

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning & Economic Development, Planning Division

AGENDA DATE: Public Hearing: July 31, 2012

CONTACT PERSON/PHONE: Providencia Velázquez, (915) 541-4027, VelazquezPX@elpasotexas.gov

DISTRICT(S) AFFECTED: 2

SUBJECT:

Discussion and action on an appeal by applicant regarding a decision rendered by the Historic Landmark Commission (HLC) in HLC case: PHAP12-00015; 4309 Altura Avenue, El Paso, Texas, on June 25, 2012 to deny a certificate of appropriateness application for the referenced property, PHAP12-00015 (**District 2**).

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Historic Landmark Commission reviewed case PHAP12-00015 on June 25, 2012 and recommended denial by a vote of 4-1.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy _____
Director- City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: July 16, 2012

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager

FROM: Providencia Velázquez, Historic Preservation Officer

SUBJECT: Appeal of Historic Landmark Commission decision regarding PHAP12-00015

The Historic Landmark Commission (HLC), on June 25, 2011, voted 4-1 to **DENY** the certificate of appropriateness application for the legalization of a prefabricated metal canopy, installed without permits, for the property located at 4309 Altura Avenue within the Austin Terrace Historic District.

The HLC found that the proposal does not comply with the historic guidelines regarding detached structures, and that the request was brought before commissioners after installation of the canopy; therefore, the commissioners were not allowed to comment on the design prior to the installation of the driveway. Based on the administrative review guidelines:

- Same attention to detail should be taken while planning construction for a secondary structure as was taken for the primary structure.
- New additions should be planned so that they are constructed to the rear of the property or on a non-character defining elevation.
- Additions should complement the original structure, but not necessarily attempt to duplicate or copy it.

The Secretary of the Interior's Standards for Rehabilitation recommend the following:

- The new work shall be differentiated from the old and will be compatible with historic materials, features, size, scale, and proportion.

Attachments: Appeal Letter, Staff Report

APPEAL LETTER

APPEAL
6-27-12

TO: CITY COUNCIL OF EL PASO, TX.
IN RE: DENIAL OF PERMIT FOR CANOPY.
4309 Altura Avenue - PHAP12-00015

FROM



Mr. A. Arevalo Jr.
4309 Altura Ave., 'A'
El Paso, TX 79903

6-27-2012

DEAR MEMBERS OF CITY COUNCIL

THIS LETTER IS TO APPEAL THE DECISION MADE BY THE AUSTIN HISTORIC DISTRICT COMMISSION OF DENYING ME A PERMIT TO BUILD A CANOPY.

APPROXIMATELY ABOUT THREE YEARS AGO A CANOPY WAS SET UP IN MY BACK YARD BY A COMPANY FROM CALIFORNIA THAT WAS GOING AROUND THIS TOWN BUILDING CARPORTS. I DID NOT KNOW THAT I SHOULD HAVE GOTTEN A PERMIT FROM CITY HALL TO BUILD IT AT THAT TIME. THE PEOPLE WHO BUILT IT NEVER MENTIONED ANYTHING ABOUT HAVING TO HAVE A PERMIT. THEY JUST SET IT UP, GOT THEIR MONEY (\$1,125.00) AND LEFT.

WHEN MY PROPERTY TAXES INCREASED I WENT TO THE APPRAISAL DISTRICT TO INQUIRE ABOUT THAT THEY SAID IT WAS ^{BECAUSE OF} ~~ABOUT~~ THE NEW CANOPY. SO I'M ALREADY PAYING TAXES ON IT.

THIS PAST MAY, 2012 A CITY INSPECTOR (ROBERT MORALES) LEFT A NOTICE AT MY ADDRESS NOTIFYING ME OF MY MISTAKE AND TO COME DOWN TO CITY HALL AND ASK FOR A PERMIT. SINCE I NO LONGER HAD ANY PAPERS (CONTRACT) I WAS TOLD BY CITY HALL THAT I WOULD HAVE TO HIRE AN ENGINEER TO INSPECT IT AND DRAW UP SOME PAPERWORK. THE ENGINEER CHARGED ME \$410⁰⁰ FOR THIS WORK. (COPIES ATTACHED).

CITY CLERK DEPT.
2012 JUN 27 PM 3:25

APPEAL LETTER CONTINUED

2

CITY CLERK DEPT.
2012 JUN 27 PM 3:25

I TOOK THE PAPERWORK TO THE CITY HALL PEOPLE ON THE 5TH FLOOR AND THEY PASSED IT ON TO THE HISTORIC DISTRICT COMMISSION. I MET WITH THE COMMISSION ON MONDAY, JUNE 25TH. IT WAS SOMETHING NEW TO ME, I WAS NERVOUS STANDING THERE TALKING TO A MICROPHONE, THERE WERE ABOUT HALF A DOZEN PEOPLE IN FRONT OF ME SHOOTING QUESTIONS, I COULDN'T UNDERSTAND THEM VERY WELL SINCE I'M HARD OF HEARING, BUT AFTER ALL WAS SAID AND DONE MY REQUEST FOR A PERMIT WAS DENIED.

AND SO I COME TO YOU, CITY COUNCIL MEMBERS TO PLEASE LET ME KEEP MY CANOPY. THE SHADE IT GIVES IS A GREAT ADVANTAGE FOR MY WIFE'S CAR AND MY CAR ESPECIALLY IN THESE HOT SUMMERS THAT WE HAVE HERE EVERY YEAR.

I AM NO LONGER YOUNG AND NEITHER IS MY WIFE. I AM 79 YEARS OLD, I'LL BE 80 NEXT MARCH. MY WIFE IS ALSO IN HER 70'S, I HAVE LIVED HERE IN EL PASO ALL MY LIFE EXCEPT FOR A HITCH IN THE U.S. ARMY. I HAVE MY 'HONORABLE DISCHARGE' HANGING ON MY LIVING ROOM WALL.

I HAVE PAID MY TAXES VERY FAITHFULLY YEAR AFTER YEAR. I RETIRED FROM THE EL PASO INDEPENDANT SCHOOL DISTRICT AS A SCHOOLBUS DRIVER.

SO DON'T YOU THINK, COUNCIL MEMBERS, THAT I SHOULD BE ABLE TO BE ISSUED A PERMIT SO THAT

APPEAL LETTER CONTINUED

3

I CAN KEEP MY CARPORT? YOU CAN'T SEE IT FROM THE FRONT OF THE HOUSE, IT'S IN THE BACK YARD AND YOU CAN SEE IT VERY WELL FROM THE ALLEY. IT EVEN LOOKS NICE. IT WAS WELL BUILT. THERE'S NO GATE OR WALL TO BLOCK THE VIEW. IT'S IN NOBODY'S WAY AND NOT OBSTRUCTING ANYTHING.

AND SO, COUNCIL MEMBERS, I RESPECTFULLY ASK YOU FOR YOUR APPROVAL ON MY GETTING A PERMIT SO THAT I CAN KEEP MY CARPORT.

RESPECTFULLY YOURS,



ATANACIO AREVALO, JR.

CITY CLERK DEPT.
2012 JUN 27 PM 3:25

APPEAL LETTER CONTINUED

Pe PONCE ENGINEERING, INC.
CONSULTING STRUCTURAL ENGINEERING

June 6, 2012

Atanacio Arevalo, Jr.
4309 Altura Ave., #A
El Paso, TX 79903

RE: Visual review of existing
Carport metal framed structure
4309 Altura Ave., #A
El Paso, TX

CITY CLERK DEPT.
2012 JUN 27 PM 3:25

Dear Mr. Arevalo,

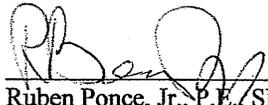
This office, as per your request, provided a visual review of the referenced project to determine the structural integrity of the prefab metal framed canopy structure as per your direction. This prefab metal framed canopy structure with a gable roof is 18'-0" wide by 20'-0" long and serves as a carport for your vehicles and as informed was installed about four years ago. This canopy structure is located in the enclosed rear yard area and has a 5'-6" high property rockwall within 6 feet of the canopy on the east side.

The center of the carport has a 9'-0" clear height and slopes to the sides for a clear height of 7'-8". The five galvanized metal tube frames, 2½"x2½"x1/16"+/-, are equally spaced, approx. 5'-0" apart, and have metal deck roof panels attached with screws that return down the eave side end walls approximately 18". All the metal tube frame connections (at the ridge, eave & base) are bolted. Plus, the continuous 2½"x2½"x1/16" metal tube base is anchored to the concrete slab or ground with four ¾" dia. anchor bolts equally spaced. All the carport tube frame bolted connections are snug, tight and do not appear to be loose at this time.

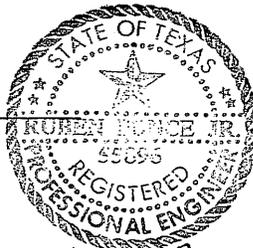
Based on the review by this office, the metal framed carport structure was constructed with good workmanship and the structural integrity appears to be sound at this time.

If there are any questions or further information required, please do not hesitate to call.

Sincerely,



Ruben Ponce, Jr., P.E., SECB
Texas #55896
Texas Firm #F-5554



6-6-12

2417 WYOMING AVE.
EL PASO, TX 79903
915/544-2810
915/544-1640 (FAX)

email: rponceeng@aol.com

BRANCH OFFICE:
PO BOX 447
SUNLAND PARK, NM 88063
575/523-8812

APPEAL LETTER CONTINUED

Pe

PONCE ENGINEERING, INC.

CONSULTING STRUCTURAL ENGINEERING

INVOICE STATEMENT

**Atanacio Arevalo
4309 Altura Ave., #A
El Paso, Texas 79903**

**Invoice # AA12-0001
Invoice Date June 7, 2012**

**Project Name Visual review & report on
Carport metal framed structure
4309 Altura Ave., #A
El Paso, TX**

Description	Hrs/Rate	Charges	Credits/Date	Balance
Visual review & Obtained dimensions	1.00@\$205	205.00	0.00	205.00
Analysis & report	1.00@\$205	205.00	0.00	205.00
TOTAL DUE AT THIS TIME		410.00	0.00	410.00
PAY LAST AMOUNT IN BALANCE COLUMN				▲

Note: Make check payable to **Ponce Engineering, Inc.**

CITY CLERK DEPT.
2012 JUN 27 PM 3:25

Term: 30 days
Overdue balances are subject to a 1.5% monthly service charge

2417 WYOMING AVE.
915/544-2810

EL PASO, TX 79903
915/544-1640 (FAX)

email: ponceeng@aol.com

APPEAL LETTER CONTINUED

FRONT OF HOUSE
4309 ALTURA AVE.



CARPORT CANNOT BE SEEN FROM FRONT OF HOUSE.
IT'S IN THE BACK YARD.

APPRAISAL OF REAL PROPERTY

LOCATED AT:

4309 Altura Ave
Lots 5 & 6, Block 81, Government Hill
El Paso, TX 79903-1415

FOR:

Credit Union Members Mortgage
7600 E. Orchard Rd, Suite 420 North
Greenwood Village, CO 80111

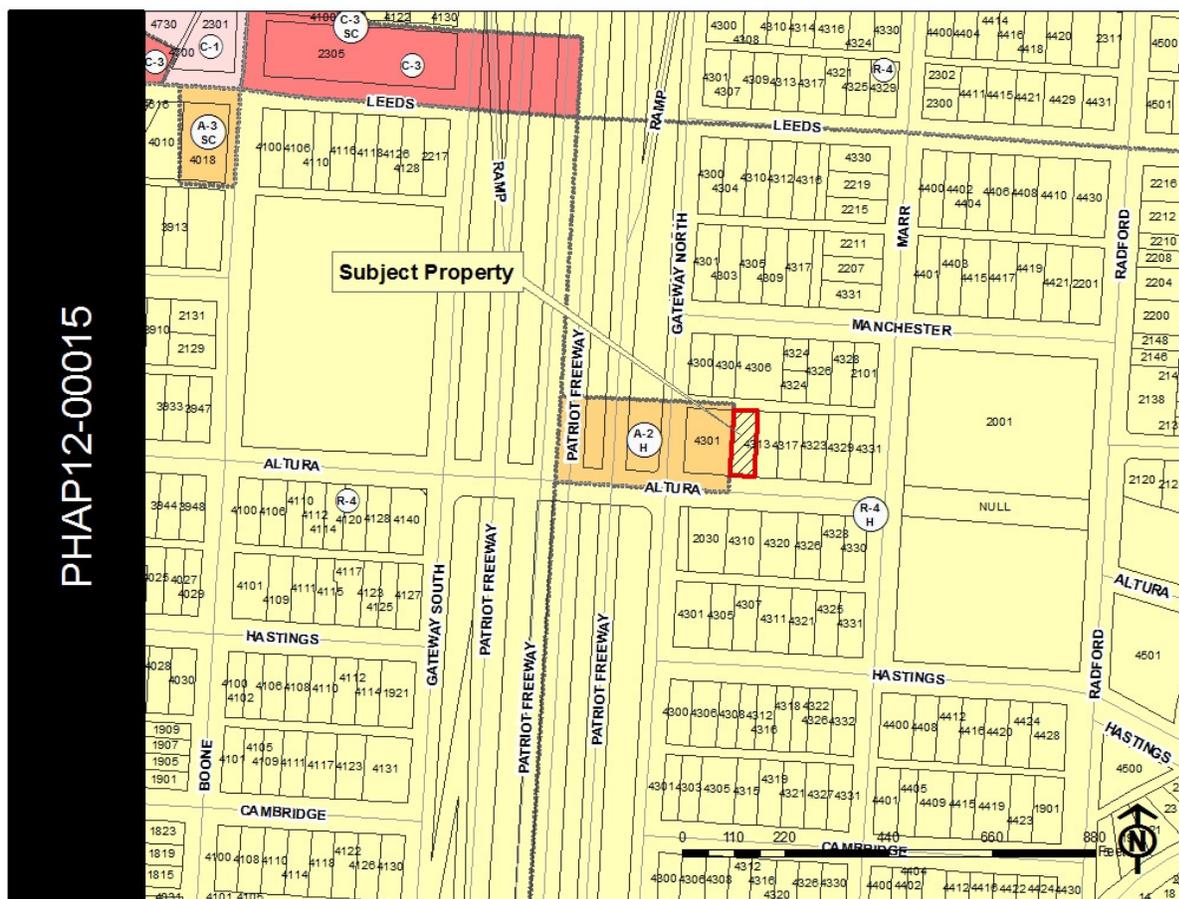
CITY CLERK DEPT.
2012 JUN 27 PM 3:25



PHAP12-00015

Date: June 25, 2012
Application Type: Certificate of Appropriateness
Property Owner: Atanacio Arevalo
Representative: Atanacio Arevalo
Legal Description: Lots 5 & 6, Block 81 Government Hill (3500.00 S), City of El Paso, El Paso County, Texas
Historic District: Austin Terrace
Location: 4309 Altura Avenue
Representative District: #2
Existing Zoning: R-4/H (Residential/Historic)
Year Built: 1929
Historic Status: Non-Contributing
Request: Certificate of appropriateness for the installation of a metal canopy in the rear yard after-the-fact.
Application Filed: 6/12/2012
45 Day Expiration: 7/27/2012

ITEM #3



GENERAL INFORMATION:

The applicant seeks approval for:

The installation of a metal canopy in the rear yard after-the-fact.

STAFF RECOMMENDATION:

The Historic Preservation Office recommends DENIAL of the proposed scope of work based on the following recommendations:

The Magoffin Historic District Design Guidelines recommend the following:

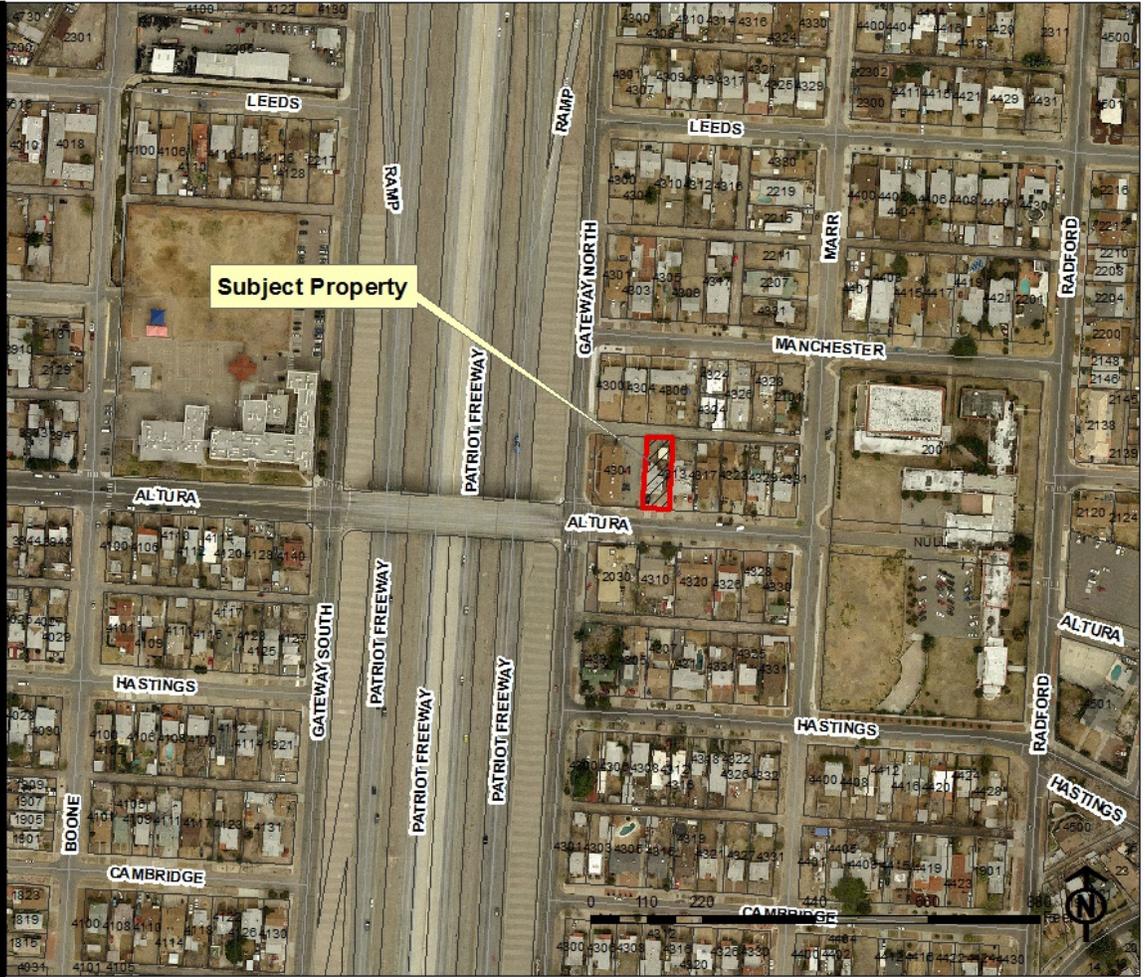
- Same attention to detail should be taken while planning construction for a secondary structure as was taken for the primary structure.
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The Secretary of the Interior's Standards for Rehabilitation recommend the following:

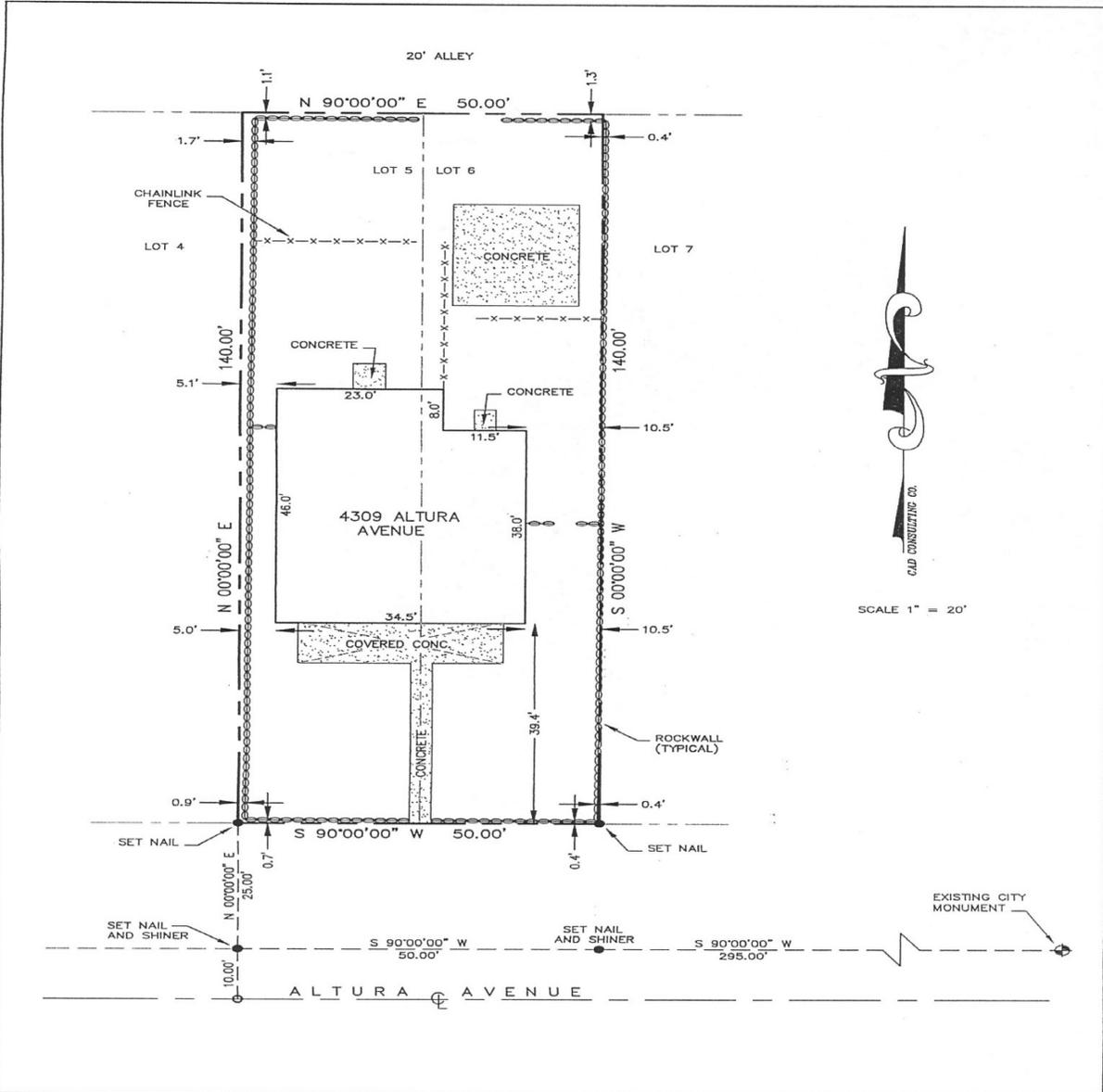
- The new work shall be differentiated from the old and will be compatible with historic materials, features, size, scale and proportion.

AERIAL MAP

PHAP12-00015



SITE PLAN



SCALE 1" = 20'

 <p style="font-size: small;">I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.</p> <p>CARLOS M. JIMENEZ R.P.L.S. No. 3950</p>	JOB # 223292 DATE: 11-12-02 FIELD: CC OFFICE: EA FILE: NET:\ENRIQUE\2002\223292
	LOCATED IN ZONE c PANEL # 480214-0034-B DATED 10-15-82
	RECORDED IN VOLUME 1 PAGE 41 , PLAT RECORDS, EL PASO COUNTY, TX
	4309 ALTURA AVENUE LOTS 5 AND 6, BLOCK B1 MAP OF THE GOVERNMENT HILL ADDITION CITY OF EL PASO, EL PASO COUNTY, TEXAS
 CONSULTING COMPANY 1840 LEE TREVINO DRIVE SUITE 106 EL PASO, TEXAS 79936 (915) 633-6422	

PHOTOGRAPH

