


From: **Pat Baugh** pbaugh@uptexas.org 
Subject: 3928 University

Date: October 9, 2020 at 8:36 AM

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PB

Mr. Grasso,

I am following up on our tele-conference of yesterday. I apologize for our role in allowing the non-compliant condition to be constructed. And I appreciate your willingness to present the issue to the Board of Adjustment for consideration of a variance to legitimize the conditions created. Staff will support approval of granting the variance.

I have attached the code analysis in determination of the structure as a detached accessory structure with classified uses of a two car garage and single car carport. That analysis also presents the required setbacks for the structure and uses.

Also attached is the application for a hearing before the Board of Adjustment. Please submit the completed application at your earliest convenience, marking the application as a hearing for a 'VARIANCE'. Supporting documents, that we discussed as helpful, would include photographs of any conditions existing prior to the build as well as pictures of the current stage of construction. The fee for the hearing will be waived.

Regarding the continuation of construction, any partial 'STOP WORK ORDER' issued is hereby rescinded. This will allow the completion of the electrical, mechanical and plumbing components within or on the accessory structure necessary in provision of utility services to the existing home. This should also help facilitate your project delivery scheduled for this December, 2020. As we discussed, should the variance be denied, some of this work may be required to be reconfigured.

Upon receipt of the application we will confirm the Board meeting date and the availability of a quorum. Currently we are targeting the standing meeting date – the fourth Tuesday of November (24th) – which is the week of Thanksgiving holiday. We will confirm the meeting date as soon as we determine a quorum may be attained.

Thank you again for your efforts in making this situation the best possible. If you have any questions regarding the Board or attachments, please do not hesitate to contact me.

Regards,
PBB



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Summary – The detached 2-car garage with single car carport violates the required side street-yard setback (10') and the rear setback from the alley (20'). Since the permits were issued with these parameters fully shown, and that the structure is 60% or more complete, I recommend that the case be presented to the Board of Adjustment for a variance. Staff will support approval of such variance. The Builder should be the applicant and include a site plan and a few photographs to illustrate stage of work for supporting documentation. I have provided below the various code sections relative to the detached structure.

The Code/Ordinance analysis used in plan review to determine compliance would follow this path (some steps omitted as they do not pertain to the detached structure):

1. Zoning District Map – Find address in Single Family (SF-2)
2. Corner lot – has two street-yard Zones (front Street-Yard and Side Street-yard)
3. Zoning Ordinance Section specifying setbacks for Street-yards, **Table 2.4.5** –
 - a. find 30 feet required front yard modified by Table Note 1. See setbacks on line to 61'9" and,
 - b. 10 feet required side yard
 - c. no other notes apply
4. Isolate and Define Detached Structure
 - a. detached structure
 - i. does not meet the definition of a porte-cochere (coach door)
 1. **7.2.5. Portes-Cocheres.** Portes-cocheres may be located in the front half of the lot and face the front property line. Portes-cocheres must comply with all setbacks of the subject zoning district (see Figure 7-10).
 2. **Sec. 11.19. Terms Beginning with "P" - *Porte Cochere*:** an unencumbered opening in a principal residential structure which will allow a vehicle to pass from the street to a required off-street parking area, or from the street back to the street, or from the front street to the side street on a corner lot. A porte cochere must be designed and constructed in general conformance with the architecture of the principal structure. "Unencumbered" shall mean not closed or blocked at any time by a fence, wall, gate or other structure limiting the free flow of vehicles through the porte cochere.
 - ii. Meets definition of carport (1 bay) and garage (2 bay)
 1. **Sec. 11.6. Terms Beginning with "C" - *Carport*:** a parking space having a roof but not enclosed by walls. Parking garages and parking structures are not carports.
 2. **Sec. 11.10. Terms Beginning with "G" - *Garage*:** an accessory building or part of a principal building that is enclosed on at least 3 sides and that is used or designed for the private storage of motor vehicles.

3.

5. Identify setbacks for Detached Structure

a. **Sec. 7.2. Residential Garages** - The regulations of this section apply to all attached and detached garages, carports, and similar vehicle storage structures in all SF, SF-A, and D, and MF districts.

b. **7.2.1. General Garage Regulations.**

A. Building Setbacks.

1. All attached garages must comply with the setbacks of the subject zoning district, unless otherwise stated in this Section 7.2. Refer to configurations in Section 7.2.2.

2. All detached garages must be setback a minimum of 3 feet from any rear or interior side property line. Side-street setbacks must comply with the setbacks of the subject zoning district. Refer to configurations in Section 7.2.3.

c. **D. Detached Garages.**

1. Detached garages may be located only in the rear half of the lot. Refer to configurations in Section 7.2.3.

2. Detached garages must be located at least 6 feet from any portion of the main building. Refer to configurations in Section 7.2.3.

d. **7.2.3. Detached Garage Configurations.** Refer to Section 7.2.1 for general garage location regulations.

A. Alley Access, Rear-Facing. The vehicle access door/opening of any detached garage, carport, or other vehicle storage area that is accessed from and faces an alley must be set back at least 20 feet from the alley right-of-way (see Figure 7-6). The side yard setback for a detached rear-facing garage is minimum 3 feet.

B. Alley Access, Side-Facing. The vehicle access door/opening of any detached garage, carport, or other vehicle storage area that is accessed from an alley but faces a side property line must be set back at least 24 feet from the side property line that it faces (see Figure 7-7). The rear yard setback for a detached side-facing garage is minimum 3 feet.

6. Identify driveway location

7.2.3. D. **Circular Driveways on Corner Lots.** The following applies to circular driveways with corner lots. See Figure 7-16.

1. Driveway requirements in Section 7.3.1.B apply.

2. The approaches must be at least 10 feet in width and may not exceed 12 feet in width, measured at the property line.

3. Circular driveway approaches must be located a minimum of 35 feet from an intersection, measured from the back of curb of the perpendicular street..

4. The inside curve of the circular driveway must be located a minimum of 7.5 feet from the back of sidewalk, creating a landscape area of at least 125 square feet in area.

5. Refer to Section 7.3.2.F for parking on circular driveways.

Figure 7-9: Detached Front Street Access, Rear Yard

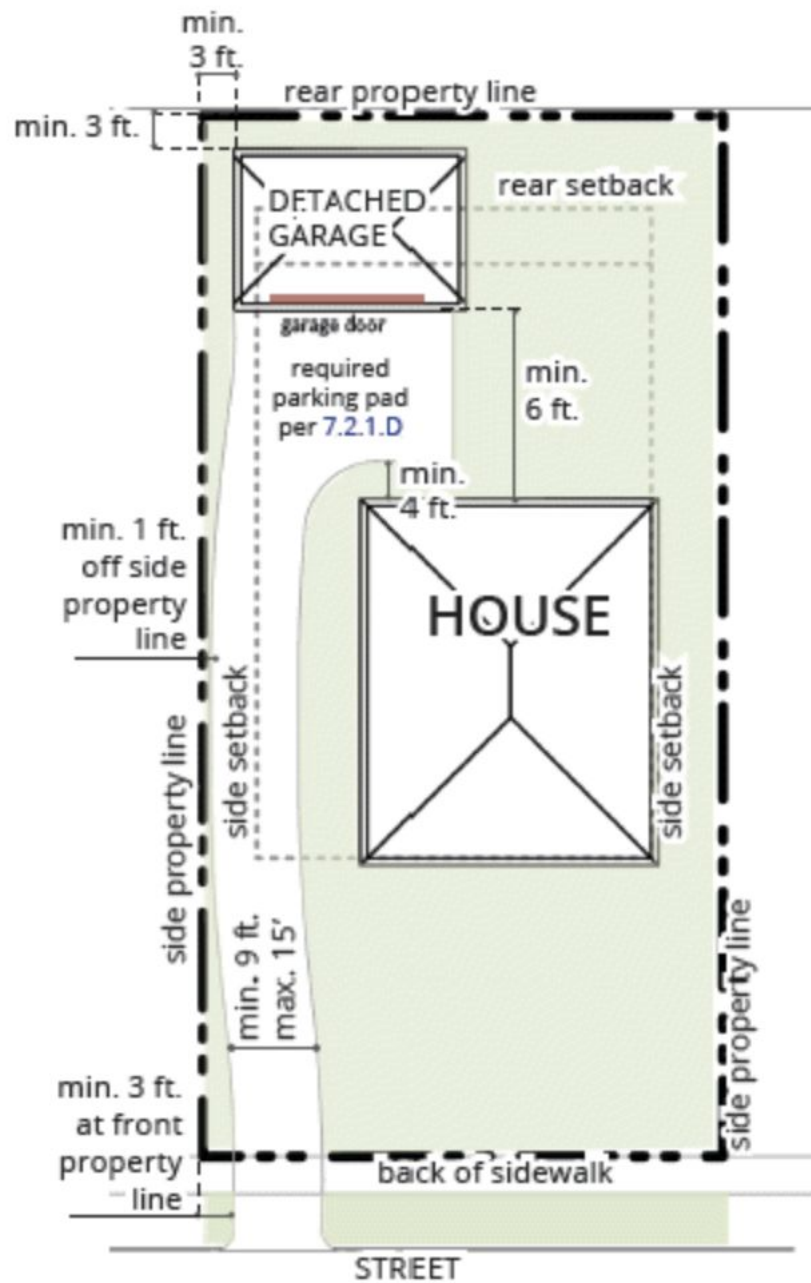


Figure 7-10: Porte Cochere

