



AGENDA

ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING

Council Chambers, City Hall,
100 S. Monroe Street, Eagle Pass, Maverick County, Texas
Wednesday, June 5, 2024, at 5:30 p.m. CST

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the May 1, 2024 meeting.

PUBLIC HEARINGS

2. Public hearing on the petition submitted by Amigos Hospitality, seeking a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 15(h)(d)(1)(a)* regulating placement of signs. Applicant seeks to erect more than the allowed wall-mounted signs on property located at 1060 Patsy Winn Boulevard; closing of public hearing and possible action.
3. Public hearing on the petition submitted by Carlos Moreno Jr., requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 6(c)(1)*. The applicant seeks to reduce the front yard building setback from 25 feet to 19', to accommodate the construction of an attached carport on property located at 1703 Champion Circle; closing of public hearing and possible action.

EXECUTIVE SESSION

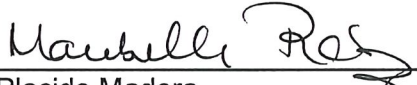
4. Executive Session pursuant to Section 551.071 of Chapter 551, Texas Government Code—Consultation with Attorney—Consideration and possible action on the reconsideration of a public hearing for the petition submitted by Four DLS Properties, LLC, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements for property located at 2027 Microstar Way.
5. Executive Session pursuant to Section 551.071 of Chapter 551, Texas Government Code—Consultation with Attorney—Consideration and possible action on the reconsideration of a public hearing for the petition submitted by Roberto Zarate, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 6 (c)(1)* regulating front yards for property located at 2208 Beverly Hills Boulevard.

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 COMMUNITY DEVELOPMENT 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 May 31, 2024, at 3:00 p.m.


for Placido Madera
Community Development 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, May 1, 2024, 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 Mathiwos

Staff present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; City Attorney, Ana Sophia Garcia; 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 of the April 3, 2024, meeting.

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

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

PUBLIC HEARING(S)

- 2. Public hearing on the petition submitted by Amanda Chavarria, requesting a variance from City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1 governing off-street parking requirements. The applicant seeks to reduce the required parking spaces, to allow for the construction of an addition on property located at 2665 El Indio Highway; closing of public hearing and possible action.

Assistant Community Development Director, Mariebelle Rodriguez, provided details on the item. The staff recommends granting the applicant’s variance requests for property located at 2665 El Indio Highway.

A discussion ensued on the item.

Community Development Director, Placido Madera, answered questions from the board, as well as further explaining on the item.

Chairperson Gary opened the Public Hearing at 5:42 p.m.

A representative for the applicant, Monica Cruz, spoke to the board to give more details on the item.

There being no further comments from the public, Chairperson Gary closed the public hearing at 5:46 p.m.

Vice-Chairperson Elizondo moved to approve the reduction of the required parking spaces to allow for the construction of the addition of the property located at 2665 El Indio Highway. Second by Alternate Vice-Chairperson, Puente-Chacon. **MOTION PASSED**- Unanimously

AYES: Gary, Elizondo, Puente-Chacon, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Mathiwos

3. Public hearing on the petition submitted by Jesus Aaron Nieto, requesting a variance from City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1 governing off-street parking requirements. The applicant seeks to reduce the required parking spaces, to allow for the construction of apartments on property located at 1680 Rio Grande Street; closing of public hearing and possible action.

Community Development Director, Madera, provided details on the item. The staff recommends granting the applicant's variance requests for property located at 1680 Rio Grande Street.

Chairperson Gary opened the Public Hearing at 5:51 p.m.

There being no comments from the public. Chairperson Gary closed the Public Hearing at 5:51 p.m.

Alternate Vice-Chairperson, Puente-Chacon moved to approve the variance as requested by the applicant. Second by Vice- Chairperson, Elizondo. **MOTION PASSED**-Unanimously

AYES: Gary, Elizondo, Puente-Chacon, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Mathiwos

EXECUTIVE SESSION

The Zoning Board of Adjustments and Appeals adjourned into Executive Session at 5:52 p.m. to consider the item below. The Board reconvened in open session at 6:14 p.m.

4. Executive Session pursuant to Section 551.071 of Chapter 551, Texas government Code- Consultation with Attorney- Consideration and possible action on the reconsideration of a public hearing for the petition submitted by Four DLS Properties, LLC, requesting a variance from City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5) governing landscape requirements for property located at 2027 Microstar Way.

Chairperson Gary stated that one of the members of the board-Alternate Vice- Chairperson, Puente-Chacon-abstained from the item.

Therefore, no action taken.

ADJOURNMENT

Alternate Vice-Chairperson, Puente-Chacon moved to adjourn the meeting at 6:14 p.m. Second by Vice- Chairperson, Elizondo. **MOTION PASSED**-Unanimously

Passed and approved on _____, 2024

Matthew Gary
Chairperson

ATTEST:

Sydney Rodriguez
Records Management Specialist

Item #2



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

Variance Request – 1060 Patsy Winn Boulevard

I. BACKGROUND

General Information

Applicant & Property Owner: Amigos Hospitality

Location: Site is located adjacent to McCoy's, the Pilot, and the COEP Sports Complex.

Property ID Number: 9059986

Legal Description: Lot 3 in Amigos Subdivision

Parcel Size: 2.0600 acres & 89,734 square feet

Current Use: Hyatt Place Hotel

Current Zoning: B-3 (General Business District)

Master Plan: Commercial

Request: A variance from *Section 15(h)(d)(1)(a)* regulating placement of signs. Applicant seeks to erect more than the allowed wall mounted.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

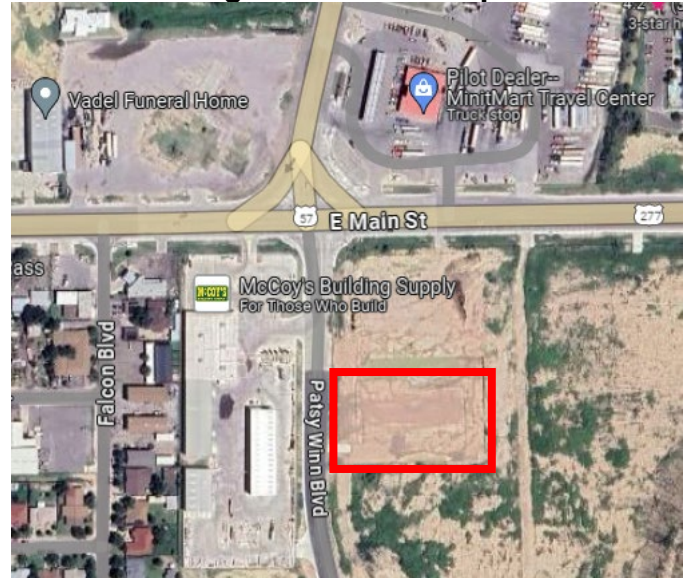
Vicinity: Property is bordered by commercial developments. Access to the site is provided by Patsy Winn Boulevard.

III. PUBLIC NOTICE

Public notification of the variance request before the Zoning Board of Adjustment and Appeals was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. Four (4) notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on May 22, 2024.

TRANSMITTED to the parties listed hereafter:
Amigos Hospitality via e-mail
Community Development Department Report dated May 30, 2024

Figure 1. Aerial Map



IV. STAFF ANALYSIS

The proposed construction with a total area of 58,047-square feet, as shown in the enclosed proposed Site Layout, does meet the requirements set forth in the Building Code. However, the sign regulations are not being met as proposed and do not conform to Appendix A of the Zoning Ordinance, particularly *Section 15(h)(d)(1)(a)* regulating placement of signs. In no case shall the sign(s) exceed two hundred fifty (250) feet per legal lot. Business establishments which face two streets shall be allowed one sign for advertising on each street.

The applicant is seeking to erect or install more than the allowed signs for a corner lot. A corner lot is allowed four signs but being that the fifth proposed sign is not impeding or obstructing the visibility the Community Development Department recommends the approval of the request to install a fifth sign in accordance with the *City of Eagle Pass Code of Ordinances* and securing a building/sign permit.

V. STAFF RECOMMENDATION

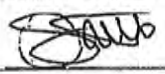
Staff recommends **GRANTING** the applicant's variance request for property located at 1060 Patsy Winn Boulevard.

Attachment 1 Application



**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>Lot 3 in Amigos Subdivision</u> Site Address: <u>1060 Patsy Winn Blvd</u> Acres: <u>2.06</u> Square feet: <u>89,734</u> Existing land use: <u>Hyatt Place Hotel</u>
Owner	Name: <u>Amigos Hospitality</u> Phone: <u>830-776-9739</u> Address: <u>774 Turnpike Dr</u> E-mail: _____ 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 <u>X</u> 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></u> Date: <u>5/13/2024</u> Print Name: <u>Oscar De Los Santos</u> ☒ 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: The signage proposed are part of the Hyatt Corporate Brand Guide that all franchisees are expected to comply with

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 granting the variance would not be detrimental to public health or welfare.

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.

ODLS

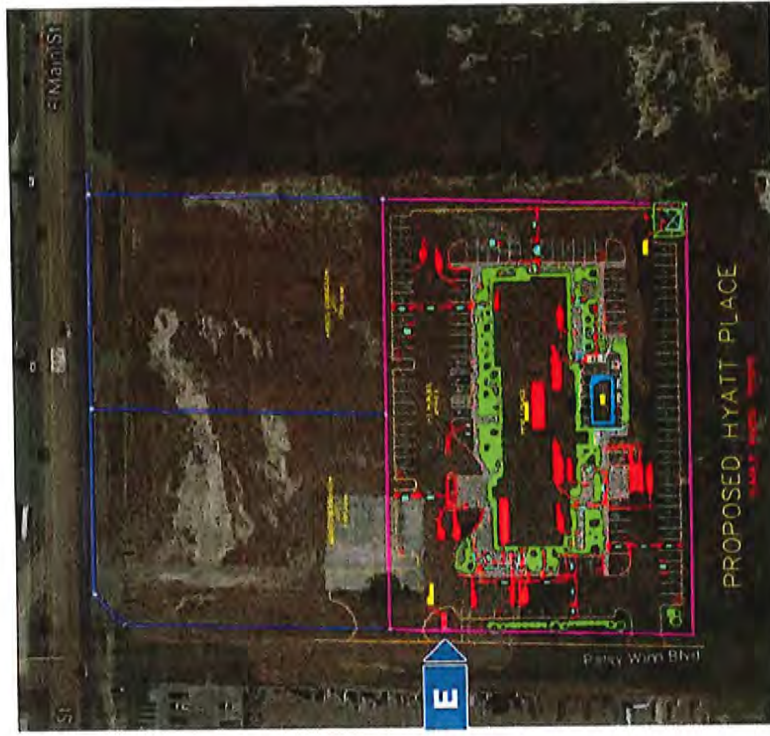
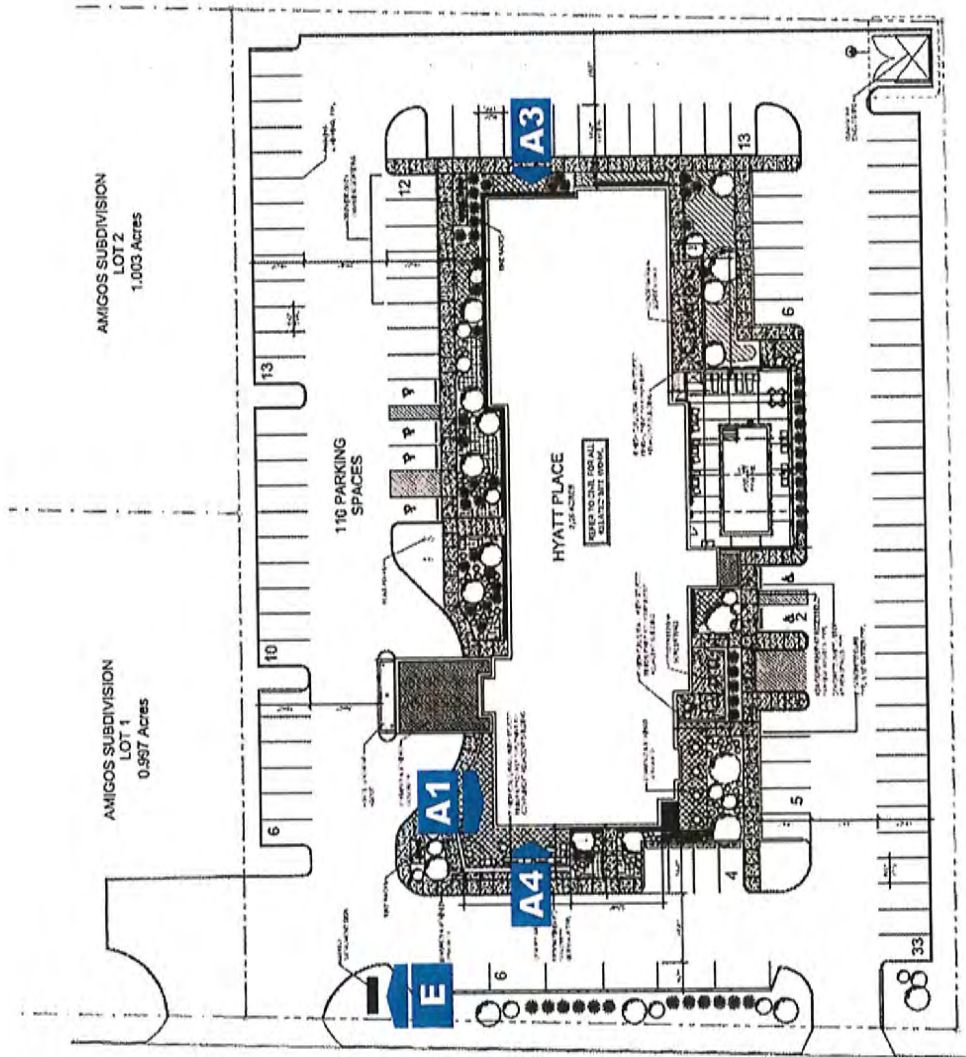
Applicant Acknowledgment

5/13/2024

Date

SITE PLAN

SCALE: 1:500



SCALE: N.T.S.



Client Approval / Approval client

Signature:

Date:

FOR PERMITTING
POUR PERMIS

Date	Rev
2022-01-10	01
2022-01-10	02
2022-01-10	03
2022-01-10	04
2022-01-10	05
2022-01-10	06
2022-01-10	07

REVISIONS	Date
01. Modifier le plan de (2) à (3) et (4) à (5)	2022-01-10
02. Modifier le plan de (6) à (7) et (8) à (9)	2022-01-10
03. ITAMAS A JOURS	2022-01-10
04. correction de l'annexe A3 - A4	2022-01-10
05. PREPARED FOR PERMITTING	2022-01-10
06. "VAT Free" (Non-Business) of 10%	2022-01-10
07. Item C was removed	2022-01-10

Project	Site
Hyatt Place	
1060 Patsy Winn Boulevard, Eagle Pass, TX	
2022-12-13	2022-06-07-04-05-06-07
C. Gaurav	CK

AVIS / NOTICE
Ce dessin, incluant la conception graphique et les détails techniques, est la propriété exclusive de Transworld Signs et ne peut être réutilisé, copié ou reproduit sans la permission écrite de Transworld Signs. Toute réimpression ou utilisation non autorisée sans la permission écrite de Transworld Signs est strictement interdite. Transworld Signs se réserve le droit de modifier ce dessin sans préavis.

CONTACT
9510, Blvd. Perreway, Montreal (Quebec) H1J 1N7
T: 514.352.0030
F: 514.352.0086
info@transworldsigns.com
www.transworldsigns.com



A1 1X

ILLUMINATED CHANNEL LETTERS

BLACK DURING THE DAY / WHITE AT NIGHT

MODEL 1

SCALE: 3/16" = 1'-0"

Area / Sq. ft.	93.89 sq. ft.
Weight / Pkts.	
Illumination	LED
Voltage	120V
LED Temp.	6500K

Colors / Couleurs

Colors may not be exactly as shown on screen. Please refer to color chart for exact colors.
Les couleurs peuvent varier légèrement sur l'écran. Veuillez consulter la charte des couleurs pour les couleurs exactes.

C1	Anodized alum.
C2	Black / Noir
C3	Yellow / Jaune
C4	Lavender / Lavande
C5	Blue / Bleu
C6	Pistachio / Pistache
C7	Orange
C8	Live Green / Vert lime
C9	Spring Green / Vert printemps
C10	Black / Noir
C11	General Gray

LOGO

- Aluminum filler, pre-painted aluminum anodized, satin finish
- White acrylic faces with vinyl graphic applied on first surface as illustrated
- Illuminated with white LEDs

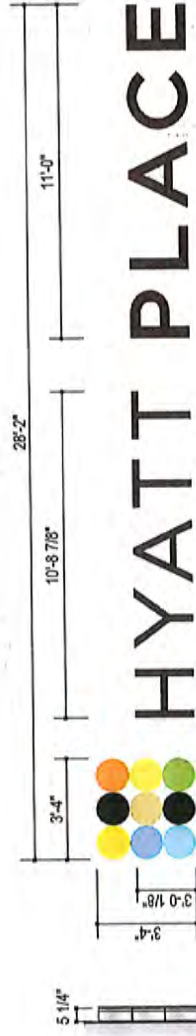
LETTERS

- Aluminum filler, pre-painted aluminum anodized, satin finish
- White acrylic faces with vinyl graphic applied on first surface (Black during the day / White at night)
- Illuminated with white LEDs



Day view

Night view



Side View

Graphic Elevation

Side View



Night view

CONTACT

3310 Boul. Parkway, Montreal (Quebec) H1J 1N7
T: 514.352.8839
F: 514.352.0886
info@transworldsigns.com
www.transworldsigns.com

AVIS / NOTICE

Co. des droits réservés la conception graphique et les détails techniques, et la mise en œuvre de Transworld Signs Co. est la propriété exclusive de Transworld Signs Co. et ne peut être reproduite, copiée ou utilisée pour toute autre fin sans l'autorisation écrite de Transworld Signs Co.
This drawing, including graphic layout and technical details, is the property of Transworld Signs Co. and cannot be reproduced, copied, or used without prior authorization from Transworld Signs Co.

Client

Hyatt Place
Attn: / Attn:
1060 Patsy Winn Boulevard, Eagle Pass, TX
Date: 2022-12-13
C. Gaurreau
2022-06878-GDWG-A1-A2-CHAN

PROVISIONS

- 01 Quantity conditions in 1018
- 02 PREPARED FOR PERMITTING
- 03 1000 Patsy Winn Boulevard instead of 1060
- 04 New technical base signs
- 05
- 06

Del. Date

R09 2024-02-27
R08 2024-02-13
07 2024-02-05

Signature:

Date:

FOR PERMITTING
POUR PERMIS

Client Approval / Approbation client

APPROXIMATE
MEASUREMENTS

SITE SURVEY REQUIRED
FOR EXACT MEASUREMENTS

E 1X

D/F MONUMENT ILLUMINATED SIGN

CUSTOM

SCALE: 3/8" = 1'-0"

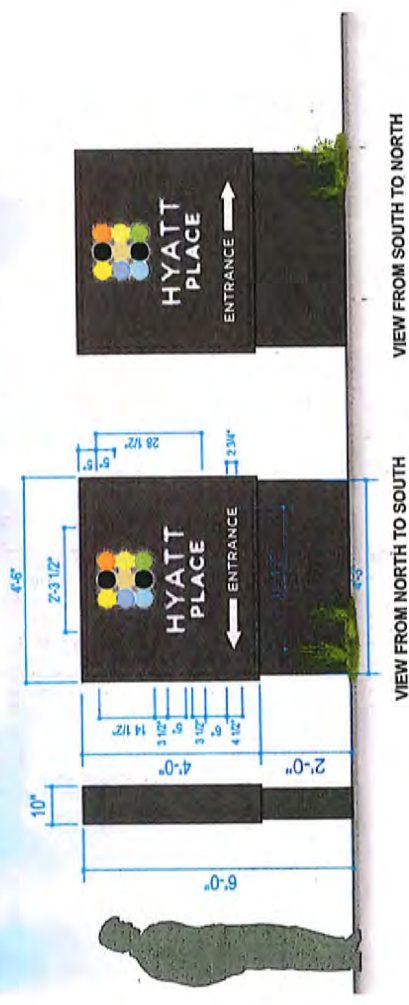
Area / Sq. Ft.	27.00 sq. ft.
Weight / Pounds	
Dimensions	LED
Voltage	120V
LED Temp.	6500K

Colors / Colours

Colors may not be exactly as shown on screen. Please refer to the color chart for more information. Use caution: Reproduction of colors is not guaranteed. Colors may vary slightly from the actual colors. Colors may vary slightly from the actual colors. Colors may vary slightly from the actual colors.

C1	Black / Noir
C2	White / Blanc
C3	Yellow / Jaune
C4	Orange / Orange
C5	Red / Rouge
C6	Purple / Pourpre
C7	Blue / Bleu
C8	Green / Vert
C9	Light Green / Vert clair
C10	Light Blue / Bleu clair
C11	Light Yellow / Jaune clair

- HYATT PLACE**
- Faces in 1/4" thick routed-out aluminum, painted Gunmetal gray
 - Returns in 1/4" thick aluminum, painted Gunmetal gray
 - Retainer in 1 1/2" x 1 1/2" x 1/2" aluminum tubing, painted Gunmetal gray
 - Push-Thru logo in 1/2" thick clear acrylic with vinyl as illustrated.
 - Push-Thru letters in 1/2" thick white acrylic
 - Illuminated with principal Street Stick DS white LEDs
- ALUMINUM COLUMN**
- Aluminum base, painted Gunmetal gray



VIEW FROM SOUTH TO NORTH

VIEW FROM NORTH TO SOUTH

CONTACT

9310, boul. Parigny, Montréal (Québec) H1J 1N7

T : 514.352.8839

F : 514.352.0366

info@transworldsigns.com

www.transworldsigns.com

AVIS / NOTICE

On design, Transworld Signage Inc. is not responsible for the design, construction, or installation of the sign. The client is responsible for the design, construction, and installation of the sign. The client is responsible for the design, construction, and installation of the sign.

This drawing, including graphic layout and technical details, is the property of Transworld Signage Inc. and cannot be reproduced, copied, or used without prior authorization from Transworld Signage Inc.

Client

Hyatt Place

1060 Patsy Winn Boulevard, Eagle Pass, TX

Date: 2022-01-10

2022-06178-GDWG-E-MONU

REVISIONS

01. MONUMENT IS CHANGED FOR MONUMENT
02. Adjustment of entrance text and arrow
03. PREPARED FOR PERMITTING
04. MEASURE LOGO IS ADDED
05. 1060 Patsy Winn Boulevard instead of 1060
06. monument dimensions change dimensions of 6' height (sheet 12)

Rev.	Date
RRS	2024-01-17
RRS	2024-01-18
RRS	2024-03-27
RRS	2024-03-01
RRS	2024-03-13
RRS	2024-05-23

Signature:

Date:

Scale:

Sheet:

Page:

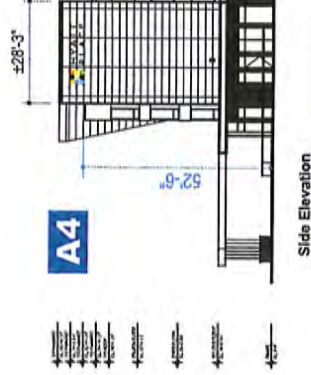
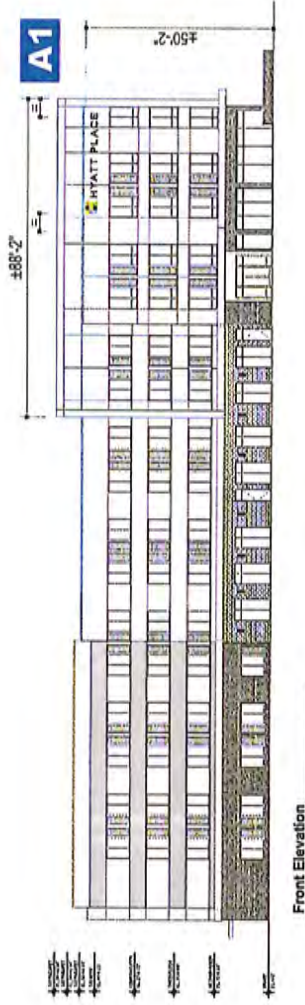
FOR PERMITTING
POUR PERMIS



TRANSWORLD

ELEVATIONS

SCALE: 1:400



Client Approval / Approval client

Signature

Date

FOR PERMITTING
POUR PERMIS

Des.	Date
R98	2023-01-01
R98	2024-01-18
R98	2024-03-27
R98	2024-03-13
DF	2024-02-26

REVISIONS	Des.	Date
01	A3 is added missing item	
02	A4 is added	
03	PREPARED FOR PERMITTING	
04	1000 Patsy Winn Boulevard amount of 1000	
05	Not removed item signs	
06		

Client	Date
Hyatt Place	
Attn: / Attn:	
1060 Patsy Winn Boulevard, Eagle Pass, TX	
Rep.	
2022-12-13	
C. Gauvreau	
CK	
2022-08578-GDWG-ELEV	

AVIS / NOTICE

Ce dessin, incluant la conception graphique et les détails techniques, est la seule propriété de Transworld et est protégé par les lois canadiennes et américaines sur le droit de la propriété intellectuelle. Toute réimpression, copie ou utilisation non autorisée sans l'autorisation écrite de Transworld est strictement interdite.

This drawing, including graphic layout and technical details, is the property of Transworld and is protected by Canadian and American intellectual property laws. Any reproduction, copying, or use without prior authorization from Transworld is strictly prohibited.

CONTACT

5310, boul. Parkways, Montréal (Québec) H3J 1N7
T : 514.552.8810
F : 514.552.0368
info@transworldsigns.com
www.transworldsigns.com



Hyatt Place Eagle Pass Signage Variance

Index

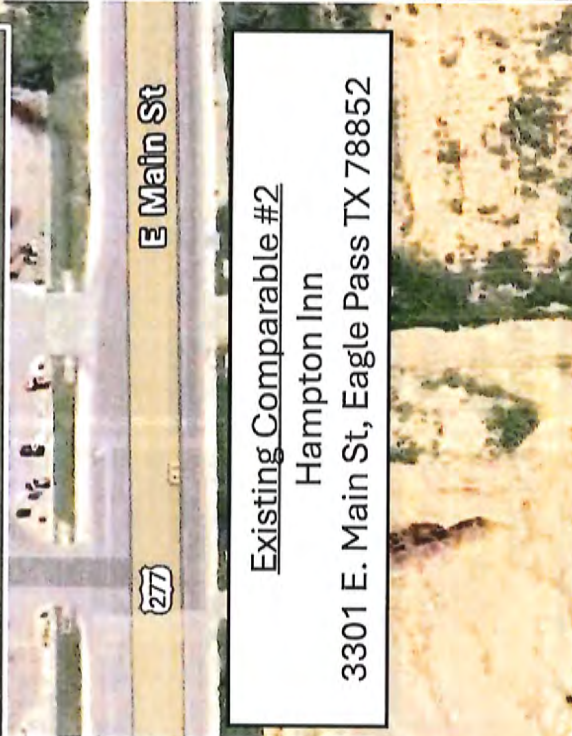
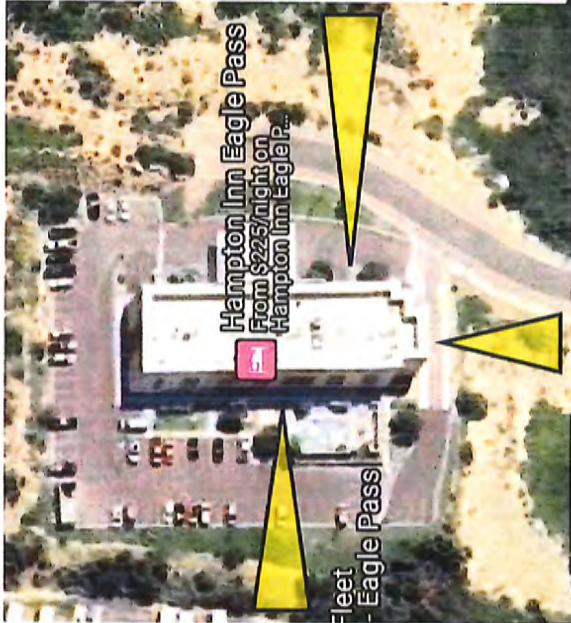
Construction Site Photos as of 05.31.24
Existing Comparables in Eagle Pass
Proposed Signage for Hyatt Place Eagle Pass
Driving Point of Views from Signage direction
Channel Lettering versus Block Type skewing sqft formula
Result if variance application is not granted

Construction Site Photos
As of 05.31.24

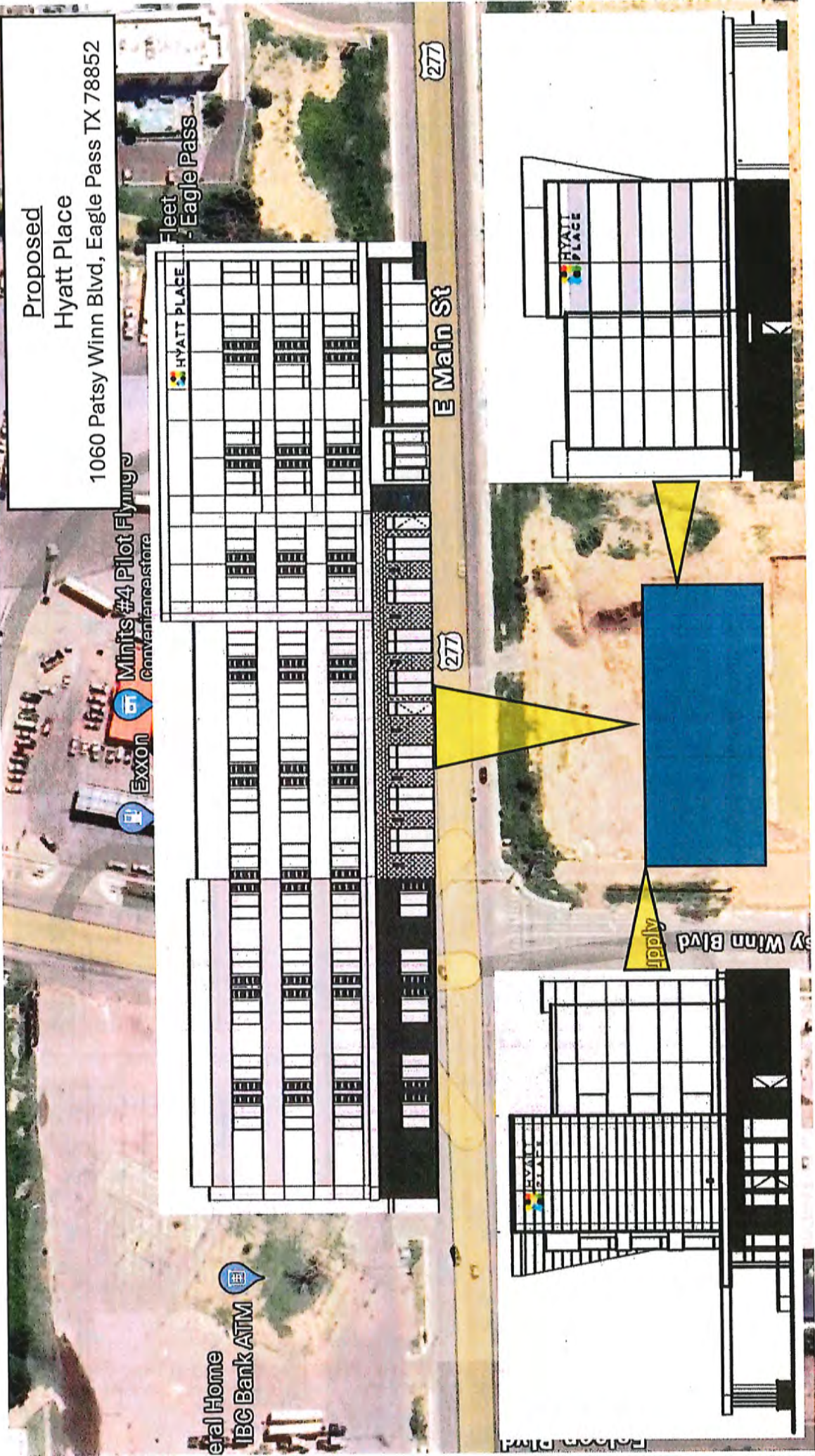


Existing Comparable #1
Motel 6: Lakeside / Eagle Pass
2338 Main St, Eagle Pass TX 78852





Proposed
Hyatt Place
1060 Patsy Winn Blvd, Eagle Pass TX 78852



General Home
IBC Bank ATM

Exon
Minis #4 Pilot Flying J
Convenience Store

Fleet
Eagle Pass

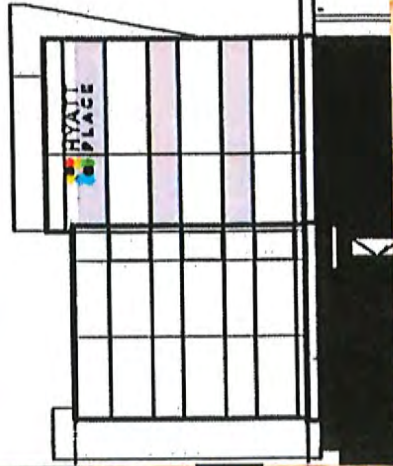
277

277

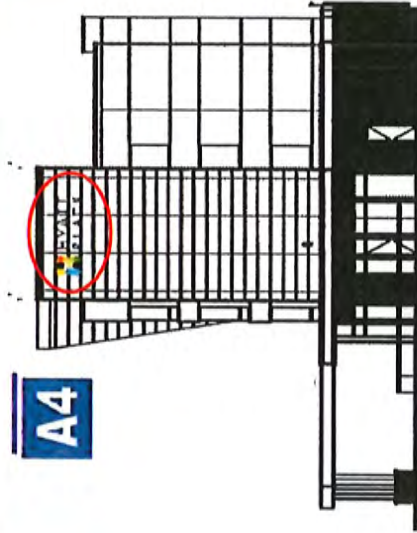
E Main St

Apply

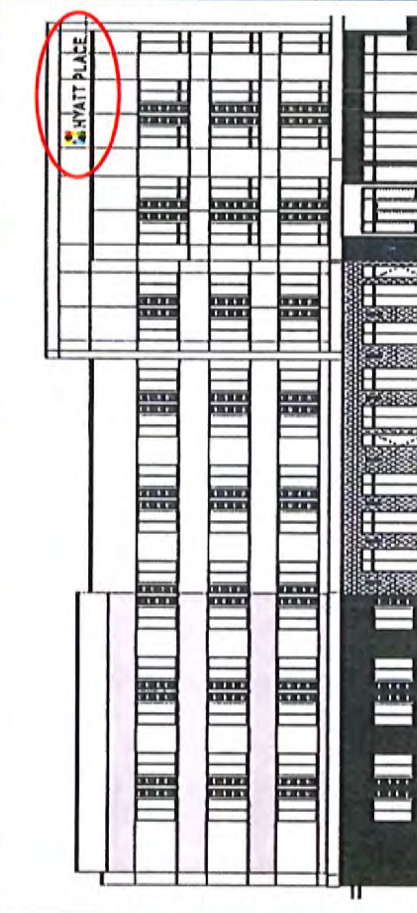
by Winn Blvd



View Driving from Main St



View Driving from 57



View Driving from 277



A1 1X

ILLUMINATED CHANNEL LETTERS

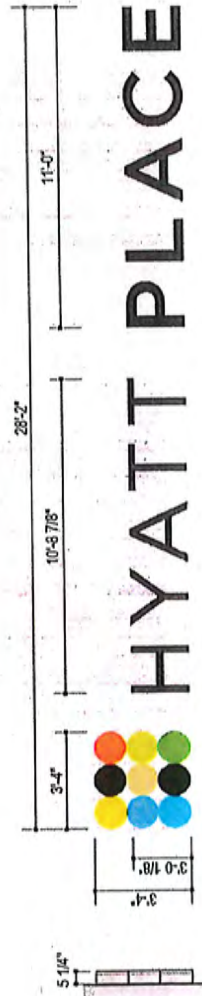
BLACK DURING THE DAY / WHITE AT NIGHT

MODEL 1

SCALE: 3/16" = 1'-0"

Area / Sup.

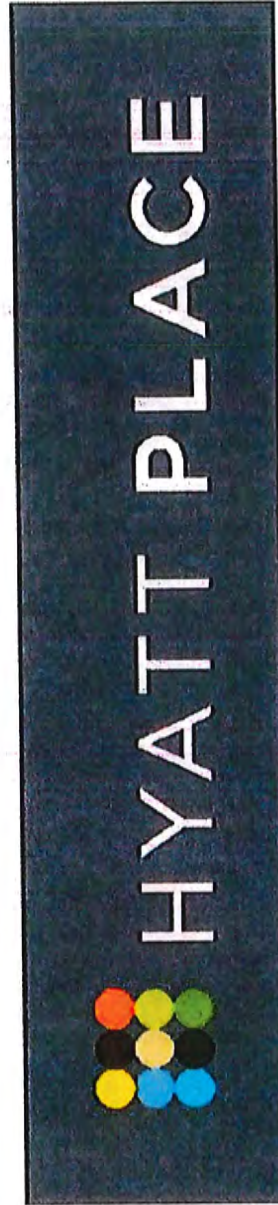
93.89 sq. ft.



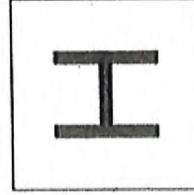
Side View

Side View

Graphic Elevation



Night view



Day view



Night view

A3

A4

1X
ILLUMINATED CHANNEL LETTERS

EACH

MODEL 5

SCALE: 3/8" = 1'-0"

Area / Sup.

71.85 sq. ft.

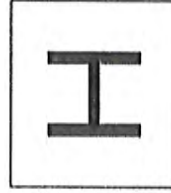
BLACK DURING THE DAY / WHITE AT NIGHT



Graphic Elevation



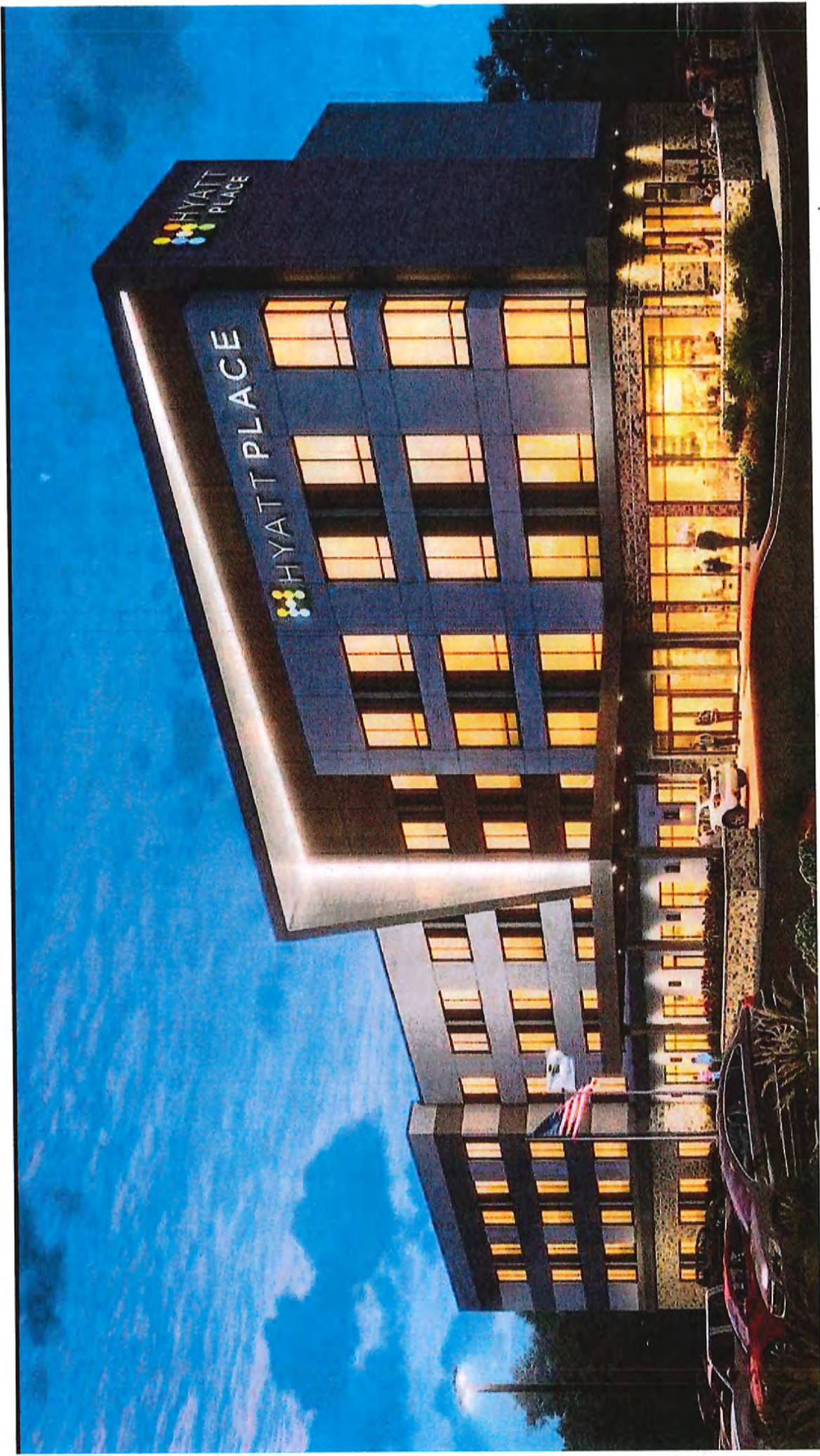
Night view

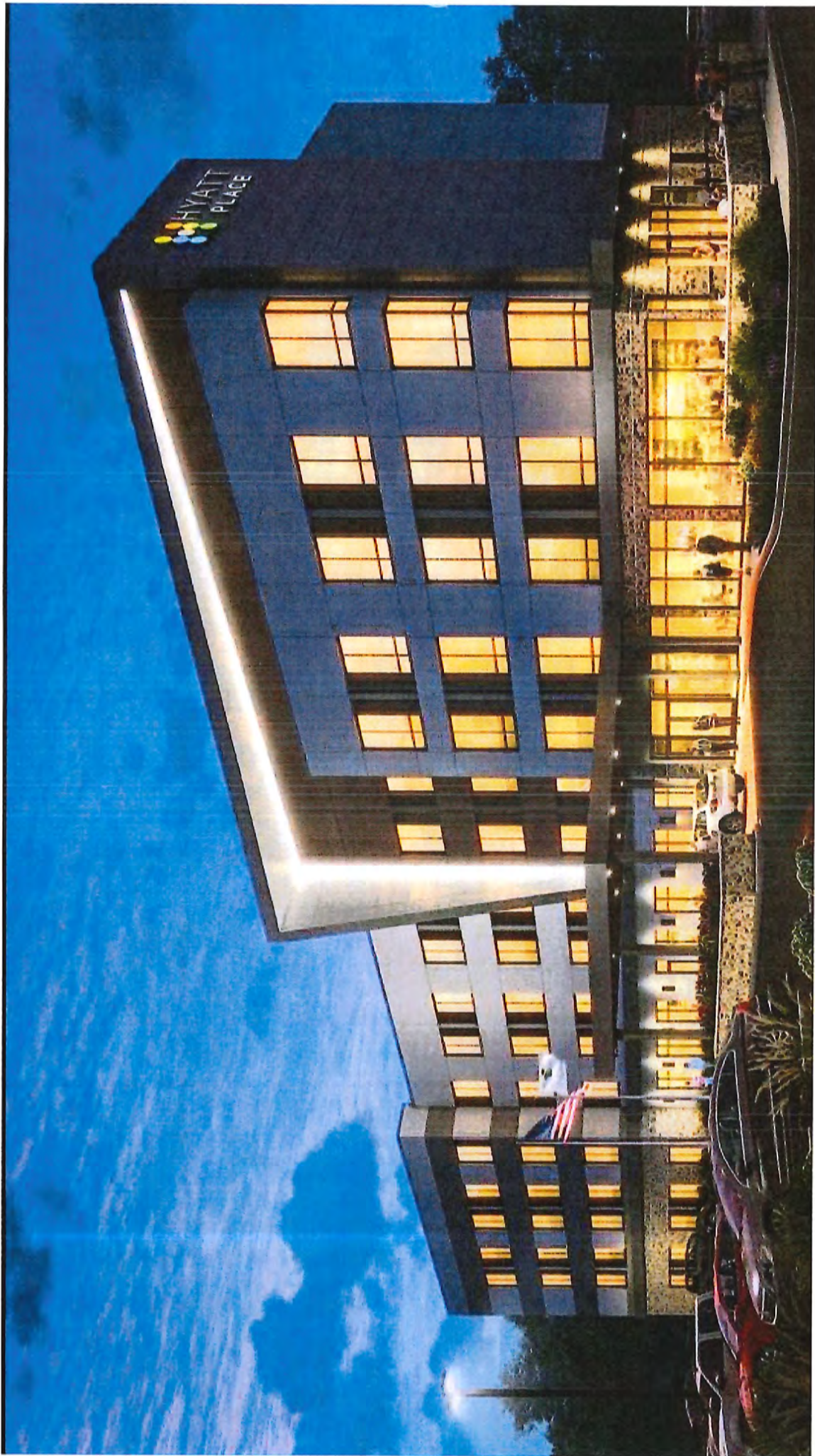


Day view



Night view







SARA MONTEMAYOR
MAVERICK COUNTY CLERK
500 QUARRY STREET, SUITE 2
EAGLE PASS, TEXAS 78852

C E R T I F I C A T E

STATE OF TEXAS
COUNTY OF MAVERICK

I, Sara Montemayor, Clerk of the County Court of Maverick County, Texas
do hereby certify that the following property: Lot 3 Amigos Subdivision,
HAS NO RESTRICTIONS.

WITNESS my hand and seal of said court, at my office in Eagle Pass, Texas
this 31st, day of May 2024.

Sara Montemayor
Clerk, County Court, Maverick County, Texas

By: *Dalia Martinez* Deputy Clerk



Sec. 15. Regulations for placement of signs and billboards.

(a) *Purpose.*

- (1) The purpose of this section is to promote and protect the health, welfare and safety of the public by regulating existing and proposed signs of all types located in the City of Eagle Pass. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- (2) This section is intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.
- (3) The regulations herein are designed to prevent the over concentration, improper placement, and excessive height, bulk, number, and area of billboards. It is recognized that, unlike on-premise signs which are actually a part of a business, billboards are a separate and distinct use of the public thoroughfare. Furthermore, for the purposes of this ordinance, billboards are considered by the City of Eagle Pass as an accessory to the principal use when located on the same lot. With a view to this distinction, billboard signs are regulated differently from on-premise signs. It is intended that billboards be located away from view of residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.
- (4) Therefore, pursuant to the general police and zoning powers conferred on the City of Eagle Pass, and with due deference to the constitutional rights of individuals and businesses living and operating within the geographical boundaries of the City of Eagle Pass, the City Council of Eagle Pass hereby enacts this section placing new restrictions upon the display of billboards within the city and its areas of jurisdiction.

(b) *Definitions.*

Banner. A sign intended to be hung with or without a frame, made of paper, plastic, or fabric of any kind, and which may possess colors, characters, letters, illustrations, or ornamentations. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.

Billboard. A sign which has a sign area of larger than fifty (50) square feet, and which directs attention to a business, commodity, service, entertainment, facility, or other subject matter, not located, conducted, sold or offered upon the premises where such a sign is located or which calls public attention to a candidate, cause, public issue, or other such subject matter and which may be either freestanding or mounted upon the roof or wall of the building.

Canopy sign. A sign attached to a canopy that is attached to a building or its extension. The sign shall not extend above the roof line of the building by more than two (2) feet.

Community service or public service sign. A sign which solicits support for or advertises a nonprofit community use, public use, or social institution.

Construction sign. A sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and other information regarding the project.

Damaged sign. A sign which is unsafe, unsecured, disfigured, or broken.

Detached sign. A structure located on the property to support a sign identifying a commercial building and signs identifying individual businesses occupying space therein.

Flashing sign. A sign flashing, blinking, or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This shall include a sign which makes use of traveling lights or traveling lighted messages, or flashing lights.

Office building. Two (2) or more separate or distinct businesses occupying a single or combined structure of consistent ownership.

Portable sign. A sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Realty sign. A sign located on real property that is for rent, lease or sale, the sign being for the purpose of advertising the rent, lease or sale of the property.

Roof sign. A sign that is mounted on, and is wholly supported by the roof of a building.

Sign. Any letters, figures, symbols, trademarks, or devices designed to inform people or to attract the attention of persons or of an individual, to a firm, profession, business, commodity or service, and which is recognizable from any public right-of-way, and which is more specifically defined as found in this section.

Sign height. The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

Sponsorship. Signs placed in approved areas for sponsorship of nonprofit, city-approved organizations.

- (c) *Permit required.* Except as provided in the ordinance codes, no person may erect, relocate, or alter a sign within the incorporated city limits or the extraterritorial jurisdiction of the city without first obtaining a permit and paying the required fee. All applications for a sign permit must be made at the City of Eagle Pass' Building Department and be accompanied by plans and specifications showing the location of the sign, the proposed sign and its method of construction, and any other information required to show compliance with this chapter and all other applicable city ordinances. The building official or his designated representative(s) will examine the application and supporting information and, if the proposed sign complies with this chapter and all other applicable ordinance codes.
- (d) *Permit fee.* Every applicant for a permit under this chapter must pay the fee established by the city council by resolution.
- (e) *Variances.* An application may appeal a denial of a permit by the building department to the zoning board of adjustment and appeals by filing a request for a variance within thirty (30) days after the date the permit is denied. The ZBAA may grant a variance if it finds that the unusual shape or topography of the property prevents signage allowable under this chapter from adequately identifying the business or other activity on the property.
- (f) *Revocation.* The building official may revoke a permit if there has been a violation of this chapter or a misrepresentation on the permit application.
- (g) *Exceptions.* A permit is not required for:
 - (A) Temporary real estate signs not exceeding six (6) square feet in area and three (3) feet in height in residential zoning districts and not exceeding sixty-four (64) square feet in area and twelve (12) feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven (7) days after the property is sold or leased.

-
- (B) Temporary signs advertising "garage sale" or "yard sale" not exceeding six (6) square feet in area. These signs may not be posted earlier than three (3) days before and must be removed within one (1) day after the sale.
 - (C) Government signs regulating traffic, providing directions to public facilities, or giving notices of general interest to the community.
 - (D) Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding sixty-four (64) square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven (7) days after completion of the project.
 - (E) Private signs regulating traffic on the property on which the sign is located.
 - (F) Flat signs of solid-face construction that are placed against and attached to the vertical wall of a building located in a non-residential zoning district. These signs may not obstruct any wall opening, may not project beyond the wall to which they are attached, and must be attached at least ten (10) feet above ground level. These signs may only be located on the street side of any commercial establishment located within two hundred (200) feet of a residential zoning district.
 - (G) Banners approved by the city manager. These banners must be safely and securely installed with wires or steel cables and must not be permitted to obstruct any public right-of-way and must be installed on places designated by the city manager or his representative.
 - (H) Permanent subdivision identification signs approved with the subdivision plat.
 - (I) Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three (3) days before.
- (h) *General requirements.*
- (A) Permit required for structural changes. Except as otherwise provided herein, no sign displaying on-premise advertising shall be erected, structurally changed or reconstructed in whole or in part, within the city without a permit having first been obtained.
 - (B) Height limit. No detached sign shall be allowed that is higher than thirty-five (35) feet from the normal grade elevation to the top of the highest part of the structure.
 - (C) Setback. No sign or any part thereof shall be located within ten (10) feet of any property line (not to be confused with the curb or pavement line.) However, no sign may be placed within twenty-five (25) feet of the property line at an intersecting street.
 - (D) Wind load pressure requirements. No sign, other than the exempt sign, shall be erected that does not meet the wind load pressure requirements as set out in the International Building Code. Permit applications for new signs and permit renewals required for signs which will have or have a height, in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of six (6) feet or more, must be accompanied by certificate signed by the owner of the sign, to the effect that the proposed or existing sign will withstand wind load pressures in pounds per square foot as set out in the following table. Solely at the discretion of the building department, further verification may be required to prove that the wind loading specifications will be met.
- (1) Each business establishment shall be allowed to erect and maintain two (2) permanent type signs for the advertising of its services or products.
- A. The signs may be attached to the principal building in which the business is situated and/or erected separately. The aggregate (total) area of the signs shall not exceed two hundred fifty (250) feet per legal lot. Free standing signs shall not exceed an amount equal to one and one-half (1.5) square feet for each one (1) linear foot of the lot's frontage abutting the primary street, except that a minimum of forty-eight (48) square feet of sign area is

allowed regardless of the lot frontage. In no case shall the sign(s) exceed two hundred fifty (250) feet per legal lot. Business establishments which face two (2) streets shall be allowed one (1) sign for advertising on each street.

- B. A sign panel with advertising on both sides thereof shall be considered one (1) sign.
 - C. In no event shall any portion of any sign extend to a height of more than thirty-five (35) feet above the surface of the ground.
 - D. No sign of any kind shall be located any closer than fifteen (15) feet to adjacent right-of-way lines.
 - E. Any sign incidental to a business shall be erected only upon the parcel, tract, lot or site upon which the business establishment is located.
 - F. Two (2) portable type signs, each of a size no larger than twelve (12) square feet and extending to a height of not more than four (4) feet above the surface of the ground, may be displayed by a business establishment during regular business hours.
- (2) Location. No sign, other than public traffic control signs and other governmental signs, may be located within the public right-of-way. All signs, including any overhead projections, must be located completely within the boundaries of the property on which they are located.
- (3) Spacing. Only one (1) free-standing sign located adjacent to a public street will be permitted for each legal lot.

(i) *Temporary signs.*

- A. Temporary sign standards. Any temporary sign authorized by this section, including temporary portable signs, shall comply with the sign standards of the International Building Code.
- B. Temporary signs allowed. Temporary signs of the type set forth below shall be allowed in all zones within the city, subject to the following specific standards:
 - 1. *Real estate signs.* One (1) non-illuminated real estate "for sale" or "for rent" sign, not exceeding an area of eighteen (18) inches by twenty-four (24) inches, along with name strip sign(s) located either above or below the real estate sign, which name strip shall also not exceed an area larger than twelve (12) inches by twenty-four (24) inches, shall be allowed on the premises for the sole purpose of advertising the legally-divided parcel, tract, lot or site and improvements for sale or rental. For large tracts of land, signs may not exceed thirty-two (32) square feet. Real estate signs shall be removed from the premises no later than five (5) days after closing of the sale.
 - 2. *Open house signs.* Portable, non-illuminated real estate open house signs may be used in connection with open house sales campaigns, but only during those hours when sales personnel are actually in attendance on the open house premises. These signs must be of the "A-board" or "sandwich" type, and shall be no longer than two, 24-inch by 24-inch panels. For off-premises portable signs may be used to advertise or provide directions to the open house sales campaign.
 - 3. *Garage sale signs.* A maximum of two (2) signs may be used to advertise a garage sale, which signs shall not exceed four (4) square feet in size. Such signs shall be removed after the date of the garage sale.
 - 4. *Construction site signs.* One (1) sign, not to exceed a maximum of thirty-two (32) square feet in size, may be permitted to be located on a parcel, tract, lot or site for which a valid building permit has been issued for the purpose of directing and identifying for subcontractors to the site of the construction and not for the purpose of advertising the construction company. The sign shall be removed to later than five (5) days after completion of the work.

-
5. *Miscellaneous signs.* Those noncommercial signs which are: (a) not otherwise prohibited by law or this chapter; (b) not exceeding three (3) square feet in size; and (c) if advertising an event, are posted not longer than five (5) days after the event, are allowed in all zones within the city. Governmental agencies may display banners larger than the size described in this subsection for the purpose of publicizing civic events over the public right-of-way, upon prior approval by the city for conformance.
- C. Any temporary signs that are placed on non-right-of-way city property in violation of this section may be removed by the city without notice to the sign owner. After such removal by the city, the city shall attempt, in good faith, to identify the owner of the sign and shall provide said identifiable owner with a minimum of five (5) days' written notice prior to discarding or destroying the sign(s).
- D. Temporary signs described in this section may be installed or placed on property for one five (5) day period only, subject to compliance with the other provisions of this chapter.
- E. (1) Temporary real estate directional signs.
- (2) Portable signs. Portable signs include signs with a display surface utilizing removable letters that are readily movable from site to site and signs that are not permanently attached to the ground, a building, or other fixed object, including those installed on trailers or other mobile structures. Portable signs may not exceed five (5) feet by ten (10) feet in area, and may be used only for the following purposes:
- (a) To promote or advertise the opening of a new business; or
- (b) To promote or announce charitable, church, community, or public events.
- (j) *Compliance with the International Building Code.* All signs within the city limits must comply with the requirements of the adopted International Building Code and any subsequent revision. In the event of any conflict between the IBC and this chapter, this chapter controls.
- (k) *Prohibited signs.*
- (A) *Permitted signs.* No sign may be erected or maintained in violation of the permit requirements of this chapter.
- (B) *Maintenance.* No sign may be inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, or holes.
- (C) *Outdated signs.* No sign may advertise a business or product that is no longer in existence.
- (D) *Obstructions to doors, windows, or fire escapes.* No sign may be erected, relocated, or maintained so as to obstruct any door, window, or fire escape. No sign may be attached to a stand pipe or fire escape.
- (E) *Traffic hazards.* No sign may:
- (1) Obstruct free and clear vision at any street intersection;
- (2) Interfere with, obstruct the view of, or be confusingly similar to any authorized traffic sign, or device because of its position, shape, or color; or
- (3) Make use of the words STOP, LOOK, DRIVE-IN, DANGER, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses traffic.
- (F) *Unsafe signs.* No signs may constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance.
- (G) *Illuminated signs.* No sign may be illuminated with lights which glare into or upon the surrounding area or any residential area or district operators of vehicles or pedestrians on the public right-of-way.

-
- (H) *Obscene signs.* No sign may display any matter in which the dominant theme of the material taken as whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (I) *Vehicular signs.* No sign may be painted on or attached to a motor vehicle which is not road-worthy.
- (J) *Moving signs.* No sign may have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind, except for the movable hands on street clocks, or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time/temperature/date signs.
- (K) *Flashing signs.* No sign may have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations.
- (l) *Nonconforming signs.* Any sign legally in existence on the date of adoption of this chapter that violates or does not conform to its provisions must be removed, altered, or replaced so as to nonconforming sign. No nonconforming sign is required is otherwise prohibited by state or federal law.
- (m) *Unlawful signs.* If the building department finds that any sign is prohibited by the provisions of this chapter, the building department will give written notice to the permittee or the owner of the property upon which the sign is located. If the permittee or owner fails to remove or alter the sign so as to comply with this chapter within ten (10) days, the building department may remove or alter the sign to bring it into compliance and assess the costs to the permittee or owner. The building department may remove or any sign that presents an immediate peril to persons or property immediately and without notice.
- (n) *Penalty.* Any person violated any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, will be subjected to a fine not exceeding two hundred (\$200.00). Each day a violation is committed or permitted to continue constitutes a separate offense.
- (o) *Requirement for conditional use permit.*
- (1) *Billboards.* Billboards shall be allowed only upon grant of a conditional use by the city council, and shall only be allowed in the "B-3" General business district, and the "I" Industrial zoning district.
- (p) *Requirements.* The conditional use shall be allowed subject to the following regulations:
- (1) *Billboard size.* A maximum of two (2) sides are allowed per billboard. The sign area of a billboard in the "B-3" and "I" districts shall not exceed 12' x 48' on each side of the sign.
- (2) *Height.* The highest portion of a billboard shall not exceed thirty-five (35) feet in height measured from the elevation of the grade of the abutting roadway. The elevation of the grade is defined as the point on the centerline of the road which is perpendicular to the billboard location.
- (3) *Setbacks.* A freestanding billboard must have a setback from the property line equal to the height of the highest portion of the billboard, measured from the ground where the billboard is located. No other type of billboard sign or structure, or any part thereof, shall be erected or maintained within fifteen (15) feet of any ultimate right-of-way of a public street or road, nor within the side yard setback of the lot on which the billboard is located.
- (4) *Illumination and animation.* Illumination of billboards shall be allowed based upon the following standards:
- The billboard and the lighting thereof shall be effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the adjacent roadway, and shall not be of such intensity or brilliance as to cause glare or impair the vision of the driver of a vehicle, or which interferes with a driver's operation of a motor vehicle.

-
- The billboard shall not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal. Any billboard which contains, includes, or is illuminated by a flashing, intermittent, or moving light or lights, or is animated as defined by this ordinance shall be prohibited.

(5) *Separation.* The location of each billboard shall comply with the following separation requirements:

- 1) At least one thousand (1,000) linear feet from any other billboard, and
- 2) At least five hundred (500) linear feet from any residential zoning district, including those of a neighboring municipality,

(6) *Obstruction.* No billboard shall overhang a public or private right-of-way nor shall it interfere with a two hundred-foot line of sight in any direction at an intersection.

(7) *Landscaping.* The base of each billboard shall be landscaped and maintained with a screening buffer.

(8) *Conformance with Texas Department of Transportation Requirements.* Other requirements established by the Texas Department of Transportation (TxDOT) that regulate signs along roadways governed by TxDOT shall also be in effect, and the more stringent of the two (2) ordinances shall prevail.

(9) *Other standards.* The conditional use process and standards set forth in section twenty-one (21) must be met.

(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 07-15, § 1, 7-24-2007)

Item #3



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

Variance Request – 1703 Champion Circle

I. BACKGROUND

General Information

Applicant & Property Owner: Carlos Moreno, Jr.

Property ID Number: 58922

Legal Description: Lot 32 in Block 1 of Falcon Crest
Unit 2

Parcel Size: 7,253-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 19 feet, to accommodate the construction of an attached carport.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Property is bordered by residential dwellings. Access to the lot is provided by Champion Circle.

III. PUBLIC NOTICE

Public notification of the variance request before the Zoning Board of Adjustments and Appeals was completed consistent with the provisions of *Chapter 211 of the State of Texas Local Government Code Title 7*. 18 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on May 22, 2024.

Aerial Map (Figure 1)



Street View Photo



IV. STAFF ANALYSIS

The applicant is seeking to reduce the front yard building setback, to allow for the construction of a carport on property located at 1703 Champion Circle as shown in **Figure 1** (above). The applicant seeks to reduce the front yard building setback area from 25-feet to 19-Feet.

The proposed construction with a total area of approximately 370-sqaure feet, as shown in the enclosed proposed Site Layout, does meet the construction requirements set forth in the Building Code but it does not meet regulations in Appendix A of the Zoning Ordinance, particularly 6(c)(1) regulating front setback area.

V. STAFF RECOMMENDATION

Staff recommends **DENYING** of the applicant's variance request of a reduction to the front yard building setback from 25-feet to 19-feet for property located at 1703 Champion Circle, as it does not conform to the Zoning Code.

TRANSMITTED to the parties listed hereafter:

Carlos Moreno, Jr. via e-mail
Eagle Pass Community Development Department Report dated May 31, 2024

Attachment 1

Application



**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: Falcon Crest Unit # 2, Block 1, Lot 32
Site Address: 1703 Champion Circle Eagle Pass, Texas 78852
Acres: 0.1665 Square feet: 7253 Existing land use: Yes residential

Owner

Name: Carlos Moreno, Jr. Phone: 8305135001
Address: 1703 Champion Cir E-mail: cmoreno1064@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 x 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: *Carlos Moreno Jr*

Date: 5-10-2024

Print Name: Carlos Moreno Jr

☒ Applicant

☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>5/13/24</u> Payment received by <u>RR/W</u> Date <u>5/13/24</u>	
	Zoning Classification <u>RD Second One-Family Dist.</u> Case No. <u>—</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: Requesting variance of Article 1 (6)(c) entitled Building Location.
Seeking 8 feet variance to this section.

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: Carport is to protect my vehicles from the weather

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.

Paul M. Mung
Applicant Acknowledgment

5-10-2024
Date

**DECLARATIONS OF BUILDING AND USE RESTRICTIONS,
CONDITIONS, AND COVENANTS FOR
FALCON CREST SUBDIVISION, UNIT II**

THE STATE OF TEXAS §
COUNTY OF MAVERICK § KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION ("Declaration") is made as of March 8, 1999, by Chad Foster, William Clayton Brown, and E. Lawrence Hiller, ("Declarant") with reference to the following facts and circumstances:

A. The Declarant is the fee owner of certain real property in Eagle Pass, Maverick County, Texas, described as Falcon Crest Subdivision, Unit II.

B. Declarant desires to establish covenants, conditions and restrictions upon the Subdivision, and each and every portion thereof, which will constitute a general scheme for the use, occupancy and enjoyment of the Subdivision, all for the purposes of enhancing and protecting the value, desirability and attractiveness of the Subdivision and enhancing the quality of life within the Subdivision.

THEREFORE, Declarant hereby declares that all the properties described above shall be held, sold, conveyed, hypothecated, encumbered, leased, rented, occupied and improved, subject to the following restrictions, covenants, and conditions, all of which are declared and agreed to in furtherance of a general plan for the protection, maintenance, improvement, and development of the Subdivision and for the protection and enhancement of the value, desirability and attractiveness of the Subdivision. All provisions of this Declaration are hereby imposed as equitable servitudes of the Subdivision. All of the easements, restrictions, covenants and conditions set forth in this Declaration shall run with the land and shall be binding on and for the benefit of the Subdivision and all of the parties having or acquiring any right, title or interest in the Subdivision or any part thereof, their heirs, successors and assigns.

ARTICLE I.

DEFINITION OF TERMS

1. *Declarant*---E. Lawrence Hiller, William Clayton Brown, and Chad Foster, their successors and assigns, if such successors and assigns hold title to all, or any portion of, the Subdivision prior to recordation of this instrument.
2. *Owner*---Each person and entity holding a record ownership in a Lot, including the Declarant. The term "Owner" shall not include persons or entities who hold an interest in a Lot merely as security for the performance of an obligation; however, it shall include any person, firm, partnership, corporation, trust, church, club, governmental body, or other entity (whether private or governmental in nature), without limitation, hereafter acquiring any estate, right, title, interest or property in any Lot, whether by descent, devise, purchase, or otherwise.
3. *Lot*---Each parcel shown upon any recorded Subdivision Map of the Subdivision.
4. *Subdivision*---Falcon Crest Subdivision, Unit II, as shown on the map thereof filed in Envelope 213, Side B, of the Map Records of Maverick County, Texas.
5. *House*---A standard single family housing structure of at least 51% masonry exterior and of no more than two stories, with permanent foundation and a minimum ground floor area (including walls and partitions) of 900 square feet for living purposes, not including garage, porches, roof overhangs or outbuildings or other unattached structures.
6. *Outbuilding*--- A garage, carport, storage room, small guest house, or other outbuildings incidental to urban living, whether private or separate, are permitted. All such structures shall be on permanent foundations.

ARTICLE II.

USE RESTRICTIONS

thirteen years from and after the date of recordation of this Declaration or the date by which all Lots have been sold by Declarant, whichever occurs first, Lots owned by Declarant may be used by Declarant or its designees as models, sales offices, and construction offices for the purpose of developing, improving, and selling Lots in the Subdivision. Nothing in this Declaration shall prevent an Owner from leasing or renting his Lot, provided, however, any lessee or renter thereof shall abide by and be subject to all the provisions of this Declaration.

2. **COMMERCIAL USE.** Except as otherwise expressly provided in this Declaration, no part of the Subdivision, or any Lot contained therein shall be used or caused, allowed or authorized to be used, directly or indirectly for any business, commercial, manufacturing, mercantile, storing, vending or other such nonresidential purposes. Notwithstanding the foregoing, the Owner or a member of his family living on the

Book 533 Page 172

COCLFILE2:1449'Restrict U1)

Lot may conduct a small arts and crafts or professional services business from the Lot, provided that such use is incidental to the primary use of the Lot as a single family residence and does not create a parking problem or significantly increase the quantum or traffic to the Subdivision.

3. **RELIGIOUS USE.** Except as otherwise expressly provided in this Declaration, no part of the Subdivision, or any Lot contained therein shall be used or caused, allowed or authorized to be used, directly or indirectly for any religious purposes. Notwithstanding the foregoing, the single family living on the Lot, may privately practice its religion on the Lot with members of its family and friends, provided that such use is incidental to the primary use of the Lot as a single family residence and does not create a parking problem or significantly increase the quantum or traffic to the Subdivision.

4. **OWNER MAINTENANCE OF INDIVIDUAL LOTS.** Each Owner shall be responsible for the maintenance and repair of all the improvements to his Lot, including any house, outbuilding, parking facilities, and landscaping thereon. Each Owner shall maintain the exterior paint or other finish on and the structural integrity of any improvements on his Lot in good condition and repair.

5. **COST OF HOUSE.** No house shall be erected, altered, placed, or permitted to remain on any Lot other than one detached single-family dwelling not to exceed two-stories in height and private garage for not more than three cars. All homes shall have at least 51% masonry exterior. No house exclusive of open porches, garages, car-ports, patios and outbuildings, shall be permitted on any Lot at a cost of less than \$25,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all houses constructed while these covenants are in effect shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size.

6. **BUILDING LOCATION.**

- a. For the purposes of this Article II, Paragraph 6, eaves and steps, shall not be considered as a part of a House or Outbuilding.
- b. No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective House on a Lot. Trees may be planted forward of the front wall line of the house and within the 25 foot building setback line, provided that the trees are maintained in a manner that preserves the sight distances required at intersections set forth in Article II, Paragraph 17, below.
- c. No improvements of any sort, including but not limited to, a House, Outbuilding, open or closed porch, open or closed carport or garage shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no such improvement shall be located on any Lot nearer than 25 feet minimum, 50 feet maximum to the front Lot line, or nearer than 5 feet to any side street line.
- d. No existing house, outbuilding or other improvement shall be moved onto any Lot in this Subdivision.
- e. All Houses on the East side of Nelli Mae Glass Drive must face Nelli Mae Glass Drive.
- f. This Covenant shall not be construed to permit any portion of any improvement to encroach upon another Lot or violate any City ordinance.

7. **TEMPORARY STRUCTURES.** Except as is allowed by Article II, Paragraph 1, above, no mobile home or trailer shall be located on any Lot for any period of time or any purpose. For example, no mobile home shall be used for residence, temporary living quarters, guest house unit or storage unit. Small travel type trailers and motor homes owned by the Owner may be stored on the Owner's Lot in as inconspicuous a place as possible on such Lot, but may not be occupied while in the Subdivision.

8. **SIDEWALKS.** No house or outbuilding hereafter constructed upon any Lot may be occupied or used for any purpose whatever, except for storage of tools and materials being used in the construction thereof, until the Owner at his sole cost and expense constructs a concrete walk that:

- a. is 4 feet in width, along the entire side or sides of the lot that are adjacent to any street, level with the curb on that side of the street or streets with a space of 3 feet between such walk or walks and the back side of such curb or curbs, and
- b. conforms to the City of Eagle Pass, Texas, minimum standards then governing construction of

occupancy of all buildings situated on such Lot, with the additional right in the City to prohibit the connection of public utility lines to the Lot, pending installation of such sidewalk.

9. **EASEMENTS.** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with installation, repair, maintenance, and replacement of utility lines or otherwise interfere with the intended use of the easements.
10. **OIL/GAS DRILLING AND MINING.** No oil or gas drilling, development operations, refining operations, quarrying or mining operations of any kind, shall be permitted upon or in the Subdivision or any Lot contained therein; nor shall oil wells, tanks, tunnels or mineral excavations or shafts be permitted upon the surface of the Subdivision or any Lot contained therein. No derrick or other structure designed for use in

Book 533 Page 173

O. C. L. FIL/201443/Restrict. III

- boring for water, oil or natural gas shall be erected, maintained or permitted upon the Subdivision or any Lot contained therein.
11. **OFFENSIVE CONDUCT; NUISANCES.** No noxious or offensive activities, including, without limitation, the repair of automobiles or other motorized vehicles, shall be carried on, upon or within the Subdivision or any Lot contained therein, nor shall anything be done thereon which may be or become an annoyance or nuisance to the residents of the Subdivision, or which shall in any way interfere with the quiet enjoyment of occupants of the Lots. Motorcycles and other two-wheeled motorized vehicles shall be limited to strictly essential operations such as transportation to and from work. Any actions such as excess noise, speed, or the action of revving up engines or speeding up and down adjacent roads shall constitute a violation of this covenant. Go-carts, racing cars, and other such type of vehicles shall not be operated in the Subdivision, on any of the Lots contained therein, or on any streets and roads adjacent thereto.
 12. **TRASH DISPOSAL.** Trash, garbage, or other wastes shall be kept only in sanitary containers and no Lot shall be used as a dumping ground for rubbish. The burning or incineration of refuse in the Subdivision is prohibited.
 13. **ANIMALS.** Household pets and domestic animals will be allowed for private purposes in reasonable quantities so as not to become a private or public nuisance. No household pets or domestic animals shall be kept for commercial purposes. No animal shall be allowed to roam the Subdivision. No pigs, goats, lambs, horses, cattle, poultry, or any other barnyard animal shall be kept in the Subdivision or on any Lot contained therein.
 14. **LOT SPLIT.** No Lot shall be subdivided into smaller parcels for purposes of establishing more than one single family dwelling on any part of said lot.
 15. **DRAINAGE.** Each Owner agrees for himself, his heirs, assigns, vendees and successors in interest, that he will either (i) refrain from interference with the established drainage pattern over his Lot from adjoining or other Lots in the Subdivision, or (ii) subject to the approval of the Architectural Control Committee, make adequate provision for proper drainage from any such other Lot or parcel over his Lot. For purposes hereof, established drainage is defined as the drainage pattern established at the time of the overall grading of the Subdivision is completed.
 16. **VEGETATION AND LANDSCAPING.** Each Owner of a Lot shall keep all shrubs, trees, grass and planting of every kind on his Lot, including planted areas between adjacent sidewalks and the street curb, if any, neatly trimmed, properly cultivated and watered, and free of trash, weeds and other unsightly material and shall keep that portion of any Subdivision perimeter wall, if any, located in his Lot in good repair.
 17. **SIGHT DISTANCE AT INTERSECTIONS.** No fence, wall, hedge, shrub planting, tree, or vegetation which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the Lot property lines adjacent to the street easement and a line connecting them at points 25 feet from the intersection of the Lot property lines, or in the case of a rounded property corner from the intersection of the Lot property lines extended. The same sight-line limitations shall apply on any Lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. All tree foliage line shall be maintained at sufficient height to prevent obstruction of such sight lines.
 18. **OUTSIDE DRYING AND LAUNDERING.** No exterior clothesline shall be erected or maintained and there shall be no exterior drying or laundering of clothes on balconies, patios, porches or other areas.
 19. **SIGNS.** No sign of any kind shall be displayed to the public view on or from any Lot, except at such times as may be used by the Declarant or its designees for the purpose of developing, selling and improving Lots within the Subdivision. Notwithstanding the foregoing, one professional sign of customary and reasonable dimensions advertising the Lot for sale or for rent may be placed within each Lot by the Owner thereof.
 20. **PARKING.** No truck (excluding pick up trucks), tractor trailer, camper, trailer, boat, aircraft or other similar vehicle shall be parked or stored on any street within the Subdivision or on top of any easement or within the building setback lines as shown on the plat of the Subdivision. No inoperable vehicle of any type shall be permitted to be stored or remain on any portion of any street in the Subdivision for a period exceeding 24 hours.

1. **ARCHITECTURAL RESTRICTIONS.** No building, fence, wall, or other structure shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition, change or alteration therein be made until the plans and specification showing the nature, kinds, shape, height, materials, and location of the same have been submitted to and approved in writing as to harmony of external design and location in relation to the surrounding structures, finish grade elevation, and topography of the Architectural Control Committee.
2. **COMMITTEE MEMBERSHIP.** The Architectural Control Committee shall initially be composed of Chad Foster, Eagle Pass, Texas; William Clayton Brown, Eagle Pass, Texas; and E. Lawrence Hiller, Eagle Pass, Texas; provided, however, at any time, the then recorded Owners of a majority of the Lots shall have the

power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties. At any time, a majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

3. **COMMITTEE COMPENSATION AND LIABILITY.** The Architectural Control Committee shall serve without compensation and without liability to Owners.
4. **PROCEDURE.** The Committee's approval or disapproval as required in these covenants shall be in writing. In the event such Architectural Control Committee fails to approve or disapprove the plans and specifications within thirty days of submittal of such plans and specification or if no suit by any person to enjoin the construction has been commenced after the expiration of said thirty days and prior to the completion of the improvements, the Architectural Control Committee shall be deemed to have approved such plans and specifications pursuant to Article III, Section 1.

ARTICLE IV, GENERAL PROVISIONS.

1. **TERM AND MODIFICATION.** The provisions contained herein are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years unless an instrument signed by the recorded Owners of a **majority of the Lots** has been recorded, amending these provisions in whole or in part. At the time of recording this instrument, Clayton Brown, E. Lawrence Miller, and Chad Foster are the recorded Owners of all of the Lots.
2. **ENFORCEMENT.** Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any provision contained herein either to restrain violation or to recover damages. The prevailing party in any proceeding to enforce any provision shall be entitled to reasonable attorney's fees, professional fees, and costs.
3. **SEVERABILITY.** Invalidity of any one of the provisions contained herein by law, rule, regulation, ordinance, judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.
4. **GOVERNMENTAL REGULATIONS.** The provisions set forth herein are subordinate to all laws, rules, and regulations, or ordinances of the United States of America, the State of Texas, the County of Maverick, or the City of Eagle Pass, or any political subdivision thereof in effect now or hereafter. In the event of any conflict between the provisions contained herein and any such law, rule, regulation, or ordinance the applicable law, rule, regulation, or ordinance then in effect shall control.
5. **PERMANENT CONDITIONS, RESTRICTIONS, AND COVENANTS.** Notwithstanding any other provision contained herein to the contrary, expressed or implied, the following provisions shall not be waived, annulled, revoked, or otherwise modified in whole or in part for the term of fifty years from the date this instrument is recorded in the office of the County Clerk of Maverick County, Texas:
 - a. No part of the Subdivision shall be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise;
 - b. No part of the Subdivision shall be used in the operation of or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew or encourage, a dual school system;
 - c. No act or omission upon the part of Declarant, Architectural Control Committee, Owner, or their successors or assigns shall be a waiver of the operation or enforcement of the restrictions.
 - d. The third party beneficiaries of the restrictions set forth above shall be any person prejudiced by the violation, including but not limited to any Owner, any School District, any resident of Maverick County, Texas, the United States of America, or the State of Texas.

(NAACP).

c. It is further covenanted, that in case of a violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization (whether private or governmental in nature), without limitation:

- i. To enforce either or both of such restrictions relating to the use of the property contained within the Subdivision;
- ii. To abate or prevent violations of either or both of such restrictions; and
- iii. To recover damages for a breach of either or both of such restrictions:



Sara Montemayor
Sara Montemayor

County Clerk Maverick County

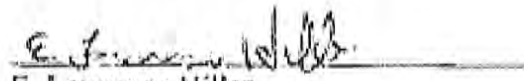
Any provision herein which restricts the sale,
rental, or use of the described real property
because of color or race is invalid and
unenforceable under federal law.

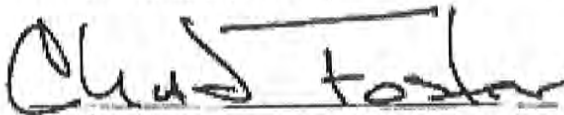
Q:\CL FILE\21-443\Restrict.L711

- f. It is further covenanted that if any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purpose, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, if the Court finds that the proceedings were necessary to bring about compliance therewith.
6. This Declaration is subject to the rights created by instruments that are of record in the Office of the County Clerk of Maverick County, Texas, to the extent that such instruments are in effect.
7. Whenever this instrument permits Owners to take any action, (including by way of description and not limitation, amending these restrictions and matters related to the Architectural Control Committee) it is contemplated that each Lot shall have one voice on the matter at issue; therefore, if the Owners of one Lot do not unanimously agree to perform the proposed action, then the Owners of that Lot shall be deemed to oppose the proposed action.

EXECUTED this the 5 day of April, 1999.


William Clayton Brown

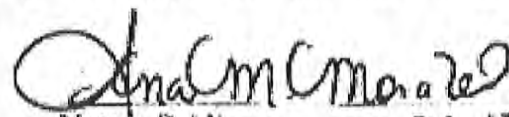

E. Lawrence Hiller


Chad Foster

THE STATE OF TEXAS
COUNTY OF MAVERICK

BEFORE ME, the undersigned authority, in and for said County and State, on this day personally appeared Chad Foster, William Clayton Brown, and E. Lawrence Hiller known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE: this the 6th day of April, 1999.


Notary Public
Maverick County, Texas. 03-12-2001

Prepared in the Law Office of:
Crawford Adams Rhodes
P.O. Box 4090
Eagle Pass, Texas, 78853
(830) 773 3611

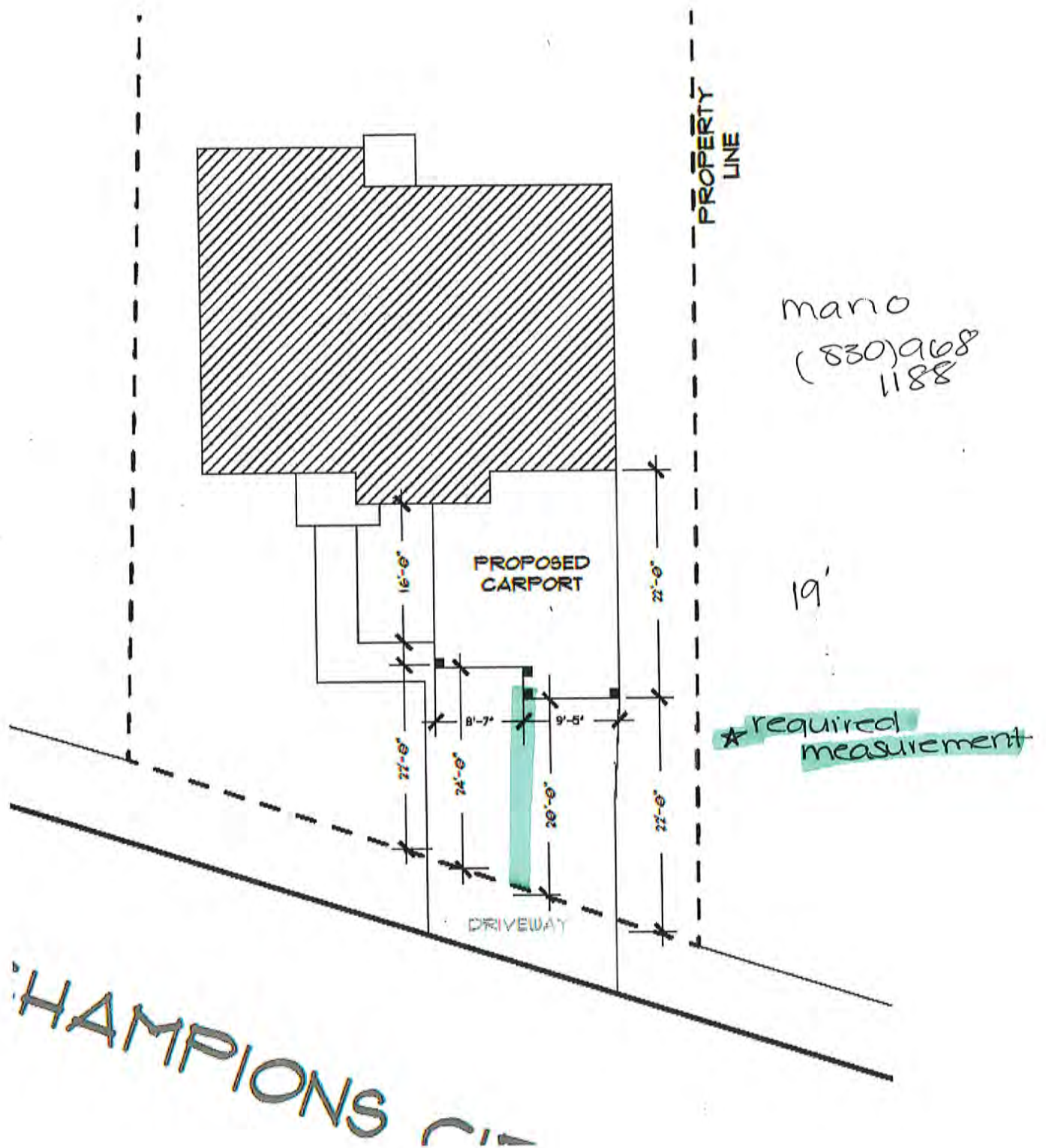
Book 533 Page 176

State of Texas County of Maverick
I hereby certify that this instrument was filed
on the date and time stamped thereon by me

Doc# 93694
Book: 533
Pages: 172 - 176
Filed & Recorded
04/06/99 11:52:30 AM
SARA MONTEYAYOR
COUNTY CLERK
MAVERICK
RECORDING FEE \$ 11.00
REFUND DECEMBER 8 AM







370 sq. ft total of construction.

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 of the occupant or occupation of a customary home occupation, provided the sign is attached flatwise 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; Ord. No. 2022-08 , § 1, 3-17-2022)

Item #4



**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: Replat of Lot 1 in Block 5 of Paraiso Estates Subdivision Unit 3 and an 11.67-acre tract
Site Address: 2027 Microstar Way
Acres: 36 Square feet: 258,172 Existing land use: light industrial warehouse

Owner

Name: Four DLS Properties, LLC Phone: 830-773-0311
Address: 4247 FM 1021 E-mail: fsantos@partsservice.com
City: Eagle Pass State: Tx Zip: 78852

Applicant
If not owner

Name: _____ Phone: _____
Address: _____ E-mail: _____
City: _____ State: _____ Zip: _____
Relationship to owner: _____

Authorization

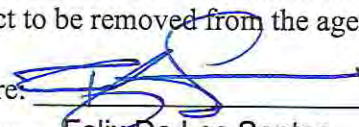
To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

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: 

Date: 02/02/2024

Print Name: Felix De Los Santos

☒ 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: The Owner requests a variance from providing the two (2) trees and four (4) shrubs required per 600 SF of required landscape area. Due to the large area of the site, this code section would require 370 new trees and 740 new shrubs, which would place an
undo financial hardship on the Owner. In lieu of the required trees, the Owner proposes to
provide xeric screening around the existing detention pond.

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: The undo financial hardship created by complying with the min. tree and shrub requirement
imposes a critical burden on the Owner's ability to develop the site as other allowed by code.

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: The Owner's proposed screening of the existing detention pond mitigates and potential visual
impact associated with not meeting the min. tree and shrub requirement.

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.

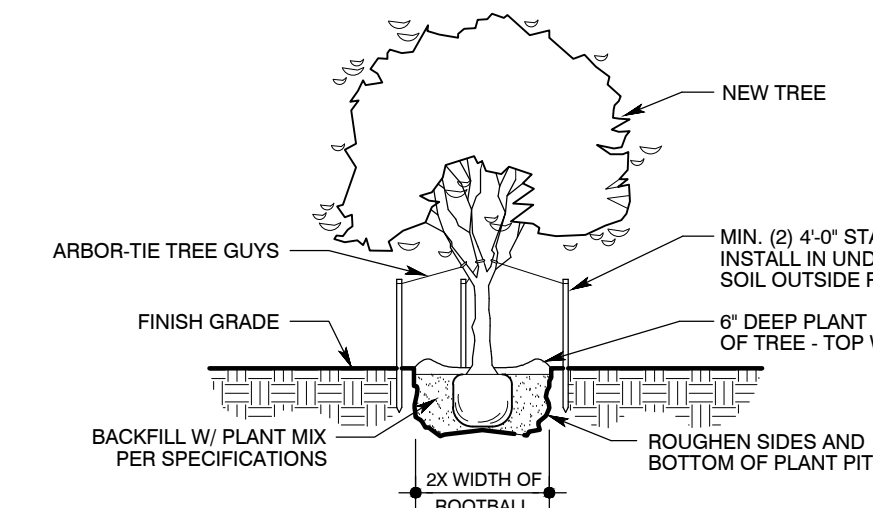
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment _____

Date _____

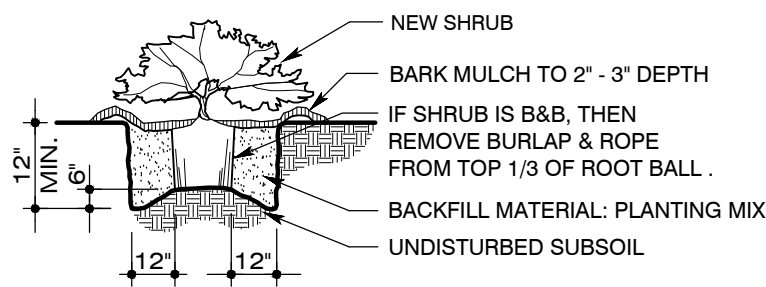
LANDSCAPE ORDINANCE COMPLIANCE

1.	STREET FRONTAGE LANDSCAPE AREA REQUIREMENT (NON-CORNER SITE) NON APPLICABLE	
2.	SITE LANDSCAPE AREA REQUIREMENT IMPERVIOUS COVERAGE: % LANDSCAPING REQUIRED: SITE LANDSCAPING REQUIRED:	739,500 SF 15% (INDUSTRIAL USE) 110,925 SF REQUIRED 252,616 SF PROVIDED
3.	FRONT YARD LANDSCAPING NON APPLICABLE	
4.	IMPERVIOUS COVERAGE PLANTING REQUIREMENT PROVIDED VIA ALTERNATIVE XERISCAPE LANDSCAPE DESIGN AT DETENTION POND.	
5.	PARKING LOT PARKING LOT AREA: LANDSCAPE WITHIN PARKING AREA (5% OF PARKING LOT AREA):	7432 SF 371.6 SF REQUIRED 2828 SF PROVIDED
6.	TREES REQUIRED IN PARKING LOT AREA (1 TREE PER 250 SF OF REQUIRED PARKING LOT LANDSCAPING)	2 TREES REQUIRED 2 TREES PROVIDED
7.	15' FRONTAGE LANDSCAPE BUFFER MICROSTAR WAY IS A PRIVATE DRIVE.	
8.	EXISTING LANDSCAPE TREES SHRUBS	5 118
9.	PROPOSED LANDSCAPE TREES SHRUBS	27 260
10.	DEPICTION OF PROPOSED PARKING LOT LANDSCAPE AND PARKING LOT	PROVIDED AS REQUIRED.



TREE PLANTING DETAIL

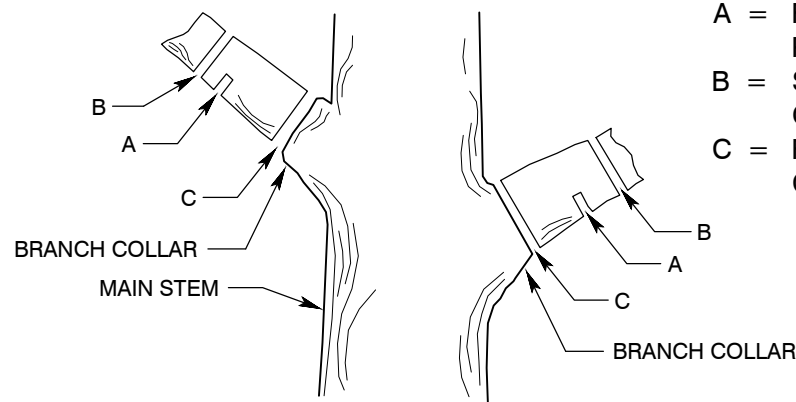
NEW TREES
1/8" = 1'-0"



SHRUB PLANTING DETAIL

NEW SHRUBS
1/8" = 1'-0"

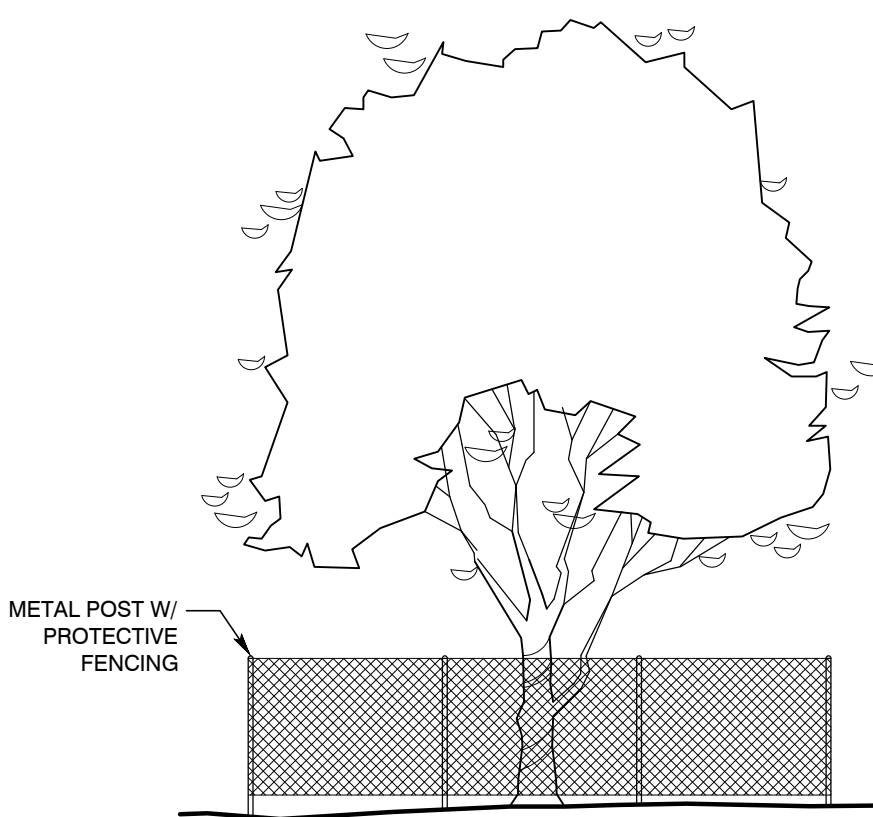
- PRUNING NOTES:
- ALL PRUNING IS TO BE DONE BY A LICENSED ARBORIST UNDER THE FIELD DIRECTION OF THE OWNER AND/OR LANDSCAPE ARCHITECT.
 - WHERE FEASIBLE, PRUNE TREES BEFORE COMMENCEMENT OF CONSTRUCTION.
 - PAINT ALL WOUNDS ON OAK TREES WITHIN 30 MINUTES OF PRUNING.



TREE PRUNING DETAIL

NOT TO SCALE

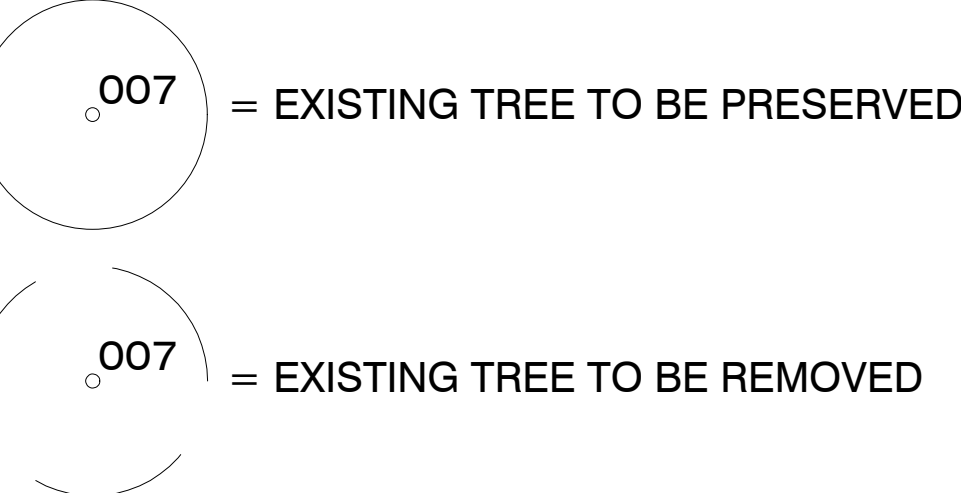
- NOTES:
- LANDSCAPE SUBCONTRACTOR TO PROVIDE PRUNING AND FERTILIZATION FOR ALL EXISTING TREES TO BE PRESERVED BY A CITY OF EAGLE PASS TREE MAINTENANCE LICENSED AND I.S.A. CERTIFIED ARBORIST.
 - APPLY APPROVED SLOW-RELEASE FERTILIZER INJECTED INTO SOIL BEFORE CONSTRUCTION COMMENCES AND AGAIN AFTER CONSTRUCTION IS COMPLETE.
 - ALL PRUNING OF EXISTING TREES MUST COMPLY WITH THE CITY OF EAGLE PASS'S APPROVED PRUNING DETAIL AND IS TO BE DONE UNDER THE FIELD DIRECTION OF THE OWNER AND/OR LANDSCAPE ARCHITECT.
 - PROTECTIVE FENCING MUST BE IN PLACE BEFORE ANY CONSTRUCTION ACTIVITIES MAY COMMENCE.
 - PROTECTIVE FENCING TO BE A MIN. 4'-0" HT. EXTENDING FROM TRUNK 12" PER CALIPER INCH OF TREE (MINIMUM 5'-0" ON ONE SIDE ONLY). THE OPTIMUM DISTANCE IS TO INSTALL FENCE DIRECTLY BENEATH DRIPLINE OF TREE AS SHOWN.
 - PROTECTIVE FENCING TO BE STAKED IN FIELD BY CONTRACTOR AND APPROVED BY OWNER AND/OR LANDSCAPE ARCHITECT.
 - DURING CONSTRUCTION, NO EXCESS SOIL, FILL MATERIAL, EQUIPMENT, LIQUIDS, OR CONSTRUCTION DEBRIS SHALL BE PLACED WITHIN THE PROTECTIVE FENCING. NOR SHALL ANY SOIL BE REMOVED FROM WITHIN THE FENCING.
 - APPLY COARSE GROUND OR SHREDDED ORGANIC BARK MULCH TO 6" DEPTH @ ALL EXISTING TREES TO BE PRESERVED.
 - THE PROPOSED FINISH GRADE WITHIN THE ROOT PROTECTION ZONE (RPZ) OF ANY TREE TO BE PRESERVED SHALL NOT BE RAISED OR LOWERED MORE THAN THREE (3) INCHES.



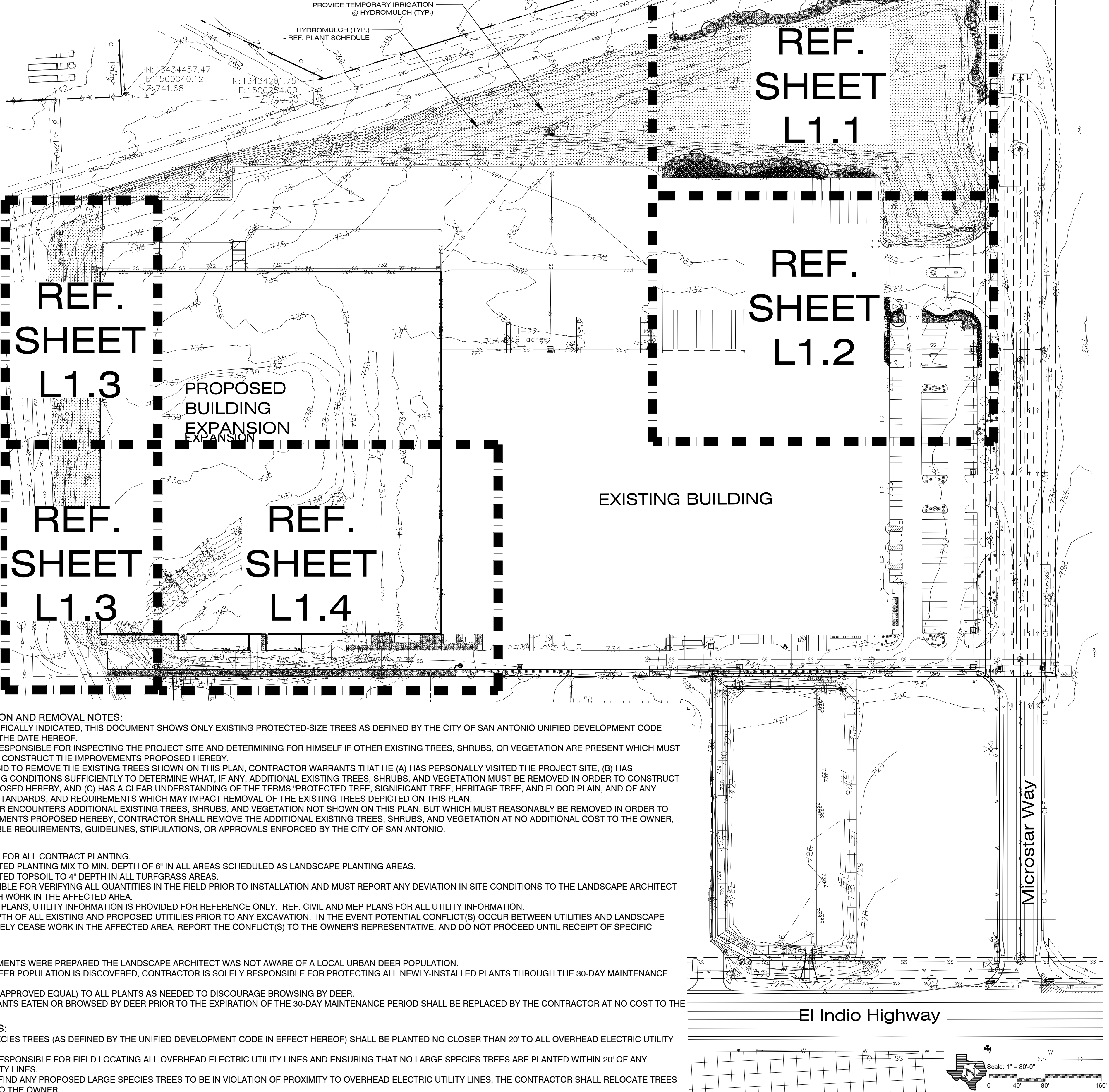
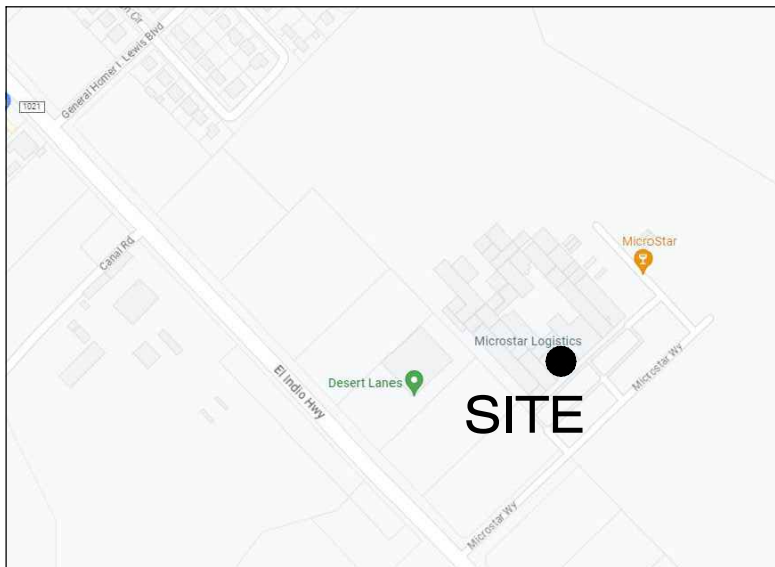
TREE PROTECTION DETAIL

NOT TO SCALE

EXISTING TREE LEGEND



VICINITY MAP (N.T.S.)



H O R I Z O N
DESIGN AND DEVELOPMENT
PLANNING, LANDSCAPE ARCHITECTURE
DEVELOPMENT CONSULTING
14607 San Pedro Ave., Suite 200
San Antonio, Texas 78232
210.831.8564 jrobinson@horizondesign-sa.com

This document is
intended for interim
review purposes only
and is not to be used
for bidding, permitting,
or construction.

OWNER
Four DLS
Properties, LLC

4247 FM 1021
Eagle Pass, TX 78852

PROJECT
MicroStar Quality
Services Facility
- Building Expansion

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

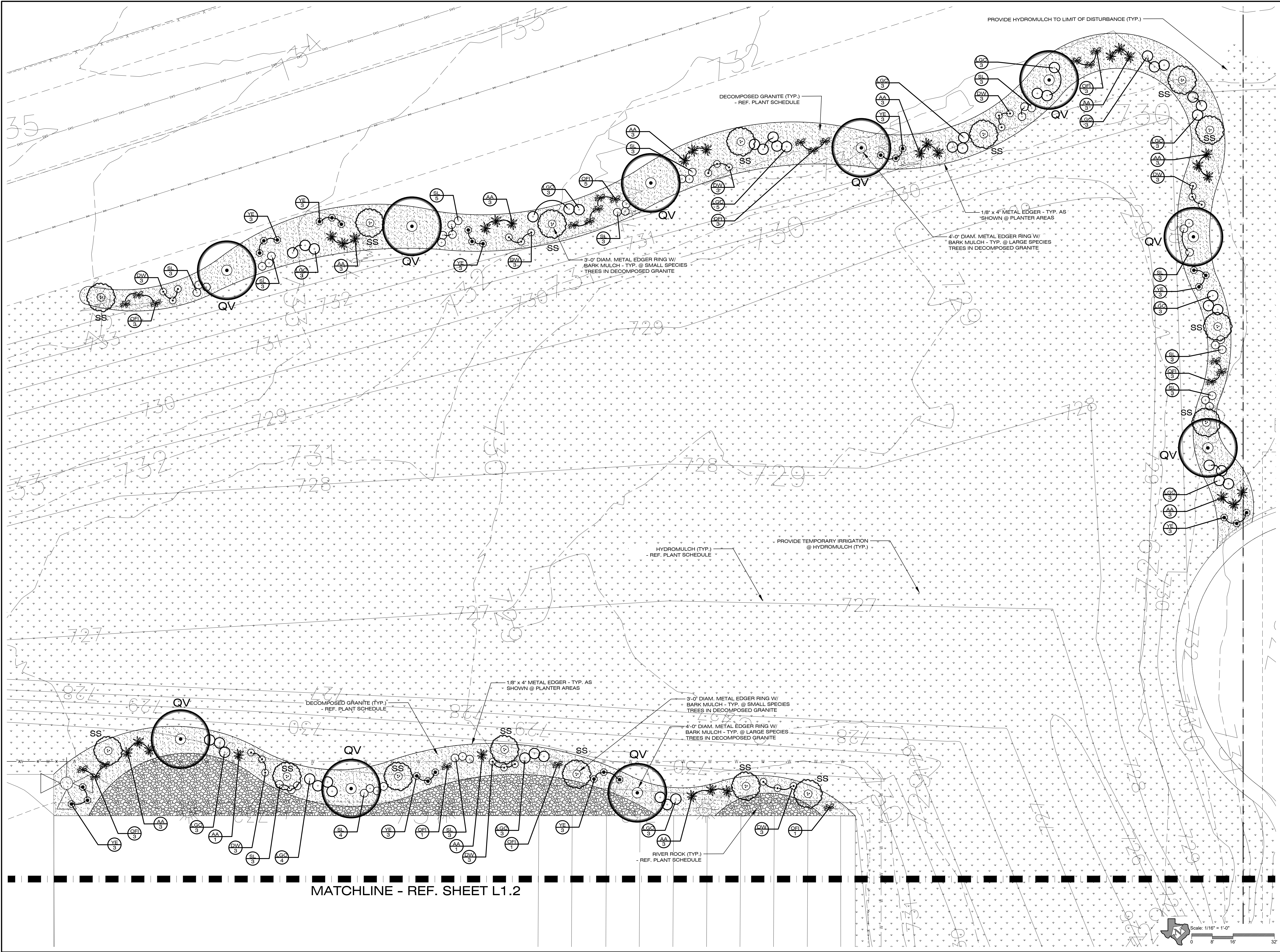
Drawn By: mc
Checked By: jr

Sheet Title:
OVERALL
LANDSCAPE
PLANTING PLAN

Sheet Number:

L1.0

Issue Date:
August X, 2023



This document is
intended for interim
review purposes only
and is not to be used
for bidding, permitting,
or construction.

OWNER
**Four DLS
Properties, LLC**

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
**MicroStar Quality
Services Facility
-Building Expansion**

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

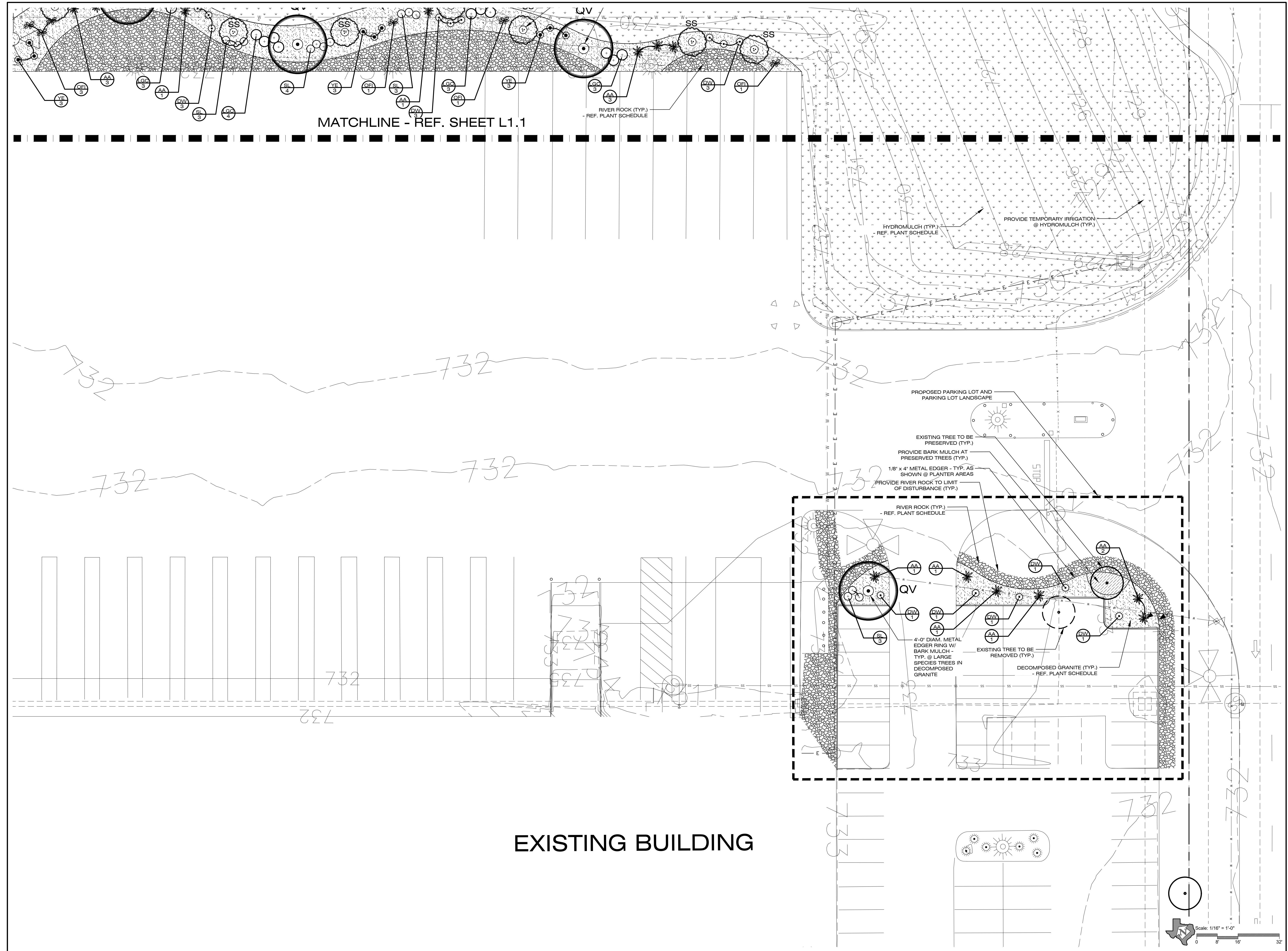
Drawn By: mc
Checked By: jr

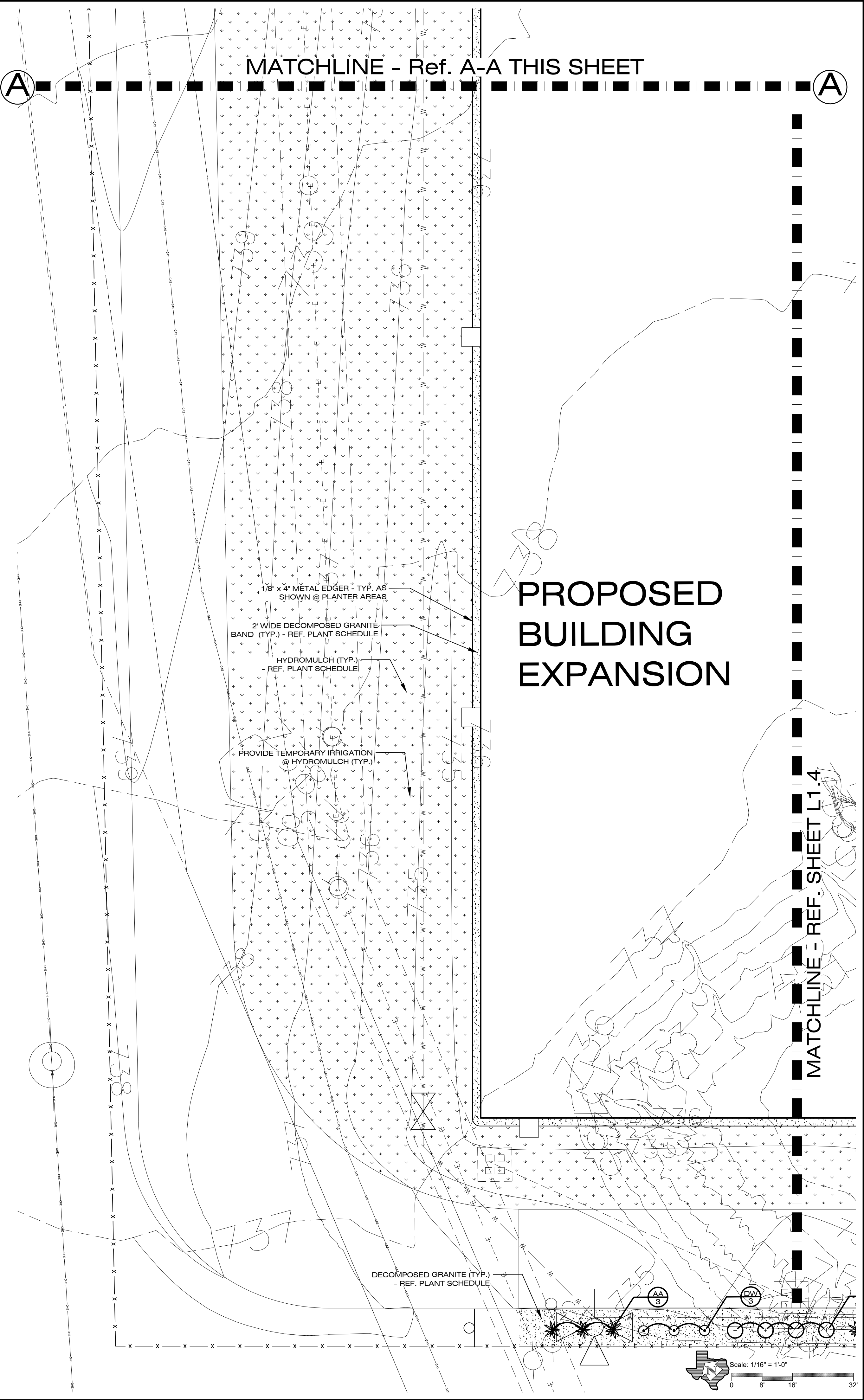
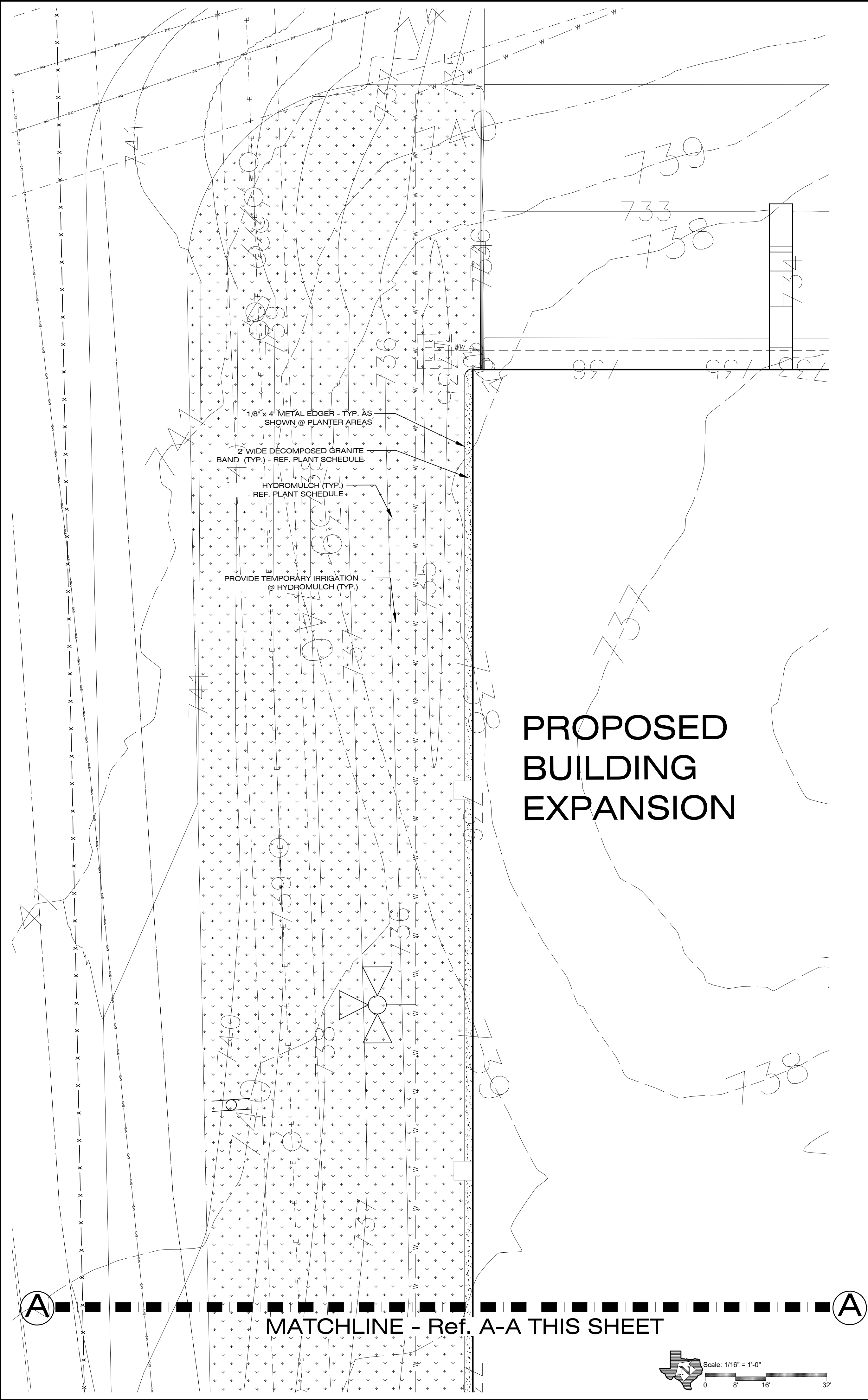
Sheet Title:
**ENLARGED
LANDSCAPE
PLANTING PLAN**

Sheet Number:

L1.1

Issue Date:
August X, 2023





H O R I Z O N
DESIGN AND DEVELOPMENT
PLANNING, LANDSCAPE ARCHITECTURE
DEVELOPMENT CONSULTING
14607 San Pedro Ave., Suite 200
San Antonio, Texas 78232
210.831.8564 jrobinson@horizondesign-sa.com

This document is
intended for interim
review purposes only
and is not to be used
for bidding, permitting,
or construction.

OWNER
Four DLS
Properties, LLC

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
MicroStar Quality
Services Facility
-Building Expansion

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

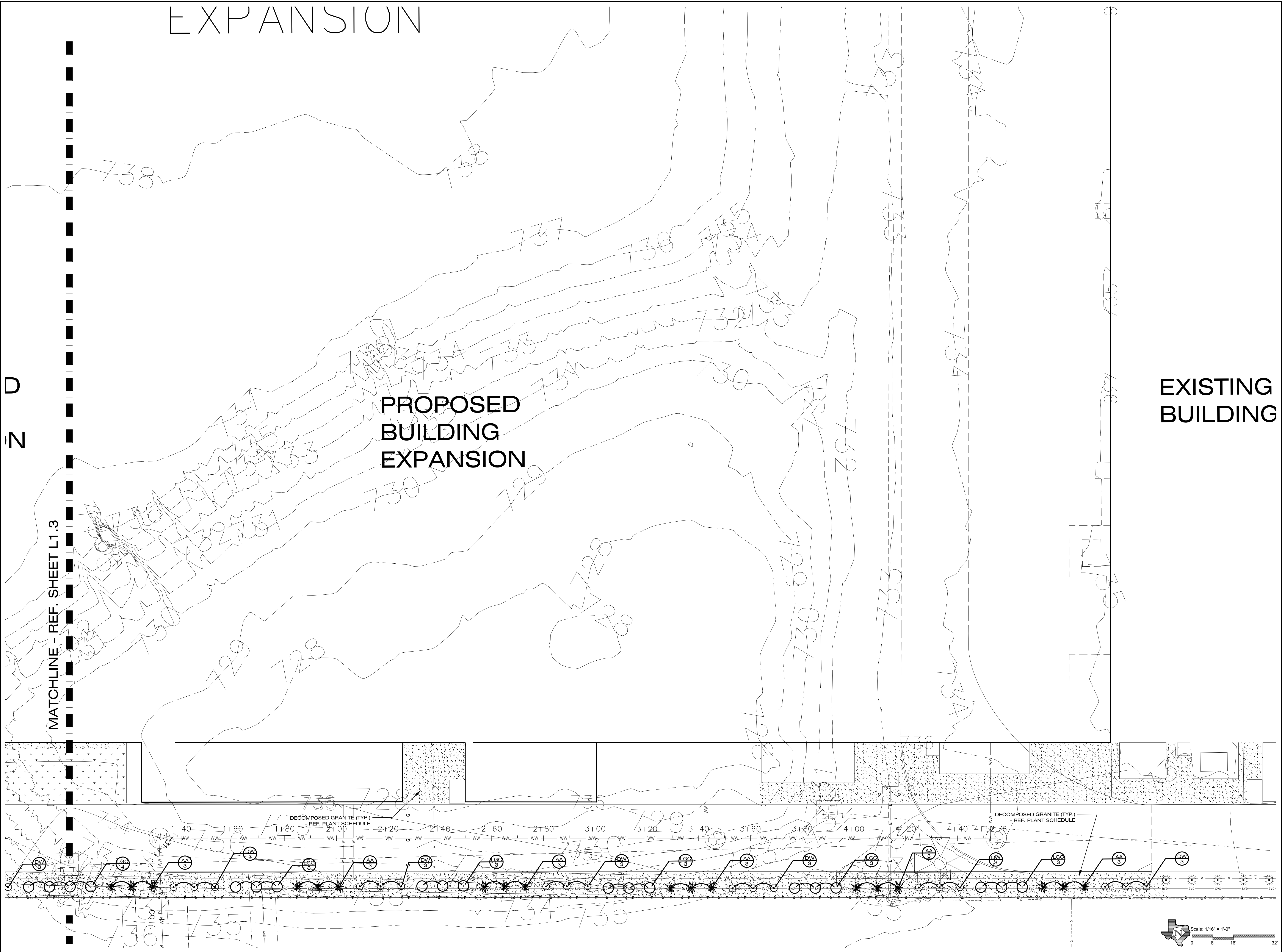
Drawn By: mc
Checked By: jr

Sheet Title:
ENLARGED
LANDSCAPE
PLANTING PLAN

Sheet Number:

L1.3

Issue Date:
August X, 2023



This document is
intended for interim
review purposes only
and is not to be used
for bidding, permitting,
or construction.

OWNER
Four DLS
Properties, LLC

4247 fm 1021
Eagle Pass, TX 78852

PROJECT
MicroStar Quality
Services Facility
-Building Expansion

2027 Microstar Way
Eagle Pass, TX 78852

REVISIONS

PROJECT NUMBER
2023-094

Drawn By: mc
Checked By: jr

Sheet Title:
ENLARGED
LANDSCAPE
PLANTING PLAN

Sheet Number:

L1.4

Issue Date:
August X, 2023

Code of Ordinances Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation / Section 23-89 Landscape plan requirements

https://library.municode.com/tx/eagle_pass/codes/code_of_ordinances?nodeId=PTIICOOO_CH23SU_ARTVILATPR_S23-89LAPLRE

Sec. 23-89. Landscape plan requirements.

(a) *Submittal of plan.* The landowner or his/her agent shall submit and receive approval of a landscape plan demonstrating compliance with the landscape requirements contained herein. Plans shall show location and size of required landscaped areas, all dimensions, types of materials, size and spacing of vegetative materials, and plans for providing irrigation to plants. The plan(s) shall demonstrate that landscaping materials will:

- (1) Abate objectionable noise, light, glare, visual clutter, dust or loss of privacy.
- (2) Adequately accomplish the purpose of which they were intended.

(b) *Required site landscaping.*

- (1) Minimum percentage.

Non-corner sites: Shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.075 to determine the required landscape area along the primary street frontage.

Corner sites: Along the primary street, shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.075 to determine the required landscape area along the primary street frontage. Along the secondary street(s), shall be determined by site frontage along a street, multiplied by site depth (at its deepest point, up to a maximum of two hundred (200) feet) multiplied by 0.050 to determine the required landscape area along the secondary street frontage.

In no case shall the front landscape area be less than ten (10) feet in width.

- (2) Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the BA.
- (3) A minimum percentage of the total lot area of property on which development or new construction occurs after the effective date of this chapter shall be devoted to landscape development in accordance with Table 5.1. The landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty (50) percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed.
- (4) **For every six hundred (600) square feet of landscape area required by Table 5.1, two (2) trees and four (4) shrubs shall be planted.**
- (5) Should a tree die or be removed for which credit has been obtained pursuant to the terms of this chapter, landscape development sufficient to equal the area credited shall be required. A small tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree is retained.
- (6) Land use landscaping required (percent of constructed impervious coverage of the lot) shall be as shown in Table 1 below. Frontage landscape may be credited towards fulfilling the requirements of this section.

Table 1. Required Landscaping

Land Use	Landscaping Required (% of constructed impervious coverage of the lot)
Multifamily structures	20
Manufactured home park	20
Office and professional uses	20
Institutional	20
Commercial	15
Industrial or manufacturing	15

- (c) *Credit for existing trees.* In order to reward the preservation of existing trees, one hundred (100) percent of the crown area of undisturbed existing trees shall be reduced from the landscape area requirements; provided that the area surrounding the tree is left undisturbed and that this area consists of a least one hundred (100) square feet but not less than fifty (50) percent of the crown area.
- (d) *Screening.* Off-street loading spaces, refuse and outside storage areas, antennas, satellite dishes, and mechanical equipment within the street yard must be screened from all public streets. The screening must be of a minimum of six (6) feet in height or a height sufficient to obscure the area or equipment requiring the screening, whichever is less. The screening may be provided by plants, a solid screen fence or wall, or a combination thereof.
 - (1) *Acceptable landscape screening materials.*
 - a. No artificial plant materials may be used to satisfy the requirements of this chapter.
 - b. Plant materials required by this chapter must comply with the following minimum size requirements at the time of installation. At time of planting, plant height shall be measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.
 - 1. Large trees must have a minimum caliper of two (2) inches and shall be planted in an area with a minimum of one hundred (100) square feet of permeable surface area. This area may be reduced to fifty (50) square feet if a permanent life support system, which must include but is not limited to an irrigation system and an internal drainage mechanism, is incorporated within the planting area.
 - 2. Small trees must have a minimum height of six (6) feet and shall be planted in an area with a minimum of twenty-five (25) square feet of permeable surface area.
 - 3. Large shrubs must have a minimum height of two (2) feet and must be planted in an area with a minimum of nine (9) square feet of permeable surface area. The permeable surface areas for shrubs may be included within permeable surface areas required for trees.
 - c. Each large tree, small tree or large shrub must be planted at least thirty-six (36) inches away from any paved surface or city right-of-way.
 - (2) *Protection of plant areas.* Plant areas must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers.

(Ord. No. 05-22, § 1, 8-2-2005)

Item #5



LONGORIA & KELLY, PLLC

1858 E. Main St.
Eagle Pass, Texas, 78852
Tel: (830) 776-7644
Fax: (830) 776-7636
clongoria@lklawtx.com

Attorneys and Counselors at Law
www.lklawtx.com

310 E. Nopal St.
Carrizo Springs, Texas, 78834
Tel: (830) 876-9706
Fax: (830) 776-7636

May 31, 2024

Zoning Board of Adjustments
c/o Mr. Placido Madera
City of Eagle Pass

VIA HAND DELIVERY

RE: 2208 BEVERLY HILLS BLVD.

Dear Mr. Madera,

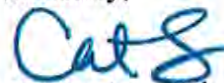
Our firm represents Roberto Zarate, owner of 2208 Beverly Hills Blvd, Eagle Pass, Texas. As you are aware, Mr. Zarate recently requested a variance from the City related to the carport that was built on his property. It is my understanding that the Board of Adjustments denied the request for a variance on October 4, 2023, but notice of the denial was not sent to Mr. Zarate until earlier this month.

On behalf of Mr. Zarate, we are requesting a rehearing by the board of adjustments because good cause exists for the rehearing as all factors were not presented or considered by the board of adjustments at the time of the initial hearing.

Enclosed herein is the \$600.00 processing fee required by the City Ordinance. Please present my request to the Board of Adjustments and notify me when the Board will convene to rehear this matter.

If you need additional information, please do not hesitate to contact me.

Sincerely,


Catrina Longoria

Cc: Ms. Ana Sophia Garcia, City Attorney
VIA EMAIL PDF

Mr. Claudio Heredia
VIA EMAIL PDF

Mr. Roberto Zarate
VIA EMAIL PDF

RECEIVED
5/31/24



**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: _____
Owner	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>
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 <u>✓</u> 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>8/1/03</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>RA</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 neighbour next to my house and people can walk perfectly on the sidewalk without any danger.

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

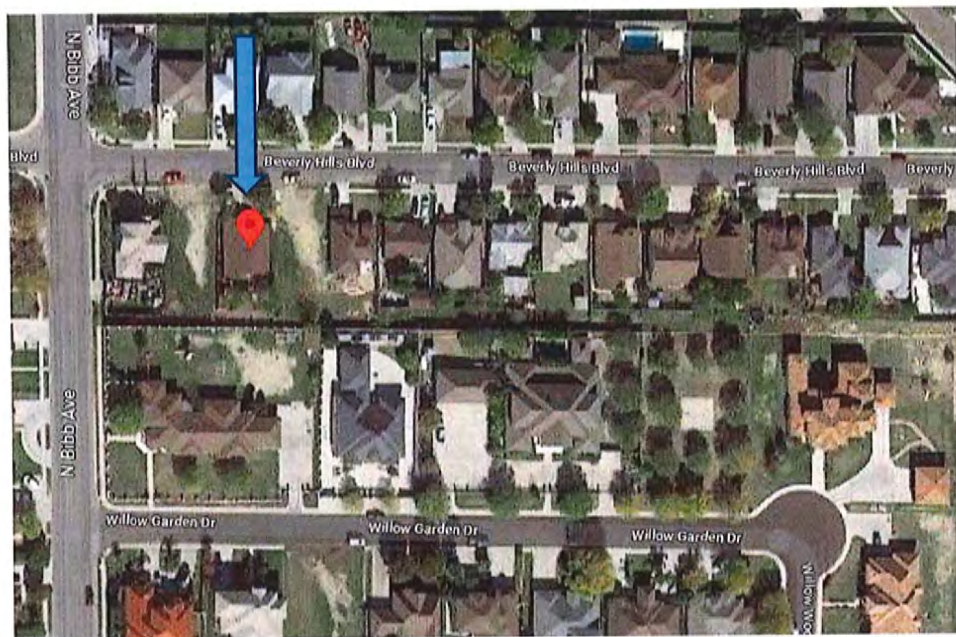
- ☐ Development Application signed by owner or notarized affidavit
☐ This checklist (signed by applicant/representative)

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.

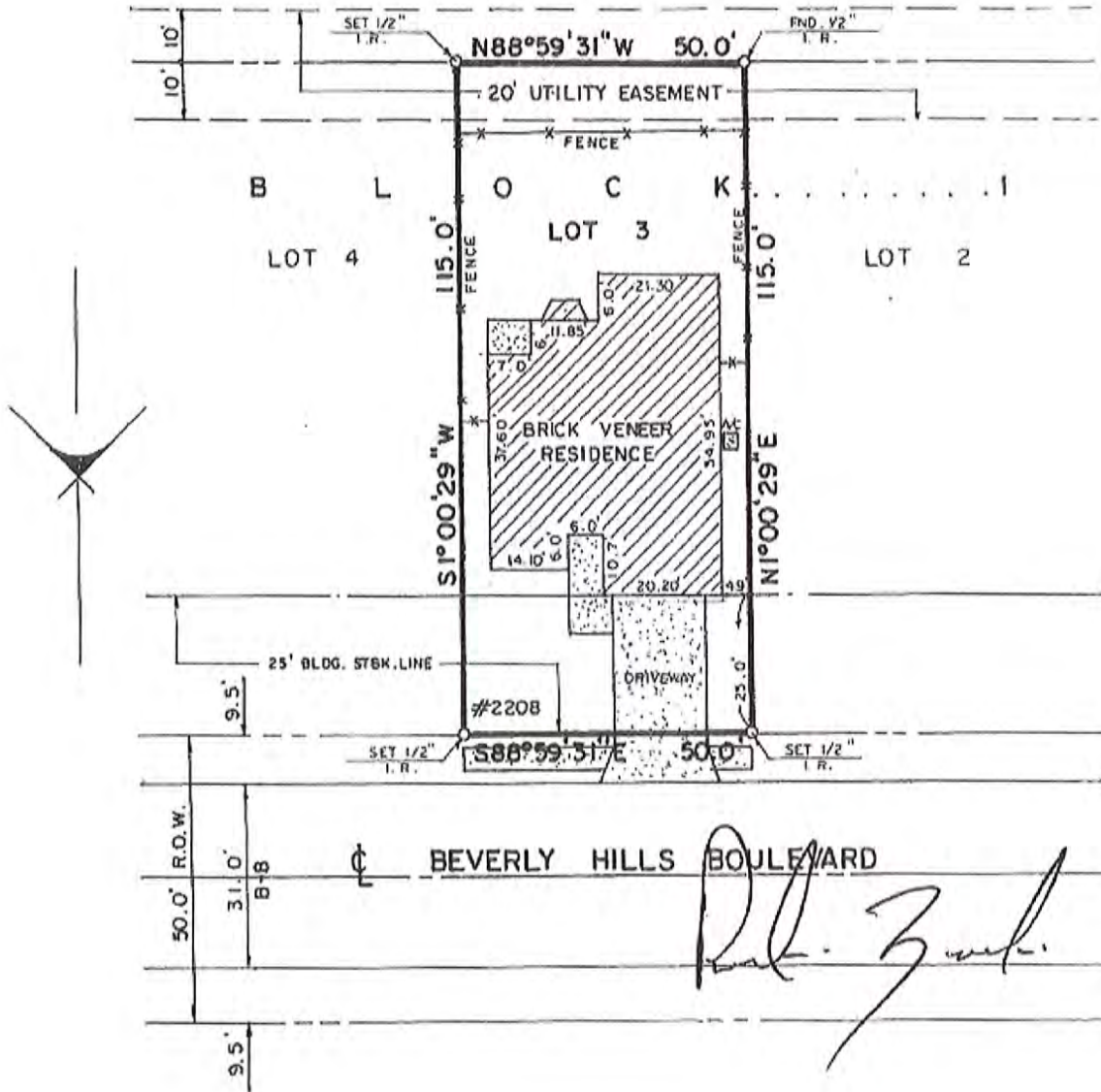
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

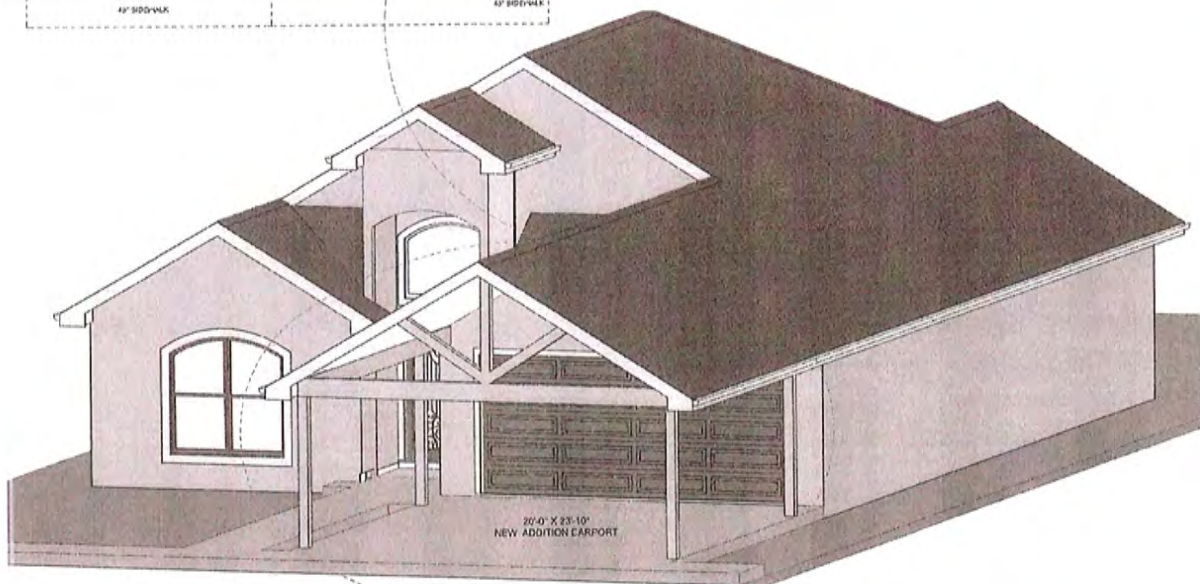
Amia Zuehl
Applicant Acknowledgment

8/1/23
Date



Survey



[illegible]

WARRANTY DEED

Date: June 25, 1999

Grantor: ZuTerra Investments, L.L.C., a Texas Limited Liability Company

Grantor's Mailing Address (including county):

695 Main Street, Eagle Pass,
Eagle Pass, Maverick County, Texas 78852

Grantee: Roberto Zarate and wife, Sonia Zarate

Grantee's Mailing Address (including county):

1055 Florence Street, Eagle Pass,
Maverick County, Texas 78852

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration

Property (including any improvements):

Being all that certain tract or parcel of land, together with all improvements thereon, and being Lot 3, in Block 1, Treasure Hills Subdivision, Unit 1, an Addition to the City of Eagle Pass, Maverick County, Texas, as shown on the plat of said Unit 1 which is of record in Envelope 217, Side B, Map Records of Maverick County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

1. Terms and conditions of the Building and Use Restrictions contained in instrument recorded in Book 541, Pages 432-434, Official Public Records of Maverick County, Texas.
2. Easement granted to Texas Gas Utilities Company in instrument recorded in Volume 26, Page 260, Deed Records of Maverick County, Texas.
3. Easement granted to the City of Eagle Pass in instrument recorded in Volume 260, Page 229, Deed Records of Maverick County, Texas.
4. Easement and Right of Way granted to Central Power and Light Co., in instrument recorded in Volume 52, Page 450, Deed Records of Maverick County, Texas.
5. Subject to the terms and conditions of that certain contract between Central Power and Light Co. and Lucino Galvan and Jose de Luna, recorded in Volume 530, Page 494, Official Public Records of Maverick County, Texas.
6. Easement and Right of Way granted to Central Power and Light Co., in instrument recorded in Volume 531, Page 227, Official Public Records of Maverick County, Texas.
7. A 25 foot building setback line as shown on the plat of said Unit 1 which is of record in Envelope 217, Side B, Map Records of Maverick County, Texas.
8. Utility easement as shown on the plat of said Unit 1 which is of record in Envelope 217, Side B, Map Records of Maverick County, Texas.

AFTER RECORDING RETURN TO:

Mr. and Mrs. Roberto Zarate
1055 Florence Street
Eagle Pass, Texas 78852

Re: M&B File #19461-0004; ZuTerra
Investment, L.L.C./Zarate, Roberto & Sonia

PREPARED IN THE LAW OFFICE OF:

MATTHEWS & BRANSCOMB
A Professional Corporation
Attorneys at Law
Title Guaranty Bldg.
675 Main Street
Eagle Pass, Texas 78852-4520

State of Texas County of Maverick
I hereby certify that this instrument was filed
on the date and time stamped thereon by me
and was duly recorded in the OFFICIAL
PUBLIC RECORD of Maverick County, Texas



Sara Montemayor
Sara Montemayor

County Clerk Maverick County

Any provision herein which restricts the sale,
rental, or use of the described real property
because of color or race is invalid and
unenforceable under federal law.

Doc# 94873
Book: 543
Pages: 224 - 227
Filed & Recorded
06/29/99 03:32:04 PM
SARA MONTEMAYOR
COUNTY CLERK
MAVERICK
RECORDING FEE \$ 9.00
RECORDS PRESERV \$ 5.00
COURTHOUSE SECU \$ 1.00

CS

BUILDING AND USE RESTRICTIONS

THE STATE OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF MAVERICK:

THAT, ZuTerra Investments, L.L.C., being the owner of the hereinafter property, do hereby make and publish the following limitations and restrictions which are to apply to, and to become part of all contracts of sale, deeds and other legal instruments whereby title or possession is divested out of the present owners and invested in another person or persons, to any and all lots and blocks contained in Treasure Hills Unit 1, a subdivision in Maverick County, Texas, the map to which is recorded in Envelope 217, Side B, in the Map Records of said County, and to which map reference is here made, to all of which the undersigned does hereby bind itself, the sole owner of said lots and blocks.

(A) FULLY PROTECTED RESIDENTIAL AREA. The residential area covenants hereinafter contained in their entirety shall apply to all lots.

(B) LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family Residential dwelling not to exceed two stories in height and a private garage for not more than two cars. All homes to be built shall be at least 51% masonry exterior.

(C) ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line as shown on said plat.

(D) DWELLING COSTS, QUALITY AND SIZE. No dwelling exclusive of open porches, garages, car-ports and patios shall be permitted on any lot at a cost of less than \$40,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the permitted dwelling size. The ground floor area of all one-story main structures, exclusive of one-story porches and garages, shall be no less than 1,000 square feet. Ground floor area of all two-story structures shall not be less than 600 square feet.

(E) BUILDING LOCATION

(1) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than 25 feet minimum, to the front lot line, or nearer than 10 feet to any side street line. For the purposes of these covenants the term building shall be defined as any part of the structure including porches, carports, garages, etc.

(2) No building shall be located nearer than 5 feet to an interior property line, except that no side yard shall be required for a garage or other permitted accessory building located 50 feet or more from the minimum building setback line.

(3) For the purpose of this covenant, eaves, steps and uncovered concrete slabs, terraces, or patios shall not be considered as a part of a building, provided, however, this shall not be constructed to permit any portion of a building, on a lot to encroach another lot.

(4) No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective house on a lot.

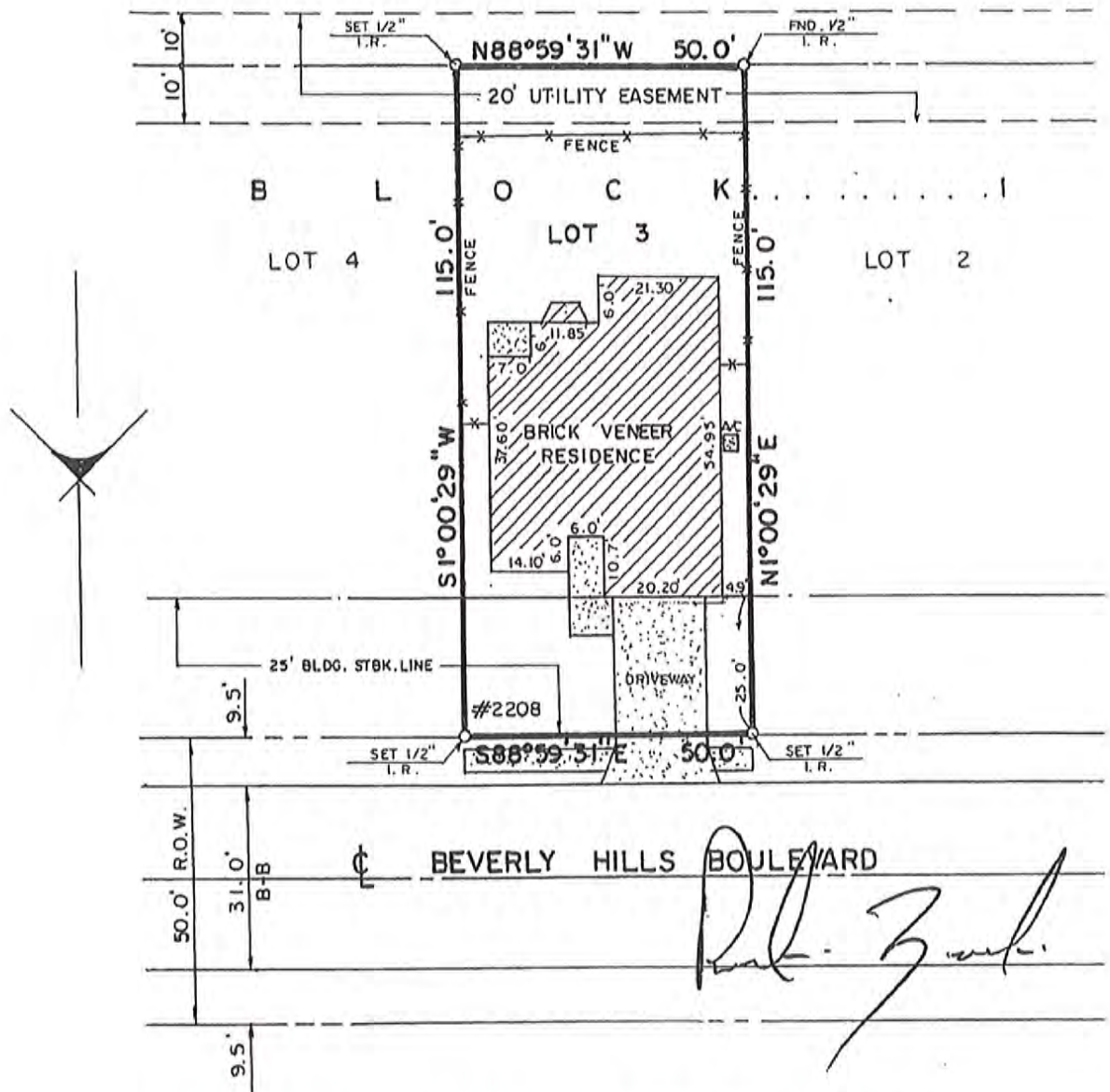
(5) No existing dwelling shall be moved onto any lot in this subdivision.

(6) No building erected in Lot 1, Block 1 and Lot 1, Block 2, Treasure Hills Subdivision Unit #1 shall face Bibb Avenue.

(F) NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

(G) TEMPORARY STRUCTURES. No structure of a temporary character, such as mobile home, manufactured home, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

(H) SIGNS. No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than five square feet to advertise the property during the construction period and sales period.



**PLAT SHOWING IMPROVEMENTS ON LOT 3,
BLOCK 1, TREASURE HILLS SUBDIVISION,
EAGLE PASS, MAVERICK COUNTY, TEXAS**

JULY 2004

SCALE 1" = 30'

I, Francisco Gaytan, Registered Professional Land Surveyor, hereby certify that the foregoing plat was prepared from a survey conducted on the ground under my supervision on July 16, 2004; that it correctly shows the boundaries, line and location of said property as in Envelope 217, Side B of the Map Records of Maverick County, Texas; and that there are no encroachments, protrusions or c between the improvements and the boundaries of record except as shown above. This property is not in the 100 year flood published by the Federal Flood Insurance Program.



Fran Gaytan
Francisco Gaytan
Registered Professional Land Surveyor
Texas No. 5474

(I) OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

(J) LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes.

(K) GARBAGE AND REFUSE DISPOSAL. No lot shall be used for or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept, except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No lot shall be used to store old or inoperative farm equipment or vehicles. Inoperative vehicles are defined as vehicles which are inoperable due to flat tires, missing parts or which have an expired license or inspection sticker.

(L) NON-REGULAR PASSENGER VEHICLES. There shall be no parking of any vehicle within the subdivision, except regular passenger vehicles (occupancy of eight persons or less) and pick-up trucks not to exceed one ton; provided, however, standard delivery trucks or moving vans shall be permitted provided that such vehicles shall not remain within the subdivision for a period longer than eight hours.

(M) ALCOHOLIC BEVERAGES. Public consumption of alcoholic beverages shall not be permitted on the property; provided, however, this restriction shall not be interpreted to prohibit the private consumption of alcoholic beverages in a personal or private residence located on the property. In addition, no property owner shall be permitted to sell alcoholic beverages for the purpose of on-premises consumption.

(N) All residents shall have provisions for off street parking.

(O) ARCHITECTURAL CONTROL COMMITTEE

(1) MEMBERSHIP. The Architectural Control Committee is composed of Jose de Luna, Eagle Pass, Texas; Lucino Galvan, Eagle Pass, Texas and Marisa de Luna, Eagle Pass, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. Any time, the then record owners of a majority of lots shall have the power through a duly recorded written instrument to change the membership committee or withdraw from the committee or restore to it any of its powers and duties.

(2) PROCEDURE. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and compliance with the related covenants shall be deemed to have occurred.

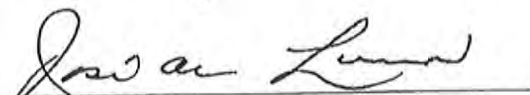
(P) GENERAL PROVISION.

(1) TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to said covenants in whole or in part.

(2) ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any persons in violation or attempting to violate any covenant either to restrain violation or to recover damages.

(3) SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall be in no wise affect any of the other provisions which shall remain in full force and effect.

EXECUTED this the 14th day of May, 1999.


Jose de Luna


Lucino Galvan

ACKNOWLEDGEMENT

THE STATE OF TEXAS

X

COUNTY OF MAVERICK

X

This instrument was acknowledged before me on this the 14th day of May, 1999, by Jose de Luna.



Patricia M. Perez
Notary Public in and for Maverick County,
Texas

ACKNOWLEDGEMENT

THE STATE OF TEXAS

X

COUNTY OF MAVERICK

X

This instrument was acknowledged before me on this the 14th day of May, 1999, by Lucino Galvan.



Patricia M. Perez
Notary Public in and for Maverick County,
Texas

Doc# 94681
Book: 541
Pages: 432 - 434
Filed & Recorded
06/15/99 04:46:42 PM
SARA MONTEMAYOR
COUNTY CLERK
MAVERICK
RECORDING FEE \$ 7.00
RECORDS PRESERV \$ 5.00
COURTHOUSE SECU \$ 1.00 CS

State of Texas County of Maverick
I hereby certify that this instrument was filed
on the date and time stamped hereon by me
and was duly recorded in the OFFICIAL
PUBLIC RECORD of Maverick County, Texas



Sara Montemayor
Sara Montemayor
County Clerk Maverick County

Any provision herein which restricts the sale,
rental, or use of the described real property
because of color or race is invalid and
unenforceable under federal law.

RELEASE OF LIEN

Loan Number 0194817714

When Recorded Return To:
Wells Fargo Home Mortgage
C/O Nationwide Title Clearing, Inc.
2100 Alt. 19 North
Palm Harbor, FL 34683

THE STATE OF TEXAS
COUNTY OF MAVERICK

KNOW ALL MEN BY THESE PRESENTS, that the undersigned acknowledges the payment in full, according to the face and tenor thereof, of a certain promissory note in the original principal sum of \$39,000.00 and secured by a Deed of Trust executed by ROBERTO ZARATE with MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FIELDSTONE MORTGAGE COMPANY, ITS SUCCESSORS AND ASSIGNS as the Beneficiary, described in a certain Deed of Trust dated 07/21/2004 and recorded in Volume 815, on Page 348, or Clerk # 124219 of the records of Real Property of MAVERICK County, Texas:
Property Address: 2208 BEVERLY HILLS BLVD, EAGLE PASS, TX 78852

Now therefore, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIELDSTONE MORTGAGE COMPANY, ITS SUCCESSORS AND ASSIGNS, as the beneficiary of the Deed of Trust securing payment of said note, does hereby release the Deed of Trust lien shown by said instrument to exist upon the previously described property, to secure payment of said note.

IN WITNESS WHEREOF, the said Corporation has caused these to be signed by its duly authorized officer, on 7/11 /2017 (MM/DD/YYYY).

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIELDSTONE MORTGAGE COMPANY, ITS SUCCESSORS AND ASSIGNS

By: Amanda Jones

Amanda Jones
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Document Prepared By: Robert E. Fletcher - c/o NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683
(800)346-9152
WFHRC 399382964 MIN 100102373625126657 MERS PHONE 1-888-679-6377 MERS Mailing Address: P.O.
Box 2026, Flint, MI 48501-2026 DOCR T061707-04:45:17 [C-2] RCNTXN1_WFHRC



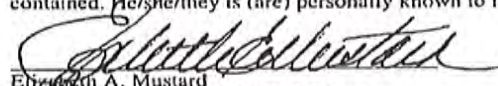
D0024269189

Loan Number 0194817714

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 21/2017 (MM/DD/YYYY), by Amanda Jones as VICE PRESIDENT of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FIELDSTONE MORTGAGE COMPANY, ITS SUCCESSORS AND ASSIGNS, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.


Elizabeth A. Mustard
Notary Public - State of FLORIDA
Commission expires: 08/27/2019



ELIZABETH A. MUSTARD
Notary Public - State of Florida
Commission # FF 224631
My Comm. Expires August 27, 2019

Document Prepared By: Robert E. Fletcher - c/o NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683
(800)346-9152

When Recorded Return To: Wells Fargo Home Mortgage
C/O Nationwide Title Clearing, Inc.
2100 Alt. 19 North
Palm Harbor, FL 34683

WFHRC 399382964 MIN 100102373625126657 MERS PHONE 1-888-679-6377 MERS Mailing Address: P.O.
Box 2026, Flint, MI 48501-2026 DOCR T061707-04:45:17 [C-2] RCNTXN1_WFHRC



D0024269189

BOOK 1655 PAGE 367

BOOK 1655 PAGE 368

Doc #: 198293
Book: 1655
Pages: 366 - 368

Filed & Recorded:
07/17/2017 03:44PM
SARA MONTEMAYOR
COUNTY CLERK
MAVERICK

Recording Fee - Land Recs	\$9.00
Records Management	\$10.00
Records Preservation Fund	\$10.00
Courthouse Security Fee	\$3.00

Leticia Perez, Deputy

STATE OF TEXAS,
COUNTY OF MAVERICK
I hereby certify that this instrument
was filed on the date and time stamped
thereon by me and was duly recorded in
the OFFICIAL PUBLIC RECORDS of
Maverick County, Texas.

Any provisions herein which restricts
the sale, rental, or use of the described
real property because of color or race
is invalid and unenforceable under
federal law.

SARA MONTEMAYOR
COUNTY CLERK MAVERICK COUNTY, TEXAS





Toll Free: (800) 435-7764
Fax: (877) 217-1389
Email: myclaim@farmersinsurance.com
Please include your claim # on any correspondence
National Document Center
P.O. Box 268994
Oklahoma City, OK 73126-8994

June 6, 2023

ROBERTO ZARATE
2208 BEVERLY HILLS BLVD
EAGLE PASS TX 78852
Delivered by email to: hitechrz@yahoo.com

RE: Claim Number: 502276562
Insured: Sonia Zarate
Policy Number: 0518714964
Loss Date: 04/28/2023
Subject: Settlement Let

*Insurance
claim for
hail damage.*

Dear Roberto Zarate:

We've enclosed the additional damage estimate for your 2022 C based on our review. I have processed payment electronically to payment for your vehicle damages based on the estimate minus)

While we make every effort to write a full repair estimate during our initial inspection, there may be times additional damages are found once a vehicle is taken to a repair shop. Should your shop of choice find additional damages, our contact information is located on the estimate of repairs with instructions on how they should notify us.

Our goal is for you to have a clear understanding of your claims process. If at any time during the course of your claim you have questions, please feel free to contact me either by phone or e-mail.

Thank you.

Troy Sheets
Catastrophe Claims Representative
(815) 621-4813
Farmers Texas County Mutual Insurance Company

Email communications are preferred and should be sent to myclaim@farmersinsurance.com. If hard copies of communications are required, they should be sent to our National Document Center at P.O. Box 268994, Oklahoma City, OK 73126-8994.

Enclosure(s):
Estimate/Invoice -

Website:
www.ProDentExpress.com

PROFESSIONAL DENT EXPRESS LLC

Corporate Info:
TAX ID: 82-4291487
210 Sparks Ct. • Laredo, TX 78045

E-mail: info@prodentexpress.com
(956) 286-5628

Paintless Dent Removal at its Best,
HAIL DAMAGE, MINOR DENTS and DOOR DINGS
Satisfaction Guaranteed

David Durden - (956) 286-5628

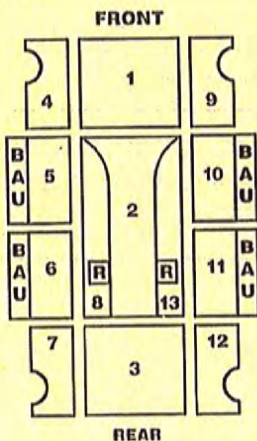
11037
Servicing South Texas +
Since 1998

HAIL DAMAGE REPAIR ESTIMATE / RECEIPT / WORK

(PINK COPY) (YELLOW COPY) (WHITE COPY)

Estimator: _____ Date: _____
(VALID 45 DAYS)
Technician: _____

INS Farmers	NAME Roberto Zarate	YEAR 2022
	EMAIL	MODEL GMC Sierra
CLAIM # 5022765624-1-1	ADDRESS	COLOR Blue
	CITY	STATE
	CELL # (830) 968 5081	ZIP CODE
	OTHER #	VIN NZ644689



OTHER

	R & I	DESCRIPTION OF WORK	SIZE	+25%	OVER SIZE	INS EST	OUR EST
		HOOD LINER	1-5 6-15 16-30 31-50	D N O		HOOD 1	
		LUG RACK ANTENNA	1-5 6-15 16-30 31-50	D N O		ROOF 2	
		HATCH LINER	1-5 6-15 16-30 31-50	D N O		REAR 3	
		LAMP LINER	1-5 6-15 16-30 31-50	D N O		LF FENDER 4	
		BELT T-PANEL	1-5 6-15 16-30 31-50	D N O		LF DOOR 5	
		BELT T-PANEL	1-5 6-15 16-30 31-50	D N O		LR DOOR 6	
		LAMP LINER	1-5 6-15 16-30 31-50	D N O		L QUARTER 7	
		LAMP LINER	1-5 6-15 16-30 31-50	D N O		L ROOF RAIL 8	
		LAMP LINER	1-5 6-15 16-30 31-50	D N O		RF FENDER 9	
		BELT T-PANEL	1-5 6-15 16-30 31-50	D N O		RF DOOR 10	
		BELT T-PANEL	1-5 6-15 16-30 31-50	D N O		RR DOOR 11	
		LAMP LINER	1-5 6-15 16-30 31-50	D N O		R QUARTER 12	
			1-5 6-15 16-30 31-50	D N O		R ROOF RAIL 13	
						PDR TOTAL	
						R & I TOTAL	
						PARTS TOTAL	
						GRAND TOTAL	5926.24

Dent removal only; no panels painted - this is not a scratch or paint chip repair. Note that this estimate is for repair of metal panels only - Molding replacement not included unless noted. If we are preparing an insurance estimate we will take a very close look at the damages and dent counts and the totals will change accordingly. With request for repairs the owner acknowledges the right of repair shop to place a mechanic's lean on vehicle should it be necessary in absence of payment for service rendered. Lifetime Warranty - Dent Express guarantees all repairs made to your vehicle by Dent Express for the life time of the vehicle unless otherwise stated on the estimate or invoice. Our guarantee includes the paint: Dent Express provides a lifetime warranty repair that will not cause the exterior paint to deteriorate, crack, flake, or pit due to our process of repair. Customer Obligation: In order to obtain the benefits of this warranty, the owner must present owners' copy of this warranty document to the warrantor. No warranty on BP "Best Possible" panels. Should Dent Express fail to meet agreed-upon standards you will not be charged for the panel(s) in question.

Thank You! We appreciate your business.



PLANNING DEPARTMENT

3295 Bob Rodgers Drive, Eagle Pass, Texas 78852 Phone: (830) 773-7781 Fax: (830) 773-7803

Permit #: 9179

Permit Type:

Address: 2208 BEVERLY HILLS BLVD

City: EAGLE PASS

State: TX

Zip: 78852

Owner: ZARATE, ROBERTO & SONIA

Owner Address: 2208 BEVERLY HILLS

Owner City: EAGLE PASS

Owner State: TX

Owner Zip: 78853

Owner Phone:

Owner Email:

Receipt #: 9310

Date: 05/15/2023

Paid By: Roberto Zarate

Description: Building Driveway Permit

Payment Type: Credit Card

Payment Type Description: 9323

Accepted By: Rita Robledo

Fees Paid

Fee Name	Fee Type	Description	Factor	Total Fee Amount	Amount Paid
Building Permit Fee Partial	Building	Building Permit (Partial Fee)	0.00	30.00	30.00
				Total:	\$30.00



PLANNING DEPARTMENT

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

DRIVEWAY PERMIT APPLICATION

Permit No. 9179

1. JOB ADDRESS: <u>2208 Beverly Hills</u>		MCAD PROPERTY ID NO.: <u>59896</u>	
2. LEGAL DESCRIPTION	LOT:	BLOCK:	SUBDIVISION NAME:
3. APPLICANT: ☒ OWNER ☐ CONTRACTOR		APPLICANT NAME OR DBA: <u>ROBERTO ZARATE</u>	
ADDRESS: <u>2208 Beverly Hills</u>			
PHONE NO.: <u>830 968 5689</u>		EMAIL: <u>hitechrz@yahoo.com</u>	
4. CONSTRUCTION INFORMATION: ☒ Residential ☐ Commercial ☐ Industrial			
Driveway Ord No 2018-01 (No Curb Cut Required)			
5. DESCRIBE WORK: <u>Repair Driveway</u>		6. COST OF PROJECT (Material plus Labor): <u>\$5300</u>	

Building Permit Fees	
Base Permit Fee	\$ <u>28.00</u> <u>30</u>
Doubling of Fee (Fees double if work is performed without permit being issued)	\$ <u>28</u>
It is recommended that a Concrete Contractor to be hired to perform the work and also be held responsible to request required inspection.	SUBTOTAL: \$ <u>58.00</u>
NOTICE THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF ONE YEAR AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NO THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OR CONSTRUCTION. <u>[Signature]</u> <u>08-08-23</u> SIGNATURE DATE	

Office Use	Date Application received for review: <u>5/08/23</u>	Received by: <u>ali</u>	Routed to: <u>Plan Rev</u>
	Missing Supporting Documents, if applicable:		
	Date Supplemental Info or Supporting Documents Received:	Received by:	
	Permit Issuance Date: <u>5/15/2023</u>	Issued by: <u>RR</u>	

MR:6/2020

RECEIVED
MAY 12 2023
VB

APPROVED



EAGLE PASS PLAN REVIEW

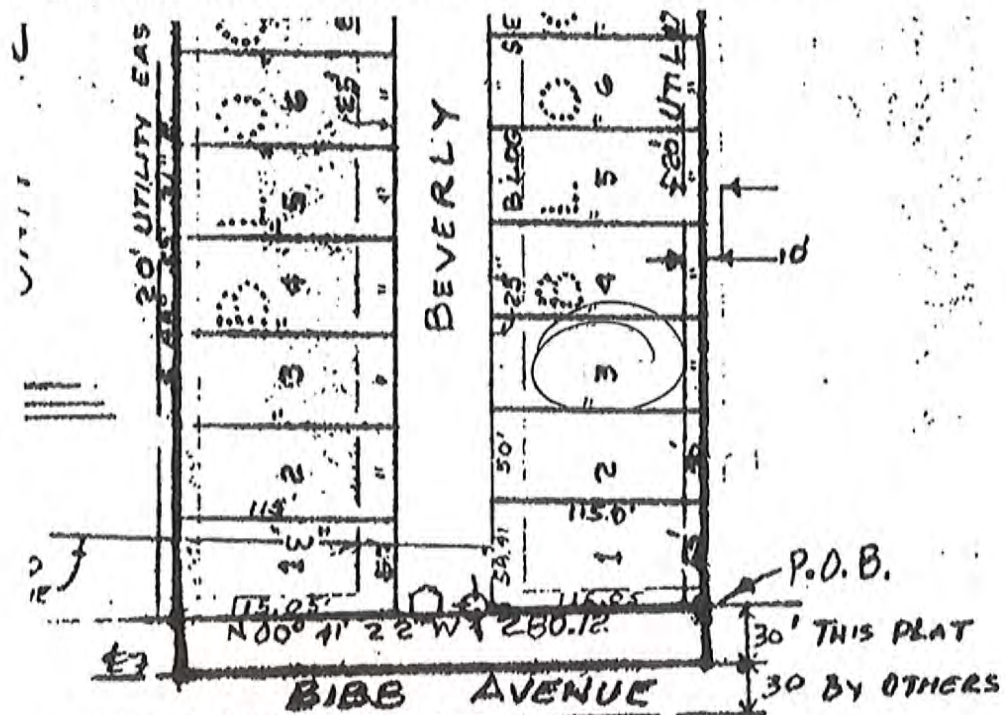
3295 Bob Rogers Drive, Eagle Pass, Texas 78852 • Phone: (830) 773-7781 • Fax: (830) 773-7803 • Email: planning@eaglepass.tx.us

Permit # 9179

LV / MR / ☒ VB			Date Received: 5/9/23	☒ Approved ☐ Denied	Date: 5/9/23
Site Address: 2208 Beverly Hills Blvd.					
Legal Description: Treasure Hills Unit #1, Block 1, Lot 3					
Zoning: R2		Type of Construction: Driveway repair			
Front Yard: 25		Rear Yard: 10	Side Yard: 5	Street Yard Side: 10	Height: 35
Y	N	N/A	Plan Review		Comments
☒			Is this a Legal Lot		
	☒		Will this require a Subdivision Variance		
	☒		Floodplain		
	☒		Fence Upgrade		
	☒		Historic District		
	☒		Owner verification required		
	☒		TxDOT approval required		
CO Only					
			Alcohol consumed on premises		
			Food consumed on premises		
			Application emailed to Health Inspector		
			Application emailed to Fire Marshal		
Comments:					
MS / IR / LV / ☒ VB					
Date Received: 5/9/23		☒ Approved ☐ Denied		Date: 5/9/23	
Y	N	N/A	Plan Review		Comments
			Drainage required		
			Parking		
			Sidewalks		
			Landscaping		
CO Only					
			Inspection may be scheduled		
Total number of striped parking spaces on site:					
Total parking spaces required:					
Total square footage to be occupied:					
Comments: Must comply w/ADA requirements					
Health Inspector		Date Received:	☐ Approved ☐ Denied		Date:
Eagle Pass Plan Review					
Fire Marshal		Date Delivered:	☐ Approved ☐ Denied		By:
Comments:					
Waste Management:		Date Delivered:	☐ Approved ☐ Denied		By:
Comments:					
Main Street Manager		Date Delivered:	☐ Approved ☐ Denied		By:
Comments:					
Engineering/Public Works		Date Delivered:	☐ Approved ☐ Denied		By:
Comments:					



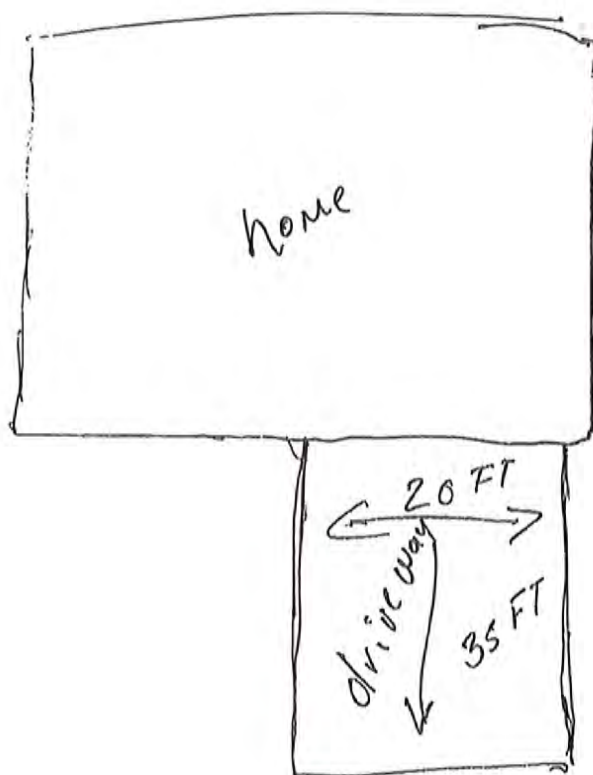
Plat of Record – Treasure Hills Unit #1, Block 1, Lot 3



"TREASURE HILLS SUBDIV. UNIT 1"

22

Mr



2208 Beverly Hills

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 of the occupant or occupation of a customary home occupation, provided the sign is attached flatwise 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; Ord. No. 2022-08, § 1, 3-17-2022)