



**CITY OF EAGLE PASS
A G E N D A**

ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING

**Council Chambers, City Hall,
100 S. Monroe Street, Eagle Pass,
Maverick County, Texas**

Wednesday, September 4, 2024, at 5:30 p.m. CST

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the July 16, 2024 meeting.

PUBLIC HEARING(S)

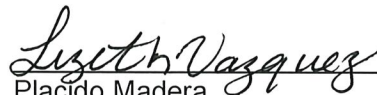
2. Public hearing on the petition submitted by Miguel A. Cueto, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12.1* regulating off-street parking requirements. The applicant seeks to reduce the required 6 feet from the back of edge of the right-of-way of an adjacent street and also reduce the parking spaces from 10 to 9, to allow the construction of a parking lot on property located at 1693 S. Veterans Boulevard; closing of public hearing and possible action.

ADJOURNMENT

Note: The Board reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda, but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

C E R T I F I C A T I O N

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 August 30, 2024 at 4:15 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 special meeting on Tuesday, July 16, 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; Board Member, Maria A. Chio; and Board Member, Julie Mathiwos

Absent: None

Staff present: Community Development Director, Placido Madera; 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 June 5, 2024, meeting.

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

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

EXECUTIVE SESSION

Before the Zoning Board of Adjustments and Appeals adjourned into Executive Session, Mrs. Catrina Longoria, legal representative for the applicant Roberto Zarate, presented information for the Board to reconsider Mr. Zarate's request for variance. Ms. Longoria responded to questions

from the board regarding the hardship Mr. Zarate will face.

Ms. Longoria left the meeting to call the applicant to get more information on the reasons why the applicant continued constructing his structure.

Chairman Gary asked the Community Development Director, Placido Madera, questions on the progress of the applicant's project when the stop order was given.

Ms. Longoria returned to the meeting and gave the board a response from the applicant. Mr. Zarate informed Ms. Longoria that he stopped construction when he received the stop work order.

The Zoning Board of Adjustments and Appeals adjourned into Executive Session at 6:03 p.m. to consider the item below. The Board reconvened in open session at 6:43 p.m.

2. 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.

Alternate Vice-Chairperson, Puente-Chacon motioned to place the item on the agenda to rehear the applicant's request. Second by Vice- Chairperson, Elizondo. **MOTION PASSED.**

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

ADJOURNMENT

Vice-Chairperson, Elizondo moved to adjourn the meeting at 6:43 p.m. Second by Board Member, Chio. **MOTION PASSED-** Unanimously

Passed and approved on _____ 2024.

Matthew Gary
Chairperson

Zoning Board of Adjustments & Appeals Special Meeting
July 16, 2024
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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 – 1693 S. Veterans Boulevard

I. BACKGROUND

General Information

Applicant: Miguel A. Cueto

Property Owner: Miguel A. Cueto

Location: S. Veterans and Monte Vista Drive

Property ID Number: 57204

Legal Description: Carthage Place Unit 20, Block 38, Lot 1

Request: A variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Sections 12.1(C)1(g) and 12.1(C)3(e)ii* regulating off-street parking requirements. The applicant seeks to eliminate the requirement of maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way and reduce the required 6 feet from the back of edge of the right-of-way of an adjacent street. The applicant is also seeking to reduce the parking spaces from 9 to 8, to allow the construction of a parking lot.

Parcel Size: 22,550-square feet (0.5176 acres)

Current Use: commercial building

Proposed Use: continue the use of an existing child day care and be allowed to expand the floor plan.

Current Zoning: B-1 (Neighborhood Business District)

Master Plan: Commercial

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Parcel is located at the corner of S. Veterans Blvd and Monte Vista Drive and in an area featuring residential developments directly to the rear and commercial development along Veterans Blvd.

Access to the site is provided by Monte Vista Drive.

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*. 25 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on August 21, 2024.

Figure 1. Aerial Map



Figure 2. Street View



IV. STAFF ANALYSIS

The applicant is seeking to reduce the space required for maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way. Such maneuvering space shall be no closer than six (6) feet from the back edge of the right-of-way of an adjacent public street, in this case zero feet is being proposed. Secondly, the applicant seeks to reduce the required parking spaces from 9 to 8 spaces.

Although this does not meet the Zoning Code regulations, the Department feels that backing directly onto a public street it is a safety concern, but the applicant has expressed there is no other option. The reduction of parking spaces is not detrimental to the public; therefore the petition shall be granted. The property consists of a 3,315-square foot commercial development that proposes to continue operating as a child day care business and be allowed to expand the existing floor plan. The proposed 3,595-square foot addition, as shown in the enclosed proposed Site Plan, does not meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly *Sections 12.1(C)1(g) and 12.1(C)3(e)ii*.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the reduction of parking as it will not adversely impact the requirements set forth in Section 12.1(C)3(e)ii. However, the department recommends **DENIAL** of the proposed request to eliminate the requirement of maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way and reduce the required 6 feet from the back of edge of the right-of-way as set forth in Section 12.1(C)1(g).

Sec. 12.1. Off-street parking requirements.

(g) **Maneuvering space** shall mean the space required for maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way. Such maneuvering space shall be no closer than six (6) feet from the back edge of the right-of-way or easement of an adjacent public street or driveway.

Institutional occupancies shall include, but not limited to, assisted living facilities, group homes, hospitals, nursing homes, **day care centers**, and retirement homes. The required number of improved off-street parking spaces per use is as follows:

ii. Commercial **nonresidential day care center**: **One (1) parking space for every eight (8) students or pupils.**

Americans with Disabilities Act (ADA) compliant parking. Parking spaces designated for use by members of the disabled community shall comply with the table shown below, but in all cases shall be consistent with the Texas Accessibility Standards found in the State of Texas Architectural Barriers Act. Parking required to satisfy ADA requirements shall be in addition to the spaces required per section (C)3, Minimum improved off-street parking requirements, located in this chapter.

One (1) to twenty-five (25) parking spaces: One (1) disabled parking space.

TRANSMITTED to the parties listed hereafter:

Miguel A. Cueto via e-mail

Eagle Pass Zoning Board of Adjustment and Appeals via e-mail

Eagle Pass City Secretary Imelda Rodriguez via e-mail

Community Development Department Report dated August 26, 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: <u>LITTLE ARTIST LEARNING CENTER</u> Site Address: <u>1693 S. VETERANS BLVD. EAGLE PASS TX</u> Acres: _____ Square feet: _____ Existing land use: _____
Owner	Name: <u>MIGUEL A CUETO</u> Phone: <u>830 498 1981</u> Address: <u>2046 LEGACY BLVD.</u> E-mail: <u>miguelcueto4@gmail.com</u> City: <u>EAGLE PASS</u> State: <u>TX</u> Zip: <u>78852</u>
Applicant If not owner	Name: _____ Phone: _____ Address: _____ E-mail: _____ City: _____ State: _____ Zip: _____ Relationship to owner: _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes _____ No <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>Miguel Cueto</u> Date: <u>08/12/2024</u> Print Name: <u>MIGUEL A CUETO</u> ☒ Applicant ☐ Authorized Agent

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

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request: _____

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

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?
 Yes ☐ No ☒ Explain: _____

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?
 Yes ☐ No ☒ Explain: _____

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?
 Yes ☒ No ☐ Explain: yes the parking requirements

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?
 Yes ☐ No ☒ Explain: not to my knowledge

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

Yes ☐ No ☒ Explain: _____

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

Yes ☒ No ☐

Explain: _____

7. Could the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other property in the area? Yes ☐ No ☒

Explain: _____

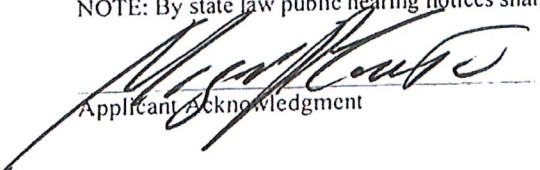
VARIANCE APPLICATION CHECKLIST

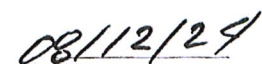
APPLICATION COMPLETENESS REQUIREMENTS:

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

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

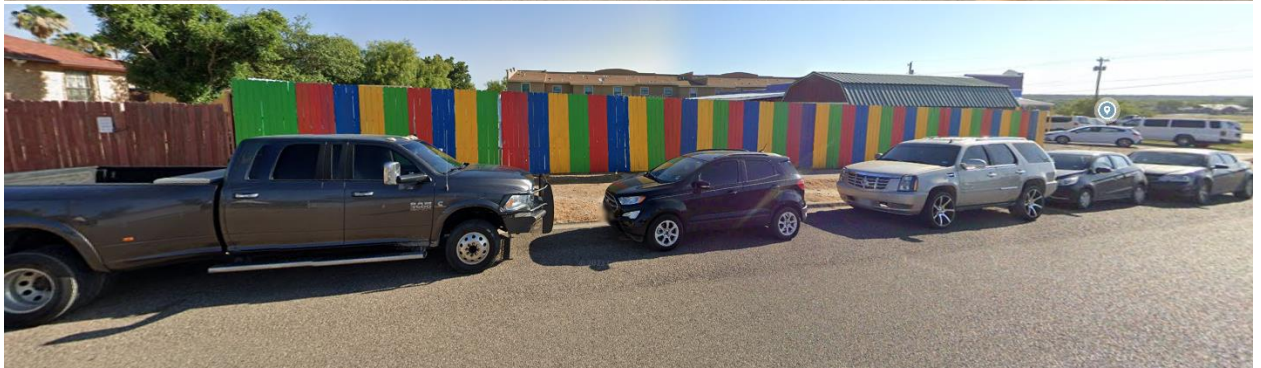

Applicant Acknowledgment


Date

Aerial View

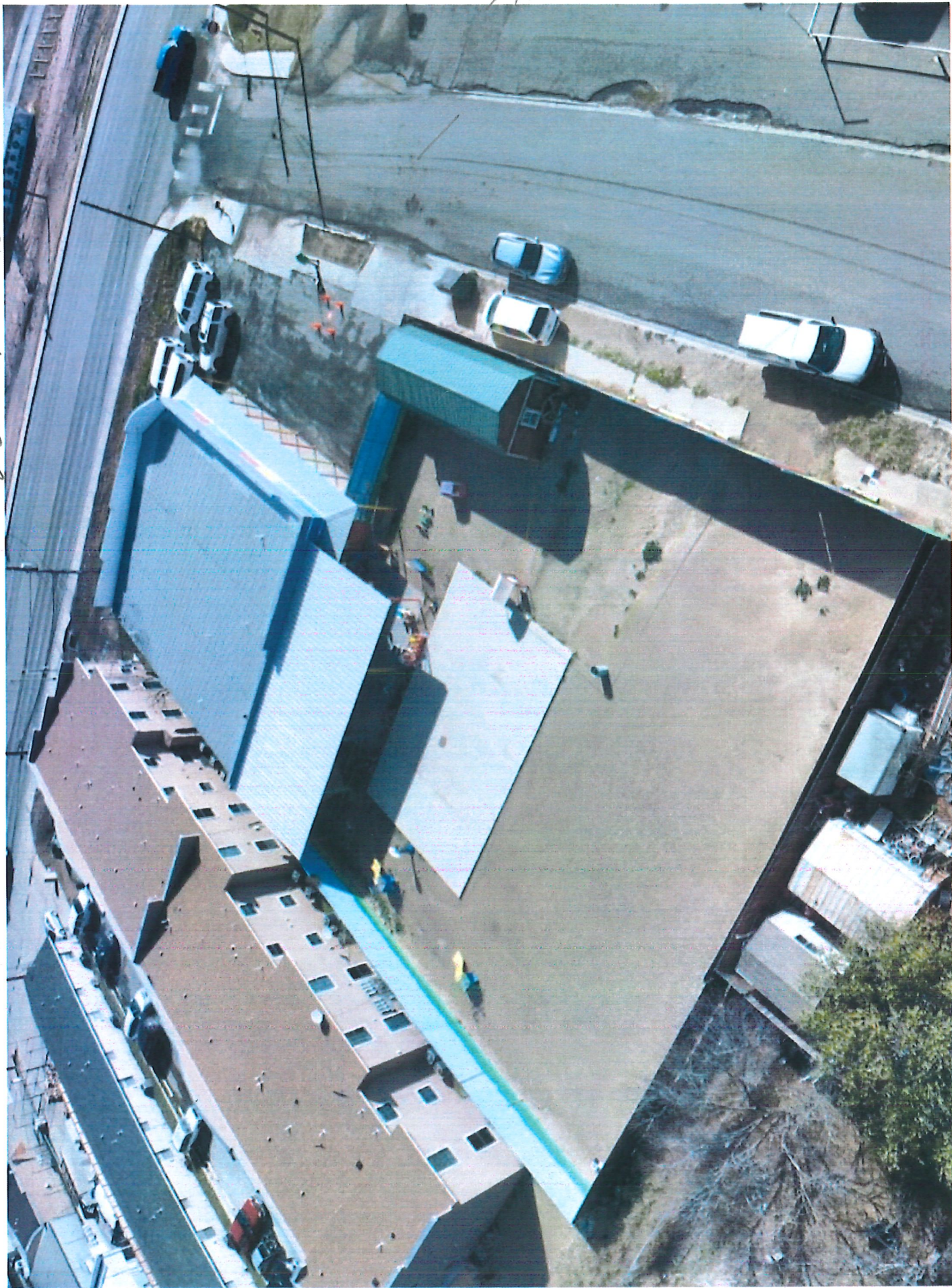


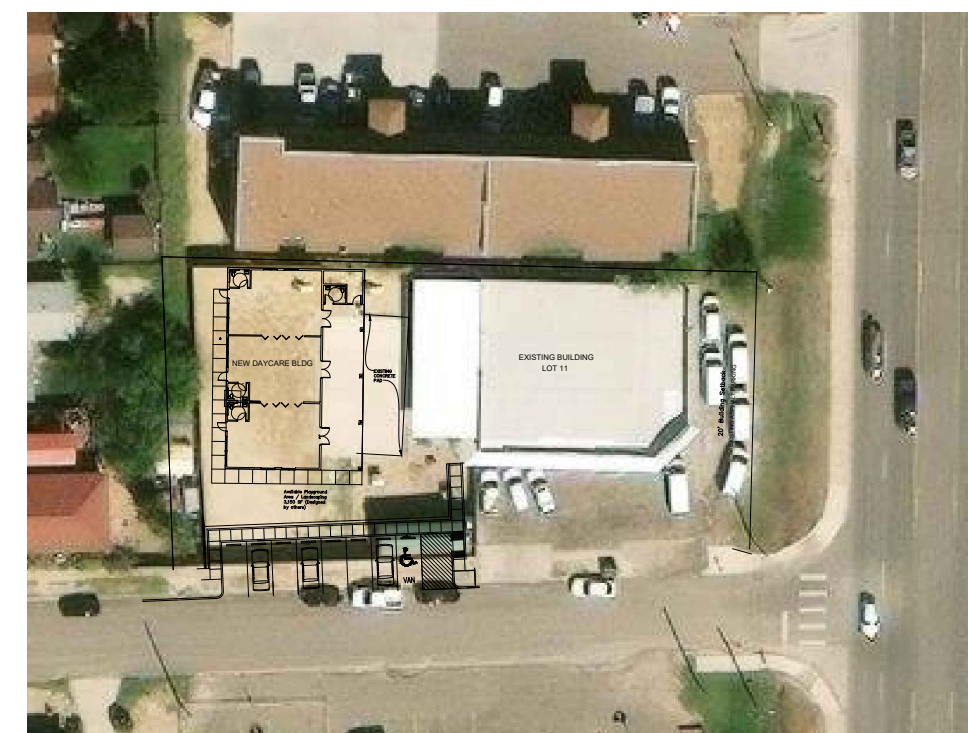
Street View



VETERANS Blvd

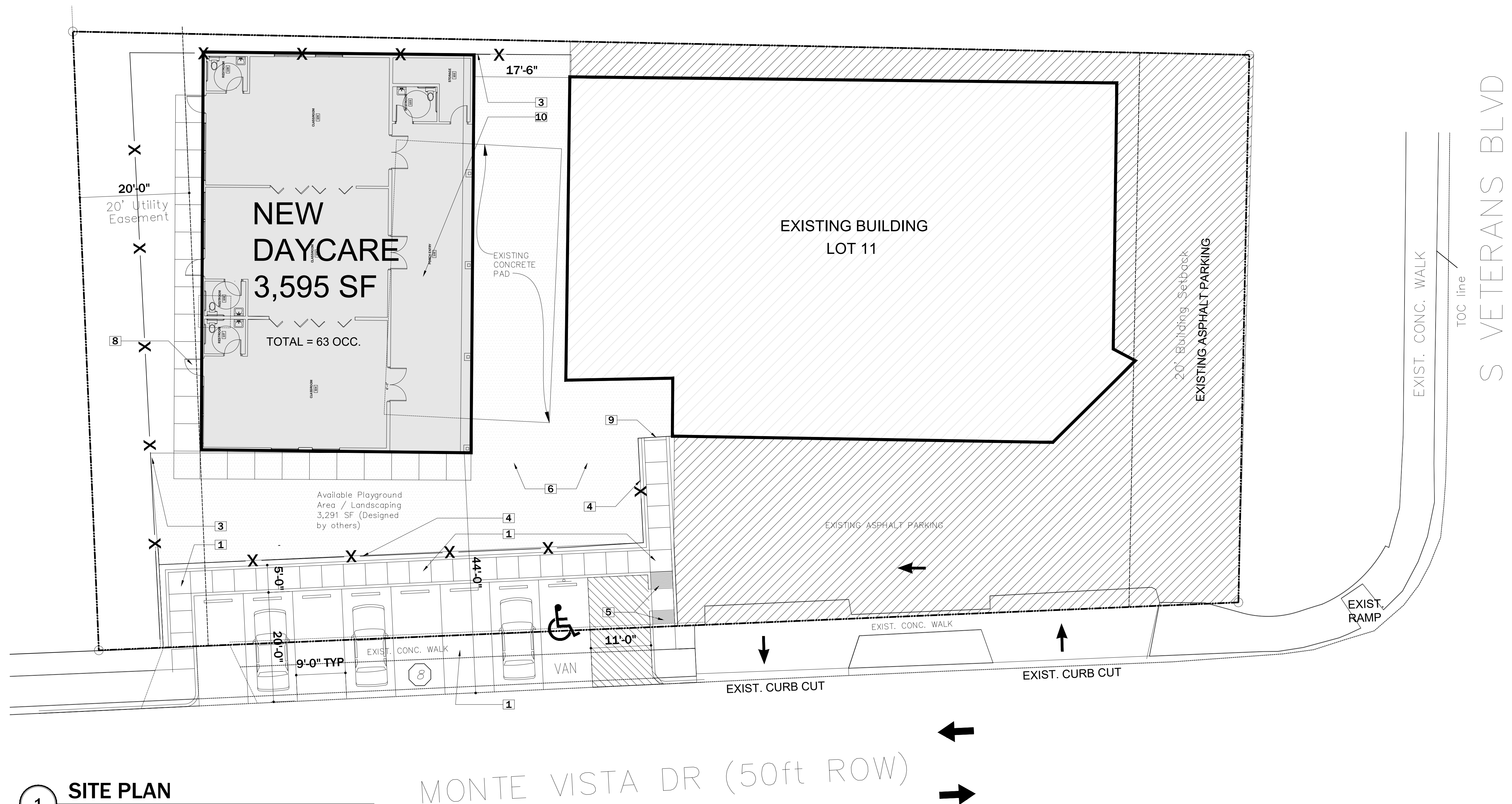
Monte Vista.





- 1 EXISTING CONCRETE SIDE WALK TO BE REMOVED.
- 2 NEW CONCRETE SIDEWALK. REFER TO CIVIL FOR DETAILS.
- 3 EXISTING FENCE
- 4 NEW FENCE
- 5 NEW ACCESSIBLE RAMP. REFER TO CIVIL FOR DETAILS.
- 6 PLAYGROUND DESIGNATED AREA. PLAYGROUND DESIGN BY OTHER.
- 7 REMOVE EXISTING CURB CUT
- 8 5'-0" SIDEWALK TO BE INSTALLED AT BACK OF BUILDING.
- 9 GATE
- 10 REMOVE EXISTING CONCRETE PAD WHERE NEW BUILDING IS LOCATED.

NTS



SCALE: 1" = 10' -0"

SP 1.0



Ph: 254-659-7288
Website: <https://creativeaccessibledesign.com/>

PRELIMINARY
NOT FOR
CONSTRUCTION

These Drawings are
incomplete and may
not be used for
regulatory approval,
permit, or construction.

PROJECT

MIGUEL CUETO DAY
CARE ADDITION

1693 S VETERANS BLVD
CARTHAGE PLACE UNIT #20
BLOCK 38, LOT 1
EAGLE PASS, TX 78852

REVISIONS

NO.	DATE	NOTE

DRAWN BY: ANNA HOARD

CHECKED BY: ANNA HOARD

PROJECT NO:

DATE: 8.10.24

COPYRIGHT:

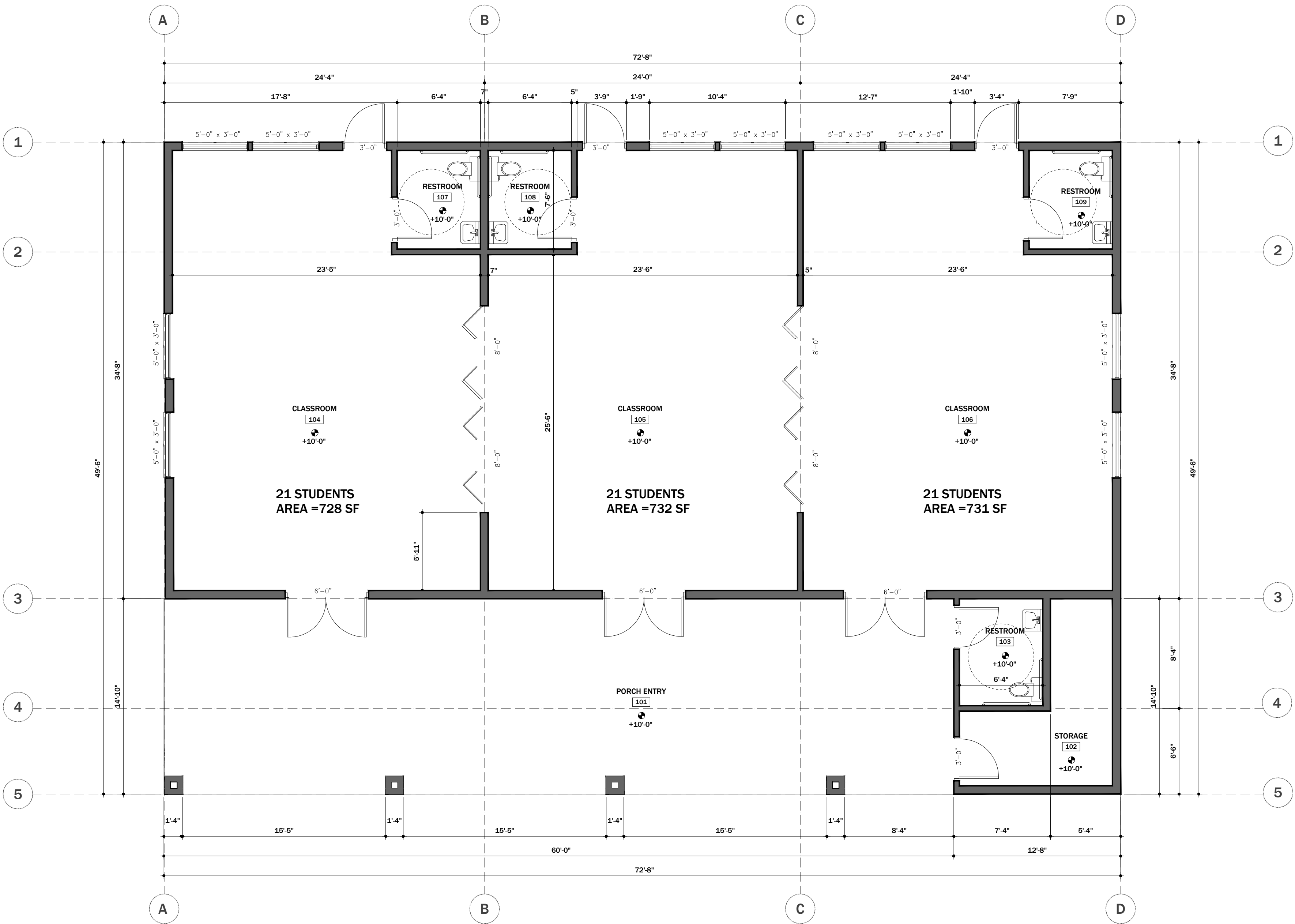
Drawings and Specifications as
Instruments of Service are the
Property of the Designer. They
shall not be used, transferred,
or sold for use except by an
agreement in writing from the
designer. Copies of all drawings
shall be made available upon
request.

TITLE:
FLOOR PLAN

SCALE: 1/4" = 1'-0"

SHEET NO:

A 1.0



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