



AGENDA

ZONING BOARD OF ADJUSTMENTS AND APPEAL SPECIAL MEETING
WEDNESDAY, OCTOBER 5, 2022, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes for the February 2, 2022, meeting.

PUBLIC HEARING(S)

2. Public hearing on a request submitted by Amelia A. Tibbs, including (1) a variance from *Section 5(c)(2) of City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance)* to reduce the side yard building setback area from 10-feet to 1-foot, and (2) a variance from *Section 12(a)(7)(a) of City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance)* to reduce the required 10-foot separation of an accessory building from the main use building to 7'8", to allow for the construction of a detached carport on property located at 2104 Ricks Drive; closing of public hearing and possible action.
3. Public hearing on a request submitted by Roberto De Leon, for variances from *City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) Section 5(c)(1) and (2)* regulating front and side yards. Applicant seeks to (1) reduce the side yard building setback area from 5-feet to 4-feet, and (2) reduce the front yard building setback area from 25-feet to 18-feet 2 inches, to allow for the remodel of a single-family home located at 962 Evans Avenue; closing of public hearing and possible action.

OLD BUSINESS

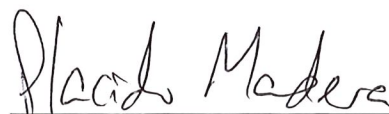
4. Discussion and possible action on revision recommendations for the variance application.

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 September 30, 2022 at 11:50 a.m.



Placido 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, February 2, 2022, 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: Chairperson, Matthew Gary; Vice-Chairperson, Antonio Elizondo; Board Members Priscilla Puente-Chacon; Maria Alejandra Chio, and Alternate Board Member, Janina Ayers.

Absent: Board Member, Julie Mathiwos.

Staff present: Planning Director, Placido Madera; Assistant Planning Director; Mariebelle Rodriguez; City Attorney Representative, Heriberto Morales; and City Secretary, Imelda B. Rodriguez.

A quorum being present Chairperson Gary, called the meeting to order, and the items were considered as follows:

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Board on any item, 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.

1. Training by local FFA Chapter from CC Winn High School and Mrs. Jenny Purcell for Robert's Rules of Orders.

Mrs. Jenny Purcell gave the Board a summary of Robert's Rules of Order along with a demonstration from the FFA Chapter of the Eagle Pass High School.

City Attorney Representative, Heriberto Morales informed Chairman Gary that 80% of the information that was given was in line with the way things are run there are some exceptions and asked if they want to go through them now to be more familiar with them or discuss later. Mr. Morales states this was great guidance, but Robert's Rules of Order are only guidance the City Council has not adopted them. He states the board needs to see themselves as a quasi-judicial body and Section 20 applies to the Board of Adjustments.

City Manager Antuna approached the Board echoing the sentiment of City attorney that the Board is a judicial body.

City Attorney Morales went further into detail on variances.

MINUTES

2. Approval of the minutes for the January 5, 2022, meeting.

Board Member Puente-Chacon noted for the record the corrections to the minutes. City Attorney Morales recommended for future minutes to directly call the City Secretary or the Planning Department with corrections.

Board Member Puente-Chacon moved to approve the minutes with corrections. Seconded by Alternate Board Member Ayers. **MOTION PASSED**- Unanimously

AYES:	Gary, Elizondo, Puente-Chacon, Chio, and Ayers
NAYS:	None
ABSTAINED:	None
ABSENT:	Mathiwos

PUBLIC HEARING(S)

3. Continuation of a public hearing on a variance request submitted by Luis M. Ainslie, (1) to reduce the required landscaping and (2) to allow the backing of vehicles into the street right-of-way on property located at 920 Eidson Road; closing of public hearing and possible action.

Chairperson Gary opened the public hearing at 6:57 p.m.

Planning Director, Placido Madera briefed the Board with details on the variance request to the Board for their consideration.

In response to question posed by Vice-Chairperson Elizondo regarding the required square footage of landscaping on applicants' property, Mr. Madera briefed on this.

Mr. Madera continues with the requirements in Section 23-11 (Variances).

Board Member Puente-Chacon asked if they had followed and obtained the permits as the applicant should have and communicated with the city would they be in this situation they are in now. Mr. Madera briefed on how this scenario came about to comply and once the requirements were explained the issues arose regarding not enough space and not being able to comply and eventually lead to coming to this board for this variance application.

Mr. Madera states that 13 notices were sent out to abutting property owners; 2 in opposition. Applicant has presented new layout and would like this new site layout to be considered, Mr. Madera informed the Board this was provided this evening to him.

Board Member Puente-Chacon questioned why the change and why was it reverted to the plan presented today when city and property owner were so close coming to complying. Mr. Madera states the applicant is present to answer this question.

The applicant, Mr. Ainslie approached the Board stating his case in trying to comply with the city ordinance and reverting to original site plan for the needs of his business.

Board Member Puente-Chacon questioned applicant for dimensions not provided on site plan provided today. Applicant stated approximate dimensions for parking spaces. The Board also questioned the spacing required for parking spaces and adequate maneuvering space, Mr. Madera also interjected that it would be difficult to interpret without the dimensions they would need to be provided to see if there is adequate spacing.

Applicant interjects with scenarios on how customers would possibly exit from parking slots. Board Member Puente-Chacon stated that the site plan provided today is insufficient information to decide. Board Member Chio expressed concerns assuming the customers will exit according to the applicants' scenarios, being this a curve and visibility very difficult. Mrs. Chio noted project was stopped on three occasions without the proper requirements and applicant continued building and now the board is at this point.

Continued discussions between the applicant and Board regarding the new site plans presented today reverting to original site plan. City Attorney Morales requested from the Board to table item to visit with applicant and the Planning Department and City Manager and possibly have a way to resolve this.

At this moment City Attorney Morales, Planning Director Madera, and Mr. Luis M. Ainslie, stepped out of the meeting.

Board Member Puente-Chacon moved to table item. Seconded by Alternate Board Member Ayers.
MOTION PASSED. -Unanimously.

AYES:	Gary, Elizondo, Puente-Chacon, Chio, and Ayers
NAYS:	None
ABSTAINED:	None
ABSENT:	Mathiwos

OTHER BUSINESS

4. Discussion on revision recommendations for the variance application.

Assistant Planning Director, Mariebelle Rodriguez briefed the Board on several applications from different cities that were previously presented and the existing application.

Board Member Puente-Chacon asked regarding the survey requirement being costly for the applicant to obtain one. Ms. Rodriguez states this is required as part of the application site plan or survey and have looked at other cities and still required at the time they submit their building

permit application. Mrs. Puente-Chacon requested on the check list to add site plan and/or survey.

Board Member Puente-Chacon expressed her concerns with the fees being more expensive vs. other cities. It was clarified that it was due to the publication costs in the newspapers Ms. Rodriguez stated they must allocate printing advertising that it required for public hearings. Ms. Rodriguez informed the Board normally the applicant pays fees prior to processing the application. Legal Counsel recommends to not place on agenda if fees are not paid for non-compliance.

A minor discussion ensued among the Board regarding public hearing cost incurred, Board Member Puente-Chacon recommended to add in the application wording to advise the applicant of this fee.

Board Member Puente-Chacon reminded the Planning Department of the addition of the vote on the application of approving or denying. Mr. Madera stated they will add to the updated version. Mrs. Puente-Chacon stress the important of adding wording to application that an incomplete application will not be submitted. Mr. Madera concurred.

Vice-Chairperson Elizondo asked regarding the site plan type. Ms. Rodriguez briefed on application what is depicted for required site plans and up to scale.

Alternate Board Member Ayer excuses herself and leaves the meeting at 7:40 p.m.

Chairperson Gary suggested to table item until revisions are done.

Mr. Madera stated they will bring back the updated version for the Boards review and final approval.

City Attorney Morales recommended rather than table item to incorporate a motion to take into account the changes that have already been discussed with the Planning Department to have a formal direction to Administration.

Board Member Puente-Chacon fully understands legal counsel positions but feels the need to have a draft. City Attorney Morales states they are not asking the Board to authorize the form just to make a motion for Administration to incorporate the changes that were discussed. The Board would vote and brings this item back for final approval.

Mr. Madera for the record stated the revision as follows:

- Board decision signature – portion on application
- Specify the publication fee per required publication
- Application to state that – Incomplete application will not be processed and not be place on agenda
- Specify where to find site plan requirements
- Technical Requirements – Site Plan and/or Survey

Board Member Puente-Chacon moved to instruct the Planning Department and City Administration to incorporate the changes requested into the new variance application and bring forward to the next meeting for action on March 2, 2022. Seconded by Vice-Chairperson Elizondo.

MOTION PASSED-Unanimously.

AYES: Gary, Elizondo, Puente-Chacon, Chio
NAYS: None
ABSTAINED: None
ABSENT: Mathiwas and Ayers

Board Member Puente-Chacon moved to take from the table item 3. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED**-Unanimously.

AYES: Gary, Elizondo, Puente-Chacon, Chio
NAYS: None
ABSTAINED: None
ABSENT: Mathiwas and Ayers

3. Continuation of a public hearing on a variance request submitted by Luis M. Ainslie, (1) to reduce the required landscaping and (2) to allow the backing of vehicles into the street right-of-way on property located at 920 Eidson Road; closing of public hearing and possible action.

City Attorney Morales stated that after visiting with Mr. Ainslie there is a way from looking at the map the applicant can comply with the existing variance as far as all the parking requirements that includes also the landscaping and would do away with the need for him to come for a variance. The applicant is going to submit the engineering plans to the Planning Department that will fully comply with the variance which would do away with having to come for a variance. Mr. Morales informs the Board that this time the recommendation is Planning, and Legal Counsel is to table item to provide Mr. Ainslie with an opportunity to provide right site and engineering plans so the Planning Department can review and make sure there is full compliance and proceed with permit if applicant is in compliance.

There being no further comments from the public Chairperson Gary closed the public hearing at 7:48 p.m.

Board Member Chio moved to table item 3. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED**-Unanimously.

AYES: Gary, Elizondo, Puente-Chacon, Chio
NAYS: None
ABSTAINED: None
ABSENT: Mathiwas and Ayers

5. Discussion and possible action that all legal recommendations from the city attorney must be submitted in writing at least seven days prior to the meeting.

Board Member Puente-Chacon informed the Board for her reasons and concerns for requesting this item. City Attorney Morales interjected with his comments informing that generally all recommendations come from the Planning Department and if they are asked by a board or City Administration, or City Council then they are present at the specific board meeting or item.

Board Member Puente-Chacon suggests having any and all legal recommendations to be submitted 7-days before, if they have any. Mr. Morales states it would make it difficult for the 7-days since there is a 72-hour prior to posting an agenda. The Board bounced ideas on an ideal day to have the recommendation submitted or possibly take an item into executive session.

The Board continues to discuss reviewing of draft agenda to foresee possible hot topics that would need legal counsel.

Board Member Puente-Chacon moved to adopt a rule that if any legal counsel recommendations are required by legal on their own then those be provided by the Monday before the meeting.

After the motion was made Assistant Planning Director Rodriguez asked City Attorney Morales if this was sufficient time for legal.

Mr. Morales than stated that they don't represent the board individually, nor City Manager, nor employees we represent the City of Eagle Pass the City Council is our client. We are at the will of the City Council. He briefs on the contract between the firm and the City of Eagle Pass and structure of the billing. Board Member Puente-Chacon expressed her concern with the fees since a legal representative has been present at every meeting and who is requesting legal at meetings. Mr. Morales stated that he was directed by the City Manager to attend the meetings.

Board Member Puente-Chacon expresses her concerns with legal counsel interjecting during board meeting with recommendations vs. being asking for legal advice. Mr. Morales stated that his legal counsel is instructed to only give legal counsel and not force a client to take it, and this should not be done in open session. He recommends if it were to happen again the legal should ask to go into executive session because legal opinion should not be made part of the public record.

Chairperson Gary suggested to change Monday to 48-hours in case meeting are moved from a Wednesday to Thursday.

Board Member Puente-Chacon moved to 48-hours prior to a board meeting should legal counsel have any recommendations those should be submitted in writing to the Board. Seconded by Board Member Chio. **MOTION PASSED**-Unanimously.

City Attorney Morales clarified only if it were too be unsolicited .

AYES:	Gary, Elizondo, Puente-Chacon, Chio
NAYS:	None
ABSTAINED:	None

ABSENT: Mathiwos and Ayers

6. Discussion and possible action that the city attorney will attend Zoning Board of Adjustments and Appeals meetings only upon the request of the board chairman and a board member.

Board Member Puente-Chacon expressed her concerns with unsolicited advice or going into executive session. Her recommendation is if the Board has a request or there is a hot topic or bring to the attention of the chairperson and a board member and legal to come assist the board on these issues and have something for executive session.

City Manager Antuna approached the Board stating the reason legal counsel was present for newly appointed members to the Planning & Zoning and Zoning Board of Adjustment and Appeals Meetings. Moving forward legal counsel will not be needed and shouldn't be present since boards are the judicial arms and legal counsel will be brought in if need be.

Board Member Puente-Chacon moved that the City Attorney upon request by a board member and the Chairman attend the meetings only upon our request.

City Attorney Morales interjects stating that the board does not have the discretion in doing this, since within the motion it states only upon our request. He then proceeded to give a scenario with a directive from City Manager, legal counsel would not have to comply with motion. City Manager Antuna chimes in stating that if he feels that legal counsel is needed, he will present his case to the chairman and then either or the chairman would advise if legal is needed at this point.

Board Member Puente-Chacon moved that the City Attorney will attend Zoning Board Adjustments and Appeals Meetings only upon the request of a Board Chairperson and Board Member, and/or at the request of the City Manager confer discussing with the Board Chairman. Seconded by Vice-Chairperson Elizondo.

City Attorney Morales recommended to add the City Council, since they answer to them only. City Manager Antuna concurs.

Vice-Chairperson Elizondo moved to amend that the City Attorney will attend Zoning Board Adjustments and Appeals Meetings only upon the request of City Council, Board Chairperson and Board Member, and/or at the request of the City Manager confer discussing with the Board Chairman. Seconded by Board Member Puente-Chacon. **MOTION PASSED**-Unanimously.

AYES: Gary, Elizondo, Puente-Chacon, Chio
NAYS: None
ABSTAINED: None
ABSENT: Mathiwos and Ayers

ADJOURNMENT

Board Member Puente-Chacon moved to adjourn meeting at 8:22 p.m. Seconded by Vice-Person Elizondo. **MOTION PASSED-** Unanimously

Passed and approved on June 1, 2022.

Mathew Gary
Chairperson

ATTEST:

Imelda B. Rodriguez
City Secretary

Item #2



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Case #7913

Applicant: Amelia A. Tibbs **Location:** 2104 Ricks Drive **Property ID:** 17096

Legal Description: Lot 1 in Block 2 of Ricks Addition Unit 3

Parcel Size: 9,600-square feet **Existing Use:** Residential dwelling

Zoning: R-1 *First One-Family Dwelling District* **Master Plan:** Residential

Request: (1) to reduce the side yard building setback area from 10-feet to 1-foot, and (2) to reduce the required 10-foot separation of an accessory building from the main use building to 7'8", to allow for the construction of a detached carport on property located at 2104 Ricks Drive.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by both residential and commercial developments immediately to the rear and entering the subdivision from Del Rio Boulevard.

III. STAFF ANALYSIS

Applicant is requesting to (1) reduce the side yard building setback area from 10-feet to 1-foot, and (2) reduce the required 10-foot separation of an accessory building from the main use building to 7'8", to allow for the construction of a detached carport on property located at 2104 Ricks Drive as shown in **Figure 1**.

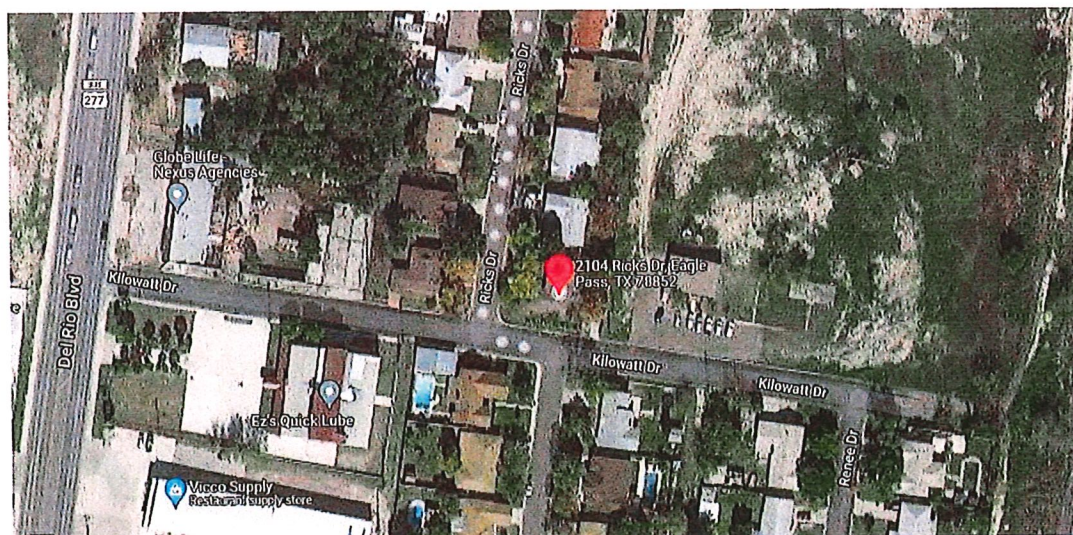


Figure 1. Area Map

The proposed construction measures approximately 522-square feet as shown in the enclosed proposed Site Layout and does not meet the requirements set forth in Appendix A of the Zoning Ordinance. There is an existing visibility concern at the area of the proposed carport. The existing cinder block fence blocks sight visibility for the private property owners when exiting their driveway. The proposed carport will not impact this existing issue. There is another property at this intersection which is violating the side setback. Additionally, the proposed carport poses a fire hazard as the structure will be less than 10 feet from the main residential dwelling. Fire separation for structures may be less than 10 feet in some instances if the construction materials are of non-combustible material.

19 notices were mailed to the abutting property owners within a 200 feet radius of the subject property and as of July 26, 2022, The Planning Department has received one letter in favor.

IV. STAFF RECOMMENDATION

Staff recommends the **DENIAL** of the applicant's variance requests of a reduction to the side yard building setback area from 10 feet to 1 foot and a reduction of the required 10-foot separation of an accessory building from the main use building to 7'8", for property located at 2104 Ricks Drive, as it does not conform with the regulations set forth in:

1. *Section 5(c)(2) of Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*, regulating side yards.
2. *Section 12(c)(7)(a) of Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance*, regulating area and density in the rear yard.



PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepass.tx.us • planning@eaglepass.tx.us

VARIANCE APPLICATION (ZBAA)

Case No. 7913

Applicant Information	Name: <u>Amelia America Tibbs</u>
	Mailing Address: <u>2104 Ricks Drive - Eagle Pass, TX 78852</u>
	Phone: _____ E-mail: <u>luajelle@hotmail.com</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.

Property Owner Information	Name: <u>Amelia America Tibbs</u>
	Mailing Address: <u>2104 Ricks Drive - Eagle Pass, TX 78852</u>
	Phone: <u>(830) 513-1978</u> E-mail: _____

Property Information	Site Address: <u>2104 Ricks Drive</u> MCAD Property ID #: <u>17026</u>
	Legal Description: Lot(s) <u>1</u> Block <u>2</u> Subdivision <u>Picks Unit 3</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>25'</u> Rear Yard Width (feet) <u>20'</u> Side Yard Width (feet) <u>10'</u>

Description of Project:

Project is the construction of a car port / small family recreation area. Materials used for the project would be metal posts of 3" x 3", metal frame - structure, and aluminum shingle roofing. No wood material will be used.

Detailed Explanation of Variance Request

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

The difficulties imposed by the zoning code would be that it considerably shorten the measurements (length and width) of the project's size to a point that it would not be convenient to continue with the car port building project.

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

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?

Yes, it would alleviate direct sunlight rays, rain, hail, and other weather elements from direct contact to my family and I as well as providing protection and shade to our vehicles. Currently there are no trees, cover, or shade protection in the surroundings of the planned project site.

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

Yes, due to the narrow measurements of my property, I truly believe it is necessary of the variance request.

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?

It deprives me as an owner's rights to the beneficial use of property that is caused when a zoning ordinance makes it impossible to receive a reasonable return from property.

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

No, not at all

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

No, there are no houses or neighbors adjacent to my property where the carport area would be built.

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

No, not at all. My carport would be ~~not~~ built inside my property and would not interfere or congest public streets.

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

No, public danger, no fires, or safety concerns during and after the project built.

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

No, not at all. The structure (car port/correction area) would be professionally built with new material and painted accordingly as to flow my house and our neighborhood color scheme.

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

No, I would never build or attempt to build a structure that would impair the health, safety, or welfare of the city of Eagle Pass or others.

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.

Paul Tiller, Sr.
Applicant Signature

7-11-22
Date

Office Use

Date Application Accepted for Review: 6/6/22 By: VB

Contact Date for Supplemental Info: _____ Supplemental Info Received: _____

Completeness Review Date: 7/12/22 By: VB

Application Returned to Applicant: _____ (when applicable)

Note: Processing fee of \$100.00.

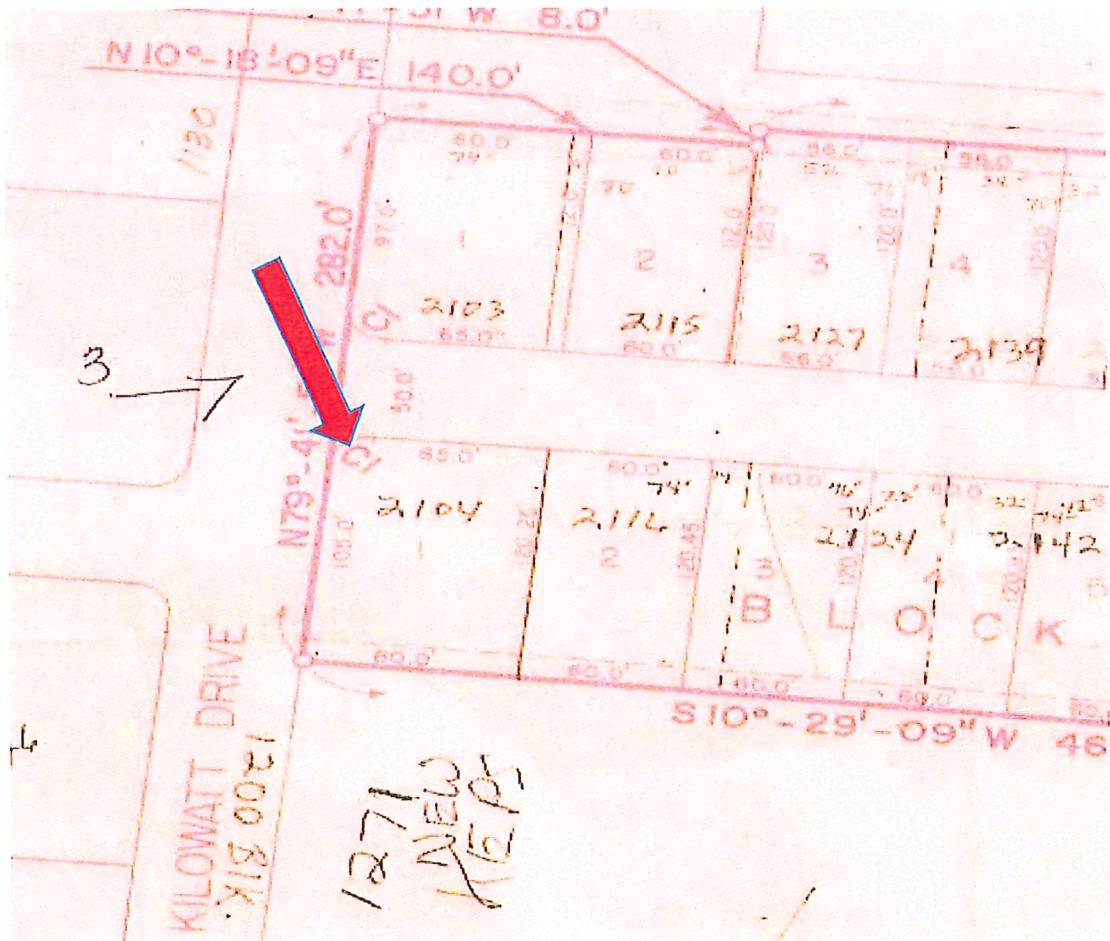
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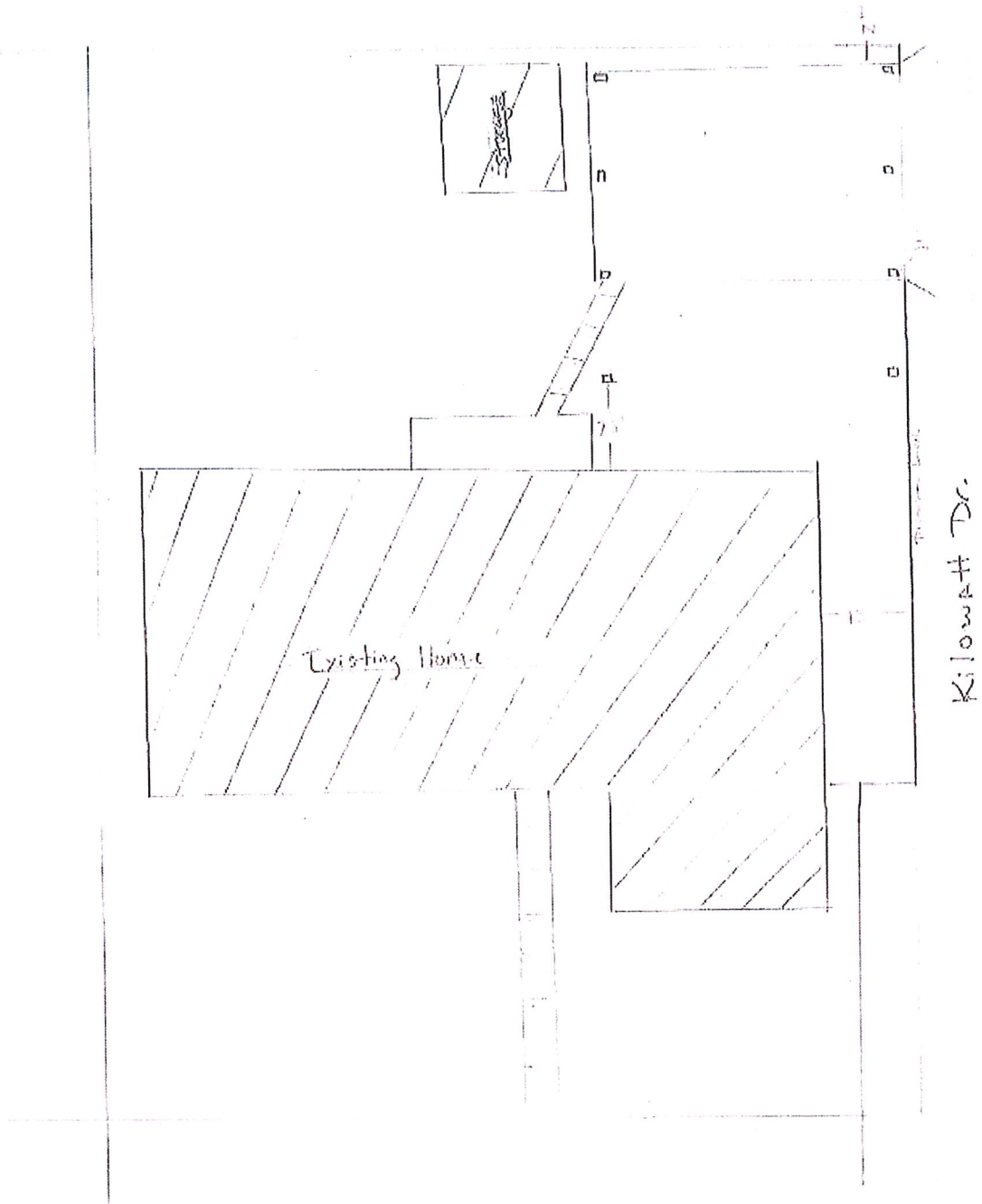
KEPS Radio
Station

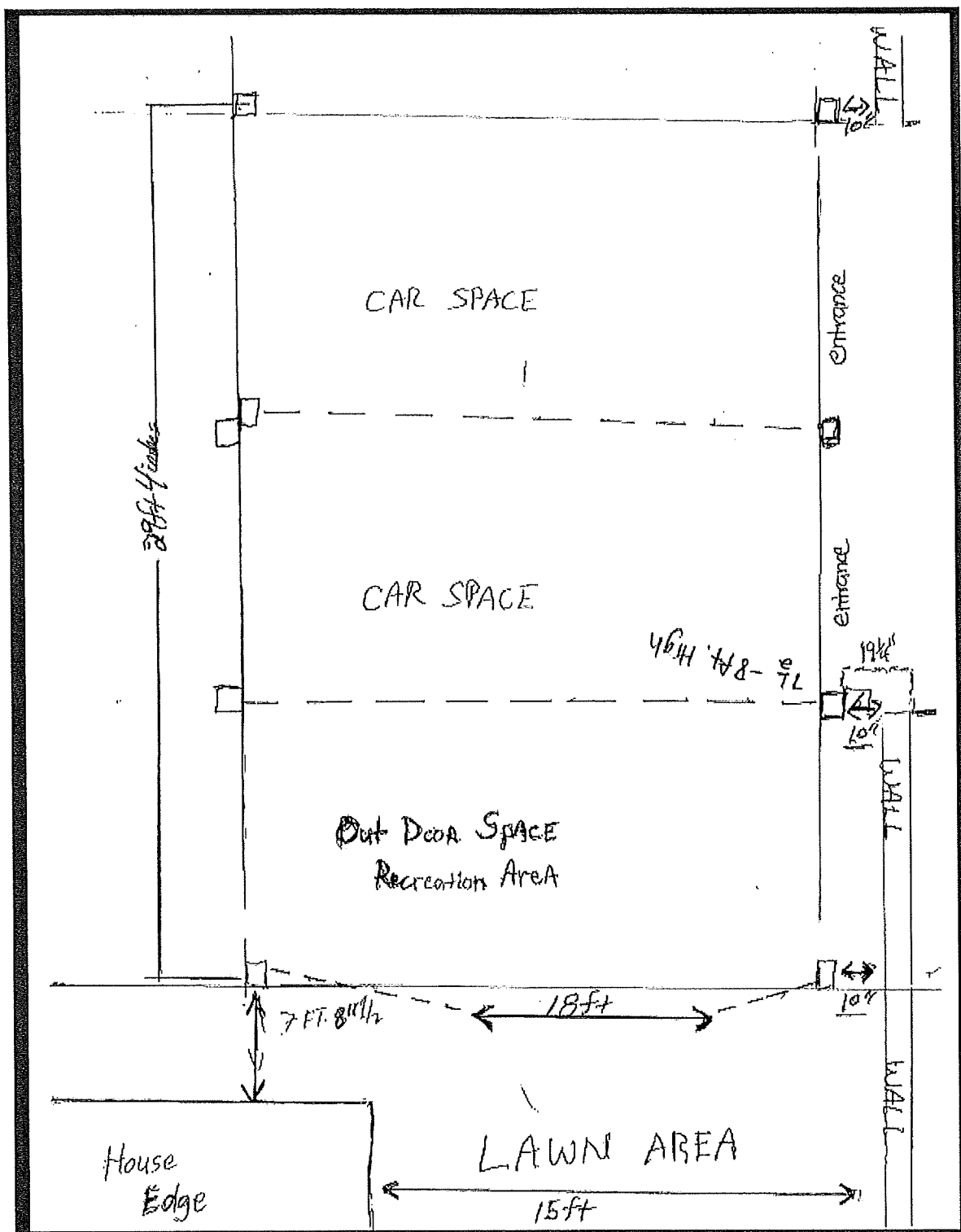


RECORDED PLAT



SITE PLAN

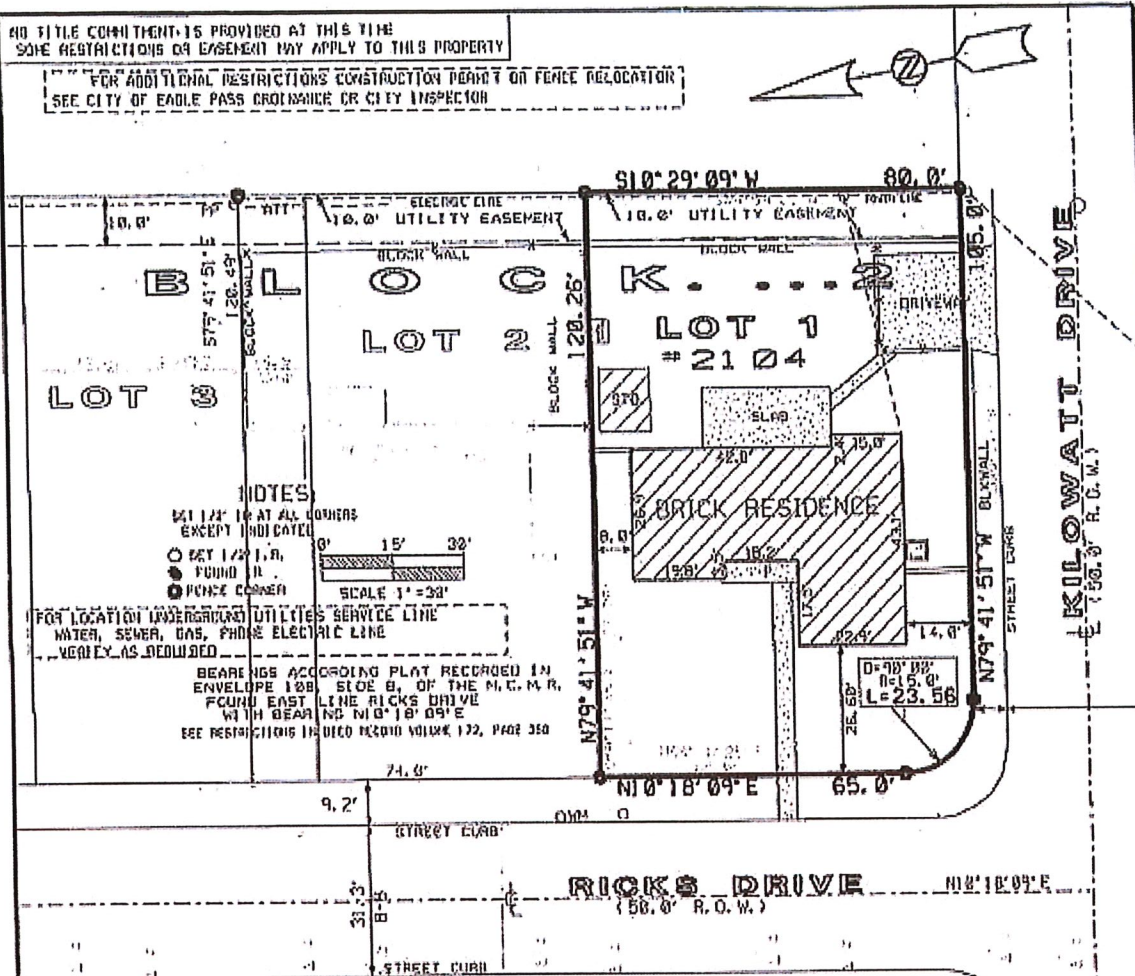




SURVEY

NO TITLE COMMITMENT IS PROVIDED AT THIS TIME
SOME RESTRICTIONS OR EASEMENTS MAY APPLY TO THIS PROPERTY

FOR ADDITIONAL RESTRICTIONS CONSTRUCTION PERMIT OR FENCE RELOCATION
SEE CITY OF EAGLE PASS ORDINANCE OR CITY INSPECTOR



**PROPERTY SURVEY SHOWING IMPROVEMENTS ON LOT 1, BLOCK 2,
RICKS ADDITION UNIT NO. 3, CITY OF EAGLE PASS, MAVERICK COUNTY, TEXAS.**
JULY 2021 ENVELOPE 108, SIDE B SCALE 1"=30'

I, Francisco Gaytan, Registered Professional Land Surveyor, hereby certify that the foregoing plat was prepared from a survey conducted on the ground under my supervision on July 30, 2021 that it correctly shows the boundaries, line and location of said property as shown in Envelope 108, Side B of the Map Records of Maverick County, Texas; and that there are no encroachments, protrusions or conflicts between the improvements and the boundaries of record except as shown above, and said property has access to and from a dedicated roadway, except as shown hereon. And that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A, Condition II, Survey.

This property is not in the 100 year flood plain as published by the Federal Flood Insurance Program.

Paula Tiller

Fra Gay
Francisco Gaytan
Registered Professional Land Surveyor
Texas No. 5474

07/30/2021



Eagle Pass, Texas, 78852
2806 Encino Park Drive

RICHARD N. LANE & ASSOCIATES
CONSULTING LAND SURVEY SERVICES

Phone 830-773-9308
dlvr-e2.gaytan@yahoo.com

Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance Section 5(c)(2) – First One-Family Dwelling District Regulations

Sec. 5. "R-1" First one-family dwelling district.

The following regulations shall apply to the "R-1" First one-family dwelling district:

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Boardinghouse with a conditional-use permit.
 - (3) Church (except temporary revival), with conditional use permit.
 - (4) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning, but shall require a conditional use permit
 - (5) Public parks, playgrounds, golf courses (except miniature golf).
 - (6) Police and fire stations only as required for safety requirements
 - (7) Customary home occupations, as permitted by section 13 (Home Occupations) and with a conditional use permit.
 - (8) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one (1) or more cars. Accessory buildings shall not be used for rent or used for commercial purposes.
 - (9) Temporary sales office.
- B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 12 hereof.
- C. *Area regulations:*
- (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
 - (2) *Side yards.* There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot, side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.
 - (3) *Rear yard.* The depth of the rear yard shall be at least twenty (20) feet in depth.
 - (4) *Depth of lot.* The lot shall have a minimum depth of one hundred ten (110) feet.
- D. *Intensity of use:*
- (1) Every lot or tract of land shall have an area of not less than seven thousand seven hundred (7,700) square feet and an average width of not less than seventy (70) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of the ordinance from which this section is derived and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.
 - (2) Maximum impervious cover for a residential lot in R-1 district is fifty (50) percent. Impervious surfaces include any artificial structures that are covered by water-resistant materials such as: concrete, brick, stone, pavement and rooftops.
- E. *Parking regulations:* Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in Section 12.1, Parking Requirements shall also apply.
- F. *Additional use, height, and area regulations:*
- (1) Additional use, height, and area regulations and exceptions are found in section 12 of this ordinance.
 - (2) Signs:

- (a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat-wise to the building.
- (b) One sign, which shall not exceed eighteen (18) square feet, for church or school.
- (c) One sign which shall not exceed four (4) square feet in area for temporary unlighted sign pertaining to the lease, hire, or sale of building or premises, provided the sign is immediately removed upon the lease, hire, or sale of such building or premises.

Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance Section 12(c)(7)(a) – Additional use, height, and area regulations and exceptions.

Sec. 12. Additional use, height, and area regulations and exceptions.

A. Use regulations:

- (1) *Accessory buildings.* No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.
- (2) *Railroad rights-of-way.* On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad trackage and accessories to railroad movement may be constructed or maintained.

B. Height regulations:

- (1) Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.
- (2) The height regulations established under each zoning category shall not be superseded by this section.
- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Eagle Pass, Texas, provided that in the absence of any such ordinance there shall be no height limitation of these structures.

C. Area and density regulations:

- (1) In a district in which commercial or industrial buildings are built with one (1) or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.
- (2) No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features which may project into such yards a distance of not more than two (2) feet.
- (3) Porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.

- (4) Terraces, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

(5) Front yard.

- (a) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- (b) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
- (i) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or
- (ii) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- (iii) In determining such front yard depth, buildings located entirely on the rear one-half (½) of a lot shall not be counted.

(6) Side yards.

- (a) The minimum width of a side yard of a corner lot in the "R-1," "R-2," and "R-3" Districts shall be not less than ten (10) feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case the side yard need not be more than twenty-five (25) feet.
- (b) A side yard of not less than twenty-five (25) feet on the side of the lot adjoining on an "R-1," "R-2," or "R-3" District shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.
- (c) Where a lot in the "B-1," "B-2," "I," or "F" Districts is not used for residential purposes and abuts upon an "R-1," "R-2," or "R-3" District, a side yard shall be provided of not less than five (5) feet.
- (d) Garages detached or attached to the main use building entering on the side street of a corner lot, shall maintain a minimum side yard of twenty (20) feet in front of the garage.

(7) Rear yard.

- (a) In the "R-1," "R-2," or "R-3" Districts, accessory buildings shall be a minimum of ten (10) feet from the main use building. In the "R-1," "R-2," and "R-3" Districts no accessory building shall be more than one (1) story in height.
- (b) In computing the depth of a rear yard where such yard opens into an alley, one-half (½) of the width of such alley may be assumed to be a portion of the required yard.
- (c) Detached accessory buildings shall be a minimum of five (5) feet from the rear property line.
- (d) Attached accessory buildings shall be a minimum of ten (10) feet from the rear property line.

D. *Miscellaneous regulations:*

(1) Fences.

- (a) Between residential and non-residential uses, a six (6) foot maximum height opaque fence shall be provided to buffer the residential uses from impacts from the non-residential use.
- (b) Fencing shall not be permitted in front yards in "R-1," "R-2," "R-3," "R-3A," and "R-4" Districts.
- (c) Fencing along side yards shall be six (6) foot maximum in height and opaque in nature.

(2) Building materials.

- (a) Within the Central Business District, all buildings facades shall be constructed of materials that are compatible with the historic context of the Central Business District. These materials may include brick, stucco, architectural concrete masonry, or stone. Metal shall not be allowed as a building

veneer surface except for beams, lintels, trim elements and ornamentation. Reflective glass may cover no more than forty (40) percent of any single facade.

- (3) Parkland dedication requirements for all districts shall be as contained in the Parkland Dedication Ordinance.
- (4) For all uses other than single family, duplex or townhouse uses, refuse containers shall be located in an accessible but unobtrusive location on the lot, and shall be screened with an opaque fence or wall.

E. *Yard parking regulations*

(1) *Definitions.*

- a. *Corner lot.* A property located at the intersection or confluence of two (2) or more side streets such that public street rights-of-way are directly adjacent to at least two (2) contiguous sides of the lot.
- b. *Driveway.* The primary improved parking surface which provides egress and ingress from a garage, carport, or off-street parking area to an adjacent street or alley.
- c. *Improved parking surface.* An area that is used by anyone for parking. Said area must be durably surfaced with concrete or asphalt, as set forth in the City of Eagle Pass Construction Specifications.
- d. *Front yard.* Front yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(38).
- e. *Rear yard.* Rear yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(39).
- f. *Side yard.* Side yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(40).
- g. *Vehicle.* A device in, or upon which any person or property is or may be transported or drawn or moved upon a street or highway, and shall include any automobile, truck, motorcycles, scooters, mopeds, and all-terrain vehicles. This definition does not include non-motorized bicycles, small engine lawn mowers, and/or antique farm equipment of a decorative nature.

- (2) *Yard parking regulations:* Parking on unimproved surfaces is prohibited by this section. A person commits an offense if, upon any lot in any zoning district, the person causes, permits, or allows the parking or storage of any vehicle in the front yard, side yard, and/or rear yard upon any surface other than an improved parking surface. It is presumed that the registered owner of the vehicle or the registered owner of the property is the person who parked, caused, or permitted the vehicle or equipment to be parked in violation of this article.

Exceptions: It is an affirmative defense to prosecution for the parking of vehicles at an existing residence on an unimproved driveway or unimproved parking area where such unimproved driveway or unimproved parking area existed before the effective date of the ordinance from which this section is derived; however, the existing unimproved driveway or unimproved parking area shall be maintained in a fashion that will support vehicular traffic, not allow grass, weeds or other vegetation to grow in the unimproved driveway or unimproved parking area.

- (a) An unimproved driveway and an unimproved parking area, which are located in a street yard or a side yard shall be considered as nonconforming uses and subject to the regulations regarding nonconforming uses in section 12-2. Specifically, such unimproved driveway or unimproved parking area shall not be extended or expanded, nor changed except to an improved driveway, an improved surface used for parking, or an unimproved surface.
- (b) If the building or structure that is served by the unimproved driveway is damaged or destroyed to an extent greater than fifty (50) percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), and if such building or structure is repaired or replaced, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.
- (c) If the building or structure that is served by the unimproved driveway is increased by twenty-five (25) percent or more in the square footage, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.
- (d) Upon the change of ownership of a property, the unimproved driveway or unimproved parking area shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway within ninety (90) days of the transfer of ownership.

- (3) *Certain vehicles prohibited:* No boat, trailer, camper trailer, motor home, or other recreational vehicle shall be parked or stored within the required front yard building setback area. In the R-1 District, the R-2 District, the R-3 District, and the R-3(A) District, the parking or storage of such licensed vehicles is limited to the rear yard only, and is limited to a maximum of one (1) licensed pleasure boat and one (1) unoccupied licensed trailer or licensed motor home designed for recreational use not to exceed twenty-four (24) feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.
- (4) *Enforcement:* Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day a violation of this article shall continue shall constitute a separate offense.

Item #3



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Case #8127

Applicant: Roberto De Leon

Location: 962 Evans Ave

Property ID: 8830

Legal Description: Ella Heights, Lot 44

Parcel Size: 7,137-square feet

Existing Use: Residential dwelling

Zoning: R-1 *First One-Family Dwelling District*

Master Plan: Residential

Request: variance requests from *City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) Section 5(c)(1) and (2)* regulating front and side yards. Applicant seeks to (1) reduce the side yard building setback area from 5-feet to 4-feet, and (2) reduce the front yard building setback area from 25-feet to 18-feet 2 inches, to allow for the remodel of a single-family home located at 962 Evans Avenue.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

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

III. STAFF ANALYSIS

Applicant is requesting to (1) reduce the side yard building setback area from 5-feet to 4-feet, and (2) reduce the front yard building setback area from 25-feet to 18-feet 2 inches, to allow for the remodel of a home located at 962 Evans Avenue as shown in **Figure 1**.

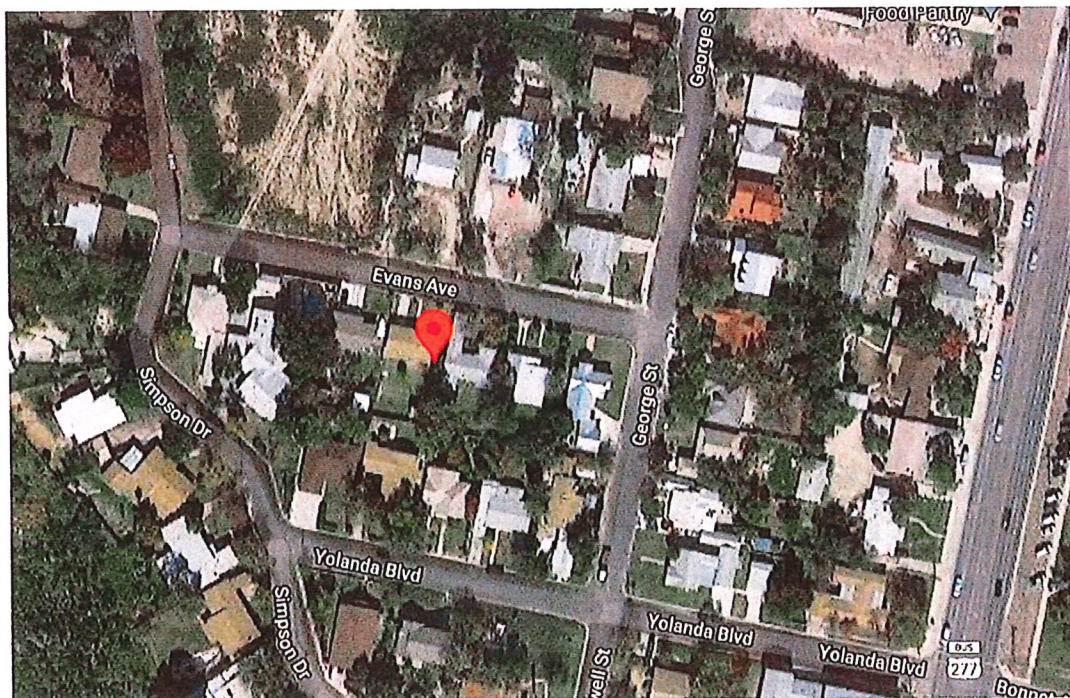


Figure 1. Area Map

The proposed construction as shown in the enclosed proposed Site Layout does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly Section 5(c)(1) regulating front yard area regulations as it exceeds the required 25 feet. Although the construction will conform with all applicable building the Planning Department is concerned with the disruption of the neighborhood character that comes with this request and that no other property within the immediate vicinity has encroached or failed to observe a front yard.

The side yard building setback area is considered legal nonconforming as the home was built before said regulation was adopted by the City of Eagle Pass.

24 notices were mailed to the abutting property owners within a 200 feet radius of the subject property and as of August 31, 2022 the Planning Department has not received any letters in favor, opposition or returned as undeliverable.

IV. STAFF RECOMMENDATION

Staff recommends (1) the **APPROVAL** of the applicant's variance request of a reduction to the side yard building setback area from 5 feet to 4 feet, and (2) to **DENY** the request to reduce the front yard building setback area from 25-feet to 18-feet 2 inches, for property located at 962 Evans Drive, as it does not conform with the regulations set forth in *Section 5(c)(1) of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance)*.



PLANNING DEPARTMENT

3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7803
www.eaglepasstx.us • planning@eaglepasstx.us

VARIANCE APPLICATION (ZBAA)

Case No. 8127

Applicant Information	Name: <u>Roberto De Leon</u>
	Mailing Address: <u>962 Evans</u>
	Phone: <u>(830) 513-8289</u> E-mail: <u>rob53mcs0@hotmail.com</u>
	<u>Note:</u> If you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.

Property Owner Information	Name: <u>Roberto De Leon</u>
	Mailing Address: <u>962 Evans</u>
	Phone: <u>(830) 513-8289</u> E-mail: <u>rob53mcs0@hotmail.com</u>

Property Information	Site Address: <u>962 Evans</u> MCAD Property ID # <u>8830</u>
	Legal Description: Lot(s) <u>44</u> Block _____ Subdivision <u>Ella Heights</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>60.9</u> Rear Yard Width (feet) <u>60.9</u> Side Yard Width (feet) <u>117.35</u>

Description of Project:

Remodeling of a single family home

Detailed Explanation of Variance Request

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

Using the existing structure that is already on the property

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

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?

Using the existing structure that is already on the property and water flows from other property to my back yard.

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

Yes my property is lower than the property to the right and when it rains the water runs to my back yard.

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

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 but it will Increase in value.

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.

R. R. -
Applicant Signature

7-18-22
Date

Office Use

Date Application Accepted for Review: 7-18-22 2:54pm By: MM

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

Completeness Review Date: 7-18-22 By: MM

Application Returned to Applicant: NA (when applicable)

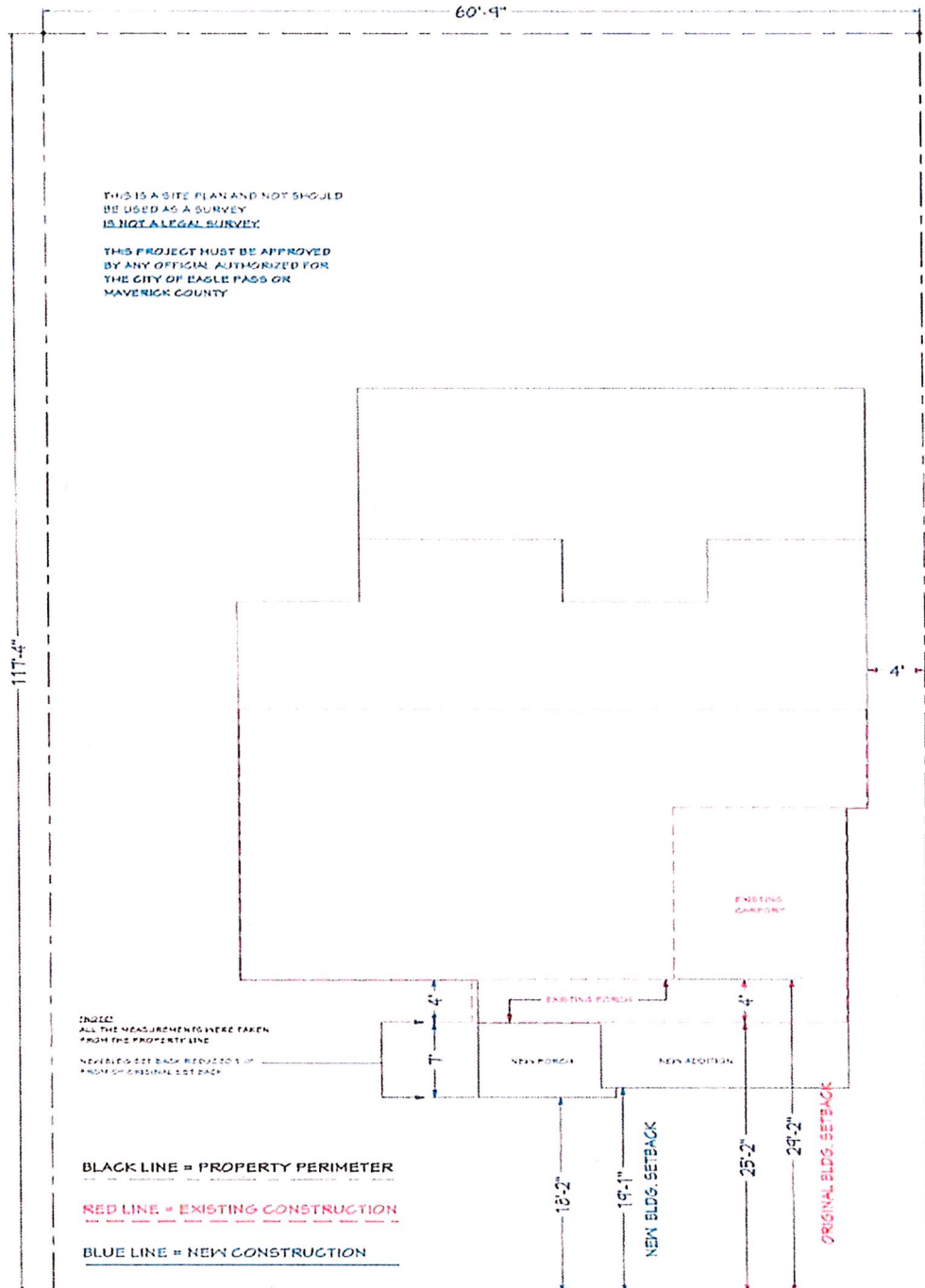
Note: Processing fee of \$100.00. ✓ MM

MR:6/2020





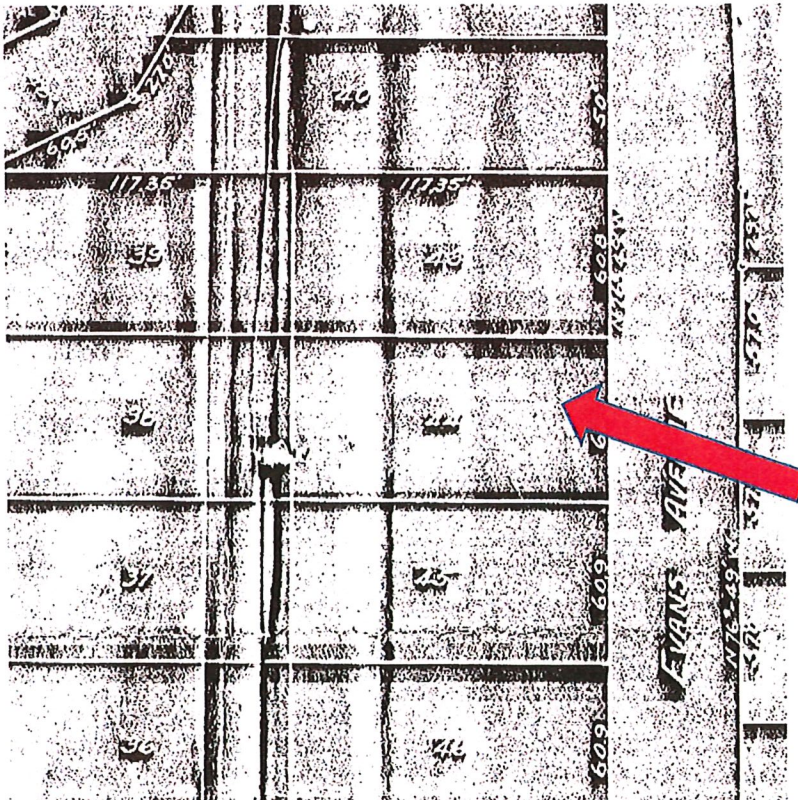
SITE PLAN



Legacy Map



Recorded Plat: Envelope 220, Side 1 (Filed 6/9/1947)



Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance Section 5(c)(2) – First One-Family Dwelling District Regulations

Sec. 5. "R-1" First one-family dwelling district.

The following regulations shall apply to the "R-1" First one-family dwelling district:

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Boardinghouse with a conditional-use permit.
 - (3) Church (except temporary revival), with conditional use permit.
 - (4) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning, but shall require a conditional use permit
 - (5) Public parks, playgrounds, golf courses (except miniature golf).
 - (6) Police and fire stations only as required for safety requirements
 - (7) Customary home occupations, as permitted by section 13 (Home Occupations) and with a conditional use permit.
 - (8) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one (1) or more cars. Accessory buildings shall not be used for rent or used for commercial purposes.
 - (9) Temporary sales office.
- B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 12 hereof.
- C. *Area regulations:*
- (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
 - (2) *Side yards.* There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot, side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.
 - (3) *Rear yard.* The depth of the rear yard shall be at least twenty (20) feet in depth.
 - (4) *Depth of lot.* The lot shall have a minimum depth of one hundred ten (110) feet.
- D. *Intensity of use:*
- (1) Every lot or tract of land shall have an area of not less than seven thousand seven hundred (7,700) square feet and an average width of not less than seventy (70) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of the ordinance from which this section is derived and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.
 - (2) Maximum impervious cover for a residential lot in R-1 district is fifty (50) percent. Impervious surfaces include any artificial structures that are covered by water-resistant materials such as: concrete, brick, stone, pavement and rooftops.
- E. *Parking regulations:* Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in Section 12.1, Parking Requirements shall also apply.
- F. *Additional use, height, and area regulations:*
- (1) Additional use, height, and area regulations and exceptions are found in section 12 of this ordinance.
 - (2) Signs:

- (a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat-wise to the building.
- (b) One sign, which shall not exceed eighteen (18) square feet, for church or school.
- (c) One sign which shall not exceed four (4) square feet in area for temporary unlighted sign pertaining to the lease, hire, or sale of building or premises, provided the sign is immediately removed upon the lease, hire, or sale of such building or premises.

Eagle Pass Code of Ordinances Appendix A – Zoning Ordinance Section 12(c)(7)(a) – Additional use, height, and area regulations and exceptions.

Sec. 12. Additional use, height, and area regulations and exceptions.

A. Use regulations:

- (1) *Accessory buildings.* No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.
- (2) *Railroad rights-of-way.* On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad trackage and accessories to railroad movement may be constructed or maintained.

B. Height regulations:

- (1) Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.
- (2) The height regulations established under each zoning category shall not be superseded by this section.
- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Eagle Pass, Texas, provided that in the absence of any such ordinance there shall be no height limitation of these structures.

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- (1) In a district in which commercial or industrial buildings are built with one (1) or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.
- (2) No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features which may project into such yards a distance of not more than two (2) feet.
- (3) Porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.

- (4) Terraces, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

(5) Front yard.

- (a) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
- (b) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
- (i) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or
- (ii) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- (iii) In determining such front yard depth, buildings located entirely on the rear one-half ($\frac{1}{2}$) of a lot shall not be counted.

(6) Side yards.

- (a) The minimum width of a side yard of a corner lot in the "R-1," "R-2," and "R-3" Districts shall be not less than ten (10) feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case the side yard need not be more than twenty-five (25) feet.
- (b) A side yard of not less than twenty-five (25) feet on the side of the lot adjoining on an "R-1," "R-2," or "R-3" District shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.
- (c) Where a lot in the "B-1," "B-2," "I," or "F" Districts is not used for residential purposes and abuts upon an "R-1," "R-2," or "R-3" District, a side yard shall be provided of not less than five (5) feet.
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- (b) In computing the depth of a rear yard where such yard opens into an alley, one-half ($\frac{1}{2}$) of the width of such alley may be assumed to be a portion of the required yard.
- (c) Detached accessory buildings shall be a minimum of five (5) feet from the rear property line.
- (d) Attached accessory buildings shall be a minimum of ten (10) feet from the rear property line.

D. *Miscellaneous regulations:*

(1) Fences.

- (a) Between residential and non-residential uses, a six (6) foot maximum height opaque fence shall be provided to buffer the residential uses from impacts from the non-residential use.
- (b) Fencing shall not be permitted in front yards in "R-1," "R-2," "R-3," "R-3A," and "R-4" Districts.
- (c) Fencing along side yards shall be six (6) foot maximum in height and opaque in nature.

(2) Building materials.

- (a) Within the Central Business District, all buildings facades shall be constructed of materials that are compatible with the historic context of the Central Business District. These materials may

include brick, stucco, architectural concrete masonry, or stone. Metal shall not be allowed as a building veneer surface except for beams, lintels, trim elements and ornamentation. Reflective glass may cover no more than forty (40) percent of any single facade.

- (3) Parkland dedication requirements for all districts shall be as contained in the Parkland Dedication Ordinance.
- (4) For all uses other than single family, duplex or townhouse uses, refuse containers shall be located in an accessible but unobtrusive location on the lot, and shall be screened with an opaque fence or wall.

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- c. *Improved parking surface.* An area that is used by anyone for parking. Said area must be durably surfaced with concrete or asphalt, as set forth in the City of Eagle Pass Construction Specifications.
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- e. *Rear yard.* Rear yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(39).
- f. *Side yard.* Side yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(40).
- g. *Vehicle.* A device in, or upon which any person or property is or may be transported or drawn or moved upon a street or highway, and shall include any automobile, truck, motorcycles, scooters, mopeds, and all-terrain vehicles. This definition does not include non-motorized bicycles, small engine lawn mowers, and/or antique farm equipment of a decorative nature.

- (2) *Yard parking regulations:* Parking on unimproved surfaces is prohibited by this section. A person commits an offense if, upon any lot in any zoning district, the person causes, permits, or allows the parking or storage of any vehicle in the front yard, side yard, and/or rear yard upon any surface other than an improved parking surface. It is presumed that the registered owner of the vehicle or the registered owner of the property is the person who parked, caused, or permitted the vehicle or equipment to be parked in violation of this article.

Exceptions: It is an affirmative defense to prosecution for the parking of vehicles at an existing residence on an unimproved driveway or unimproved parking area where such unimproved driveway or unimproved parking area existed before the effective date of the ordinance from which this section is derived; however, the existing unimproved driveway or unimproved parking area shall be maintained in a fashion that will support vehicular traffic, not allow grass, weeds or other vegetation to grow in the unimproved driveway or unimproved parking area.

- (a) An unimproved driveway and an unimproved parking area, which are located in a street yard or a side yard shall be considered as nonconforming uses and subject to the regulations regarding nonconforming uses in section 12-2. Specifically, such unimproved driveway or unimproved parking area shall not be extended or expanded, nor changed except to an improved driveway, an improved surface used for parking, or an unimproved surface.
- (b) If the building or structure that is served by the unimproved driveway is damaged or destroyed to an extent greater than fifty (50) percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), and if such building or structure is repaired or replaced, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.
- (c) If the building or structure that is served by the unimproved driveway is increased by twenty-five (25) percent or more in the square footage, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.

- (d) Upon the change of ownership of a property, the unimproved driveway or unimproved parking area shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway within ninety (90) days of the transfer of ownership.
- (3) *Certain vehicles prohibited:* No boat, trailer, camper trailer, motor home, or other recreational vehicle shall be parked or stored within the required front yard building setback area. In the R-1 District, the R-2 District, the R-3 District, and the R-3(A) District, the parking or storage of such licensed vehicles is limited to the rear yard only, and is limited to a maximum of one (1) licensed pleasure boat and one (1) unoccupied licensed trailer or licensed motor home designed for recreational use not to exceed twenty-four (24) feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.
- (4) *Enforcement:* Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day a violation of this article shall continue shall constitute a separate offense.

Item #4



City of Eagle Pass
Planning Department
Zoning Board of

Adjustment to Eagle Pass Zoning Ordinance

3295 Bob Rogers Drive
Eagle Pass, TX 78852
(830) 773-7781
planning@eaglepasstx.us
eaglepasstx.us

Project	Legal Description _____ _____ Street Address _____ Acres _____ Square feet _____ Existing land use _____
Owner	Name _____ Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____
Applicant If not owner	Name _____ Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes ____ No ____ I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. Signature _____ Date _____ Print Name _____ ☐ Applicant ☐ Authorized Agent

Board Action	Description:
	Board Chairman Signature _____ Date _____
Office	Accepted by _____ Payment received by _____ Date _____ Zoning _____ Case No. _____

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

- | | |
|--|--|
| | Development Application signed by owner or notarized affidavit |
| | This checklist (signed by applicant/representative) |
| | One set of plans prepared in accordance with Building Permit Application |

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS Any application that is missing information will be considered incomplete and will not be processed.	
			1	A site plan and/or survey of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information or site plan.
			2	Photos or additional information deemed appropriate for justification.
			3	Application Fee of \$100.00 (money order or check made out to City of Eagle Pass) plus the Publication Fee of <u>approximately</u> \$450.00. Publication fees will be invoiced and required to be paid before the meeting date. These fees are non-refundable.
			4	Owner authorization letter, if application submitted by individual other than the property owner.
			5	Copy of the warranty deed or copy of a purchase contract.
			6	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
			7	Photographs of the site and or project.
			8	Construction Plans. Please reference the second page of the building permit application for site plan requirements.

Applicant Acknowledgment _____

Date _____

For Contact information review final page.

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request:

Explain:

For each question, check yes or no and provide a detailed explanation.

1. Are there any special circumstances or conditions affecting the land involved such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land?

Yes [] No []

Explain:

2. Is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Yes [] No []

Explain:

3. Could the granting of the variance be detrimental to the public health, safety or welfare, or injurious to other property in the area?

Yes [] No []

Explain:

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter?

Yes [] No []

Explain:
