



NOTICE OF PUBLIC HEARING

The City of Josephine Board of Adjustment will hold a Public Hearing on **Monday, August 11, 2025, at 5:30 p.m.** to consider testimony and act on the item listed below:

- **Case No. VR25-0001:** A request from the property owner of Lot 22A, Lost Horizons Addition, for a Variance from Code of Ordinances Chapter 14A Section 27.2 [Area Regulations for Accessory Buildings] for a detached accessory structure located in the front yard of the subject property.

The public hearing will be held at the Josephine City Hall located at 201 Main Street, Josephine, Texas 75173 and will also be on the **City of Josephine YouTube Channel – live stream available.**

<https://www.youtube.com/@CityofJosephine>

The public is invited to attend the meetings and make comments for or against this request. If you have any questions regarding the proposed item, you may call 469-717-0056 for assistance.

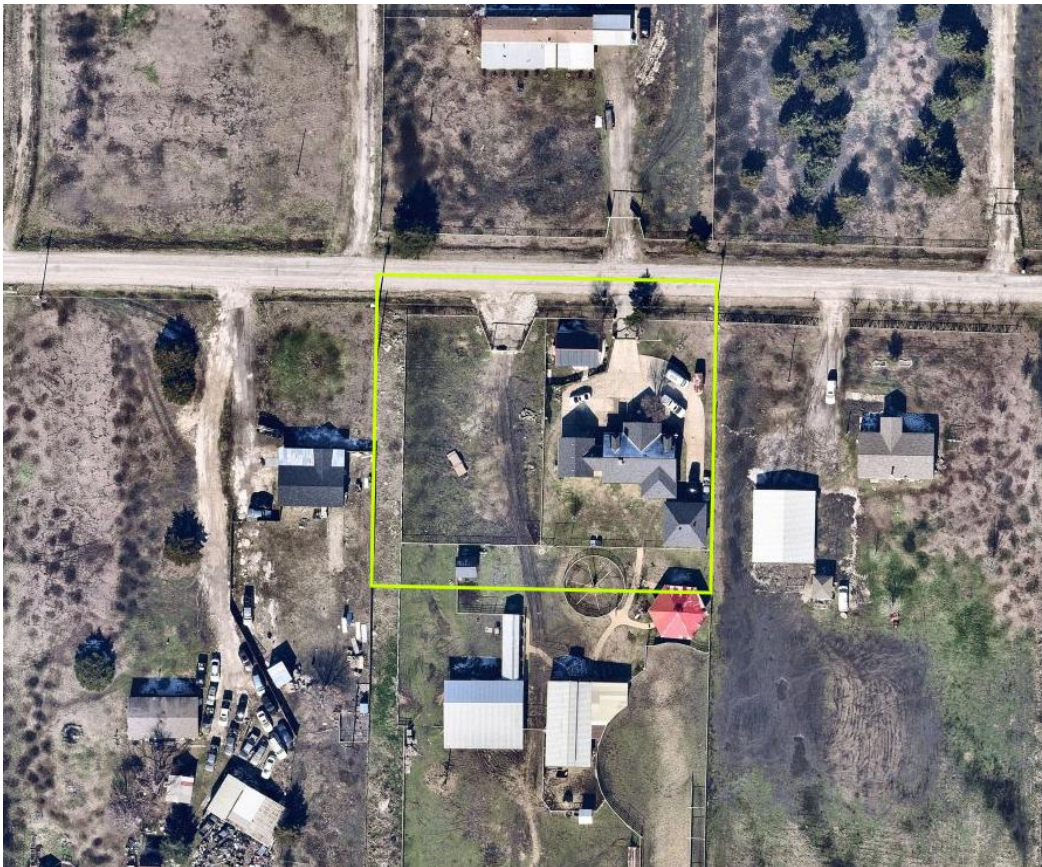
SEE BELOW FOR ADDITIONAL INFORMATION ABOUT THE VARIANCE REQUEST

NOTE: THE EXHIBITS ATTACHED TO THIS NOTICE ARE FOR INFORMATIONAL PURPOSES ONLY AND SUBJECT TO CHANGE PENDING ADDITIONAL STAFF REVIEW PRIOR TO THE PUBLIC HEARING.



Board of Adjustment Staff Report

Meeting Date:	August 11, 2025
Case Number:	VR25-0001
Title:	Variance Request for Accessory Structure
Address:	208 Horizon Way
Legal Description:	Lost Horizons Addition Lot 22A
Owner/Applicant:	Medina J Jesus Armendariz & Angelica Armendariz Hernandez
Report Prepared By:	Miguel Inclan, AICP
Item:	Consider and act on a request from the property owner of Lot 22A, Lost Horizons Addition, for a Variance from Code of Ordinances Chapter 14A Section 27.2 [Area Regulations for Accessory Buildings] for a detached accessory structure located in the front yard of the subject property.



Aerial Location Map

Summary/Background:

****This report was completed in May 2025. The Board of Adjustment did not have a quorum in May or June, requiring a postponement to August 2025****

On February 23, 2025, the Applicant was issued a Notice of Violation for erecting an Accessory Structure that appears to exceed the threshold to require a Building Permit. Additionally, the Accessory Structure was constructed in the front yard of the property.

The Applicant was informed that they must obtain a building permit and that the structure could not be constructed in the front yard of the property.

The Applicant elected to request a Variance to allow the Accessory Structure to remain in the current location.

Staff Analysis:

Code of Ordinances Chapter 14A, Section 27.2.1 states that detached Accessory Structures shall be located in the area defined as the side yard or rear yard.

To comply with this requirement, the Accessory Structure would have to be removed and rebuilt to be located behind or the side of the main building (the residence on the property).

As a side note, the Planning Division is exploring amending the setback regulations in the proposed Unified Development Code to establish Maximum Setbacks to allow property owners to maximize the use of the front portion of a property and to permit a greater degree of privacy in resulting larger rear yards. This proposed change would also permit accessory structures to be placed in front of the main building in existing platted lots of record that have an owner-occupied residence on the property.

Applicable Policies:

Chapter 14A Section 33.4 states that the Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.

Section 33.4.4 also dictates that the property owner shall demonstrate the following:

- a) that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- b) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c) that the special conditions and circumstances do not result from the actions of the applicant; **[Special Note: while the special condition and circumstance herein being considered herein is the direct result of actions by the Applicant, Staff supports the Application because the Accessory Structure in question is an enclosure of an existing concrete pad that was constructed c. 2019, prior to the adoption of the current setback regulations)**

- d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
- e) no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

When granting a Variance request, the Board must be satisfied that granting such variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the [Zoning Ordinance] and at the same time, the surrounding property will be properly protected.

Public Notice

Notice of the public hearing was provided in accordance with the Code of Ordinances and the Texas Local Government Code by written public notices mailed to the owners of all properties located within 200 feet of the subject property.

Letters of Support/Opposition

As of the date of this report, the City has received no letters of support or opposition from the owners of properties located within 200 feet of the subject property.

Staff Recommendation:

Staff recommends approval subject to the Applicant meeting the following conditions:

1. Apply for a Building Permit
2. Submit a dimensional plot plan showing the location of the structure within the property, dimensions of the structure, and distances from all property lines.
3. Comply with any required alterations to the structure to meet the applicable building codes.
4. Pass a Final Inspection
5. Comply with all of the above within 90 days of Board of Adjustment Action on this request.

Recommended Motion:

"I move to approve Variance Request VR25-0001 – 208 Horizon Way subject to the Applicant meeting the following conditions:

1. Apply for a Building Permit
2. Submit a dimensional plot plan showing the location of the structure within the property, dimensions of the structure, and distances from all property lines.
3. Comply with any required alterations to the structure to meet the applicable building codes.
4. Pass a Final Inspection
5. Comply with all of the above within 90 days of Board of Adjustment Action on this request."

Alternative Actions by the Board of Adjustment:

The Board may also:

- Deny the request
- Approve subject to additional stipulations beyond those recommended by Staff

- Table the request

Attachments:

1. Code Enforcement Notice of Violation
2. Images provided by Applicant



J Jesus Armendariz & Angelica Armendariz Hernandez Medina
208 Horizon Way
Josephine, TX 75173-8518

Case No. 24-000540
Issued: February 23, 2025

VIOLATION LOCATION

208 Horizons Way,
Josephine, TX 75173

LEGAL DESCRIPTION

S2125 Lot 22a0
Lost Horizons Addition (cjo), Lot 22a0; Replat

An inspection of the location noted above identified the following violation(s):

Accessory structures exceeding 200 square feet in floor area require a permit from the city. The accessory building currently being installed on the property appears to exceed 200 square feet in floor area and may require a permit. Also, all detached accessory buildings must be located in the side or rear yard area. The accessory building currently being installed in the front yard must be moved to a side or rear yard area, and a permit must be obtained by logging onto the Citizen Portal on the City website or by calling City Hall at 972-843-8282, to comply with city code.

IRC 105.1 Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Accessory Building Permit Required and Accessory Building Must Be Located In Side or Rear Yard Area

REQUIRED

Accessory buildings exceeding 200 square feet in floor area require a permit from the city. The accessory building currently being installed on the property appears to exceed 200 square feet in floor area and may require a permit. Also, all detached accessory buildings must be located in the side or rear yard area. The accessory building currently being installed in the front yard must be moved to a side or rear yard area, and a permit must be obtained by logging onto the Citizen Portal on the City website or by calling City Hall at 972-843-8282, to comply with city code.

Because many people are not aware of this ordinance, we are taking the opportunity to notify you of the violation and allow ten (10) days from the date of issue of this letter to comply with city code. As the property owner or tenant it is your responsibility to maintain this property within city codes.

Violations of this ordinance are subject to court citations being issued carrying a maximum penalty of \$2,000 per violation for each day a violation continues to exist.

You may have already addressed this violation; if so, please accept our thanks for your efforts. If you feel that you

City of Josephine
P.O. Box 99 || 201 Main Street Josephine, Texas 75164
Ph: 972-843-8282 || Fax: 972-843-8377 || <https://www.cityofjosephinetx.com>

have received this letter in error, have questions regarding this warning, or need an extension, please contact the City at **972-843-8282**.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Caperton', written in a cursive style.

Travis Caperton
Code Enforcement Officer











