

City of El Paso, TX

VARIANCE

1. **Issued to:** Alamo Fireworks, Inc.
2. **Issued by:** City of El Paso, TX
3. **Date:** May __, 2007
4. **Property Description:** Approximately 1.0 acres out of a larger 5.0 acre tract located at 13690 Montana Ave, El Paso County, Texas, identified by El Paso Appraisal District Legal Description 79 TSP 2 SEC 25 T&P SURV 2134 TR2-B (5.000 AC) and containing a commercial improvement measuring approximately one-hundred (100) feet by fifty (50) feet.
5. **Applicable Regulation:** Fire Prevention Code 9.52.120 Chapter 33 of the El Paso Code of Ordinances, which makes it unlawful to possess, manufacture, sell, or offer to sell fireworks within five-thousand (5,000) feet of the city limits.
6. **Findings & Justifications:** At the time Alamo Fireworks acquired the site at issue and constructed its facility, the property was not located within 5,000 feet of the city limits. Recent annexations by the City of El Paso have extended the city limits by several hundred feet, bringing the subject property within the prohibited distance. Due to the capital investments made with regard to the property and to support the civic groups benefiting from sales at this location, the City Council finds that Alamo Fireworks should be granted a reasonable time to minimize any resultant financial detriment.
7. **Description of Variance:** The City Council hereby approves a Variance to the Fire Prevention Code 9.52.120 Chapter 33 of the El Paso Code of Ordinances, by authorizing the previously described property to be used for the sale of fireworks for a period ending July 31, 2015.
8. **Expiration of Variance:** This variance shall expire on July 31, 2015.
9. **Conditions of Variance:** The City Council approves the variance in consideration of the following conditions:

- a. That only the permanent structure existing at the time of the annexations shall be used for the sale of fireworks. No sales from portable stands shall be permitted within 5000' of the city limits.
- b. That the existing structure not be significantly altered, expanded or improved except for normal maintenance.
- c. That the use and discharge of fireworks on the property remain prohibited and subject to criminal prosecution.