



**HORIZON CITY**

Incorporated 1988

**AGENDA  
PUBLIC MEETING  
BOARD OF ADJUSTMENT  
THE TOWN OF HORIZON CITY, TEXAS  
Wednesday, September 27, 2023, 6:00 PM**

Notice is hereby given that a Board of Adjustment of the Town of Horizon City, Texas will be held on **Wednesday, September 27, 2023 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, PLEDGE OF ALLEGIANCE:**
- 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 Planner with any additional questions at (915) 852-1042 ext 407.
- 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** application to the commercial zone district requirement of a 6' ft. rock wall adjacent to a residential zone district, (**Case No. BAC23-0001**), for a property located at 835 S. Darrington Rd., legally described as Lot 1B, Block 1, Rancho Desierto Bello Unit 2 Replat A subdivision, Horizon City, El Paso County, Texas, 79928, and can be further identified by Property Identification Number (PROP ID No.) 145894. Application Westwood Professional Services, Inc.
- 4. **OTHER BUSINESS** 15  
A. **DISCUSSION AND ACTION:**  
To approve the Board of Adjustment meeting minutes of Wednesday, January 18, 2023, at 6:00 p.m.
- 5. **ANNOUNCEMENTS**  
A. The next regular scheduled meeting: **Wednesday, November 1, 2023, 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.:** BAC23-0001  
**BoA Hearing Date:** September 27, 2023  
**Staff Contact:** Art Rubio, Planner  
 915-852-1046 ext.407; [arubio@horizoncity.org](mailto:arubio@horizoncity.org)

**Address/Location:** 835 S. Darrington, west of Darrington Rd. & north of Desierto Lindo Ave.

**Legal Description:** Lot 1-B, Block 1, Rancho Desierto Bello Unit 2, Replat "A"

**Property Size:** Approximately 0.852-acres ±

**PID No.** 278641

**Existing Use:** Vacant

**Existing Zoning:** C-1 (General Commercial)

**Request:** Applicant seeks a variance from Zoning Ordinance Section 805 Fencing, 805.1.1 Standards & Requirements for Fencing, B. Rear property line to allow a variance to the 6' ft. high rock wall requirement adjacent to residential development.

**Owner:** Odom Investments Inc.

**Applicant:** Westwood Professional Services

**Nearest Park:** Golden Eagle Park

**Nearest School:** Frank Macias Elementary School

**SURROUNDING PROPERTIES:**

	Zoning	Land Use
<b>N</b>	R-9 (Single-Family Dwelling)/C-1 (General Commercial)	Single-Family Dwellings/Commercial
<b>E</b>	ETJ	Mix of Uses
<b>S</b>	R-9 (Single-Family Dwelling)	Single-Family Dwellings
<b>W</b>	R-9 (Single-Family Dwelling)	Single-Family Dwellings

**LAND USE AND ZONING:**

	Existing	Proposed
<b>Land Use</b>	Vacant	Auto Parts Store
<b>Zoning</b>	C-1 (General Commercial)	C-1 (General Commercial)

**Application Description:**

The applicant requested a pre-development meeting with Planning Staff and at that meeting the applicant was advised that a 6' ft. rock wall was required to the rear of the property line adjacent to residential zone or use. The applicant is requesting a variance to the wall height requirement as they don't want to disturb the structural integrity of the existing rock wall nor burden the adjacent property owners with the coming into their

property to construct the additional height to the existing 4-5 ft. rock wall. The site plan submitted by the applicant shows all other density and dimensional requirements on the subject property are being met.

**Notice:**

Notice of Public Hearing was mailed to the adjacent neighbors on September 11, 2023. The Planning Department has not received any communication in support of or in opposition to the variance request.

**Planning Comments:**

The applicant's hardship is that of an existing condition of a 4-5 ft. rock wall, and that they do not want to disturb the structural stability of the existing rock wall nor burden the adjacent property owners with having to come into their property and increase the height of the existing rock wall. The applicant instead proposes an alternative option to comply with the height requirement, that being to construct a wooden fence on their side of the property at 6' ft. high to comply with the requirement.

**Staff Recommendation:**

Staff recommends **approval** of the request to allow a variance to not require a 6' ft. rock wall adjacent to residential development with the following condition:

1. That the applicant provides an alternative screening option other than a rock wall height increase on existing wall on their side of the property.

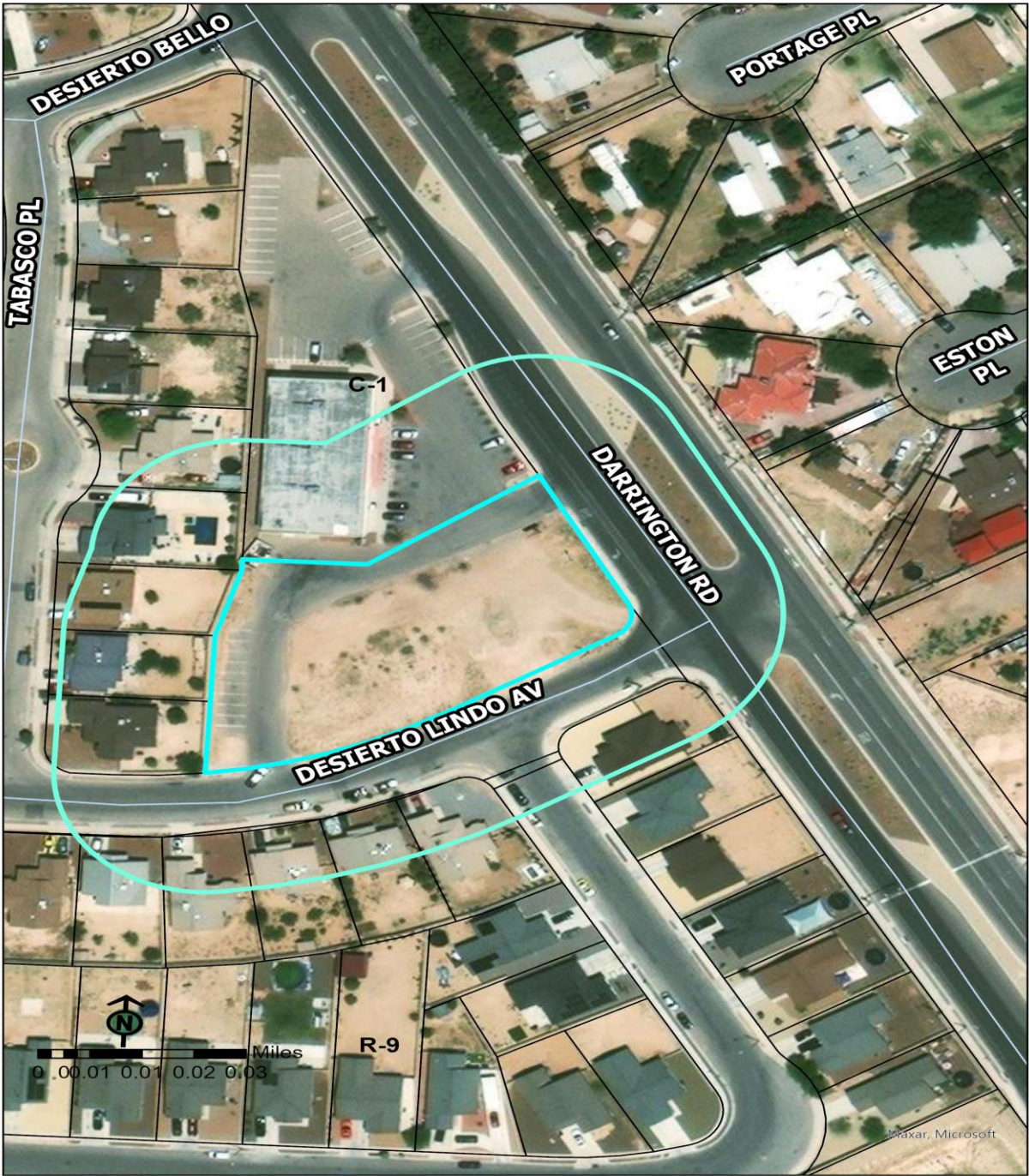
**Additional Requirements:**

If a variance is granted by the Board of Adjustment, at the time building permits are 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. Applicants must obtain a building permit within one (1) year after Board authorization.

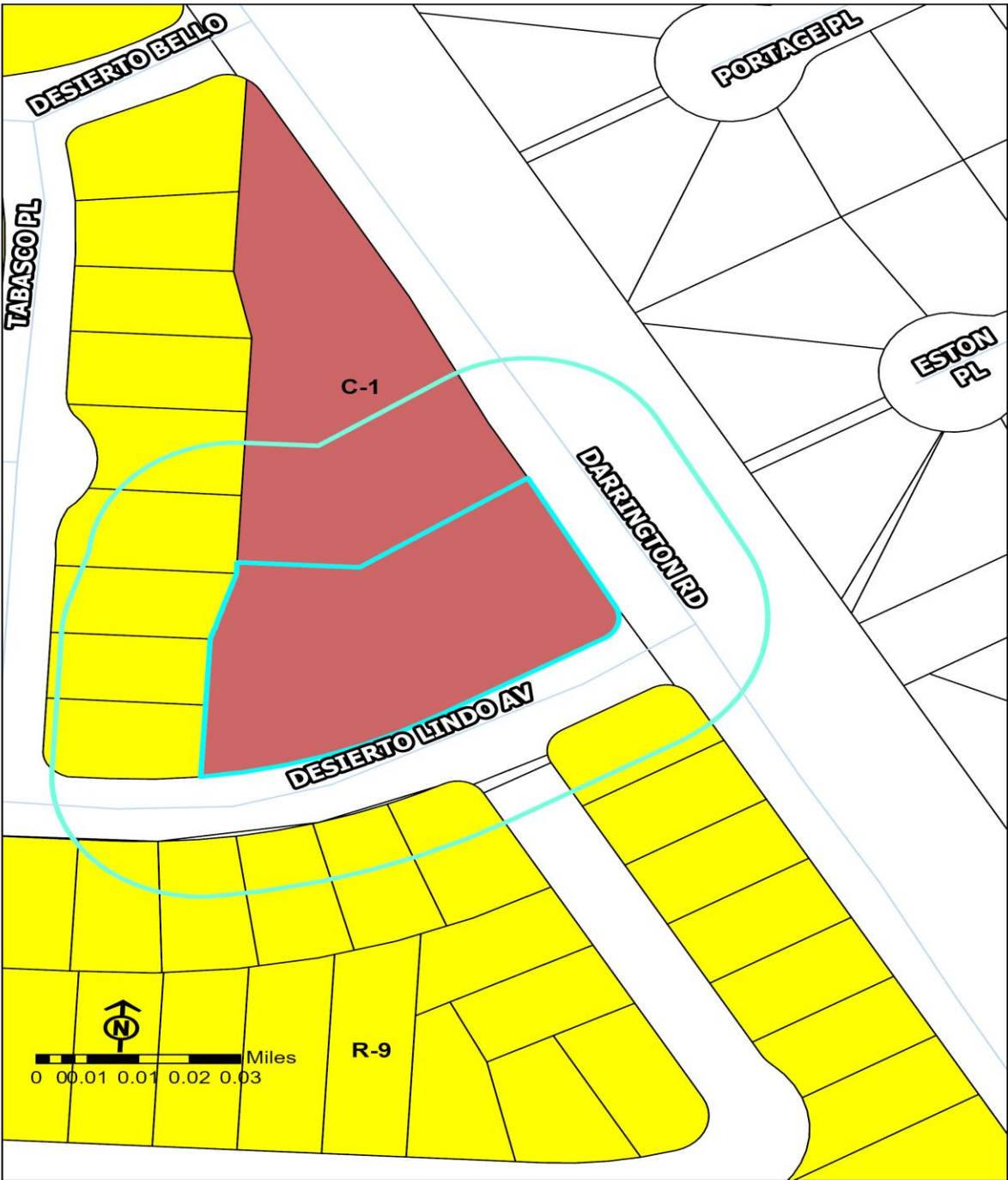
**Attachments:**

1. **Aerial View**
2. **Zoning Map**
3. **Site Plan**
4. **Existing Wall Detail Typical**
5. **Proposed Screening Wooden Fence Detail Typical**
6. **Application**
7. **Board Letter**
8. **Board's Variance Worksheet**

**Board of Adjustment  
Commercial Wall Standards Variance  
BAC23-0001**



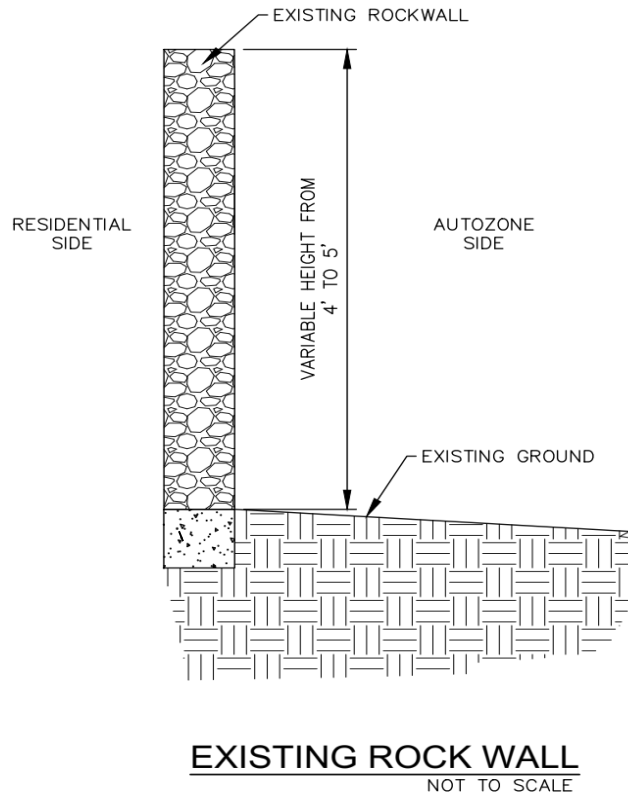
**Board of Adjustment  
Commercial Wall Standards Variance  
BAC23-0001**





**Attachment 4: Existing Wall Detail Typical**

File: N:\0044728.00\03 Sent\Governing Agency\Horizon City\2023-0912 Variance answers\Existing Wall Details.dwg



**Westwood**

Phone (210) 265-8300 211 North Loop 1604 East, Suite 205  
Toll Free (888) 937-5150 San Antonio, TX 78232  
westwoodps.com

**Westwood Professional Services, Inc.**  
TBPPE FIRM REGISTRATION NO. F-11756  
TBPPLS FIRM REGISTRATION NO. 10074301

**EXISTING  
ROCKWALL**

JOB NO.: 0044728.00

DATE: 9/12/2023

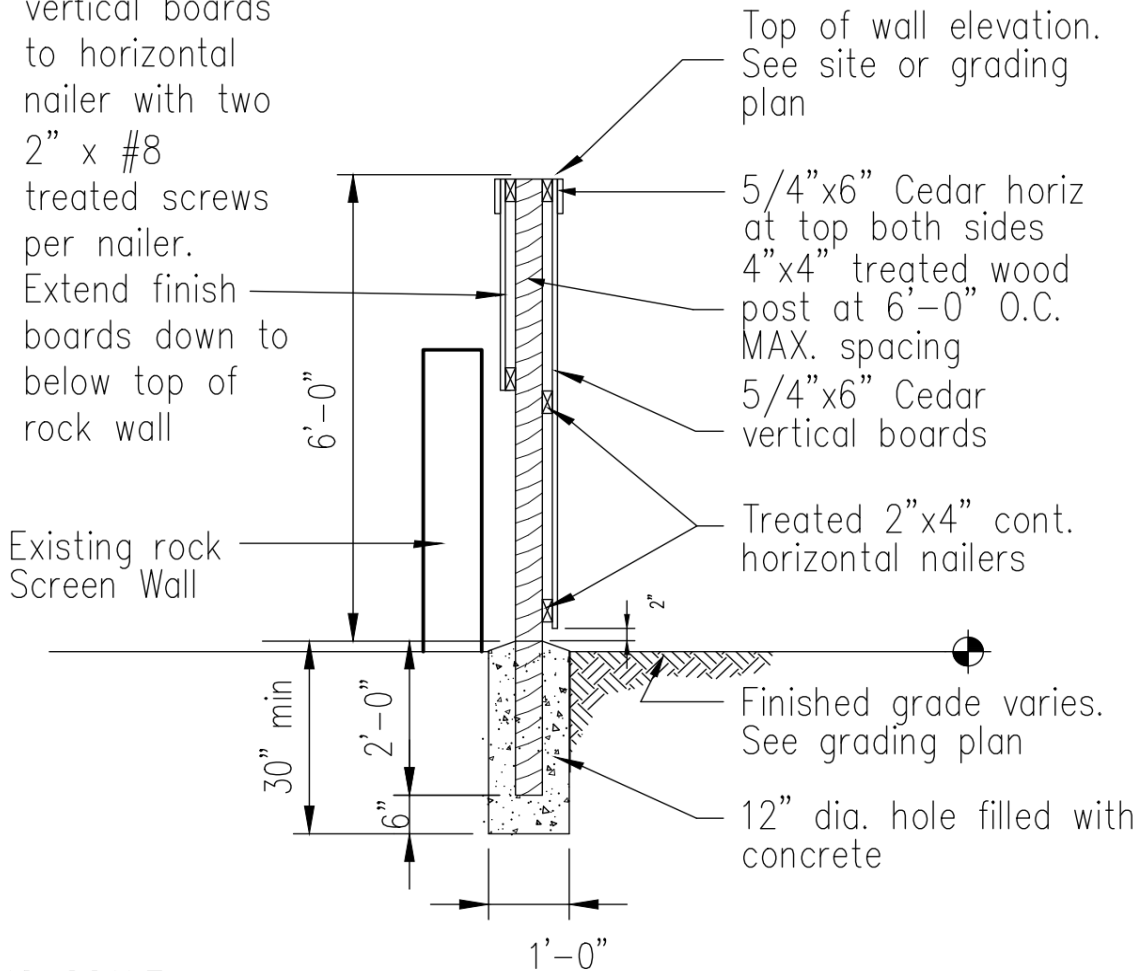
DRAWN: CYS

REVISIONS:

**Attachment 5: Proposed Screening Wooden Fence Detail Typical**

NOTE: Attach vertical boards to horizontal nailer with two 2" x #8 treated screws per nailer. Extend finish boards down to below top of rock wall

NOTE: place wood screen wall as close to rock wall as footing will allow.



NO SCALE

**SCREEN WALL SECTION**

File: N:\0044728.00\03 Sent\Governing Agency\Horizon City\2023-0912 Variance answers\Cedar screen wall.dwg

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Phone (210) 265-8300 211 North Loop 1604 East, Suite 205  
Toll Free (888) 937-5150 San Antonio, TX 78232  
westwoodps.com

Westwood Professional Services, Inc.  
TSP: FIRM REGISTRATION NO. F-11756  
TBPLS FIRM REGISTRATION NO. 10074301

**SCREEN WALL SECTION  
ALONG ROCKWALL**

JOB NO.: 0044728.00  
DATE: 9/12/2023  
DRAWN: CYS  
REVISIONS:

**Attachment 6: 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** 835 S. Darrington Road Horizon City, TX 79928 Zoned: C-1  
**Legal Description** 1B 1 Rancho Desierto Bello Unit 2 Replat A  
 (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** Westwood CONTACT: Alicia Coronilla  
 ADDRESS 211 North Loop 1604 East, Suite 205  
 CITY/STATE San Antonio/ TX ZIP CODE 78232  
 EMAIL: Alicia.coronilla@westwoodps.com PH. No. (972) 265-4865 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** Odom Investments Inc CONTACT: Jerry Odom  
 ADDRESS 7100 Westwind Dr.  
 CITY/STATE El Paso/ TX ZIP CODE 79912  
 EMAIL: jlodom@sbcglobal.net PH. No. (915) 584-8320 CELL No. \_\_\_\_\_

- VARIANCE REQUEST IS FOR (A): Height requirement for an existing variable height rock screen wall along the western tract boundary  
 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 UDC, Exhibit 14A Chapter 8 Section 805.1 Standards & Req. for Fencing  
 VARIANCE REQUEST IS FOR (B): N/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 \_\_\_\_\_
- 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 attached 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 attached 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 attached 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) See 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** A.C.

Alicia Coronilla  
 (APPLICANT'S SIGNATURE)

08-24-2023  
 (DATE)

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

## Attachment 7- Board Letter

**Westwood**

211 North Loop 1604 East, Suite 205  
San Antonio, Texas 78232

Main (210) 265-8300  
Fax

westwoodps.com  
(888) 937-5150

September 19, 2023  
WPS No: 0044728.00

**Horizon City Planning Department & Board of Adjustment  
City of Haltom City**

14999 Darrington Road  
Horizon City, TX 79928

Re: **Variance Application  
AUTOZONE TX6078**

835 S Darrington Road  
Horizon City, TX 79928

*Legal Description: Lot 1, Block 1, Rancho Desierto Bello Unit Two Replat "A"*

To whom it may concern,

Please accept this letter as evidence of the intent of the application to submit a variance request for the development of this project, described in more detail below.

The subject property is located at the northwest corner of Darrington Road and Desierto Lindo Avenue. The property is currently platted as Lot 1, Block 1, Rancho Desierto Bello Unit Two Replat "A". The proposed project is a 7,382 SF AutoZone retail building for auto parts sales which will be developed in a single phase.

**Request:**

- A variance to Fencing requirements per *Chapter 14A-Ch 8 General Provisions Section 805 and to Zoning Ordinance No. 0102 Section 805.*

**Rational:**

Application is made to the Board of Adjustment, in accordance with the provisions of the Horizon City Development Code, to grant the above listed request for the following reason:

There is an existing variable height rock screen wall along the western tract boundary that currently does not meet the minimum height requirement of six (6) feet required per the Development Code. The current wall height varies from 4 feet to 5 feet. I am respectfully requesting a variance to allow the existing wall to remain in its current condition due to the following concerns and hardships:

The developer has concerns with the structural integrity of the wall if an extension is required. It is unknown how the existing wall was design and if it can withstand additional weight due to an extension. Adding the additional wall height may compromise its structural integrity. An additional hardship is presented if the variance is not granted because the developer would be required to disturb the neighboring properties to extend the existing rock wall.

An alternative solution to support the variance request is to provide a 6-foot wooden screen fence within the subject property. The developer is amenable to build the wooden screen fence and it is proposed to be installed parallel to the existing rock wall to provide the required screen height per the Development code. I believe this alternative solution will alleviate any concerns and hardship because the construction of the wooden screen fence allows the developer to develop their lot without disturbing the neighbors and will allow the developer to keep the rock screen wall per its original design.

Attachment 7- Board Letter Continued

**Westwood**

211 North Loop 1604 East, Suite 205  
San Antonio, Texas 78232

Main (210) 265-8300  
Fax

[westwoodps.com](http://westwoodps.com)  
(888) 937-5150

I believe this variance does not violate the intent of the zoning ordinance or the goals of the city's comprehensive plan because the deficit of the wall height is an existing condition. I believe this variance will not substantially injure neighboring properties or interfere with the enjoyment of these properties by their owners because the variance will allow the existing wall to remain and can prevent any unrelated construction within the neighboring properties due to wall improvements.

If you have any questions regarding the above items, or need any additional information, please call me at your convenience. We appreciate this opportunity to work with you.

Sincerely,



Alicia Coronilla, PE

**Attachment 8- Board's Variance Worksheet**

Property Owner's Name:	Odom Investments Inc./ Westwood Professional Services			
Property Address	835 S. Darrington Rd.	Horizon City	TX	79928
	(Street)	(City)	(ST)	(Zip)
Property Legal Description	RDB U-2	1	1-B	
	(Subdivision)	(Block)	(Lot)	
Section (s) of the Ordinance for which a Variance is requested	Section 805 - Fencing, Paragraph 805.1.1 – Standards & Requirements for Fencing (Commercial/Industrial), B. Rear Property Line, Zoning Ordinance of the Municipal Code.			
Description of Variance Requested	Variance request not to require a 6' Rock Wall adjacent to residential zone and use.			

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:**

Quorum established and meeting called to order at 6 p.m.

**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.

No one signed up for Open Forum

**3. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC AND APPLICANTS:**

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**A. DISCUSSION AND ACTION:**

On a **Variance** application for an encroachment into the required front, side, and rear yard setbacks, (**Case No. BOA-002518-2022**), for a property located at **252 Lago Grande Dr.**, legally described as Lot 33, Block 5, Eastlake Unit Two Subdivision, Horizon City, El Paso County Texas, 79928, and can be further identified by Property Identification Number (PID No.) E07500000503300. Application submitted by property owner Josefina Loera. (**This item was postponed from the November 30, 2022 meeting.**)

**ACTION:** Motion to deny variance request for an encroachment into the required front, side, and rear yard setbacks, made by **LOPEZ** and 2<sup>nd</sup> by **MILLER**.

**AYES:** **LOPEZ, MILLER, OJEDA, MCELROY, and RAMOS**  
**MOTION CARRIED**

**4. OTHER BUSINESS**

**A. DISCUSSION AND ACTION:**

To approve the Board of Adjustment meeting minutes of November 30, 2022.

**ACTION:** Motion to approve the Board of Adjustment meeting minutes of November 30, 2022, made by **LOPEZ** and 2<sup>nd</sup> by **OJEDA**.

**AYES:** **LOPEZ, MILLER, OJEDA, MCELROY, and RAMOS**  
**MOTION CARRIED**



**5. ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Wednesday, March 1, 2023, at 6:00 pm**

**EXECUTIVE SESSION:** \_\_\_\_\_

**ADJOURNMENT:** Meeting adjourned at 6:08 PM

\_\_\_\_\_  
**Michael McElroy, Chairman**

**ATTEST:**

\_\_\_\_\_  
Kathleen Rodriguez – Secretary to the Boards

**DISTRIBUTION OF MINUTES:**

Original: Town of Horizon City Administrative File  
Copy: Chair & BoA Members  
Posted: Internet Website: [www.horizoncity.org](http://www.horizoncity.org)