

Applicant requests Special Exceptions under Sections 2.16.050 J (Carport over a Driveway) and K (15 Years or More) in an R-3 (Residential) zone.

This would allow a 23' wide by 20' deep carport (460 square feet) which is proposed to encroach in the required front yard setback and to be located to within 5 feet of the front property line. This would also allow the existing house which was built to within 8.5 feet of the side street property line.

The required front and rear yard cumulative setback total in the R-3 zone district is 50 feet, and the required side street yard setback is 10 feet.

BACKGROUND

The applicant is requesting to add a carport over a driveway which is proposed to match the house in materials and design and to rise no higher than the roof of the house. The applicant is proposing additions within the buildable area in order to have a larger carport than he would otherwise have been allowed. The carport structural drawings were reviewed by Building & Development Permitting and found to be in compliance. There is no utility easement at the front property line.

Further, the applicant is requesting the Special Exception K for an existing encroachment in the side street yard setback of 1.5 feet. The applicant purchased the house 20 years ago with the existing encroachment and provided a survey dated August 23, 1994, which shows an 8.5 feet distance to the side street property line. A copy of the warranty deed from 1994 is enclosed with this report.

CALCULATIONS

- Permitted carport area = 460.70 sq. ft. (2,303.50 sq. ft. ÷ 5)
- Requested area of carport = 460 sq. ft. (23' x 20')
- Required front and rear yard setback total = 50'
- Requested front and rear yard cumulative setback = 39'
- Required side street yard setback = 10'
- Requested side street yard setback – 8.5'

STAFF RECOMMENDATION

Staff recommends approval of the request as the requirements of the Special Exceptions J and K are met.

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:

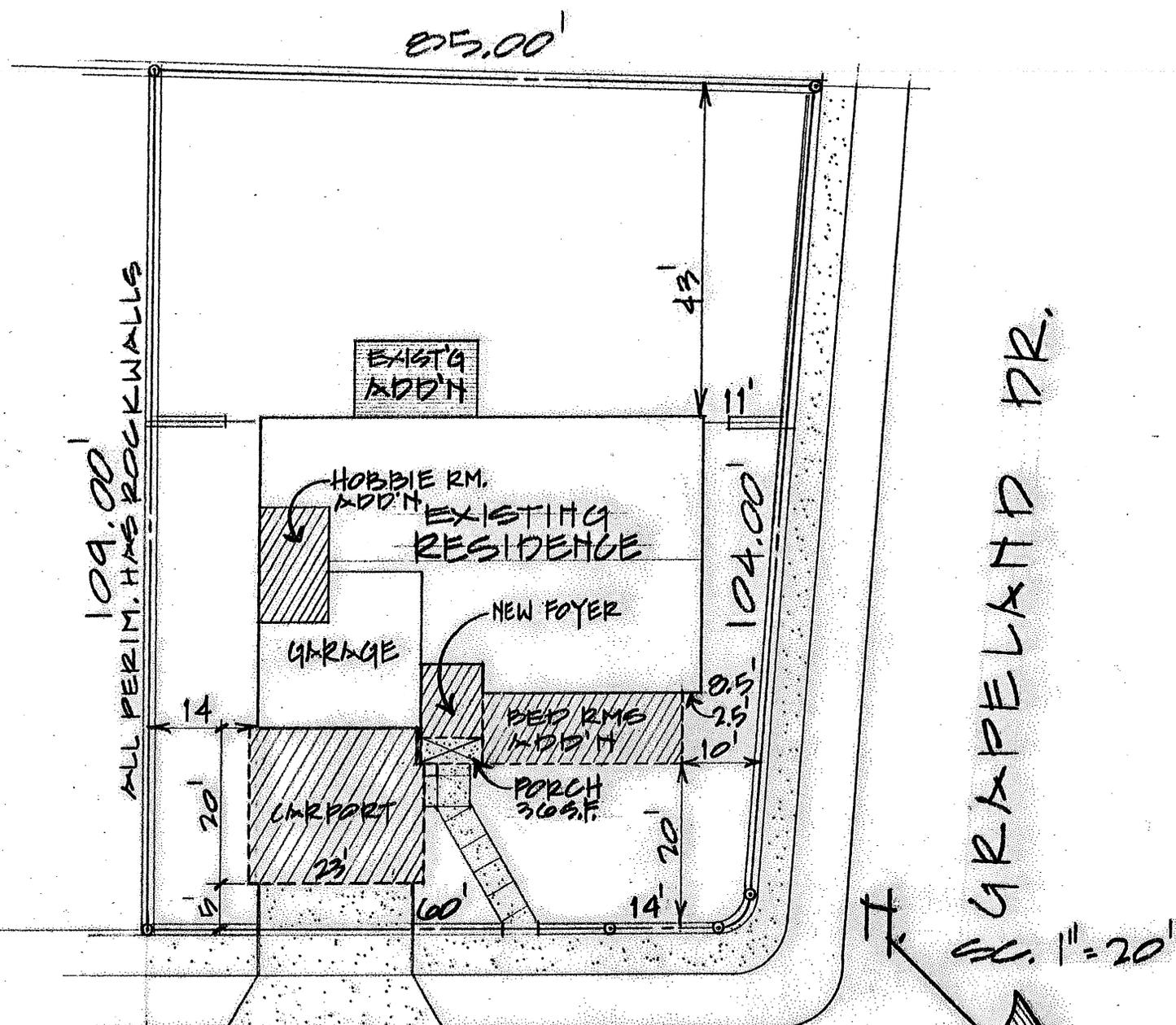
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;
2. The zoning board of adjustment has received the written approval of the structural design from the building official;
3. The carport shall be constructed of the same material, architectural design, 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, with the first-floor area of the dwelling defined as the sum of the gross horizontal area, exclusive of garages, atriums, stairwells, and open porches, measured from the exterior faces of the exterior walls; 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.”

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

“Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the El Paso City Code.”



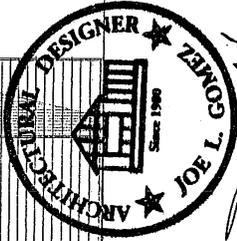
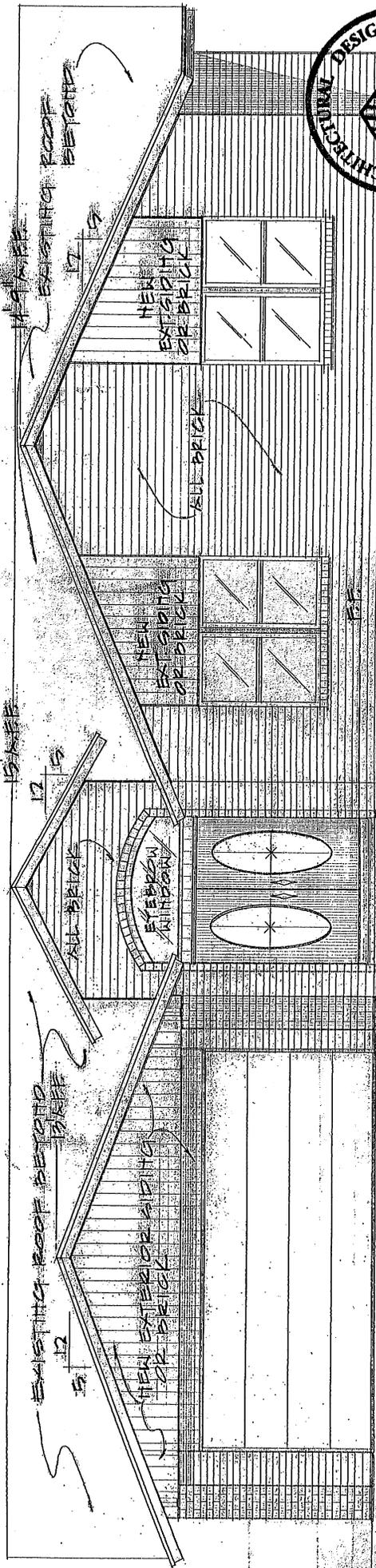
10717 SUGARLAND DR.

LOT 1, BLK. 12 PLEASANT HILLS,
4 HIT TWO

NOTE:

1. EXIST'G ADD'N & RESIDENCE = 1,004 S.F.
2. NEW HOBBIE ROOM = 149 S.F.
3. NEW ENTRY FOYER = 85.5 S.F.
4. NEW BED ROOM ADD'N = 265 S.F.
- GRAND TOTAL LIVING = 2,303.5 S.F.
5. NEW CARPORT = 460 S.F.

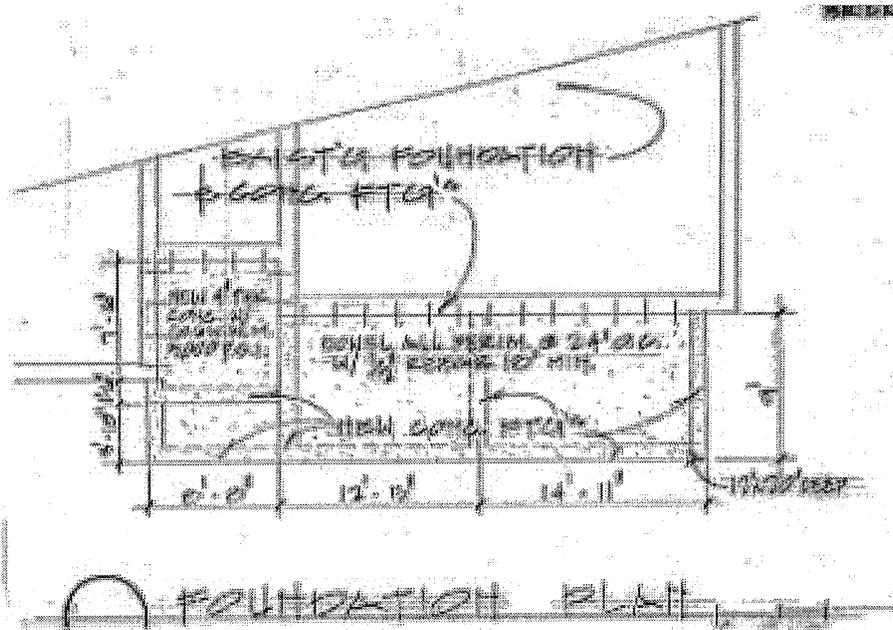
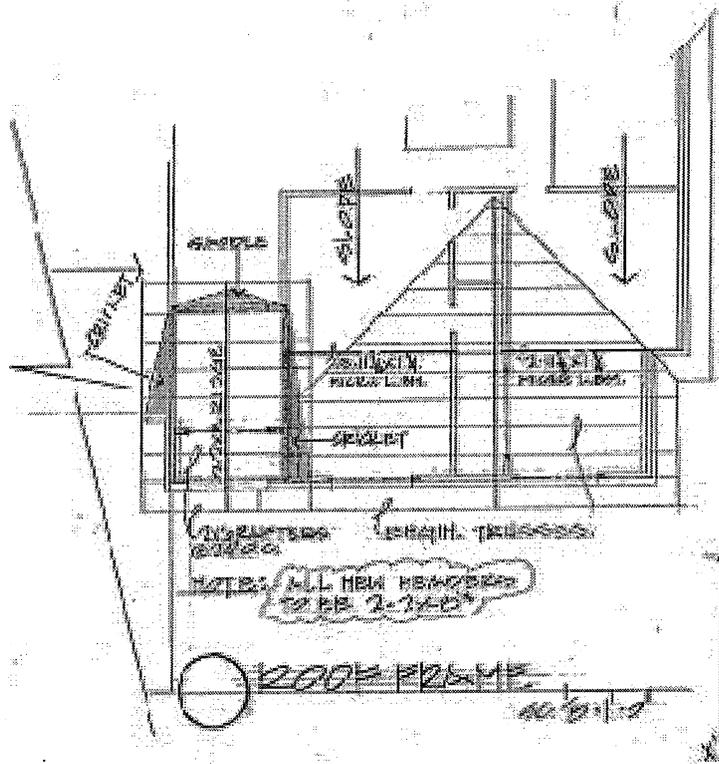
[Signature]
5-4-14



6-8-14
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PROPOSED
 50'-4"-0"

60 FAMILY
 EL PASO, TX
 5-990-2020



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: June 23, 2014
RE: PZBA14-00018, Structural Review

MEMORANDUM

I have reviewed the plans for ZBA case PZBA14-00018 located at 10717 Sugarland 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 found to be in compliance with all applicable structural code provisions.

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

Mayor
Oscar Leeser

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. Noe

District 6
Eddie Holguin Jr.

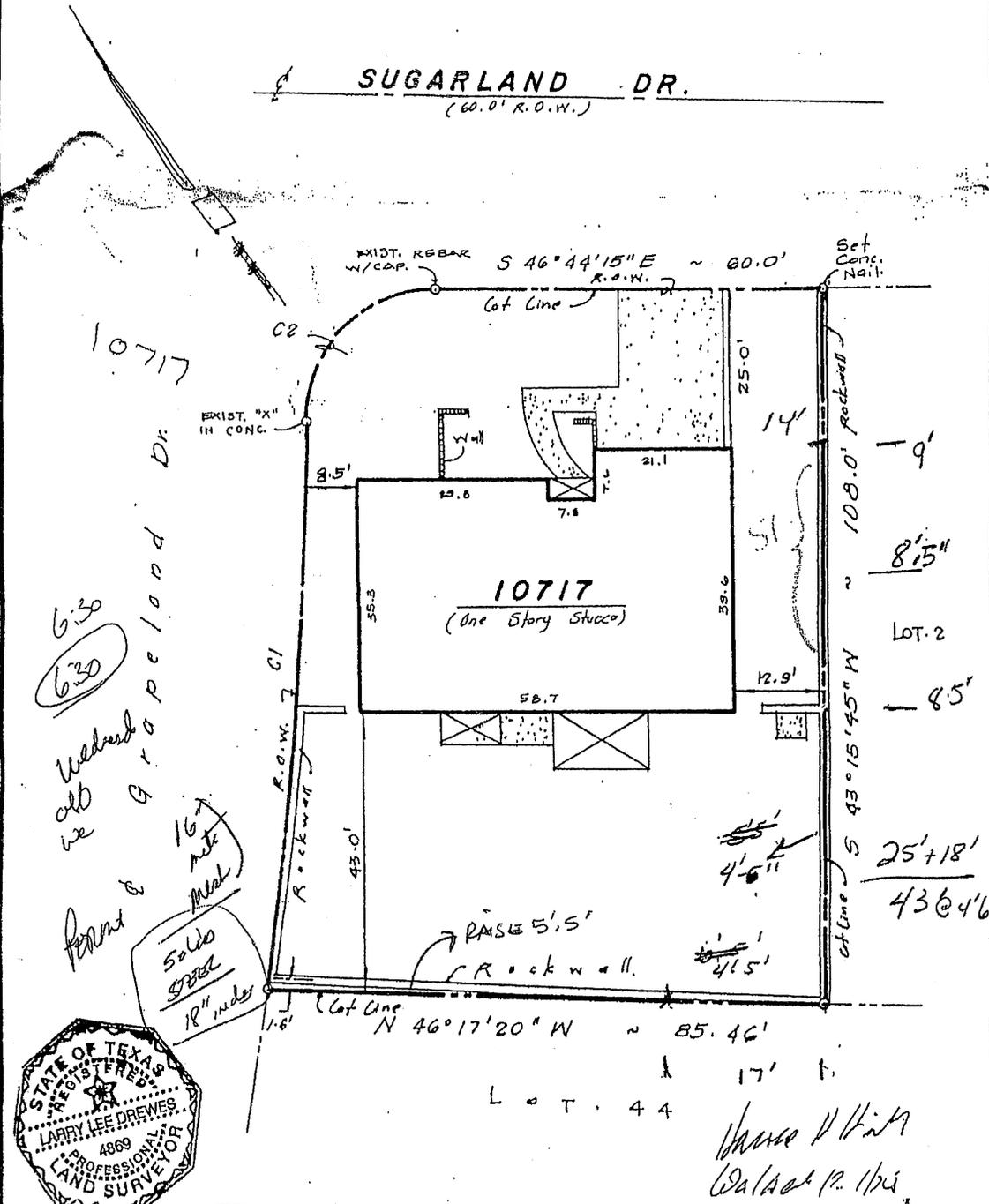
District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Joyce A. Wilson

FLOOD CERTIFICATE: ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 480214 00140, MAP REVISED: AUGUST 5, 1991 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THIS PARCEL LIES WITHIN A ZONE DESIGNATION OF "C", WHICH INDICATES THAT THIS PARCEL DOES NOT LIE WITHIN A FLOOD HAZARD AREA.

SUGARLAND DR.
(60.0' R.O.W.)



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	563.89'	87.64'	87.56'	N47°29'25\"E	08°27'19\"
C2	20.0'	31.42'	28.28'	N88°15'45\"E	90°00'00\"

Plat of Survey

LOT 1, BLOCK 12,
PLEASANT HILLS UNIT TWO,
EL PASO, EL PASO COUNTY, TEXAS.



Land-Mark Surveying
9665 Stonehaven Dr., El Paso, Tx. 79925
(915) 598-1300

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 plotted easements are shown.

Larry L. Drewes
Larry L. Drewes, R.P.L.S.
Texas 4869 N.M. 11402

Plat Reference: Vol./Bk. 51, Page 17.

Job No. 94-02-2764

Scale: 1" = 20'

Date: AUGUST 23, 1994

"Serving Texas and New Mexico"

94-62309

107
500

Handwritten notes:
copy
all
...

THE STATE OF TEXAS)
GENERAL WARRANTY DEED WITH VENDOR'S LIEN RETAINED
COUNTY OF EL PASO)

THAT ELWIN J. LASCOLA AND SONNY LASCOLA Hereinafter called "GRANTOR(S)," for and in consideration of the sum of TEN DOLLARS cash, and other good and valuable Consideration, to said grantor(s) in hand paid by HAROLD H. HICKS AND WALTRAUD R. HICKS, 10717 SUGARLAND, El Paso, Texas, 79924, hereinafter called the "GRANTEE(S)", the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by the Grantee(s) of their two original promissory notes of even date herewith in the principal original amount of \$29,950.00 AND \$45,000.00 of even date herein, signed by Grantee(s) herein, payable to THE MORTGAGE CORPORATION, in monthly installments and bearing interest as therein provided, containing the usual clauses providing for acceleration and for attorney's fees, secured by Deed of Trust to MARK H. GILBERT, TRUSTEE, of El Paso County, Texas, of even date, has granted, sold and conveyed, and by these presents does hereby grant, sell and convey unto the said Grantee(s), all that certain tract of parcel of land situated in El Paso County, Texas, together with the improvements thereon, described as follows, to-wit:

Lot 1, Block 12, PLEASANT HILLS UNIT TWO, an Addition in the City of El Paso, El Paso County, Texas, according to the Plat thereof on file in Volume 51, Page 17, Plat Records in the Office of the County Clerk of El Paso County, Texas.

Subject, however, to restrictions, easements, reservations of record, zoning ordinances of the City of El Paso, Texas, rights of parties in possession and to taxes for the current year and thereafter, TRUTH-IN-LENDING and CONSUMER CREDIT PROTECTION LAWS.

TO HAVE AND TO HOLD and above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee(s), their heirs and assigns forever; Grantor(s) do hereby bind themselves and their heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee(s), their heirs and assigns against every person whomscever lawfully claiming, or to claim the same, or any part thereof.

But it is expressly stipulated and agreed that a Vendor's lien and the superior title are retained against the above described premises and are hereby transferred in favor of the aforementioned lender herein until the \$29,950.00 AND \$45,000.00 notes described above is fully and finally paid according to its face and tenor, effect and reading, when this Deed shall become absolute, without recourse to the Grantor(s). The release, however, of the lien by the lender thereof, shall constitute a release of this Vendor's lien without the necessity of the joinder of the Grantor(s) herein.

Executed this 26 day of AUGUST , 1994

Elwin J. Lascola

ELWIN J. LASCOLA
Sonny Lascola

SONNY LASCOLA

THE STATE OF INDIANA)
COUNTY OF Marion ✓

Before me, a Notary Public, State of INDIANA, on this date personally appeared EDWIN J. LASCOLA AND SONNY LASCOLA, known to me to be the person (s) whose name is subscribed to the instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 20 day of AUGUST, ,
1994

Judith K. Renna
NOTARY IN AND FOR SAID COUNTY AND
STATE. Judith K. Renna

September 20th 1997

*Given to:
Mr. & Mrs. Hicks
10717 Sugarland
El Paso, TX 79924*

44-25303

94-62309

FILED FOR RECORD
IN MY OFFICE

'94 AUG 30 PM 1 51

3

[Signature]
EL PASO COUNTY, TEXAS

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
STATE OF TEXAS COUNTY OF EL PASO
I hereby certify that this instrument was filed on the date and time
stamped hereon by me and was duly recorded in the volume and page
of the Official Public Record of Real Property El Paso County, Texas.

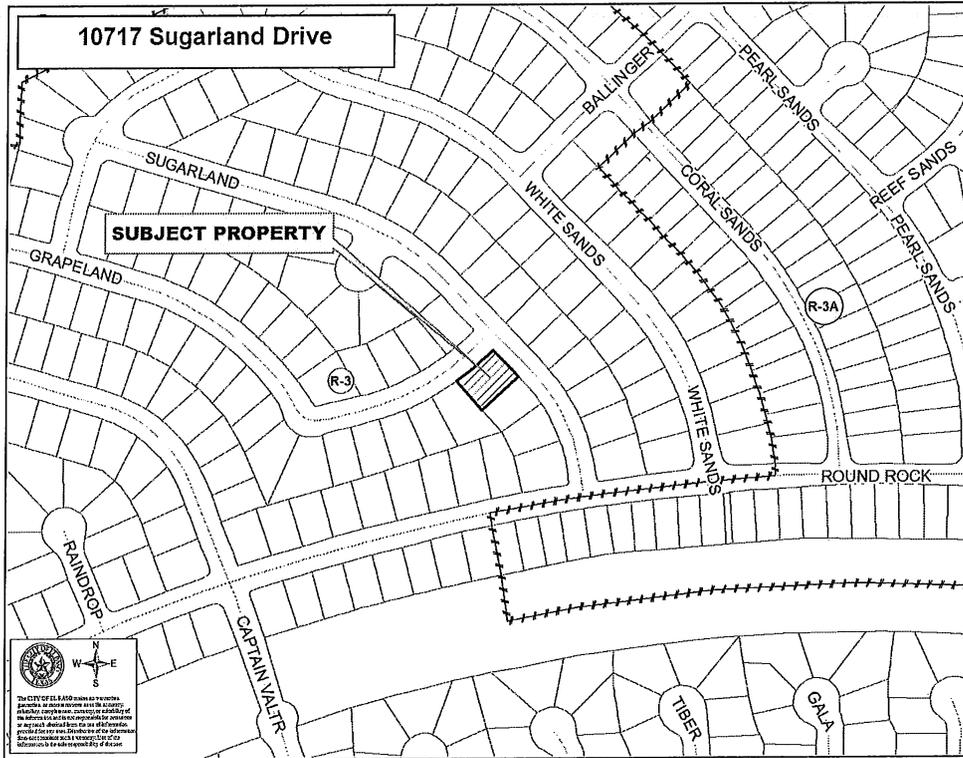
AUG 30 1994



[Signature]

EL PASO COUNTY, TEXAS

ZONING MAP



NOTIFICATION MAP

