

2507 E. Yandell

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00057
CASE MANAGER: Myrna Aguilar, (915) 212-1584, AguilarMP@elpasotexas.gov
PROPERTY OWNER: Leon E. & Rita T. Gluck
REPRESENTATIVE: John Speers
LOCATION: 2507 E. Yandell Drive (District 8)
ZONING: C-4 (Commercial)
REQUEST: Special Exception B (Two or More Nonconforming Lots)
PUBLIC INPUT: None received as of July 16, 2024

SUMMARY OF REQUEST: Applicant requests a Special Exception under Section 2.16.050 B (Two or More Nonconforming Lots) to allow to legalize two existing structures into their required 10-foot rear yard setback in a C-4 (Commercial) zone district.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than or equal to the encroachments into that setback already present on at least two other neighboring properties.

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Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting a special exception to allow to legalize the construction of two existing structures, which extends 10 feet into the required rear yard setback for 432 square feet of total encroachment.

BACKGROUND: The minimum rear setback is 10 feet in the C-4 (Commercial) zone district. Aerial photographs indicate there are three other properties on the same block that also contain structures located in the rear yard that encroach into their respective rear yard setbacks. Properties are located at 2531 E. Yandell Drive, 2530 E. Yandell Drive and 2514 E. Yandell Drive for a total encroachment of 416.4 square feet, 497.2 square feet and 820.3 square feet respectively.

SETBACKS	REQUIRED SETBACK	REQUESTED SETBACK
Front	0 feet	No Change
Rear	10 feet	0 feet
Cumulative Front & Rear	N/A	N/A
Side East	0 feet	No Change
Side West	0 feet	No Change

COMPLIANCE WITH SPECIAL EXCEPTION 2.16.050.B CRITERIA

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 the following criteria is met:

Criteria	Does the Request Comply?
1. The lot is in a legally recorded and developed subdivision of at least ten years;	Yes. The lot is within a legally recorded 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;	Yes. Through aerial photos and site visits, it was established that at least three properties on the same block extends to 0 feet into the rear setback.
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;	Yes. There are three other properties with structure built into the required 10 feet rear yard setback, at zero feet to the property line located at 2531 E. Yandell Drive, 2530 E. Yandell Drive and 2514 E. Yandell Drive.
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.	Yes. Only applicable lots are being considered.

PUBLIC COMMENT: Public notice was sent on July 11, 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:

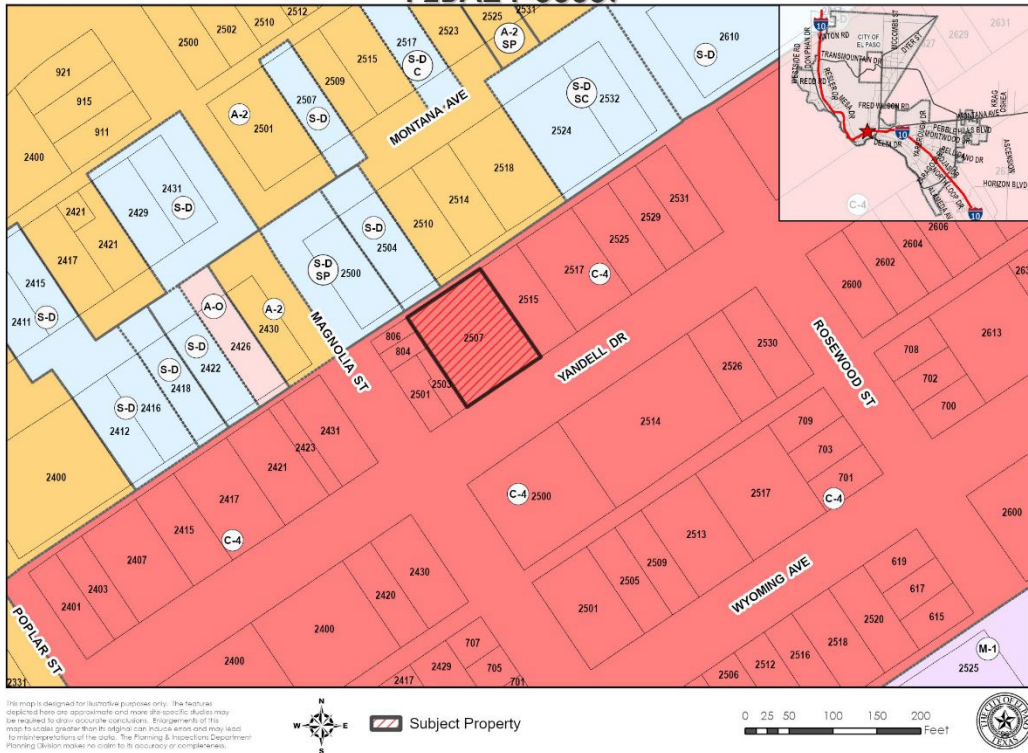
1. **Approval** of the special exception request, finding that the request is in in harmony with the spirit and purposes of Titles 2 and 20, including the preservation of the essential character of the district in which the

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.

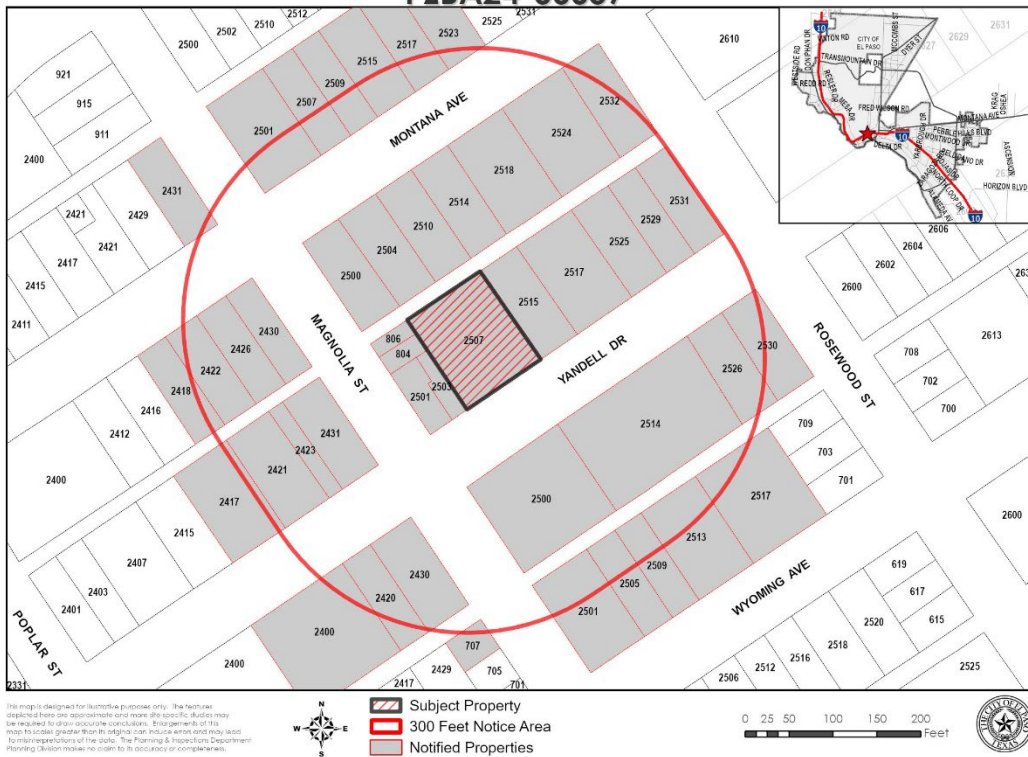
ZONING MAP

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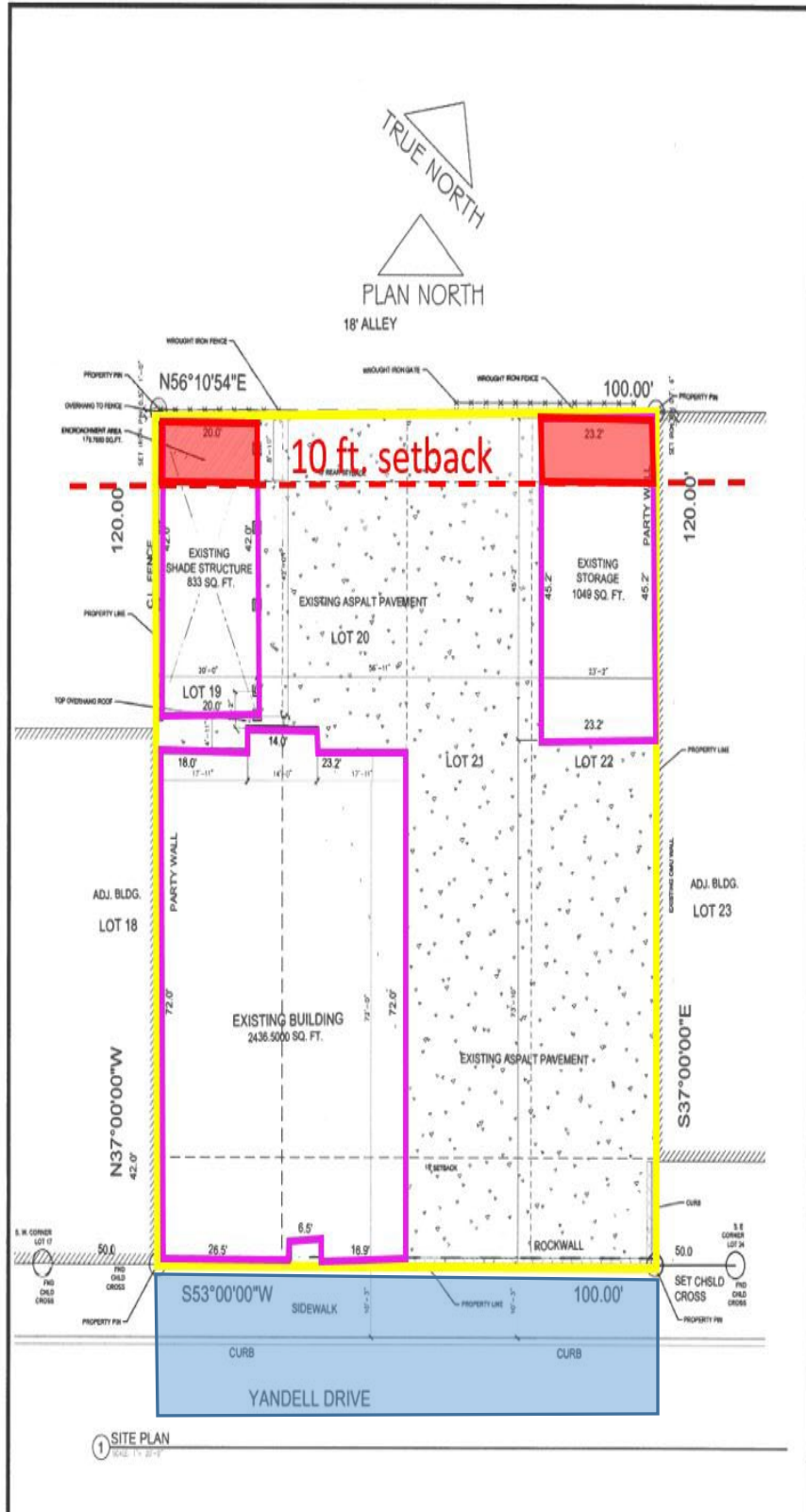


NEIGHBORHOOD NOTIFICATION MAP

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SITE PLAN



NONCONFORMING LOTS

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NONCONFORMING LOT 1

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