

Applicant requests a Special Exception under Section 2.16.050 B (Side Street Yard Setback) in a C-4 zone.

This would permit the construction of a new building that is proposed to be located to within 0' of the side street property line.

The required side street yard setback is 10' in the C-4 (Commercial) zone.

BACKGROUND

The ZBA granted the applicant a Special Exception for the same request as this one on December 10, 2007; however, the applicant did not apply for a building permit within one year, nor did he request an extension of time. The applicant is proposing to build a new office/warehouse on a vacant lot and is requesting the Special Exception B to encroach 10' into the required side street setback. There are two other properties that are as nonconforming as to the side street yard setback as the proposed development, across the street at 2400 East Yandell Drive and on the same side of the intersecting street (Poplar) at 2400 Montana Avenue. In addition, there are properties across Poplar Street that are built to the side street property line.

The Engineering-Traffic Division has reviewed the request and states the driveway width is required to be 25'. The site plan shows three on-site parking spaces in the rear and the required bicycle spaces in the front.

The Staff has received one phone call from a neighboring property owner who objects to the request.

CALCULATIONS

Required side street yard setback = 10'

Requested rear yard setback = 0'

STAFF RECOMMENDATION

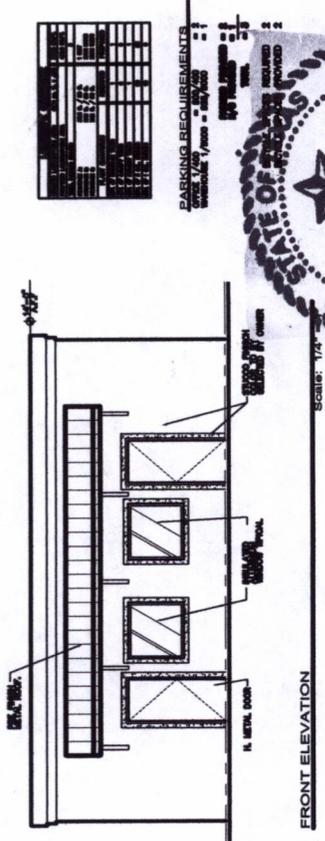
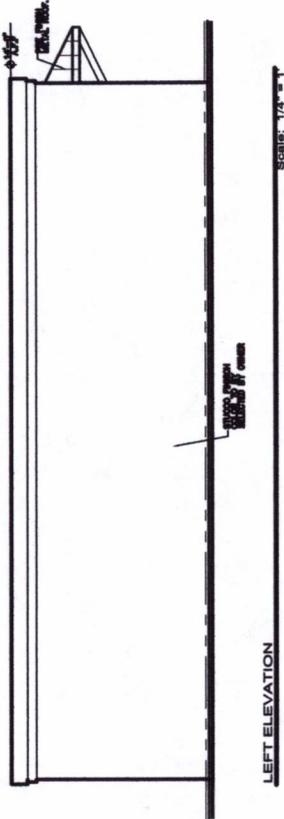
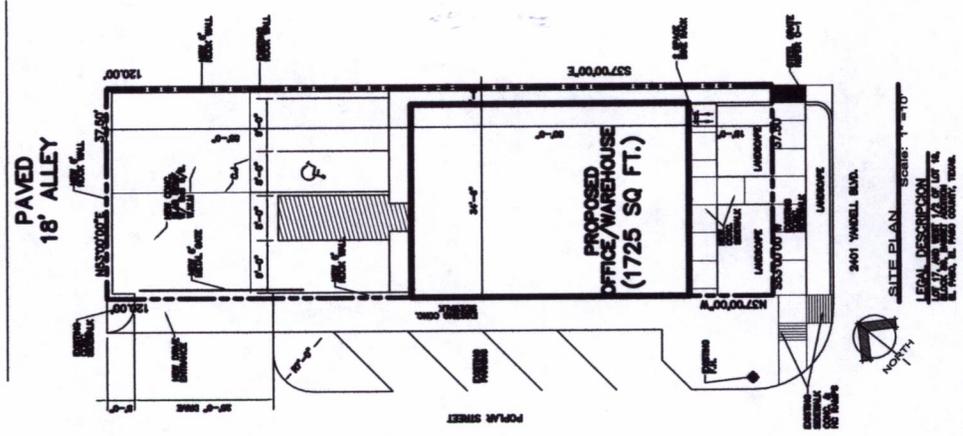
Staff recommends approval of the request as it meets the requirements of the Special Exception B.

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; and,
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; and,
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”.

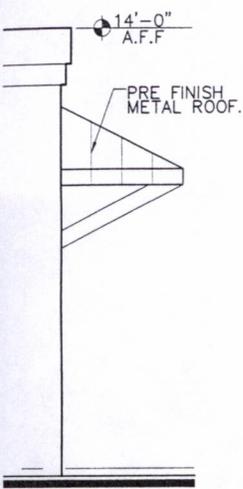
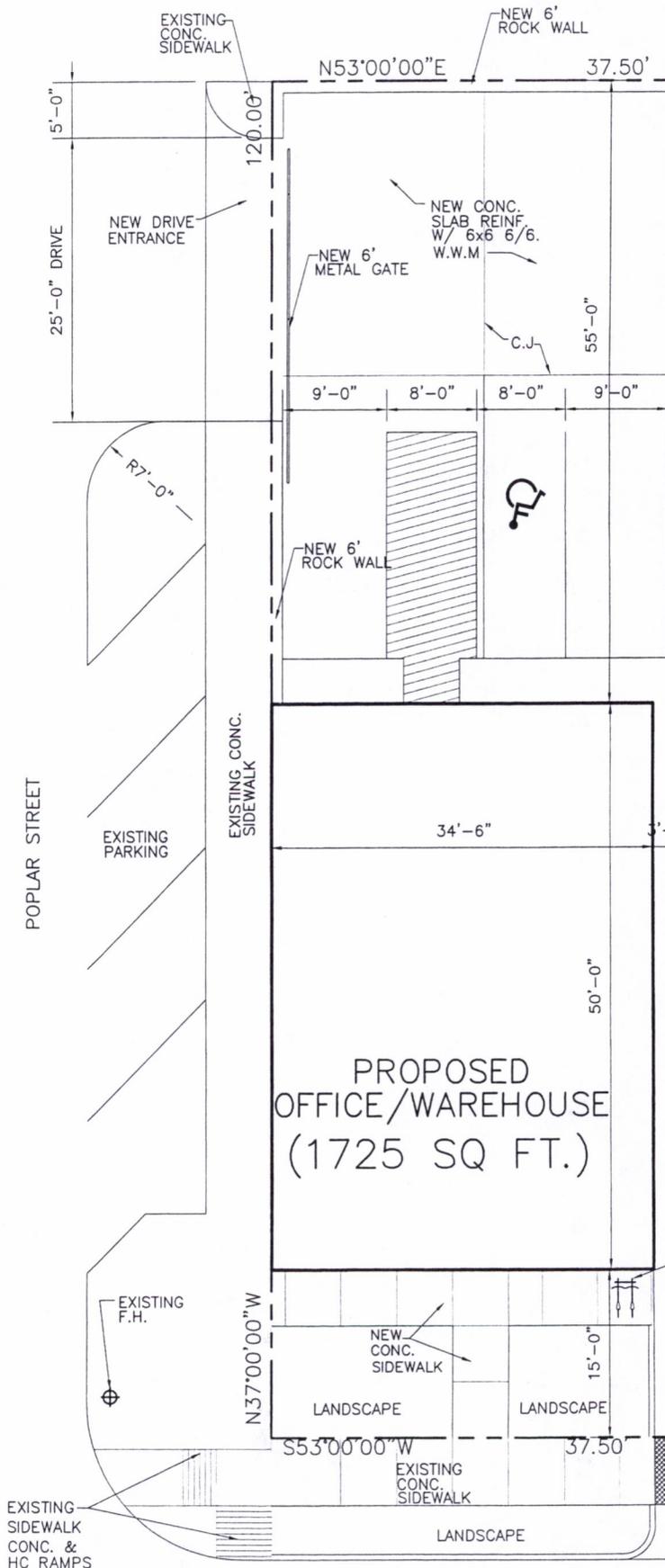
 SHEET TITLE	J T J DESIGNS CELL (915) 328-4346 FAX (915) 628-7088 438 BATES WAY EL PASO, TEXAS 79915	A. VILLAGRANA PROPERTY PROPOSED SHELL ONLY FOR PROJECT NAME	2410 YANDELL BLVD. EL PASO, TEXAS
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Enrique A. Rey PE

7 Aug 09

PAVED 18' ALLEY



1/4" = 1'

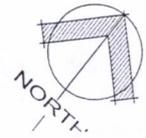
LANDSCAPE ORDINANCE		
REQUIRED LANDSCAPABLE AREA:	4500 sq. ft. ± .075	337.5 SQ.FT.
PROPOSED LANDSCAPABLE AREA		482.5 SQ.FT.
TOTAL PARKING SPACES		3
FRONTAGE A:	37.5 ft. / 50 ft.	1 UNIT
FRONTAGE B:	XXX ft. / 50 ft.	XXXX UNITS
FRONTAGE C:	XXX ft. / 50 ft.	XXXX UNITS
PLANT QUANTITIES		
	REQUIRED	PROPOSED
QTY. OF FRONTAGE TREES	1	1
QTY. OF CANOPY TREES	0	0
QTY. OF PROJECT TREES	1	1
QTY. OF 5 GAL. SHRUBS	20	22
QTY. OF 1 GAL. SHRUBS	10	0

PARKING REQUIREMENTS

OFFICE 1/400 = 800/400 = 2
 WAREHOUSE 1/5000 = 925/5000 = 1

PARKING PROVIDED = 2
 H/C PROVIDED = 1
 TOTAL = 3

BICYCLE SPACES REQUIRED 2
 BICYCLE SPACES PROVIDED 2



SITE PLAN

Scale: 1" = 10'

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E., CBO
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL
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SUSANNAH M. BYRD, DISTRICT 2
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MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
ZONING BOARD OF ADJUSTMENT
FORMAL DECISION
December 10, 2007

Alfonso Villagrana
2401 East Yandell Drive

Legal Description: Lot 17 and the Westerly ½ of Lot 18, Block 89, Bassett Addition

Case# ZBA07-00190: A Special Exception under Section 2.16.050 C (Side Street Yard Setback) in a C-4 zone of the City of El Paso Zoning Ordinance. This would permit the construction of a new structure located to within 0' of the side street property line. A side street yard setback of 10' is required in a C-4 zone.

The Zoning Board of Adjustment acting under the authority vested in it by Article 211.008 of the Local Government Code of the State of Texas and by Chapter 2.16 of the Zoning Code of the City of El Paso, Texas, after due public notice at an Open Public Meeting on December 10, 2007, the Board **GRANTED** the Special Exception under Section 2.16.050 C (Side Street Yard Setback) in a C-4 zone of the City of El Paso Zoning Ordinance.

The Board determined that this request **QUALIFIED** under the criteria of Section 2.16.050 C of the ordinance for the following reasons:

- There are two or more structures within the block on either side of the intersecting streets that do not conform to the regulations of Title 20.
- The construction is in the same nature as the nonconforming lots.
- The exception does not permit construction that is less conforming than the least conforming of the nonconforming lots.
- The extensions do not permit the creation of an additional dwelling unit or an over-intensive use or coverage of the site.
- The exception is in harmony with the spirit and purposes of Titles 2 and 20.
- The public convenience and welfare will be substantially served and the use of neighboring property will not be substantially injured.

It should be noted that parking is not permitted in the front yard setback of the property as the traffic code does not permit cars to back into on-coming traffic.

Filed for permanent record the 10th day of December 2007, in the office of the Zoning Board of Adjustment.

Linda Castle
Senior Planner

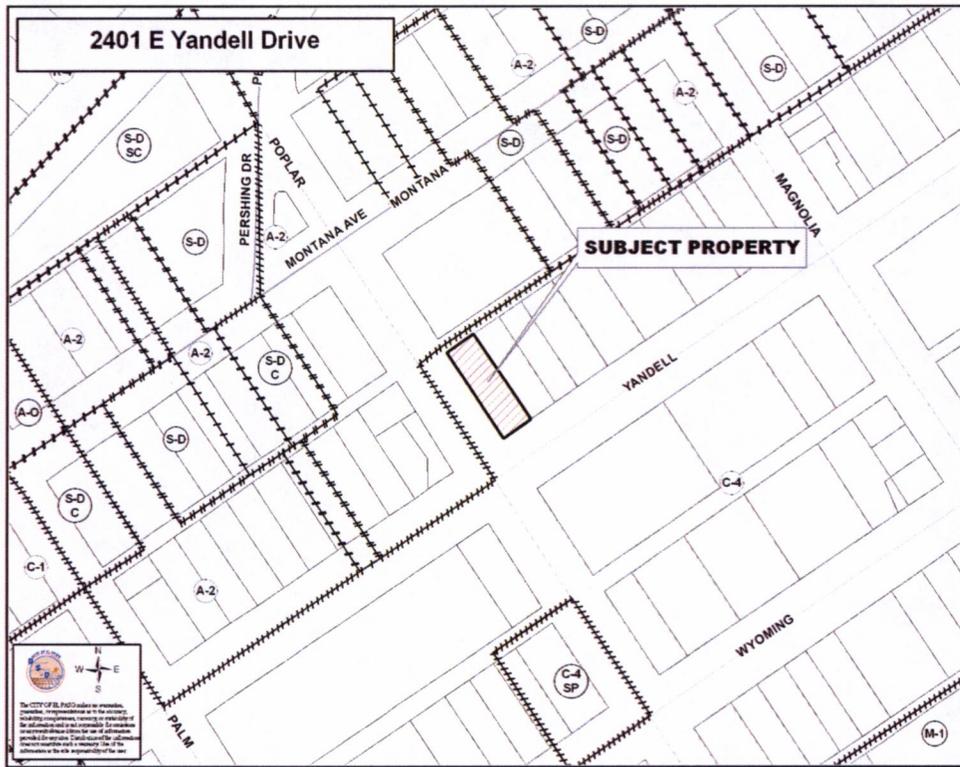
PLEASE NOTE: Any privilege granted by this decision must be exercised within **12 Months** of the date of this decision after obtaining the necessary building permits for the proposed construction at the Development Services Department – Building Permits and Inspection Division.

Inspections will be made by the Building Permits and Inspections Division of the Development Services Department, and compliance with Board action will be noted in official Board records. This order may be revoked by the Board after notice and opportunity to be heard for violation of any of the conditions imposed.

The decision of the Zoning Board of Adjustment may be appealed by a person aggrieved by this decision or by any officer, department, board, or bureau of the municipality by filing an action with the District Court for this county within **10 Days** after the date of the hearing.

cc: Javier De La Cruz, Plans Examiner, Building Permits, and Inspections Division
Environmental Services
File

ZONING MAP



NOTIFICATION MAP

