



**Zoning Board of
Adjustment &
Appeals
Regular Meeting
October 4, 2023**



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, OCTOBER 4, 2023, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONORE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

OATH OF OFFICE – Mr. Crawford Adams Rhodes

MINUTES

1. Approval of the minutes for the August 2, 2023 meeting.

PUBLIC HEARINGS

2. Continuation of a 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; closing of public hearing and possible action.
3. Public hearing on a variance request submitted by Diana Aguirre, to (1) reduce the front yard building setback area from 25-feet to 20-feet, (2) reduce the side yard building setback area from 10-feet to 0-feet, and (3) reduce the rear yard building setback area from 16-feet to 5-feet, to allow the construction of carports in property located at 203 Medina Street; closing of public hearing and possible action.
4. Public hearing on a variance request submitted by Roberto Zarate, to reduce the front yard building setback area from 25-feet to 11-feet, to allow for the construction of an attached carport in property located at 2208 Beverly Hills Boulevard; closing of public hearing and possible action.
5. Public hearing on a variance request submitted by Jose L. and Monica R. Zermeno, to reduce the side yard building setback area from 5-feet to 2-feet to allow for the construction of an attached carport on property located at 887 N. Bibb Ave; closing of public hearing and possible action.
6. Public hearing on a variance request submitted by Cosme Rodriguez, to reduce the maneuvering space from 24-feet to 19-feet to allow for the construction of carports on property located at 2668 Encino Park 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 September 29, 2023 at 2:45 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, August 2, 2023, 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, Antonio Elizondo; Board Member, Priscilla Puente-Chacon; and Board Member, Maria A. Chio.

Absent: Chairperson, Matthew Gary; and Board Member, Julie Mathiws

Staff present: Assistant Planning Director, Mariebelle Rodriguez; Planning Director, Placido Madera; and Records Management Specialist, Sydney Rodriguez

A quorum being present, Vice-Chairperson Elizondo 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.

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.

Being as quorum was not established to vote on the item, members of the board listened to the presentation by Planning Director, Madera.

Board Member, Chio moved to table the item to next meeting. Seconded by Vice- Chairperson Elizondo. **MOTION PASSED-** Unanimously

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

ADJOURNMENT

Alternate Vice- Chairperson Puente-Chacon moved to adjourn meeting at 5:42 p.m. Seconded by Vice- Chairperson Elizondo. **MOTION PASSED-** Unanimously

Passed and approved on

Antonio Elizondo
Vice-Chairperson

ATTEST:

Sydney Rodriguez
Records Management Specialist

Item #2



**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

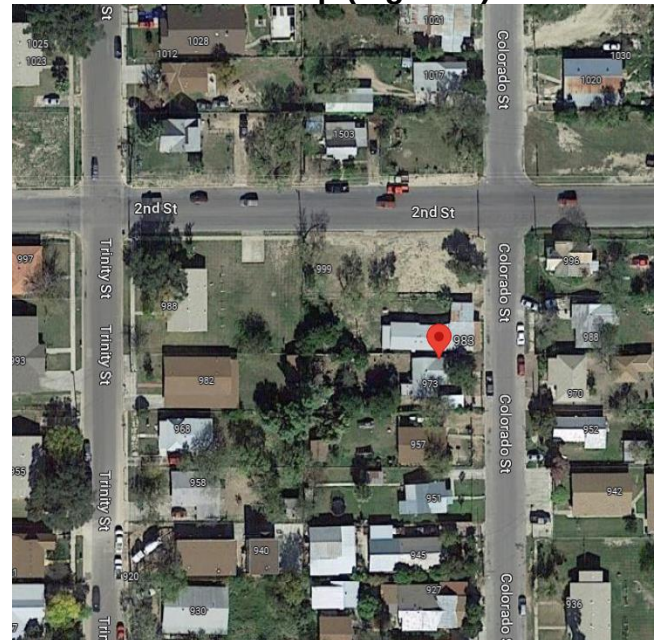
Vicinity: Property is bordered by single family
dwellings, duplex dwellings, and multi-family
developments.

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.

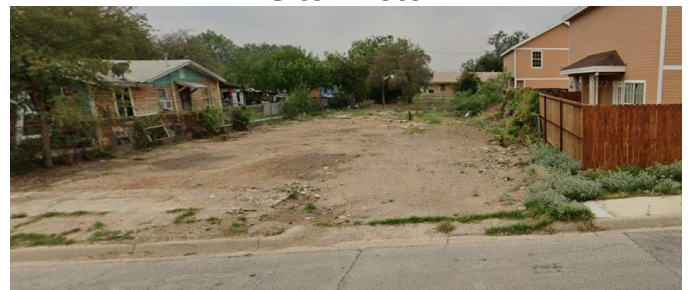
III. PUBLIC NOTICE

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 feet 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

Attachment 1



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
EV/10

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.

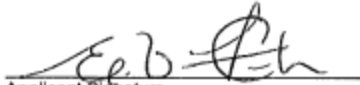
Will your variance impair the public health, safety, comfort, morals and welfare of the City of Eagle Pass?

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

7/11/23
Date

Office Use

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

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

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

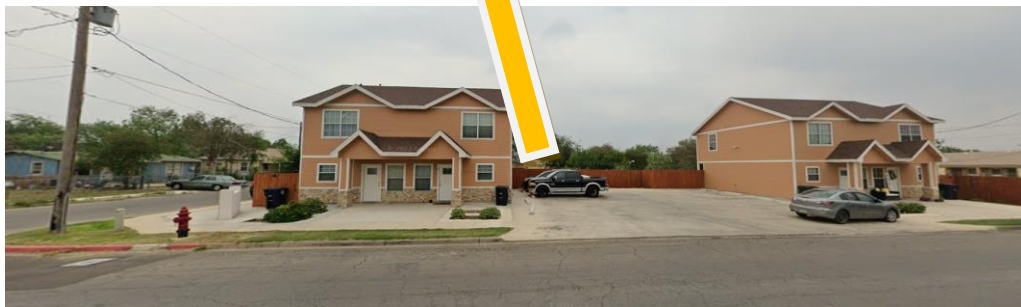
Application Returned to Applicant: NA (when applicable)

Note: Processing fee of \$100.00. paid

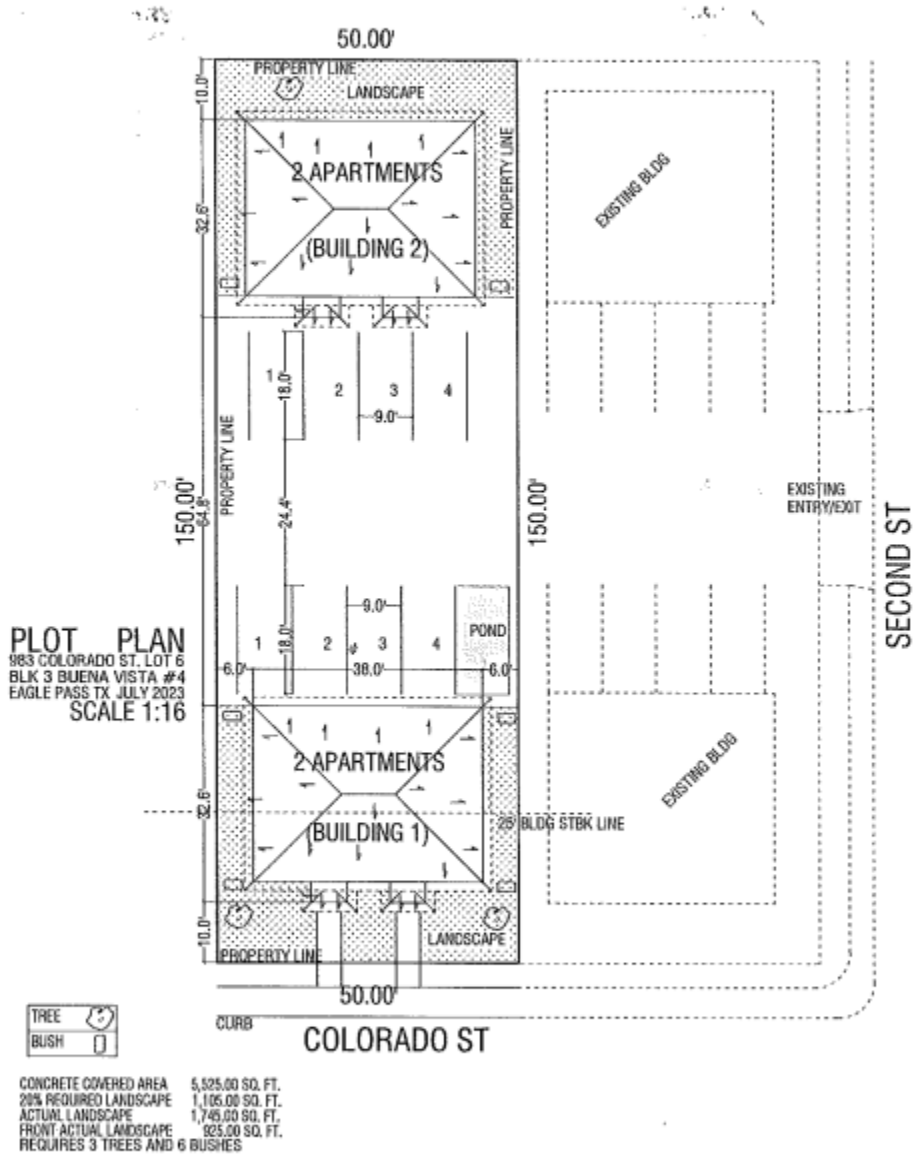
MR:6/2020



 Nearby Apartments



Next door units owned by same owner/applicant.



1st	FIRST FLOOR	1107.00
2nd	PORCH	21.00
3rd	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)

Item #3



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

Diana Agirre Variance Request – 203 Medina Street

I. BACKGROUND

General Information

Applicant & Property Owner: Diana Aguirre

Property ID Number: 9810

Legal Description: Lot 12 in Block 10 of Hillcrest Addition

Parcel Size: 8,550-square feet

Current Use: multi-family development

Current Zoning: R3-A Apartment District

Master Plan: Residential

Request: Applicant seeks variances from *City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) Section 7.1(c)(1)(2)* and (3) regulating yard setbacks. Applicant seeks to (1) reduce the front yard building setback area from 25-feet to 20-feet, (2) reduce the side yard building setback area from 10-feet to 0-feet, and (3) reduce the rear yard building setback area from 16-feet to 5-feet, to allow the construction of carports on property located at 203 Medina Street.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

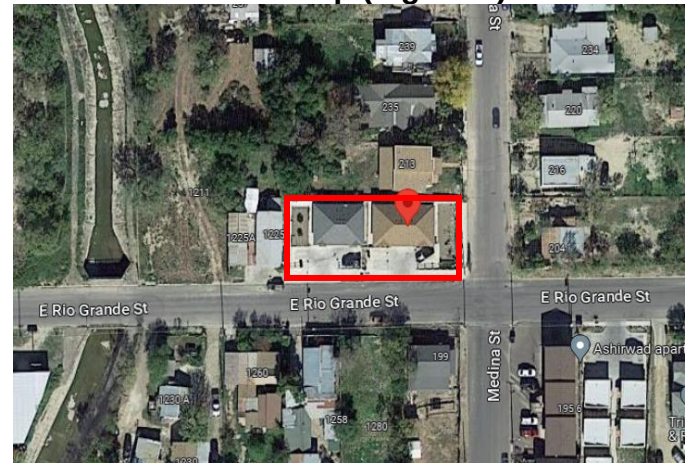
Vicinity: Property is bordered by single family dwellings, and multi-family developments.

Access to the site is provided by Rio Grande.

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-three (23) notices were mailed to the abutting property owners within a 200 foot radius of the subject property.

Aerial Map (Figure 1)



Street Views



IV. STAFF ANALYSIS

The applicant is seeking to reduce building setback areas, to allow for the construction of carports for their tenant's vehicles.

The proposed construction, as shown in the enclosed proposed Site Layout, does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly *Section 7.1(c)(1)(2)* and *(3)* regulating yard setback areas. The Planning Department's major concern is that the structures will be encroaching the side yard setback and may cause a visibility concern if built too close to the right-of-way off Rio Grande, thus being a safety concern if not respected.

V. STAFF RECOMMENDATION

Staff recommends **DENYING** of the applicant's variance requests of a reduction of setbacks for 203 Medina Street, as it does not conform with the regulations set forth:

1. *Section 7.1(c)(1)(2)* and *(3)* regulating yard setback areas of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating front yard setbacks.

TRANSMITTED to the parties listed hereafter:

Diana Aguirre via regular mail
Eagle Pass Planning Department Report dated August 30, 2023

Attachment 1

Application

Application, photos of site, plot plan not scale, photos of other carports in the community, Code Section
You may remove this after all documents have been uploaded/enclosed



**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: <u>Hillcrest Addn, Block 10, Lot 12</u> Site Address: <u>203 Medina St, Eagle Pass, TX 78852</u> Acres: <u>.1963</u> Square feet: <u>8,865.5</u> Existing land use: <u>apartments</u>
Owner	Name: <u>Diana Aguirre</u> Phone: <u>(830) 776-1381</u> Address: <u>203 Medina St, B, E.P. TX 78852</u> E-mail: <u>dianaaguirre5569@gmail.com</u> City: <u>Eagle Pass</u> State: <u>TX</u> Zip: <u>78852</u>
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: <u>Diana Aguirre</u> Date: <u>6-28-2023</u> Print Name: <u>Diana Aguirre</u> ☒ Applicant ☐ Authorized Agent

RECEIVED
6/28/23
revised. HA

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>W</u> Payment received by <u>W</u> Date <u>6/28/23</u>	
	Zoning Classification <u>R3A Apartment District</u>	Case No. <u>9342</u> Revised 7/19/23

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: Reduce side setback from 10' to 0' to construct carports (18x20). Rear setback from 5 ft to 0 ft. Front yard setback from 25' to 18'
*Corrections to reductions as authorized by applicant as follows:
Rear setback from 16-feet to 5 feet, Front setback from 25-feet to 20 feet. W

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: *Not respecting side setback by 24 feet 0 feet. Rear Setback from 5ft to 0ft.
Front yard setback from 25' to 18'

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

Yes ☐ No ☒ Explain: _____

* Rear setback from 16 feet to 5 feet and front setback from 25 to 20 feet W

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

Yes ☒ No ☐ Explain: Encroaching on side Setback

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

Yes ☒ No ☐

Explain: Building carports to improve quality of life for tenants

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)

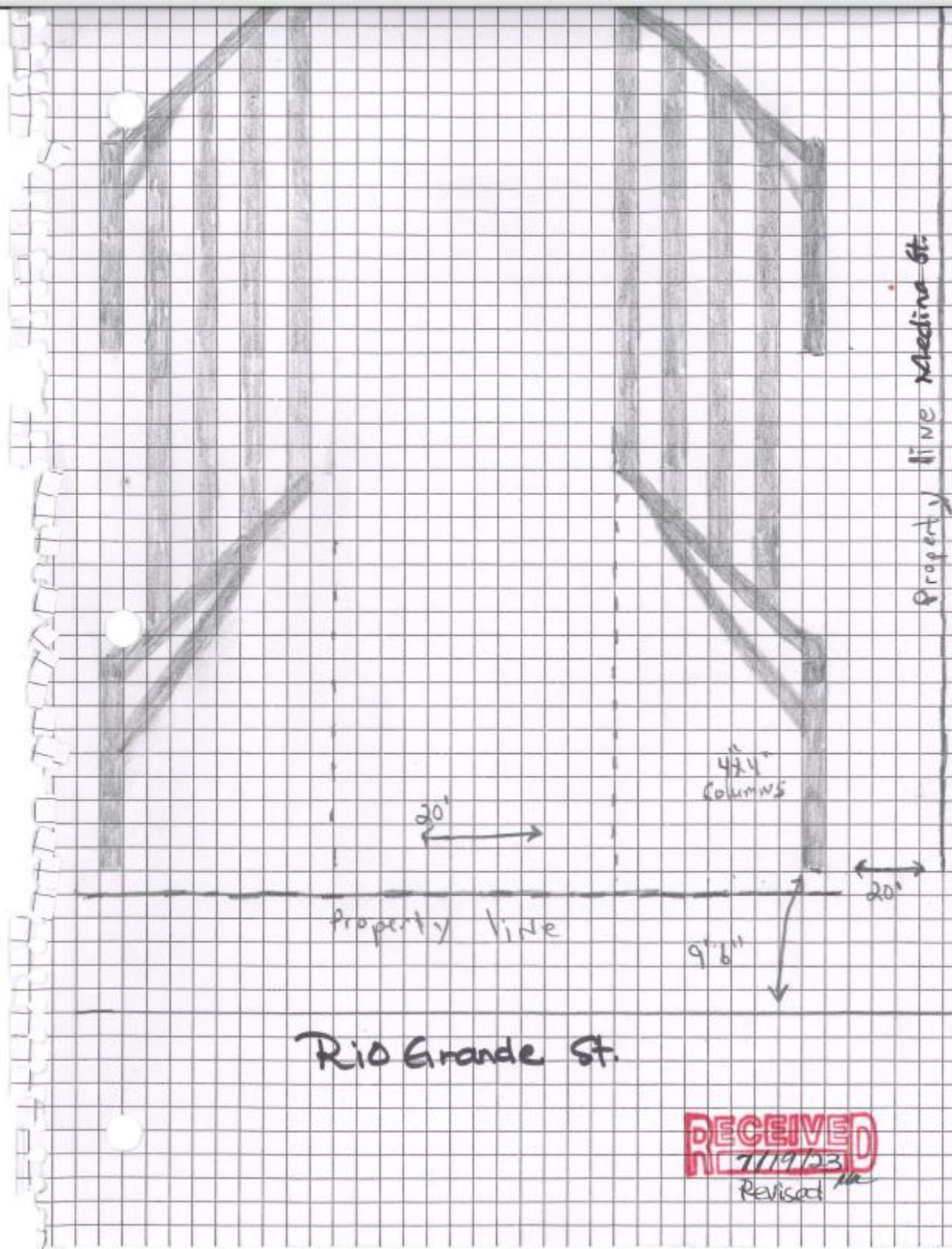
Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS Any application that is missing information will be considered incomplete and will not be processed.	
☒			1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
☒	☒		2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee 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

6-28-25

Date 7/19/23 revised



RECEIVED
7/19/23
Revised 11/23

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.

Item #4



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

Roberto & Sonia Zarate Variance Request – 2208 Beverly Hills Blvd.

I. BACKGROUND

General Information

Applicant & Property Owner: Roberto & Sonia Zarate

Property ID Number: 59896

Legal Description: Lot 3 in Block 1 of Treasure Hills Unit #1

Parcel Size: 5,750-square feet

Current Use: Residential dwelling

Current Zoning: R2- Second one-family dwelling district

Master Plan: Residential

Request: Applicant seeks a variance from *Section 6(c)(1)* regulating yard regulations for the R-2 zoning district, to reduce the front yard building setback area from 25 feet to 11 feet.

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOR_APXAZO_OR_S6SEOMIDWDI

CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by single family dwellings.

Access to the site is provided by Beverly Hills Blvd.

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*. Thirty-four (34) notices were mailed to the abutting

property owners within a 200 feet radius of the subject property on August 25, 2023.

Aerial Map (Figure 1)



Street View Photos



IV. STAFF ANALYSIS

The applicant is seeking to reduce the front yard building setback, to allow for the construction of a carport in property located at 2208 Beverly Hills Blvd. as shown in **Figure 1** (above). Applicant seeks to reduce the front yard building setback area from 25-feet to 11-Feet.

The proposed construction with a total area of 476-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 6(c)(1) regulating front setback area.

V. STAFF RECOMMENDATION

Staff recommends **DENIAL** of the applicant's variance request of a reduction to the front yard building setback from 25-feet to 11- feet located at 2208 Beverly Hills Blvd, as it does not conform with the regulations set forth:

1. Section 6(c)(1) of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating front yard setbacks.

TRANSMITTED to the parties listed hereafter:

Roberto & Sonia Zarate via e-mail
Eagle Pass Planning Department Report dated August 31, 2023

Attachment 1

 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: <u>Treasure Hills Subdivision Block 1 lot 3</u> Site Address: <u>2208 Beverly Hills Blvd.</u> Acres: _____ Square feet: <u>5750</u> Existing land use: _____		
	Name: <u>Roberto & Sonia Zarate</u> Phone: <u>830 968 4203</u> Address: <u>2208 Beverly Hills Blvd</u> E-mail: <u>sonia-cz@live.com</u> City: <u>Eagle Pass</u> State: <u>Tx</u> Zip: <u>78852</u>		
Owner	Name: _____ Phone: _____ Address: _____ E-mail: _____ City: _____ State: _____ Zip: _____		
	Relationship to owner: _____		
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: <u>Sonia Zarate</u> Date: <u>8/1/23</u> Print Name: <u>Sonia Zarate</u> ☒ Applicant ☐ Authorized Agent		

22 Zoning

Board Action	Description:	
	Board Chairman Signature Date	
Office	Accepted by <u>KV</u> Payment received by <u>RR</u> Date <u>8/1/23</u>	Zoning Classification <u>R2</u> Case No. <u>9459</u>

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: I'm requesting this variant because I didn't know that I had to request permission to make a carport that is inside my property and that does not obstruct anything and does not affect my neighbor because my house is in the middle of two single lots and there is no construction. People can walk on the sidewalk without any problem and without any danger. → next page.

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: No because the value of the carport is \$15,500.00

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: No because the carport is open and it does not affect either side or the sidewalk.

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

Yes ☐ No ☒ Explain: No that I have the knowledge because there are other similar carports already built in my neighborhood.

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

Yes ☐ No ☒ Explain: No because it is on the driveway, and both sides of my house there are no house.

This carpet that was made out of necessity to cover the cars the hail and that every year affects.

Here I attach a copy of the claim to the insurance for the damage to my truck and also attach photographs of the other carpets that are in the neighborhood.

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

Yes ☐ No ☐ Explain: I don't know because I have never taken the time to read if there are restrictions or not.

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

Yes ☒ No ☐

Explain: Yes, because is necessary to protect the car from the hail.

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: No, because the carport is open and I don't have neighbors next to my house and people can walk perfectly on the sidewalk without any danger.

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 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.

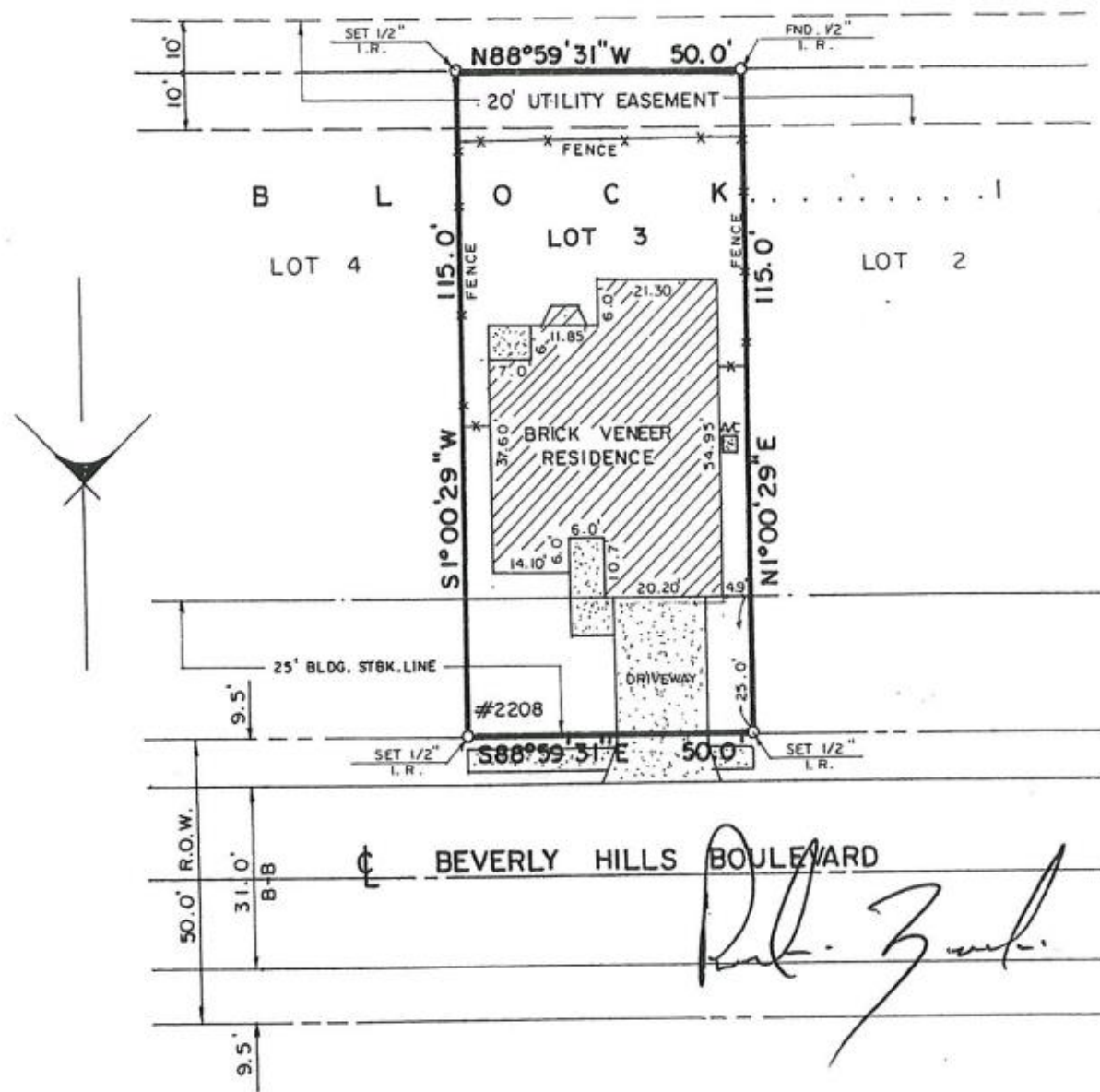
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Amia Zuehl
Applicant Acknowledgment

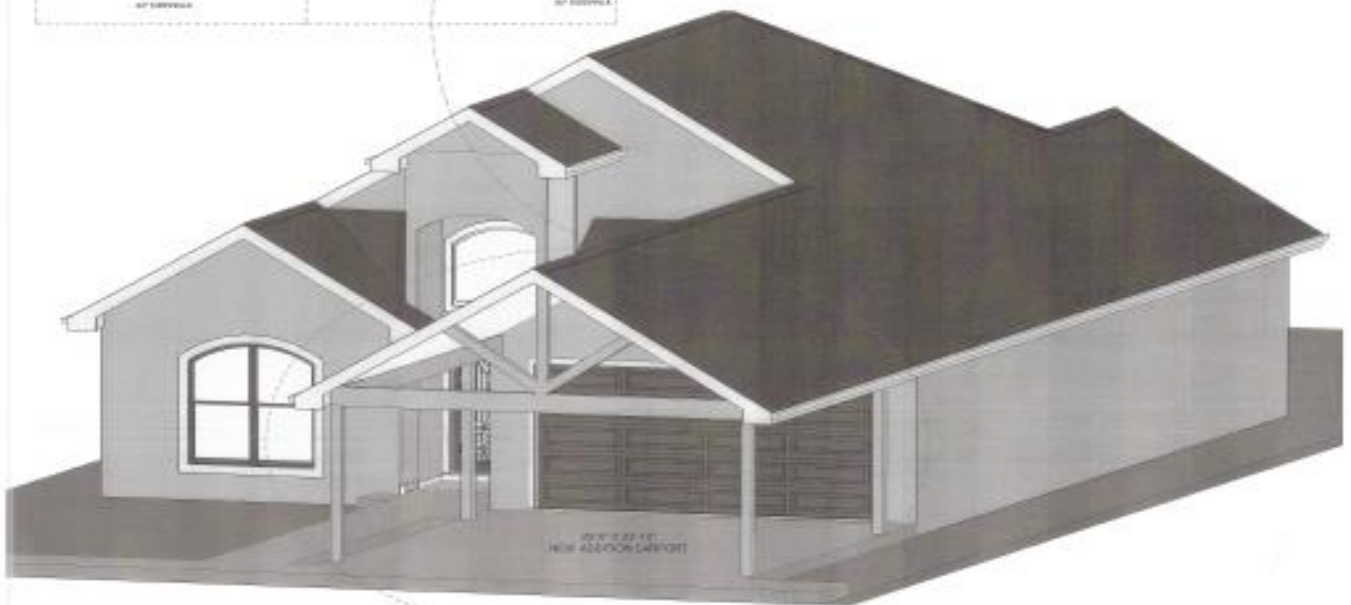
8/1/23
Date



Survey



Site Plan



Sec. 6. "R-2" Second one-family dwelling districts.

The following regulations shall apply to the "R-2" Second one-family dwelling district:

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
 - (1) Any use permitted in the "R-1" First one-family dwelling district.
- B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 11 hereof.
- 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 less than sixteen (16) feet in depth.
 - (4) *Depth of lot.* The lot shall have a minimum depth of one hundred (100) feet.
- D. *Intensity of use:*
 - (1) Every lot or tract of land shall have an area of not less than five thousand five hundred (5,500) square feet and an average width of not less than fifty-five (55) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of the ordinance from which this section is derived and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.
 - (2) Maximum impervious cover for a residential lot in R-2 district is fifty-five (55) percent. Impervious surfaces include any artificial structures that are covered by water-resistant materials such as: concrete, brick, stone, pavement and rooftops.
- E. *Parking regulations:* Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in Section 12.1, Parking Requirements shall also apply.
- F. *Additional use, height, and area regulations:*
 - (1) Additional use, height, and area regulations and exceptions are found in section 12 herein.
 - (2) Signs:
 - (a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name

Item #5



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

Jose L. and Monica R. Zermeno Variance Request – 887 N. Bibb Ave

I. BACKGROUND

General Information

Applicant & Property Owner: Jose L. and Monica R. Zermeno

Property ID Number: 19894

Legal Description: Lot 7 in Block 5 of Vista Hermosa Unit # 3A

Parcel Size: 7,625-square feet

Current Use: Residential dwelling

Current Zoning: R1 (First One-Family Dwelling District)

Master Plan: Residential

Request: Applicant seeks a variance from *Section 5(c)(2)* regulating yard regulations for the R-1 zoning district, to reduce the side yard building setback area from 5 feet to 2 feet, to allow for the construction of an attached carport.

Section 5 of the Zoning Ordinance:

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOR_APXAZO_OR_S5FIOMIDWDI

CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

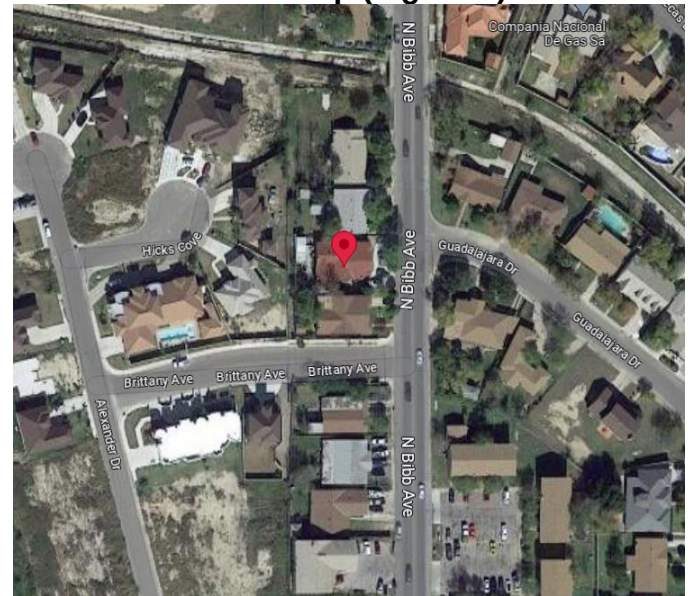
Vicinity: Property is bordered by single family and multi-family dwellings.

Access to the site is provided by Bibb Ave.

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-six (26) notices were mailed to the abutting property owners within a 200 feet radius of the subject property on September 22, 2023.

Aerial Map (Figure 1)



Street View Photo



IV. STAFF ANALYSIS

The applicant is seeking to reduce the side yard building setback, to allow for the construction of an attached carport on property located at 887 N. Bibb Avenue as shown in **Figure 1** (above). Applicant seeks to reduce the side yard building setback area from 5-feet to 2-feet.

The proposed construction with a total area of 441-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 5(c)(2)* regulating side yard building setback areas, thus being a fire hazard.

V. STAFF RECOMMENDATION

Staff recommends **DENIAL** of the applicant's variance request of a reduction to the side yard building setback area from 5-feet to 2-feet for property located at 887 Bibb Avenue, as it does not conform with the regulations set forth:

1. Section 5(c)(2) of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating front yard setbacks.

TRANSMITTED to the parties listed hereafter:

Jose L. and Monica R. Zermeno via e-mail
Eagle Pass Planning Department Report dated September 26, 2023

Attachment 1
Application and related information



**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: Vista Hermosa Unit #34, Block 5, Lot 7
Site Address: 887 N. Bibb Ave Eagle Pass TX 78852
Acres: 0.1750 Square feet: 7,425 Existing land use: residence

Owner

Name: Jose L & Monica R Zermeno Phone: 830-968-1077
Address: 887 N. Bibb E-mail: mrzcbp@gmail.com
City: Eagle Pass State: TX Zip: 78852

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 X

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: [Signature] Date: 9-11-2023
Print Name: JOSE ZERMEÑO ☐ Applicant ☐ Authorized Agent

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: I building the carport is because I purchase a two vehicle EV which the recommend to be under the shade

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: _____

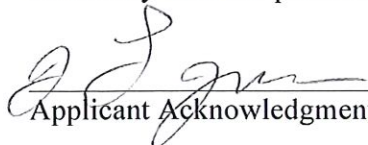
VARIANCE APPLICATION CHECKLIST

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 will be invoiced and collected before the meeting date. These fees are non-refundable.
	N/A	☒	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

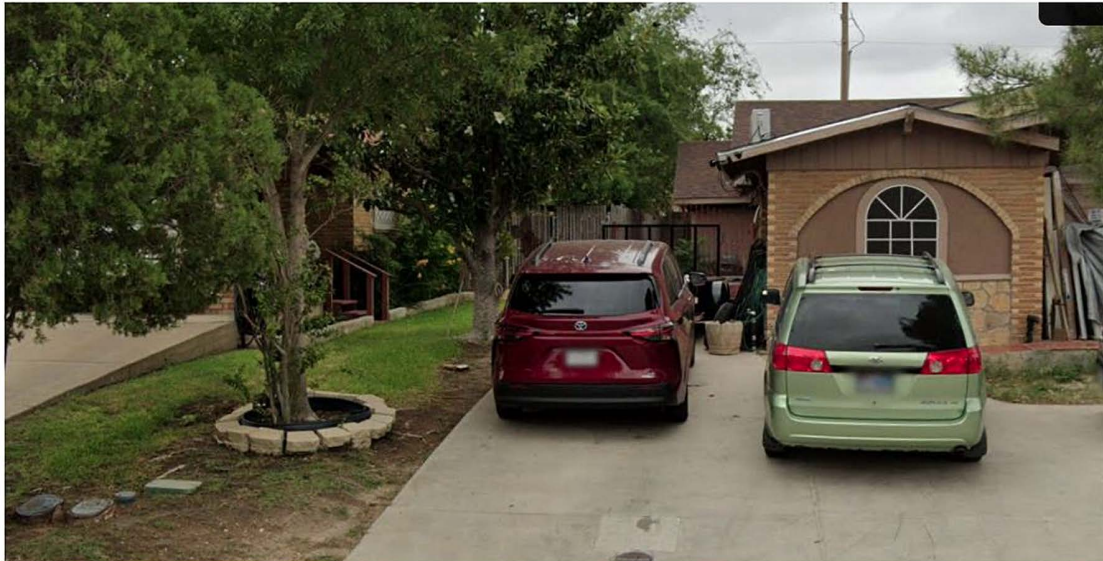
9-14-2023
Date



Plat of Record – Vista Hermosa Unit #3A, Block 5, Lot 7

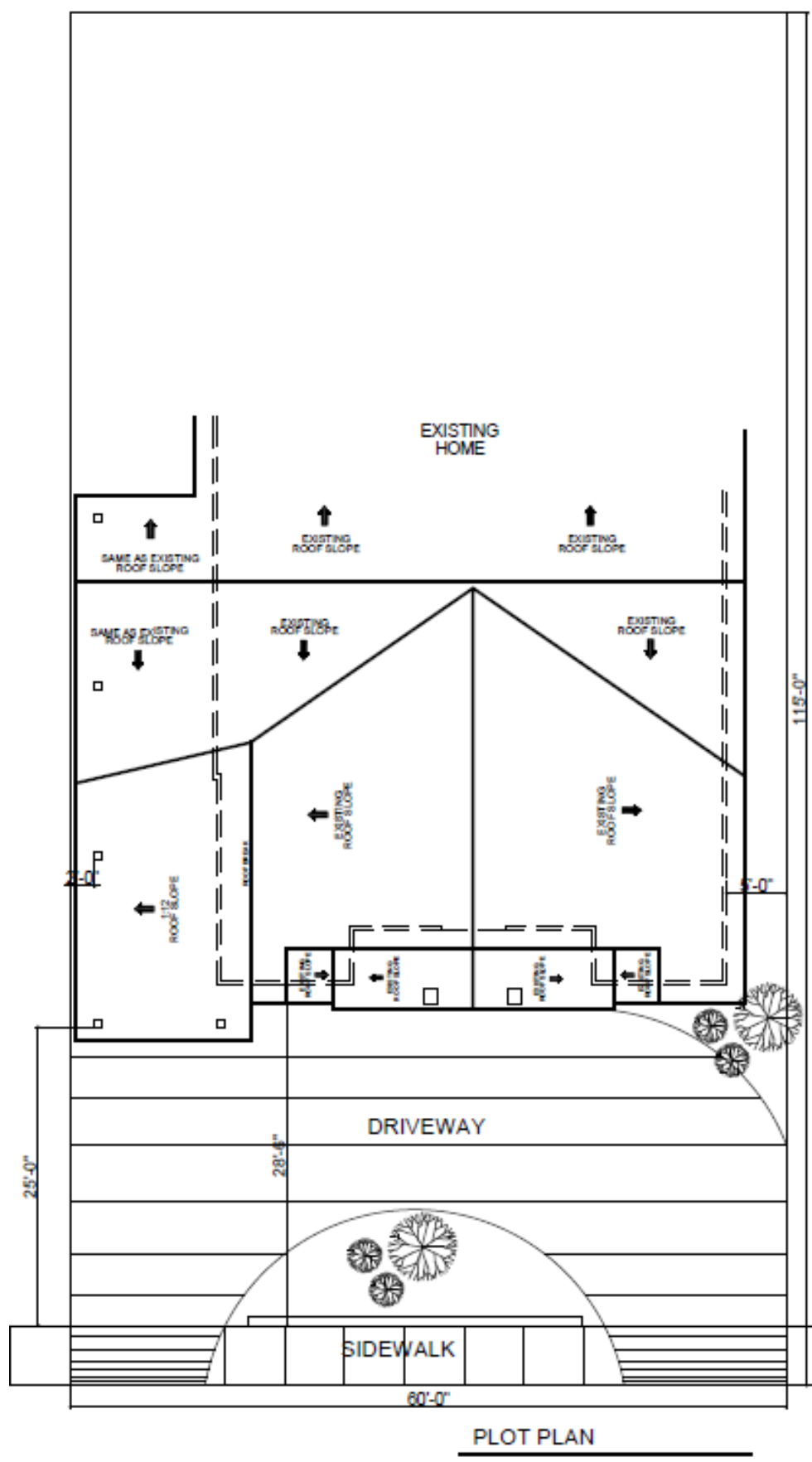


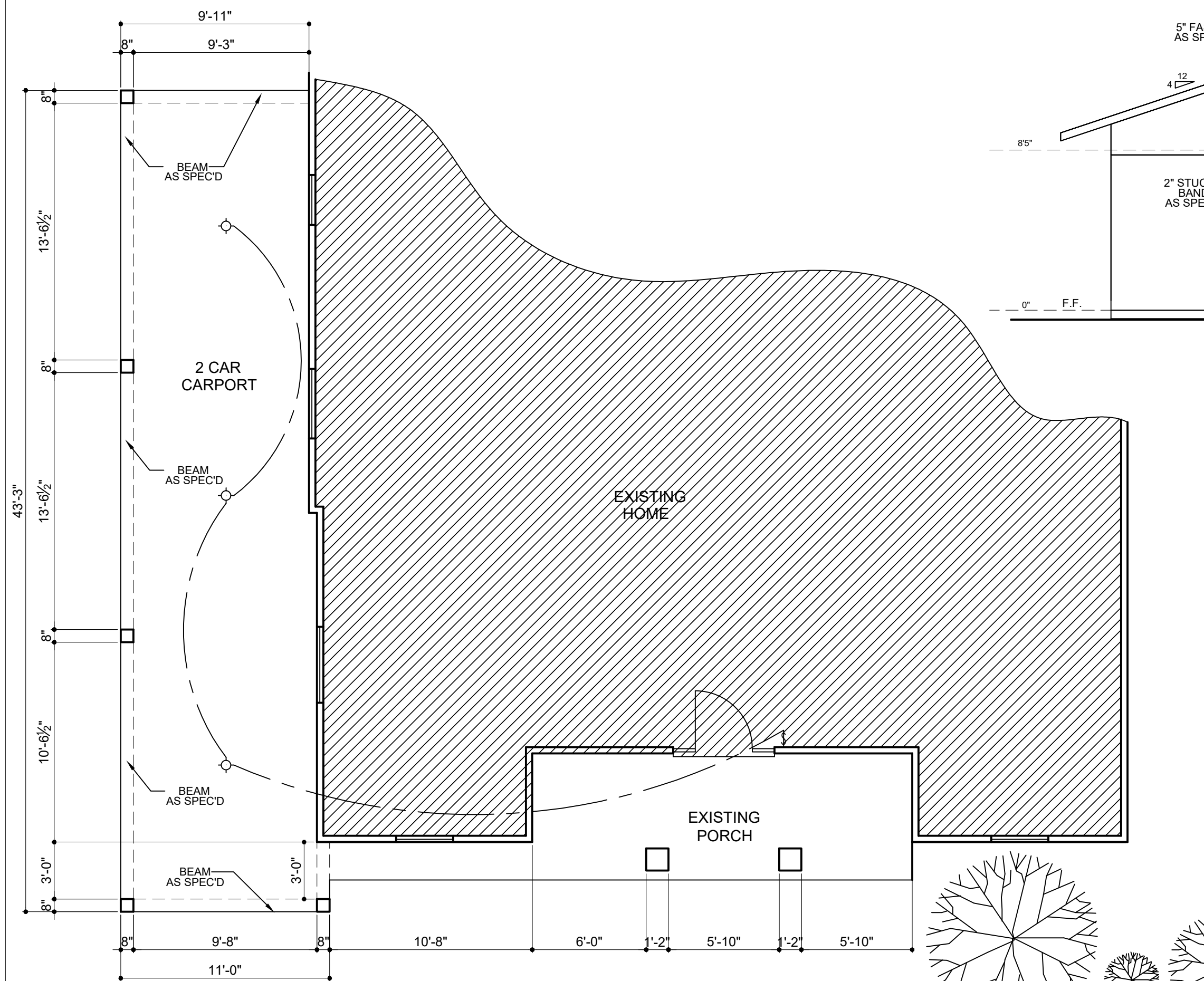
Site Photos





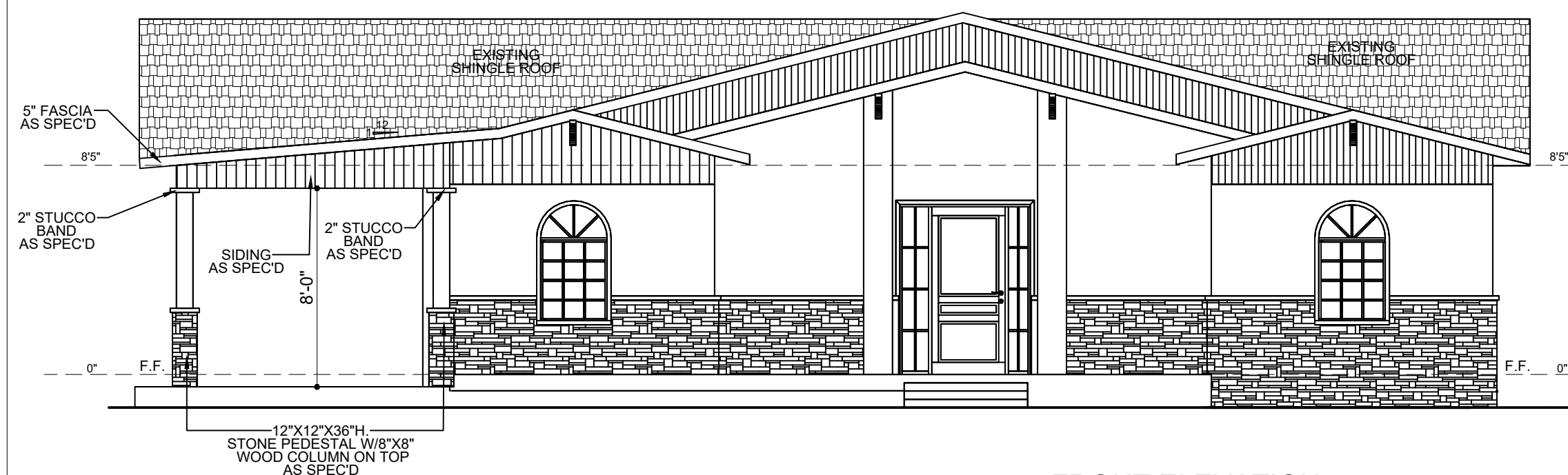
Site Plan





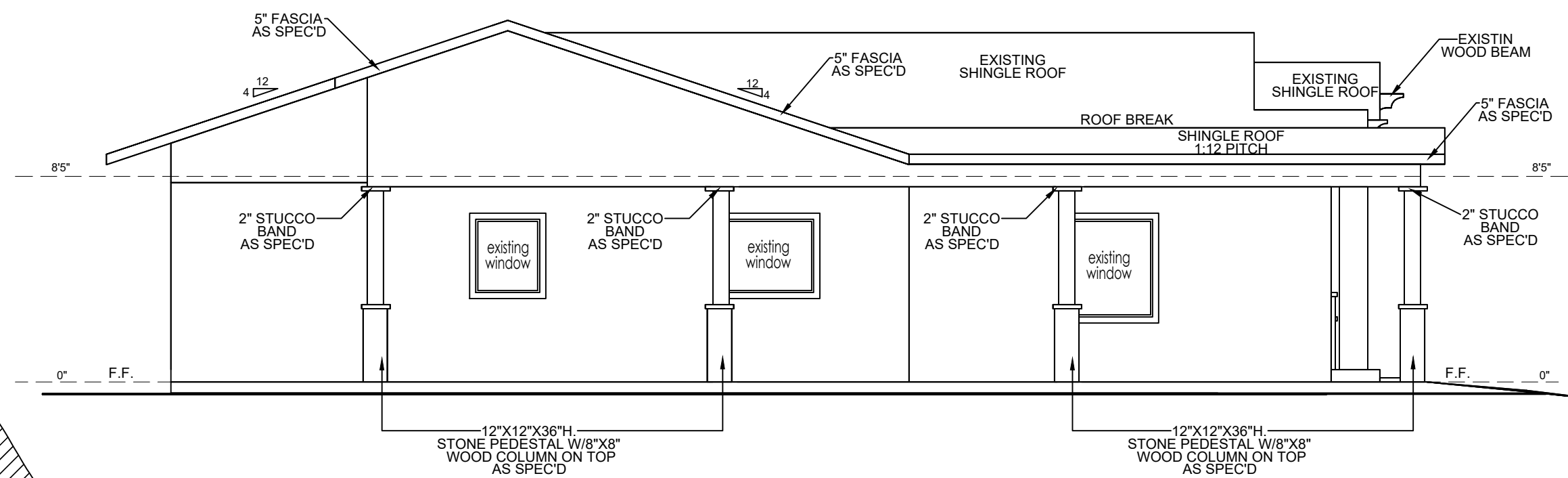
AREA = 441 SQ FT

FIRST FLOOR PLAN
3/16" = 1' 0"



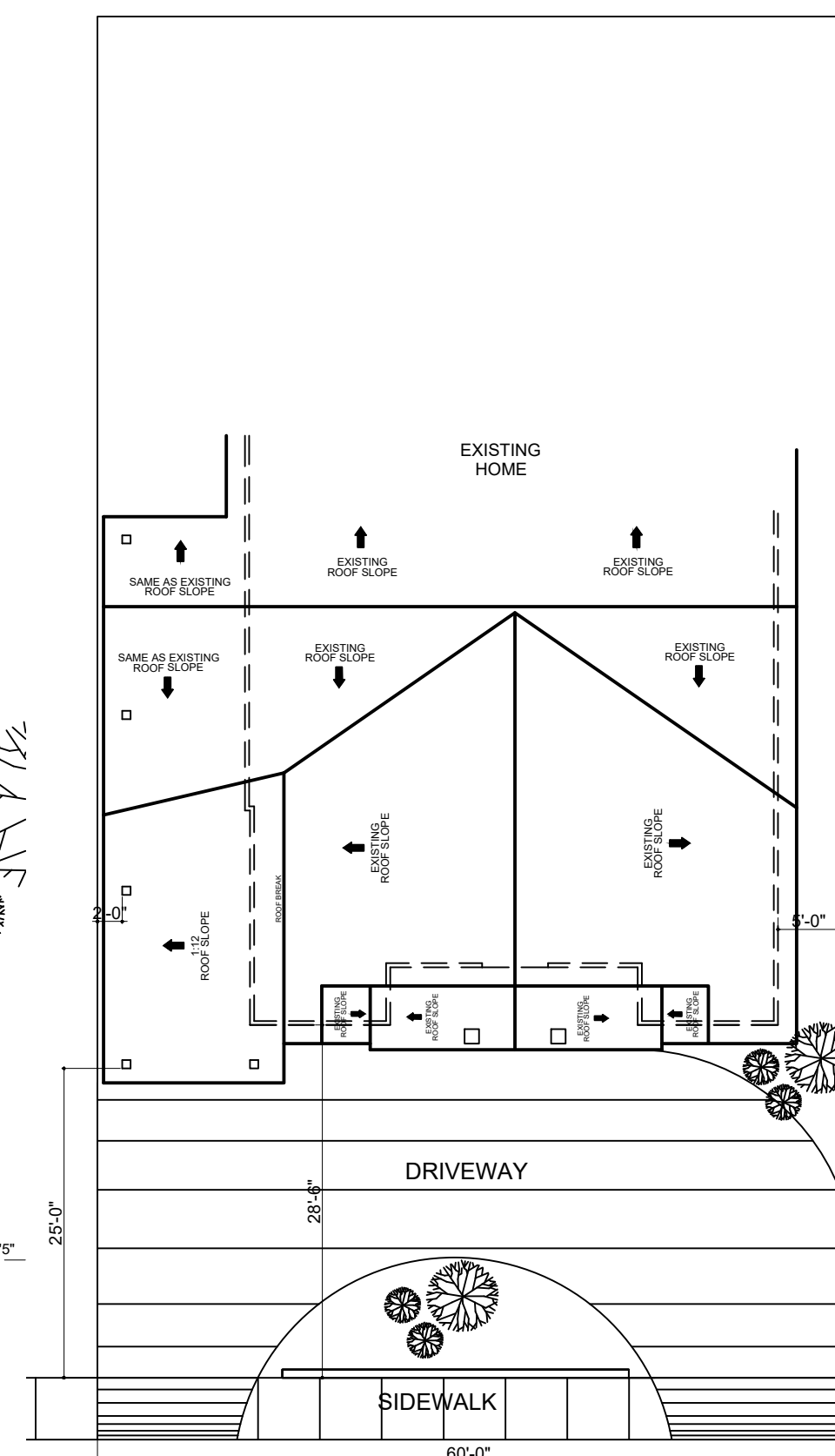
FRONT ELEVATION

3/16" = 1' 0"



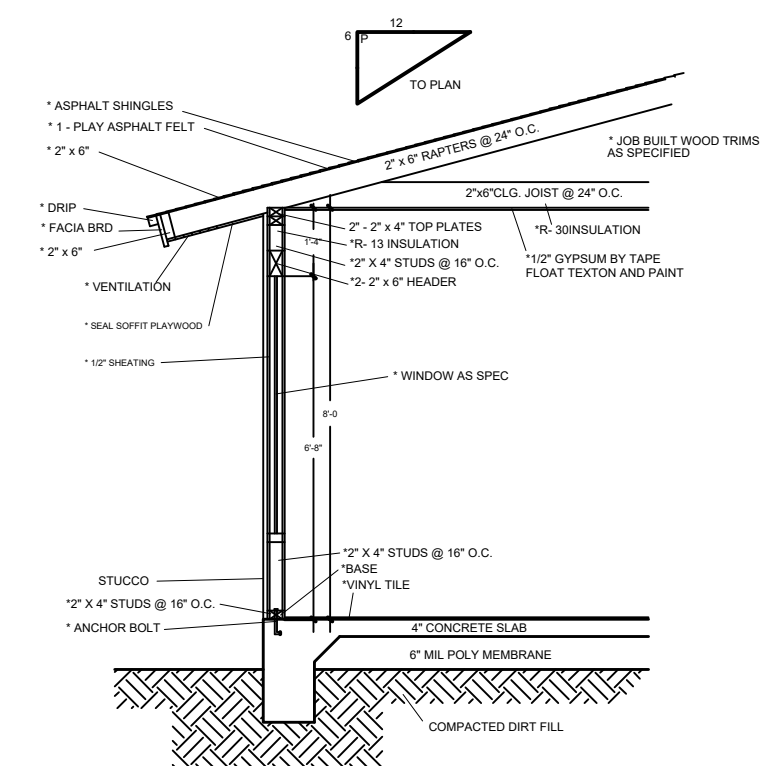
LEFT SIDE ELEVATION

3/16" = 1' 0"



PLOT PLAN

NOT TO SCALE



TYPICAL WALL SECTION

NOT TO SCALE

PLAN OF NEW CARPORT

ZERMENO HOLDINGS LLC

887 NORTH BIBB
Eagle Pass TX
78852

Scale:
SEPT/ 2023

Drawn by: JAHG
Revised:

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

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

A. *Use regulations:* A building or premises shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Boardinghouse with a conditional-use permit.
- (3) Church (except temporary revival), with conditional use permit.
- (4) School, public or private, having a curriculum equal to a public elementary, high school, or institution of higher learning, but shall require a conditional use permit
- (5) Public parks, playgrounds, golf courses (except miniature golf).
- (6) Police and fire stations only as required for safety requirements
- (7) Customary home occupations, as permitted by section 13 (Home Occupations) and with a conditional use permit.
- (8) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business), when located on the same lot, including a private garage for one (1) or more cars. Accessory buildings shall not be used for rent or used for commercial purposes.
- (9) Temporary sales office.

B. *Height regulations:* No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 12 hereof.

C. *Area regulations:*

- (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
- (2) *Side yards.* There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot, side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.
- (3) *Rear yard.* The depth of the rear yard shall be at least twenty (20) feet in depth.
- (4) *Depth of lot.* The lot shall have a minimum depth of one hundred ten (110) feet.

D. *Intensity of use:*

- (1) Every lot or tract of land shall have an area of not less than seven thousand seven hundred (7,700) square feet and an average width of not less than seventy (70) feet, except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of the ordinance from which this section is derived and shall not have been changed since said date, such parcel of land may be used for a single-family dwelling.

-
- (2) Maximum impervious cover for a residential lot in R-1 district is fifty (50) percent. Impervious surfaces include any artificial structures that are covered by water-resistant materials such as: concrete, brick, stone, pavement and rooftops.
- E. *Parking regulations:* Off-street parking shall be provided on a basis of two (2) concrete surfaced off-street parking spaces per dwelling. Other standards contained in Section 12.1, Parking Requirements shall also apply.
- F. *Additional use, height, and area regulations:*
- (1) Additional use, height, and area regulations and exceptions are found in section 12 of this ordinance.
- (2) Signs:
- (a) One unlighted sign, which shall not exceed one (1) square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat-wise to the building.
- (b) One sign, which shall not exceed eighteen (18) square feet, for church or school.
- (c) One sign which shall not exceed four (4) square feet in area for temporary unlighted sign pertaining to the lease, hire, or sale of building or premises, provided the sign is immediately removed upon the lease, hire, or sale of such building or premises.

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

Item #6



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

Cosme Rodriguez Variance Request – 2668 Encino Park Drive

I. BACKGROUND

General Information

Applicant: Cosme Rodriguez

Property Owner: Carlos Rodriguez

Property ID Number: 9003259

Legal Description: Lot 9A in Block 1 of Encino Park Subdivision Unit 2 (Replat)

Parcel Size: 10,725-square feet

Current Use: Multi-family dwelling

Current Zoning: B-1 (Neighborhood Business District)

Master Plan: No depiction

Request: A variance from *Section 12.1(8)(a)* regulating design standards for off-street parking. Applicant seeks to reduce the maneuvering space from 24-feet to 19-feet to allow for the construction of carports on property located at 2668 Encino Park Drive.

Section 12.1 of the Zoning Ordinance:

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOR_APXAZO_OR_S12.10REPARE

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

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

Access to the site is provided by Encino Park Dr.

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*. Nine (9) notices were mailed to the abutting property owners within a 200 foot radius of the subject property on September 22, 2023.

Aerial Map (Figure 1)



Street View Photo



IV. STAFF ANALYSIS

The applicant is seeking to reduce the required maneuvering space from 24-feet to 19-feet, to allow the construction of 4 carports with fabric cover on an existing parking lot located at the newly constructed apartments of subject lot, as shown in **Figure 1** (above).

The proposed construction with a total area of 810-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 12.1(8)(a)* regulating design standards for off-street parking.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the applicant's variance request as petition does conform to Section 5(c)(2) of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating design standards for off-street parking.

TRANSMITTED to the parties listed hereafter:

Cosme Rodriguez via e-mail
Eagle Pass Planning Department Report dated September 26, 2023

Attachment 1
Application and related information



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: <u>west portion - lot 9, block 1, Encino Park unit 2</u> <u>Lot 9A in Block 1 of Encino Park Subdivision Unit 2 (Replat)</u> Site Address: <u>2668 Encino Park</u> Acres: <u>.246</u> Square feet: <u>10780</u> Existing land use: <u>2124</u> <u>10,750</u> <u>multi-family dwelling</u>
Owner	Name: <u>Carlos Rodriguez</u> Phone: <u>8305137898</u> Address: <u>1606 Raintree Dr.</u> E-mail: <u>rodperllc@gmail.com</u> City: <u>Eagle Pass</u> State: <u>Texas</u> Zip: <u>78852</u>
Applicant If not owner	Name: <u>Cosme Rodriguez</u> Phone: <u>8305139956</u> Address: <u>1606 Raintree Dr</u> E-mail: <u>rodperllc@gmail.com</u> City: <u>Eagle Pass</u> State: <u>Tx</u> Zip: <u>78852</u> Relationship to owner: <u>partner, father</u>
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: <u>Cosme Rodriguez</u> Date: <u>09-06-2023</u> Print Name: <u>Cosme Rodriguez</u> ☒ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>RR/VB</u> Payment received by <u>RODPERUC</u> Date <u>9/11/23</u>	
	Zoning Classification <u>R-1</u> <u>B-1</u>	Case No. <u>9583</u>

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: build a cart port fabric cover to property line on back of lot , it will be over a 5' easement on back of lot

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: its a 6000 dollar fabric car port cover for 4 parking spaces

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: it will cover 4 existing parking spaces

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

Yes ☒ No ☐ Explain: It will be over 5' easement on back of the lot , no existing electrical, plumbing or any kind of utilities exist on this easement

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

Yes ☐ No ☒ Explain: It will be 4 posts on my property

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

Yes ☐ No ☒ Explain: cantilever fabric and steel cover

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

Yes ☒ No ☐

Explain: Our region temperatures have been increasing and the constrction of a cover for vehicles is a neccesity

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: It will be built on my property and its soul purpose is a shade to protect vehicles

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 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.

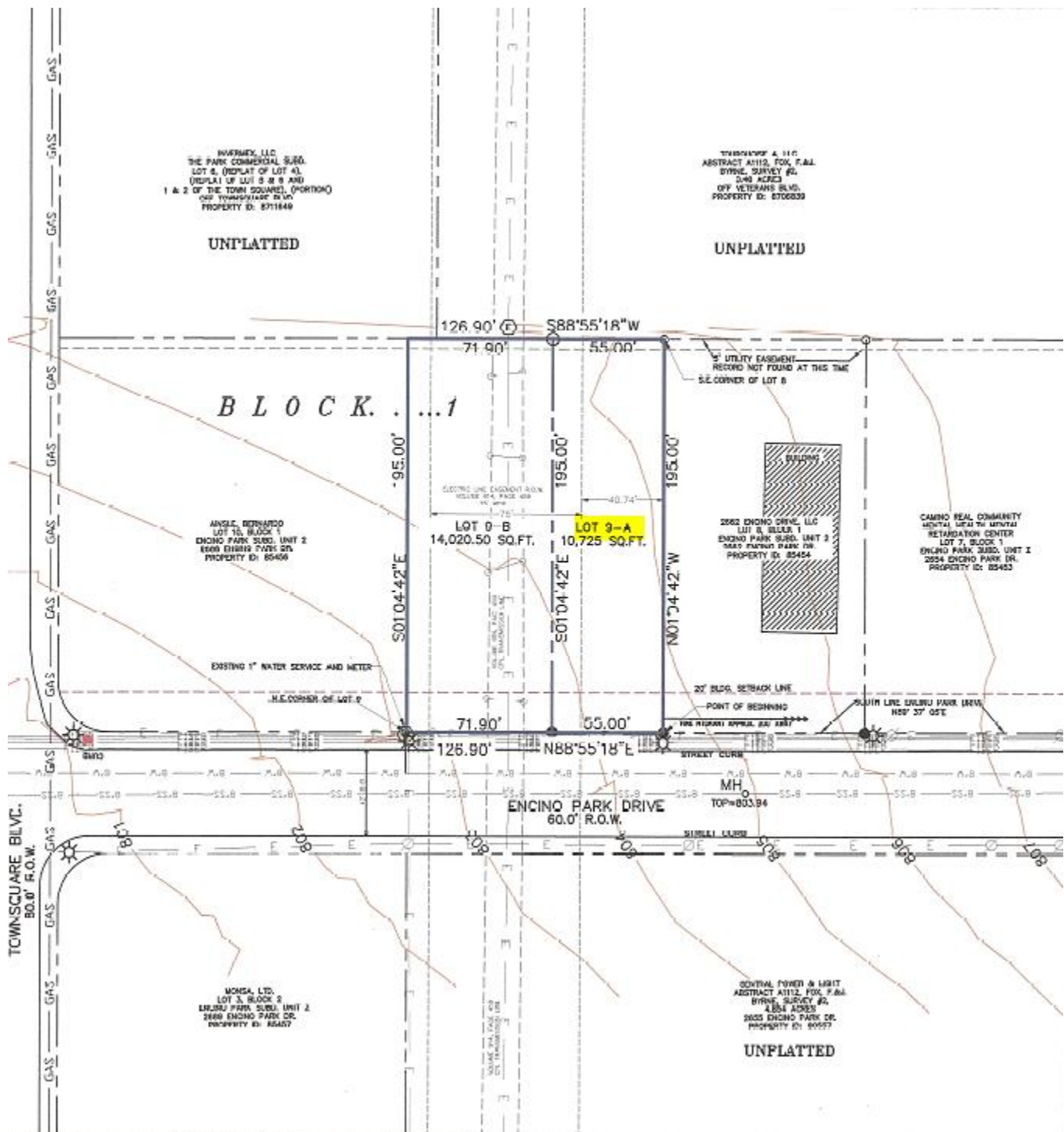

Applicant Acknowledgment

09-16-2023
Date

Carlos Velarde, PE
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 email=cavel2@gmail.c
 om, c=US
 Date: 2022.03.26
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Plat of Record – Lot 9, Block 1, Encino Park Subdivision Unit 2



Site Photos







UTILITY PLAN

2668 Encino Park Drive
West 55.0 ft Lots 9 Block 1,
Encino Park Subdivision Unit 2
Eagle Pass, TX 78852

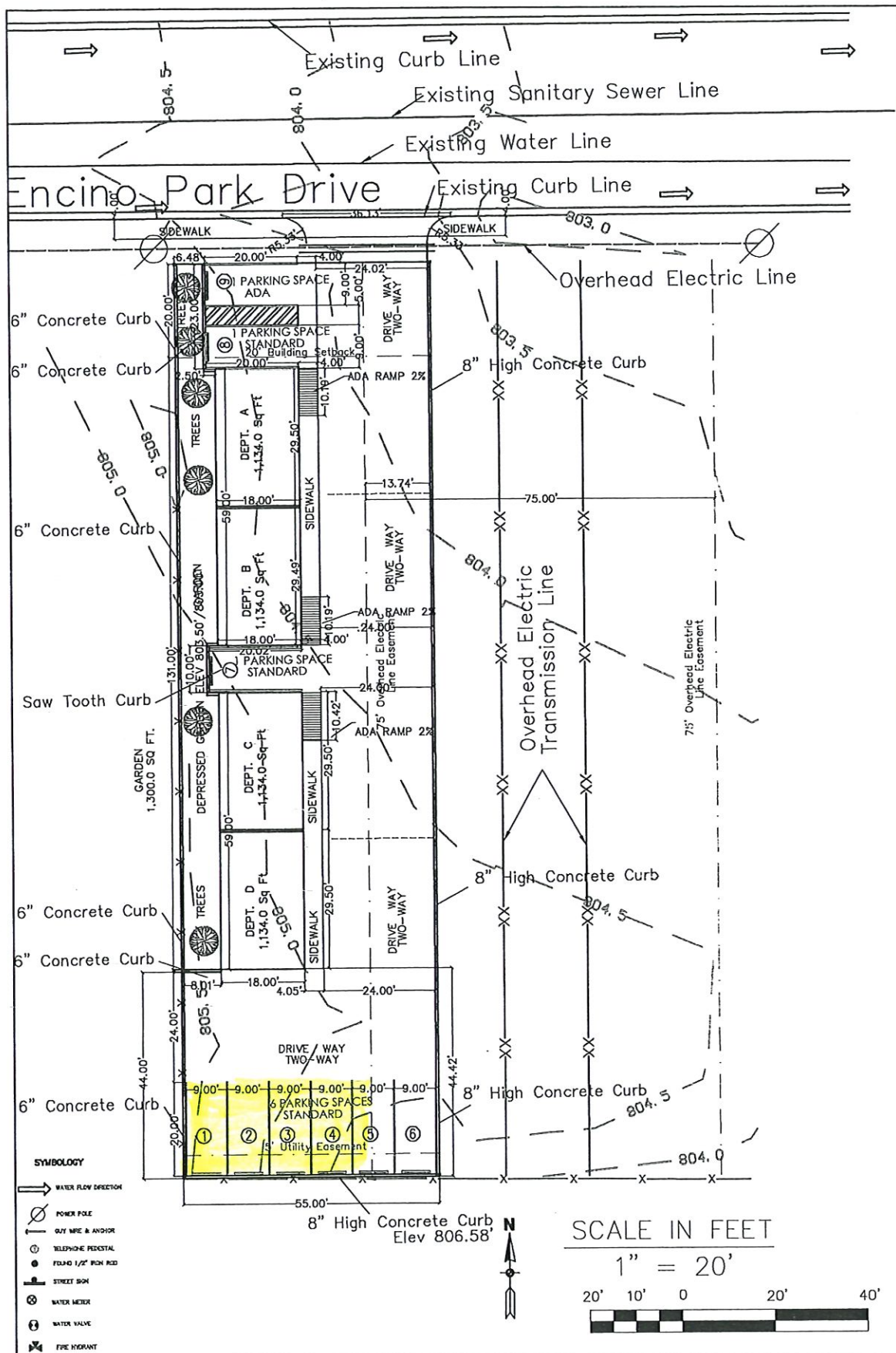
CANEL ENGINEERING
ENGINEERING FIRM F-20893, TEXAS
2373 Willowbrook Dr.
Eagle Pass, Texas 78852
Phone: (830) 872-8799

JOB #CAV0122-03
REV 03
March, 2022
SHEET 10-11

STATE OF TEXAS
CIVIL ENGINEER
CARLOS VELAZQUEZ
No. 409
Exp. 03-31-2025

Velarde

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DIMENSIONAL PLAN

2668 Encino Park Drive
West 55.0 ft Lots 9 Block 1,
Encino Park Subdivision Unit 2
Eagle Pass, TX 78852

CAVEL ENGINEERING

ENGINEERING FIRM F-20893, TEXAS

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REV 03
March, 2022

SHEET
4-11



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