



HORIZON CITY

Incorporated 1988

**AGENDA
PUBLIC MEETING
BOARD OF ADJUSTMENT
THE TOWN OF HORIZON CITY, TEXAS
Wednesday, July 27, 2022, 6:00 PM**

Notice is hereby given that a Board of Adjustment of the Town of Horizon City, Texas will be held on **Wednesday, July 27, 2022 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

1. CALL MEETING TO ORDER, DETERMINATION OF QUORUM:

2. OPEN FORUM:

3

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 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:

4

On a variance request for wall/fence height extension located on the left front side yard, case #BOA002501-2022, for a property located at **15337 Fairwood CT.**, legally described as *the west 66 feet of Lot 43, Block 3, Horizon Manor Unit Six, El Paso County, Texas, 79928*. Application submitted by Chance & Veronica Lockard, owners.

B. DISCUSSION AND ACTION:

13

On a variance request for an existing encroachment into the required front yard with parking setback, case #BOA002502-2022, for a property located at **109 Crocker Dr.**, legally described as *Lot 6, Block 1, Emery Subdivision, Horizon City, Texas, 79928*. Application submitted by Jorge Muniz, Contractor.

4. OTHER BUSINESS

A. DISCUSSION AND ACTION:

On the selection of a Chair for the Board of Adjustment

B. Discussion and Action:

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

C. DISCUSSION AND ACTION:

22

To approve the Board of Adjustment meeting minutes of September 29, 2021.

5. ANNOUNCEMENTS

A. The next regular scheduled meeting: **Wednesday, September 28, 2022, 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 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
Board of Adjustment Staff Report**

Application Type: Variance Application
Case No.: BOA-002501-2022
BoA Hearing Date: July 27, 2022
Staff Contact: Art Rubio, Planner
915-852-1046 ext.407; arubio@horizoncity.org

Address/Location: 15337 Fairwood CT, Horizon City, TX. 79928
Legal Description: A Portion of Lot 43, Block 3, Horizon Manor Unit 6, Subdivision
Property Size: Approximately 0.166-acre 7,262-sq. ft.
PID No. H79100600300430
Existing Use: Single-Family Residential Dwelling
Existing Zoning: R-9 (Single-Family Dwelling)
Request: Applicant seeks a variance from the Zoning Ordinance Section 802 - Wall Standards, Paragraph 802.2.4 – Side Rock and Mortar Wall to allow increased height on a rock and mortar wall on the side property line located between the front portion of the dwelling and the front property line from 2.5’ ft. (or 30” inches) requirement to 7’ ft 6” inches for safety and privacy.
Owner: Chance & Veronica Lockard
Applicant: Chance Lockard

Surrounding Zoning and Land Use:

North: R-9 (Single-Family Dwelling)
South: R-9 (Single-Family Dwelling)
East: R-9 (Single-Family Dwelling)
West: R-9 (Single-Family Dwelling)

Current Land Use Designation: Single-Family Dwelling
Nearest Park: Corky Park
Nearest School: Carol T. Welch Elementary

Application Description:

The owner submitted a permit for a rock and mortar wall or fencing height increase. Building Services reviewed and placed a hold on the permit as the maximum height permitted on a rock and mortar wall or fence in the front yard is 2.5’ ft (or 30” inches). The applicant is requesting an additional 5’ ft. to a new height of 7’ ft. 6” inches for safety and privacy concerns. The site plan submitted by the applicant shows all other requirements on the subject property have been met.

Notice:

Notice of Public Hearing was mailed to the adjacent neighbors on July 14, 2022. The Planning Department has not received any communication in support or in opposition to the variance request.

Planning Comments:

Based on the orientation of the adjacent property, applicant’s side wall within his front yard is the adjacent property owner’s rear wall. There are no visibility issues with the height increase as the applicant’s driveway is located on the opposite side of the property from the location side fence height request.

Staff Recommendation:

Staff recommends *approval* of the request to allow a 5’ ft. height increase to the maximum height of 2.5 ft. on rock and mortar wall or fencing along the front yard to the front of the house. The height increase is not detrimental to the health, safety, and welfare of the public.

Additional Requirements:

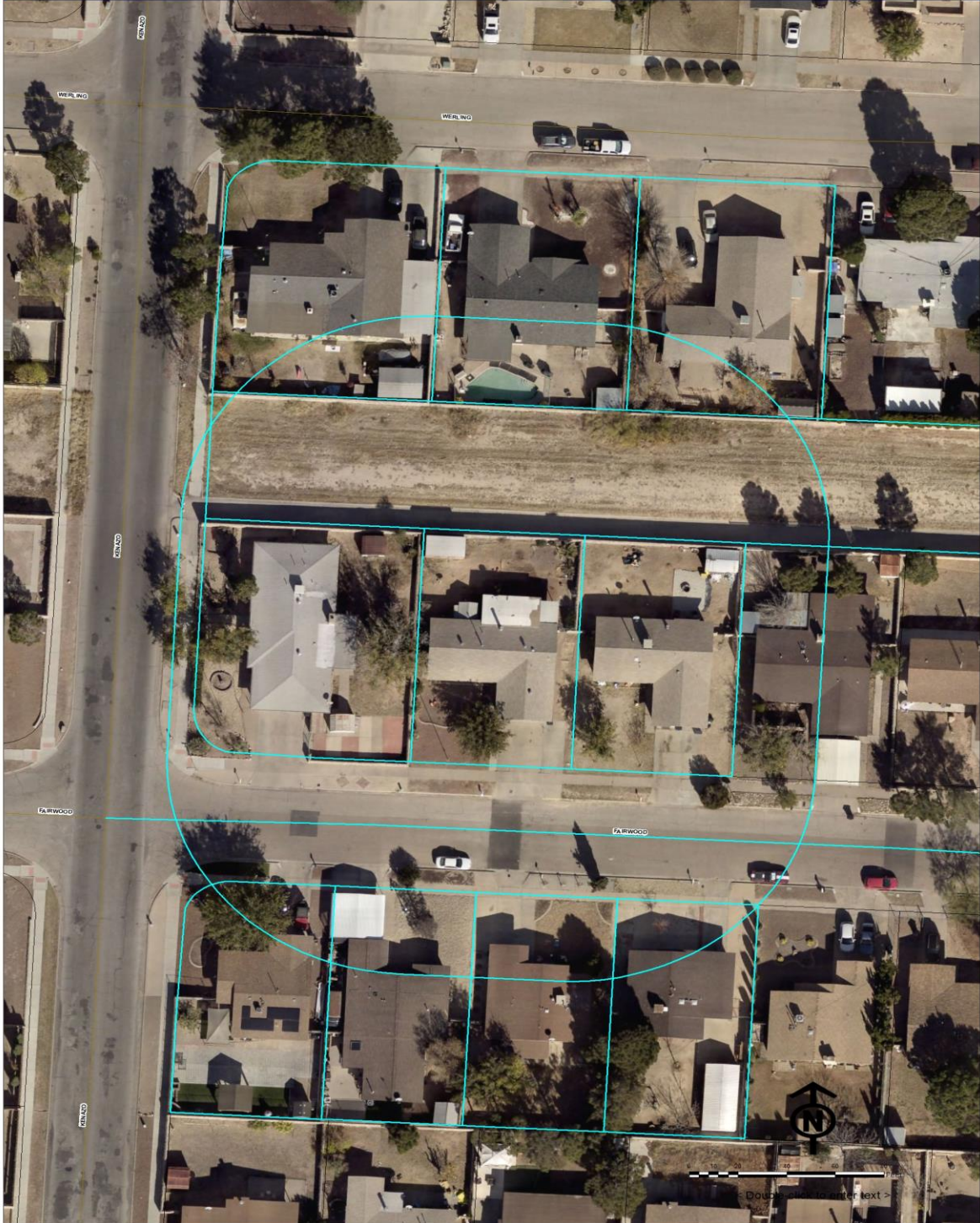
If variance is granted by the Board of Adjustment, a building permit will be obtained from the Building Services Department. Applicant is to present the “Board Determination Notice” with plans and/or other requirements when applying for the building permit. Applicant must obtain a building permit within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

Attachments:

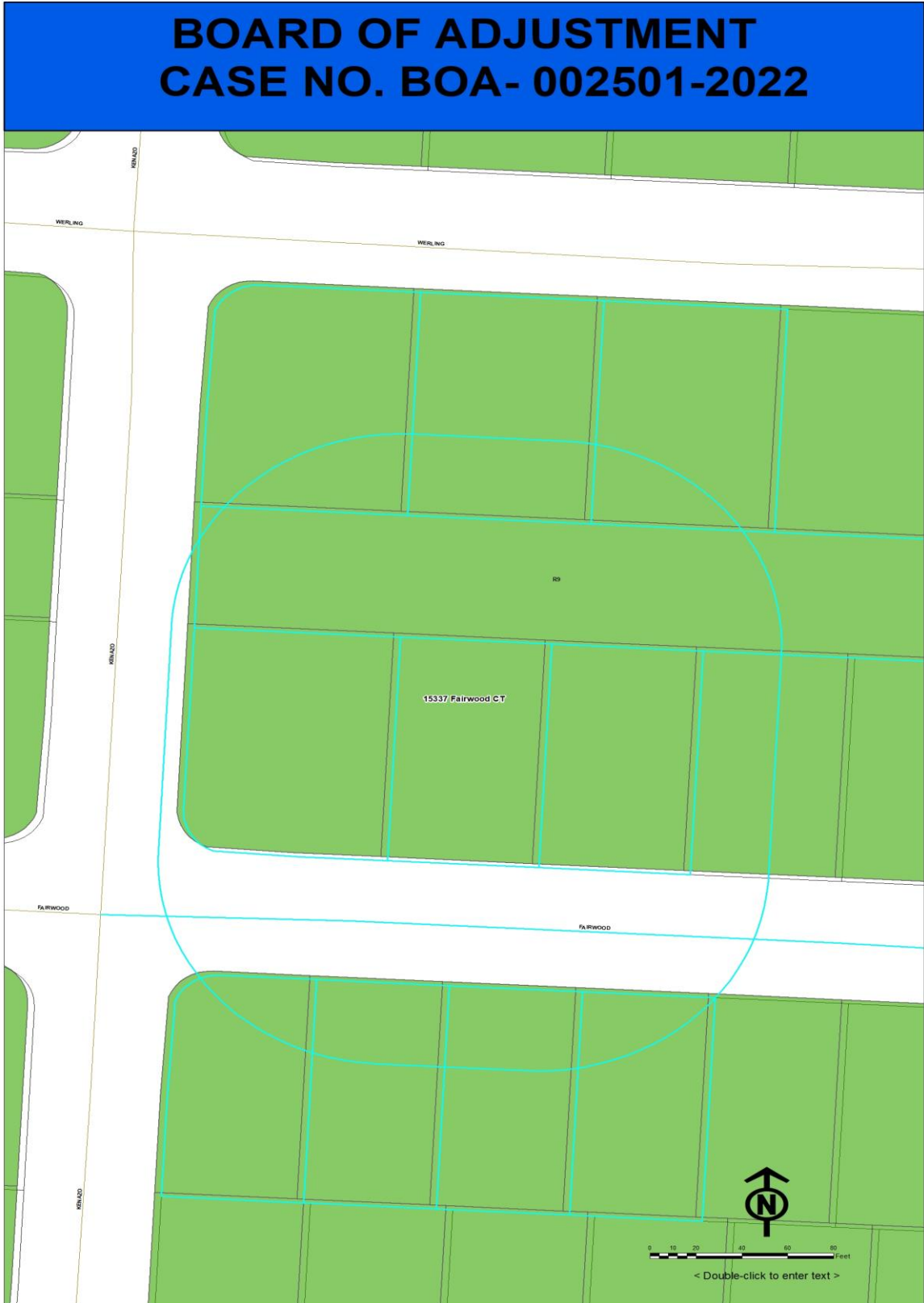
- | | |
|-------------------------------|--------------------------------------|
| 1. Aerial View | 5. Application |
| 2. Zoning Map | 6. Board Letter |
| 3. Site Plan | 7. Board’s Variance Worksheet |
| 4. Typical Wall Detail | |

Attachment 1: Aerial View

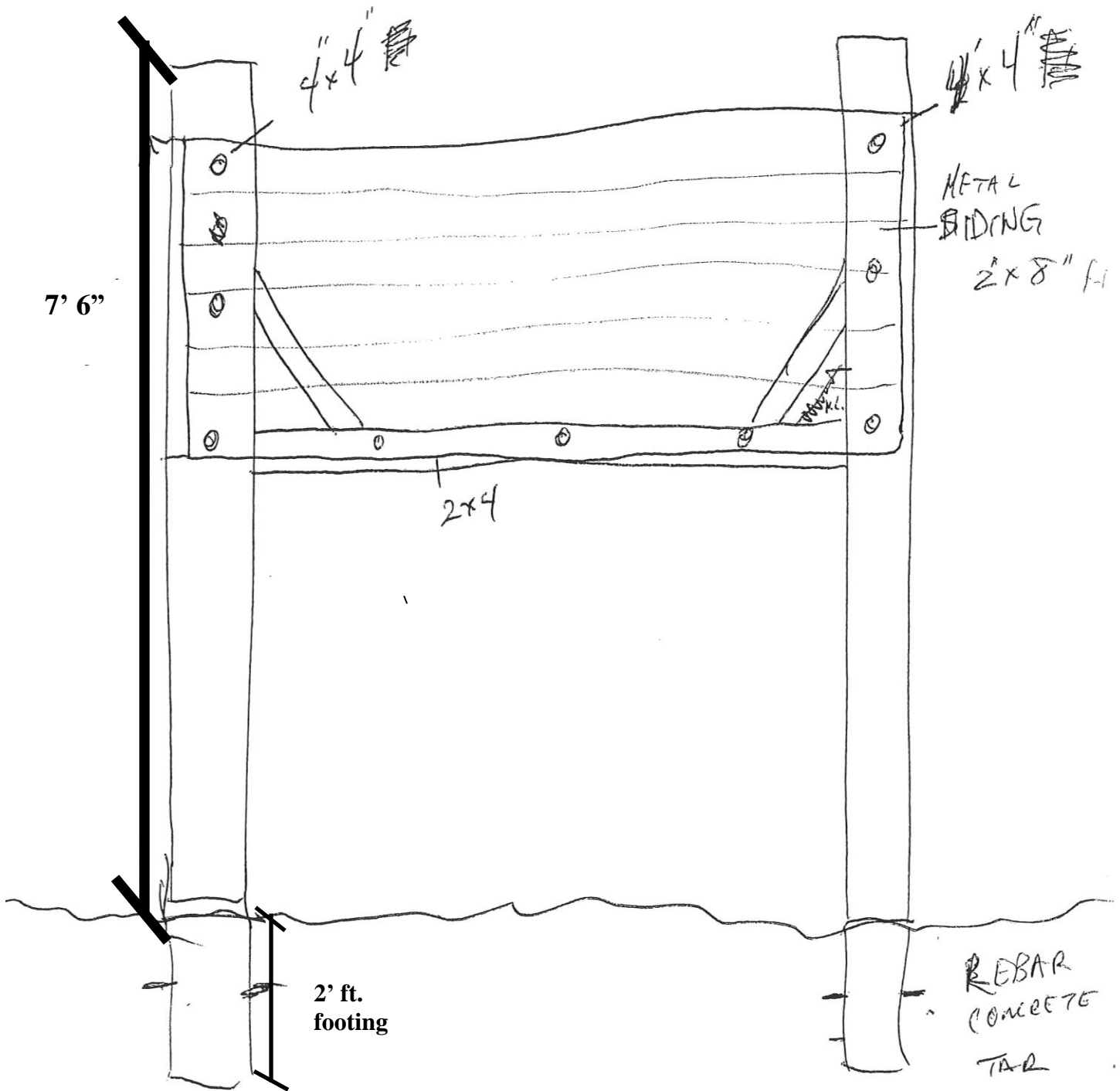
**BOARD OF ADJUSTMENT
CASE NO. BOA- 002501-2022**



Attachment 2: Zoning Map



Attachment 4: Typical Wall Detail



Attachment 5: Application



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 15337 FAIRWOOD CT Zoned: A1
 Legal Description H3 3 Horizon Manor 6
 (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 CHANCE + VERONICA LOCKARD CONTACT: 915 543 8522
 ADDRESS 15337 FAIRWOOD CT
 CITY/STATE HORIZON CITY TX ZIP CODE 79928
 EMAIL: v10yr@gmail.com PH. No. _____ CELL No. 915 543 8522

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

PROPERTY OWNER INFORMATION

OWNER'S NAME CHANCE + VERONICA LOCKARD CONTACT: 915 543 8522
 ADDRESS 15337 FAIRWOOD CT
 CITY/STATE HORIZON CITY TX ZIP CODE 79928
 EMAIL: v10yr@gmail.com PH. No. _____ CELL No. 915 543 8522

- VARIANCE REQUEST IS FOR (A): 802.2.2.9 CL
 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) see letter
- 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) see letter
- 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) see 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) Letter

FEE SCHEDULE (NONREFUNDABLE): ORDINANCE NO. 22
 RESIDENTIAL: \$75 FOR CONVENING THE BOARD AND \$25 FOR NOTIFICATION OF ADJACENT PROPERTY OWNERS FOR APPEALS. \$100
 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 CL

Chance R Lockard
 (APPLICANT'S SIGNATURE)

6/29/22
 (DATE)

Application & Submittal Due Date: _____
 BoA Scheduled Date: _____
 Case # BOA 002501-2022
 Application Received By: _____
 Date Application Rec'd: _____

Attachment 6: Board Letter

To whom it may concern,

I, Chance R. Lockard, as a concerned parent and owner of the property 15337 Fairwood CT, Horizon City, Texas, 79928 (3 Horizon Manor #6 W 66 FT of 43 7260.00 SQ FT) am requesting that you approve the variance request on an extension for my front left side wall from 4ft up towards 6ft to 8 ft. The reason we need this fence is because there have been several incidents fearing for the safety of my family and animals.

There was an incident involving the police to report the tenant/neighbor to the left side of our property withholding our dog's collar and chain. The chain was tied to a post on the right side of the backyard on our property. The only way the chain could be undone would be someone either jumping over and crossing the backyard to undo it. Other incidents involve the harrassment from the tenant/neighbor to my children who are 9 and 8 yr olds, too. My children felt uncomfortable playing out in the front and back yard because the tenant/neighbor would be outside staring at them or recording them with their mobile device, saying unkind words to my children and my children also feared the tenant/neighbor's dog which would stand on its hind legs and peer over the rock wall into the front and backyard barking at them. I have seen the tenant/neighbor's teenage boys standing and staring at my daughter's window which is located closest to the rock wall.

We have taken alternative routes to prevent other incidents. We have tried to keep it civil and talked with the tenant/neighbor to express our concerns, as well. We have even consulted with our priest for advice in which he recites a Robert Frost's phrase, "Good fences makes good neighbors". We have talked to our children to either remain inside or play on the right side of the front or back yard. I ask, why should my children be limited from enjoying a full yard? Anytime the tenant/neighbor would step outside with her dogs while we had our dogs in the backyard, we would bring in our dogs to avoid dog fence fighting.

We believe the fence is not in violation. The wall is a backyard wall too, therefore, the extension meets the height requirement.

Since the fence has been up there have been no incidents fearing for my family and animals. No more dog fence fighting. Kids are able to enjoy being outside and not having to stress about the tenant/neighbor looking at them. No more fearing or speculation of why teenage boys are looking towards my daughter's window.

We thank you for taking the time and consideration in reviewing our variance request. God bless you. Stay safe, stay healthy and stay happy.

Attachment 7: Board's Variance Worksheet

Property Owner's Name:	Chance and Veronica Lockard			
	(Property Owner and or Representative) (
Property Address	15337 Fairwood CT	Horizon City	TX	79928
	(Street)	(City)	(ST)	(Zip)
Property Legal Description	Horizon Manor Unit 6	3	A Portion of Lot 43	
	(Subdivision)	(Block)	(Lot)	
Section (s) of the Ordinance for which a Variance is requested	Section 802 - Wall Standards, Paragraph 802.2.4 – Rock and Mortar Wall, Zoning Ordinance of the Municipal Code.			
Description of Variance Requested	Variance request to allow increased height on a rock and mortar wall from 2.5' ft. requirement to 7' ft. 6" inches for safety and privacy.			

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
Board of Adjustment Staff Report**

Application Type: Variance Application
Case No.: BOA-002501-2022
BoA Hearing Date: July 27, 2022
Staff Contact: Art Rubio, Planner
915-852-1046 ext.407; arubio@horizoncity.org

Address/Location: 109 Crocker Dr., Horizon City, TX. 79928
Legal Description: Lot 6, Block 1, Emery Subdivision
Property Size: Approximately 0.689-acres 30,011.29-sq. ft.
PID No. E75500000100600
Existing Use: Adult Day Care Facility
Existing Zoning: C-1 (General Commercial)
Request: Applicant seeks a variance from the Zoning Ordinance Section 602.2 - Bulk Standards, Paragraph 602.2.2 - Setback Requirements to allow the existing Adult Day Care Facility to encroach 5-feet into the required front w/parking setback to allow a new addition.
Owner: Val-ROD, Inc. DBA Club De Amistad Adult Day Care CTR
Applicant: Jorge Muniz (Contractor)

Surrounding Zoning and Land Use:

North: C-1 (General Commercial)
South: R-9 (Single-Family Dwelling)
East: R-9 (Single-Family Dwelling)/ C-1 (General Commercial)
West: R-9 (Single-Family Dwelling)

Current Land Use Designation: Commercial
Nearest Park: Corky Park
Nearest School: Carroll T. Welch Elementary

Application Description:

The owner's representative Mr. Jorge Muniz submitted a permit for an addition to the existing Adult Day Care Facility located at 109 Crocker Dr. and Building Services staff notified the applicant of the setback discrepancy. El Paso Central Appraisal District records show the structure was constructed in 2004. Building Services stopped the building permit review due to an encroachment to the front setback on the existing structure and returned the plans and provided direction to the applicant on variance request. The structure does not meet the Legal Nonconforming status requirement; therefore, the applicant is submitting for a variance request to the front setback with parking. The applicant is requesting to reduce the setback from the required 45 sq. ft. to 40 sq. ft. for an

encroachment of 5 ft. into the required front setback with parking. The site plan submitted by the applicant representative shows all other setback requirements have been met for a proposed addition.

Notice:

Notice of Public Hearing was mailed to the adjacent neighbors on July 14, 2022. The Planning Department has not received any communication in support or in opposition to the variance request.

Planning Comments:

Based on the Central Appraisal District's records, the structure was constructed on the site in 2004. The Emery Subdivision shows the ponding area located on the subject property serving the storm water drainage needs for the entire subdivision.

Staff Recommendation:

Staff recommends *approval* of the request to allow a 5' ft. encroachment into the front setback with parking as the structure exists to continue with the proposed addition which meets all required setback requirements. The setback encroachment is not detrimental to the health, safety, and welfare of the public.

Additional Requirements:

If variance is granted by the Board of Adjustment, a building permit will 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:

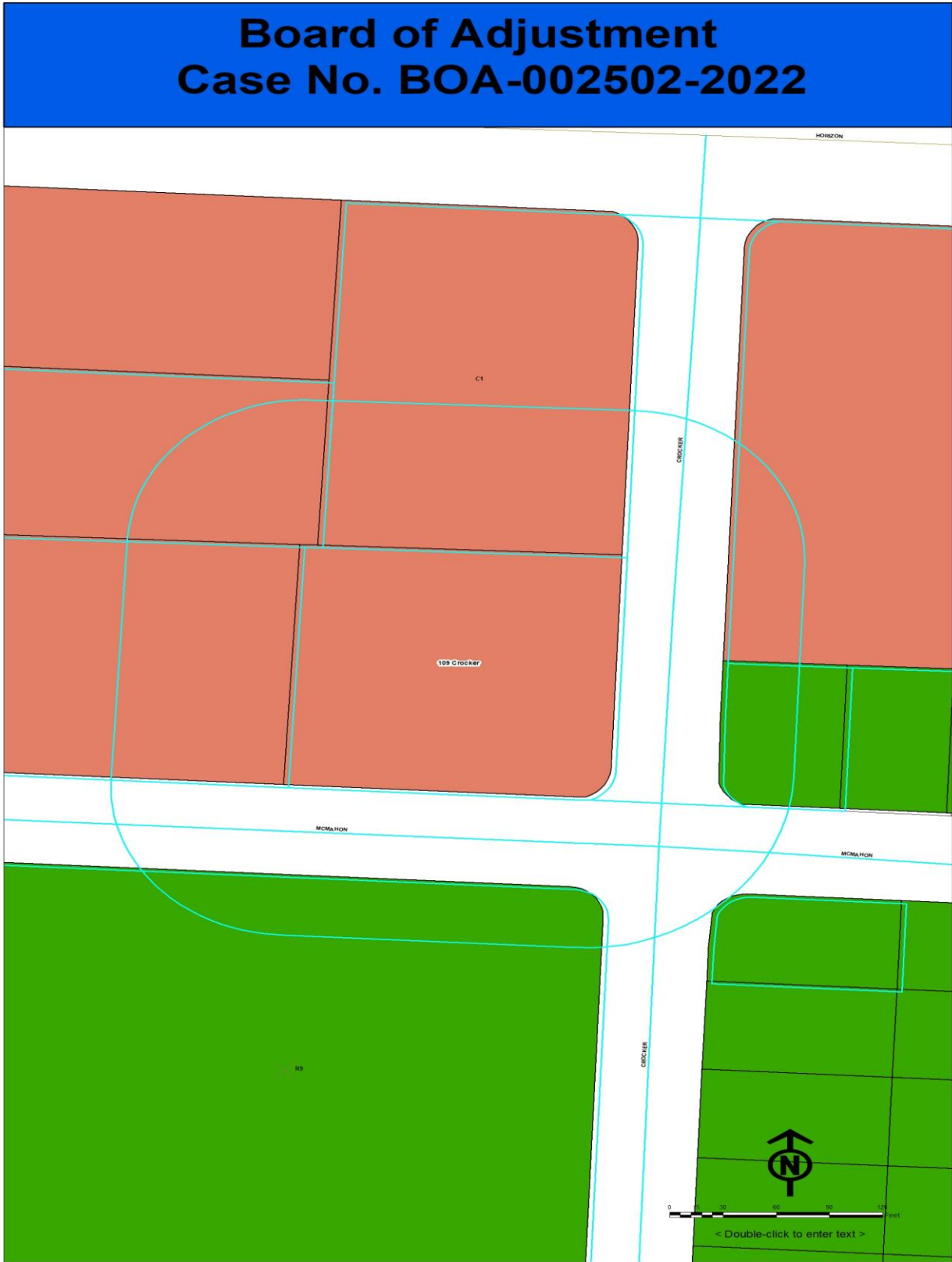
- | | |
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| 1. Aerial View | 4. Application |
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Attachment 1: Aerial View

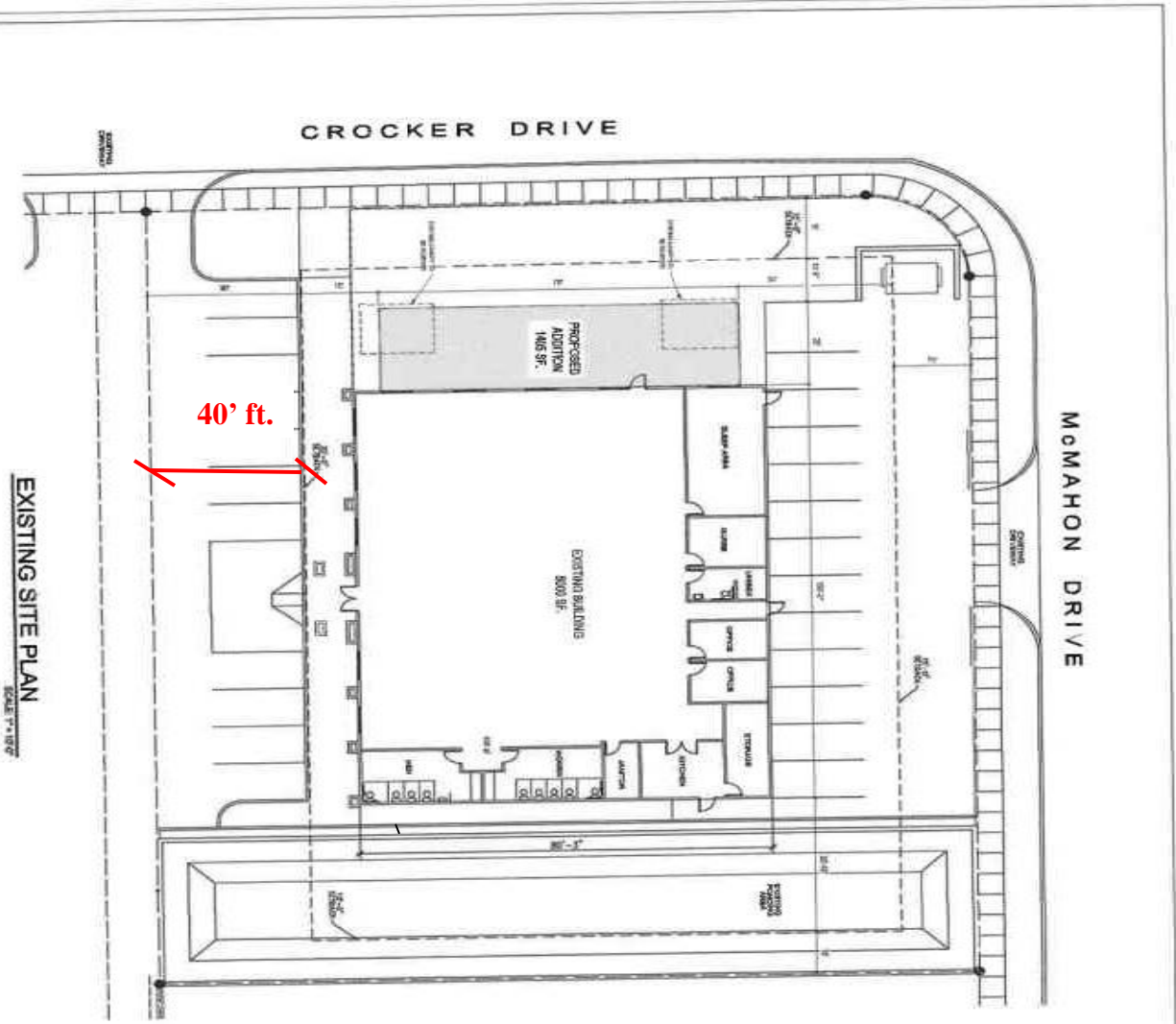
**Board of Adjustment
Case No. BOA-002502-2022**



Attachment 2: Zoning Map



Attachment 3: Site Plan



Development Services Department
IBC Code Data Sheet

SCOPE OF WORK
 Building Addition
 Existing Building = 8000 SF
 Proposed Addition = 1400 SF

1. Remove exterior wall and install glass
 curtain wall system
 2. Remove existing interior wall
 3. Install new interior wall
 4. New 10' x 10' x 8' 6" drop ceiling
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 14. New 10' x 10' x 8' 6" drop ceiling
 15. New 10' x 10' x 8' 6" drop ceiling

CONCRETE
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LOCATION PLAN
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 2. PROJECT LOCATION
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 9. PROJECT LOCATION
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 11. PROJECT LOCATION
 12. PROJECT LOCATION
 13. PROJECT LOCATION
 14. PROJECT LOCATION
 15. PROJECT LOCATION

Attachment 4: Application



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 109 CROCKER DR Zoned: _____
 Legal Description 1 EMERY LOT C 30011.29 SQ FT
 (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 J MUNIZ CONTRACTOR LLC CONTACT: JORGE L. MUNIZ
 ADDRESS 806 ARGENTINA
 CITY/STATE EL PASO, TX ZIP CODE 77003
 EMAIL: JMUNIZCO@AOL.COM PH. No. 915 526 1207 CELL No. 915 526 1207

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

PROPERTY OWNER INFORMATION

OWNER'S NAME CLUB DE AMISTAD CONTACT: AMADOR RODRIGUEZ
 ADDRESS 109 CROCKER DR.
 CITY/STATE HORIZONCITY, TX ZIP CODE 79928
 EMAIL: _____ PH. No. 915 862 5006 CELL No. 915 267 6902

- VARIANCE REQUEST IS FOR (A): FRONT SETBACK
 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) _____
- 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) _____
- 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) _____

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** JLM

[Signature] JUNE 28 2022
 (APPLICANT'S SIGNATURE) (DATE)

Application & Submittal Due Date: _____
 BoA Scheduled Date: _____
 Case # BoA-00250-2022
 Application Received By: _____
 Date Application Rec'd: _____

Attachment 5: Board Letter

|| J. Muñiz Contractor, LLC

915-526-1207

jmunizco@aol.com

June 29, 2022

The City Planning Department for Planning,
Development and Zoning for Horizon City
Board of Adjustments
14999 Darrington Road
Horizon City, TX 79928

RE: Consideration for variance

To the Board Members:

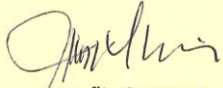
I am representing The Club de Amistad Centro de Recreacion y Servicios de Salud, Adult Horizon Day Care facilities.

1. I am requesting a zoning variance for 109 Crocker Drive, Horizon Tx 79928. Non-compliant of zoning ordinance 0102. The variance request is for the front setbacks. Due to the excessively large ponding area located within the actual property of the building it limits my expansion. I am proposing to build an addition which sits behind the enormous ponding area. My building is the only one in the shopping strip that is disproportionate due to ponding area and encroaches to my property.
2. Due the disproportionate ponding area, it limits my expansion of the new addition. Therefore, I am requesting a variance to meet the front setbacks. The Club de Amistad Centro de Recreacion y Servicios de Salud, Adult Horizon Day Care facilities wants to expand its services to meet the needs of the community. As the community grows, so does the need to service more members. Our expansion of our business will provide more adults with day care facilities within our community.
3. The only reasonable alternative is to get an approval for the addition. I cannot reasonably cover-up the huge ponding area that encroaches onto my property. We are not in violation of The City requirements. We are asking for your approval to build an addition.

Attachment 5: Board Letter Continued

4. I believe that the variance I am seeking does not interfere with anyone else within that shopping strip.
5. I believe that the approval of this variance will not affect neighbors. Since there are no other neighbors existing in this area. Only the encroaching ponding area, it is the only neighbor. We're building on our own property.

Respectfully,



J. Muñiz Contractor, LLC
Jorge Luis Muñiz

Attachment 6: Board's Variance Worksheet

Property Owner's Name:	Val-ROD, Inc. DBA Club De Amistad Adult Day Care CTR			
	(Property Owner and or Representative) (
Property Address	109 Crocker Dr.	Horizon City	TX	79928
	(Street)	(City)	(ST)	(Zip)
Property Legal Description	Emery	1	6	
	(Subdivision)	(Block)	(Lot)	
Section (s) of the Ordinance for which a Variance is requested	Chapter 6 – General Commercial Districts Section 602.2 - Bulk Standards, Paragraph 602.2.2 - Setback Requirements, Zoning Ordinance of the Municipal Code.			
Description of Variance Requested	Variance request to allow a 5' ft. encroachment into the required front setback with parking reducing setback from the required 45' ft. to 40' ft. on an existing structure.			

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 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 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:**

On a variance request application for **15096 Homestead Dr, Horizon City, Texas, 79928**, *legally described as Lot 8, Block 11, Horizon Heights Unit Two*. Variance request is to allow for a reduced side yard setback. Application submitted by owner, Emanuel Quijas

ACTION: Motion to **deny** the variance request made by **LOPEZ**, 2nd by **RAMOS**.

AYES: **LOPEZ, RAMOS, MILLER, AND OJEDA**

MOTION CARRIED

4. **OTHER BUSINESS**

A. **DISCUSSION AND ACTION:**

To approve the Board of Adjustment minutes for the August 2, 2021 special meeting

ACTION: Motion to **approve** the special meeting minutes of August 2, 2021 made by **LOPEZ**, 2nd by **RAMOS**.

ALL IN FAVOR. MOTION CARRIED

B. **DISCUSSION AND ACTION:**

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

ACTION: Motion to **postpone item until next meeting** made by **LOPEZ**, 2nd by **MILLER**.

ALL IN-FAVOR MOTION CARRIED

5. **ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Wednesday, November 3, 2021 at 6:00 pm**

EXECUTIVE SESSION: None required

ADJOURNMENT: Meeting adjourned at 6:28 PM



Jorge Ojeda, Chairman

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