

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3/ Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

NOTICE OF A REGULAR MEETING
OF THE
BOARD OF ADJUSTMENT
OF THE
CITY OF SOCORRO, TEXAS

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (915) 858-2915 or fax (915) 858-9288 for further information.

Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Socorro, Texas will be held **Thursday, March 28, 2019** at 6:00 p.m. at City Council Chambers, 860 N. Rio Vista, Socorro, Texas at which time the following will be discussed:

1. Call to order.
2. Establishment of quorum.
3. Excuse absent commission members.
4. Reading of the Board of Adjustment Statement.
5. Swearing of all persons giving testimony.
6. Consider and Take Action:
Approval of meeting minutes for January 24, 2019.
7. Consider and Take Action:
On the proposed variance request to Municode Section 46-238(2)(b) related to the minimum required yard setback, for Lot 3, Block 3, Rio Vista Subdivision located at 117 Rio Vista Rd., from 25' feet to 5' feet for an addition.
8. Consider and Take Action:
On the proposed variance request to Municode 46-238(1)(b) related to the area requirement and section 46-626 related to the minimum frontage for Lot 6, Block 16, Bauman Estates Unit Three located at 11351 Hovey Drive for a proposed lot split.
9. Consider and Take Action:
On the proposed variance request to Municode Section 46-238(2)(b) related to the minimum required yard setback, for Lot 4, Block 3, Alameda Estates located at 10396 Sandia Way, from 25' feet to 8' feet for the construction of a porch.

REGULAR MEETING AGENDA - CITY OF SOCORRO BOARD OF
ADJUSTMENTS

March 28, 2019 at 6:00 PM

EXECUTIVE SESSION

The Board of Adjustments of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Texas Government Code, Section 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Board of Adjustments of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meeting Act.) The Board of Adjustments will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATIONS WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT


10. Adjournment.

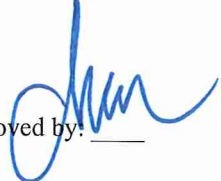
I, the undersigned authority hereby certifies that the above notice of meeting of the Board of Adjustments of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 25th day of March 2019.

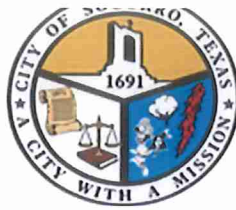


Karla Montalvo, Board of Adjustments Secretary

DATE & TIME POSTED: 3/25/2019 4:30pm /BY: 

Approved by: 

Elia Garcia
Mayor



Luigi Duran
District 2

Rene Rodriguez
At Large

Victor Perez
District 3/ Mayor Pro-Tem

Cesar Nevarez
District 1

Yvonne Colon-Villalobos
District 4

CITY OF SOCORRO BOARD OF ADJUSTMENT COMMISSION

Regular Meeting Minutes

Adriana Rodarte
City Manager

January 24, 2019

Members Present	Members Absent	Staff Present	Others Present
Miguel Martinez Robert Renteria David Oropeza Oscar Gutierrez Eugene Trujillo Rodolfo Cruz	Juan Castaneda Cynthia Gutierrez	Job Terrazas Karla Montalvo	

Items for discussion and action:

1. Call to order:

Mr. Trujillo called the meeting to order at 6:00 p.m.

2. Establishment of quorum:

Quorum was established with *six (6)* members present.

3. Excuse absent commission members:

Approved with all commissioners in favor

4. Consider and Take Action:

Approval of meeting minutes for November 29, 2018.

Motion to approve made by Rodolfo Cruz, seconded by Oscar Gutierrez with the condition to add Rodolfo Cruz to the members present for November 29, 2018. *Motion Carried*

Ayes: Miguel Martinez, Robert Renteria, David Oropeza, Oscar Gutierrez, Eugene Trujillo, Rodolfo Cruz

Nays:

5. Consider and Take Action:

On the election of officers for 2019

Motion approve made by Miguel Martinez, seconded by David Oropeza for the continuation of Eugene Trujillo as Chair Person and Cinthia Gutierrez as Vice Chair. *Motion Carried*

Ayes: Miguel Martinez, Robert Renteria, David Oropeza, Oscar Gutierrez, Eugene Trujillo, Rodolfo Cruz

Nays:

6. Consider and Take Action:

On the approval of the 2019 meeting calendar.

Motion to approve made by Miguel Martinez, seconded by Eugene Trujillo with the condition to delete BOA meeting for December 2019. *Motion Carried*

Ayes: Miguel Martinez, Robert Renteria, David Oropeza, Oscar Gutierrez, Eugene Trujillo, Rodolfo Cruz
Nays:

10. **Adjournment.**

A motion to *adjourn at 6:06 p.m.* made by Rodolfo Cruz seconded by David Oropeza. *Motion Carried*

Ayes: Miguel Martinez, Robert Renteria, David Oropeza, Oscar Gutierrez, Eugene Trujillo, Rodolfo Cruz
Nays:

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3
Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

DATE: March 28, 2019
TO: BOARD OF ADJUSTMENTS
FROM: Job Terrazas, Building Official
CC: Adriana Rodarte, City Manager

SUBJECT:

Variance request to Municode Chapter 46-238(2)(d) related to the minimum required yard setback, for Lot 3, Block 3, Rio Vista Subdivision, at 117 Rio Vista Rd. from 25' feet to 5' feet for an addition.

SUMMARY:

The property matter of this request is about 420' feet west of Alameda. This property has an estimated area of 11,718 sf. (0.27 ac.). It is owned by Erica Esparza.

BACKGROUND:

There is a home that was built in 1986 according to the EPCAD records.

STATEMENT OF THE ISSUE:

The existing condition of the home is not in compliance with the required setbacks. The building is 7' feet from the rear of the property. Petitioner is asking for 18' variance to connect an existing room to the side of the home.

The proposed improvements are considered a violation of section 46-137(a). This building can't be enlarged, extended, constructed, reconstructed, moved or structurally altered.

ALTERNATIVE:

The only improvements allowed are to modify the building to comply with the setbacks. Once this condition is met, building permits can be issued for the expansion of the existing structure.

STAFF RECOMMENDATION:

The Planning and Zoning Department recommends DENIAL because the following reasons:

1. Contrary to the public interest,
2. Literal enforcement of the ordinance will NOT result in unnecessary hardship
3. The spirit of the ordinance is NOT observed, and substantial justice is NOT done

Sec. 46-137. - Defined; policy, purpose and intent.

- (a) Lots, structures, uses of land and structures and characteristics of use that were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, are nonconforming. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is not the intent of this chapter to authorize, and this chapter shall not be construed to authorize, uses which constitute public or private nuisances or are otherwise prohibited by law or regulations.
- (b) Nonconforming uses are declared by this chapter to be incompatible with, or not within the meaning of, permitted uses in the district in which located a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment or additions on a building or premises or by placement of additional signs intended to be seen from off premises or by the addition of other uses, of a nature which would not be permitted generally in the district involved.

(Ord. No. 76, § 6(1), 5-1-1989; Ord. of 12-21-1995, § I; Ord. of 11-7-2002, § 6)

DIVISION 3. - R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 46-235. - Purpose.

The purpose of this zone is for single-family dwelling units and other uses which maintain the low-density residential nature of the district.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-236. - Permitted uses.

Permitted uses in this zone shall include:

- (1) One single-family dwelling unit per lot. Only conventional building materials listed in the approved building codes will be used for structural and finish materials.
- (2) Accessory structures and uses including garages, carports, private workshop, greenhouses, home occupations, and other structures that are customarily incidental to the principal structures.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3; Ord. No. 76, Amd. 1A, Amd. No. 1, § 1, 11-17-2008)

Sec. 46-238. - Area requirements.

Area requirements for this zone shall include:

- (1) Minimum lot area:
 - a. 8,500 square feet [for] areas with ponding.
 - b. 10,000 square feet [for] areas without public ponding.
- (2) Minimum yard setbacks:
 - a. Front: 25 feet;
 - b. Side ([interior]): five feet;
 - c. Side ([exterior]), street: ten feet;
 - d. Rear: 25 feet.
- (3) Minimum front setbacks for all properties facing:
 - a. Collector streets: 35 feet;
 - b. Minor arterials: 55 feet;
 - c. Major arterials: 60 feet.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3; Ord. No. 76, Amd. 1A, Amd. No. 1, § 4, 11-17-2008)

Sec. 46-239. - Accessory structures.

- (a) No accessory structure, excluding fences, patios, porches or walls, shall be closer to any property line than the required yard setback; however, an accessory structure may be as close as ten feet to any rear property line.
- (b) An accessory structure shall not exceed the interior square footage of the principal structure.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-240. - Height requirements.

No building or structure shall exceed 35 feet in height; except, however, accessory objects usually required to be placed above the roof level and not intended for human occupancy may exceed this height.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Secs. 46-241—46-258. - Reserved.

EPCAD - Print View for Property 134125

Property

Account	
Type:	R
Prop ID:	134125
Agent Code:	-
Property Use Code:	-
Geo ID:	R5500000030003
Legal Description:	3 RIO VISTA LOT 3 (11718 SQ FT)
Property Use Description:	-
Location	
Address:	117 N RIO VISTA RD SOCORRO, TX
Neighborhood:	-
Neighborhood CD:	NR55016120
Mapsco:	800V
Map ID:	SEA98
Owners	
Name:	ESPARZA ERICA
Mailing Address:	117 S RIO VISTA RD EL PASO TX 79927-1641
Owner ID:	1003785
Ownership (%):	100.00
Exemptions	-

Values (2019)

No values are currently available for this property for the selected year.

Taxing Jurisdiction (2019)

No tax information exists for this property for the currently selected year.

Improvements/Building (2019)

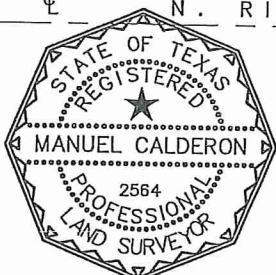
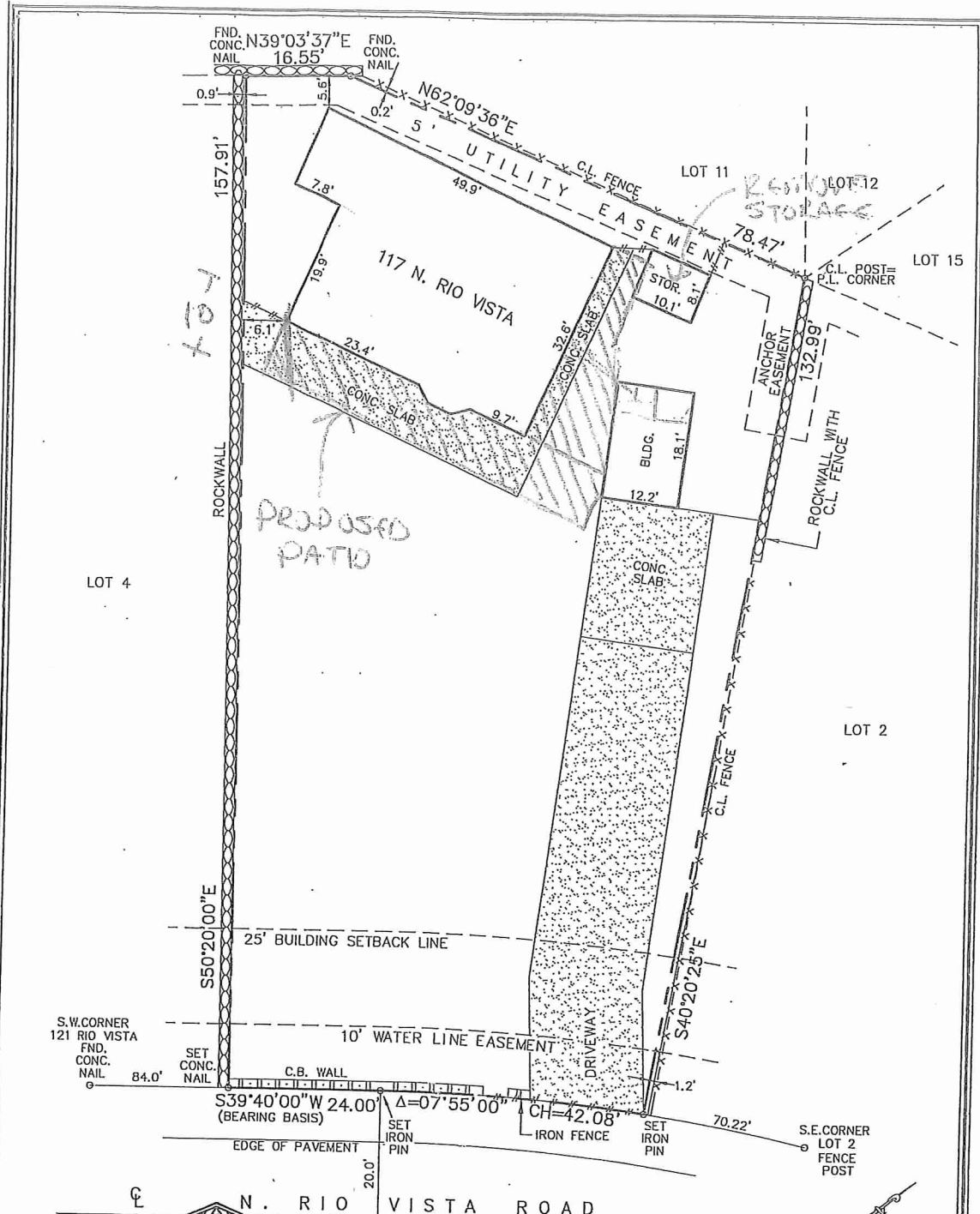
Type:	Residential	State Code:	A1		
Living Area:	1493.00 sqft	Value:	N/A		
Type CD:	Description:	Class CD:	Exterior Wall:	Year Built:	Square Footage:
MA	MAIN AREA	R01+	D	1986	1237.00
M+	ADDITION	*	-	0	256.00
S	STORAGE/UTILITY RM	2	-	0	216.00

Land (2019)

#	Type:	Description:	Acres:	Square Footage:	Eff Front:	Eff Depth:	Market Value:	Prod Value:
1	R550R16120	R550R16120	0.27	11718.90	0.00	0.00	N/A	N/A

Roll Value History

Year:	Improvements:	Land Market:	Ag Valuation:	Appraised:	HS Cap:	Assessed:
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$35,678.00	\$13,242.00	\$0.00	\$48,920.00	\$0.00	\$48,920.00



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
 Texas Surveying Firm Reg. No. 100200-00
 Texas Registered Engineering Firm No. F-3788

504-256
 E-Mail: CalderonEngineering@elpbizclass.com

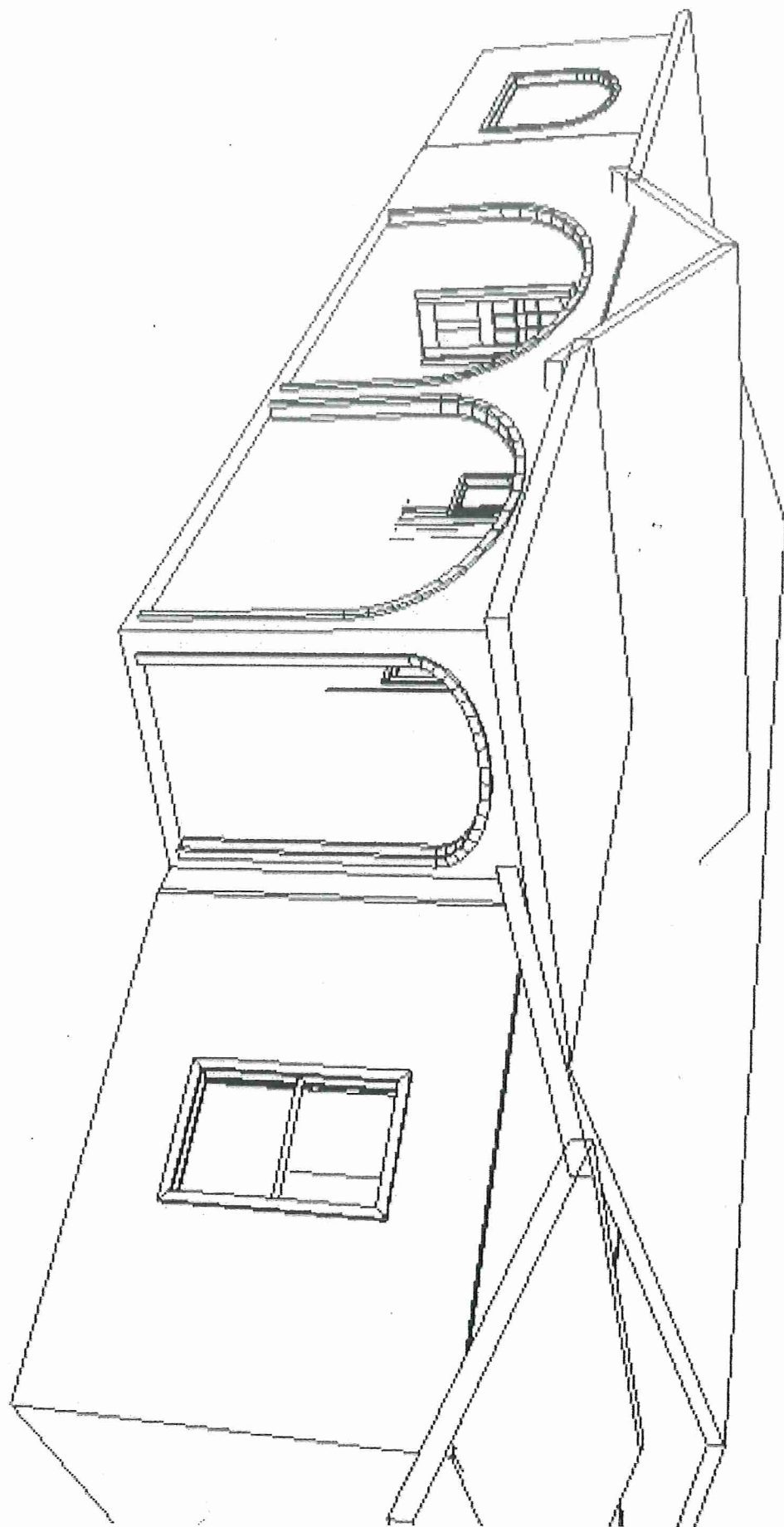
Book 34 Page 24 Job No. 219-26

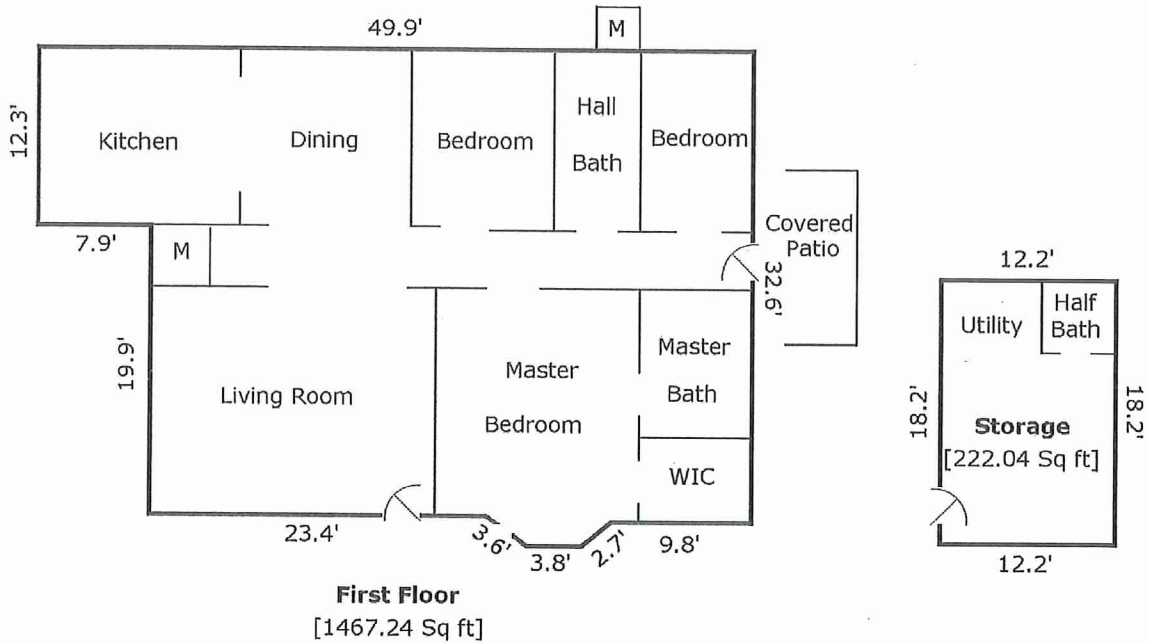
**117 N. RIO VISTA ROAD
 LOT 3, BLOCK 3.
 RIO VISTA ADDITION
 CITY OF SOCORRO
 EL PASO COUNTY, TEXAS**

Field BD Office LS-C2 Date 02/06/19 Scale 1"=20'

CALDERON ENGINEERING

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





TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area		Calculation Details	
First Floor	1467.2 Sq ft	12.3 × 7.9 =	97.2
		42 × 32.2 =	1352.4
		0.4 × 9.8 =	3.9
		0.4 × 2.1 =	0.8
		0.5 × 1.7 × 2.1 =	1.8
		2.1 × 3.8 =	8
		0.5 × 2.1 × 2.9 =	3.1
Total Living Area (Rounded):	1467 Sq ft		
Non-living Area			
Storage	222 Sq ft	18.2 × 12.2 =	222

Sec. 46-141. - Continuance of nonconformities.

Until the compliance date, the nonconformity may continue so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

(Ord. No. 76, § 6(4), 5-1-1989; Ord. of 12-21-1995, § I; Ord. of 11-7-2002, § 6)



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: 3/19/2019
Case Number: BOA0319-1
Fee: \$100

Received By: Km
Receipt Number: 30653

Please type or print

Description of property the following information shall be provided:

Legal Description: _____
Subdivision: Rio Vista Addition
Block: 3 Lot/Tract: 3

Property survey: Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 117 Rio Vista

General location of property: 117 Rio Vista

Please type or print

Owner(s): Erica Esparza Applicant: Erica Esparza
Address: 117 Rio Vista Address: _____
Phone #: (915) 525-4209 Phone #: (497-3100)

APPEAL OF AN ADMINISTRATIVE DECISION

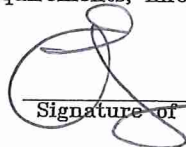
(Check appropriate request)

- 1.) Variance (Non Use) ____
- 2.) Non-Conforming Use or Structure ____

Existing condition vs proposed condition: Home built in 1986
connecting existing room and adding towards the
front of home. Requesting allowance to Rear setback

In lieu of representing this request myself as owner of the property, I hereby authorize the person designated below to act in capacity as my agent for the application, processing, representation and /or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to the request.

Erica Esparza
Printed or Typed Name


Signature of Owner

Printed or Typed Name of Agent

Signature of Agent

Address of Agent: _____

Telephone Number of Agent: _____

I understand that it is necessary for my authorized agent to be present at the public hearing

Printed or Typed Name

Signature of Owner

Fee. Non Refundable

860 N. Rio Vista Rd. * Socorro, Texas* Office (915) 872-8531

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3
Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

DATE: March 28, 2019
TO: BOARD OF ADJUSTMENTS
FROM: Job Terrazas, Building Official
CC: Adriana Rodarte, City Manager

SUBJECT:

Variance request to Municode Section 46-238(1)(b) related to the area requirement and section 46-626 related to the minimum frontage required for Lot 6, Block 16, Bauman Estates Unit Three located at 11351 Hovey Dr. for a proposed lot split.

SUMMARY:

The subject property is located on Hovey, about 250 feet north of Bauman Rd. The subject property has an estimated area of 25,267 sf. (0.58 acres). It is owned by Teresa de Jesus de la Cruz.

BACKGROUND:

According to the EPCAD, the main dwelling was built in 1992. There are no records of other structures built or improvements made within the property.

STATEMENT OF THE ISSUE:

Petitioner is requesting a variance to the minimum required area for a lot. Pursuant to section 46-238(1)(b), the minimum required lot size is 10,000 sf for a property with onsite ponding. In addition, the minimum required frontage should be 40' feet pursuant to section 46-626.

ALTERNATIVE:

The only option is to redesign the proposed replat to meet the requirements of the aforementioned sections.

STAFF RECOMMENDATION:

The Planning and Zoning Department recommends APPROVAL because the following reasons:

1. Literal enforcement of the ordinance will result in unnecessary hardship

DIVISION 3. - R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 46-235. - Purpose.

The purpose of this zone is for single-family dwelling units and other uses which maintain the low-density residential nature of the district.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-238. - Area requirements.

Area requirements for this zone shall include:

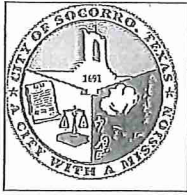
- (1) Minimum lot area:
 - a. 8,500 square feet [for] areas with ponding.
 - b. 10,000 square feet [for] areas without public ponding.
- (2) Minimum yard setbacks:
 - a. Front: 25 feet;
 - b. Side ([interior]): five feet;
 - c. Side ([exterior]), street: ten feet;
 - d. Rear: 25 feet.
- (3) Minimum front setbacks for all properties facing:
 - a. Collector streets: 35 feet;
 - b. Minor arterials: 55 feet;
 - c. Major arterials: 60 feet.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3; Ord. No. 76, Amd. 1A, Amd. No. 1, § 4, 11-17-2008)

Sec. 46-239. - Accessory structures.

- (a) No accessory structure, excluding fences, patios, porches or walls, shall be closer to any property line than the required yard setback; however, an accessory structure may be as close as ten feet to any rear property line.
- (b) An accessory structure shall not exceed the interior square footage of the principal structure.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: 3/22/19
Case Number: BOA0319-2
Fee: 100

Received By: xm
Receipt Number: 30694

Please type or print

Description of property the following information shall be provided:

Legal Description: _____ Subdivision: _____

Block: _____ Lot/Tract: _____

Property survey: Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 11351 Hovey Dr.

General location of property: _____

Please type or print

Owner(s): Teresa J. De la Cruz Applicant: _____

Address: 11351 Hovey dr. Address: _____

Phone #: (915) 872-0213 Phone #: _____

APPEAL OF AN ADMINISTRATIVE DECISION

(Check appropriate request)

- 1.) Variance (Non Use) ____
- 2.) Non-Conforming Use or Structure ____

Existing condition vs proposed condition: Variante para el tamaño del terreno menos de 10,000 pies cuadrados ancho del frente

In lieu of representing this request myself as owner of the property, I hereby authorize the person designated below to act in capacity as my agent for the application, processing, representation and /or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to the request.

Julio C. Socia
Printed or Typed Name

[Signature]
Signature of Owner

Printed or Typed Name of Agent

Signature of Agent

Address of Agent: _____

Telephone Number of Agent: _____

I understand that it is necessary for my authorized agent to be present at the public hearing

Printed or Typed Name

Signature of Owner

Fee, Non Refundable

860 N. Rio Vista Rd. * Socorro, Texas* Office (915) 872-8531

Elia Garcia
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Adriana Rodarte
City Manager

DATE: March 28, 2019
TO: BOARD OF ADJUSTMENTS
FROM: Job Terrazas, Building Official
CC: Adriana Rodarte, City Manager

SUBJECT:

Variance request to Municode Chapter 46-238(2)(d) related to the minimum required yard setback, for Lot 4, Block 3, Alameda Estates, at 10396 Sandia Way. from 25' feet to 8' feet for a porch.

SUMMARY:

The property matter of this request is about 600' feet east of Socorro Rd. This property has an estimated area of 9,930 sf. (0.23 ac.). It is owned by Sacramento & Maria Castro.

BACKGROUND:

There is a home that was built in 1987 according to the EPCAD records.

STATEMENT OF THE ISSUE:

The existing home is not in compliance with the current required setbacks. The building is 8' feet from the rear of the property. Petitioner is asking for 17' variance to the existing building.

The proposed improvements are considered a violation of section 46-137(a). This building can't be enlarged, extended, constructed, reconstructed, moved or structurally altered. By doing so, the non-conforming building may lose its grandfathering.

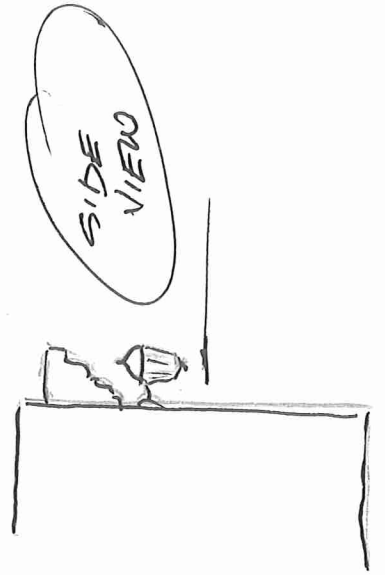
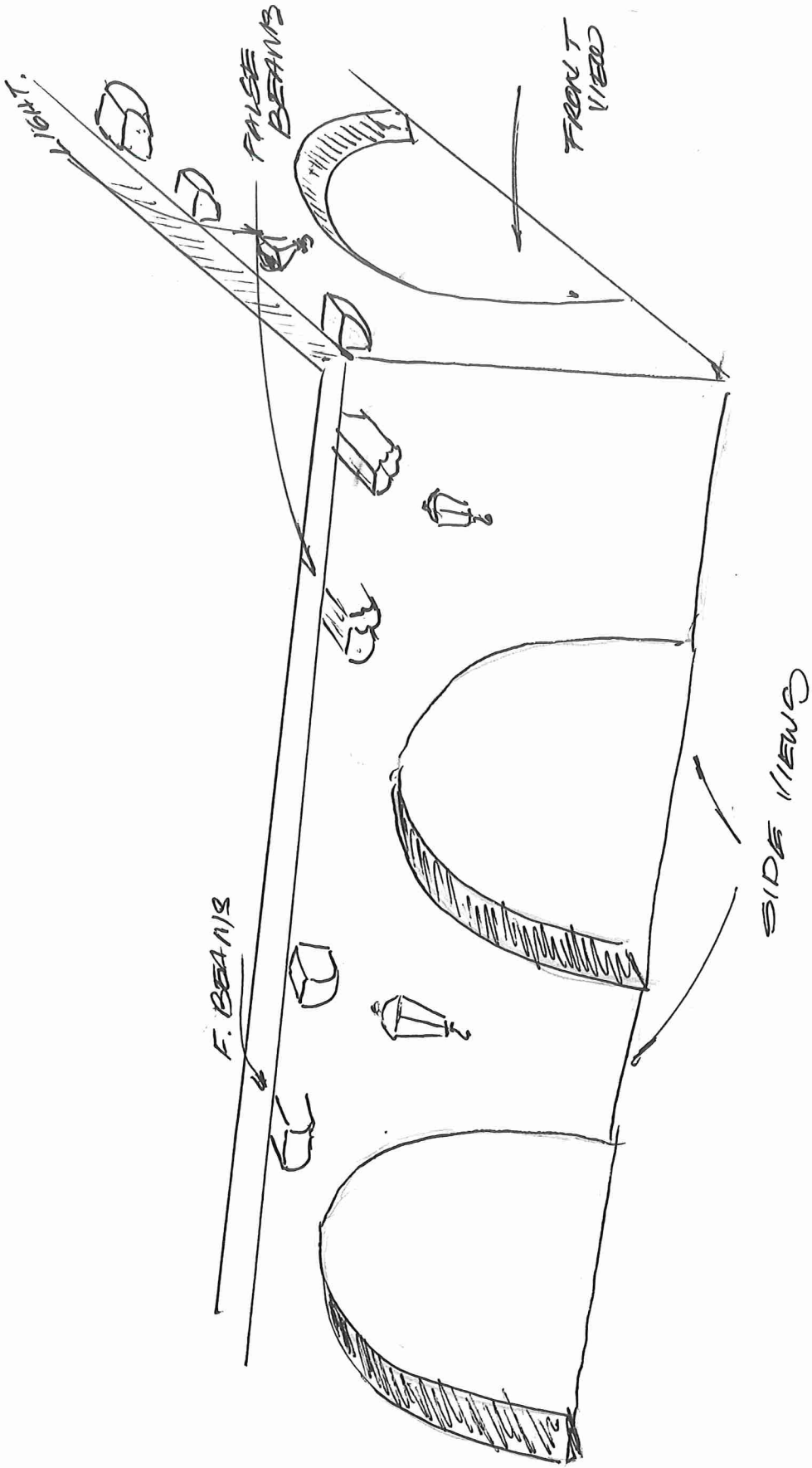
ALTERNATIVE:

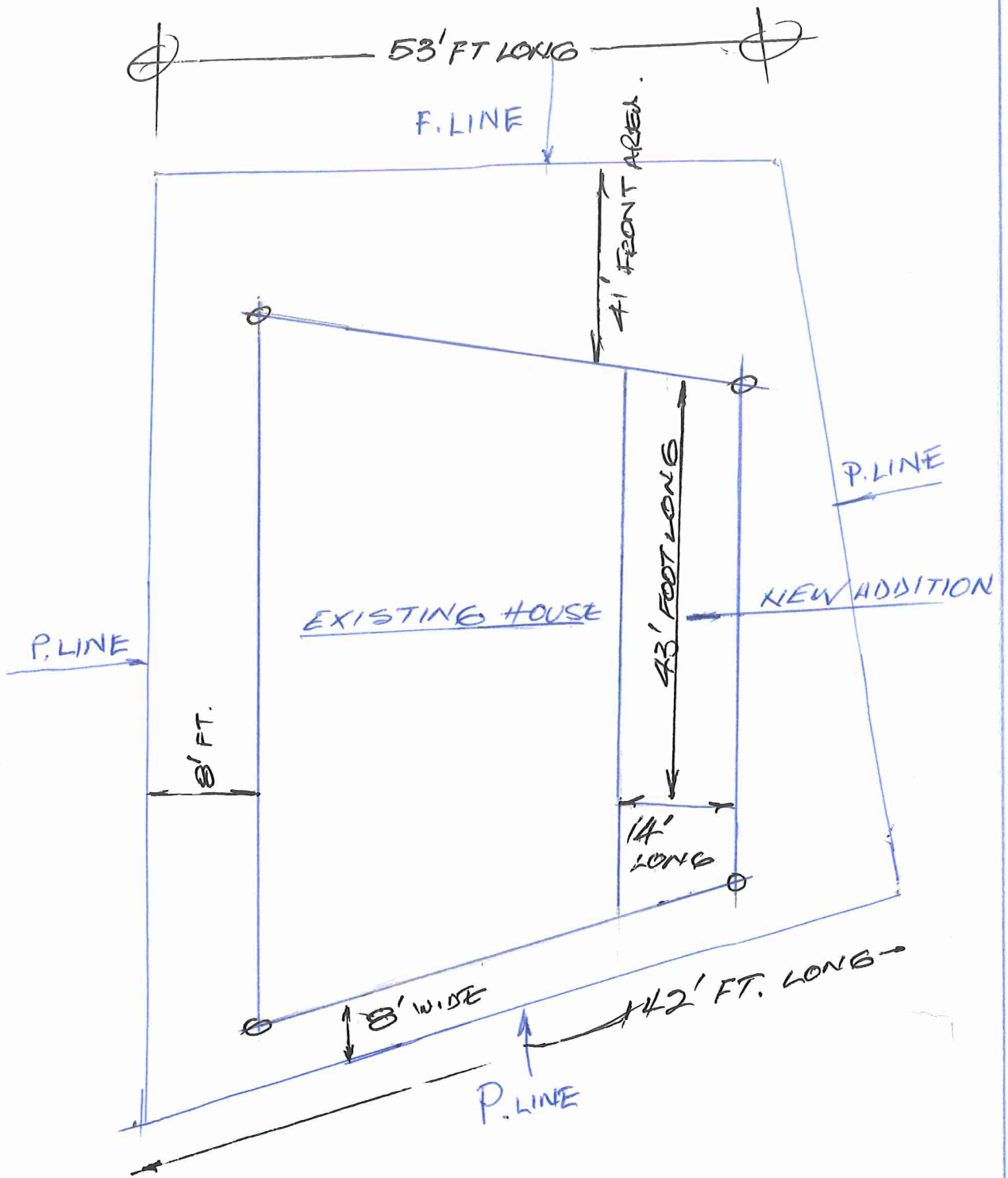
The only improvements allowed are to modify the building to comply with the setbacks. Once this condition is met, building permits can be issued for the proposed porch.

STAFF RECOMMENDATION:

The Planning and Zoning Department recommends APPROVAL because the following reasons:

1. Literal enforcement of the ordinance will result in unnecessary hardship
2. The spirit of the ordinance is observed, and substantial justice is done. The reason is because porches and shade structures are allowed a less restrictive setback with the condition that they are not enclosed and become part of the building's occupancy.





EPCAD - Print View for Property 178876

Property

Account			
Type:	R	Geo ID:	A44200000300040
Prop ID:	178876	Legal Description:	3 ALAMEDA ESTATES REPLAT LOT 4 (9930 SQ FT)
Agent Code:	-	Property Use Description:	-
Property Use Code:	-		

Location	
Address:	10396 SANDIA WAY SOCORRO, TX 79927
Neighborhood:	-
Neighborhood CD:	NA44226070
Mapsco:	800Y
Map ID:	SEA120

Owners	
Name:	CASTRO SACRAMENTO B & MARIA C
Mailing Address:	10396 SANDIA WAY EL PASO TX 79927-1427
Owner ID:	193708
Ownership (%):	100.00
Exemptions	OTHER, HS

Values (2019)

No values are currently available for this property for the selected year.

Taxing Jurisdiction (2019)

No tax information exists for this property for the currently selected year.

Improvements/Building (2019)

Type:	Residential				
State Code:	A1				
Living Area:	2006.00 sqft				
Value:	N/A				
Type CD:	Description:	Class CD:	Exterior Wall:	Year Built:	Square Footage:
M+	ADDITION	*	-	1987	722.00
S	STORAGE/UTILITY RM	2	-	1987	180.00
O	OPEN PORCH	*	-	1987	84.00
MA	MAIN AREA	R02-	B	1987	1284.00

Land (2019)

#	Type:	Description:	Acres:	Square Footage:	Eff Front:	Eff Depth:	Market Value:	Prod Value:
1	A442R26070	A442R26070	0.23	9930.00	0.00	0.00	N/A	

Sec. 46-137. - Defined; policy, purpose and intent.

- (a) Lots, structures, uses of land and structures and characteristics of use that were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, are nonconforming. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is not the intent of this chapter to authorize, and this chapter shall not be construed to authorize, uses which constitute public or private nuisances or are otherwise prohibited by law or regulations.
- (b) Nonconforming uses are declared by this chapter to be incompatible with, or not within the meaning of, permitted uses in the district in which located a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment or additions on a building or premises or by placement of additional signs intended to be seen from off premises or by the addition of other uses, of a nature which would not be permitted generally in the district involved.

(Ord. No. 76, § 6(1), 5-1-1989; Ord. of 12-21-1995, § I; Ord. of 11-7-2002, § 6)

DIVISION 3. - R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 46-235. - Purpose.

The purpose of this zone is for single-family dwelling units and other uses which maintain the low-density residential nature of the district.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-236. - Permitted uses.

Permitted uses in this zone shall include:

- (1) One single-family dwelling unit per lot. Only conventional building materials listed in the approved building codes will be used for structural and finish materials.
- (2) Accessory structures and uses including garages, carports, private workshop, greenhouses, home occupations, and other structures that are customarily incidental to the principal structures.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3; Ord. No. 76, Amd. 1A, Amd. No. 1, § 1, 11-17-2008)

Sec. 46-238. - Area requirements.

Area requirements for this zone shall include:

- (1) Minimum lot area:
 - a. 8,500 square feet [for] areas with ponding.
 - b. 10,000 square feet [for] areas without public ponding.
- (2) Minimum yard setbacks:
 - a. Front: 25 feet;
 - b. Side ([interior]): five feet;
 - c. Side ([exterior]), street: ten feet;
 - d. Rear: 25 feet.
- (3) Minimum front setbacks for all properties facing:
 - a. Collector streets: 35 feet;
 - b. Minor arterials: 55 feet;
 - c. Major arterials: 60 feet.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3; Ord. No. 76, Amd. 1A, Amd. No. 1, § 4, 11-17-2008)

Sec. 46-239. - Accessory structures.

- (a) No accessory structure, excluding fences, patios, porches or walls, shall be closer to any property line than the required yard setback; however, an accessory structure may be as close as ten feet to any rear property line.
- (b) An accessory structure shall not exceed the interior square footage of the principal structure.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-240. - Height requirements.

No building or structure shall exceed 35 feet in height; except, however, accessory objects usually required to be placed above the roof level and not intended for human occupancy may exceed this height.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Secs. 46-241—46-258. - Reserved.



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: 3-21-19
Case Number: BOA0319-3
Fee: _____

Received By: Sm
Receipt Number: 30681

Please type or print

Description of property the following information shall be provided:

Legal Description:

Subdivision: Alameda Estates

Block: 3

Lot/Tract: 4

Property survey:

Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 10396 Sandia Way

General location of property: _____

Please type or print

Owner(s): Benjamin Castro

Applicant: _____

Address: 10396 Sandia Way

Address: _____

Phone #: (915) 401-6680

Phone #: _____

APPEAL OF AN ADMINISTRATIVE DECISION

(Check appropriate request)

- 1.) Variance (Non Use) ____
- 2.) Non-Conforming Use or Structure ____

12 feet from rear

Existing condition vs proposed condition: Variance a la separacion
de linea de propiedad.

In lieu of representing this request myself as owner of the property, I hereby authorize the person designated below to act in capacity as my agent for the application, processing, representation and /or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to the request.

Benjamin Castro
Printed or Typed Name

Ben Castro
Signature of Owner

Printed or Typed Name of Agent

Signature of Agent

Address of Agent: _____

Telephone Number of Agent: _____

I understand that it is necessary for my authorized agent to be present at the public hearing

Printed or Typed Name

Signature of Owner

Fee, Non Refundable

860 N. Rio Vista Rd. * Socorro, Texas* Office (915) 872-8531