

Applicants requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-3 (Residential) zone.

This would permit the existence of a new single-family dwelling that is built encroaching 0.15' into the east side yard setback and 0.15' into the west side yard setback.

The required side yard setback in the R-3 zone district is 5 feet.

BACKGROUND

The applicants have submitted a letter stating that the encroachments of less than 2 inches into each side yard are an honest error on their part. The lot width of 37.5' in an R-3 zone district is registered as legally nonconforming, existing prior to 1955, the effective date of the zoning code. This is the first request by the applicants for the Builder Error in the last 12 months.

CALCULATIONS

Required side yard setback = 5'

Requested side yard setback = 4.85'

STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception.

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 of El Paso:

This letter is to certify of a builder's error on the house built on 8036 Glendale. The error in question is the required five feet on both sides of the house.

According to our measurements we have five feet-two inches (5'2"). However, according to the new survey we have 4.85 feet on both sides of the house, which we have to go by.

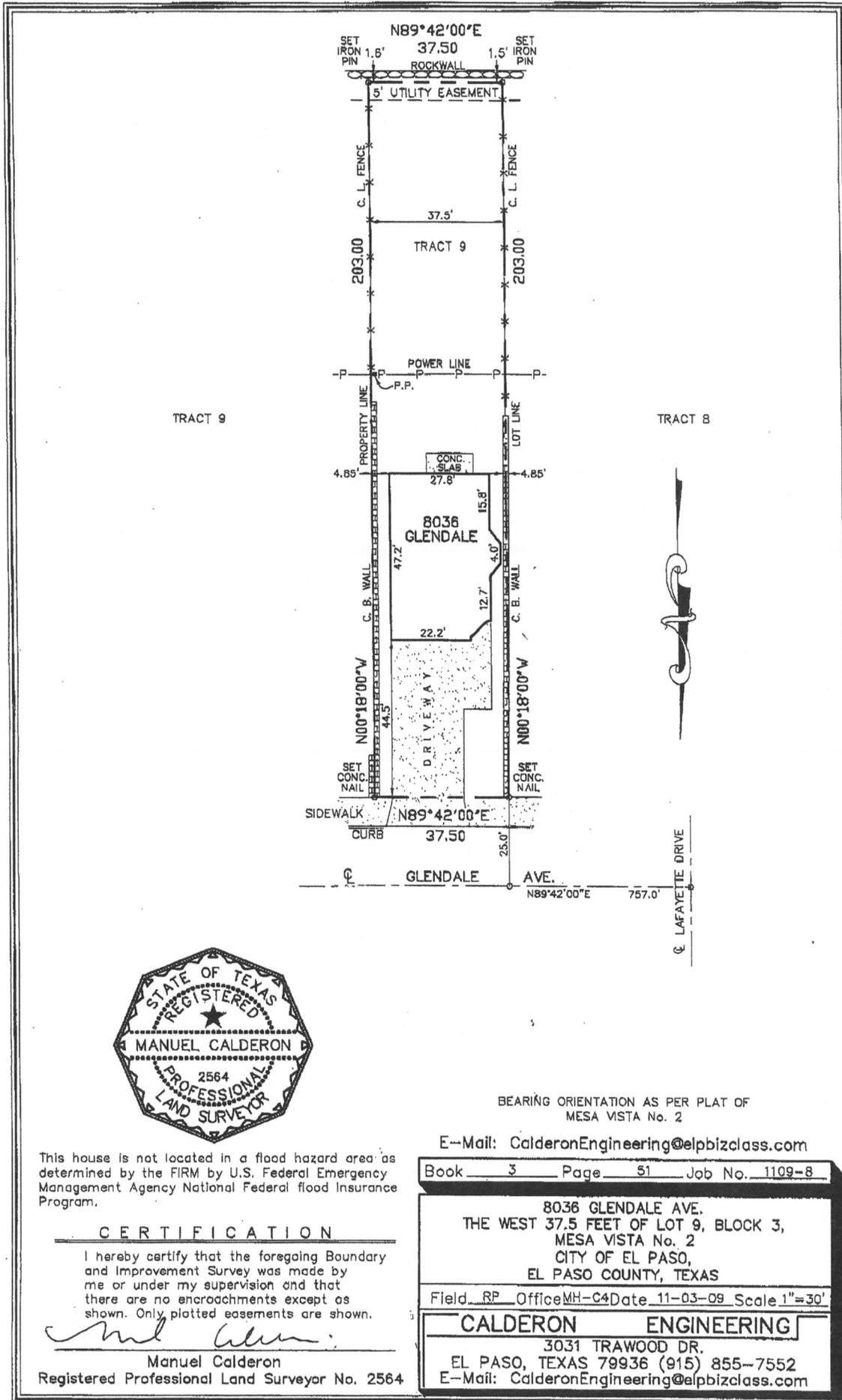
This is an honest error on our part by only about three inches (3"). We already have the "Certificate of Occupancy".

Owner(s)/Builder(s)

Gerardo Blanco
Gerardo Blanco

Luis Cardenas
Luis Cardenas





BEARING ORIENTATION AS PER PLAT OF
MESA VISTA No. 2

E-Mail: CalderonEngineering@elpbizclass.com

Book 3 Page 51 Job No. 1109-8

8036 GLENDALE AVE.
THE WEST 37.5 FEET OF LOT 9, BLOCK 3,
MESA VISTA No. 2
CITY OF EL PASO,
EL PASO COUNTY, TEXAS

Field RP Office MH-C4 Date 11-03-09 Scale 1"=30'

CALDERON ENGINEERING
3031 TRAWOOD DR.
EL PASO, TEXAS 79936 (915) 855-7552
E-Mail: CalderonEngineering@elpbizclass.com

This house is not located in a flood hazard area as determined by the FIRM by U.S. Federal Emergency Management Agency National Federal flood Insurance Program.

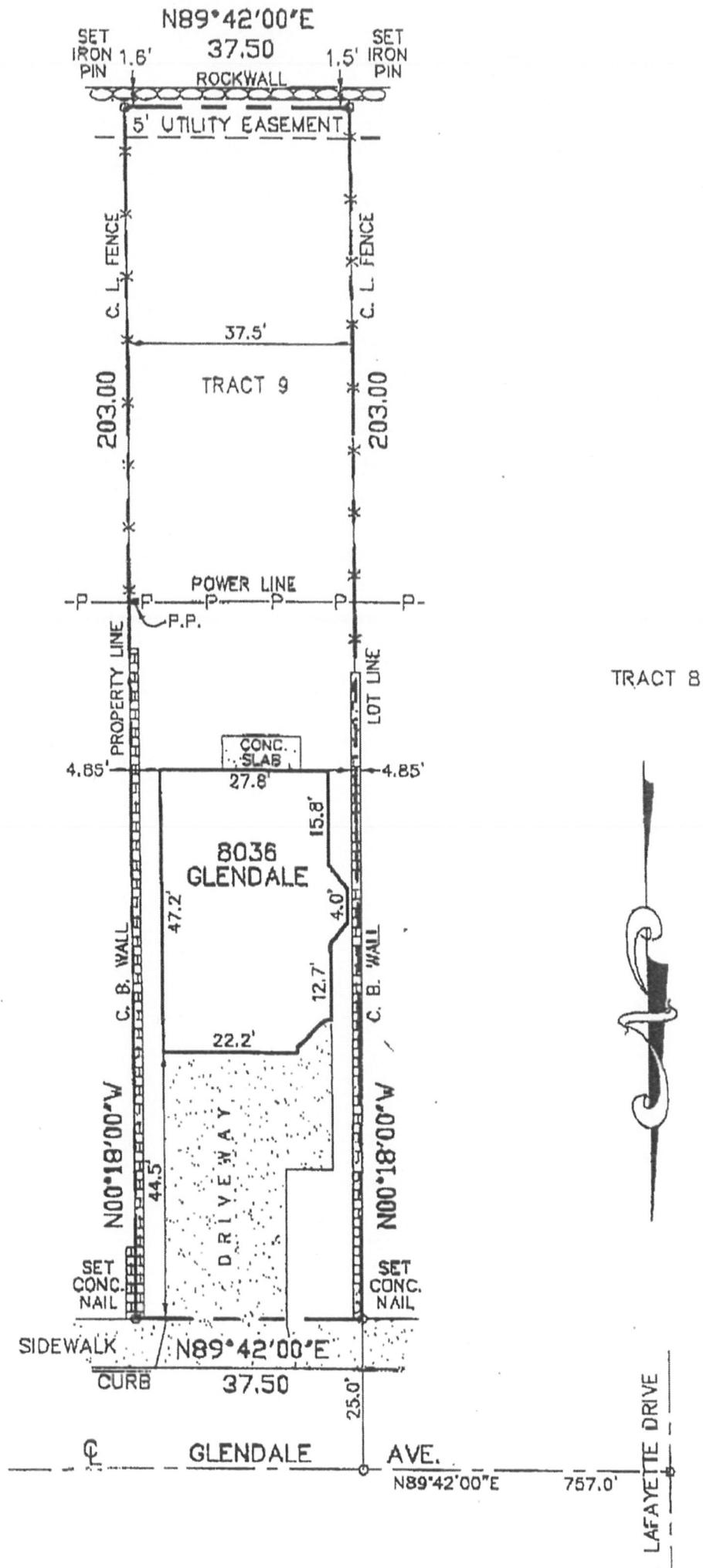
CERTIFICATION

I hereby certify that the foregoing Boundary and Improvement Survey was made by me or under my supervision and that there are no encroachments except as shown. Only platted easements are shown.

Manuel Calderon

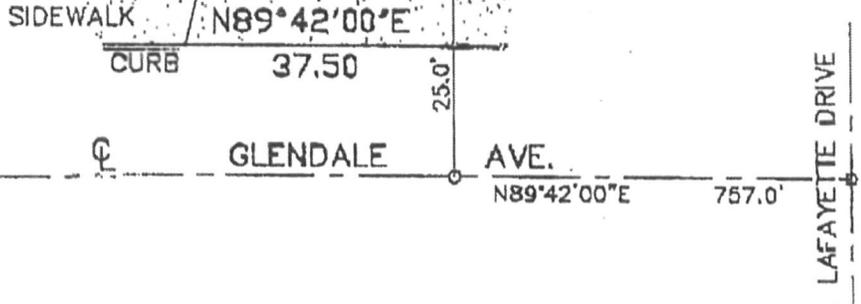
Manuel Calderon

Registered Professional Land Surveyor No. 2564



TRACT 9

TRACT 8



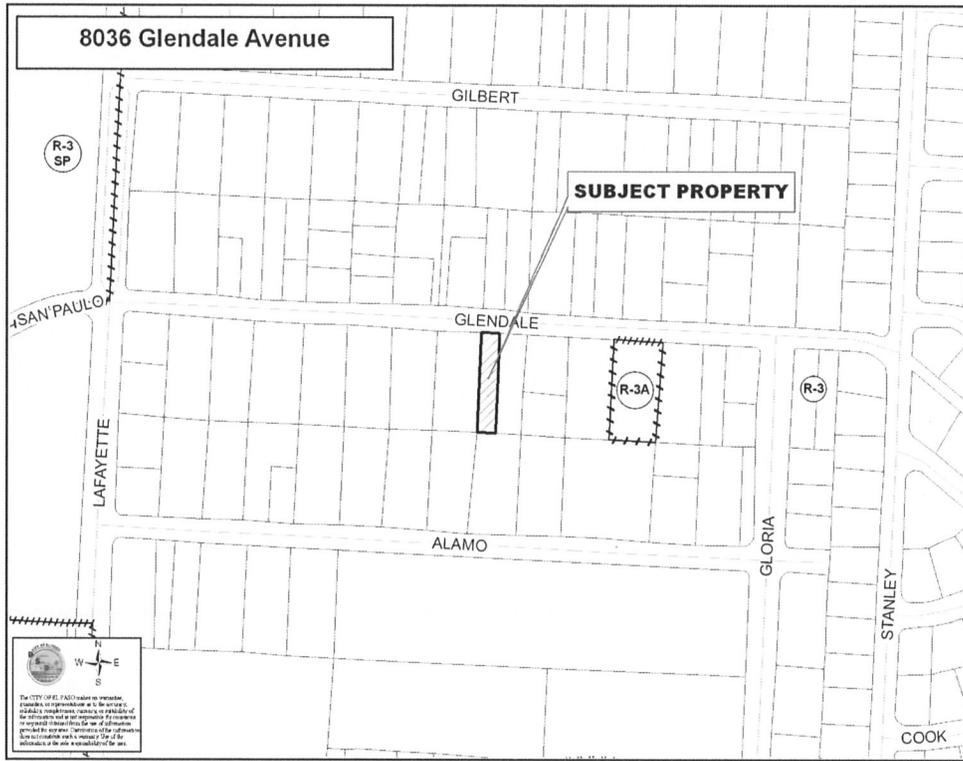
BUILDERS ERROR LOG

For a 12 Month Period

November 10, 2008 to December 14, 2009

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
11/10/2008	ZBA08-00083	14268 Patriot Point Drive	Classic American Homes
01/12/2009	ZBA08-00095	4036 Tuscan Rose Lane	Classic American Homes
02/23/2009	ZBA09-00006	6259 Franklin Dove Drive	Javier Cuevas (Homeowner)
03/09/2009	ZBA09-00008	3436 Scarlet Point Drive	Zia Homes, Inc.
5/04/2009	ZBA09-00016	1136 Calle Del Sur Drive	Winton & Associates, Inc.
8/10/2009	ZBA09-00027	5349 Jack Marcus Drive	Keystone Residences/Prime Prospects
8/10/2009	ZBA09-00028	11800 Holstein Drive	Eva Z. Melgar (homeowner)
9/14/2009	ZBA09-00033	79 Sierra Crest	Willis Homes
10/12/2009	ZBA09-00036	718 Blacker	Clint Armstrong, Palms West
12/14/2009	ZBA09-00051	8036 Glendale Avenue	Gerardo Blanco/Luis Cardenas

ZONING MAP



NOTIFICATION MAP

