

Rebecca Campos and Lorenza Castro

Applicants request a Variance from Section 20.12.020, Table of Density and Dimensional Standards, Rear Yard Setback in a C-4 zone.

This would permit the construction of a pedestrian toll booth facility that is proposed to be located to within 0' of the rear property line.

The required rear yard setback is 10' in the C-4 (Regional Commercial District) zone.

BACKGROUND

The City of El Paso is bringing this request for a Variance to the ZBA for the proposed construction of a new toll collection facility for the City-owned southbound pedestrian portion of the Paso del Norte Bridge. For the planned improvements, the City needs additional property and is in the process of purchasing abutting property from Rebecca Campos and her daughter, Lorenza Castro. Please see enclosed letters from Mrs. Campos and Ms. Castro authorizing the City to proceed with the request for the Variance.

The toll collection booth is currently located on an easement owned by the federal government and is proposed to be expanded to the west into the subject property. The project includes a larger toll collection facility, improvements to the bridge canopy and the placita to the north, and a new parking lot for the facility. The request to the ZBA is to keep the toll collection facility at its present location, with a 0' rear yard setback. The required front yard and side yard setbacks for the C-4 district will be met. The toll collection facility is the gateway to the pedestrian bridge and is restricted by the location of the pedestrian bridge and the Paso del Norte Bridge immediately to the east.

CALCULATIONS

Required rear yard setback = 10'

Requested rear yard setback = 0'

STAFF RECOMMENDATION

Staff recommends approval of the request for a Variance of the rear yard setback requirement in the C-4 district because the request is consistent with public interest; the need for the variance is due to the unique conditions of the property; a literal enforcement of the setback requirement would create an unnecessary hardship; and, the spirit of the ordinance would be observed and substantial justice served.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

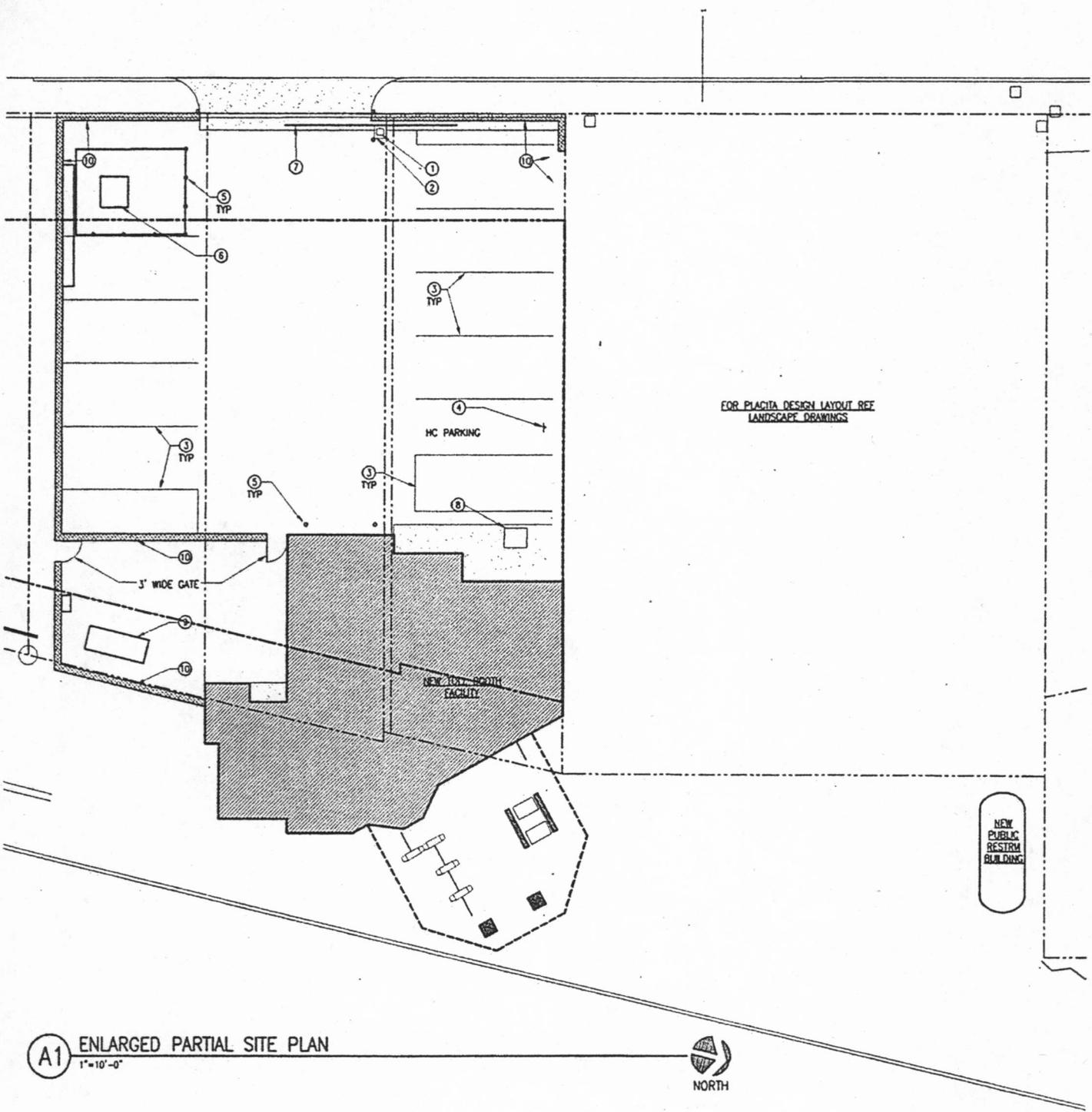
"Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."

The following questions should be carefully considered in order to grant a variance:

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

"Unnecessary hardship" is defined in Section 20.02.1128 of the El Paso Municipal Code:

"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship which is self-imposed.



A1 ENLARGED PARTIAL SITE PLAN
1" = 10'-0"



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SERVICE SOLUTIONS SUCCESS

INTERNATIONAL BRIDGES DEPARTMENT
February 9, 2009



Honorable Members of the Zoning Board of Adjustment
c/o ZBA Secretary
2 Civic Center Plaza
El Paso, Texas 79901

Subject: Variance Application for the Santa Fe Port of Entry

Dear Members:

International Bridges Department is in the process of investing over \$10,000,000 in the improvement of the City owned Santa Fe Port of Entry to provide amenities to pedestrian border crossers, project a positive image of the City and its citizens and expedite cross border mobility.

A variance is required to permit the construction of a new Toll Facility to replace the existing one. The site has inherent conditions which prevent the new construction from meeting the required rear setback:

1. The new facility will replace an existing facility that already abuts the rear property line.
2. Because of the proximity of the bridge concrete guardrail, abutment and the grade difference between the sidewalk and the land to the west, the facility cannot be moved and if moved, parking will be affected negatively.
3. The Federal Government, through the General Services Administration, has provided the City with an easement to allow the construction of the Toll Facility and other improvements on Federal lands.
4. Security and control of the pedestrian crossings require that the toll facility is built in such way that southbound movement of people is directed through a secure path and the northbound movement is easily prohibited. The demarcation for the pedestrian path will be defined by the Toll Building and the fence at the edge of the sidewalk.
5. The proposed design will help Customs and Border Protection, Police Department and other local and federal enforcement agencies perform southbound checks for illegal exportation of currency and guns and help with the upcoming Visa Exit Program.
6. The toll facility will include a canopy to protect the users, employees and the toll equipment from the weather. The canopy is connected to the building at the property line.
7. The Port of Entry serves annually over 4,000,000 pedestrian crossers and is a vital economic engine to the Downtown area.
8. The contemplated improvements, shade canopies, benches, drinking fountain, landscaping, automated public toilet, Public Art and the improvement of a dedicated public park, will benefit the greater public interest.

I look forward to presenting the case and discussing its merits with you.

Sincerely,



Said Larbi-Cherif, P.E., Director

Cc: Jane Shang, DCM for Mobility Services
Johanes Makahaube, Project Manager

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Raul & Rebecca Campos
6104 Delta Drive
El Paso, TX 79905

January 28, 2009

Linda Castle
Secretary of the Zoning Board of Adjustment
Development Services Department
2 Civic Center Plaza
El Paso, Texas 79901

Subject: Variance Application for the Santa Fe Port of Entry

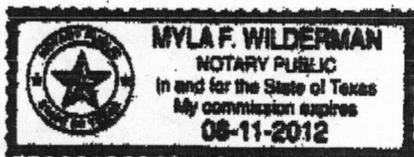
Dear Ms. Castle:

International Bridges Department is in the process of acquiring from me all of Lots 11 and 12 and a portion of Lot 13, Block 44, Campbell Addition, El Paso County, Texas, for the Santa Fe Port of Entry project. The negotiations have been completed and transfer of the property to the City is pending approval of the Environmental Assessment by TXDOT. I hereby authorize the City to proceed with the Variance Application to expedite the project.

Rebecca Campos
SIGNATURE OF PROPERTY OWNER

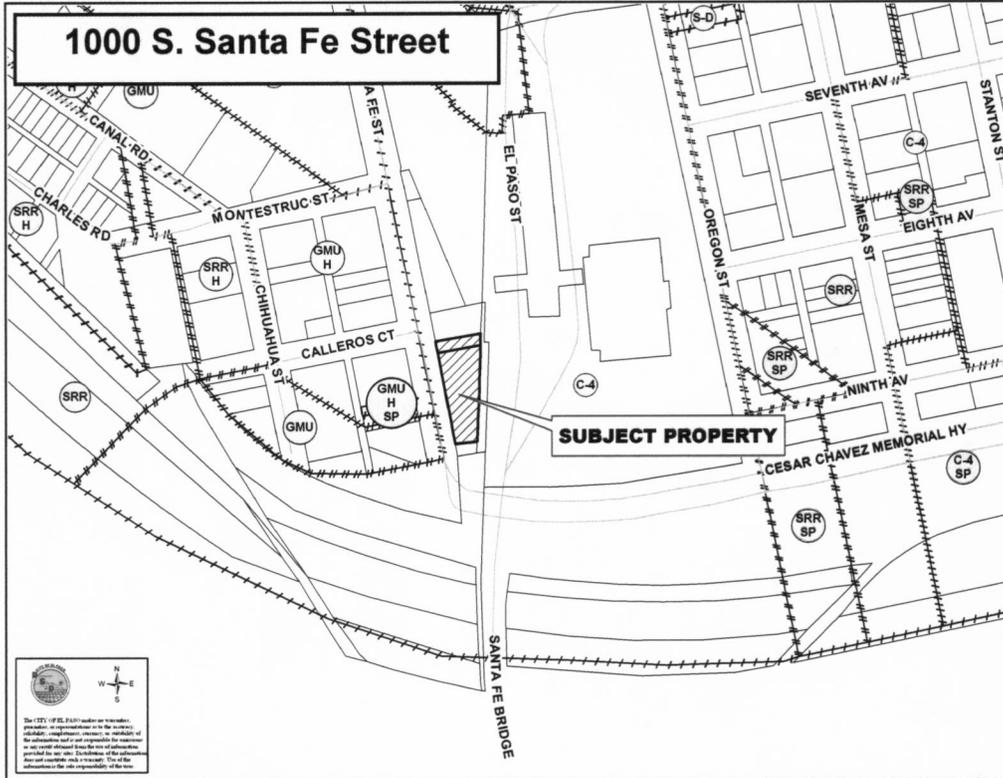
— THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 5 day of ^{February} ~~January~~, 2009



Myla F. Wilderman
STATE OF TEXAS NOTARY PUBLIC

ZONING MAP



NOTIFICATION MAP

