

245 Fay Way

Zoning Board of Adjustment — December 9, 2024



CASE NUMBER: PZBA24-00060
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Filiberto Lopez
REPRESENTATIVE: Filiberto Lopez
LOCATION: 245 Fay Way (District 7)
ZONING: R-4 (Residential)
REQUEST: Special Exception L (Front Yard Setback)
PUBLIC INPUT: None received as of December 5, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 - L (Front Yard Setback) to permit a proposed home addition 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.

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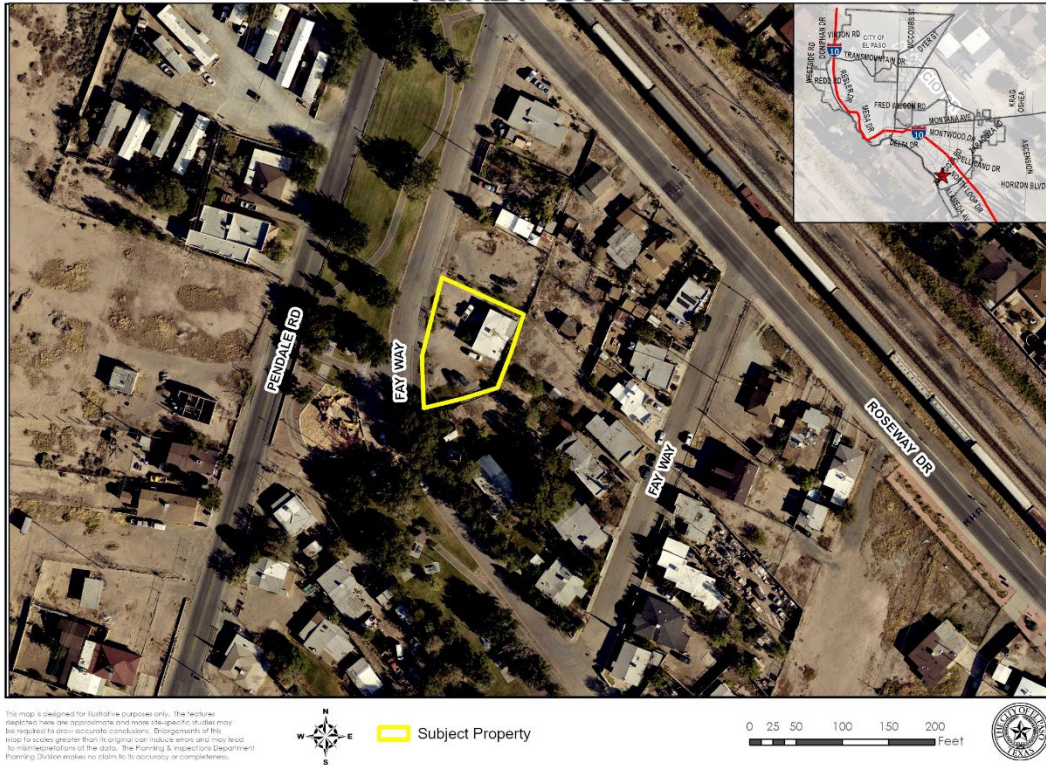


Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to permit the construction of a proposed home addition and garage, 6 feet of which extends into the front yard setback for a 58.5 square foot area of that building within the setback.

BACKGROUND: The minimum front setback in the R-4 (Residential) zone district is 20 feet. The required front setback for the subject property is 35 feet to meet the cumulative front and rear setback of 45 feet in the R-4 (Residential) zone district. The property has a permitted by code a 25-foot rear porch encroachment into the rear yard setback and planning to build a 12-foot front yard porch encroaching into the front yard setback.

According to the El Paso Central Appraisal District, the subject property was built in 1968. The current owner has owned the property since 2019.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	35 Feet	29 Feet
Rear	10 Feet	No Change
Cumulative Front & Rear	45 Feet	39 Feet
Side (North)	5 Feet	No Change
Side (South)	5 Feet	No Change

CALCULATIONS:

	TOTAL	CALCULATION
Maximum Permitted Width of Encroachment	53.04 Feet	(159.125 Feet/3) Average Lot Width ÷ 3
Width of Requested Encroachment	35 Feet	

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.L CRITERIA

The Zoning Board of Adjustment is empowered under Section 2.16.050.L to:
Permit an extension of a single-family residential structure into the required front yard setback, which shall be measured to the property line, provided the following criteria is met:

Criteria	Does the Request Comply?
1. The residential structure 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 total length of all extensions granted shall not project into the required front yard setback a depth in excess of ten feet;	Yes. The extension does not extend more than ten feet (10') into the front setback.
3. The total width of all extensions granted shall not exceed one-third of the average width of the site;	Yes. The width does not exceed one-third of the average width of the site.
4. The minimum side and side street yard setbacks shall not be reduced;	Yes. The minimum side yard setbacks are not reduced.
5. A minimum of a ten-foot front setback from the property line shall be maintained;	Yes. A 10-foot front setback will be maintained.
6. If the proposed modification is for an enclosed garage, a minimum twenty-foot driveway shall be required;	Yes. There will be a twenty-foot driveway.
7. Unless otherwise provided in this section, all remaining areas of the required front yard shall be permanent open space.	Yes. With the exception of any existing structures, remaining areas shall be permanent open space

PUBLIC COMMENT: Public notice was sent on November 26, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

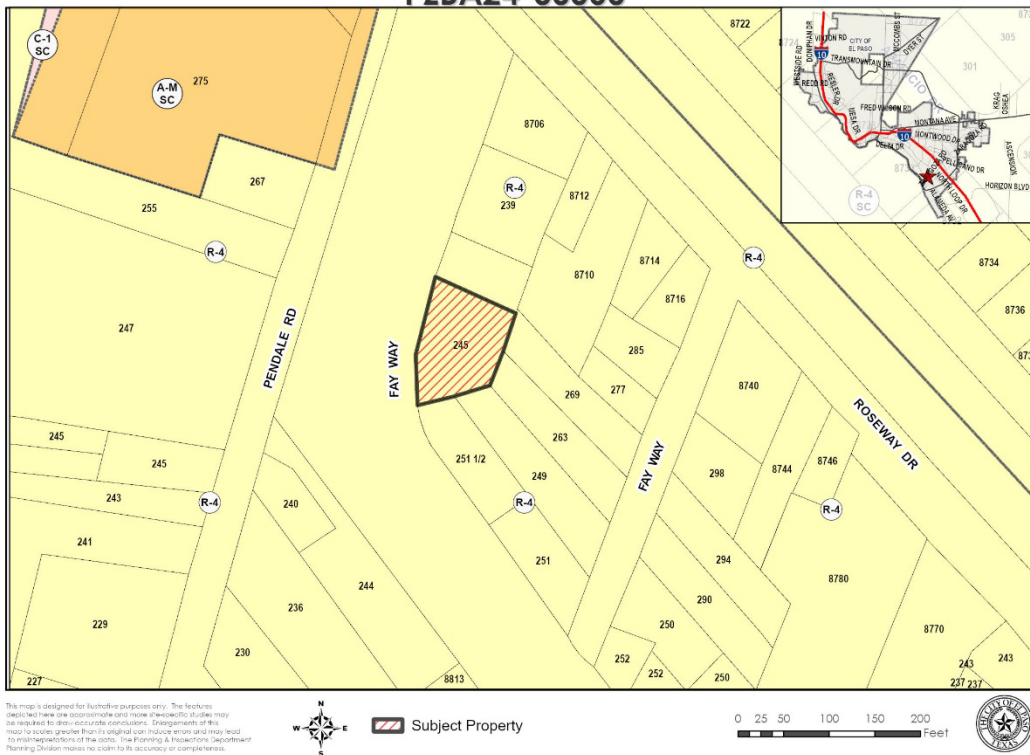
ZONING BOARD OF ADJUSTMENT OPTIONS:

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.

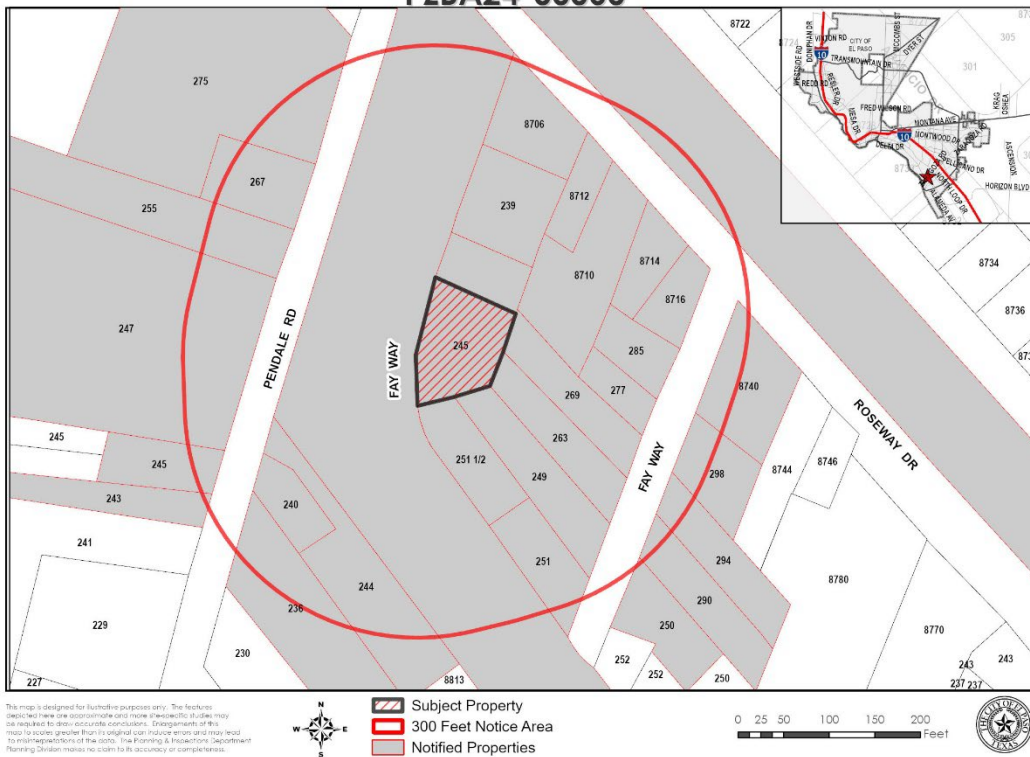
ZONING MAP

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NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN

