



HORIZON CITY

Incorporated 1988

**AGENDA
PUBLIC MEETING
SPECIAL BOARD OF ADJUSTMENT
THE TOWN OF HORIZON CITY, TEXAS
Wednesday, October 21, 2020, 6:00 PM**

Notice is hereby given that a Special Board of Adjustment of the Town of Horizon City, Texas will be held on **Wednesday, October 21, 2020 at 6:00 PM** at Virtual Meeting , at which time the following will be discussed and considered:

The Zoning Board of Adjustment and staff will participate in this meeting via video conference or telephone conference. Members of the public may view the meeting online or by video conference via the following:

Virtual Meeting Information

Meeting

link: <https://townofhorizoncity.my.webex.com/townofhorizoncity.my/j.php?MTID=mb3b6a4d80eafc629398c59420d2f8b09>

Meeting number: 126 549 7253

Password: SpBOA2020!

Host key: 268707

More ways to join

Join by phone

+1-408-418-9388 United States Toll

Access code: 126 549 7253

1. CALL MEETING TO ORDER, DETERMINATION OF QUORUM:

2. OPEN FORUM:

Note: The Zoning Board of Adjustment encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A "Speaker Request" form is available for those who wish to sign up on the day of the meeting. This form is also available in advance by downloading the attached form and submitting it to the Board Secretary prior to the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations. Please contact the Board Secretary with any additional questions at (915) 852-1042 ext 404.

3. PUBLIC HEARINGS

NOTICE TO THE PUBLIC AND APPLICANTS:

The staff report for an agenda item may include conditions, exceptions or modification. The Board motions to approve an item in accordance with the staff report or with all staff comments means that any modification, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff

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recommended conditions, have been approved, without necessitating that the Board restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Board, have been made. If the Board does not wish to approve an exception or modification, or require a condition, then the Board's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

A. DISCUSSION AND ACTION: **5**

Planning Director

On a variance request (#BOA002453-2020) for reduced lot sizes and/or reduced front and rear yard setbacks as follows:

1. For properties at **14300 through 14344 Lago DI' Garda Drive**, *legally described as Lots 1 thru 12, Block 1, Piemonte Village Unit One Replat C, Horizon City, El Paso County, Texas*:
 - o Lots 1 and 12: To allow for reduced lot sizes.
 - o Lots 2 thru 11: To allow for reduced lot sizes and reduced front and rear yard setbacks .
2. For properties at **204 through 232 Dora Baltea Pl.**, *legally described as Lots 1 thru 8, Block 5, Piemonte Village Unit One Replat C, Horizon City, El Paso County, Texas*, to allow for reduced lot sizes and reduced front and rear yard setbacks

Application submitted by Pacifica Homes Inc.

B. DISCUSSION AND ACTION: **13**

Planning Director

On a variance request (#BOA002454-2020) for **236 Dora Baltea Pl.**, *legally described as Lot 9, Block 5, Piemonte Village Unit One Replat C, Horizon City, El Paso County, Texas*, to allow for a reduced lot size and reduced front and rear yard setbacks. Application submitted by Indigo Homes.

4. OTHER BUSINESS:

A. DISCUSSION AND ACTION:

On the selection of a Vice Chair for the Zoning Board of Adjustment

B. DISCUSSION AND ACTION: **20**

To approve the Board of Adjustment meeting minutes of December 18, 2019.

C. DISCUSSION AND ACTION:

To cancel the next regular scheduled Board of Adjustment meeting on Wednesday, November 4, 2020

5. ANNOUNCEMENTS

A. BOARD OF ADJUSTMENT MEMBER UPDATE:

Planning Director

B. NEXT MEETING:

As per meeting schedule, the next regular meeting will take place on **Wednesday, December 2, 2020 at 6:00 pm**

Adjournment:

Motion to Adjournment: _____ 2nd _____

Dated this

By: _____

Elvia Schuller, City Clerk

I, the undersigned authority, hereby certify that the above notice of the Special Board of Adjustment of the Town of Horizon City, Texas is a correct copy of this notice, and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at the City Hall Bulletin Boards of the Town of Horizon City, Texas on this by 5:00 p.m.

Agenda Removed: _____ Time _____ By _____

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

SPEAKER REQUEST FORM

(for all persons who wish to address the Board or Commission)

Date of Meeting: _____

Your Name: _____

Residence Address: _____

City: _____ Contact Number: _____

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity: _____

Agenda Item No.: _____ Public Hearing Agenda Item No.: _____

For (if applicable) Against (if applicable)

OPEN FORUM:

To speak on an item not listed on the agenda, known as **OPEN FORUM**, please indicate area of interest:

Please remember to step to the podium as soon as you are recognized by the chair; state your name and address before beginning your presentation. If you have written notes you wish to present to the Chair and the Board/Commission, PLEASE FURNISH AN EXTRA COPY FOR THE BOARD/COMMISSION.

The Board/Commission will appreciate each speaker limiting an address on any one item to three minutes.

Thank you for your cooperation.

**PLEASE CARRY THIS FORM TO THE
BOARD SECRETARY AT THE DESK PRIOR
TO THE BEGINNING OF THE MEETING.**



TOWN OF HORIZON CITY
Zoning Board of Adjustment Staff Report

Case No.: BOA-002453-2020
Application Type: Variance Application
BoA Hearing Date: October 21, 2020
Staff Contact: Michelle Padilla, Planning Director
915-852-1046 ext.105; mpadilla@horizoncity.org

Address/Location: 14304 to 14340 Lago Di Garda Drive
Legal Description: Lots 1-12, Block 1, Piemonte Village Unite One Replat C

Address/Location: 208 to 232 Dora Baltea Place
Legal Description: Lots 1-8, Block 5, Piemonte Village Unite One Replat C

Acreeage/SQ. FT: Lot 1, Block 1 – 8,376.20 sq. ft.
Lot 12, Block 1 – 6,004.39 sq. ft.
Lots 2-11, Block 1 – all are 5,972 sq. ft.
Lot 1, Block 5 – 6,796.77 sq. ft.
Lots 2-8, Block 5 – all are 5,879.63 sq. ft.

Existing Use: Vacant Lots
Proposed Use: Single Family Home
Existing Zoning: PUD – Planned Unit Development
Request: Applicant seeks a variance from Chapter 13 Planned Unit Development, Section 1311.4.2.1 Minimum lot size, 1311.4.2.4, Minimum front setback, – Minimum Setback Standards of the Zoning Ordinance of the Municipal Code to allow for reduced front yard setbacks and reduced lot sizes (on most lots).

Owner: Pacifica Homes Inc.
Applicant: Pacifica Homes Inc.

Surrounding Zoning and Land Use:

North: PUD (Planned Unit Development)
South: R-2 (Residential) Clint ISD
East: R-2 (Residential)
West: PUD (Planned Unit Development)

Future Land Use Designation: High Density- Single Family
Nearest Park: West Eastlake Estates Unit One – Ortiz Park
Nearest School: Clint ISD - Various

Application Description:

Pacifica Homes Inc, owner and applicant, is requesting a variance on the subject properties to allow for:

1. A reduced front setback of 15 feet and a reduced lot size on Lots 2 through 11, Block 1 and Lots 2 through 8, Block 5, Piemonte Village Unit One Replat C, Town of Horizon City, El Paso County, Texas. All of the lots on Block 1 are 5,975 square feet in size and all of the lots on Block 5 are 5,879.63 square feet in size.
2. A reduced front setback of 15 feet on Lots 1 and 12, Block 1 and Lot 1, Block 5, Piemonte Village Unit One Replat C, Town of Horizon City, El Paso County, Texas.

These lots are designated as “Neighborhood Edge” on the development plan that was approved when the area was rezoned to Planned Unit Development (PUD). The Neighborhood Edge designation requires that lots be a minimum of 6,000 square feet and maintain a 20-foot front setback. The original plat and subsequent replats were approved with lots (within the Neighborhood Edge area) that do not meet the minimum lot size. Piemonte Village Unit One Replat C, the last approved replat, was recorded on May 22, 2012.

Notice:

Notice of the Public Hearing were mailed to adjacent neighbors on October 9, 2020. The Planning Department has not received any letters or phone calls in support of or in opposition of the variance request. Any responses received by staff will be presented to the Board at the public hearing meeting.

Staff Recommendation:

Staff recommends *approval* of the variance request as the lot size and proposed setback are consistent with the neighboring properties and meets the intent of the PUD zone.

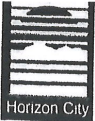
Additional Requirements:

If variance is granted by the Board of Adjustment, a building permit may be obtained from the Building Services Department. Applicant is to present the “Board Determination Notice” with plans and/or other requirements when applying for the building permit. Applicant must obtain a building permit within one (1) year after Board authorization.

Attachments:

- 1 - Aerial View
- 2 - Zoning Map
- 3 – Application
- 4 – Sample Site Plan
- 5- Plat
- 6- Board Worksheet

Attachment 3-Application



TOWN OF HORIZON CITY

14999 Darrington Road
Horizon City, Texas 79928
Phone 915-852-1046 Fax 915-852-1005

BOA 002453-2020

**VARIANCE REQUEST
APPLICATION**

Site Address/Location 14300, 14304 TO 14340 LAGO DI GARZA DRIVE Zoned: _____
Legal Description TO 1412 (Lot) 1 (Block) DIEMONTE VILLAGE UNIT ONE REPARAT C (Subdivision Name)

If the legal description of the complete tracts or if plat are not available, the required Metes & Bounds Description with a survey map is attached? Yes No

IS THE VARIANCE REQUEST AS A RESULT OF A NOTICE OF VIOLATION? YES NO (IF YES, PLEASE ATTACH COPY)

APPLICANT INFORMATION

APPLICANT PACIFICA HOMES INC. CONTACT: JUAN JOSE VASQUEZ
ADDRESS 12660 TIERRA CLARA RD.
CITY/STATE EL PASO, TX ZIP CODE 915-740 9399
EMAIL: JJPACIFICA014@GMAIL.COM PH. No. _____ CELL No. _____

APPLICANT IS: PROPERTY OWNER TENANT REPRESENTATIVE
Affidavit required for tenants/representative. Affidavit Attached? Yes No N/A

PROPERTY OWNER INFORMATION

OWNER'S NAME PACIFICA HOMES INC. CONTACT: JJ VASQUEZ
ADDRESS 12660 TIERRA CLARA RD.
CITY/STATE EL PASO TX. ZIP CODE 79938
EMAIL: JJPACIFICA014@GMAIL.COM PH. No. _____ CELL No. 915-740 9399

1. VARIANCE REQUEST IS FOR (A): LOT SQUARE FEET AND BUILDING SETBACKS
WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____

VARIANCE REQUEST IS FOR (B): _____
WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____

2. DESCRIBE IN DETAIL ANY SPECIAL CONDITIONS YOU BELIEVE WILL RESULT IN UNNECESSARY HARDSHIP TO YOU IN THE TERMS OF THIS ORDINANCE ARE STRICTLY OR LITERALLY ENFORCED. (MAY ATTACH LETTER) SALES AND PRODUCTION OF THE CONSTRUCTION OF STRUCTURES

3. WHAT OTHER REASONABLE ALTERNATIVE HAVE YOU CONSIDERED? WHY WON'T THESE OTHER OPTIONS ALLEVIATE THE DIFFICULTY OR HARDSHIP THAT YOU THINK EXISTS? (MAY ATTACH LETTER) NONE

4. WHY DO YOU BELIEVE YOUR VARIANCE DOES NOT VIOLATE THE INTENT OF THE ZONING ORDINANCE OR THE GOALS OF THE CITY'S COMPREHENSIVE PLAN? (MAY ATTACH LETTER) ALL LOT SQUARE FEET IN SUBDIVISION ARE LESS THAN 6000 SQUARE FEET

5. WHY DO YOU BELIEVE YOUR VARIANCE WILL NOT SUBSTANTIALLY INJURE NEIGHBORING PROPERTIES OR INTERFERE WITH THE ENJOYMENT OF THESE PROPERTIES BY THEIR OWNERS? (MAY ATTACHED LETTER) ALL SUBDIVISION HAS SIMILAR SQUARE FEET

FEE SCHEDULE (NONREFUNDABLE): ORDINANCE NO. 22
RESIDENTIAL: \$75 FOR CONVENING THE BOARD AND \$25 FOR NOTIFICATION OF ADJACENT PROPERTY OWNERS FOR APPEALS.
COMMERCIAL: \$150 FOR CONVENING THE BOARD.
OTHER: APPLICANT WILL BE RESPONSIBLE FOR ALL FEES INCURRED BY THE CITY IN CONNECTION WITH THIS VARIANCE REQUEST WHICH MAY INCLUDE: PUBLICATION, POSTAGE, ENGINEERING FEES AND ATTORNEY FEES. APPLICANT'S INITIALS JJV

(APPLICANT'S SIGNATURE) _____

SEP 28, 20
(DATE)

Application & Submittal Due Date: _____
BoA Scheduled Date: _____
Case #: _____
Application Received By: _____
Date Application Rec'd: _____



TOWN OF HORIZON CITY
 14999 Darrington Road
 Horizon City, Texas 79928
 Phone 915-852-1046 Fax 915-852-1005

VARIANCE REQUEST APPLICATION

Site Address/Location 204 JOX TO 232 DORA BALTEA PLACE Zoned: _____
Legal Description TO 8 S RIGMONTE VILLAGE UNIT ONE REPLAT C
 (Lot) (Block) (Subdivision Name)

If the legal description of the complete tracts or if plat are not available, the **required** Metes & Bounds Description with a survey map is attached? Yes No

IS THE VARIANCE REQUEST AS A RESULT OF A NOTICE OF VIOLATION? YES NO (IF YES, PLEASE ATTACH COPY)

APPLICANT INFORMATION

APPLICANT PACIFICA HOMES INC. CONTACT: JUAN JOSE VASQUEZ
ADDRESS 12660 TIERRA CLARA RD.
CITY/STATE EL PASO, TX ZIP CODE 915-740-9399
EMAIL: JJPACIFICA014@GMAIL.COM PH. No. _____ CELL No. _____

APPLICANT IS: PROPERTY OWNER TENANT REPRESENTATIVE
Affidavit required for tenants/representative. Affidavit Attached? Yes No N/A

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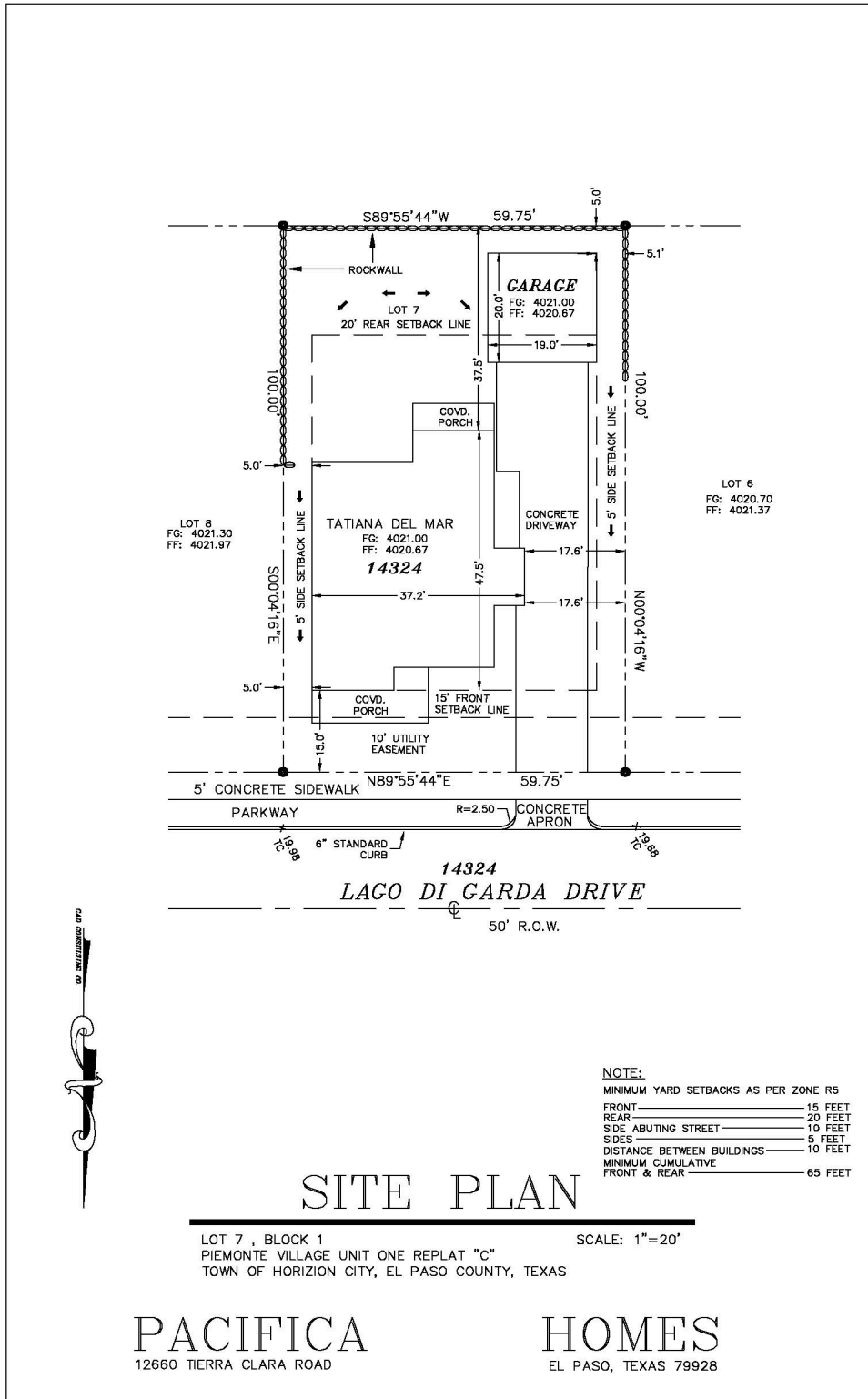
- VARIANCE REQUEST IS FOR (A): LOT SQUARE FEET AND BUILDING SETBACKS
 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____
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 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
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(APPLICANT'S SIGNATURE) [Signature] (DATE) 210. 28-20

Application & Submittal Due Date: _____
 BoA Scheduled Date: _____
 Case # _____
 Application Received By: _____
 Date Application Rec'd: _____

Attachment 4: Sample Site Plan



Attachment 5: Plat

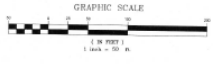
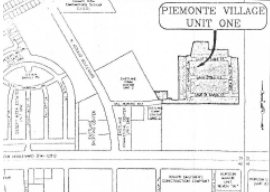
**PIEMONTE VILLAGE
UNIT ONE
REPLAT "C"**
BEING A REPLAT OF BLOCKS 1, 2, 3, 4, 5 AND 6
PIEMONTE VILLAGE UNIT ONE
TOWN OF HORIZON CITY, EL PASO COUNTY, TEXAS
CONTAINING:
726,102.48 SQ. FT.
OR 16.6690 ACRES ±

CURVE TABLE

| CURVE | LENGTH | RADIUS | CHORD | BEARING | CHORD |
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| 99 | 10.00 | 10.00 | 10.00 | 90.00 | 10.00 |
| 100 | 10.00 | 10.00 | 10.00 | 90.00 | 10.00 |

- PLAT NOTES AND RESTRICTIONS:**
1. THIS PROPERTY LIES IN ZONE "C", AS DESIGNATED BY F.E.M.A. CITY OF EL PASO, COMMENTS PARCEL NO. 48233-0250 D. DATED SEPTEMBER 04, 1991.
 2. THIS PROPERTY LIES WITHIN CLINT INDEPENDENT SCHOOL DISTRICT.
 3. TAX CERTIFICATE FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION, INSTRUMENT NO. _____ DATE _____.
 4. RESTRICTION COVENANTS FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION, INSTRUMENT NO. _____ DATE _____.
 5. ALL DRIVEWAY FRONTAGE DRIVEWAYS WILL NOT HAVE ACCESS FROM STREETS PRESCRIBED BY THE TOWN'S PLANNER OR STAFF.
 6. U.S. METRIC DELIVERY WILL BE PROVIDED THROUGH NEIGHBORHOOD DELIVERY AND COLLECTION BOX UNITS.
 7. 7407 EL PASO ELECTRIC CO. EASEMENT
 8. 7407 EL PASO ELECTRIC CO. EASEMENT
 9. EXISTING CITY MONUMENT
 10. 7407 EL PASO ELECTRIC COMPANY EASEMENT

LOCATION MAP
(SCALE 1" = 400')



STATE OF TEXAS
COUNTY OF EL PASO

OWNER'S DEDICATION, CERTIFICATION AND ATTESTATION

PACIFICA HOMES, INC., (formerly owner of this land, hereby present this plat and dedicate to the use of the public, alleys, parks, and ponds as herein set forth and designated, including easements for overhead service areas for gas, telephone, and buried service wires, conduits and pipes for underground utilities, and the right to ingress and egress for service and construction and the right to turn, alter, and improve same.

Witness our signature this _____ day of _____, 2012.

PACIFICA HOMES, INC.

JUAN JOSE VASQUEZ, President

ATTEST: NOT REQUIRED

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF EL PASO

BEFORE ME, the undersigned authority, on this day personally appeared Juan Jose Vasquez, known to me through the Texas Department of Public Safety Driver License to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2012.

Notary Public in and for El Paso County My Commission Expires _____

This subdivision is hereby recommended for approval on to the platting and to the conditions of the dedication in accordance with Chapter 212 of the State Government Code of Texas, this _____ day of _____, 2012 A.D.

Accepted and attested by the City Council of the Town of Horizon City, this _____ day of _____, 2012 A.D.

AURORA [Signature]

TOWN OF HORIZON CITY TOWN COUNCIL

This subdivision is hereby approved as to the platting and to the conditions of the dedication in accordance with Chapter 212 of the State Government Code of Texas this _____ day of _____, 2012 A.D.

Approved and attested by the City Council of the Town of Horizon City this _____ day of _____, 2012 A.D.

[Signatures: Karen Ellerson, City Clerk; Walter C. Miller, Mayor]

Approved for filing this _____ day of _____, 2012 A.D.

FILING

Filed and recorded in the office of the County Clerk of El Paso County, Texas, this _____ day of _____, 2012, in File No. 2012-030205.

[Signatures: County Clerk, Deputy]

This plat represents a survey made on the ground by me or under my supervision and complies with the current Texas Board of Professional Land Survey Professional and Technical Standards.

Carlos M. Jimenez, P.L.S.
Registered Professional Land Surveyor
Texas License No. 3950

TAX PURPOSES ONLY

El Paso Central Appraisal District

CONSULTING COMPANY
1790 N. LEE TREVIÑO DR. SUITE 503
EL PASO, TEXAS 79936
TEL. (915) 633-6422

PRINCIPAL CONTACTS:

PAACIFIC HOMES, INC. 1180 LAWRENCE BLVD. EL PASO, TEXAS 79906 PHONE: (915) 763-4384 FAX: (915) 767-7000
SUNSHINE CONSULTING, INC. 1180 LAWRENCE BLVD. EL PASO, TEXAS 79906 PHONE: (915) 633-6422 FAX: (915) 633-6424

P-789 VOL. 1

Attachment 6: BOARD OF ADJUSTMENT WORKSHEET

| | | | | |
|--|--|--------------|-------|-------|
| Property Owner's Name: | Pacifica Homes Inc. | | | |
| | (Property Owner and or Representative) (| | | |
| 1) Property Addresses | 14304 – 14340 Lago Di Garda Dr. | Horizon City | TX | 79928 |
| | (Street) | (City) | (ST) | (Zip) |
| Proposed Legal Description | Piemonte Village Unit 1 Rpt C | 1 | 2-11 | |
| | (Subdivision) | (Block) | (Lot) | |
| Section (s) of the Ordinance for which a Variance is requested | Chapter 7 – Industrial Districts, Section 702.3 – Height and Bulk Standards, Paragraph 702.3.1 – Minimum Setback Standards of the Zoning Ordinance of the Municipal Code. | | | |
| Description of Variance Requested | Variance request is to allow a non-conforming structure with a side street setback encroachment to continue on the property as described. | | | |
| Property Owner's Name: | Pacifica Homes Inc. | | | |
| | (Property Owner and or Representative) (| | | |
| 2) Property Addresses | 208 to 236 Dora Baltea Plc | Horizon City | TX | 79928 |
| | (Street) | (City) | (ST) | (Zip) |
| Proposed Legal Description | Piemonte Village Unit 1 Rpt C | 5 | 2-9 | |
| | (Subdivision) | (Block) | (Lot) | |
| Section (s) of the Ordinance for which a Variance is requested | Chapter 13 Planned Unit Development, Section 1311.4.2.1 Minimum lot size, 1311.4.2.4, Minimum front – Minimum Setback Standards of the Zoning Ordinance of the Municipal Code. | | | |
| Description of Variance Requested | Variance request is to allow a non-conforming lot size and front yard setback encroachment to continue on the property as described. | | | |

Having considered the record (testimony, documents & other evidence), the Board of Adjustment (BoA) finds as follows:

| Yes | No | Law / Ordinance |
|-----|----|---|
| | | Strict or literal enforcement of the City's ordinance will result in an unnecessary hardship in the development of the property because of special conditions (State Law) |
| | | Granting the variance will be in harmony with the spirit and purpose of the City's planning and zoning ordinances and will ensure that substantial justice is done. (State Law) |
| | | Granting the variance will not violate the intent of the City's ordinance (is in harmony with the spirit and purpose of the planning and zoning ordinances). (State Law) |
| | | The use of the neighboring property will not be substantially injured. (Town Ordinance) |

Consistent with the above findings, state law, and the Code of Ordinances, the requested variance should be:

GRANTED or DENIED

Should the BoA's approval of the request variance be conditional? (to include any conditions or safeguards deemed appropriate, such as site arrangements, landscaping, or hours of operation, as allowed per Ordinance). If so, the BoA's approval of the request variance should be expressly conditioned on the following conditions or safeguards. The applicant's failure to satisfy these conditions renders the variance void.

| | |
|----|--|
| 1) | |
| 2) | |
| 3) | |



**TOWN OF HORIZON CITY
Zoning Board of Adjustment Staff Report**

Case No.: BOA-002454-2020
Application Type: Variance Application
BoA Hearing Date: October 21, 2020
Staff Contact: Michelle Padilla, Planning Director
915-852-1046 ext.105; mpadilla@horizoncity.org

Address/Location: 236 Dora Baltea Place
Legal Description: Lot 9, Block 5, Piemonte Village Unite One Replat C

Acreage/SQ. FT: 5,879.63 sq. ft.
Existing Use: Vacant Lot – Single Family Structure under Construction
Proposed Use: Single Family Home
Existing Zoning: PUD – Planned Unit Development
Request: Applicant seeks a variance from Chapter 13 Planned Unit Development, Section 1311.4.2.1 Minimum lot size, 1311.4.2.4, Minimum front setback, – Minimum Setback Standards of the Zoning Ordinance of the Municipal Code to allow for a reduced lot size and reduced front set back.
Owner: Indigo Homes
Applicant: Indigo Homes (Luis Lopez)

Surrounding Zoning and Land Use:

North: PUD (Planned Unit Development)
South: R-2 (Residential) Clint ISD
East: R-2 (Residential)
West: PUD (Planned Unit Development)

Future Land Use Designation: High Density- Single Family
Nearest Park: West Eastlake Estates Unit One – Ortiz Park
Nearest School: Clint ISD - Various

Application Description:

Indigo Homes, owner and applicant, is requesting a variance on the subject property to allow for a reduced front setback and reduced lot size. The lot size is 5,879.63 square feet and the applicant is proposing a 15-foot front setback.

This lot is designated as “Neighborhood Edge” on the development plan that was approved when the area was rezoned to Planned Unit Development (PUD). The Neighborhood Edge designation requires that lots be a minimum of 6,000 square feet and maintain a 20-foot front setback. The original plat and subsequent replats were approved with lots (within the

Neighborhood Edge area) that do not meet the minimum lot size. Piemonte Village Unit One Replat C, the last approved replat, was recorded on May 22, 2012.

Notice:

Notice of the Public Hearing were mailed to adjacent neighbors on October 9, 2020. The Planning Department has not received any letters or phone calls in support of or in opposition of the variance request. Any responses received by staff will be presented to the Board at the public hearing meeting.

Staff Recommendation:

Staff recommends *approval* of the variance request as the lot size and proposed setback are consistent with the neighboring properties and meets the intent of the PUD zone.

Additional Requirements:

If variance is granted by the Board of Adjustment, a building permit may be obtained from the Building Services Department. Applicant is to present the “Board Determination Notice” with plans and/or other requirements when applying for the building permit. Applicant must obtain a building permit within one (1) year after Board authorization.

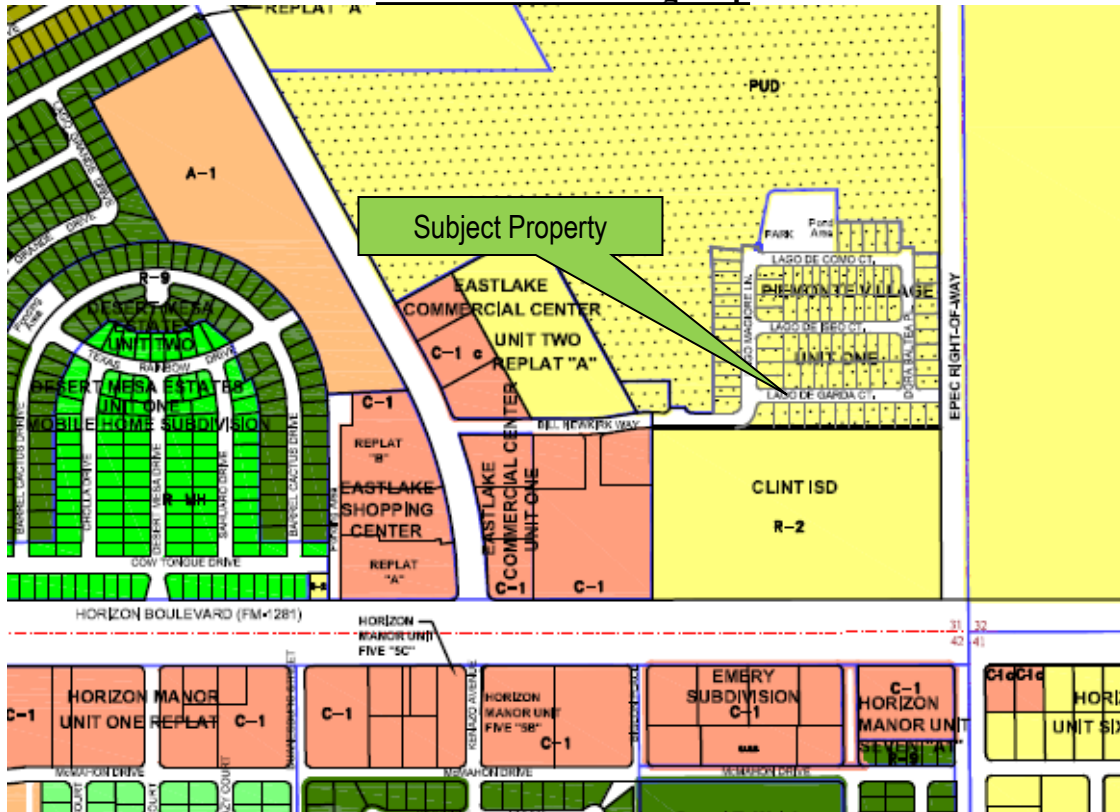
Attachments:

- 1 - Aerial View**
- 2 - Zoning Map**
- 3- Application**
- 4 – Site Plan**
- 5 – Plat**
- 6 - Board Worksheet**

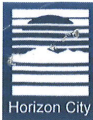
Attachment 1: Aerial View



Attachment 2: Zoning Map



Attachment 3-Applications



TOWN OF HORIZON CITY
 14999 Darrington Road
 Horizon City, Texas 79928
 Phone 915-852-1046 Fax 915-852-1005

**VARIANCE REQUEST
 APPLICATION**

Site Address/Location 236 Dora Baltea Zoned: _____
Legal Description 9 5 PIEMONTE Village Unit Plat C
 (Lot) (Block) (Subdivision Name)

If the legal description of the complete tracts or if plat are not available, the *required* Metes & Bounds Description with a survey map is attached? Yes No

IS THE VARIANCE REQUEST AS A RESULT OF A NOTICE OF VIOLATION? YES NO (IF YES, PLEASE ATTACH COPY)

APPLICANT INFORMATION

APPLICANT Indigo homes CONTACT: Luis JAVIER Lopez
ADDRESS 214 GONZALES ST.
CITY/STATE EL PASO TEXAS ZIP CODE 79907
EMAIL: vistadel sol.00@hotmail.com PH. No. 858-6264 CELL No. 494-1988

APPLICANT IS: PROPERTY OWNER TENANT REPRESENTATIVE
Affidavit required for tenants/representative. **Affidavit Attached?** Yes No N/A

PROPERTY OWNER INFORMATION

OWNER'S NAME PACIFICA Homes CONTACT: Jose Juan
ADDRESS _____
CITY/STATE EL PASO TEXAS ZIP CODE _____
EMAIL: _____ PH. No. _____ CELL No. 740-9399

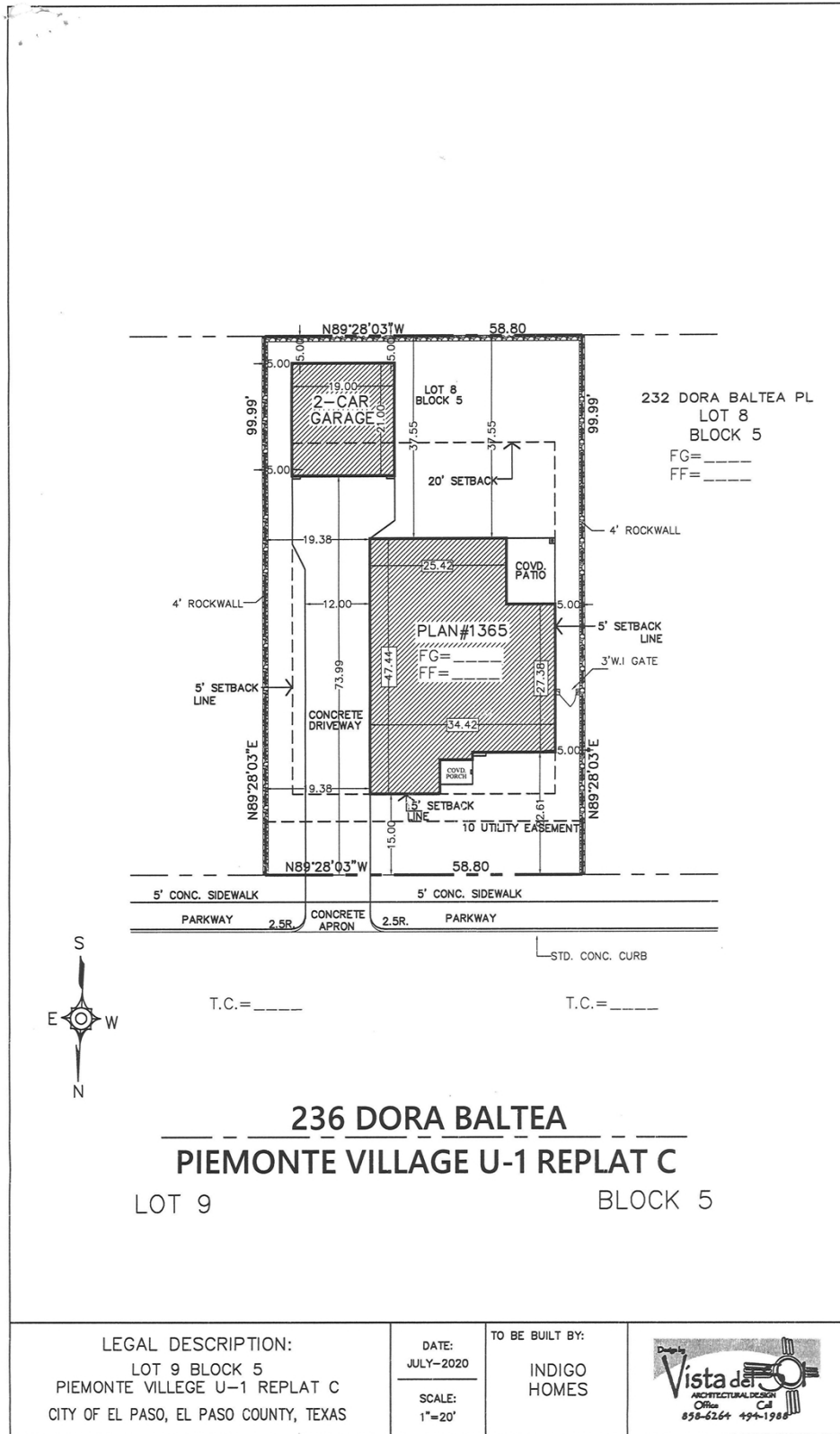
- VARIANCE REQUEST IS FOR (A): _____
 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____
 VARIANCE REQUEST IS FOR (B): _____
 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____
- DESCRIBE IN DETAIL ANY SPECIAL CONDITIONS YOU BELIEVE WILL RESULT IN UNNECESSARY HARDSHIP TO YOU IN THE TERMS OF THIS ORDINANCE ARE STRICTLY OR LITERALLY ENFORCED. (MAY ATTACH LETTER) A NEW RESIDENCE AND NOT AN EMPTY LOT.
- WHAT OTHER REASONABLE ALTERNATIVE HAVE YOU CONSIDERED? WHY WON'T THESE OTHER OPTIONS ALLEVIATE THE DIFFICULTY OR HARDSHIP THAT YOU THINK EXISTS? (MAY ATTACH LETTER) NONE YET
- WHY DO YOU BELIEVE YOUR VARIANCE DOES NOT VIOLATE THE INTENT OF THE ZONING ORDINANCE OR THE GOALS OF THE CITY'S COMPREHENSIVE PLAN? (MAY ATTACH LETTER) _____
- WHY DO YOU BELIEVE YOUR VARIANCE WILL NOT SUBSTANTIALLY INJURE NEIGHBORING PROPERTIES OR INTERFERE WITH THE ENJOYMENT OF THESE PROPERTIES BY THEIR OWNERS? (MAY ATTACHED LETTER) All lots will be the same sizes

FEE SCHEDULE (NONREFUNDABLE): ORDINANCE NO. 22
RESIDENTIAL: \$75 FOR CONVENING THE BOARD AND \$25 FOR NOTIFICATION OF ADJACENT PROPERTY OWNERS FOR APPEALS.
COMMERCIAL: \$150 FOR CONVENING THE BOARD.
OTHER: APPLICANT WILL BE RESPONSIBLE FOR ALL FEES INCURRED BY THE CITY IN CONNECTION WITH THIS VARIANCE REQUEST WHICH MAY INCLUDE: PUBLICATION, POSTAGE, ENGINEERING FEES AND ATTORNEY FEES. **APPLICANT'S INITIALS** JLH

APPLICANT'S SIGNATURE [Signature] **DATE** 9-24-2020

Application & Submittal Due Date: _____
 BoA Scheduled Date: _____
 Case # _____
 Application Received By: _____
 Date Application Rec'd: _____

Attachment 4 - Site Plan – 236 Dora Baltea Pl.



Attachment 6: BOARD OF ADJUSTMENT WORKSHEET

| | | | | |
|--|--|--------------|-------|-------|
| Property Owner's Name: | Indigo Homes | | | |
| | (Property Owner and or Representative) (| | | |
| 1) Property Addresses | 236 Dora Baltea Place | Horizon City | TX | 79928 |
| | (Street) | (City) | (ST) | (Zip) |
| Proposed Legal Description | Piemonte Village Unit 1 Rpt C | 5 | 9 | |
| | (Subdivision) | (Block) | (Lot) | |
| Section (s) of the Ordinance for which a Variance is requested | Chapter 13 Planned Unit Development, Section 1311.4.2.1 Minimum lot size, 1311.4.2.4, Minimum front – Minimum Setback Standards of the Zoning Ordinance of the Municipal Code. | | | |
| Description of Variance Requested | Variance request is to allow a non-conforming lot size and front yard setback encroachment to continue on the property as described. | | | |

Having considered the record (testimony, documents & other evidence), the Board of Adjustment (BoA) finds as follows:

| Yes | No | Law / Ordinance |
|-----|----|---|
| | | Strict or literal enforcement of the City's ordinance will result in an unnecessary hardship in the development of the property because of special conditions (State Law) |
| | | Granting the variance will be in harmony with the spirit and purpose of the City's planning and zoning ordinances and will ensure that substantial justice is done. (State Law) |
| | | Granting the variance will not violate the intent of the City's ordinance (is in harmony with the spirit and purpose of the planning and zoning ordinances). (State Law) |
| | | The use of the neighboring property will not be substantially injured. (Town Ordinance) |

Consistent with the above findings, state law, and the Code of Ordinances, the requested variance should be:
GRANTED or DENIED

Should the BoA's approval of the request variance be conditional? (to include any conditions or safeguards deemed appropriate, such as site arrangements, landscaping, or hours of operation, as allowed per Ordinance). If so, the BoA's approval of the request variance should be expressly conditioned on the following conditions or safeguards. The applicant's failure to satisfy these conditions renders the variance void.

| | |
|----|--|
| 1) | |
| 2) | |
| 3) | |



1. **CALL MEETING TO ORDER, DETERMINATION OF QUORUM:**

2. **OPEN FORUM:**

Note: The Zoning Board of Adjustment Commission encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in the order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A sign-up form is available at the City Council Chambers for those who wish to sign up on the day of the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations however, the Board may not take action. For more information, please contact the City Administration Office at (915) 852-1046.

NOTICE TO THE PUBLIC AND APPLICANTS:

The staff report for an agenda item may include conditions, exceptions or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

3. **PUBLIC HEARING**

A. **DISCUSSION AND ACTION:**

On a variance request for **14029 Jeweled Desert Dr., Horizon City, TX. 79928**, *legally described as Lot 8, Block 2, Horizon Heights Unit Eleven A*, to allow for a portion of a proposed swimming pool to be constructed within the side yard of the property. Application submitted by Melissa Wethington

ACTION: Motion made by **OJEDA**, 2nd by **F. LOPEZ** to grant variance for a portion of pool & spa to be constructed at side yard, an encroachment of 11.3 feet with the condition at a permanent self-latching fence with a minimum height of 4 feet be installed in the backyard between the pool and grass area as depicted on the submitted site plan.

AYES: F. LOPEZ, ALVAREZ, OJEDA, and D. LOPEZ **NAYES:** McELROY . **MOTION CARRIED**

ACTION: Motion made by **OJEDA**, 2nd by **D. LOPEZ** to allow the continuance of a reduced rear yard setback of 17.5 feet where a 20-foot rear yard setback is required.

AYES: F. LOPEZ, McELROY, ALVAREZ, OJEDA, and D. LOPEZ . **MOTION CARRIED**

ACTION: Motion made by **OJEDA**, 2nd by **McELROY** to re-open and reconsider item:

AYES: McELROY, D. LOPEZ. **NAYES:** F. LOPEZ, ALVAREZ and OJEDA. **MOTION FAILED**

B. **DISCUSSION AND ACTION:**

On a variance request for **491 S. Darrington Road, Horizon City, Texas 79928**, *legally described as the SE PT of Lot 8, Block 2, Horizon Industrial Park Unit One Replat*, to allow for an existing reduced side street setback.



Variance Application submitted by PSC Custom LLC

ACTION: Motion made by **F. LOPEZ**, 2nd by **OJEDA** to allow the continuance of a reduced side street setback of 27.2 feet where a 30-foot side street setback is required and the Board condition that no parking be allowed at the street side of the building.

AYES: **F. LOPEZ, McELROY, ALVAREZ, OJEDA, and D. LOPEZ . MOTION CARRIED**

4. OTHER BUSINESS

A. DISCUSSION AND ACTION:

On the selection of a Vice Chair for Board of Adjustment Commission

ACTION: Motion made by **OJEDA**, 2nd by **D. LOPEZ** to table item for the next meeting when all regular board members are present to elect and vote for a vice chair.

AYES: **F. LOPEZ, McELROY, ALVAREZ, OJEDA, and D. LOPEZ . MOTION CARRIED**

B. DISCUSSION AND ACTION:

To approve the Board of Adjustment meeting minutes of June 27, 2018

ACTION: Motion made by **OJEDA**, 2nd by **D. LOPEZ** to approve the meeting minutes of June 27, 2018.

AYES: **F. LOPEZ, McELROY, ALVAREZ, OJEDA, and D. LOPEZ . MOTION CARRIED**

5. ANNOUNCEMENTS

A. 2020 Zoning Board of Adjustment Meetings and Application Processing Schedule to be posted to City's Website

B. The next regular scheduled meeting: **Wednesday, January 22, 2020 at 6:00pm**

EXECUTIVE SESSION: _____

ADJOURNMENT: Meeting adjourned at 6:57 PM

Jorge Ojeda, Chairman Date

ATTEST:

Elizabeth S. Luna – Secretary to the Boards

DISTRIBUTION OF MINUTES:

- Original: Town of Horizon City Administrative File
- Copy: Chair & BoA Members
- Posted: Internet Website: www.horizoncity.org