

**Applicant requests a Special Exception under Section 2.16.050 J (Carport over a Driveway) in an R-3A (Residential) zone.**

This would allow a new 21'6" by 17'2" (369 sq. ft.) carport that is proposed to encroach in the required front yard setback and to be located to within 3'3" of the front property line.

The required cumulative front and rear yard setback total in the R-3A zone district is 45 feet.

**BACKGROUND**

The applicant is requesting a carport which will match the existing house in materials and design, with a roof that rises no higher than the roof of the house and is proposed to be located to within 3'3" of the front property line. Building & Development Permitting has reviewed the structural plans and notes the beams are over spanned. The applicant has been informed of the structural changes that will be required on the plans prior to issuance of building permit. There is a utility easement at the front property line, and the applicant has obtained letters of no objection from the utility companies (see enclosed).

**CALCULATIONS**

Permitted carport area = 369.20 sq. ft. (1,846 sq. ft. ÷ 5)

Requested area of carport = 369 sq. ft. (21'6" x 17'2")

Required front and rear yard setback total = 50'

Requested front and rear yard cumulative setback = 32'10"

**STAFF RECOMMENDATION.**

Staff recommends approval of the request for the Special Exception J (Carport over a Driveway), provided corrected structural plans are submitted prior to issuance of building permit.

The Zoning Board of Adjustment is empowered under Section 2.16.050 J 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 with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, and color scheme as the residential structure, shall be open on three sides, shall be attached to the main structure and shall rise no higher than the highest point of the roof of the dwelling;
4. The area of the carport shall not exceed one-fifth of the first-floor area under roof of the dwelling and shall be measured as the area covered by the carport roof, to include overhangs;
5. Elevation drawings of the proposed structure shall be submitted;
6. For a duplex, the total of all extensions for either unit of the duplex shall not exceed two-thirds of the average width of that unit;
7. 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
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space."

*Dedicated to Outstanding Customer Service for a Better Community*

**SERVICE SOLUTIONS SUCCESS**



## City Development Department

**TO:** Zoning Board of Adjustment Staff  
**FROM:** Tony De La Cruz, Senior Plans Examiner  
**DATE:** April 28, 2014  
**RE:** PZBA14-00013, Structural Review

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### MEMORANDUM

I have reviewed the plans for ZBA case PZBA14-00013 located at 4720 Gabriel Drive. The applicant is requesting a Special J Exception under Title 2.16.050 for a carport over the driveway.

The carport's structural design has been reviewed and has been found inadequate, due to over spanned beams at the proposed carport. These structural discrepancies do not affect the requested special exception but will need to be corrected, should the special exception be granted, prior to building permits being issued.

This letter is written pursuant to Title 2.16.050 J2, and provides written confirmation of review for the carport design based upon structural design considerations from the Building Permits and Inspections Division of the City Development Department.

Respectfully,  
Tony De La Cruz  
Senior Plans Examiner

**Mayor**  
Oscar Leaser

#### City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Larry Romero

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Nae

*District 6*  
Eddie Holguin Jr.

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

**City Manager**  
Joyce A. Wilson

City Development Department  
222 S. Campbell | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 541-4622

**EL PASO. IT'S ALL GOOD.**

NO ALLEY

UTILITY EASEMENT

EXISTING STORAGE

29'7"

PATIO

HOUSE: 1846 SQ FT

15' 4'8"

5'0"

44'0"

48'0"

8'2"

28'0"

EDILTO NAMIT  
4720 GABRIEL DR  
LOT 6, BLOCK 24  
CASTNER HEIGHT

20'3"

15'0" REQ'D

17'2"

6'0"

10'6"

21'6"

3'3"

SIDE WALK

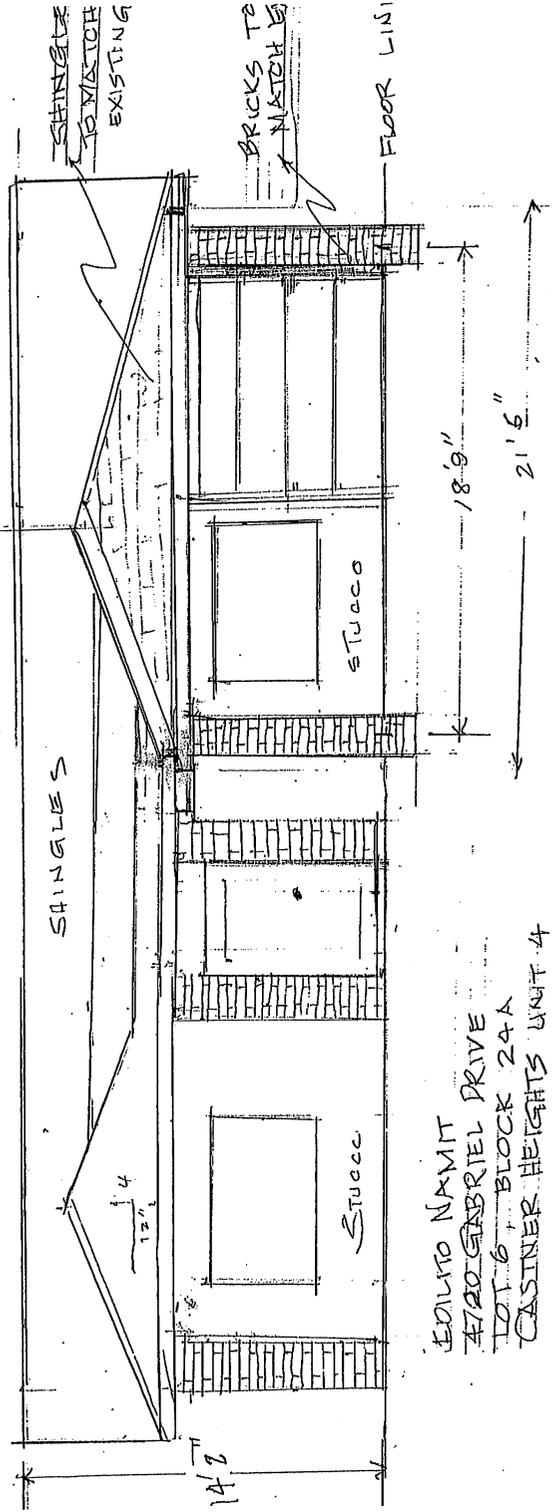
10'6" FT

W  
⊙

ELECTRIC

2/32

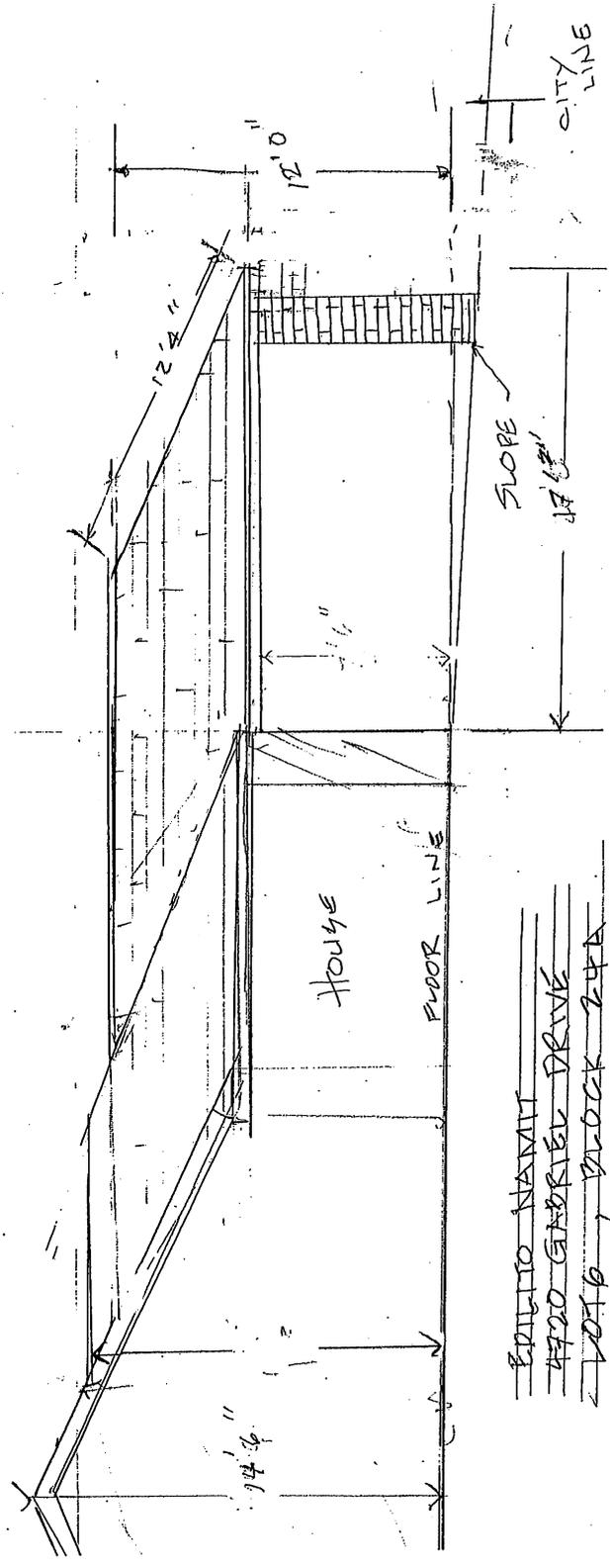
44' 0"



EDUARDO NAMIT  
4700 GABRIEL DRIVE  
DOTTING BLOCK 24A  
CASINER HEIGHTS UNIT 4

FRONT ELEVATION  
SCALE 3/16" = 1'-0"

REINFORCED FOOTINGS  
12" x 18"

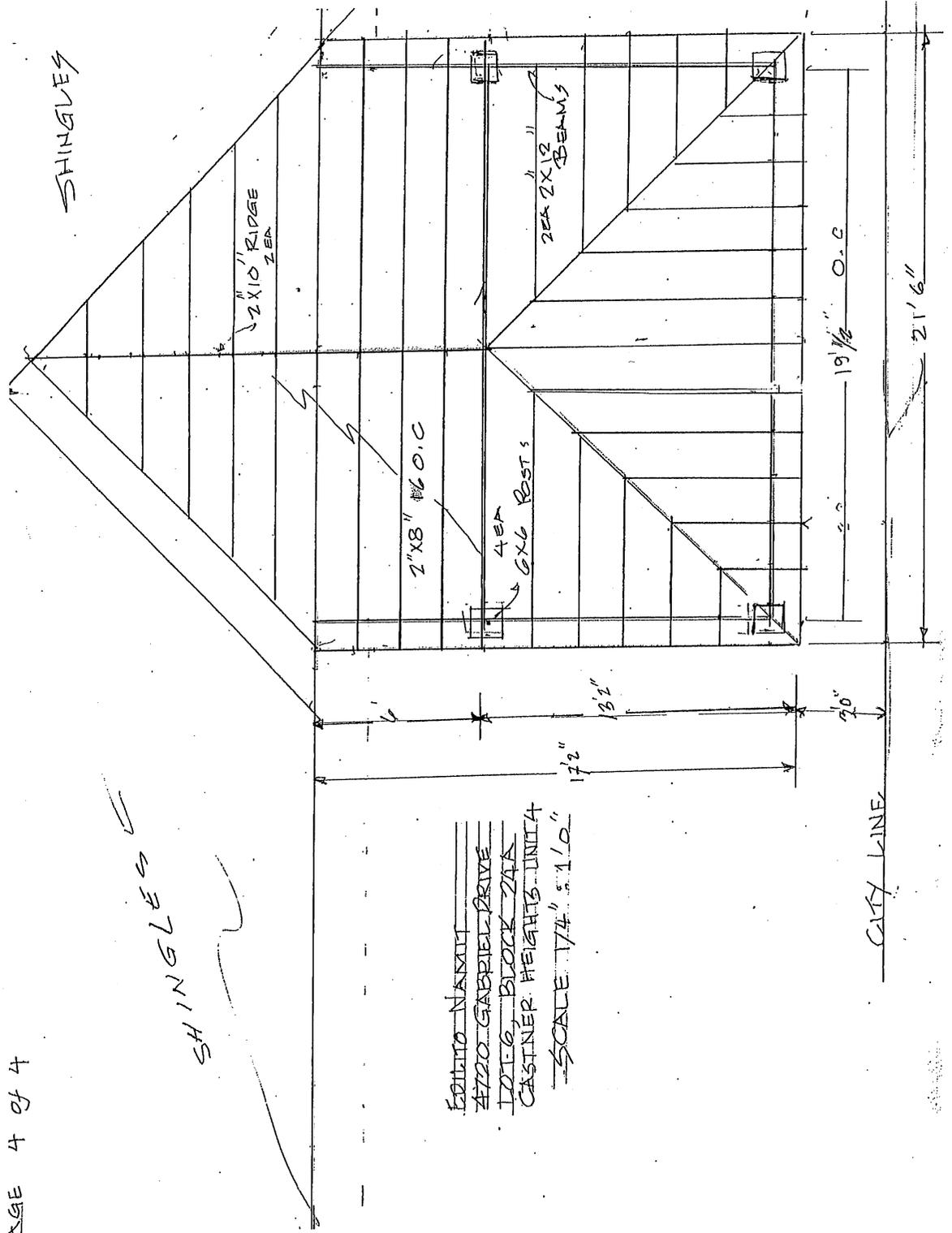


EDILIO NAMIT  
 4720 GABRIEL DRIVE  
 LOT 6, BLOCK 24A  
 CASNER HEIGHTS, UNIT 4

PROPOSED GARPORT  
 SCALE 3/16" = 1'-0"

SHINGLES

SHINGLES



40110 NAMU  
 4720 GABRIEL DRIVE  
 1016 BLOCK ZA  
 CASTNER HEIGHTS UNIT A  
 SCALE 1/4" = 1'-0"

CITY LINE



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

April 17, 2014

Edelito S. Namit  
4720 Gabriel Drive,  
El Paso, Texas 79924

Dear Mr. Namit:

**4720 GABRIEL DRIVE,  
EL PASO COUNTY, TEXAS**

Your recent request for a Letter of Non-Objection for encroachment located on a dedicated utility easement, on the land described as a portion of Lot 6, Block 24-A, Castner Heights, Unit 4, El Paso County, Texas **has been approved.**

At present, 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 the Letter of Non-Objection the owner(s) must sign and notarize the attached Encroachment Agreement, and return the original set to El Paso Electric for execution.**

Sincerely;



Ricardo Rodriguez  
Land Management Representative

Enclosures



# ENCROACHMENT AGREEMENT

7010 Airport Rd. El Paso, TX 79906  
Tel. 915-772-1123 Fax 915-771-6195

PROPERTY OWNER:

Edilito S. Namit  
4720 Gabriel Dr.  
El Paso, TX 79924

LEGAL DESCRIPTION:

4720 Gabriel Drive  
Lot 6, Block 24A  
Castner Height Unit 4  
El Paso, El Paso County, TX

As agreed in the conversation between your agent and our engineer, we are writing to you regarding the encroachment of an existing structure on the utility easement on the property shown on the attached Certificate of Survey.

TIME WARNER CABLE hereby consents to the present encroachment of the existing structure upon the aforementioned easement, however, the cable company does not waive or relinquish any rights held by it to operate, maintain, renew, construct, reconstruct, repair, add or remove cable lines, conduit or other cable facilities that are now located, or may be located in the future on said easement.

As consideration for the cable company granting this permission to retain said structure on said easement, subject to the aforesaid rights of the future owners (heirs, successors and assigns) of property, to hold the cable company harmless for any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of existence, construction, maintenance, repair, condition, use or presence of said structure upon said easement. TIME WARNER CABLE shall not be responsible for any damages to said structure or to property therein, located on said utility easement.

*DMM*

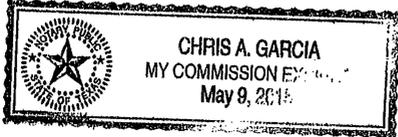
Mike Perez - DIRECTOR EL PASO TIME WARNER CABLE -

Consented to this 17<sup>th</sup> day of April 20 14

State of Texas, County of El Paso

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of April 20 14 --by Mike Perez

NOTARY PUBLIC   
My Commission Expires My 9, 2015



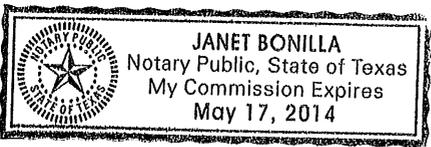
PROPERTY OWNER(S)

EDILITO S. NAMIT

State of TEXAS, County of EL PASO

The foregoing instrument was acknowledged before me this 17 day of April, 20 14 by Edilito S. Namit

NOTARY PUBLIC  
My Commission Expires May 17, 2014



CONSENT TO ENCROACHMENT

ATT FORMERLY THE SOUTHWESTERN BELL TELEPHONE COMPANY (hereinafter "Southwestern Bell") is the owner of a public utility easement located as follow:

4720 GABRIEL DR  
LOT 6, BLOCK 24A  
CASTNER HEIGHTS UNIT FOUR  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS

(hereinafter the "Easement")

(There are no facilities within said encroachment)

Owner desires to encroach on the Easement as follows:

FOR THE PURPOSE OF TITLE TRANSFER TO NEW OWNERS,  
SOUTHWESTERN BELL TELEPHONE IS PROVIDING THIS DOCUMENT AS A  
LETTER OF NON-OBJECTION AS PERTAINS TO ANY EASEMENTS.

(hereinafter the "Encroachment")

Southwestern Bell hereby consents to the Encroachment upon the Easement so long as the Encroachment is no manner interferes with the Easement, and hereby grants a non-revocable permit for the Encroachment. However, Southwestern Bell does not waive or relinquish any rights held by it to operate, maintain, renew, construct, reconstruct, repair, add or remove telephone facilities that are now located, or may be located in the future within the Easement, nor any rights of ingress or egress thereto.

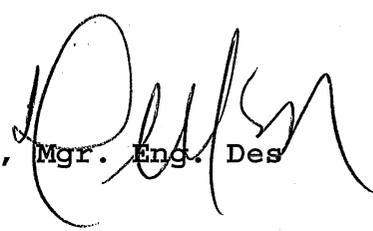
As consideration for Southwestern Bell's granting this permission to retain the Encroachment on the Easement, subject to the aforesaid rights of Southwestern Bell, the Owner agrees as follows:

1. At least two (2) working days prior to any work is being performed on the Encroachment, Owner shall request Southwestern Bell to mark location of its facilities within the Easement.
2. If it is determined by Southwestern Bell that the Encroachment is interfering within the Easement and the Owner has not corrected the cause of the interference within sixty (60) days of receipt of notice from Southwestern Bell requiring the same, Southwestern Bell may cause the work to be done at Owner's expense and shall not be liable for any damage caused hereby.

3. The Owner, on behalf of itself and future owners of said property agrees to hold Southwestern Bell harmless from and against any and all claims for personal injuries or death or damages to property including property of Southwestern Bell when such injuries, death or damages directly or indirectly arise out of existence, construction, maintenance, repair, condition, use or presence of the Encroachment upon the Easement. Southwestern Bell shall not be responsible for any damages to the Encroachment.

The conditions and agreements contained herein are covenants running with the land shall be binding and inure to the benefit of the heirs, representatives, successors and assigns of Southwestern Bell and the Owner.

Dated this 11 day of April, 2014

OWNER: Diana McKown, Mgr. Eng. Des 

ATT TELEPHONE COMPANY FORMERLY  
SOUTHWESTERN BELL TELEPHONE COMPANY.

By \_\_\_\_\_ MGR-ENGINEERING (DESIGN)

For its RIGHT OF WAY AGENT



P.O. BOX 511  
EL PASO, TX 79961-0001  
PHONE: 915-594-5500  
FAX: 915-594-5580

April 15, 2014

Mr. Edilito Namit  
4720 Gabriel Drive  
El Paso, Texas 79924

RE: Proposed carport, 4720 Gabriel Drive (the Property).

Dear Mr. Namit:

This letter is in response to your correspondence dated April 10, 2014 in which you request a letter of non-objection for the construction of a proposed carport within the above described Property. Your letter indicates: "...request letter of non-objection if there is nothing buried under my driveway." Your letter encloses the following documents: (A) a copy of your site plan depicting your proposed carport, and (B) a copy of your improvement Survey providing the following legal description: "4720 Gabriel Drive, Lot 6, Block 24A, Castner Heights Unit Four, City of El Paso, El Paso County, Texas."

As per the Castner Heights Unit Four Plat, there is an existing ten ( 10 ) foot wide Utility Easement within the subject property situated immediately south and parallel to Gabriel Drive. Your plot plan depicts your proposed 21-foot X 17-foot carport located at approximately three (3) feet south of Gabriel Drive. Your plot plan does not depict the existing 10-foot wide Utility Easement; the proposed carport encroaches unto the described existing ten (10) foot wide Utility Easement.

The El Paso Water Utilities – Public Service Board (EPWU-PSB) operates and maintains water and sanitary sewer mains along Gabriel Drive.

EPWU-PSB records do not depict water or sanitary sewer mains within the above-referenced 10 foot wide Utility Easement. The EPWU-PSB does not object to the proposed carport to encroach unto the described existing ten (10) foot wide utility easement. Future encroachments shall be requested by the Property owner prior to construction of a structure on the existing easement.

If you have any questions, please do not hesitate to call Jesús Haller of my staff at 594-5546, or contact me at 594-5530.

Sincerely,

A handwritten signature in black ink, appearing to read "Felipe Lopez, Jr.", written in a cursive style.

Felipe Lopez, Jr., P. E.  
Utility Engineering Division Manager – Engineering Services

cc: Frank Provencio, EPWU-PSB



April 9, 2014

4720 Gabriel Drive  
El Paso, Texas 79924  
**Attn: Edilito Namit**

**RE: 4720 Gabriel Dr., El Paso, Texas**

Dear Mr. Namit:

Texas Gas Service has no main line facilities within the utility easement on the above-mentioned property, and therefore offers no objection to the existing encroachment.

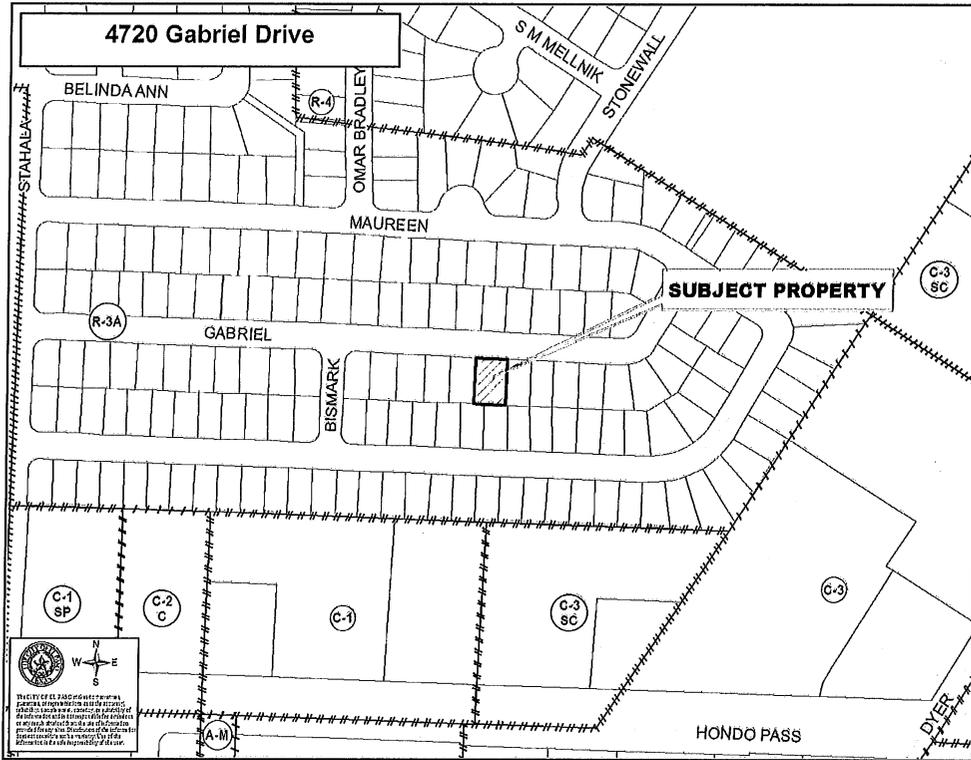
Should you have any questions or require additional information, please feel free to contact me at (915) 680-7375 or [Cynthia.Nunez@txgas.com](mailto:Cynthia.Nunez@txgas.com)

Regards,

Cynthia Nunez  
Engineering Department

Texas Gas Service  
4700 Pollard Street,  
El Paso, TX 79930-6806  
P.O. Box 31458, El Paso, TX 79931-0458  
915-680-7200  
[www.texasgasservice.com](http://www.texasgasservice.com)

# ZONING MAP



# NOTIFICATION MAP

