

**Applicant requests a Special Exception under Section 2.16.050 K (15 Years or more) in a C-4 (Commercial) zone.**

This would allow an existing 96.4' by 48.5' building which is located to within 0.9 feet of the rear property line and 0.4 feet of the side street property line.

The required rear yard setback is 10 feet and the required side street yard setback is 10 feet in the C-4 zone district.

**BACKGROUND**

The subject building is shown existing in a 1974 aerial and in the 1996-1997 aerial, 17 years ago, as it exists today. The current owner submitted a warranty deed showing that they purchased the property in November 2009. A site visit shows that there is no sidewalk adjacent to the property on Mattox Street, and that the sidewalk at the front of the property on Montana Street does not extend the entire width of the property.

At the applicant's request, the Board postponed the case at the December 8<sup>th</sup> meeting for four weeks, until the next regularly scheduled meeting, scheduled for January 12, 2015. The applicant is requesting a second postponement for 4 weeks, until the next regularly scheduled meeting. The next regularly scheduled meeting is February 9, 2015.

**CALCULATIONS**

Required rear yard setback in C-4 zone district = 10'

Requested rear yard setback = 0.9'

Required side street yard setback in C-4 zone district = 10'

Requested side street yard setback = 0.4'

**STAFF RECOMMENDATION**

Staff recommends approval of the request for a second postponement of the case, for 4 weeks, until the next regularly scheduled meeting. The next regularly meeting is set for February 9, 2015.

Staff recommends approval of the request for the Special Exception K, with a Condition that sidewalks are provided adjacent to the subject property along Mattox Street and Montana Avenue.

The Zoning Board of Adjustment is empowered under Section 2.16.050 K to:

"Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years;
2. Neither the applicant nor the current property owner is responsible for the construction of the encroachment;
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built;
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and
5. The encroachment does not violate any other provision of the El Paso City Code."