

**Applicant requests a Special Exception under Section 2.16.050 K (Carport over a Driveway) in an R-4 (Residential) zone.**

This would permit a 22' by 22'6" carport that is located to within 0' of the front property line.

The required front and rear yard cumulative setback total is 45 feet for a single-family residence in the R-4 (Light Density Residential) zone district.

**BACKGROUND**

The ZBA previously denied the request for this carport on November 12, 2007 (see enclosed decision letter). Staff recommended denial based on an already over-intensive use of the site. The applicant was permitted an addition in 1985 that encroaches in the rear yard setback more than one-third the lot width and is located to within 6' of the rear property line.

The applicants are again requesting the addition of a carport that is proposed to be located to within 0' of the front property line. There are no utility easements at the front property line. The applicant submitted the structural and elevation drawings on February 25, 2010, and staff is currently reviewing the drawings. In addition, the Engineering-Traffic has reviewed the request and states that the existing 10' high gate at the front of the driveway opens out onto the sidewalk, creating an unsafe condition for the property owner, for drivers turning the corner, and for pedestrians using the sidewalk.

**CALCULATIONS**

Permitted carport area = 514 sq. ft. (1,820 sq. ft. of first floor area ÷ 5 + 150 sq. ft. permitted open porch)  
Carport area proposed to encroach in required front yard setback = 495 sq. ft. (22' x 22'6")  
Required front yard setback = 25'  
Requested front yard setback = 0'

**STAFF RECOMMENDATION**

Staff recommends denial of the request for the carport based on an already over-intensive use of the site.

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."

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

R. ALAN SHUBERT, P.E., CBO  
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP  
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
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MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION  
ZONING BOARD OF ADJUSTMENT  
FORMAL DECISION  
November 12, 2007**

**Victor A. and Juana Flores  
445 Pinewood Street**

**Legal Description: Lot 7, Block 11, Marian Manor**

**Case# ZBA07-00152:** A Special Exception under Section 2.16.050 Q (Carport over a Driveway) in an R-4 zone of the City of El Paso Zoning Ordinance. This would permit the construction of a 21.5' by 22.5' carport located to within 0' of the front property line. A front yard setback of 20' is required in an R-4 zone of the City of El Paso Zoning Ordinance.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice at an Open Public Meeting on November 12, 2007, the Board **DENIED** the Special Exception under Section 2.16.050 Q (Carport over a Driveway) in an R-4 zone of the City of El Paso Zoning Ordinance.

As stated in Section 2.16.020 C of the City of El Paso Municipal Code, The concurring vote of seven members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is to pass under Title 20 of this code, or to effect any variation in requirements of Title 20.

At the November 12, 2007 Zoning Board of Adjustment meeting, there were 5 affirmative votes and 4 negative votes recorded to approve the Special Exception.

Filed for permanent record the 12th day of November 2007, in the office of the Zoning Board of Adjustment.

Robert Peña  
Zoning Board of Adjustment Secretary

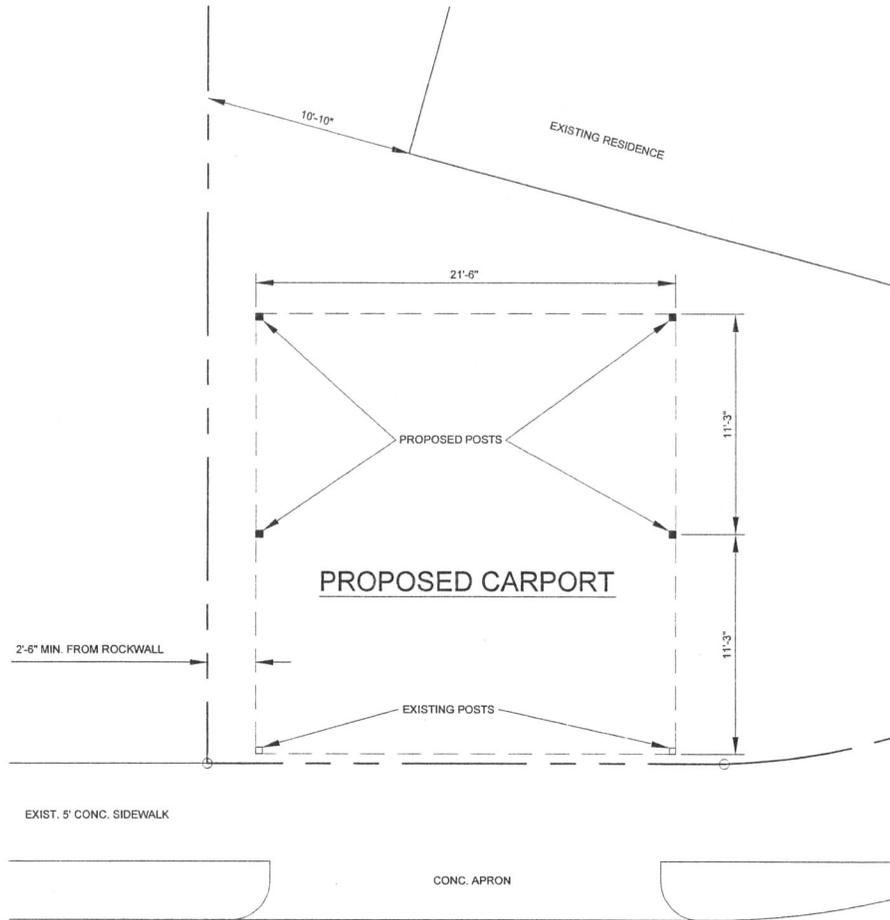
**PLEASE NOTE:** Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

cc: Javier De La Cruz, Plans Examiner, Building Permits, and Inspections Division  
Environmental Services  
File





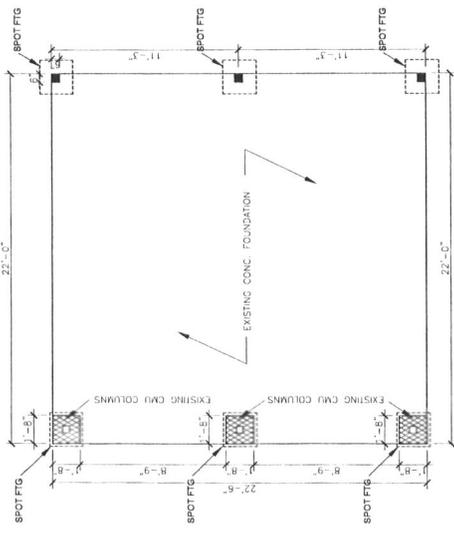
PLAN

# PROPOSED CARPORT

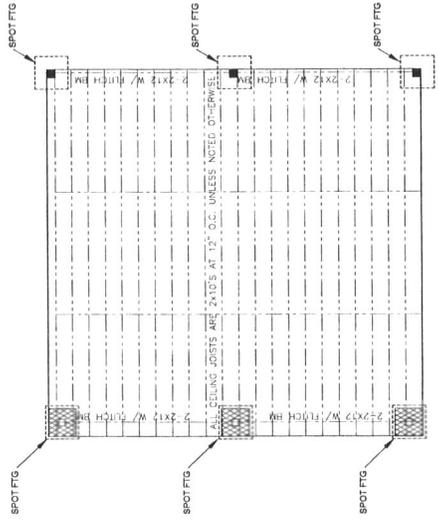
OWNER: JUANA & VICTOR A. FLORES

LEGAL DESCRIPTION: MARION MANOR, LOT 7, BLOCK 11

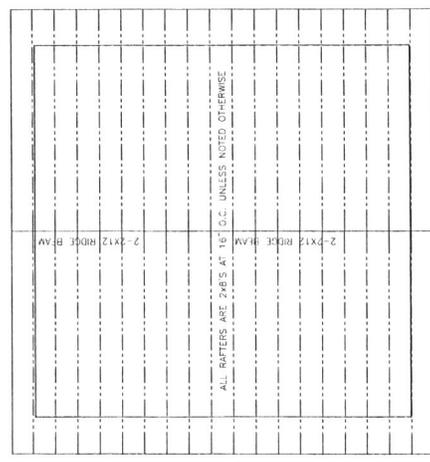
ADDRESS: 445 PINWOOD ST, EL PASO, TX 79907



**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

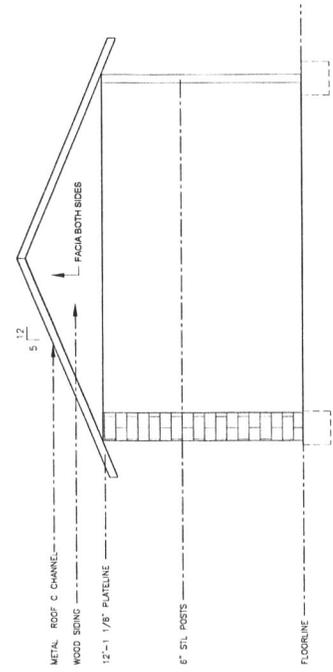


**CLG JOIST PLAN**  
SCALE: 1/4" = 1'-0"

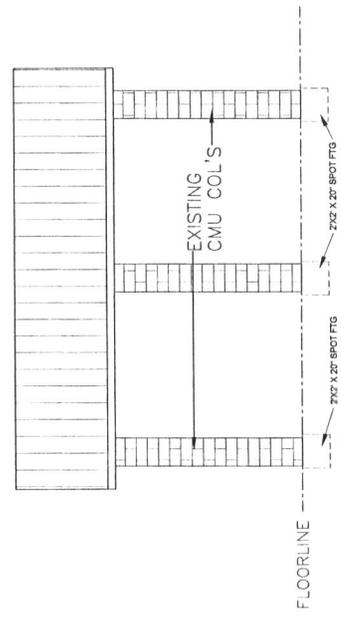


**ROOF PLAN**  
SCALE: 1/4" = 1'-0"

LEGAL:  
MARION MANOR  
445 PINWOOD ST  
BLOCK 11 LOT 7  
EL PASO, TEXAS, EL PASO COUNTY

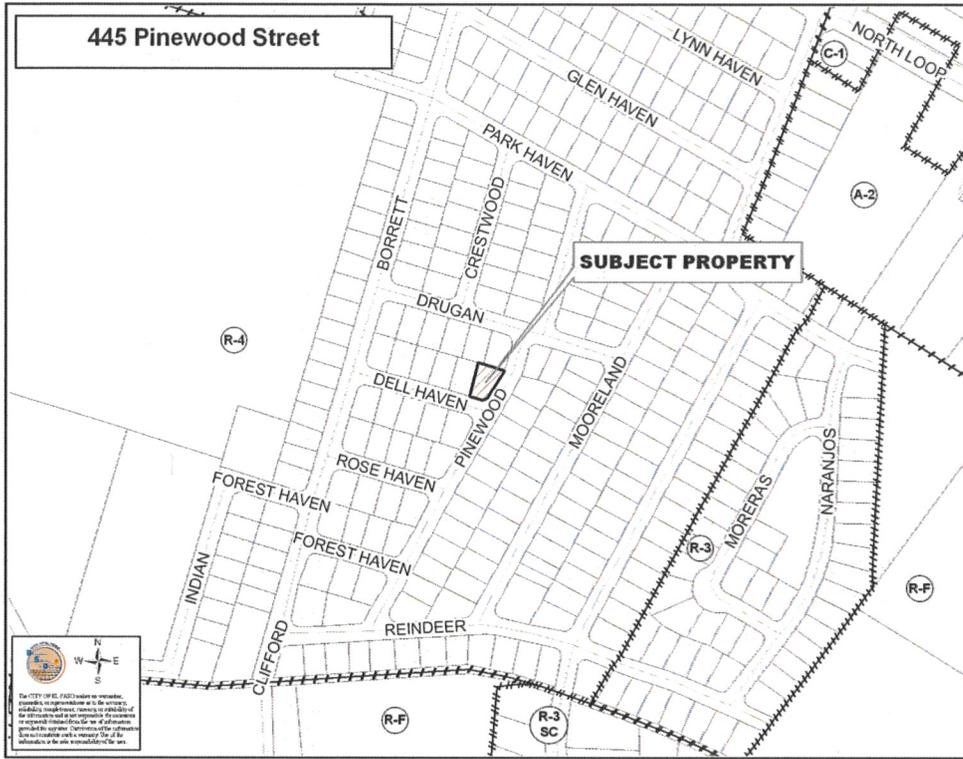


**FRONT/REAR ELEVATION**



**SIDE ELEVATION**

# ZONING MAP



# NOTIFICATION MAP

