



HORIZON CITY

Incorporated 1988

**AGENDA
PUBLIC MEETING
BOARD OF ADJUSTMENT-SPECIAL MEETING
THE TOWN OF HORIZON CITY, TEXAS
Monday, August 2, 2021, 6:00 PM**

Notice is hereby given that a Board of Adjustment-Special Meeting of the Town of Horizon City, Texas will be held on **Monday, August 2, 2021 at 6:00 PM** at Virtual Meeting , at which time the following will be discussed and considered:

The Zoning Board of Adjustment together with City Staff will participate in this meeting via videoconferencing or telephone conference. Members of the public may view the meeting online or by videoconferencing via the following:

Join from the meeting link:

<https://horizoncity.webex.com/horizoncity/j.php?MTID=md697ae11d55023856ed9775720dd29a7>

Join by meeting number:

Meeting number (access code): 145 080 0012

Meeting password: BOAJuly21!

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

Planner

On a variance request application for **12504 Weaver Road, Horizon City, Texas 79928**, *legally described as Lot 1, 2, 3, 4, and Portion of 14, Block 3, Horizon Industrial Park Unit 1, El Paso County, Texas*. The applicant is requesting a setback variance. Application submitted by Air System Components, Inc.

B. DISCUSSION AND ACTION: 17
Planner

On a variance request application for **18007 Carson, Horizon City, Texas 79928**, *legally described as Lot 59, Block 17, Horizon Heights Unit Three, El Paso County, Texas*. The applicant is requesting a setback variance. Application submitted by John E. Balliew

4. **OTHER BUSINESS**

A. **DISCUSSION:**
Update the Zoning Board of Adjustment on new appointment or reappointment members.

B. **DISCUSSION AND ACTION:** 30
To approve the Board of Adjustment meeting minutes of March 3, 2021.

5. **ANNOUNCEMENTS**

- A. The next regular scheduled meeting: **Wednesday, September 29, 2021, at 6:00 pm**
- B. In person meetings to resume September 1, 2021.

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-Special Meeting 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 Request Application
Case Number: BOA002463-2021
BoA Hearing Date: July 28, 2021
Staff Contact: Emily Offer
 915-852-1046 ext.407; eooffer@horizoncity.org

Address/Location: 12504 Weaver Road, Horizon City, TX. 79928
Legal Description: Lots 1, 2, 3, portion of Lot 14, Block 3, Horizon Industrial Park Unit One
Acreage: Approximately 13.9277 ± acres
Existing Use: Residential Single-Family Unit
Existing Zoning: Light Industrial
Existing Zoning: M-1 (Light Industrial)
Request: To allow for reduced front and side street setbacks for the existing non-conforming structure.
Owner: Air System Components, Inc.
Applicant: Air System Components, Inc.
Zoning Reference: Horizon City Municipal Code, Chapter 14 - Zoning, Sub-Chapter 7, Industrial Districts, Section 702.3 – Height and Bulk Standards, Paragraph 702.3.1-Minimum Setback Standards

SURROUNDING PROPERTIES:

	Zoning	Land Use
N	M-1 (Light Industrial)	Munoz Trucking Inc and other Industrial uses
E	M-1 (Light Industrial)	CISD and Power Sports Academy
S	M-1 (Light Industrial)	Vacant and LGA Express
W	R-2 (Residential)	Vacant

LAND USE AND ZONING:

	Existing	Proposed
Land Use	M-1 (Light Industrial)	M-1 (Light Industrial)
Zoning	M-1 (Light Industrial)	M-1 (Light Industrial)

Application Description:

The owner requests a variance to the required setbacks to allow for the existing structure that encroaches into the required setback. This property was constructed and established in 1972 prior to the incorporation of Horizon City, providing the property with a legal non-conforming status due to the setback encroachment; however, the property owner intends to transfer ownership, this will result in the loss of their legal non-conforming status. The new owner intends to maintain the property's level of and type of production after the transfer of ownership. As per the attached site plan, the existing encroachment is approximately eight feet (8') into the required side street setback on the northwest side, lining Kenazo Dr; and approximately thirteen feet (13') into the required front setback on the northeast side, lining Weaver Rd.

The property currently has parking in both the front and side street yards of the property; therefore, the required minimum setback for the subject areas is forty-five feet (45'). If the variance is granted, the front setback along Kenazo Drive will remain at thirty-seven feet (37') and the side street setback along Weaver Road will remain at thirty-two feet (32').

Zoning Ordinance Setbacks for all zones prior to codification of Municipal Code:

702.3.1 Minimum Setback Standards. All buildings are to be set back from both front and side (when abutting a street) property lines by forty-five (45) feet with parking. Both side and rear setbacks are fifteen (15) feet from the property lines.

Neighborhood Input:

Notice of Public Hearing were mailed to the adjacent neighbors on July 1, 2021. The Planning Department has not received any letters or phone calls in support of or in opposition to the variance request; however, any responses received by staff, will be presented to the Commission at the meeting.

Staff Recommendation:

Staff recommends **approval** of the variance request based on the fact that at the time that the structure was constructed, the City was not incorporated and therefore, did not have any enforceable setback requirements. Staff also recommends that a condition be placed on the approval to disallow any additional parking to be installed within the subject front and side street setback in order to meet the intent of the current zoning requirements.

Planning Comments:

1. Please coordinate with City Staff on replatting the site to properly combine the lots.

Additional Requirements:

If applicable, a building permit will be obtained from the Building Services Department if the Board approves the variance request. The 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, if a building permit is required.

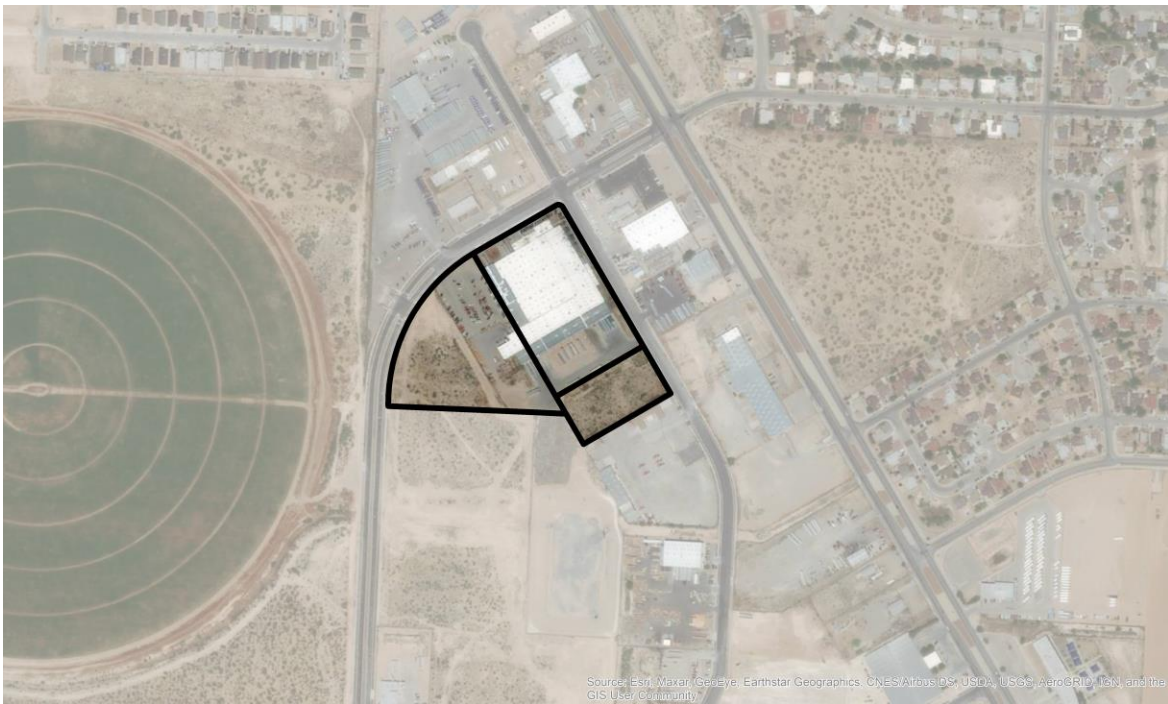
Options available to the Board of Adjustment:

The Board of Adjustment having considered the record (testimony, documents & other evidence) will render a decision on each case with criteria that is provided on the Variance Worksheet attachment.

Attachments:

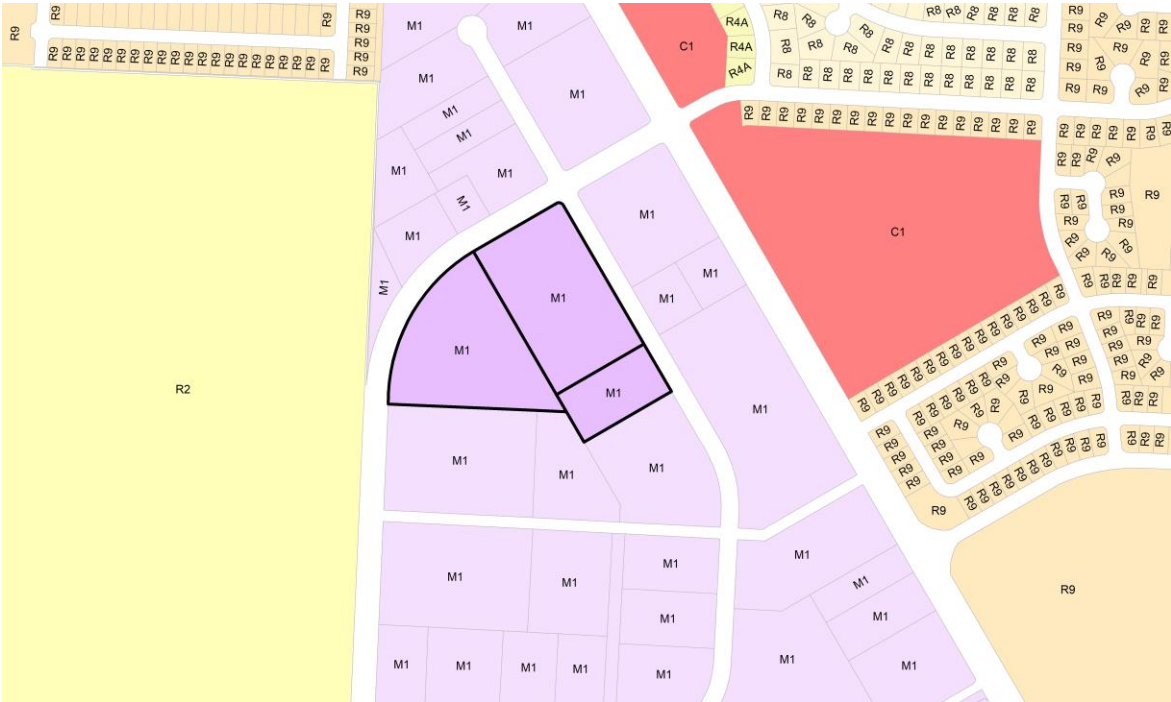
- 1 – Aerial View
- 2 – Zoning Map
- 3 – Survey
- 4 - Application
- 6- Letter to the Board
- 7- Pictures
- 8-Variance Worksheet

Attachment 1: Aerial View



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment 2: Zoning Map



Attachment 5: Application

DocuSign Envelope ID: 8A25B26E-4B2E-4076-8D22-594DFEC4853B



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

SPECIFIC USE PERMIT APPLICATION

1. Property Owner of Record: Air System Components, Inc.
 c/o Johnson Controls, Inc., Enterprise Property Group, X-80, 5757 N. Green Bay Avenue, Milwaukee, WI 53209
 (ADDRESS) (ZIP) (PHONE) (EMAIL)

2. Applicant: Air System Components, Inc. Is applicant also the Owner? Yes No
 Contact Person Thad E. Steffen, Director EPG Is applicant also the Contractor? Yes No
 c/o Johnson Controls, Inc., Enterprise Property Group, X-80, 5757 N. Green Bay Avenue, Milwaukee, WI 53209 (414) 524-5613 Thad.E.Steffen@jci.com
 (ADDRESS) (ZIP) (PHONE) (EMAIL)

3. Contractor: _____
 (ADDRESS) (ZIP) (PHONE) (EMAIL)

4. Site Address/Location: 12504 Weaver Road, Horizon City, Texas 79928

Legal Description: 1, 2, 3, 4, portion of 14 3 Horizon Industrial Park Unit One - See attached Addendum No. 4
 (Lot) (Block) (Subdivision Name)

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

5. Briefly explain why you request a Specific Use Permit? See enclosed letter.

6. Land's Presents Use: Light manufacturing, assembly, packaging and distribution Zone M-1
 Land Vacant Lot size _____ Structure Structure's size 160,747 Last known date the structure was occupied? 05/14/2021
Land's Proposed Use: Light manufacturing, assembly, packaging and distribution of products. Proposed Zone Use M-1
 Will you be making any improvements to the existing lot or structure? Yes No This request includes Site Improvements for approval? Yes No

Schedule appointment with Building Official

Building Official Findings & Pre Licensing Consultation for Non-Conforming Use & Site Improvements

7. Non-Conforming use of a lot, uses, land & structures, uses of structures, premises & characteristics of use or site improvements, necessitates that the applicant and/or contractor consult with the Town's Building Official on the proposed project & Business to discuss any requirements for this request.

A field inspection on (date) _____ **determined the lot is:** Not Applicable Legal Non-Conforming Non-Conforming **and Requires the following:** _____

Building Official Signature _____
Date

NOTICE: Applicant is responsible for all expenses incurred by the City in connection with the Specific Use Permit Application request, including but not limited to attorney's fees, engineering fees and Public Hearing. Additional charges will be invoiced separately and shall be paid to the Town prior to City Council action. Applicant's Signature _____

8. Signatures: Thad E. Steffen Air System Components, Inc., by Thad E. Steffen
 (OWNER'S SIGNATURE) Air System Components, Inc. (OWNER'S PRINTED NAME)

 (APPLICANT'S SIGNATURE) (APPLICANT'S PRINTED NAME)

FEES:

EL PASO TIMES PUBLISHING FEE	APPROXIMATELY \$280
ENGINEER FEES	\$60 PER EACH 1/2 HOUR

Application & Submittals Due Date: _____
 P&Z Scheduled Mtg. Date: _____
 City Council Scheduled Date: _____
 Application Received By: _____
 Date Application Rec'd: _____

Please see reverse side for list of items required at time of submitting SUP application.

Revised 04May2020

Attachment 6 – Letter to the Board

June 16, 2021

Town of Horizon City, Texas
Board of Adjustment
14999 Darrington Road
Horizon City, Texas 79928

RE: Variance Request – 12504 Weaver Road, Horizon City, Texas 79928, and which is more particularly described on Attachment A, attached hereto and hereby incorporated herein for all purposes (the “Property”), including the building containing 161,348 sq. feet and located on the Property (the “Building”)

Dear Board Members,

Air System Components, Inc. (“ASC”) is the current owner of the Property and the Building. ASC currently uses the Property to manufacture component parts for its Heating, Ventilation and Air Conditioning units, which includes linear diffusers, registers and grills. These component parts are also painted, packaged, stored and shipped from the facility located on the Property.

The Building was constructed in 1972 prior to the enactment of Ordinance 0102 and the Building has been used consistent with its current use since the time of its initial construction. The Property is currently zoned M-1. This letter is submitted together with ASC’s Variance Request Application of the same date (the “**Application**”) in which ASC has requested a variance in connection with the Building’s setbacks from both Kinazo Drive (36.8 feet from the drive) and Weaver Road (36.8 feet from the road).

In response to the specific questions raised in the Application, ASC responds:

1) Question 2 of the Application asks “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.” ASC responds that if the ordinance were strictly enforced, that the footprint of the Building would have to be moved (if possible), which may result in the Building being unstable or unusable and possibly decommissioned. If the Building was decommissioned, the business operating at the Building, which generally employees between 95-115 employees, would likely be forced to cease operations.

2) Question 3 of the Application asks “What other reasonable alternative have you considered? Why won’t these other options alleviate the difficulty or hardship that you think exists?” ASC responds that due to the longevity of the existence of the Building and the fact that ASC is not requesting that the footprint of the Building be expanded, that ASC has not considered any other alternatives to its variance request. Since the Building is fully constructed, any other option would not alleviate ASC’s difficulty or hardship.

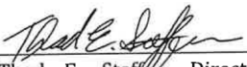
{12187.1/JRHO/06827751.2}

3) Question 4 of the Application asks "Why do you believe your variance does not violate the intent of the zoning ordinance or the goals of the city's comprehensive plan?" ASC responds that its request neither violates the intent of the zoning ordinance or the goals of the City's comprehensive plan because it preserves the status quo. The Building was constructed prior to the enactment of Ordinance 0102. ASC only recently discovered that the Building's footprint is slightly less than the setbacks requirements set forth in the ordinance and is proactively seeking the variance, but it does not intend to alter the footprint of the Building or otherwise change its use.

4) Question 5 of the Application asks "Why do you believe your variance will not substantially injure neighboring properties or interfere with the enjoyment of these properties by their owners?" ASC responds that its neighbors will not be damaged because the Building has existing in its current condition since 1972 and the variance will only maintain the status quo. The Building is located in a M-1 zoned area with light density of commercial property owners.

In light of the foregoing circumstances, ASC respectfully requests that its request for a variance be granted. Should you have any questions, please do not hesitate to contact me. Thank you for your consideration of this request.

Air System Components, Inc.

By: 
Thad E. Steff, Director, Enterprise
Property Group, Americas

cc: Lauré Roy, Esq. Legal Director,
Global Procurement, IT & RE

{12187.1/JRHO/06827751.2}

Attachment A

Property Description

PARCEL 1:
Lots 1, 2 and 3, Block 3, HORIZON INDUSTRIAL PARK UNIT ONE, an Addition to the Town of Horizon City, El Paso County, Texas, according to the plat thereof, filed in Volume 39, Page(s) 20, 20A and 20B, Plat Records, El Paso County, Texas.

PARCEL 2:
Lot 4, Block 3, HORIZON INDUSTRIAL PARK UNIT ONE, an Addition to the Town of Horizon City, El Paso County, Texas, according to the plat thereof, filed in Volume 39, Pages 20, 20A, and 20B, Plat Records, El Paso County, Texas.

PARCEL 3:
A parcel of land containing 6.000 acres more or less, being a portion of Lot 14, Block 3, HORIZON INDUSTRIAL PARK UNIT ONE, an Addition to the Town of Horizon City, El Paso County, Texas, according to the plat thereof, filed in Volume 39, Pages 20, 20A, and 20B, Plat Records, El Paso County, Texas; with said land being more particularly described by metes and bounds as follows: From a point, said point lying at the intersection of the centerlines of Weaver Road and Kenazo Drive; Thence, North 00° 30' 42" West along the centerline of Kenazo Drive a distance of 1,309.44 feet; Thence, North 89° 29' 18" East a distance of 45.00 feet to a point lying on the east right-of-way line of Kenazo Drive, said point also being the POINT OF BEGINNING;

Thence, North 00° 30' 42" West along the East right-of-way line of Kenazo Drive a distance of 42.75 feet;

Thence, continuing along said right-of-way line, 681.71 feet along the arc of a curve to the right, whose central angle is 56° 36' 23", whose radius is 690.02 feet, and whose chord bears North 27° 47' 30" East a distance of 654.33 feet to a point lying on the easterly lot line of said Lot 14;

Thence, continuing along said easterly lot line of said Lot 14, South 33° 04' 20" East a distance of 734.26 feet;

Thence, South 89° 29' 18" West, a distance of 705.42 feet to the POINT OF BEGINNING and containing in all 261,343,663 square feet, or 6.000 acres of land more or less.

Property Address:

Prior instrument reference: **Document No. 20110009759**

61385661.1

{12187.1/|RH0/06827751.2}

Attachment 7 – Pictures







Attachment 8- Board of Adjustment Variance Worksheet

Applicant's Name:	Air System Components, Inc.			
Property Address	12504 Weaver Road	Horizon City	TX	79928
	(Street)	(City)	(ST)	(Zip)
Legal Description:	Horizon Industrial Park Unit One	3	Lots 1, 2, 3, portion of 14	
	(Subdivision)	(Block)	(Lot)	
Zoning Reference:	Horizon City Municipal Code, Chapter 14, Zoning, Chapter 7, Industrial Districts, Section 702.3.1, Set-Back Requirements			
Description of Variance:	Variance request is to allow for reduced front and side street setbacks due to existing encroachments.			

Having considered the record (testimony, documents & other evidence), the Board of Adjustment (Board's) 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 <i>(State Law)</i>
		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. <i>(State Law)</i>
		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). <i>(State Law)</i>
		The use of the neighboring property will not be substantially injured. <i>(Municipal Code)</i>

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

GRANTED or DENIED

Should the Board'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 Municipal Code). If so, the Board'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.

Conditions if any:

1	
2	
3	
4	



TOWN OF HORIZON CITY
Board of Adjustment Staff Report
REVISED

Application Type: Variance Request Application
Case Number: BOA002463-2021
BoA Hearing Date: July 28, 2021
Staff Contact: Emily Offer
 915-852-1046 ext.407; eooffer@horizoncity.org

Address/Location: 18007 Carson Drive, Horizon City, TX 79928
Legal Description: LOT 59, BLOCK 17, HORIZON HEIGHTS UNIT 3, EL PASO COUNTY, TEXAS
Existing Use: Residential Single-Family Unit
Existing Zoning: R-1 (Residential)
Request: Variance request is to allow for the built structures to remain as purchased.
Zoning Reference: Horizon City Municipal Code, Chapter 14, Zoning, Chapter 4, Residential Districts, Section 405.2, Set-Back Requirements (*Prior to February 24, 2015 Amendment Adoption*)
Owner: John E. Balliew
Applicant: John E. Balliew

SURROUNDING PROPERTIES:

	Zoning	Land Use
N	R-1 (Residential)	Single Family Residential
E	R-1 (Residential)	Single Family Residential
S	S-1 (Open Space)	Golf Course
W	R-1 (Residential)	Single Family Residential

LAND USE AND ZONING:

	Existing	Proposed
Land Use	Single Family Residential	Single Family Residential
Zoning	R-1 (Residential)	R-1 (Residential)

Application Description:

The owner requests a variance to the rear and side yard required setbacks to allow for the existing structure to remain, the house, including the enclosed porch, currently encroaches into the twenty-foot (20') required rear setback and into the required ten-foot (10') side yard setbacks. As per the attached site plan, ~~the proposed addition dwelling would encroaches~~ approximately 6.4 feet into the required rear yard setback; and approximately 4.8 feet into the required left side yard setback. The remaining rear yard is approximately 13.6 feet to the main residential structure, approximately 4.5 feet to the corner of the enclosed porch and the remaining left side yard is approximately 5.2 feet.

Additionally, staff recommends that the Board consider a variance to the minimum dwelling size requirement. The R-1 zoning designation requires that the minimum dwelling size be at least 2,000 square feet, excluding garages, carports, porches and patios. The

structure, without the enclosed porch and garage, is 972 square feet in size. The applicant has indicated that he will build at least one additional bedroom, but it is unknown at this time how much additional square footage will be added to the structure.

Zoning Ordinance Setbacks:

405.2 Setback Requirements

	Minimum Front Yard	Minimum Side Yard Abutting a Street	Minimum Side Yard	Minimum Rear Yard
R-1	20 feet	15 feet	10 feet	20 feet
R-2, R-3, R-4	20 feet	10 feet	5 feet	20 feet
R-PD	20 feet	10 feet	5 feet	20 feet
R-MH	20-30 feet	15 feet	5 feet	20 feet
Other Permitted Uses	20 feet without parking 45 feet with parking	15 feet	15 feet	20 feet

(Ordinance 0102 adopted 1/14/03; Ordinance 0102-013 adopted 12/14/06; Ordinance 0102-032 adopted 2/24/15)

Neighborhood Input:

Notice of Public Hearing were mailed to the adjacent neighbors on July 1, 2021. The Planning Department has not received any letters or phone calls in support of or in opposition to the variance request; however, any responses received by staff, will be presented to the Board at the meeting.

Staff Recommendation:

Based on the fact that at the time that the structure was constructed, the City was not incorporated and therefore, did not have any enforceable setback and dwelling size requirements, staff recommends **approval** of the variance request, as follows:

1. Approval of the reduced side setback of 5.2 feet.
2. Approval of the reduced dwelling size of 972 square feet.
3. Approval of the reduced rear setback of 13.5 feet. This requires that any portion of the enclosed porch within that 13.5-foot setback will need to be demolished. The applicant has indicated this is feasible in his letter to the Board.

Planning Comments:

- ~~Please provide a legible survey.~~ This information was provided and is attached to this staff report.
- Please note that in accordance with Section 405.5 (Garage Standards) of the Zoning Ordinance, all residential structures in an R-1 zone shall have a garage to accommodate at least two (2) cars. This information is being provided as the applicant has stated (in the attached letter) that he intends to convert the garage into a bedroom in the future.

Additional Requirements:

If the requested 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.

Options available to the Board of Adjustment:

The Board of Adjustment having considered the record (testimony, documents & other evidence) will render a decision on each case with criteria that is provided on the Variance Worksheet attachment.

Attachments:

1 – Aerial View

2 – Zoning Map

3 – Survey

5 - Application

5- Plan Review Sheet -Building Official

6- Letter to the Board

7- Pictures

8-Variance Worksheet

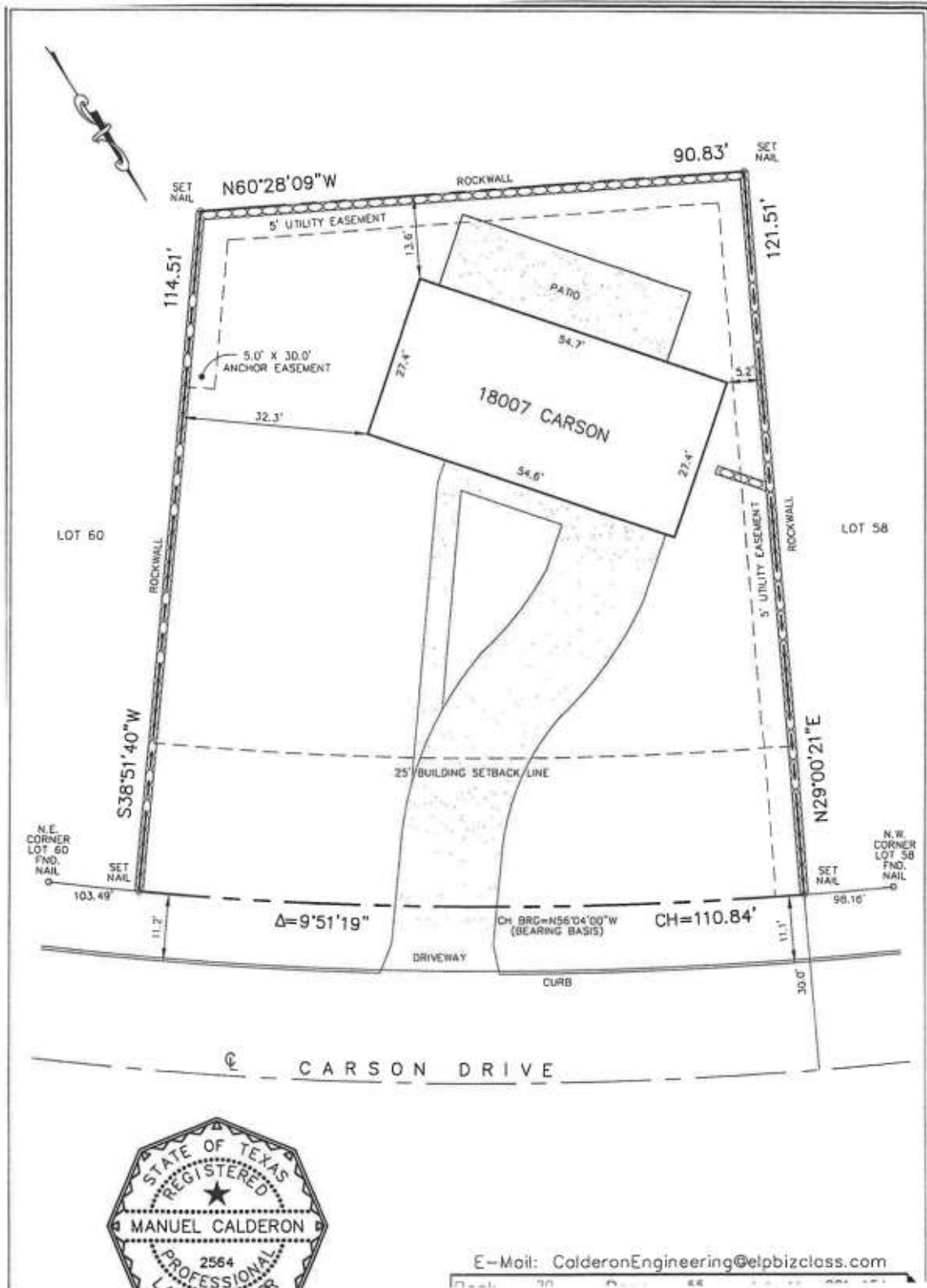
Attachment 1: Aerial View

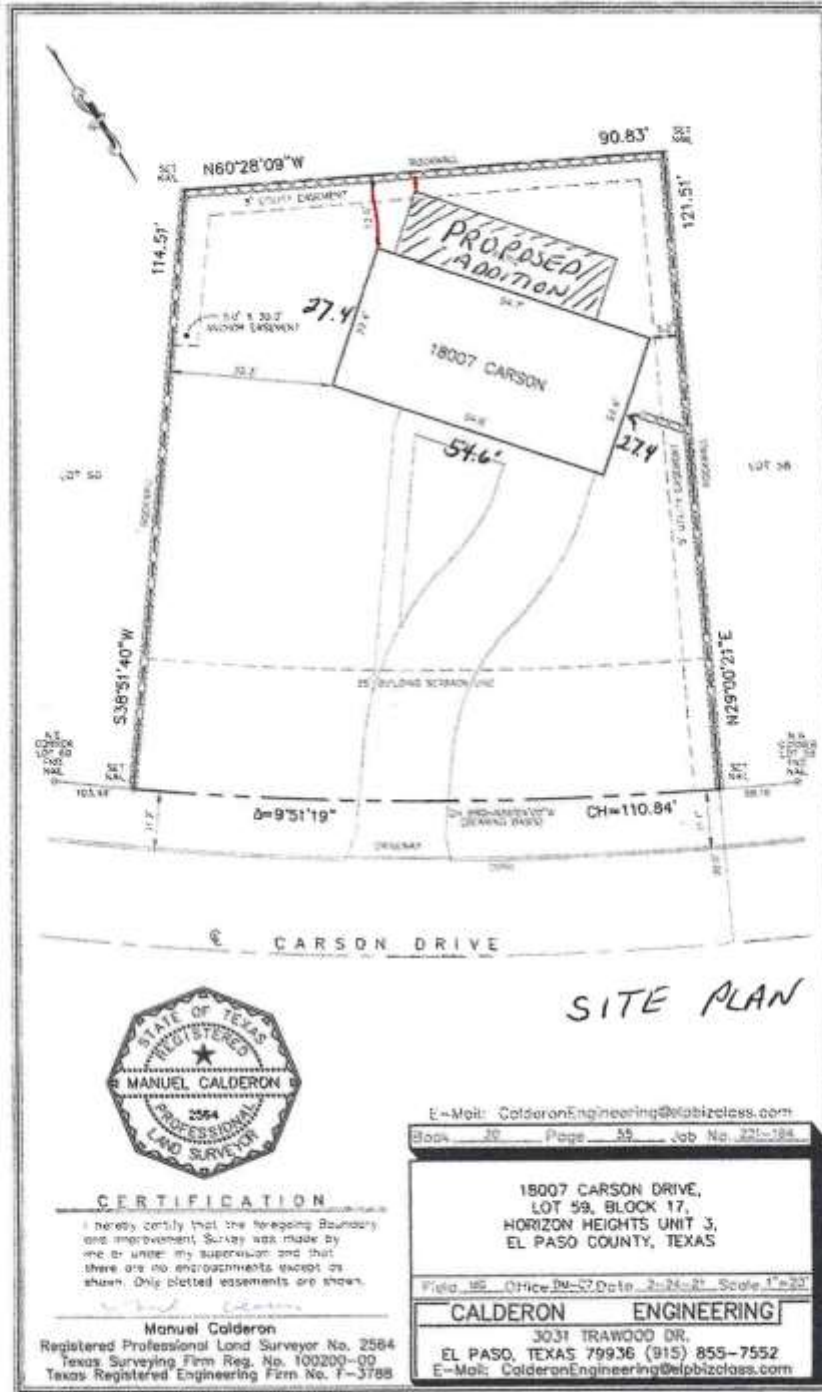


Attachment 2: Zoning Map



Attachment 3-Survey





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 18007 CARSON Horizon City Zoned: R
 Legal Description 59 17 MODERN NEIGHBORS UNIT 3
 (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 JOHN E. BALLIEW CONTACT: _____
 ADDRESS 2907 NATIONS
 CITY/STATE EL PASO, TX ZIP CODE 79930
 EMAIL: REGIS39@YAHOO.COM PH. NO. 915 566 6359 CELL NO. 915 867 5502

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

PROPERTY OWNER INFORMATION

OWNER'S NAME JOHN E. BALLIEW CONTACT: _____
 ADDRESS 2907 NATIONS
 CITY/STATE EL PASO, TX ZIP CODE 79930
 EMAIL: REGIS39@YAHOO.COM PH. NO. 915 566 6359 CELL NO. 915 867 5502

- VARIANCE REQUEST IS FOR (A): SET-BACK
 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 ATTACH LETTER AND DIAGRAM
- 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** JB

[Signature]
 (APPLICANT'S SIGNATURE)

6/29/14
 (DATE)

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

Attachment 7 – Letter to the Board

June 28, 2021

John E. Balliew
2907 Nations Avenue
El Paso, TX 79930

Michelle Padilla
Town of Horizon City
14999 Darrington Road
Horizon City, TX 79928

RE: Request for Variance
18007 Carson Drive (Horizon)
Lot 59 Block 17 Horizon Heights Unit 3

Dear Ms. Padilla:

In February of this year, I purchased a home located at 18007 Carson. I purchased it as an investment and with the intent to move my family into the home during a period of considerable repairs to my existing home depending on the timing. The Carson home was constructed in 1970 had not been owner occupied, as far as I can tell, since she passed in 2007. Also note, the home is by far the oldest on that stretch of Carson. As a consequence of the prolonged vacancy, the home was in a state of complete disrepair when I purchased it. However, it does have a great deal of exterior charm.

When the contractor I selected (High Standards Construction) started to obtain permits, we realized the enclosed porch on the back of the house did not meet the minimum setbacks from the golf course property line. Further, it appears that the house itself does not meet the setbacks. Both problematic distances are shown on the attached map.

Although (in my estimation) the original construction of the home predates the incorporation of the Town of Horizon; and, at least one of the problematic setback issues appear to be original to the construction, I would like to officially request the variance(s).

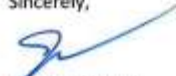
Issue #1: The NW corner of home itself is only 13 feet from the property line (golf course). I am requesting a variance for this situation. Compliance with the 20-foot setback cannot be obtained without demolishing about 25% of the home which would compromise the structural integrity of the house.

Issue #2: At some point, the porch on the back of the property was enclosed into a room. The enclosed porch is less than 5 feet from the property line (golf course). I would like to request a variance to leave the enclosed porch which will be used to expand the kitchen area and to add an additional bedroom. As

an alternate, the enclosed porch could be demolished until the setback is 17 feet which would allow sufficient space for expansion of the kitchen.

I do not believe either of these issues substantially injure the neighboring properties. Since both issues have been in existence for about 50 years. What is actually injurious to the neighborhood is the dilapidated condition of the home. Once these issues are resolved, my intent is to add another bedroom to the home, enclose the garage and add a carport. These changes will be made to the highest standards. I feel the neighborhood will benefit from having the house restored to its original charm. Thank you for your consideration.

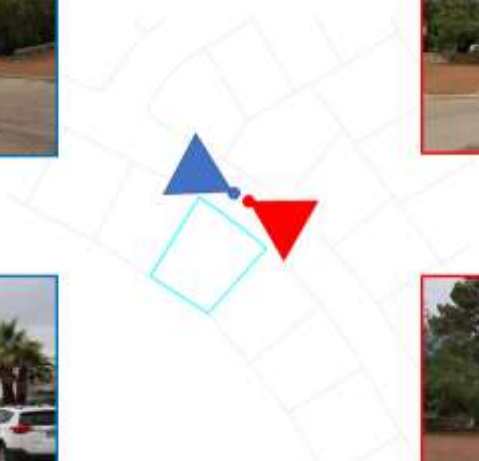
Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Balliew", with a long, sweeping flourish extending to the right.

John E. Balliew

Attachment 8 – Pictures





Attachment 9- Board of Adjustment Variance Worksheet

Applicant's Name:	John E. Balliew			
Property Address	18007 Carson Drive	Horizon City	TX	79928
	(Street)	(City)	(ST)	(Zip)
Legal Description:	HORIZON HEIGHTS UNIT 3	17		59
	(Subdivision)	(Block)		(Lot)
Zoning Reference:	Municipal Code, Zoning Chapter 14, Section 405.2, Minimum Setbacks for residential zone; R-1.			
Description of Variance:	Variance request is to allow for a reduced rear setback due to the existing encroachment into the required 20 feet rear yard setback.			

Having considered the record (testimony, documents & other evidence), the Board of Adjustment (Board's) 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 <i>(State Law)</i>
		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. <i>(State Law)</i>
		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). <i>(State Law)</i>
		The use of the neighboring property will not be substantially injured. <i>(Municipal Code)</i>

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

GRANTED or DENIED

Should the Board'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 Municipal Code). If so, the Board'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.

Conditions if any:

1	
2	
3	
4	



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 **13905 Golden Mesa Court, Horizon City, Texas, 79928**, *legally described as Lot 17, Block 5, Horizon Heights Unit Eleven D Corrected plat*. Variance request is to allow for a reduced rear yard setback. Application submitted by owner, Thomas Redlinger

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

AYES: **OJEDA, McELROY, RAMOS AND MCELROY. MOTION CARRIED**

4. **OTHER BUSINESS**

A. **DISCUSSION AND ACTION:**

To approve the Board of Adjustment Special Meeting minutes of October 21, 2020.

ACTION: Motion to **approve** meeting minutes made by **MCELROY**, 2nd by **RAMOS**.

AYES: **OJEDA, McELROY, RAMOS AND MCELROY. MOTION CARRIED**

5. **ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Wednesday, April 21, 2021 at 6:00 pm**

EXECUTIVE SESSION: None

ADJOURNMENT: Meeting adjourned at 6:27 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