



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, AUGUST 2, 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

PUBLIC HEARINGS

1. public hearing on a variance request submitted by Ernesto Fuentes, to (1) reduce the front yard building setback area from 25-feet to 10-feet, and (2) reduce the rear yard building setback area from 16-feet to 10-feet, to allow for the construction of two 2-story detached apartment buildings in property located at 983 Colorado Street.

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 July 28, 2023, at 3:00 p.m.

for Lizeth Vazquez
Placido Madera
Planning Director

Item #1



**Planning Department Executive Summary
to the Eagle Pass Zoning Board of Adjustment and Appeals**

Ernesto Fuentes Variance Request – 983 Colorado Street

I. BACKGROUND

General Information

Applicant & Property Owner: Ernesto Fuentes
(L & E Realestate Rentals, LLC)

Property ID Number: 5938

Legal Description: Lot 6 in Block 3 of Buena Vista
Unit #4

Parcel Size: 7,500-square feet

Current Use: Vacant

Proposed Use: Two 2-story multi-family detached
buildings to house 4 families.

Current Zoning: R3-A Apartment District

Master Plan: Residential

Request: Applicant seeks a variance to (1) reduce
the front yard building setback area from 25 feet to
10-feet, and (2) reduce the rear yard building
setback area from 16 feet to 10-feet.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public
utilities/franchises

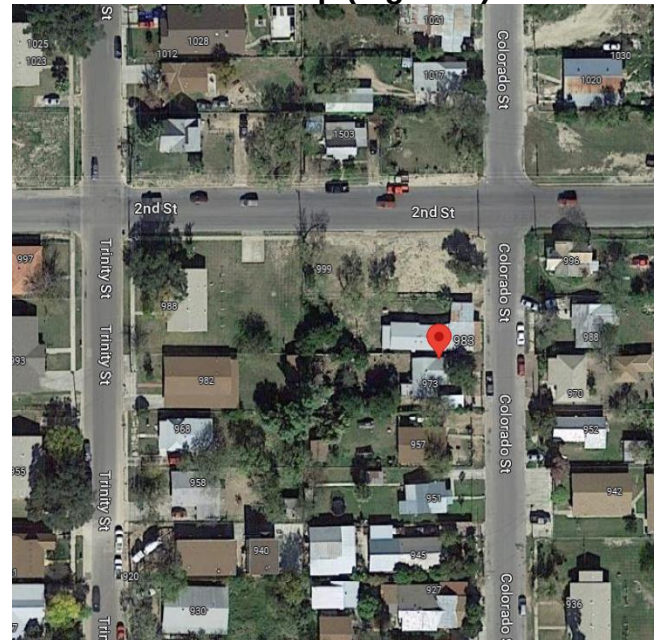
Vicinity: Property is bordered by single family
dwellings, duplex dwellings, and multi-family
developments.

Access to the site is provided by Colorado Street.
The applicant proposes to provide access via an
access easement through Second Street as the
adjacent developed lot is owned by Mr. Fuentes.

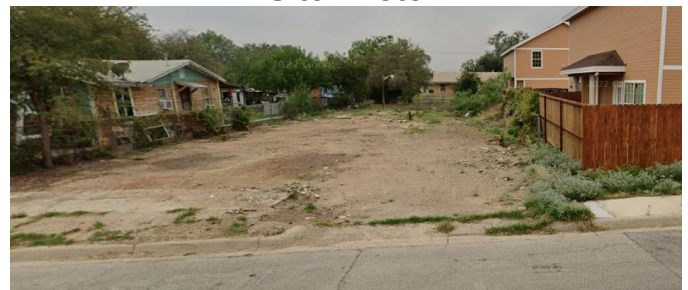
III. PUBLIC NOTICE

Public notification of the variance request before the
Planning and Zoning Commission was completed
consistent with the provisions of *Chapter 211* of the
State of Texas Local Government Code Title 7.
Twenty-two (22) notices were mailed to the abutting
property owners within a 200 foot radius of the
subject property.

Aerial Map (Figure 1)



Site Photo



Next door units owned by same owner/applicant.

IV. STAFF ANALYSIS

The applicant is seeking to reduce the front and rear yard building setback areas, to allow for the construction of two 2-story detached multi-family buildings to house 4 families in property located at 983 Colorado Street as shown in **Figure 1** (above). He seeks to (1) reduce the front yard building setback area from 25-feet to 10-feet, and (2) reduce the rear yard building setback area from 16-feet to 10-feet. Mr. Fuentes proposes to provide access through Second Street via an access easement as he also owns the adjacent corner lot currently housing multi-family structures.

The proposed construction with a total area of 2,235-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 7.1(c)(1) and (3) regulating front and rear setback areas. The Planning Department's major concern is that Building 1 is being proposed to be built too close to the right-of-way off Colorado Street, thus being a safety concern if not respected.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the request for 983 Colorado Street with the following conditions:

1. Subsequent development of the property shall comply with the following sections in the City of Eagle Pass *Code of Ordinances*:
 - Chapter 8 governing buildings
 - Chapter 12 governing the electrical code.
 - Chapter 13 governing the fire code.
 - Chapter 14 governing garbage and rubbish
 - Chapter 21 governing plumbing
 - Chapter 22 governing streets, sidewalks, and other public places
 - Chapter 23, Article VI governing landscape and tree preservation
 - Chapter 27 governing water and sewers, including drainage.
 - Appendix A governing zoning, governing off-street parking.
 - Appendix A governing zoning, governing fences

TRANSMITTED to the parties listed hereafter:

Ernesto Fuentes via regular mail
Eagle Pass Planning Department Report dated July 26, 2023



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. 9408

Applicant Information	Name: <u>Ernesto Fuentes</u>
	Mailing Address: <u>405 S. Monroe Suite A</u>
	Phone: <u>830- 968- 0033</u> E-mail: <u>ernesto@efuenteslaw.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>L & E Realestate Rentals LLC</u>
	Mailing Address: <u>405 S. Monroe Suite A</u>
	Phone: <u>830-968-0033</u> E-mail: _____

Property Information	Site Address: <u>983 Colorado</u> MCAD Property ID # <u>5938</u>
	Legal Description: Lot(s) <u>6</u> Block <u>3</u> Subdivision <u>Buena Vista #4</u> (Property must be legally subdivided or be lot of record)
	Front Yard Width (feet) <u>50</u> Rear Yard Width (feet) <u>50</u> Side Yard Width (feet) <u>150</u>

Description of Project:
The proposed project is to build 4 townhome units, allowing the maximum use of the property
While having 10 ft set backs in the front and back of the property.

Detailed Explanation of Variance Request
How does the strict application of the zoning code impose practical difficulties or particular hardship for your project?
The strict application of the zoning code, does not allow us to move the building around to better accommodate all the requirements needed like parking, detention pond, green areas and at the same time allow for the best curb appeal in the place.

How is your variance request consistent with the general purpose and intent of the zoning code?
I think the variance will be consistent with the purpose of the code, since there are already several properties with multiple units and specifically the property next door, has a set back variance to allow for maximum use.

RECEIVED
7/12/23
KV/

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 strict application of the zoning code, does not allow us to move the building around to better accommodate all the requirements needed like parking, detention pond, green areas and at the same time allow for the best curb appeal in the place.

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

I dont believe so no.

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

I dont believe so 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?

Yes, with the high prices of lots today, not allowing to build out the 4 units that fit in this particular property would be a hardship.

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

No, I was granted a variance several years ago to build out exactly the same project next door, and I dont have any complaints from neighbors.

And have been able to provide affordable housing in the area.

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?

I dont belive so no.

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

No. the buildings, will be 60 feet apart from each other.

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

I think that if anything it would increase the value of neighboring properties.

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

I think that if anything it would increase the value of neighboring properties, and also it will be a face lift to the curb appeal of the area.

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

Office Use

Date Application Accepted for Review: 7/12/23 By: KV/ML

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

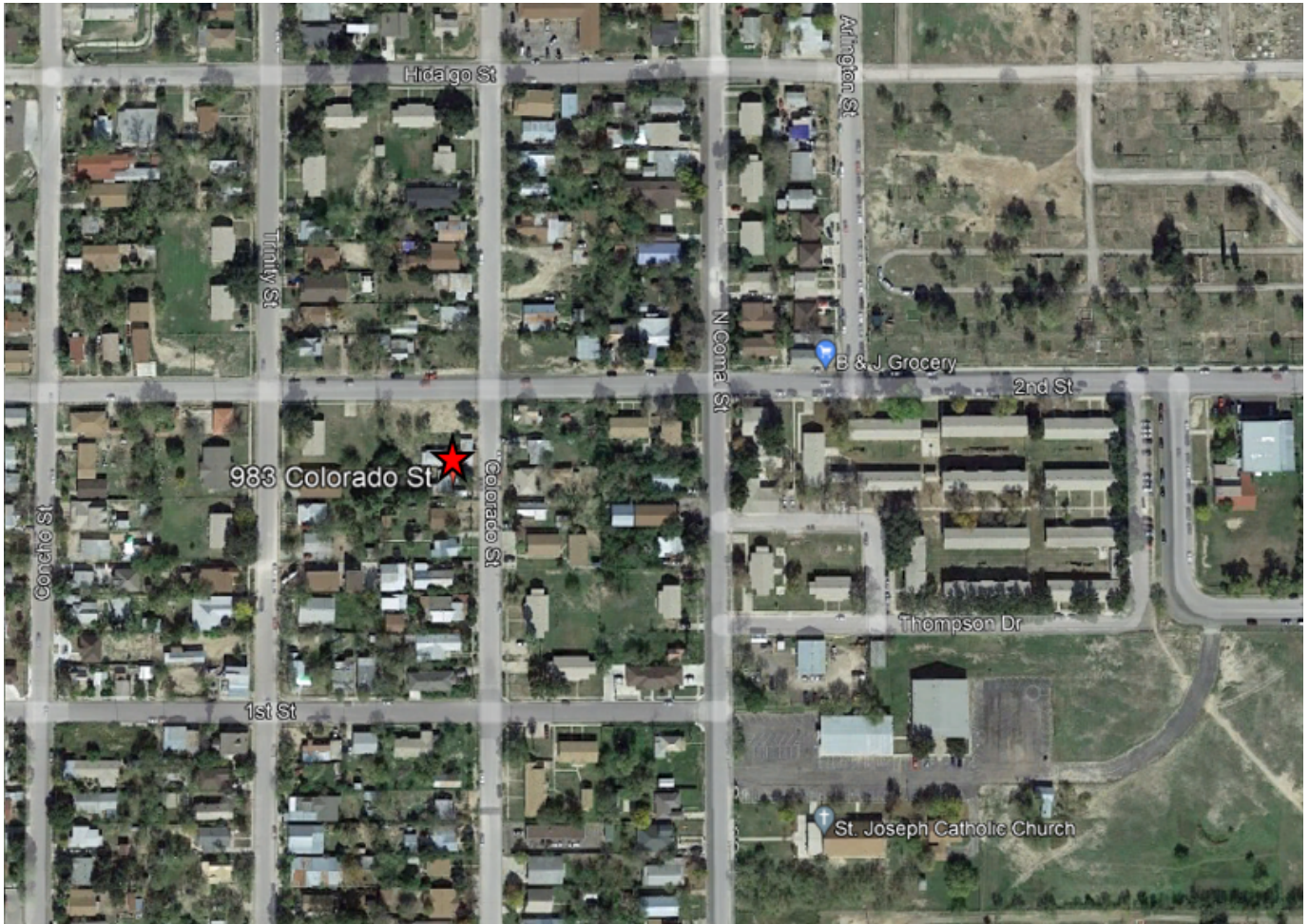
Completeness Review Date: 7/12/23 By: ML

Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. paid ML

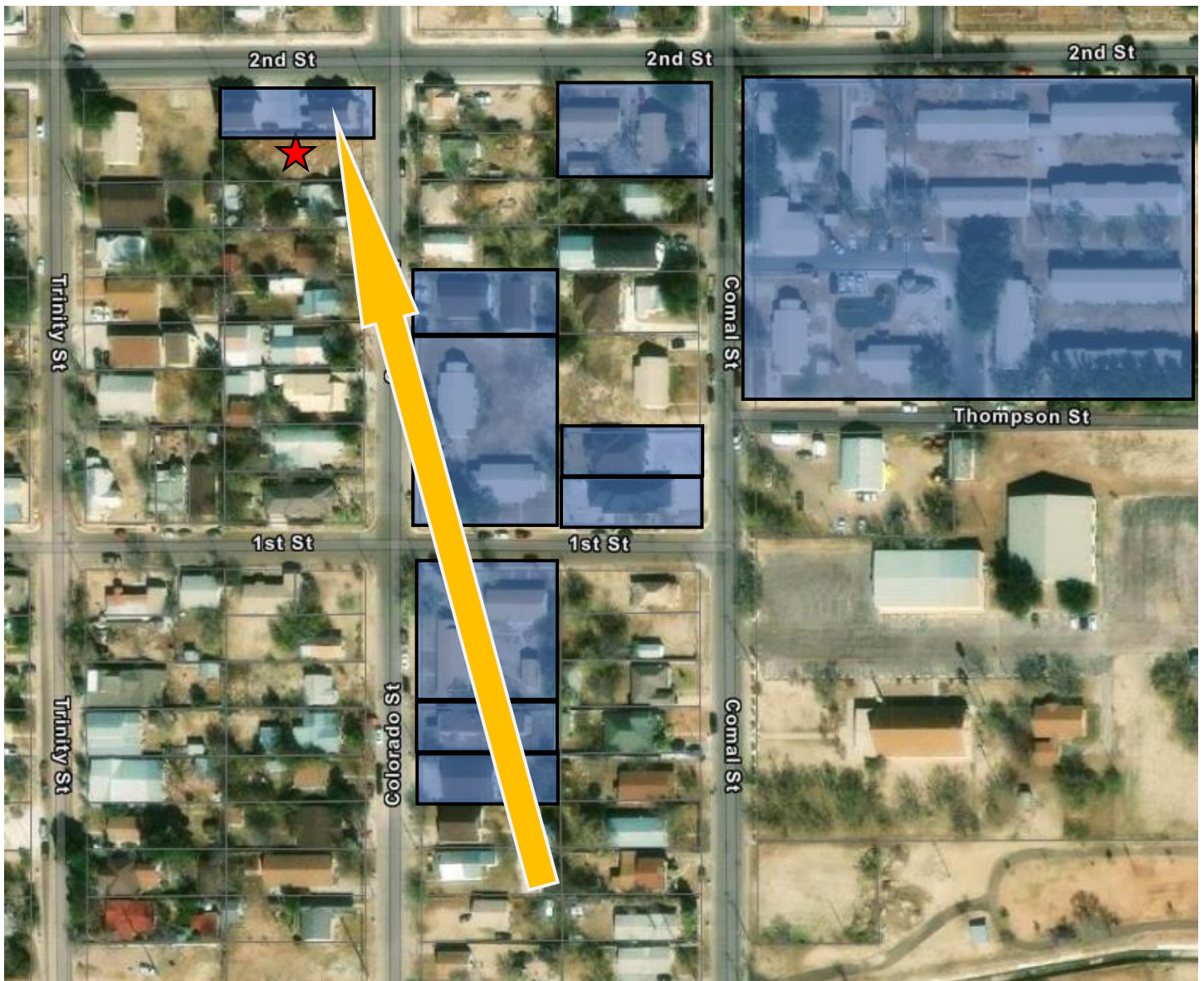
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Aerial View



Site Photo





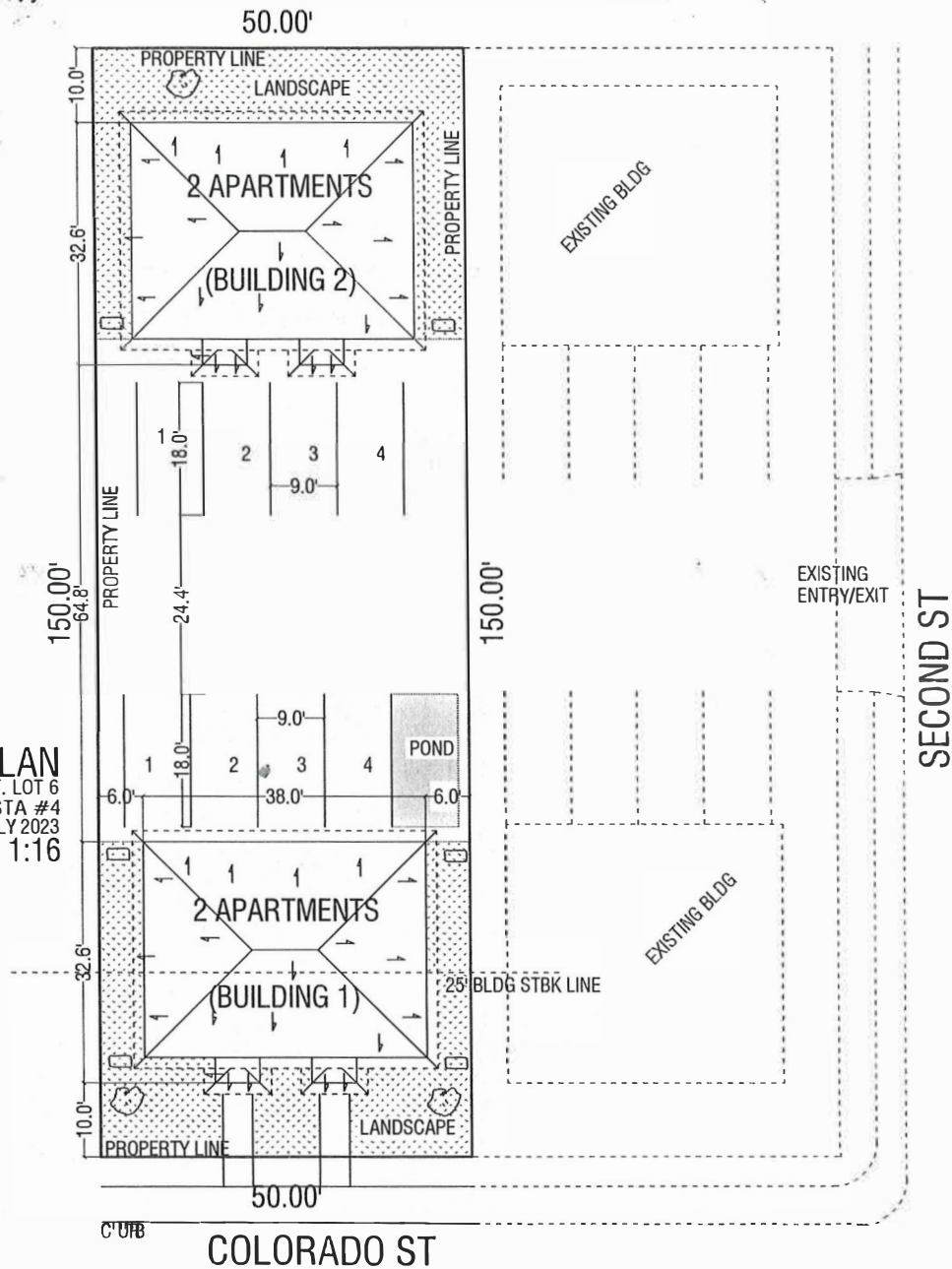
Nearby Apartments



Next door units owned by same owner/applicant.

Plot Plan

PLOT PLAN
983 COLORADO ST. LOT 6
BLK 3 BUENA VISTA #4
EAGLE PASS TX JULY 2023
SCALE 1:16



TREE	
BUSH	

CONCRETE COVERED AREA 5,525.00 SQ. FT.
20% REQUIRED LANDSCAPE 1,105.00 SQ. FT.
ACTUAL LANDSCAPE 1,745.00 SQ. FT.
FRONT ACTUAL LANDSCAPE 925.00 SQ. FT.
REQUIRES 3 TREES AND 6 BUSHES

AREA	FIRST FLOOR	1107.00
	PORCH	21.00
	SECOND FLOOR	1107.00
	BLDG TOTAL	2,235.00 SQ. FT.



PLAN OF NEW DUPLEX COMPLEX
ERNESTO FUENTES
983 COLORADO ST LOT 6
BLK 3 BUENA VISTA #4
EAGLE PASS TX. JULY 2023

Sec. 7.1 "R-3(A)" Apartment district.

The following regulations shall apply to the "R-3(A)" Apartment district:

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
 - (1) Apartment houses or multiple-family dwellings.
 - (2) Institution of a religious, educational or philanthropic nature, with conditional use permit.
- B. *Height regulations:* No building shall exceed three (3) stories or forty (40) feet in height.
- C. *Yard 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 not be less than sixteen (16) feet in depth.
 - (4) *Depth of lot.* The lot shall have a minimum depth of one hundred ten (110) feet.
- D. *Intensity of use:* Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located on lots containing the following areas:
 - (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
 - (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
 - (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.
 - (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.
- E. *Parking regulations:* Whenever a structure is erected, converted, or structurally altered for two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. 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 herein.
 - (2) Signs: Signs shall be as permitted by the section 15 of this ordinance.

(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 2020-08, § 1, 4-21-2020)