

**Applicant requests a Special Exception from Section 2.16.050 K (Carport over a Driveway) in an R-5 (Residential) zone.**

This would permit the existence of a 24' by 14' carport proposed to encroach 14' into the required front yard setback.

The required cumulative front and rear yard setback total is 45' in an R-5 zone.

**BACKGROUND**

The staff is bringing this item back for reconsideration as the applicant has protested that he was not afforded an opportunity to represent his case to the Board at the August 12, 2008 meeting. The Zoning Board of Adjustment denied the request for a carport at the August 12, 2008 meeting.

The applicant was cited for building without permit on March 31, 2008, for constructing a carport that encroaches 14' into the required front yard setback. The applicant submitted his application for the Zoning Board of Adjustment on June 17, 2008 after the second inspection and certified letter were sent to the property owner.

The applicant has been advised by staff of the following:

1. The carport is structurally unacceptable and unsafe, encroaching in the required 5' side yard setback, and higher than the roof line of the house.
2. Due to the extensive problems with the existing structure, the only remedial action is to obtain a demolition permit and take down the carport.
3. His submitted plans have been reviewed by Building Permits & Inspections and determined to be structurally unacceptable.
4. If he continues with his request for a carport, he will need to submit revised plans that meet the building code and ZBA requirements. If his revised plans show an encroachment within the 5' utility easement at the front of the property, he will need to provide letters from the utility companies that allow him to build within the easement.

To date, he has not obtained a demolition permit, nor submitted new plans.

**CALCULATIONS**

Permitted carport area = 362.60 sq. ft. (First floor area under roof = 1,063 + 5 = 208.20 sq. ft. + 150 sq. ft. of permitted porch)

Requested carport area = 336 sq. ft. (24' x 14')

Required front yard setback = 20'

Requested front yard setback = 6'

**STAFF RECOMMENDATION**

Staff recommends denial of the Special Exception as the application does not meet requirements 2, 3, and 4 of Section 2.16.050 K of the El Paso Municipal Code.

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; and,
10. The exceptions will be in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which is located the property for which the exception is sought; and,
11. The public convenience and welfare will be substantially served; and,
12. The use of neighboring property will not be substantially injured; and,
13. Include any conditions and safeguards which the Board deems appropriate, such as site arrangement, landscaping and hours of operation."

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER

VICTOR Q. TORRES  
DIRECTOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
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## DEVELOPMENT SERVICES DEPARTMENT

### MEMORANDUM

TO: Zoning Board of Adjustment Staff

FROM: Juan Estala , Chief Building Plans Examiner, Building Permits and Inspections Division

SUBJECT: CARPORT CASE FOR July 28, 2008 ZBA MEETING

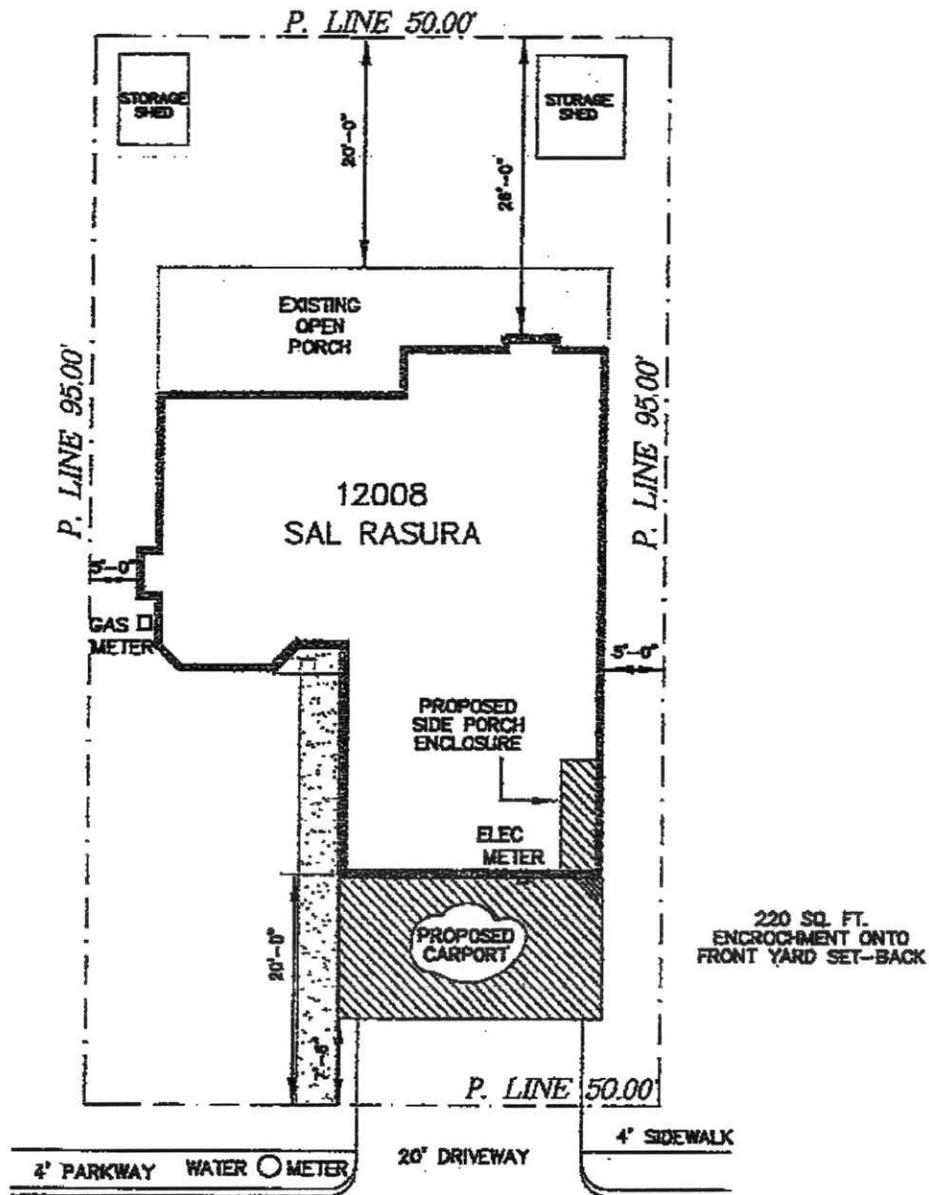
DATE: July 25,2008

I have reviewed the plans for ZBA case 08-00058 located at 12008 Sal Rasura. The applicant is requesting a Special K Exception under Title 2.16.050 for a carport over the driveway.

The carport's structural design has been reviewed and has been found to be not acceptable due to the following;

1. Unsafe structure, missing support beams
2. Encroaching with support post into side property.

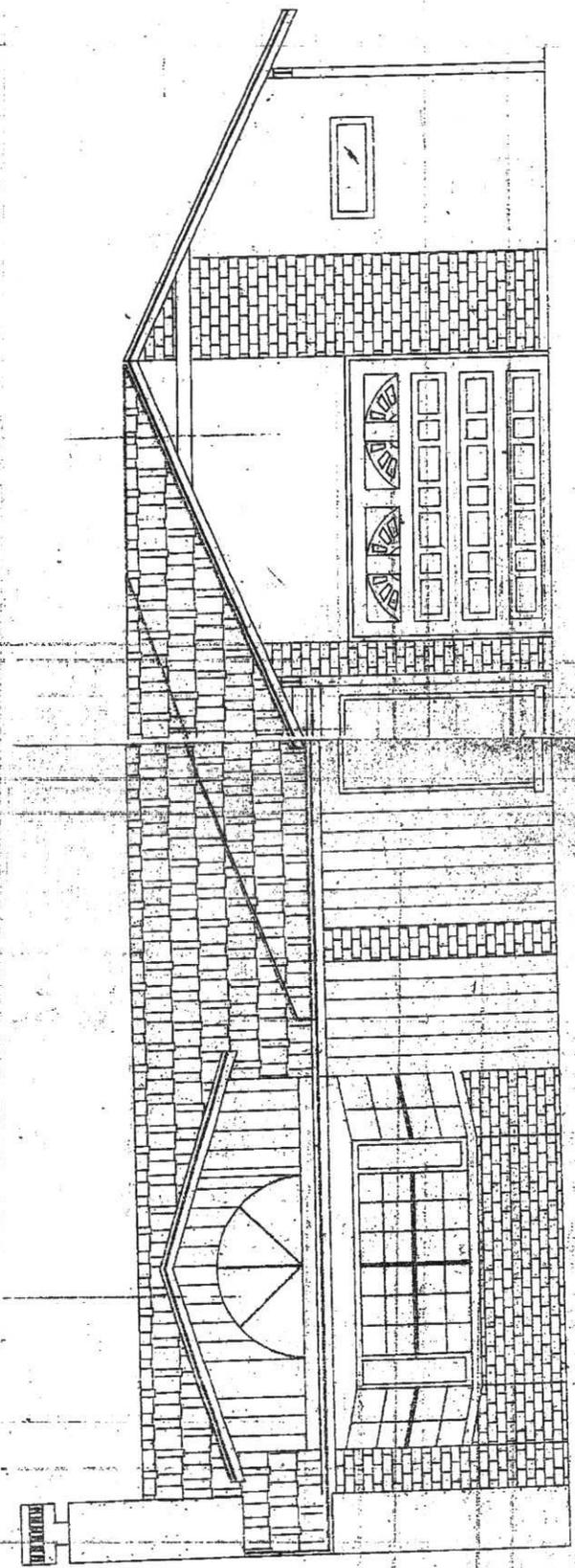
This letter is written pursuant to Title 2.16.050.5 and provides written approval for the carport design based upon structural design considerations from the Building Permits and Inspections Division of Development Services.



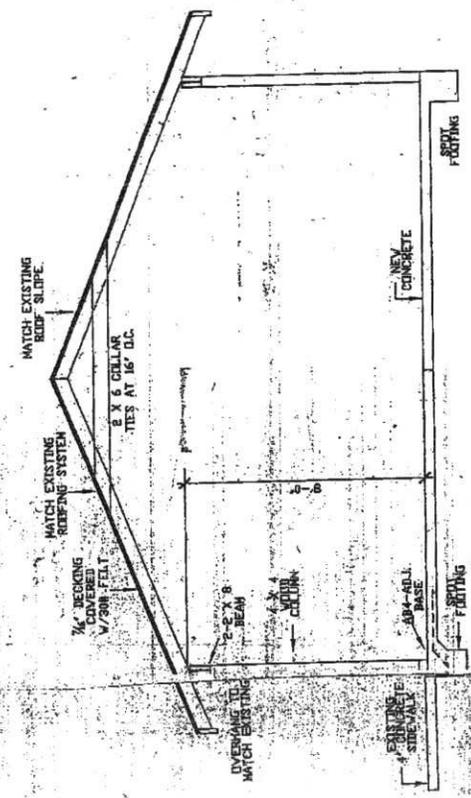
SAL RASURA

SITE PLAN

SCALE: 1" = 20'-0"



FRONT ELEVATION SCALE: 3/8" = 1'-0"



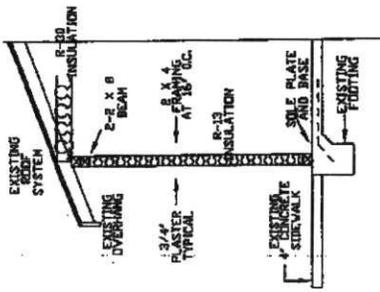
MATCH EXISTING ROOF SLOPE  
 MATCH EXISTING RUMFORD SYSTEM  
 3/4" BECKING COVERED V/300- FEEL  
 2" X 8 BEAM  
 2" X 8  
 8" X 6 CELLAR TIES AT 16" O.C.  
 NEW CONCRETE  
 EXISTING SIDEWALK  
 404-ALL BASE  
 EXISTING FOOTING  
 NEW FOOTING

CONSTRUCTION NOTES

1. POUR NEW CONCRETE W/WEATHER AS PER PLAN
2. BUILD NEW CONCRETE TO MATCH DWELLING SLOPE AND BEASON AS CLOSE AS POSSIBLE TO INTERIOR
3. ENCLOSE EXISTING SIDE TO MATCH EXISTING
4. ROUGH-IN FOR WASHER AND DRYER

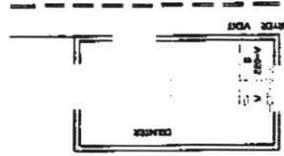
CARPORT



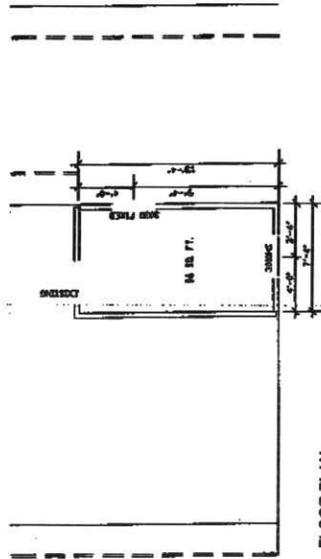


EXT. WALL DETAIL: SCALE 3/8" = 1'-0"

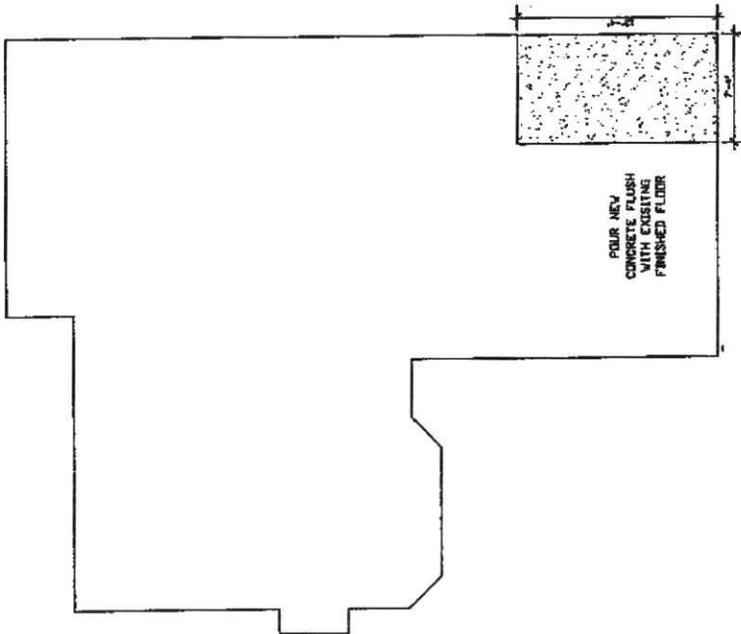
- CONSTRUCTION NOTES**
1. ENCLOSE EXISTING SIDE FRONT PORCH, INTERIOR AND EXTERIOR FINISHES TO MATCH EXISTING
  2. ROUGH-IN FOR WASHER AND DRYER



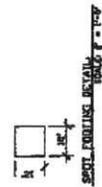
ELECTRICAL SCALE 3/8" = 1'-0"



FLOOR PLAN: SCALE 3/8" = 1'-0"



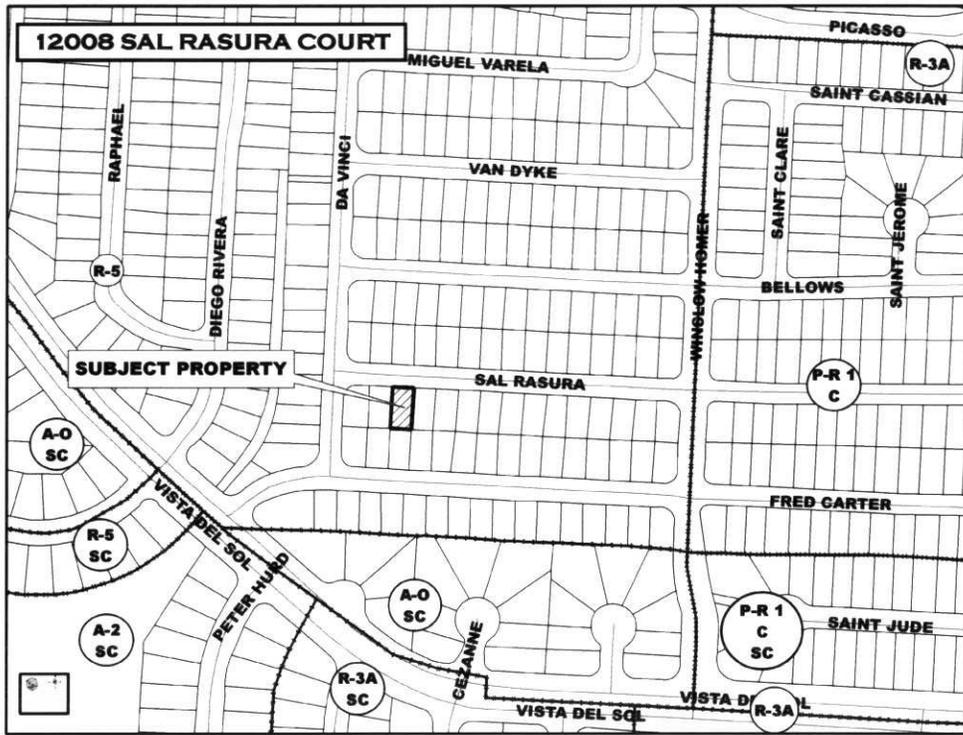
FOUNDATION PLAN: SCALE 3/8" = 1'-0"



SCALE 3/8" = 1'-0"

ROOF FRAMING PLAN: SCALE 3/8" = 1'-0"

# ZONING MAP



# NOTIFICATION MAP

