



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

REVISED (POSTPONED AT THE 11/30/2022 BOA MEETING)

Application Type: Variance Application
Case No.: BOA-002518-2022
BoA Hearing Date: November 30, 2022
Staff Contact: Art Rubio, Planner
 915-852-1046 ext.407; arubio@horizoncity.org

Address/Location: 252 Lago Grande Dr. north of Horizon Blvd. and west of Kenazo Avenue

Legal Description: Lot 33, Block 5, Eastlake Unit Two Subdivision, Horizon City, El Paso County, Texas

Property Size: Approximately 0.25-acre
PID No. E07500000503300
Existing Use: Single-Family Residential
Existing Zoning: R-9 (Single Family Dwelling) Zoning District
Request: Applicant requests a variance from the Zoning Ordinance, Section 405.2 Minimum Setback Standards, rear, and side setbacks, 812.3 Side & Rear Yards, Sub Sections C. Encroachment into Rear Yard Setback and D. Carport Requirements.

Owner: Josefina Loera
Applicant: Josefina Loera

SURROUNDING PROPERTIES:

Zoning	Land Use
North: R-9 (Single-Family)/A-1 (Apartment)	Single-Family Residential Dwellings
East: A-1 (Apartment)	Vacant
South: R-9 (Single-Family)/A-1 (Apartment)	Single-Family Residential Dwellings/Vacant
West: R-9 (Single-Family)	Single-Family Residential Dwellings

Current Land Use Designation	
Nearest Park:	Corky Park
Nearest School:	Desert Hills Elementary School

Application Description:

On October 10, 2022, the applicant submitted building permits for a side carport and side & rear porch addition and Building Services department referred the permit application to Planning Department for a variance request as the proposed additions did not meet the required side (both sides) and rear setbacks. The applicant was advised of the possibility of the likelihood the application would be denied and the applicant wished to proceed with the application. The applicant is proposing an approximately 1,200 sf carport and 1,200 sf porch addition with a 2' ft. encroachment into the required 5' ft. setback on both

sides of the existing home to allow for 3' ft. side setbacks. The applicant is also requesting a rear porch addition with an 8' ft. setback as allowed by Section 812.3 Side and Rear Yards; C.; however, porch is required to be unenclosed and less than 180 feet in roof area, exceeded by the proposed porch shown on site plan.

Notice:

Notice of Public Hearing was mailed to the adjacent neighbors on November 3, 2022. The Planning Department has not received any public communication in support or opposition to the variance request from.

Planning Comments:

The proposed request violates Sections 405.2 Minimum Setback Standards, rear, and side setbacks, 812.3 Side & Rear Yards, Sub Sections C. Encroachment into Rear Yard Setback and D. Carport Requirements. Planning Staff received notification that the subject property has Zoning and Building Code violations from the Code Enforcement Division. A new structure was built without the submittal for permits and with possible setback encroachments.

Staff Recommendation:

Staff recommends **denial** of the request to allow an approximately 1,200 sf carport and 1,200 sf porch addition with a 2' ft. encroachment into the required 5' ft. setback on both sides of the existing home to allow for 3' ft. side setbacks and for the requested rear porch addition with an 8' ft. setback that exceeds the 180 ft. roof area. Staff recommendation is based on:

1. Applicant has not established an "Unnecessary hardship" which does not include a hardship **created by the property owner or self-imposed**. Further, the **hardship must be unique to the property**.
2. The proposed setback encroachments are detrimental to the health, safety, and welfare of the public.
3. Changes to the property per the identified Code violations.

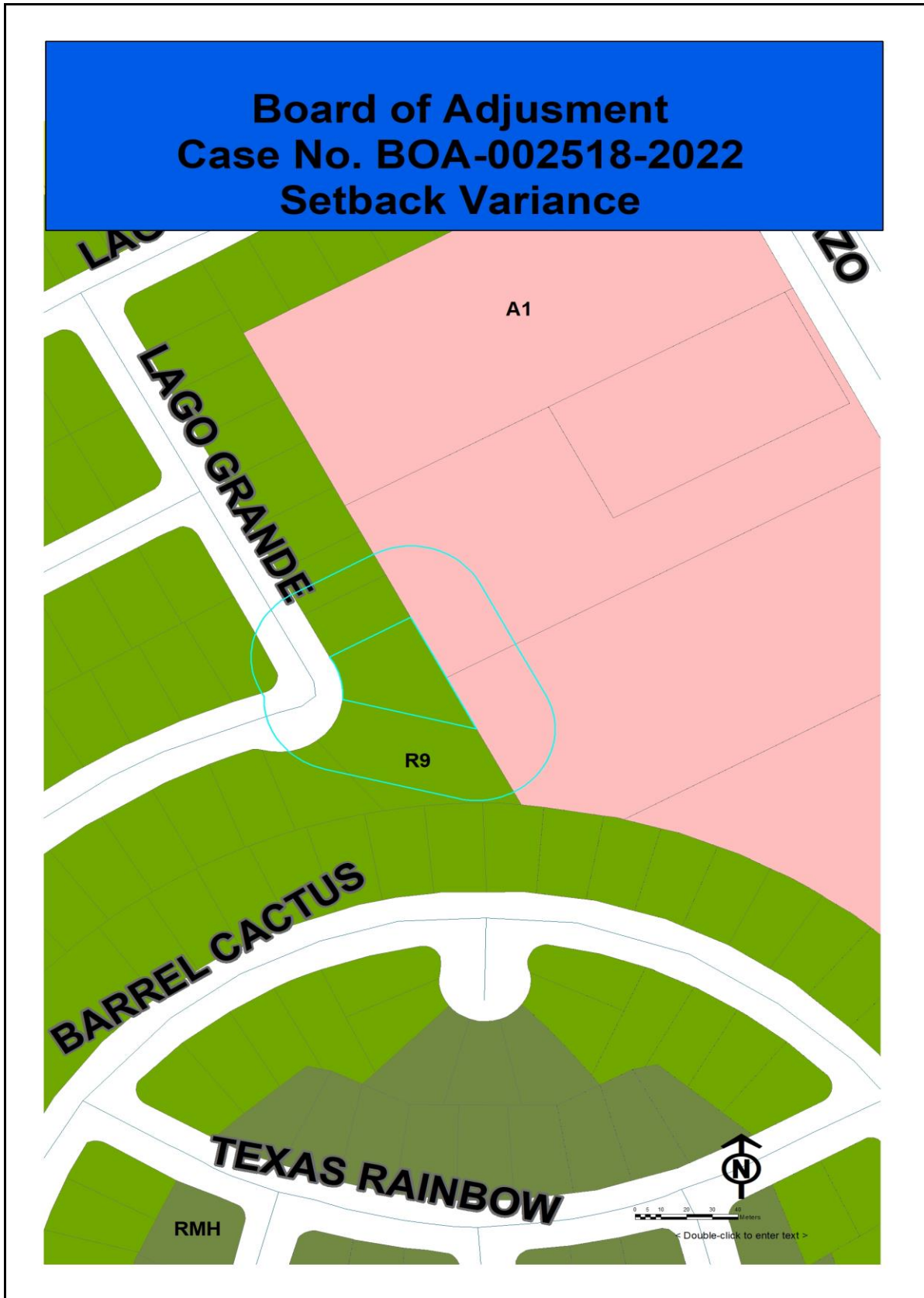
Additional Note:

Applicant can meet the setback requirements through a redesign of the development as there is sufficient area to comply with side setback, porch roof area and carport requirements.

Attachments:

1. Zoning Map
2. Aerial View Map
3. Survey Map
4. Site Plan
5. Plan Review Notes
6. Application
7. Board Letter
8. Board's Variance Worksheet

Attachment 1: Zoning Map

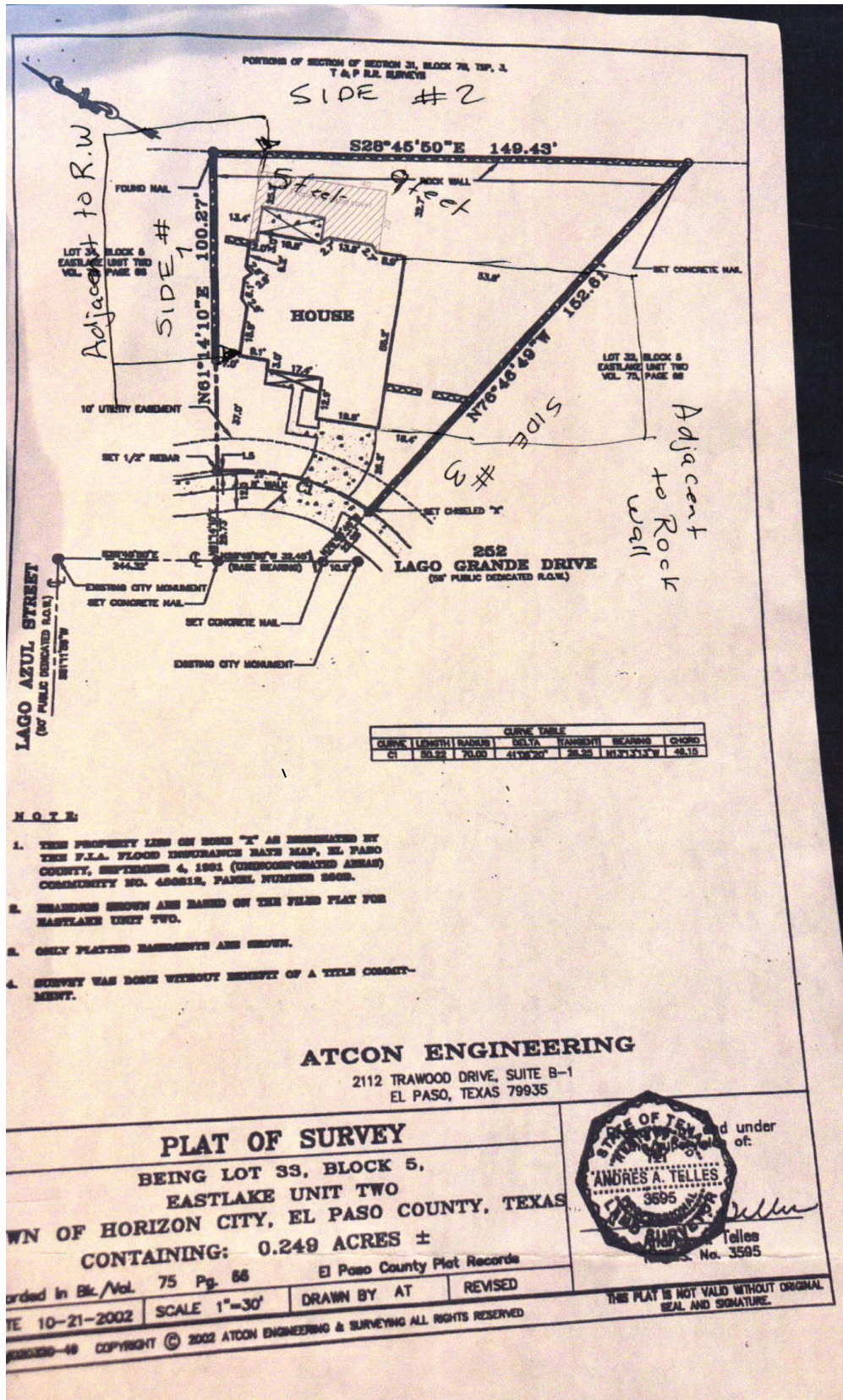


Attachment 2: Aerial View Map

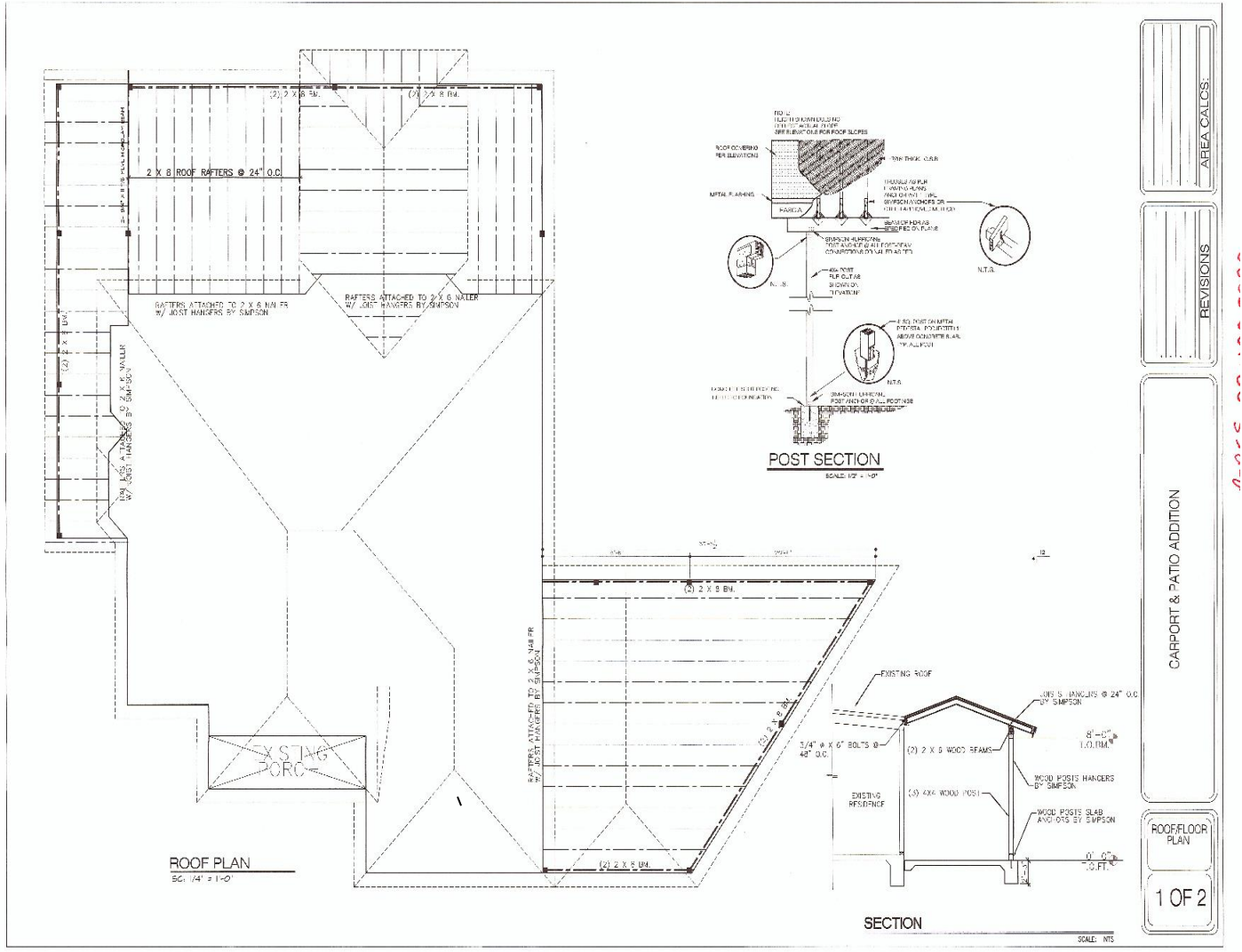
**Board of Adjustment
Case No. BOA-002518-2022
Setback Variance**



Attachment 3: Survey Map



Attachment 4: Site Plan



Attachment 5: Plan Review Notes

Owner took plans to
revise them. she will
be submitting for
a variance.
Kk.

Plan Review Notes



Date: 10-10-22
Address: 252 Lago Grande
Applicant: _____

Residential: Commercial:

Construction documents submitted by a design professional: Yes No

Construction documents sealed: Yes No

Discipline:

- | | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> Building | <input type="checkbox"/> Irrigation |
| <input type="checkbox"/> Electrical | <input type="checkbox"/> Civil |
| <input type="checkbox"/> Plumbing | <input type="checkbox"/> Fire |
| <input type="checkbox"/> Mechanical | <input type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Plan | |

Comments:

Proposed side porches must maintain
5ft clear from side property line
Measurement is from edge of roof to
property line
Rear porch can not encroach more than
12 ft into a required set back. Must
maintain 8ft clear from rear property line

Reviewed by: D. Serrano Date: 10-10-22

Phone call by: _____ Date: _____

Attachment 6: Application

BOA-002518-2022



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 252 Lago Grande Horizon TX 79928 Zoned: R+ 9
Legal Description 33 5 Eastlake Unit two
(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 Josefina Loera CONTACT: (915) 240-5631
ADDRESS 252 Lago Grande
CITY/STATE Horizon Texas ZIP CODE 79928
EMAIL: josefina.loera82@gmail.com PH. NO. CELL No. (915) 240-5631

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

PROPERTY OWNER INFORMATION

OWNER'S NAME Josefina Loera CONTACT: (915) 240-5631
ADDRESS 252 Lago Grande
CITY/STATE Horizon Tx ZIP CODE 79928
EMAIL: josefina.loera82@gmail.com PH. NO. CELL No. (915) 240-5631

- 1. VARIANCE REQUEST IS FOR (A): 905.2
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)
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) See attached letter
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) See attached letter
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) 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 JL

Josefina Loera (APPLICANT'S SIGNATURE) Oct. 11. 2022 (DATE)

Application & Submittal Due Date:
BoA Scheduled Date:
Case # BOA-002518-2022
Application Received By: EP
Date Application Rec'd: 10/24/22

Attachment 7: Board Letter

October 24, 2022

Josefina Loera
252 Lago Grande
Horizon city TX, 79928

Horizon City
P & Z Commission

To whom it may concern:

Horizon City, TX

This is to request a special use permit for the above reference property. The purpose is to build multiple roofs around my house. I have Multiple Myeloma (Cancer on the bones). The medicine that I have to take to prevent this cancer to spread, counter interacts with the rays of the sun. My husband recently passed away trying to fix a car. I have a son that is deaf, he is 22 years old and I am the only one that he depends on. He is trying to finish college and working at the same time. He is not completely independent yet, and I am teaching him that. He is able to speak English, Spanish and Sign Language, but he is not able to be responsible for everything that needs to be done in a house. He also suffers of ADHD (attention deficit hyperactivity disorder), he struggles to concentrate and takes medicine to control his symptoms, but it takes time for him to learn. And the reason that I am asking to build this roof is because, due to my medicine and my situation I have to work outside my house for long hours to clean it, repair it, maintain it and in 2016 doing this work outside my house, I suffered a blood cloth that almost killed me.

The exemption that I am asking is to build my roofs on side number 1. I need them to be 3 feet from my rock wall. On this side we have our refrigerated air system and I have to clean and maintain the unit.

On side number 2, I am asking to be 8 feet separated from my rock wall. We spend time outside cooking and repairing furniture and projects that we have around the house.

On side number 3; I am asking this to be 3 feet from my rock wall because we usually fix cars ourselves.

I am attaching a letter from my oncologist Javier Corral from Texas Tech Physicians Hospital. You can contact him whenever you need if you need to corroborate my information.

Attachment 8: Board's Variance Worksheet

Property Owner's Name:	Josefina Loera			
	(Property Owner and or Representative) (
Property Address	252	Lago Grande Dr.	Horizon City	TX 79928
	(Street)	(City)	(ST)	(Zip)
Property Legal Description	Eastlake Unit Two Subdivision		Block 5,	Lot 33
	(Subdivision)	(Block)	(Lot)	
Section (s) of the Ordinance for which a Variance is requested	Section 405.2 Minimum Setback Standards, rear, and side setbacks, 812.3 Side & Rear Yards, Sub Sections C. Encroachment Into Rear Yard Setback and D. Carport Requirements			
Description of Variance Requested	Variance request to allow an approximately 1,200 sf carport and 1,200 sf porch addition with a 5' ft. encroachment into the required 5' ft. setback on both sides of the existing home to allow for zero side setbacks. The applicant is also requesting a rear porch addition with a 3' ft. encroachment into the required 8' ft. setback to allow for a 5' ft. rear setback.			

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)	