

## **ITEM# 2.2**

### **HOMESTEAD EXEMPTION VARIANCE:**

A 1.00 acre of land, more or less, out of Lot 23-3,  
West Addition to Sharyland  
R1  
Alejandro Benavidez

### **REVIEW DATA**

**SITE** – This tract is located on the east side of Los Ebanos Rd. and W. 18<sup>th</sup> St. – **see vicinity map.** The lot measures 70'x 622.3' or 43,560.00 sq. ft. The lot exceeds the minimum square footage size requirements for an R1 lot. The applicant proposes to construct a single-family residence.

**WATER** – The applicant is to connect to an existing 8” water line located along the east side Los Ebanos Rd. to supply water to the lot.

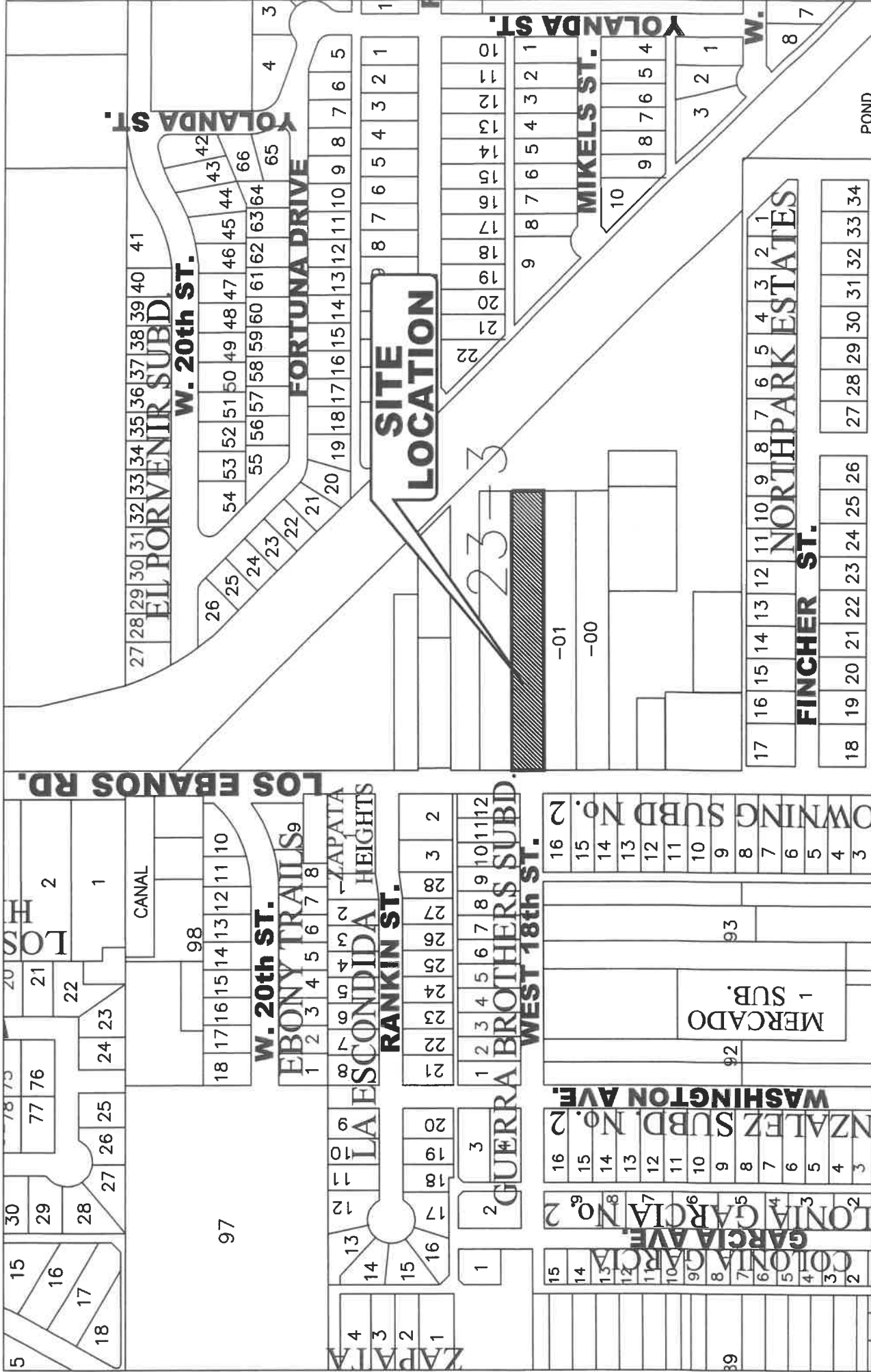
**SEWER** – The applicant is to connect to existing 10” sanitary sewer line located along the east side of Los Ebanos Rd. to provide sewer service to the lot. The Capital Sewer Recovery Fee is waived as per the Homestead Exemption Variance.

**STREET & STORM DRAINAGE** – The subject site has frontage to Los Ebanos Rd., which is a paved street equipped with curb & gutter for drainage. No additional ROW will be required per Homestead Exemption Variance.

### **OTHER COMMENTS**

- Waiver of park and sewer capital recovery fees.
- A fire hydrant is within the required 500' minimum distance of the property. No additional fire hydrants are needed.
- A streetlight is located to the south of the Lot.
- Submittal of affidavit of intention to build a single-family residence within one year for personal use only.

**RECOMMENDATION:** Staff recommends denial due to lack of evidence satisfactory to the city that said applicant is recognized as the owner of said property by the Hidalgo County Appraisal District per Code of Ordinances - Ch. 98 - Article I. Sec. 98-16 (b). Applicant has not purchased the property outright therefore pending conveyance.



**CITY OF MISSION**  
 HIDALGO COUNTY, TEXAS  
 1201 E. 8th Street  
 MISSION, TX 78572  
 PH: (956) 580-8672  
 FAX: (956) 580-8680

No.

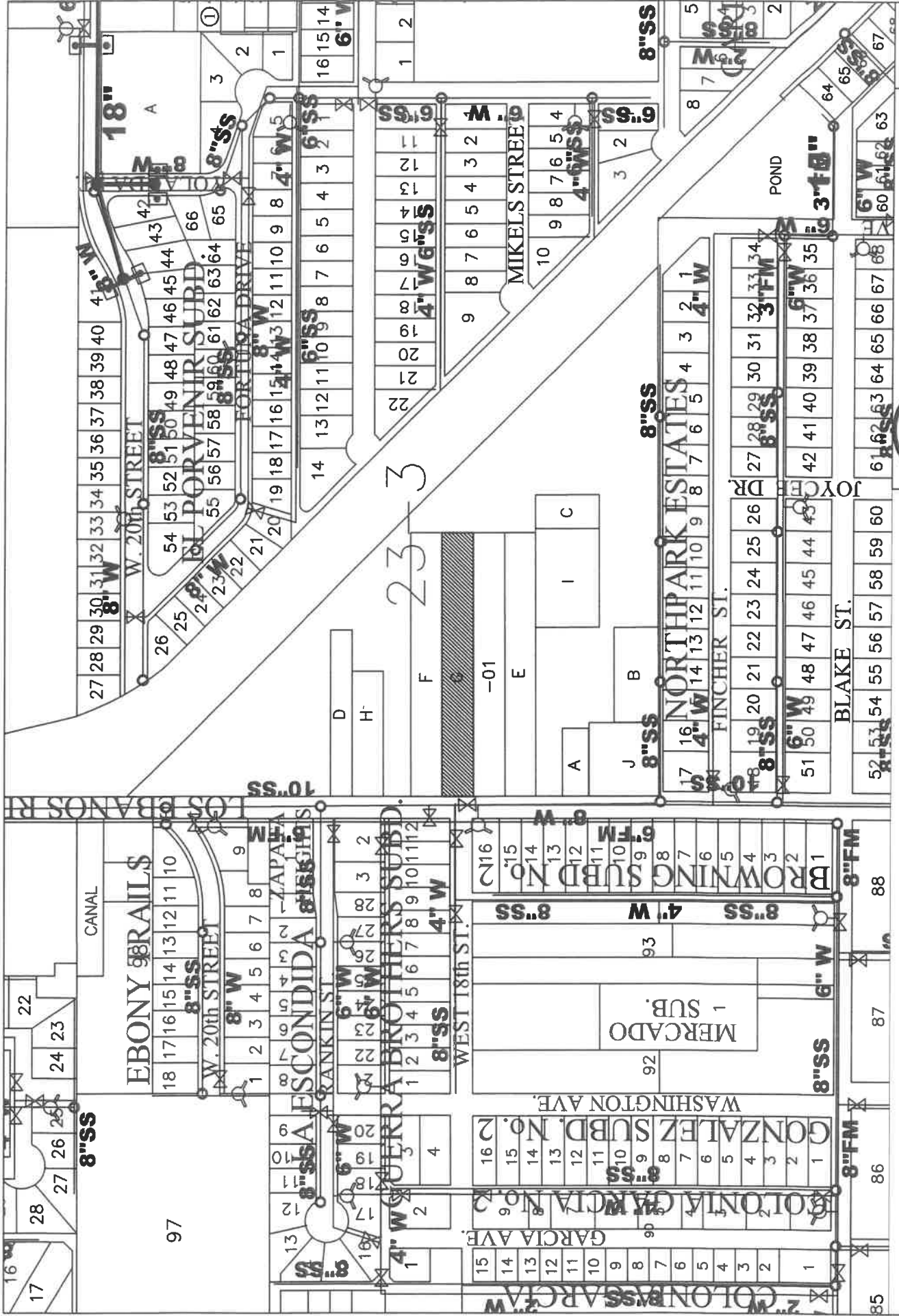
**SITE  
LOCATION**



**LOS EBANOS RD.**

**W. 18<sup>TH</sup> ST.**





DATE: 10-18-13

**CITY OF MISSION**  
 HIDALGO COUNTY, TEXAS

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 MISSION, TX 78572

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No.



**ORDINANCE NO. 4166**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 98—SUBDIVISIONS OF ITS CODE OF ORDINANCES TO ADD SECTION 98-16 TO ARTICLE I THEREOF TO ADOPT A HOMESTEAD EXEMPTION VARIANCE PROVISION WITHIN THE SUBDIVISION CODE; TO PROVIDE FOR A SEVERABILITY PROVISION; AND PROVIDING FOR A PUBLICATION PROVISION**

**WHEREAS,** The City of Mission, Texas is a municipal entity that has authority to approve subdivision plats that are deemed to be compliant to the prevailing subdivision codes, and which further conform to the subdivision standards established for the orderly development and growth of the city, and its extraterritorial jurisdiction: and

**WHEREAS,** The City of Mission, Texas desires to adopt a Homestead Exemption Variance provision within the Subdivision Code to establish an organized method of allowing certain waivers for property owners who wish to build their personal single family residence on a single lot or parcel of land.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS THAT:**

- A. Article I of Chapter 98 'Subdivision', is hereby amended to add Section 98-16 thereto which shall read as follows:

**Sec. 98-16. Homestead Exemption Variance; approval and procedures.**

- a) *Homestead Exemption Variances.* Homestead exemption variances may be utilized for lots or acreage proposed for a single family dwelling for the owner of such property.
- b) *Approval process.* The Planning and Zoning Commission and City Council shall review and approve all homestead exemption variances. No homestead exemption variance shall be considered except upon submittal of an application with the applicable fee paid, a copy of the applicant's deed to the property the subject of the requested variance, evidence satisfactory to the City that said applicant is recognized as the owner of said property by the Hidalgo County Appraisal District, and an affidavit sworn to by said applicant that the applicant has the present intention of constructing and completing construction of a single family residence on the property within one year after the date of said affidavit, that said residence shall be the applicant's personal residence and that the applicant has no present intention of using the property in the future for any purpose other than the applicant's personal residence.
- c) *Homestead exemption variance waivers.* Where such homestead exemption variances are proposed, the City may allow the following:
  1. Waiver of Street Widening Costs
  2. Waiver of Sidewalk Costs
  3. Waiver of 3% Lab Testing Fees
  4. Waiver of 2% Inspection Fees
  5. Waiver of street lighting requirements
  6. Waiver of Park and Sewer Capital Recovery Fees.
  7. Waiver of water/sewer utility upgrades; Fire Hydrants are not included in these waivers and shall be required as per the direction of the Fire Marshal.
  8. Waiver of any other requirements as approved by the City Council.All other subdivision requirements are still in full effect.
- d) *Planning and zoning commission on discretionary terms of approval.* By granting any homestead exemption variance, the planning and zoning commission has the discretion of requiring other terms of conditions which may mitigate the effects of an awarded homestead exemption variance which will then be presented to the City Council for their consideration.
- e) *Filing fee.* Each application for homestead exemption variances shall be accompanied by a filing fee of \$100.00.

f) *Time limitation.* Once a homestead exemption variance is granted, the construction of the single family residence must be completed and all requirements of the granting of the variance must be satisfied within one year after the date of the approval of the variance, failing which the approval is revoked. An extension of six months can be considered by the Planning and Zoning Commission but can only be granted the City Council.

B. If any part or parts of this Ordinance are found to be invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to the extent this ordinance is considered severable.

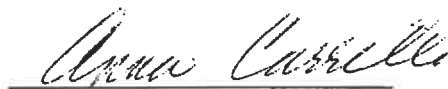
C. This ordinance shall be effective upon publication of the caption of this ordinance which shall be published by the City Secretary in a newspaper of general circulation of the City of Mission according to law.

**READ, PASSED, CONSIDERED, AND APPROVED ON NOVEMBER 10, 2014.**



**Norberto Salinas, Mayor**

**ATTEST:**



**Anna Carrillo, City Secretary  
Mission, Texas**

