



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, JUNE 7, 2023, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

VIDEOCONFERENCE: This meeting will also be held by videoconference call. The location where the quorum of the governmental body will be physically present is in Council Chambers at 100 South Monroe, Eagle Pass, Texas, 78852 and it is the intent to have a quorum present at that location. The location where the presiding member is physically present will be open to the public during the open portions of the meeting. A member of the public may testify from a remote location by videoconference at: <https://meet.goto.com/946290837>

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

OATH OF OFFICE

SELECTION OF CHAIRPERSON

SELECTION OF VICE-CHAIRPERSON

MINUTES

1. Approval of the minutes for the April 5, 2023, meeting.

PUBLIC HEARINGS

2. Public hearing on a variance request submitted by Jose L. Zermeno, to (1) reduce the required front yard building setback from 25 feet to 22-feet, (2) reduce the rear yard building setback from 16 feet to 6'-2", (3) to reduce the minimum depth lot of 110 feet to 56'-10 1/2" and 67'-7 1/2", and (4) to reduce the intensity of use area of 7,700 square feet to 2,831 square feet to allow the construction of a residence on property located at 540 First Street; closing of public hearing and possible action.
3. Public hearing on a variance request submitted by Vipal Patel, to reduce the required off-street parking from 184 to 142 parking spaces, to allow for the construction of a hotel and restaurant, on property located at 3386 E. Main Street; closing of public hearing and possible action.
4. Public hearing on a variance request submitted by South Texas Storage, LLC, to reduce the required 24-foot-wide drive lane to 22-feet, to allow the construction of a storage facility on property located at 406 N. Converse Street; closing of public hearing and possible action.
5. Public hearing on a variance request submitted by Francisco Martinez III, to reduce the required 10 feet side yard building setback area to 5-feet, to allow the construction of a

palapa, on property located at 619 N. Ceylon Street; closing of public hearing and possible action.

OLD BUSINESS

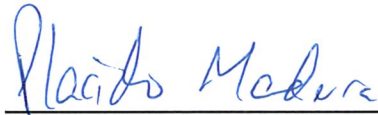
6. Discussion and possible action on revision recommendations for the variance application.

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 June 2, 2023, at 4:35 p.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, April 5, 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; Alternate Vice-Chairperson Priscilla Puente-Chacon and Board Member; Maria A. Chio.

Absent: Board Member, Julie Mathiws; Alternate Board Members, Janina Ayers, and Lucia Rosas

Staff present: Assistant Planning Director, Mariebelle Rodriguez; and Records Management Specialist, Sydney 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 no citizen communications forms submitted.

MINUTES

1. Approval of the minutes for November 2, 2022, meeting and the December 7, 2022 meeting.

Alternate Vice-Chairperson Puente-Chacon moved to approve the minutes. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED-** Unanimously

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

OLD BUSINESS

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

The Board reviewed the variance application. Alternate Vice-Chairperson Priscilla Puente-Chacon and Board Member Chio suggested several revisions for the application.

Vice-Chairperson Elizondo motions to have the revisions on the next meeting's agenda. Second by Chairperson Gary. **MOTION PASSED-** Unanimously

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

ADJOURNMENT

Alternate Vice-Chairperson Puente-Chacon moved to adjourn the meeting at 6:01 p.m. Second by Board Member Chio. **MOTION PASSED-** Unanimously

Passed and approved on _____,2023

Matthew Gary
Chairperson

ATTEST:

Sydney Rodriguez
Records Management Specialist

Item #2



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Applicant and Property Owner: Jose L. Zermeno

Case No. 8918

Location: 540 First Street

Property ID: 5690

Legal Description: Lot 14 in Block E of Bluff North Heights

Parcel Size: 2,831-square feet

Existing Use: Vacant

Lot Dimensions:

Front yard width: 45.16' Rear Yard Width: 46.45' Side Yard Width: 58.87' & 67.63'

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 7(c)(1)(2)(4)* and *Section (d)(2)*. The applicant seeks to (1) reduce the required front yard building setback from 25 feet to 22 -feet, (2) reduce the rear yard building setback from 16 feet to 6'-2", (3) to reduce the minimum depth lot of 110 feet to 56'-10 ½" and 67'-7 ½", and (4) to reduce the intensity of use area of 7,700 square feet to 2,831 square feet to allow the construction of a residence on property located at 540 First Street.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by residential developments

III. STAFF ANALYSIS

The applicant is seeking to reduce the front and rear yard building setback areas; to reduce the minimum depth lot; and to reduce the intensity of use area to accommodate the construction of a single-family dwelling on their property as shown in **Figure 1**.

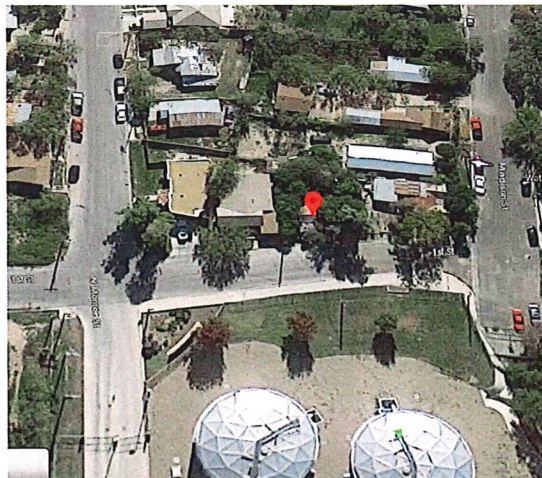


Figure 1. Area Map

The proposed construction with total area of 1,079-sqaure as shown in the enclosed proposed Site Layout does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly Section 7(c)(1)(3)(4) and *Section (d)(1)* regulating front yard and rear yard setbacks, minimum depth of lot, and intensity of use.

However, Section 20(3) of the Code of Ordinances in Appendix A states the Board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record or by reason of other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan.

The strict application relating to the construction imposes a practical difficulty and hardship, therefore, the request shall be granted. The granting of the variation will not serve as a convenience to the applicant but will alleviate some demonstrable hardship so great as to warrant a variation from the comprehensive plan.

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

IV. STAFF RECOMMENDATION

Staff recommends the **GRANTING** of the request for 540 First Street as it meets the criteria set forth in Section 20(2)(3) of the Code of Ordinances.

Building Permit # 8915



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. 8918

Applicant Information	Name: <u>JOSE Luis Zermeno</u>
	Mailing Address: <u>887 North Bibb Ave Eagle Pass TX 78852</u>
	Phone: <u>830-968-1077</u> E-mail: <u>mrzcbp@a@gmail.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 L & Monica Zermeno</u>
	Mailing Address: <u>887 N. Bibb Ave Eagle Pass TX 78852</u>
	Phone: <u>830-968-1077</u> E-mail: <u>mrzcbp@a@gmail.com</u>

Property Information	Site Address: <u>540 First ST</u> MCAD Property ID # <u>5690</u>
	Legal Description: Lot(s) <u>14</u> Block <u>E</u> Subdivision <u>Bluff North Heights</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>45.11'</u> Rear Yard Width (feet) <u>46.45'</u> Side Yard Width (feet) <u>58.87'</u> <u>67.63'</u>

Description of Project:

Lot is too small for the required setbacks
Lot is irregular shaped

Detailed Explanation of Variance Request

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

Lot too small for the project
Size of the lot

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

Building New Construction. Will better zone

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?
SIZE OF the Lot

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

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

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

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.

[Signature]
Applicant Signature

2-27-2023
Date

Office Use

Date Application Accepted for Review: 2-28-23 By: LV

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

Completeness Review Date: 2-28-23 By: LV

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00.

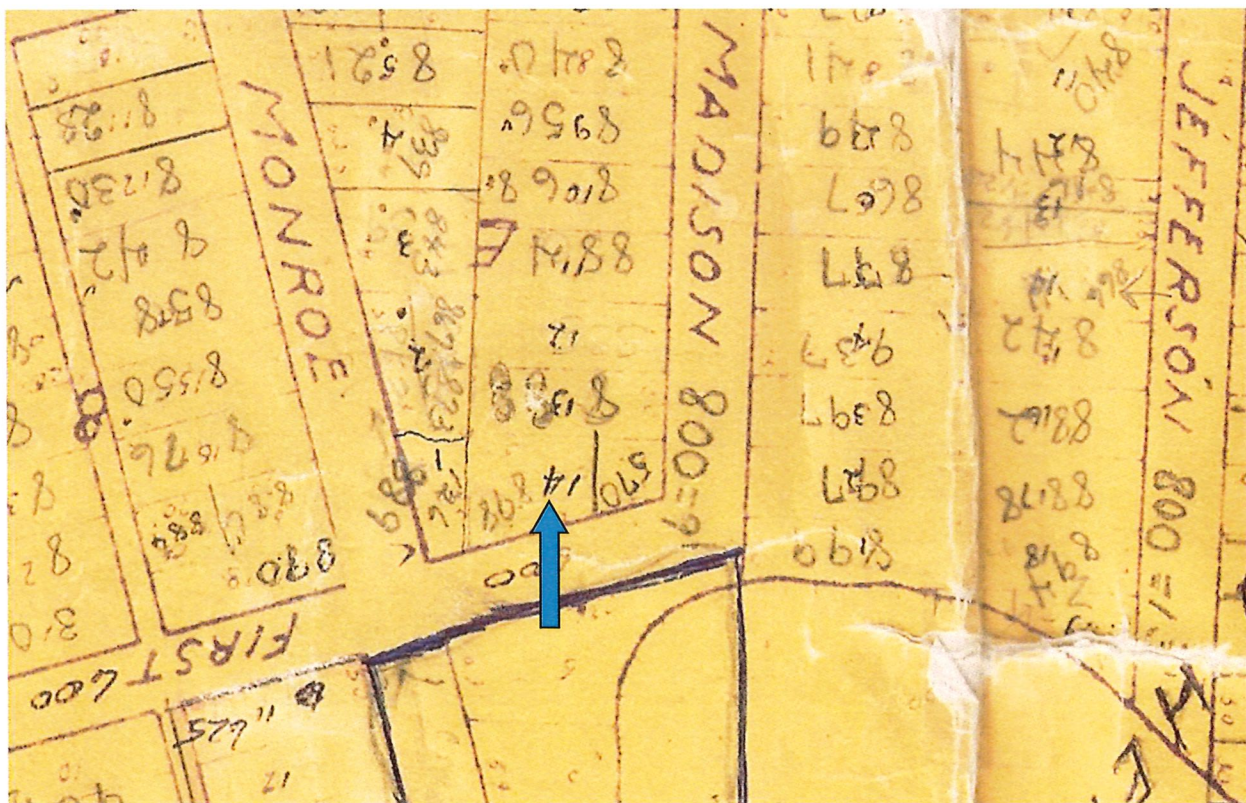
2/28/23
RR

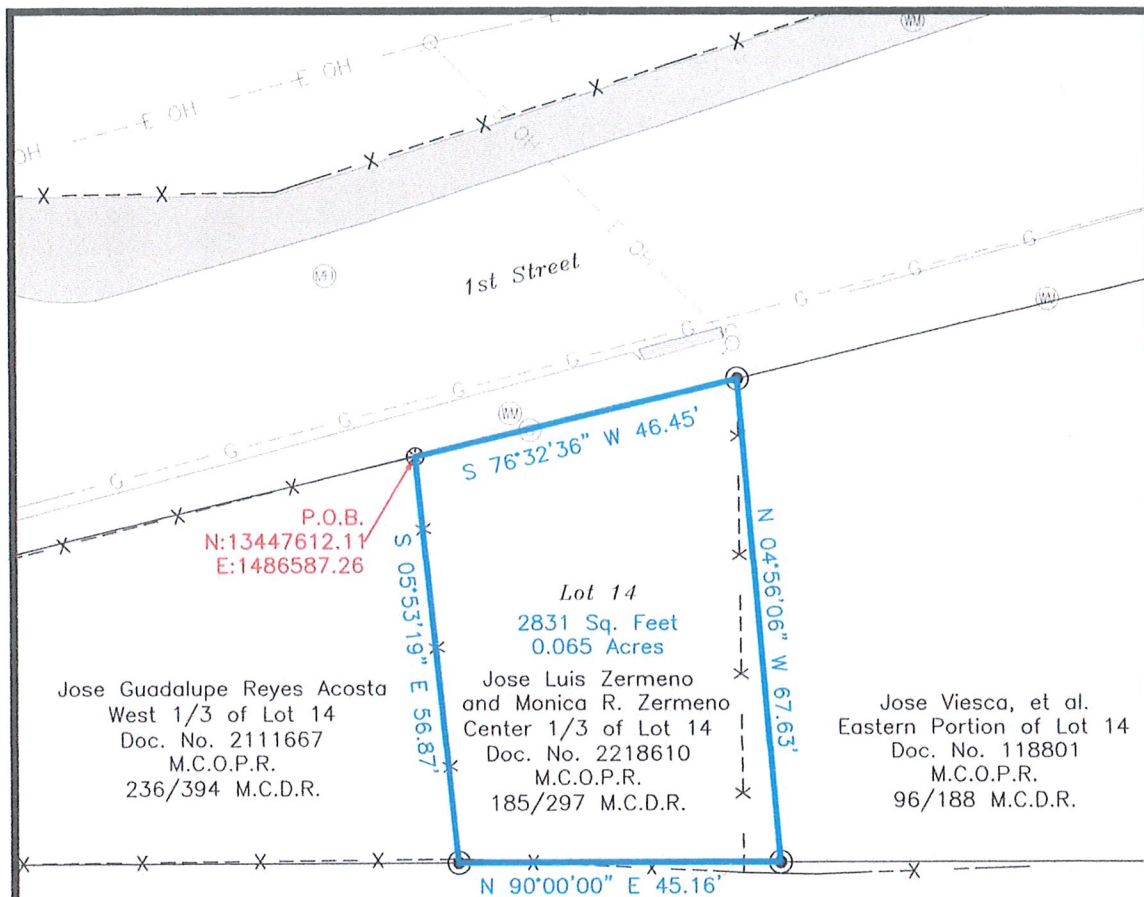
MR:6/2020



Site Photos

LEGACY MAP





Elva Campos Lopez
Lot 13
Doc. No. 2219710 M.C.O.P.R.

Bluff North Heights Subdivision
Range 5
24/1 M.C.P.R.
Block E
Lot 13

DRAWING SHOWING

Being 0.065 acre, located in Lot 14, Block 3, Range 5 of the Bluff North Heights Subdivision, recorded in Envelope 24, Side 1 of the Maverick County Plat Records and described as the middle 1/3 of Lot 14 in conveyance document to Jose Luis Zermeno and Monica R Zermeno, recorded in Document Number 2218610 of the Maverick County Official Public Records and further described in Volume 185, Pages 297 - et seq. of the Maverick County Deed Records, Maverick County, Texas.

LEGEND

- FOUND MONUMENT
- ⊙ SET MONUMENT
- FENCE POST
- BOUNDARY LINE
- PLAT LINE
- DEED LINE
- G --- GAS LINE
- X --- FENCE LINE
- OH --- OVERHEAD ELEC./POWER POLE
- ⊙ ABANDONED GAS METER
- ⊙ TELECOMMUNICATION PEDESTAL
- ⊙ SANITARY SEWER MANHOLE
- ⊙ WATER METER
- CONCRETE

NOTES

1. BEARINGS, DISTANCES, AND AREAS SHOWN HEREON CONFORM TO THE TEXAS COORDINATE SYSTEM NORTH AMERICAN DATUM 1983, TEXAS SOUTH CENTRAL ZONE.
2. 1/2" DIAMETER STEEL STAKES WITH IDENTIFICATION CAPS STAMPED "DIRKSEN 6260" SET AT ALL CORNERS UNLESS OTHERWISE NOTED OR SHOWN.
3. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

SCALE: 1" = 20'



STATE OF TEXAS
COUNTY OF UVALDE

THE UNDERSIGNED DOES HEREBY ATTEST THAT THIS DRAWING WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON BY MEN WORKING UNDER MY SUPERVISION AND THAT SAME IS TRUE AND CORRECT ACCORDING TO SAID SURVEY, AND THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, EASEMENTS OR RIGHTS OF WAY, EXCEPT AS NOTED OR SHOWN HEREON, AND THAT SAID PROPERTY ADJOINS A DEDICATED ROADWAY.

FIELD WORK COMPLETED DECEMBER 21, 2022

Kenneth R. Dirksen
KENNETH R. DIRKSEN
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 6260

THIS GRAPHIC WORK REPRESENTS THE RESULTS OF A SURVEY BEING PROVIDED BY DIRKSEN ENGINEERING SOLELY FOR THE EXCLUSIVE USE OF THE PARTIES SHOWN HEREON AND FOR THE PURPOSE SHOWN ABOVE. THE GRAPHIC REPRESENTATION SHOWN HEREON DEPICTS CERTAIN CONDITIONS FOUND EXISTING AS OF THE DATE OF THE ACTUAL SURVEY AND IS LIMITED TO THESE CONDITIONS FOUND AT THAT TIME. NO LICENSE HAS BEEN GRANTED, EXPRESSED OR IMPLIED, TO COPY THIS GRAPHIC WORK. ALL RIGHTS RESERVED. COPYRIGHT 2022 DIRKSEN ENGINEERING.

FIRM NAME & ADDRESS



**DIRKSEN
ENGINEERING**

UVALDE EAGLE PASS
TYPE FIRM #P-8848, TBPLS FIRM #10193741
107 W SOUTH ST. UVALDE, TX - 78801
PH (830) 278-2100 FAX (830) 278-2102
EMAIL: KENDIRKSEN@SBCGLOBAL.NET
WEBSITE: WWW.DIRKSENG.COM

PREPARED FOR

Jose Zermeno
887 North Bbb Avenue
Eagle Pass, Tx 78852

PURPOSE OF SURVEY
BOUNDARY

PROJECT#

22-2801

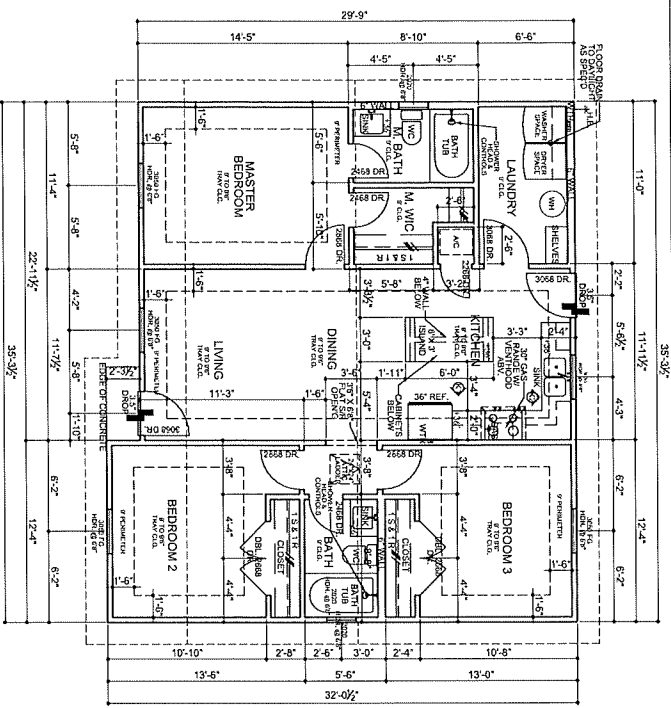
DESIGN: KR
DRAWN: FAL
APP'D: KR
DATE: 12-21-2022

DRAWING NO.

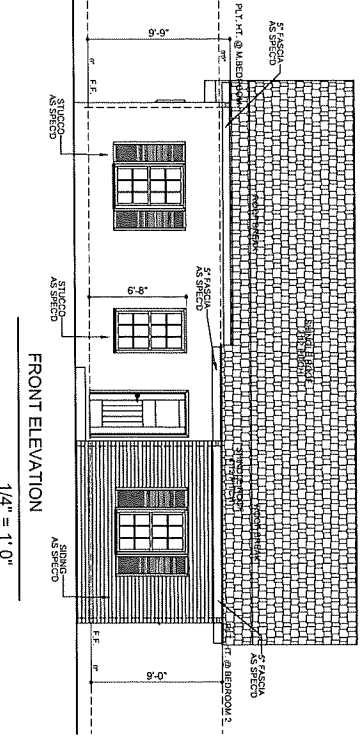
22-2801

Site plan showing a property with a driveway (20x20), sidewalk, and setbacks. The property dimensions are 46'-5 1/2" (top), 56'-10 1/2" (left), 45'-2" (bottom), and 67'-7 1/2" (right). The setbacks are 5'-0 1/2" (top left), 5'-6 1/2" (top right), 5'-0" (bottom left), and 5'-0" (bottom right). The setbacks are defined by a dashed line labeled "SETBACK LINE". The driveway is labeled "DRIVEWAY 20X20". The sidewalk is labeled "SIDEWALK". The setbacks are defined by a dashed line labeled "SETBACK LINE". The setbacks are defined by a dashed line labeled "SETBACK LINE".

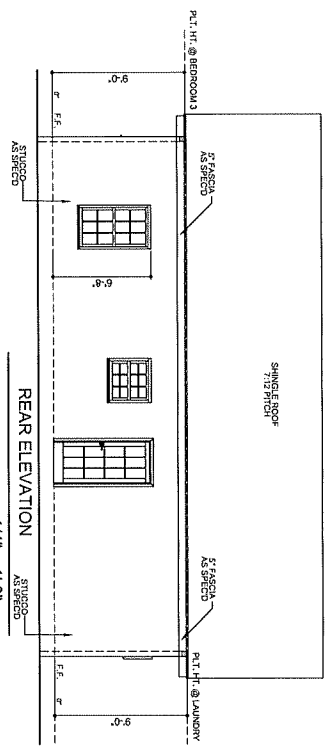
NOT TO SCALE



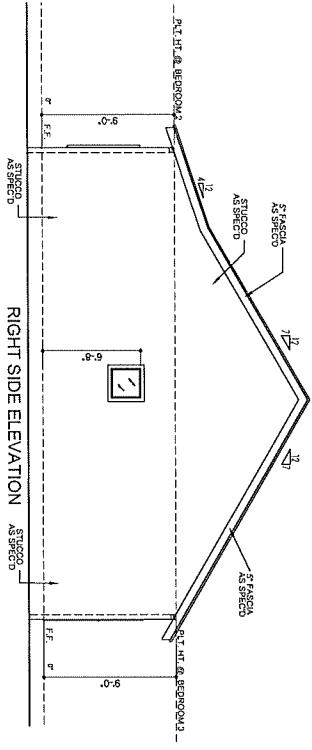
LIVING AREA 1079.00 SQ. FT. FIRST FLOOR PLAN 1/4" = 1' 0"



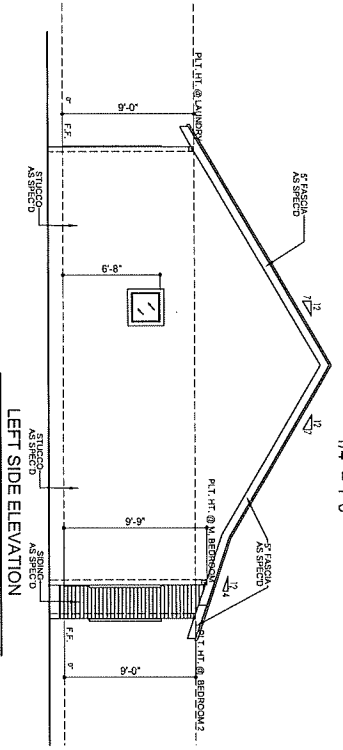
FRONT ELEVATION 1/4" = 1' 0"



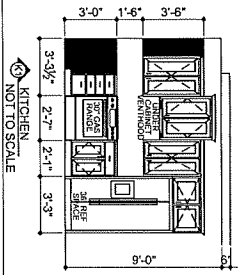
REAR ELEVATION 1/4" = 1' 0"



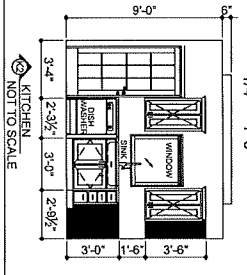
RIGHT SIDE ELEVATION 1/4" = 1' 0"



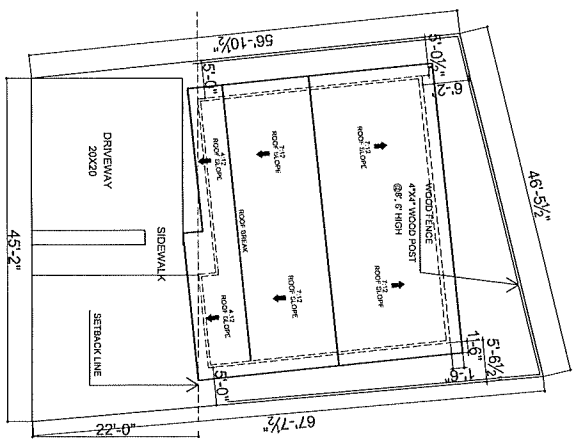
LEFT SIDE ELEVATION 1/4" = 1' 0"



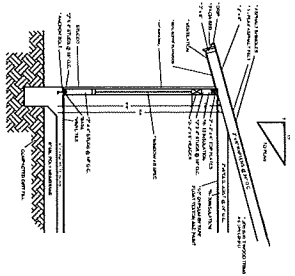
KITCHEN NOT TO SCALE



KITCHEN NOT TO SCALE



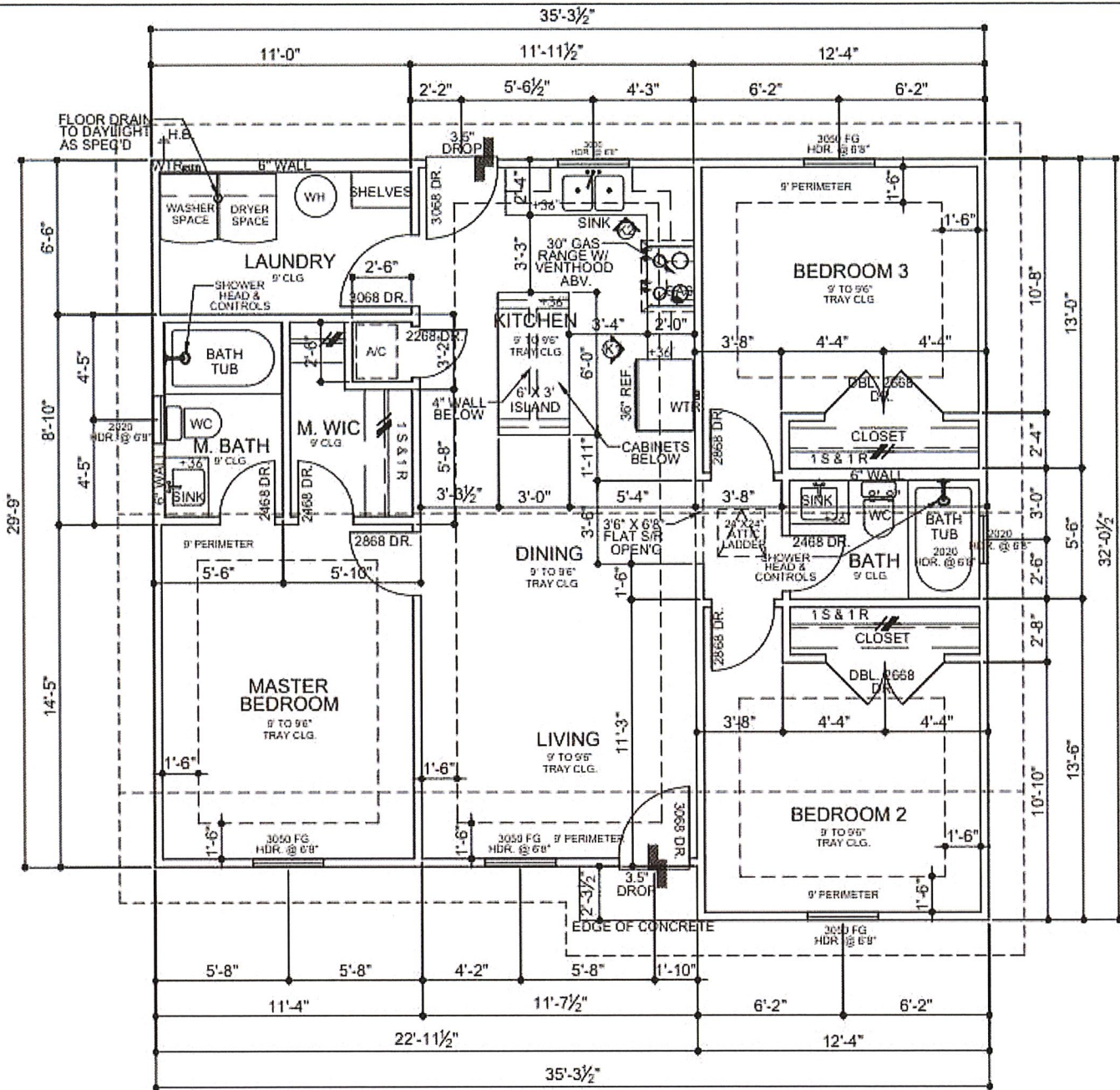
PLOT PLAN NOT TO SCALE



TYPICAL WALL SECTION NOT TO SCALE

PLAN OF NEW RESIDENCE
ZERMENO HOLDINGS LLC
540 FIRST ST.
Eagle Pass TX
78852
Scale: Drawn by: JAHG
APRIL 2023 Revised:

FLOOR PLAN



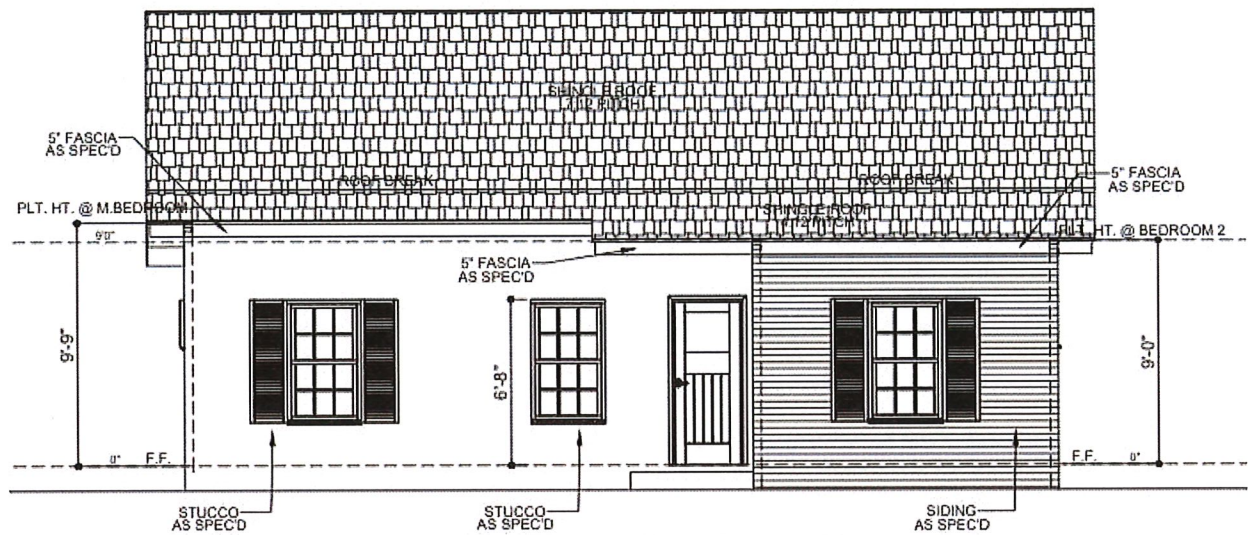
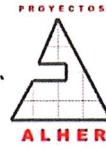
LIVING AREA 1079.00 SQ FT

FIRST FLOOR PLAN

1/4" = 1' 0"

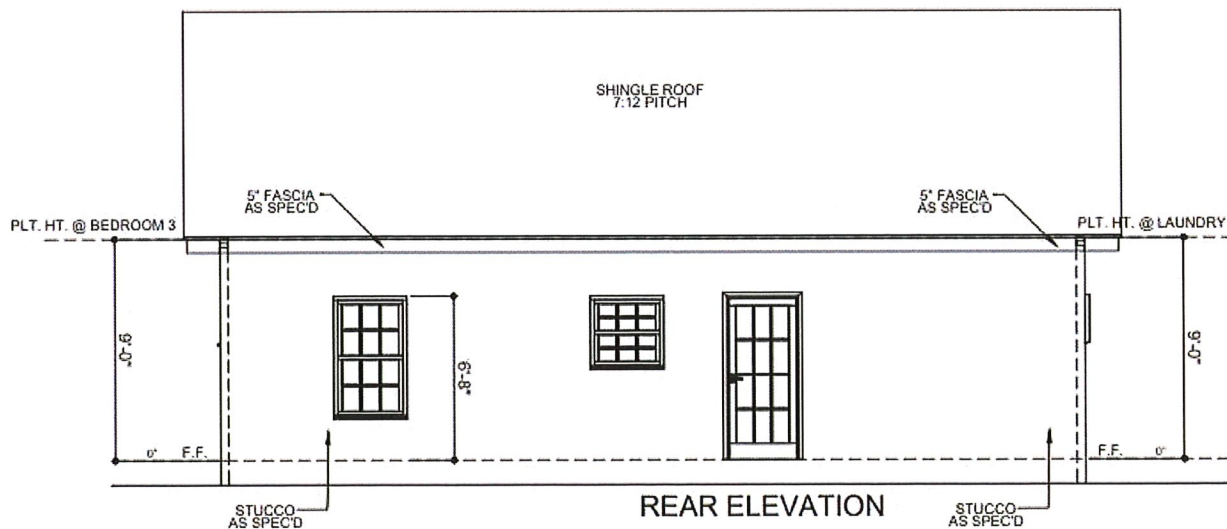


Arq. Alejandro Hernández G.



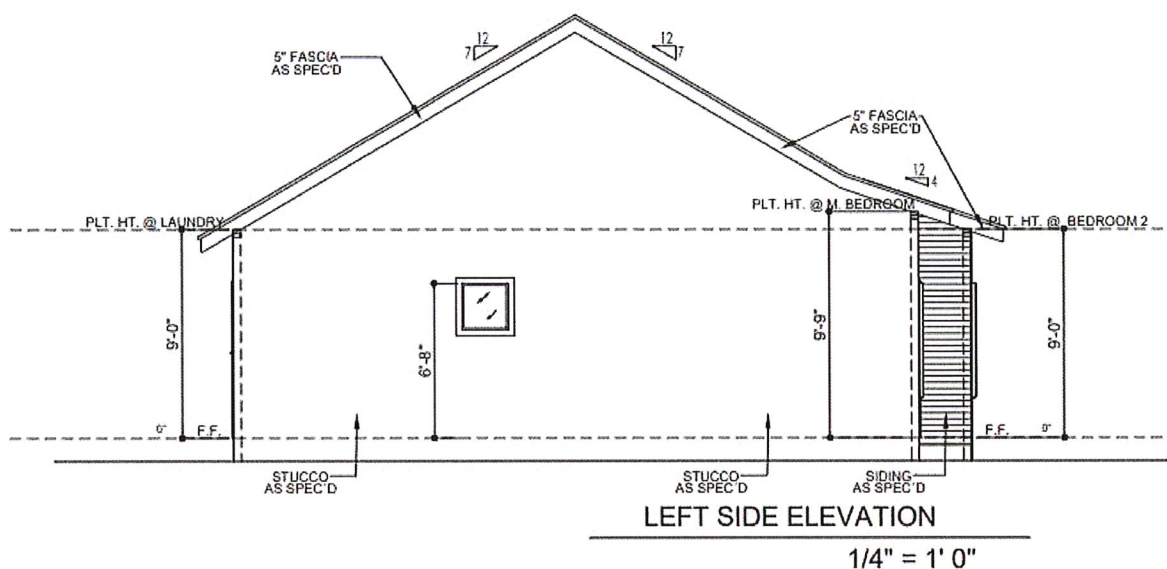
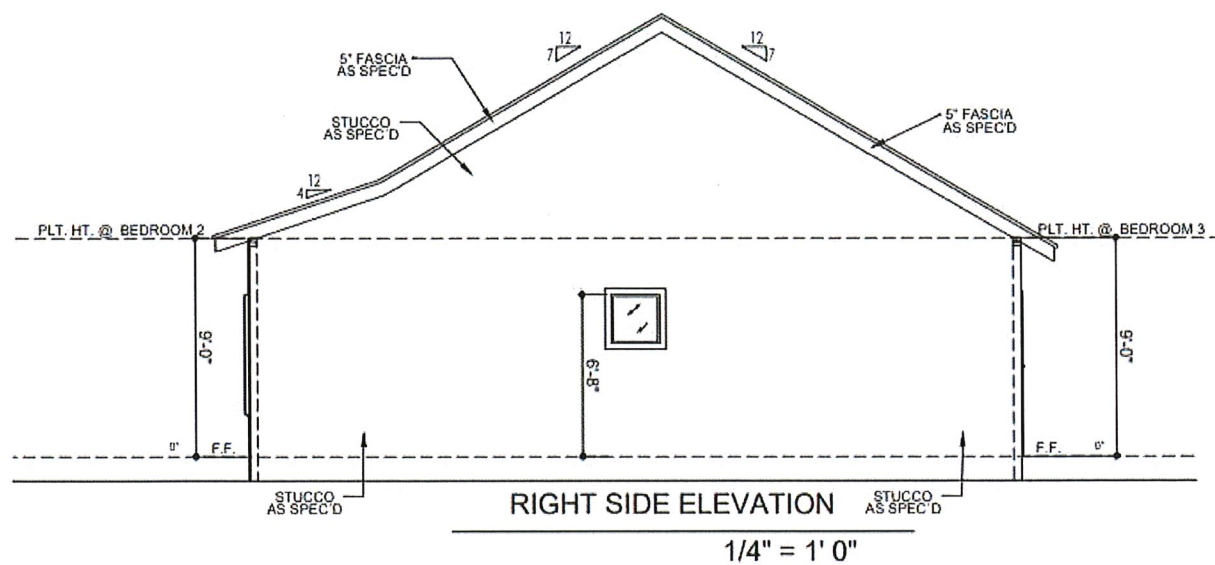
FRONT ELEVATION

1/4" = 1' 0"



REAR ELEVATION

1/4" = 1' 0"



[Eagle Pass, Texas - Code of Ordinances](#) / [APPENDIX A - ZONING ORDINANCE](#) / [Sec. 5. - "R-1" First one-family dwelling district.](#)

C. Area regulations:

- (1) Front yard. There shall be a front yard along the front line of the lot. The minimum depth of such a 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, the 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.

Eagle Pass, Texas - Code of Ordinances / APPENDIX A - ZONING ORDINANCE / Sec. 20. - Board of adjustment.

(e) *Powers of the board of adjustment.* The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this ordinance.

(2) When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or particular hardship, the board may consider and allow variations of the strict application of the terms of this ordinance if the variations are in harmony with the general purpose and intent of this ordinance, and the board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created.

(3) The board may authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of the adoption of this ordinance or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

Item #3



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Case #8457

Applicant and Property Owner: Vipal Patel

Location: 3386 E. Main Street (US Hwy 277)

Property ID: 52474 & 52476

Legal Description: Being a 2.05-acre tract of land out of Maverick Estates, recorded in Book 1220, Page 466, Map Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas and a 1-acre tract of land, more or less, out of a 3.075-acre tract of land conveyed to Jose I. Ruiz and Carolina Ruiz, recorded in Book 666, page 130, Deed Records, Maverick County, Texas, situated in Survey 6, Abstract 1110, Fox & Byrne, Maverick County, Texas.

Parcel Size: 3.05- acre tract

Existing Use: Vacant and undeveloped

Lot Dimensions:

Front yard width: 353'-4"

Rear Yard Width: 376'-2"

Side Yard Width: 326'-3"

Side Yard Width: 326'-3"

Zoning: B-3 Neighborhood

Master Plan: Commercial

Request: Variance request from *City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) Section 12.1 (c)(3)(g)(iii)* off-street parking requirements to reduce the required off-street parking from 184 parking spaces to 142, to allow for the construction of a hotel and restaurant, on property located at 3386 E. Main Street.

Vicinity: Property is bordered by commercial developments.

II. STAFF ANALYSIS

The applicant is seeking to reduce the required off-street parking from 184 parking spaces down to 142 to allow for the construction of a hotel and restaurant, on property located at 3386 E. Main Street as shown in **Figure 1**.



Figure 1. Area Map

The proposed construction measures approximately 24,699-sqaure feet, as shown in the enclosed proposed Site Layout. Although the construction will conform with all applicable building codes it does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly Section 12.1 (c)(3)(g)(iii) regulating off-street parking. The proposed proposition reduces 42 parking spaces, almost a quarter of the required spaces. Staff suggested a parking agreement with adjacent property owners or provide a parking analysis and peak usage data to support some of the parking spaces to be considered for shared use between the hotel and proposed restaurant.

20 notices were mailed to the abutting property owners within a 200 feet radius of the subject property on May 26, 2023.

III. STAFF RECOMMENDATION

Staff recommends **DENYING** the request for a reduction in parking spaces for property located 3386 E. Main Street (US Hwy 277), as it does not meet the criteria set forth in Section 12.1 (c)(3)(g)(iii) of *City 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. 8457

Applicant Information	Name: <u>VIPAL PATEL</u>
	Mailing Address: <u>8122 LAUGHING FALCON TRAIL. CONROE, TX 77385</u>
	Phone: <u>575-937-1954</u> E-mail: <u>VIPAL.M.PATEL@GMAIL.COM</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>H2EP, LLC</u>
	Mailing Address: <u>8122 LAUGHING FALCON TRAIL. CONROE, TX 77385</u>
	Phone: <u>575-937-1954</u> E-mail: <u>VIPAL.M.PATEL@GMAIL.COM</u>

Property Information	Site Address: <u>3386 E. Main St.</u> MCAD Property ID # <u>52474, 52476</u>
	Legal Description: Lot(s) _____ Block _____ Subdivision _____ Lot 1-A and Lot 1-B out of Maverick Estates, recorded in Book 1220, Pg. 466 (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

Description of Project:
Home 2 Eagle Pass a 115 unit Hotel with proposed site for a restaurant.
184 - Parking spots will be shared by both business during normal business hours.

Detailed Explanation of Variance Request
How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?
Home 2 Development is requesting a variance to allow the shared parking with the numbers of current spots provided by the Civil and Architect team. Some of the parking spaces to be considered shared use between the hotel and proposed restaurant.
The parking spaces allocated for the meeting will not be used during the peak hours for the restaurant usage and can be categorized as shared spots. From our experience at the Hampton INN across the street the most of the Hotel Guest will utilize the parking after 8 p.m.
The site plan is currently laid out end to end of the property line and have utilized every inch possible for parking spaces to maximize the number of parking spaces. The hotel from its operation experience, does not foresee an issue with parking with the number of spots provided.

How is your variance request consistent with the general purpose and intent of the zoning code?
The project is requesting a variance from the zoning board to have it documented that the project has made every effort to assure the maximum parking is provided from what the property boundaries allow.
From the previous experience of the operator, the operator believes that the share parking will be sufficient for its hotel guest and also the future restaurant tenant.

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?
All the teams, (Architect, Civil, & City planning) have looked at the site plan and its unique topography and have maximized its capacity to
provide the maximum number of parking spaces the site can provide given its rough terrain. Please variance will allow the project to move
forward and be developed as planned and reviewed by the planning department. This will bring a new exciting development for the City of Eagle Pass.

Is your variance request necessary because of exceptional narrowness, shallowness, or shape of your property?
Yes due to the limitation of the subdivision size and the terrain around the subdivision.

Is your variance necessary because of exceptional topographical conditions or other extraordinary or exceptional situation or condition of your property?
Yes, due to the topographical condition, some of the land is not being able to utilize.

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?
The project has made efforts to maximize every available feet to assure it meets all zoning codes. This variance is not a mere inconvenience.

Will the granting of the variance create substantial detriment to the public good?
Yes. This variance will allow this project move forward and will be able to support the publics new sports arena and will allow
Eagle Pass to bring in a new food & beverage offering which does not exist in East Eagle Pass.

Will your variance impair an adequate supply of light and air to adjacent property?
NO, this is a variance for parking spaces

Will your variance materially increase the traffic congestion on public streets?
NO. The project does foresee any overflow of parking on to the main street.

Will your variance increase the public danger of fires and safety?
NO

Will your variance materially diminish or impair established property values within the surrounding area?
NO

Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?
NO

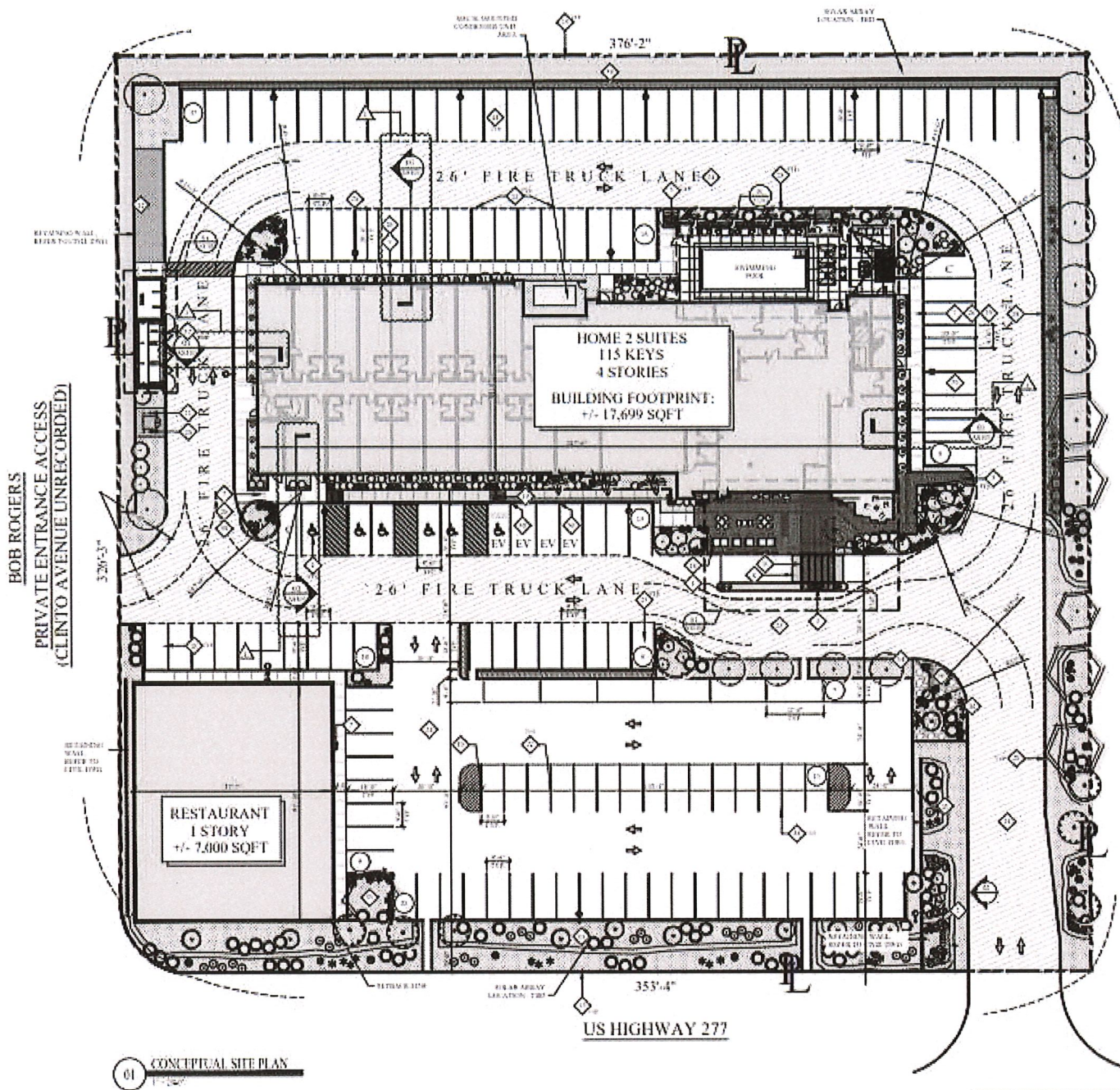
Applicant Authorization	I authorize the City of Eagle Pass to conduct any site visits necessary to evaluate this variance application. I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of variance approval. I agree to provide any additional information requested by the City as they deem necessary for the processing of this application.
	 Applicant Signature 04/21/2023 Date

Office Use	Date Application Accepted for Review: <u>5/2/23</u> By: <u>me</u>
	Contact Date for Supplemental Info: <u> </u> Supplemental Info Received: <u> </u>
	Completeness Review Date: <u> </u> By: <u> </u>
	Application Returned to Applicant: <u> </u> (when applicable)
	Note: Processing fee of \$100.00.  MR:6/2020

Site Photos



SITE PLAN



Sec. 12.1. Off-street parking requirements.

- (A) *Authority.* The provisions of this section are adopted pursuant to the home rule powers of the city, granted under the Texas Constitution and the Statutes of the State of Texas, Texas Local Government Code Chapter 211, and the City Charter for the City of Eagle Pass.
- (B) *Purpose.* The regulations set forth in this section are adopted for the purpose of providing an adequate number of improved off-street parking spaces for all land uses in the city including, but not limited to, residential, commercial, institutional, and industrial land uses.
- (C) *Parking regulations and requirements.*

- 3. Minimum improved off-street parking requirements. The following building code use and occupancy classifications shall require the respective number of improved off-street parking spaces. For a use and occupancy classification which is not listed in this section, the planning department shall apply the off-street parking standard specified for the listed use and occupancy classification that is deemed most similar to the proposed use, according to fire safety and relative hazard.

(g) *Residential group R.* The use of a building or portion thereof for sleeping purposes.

Residential occupancies shall include, but not limited to, single-family residential dwelling units, duplex residential dwelling units, triplex residential dwelling units, apartment dwelling units, bed and breakfast operations, and hotels.

The required number of improved off-street parking spaces per use is as follows:

- i. Single-family residence: Two (2) parking spaces per dwelling unit.
- ii. Duplex, triplex and multi-family dwellings: One and one-half (1.5) spaces for a one-bedroom unit; two (2) spaces for a two-bedroom unit; two and one-half (2½) spaces for a three-bedroom unit; plus additional five (5) percent of total number of required spaces for visitors.
- iii. Hotel or motel: One (1) parking space for each room, plus one (1) parking space for every two hundred (200) square feet for an associated restaurant, retail, conference, or office area.

Item #4



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Case No. 9203

Applicant and owner: South Texas Storage LLC

Location: 406 N. Converse **Property ID:** 54876

Legal Description: Abstract A0783, Poindexter & Burns, Survey #31, Acres 1.7699

Parcel Size: 1.7699- acre tract **Existing Use:** Vacant

Zoning: I-Industrial **Master Plan:** Industrial

Request: Variance request submitted by South Texas Storage, LLC, to reduce the required 24-foot-wide drive lane to 22-foot-wide drive lane, to allow the construction of a storage facility on property located at 406 N. Converse Street.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by commercial and residential developments.

III. STAFF ANALYSIS

The applicant is seeking to reduce the required 24-foot-wide drive lane to 22 feet, to allow the construction of a storage facility on property located at 406 N. Converse Street shown in **Figure 1**.

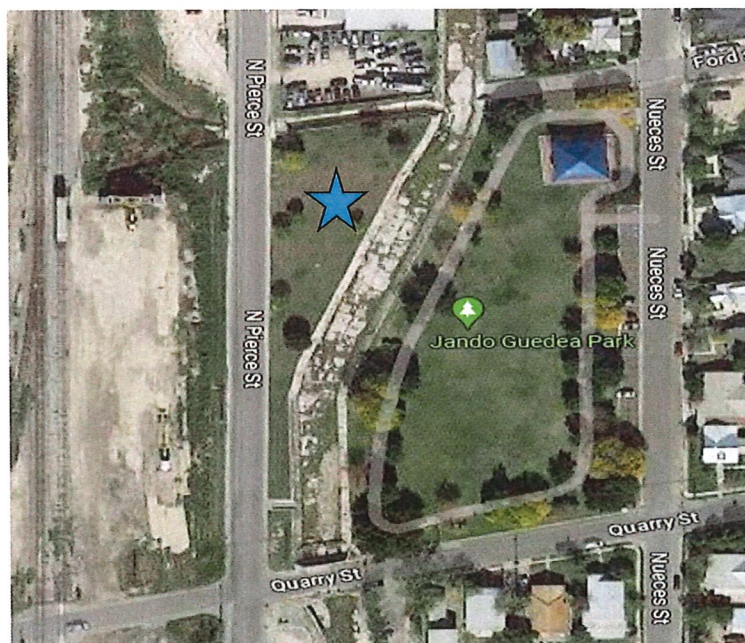


Figure 1. Area Map

The proposed construction measures approximately 30,650-sqaure feet, as shown in the enclosed proposed Site Layout. Staff suggested converting it to a one-way street to possibly avoid the variance process, thus requiring the removal of a couple of units from building 2 to comply with the minimum 12-feet aisle. If the petition is granted it will not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly Section 12.1(8)(a) regulating maneuvering space in off-street parking and design standards. The proposition (attached) does not guarantee that a vehicular or pedestrian accident will not occur. Therefore, the petition shall not be granted.

13 notices were mailed to the abutting property owners within a 200 feet radius of the subject property on May 26, 2023.

IV. STAFF RECOMMENDATION

Staff recommends **DENYING** the request for property located at 460 Converse Street, as it does not conform with the regulations set forth in Section 12.1(8)(a) 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. 9203

Applicant Information	Name: <u>South Texas Storage, LLC</u>
	Mailing Address: <u>106 N. East Street, Uvalde, Texas 78801</u>
	Phone: <u>830-776-3605</u> E-mail: <u>chadfosterjr@gmail.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>South Texas Storage, LLC</u>
	Mailing Address: <u>106 N. East Street, Uvalde, Texas 78801</u>
	Phone: <u>830-776-3608</u> E-mail: <u>chadfosterjr@gmail.com</u>

Property Information	Site Address: <u>406 N. Converse, Eagle Pass, TX</u> MCAD Property ID # <u>54876</u>
	Legal Description: Lot(s) _____ Block _____ Subdivision _____ (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) _____ Rear Yard Width (feet) _____ Side Yard Width (feet) _____

Description of Project:
<u>Mini Storage Facility</u>

Detailed Explanation of Variance Request
How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?
<u>See attached comments.</u>

How is your variance request consistent with the general purpose and intent of the zoning code?
<u>See attachments hereto for more detail.</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?

See attachments hereto for more detail.

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

Yes. See attachments hereto for more detail.

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

Yes. See attachments hereto for more detail.

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?

Yes. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

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

No. See attachments hereto for more detail.

Applicant Authorization

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

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



Applicant Signature

Date

5/1/23

Office Use

Date Application Accepted for Review: 5-15-23 By: UA

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

Completeness Review Date: 5-15-23 By: UA

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. ✓ UA

MR:6/2020

The City's requirement for a 24 foot drive lane is typically applicable for 2-way traffic in traditional commercial development, such as retail or office uses with your standard parking lots, or any time when you have 90-degree parking along a drive lane. This can be seen in the Ordinance of Eagle Pass, Maverick County, Texas; specifically, Appendix A-Zoning Ordinance, Section 12.1. However, this property is proposed to be used as a mini storage with gated, limited access and has designated parking areas that are not located along a drive lane. The granting of the requested variance would not be detrimental to public health, safety or welfare or injurious to other property in the area as it would only affect this property, which is gated with limited access having a primary access gate with a Knox box and not open to anyone and everyone in the public. Moreover, the variance would not have the effect of preventing the orderly subdivision of land in the area as the variance requested is strictly related to the owner's property and for portions located inside the gated premises.

The proposed 22 foot drive lane between storage buildings, as shown on the attached drawing, is adequate to allow two vehicles to pass each other between the mini storage buildings while still having room on either side of the vehicles. The proposed 22 foot drive lane is also adequate to allow one car to be stationed at its storage unit while loading and unloading items at storage while another car passes by. The layout/makeup of the property supports the attached proposed layout and the proposed 22 foot drive lane and provides for sufficient units and sufficient drive space within the property.

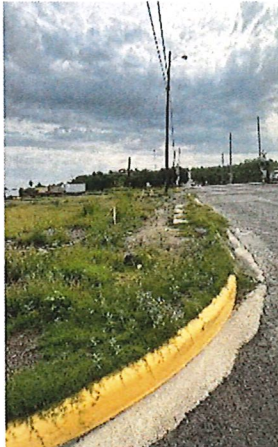
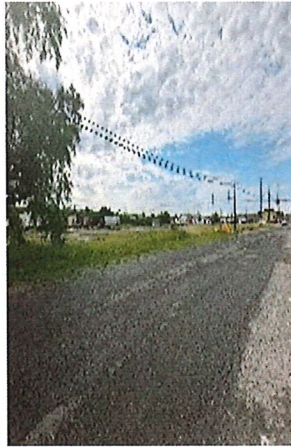
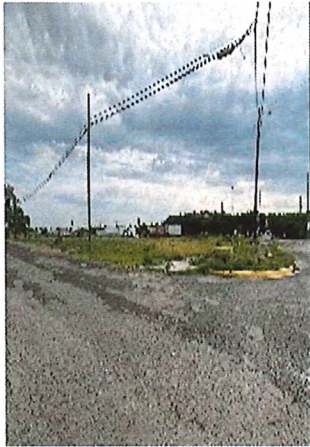
Additionally, the proposed 22 foot drive lane exceeds the minimum 20 foot access lane requirements of a fire lane. The 22 foot drive lanes between each building will be designated as fire lanes, which will prevent parking within the drive lane.

Further, no parking stalls are proposed along the 22 foot drive lane. Instead, the property will have designated areas for parking that meet the minimum 24 foot drive lane width requirement for maneuvering in/out of those parking spaces.

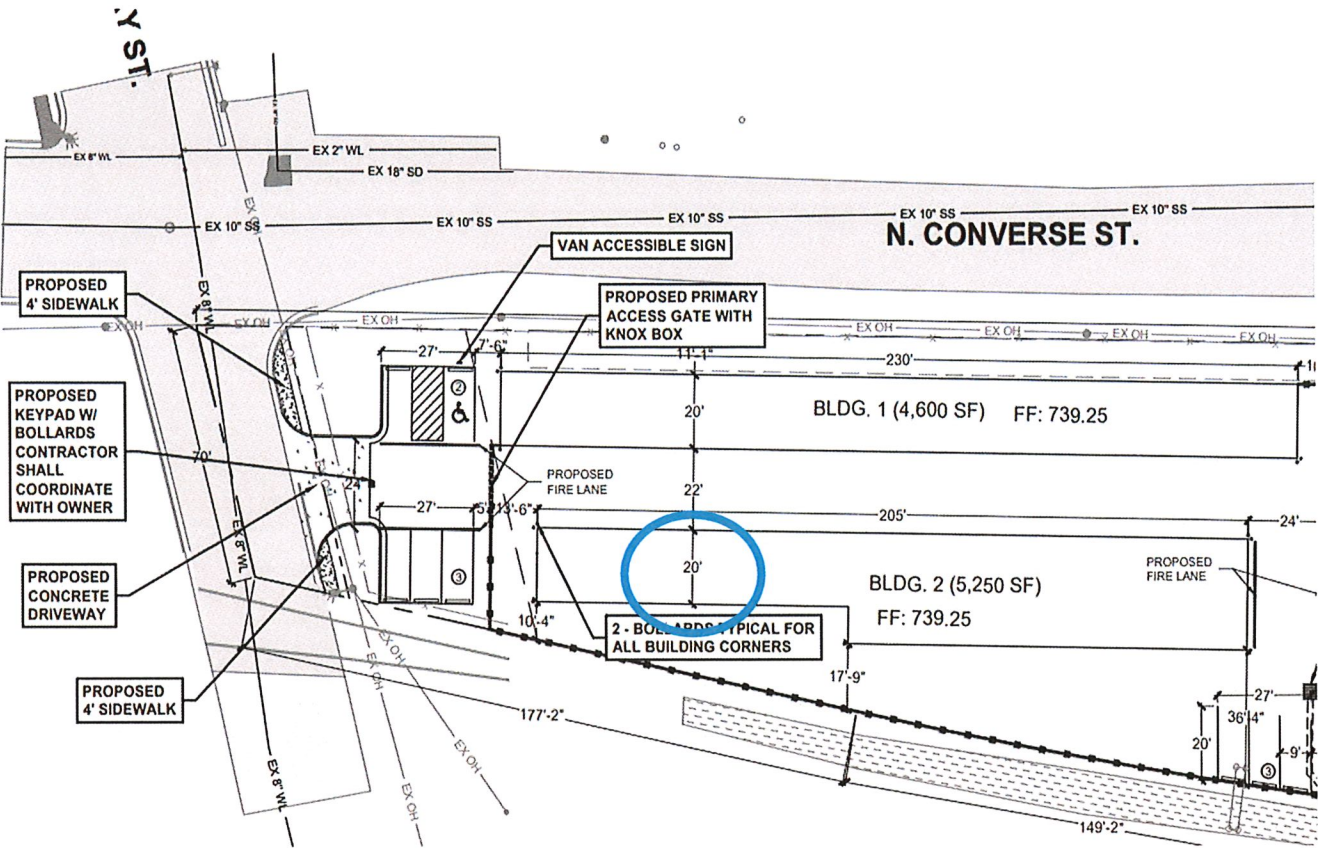
Finally, adequate turning room is provided on site for fire trucks or other large trucks or trailers.

It is for these reasons that Owner requests a variance from the City's code to the width of a travel lane on private property from 24 feet to 22 feet.

Site photos



SITE PLAN



[Eagle Pass, Texas - Code of Ordinances](#) / [APPENDIX A - ZONING ORDINANCE](#) / [Sec. 12.1. - Off-street parking requirements.](#)

8. Design standards. Design standards for off-street parking shall be as follows:

(a) Ninety-degree angle parking. Each ninety-degree angle parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length. Maneuvering space shall be not less than twenty-four (24) feet.

Item #5



Planning Department Report to the Zoning Board of Adjustment and Appeals

I. APPLICANT & PROPERTY INFORMATION

Case #9149

Applicant and Property Owner: Francisco Martinez III

Location: 619 N. Ceylon Street **Property ID:** 13749

Legal Description: Lot 1, 2, and 3 in Block 6 of New Range 1

Parcel Size: 21,000-square feet **Existing Use:** Residential dwelling

Zoning: R-1 First One-Family Dwelling District

Master Plan: Residential

Request: Variance request from *City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) Section 12(6)(a)* regulating side yards. The applicant seeks to reduce the side yard building setback area from 10-feet to 5-feet, to allow the construction of a palapa.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by residential developments

III. STAFF ANALYSIS

The applicant is seeking to reduce the side yard building setback area from 10-feet to 5-feet, to allow for the construction of a palapa located at 619 N. Ceylon as shown in **Figure 1**.

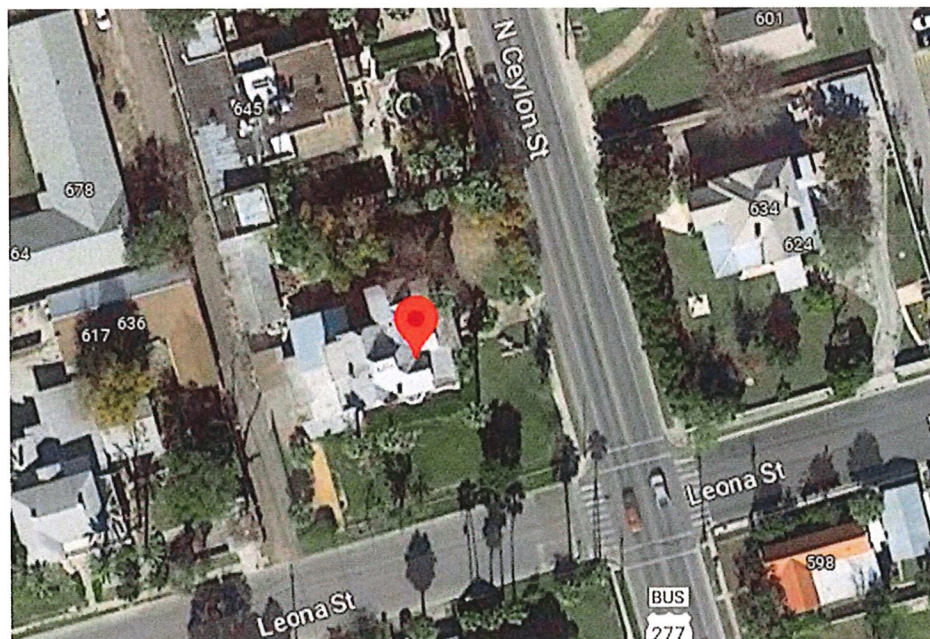


Figure 1. Area Map

The proposed construction with a total area of 841-sqaure feet, as shown in the enclosed proposed Site Layout, does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly Section 12(6)(a) regulating minimum width of side yard of a corner lot as it exceeds the required 10 feet. The Planning Department's major concern is the visibility disruption to be created in the alley for motorists. This will cause a safety issue if not respected.

17 notices were mailed to the abutting property owners within a 200 feet radius of the subject property on May 26, 2023.

IV. STAFF RECOMMENDATION

Staff recommends **GRANTING** the request for 619 N. Ceylon Street with the condition that a 7-foot visabilty triangle be respected at the corner of the lot located at the alley.



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. 9149

Applicant Information	Name: <u>FRANCISCO MARTINEZ III</u>
	Mailing Address: <u>619 N. Ceylon St., Eagle Pass, TX 78852</u>
	Phone: <u>830-352-9143</u> E-mail: <u>fm3law@gmail.com</u>
	<u>Note: if you are not the owner of the property, you must attach a letter from the owner authorizing you to submit this application.</u>

Property Owner Information	Name: <u>FRANCISCO + BRIANNA MARTINEZ</u>
	Mailing Address: <u>619 N. Ceylon St., Eagle Pass, TX 78852</u>
	Phone: <u>830-352-9143 / 830-513-4745</u> E-mail: <u>fm3law@gmail.com</u>

Property Information	Site Address: <u>619 N. Ceylon St.</u> MCAD Property ID # <u>13749</u>
	Legal Description: Lot(s) <u>1-3</u> Block <u>6</u> Subdivision <u>NEW RANGER Unit #1</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>150</u> Rear Yard Width (feet) <u>150</u> Side Yard Width (feet) <u>140</u>

Description of Project:
<u>I would like to build a palapa five (5) feet from the fence line and not ten (10) feet.</u>

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 would like to maximize the use of my property and the zoning restriction would limit this. I would like to continue to improve the home and neighborhood.</u>

How is your variance request consistent with the general purpose and intent of the zoning code?
<u>The construction will help improve upon the architecture and historical nature of the home and neighborhood as it will be similar style to the home.</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?

I believe the granting of this variance will help promote others in the (historical) area to construct new structures, especially, since they are many homes being renovated around the historical downtown area.

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

No.

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

No.

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

No.

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

No.

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.

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

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

Applicant Signature

Date

Date Application Accepted for Review: 5/15/23 By: W

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

Completeness Review Date: 5-15-23 By: W

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. ✓

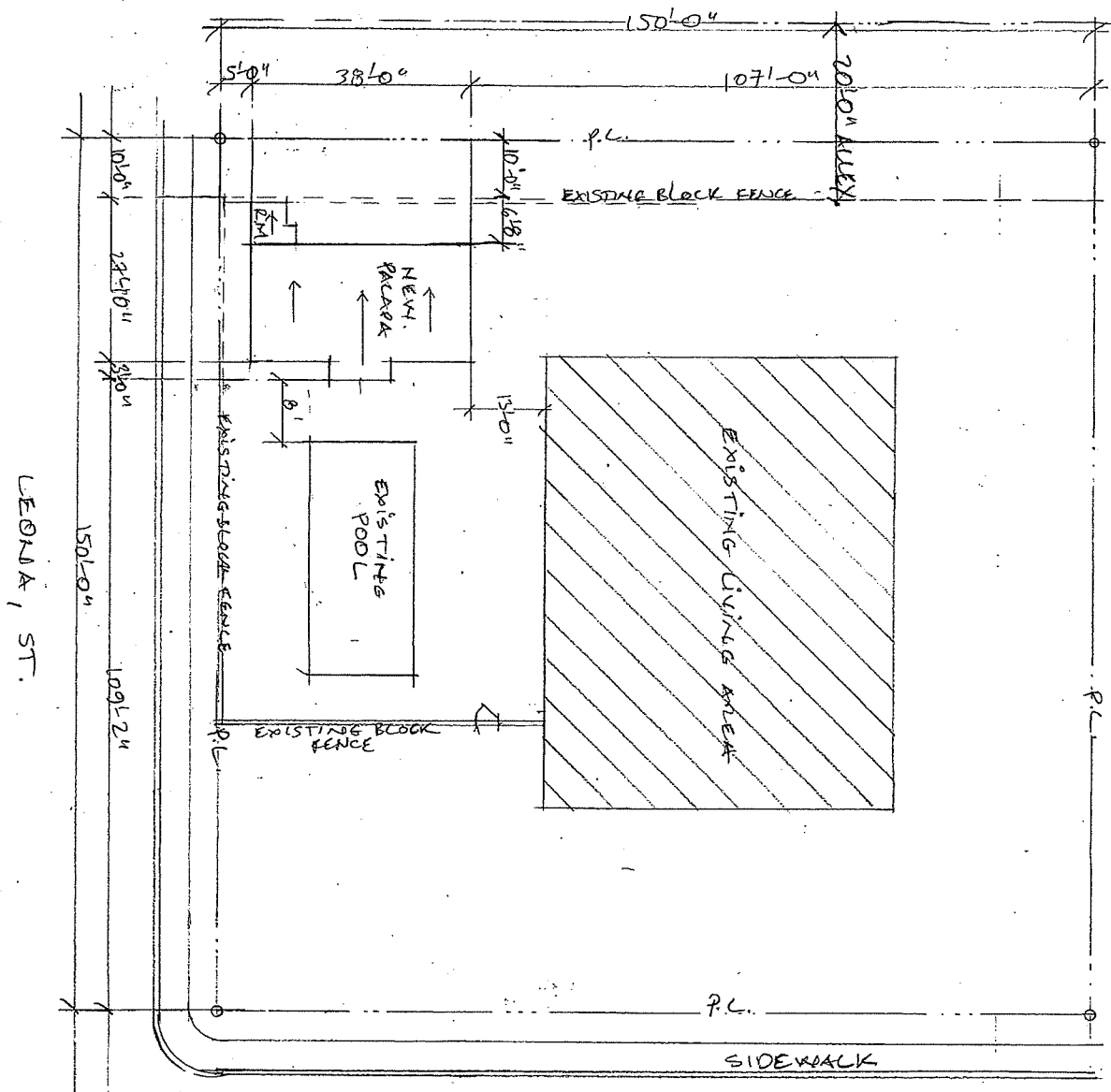
MR:6/2020



Site Photos

Legacy Map





619 CEYLON ST.

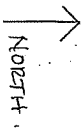
SITE PLAN. SC. 20' = 1"0"

619 CEYLON ST.

FRANCISCO MARTINEZ III & SIBANDA OWNERS.

NEW PACARA UNIT #1, BLOCK #6, LOT 1-3 TYPE "R"

ENCLAVE PASS, TX. 75852



(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.

Item 6



**City of Eagle Pass Planning Department
Zoning Board of Adjustment Appeal
to Eagle Pass Zoning Ordinance**

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

Project	Legal Description: _____ Site 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: _____ Relationship to owner: _____
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 (i. e. corporate documents) of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees. Signature: _____ Date: _____ Print Name: _____ ☐ Applicant ☐ Authorized Agent

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

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: _____

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

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?

Yes [] No [] Explain: _____

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?

Yes [] No [] Explain: _____

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?

Yes [] No [] Explain: _____

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?

Yes [] No [] Explain: _____

5. Does the municipality consider the structure to be a nonconforming structure?

Yes [] No [] Explain: _____

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

Yes [] No []

Explain: _____

7. 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: _____

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

☐
☐

Development Application signed by owner or notarized affidavit

This checklist (signed by applicant/representative)

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
			Any application that is missing information will be considered incomplete and will not be processed.	
			1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
			2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee of <u>approximately</u> \$450.00 will be invoiced and collected before the meeting date. These fees are non-refundable.
			3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
			4	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.
			5	Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation.

NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment _____

Date _____