

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

This would permit a 1.0' encroachment into the rear yard setback for a new residential structure, to within 24' of the rear property line.

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

**BACKGROUND**

The applicant submitted a letter stating that the error in measurement was inadvertent. BIC Homes LLC (Border Investment Capital) has not had a request for a builder error in the past 12 months.

**CALCULATIONS**

Required cumulative setback = 45'

Requested cumulative setback = 44'

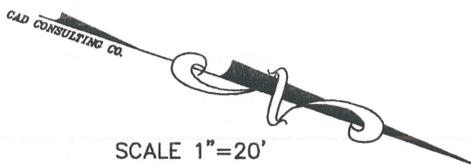
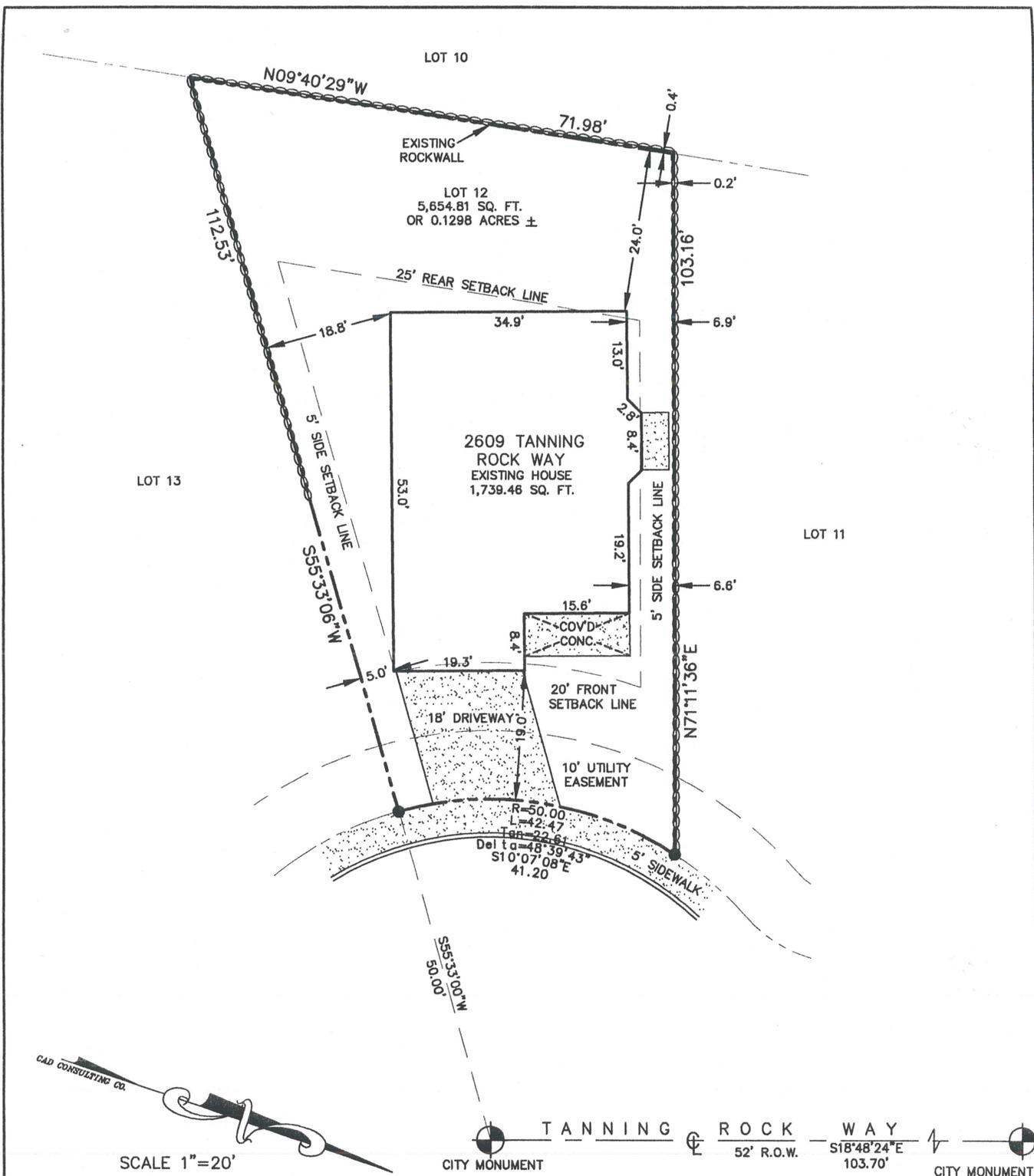
**STAFF RECOMMENDATION**

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

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

"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater; and,
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater; and,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period."

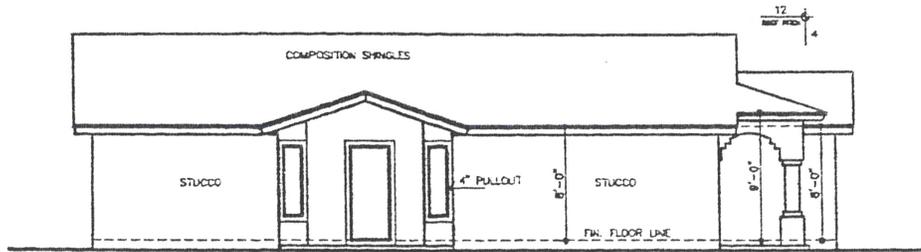


CITY MONUMENT
TANNING
ROCK
WAY
CITY MONUMENT

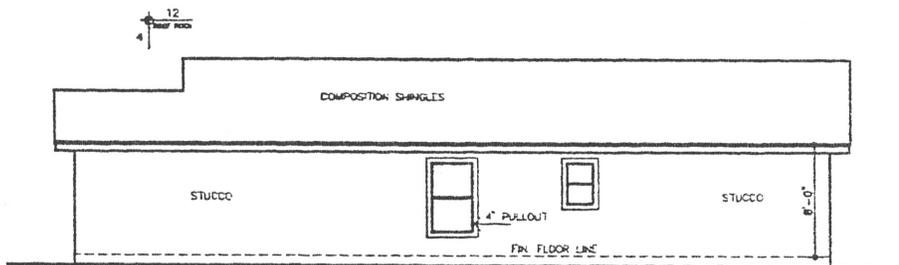
50.00'
52' R.O.W.
103.70'

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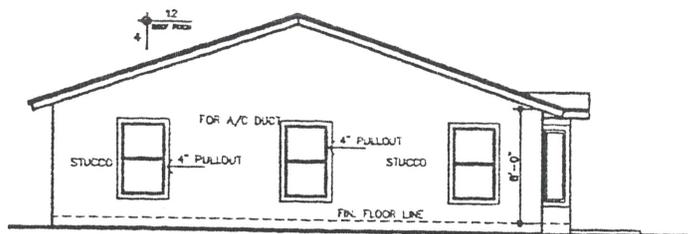
<p style="text-align: center; font-weight: bold; font-size: 1.2em;">CERTIFICATION</p> <p style="font-size: 0.8em;">I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.</p> <div style="text-align: center;"> </div> <p style="font-size: 0.8em;">CARLOS M. JIMENEZ R.P.L.S. No. 3950</p>	JOB # 11-2683 DATE: 09-28-11 FIELD: AR OFFICE: EA FILE: NET:\ENRIQUE\2011\11-2683
	LOCATED IN ZONE X PANEL # 480212-0175-B DATED 09-04-91
	CLERK'S NO. 20090073258, PLAT RECORDS, EL PASO COUNTY, TX
<p>2609 TANNING ROCK WAY LOT 12, BLOCK 249 TIERRA DEL ESTE UNIT SIXTY ONE CITY OF EL PASO, EL PASO COUNTY, TEXAS</p>	<p style="text-align: center; font-weight: bold; font-size: 1.5em;">CAD CONSULTING COMPANY</p> <p>1790 LEE TREVINO DRIVE SUITE 503 EL PASO, TEXAS 79936 (915) 633-6422</p>



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

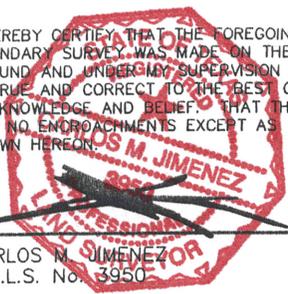


FRONT ELEVATION

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**CERTIFICATION**

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.



CARLOS M. JIMENEZ  
R.P.L.S. No. 3950

JOB # 11-2683 DATE: 09-28-11 FIELD: AR OFFICE: EA FILE: NET:\ENRIQUE\2011\11-2683

LOCATED IN ZONE x PANEL # 480212-0175-B DATED 09-04-91

CLERK'S NO. 20090073258 , PLAT RECORDS, EL PASO COUNTY, TX

2609 TANNING ROCK WAY  
LOT 12, BLOCK 249  
TIERRA DEL ESTE UNIT SIXTY ONE  
CITY OF EL PASO, EL PASO COUNTY, TEXAS



**CAD CONSULTING COMPANY**  
1790 LEE TREVINO DRIVE SUITE 503  
EL PASO, TEXAS 79936  
(915) 633-6422



October 4<sup>th</sup>, 2011

City Of El Paso  
2 Civic Center Plaza  
El Paso, TX, 79901

**Attention: Zoning Board of Adjustment**

By the means of this letter we are requesting your approval for an inadvertent builder error, which encroached on the front and back setbacks of the following property:

2609 Tanning RockWay Block 249 Lot 12 Tierra Del Este 61

We built the home located on this property encroaching the front and the back setbacks because we took the distance from the curb to the corner of the home instead of the nearest point to the curb.

The final measurement between the front part of the building and the front property line is 19', and between the back part of the building and the back property line is 24'

Please do not hesitate to contact me at (915) 892-3890 if you need any additional information.

Respectfully,



Antonio Cervantes  
President

**BUILDER ERROR LOG****For a 12 Month Period****November 8, 2010 to November 14, 2011**

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
11/08/2010	ZBA10-00044	14235 Strata Rock	BIC Homes
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes
6/13/2011	PZBA11-00015	11217 Duster Street	Tropicana Homes
7/11/2011	PZBA11-00019	3125 Sunny Prairie	Xavier Homes
9/12/2011	PZBA11-00029	2808 Bear Rock Place	Zia Homes
11/14/2010	PZBA11-00036	2609 Tanning Rock Way	BIC Homes

# ZONING MAP



# NOTIFICATION MAP

Ownership information for the neighboring properties was not available at the time of notification.