

# 9141 McFall Drive

Zoning Board of Adjustment — July 22, 2024



**CASE NUMBER:** PZBA24-00047  
**CASE MANAGER:** Jose Beltran, (915) 212-1607, BeltranJV@elpasotexas.gov  
**PROPERTY OWNER:** Timothy Holt  
**REPRESENTATIVE:** Geronimo Cortez  
**LOCATION:** 9141 McFall Drive (District 3)  
**ZONING:** R-4 (Residential)  
**REQUEST:** Special Exception J (Carport Over a Driveway)  
**PUBLIC INPUT:** One (1) phone call in opposition received as of July 16, 2024.

**SUMMARY OF REQUEST:** Applicant requests a Special Exception under Section 2.16.050 J (Carport Over a Driveway) to permit a proposed carport over a driveway in an R-4 (Residential) zone district.

**SUMMARY OF STAFF'S RECOMMENDATION:** Staff recommends **APPROVAL** of the special exception request as the requested area of encroachment is less than the maximum permitted for a carport.

## PZBA24-00047



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Subject Property

0 30 60 120 180 240 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special exception to permit the construction of a proposed carport of approximately 20 feet by 18 feet 8 inches and an area of 377 square feet, of which 377 square feet encroaches 18 feet 8 inches into the front yard setback and is located to within 1 foot 5.5 inches of the front property line.

**BACKGROUND:** The minimum front setback is 10 feet in the R-4 (Residential) zone district. The required front setback for the subject property is 20 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. The canopy in the rear is encroaching the rear setback but is less than the 180 square feet allowed to encroach by right per Section 20.12.040 - Yards.

According to the El Paso Central Appraisal District Records, the home was built in 1968.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	20 Feet	1 Foot 5.5 inches
Rear	25 Feet	No Change
Cumulative Front & Rear	45 Feet	26 feet 5.5 inches
Side (Right)	5 Feet	No Change
Side (Left)	5 Feet	No Change
Cumulative Side	N/A	N/A

**CALCULATIONS FOR CARPORT:**

	TOTAL	CALCULATION
Maximum Permitted Area of Encroachment	501.2 Square Feet	1/5 of 2506 Sq. Ft. (House 1 <sup>st</sup> floor area)
Requested Area of Encroachment	377 Square Feet	18 Feet 10 inches by 20 Feet (Encroachment only)

**COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.J CRITERIA**

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 the following criteria is met:*

Criteria	Does the Request Comply?
1. The residence has been in existence with a valid certificate of occupancy for one continuous year;	Yes. The residence has 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;	Yes. The Building Official has reviewed the request, and has provided written approval.
3. The carport shall resemble the main residential structure in scale and character and shall be open on three sides;	Yes. The proposed carport does resemble the main residential structure and is open on three sides.
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;	Yes. The proposed carport encroachment of 377 square feet is less than the maximum allowed area of 501.2 square feet.
5. Elevation drawings of the proposed structure shall be submitted;	Yes. Elevation drawings of the proposed structure were 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;	Not applicable. This is not a duplex.
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;	Yes. It is not possible to provide a carport in the front yard without encroaching into the required front setback.
8. Unless otherwise provided in this chapter, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining area shall be permanent open space

**PUBLIC COMMENT:** Public notice was sent on July 10, 2024 to all property owners within 300 feet of subject property. The Planning Division received one (1) phone call in opposition to the special exception request.

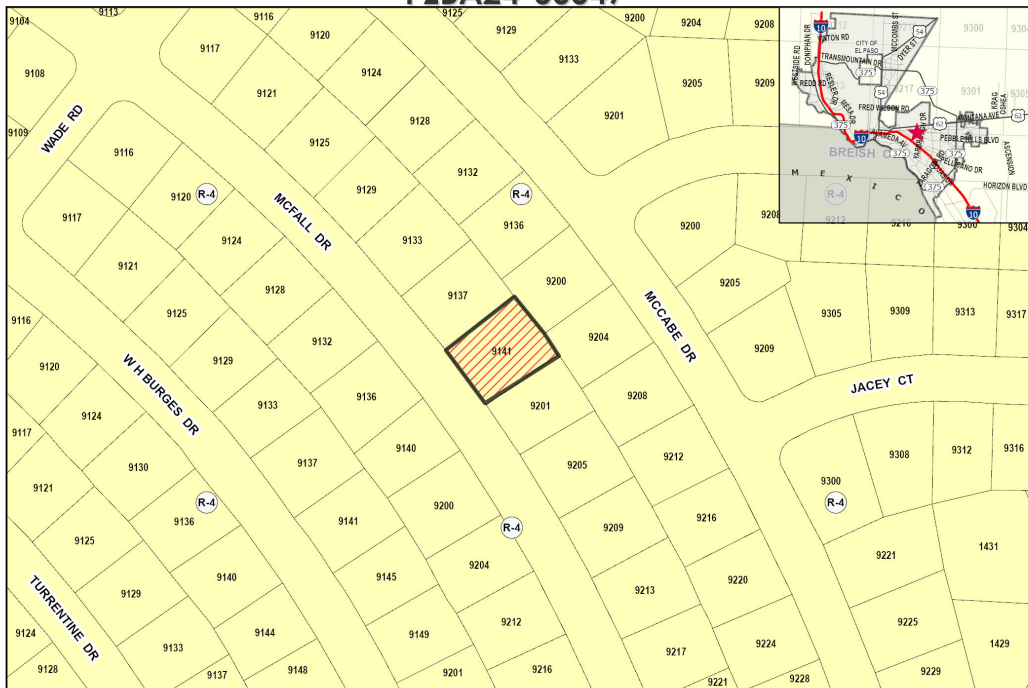
**ZONING BOARD OF ADJUSTMENT OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The Zoning Board of Adjustment (ZBA) has the authority to grant a special exception to the zoning code only as provided in El Paso City Code Titles 2 and 20. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the property is located, that the public convenience and welfare will be substantially served, and that the use of neighboring property will not be substantially injured. **(Staff Recommendation)**
2. **Approval with Modifications** of the special exception request to bring the request into conformance as provided in El Paso City Code Titles 2 and 20 as the board deems appropriate.
3. **Denial** of the special exception request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

# ZONING MAP

PZBA24-00047



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 Subject Property

0 30 60 120 180 240 Feet



# NEIGHBORHOOD NOTIFICATION MAP

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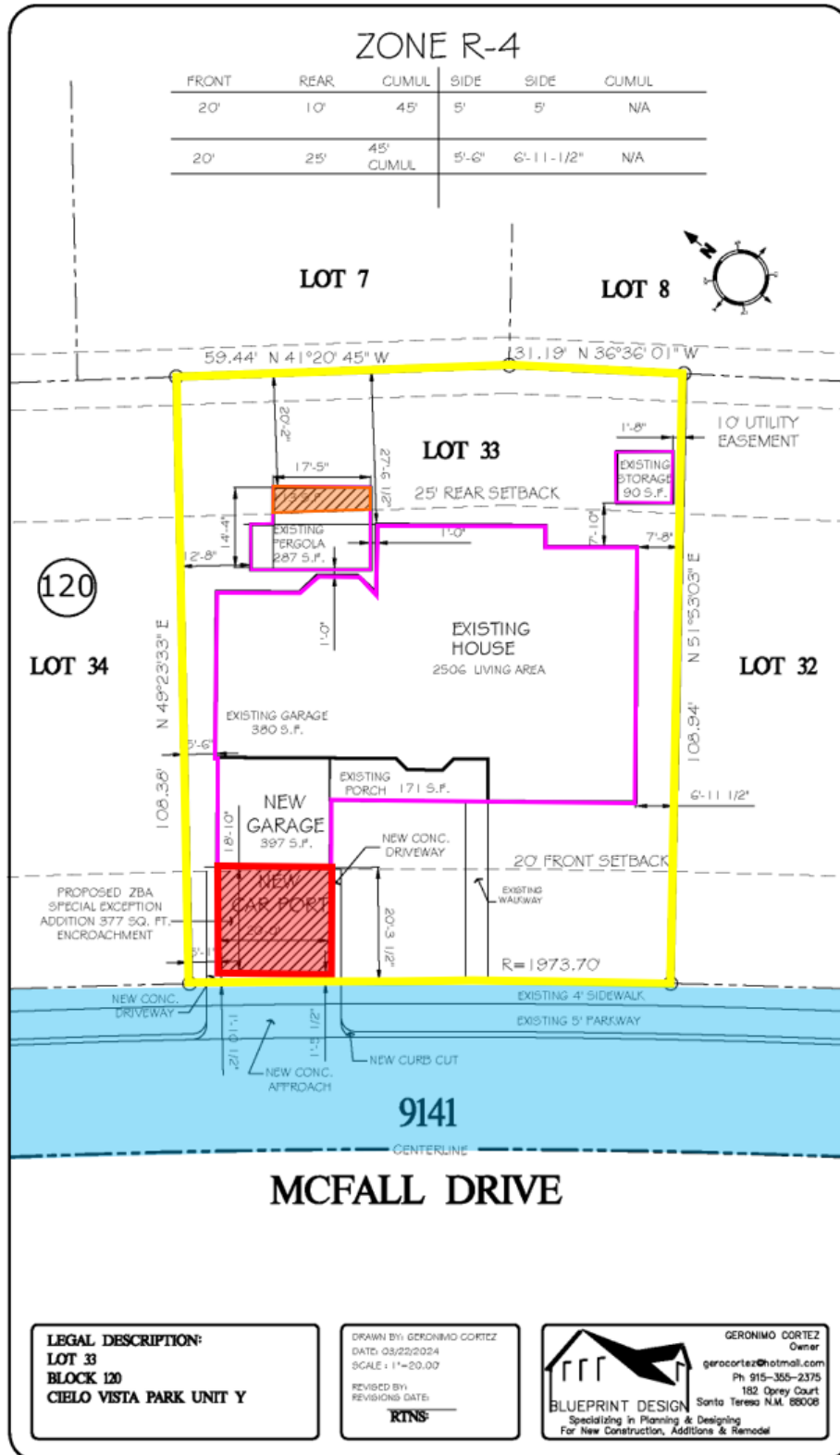


 Subject Property  
 300 Feet Notice Area  
 Notified Properties

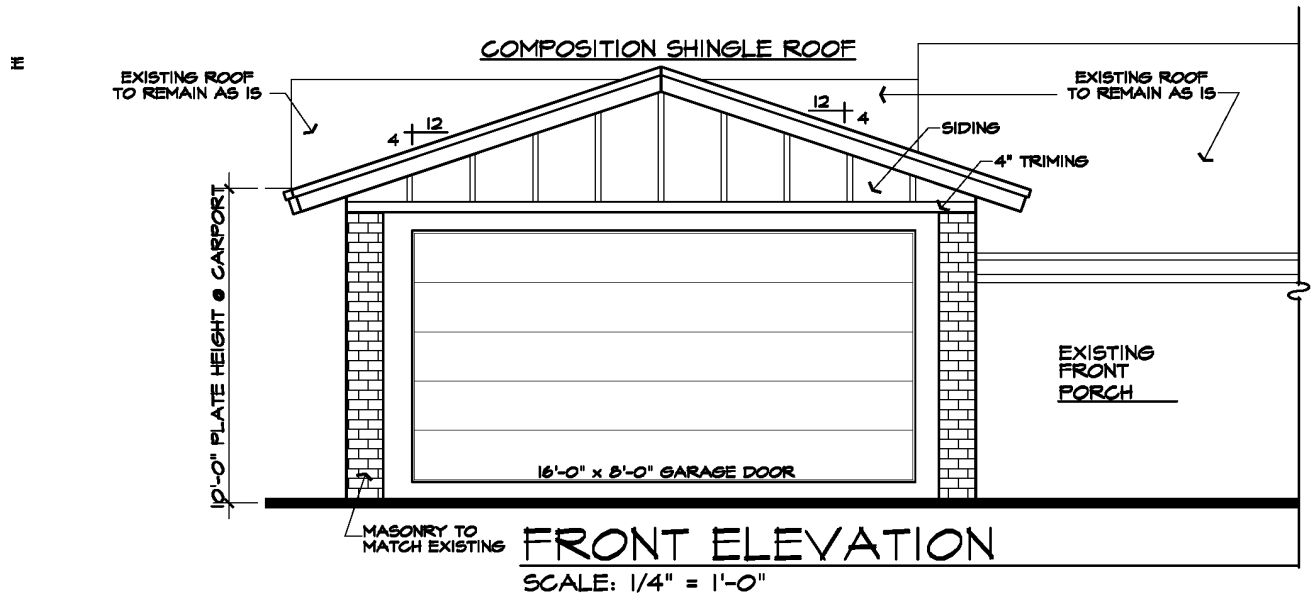
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# SITE PLAN



# ELEVATION 1



# ELEVATION 2

