



**Zoning Board of
Adjustment &
Appeals
Regular Meeting
June 3 2020**

AGENDA



**ZONING BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING
WEDNESDAY, JUNE 3, 2020, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONORE 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, June 3, 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 and the May 6, 2020 meeting.

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Mario Mata, for a variance to reduce the rear yard building setback from 25-feet to 0-feet and the side yard building setback from 5-feet to 0-feet, to allow for the construction of a palapa with storage room on property located at 2080 Fox Borough Drive; 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 29, 2020 at 3:30 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

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Ayes: 3

Nays: 0

Absent: Elizondo, Mireles, Perez, and Herrera

ATTEST:

Jesus Diaz-Wever
Acting Chairperson

Ita A. Cortinas
Records Management Specialist

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, May 6, 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: Acting Chairperson, Jesus Diaz-Wever; Board Members, Onesimo Elizondo and Jessica Perez.

Absent: Board Members: Eugenio Mireles, Jr., and Ruben Herrera; and Alternate Board Members, Marisela Rodriguez, and Janina Ayers.

Other staff present: Planning Director, Placido Madera; Assistant Planning Director, Mariebelle Rodriguez; and City Secretary, Imelda B. Rodriguez

With a quorum being present, Acting Chairperson Diaz-Wever called the meeting to order and the Zoning Board of Adjustments and Appeals considered the items as follows.

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. Planning Director, Placido Madera along with City Secretary, Imelda B. Rodriguez responded that there were none submitted via email or telephone.

SELECTION OF CHAIRPERSON

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

SELECTION OF VICE CHAIRPERSON

Motion: To table the selection vice-chairperson
Made: Perez
Second: Elizondo
Ayes: 3

Nays: 0
Absent: Mireles and Herrera

MINUTES

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

Motion: To table minutes.
Made: Perez
Second: Elizondo
Ayes: 3
Nays: 0
Absent: Mireles and Herrera

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.

Acting Chairperson Diaz-Wever opened the public hearing at 5:39 p.m.

Planning Director Madera provided the Board with details on the variance request; he also stated that the resident preformed construction on the property some renovations there were permits submitted for the bulk of the work, but the fence permitting was not included. Mr. Madera stated that the applicant thought he had included the work in this and did also go through the process with the Main Street Board for requesting review for this property since this property falls within the historic district and this work was reviewed and approved and in line with the historic look. Mr. Madera stated that what was left out was the permit request, which the applicant, once he was made aware immediately came and submitted the proper documentation and paid the fees and violation fees and is now going through the process of the variance request due to part of the fence is above 6-feet high. Mr. Madera said notices were sent out to abutting property owners 27 letters were sent out; 2 letters received in favor. He then informed the Board on properties in the surrounding area that also have fences that exceed the 6-feet height and are of a historic nature; and many other cities that currently allow for heights over 6-feet. Mr. Madera informed the Board that the International Building Code and International Residential Code which has the same information regarding permits states that their guidelines do not require or recommend that fences below 7-feet even require a permit. Mr. Madera said the International Building Code is comfortable with cities allowing for the residents to build fences up to 7-feet in height without even obtaining a permit and making sure they follow specs. He stated that 7-feet is a common height and the recommendation from the Planning Department is for approval of this variance request. Mr. Madera stated that the Planning Department will be looking at potentially bring a proposal to the Board as well as to City Council to change our ordinance to the 7-feet to what the

International Building Code stipulates in their guidelines.

Acting Chairperson Diaz-Wever closed the public at 5:47 p.m.

Motion: To approve the variance request submitted by Francisco Martinez III.
Made: Elizondo
Second: Perez
Ayes: 3
Nays: 0
Absent: Mireles and Herrera

ADJOURNMENT

Motion: To adjourn the meeting at 5:48 p.m.
Made: Elizondo
Second: Perez
Ayes: 3
Nays: 0
Absent: Mireles and Herrera

ATTEST:

Jesus Diaz-Wever
Acting Chairperson

Imelda B. Rodriguez
City Secretary

Item #2



Planning Department
Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant: Mario Mata

Location: 2080 Fox Borough Drive

Legal Desc: Lot 3, Block 7, Fox Borough Subdivision Unit 2

MCAD PIN: 8708759

Parcel Size: 7,335-square feet

Existing Use: Residential

Zoning: R-2 Second One-Family Dwelling District

Master Plan: Residential

Request: Reduction of rear yard building setback from 25-feet to 0-feet and the side yard building setback from 5-feet to 0-feet, to allow for the construction of a palapa with storage room.

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.



PLANNING DEPARTMENT

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

VARIANCE APPLICATION (ZBAA)

#3913

Applicant Information	Name: <u>Mario Mata</u>
	Mailing Address: <u>2080 Fox Borough Drive</u>
	Phone: <u>(830) 513-1937</u> E-mail: <u>Mario_3_04@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>Mario Mata</u>
	Mailing Address: <u>2080 Fox Borough Drive</u>
	Phone: <u>(830) 513-1937</u> E-mail: <u>Mario_3_04@yahoo.com</u>

Property Information	Site Address: <u>2080 Fox Borough Drive</u> MCAD Property ID # <u>8708759</u>
	Legal Description: Lot(s) <u>3</u> Block <u>7</u> Subdivision <u>Fox Borough Subdivision Unit #2</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>62.80</u> Rear Yard Width (feet) <u>62.80</u> Side Yard Width (feet) <u>116.81</u>
	<u>R2 Zoning.</u>

Description of Project:

Palapa-type structure with storage room measuring total of 387 square feet.

Detailed Explanation of Variance Request

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

The project is completed yet it is not within the 5-foot setback requirement. To comply with zoning code I would have to take down the project which will cause economic damage/hardship.

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

There are many houses in the neighborhood, and the city of Eagle Pass, that have palapa-type structures that are not within the 5-foot setback.

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?

If I am granted the variance request, it will alleviate the cost of compliance.

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

Yes, my property is on a downhill slope. The placement of the project is where the lot is the flattest, in comparison to the rest of the lot.

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

Yes

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

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?
<u>No</u>

Will your variance materially diminish or impair established property values within the surrounding area?
<u>No, it increases property values. The storage room will be used to keep tools and other objects organized and out of view.</u>

Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?
<u>No</u>

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.  <u>5/7/2020</u> Applicant Signature Date

Office Use	Date Application Accepted for Review: <u>5-7-20</u> By: <u>MLL</u>
	Contact Date for Supplemental Info: <u>NA</u> Supplemental Info Received: <u>NA</u>
	Completeness Review Date: <u>5-8-20</u> By: <u>MLL</u>
	Application Returned to Applicant: <u>NA</u> (when applicable)
	Note: Processing fee will be invoiced along with newspaper publication fee.

MR:9/2016

Maverick CAD

Property Search Results > 8708759 MATA. MARIO E & MARIA G for Year 2020

Tax Year: 2020

Property

Account

Property ID:	8708759	Legal Description:	FOX BOROUGH SUBDIVISION UNIT # 2, BLOCK 7, LOT 3
Geographic ID:	F5002070000300	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Protest

Protest Status:
Informal Date:
Formal Date:

Location

Address:	2080 FOX BOROUGH DRIVE EAGLE PASS, TX 78852	Mapsco:	ENV 296 SIDE B
Neighborhood:		Map ID:	
Neighborhood CD:			

Owner

Name:	MATA. MARIO E & MARIA G	Owner ID:	108855
Mailing Address:	2080 FOX BOROUGH DRIVE EAGLE PASS, TX 78852	% Ownership:	100.000000000000%
		Exemptions:	HS

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

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	1468.7 sqft	Value: N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	F4	ST	2010	1468.7
OP	OPEN PORCH	*		2010	26.5
OP	OPEN PORCH	*		2010	32.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RS	RES SINGLE FAMILY	0.1684	7335.00	0.00	0.00	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	\$111,720	\$40,340	0	152,060	\$0	\$152,060
2018	\$111,720	\$40,340	0	152,060	\$9,511	\$142,549
2017	\$98,780	\$30,810	0	129,590	\$0	\$129,590
2016	\$98,780	\$30,810	0	129,590	\$0	\$129,590
2015	\$98,780	\$30,810	0	129,590	\$0	\$129,590
2014	\$98,780	\$30,810	0	129,590	\$0	\$129,590
2013	\$98,780	\$30,810	0	129,590	\$0	\$129,590
2012	\$97,870	\$30,810	0	128,680	\$0	\$128,680
2011	\$97,870	\$30,810	0	128,680	\$0	\$128,680
2010	\$97,870	\$30,810	0	128,680	\$0	\$128,680
2009	\$0	\$18,480	0	18,480	\$0	\$18,480
2008	\$0	\$13,640	0	13,640	\$0	\$13,640

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	1/20/2017	WD	WARRANTY DEED	MATA, MARIO E	MATA. MARIO E & MARIA G	1623	221	195535
2	12/31/2009	WD-VL	WARRANTY DEED WITH VENDORS LIEN	RUBIO, ALMA	MATA, MARIO E	1216	104	158076
3	10/5/2009	WD	WARRANTY DEED	NAVA DEVELOPMENT, LTD	RUBIO, ALMA	1196	139	156851

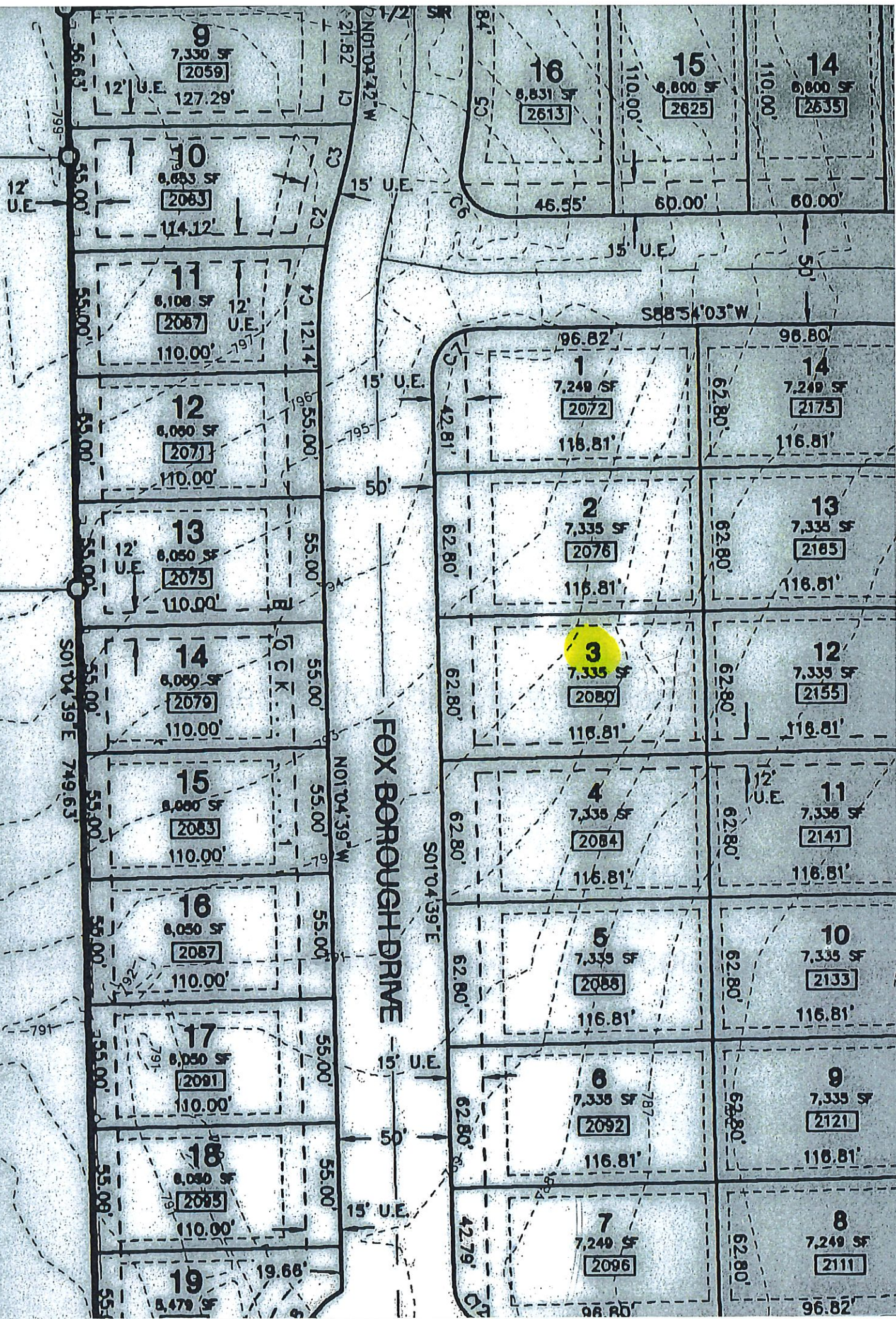
Tax Due

Property Tax Information as of 05/29/2020

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
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NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.





PLANNING DEPARTMENT

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

BUILDING PERMIT APPLICATION – Residential

Permit No. 3891

1. JOB ADDRESS: <u>2080 Fox Borough Drive</u>		MCAD PROPERTY ID NO.: <u>8708759</u>	
2. LEGAL DESCRIPTION	LOT: <u>3</u>	BLOCK: <u>7</u>	SUBDIVISION NAME: <u>Fox Borough Unit #2</u>
3. APPLICANT: ☒ OWNER ☐ CONTRACTOR		APPLICANT NAME OR DBA: <u>Mario Mota</u>	
ADDRESS: <u>2080 Fox Borough Drive</u>			
PHONE NO.: <u>(830) 513-1937</u>		EMAIL: <u>mario_3_04@yahoo.com</u>	
4. CONSTRUCTION INFORMATION:			
☐ New Construction	☐ Addition	☐ Remodeling/Repair	☐ Pool
☐ Palapa	☐ Storage Shed	☐ Garage	☐ Carport
☐ Fill And/Or Grade	☐ Driveway Ord No 2018-01	☐ Other	☐ Demolition
5. SQ. FEET		7. DESCRIBE WORK:	
<u>261 + 124</u>			
<u>385 Total</u>			
6. COST OF PROJECT (Material plus Labor):			
<u>6000</u>			

Building Permit Fees (Fees are based on square footage under roof)

On all buildings, structures or alternations	\$0.40 X	A	square feet		\$	B
Plan Check Fees: Residential \$73					\$	C
New single family and multi-family residential					\$	D
Plan check fees for construction over 1,000 sq. feet 1% of building permit fees (B)					\$	E
Parkland Dedication \$1.00 per 10 square feet under roof					\$	
Base Permit Fee					\$28.00	
Fill and/or Grade					\$43.00	
Certificate of Occupancy					\$40.00	
Curb Cut					\$25.00	
Driveway Ordinance No. 2018-01					\$28.00	
Moving of a building or a structure					\$88.00	
Demolition (structures) Asbestos Survey required for all work except single family residence					\$88.00	
* Doubling of Fee (Fees double if work is started prior to the obtaining of said permit)					\$	
SUBTOTAL					\$	

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF ONE YEAR AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NO THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OR CONSTRUCTION.

[Signature]
SIGNATURE

3/16/2020
DATE

GAI:8/2019

HD by (LV) PR 3-17-2020

	Date Application Received:	By:
	Permit Issuance Date:	By:

Front of house

