



**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

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
N	R-9 (Single-Family Dwelling)/C-1 (General Commercial)	Single-Family Dwellings/Commercial
E	ETJ	Mix of Uses
S	R-9 (Single-Family Dwelling)	Single-Family Dwellings
W	R-9 (Single-Family Dwelling)	Single-Family Dwellings

LAND USE AND ZONING:

	Existing	Proposed
Land Use	Vacant	Auto Parts Store
Zoning	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.

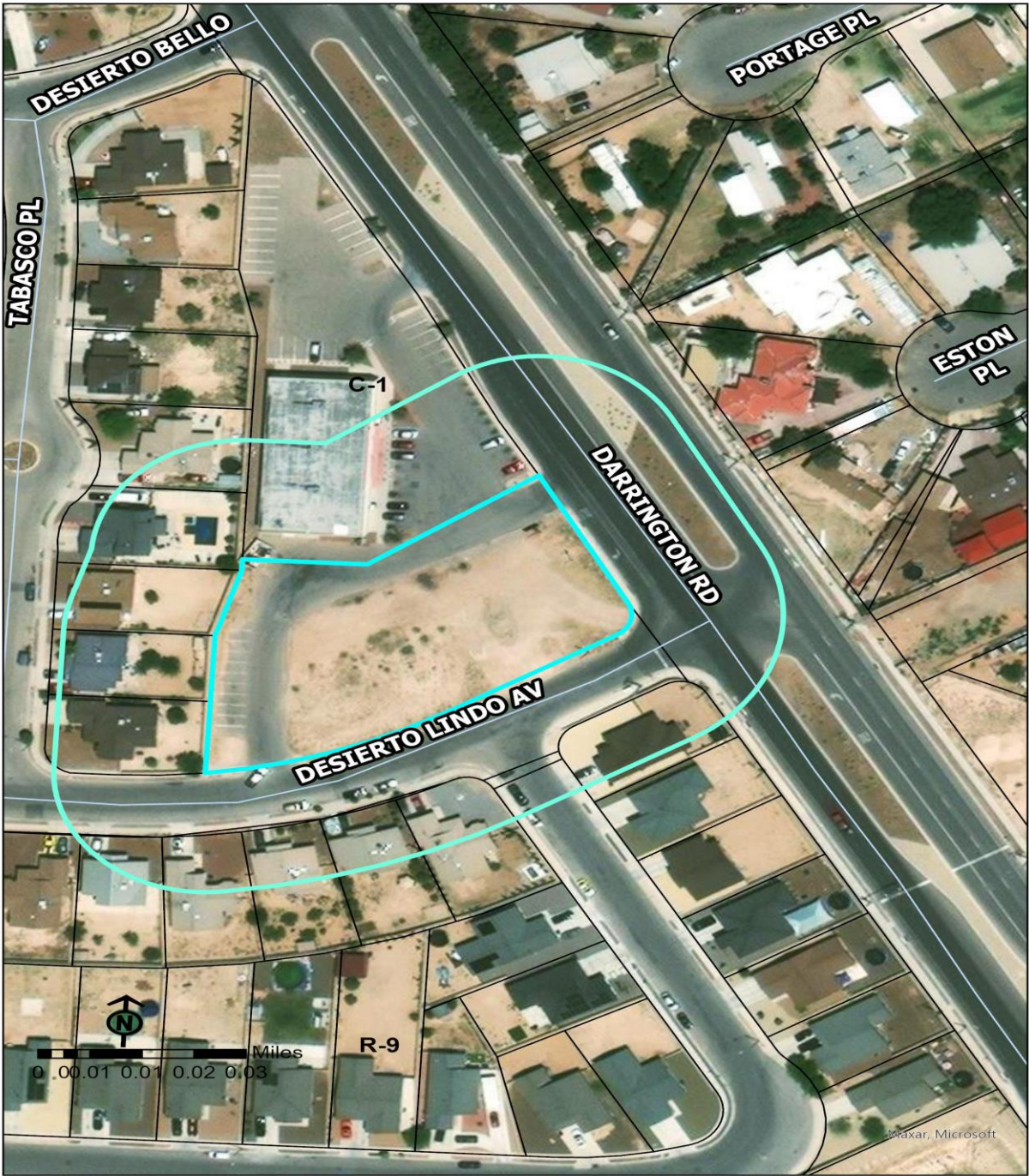
Additional Requirements:

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.

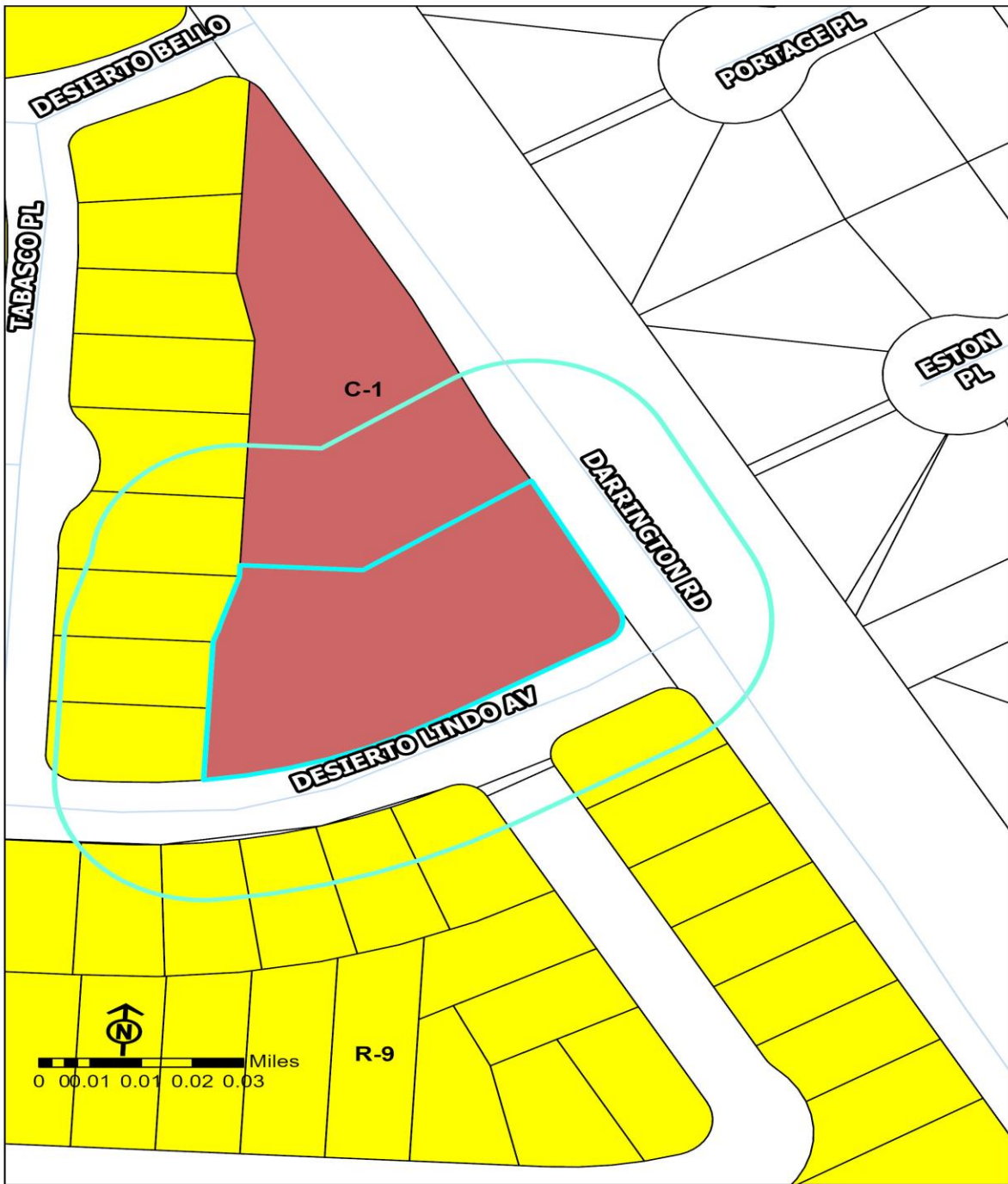
Attachments:

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**



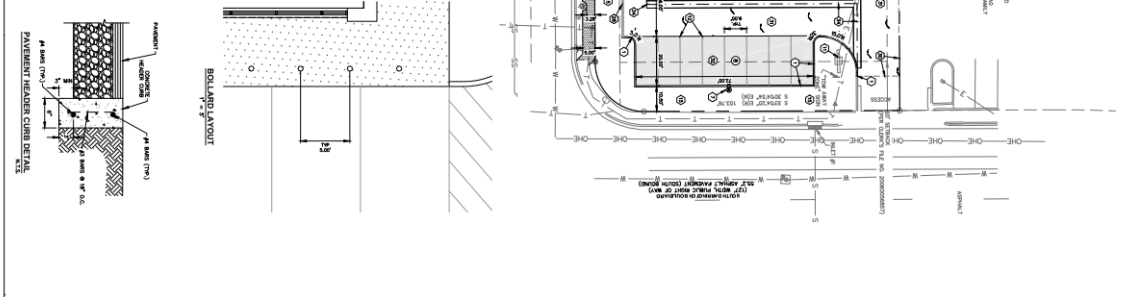
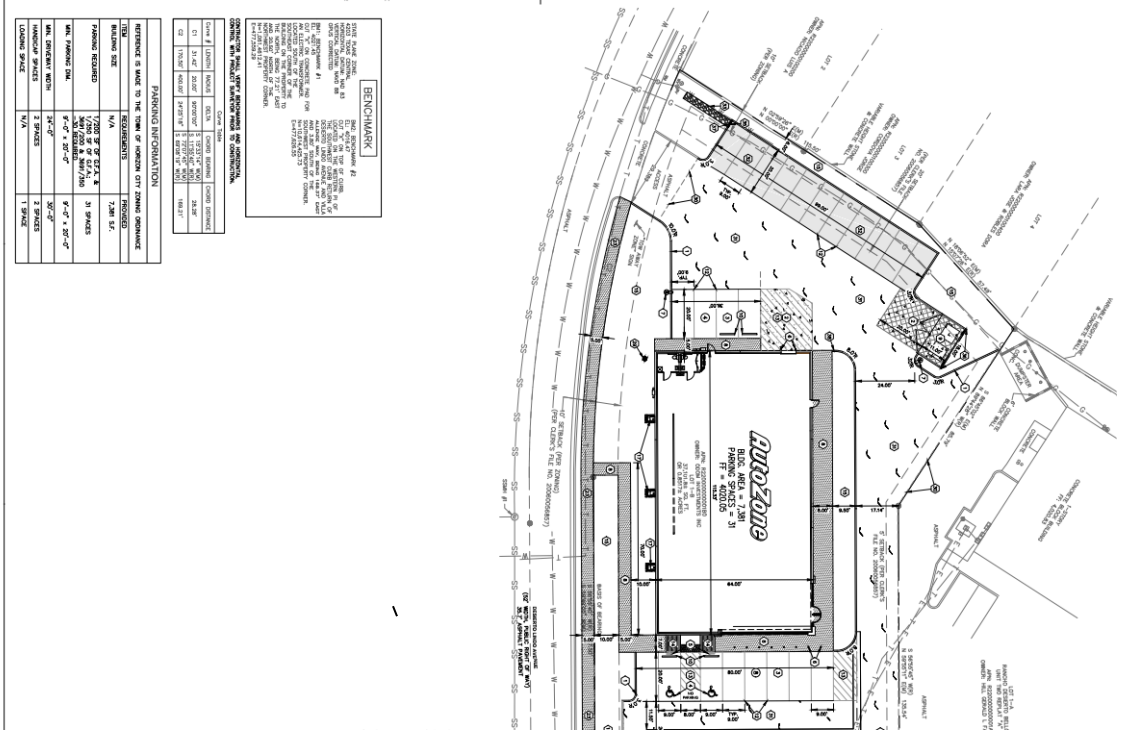
**Board of Adjustment
Commercial Wall Standards Variance
BAC23-0001**



Attachment 3: Site Plan

GENERAL NOTES

- THE SITE PLAN IS BASED ON THE LATEST AVAILABLE RECORD MAPS AND SURVEY DATA. THE OWNER REPRESENTS AND WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
- ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.
- THE OWNER SHALL BE RESPONSIBLE FOR SECURING ALL NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES.
- THE OWNER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- THE OWNER SHALL MAINTAIN ALL EXISTING UTILITIES AS SHOWN ON THE RECORD MAPS AND SURVEY DATA.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING EROSION CONTROL MEASURES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING LANDSCAPE FEATURES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING HISTORICAL STRUCTURES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CULTURAL RESOURCES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ENVIRONMENTAL SENSITIVE AREAS.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING OPEN SPACE AREAS.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING RECREATION AREAS.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PUBLIC UTILITIES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PRIVATE UTILITIES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AIR QUALITY ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING NOISE ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING VIBRATION ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SOIL CONTACTION ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING WATER QUALITY ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CLIMATE CHANGE ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SOCIAL EQUITY ISSUES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING ECONOMIC DEVELOPMENT ISSUES.
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- THE OWNER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING BROTHERHOOD ISSUES.



LEGEND

- ◯ CONCRETE SLAB
- ◻ ASPHALT
- ▨ GRAVEL
- ▩ GRAVEL UNDERLAY
- GRAVEL UNDERLAY
- ▬ PAVEMENT CENTERLINE
- ▬ PAVEMENT EDGE LINE
- ▬ PAVEMENT CHANGELINE
- ▬ PAVEMENT BREAK
- ▬ PAVEMENT CUT
- ▬ PAVEMENT JUMP
- ▬ PAVEMENT RAMP
- ▬ PAVEMENT SLOPE
- ▬ PAVEMENT SURFACE FINISH
- ▬ PAVEMENT TYPE CHANGE
- ▬ PAVEMENT WIDTH CHANGE
- ▬ PAVEMENT LENGTH CHANGE
- ▬ PAVEMENT AREA CHANGE
- ▬ PAVEMENT VOLUME CHANGE
- ▬ PAVEMENT WEIGHT CHANGE
- ▬ PAVEMENT STRENGTH CHANGE
- ▬ PAVEMENT DURABILITY CHANGE
- ▬ PAVEMENT PERFORMANCE CHANGE
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- ▬ PAVEMENT ASSISTANCE CHANGE
- ▬ PAVEMENT BROTHERHOOD CHANGE

REVISIONS

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3		
4		
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6		

Westwood
Professional Engineering & Construction, Inc.
111 North Loop West, Suite 405
Memphis, Tennessee 38103
Tel: (901) 521-8100 Fax: (901) 521-8101
www.westwoodeng.com

Owner / Developer: AUTOZONE STORES LLC
123 South Front Street, 3rd Floor
Memphis, Tennessee 38103
TEL: 901-495-8709 FAX: (901) 495-8969

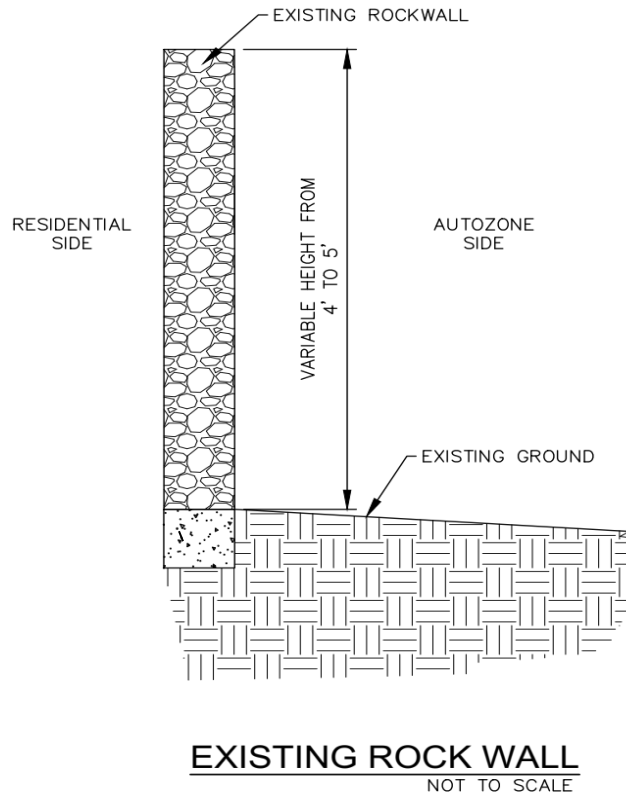
For Bidding & Contractor Information Contact:
Design & Analytics 11544-AI 41-43-930-4215
Cindy.searcy@construction.com

AutoZone Store No. 6078
835 S. Darrington Road
HORIZON CITY TX 79928
SITE PLAN

DATE: 08/25/23
DRAWN: TNL
PROJECT: C1.0

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

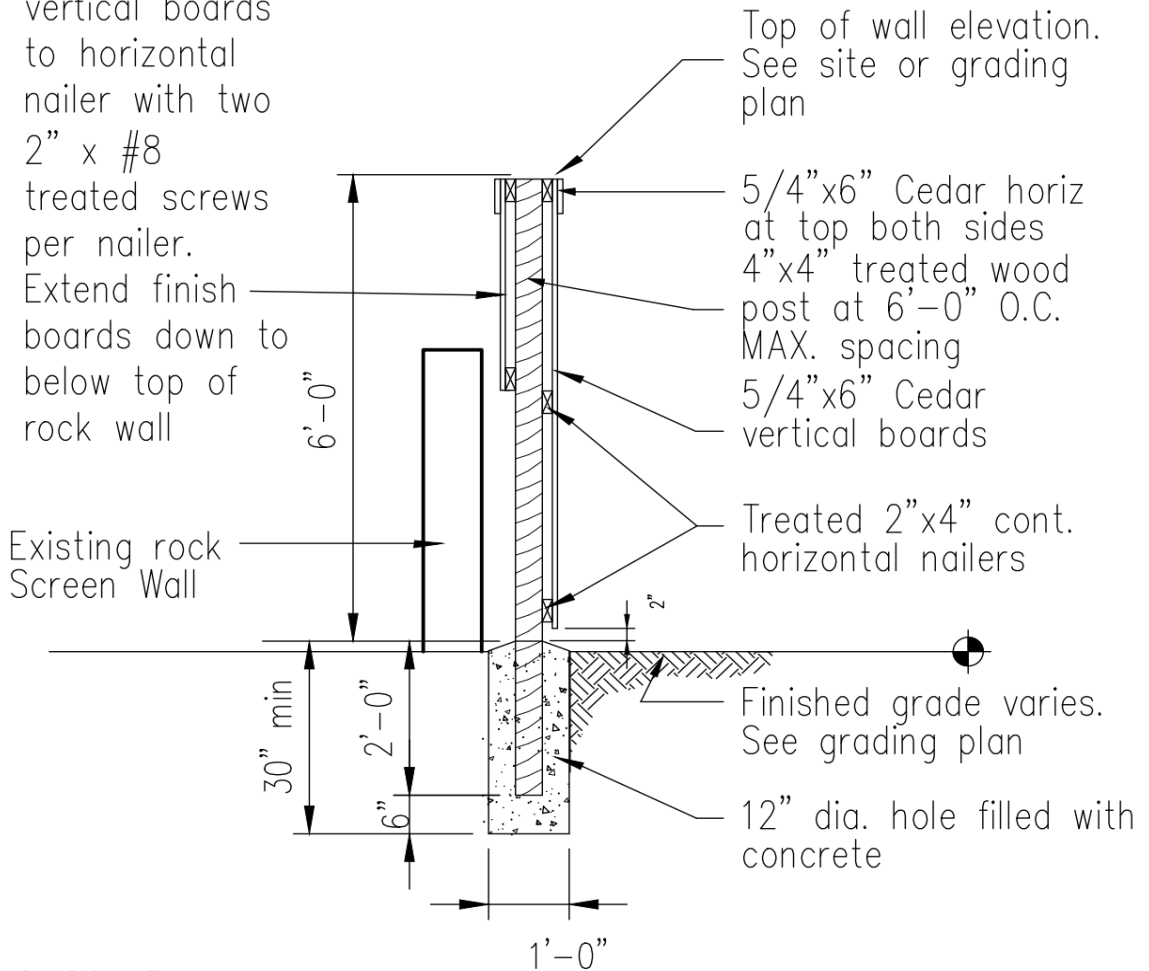
**EXISTING
ROCKWALL**

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

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.
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: jodom@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
(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)	