

**PZBA14-00042**

**1528 East Yandell Drive**

**Chris Rubio/Hector Rubio**

**Applicants request a Special Exception under Section 2.16.050 B (Two or More Nonconforming) in a C-4 (Commercial) zone.**

This would allow an existing enclosure of a 50' by 15' carport addition which encroaches into the required rear yard setback and is located to within 1.4 feet of the rear property line and to within 0 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 property was granted building permit #94-21214 in 1994 for a carport which was built at the rear of the property. This year, the applicant enclosed the carport without permit and is requesting the Special Exception B to keep the addition. There are properties within the same block on Yandell Avenue and across the street built to the rear and side street property lines, existing at least since 1955. The subject property itself is registered legally nonconforming, existing in the 1956 aerial, registered as built to the side street and front property lines and for no off-street parking. The property is in an old subdivision, Franklin Heights.

The adjacent building at 711 Lee Street exists in the 1956 aerial and is built to the rear property line; the property at 1500 E. Yandell exists in the 1956 aerial and is built to the rear property line; 1501 E. Yandell is registered legally nonconforming as existing in the 1956 aerial and built to the rear property line; and, the two buildings directly across Yandell Avenue on the property addressed as 1525 E. Yandell exist in the 1956 aerial and are built to the side street and rear property lines.

**CALCULATIONS**

Required rear yard setback = 10'

Requested rear yard setback = 1.4'

Required side street yard setback = 10'

Requested side street yard setback = 0'

**STAFF RECOMMENDATION**

Staff recommends approval of the request for the Special Exception B, with a Condition that the addition shall be of fire rated construction as required by the applicable building codes.

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.”





City of El Paso  
City Development Department  
Legal Non-Conforming

*El Paso*

Site Address: 1528 E Yandell, EL PASO, TX

Permit No: **PLAC14-00026**

Issued: November 24, 2014

Contact

Hector Rubio  
1528 E. Yandell Drive  
El Paso, TX 79902

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**Description of Work:** Request for legal nonconforming for setbacks for existing building

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**Comment:** Approved legal nonconforming for no off-street customer parking for subject property, previously registered in 1994 for building located to within 0 feet of side street and front property lines, existing in 1956 aerial.

*Linda Castle*

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Issued by Linda Castle, Senior Planner

1528 - 1532 E. Yandell Drive  
Other Nonconforming Properties  
711 Lee, 1500 E. Yandell, 1501 E. Yandell, 1525 E. Yandell  
1956 Aerial Photo

Subject Property



