

Applicant requests a Variance from the requirements of Section 20.12.020 T.1 (Front Yard Setback, C-1 Zoning District, Other permitted uses) in a C-1 (Neighborhood Commercial District) zone.

This would permit the existence of a convenience store that has been constructed encroaching 5' into the required front yard setback.

The required front yard setback is 20' for a retail store in a C-1 zone.

BACKGROUND

The applicant is requesting a Variance for a convenience store that has been built encroaching in the front setback. Building permit #BLD07-07941 was issued; however, an inspector failed the building for encroachment into the rear setback. The applicant was unsuccessful in trying to purchase 10 feet from the adjoining property owner in order to meet the rear setback. After meeting with the Planning staff, the applicant re-arranged the setback configuration and is requesting a Variance for a 5 foot encroachment into the front yard setback (with frontage on Pebble Hills). The lot is transected at the rear and side property lines with a total of 40 foot wide utility easements for a gas pipeline and electric lines. The required yard setbacks of zero feet interior yard, 10 feet side street yard and 10 feet rear yard are met or exceeded. The existing building under the canopy will be demolished.

CALCULATIONS

Required front yard setback = 20'

Requested front yard setback = 15'

STAFF RECOMMENDATION

Staff recommends approval of the request for a Variance because a literal enforcement of the front yard setback requirements in Section 20.12.020 T.1 of the Zoning Code would create an unnecessary hardship due to the special condition of the 40 foot wide gas pipeline and electric utility easements transecting the lot.

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.

DORADO ENGINEERING, INC.
2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

April 22, 2008

Ms. Linda Castle
City of El Paso Development Services
Planning Department, 5th Floor
2 Civic Center Plaza
El Paso, TX 79901

RE: Good Time Store at Lee Trevino and Pebble Hills Blvd.

Ms. Castle,

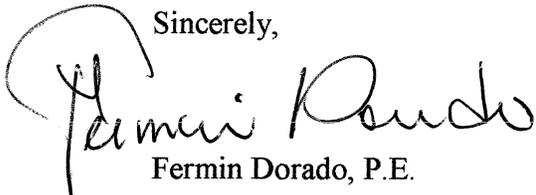
This letter is to request a five (5) feet encroachment into the required twenty (20) feet front set back on Pebble Hills Blvd. for a proposed convenient store.

The reason for our request is the limited space available for construction due to the existence of a thirty (30) feet Texas Gas easement and a ten (10) feet El Paso Electric Company easement that divides the property in an Easterly/Westerly direction as shown on the attached plan.

Your positive consideration to our request is greatly appreciated and we thank you for your assistance.

Please advice if additional information is necessary.

Sincerely,

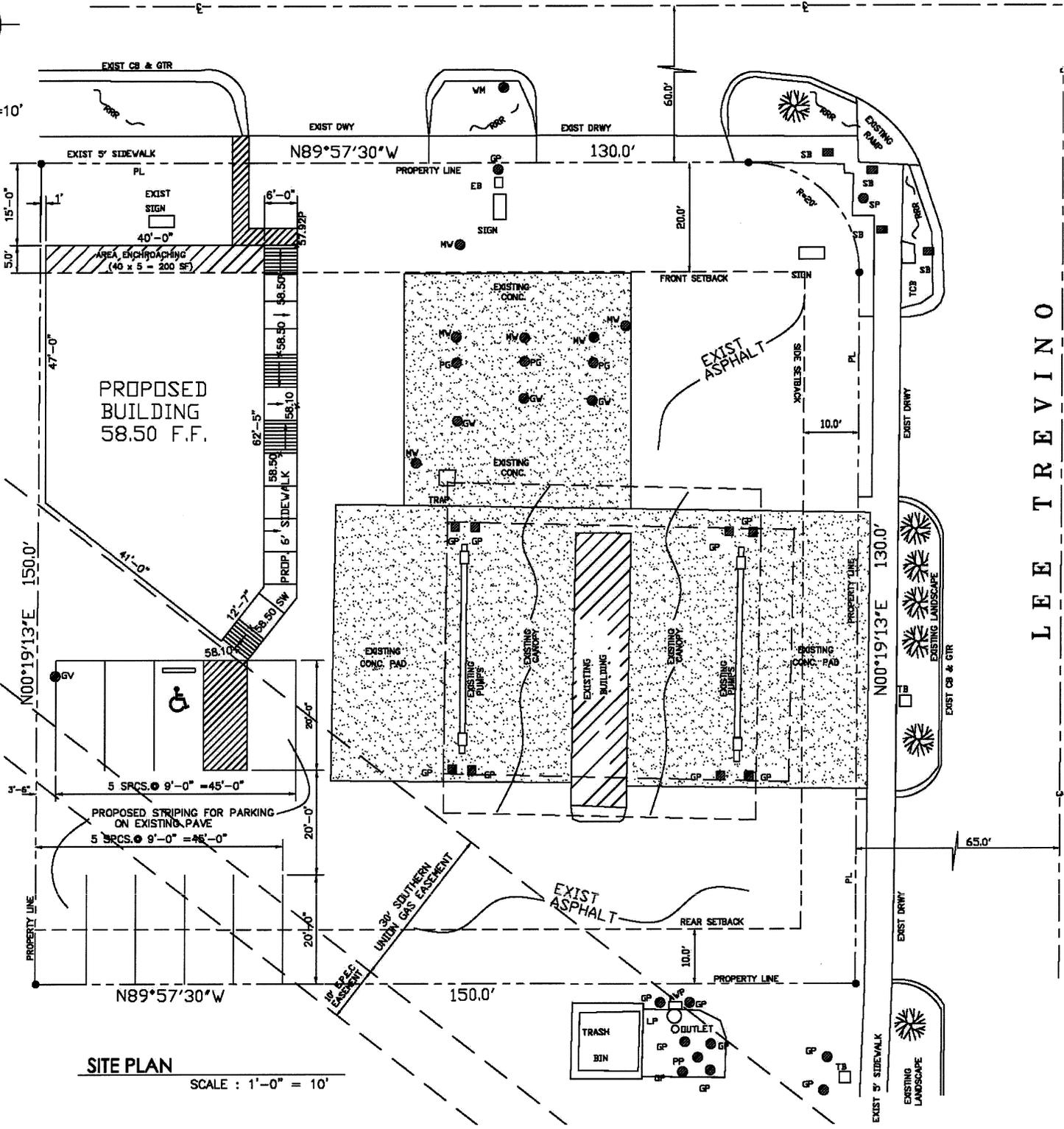


Fermin Dorado, P.E.

PEBBLE HILLS



SCALE: 1"=10'



SITE PLAN
SCALE: 1"=10'

LEE TREVINO



BUILDING PERMIT

PERMIT NO.: **BLD07-07941**

ISSUED: **12/26/2007**

APPLIED: **8/21/2007**

EXPIRES: **6/26/2008**

SITE ADDRESS: **3013 N LEE TREVINO DR**
 ASSESSOR'S PARCEL NO.: **X58099924100154**
 PROJECT DESCRIPTION: **NEW CONVENIENT STORE**

OWNER/APPLICANT GOOD TIME STORES INC 7108 AIRPORT RD EL PASO TX 79906-4909	CONTRACTOR VEMAC LP 2914 E YANDELL STE 3 EL PASO TX 79903
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TYPE OF WORK: New Commercial

TYPE OF USE: Sales, Retail & Wholesale

CENSUS CAT.:

ZONING: C1 Commercial District

OCCUPANCY GROUPS:

1 M 2
 3 4

CONSTRUCTION TYPE:

1 VB 2
 3 4

AREA:

LOT: sf

1ST FLR: sf

2ND FLR: sf

CAR/CARPORT: sf

BASEMENT: sf

OTHER: sf

VALUE: **\$200,000.00**

REQUIRED SETBACK:

FRONT: ft

SIDE 1: ft

SIDE 2: ft

REAR: ft

NUMBER OF UNITS:

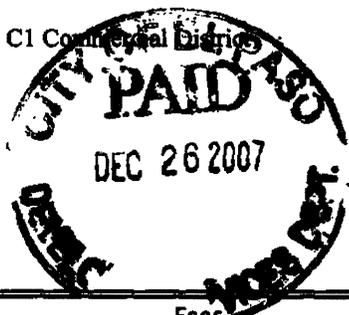
STORIES:

BUILDING HEIGHT: ft

REQUIRED PARKING:

TOTAL PARKING:

HANDICAPPED:



Fees			
Type	By	Date	Amount
PRMT	JOE	12/26/2007	1,520.00
Total:			1,520.00

***** NOTICE *****

1. This permit is issued in accordance with the provisions of Chapter 18.02 of the Municipal Code and the applicant, in accepting it, obligates himself to comply fully with all the provisions of the Municipal Code and other applicable codes and ordinances insofar as they affect this permit including, but not limited to, calling for all required inspections.
2. This building permit or a copy thereof shall be kept on the site of work until completion of the project.

I hereby acknowledge that I have read this permit and state that the above information is correct, and agree to comply with all City, State and Federal laws regulating activities covered by this permit.

Issued by

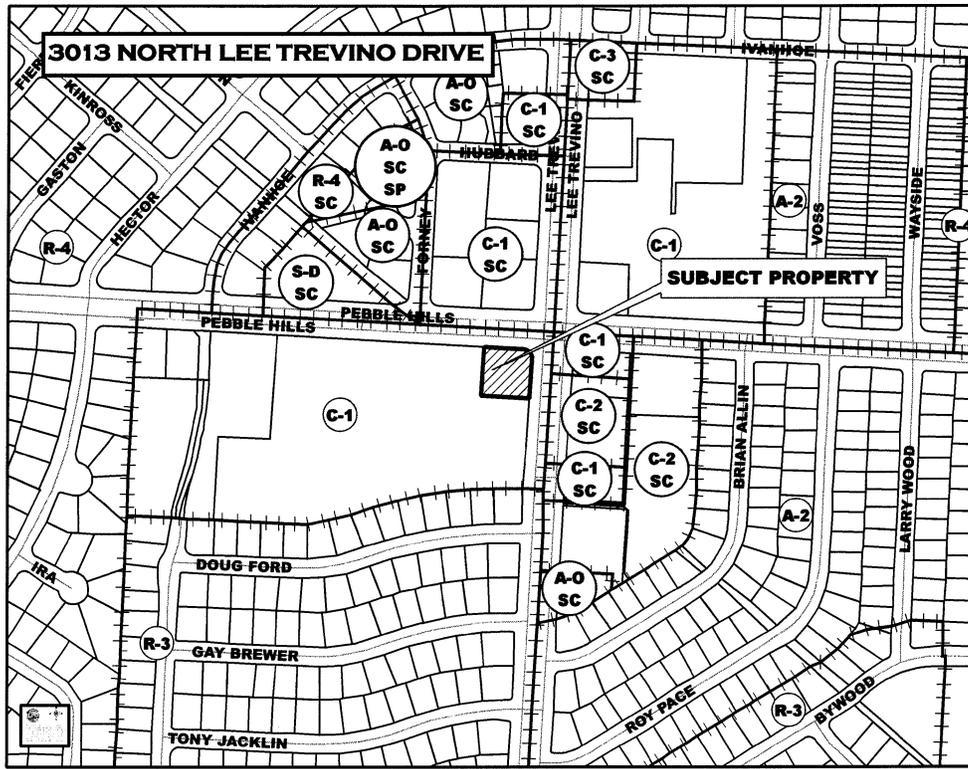
Contractor's, Owner's or Agent's Signature

A Minimum 24 Hour Notice Is Required For All Inspections

1. Original 2. Customer 3. Cashier 4. Office

541-4600 or 541-4700

ZONING MAP



NOTIFICATION MAP

