

Elia Garcia
Mayor

Rene Rodriguez
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3/ Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

NOTICE OF A REGULAR MEETING
OF THE
BOARD OF ADJUSTMENT
OF THE
CITY OF SOCORRO, TEXAS

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at (915) 858-2915 or fax (915) 858-9288 for further information.

Notice is hereby given that a regular meeting of the Board of Adjustment of the City of Socorro, Texas will be held **Thursday, September 27, 2018** at 6:00 p.m. at City Council Chambers, 860 N. Rio Vista, Socorro, Texas at which time the following will be discussed:

1. Call to order.
2. Establishment of quorum.
3. Excuse absent commission members.
4. Reading of the Board of Adjustment Statement.
5. Swearing in of all persons giving testimony.
6. Consider and Take Action:
Approval of meeting minutes for July 26, 2018.
7. Consider and Take Action:
On the proposed variance request for the minimum lot size requirement for the keeping of large animals for Lot 6, Block 3, Haciendas del Valle #1, located at 421 Welletka Drive, Socorro, Texas 79927.
8. Consider and Take Action:
On the proposed variance request to Municode Section 46-453(3)(c) related to the minimum required yard setback for a proposed commercial shopping center to be built on Leigh Clark Survey 293, Tract 6-A located at 1120 Horizon Blvd, Socorro, Texas 79927.
9. Consider and Take Action:
On the proposed variance request related to the fence and wall requirements in residential zones to allow a 9 foot high privacy wall for Tract 5B, Block 16, Socorro Grant located at 111 South Moon Road Space 40, Socorro, Texas 79927.

REGULAR MEETING AGENDA - CITY OF SOCORRO BOARD OF
ADJUSTMENTS

September 27, 2018 at 6:00 PM

EXECUTIVE SESSION

The Board of Adjustments of the City of Socorro may retire into EXECUTIVE SESSION pursuant to Texas Government Code, Section 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Board of Adjustments of the City of Socorro may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meeting Act.) The Board of Adjustments will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATIONS WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFT
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT

10. Adjournment.

I, the undersigned authority hereby certifies that the above notice of meeting of the Board of Adjustments of Socorro, Texas is a correct copy and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at City Council Chambers, 860 N. Rio Vista, Socorro, Texas.

Dated this 24th day of September, 2018.



Karla Montalvo, Board of Adjustments Secretary

DATE & TIME POSTED: 9/24/18@4:30pm /BY: KM

Elia Garcia
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Adriana Rodarte
City Manager

CITY OF SOCORRO BOARD OF ADJUSTMENT COMMISSION
Regular Meeting Minutes
July 26, 2018

Members Present	Members Absent	Staff Present	Others Present
Eugene Trujillo Cynthia Gutierrez Miguel Martinez Rodolfo Cruz Juan Castaneda Robert Renteria	David Oropeza Oscar Gutierrez	Job Terrazas Karla Montalvo John S. Birkelbach Adriana Rodarte	

Items for discussion and action:

1. Call to order:

Mr. Trujillo called the meeting to order at 6:03 p.m.

2. Establishment of quorum:

Quorum was established with *six (6)* members present.

3. Excuse absent commission members:

Approved with all commissioners in favor

4. Reading of the Board of Adjustment Statement:

Statement was read by chair person, Mr. Eugene Trujillo.

5. Swearing in of all persons giving testimony:

Applicants for items 8,9,10 and 13 were sworn in to give testimony.

6. Consider and Take Action:

Approval of meeting minutes for May 24, 2018.

A motion to approve item #6 made by Rodolfo Cruz, seconded by Cynthia Gutierrez.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

7. Consider and Take Action:

On the proposed variance request to Municode Section 46-238 (1)(b) related to the area requirement and section 46-626 related to the minimum frontage required for Lot 6, Block 16, Bauman Estates Unit Three located at 11351 Hovey Drive, Socorro, Texas 79927 for a proposed lot split.

Mr. Terrazas presented the case and explained that the applicant had submitted a request in writing to delete item#7 since they no longer wished to proceed with the variance request.

A motion to delete item #7 made by Rodolfo Cruz, seconded by Cynthia Gutierrez.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

8. Consider and Take Action:

On the proposed variance request to Municode Section 46-238 (2), related to the minimum required setbacks for a side two story addition to be built on Lot 10, Block 2, Friedman Estates #1, located at 11524 Ellen Drive, Socorro, Texas 79927.

A motion to deny item #8 made by Eugene Trujillo, seconded by Rodolfo Cruz. ***Motion Carried.***

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

9. Consider and Take Action:

On the proposed variance request to Municode Section 46-453(3)(c) related to the minimum required yard setback for a proposed commercial shopping center to be built on Leigh Clark Survey 293, Tract 6-A located at 1120 Horizon Blvd, Socorro, Texas 79927.

A motion made by Eugene Trujillo to table item #9 for further investigation, seconded by Miguel Martinez. ***Motion Carried.***

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

10. Consider and Take Action:

On the proposed variance request to Municode Section 46-238 (2) related to the minimum required setbacks for Ely PT of Lot 27, Block 5, Lynn Park located at 10704 Donna Marie Drive, Socorro, Texas 79927.

A motion to approve item #10 made by Eugene Trujillo, seconded by Miguel Martinez.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

Mr. Birkelback stated that this lot is not of an unusual nature is basically a rectangular lot with no irregularity to justify on moving the setback, and did not represent any hardship.

Mr. Trujillo stated that his motion to approve was based on the supporting signatures from neighbors.

11. Consider and Take Action:

On the proposed variance request to the fence requirements and amend the type of material for screening between districts for Lot 2, Block 6, El Campestre located at 11504 Socorro Road, Socorro, Texas 79927.

A motion to deny item #11 made by Rodolfo Cruz, seconded by Miguel Martinez.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

12. Consider and Take Action:

On the proposed variance request to Ordinance 76 Amendment 1A section 8 related to the minimum required yard setback for Lot 7, Block 1, Marina Subdivision located at 251 Escalante, Socorro, Texas 79927 to retain an existing shade structure.

A motion to approve item #12 made by Rodolfo Cruz, seconded by Cynthia Gutierrez.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:

13. Consider and Take Action:

On the proposed variance to Municode Section 46-238 (2)(b) related to the minimum required side setbacks for Lot 8, Block 11, Delip Subdivision located at 10236 Rhutan Road, for modifications that were made to the existing building.

A motion made by Eugene Trujillo to deny item #13, seconded by Robert Renteria.

Motion Carried.

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

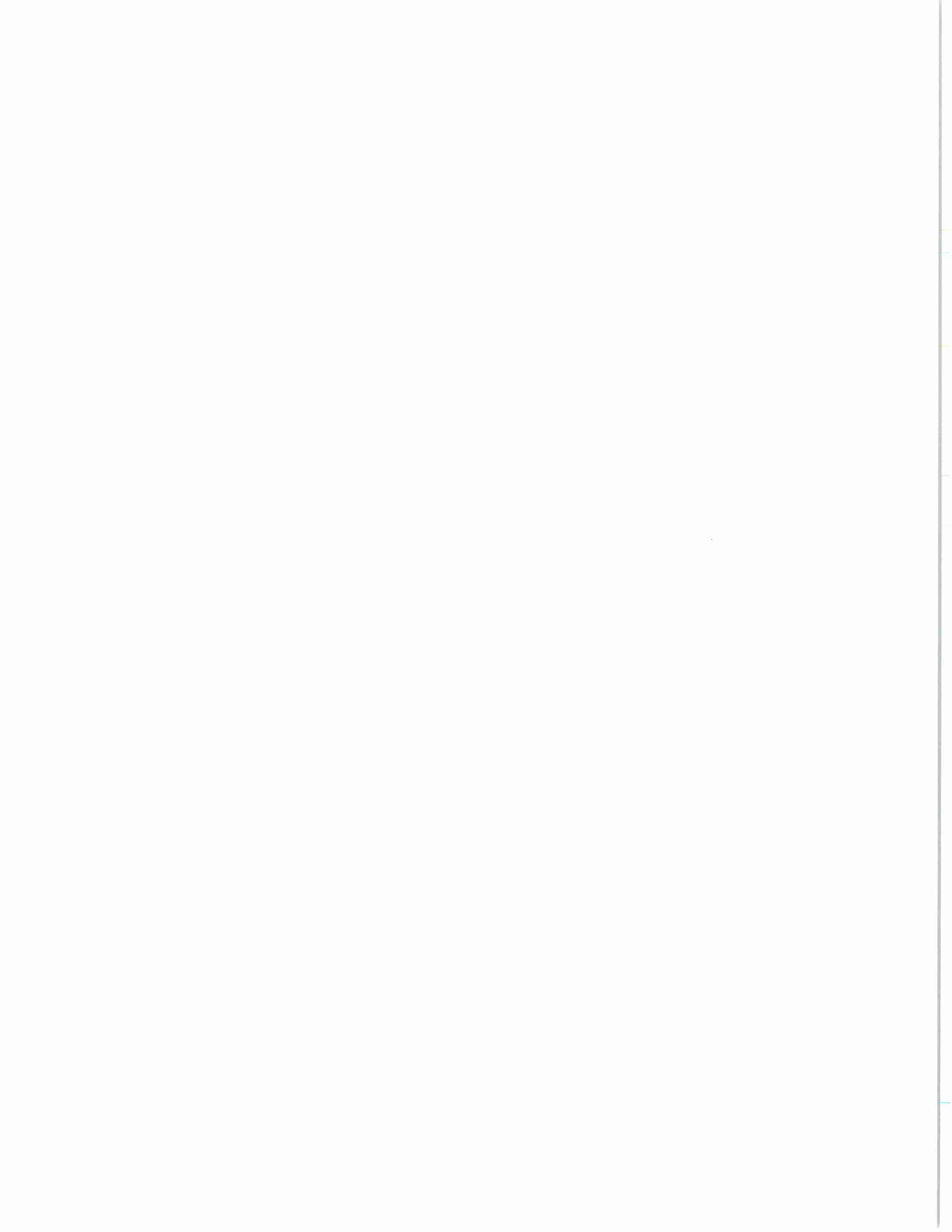
Nays:

14. Adjournment.

A motion to adjourn at 7:33 p.m. made by Eugene Trujillo seconded by Cynthia Gutierrez. ***Motion Carried.***

Ayes: Miguel Martinez, Eugene Trujillo, Cynthia Gutierrez, Rodolfo Cruz, Juan Castaneda, Robert Renteria

Nays:



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District 4

Adriana Rodarte
City Manager

DATE: September 27, 2018
TO: BOARD OF ADJUSTMENTS
FROM: Michael Medina, City Planner
CC: Adriana Rodarte, City Manager

SUBJECT

Variance request to Municode Section 46-639(1) related to the minimum lot size requirement for the keeping of large animals for Lot 6, Block 3, Haciendas del Valle #1, 421 Wellettka Dr for keeping a horse.

SUMMARY

The subject property is located along Wellettka Dr., 2,400 ± feet west of North Loop Dr. The subject property has an estimated area of 20,013 square feet (0.46 acres). It is owned by Jose Beltran.

BACKGROUND

According to records from the EPCAD, the home on the subject property was constructed in 2009 and encompasses approximately 1,080 sq. ft. The owner has had horse activity since 2011.

STATEMENT OF THE ISSUE

The applicant is requesting a variance to the minimum 0.50-acre lot size requirement for the keeping of large animals. The subject property currently encompasses 0.46 acres in size, 0.54 acres (1,767 square feet) under the minimum lot size requirement. The applicant is requesting permission to keep one horse on the property.

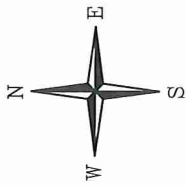
ALTERNATIVE

The applicant has the alternative to purchase a portion of the adjacent property owner's property and replat the two properties to increase the lot size of the subject property to the minimum required 0.50 acres.

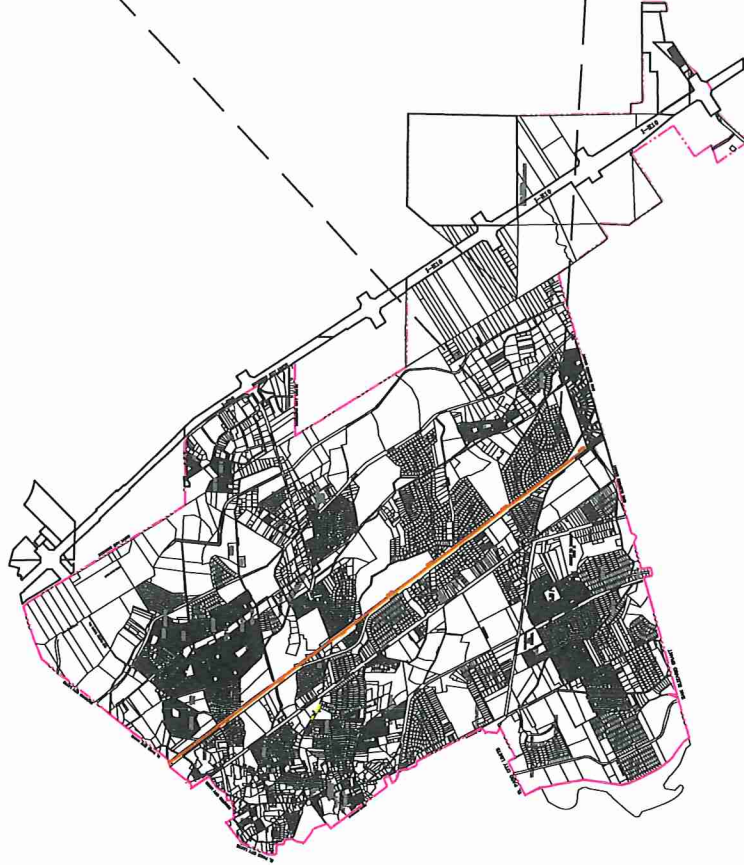
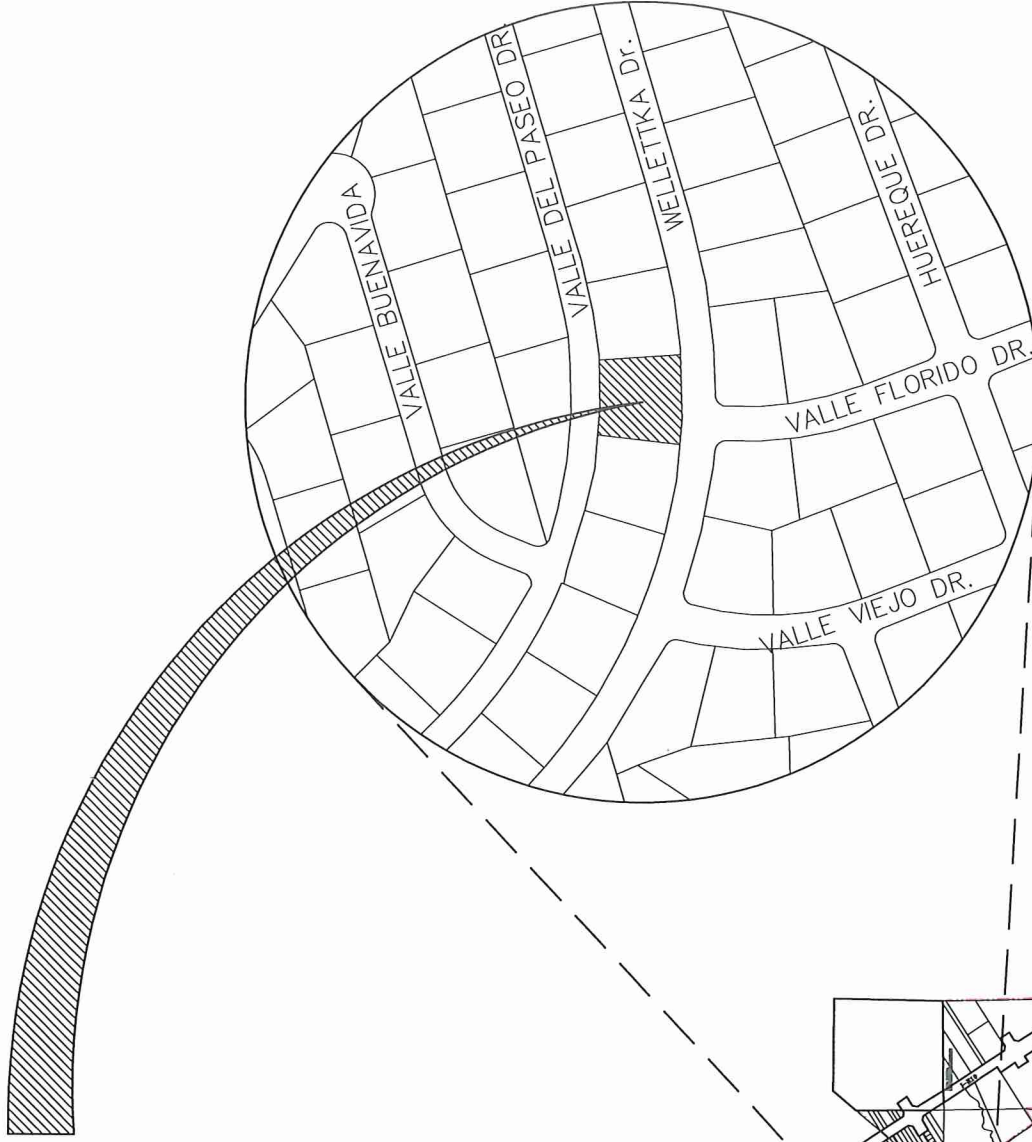
STAFF REMARK

The Planning and Zoning Department received from the applicant:

1. Application for a variance request.
2. Payment for the application.



PROJECT SITE;
421 Welletka Dr.
Lot 6, Block 3
Haciendas Del Valle #1



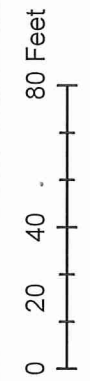
CITY OF SOCORRO

LOCATION MAP

Scale: AS SHOWN



421 WELLETTKA



Date: 8/20/2018



Sec. 46-639. - Keeping of large animals.

The following regulations are established for the keeping of large animals in all zoning districts, except within all commercial zones within the city:

- (1) *Area*. All lots shall have a minimum of **half an acre** for the keeping of large animals.
- (2) *Density per acre limitation for livestock*.
 - a. One-half acre or more. Horses, mules, donkeys, buffalo, alpaca, bovine and beefalo: Minimum square footage of open lot area (not including dwelling unit) shall be 9,000 square feet for the first animal and 6,000 square feet thereafter for each additional animal; provided the total number of such animals shall not exceed four animals per acre, **two animals per one-half acre**.
 - b. Swine shall not exceed two animals per acre, one animal per one-half acre.
 - c. Not applicable for animals below 12 months of age, which are the offspring of an animal maintained on the property.
 - d. For all animals not mentioned herein, the density per acre limitation shall be determined by the planning department after consultation with relevant agencies.
- (3) *Development standards*. The keeping of large animals shall be subject to the following development standards:
 - a. *Corral size*. Every corral to be provided shall have a minimum width or length of ten feet and shall contain not less than 100 square feet of area.
 - b. *Box stall*. Every box stall to be provided shall have a minimum of ten feet of length and width, and shall contain not less than 100 square feet of area. Box stalls shall be covered by a permanent weatherproof roof.
 - c. *Fence enclosure*. If requested by an adjacent neighbor or ordered city zoning official, any section of the fence within 12 feet of a neighboring property line shall be covered so that the animal pen or corral area is totally screened from view of the adjoining property by a fence and fence covering not less than five feet high.
 - d. *Fencing*. Fencing to be provided shall be subject to the following:
 1. *Materials and construction*. Fencing may be constructed of wood, chainlink, masonry, metal, and materials with the structural strength required by the approved building code.
 2. *Fence post*. Fence posts may be constructed of wood, metal, concrete, or materials with the structural strength required by the approved building code.
 3. *Fence height*. Fences to be provided for enclosure shall be maintained not less than 4.5 feet in height, except that horse, donkey and mule stud stalls shall be not less than five feet in height.
 - e. *Shade*. All corrals shall contain a roofed area having minimum dimensions of not less than six feet in width and ten feet in length.
 - f. *Maintenance*. All stalls and corrals shall be continuously maintained with preservatives, fasteners, and other materials so as to maintain appearance and prevent deterioration and animal escapement.
 - g. *Locks and containment devices*. Substantial and acceptable locking or latching devices shall be provided and installed on all gates and doors to animal areas located thereon in such a manner so as to be inaccessible to animals and small children for the prevention of animal escape and unauthorized entry.

- h. *Feeding facilities.* Feeding facilities and boxes shall be provided in each corral and box stall located in such a manner so as to be maintained above ground, and such facilities shall be maintained accessible thereto by animals to be served thereby.
 - i. *Dust control.* All areas used as arenas for exercising, training or exhibition of animals shall be maintained in a dust-free manner at all times by dampening with an approved system or other acceptable means for the prevention of detrimental and nuisance affect of dust emission to surrounding properties.
 - j. *Cleaning and compliance with health regulations required.*
 - 1. The keeping and maintenance of large animals as provided for in this section shall comply with all regulations and provisions of the health and sanitation laws of the city, county and the state. All premises and facilities where animals are permitted to be kept shall be maintained in a clean, orderly, and sanitary condition at all times. All manure must be removed or spread so as not to constitute a nuisance at least once each week.
 - 2. The premises and facilities shall be treated regularly with environmental approved pesticides or other products for the control of odors, insects, and rodents. Failure to clean the area and control insects, odors and rodents can be considered a clear and present nuisance or detriment to the health, safety, comfort and welfare of the general public and may be cited and punished as a violation of this chapter, with each the violation constituting a separate offense.
 - k. *Distance requirement.* All livestock shall be kept in a secure pen or enclosure, which shall not be less than 60 feet from any private residence (except that of the owner or person keeping such animals) or any hotel, apartment house, tenement house, hospital, church or school.
- (4) *Maximum number of horses and cattle.*
- a. Except in A-1 and RE zone districts, no person shall keep an equine or bovine on any premises, the overall area of which is less than provided herein for each equine or bovine kept, nor keep more equines or bovines than is permitted herein, shall not create a public nuisance and shall not exceed the permitted number of adult equine or bovine, and their foals or calves up to six months of age.
 - b. Under no circumstance shall the number of equine or bovine permitted exceed animals per acre and area permitted herein. The persons in lawful possession of the premises, as owner or tenant, may keep thereon equine or bovine belonging to others, but limited to number of equine or bovine on the premises and the area and distance requirements of this chapter.

(Ord. No. 76, § 14, 5-1-1989; Ord. of 11-7-2002, § 14; Ord. of 9-2-2010, § 2)



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: 8/10/2018
Case Number: P20818-1
Fee: 100⁰⁰

Received By: [Signature]
Receipt Number: 29508

Please type or print

Description of property the following information shall be provided:

Legal Description: Subdivision: Haciendas del valle #1
Block: 3 Lot/Tract: 6

Property survey: Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 421 Welletka

General location of property: _____

Please type or print

Owner(s): Jose Beltram Applicant: _____

Address: 421 Welletka Address: _____

Phone #: (915) 202-2826 Phone #: _____

(915) 202-2778

Elia Garcia
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Victor Perez
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Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

DATE: September 27, 2018
TO: BOARD OF ADJUSTMENTS
FROM: Michael Medina, City Planner
CC: Adriana Rodarte, City Manager

SUBJECT:

Variance request to Municode Section 46-453(3)(c) related to the minimum required front yard setback, for Leigh Clark Survey 293, Tract 6-A at 1120 Horizon Blvd to build a commercial shopping center.

SUMMARY:

The property matter of this request is located at 2300 feet from the intersection of IH-10 and Horizon Blvd. This property has an estimated area of 625,173 sf., (14.352 acres) and it is owned by Gabriel Subia and represented by George Van.

BACKGROUND:

This property was zoned M-1, Light Industrial February 19, 2015. The proposed land use at the time was going to be a "Retail, Office and Shop", according to the report that was presented to Council.

The first building permit was issued November 3, 2015 and the applicant paid \$8,000. An extension was requested for the original permit May 8, 2017 because the original permit expired. The owner petitioned a "building permit fee" waiver from City Council and the waiver was granted July 6, 2017 with the condition the work commenced within 30 days after the issuance of the permit. The building permit was issued September 8, 2017.

The permit from September 8, 2017 was issued for 37,319 square feet of building area.

An inspection was made after a complaint from the neighbor came in on September 20, 2017 and the encroachment to the setbacks was detected.

This case was tabled July 26, 2018 to allow further investigation on whether the proposed building was approved by the plan checker in the location shown in the plan.

STATEMENT OF THE ISSUE:

Petitioner is asking for a variance to the required setbacks to allow the proposed shopping center to be built according to the plans that were submitted to the Planning Department.

Setback required is 60' along major arterial
Variance requested is 50'

ALTERNATIVE:

The owner has two alternatives to comply with the required setbacks. They can omit three retail spaces from the plan. The other alternative is to shift the proposed shopping center to the rear to stay within the setbacks.

The petitioner has expressed hardship due to the amount of investment that it will require to execute either alternative since the forms have already been installed as shown in the footprint in the plans. Moving the forms will cost the owner a large amount of money.

STAFF RECOMMENDATION:

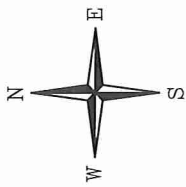
The financial hardship that the applicant is facing is because the plans for building 1 were not submitted for review. These plans were obtained at the site during the inspection of the forms. The plans that were submitted to the Planning Department include the warehouse and the office buildings.

The Planning and Zoning Department recommends DENIAL for the following reasons:

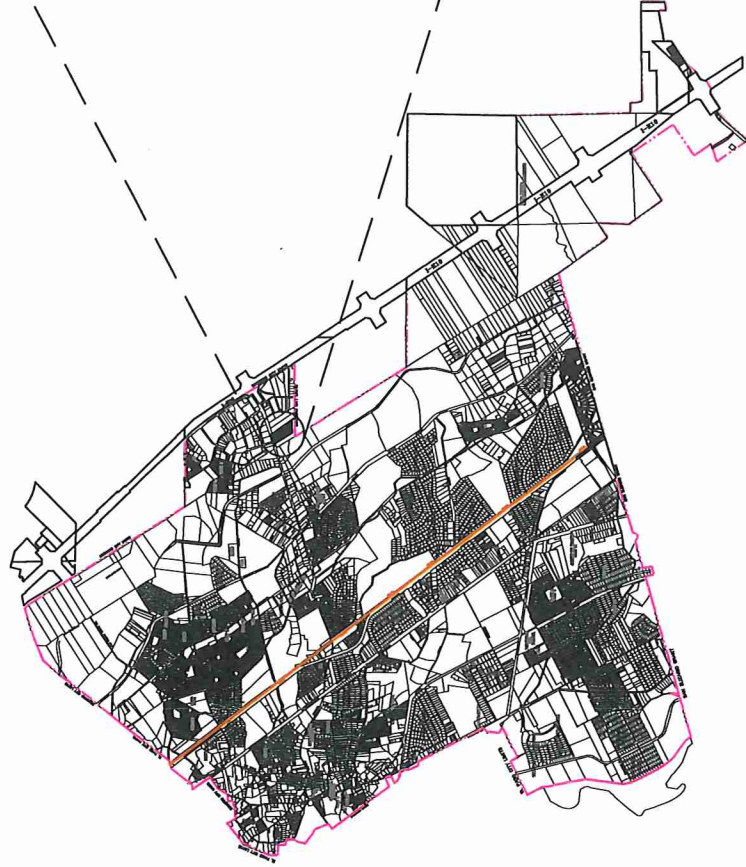
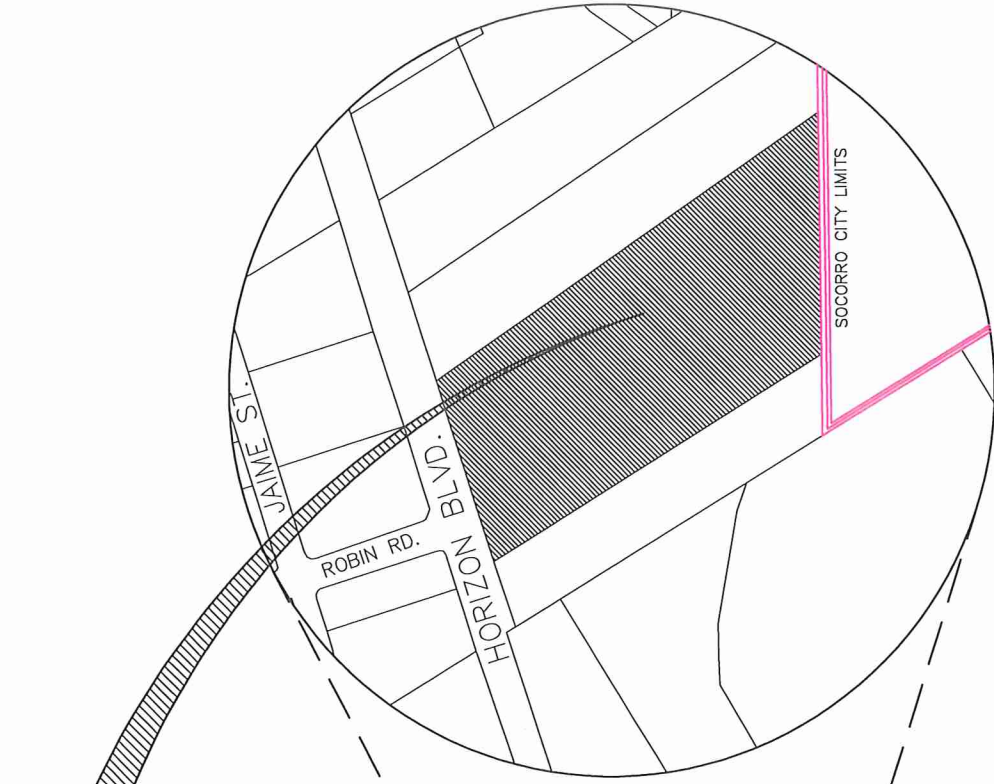
1. Approval of this variance is contrary to the public interest. The business owner that abuts the property has complained about the proximity of the proposed building to their property line.
2. The spirit of the Ordinance is not observed since a 60' setback is required along major arterial roadways. Allowing a building to protrude more than others defeats the purpose of the required setback.

CONSIDER

3. Literal enforcement of the Ordinance may cause unnecessary hardship, but the burden of proof falls upon the applicant.



PROJECT SITE;
1120 Horizon Blvd.
Tr.6-A, ABST 6257
Leigh Clark Surv. 293



CITY OF SOCORRO



DIVISION 10. - M-1 - LIGHT INDUSTRIAL DISTRICT

Sec. 46-450. - Purpose.

The purpose of the M-1 district is to accommodate a wide variety of light manufacturing, processing, storage, packaging, compounding, wholesaling, and distribution operations. Such uses shall be constructed and operated in accordance with the performance standard found elsewhere in this chapter.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-451. - Permitted uses.

Permitted uses in this zone shall include:

- (1) Motor vehicle body shops, parts manufacturing, repair and maintenance facilities, provided that all work must be done in a completely enclosed buildings.
 - a. All body and fender repairing must be done within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress.
 - b. No spray painting may be done except in a completely enclosed spray booth especially designed for that purpose.
 - c. All other auto repairing, etc., must be conducted within a building enclosed on at least three sides
- (2) Wholesale and distribution facilities.
- (3) Vocational schools.
- (4) Manufacturing, compounding, assembling or treatment of articles from previously prepared materials, except those listed as conditional uses below, and provided that no toxic, flammable, explosive or otherwise hazardous substance may be used or stored in any quantity that would be reportable to, or necessitate a permit from, the U.S. Environmental Protection Agency or the state.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-452. - Conditional uses (requires permit).

Conditional uses in this zone shall include:

- (1) Correctional or detention facilities.
- (2) Airports, heliports.
- (3) Public or private utility facilities.
- (4) Uses listed as permitted or conditional in the C-2 General Commercial Zone.
- (5) One accessory dwelling per lot, provided the dwelling must be occupied only by a watchman or caretaker.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-453. - Area requirements.

Area requirements for this zone shall include:

- (1) Minimum lot area: buffer zones may be required by the planning and zoning commission.
- (2) Minimum yards required: yard requirements shall meet the minimum setbacks of the adjacent zones.
- (3) Minimum front setbacks for all properties facing:
 - a. Collector streets: 35 feet;
 - b. Minor arterials: 55 feet;
 - c. Major arterials: 60 feet.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-454. - Height requirements: maximum.

Heights of any building or structure shall be 45 feet.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-455. - Off-street parking.

Requirements shall be as provided in section 46-631. No loading or unloading is to be conducted on a public way.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Sec. 46-456. - Signs.

Sign limitations shall be as provided in section 46-634.

(Ord. No. 76, § 8, 5-1-1989; Ord. of 12-21-1992, § II; Ord. of 7-6-1993, §§ I, II; Ord. of 10-8-1996, § II; Ord. of 11-7-2002, § 8; Ord. of 5-2-2007; Ord. of 11-17-2008; Ord. of 1-13-2011, § II; Ord. of 6-30-2011, § 3)

Secs. 46-457—46-480. - Reserved.



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: 6/20/18
Case Number: 1618-2
Fee: 200⁰⁰

Received By: km
Receipt Number: 29251

Please type or print

Description of property the following information shall be provided:

Legal Description:

Subdivision: Leigh Clark Surv 295 TR 6-A

Block: _____

Lot/Tract: 6-A

Property survey:

Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 1120 Horizon Blvd, Socorro, TX 79927

General location of property: _____

Please type or print

Owner(s): GBM Holdings LLC

Applicant: Gabriel Subia / George Van

Address: 12556 Weaver Rd, Horizon City, TX 79928

Address: 12556 Weaver Rd, Horizon, TX 79928

Phone #: 801-347-9291

Phone #: 801-347-9291 - Subia
915-496-7661 - VAN

APPEAL OF AN ADMINISTRATIVE DECISION

(Check appropriate request)

- 1.) Variance (Non Use)
- 2.) Non-Conforming Use or Structure

Existing condition vs proposed condition: requesting a Variance on the 60 feet
requirement on the setback

In lieu of representing this request myself as owner of the property, I hereby authorize the person designated below to act in capacity as my agent for the application, processing, representation and /or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to the request.

Gabriel Subin
Printed or Typed Name

[Signature]
Signature of Owner

George A. Van
Printed or Typed Name of Agent

[Signature]
Signature of Agent

Address of Agent: 661 S. Mesa Hills, Suite 203; El Paso, TX 79912

Telephone Number of Agent: 915-496-7661

[Signature]
I understand that it is necessary for my authorized agent to be present at the public hearing

Gabriel Subin
Printed or Typed Name

[Signature]
Signature of Owner

Fee, Non Refundable

860 N. Rio Vista Rd. * Socorro, Texas* Office (915) 872-8531

Elia Garcia
Mayor

Rene Rodriguez
Representative
At Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3
Mayor Pro-Tem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

DATE: September 27, 2018
TO: BOARD OF ADJUSTMENTS
FROM: Michael Medina, City Planner
CC: Adriana Rodarte, City Manager

SUBJECT:

Variance request to Municode Chapter 46-637(a)(6)(c), related to fence and wall requirements in residential zones, for Tract 5B, Block 16, Socorro Grant, located at 111 S. Moon Rd. Space 40 to allow a 9' high wall.

SUMMARY:

The property matter of this request is at the intersection of Moon Rd. and Alameda. This property has an estimated area of 249,163 sf. (5.72 acres), owned by Gilbert & Enriquetta Sanchez.

BACKGROUND:

The Planning and Zoning Department received a complaint from the neighbor of space 40 about a wall in a mobile home park that exceeds the allowed height. A building inspector issued a red tag August 27, 2018 for the height of the wall.

STATEMENT OF THE ISSUE:

Petitioner is asking for a variance to the aforementioned Ordinance to allow them to keep the wall as built. The maximum allowed height is 8' per section 46-637(a)(6)(c). The second violation is the type of materials used for the wall. The construction method is substandard and the wall might not resist wind and/or rain.

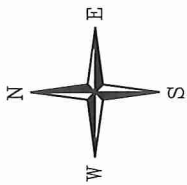
ALTERNATIVE:

The only way to comply with this chapter is to remove the wall in its entirety and replace it with allowed materials to the maximum allowed height.

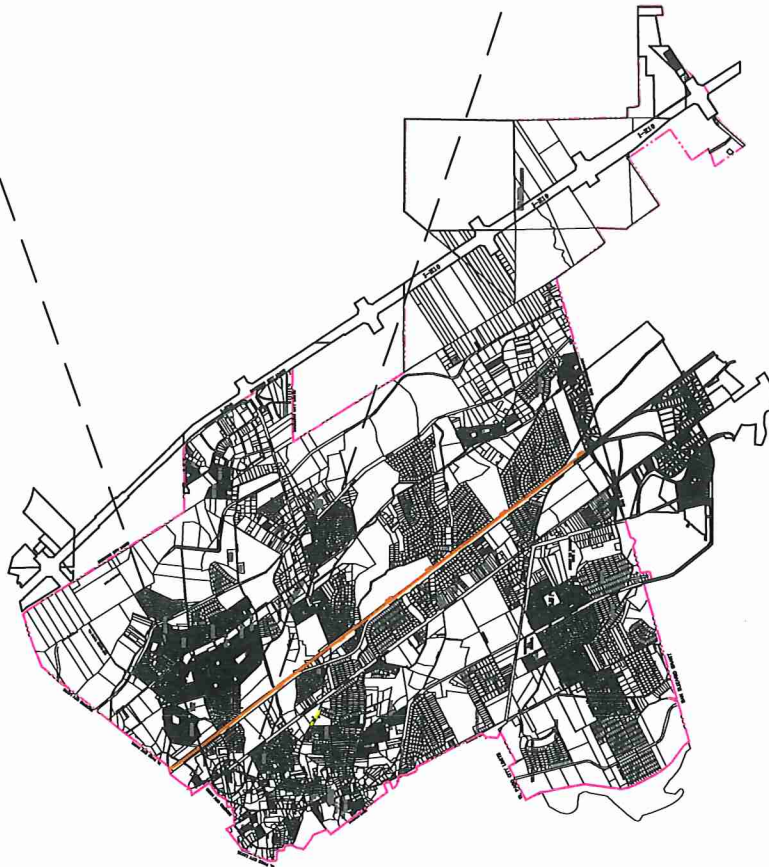
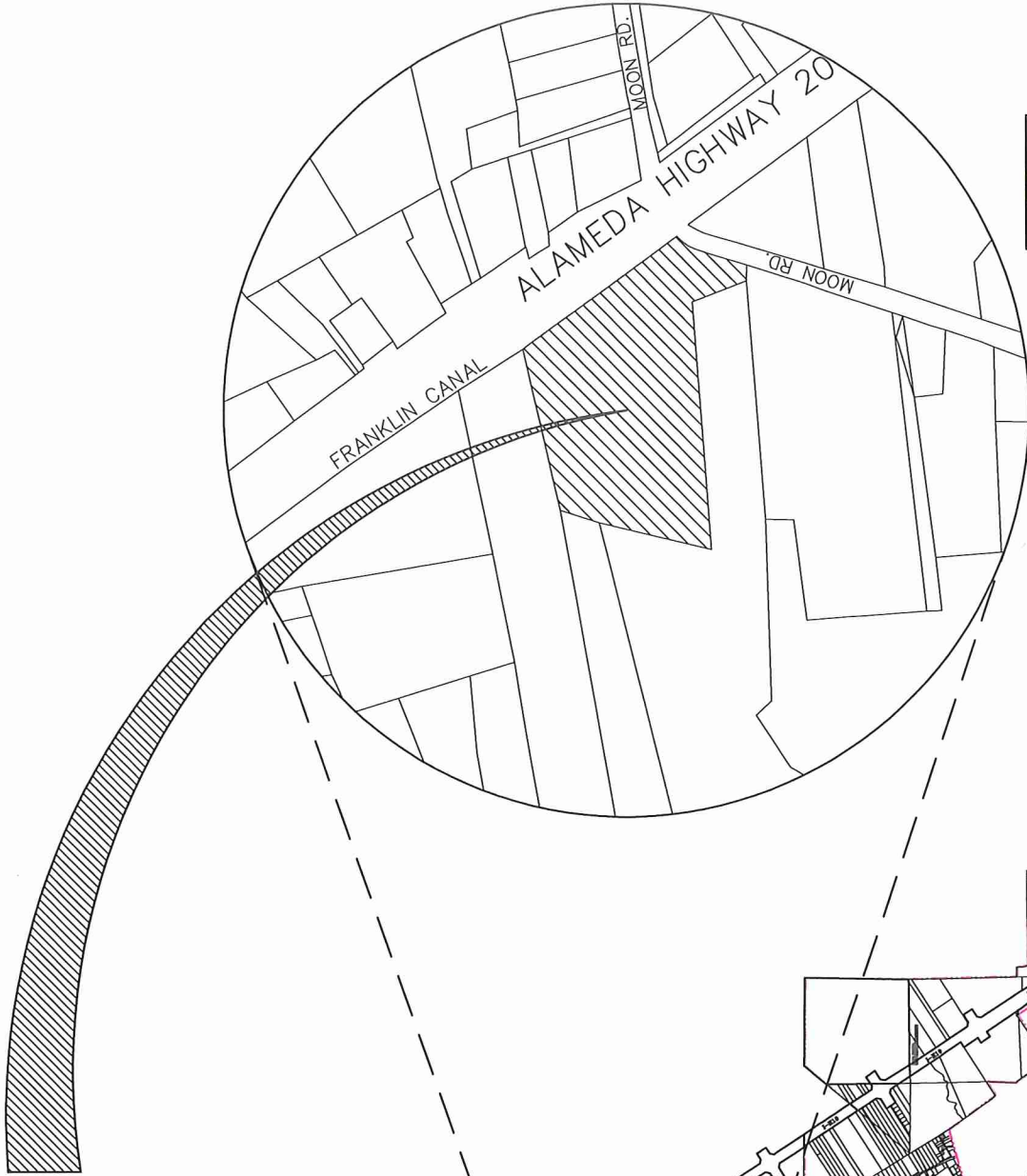
STAFF RECOMMENDATION:

The Planning and Zoning Department recommends DENIAL and the wall to be removed.

1. Demolition permit is required for the removal of the existing wall.
2. Building permits and inspections must be obtained from P&Z prior to new construction.



PROJECT SITE;
111 S. Moon Road
Tr. 5-B, Block 16
Socorro Grant



CITY OF SOCORRO

LOCATION MAP

Scale: AS SHOWN



Sec. 46-637. - Wall and fence requirements.

(a) *Residential fence and wall requirements.*

(1) *Height.*

- a. Front yard. Maximum of six feet in height above ground surface level shall be permitted; a three-foot solid wall, masonry, rock or wood; three-foot section of chainlink, wrought iron or other approved fence material or a maximum of six feet in height of chainlink, wrought iron or approve fencing material.
- b. Rear yard. An eight-foot maximum height above ground surface level shall be permitted on any part of the lot that is to the rear of the required front yards.
- c. Corner lots. There shall be no fence, wall, or obstruction more than three feet above street curb level within the clear sight triangle, measured 30 feet in both directions on the property line from the corner, or in the clear sight triangle for entry and exit of off-street, multi-parking area.
- d. Retaining walls. A wall retaining four or more feet of soil must be designed and stamped (signed) by a professional engineer, registered in the state.
- e. No fence shall be constructed with materials not listed or approved.
- f. Access shall be provide for areas having community irrigation. No fence shall be constructed on or in the irrigation easements.

(2) *Exclusion from public right-of-way.* No wall or fence shall be permitted in a public right-of-way. A fence or wall constructed on a right-of-way shall be removed at the property owner's expense.

(3) *Wall and fence for swimming pools.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least five feet in height.

(4) *Barbed wire fences.* Barbed wire is not permitted except when located at least six feet above the highest adjacent ground surface.

(5) *Graffiti removal.* All fences shall be maintained by the property owner free of graffiti.

(6) *Exceptions.*

- a. Tennis courts may have walls or fences a maximum of 16 feet in height, provided they shall be located in the side or rear yard.
- b. Fences may be eight feet in height in the rear yard of double-frontage lots, provided all such adjacent yards between the two intersection streets are also rear yards.
- c. Fences eight feet or less in height as measured from the highest directly adjacent ground surface may be permitted on any part of a lot that is as far back from streets and lot lines as minimum required setbacks.

(b) *Commercial, office, and manufacturing fence requirements.* All zones other than residential. No fence shall be used as a building wall.

(1) *Height.*

- a. Front yard. Maximum of six feet in height above ground surface level shall be permitted; a three-foot solid wall, masonry, rock or wood; three-foot section of chainlink, wrought iron or other approved fence material or a maximum of six feet in height of chainlink, wrought iron or approve fencing material. Exception: required screening on junkyards (existing or new). An eight foot fence facing on junkyards shall have a screening fence (masonry, rock, brick, cinder block or concrete or chainlink with slats). Option: six foot masonry with two feet approved fencing on top for an eight foot total fence height.
- b. Rear yard. An eight-foot maximum height above ground surface level shall be permitted on any part of the lot that is to the rear of the required front yards. Exception: required screening on junkyards (existing or new). An eight foot fence facing on junkyards shall have a screening fence (masonry, rock, brick, cinder block or concrete or chainlink with slats). Option: six-foot masonry with two feet approved fencing on top for an eight-foot total fence height.

- c. Corner lots. In all zones (including junkyards), there shall be no fence, wall or obstruction more than three feet of total height above street curb level within the clear sight triangle measured 30 feet both directions on the property line from the corner or in the clear sight triangle for entry and exist of off-street multi-parking area.
 - d. Retaining walls. A wall retaining four or more feet of soil must be designed and stamped (signed) by a professional engineer, registered in the state.
 - e. No fence shall be constructed with materials not listed or approved.
 - f. Access shall be provided for areas having community irrigation. No fence shall be constructed on or in the irrigation easements.
- (2) *Exclusion from public right-of-way.* No wall or fence shall be permitted in a public right-of-way.
 - (3) *Fences from swimming pools.* All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least five feet in height.
 - (4) *Barbed wire fences.* Barbed wire is not permitted, except when located above a wall or fence that is at least six feet in height.
 - (5) *Exceptions.* Fences may be eight feet in height in the rear yard of a double-frontage lot, provided all such adjacent yards between the two intersecting streets are also rear yards.
 - (6) *Solid fence.* Any solid fence (masonry, rock, brick, cinder block, concrete etc.) that is over eight feet in height shall have engineered footings and supports.
- (c) *Screening requirements between zoning districts.*
- (1) An approved fence as outlined in subsection (a) of this section shall be permitted between residential and residential by either property owner.
 - (2) A six-foot-high masonry fence shall be erected:
 - a. Between all residential and urban mobile districts by the owner of the urban mobile home district.
 - b. Between all residential and commercial districts by the owner of the commercial district.
 - c. Between all commercial and commercial districts by the owner of the commercial district who builds first.
 - (3) An eight-foot-high masonry fence shall be erected (note: exception in subsection (b) of this section):
 - a. Between all residential and manufacturing districts by the owner of the manufacturing district property.
 - b. Between all commercial and manufacturing districts by the owner of the manufacturing district property.
 - c. Between all agricultural and manufacturing districts by the owner of the manufacturing district.

Provided, however, that this requirement may be lifted by the zoning administrator when topographic condition negate the visual screen effect of the fence, or the where the property is adjacent to common recreational area, such as golf courses, parks or other areas designated as open area under the provisions of this chapter. No masonry fence shall be required where a street is the boundary line between the districts except that this does not apply to manufacturing district for used for outside storage.
 - (4) A six-foot-high chainlink fence or six-foot-high masonry fence shall be erected along any property line adjacent to drainage or irrigation canals when building are erected on such properties or before the property is used for other than agricultural uses.

(Ord. No. 76, § 12, 5-1-1989; Ord. of 2-16-1995, § II; Ord. of 11-7-2002, § 12)

Sec. 46-621. - Visibility at intersections.

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2.5 and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and line joining points along the street lines 50 feet from the point of the intersection.

(Ord. No. 76, § 9, 5-1-1989; Ord. of 1-19-1995, § II; Ord. of 11-7-2002, § 9; Ord. of 10-5-2010)

Sec. 46-622. - Fences, walls, and hedges.

- (a) Notwithstanding other provisions of this article, fences, walls, and hedges may be permitted in any required yard, provided that no fence, wall, or hedge shall be over 2.5 feet above the street curb level within the clear sight triangle (see definitions).
- (b) The height of the wall or fence shall be determined by measuring the distance from the nearest adjacent ground to the tallest portion of the fence or wall.
- (c) An eight-foot maximum height shall be permitted on any side or rear lot provided that such a wall or fence in is accordance with this chapter.
- (d) A wall retaining four feet or more of soil must be designed and stamped by a professional engineer, registered in the state.
- (e) No wall or fence shall be permitted in the city right-of-way.
- (f) A lot that contains a swimming pool over 24 inches deep, to include in-ground, aboveground, and on-ground swimming pools, hot tubs, spas, and fixed in place swimming pools, shall be enclosed by a wall or fence of at least five feet in height.
- (g) Exceptions. The height regulation on walls and fences in residential districts shall not apply to tennis courts or any other uses that the planning director deems appropriate.

(Ord. No. 76, § 9, 5-1-1989; Ord. of 1-19-1995, § II; Ord. of 11-7-2002, § 9; Ord. of 10-5-2010)



CITY OF SOCORRO, TEXAS

Application for Board of Adjustments

FOR OFFICE USE ONLY

Submittal Date: _____
Case Number: _____
Fee: _____

Received By: _____
Receipt Number: _____

Please type or print

Description of property the following information shall be provided:

Legal Description: _____
Subdivision: Socorro
Block: 16 Socorro Lot/Tract: 5-B

Property survey: attached Attach a current survey plat or a metes and bounds description and survey if property is currently not platted.

Address of property: 111 S. Moon Rd - El Paso, Tex 79917

General location of property: Socorro

Please type or print

Owner(s): Gus Garcia
Gilbert L. Sanchez Applicant: _____

Address: 111 S. Moon Rd Sp. 45 Address: _____

Phone #: 915-526-5085 Phone #: _____

APPEAL OF AN ADMINISTRATIVE DECISION

(Check appropriate request)

- 1.) Variance (Non Use) N/A
2.) Non-Conforming Use or Structure N/A

Existing condition vs proposed condition:

In lieu of representing this request myself as owner of the property, I hereby authorize the person designated below to act in capacity as my agent for the application, processing, representation and /or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information, and/or issues relative to the request.

Gus Garcia
Printed or Typed Name

Gus Garcia
Signature of Owner

Gus Garcia
Printed or Typed Name of Agent

Gus Garcia
Signature of Agent

Address of Agent: 111 S. Moon Rd

Telephone Number of Agent: 915-526-5085

I understand that it is necessary for my authorized agent to be present at the public hearing

Gus Garcia
Printed or Typed Name

Gus Garcia
Signature of Owner

Fee, Non Refundable

860 N. Rio Vista Rd. * Socorro, Texas* Office (915) 872-8531