

161 Vin Salou

Zoning Board of Adjustment — July 22, 2024



CASE NUMBER: PZBA24-00055
CASE MANAGER: Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
PROPERTY OWNER: Montecillo Central Hotel LLC
REPRESENTATIVE: David Bogas
LOCATION: 161 Vin Salou Wy. (District 8)
ZONING: SCZ T5 (SmartCode Urban Center)
REQUEST: Variance from 21.50.060
PUBLIC INPUT: None received as of July 16, 2024

SUMMARY OF REQUEST: Applicant requests a Variance under Section 2.16.030 *Variations* to provide the principal entrance away from the main road as per El Paso City Code Section 21.50.060 *Warrants, variances, and adjustments*. The applicant is requesting the principal entrance to the proposed hotel be from the parking area at the rear in an SCZ T5 (SmartCode Urban Center) zone district.

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This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce error and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

0 35 70 140 210 280 Feet



Figure A. Aerial of Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to provide the principal entrance to the proposed hotel from the parking area located at the rear of the property in an SCZ T5 (SmartCode Urban Center) zone district stating topographical features being a hardship inherent to the property.

BACKGROUND: El Paso City Code Section 21.50.060 Subsection C.1 requires that the principal entrance to the building shall be on a frontage line.

Definition of Unnecessary Hardship, Section 20.02.1128:

“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 that is self-imposed.

ANALYSIS: Staff has reviewed the request with the applicant stating a grade difference of about four feet (4’) making it hard for the entrance to be from Vin Salou. Design of development can provide relief without the granting of a variance as there does not seem to be any hardship being imposed on the property from which the applicant is seeking relief.

COMPLIANCE WITH EL PASO CITY CODE SECTION 2.16.030

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:

Questions	Does the Request Comply?
1. Is the need for the variance due to special conditions?	No. Building may be placed differently on the property to address the small topographic concern.
2. Would a literal enforcement of the ordinance create an unnecessary hardship?	No. No hardship seems to be created.
3. Is the variance consistent with public interest?	No. SmartCode is a form-based code to enhance the public realm and street frontage via quality architectural design and features of buildings.
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?	No. There is no hardship imposed on the property.

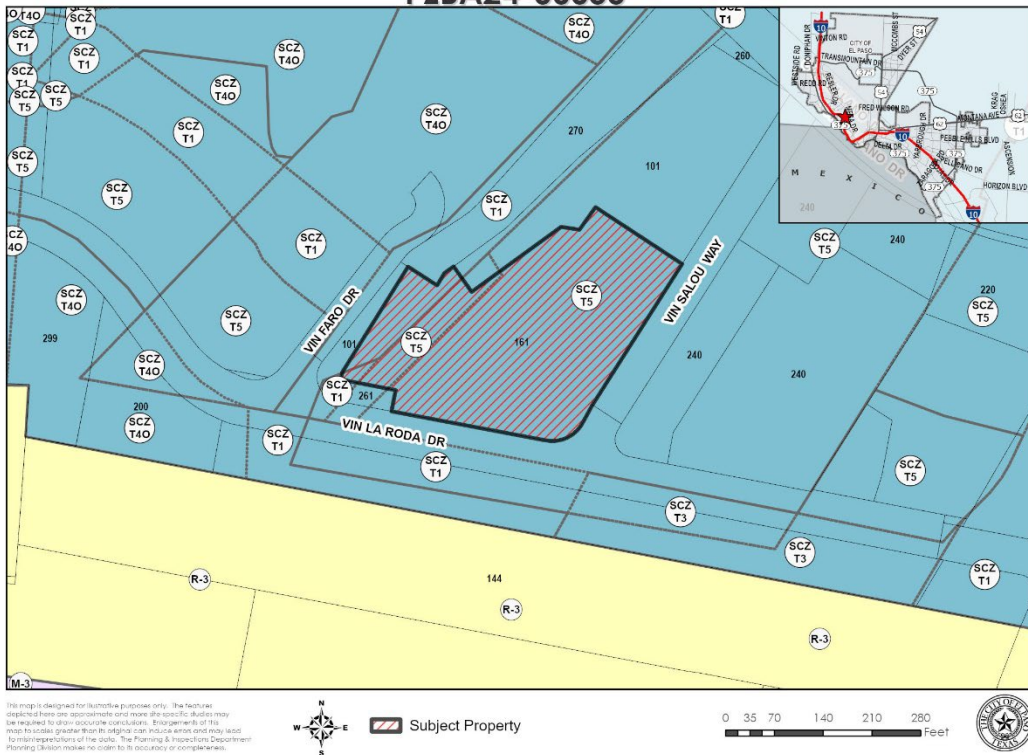
PUBLIC COMMENT: Public notice was sent on July 11, 2024 to all property owners within 300 feet of subject property. The Planning Division has not received any communications in support or opposition to the special exception request.

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) may authorize in specific cases a variance from the terms of the zoning ordinance (Title 20) or as specified in (Title 21) SmartCode 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. In evaluating the request, the ZBA may take any of the following actions:

1. **Approval** of the variance 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.
2. **Approval with Modifications** of the variance 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 variance request, finding that the request does not conform to the review criteria as provided in El Paso City Code Titles 2 and 20.

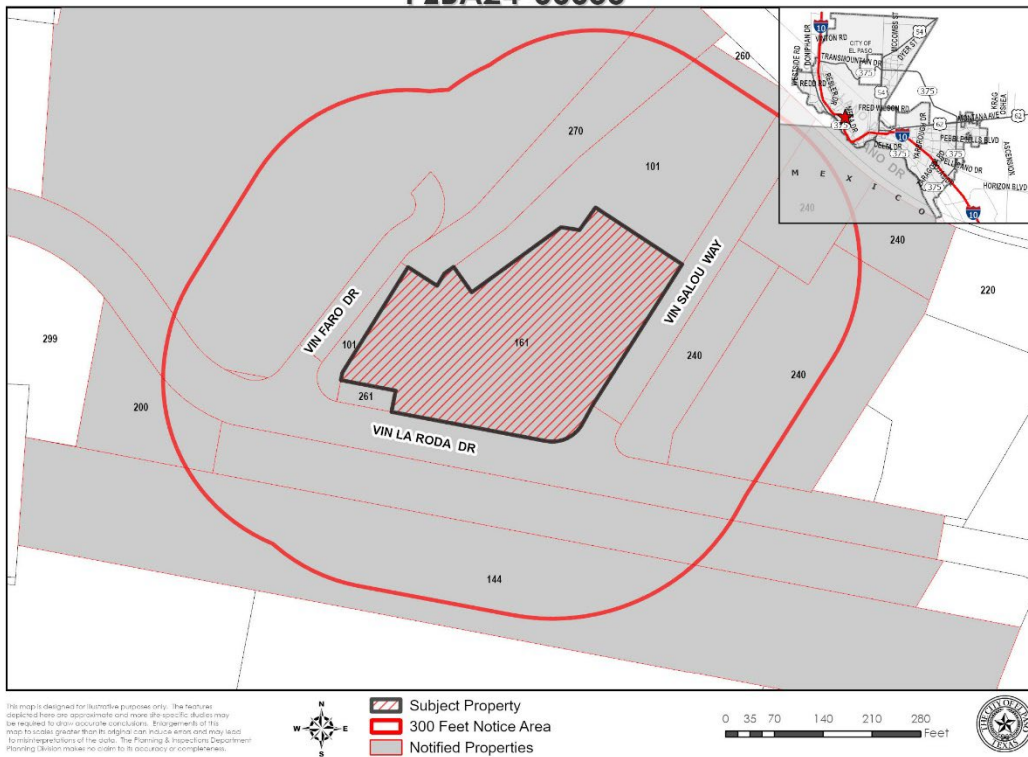
ZONING MAP

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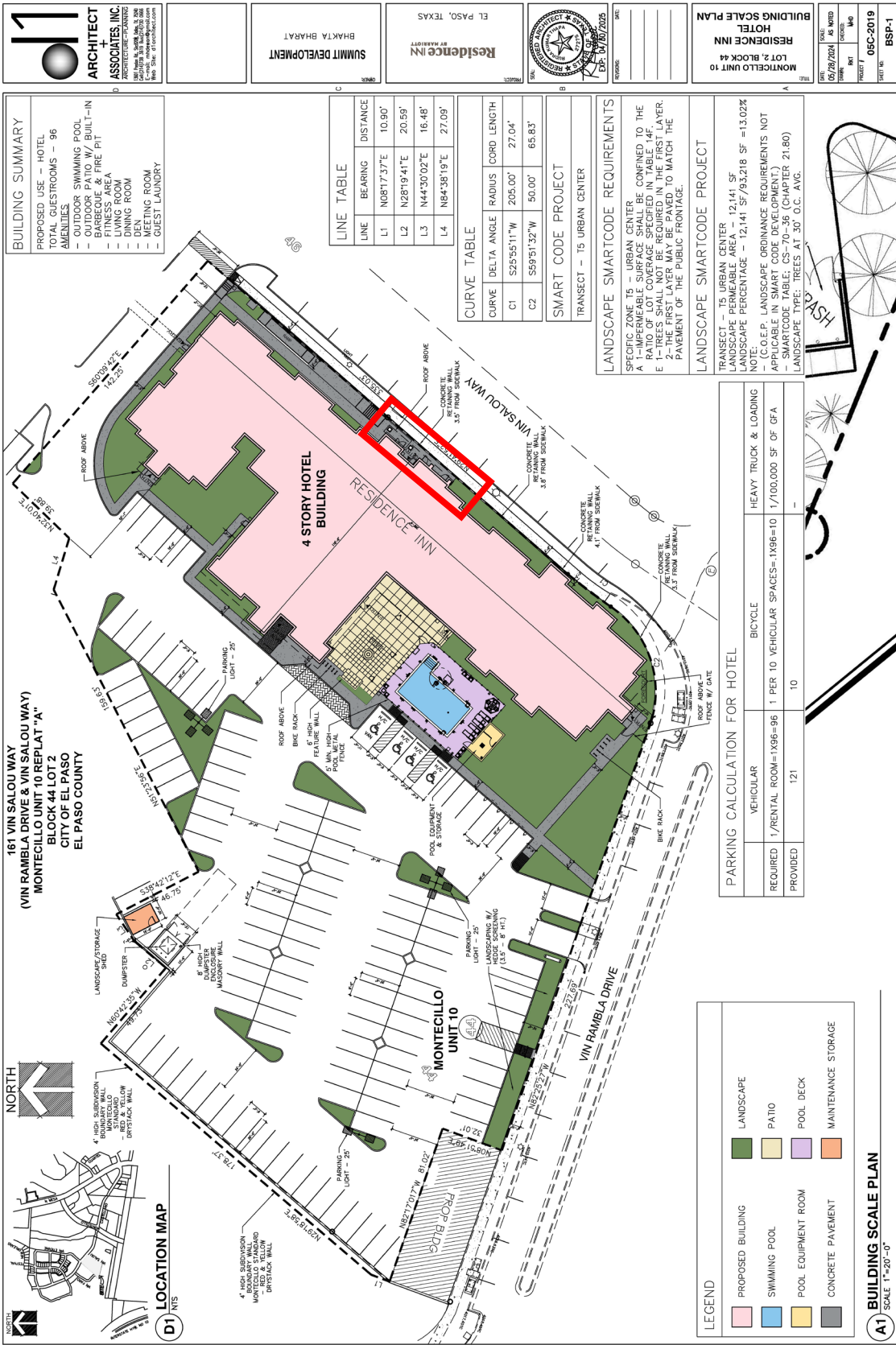


NEIGHBORHOOD NOTIFICATION MAP

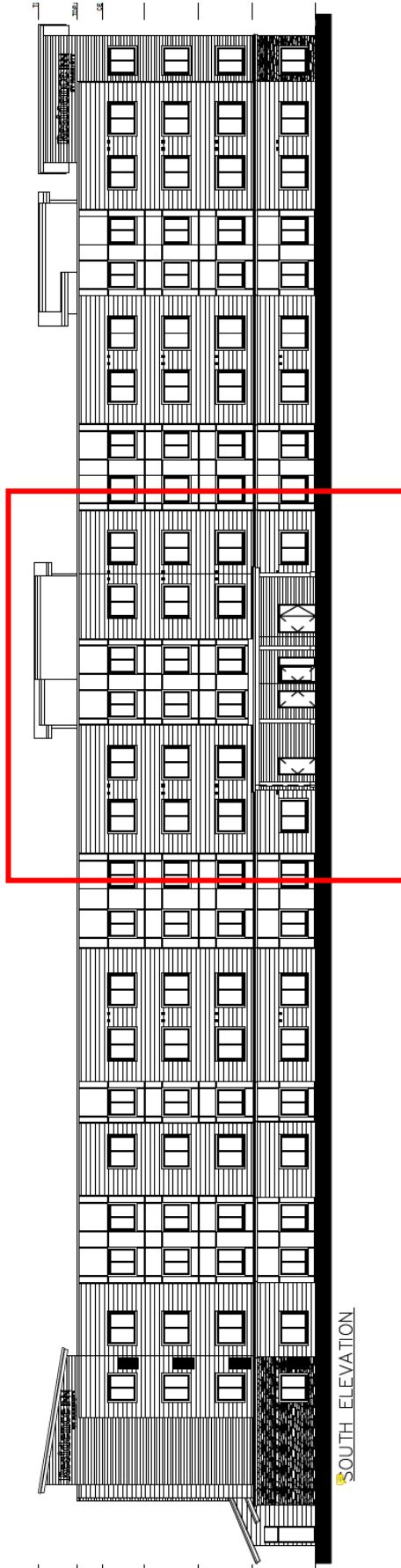
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SITE PLAN

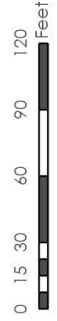
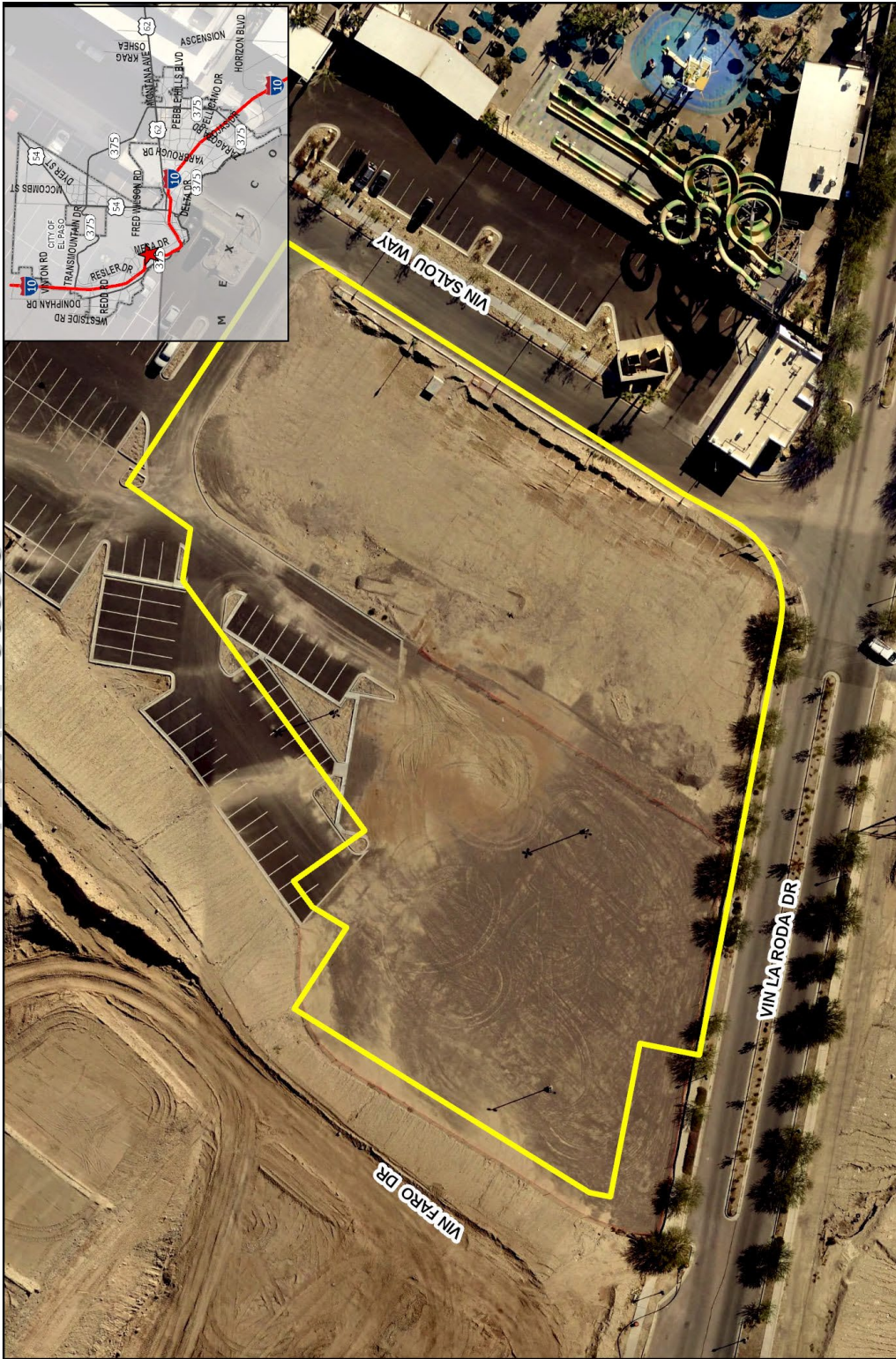


ELEVATION



AERIAL

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Subject Property



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