

Applicant request Special Exception under Section 2.16.050 K (In existence fifteen years or more) and Section 2.12.050 C (Rear Yard Setback) in an R-3 (Residential) zone.

This would legalize an existing 61.5 square foot encroachment into the required side yard setback, 1.8 feet from the property line at its nearest point, proposed to remain. The required side setback is 5 feet in the R-3 (Residential) zone district.

This would also permit the construction of a 567 square foot addition, which would close an existing covered patio, and a new 184.7 square foot patio on the existing 1,519 square foot single-family home. The proposed improvements would encroach 8.5 feet into the required rear yard setback and would be located to within 13 feet of the rear property line for a total of 60 square feet of encroachment into the rear yard setback. The required rear yard setback is 20' and the required front and rear yard cumulative setback total is 50 feet in the R-3 Zoning District.

BACKGROUND

The applicant is requesting Special Exception K to allow the existing encroachments into the side yard setback for a 61.5 sq. ft. area of an existing dwelling. The applicant has provided a 1997 aerial map and central appraisal records indicating the year built as 1978. The 1997 aerial shows the property existing then as it does today, with the existing dwelling in its current location.

The Planning Division has received no communications in support of or in opposition to the special exception requests.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 1.8'

Permitted area of encroachment in required rear yard setback = 240 sq. ft. (20' [60' average lot width ÷ 3] x 12 [3/5 of 20' required rear yard setback])

Requested area of encroachment in rear yard setback = 60 sq. ft.

Required rear yard setback = 20'

Requested rear yard setback = 13'

Required front and rear yard setback total = 50'

Requested front and rear yard setback total = 49.8'

STAFF RECOMMENDATION

Staff recommends **APPROVAL** with one condition of the special exception requests as the requested side yard encroachment has been in existence for more than 15 years, and the requested rear yard encroachment (60 square feet) is less than the maximum allowed (240 square feet). The condition is as follows:

1. *The rear storage structure shall be removed or reduced so that it is no longer encroaching on the utility easement abutting the rear property line.*

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

“Permit an extension of a single-family residential structure into the required rear yard setback, which shall be measured to the rear property line; provided, however, that:

1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The maximum square footage allowed shall not exceed the result of multiplying one-third of the average width of the lot by three-fifths of the required rear yard setback;
3. A minimum ten-foot rear yard setback shall be required;
4. The minimum side and side street yard setbacks shall not be reduced; and
5. Unless otherwise provided in this section, all remaining areas of the required rear yard shall be permanent open space.”

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

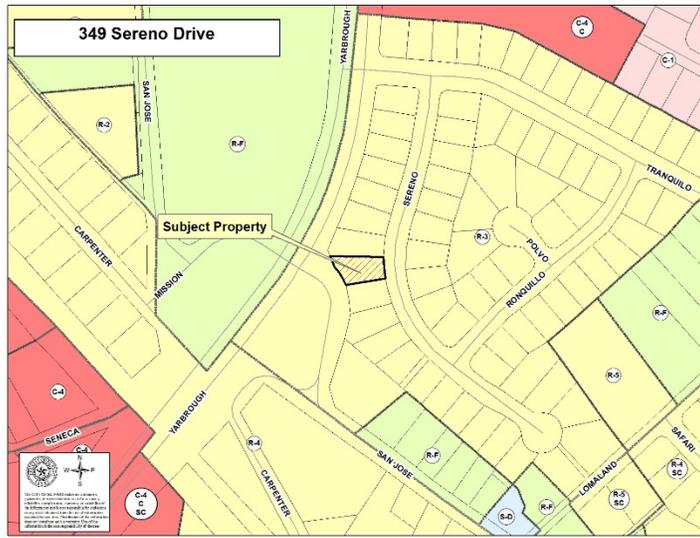
“Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

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, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and

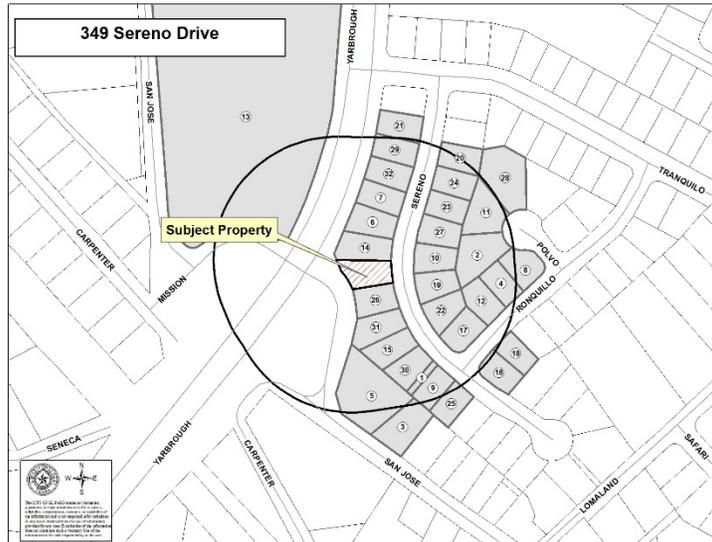
The encroachment does not violate any other provision of the El Paso City Code.”

ITEM #1

ZONING MAP



NOTIFICATION MAP



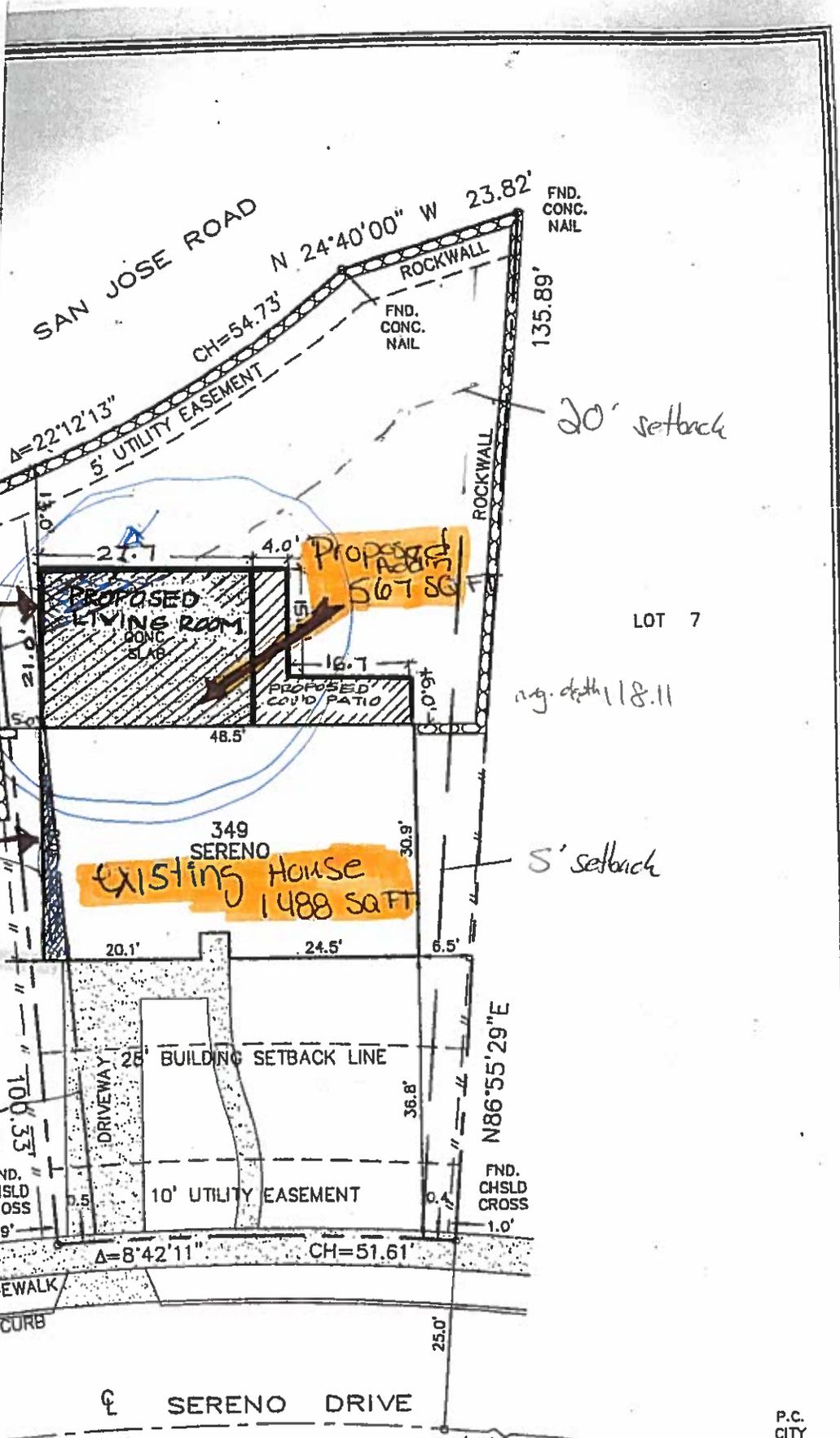
ITEM #1

PROPOSED L. ROOM
 SQ FT ENCROACHMENT
 SQ FT EXISTING ENCROACH.
 SIDE YARD
 SQ FT EXISTING HOUSE
 SQ FT OF PROPOSED ADD'N
 SENT 10/10/2016

SECTION C, K

Area of Encroachment rear yard
 60 sq ft

Encroachment side area
 61.5 sq ft



THIS SURVEY PLAT HAS BEEN REVIEWED BY THE UNDERSIGNED AND CONDITIONS HEREBY NOTED.

Manuel Calderon



P.C. CITY MON.

