



**Zoning Board of
Adjustment &
Appeals
Regular Meeting
May 6, 2020**

AGENDA



**ZONING BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING
WEDNESDAY, MAY 6, 2020, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

PURSUANT TO SECTION 551.122 OF THE TEXAS GOVERNMENT CODE AND THE DECLARATION BY GOVERNOR GREG ABBOTT ON MARCH 16, 2020, THIS MEETING OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF EAGLE PASS, TEXAS SHALL BE OPEN AND ACCESSIBLE TO THE PUBLIC VIA THE FOLLOWING FREE-OF-CHARGE VIDEOCONFERENCE LINK: <https://www.facebook.com/OfficialCityEaglePassTexas> AN ELECTRONIC COPY OF THE AGENDA PACKET FOR THE REGULAR MEETING OF THE ZONING BOARD OF ADJUSTMENT AND APPEALS IS ALREADY AVAILABLE TO THE PUBLIC AT THE FOLLOWING URL: <https://www.eaglepasstx.us/AgendaCenter>. IN LIGHT OF THE ONGOING NATIONAL EMERGENCY AND URGENT THREAT TO PUBLIC HEALTH CAUSED BY THE COVID-19 PANDEMIC, MEMBERS OF THE PUBLIC ARE ENCOURAGED TO FOLLOW THE RECOMMENDATIONS OF GOVERNMENT LEADERS AND THE CDC REGARDING SOCIAL DISTANCING AND SELF-QUARANTINE.

IF YOU ARE A CITIZEN WISHING TO PARTICIPATE IN CITIZENS COMMUNICATIONS PLEASE CALL ON WEDNESDAY, MAY 6, 2020 FROM 12:00 P.M. TO 2:00 P.M. AT 830-773-1111 OR SEND EMAIL TO irodriguez@eaglepasstx.us

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

SELECTION OF CHAIRPERSON

SELECTION OF VICE-CHAIRPERSON

MINUTES

1. Approval of the minutes of the April 1, 2020 meeting.

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Francisco Martinez III, for a variance to allow and grant approval of a 7-foot high fence, which exceeds the maximum 6 feet fence height stipulated by ordinance, on property located at 619 Ceylon Street; closing of public hearing and possible action.

ADJOURNMENT

Note: The Board reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board Located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas, on May 1, 2020 at 3:15 p.m.

Placido C. Madera
Planning Director

Item #1

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their Regular meeting on Wednesday, April 1, 2020, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Board Members: Jesus Diaz-Wever; and Alternate Board Members, Marisela Rodriguez, and Janina Ayers

Absent: Board Members: Onesimo Elizondo, Eugenio Mireles, Ruben Herrera, and Jessica Perez

Other staff present: Planning Director, Placido Madera; Assistant Planning Director, Mariebelle Rodriguez; and Records Management Specialist, Ita A. Cortinas

A quorum being present, Acting Chairperson Diaz-Wever called the meeting to order.

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Board, on any item, even one not appearing on the agenda, was welcome to speak, keeping in mind that although the Board would be unable to take formal action on such item, they would be glad to take it under consideration.

There were not any citizens communication forms submitted.

SELECTION OF CHAIRPERSON

Motion: To table the selection of chairperson.
Made: Ayers
Second: Rodriguez
Ayes: 3
Nays: 0
Absent: Elizondo, Mireles, Perez, and Herrera

SELECTION OF VICE-CHAIRPERSON

Motion: To table the selection vice-chairperson
Made: Ayers
Second: Rodriguez
Ayes: 3
Nays: 0
Absent: Elizondo, Mireles, Perez, and Herrera

MINUTES

1. Approval of the minutes of the minutes of the March 4, 2020 meeting.

Motion: To approve the minutes as presented.

Made: Rodriguez

Second: Ayers

Ayes: 3

Nays: 0

Absent: Elizondo, Mireles, Perez, and Herrera

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Cesar Ramos, for a variance to reduce the required front yard building setback from 25-feet to 15-feet, to allow for the construction of a new residence, on property located at 239 Trinity Street; closing of public hearing, and possible action.

Acting Chairperson Diaz-Wever opened the public hearing at 5:33 p.m.

Planning Director, Placido Madera provided the Board with details on the variance request and recommends the approval of the variance from 25-feet to 20-feet.

Mr. and Mrs. Jesus Aguilera expressed their concerns with the construction of the new residence, stating that they feared it would worsen drainage issues on their property. Planning Director Madera informed them that, per ordinance, new construction is never to leave abutting properties worse off; the construction should leave their property better than, or the same as it was before the new construction.

Acting Chairperson Diaz-Wever closed the public at 6:07 p.m.

Motion: To approve the variance request, with the condition that the setback variance be approved from 25-feet to 20-feet.

Made: Ayers

Second: Rodriguez

Ayes: 3

Nays: 0

Absent: Elizondo, Mireles, Perez, and Herrera

ADJOURNMENT

Motion: To adjourn the meeting at 6:09 p.m.

Made: Rodriguez

Second: Ayers

Zoning Board of Adjustments and Appeals Regular Meeting

April 1, 2020

Page 3

Ayes: 3

Nays: 0

Absent: Elizondo, Mireles, Perez, and Herrera

ATTEST:

Jesus Diaz-Wever
Acting Chairperson

Ita A. Cortinas
Records Management Specialist

Item #2



Planning Department
Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant: Francisco Martinez III

Location: 619 Ceylon Street

Legal Desc: Lot 1-3, Block 6, New Range Unit #1

MCAD PIN: 13749

Parcel Size: 21,000-square feet

Existing Use: Residence

Zoning: R-1 First One-Family Dwelling District

Master Plan: Residential

Request: a variance to allow and grant approval of a 7-foot high fence, which exceeds the maximum 6 feet fence height stipulated by ordinance

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vegetation: Residential landscaping

Vicinity: Property is bordered by residential developments to the north, south, east, and west.



III. STAFF ANALYSIS

Applicant is requesting a variance to allow for a 7-foot high fence, which exceeds the maximum 6 feet fence height stipulated by ordinance. The subject property is located at Ceylon Street as shown in Figure 1.

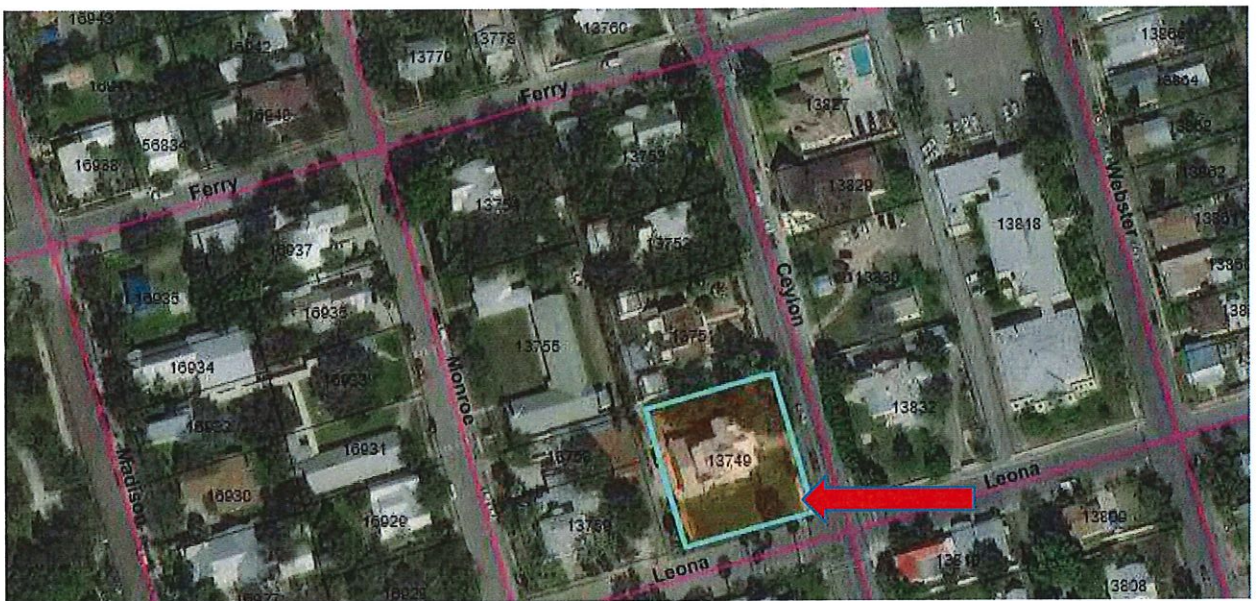


Figure 1. Area Map

The construction measures approximately 7-feet high and the Zoning Board of Adjustments and Appeals (ZBAA) has previously approved similar variances for the same uses. The subject structure will comply and conform with all applicable Building Codes. In terms of planning and land use, the variance does not cause a detriment to the quality of life of the surrounding areas nor does it detract from the neighborhood's character.

Twenty-seven (27) notices were mailed to abutting property owners and public hearing notice was published in a newspaper with second class postage as required by State Law.

Staff Recommendation

Staff recommends the **APPROVAL** of the applicant's variance request of a 7-foot high fence, which exceeds the maximum 6 feet fence height stipulated by ordinance, for property located at 619 Ceylon Street.



PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-7781 • Fax: (830) 773-7803

4042

VARIANCE APPLICATION (ZBAA)

Applicant Information	Name: <u>Francisco Martinez III</u>
	Mailing Address: <u>619 N. Ceylon St. Eagle Pass, TX 78852</u>
	Phone: <u>830 352 9143</u> E-mail: <u>XVFMX1977@yahoo.com</u>
	<u>Note: If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>Francisco Martinez III</u> <u>Branda Martinez</u>
	Mailing Address: <u>619 N. Ceylon St. Eagle Pass, TX 78852</u>
	Phone: <u>830 352 9143</u> E-mail: <u>XVFMX1977@yahoo.com</u>

Property Information	Site Address: <u>619 N. Ceylon St.</u> MCAD Property ID # <u>13749</u>
	Legal Description: Lot(s) <u>1-3</u> Block <u>6</u> Subdivision <u>New Range Unit #1</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

Description of Project:

I want like a fence however the back to be 8ft to 10ft, instead of the normal height. This would be side + rear of fence.

Detailed Explanation of Variance Request

How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?

I want like a higher fence for safety and security purposes. A higher fence would ensure my family's safety and security, and it would not hinder the look of the property, nor would it decrease the value of surrounding homes, as other homes have higher fences, as well.

How is your variance request consistent with the general purpose and intent of the zoning code?

It would follow the same purpose, except the back would be higher.

RECEIVED
4/24/20 AM
via email

How will the granting of the variance not merely serve as a convenience to you, but will alleviate some demonstrable hardship or difficulty so great as to warrant the variance?

It would help protect myself + my family. The area had a high traffic for illegals and they had broken into my home to stolen material + several objects from my home.

Is your variance request necessary because of exceptional narrowness, shallowness, or shape of your property?

No.

Is your variance necessary because of exceptional topographical conditions or other extraordinary or exceptional situation or condition of your property?

No

Will the strict application of the zoning code result in peculiar and exceptional practical difficulties and particular hardship to you, and amount to a practical confiscation of the property and not a mere inconvenience?

No.

Will the granting of the variance create substantial detriment to the public good?

No. I believe the fence, especially, adhering to the recommendations of the Main St. Project Advisory Board would be beneficial.

Will your variance impair an adequate supply of light and air to adjacent property?

No.

Will your variance materially increase the traffic congestion on public streets?

No.

Will your variance increase the public danger of fires and safety?

NO.

Will your variance materially diminish or impair established property values within the surrounding area?

NO.

Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?

NO.

Applicant Authorization

I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of variance approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.

Applicant Signature

Date

4/20/20

Office Use

Date Application Accepted for Review: 4-24-20 By: AH/ML

Contact Date for Supplemental Info: NA Supplemental Info Received: NA

Completeness Review Date: 4-24-20 By: ML

Application Returned to Applicant: NA (when applicable)

Note: Processing fee will be Invoiced along with newspaper publication fee.

MR-9/2016

Maverick CAD

Property Search Results > 13749 MARTINEZ, FRANCISCO III & BRIANDA for Year 2020 Tax Year: 2020 - Values not available

Property

Account

Property ID: 13749 Legal Description: NEW RANGE UNIT # 1, BLOCK 6, LOT 1-3
 Geographic ID: N5001060000100 Zoning: R1
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address: 619 CEYLON ST Mapsco:
 EAGLE PASS, TX 78852
 Neighborhood:
 Neighborhood CD: Map ID:

Owner

Name: MARTINEZ, FRANCISCO III & BRIANDA Owner ID: 106342
 Mailing Address: 619 N. CEYLON STREET % Ownership: 100.000000000000%
 EAGLE PASS, TX 78852
 Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: MARTINEZ, FRANCISCO III & BRIANDA
 % Ownership: 100.000000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	Central Appraisal District	N/A	N/A	N/A	N/A
CIT	City of Eagle Pass	N/A	N/A	N/A	N/A
GMC	Maverick County	N/A	N/A	N/A	N/A
HOS	Hospital	N/A	N/A	N/A	N/A
SCH	Eagle Pass ISD	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	4915.0 sqft	Value: N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
MA	MAIN AREA	M4P	BV	0	2111.0	
MA2	SECOND STORY	*		0	1856.0	
OP	OPEN PORCH	*		0	594.0	
OP2	2ND STORY OPEN PORCH	*		0	594.0	
ADDN	ADDITION	*		2015	396.0	
ADDN	ADDITION	*		2015	416.0	
ADDN	ADDITION	*		2015	136.0	

Improvement #2:	RESIDENTIAL	State Code:	A1	Living Area:	760.0 sqft	Value: N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
MA	MAIN AREA	F1		0	760.0	

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RS	RES SINGLE FAMILY	0.4821	21000.00	150.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2020	N/A	N/A	N/A	N/A	N/A	N/A
2019	\$320,290	\$84,000	0	404,290	\$0	\$404,290
2018	\$320,290	\$84,000	0	404,290	\$0	\$404,290
2017	\$321,170	\$84,000	0	405,170	\$0	\$405,170
2016	\$174,660	\$84,000	0	258,660	\$0	\$258,660
2015	\$203,060	\$67,200	0	270,260	\$0	\$270,260
2014	\$203,060	\$52,500	0	255,560	\$0	\$255,560
2013	\$203,060	\$52,500	0	255,560	\$0	\$255,560
2012	\$160,810	\$52,500	0	213,310	\$0	\$213,310
2011	\$160,810	\$52,500	0	213,310	\$0	\$213,310
2010	\$160,810	\$52,500	0	213,310	\$0	\$213,310
2009	\$160,810	\$52,500	0	213,310	\$0	\$213,310
2008	\$160,810	\$52,500	0	213,310	\$0	\$213,310
2007	\$160,810	\$42,000	0	202,810	\$0	\$202,810
2006	\$160,810	\$42,000	0	202,810	\$0	\$202,810

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	8/12/2015	WD	WARRANTY DEED	VILLARREAL, ROXANNA DENISE	MARTINEZ, FRANCISCO III & BRIANDA	1533	433	187884
2	1/7/2011	WD	WARRANTY DEED	EPPS, MINERVA & ANA MARIA PFLUEGER	VILLARREAL, ROXANNA DENISE	1271	376	163673
3	11/2/2010	WD	WARRANTY DEED	RODRIGUEZ, MARGARITA B	EPPS, MINERVA & ANA MARIA PFLUEGER	1271	372	163672

Tax Due

Property Tax Information as of 04/20/2020

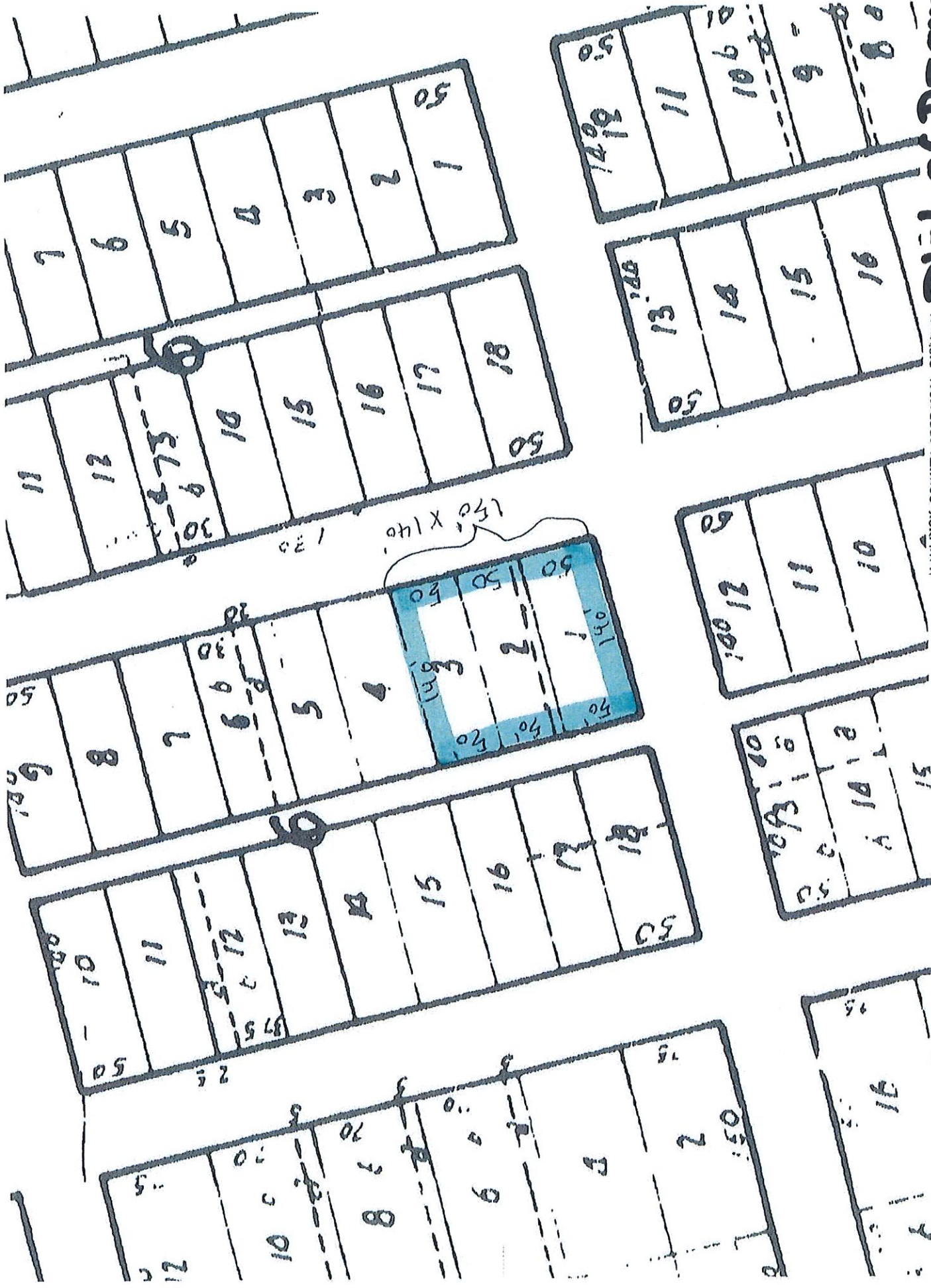
Amount Due if Paid on: 

Plat of Record

MAVERICK COUNTY APPRAISAL DISTRICT

P. O. BOX 2628

ENGLE PASS, TEXAS 78852



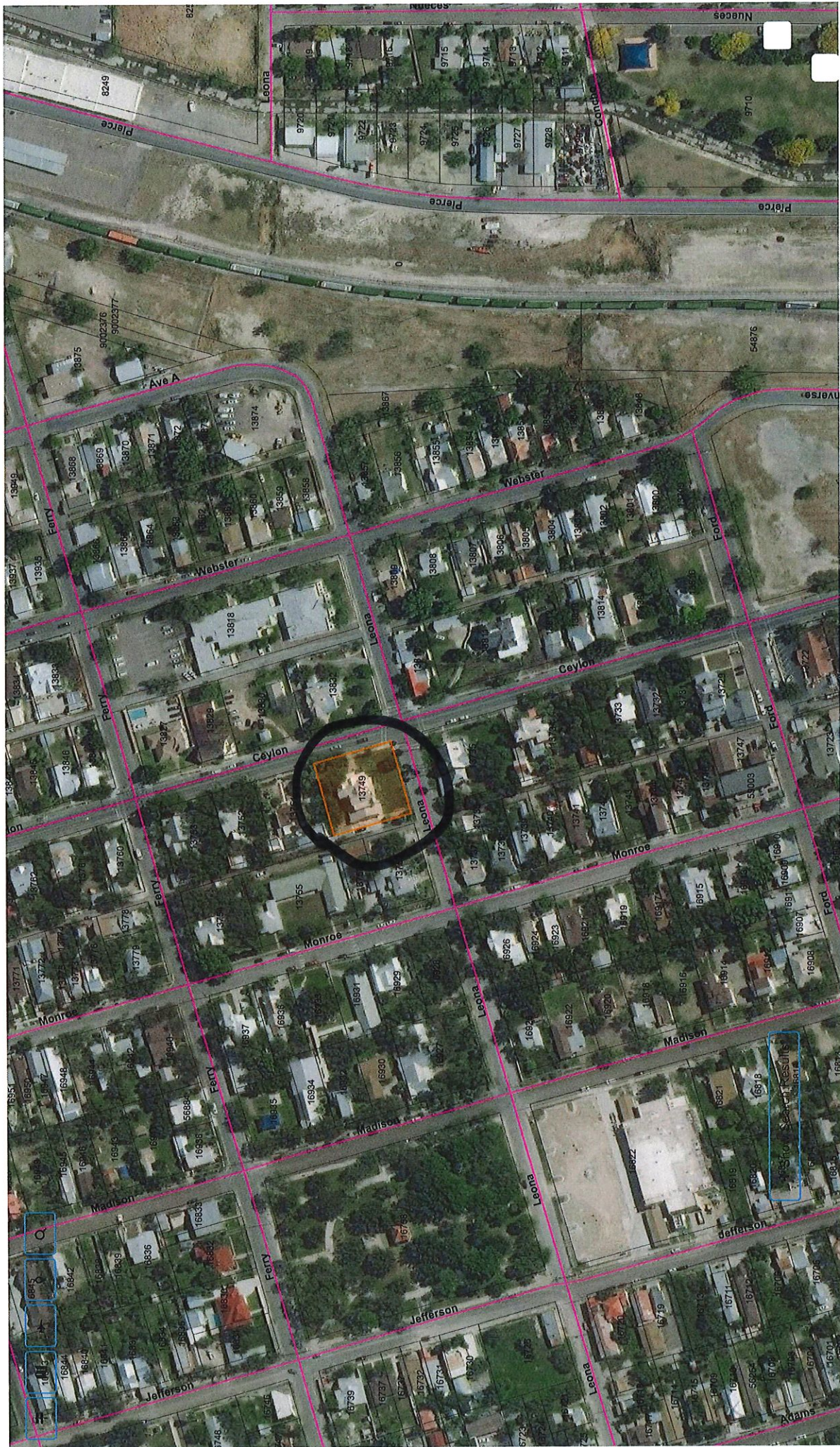






Image capture: Jan 2013 © 2020 Google

