



**AGENDA  
BOARD OF ADJUSTMENT  
APRIL 14, 2025 @ 5:30 P.M.  
JOSEPHINE CITY HALL, 201 MAIN STREET, JOSEPHINE, TEXAS 75173**

City of Josephine YouTube Channel – live stream available.  
<https://www.youtube.com/@CityofJosephine>

**City of Josephine Board of Adjustment**

Jason Turney  
Doug Ewing  
Brad Ahlfinger  
Alex Esquivel  
Dr. Pam Sardo  
Gary Chappell

The Josephine Board of Adjustment will meet on Monday, April 14, 2025, at 5:30 p.m. at the Josephine City Hall. This meeting is open to the public and subject to the Open Meeting Laws of the State of Texas. Pursuant to Section 551.071 of the Government Code, the Board may convene into Executive Session at any time during the meeting as deemed necessary to obtain advice from the City Attorney regarding any posted agenda item.

**1. Meeting Opening**

- 1.1 Call to Order
- 1.2 Roll Call

**2. New Business**

- 2.1. 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.

**3. Adjournment**

I, PATTI BROOKS, CITY SECRETARY of the City of Josephine, Texas, do hereby certify that this notice was posted on the city website at: [www.cityofjosephinetx.com](http://www.cityofjosephinetx.com), the Post Office, the City Park Bulletin Board and the front window of the City Hall on the 11<sup>th</sup> day of April 2025 and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Approved By: Jason Turney, Mayor

Attest: Patti Brooks, City Secretary



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

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". The signature is stylized and cursive.

Travis Caperton  
Code Enforcement Officer

# VAR25-0001: 208 Horizon Way



# Background

- Applicant was issued a notice of violation for constructing an Accessory Structure without a Building Permit and on the front yard of the property.
- Applicant was informed that they must obtain a building permit and that accessory structures are not permitted in the front yard of a property.
- Applicant elected to request a Variance to allow the Accessory Structure to remain in the current location



# Analysis

- Section 27.2.1: detached Accessory Structures cannot be in front yard.
- To comply, accessory structure would need to be removed, and replacement cannot be built on front yard, only in the rear or side yard.
- As a side note, Planning Division is exploring amending setbacks to establish Maximum Setbacks to allow property owners to maximize the use of the front portion of the property and permit greater privacy in resulting larger rear yards.

# Applicable Policies

- Per Section 33.4:
  - Variance cannot be contrary to the public interest
  - Literal enforcement would result in unnecessary hardship
  - Spirit of ordinance shall be observed and substantial justice done
- When granting the Variance, Board must be satisfied that granting variance is not a convenience but will alleviate demonstrable and unusual hardship, while surrounding property will be properly protected.

# Property Owner must demonstrate:

- 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.

# Staff Recommendation

- 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.

# Alternative Actions by the Board of Adjustment

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

# Recommended Motion

"I move to approve Variance Request VAR25-0001 – 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."

# QUESTIONS?

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**Board of Adjustment  
Staff Report**

<b>Meeting Date:</b>	April 14, 2025
<b>Case Number:</b>	VAR25-0001
<b>Title:</b>	Variance Request for Accessory Structure
<b>Address:</b>	208 Horizon Way
<b>Legal Description:</b>	Lost Horizons Addition Lot 22A
<b>Owner/Applicant:</b>	Medina J Jesus Armendariz & Angelica Armendariz Hernandez
<b>Report Prepared By:</b>	Miguel Inclan, AICP
<b>Item:</b>	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:**

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.

**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 VAR25-0001 – 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

**Supporting Documentation:**

- Code Enforcement Notice of Violation
- Images provided by Applicant