

Applicants request a Special Exception under Section 2.16.050 K (15 Years or More, Rear and Side Yard Setbacks) in an R-4 (Residential) zone.

This would permit existing additions to the main structure that are located in the required side and rear yard setbacks that are built to within 0' of the westerly and easterly side setbacks and to within 0' of the rear yard setback.

The required front and rear yard setback cumulative total is 45 feet and the required side yard setback is 5' in the R-4 zone district.

BACKGROUND

The applicants are requesting to legalize a carport and storage building that are built to within 0 feet of the westerly property line and to within 0 feet of the rear property line; and, an addition that is built to within 0 feet of the easterly side property line, all attached to the main structure. The additions are existing 15 years ago, as shown in the 1996 aerial. The current owners purchased the property in November 2010 and are not responsible for the additions that encroach in the required setbacks.

The addition in the rear yard is built over a 10' utility easement. The applicants have been informed that they, or any future owner, are required to remove the 10.2' by 10' portion of the structure built over the easement.

CALCULATIONS

Required cumulative front and rear yard setback = 45'

Required minimum rear yard setback = 10'

Requested rear yard setback = 0'

Required side yard setback = 5'

Requested side yard = 0'

STAFF RECOMMENDATION

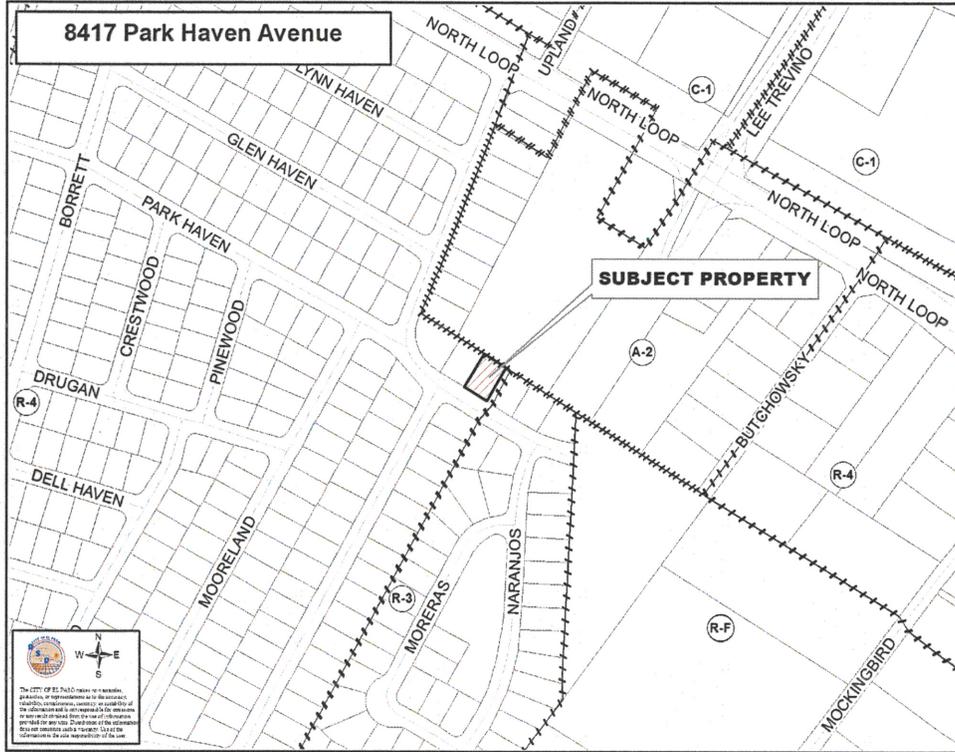
Staff recommendation is for approval of the request for the Special Exception K with the following conditions: 1) that the 10.2' by 10' portion of the addition built over the utility easement in the rear yard be demolished within one year per Section 2.16.0060, D.: *Extension of the time to apply for a building permit may be requested from the board during the one-year period. Extension of time may not be requested when demolition of non-permitted structure(s) is required...*; 2) that the additions do not meet the Accessory Dwelling Unit requirements and shall not be used as such; 3) that building permits be obtained for any unpermitted additions; and, 4) that the structures closer than 5 feet to any property line meet the building code fire rating requirements.

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; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the El Paso City Code."

ZONING MAP



NOTIFICATION MAP

