ZBA08-00084 **5024 Dearborne Drive** **Thomas R. Woods**

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

This would permit the construction of a 24' by 19' carport of which a 24' by 14' portion is proposed to encroach 14' into the required front yard setback.

The required cumulative front and rear yard setback total is 50 feet in an R-3/sc (Light Density Residential/Special Contract) zone.

BACKGROUND

The applicant is requesting to add a carport that is proposed to be located to within 7 feet of the front property line. The applicant received a building permit for the carport, but an inspector failed the foundation, noting that the carport was encroaching in the front setback and that the owner would be required to either modify the plans or request the Special Exception from the ZBA. 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. The applicant's plans indicate that the materials used for the carport will match the existing house. The carport is 12' high and the applicant states that the roof of the house is 12' high. Building Permits & Inspections has reviewed the plans and notes that the plans meet structural requirements.

CALCULATIONS

Permitted carport area = 378.60 sq. ft. (First floor area under roof = 1,893 ÷ 5 = 378.60 sq. ft.)
Carport area proposed to encroach in required front yard setback = 336 sq. ft. (24' x 14')
Required front yard setback = 21'
Requested front yard setback = 7'

STAFF RECOMMENDATION

Staff recommends approval of the request as it meets the requirements of the Special Exception K.

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

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
RACHEL QUINTANA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT

MEMORANDUM

TO: Zoning Board of Adjustment Staff

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

SUBJECT: CARPORT CASE FOR November 10, 2008 ZBA MEETING

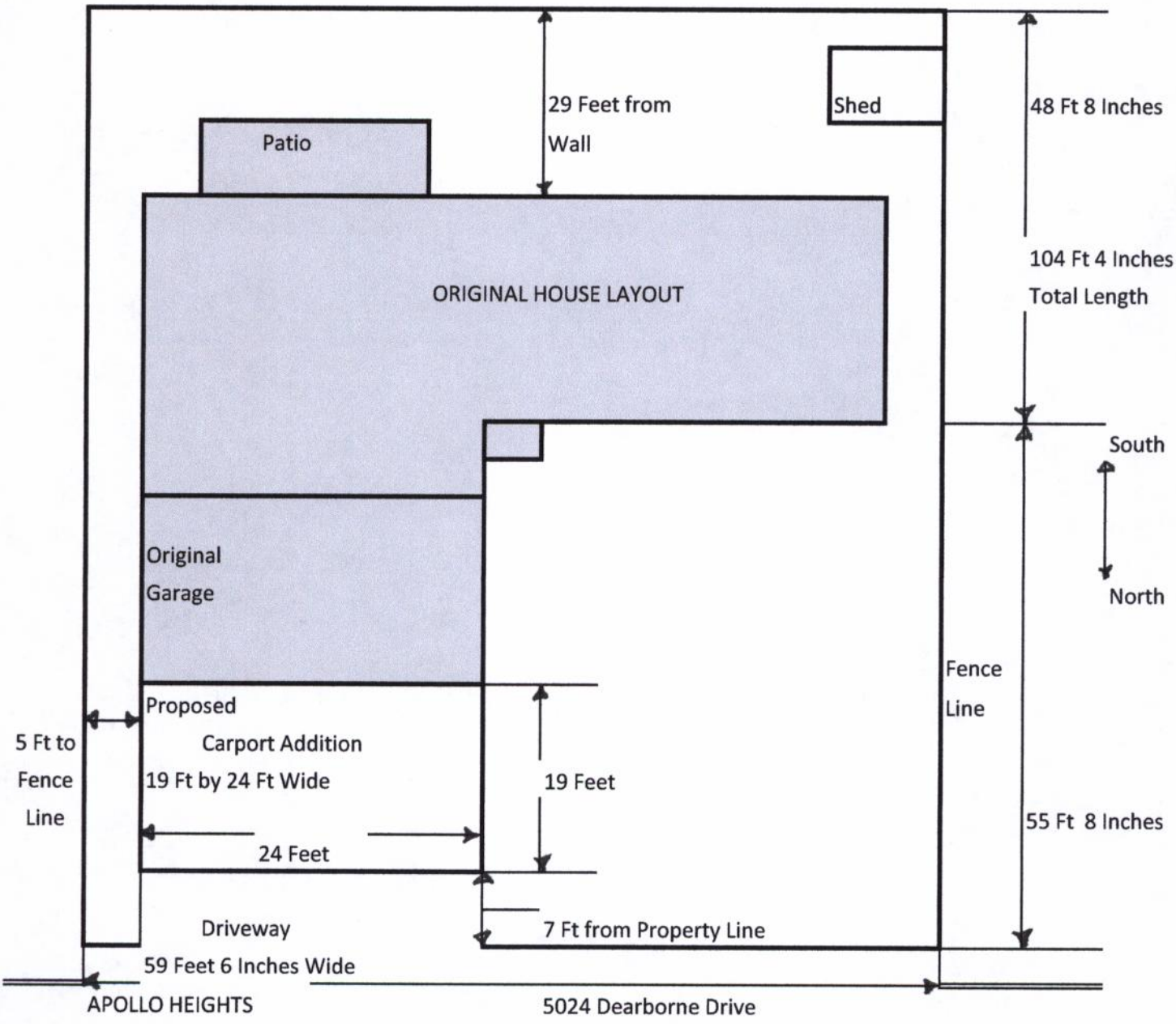
DATE: October 30, 2008

I have reviewed the plans for ZBA case 08-00084 located at 5024 Dearborne Drive. The applicant is requesting a Special Exception K 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 acceptable.

This letter is written pursuant to Title 2.16.050 K 2. and provides written approval for the carport design based upon structural design considerations from the Building Permits and Inspections Division of Development Services.

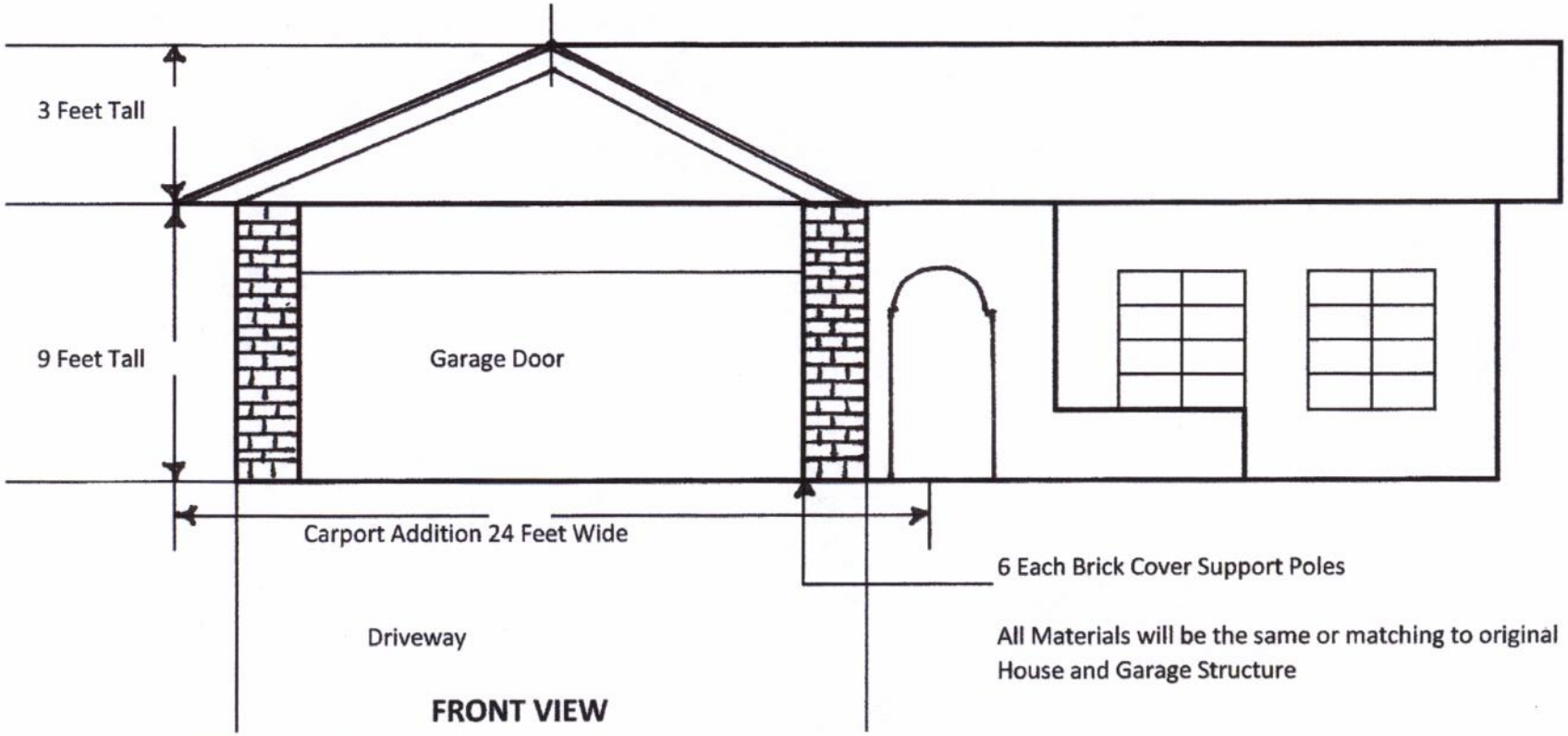
5024 Dearborne Drive Carport Addition



Overall Site Plan for CARPORT Addition

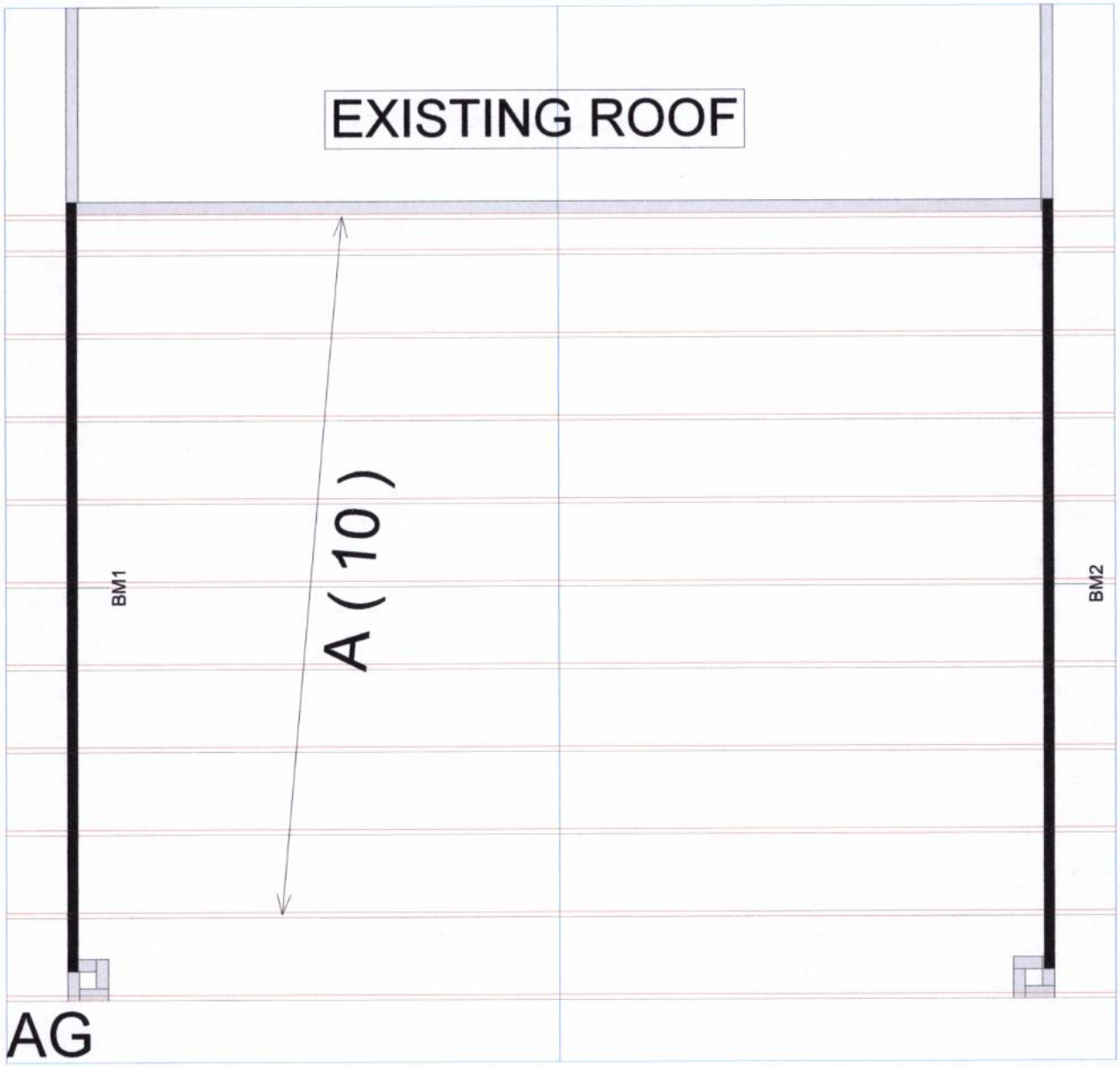
1" = 11'

5024 Dearborne Drive Carport Addition



APOLLO HEIGHTS
Block # 2
Lot # 85

Elevation Plan Carport Addition - 5024 Dearborne Drive



NOTE:
ALL TRUSSES TO BE 2' O.C.
UNLESS OTHERWISE NOTED.

EL PASO TRUSS	
Customer: W I	
Job Site Address:	Thomas R. Woods, 5024 Dearboxne Dr.
Address	El Paso, TX
Job: WI-T-WOODS	
Scale: Fit Date: 9/24/2008	
P.E. Seal Covered From:	

El Paso Electric

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

October 14, 2008

Thomas Woods.
5024 Dearborne Drive
El Paso, TX 79924

Dear Mr. Woods:

LOT 85, BLOCK 2, APOLLO HEIGHTS REPLAT
EL PASO, TEXAS

Your recent request for a Letter of Non-Objection for a planned encroachment located on a dedicated utility easement, on land described as a portion of Lot 85, Block 2, Apollo Heights Replat, has been approved.

The planned structural encroachment does not interfere with our present or planned future use of this particular easement as is shown on the attached print. However El Paso Electric Company may enforce its right to use the easement in the future.

Sincerely;

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

TEXAS GAS SERVICE

A DIVISION OF ONEOK

October 16, 2008

Thomas Woods
5024 Dearborne
El Paso, Texas 79924-2344

RE: 5024 Dearborne Drive, El Paso, Texas 79924.

Dear Mr. Woods:

Texas Gas Service has no main line facilities within the utility easement in the above-mentioned property, and therefore offers no objection to the proposed project. For exact locations of our main and service lines it is required that you call 1**-800- DIG-TESS**.

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

CABLE

ENCROACHMENT AGREEMENT

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

PROPERTY OWNER:
Thomas Woods
5024 Dearborne Dr
El Paso, TX 79924

LEGAL DESCRIPTION:
5024 Dearborne Dr
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.

DEBBIE BRAINARD SR DIRECTOR EL PASO
TIME WARNER CABLE -

Consented to this 22nd *day of* October 20 08 -

State of Texas, County of El Paso

The foregoing instrument was acknowledged before me this 22nd *day of* October . 20 08 *by* Debbie Brai

NOTARY PUBLIC CL GR

My Commission Expires May 4, 2011

CHRIS A. GARCIA
Notary Public, State of Texas
My Commission Expires
May 04, 2011

PROPERTY OWNER(S)
Thomas R. Woods

State of TX . *County of* El Paso

The foregoing instrument was acknowledged before me this 22 *day of* Oct. 20 08 *by* Bambi Kline.

Bambi Kline
NOTARY PUBLIC

My Commission Expires 7-15-11

BAMBI S KLINE
Notary Public, State of Texas
My Commission Expires
July 15, 2011

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

October 13, 2008

Mr. Tom Woods
5024 Dearborne Drive
El Paso, Texas 79924

RE: 5024 Dearborne, Lot 85, Block 2, Apollo Heights

Dear Mr. Woods:

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.

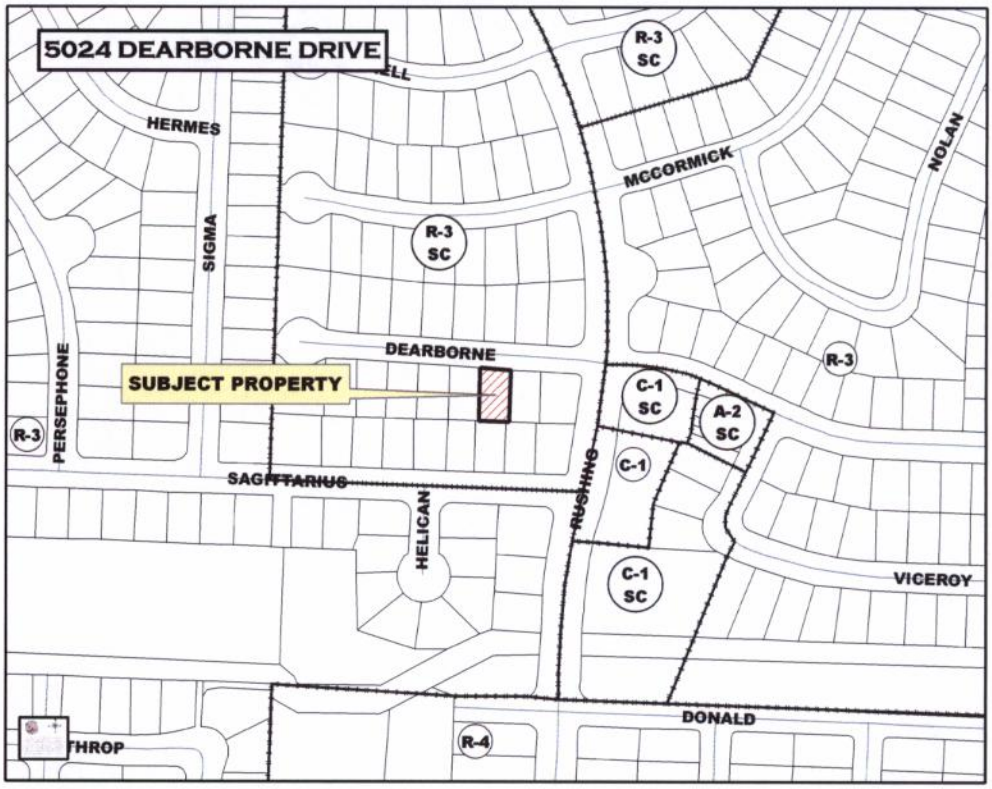
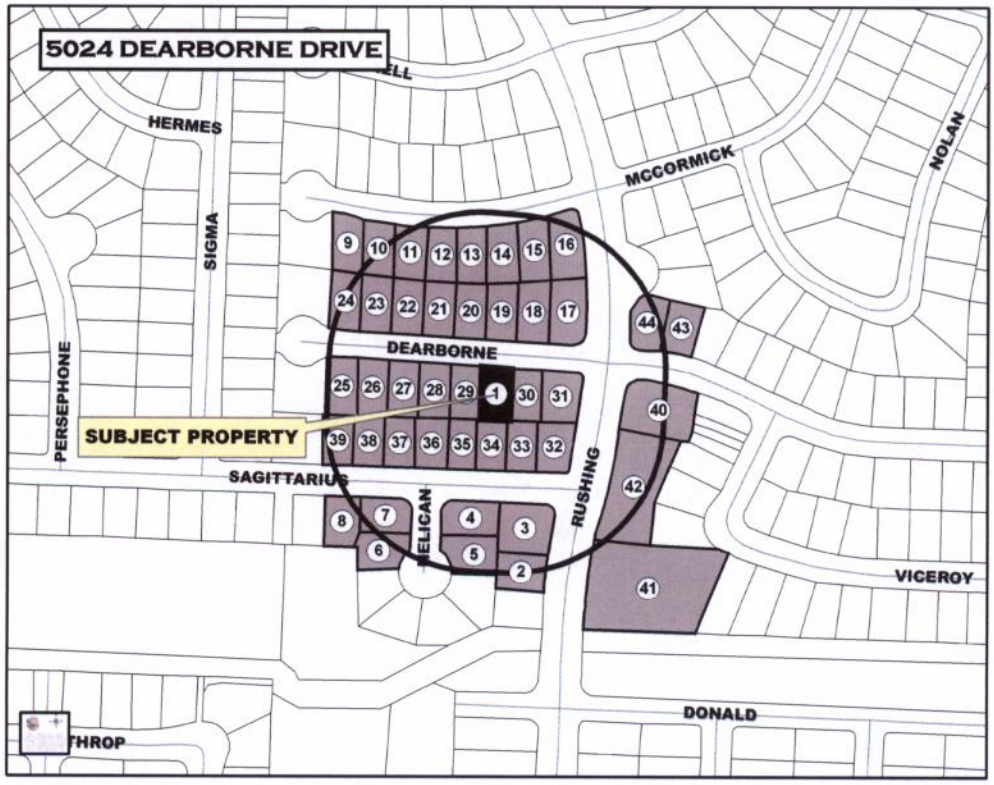
If you have any further questions, please call me at 594-5642.

Sincerely,

F. J. Provencio

Francisco J. Provencio
Right-of-Way Agent

ZONING MAP



NOTIFICATION MAP