

Applicant request a Special Exception under Section 2.16.050 K (In existence fifteen years or more) in an R-1 Residential) zone.

This would permit the encroachment of a portion of an existing accessory building that extends three feet into the required side yard setback, for a total of 47 square feet of that building within the setback, to remain.

The required side setback is 15 feet in the R-1 (Residential) zone district.

BACKGROUND

The applicant is requesting Special Exception K to allow the existing encroachments into the side yard setback for a 47 sq. ft. area of an existing accessory structure. 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 and accessory structure in their current location.

A portion of the primary structure extends into the front and rear yard setbacks. The applicant has obtained a legal non-conforming certificate for those encroachments. However, the site plan associated with the original building permit does not show the accessory structure, and no documentation could be found to support a finding that it had been legally established.

The Planning Division has not received any communications in support or opposition to the special exception request.

CALCULATIONS

Required side yard setback = 15'

Requested side yard setback = 12'

STAFF RECOMMENDATION

Staff recommends approval of the special exception request as the requested encroachment has been in existence for more than 15 years.

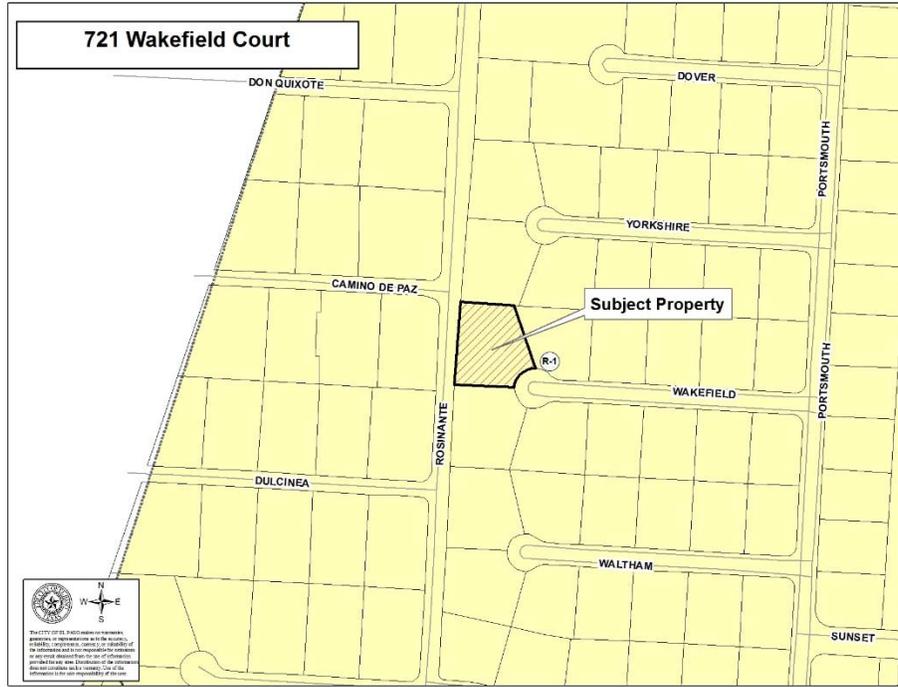
The Zoning Board of Adjustment is empowered under Section 2.16.050 K to:

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

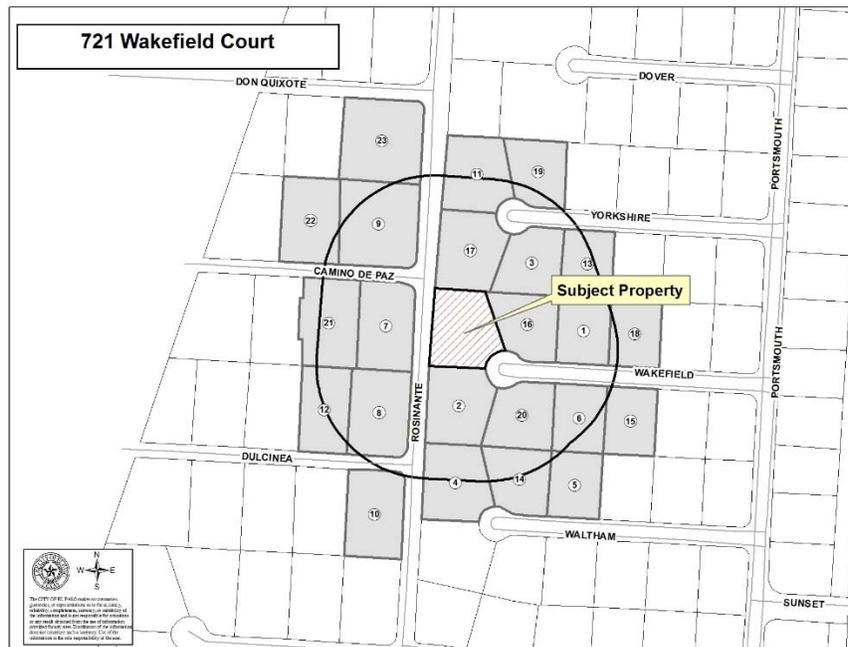
1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the 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

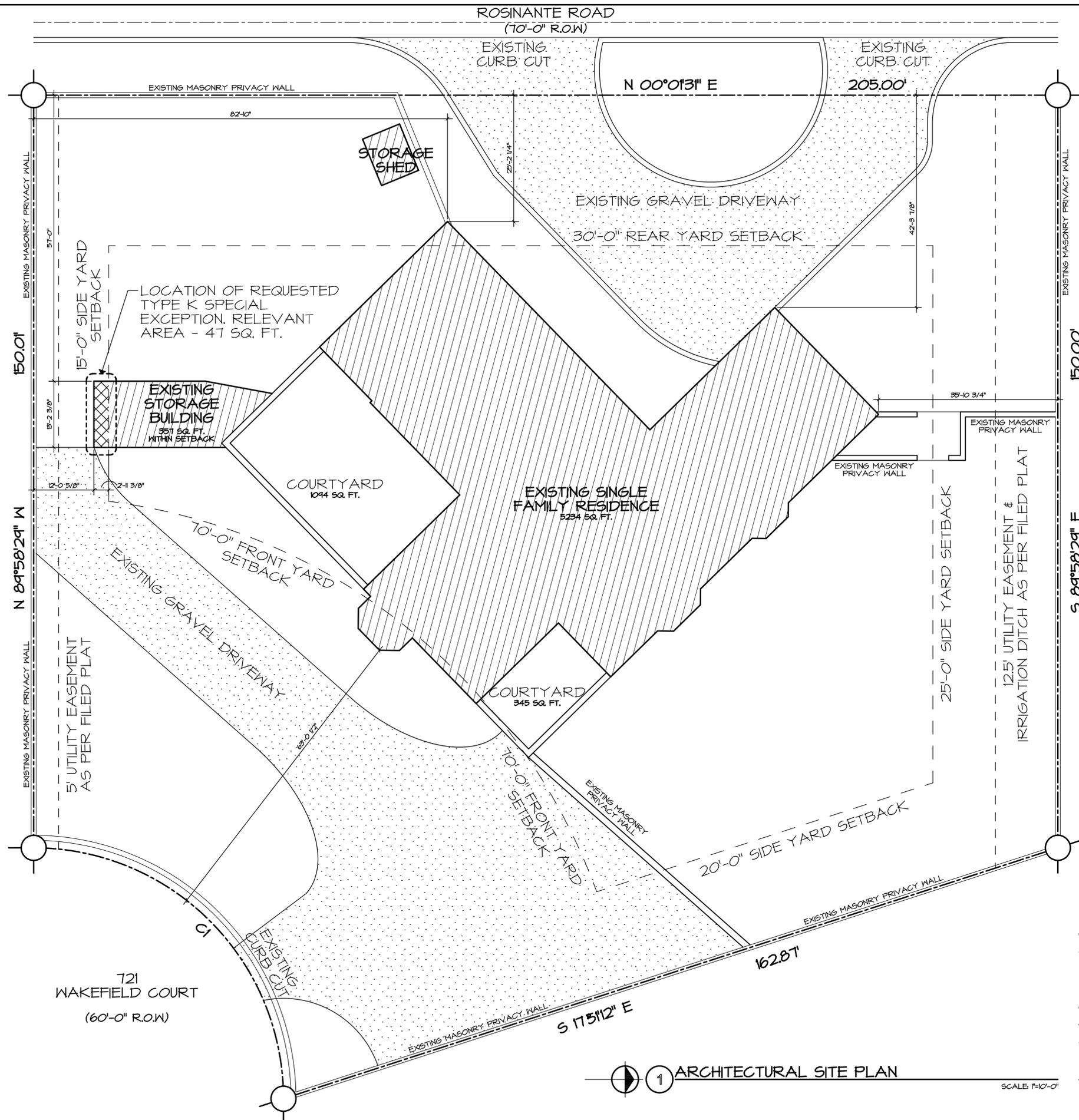
The encroachment does not violate any other provision of the El Paso City Code.”

ZONING MAP



NOTIFICATION MAP





LEGAL DESCRIPTION
 LOT 36, BLOCK 1
 STONEHEDGE ESTATES ADDITION,
 UNIT 4
 CITY OF EL PASO,
 EL PASO COUNTY, TEXAS

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	DIRECTION	CHORD
C1	78.53	50.00	89°59'19"	49.99	S45°01'31"W	70.70

1 ARCHITECTURAL SITE PLAN

SCALE: 1"=10'-0"

REVISIONS

NO.	DATE	DESCRIPTION
1	SEPTEMBER 20, 2016	PROJECT ARCHITECT
2		DATE
3		PROJECT NUMBER
4		REVISIONS

**SITE PLAN EXHIBIT
 SPECIAL EXCEPTION
 APPLICATION**

EL PASO, TX 79922
 721 WAKEFIELD COURT

520 Scudette Drive
 El Paso, Texas 79912
 T. 915.833.8633

DESIGN ALLIANCE



A1.0
 DRAWING NUMBER