

AGENDA



**ZONING BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING
WEDNESDAY, APRIL 7, 2021, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

PURSUANT TO SECTION 551.125(b); 551.127(b)(g); 551.007 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, APRIL 7, 2021 FROM 2:00 P.M. TO 4:00 P.M. AT 830-773-1111 OR SEND EMAIL TO irodriguez@eaglepasstx.us.

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the November 4, 2020 meeting and the January 6, 2021 meeting.

PUBLIC HEARING(S)

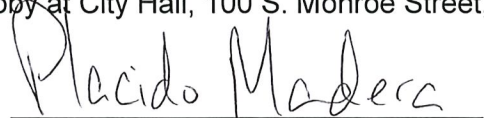
2. Public hearing on a variance request submitted by Jose A. Sarabia, to reduce the required front yard building setback area from 25-feet to 17-feet, to allow for the construction of a porch roof extension, on property located at 1510 George Street; closing of public hearing and possible action.
3. Public hearing on a variance request submitted by Armando Palomo, to reduce the required front yard building setback area from 25-feet to 8'6" (eight feet, 6 inches), to allow for the construction of an attached carport, on property located at 1505 Cristin 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 April 1, 2021 at 2:30 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, November 4, 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: Vice-Chairperson, Ruben Herrera; Board Members: Jessica Perez and Onesimo Elizondo

Absent: Chairperson, Eugenio Mireles, Jr., and Board Member, Jesus Diaz-Wever

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

With a quorum being present, Vice-Chairperson Herrera 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.

There were not any citizens communication forms submitted.

MINUTES

1. Approval of the minutes of the October 7, 2020 meeting.

Motion: To approve the minutes as presented.
Made: Elizondo
Second: Perez
Ayes: 3
Nays: 0
Absent: Mireles, and Diaz-Wever

PUBLIC HEARING(S)

2. Public hearing on a variance request submitted by Norberto Herrera, to reduce the front yard building setback area from 25-feet to 15-feet to allow for the construction of an attached carport, on a property located at 2354 Darlene Street; closing of public hearing and possible action.

Vice-Chairperson Herrera opened the public hearing at 5:52 p.m. and invited the public to express their comments.

Planning Director, Placido Madera provided the Board with details on the variance request and recommends approval.

There were no more comments from the public. Therefore, Vice-Chairperson Herrera closed the public at 5:57 p.m.

Motion: To approve the variance request, as presented.
Moved: Perez
Second: Elizondo
Ayes: 3
Nays: 0
Absent: Mireles, and Diaz-Wever

3. Public hearing on a variance request submitted by Antonio Cantu, to reduce the required front yard building setback area from 25-feet to 0-feet to allow for the construction of a 6-foot fence, on property located at 2213 Del Rio Boulevard; closing of public hearing and possible action.

Vice-Chairperson Herrera opened the public hearing at 5:5 p.m. and invited the public to express their comments.

Mr. Madera provided the Board with details on the variance request and recommends denial of the request, or approval, with the condition that the fencing is changed or lowered to 36 inches, so as not to obstruct visibility.

There were no more comments from the public. Therefore, Vice-Chairperson Herrera closed the public at 6:08 p.m.

Motion: To approve the variance request, with the condition that the fencing is changed with any of the conditions mentioned; anything that does not obstruct visibility.
Move: Perez
Second: Elizondo
Ayes: 3
Nays: 0
Absent: Mireles, and Diaz-Wever

ADJOURNMENT

Motion: To adjourn the meeting at 6:15 p.m.
Move: Elizondo
Second: Perez

Zoning Board of Adjustments and Appeals Regular Meeting

November 4, 2020

Page 3

Ayes: 3

Nays: 0

Absent: Mireles, and Diaz-Wever

ATTEST:

Ruben Herrera
Vice-Chairperson

Ita A. Cortinas
Records Management Specialist

The set of minutes for the January 6, 2021 meeting will be emailed by the City Secretary Department.

Item #2



Planning Department

Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant: Jose A. Sarabia Case #5587
Location: 1510 George Street
Legal Desc: Lot 19, (West 135 feet), Ella Heights
MCAD PIN: 8810
Parcel Size: 6,750-square feet
Existing Use: Residential dwelling
Zoning: R-1 First One-Family Dwelling District
Master Plan: Residential
Request: Reduction of front yard building setback from 25 feet to 17 feet for the construction of a porch roof extension.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises
Vegetation: residential landscape
Vicinity: Property is bordered by residential and commercial developments.

III. STAFF ANALYSIS

Applicant is requesting a front yard building setback reduction from 25 feet to 17 feet to accommodate the construction of a porch roof extension at property located at George Street as shown in Figure 1.



Figure 1. Area Map

The proposed construction measures approximately 321-square feet as shown in the attached proposed Site Layout. Although the construction will conform with all applicable building codes it does not meet the requirements set forth in the Zoning Ordinance. Planning staff is concerned with the disruption of the neighborhood character that comes with this request.

11 notices were mailed to the abutting property owners within a 200 feet radius of the subject property.

Staff Recommendation

Staff recommends the **DENIAL** of the applicant's variance request of a reduction to the front yard building setback from 25 feet to 17 feet, for property located at 1510 George Street.



PLANNING DEPARTMENT

3296 Bob Rogers Drive, Eagle Pass, Texas 78852 • Telephone: (830) 773-7781 • Fax: (830) 773-7603
www.eaglepass.tx.us • planning@eaglepass.tx.us

VARIANCE APPLICATION (ZBAA)

Case No. 5587

Applicant Information	Name: <u>Jose A. Sarabia</u>
	Mailing Address: <u>1510 George Street, Eagle Pass, TX 78852</u>
	Phone: <u>(830)776-2906</u> E-mail: <u>jsarabia1@outlook.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>Jose A. Sarabia</u>
	Mailing Address: <u>1510 George Street, Eagle Pass, TX 78852</u>
	Phone: <u>(830)776-2906</u> E-mail: <u>jsarabia1@outlook.com</u>

Property Information	Site Address: <u>1510 George Street, Eagle Pa</u>	MCAD Property ID #: _____
	Legal Description: Lot(s) <u>19</u> Block <u>W13E</u> Subdivision <u>Elita Heights</u>	
	(Property must be legally subdivided or on lot of record)	
	Front Yard Width (feet) <u>50 ft</u> Rear Yard Width (feet) <u>150 ft</u> Side Yard Width (feet) _____	

Description of Project:

Porch roof extension.

Detailed Explanation of Variance Request

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

Extension is within the 25 foot zoning code.

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

Request is to comply with zoning code permits.

RECEIVED
3-3-21 PM
via email

How will the granting of the variance not merely serve as a convenience to you, but will alleviate some demonstrable hardship or difficulty so great as to warrant the variance?
The extension will help keep water from coming into the house through the front door when it rains.

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

No.

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

No.

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

If water continues to get into the house it could cause the wood to rot and create mold which could be hazardous to the family.

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.

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.

Joan Sarabia
Applicant Signature

3/3/2021

Date

Office Use

Date Application Accepted for Review 3-3-21 By W

Contact Date for Supplemental Info NA Supplemental Info Received NA

Completeness Review Date 3-3-21 By W

Application Returned to Applicant NA (when applicable)

Note: Processing fee of \$100.00 paid check # 7252

MM/YY/XX

Property

Account

Property ID:	8810	Legal Description:	ELLA HEIGHTS, LOT 19, (WEST 135FT)
Geographic ID:	E7000000001900	Zoning:	R1
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	1510 GEORGE ST EAGLE PASS, TX 78852	Mapsco:	
Neighborhood:		Map ID:	
Neighborhood CD:			

Owner

Name:	SARABIA, JOSE & ROSA	Owner ID:	21346
Mailing Address:	1510 GEORGE ST EAGLE PASS, TX 78852	% Ownership:	100.0000000000%

Improvement / Building

Improvement #1:	RESIDENTIAL	State Code:	A1	Living Area:	2040.0 sqft	Value: \$105,060
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
MA	MAIN AREA	M3P	BV	1987	1414.0	
OP	OPEN PORCH	*		1987	9.0	
STG	STORAGE	*		1987	63.0	
MA3	1/2 STORY	*		1987	626.0	
BALC	BALCONY	*		1987	104.0	
STGF	STORAGE FRAME	*		1995	144.0	

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RS	RES SINGLE FAMILY	0.1550	6750.00	50.00	135.00	\$27,000	\$0

Roll Value History

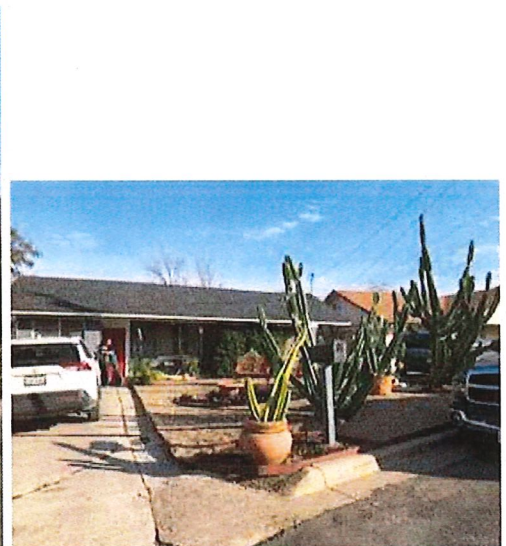
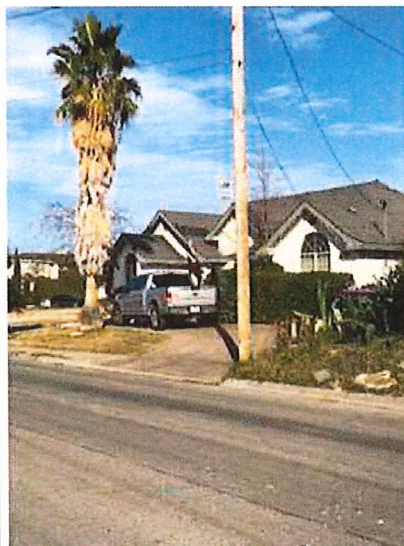
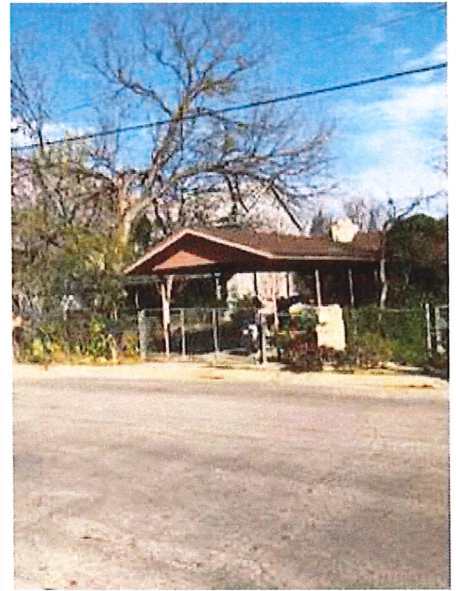
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$105,060	\$27,000	0	132,060	\$0	\$132,060
2019	\$105,060	\$27,000	0	132,060	\$0	\$132,060
2018	\$105,060	\$27,000	0	132,060	\$0	\$132,060
2017	\$105,060	\$27,000	0	132,060	\$0	\$132,060
2016	\$105,060	\$27,000	0	132,060	\$9,382	\$122,678
2015	\$105,060	\$21,600	0	126,660	\$15,135	\$111,525
2014	\$105,060	\$16,880	0	121,940	\$20,554	\$101,386
2013	\$101,220	\$16,880	0	118,100	\$25,931	\$92,169
2012	\$66,910	\$16,880	0	83,790	\$0	\$83,790

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/10/1986	OT	Other	RUEDA G VICTOR MANUEL	SARABIA, JOSE & ROSA	239	232	

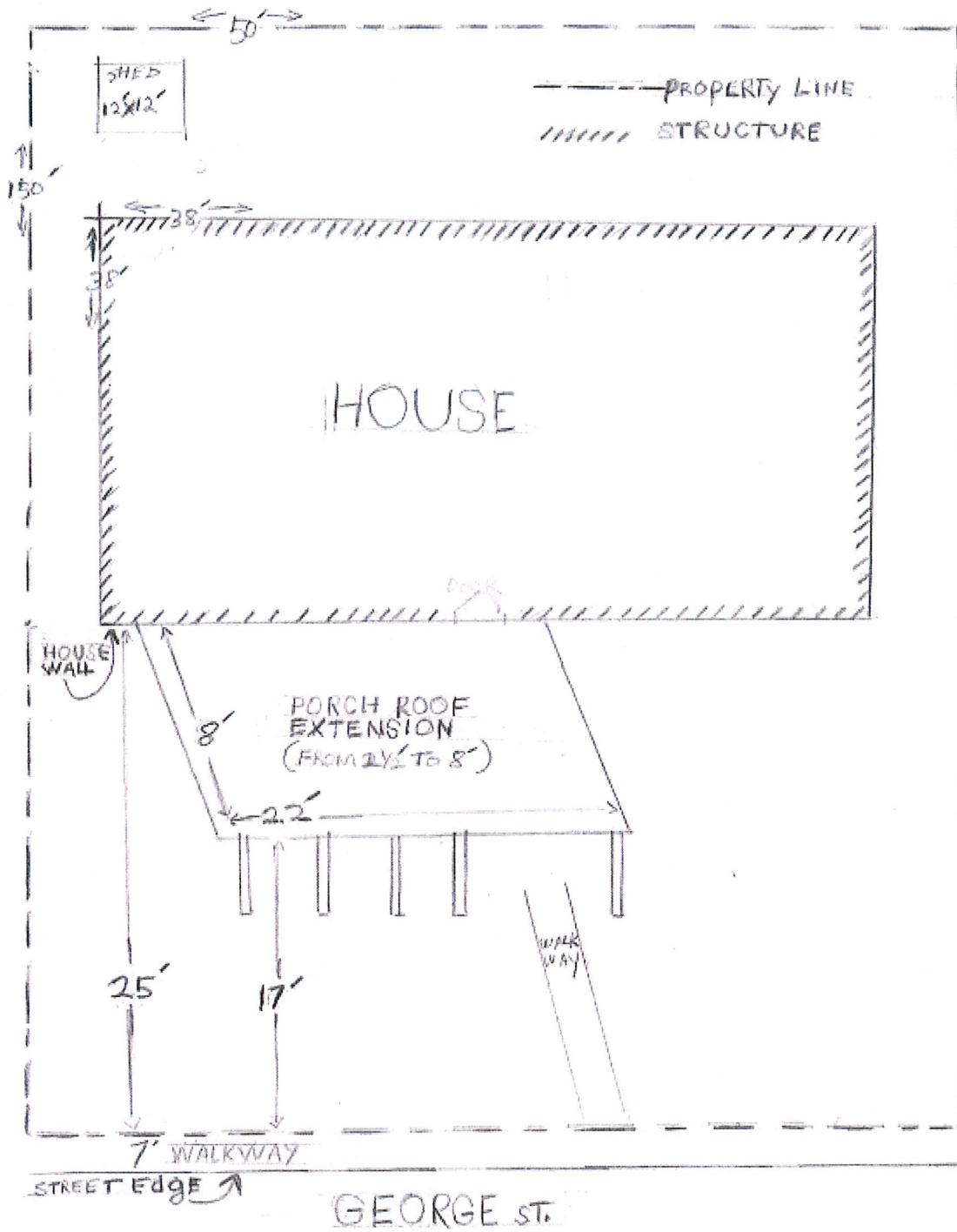


Front Yard



Neighboring Properties

PLOT PLAN



Eagle Pass Zoning Map

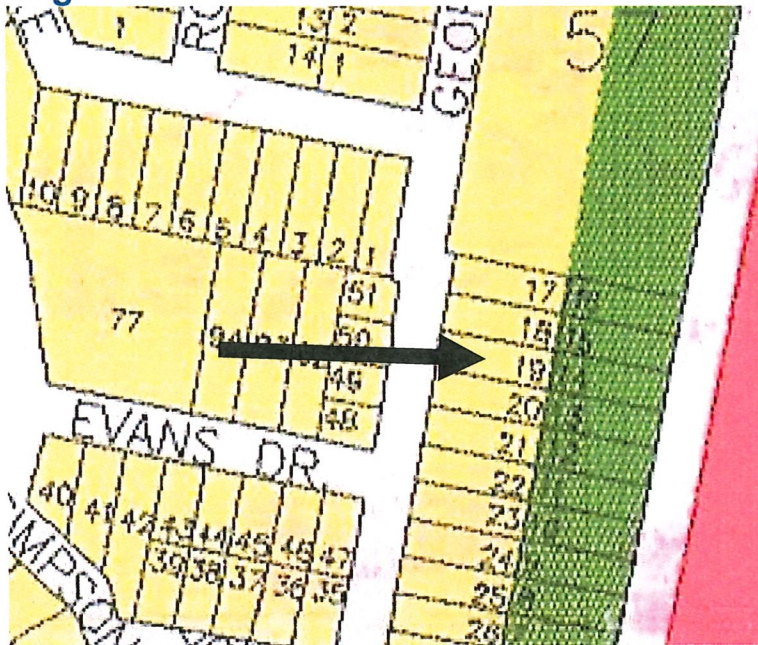
Current Zoning: R-1 (First One-Family Dwelling District)



Legend

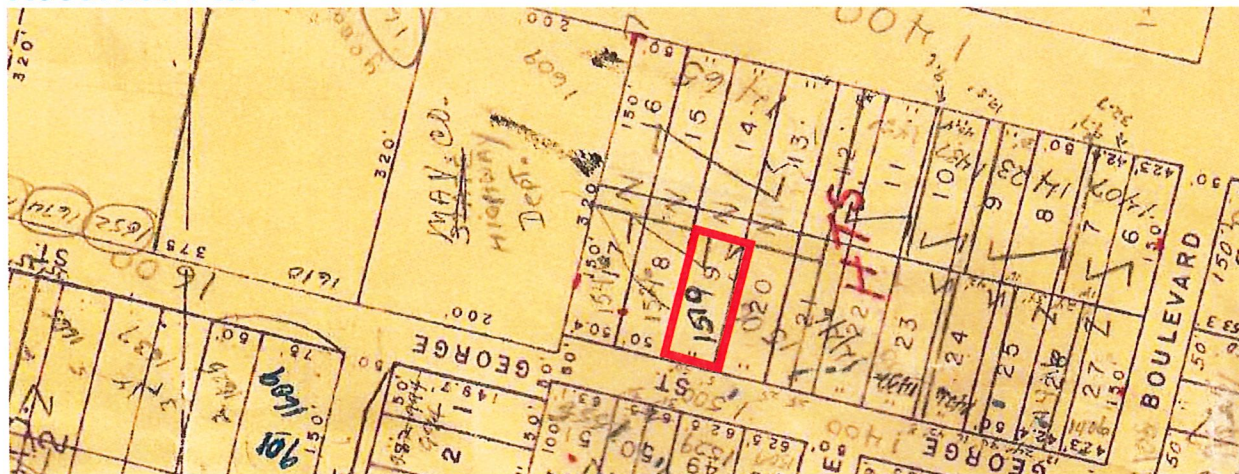
- City Limits Outline
- B1 - Neighborhood Business District (<8,00 Sq. Ft.)
- B2 - Central Business District
- B3 - General Business District (>8,000 Sq. Ft.)
- I - Industrial District
- F - Floodway District
- R1 - First One-Family Dwelling District
- R2 - Second One-Family Dwelling District
- R3 - Duplex Dwelling District
- R3A - Apartment District
- R4 - Townhouse Residence District

Eagle Pass Master Plan



- VACANT
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC AND SEMI - PUBLIC
- AGRICULTURE

Recorded Plat



Item #3



Planning Department

Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant: Armando Palomo Case #4308
Location: 1505 Cristin Drive
Legal Desc: Lot 20, Block 34, Carthage Place Unit 19
MCAD PIN: 56122
Parcel Size: 5,640-square feet
Existing Use: Residential dwelling
Zoning: R-2 Second One-Family Dwelling District
Master Plan: Residential
Request: Reduction of front yard building setback from 25 feet to 8'6" (eight feet, 6 inches) for the construction of an attached carport.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises
Vegetation: residential vegetation
Vicinity: Property is bordered by residential and commercial developments.

III. STAFF ANALYSIS

Applicant is requesting a front yard building setback reduction from 25 feet to 8'6" (eight feet, 6 inches) to accommodate the construction of an attached carport at property located at Cristin Drive and Delcrest Drive as shown in Figure 1.

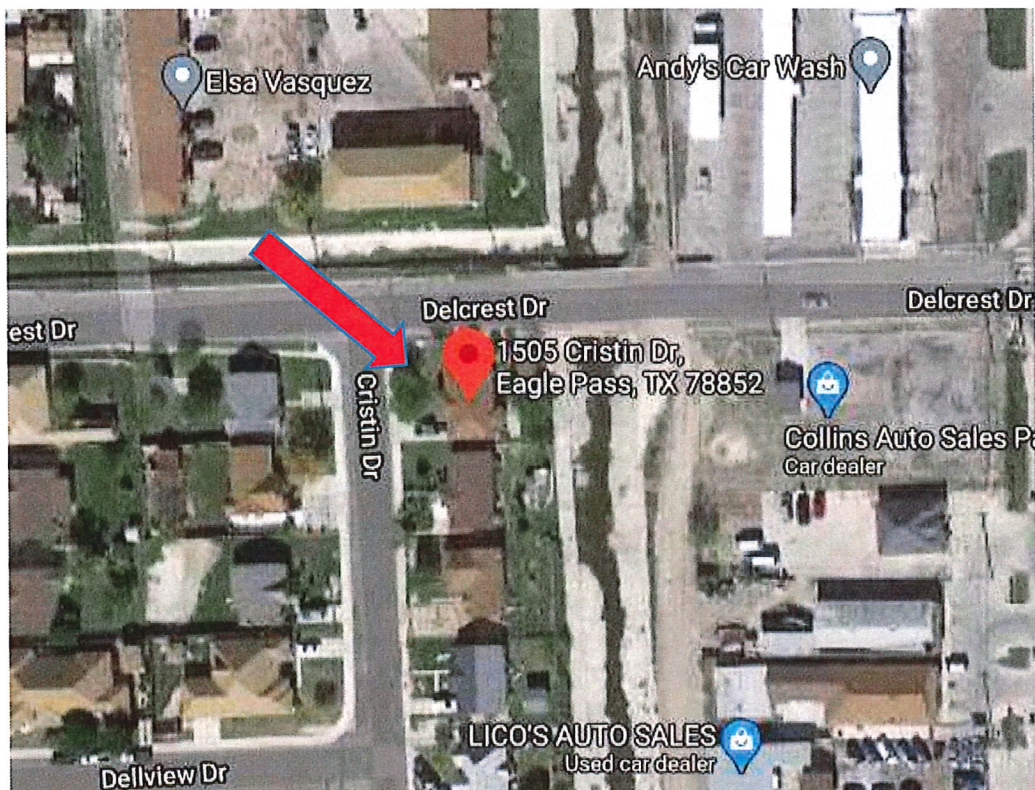


Figure 1. Area Map

The proposed construction measures approximately 321-square feet as shown in the attached proposed Site Layout. Although the construction will conform with all applicable building codes it does not meet the requirements set forth in the Zoning Ordinance. Planning staff 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.

14 notices were mailed to the abutting property owners within a 200 feet radius of the subject property.

Staff Recommendation

Staff recommends the **DENIAL** of the applicant's variance request of a reduction to the front yard building setback from 25 feet to 8'6" (eight feet, 6 inches), for property located at 1505 Cristin Drive.



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. 4308

Applicant Information	Name: <u>Armando Palomo</u>
	Mailing Address: <u>1505 Cristin Drive Eagle Pass, TX</u>
	Phone: <u>(830) 776 5124</u> E-mail: <u>apalomo@eaglepassisd.net</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>Armando Palomo</u>
	Mailing Address: <u>1505 Cristin Drive Eagle Pass, TX</u>
	Phone: <u>(830) 776 5124</u> E-mail: <u>apalomo@eaglepassisd.net</u>

Property Information	Site Address: <u>1505 Cristin Dr</u> MCAD Property ID # <u>56122</u>
	Legal Description: Lot(s) <u>20</u> Block <u>34</u> Subdivision <u>Carthage Place</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>60</u> Rear Yard Width (feet) <u>60</u> Side Yard Width (feet) <u>96</u>

Description of Project:	<u>Build a 13' x 21' carport, 4 metal poles,</u> <u>shingles roofing, wood frames. See picture</u> <u>drawn.</u>
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Detailed Explanation of Variance Request
How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?
<u>I guess that the project needs to be verified</u> <u>seeing it fit to zoning area.</u>

How is your variance request consistent with the general purpose and intent of the zoning code?
<u>Well, hope it may be approved and permitted / agreed</u> <u>to be built according to city rules.</u>

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?

We just want to add or have a carport to protect from the summer heat and/or weather like storms and hail, that may cause vehicle damage. It may also be beneficial for my son who is disabled and my mother-in-law who is of age (85).

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

No, it has nothing to do with properties' narrowness, shallowness or shape.

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

No, nothing to do with topographical or extraordinary conditions. We need a carport fit for our car and our neighborhood.

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?

We hope that the application planning department will permit/agree with the carport plan. We hope it goes with compliance and be approved.

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

I don't think it'll create any problem to our neighborhood or area. I am sure our community will agree.

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

The carport planned will not block any light or air. It will not have walls that block a view, or interfere with adjacent property in any way.

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

Though our property is in a corner, it will not affect or cause any traffic congestion on public streets.

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

No because it isn't/will not be a fire hazard building or prone to cause a fire.

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

It will be built accordingly to zoning code and will not cause values to be lost in our neighbors' property value.

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

Negative... I do not think it can cause any public safety, public health or any other detriment to the city of Eagle Pass.

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.

Gerardo E. Palomo
Applicant Signature

3-4-21
Date

Office Use

Date Application Accepted for Review: 3-4-21 By: NA

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

Completeness Review Date: 3-4-21 By: NA

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$190.00. paid cash. NA

MP 6/2/20

Property

Account

Property ID: 56122
 Geographic ID: C1019340002000
 Type: Real
 Property Use Code:
 Property Use Description:

Legal Description: CARTHAGE PLACE UNIT #19, BLOCK 34, LOT 20
 Zoning:
 Agent Code:

Location

Address: 1505 CRISTIN DRIVE
 EAGLE PASS, TX 78852

Mapscot:

Neighborhood:
 Neighborhood CD:

Map ID:

Owner

Name: PALOMO, ARMANDO E & MAGDALENA
 Mailing Address: 1505 CRISTIN DRIVE
 EAGLE PASS, TX 78852

Owner ID: 40420
 % Ownership: 100.000000000000%

Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1223.5 sqft Value: \$68,520

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	M3	BV	1998	1223.5
OP	OPEN PORCH	*		1998	93.7
STGF	STORAGE FRAME	*		2003	96.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	RS	RES SINGLE FAMILY	0.1294	5640.00	0.00	0.00	\$19,740	\$0

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/11/1998	WD	WARRANTY DEED	SANCHEZ, ESTANISLAO	PALOMO, ARMANDO E & MAGDALENA	487	341	
2	12/11/1997	WD	WARRANTY DEED	ROSALES, JUAN J & SONIA	SANCHEZ, ESTANISLAO	478	252	
3	12/20/1994	WD	WARRANTY DEED	ART HOMES	ROSALES, JUAN J & SONIA	384	379	



Del Crest

Property line

30 ft

Property line

25 ft

Existing
Porch

Proposed
Carport

21 ft

15 ft

8 ft 6 inches

1505 Cribbin Dr. House

1505 Cribbin Dr.

----- = Fence

EAGLE PASS ZONING MAP



RECORDED PLAT

