

Applicants request a Special Exception under Section 2.16.050 K (15 Years or More, Side and Rear Yard Setbacks) in an R-3 (Residential) zone.

This would permit existing additions (22' by 28') to the main structure that are located to within 0' of the westerly side property line and to within 16' of the rear property line.

The required side yard setback is 5 feet and the required front and rear yard cumulative setback total is 50 feet in the R-3 zone district.

BACKGROUND

The applicants purchased the subject property in January 2011. They are requesting to keep additions that existed at least 15 years ago. One of the additions can be seen in the 1956 aerial and has been registered legally nonconforming, existing prior to the effective date of the zoning code in 1955. The requested additions, except for the carport, can be seen in the 1996 aerial. The carport was constructed, without permit, after 1996 and will have to be removed.

CALCULATIONS

Required side yard setback = 5'

Requested side yard = 0'

Required front and rear yard setback = 50'

Requested front and rear yard cumulative setback total = 36'

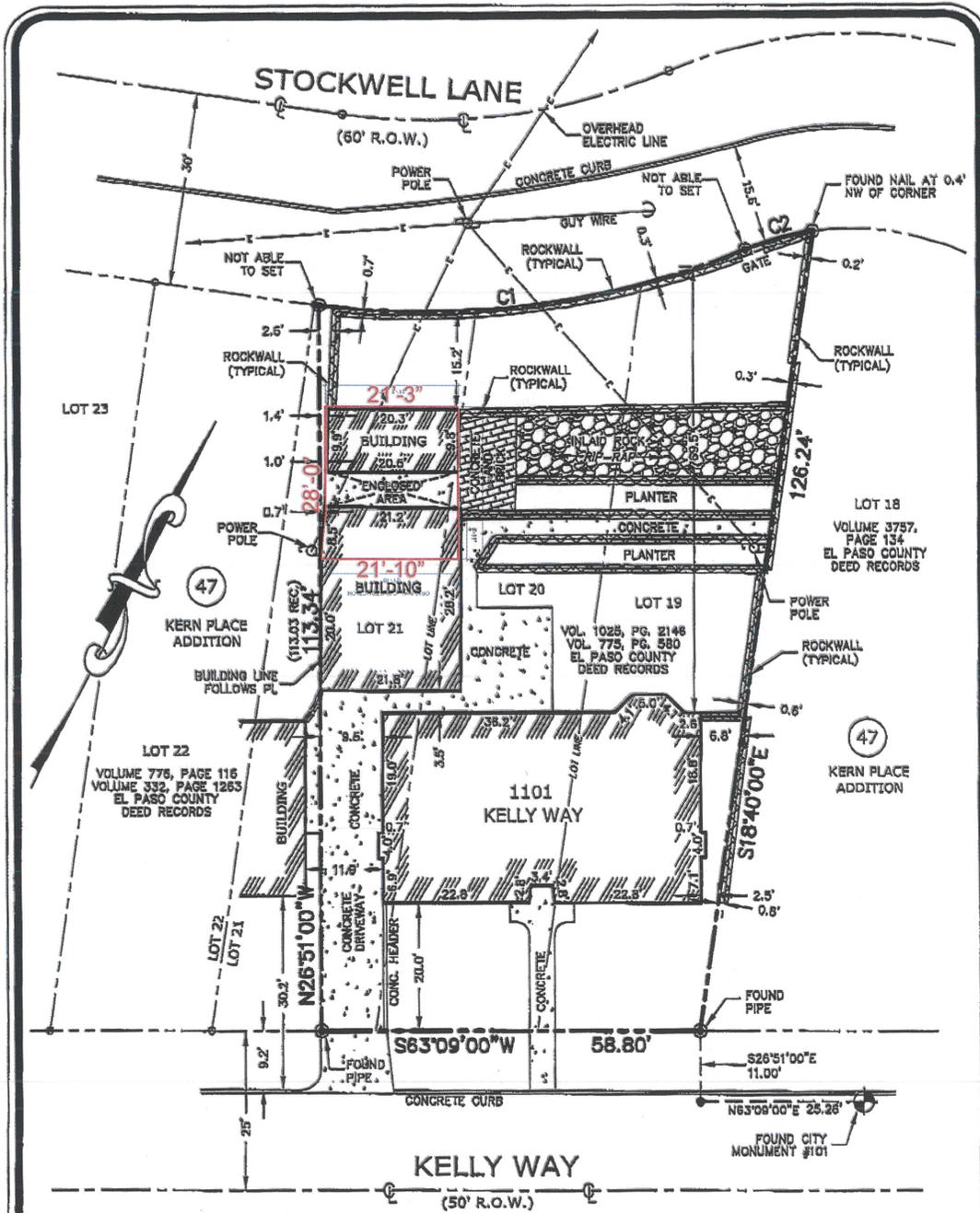
STAFF RECOMMENDATION

Staff recommendation is for approval of the request for the Special Exception K with a condition that the carport is removed.

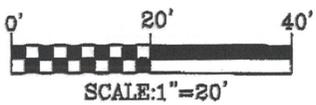
The Zoning Board of Adjustment is empowered under Section 2.16.050 K to:

"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."



| CURVE TABLE | | | | |
|-------------|--------|--------|-----------|-------------------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD |
| C1 | 87.62 | 126.21 | 30°41'38" | N85°40'48"E 66.61 |
| C2 REC. | 10.95 | 43.09 | 14°34'13" | N47°37'06"E 10.93 |



NOTE: THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

JOHN A. EBY, R.P.L.S. TX-5372, NM-17779



LOTS 19 AND 20, AND THE EAST PORTION OF LOT 21, BLOCK 47, KERN PLACE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
VOLUME: N/A
PAGE: N/A

TITLE CO: STEWART TITLE FILE#: DATED:
FIRM ZONE: C PANEL#: 480214-0033 B DATED: 10/15/1982
DATE OF SURVEY: 12/17/2010 OFFICE: LM FIELD: JAE, AG, JC
PASO DEL NORTE SURVEYING INC. PH. 915-241-1841
13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX 915-855-6925
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