



HORIZON CITY

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**AGENDA
PUBLIC MEETING
BOARD OF ADJUSTMENT
THE TOWN OF HORIZON CITY, TEXAS
Wednesday, November 2, 2022, 6:00 PM**

Notice is hereby given that a Board of Adjustment of the Town of Horizon City, Texas will be held on **Wednesday, November 2, 2022 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

1. CALL MEETING TO ORDER, DETERMINATION OF QUORUM:

2. OPEN FORUM:

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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:

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On a **Variance** application for an existing encroachment into the required front and side yard with parking setback, (**Case No. BOA-002515-2022**), for a property located at **501 Darrington Rd.**, legally described as Tract 5D, Section 42, Tract 1H, Section 43, Block 78, Township 3, Texas and Pacific Railroad, Co. Surveys and can be further identified by Property Identification Number (PID No). X57800034200755., Horizon City, Texas, 79928. Application submitted by Lorena Armenta, Representative for the Owner.

4. OTHER BUSINESS

A. ECONOMIC DEVELOPMENT CORPORATION PRESENTATION

Eddie Garcia, Executive Director

B. DISCUSSION AND ACTION:

To approve the Board of Adjustment meeting minutes of July 27, 2022.

5. ANNOUNCEMENTS

A. The next regular scheduled meeting: **Wednesday, November 30, 2022, at 6:00 pm**

Adjournment:

Motion to Adjournment: _____ 2nd _____

Dated this Friday, October 28, 2022

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 Friday, October 28, 2022 by 5:00 p.m.

Agenda Removed: _____ Time _____ By _____

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

SPEAKER REQUEST FORM

(for all persons who wish to address the Board or Commission)

Date of Meeting: _____

Your Name: _____

Residence Address: _____

City: _____ Contact Number: _____

IF SPEAKING FOR AN ORGANIZATION:

Name of Organization: _____

Speaker's Official Capacity: _____

Agenda Item No.: _____ Public Hearing Agenda Item No.: _____

For (if applicable) Against (if applicable)

OPEN FORUM:

To speak on an item not listed on the agenda, known as **OPEN FORUM**, please indicate area of interest:

Please remember to step to the podium as soon as you are recognized by the chair; state your name and address before beginning your presentation. If you have written notes you wish to present to the Chair and the Board/Commission, PLEASE FURNISH AN EXTRA COPY FOR THE BOARD/COMMISSION.

The Board/Commission will appreciate each speaker limiting an address on any one item to three minutes.

Thank you for your cooperation.

**PLEASE CARRY THIS FORM TO THE
BOARD SECRETARY AT THE DESK PRIOR
TO THE BEGINNING OF THE MEETING.**



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

Application Type: Variance Application
Case No.: BOA-002513-2022
BoA Hearing Date: November 2, 2022
Staff Contact: Art Rubio, Planner
915-852-1046 ext.407; arubio@horizoncity.org

Address/Location: 501 Darrington Rd., Horizon City, TX. 79928
Legal Description: Tract 5D, Section 42, Tract 1H, Section 43, Block 78, Township 3, Texas and Pacific Railroad, Co. Surveys, Horizon City, Texas

Property Size: Approximately 1-acre
PID No. X57800034200755
Existing Use: Vacant buildings
Existing Zoning: M-1 (Light Industrial)
Request: Applicant seeks a variance from the Zoning Ordinance, Section 702.3 Height and Bulk Standards, Paragraph 702.3.1 – Minimum Setback Standards to allow a restaurant and retail use to encroach 20-feet into the required front setback with parking from required 45-feet and 8-feet into the required side setback w/parking from required 45-feet.

Owner: Luis & Mercedes Tarango
Applicant: Lorena Armenta (Designer)

Surrounding Zoning and Land Use:
North: M-1 (Light Industrial)
South: M-1 (Light Industrial)
East: R-9 (Single-Family Dwelling)
West: M-1 (Light Industrial)

Current Land Use Designation: Commercial
Nearest Park: Golden Eagle
Nearest School: Frank Macias Elementary/Pete Duarte Head Start

Application Description:
The existing structure on the subject property does not meet the Legal Nonconforming criteria requirement; therefore, the applicant is submitting for a variance request to the front and side setback with parking. The applicant is requesting to reduce the front setback from the required 45 sq. ft. to 25 sq. ft. for an encroachment of 20 sq. ft. into the required front setback with parking and to reduce the side setback from required 45 sq. ft. to 37 sq. ft. for an encroachment of 8 sq. ft into the side setback with parking. The site plan submitted by the applicant's representative shows all other setback requirements have been met for a proposed remodel and expansion of an existing structure and future development of retail space.

Notice:

Notice of Public Hearing was mailed to the adjacent neighbors on October 11, 2022. The Planning Department has not received any communication in support or in opposition to the variance request.

Planning Comments:

Based on the Central Appraisal District's records, the structure was constructed on the site in 1995; however, the use has not been in consistent operation and the proposed expansion of the existing structure would not qualify as a legal non-conforming structure and use in an M-1 (Light Industrial) zoning district.

Staff Recommendation:

Staff recommends **approval** of the request to allow a 20' ft. encroachment into the front setback with parking and 8' ft. encroachment into the side setback with parking as the structure is currently encroaching into the front set back and the proposed expansion and future development would not meet front and side setbacks. The setback encroachment is not detrimental to the health, safety, and welfare of the public.

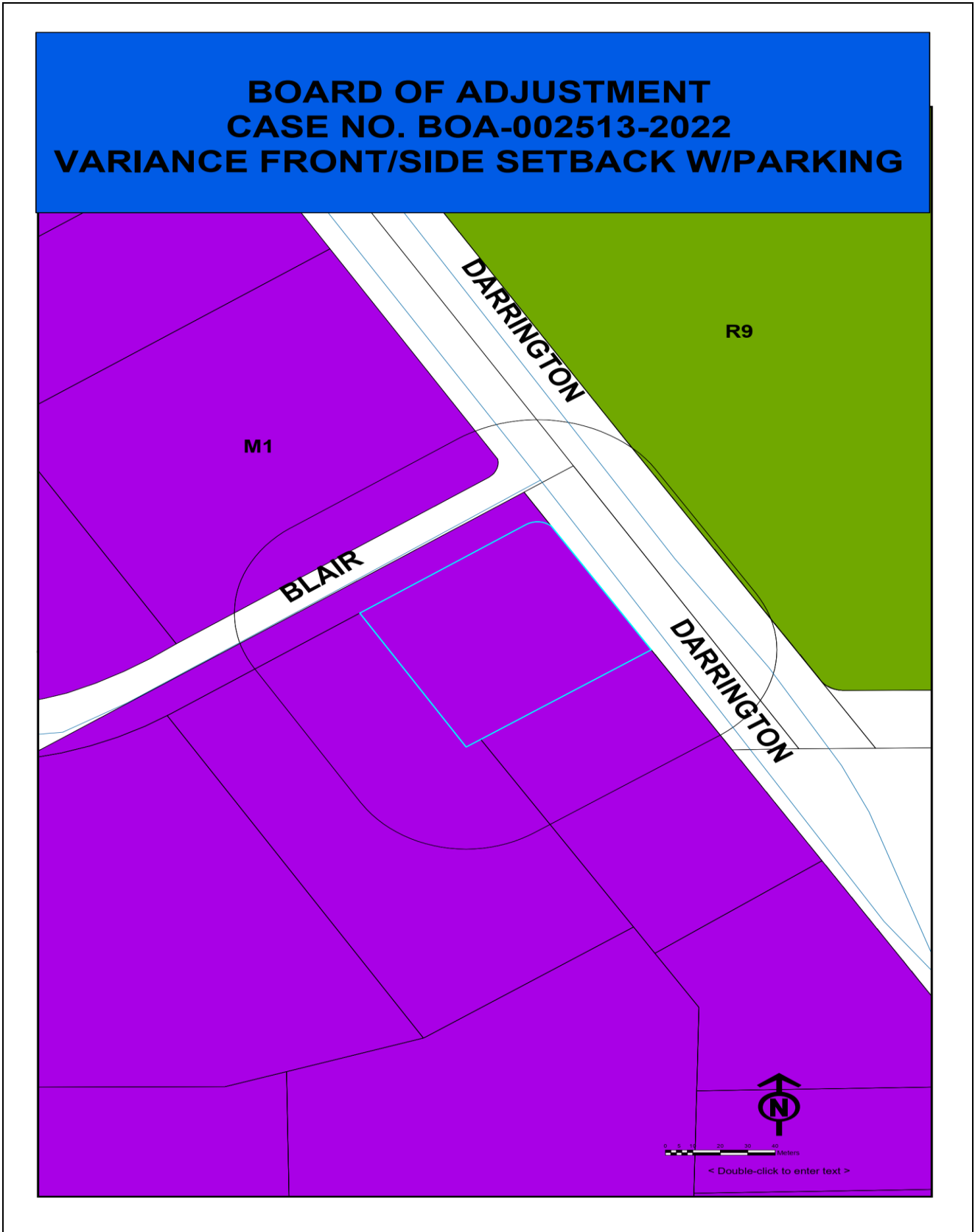
Additional Requirements:

If variance is granted by the Board of Adjustment, prior to a building permit obtained from the Building Services Department, a subdivision plat will be required as the property is currently in tract form and does not meet subdivision exemptions. Applicant is to present the "Board Determination Notice" with plans and/or other requirements when applying for the subdivision plat and building permit(s). Applicant must obtain a building permit within one (1) year after Board authorization.

Attachments:

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

Attachment 1: Zoning Map

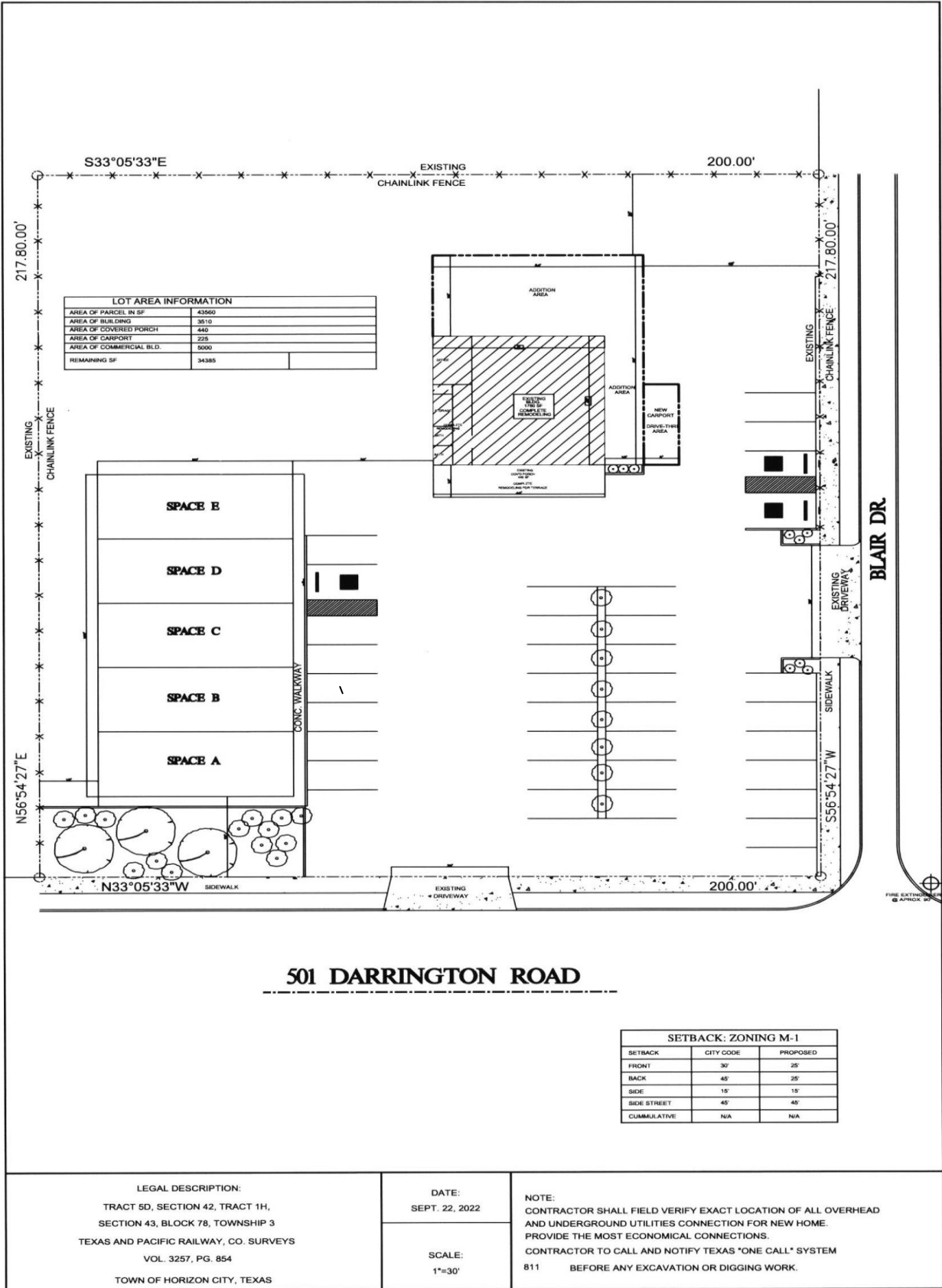


Attachment 2: Aerial View Map

**BOARD OF ADJUSTMENT
CASE NO. BOA-002513-2022
VARIANCE FRONT/SIDE SETBACK W/PARKING**



Attachment 4: Site Plan



Attachment 5: Application



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

BoA-002513-2022
VARIANCE REQUEST APPLICATION

Site Address/Location 501 DARRINGTON RD IVE Zoned: _____
Legal Description _____
 (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 LORENA ARMENTA CONTACT: _____
 ADDRESS 12316 JAN HEERING WAY
 CITY/STATE EL PASO, TX ZIP CODE 79936
 EMAIL: arglorenaarmenta2@yahoo.com PH. No. (915) 892-8122 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 Luis Toranzo Mercedes CONTACT: _____
 ADDRESS 3008 Park North
 CITY/STATE El Paso TX 79904 ZIP CODE 79904
 EMAIL: mltoranzo26@yahoo.com PH. No. 915-356-9508 CELL No. _____

- VARIANCE REQUEST IS FOR (A): 602.2 - FRONT + REAR SETBACK
 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____
 VARIANCE REQUEST IS FOR (B): _____
 WHICH IS FOUND TO BE: IN VIOLATION OF ZONING ORDINANCE 0102 NON-COMPLIANT OF ZONING ORDINANCE 0102
 SECTION OF THE TOWN'S ORDINANCE A VARIANCE IS SOUGHT AFTER _____
- DESCRIBE IN DETAIL ANY SPECIAL CONDITIONS YOU BELIEVE WILL RESULT IN UNNECESSARY HARDSHIP TO YOU IN THE TERMS OF THIS ORDINANCE ARE STRICTLY OR LITERALLY ENFORCED. (MAY ATTACH LETTER) 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) NO ALTERNATIVE
- 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) ALL ARE M-I INDUSTRIAL

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** LA

Loirena Armenta (APPLICANT'S SIGNATURE) 9/22/22 (DATE)

Application & Submittal Due Date: 9/22/22
 BoA Scheduled Date: 11/2/22
 Case # BoA-002513-2022
 Application Received By: K. Rodriguez
 Date Application Rec'd: 9/22/22

Attachment 6: Board Letter

OCTOBER 12, 2022

501 DARRINGTON-Setback Variance

TO WHOM IT MIGHT CONCERN:

Dear Sir or Madam, this letter is with the purpose to request a variance for the above reference property to reduce the front and side setback requirements from 45 ft. to 25 ft. to open a restaurant for an existing structure and future retail spaces.

Mr. Tarango and his wife are the owners of the property, and they have more than 20 years of experience on the restaurant business, they are going to open a new restaurant and are going to be the responsible party on the management of the restaurant, and the tenants of the retail spaces.

Any questions, please do not hesitate to direct them during the Board of Adjustment meeting.

Lorena Armenta

Owner's representative

Luis & Mercedes Tarango

Attachment 7: Board's Variance Worksheet

Property Owner's Name:	Luis and Mercedes Tarango			
	(Property Owner and or Representative) (
Property Address	501	Darrington Rd.	TX	79928
	(Street)	(City)	(ST)	(Zip)
Property Legal Description	Tract 5D, Section 42, Tract 1H, Section 43, Block 78, Township 3, Texas and Pacific Railroad, Co. Surveys, Horizon City, Texas			
	(Subdivision)	(Block)	(Lot)	
Section (s) of the Ordinance for which a Variance is requested	Chapter 7 – General Industrial Districts Section 702.3 – Height and Bulk Standards, Paragraph 702.3.1 – minimum Setback Standards, Zoning Ordinance of the Municipal Code.			
Description of Variance Requested	Variance request to allow a 20' ft. encroachment into the required front and side setback with parking, reducing setbacks from the required 45' ft. to 25' ft. for an existing structure to be expanded and future retail development.			

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)	