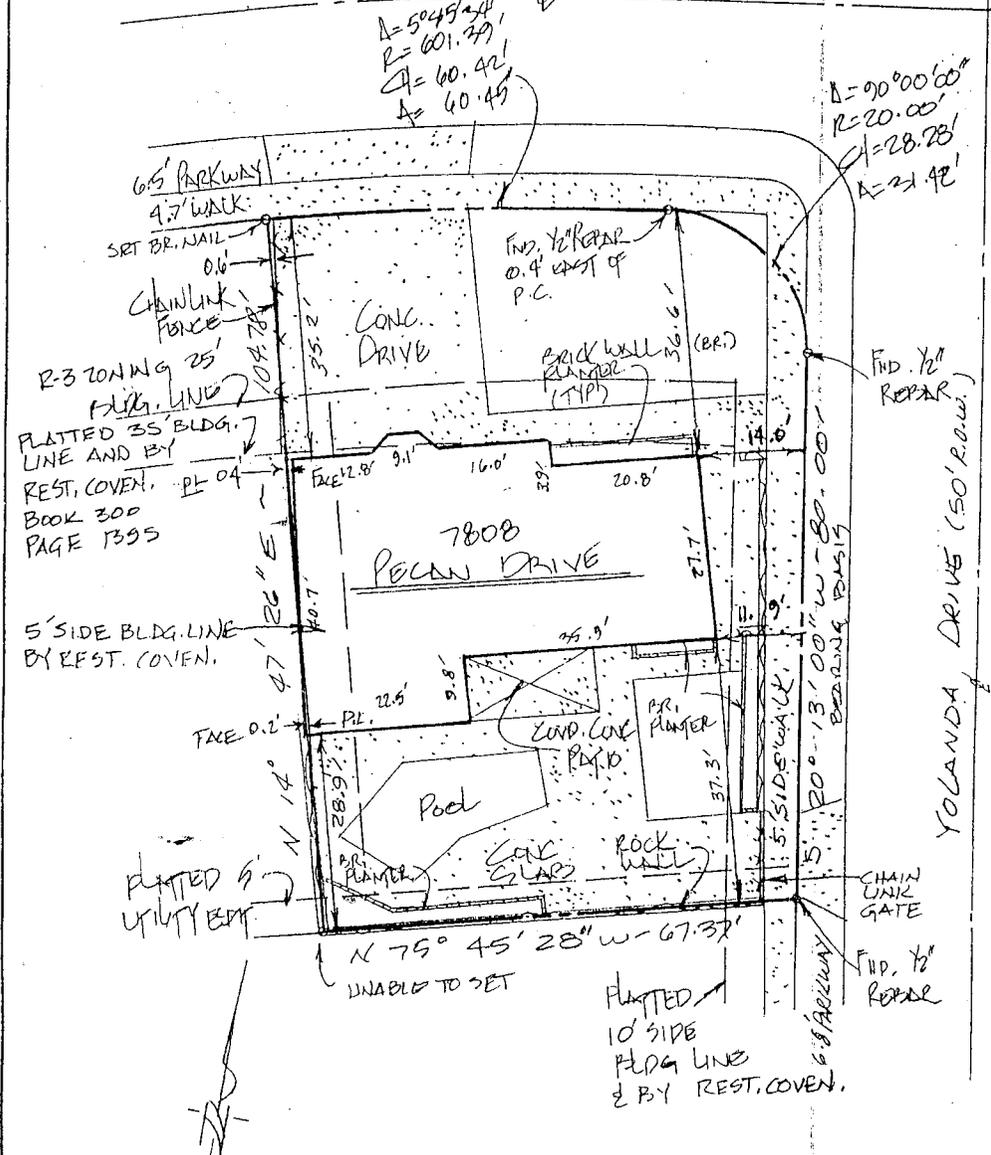
The Zoning Board of Adjustment is empowered under Section 2.16.050 U to:

"Permit the encroachment into the required yard setbacks for structures when the applicant can prove the following conditions:

1. That the encroachment into the required yard setback has been in existence for more than fifteen years, and
2. That neither the applicant nor current property owner is responsible for the construction of the encroachment, and
3. That neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built, and
4. That the encroachment, if into the required front yard setback, does not exceed fifty percent (50%) of the required front yard setback, and
5. That the encroachment does not violate any other provision of the Municipal Code, and
6. That, if the encroachment is over a private utility easement, that the utility company effected does not object to the encroachment, 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."

ITEM #8

PECAN DRIVE (60' R.O.W.)



$\Delta = 5048.94'$
 $R = 601.39'$
 $\Delta = 60.42'$
 $A = 60.45'$

$\Delta = 90^{\circ}00'00''$
 $R = 20.00'$
 $\Delta = 28.28'$
 $A = 21.42'$

CERTIFICATION
 I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN

Stephen Earl Cobb
 STEPHEN EARL COBB

TX. 4297 N.M. 10472 AZ. 25068	Lot 10, Block 29 THOMAS MANOR UNIT TEN CITY OF EL PASO, EL PASO COUNTY, TX.	RECORDED IN VOLUME 31 PAGE 18
	TITLE CO. STEWART G.F. OR FILE # 9620316	DATED: 11-22-96
	LOCATED IN FIRM ZONE AH. PANEL # 480214.44B	DATED: 10-15-82
	DATE: 12-6-96 SCALE: 1" = 20' OFFICE: F.M. FIELD: J.E.	
	STEPHEN EARL COBB, REGISTERED PROFESSIONAL LAND SURVEYOR 909 McKELLIGON DRIVE, EL PASO, TX. 79902 PHONE (915)-545-2043	

REVISED 12-10-96 J.R.



ALL GRADES AS SHOWN TO BE LOWERED AND CONSTRUCTED ON BELOW GRADES AS SHOWN ON THESE PLANS (EXCEPT STA 0+50.00 TO STA 0+50.00 OF PELCAN DRIVE.)

SCALE DATA
 1" = 20' HORIZONTAL
 1" = 4' VERTICAL

NOTE: ALL STAKING ARE BASED ON STREET CENTERLINE STATION.

SCALE DATA
 1" = 20' HORIZONTAL
 1" = 4' VERTICAL

NOTE: ALL STAKING ARE BASED ON STREET CENTERLINE STATION.

BELOW GRADE
 1.5' BELOW FINISH GRADE
 1.5' BELOW FINISH GRADE
 1.5' BELOW FINISH GRADE

NO.	REVISION	DATE
1	AS SHOWN	

NO.	REVISION	DATE
1	AS SHOWN	

1979 AERIAL

7808 PECAN STREET

MARICELA

PECAN

CELINA

YOLANDA

DOLORES

SUBJECT PROPERTY



1986 AERIAL

7808 PECAN STREET

MARICELA

PECAN

DOLORES

CELINA

YOLANDA

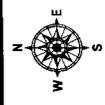
SUBJECT PROPERTY



7808 PECAN STREET

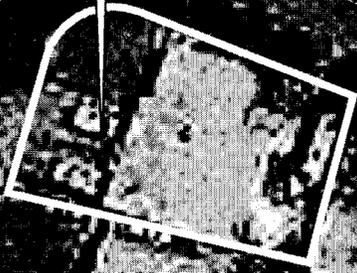
1996 AERIAL

SUBJECT PROPERTY



The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, or suitability of information provided. The City of El Paso is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of this information does not constitute such a warranty. Use of the information is the sole responsibility of the user.

DOLORES



7808 PECAN STREET

CELINA

YOLANDA

PECAN

SUBJECT PROPERTY

R-4

R-3

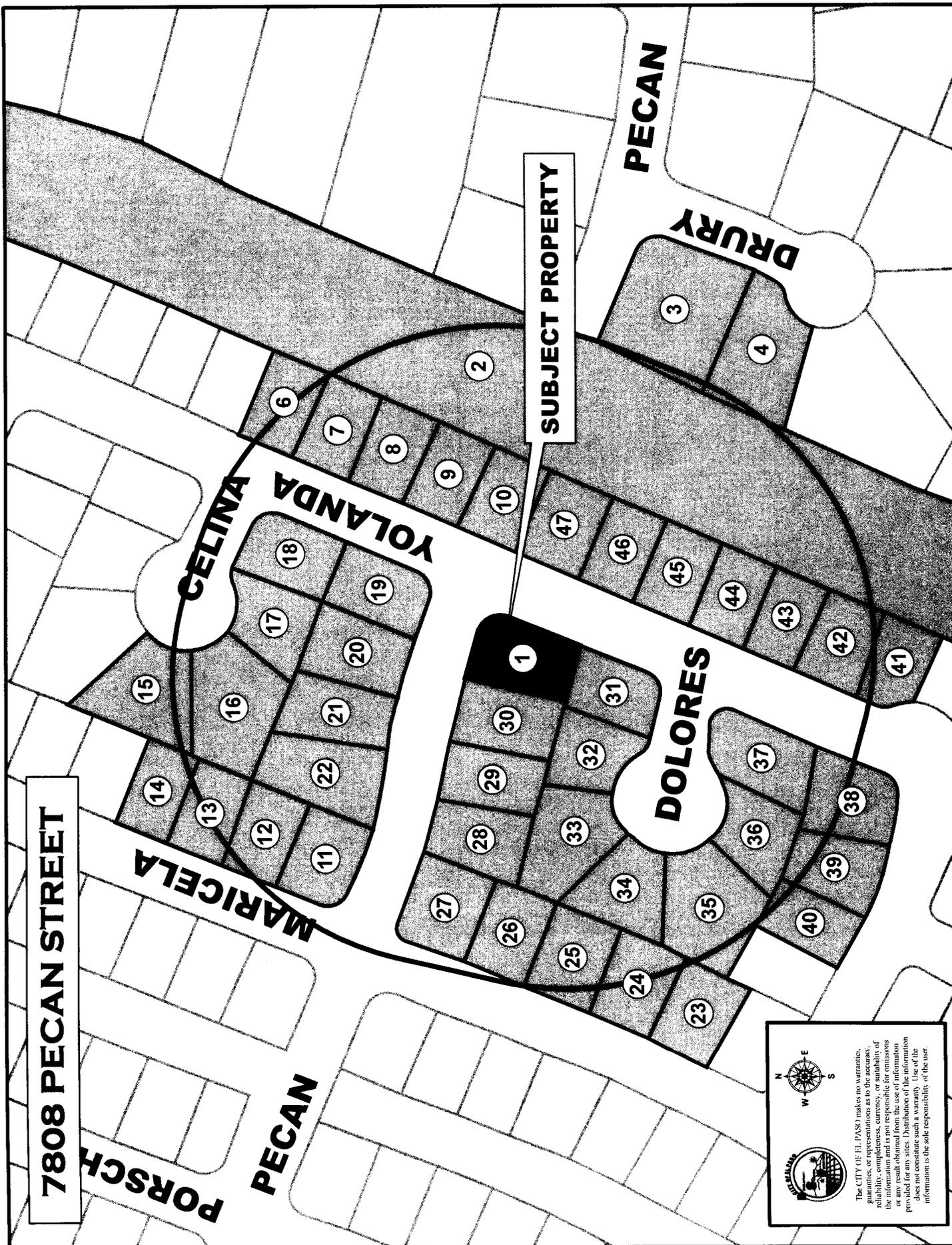
DOLORES

MARICELLY

PECAN



The CITY OF EL PASO makes no warranties, guarantees, or representations as to the accuracy, reliability, completeness, currency, or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of the information does not constitute such a warranty. The user assumes the information is the sole responsibility of the user.



7808 PECAN STREET

SUBJECT PROPERTY



The CITY OF EL PASO makes no warranties, express or otherwise, as to the accuracy, reliability, completeness, currency, or suitability of the information and is not responsible for omissions or any result obtained from the use of information provided for any sites. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.

