

**PZBA15-00019**

**109 N. Coldwell Street**

**Peter Spier**

**Applicant requests a Special Exception under Section 2.16.050 B (Two or More Non-Conforming) in an C-4 (Commercial) zone.**

This would allow a new 6'1" by 10' restaurant addition which is proposed to encroach into required rear yard setback and to be located to within 3'11" feet of the rear property line.

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

### **BACKGROUND**

The applicants are requesting a restaurant/bar addition to be built to 3'11" feet of the rear property line. There are several properties in the same block and in the block across the street with a similar nonconforming situation, built to the rear property line. At least two of these properties exist today as they existed in the 1956 aerial, 111 Coldwell Street and 534 Missouri Avenue.

The Planning Division has not received any communications in support or opposition to the special exception request.

### **CALCULATIONS**

Required rear yard setback zone = 10'

Requested rear yard setback = 3' 11'

### **STAFF RECOMMENDATION**

Staff recommends approval of the request as it meets the requirements of the Special Exception B.

Note to the applicant: any encroachment must meet code requirements.

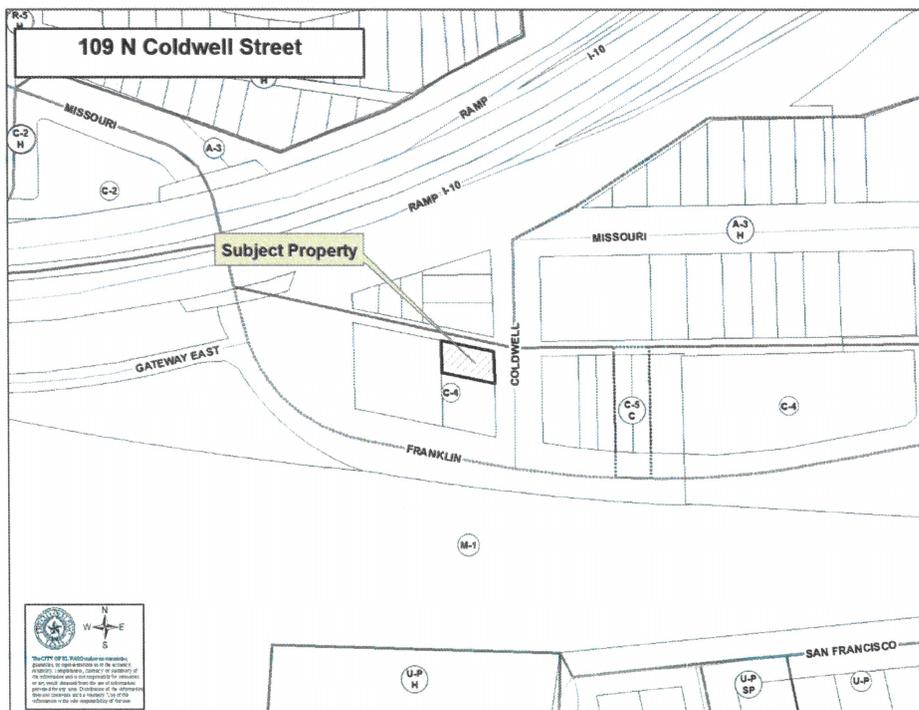
The Zoning Board of Adjustment is empowered under Section 2.16.050 B to:

"Permit the modification of setback requirements as the board deems necessary to secure an appropriate development of a lot; provided, however, that:

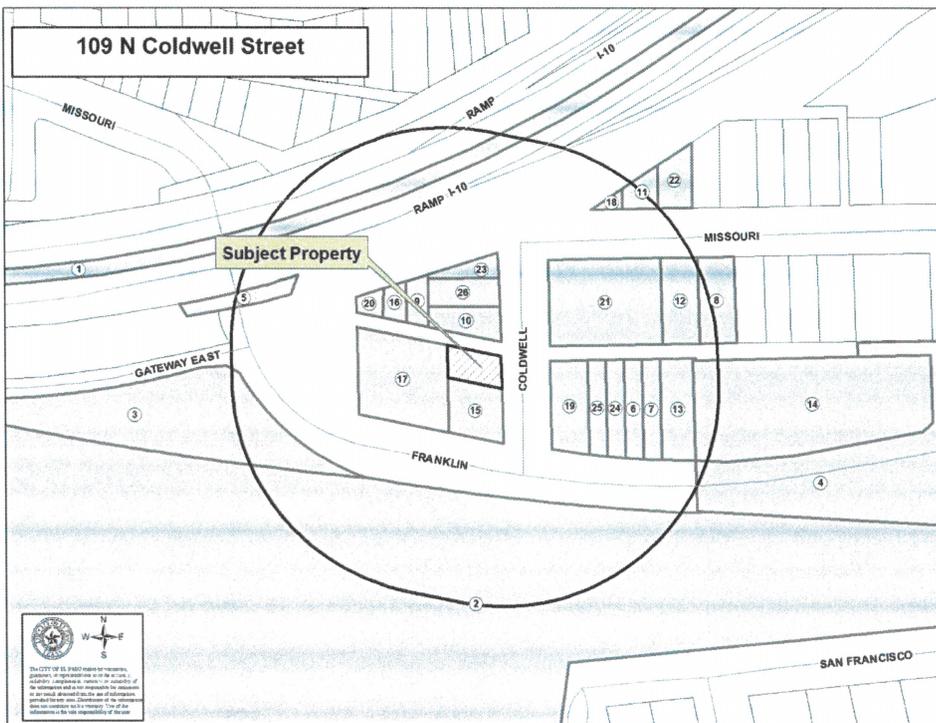
1. The lot is in a legally recorded and developed subdivision of at least ten years;
2. There are two or more lots that do not conform to Title 20 located within the same block on the same side of the street or within the block directly across and abutting the street;
3. The modifications are in the same nature as the existing nonconforming lots and do not permit construction less conforming than the least conforming of the nonconforming lots; and
4. If the subject lot is located at the intersection of two streets (a corner lot), then nonconforming lots within the same block on the same side of either intersecting street or directly across and abutting either intersecting street, but not lots located diagonally from the subject lot, may be used in determining the nonconforming lot restrictions of this special exception."

**ITEM #4**

# ZONING MAP



# NOTIFICATION MAP



109 N Coldwell St, El Paso, TX 79901

**LEGAL DESCRIPTION:**  
 13 SUNSET HEIGHTS N 45 FT  
 OF 1 TO 3 (3420 SQ FT)  
 PIDN: S97999901300100

**SETBACKS:**  
 Front: 0'  
 Rear: 10'  
 Side: 10' when abutting  
 apartment district

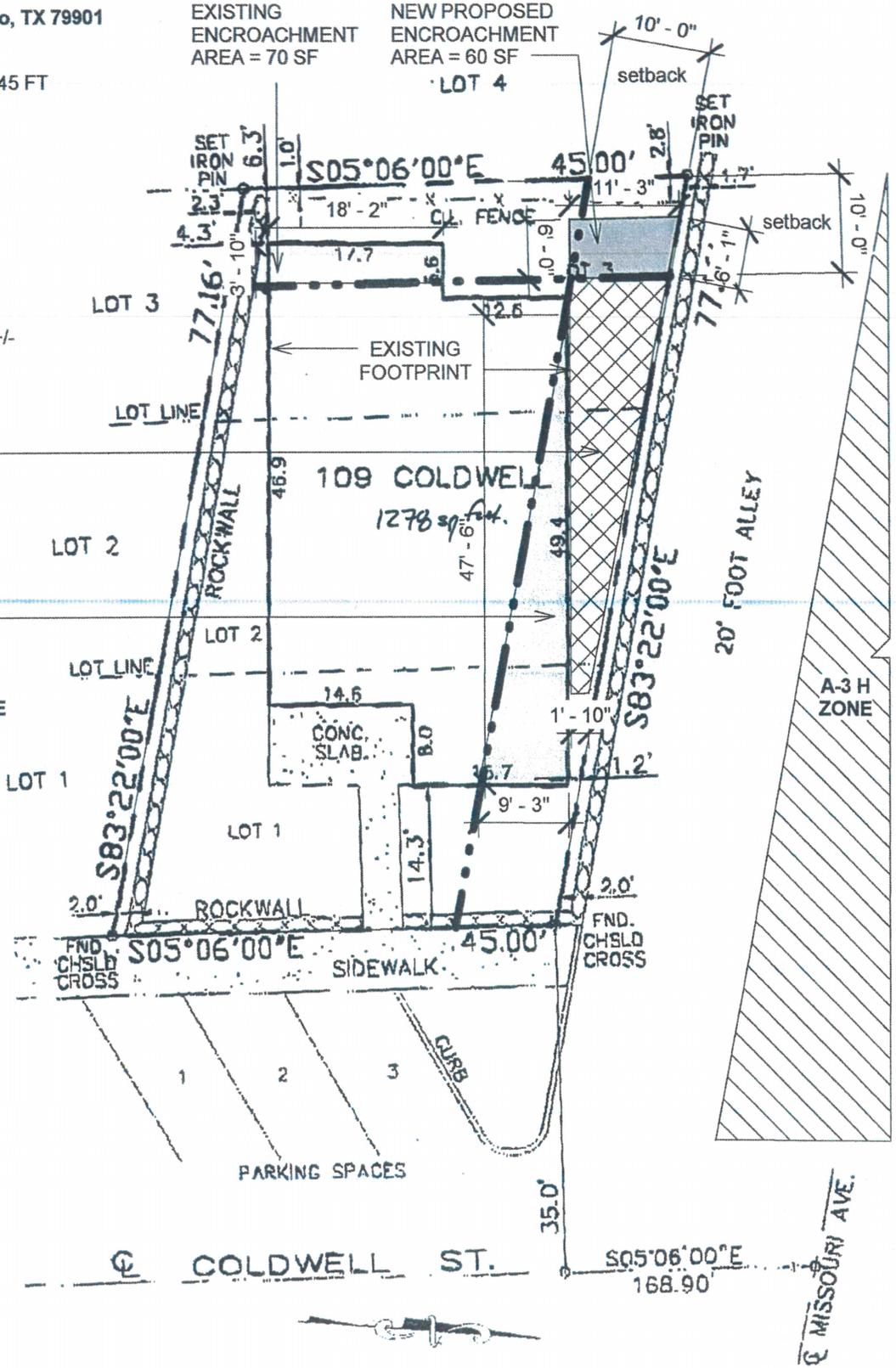
**SITE AREA:**  
 6,630 SF or 0.1522 acre +/-

EXISTING  
 ENCROACHMENT  
 AREA = 70 SF

NEW PROPOSED  
 ENCROACHMENT  
 AREA = 60 SF

PROPOSED ADDITION

EXISTING  
 ENCROACHMENT  
 AREA = 220 SF



① ZBA  
 1/16" = 1'-0"