ZBA09-00003 **12567 Kari Anne Drive** **Juan Cervantes**

Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-3A/sp zone.

This would permit the construction of a 21' by 18' carport that is proposed to encroach 18' into the required front setback.

The required front yard setback is 20' in the R-3A/sp (Light Density Residential/Special Permit) zone.

BACKGROUND

The applicant is requesting the Special Exception for a carport that is proposed to be located to within 2' of the front property line. There is a 10' utility easement at the front property line and the applicant has submitted letters from the utility companies that give him permission to build over the easement. Building Permits & Inspections reviewed the structural plans and failed them. Applicant came in on January 27, 2009, and made corrections to plans. A site visit two days later on January 29, 2009, revealed that the applicant had already built a carport without permit. The carport appears to be located to within 0' of the front property line. An inspector from the Building Standards section cited the applicant on February 2, 2009, for building without permit. The applicant is required to submit as-built plans to BP&I in order that a determination can be made if the structure meets the City's requirements.

CALCULATIONS

Permitted carport area = 448.80 sq. ft. (First floor area under roof = 1,494 ÷ 5 = 298.80 + 150 sq. ft. of permitted front porch)
Carport area proposed to encroach in required front yard setback = 378.00 sq. ft. (21' x 18')
Required front yard setback = 20'
Requested front yard setback = 2'

STAFF RECOMMENDATION

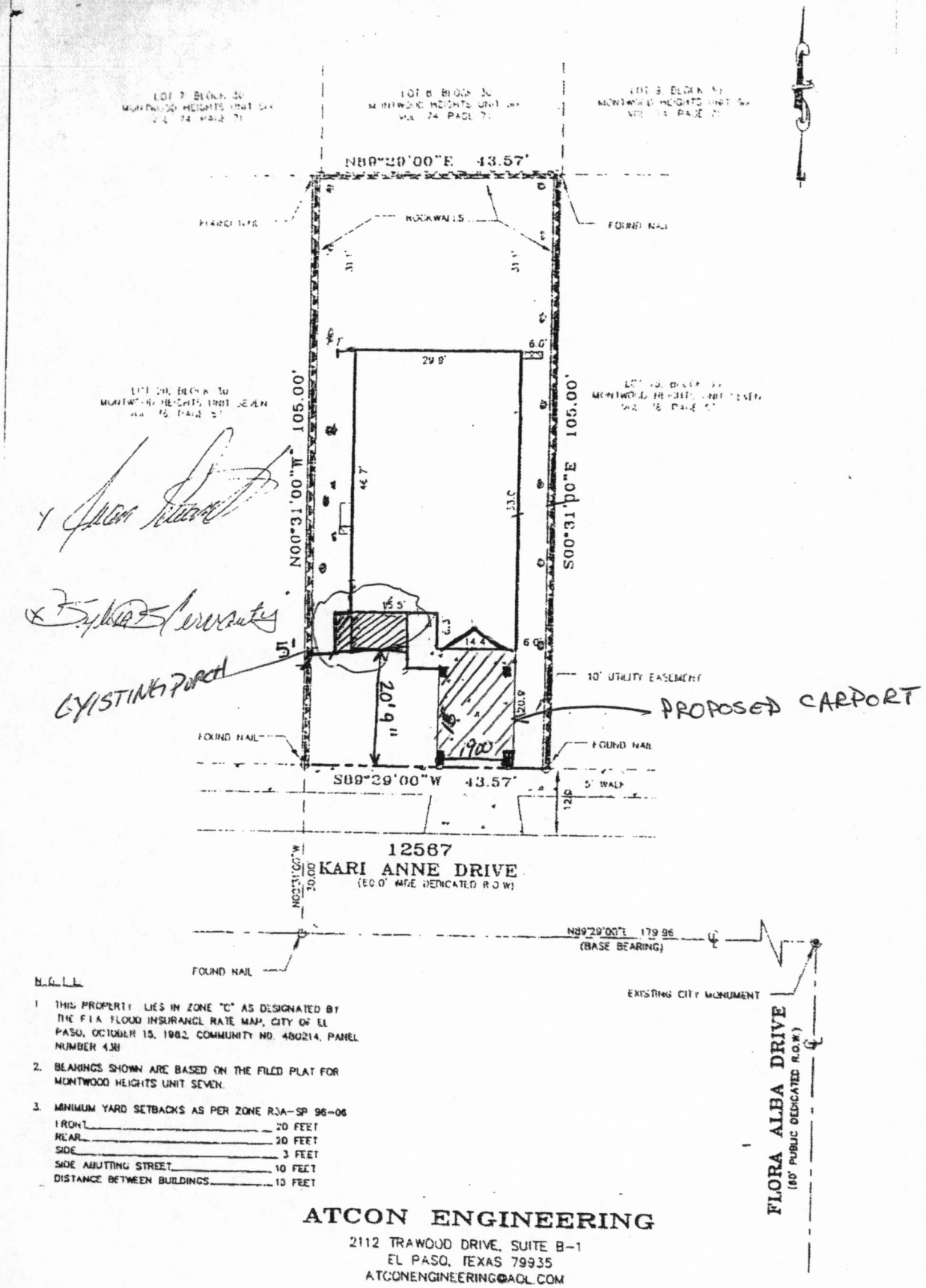
Staff is not making a recommendation at this time.

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

"Permit the encroachment into the required front yard setback for a lot in a residential (R) district beyond other allowed modifications for a carport covering a driveway; provided, however, that:

1. The residence has been in existence and owner occupied for one continuous year, and has a valid certificate of occupancy; and,
2. The zoning board of adjustment has received the written approval of the structural design from the building permits and inspection division of the development services department; and,
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, open on three sides, and attached to the main structure; and,
4. The area of the carport shall not exceed one-fifth of the first-floor area of the dwelling, nor shall the carport rise above the highest point of the roof of the dwelling; and,
5. Elevation drawings of the proposed structure shall be submitted; and,
6. For a duplex, the total of all extensions granted shall not exceed one-third the average width of the site, and the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit; and,
7. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space; and,
8. There is no other reasonable alternative to provide a carport in the front yard of the subject property without exceeding the encroachments allowed in Title 20 of this code; and,
9. The extension shall not permit the creation of an additional dwelling unit nor shall it constitute an extension of the living area of the dwelling."

ITEM #3



N.O.T.E.

1. THIS PROPERTY LIES IN ZONE "C" AS DESIGNATED BY THE F.I.A. FLOOD INSURANCE RATE MAP, CITY OF EL PASO, OCTOBER 15, 1982, COMMUNITY NO. 480214, PANEL NUMBER 438
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR MONTWOOD HEIGHTS UNIT SEVEN.
3. MINIMUM YARD SETBACKS AS PER ZONE R3A-SP 96-06

FRONT	20 FEET
REAR	20 FEET
SIDE	3 FEET
SIDE ABUTTING STREET	10 FEET
DISTANCE BETWEEN BUILDINGS	13 FEET

ATCON ENGINEERING
2112 TRAWOOD DRIVE, SUITE B-1
EL PASO, TEXAS 79935
ATCONENGINEERING@AOL.COM

JOB #020101

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PLAT OF SURVEY

BEING LOT 19, BLOCK 30,
MONTWOOD HEIGHTS UNIT SEVEN
CITY OF EL PASO, EL PASO COUNTY, TEXAS.
CONTAINING: 0.105 ACRES ±

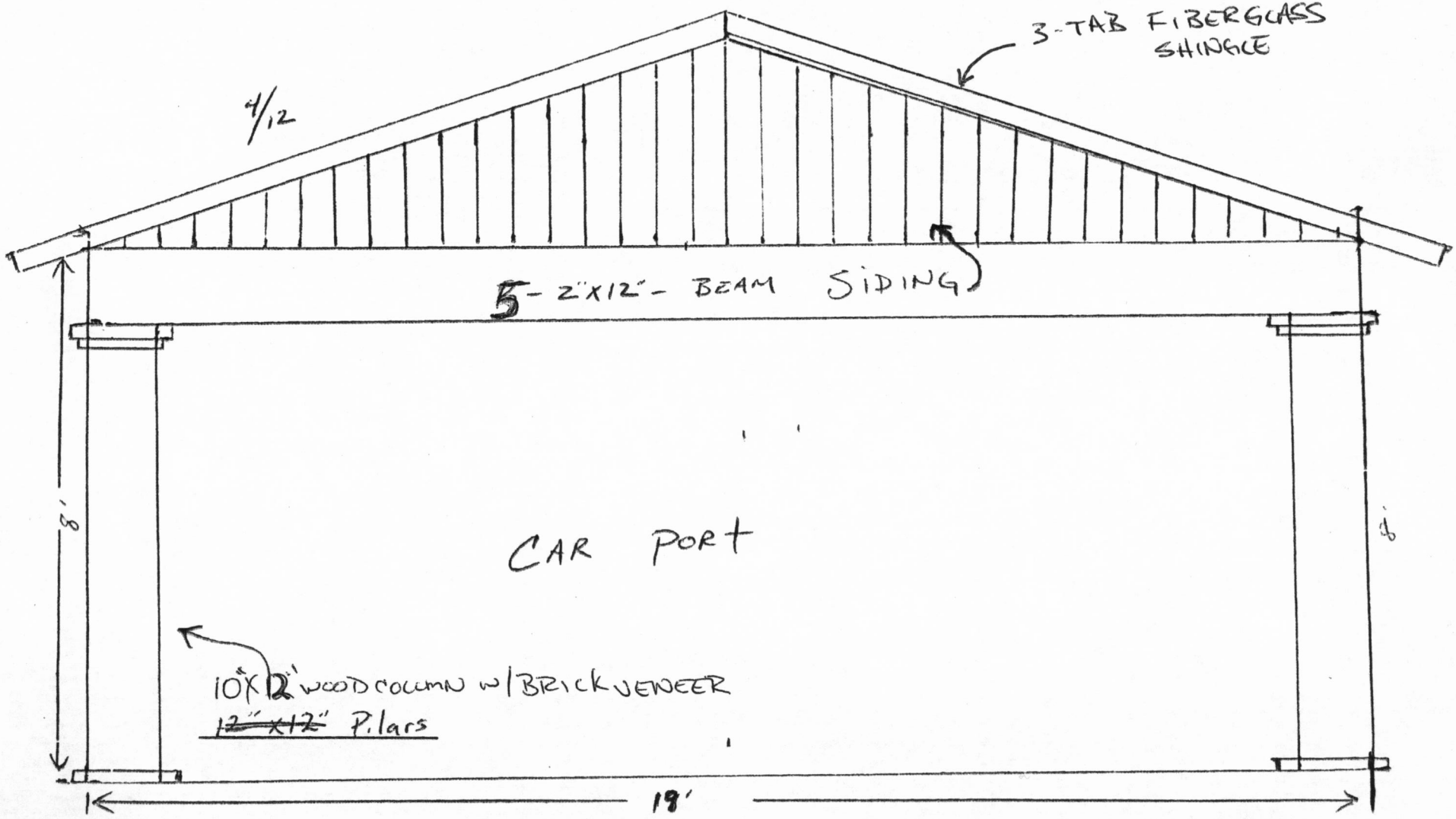
Recorded in Bk./Vol. 76 Pg. 57 El Paso County Plat Records

STATE OF TEXAS
REGISTERED
ANDRES A. TELLES
3686
PROFESSIONAL
LAND SURVEYOR

...ed under
...n of:

...A. Telles

NOTE: ALL NEW ROOF & WALL COVERINGS TO MATCH EXISTING CONSTRUCTION



Scale 1/2" = 12"

THESE PLANS HAVE BEEN REVIEWED FOR GENERAL CONFORMITY WITH ALL PERTINENT CODES AND ORDINANCES REVIEWED

CITY PLAN CHECKER

DATE 01/28/09

OCCUPANCY U Existing Home

OCCUPANT LOAD

TYPE CONSTR. V/B

RF/FL LOAD 20/40

FIELD VERIFY EXISTING 4X4 POST

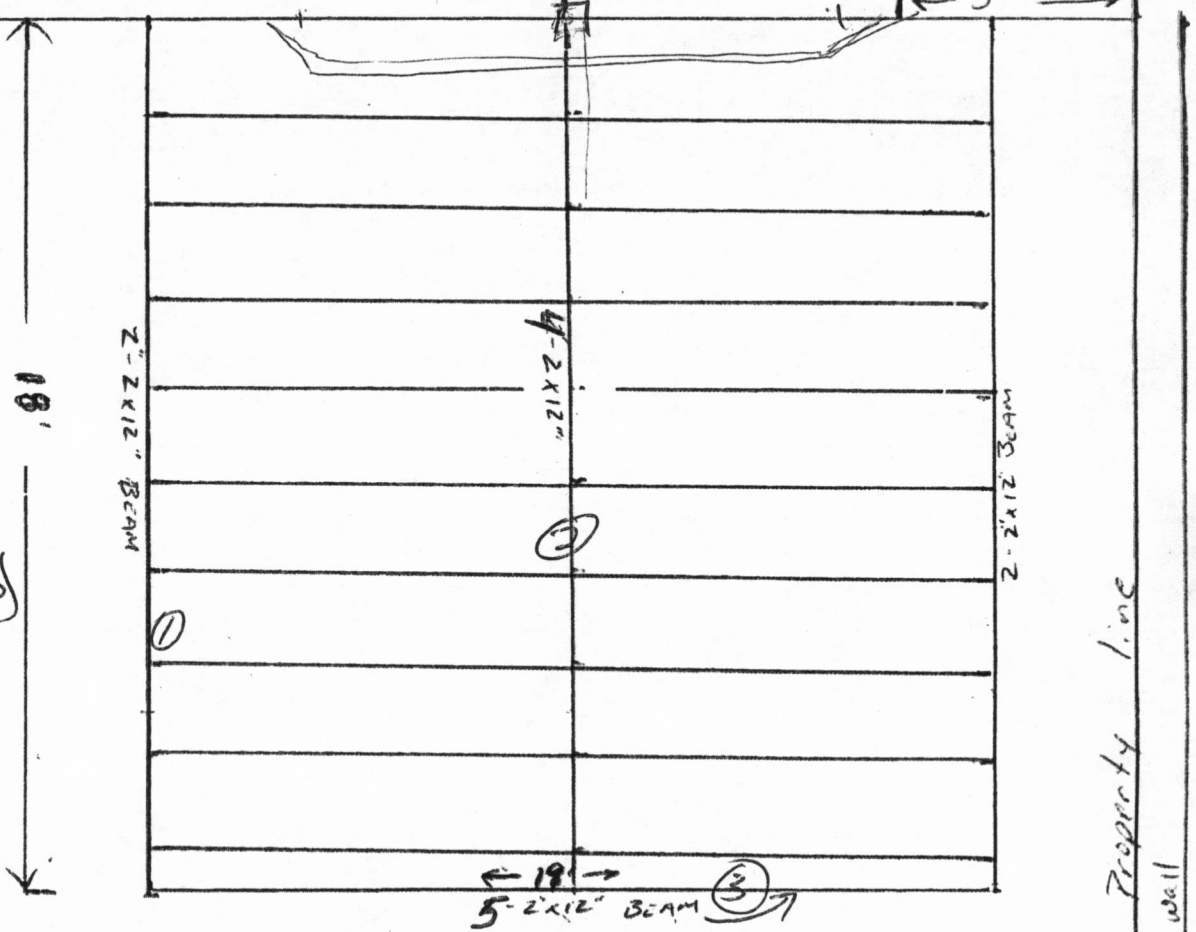
5'

Roof Plan

BM ① 18.4.75.35 = 2993

BM ② 18.9.5.35 = (5985) OVERSPANNED

BM ③ PT LOAD D- 1287 L-1706 @ 9.5' (OVERSPANNED)



REQUIRED CORRECTIONS

1. OVERSPANNED BEAMS 2 & 3
2. PROVIDE FOUNDATION DETAIL / COULUMN DETAIL
3. SPECIFY TYPE OF ROOF COVERING LOAD CALCULATIONS BASED ON SHINGLE ROOF

2"x8" Rafter @ 24" on ℄

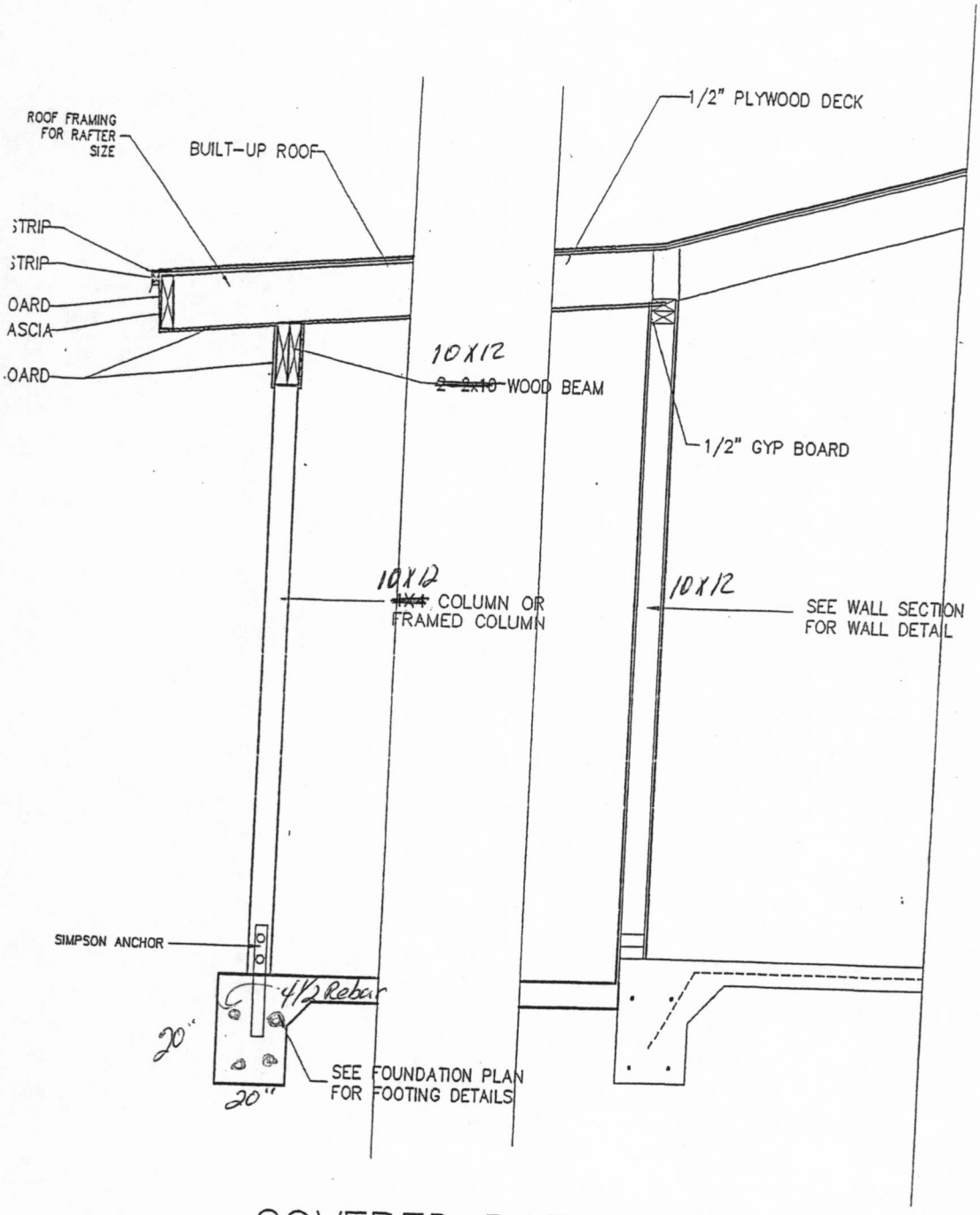
2- 2"x12" BEAMS

4- 2"x12" Ridge

5-2x12 @ RIDGE SUPPORT BEAM

X NEED TO SPECIFY THAT TYPE OF MATERIALS WILL BE SAME AS EXISTING DWELLING

Scale 1/4" = 12"



COVERED PATIO DETAIL

SCALE: 1/2" = 1'-0"

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

January 14, 2009

Mr. Juan Cervanes
12567 Kari Anne Drive
El Paso, Texas 79928-1777

RE: 12567 Kari Anne, Lot 19, Block 30, Montwood Heights Unit Seven

Dear Mr. Cervantes:

Our engineering department has reviewed the drawing for the above referenced property showing the utility easement encroachment due to the proposed construction of a carport in front of the property.

The water and sewer lines are on the street and pose no problems for maintenance or repairs. There is no objection to the utility easement encroachment.

If you have any further questions, please call me at 594-5642.

Sincerely,

F. J. Provencio

Francisco J. Provencio
Right-of-Way Agent

TIME WARNER CABLE

2921 South Expressway 83
Harlingen, Texas 78550

January 13, 2009

Mr. Juan Cervantes
12567 Kari Ann Drive
El Paso, Texas 79928

RE: ENCROACHMENT INTO EASEMENT or R.O.W. ALONG THE SOUTH LOT LINE OF LOT 19, MONTWOOD HEIGHTS SUBN UNIT VII, EL PASO, EL PASO COUNTY, TEXAS.

Dear Sir or Mdm:

This letter will serve as written acknowledgment of the proposed structure encroachment into the easement or R.O.W. located along the south lot line of Lot 19, Montwood Heights Subn. Phase VII, bearing an address of 12567 Kari Anne Drive as referenced above.

Time Warner Cable has reviewed the submitted request, completed a field survey and has found that our cable system is located within this area along the south lot line of this property. We do not find any reason not to allow this encroachment into this particular easement.

In the unlikely event that work must be performed in this easement for maintenance or installation purposes, Time Warner Cable shall not be held liable for any damages to existing structures encroaching on this easement. However, every reasonable effort shall be made to avoid damages to these structures during any work performed. We have no objections to this encroachment.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (956) 425-7880 Ext. 8005

Sincerely,

Carlos V. Ybarra
Design Department

El Paso Electric

P.O. Box 982
El Paso, Texas
79960-0982
(915) 543-5711

January 13, 2009

Juan Cervantes
12567 Kari Anne Drive
El Paso, TX 79928

Dear Mr. Cervantes:

12567 KARI ANNE DRIVE
EL PASO, TEXAS

Your recent request for a Letter of Non-Objection for an encroachment located on a dedicated utility easement, on land described as a portion of Lot 19, Block 30, Montwood Heights Unit Seven, has been approved.

At the present time, this particular encroachment does not interfere with our use of the easement. In consideration for our allowance of the encroachment, El Paso Electric Company must be held harmless from any claims or demands, which may result from the existence of the encroachment on the easement. It is, and will be, the property owner's responsibility to see that no part of the improvements or any equipment on the improvements violates any safety clearances.

To activate this Letter of Non-Objection the owner must execute the attached Indemnity Agreement, including the print, have it recorded at his expense and furnish a copy to El Paso Electric Company.

Sincerely;

William C. Eggleston SR/WA
Principle Right of Way Specialist
Enclosure

TEXAS GAS SERVICE

A DIVISION OF ONEOK

January 20, 2009

Silvia Cervantes
12567 Kari Anne
El Paso, Texas 79928

RE: 12567 Kari Anne, El Paso, Texas, 79928.

Dear Mrs. Cervantes:

Texas Gas Service has no **main** line facilities within the above mention property and there fore offers no objection to the proposed project.

Should you have any questions or require further information, please feel free to call me at (915) 680-7242.

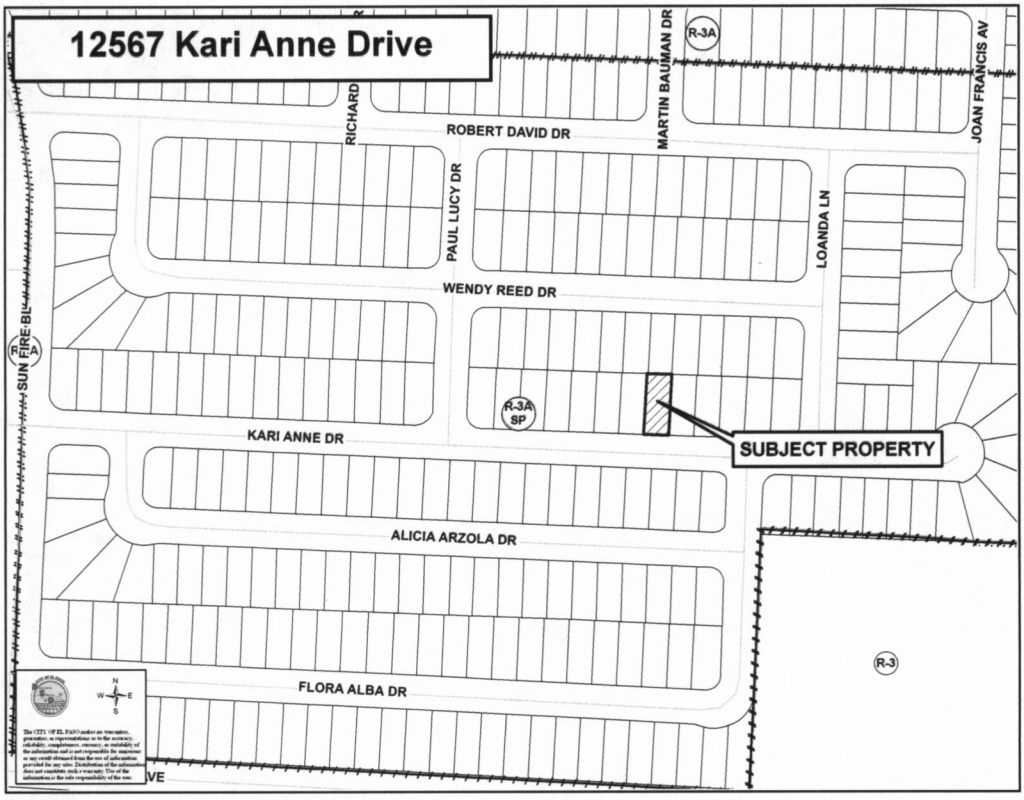
Regards,

Claudia Villanueva

Claudia Y. Villanueva
Engineering Department

4700 Pollard Street • El Paso, TX 79930-6806
P.O. Box 31458 • El Paso, TX 79931-0458
(915) 680-7200
www.texasgasservice.com

ZONING MAP



NOTIFICATION MAP