



CITY OF EAGLE PASS A G E N D A

ZONING BOARD OF ADJUSTMENTS AND APPEAL SPECIAL MEETING

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

Wednesday, January 8, 2025, at 5:30 p.m. CST

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the October 2, 2024 meeting and the November 6, 2024 meeting.

PUBLIC HEARING(S)

2. Public hearing on the petition submitted by Ernesto Fuentes, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 7.1(c)(3)*. The applicant seeks to reduce the rear yard building setback from 16 feet to 12 feet, to accommodate the construction of apartments on property located at 597 Medina Street; closing of public hearing and possible action.
3. Public hearing on the petition submitted by Christopher Judge, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping, to zero, to allow for the construction of a battery energy storage facility on property located at 2282 N. 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 ASSISTANT 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 January 3, 2025, at 1:20 p.m.



Mariebelle Rodriguez
Assistant 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, October 2, 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; Board Member; Julie Mathiwas; and Alternative Board Member, Crawford Adams Rhodes

Absent: Alternate Vice-Chairperson, Priscilla Puente-Chacon and Board Member, Maria A. Chio

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 July 16, 2024 meeting.

Vice- Chairperson Elizondo motions to approve the minutes. Seconded by Board Member Mathiwas. **MOTION PASSED-** Unanimously

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

PUBLIC HEARING

2. Public hearing on the petition submitted by Miguel A. Cueto, requesting 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 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.

Chairperson Gary opens Public Hearing at 5:31 p.m.

Community Development Director, Madera informed the board that the applicant submitted a new layout that is in compliance, therefore, the applicant is retracting their request for variance.

Chairperson Gary closes Public Hearing at 5:33 p.m.

No action taken.

3. Public hearing on the petition submitted by William Cavanaugh, requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinances Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping, to allow for the construction of a military facility on property located at 496 County Road 523.

Community Development Director, Madera gave details on the variance request. The Community Development Department recommends approving the request as proposed by the applicant for property located at 496 County Road 523.

Chairperson Gary opened Public Hearing at 5:39 p.m.

Chairperson Gary closed Public Hearing at 5:39 p.m.

Vice- Chairperson Elizondo motions to approve the item. Seconded by Board Member Mathiwas.
MOTION PASSED- Unanimously

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

4. Public hearing on the petition submitted by South Texas Neon Sign Co. Inc., 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 signs on property located at 568 S. Bibb Ave.

Chairperson Gary opened Public Hearing at 5:39 p.m.

Community Development Director, Madera gave details on the variance request. The Community Development Department recommends granting the applicant's variance request for property located at 568 S. Bibb Ave.

Maria Antonieta Molina, a representative for Texas Neon Sign Co. Inc., answered questions regarding the item.

Chairperson Gary closed Public Hearing at 5:48 p.m.

Vice- Chairperson Elizondo motions to approve the item. Seconded by Alternative Board Member Rhodes. **MOTION PASSED-** Unanimously

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

5. Public hearing on the petition submitted by South Texas Neon Sign Co Inc., 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 signs on property located at 2423 E. Main Street.

Chairperson Gary opened Public Hearing at 5:48 p.m.

Community Development Director, Madera gave details on the variance request. The Community Development Department recommends granting the applicant's variance request for property located at 2423 E. Main Street.

Maria Antonieta Molina, a representative for Texas Neon Sign Co. Inc., gave more details on the item.

Chairperson Gary closed Public Hearing at 5:53 p.m.

Board Member Mathiwas motions to approve the item. Seconded by Vice- Chairperson Elizondo. **MOTION PASSED-** Unanimously

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

ADJOURNMENT

Vice- Chairperson Elizondo moved to adjourn the meeting at 5:54 p.m. Seconded by Board Member Mathiwas. **MOTION PASSED-** Unanimously

Zoning Board of Adjustments & Appeals Regular Meeting

October 2, 2024

Page 4

Passed and approved on

2024

ATTEST:

Matt Gary
Chairperson

Sydney Rodriguez
Records Management Specialist

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, November 6, 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; Planner I, Karolina Vazquez; 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.

PUBLIC HEARING

1. Public hearing on the petition submitted by Pilot Travel Centers LLC for property located at 4338 El Indio Highway. The applicant is seeking variances from *the City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinances Section 15(h)(c)* regulating maximum height; *Section 15(h)(d)(1)* regulating maximum number of signs; *Section 15(h)(d)(1)(a)* regulating aggregate (total) area of signs and 1.5 square feet for each one (1) linear foot of the lot's frontage abutting the primary street; and *Section 15(h)(d)(3)* regulating spacing as only one (1) free-standing sign located adjacent to a public street will be permitted for each legal lot; closing of public hearing and possible action.

Assistant Community Development Director, Rodriguez provided details on the item. Community Development Director, Madera, expanded on the variance requests and answered questions regarding the item.

The Planning department recommends granting the applicant's variance request for property located at 4338 El Indio Highway.

Chairperson Gary opened the Public Hearing at 5:49 p.m.

Michael Everett, a representative for Texas Republic Signs, and, Kristie Snyder, Pilot Travel Centers project manager, gave more details on the height of the signs and the locations.

Chairperson Gary closed the Public Hearing at 5:58 p.m.

Alternate Vice-Chairperson, Puente-Chacon suggests keeping the height of the sign at 35 feet, two free-standing signs: instead of three, granting the nine signs, and granting the square footage to expand from 250 sq. ft. to 961.64 sq. ft.

A discussion ensued.

Vice- Chairperson Elizondo, motions to approve Section 15(h)(c) regulating the maximum feet from 35 feet to an additional 65 feet for a total of 100 feet, Section 15(h)(d)(1) regulating the maximum number of signs from three to nine, Section 15(h)(d)(1)(a) changing the square footage from 280 to 961, and Section 15(h)(d)(3) from one to three signs.

Vice- Chairperson Elizondo amends his motion to approve Section 15(h)(c) regulating the maximum feet from 35 feet to an additional 65 feet for a total of 100 feet, Section 15(h)(d)(1) regulating the maximum number of signs from three to nine, Section 15(h)(d)(1)(a) changing the square footage from 250 to 961.64, Section 15(h)(d)(3) from one to three signs, and for the variances to be non-transferable. Seconded by Board Member Chio. **MOTION DOES NOT PASS.**

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

Alternate Vice- Chairperson, Puente-Chacon motions to approve Section 15(h)(d)(1) regulating the maximum number of signs from three to nine, Section 15(h)(d)(1)(a) changing the square footage from 250 to 961.64, Section 15(h)(d)(3) from one to two signs, and for the variances to be non-transferable.

Michael Everett, Texas Republic Signs representative, wishes to approach the board.

Chairperson Gary reopened the Public Hearing at 6:06 p.m.

Mr. Everett, compromises with the board to not have one of the 21-foot signs in order to keep the 100-foot sign and the other two 21-foot signs.

Chairperson Gary closed the Public Hearing at 6:09 p.m.

A discussion ensued on the item.

Since no second was made to Alternate Vice- Chairperson Puente-Chacon motion. The motion dies.

Michael Everett, a representative for Texas Republic Signs, and, Kristie Snyder, Pilot Travel Centers project manager, compromised with board on lowering the height of the 100-foot sign to 80-feet.

Alternate Vice- Chairperson Puente-Chacon amends her motion to approve Section 15(h)(c) regulating the maximum feet from 35 feet to an additional 45 feet for a total of 80 feet, Section 15(h)(d)(1) regulating the maximum number of signs from three to nine, Section 15(h)(d)(1)(a) changing the square footage from 250 to 961.64, Section 15(h)(d)(3) from one to a total of two free-standing signs, and for the variances to be non-transferable. Second by Vice- Chairperson, Elizondo,

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

ADJOURNMENT

Alternate Vice- Chairperson, Puente-Chacon moved to adjourn the meeting at 6:18 p.m. Second by Vice- Chairperson, Elizondo. **MOTION PASSED-** Unanimously

Passed and approved on	2024	ATTEST:
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Matt Gary
Chairperson

Sydney Rodriguez
Records Management Specialist

Item #2



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

Rear Yard Building Setback Variance Request – 597 Medina Street

I. BACKGROUND

General Information

Applicant & Property Owner: L & E Real Estate Rentals

Property ID Number: 9750

Legal Description: Hillcrest Addition, Block 7, Lot 17 & 18, (North 25 ft of Lot 17)

Request: Applicant seeks a variance from *Section 7.1(c)(3)* regulating yard regulations for the R3-A zoning district, to reduce the rear yard building setback area from 16 feet to 12 feet for an already developed multi-family construction.

Subject Property Information

Parcel Size: 11,625 square feet

Master Plan: Residential

Zoning: R3-A (apartment district)

Current Use: detached multi-family structures

Vicinity Data

Property is bordered by residential dwellings, duplexes, and multi-family uses.

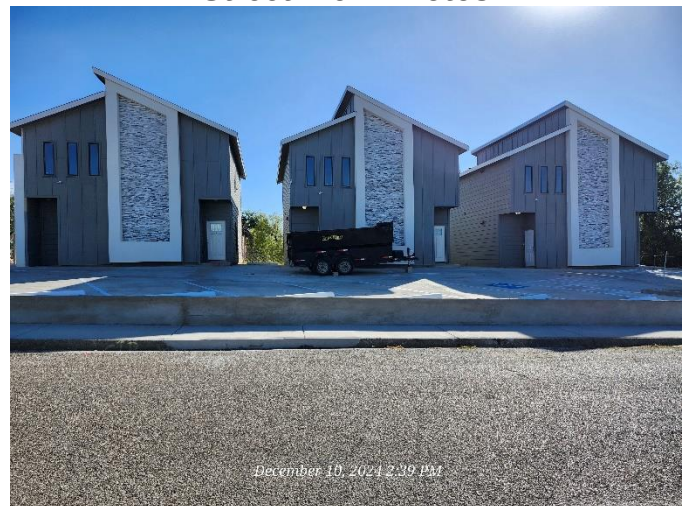
Infrastructure: Property is serviced by public utilities/franchises

Access to the lot is provided by Leona Street.

Aerial Map (Figure 1)



Street View Photos



II. 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*. 39 notices were mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on December 22, 2024.

III. STAFF ANALYSIS

The applicant is seeking to reduce the rear yard building setback, to allow for the construction of apartments on property located at 597 Medina Street as shown in **Figure 1** (above). The applicant seeks to reduce the rear yard building setback area from 16-feet to 12-Feet.

The proposed construction, 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 7.1(c)(3) regulating rear setback area.

IV. STAFF RECOMMENDATION

Staff recommend **GRANTING** of the applicant's variance request of a reduction to the rear yard building setback from 16-feet to 12-feet for property located at 597 Medina Street.

TRANSMITTED to the parties listed hereafter:

Ernesto Fuentes via e-mail

Eagle Pass City Secretary Erika Rodriguez via e-mail

Eagle Pass City Attorney Ana Sophia Garcia via e-mail

Eagle Pass Community Development Department Report dated December 18, 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>Hillcrest Addn, Block 7, Lot 17 & 18, (North 25 ft of Lot 17)</u> Site Address: <u>597 Medina</u> Acres: _____ Square feet: _____ Existing land use: _____
Owner	Name: <u>L & E Real Estate Rentals</u> Phone: <u>830-968-0033</u> Address: <u>405 S. Monroe Suite A</u> E-mail: <u>Ernesto@efuenteslaw.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>[Signature]</u> Date: <u>12/10/24</u> Print Name: <u>ERNESTO FUENTES</u> ☒ Applicant ☐ Authorized Agent

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

Yes ☒ No ☐ Explain: Because of the setback encroachment

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

Yes ☒ No ☐

Explain: Yes this was a complete oversight, and if I had knowledge before hand I would have applied for variance before starting to build, at this point the project is finished

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: I dont believe that granting would be detrimental to anybody in the area.

The structures could have been made smaller to fit without the need of a variance

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	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.

E. B. Ph
Applicant Acknowledgment

M
12/10/24

Date

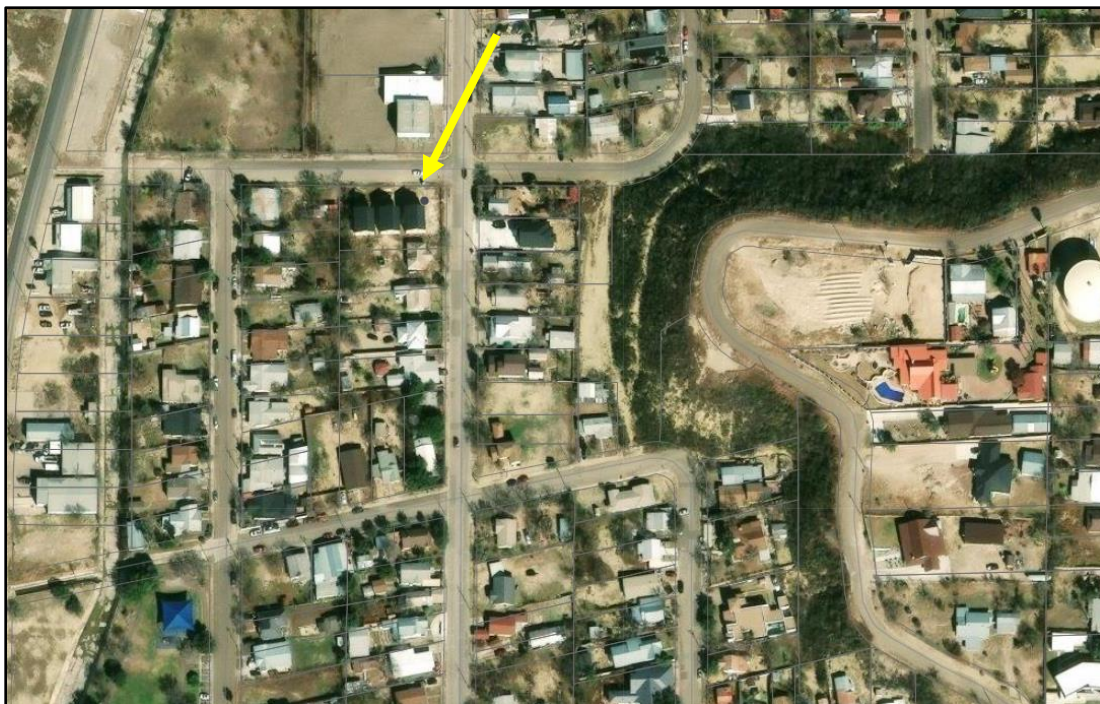
12/10/24

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

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

- A. *Use regulations:* A building or premises shall be used only for the following purposes:
 - (1) Apartment houses or multiple-family dwellings.
 - (2) Institution of a religious, educational or philanthropic nature, with conditional use permit.
- B. *Height regulations:* No building shall exceed three (3) stories or forty (40) feet in height.
- C. *Yard regulations:*
 - (1) *Front yard.* There shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be twenty-five (25) feet.
 - (2) *Side yards.* There shall be a side yard on each side of a building and shall not be less than five (5) feet in width. Where there is a corner lot, side yard shall not be less than ten (10) feet from the side of the building to the property line running adjacent to any street.
 - (3) *Rear yard.* The depth of the rear yard shall not be less than sixteen (16) feet in depth.
 - (4) *Depth of lot.* The lot shall have a minimum depth of one hundred ten (110) feet.
- D. *Intensity of use:* Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located on lots containing the following areas:
 - (1) A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
 - (2) A lot on which there is erected a two-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.
 - (3) A lot on which there is erected an apartment house or multiple-family dwelling shall contain a minimum lot area of not less than seven thousand (7,000) square feet and one thousand eight hundred (1,800) square feet per dwelling unit for each unit over four (4) units.
 - (4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touched lands under other ownership on the effective date of this ordinance and have not since been changed, such parcel of land may be used for a single-family dwelling.
- E. *Parking regulations:* Whenever a structure is erected, converted, or structurally altered for two-family dwelling, or a multi-family dwelling, two (2) parking spaces shall be provided and maintained on the lot for each dwelling unit in the building. Such parking spaces shall be on the lot and so arranged as to permit satisfactory egress and ingress of an automobile, and such parking area shall be in addition to driveways. Other standards contained in section 12.1, Parking Requirements shall also apply.
- F. *Additional use, height, and area regulations:*
 - (1) Additional use, height, and area regulations and exceptions are found in section 12 herein.
 - (2) Signs: Signs shall be as permitted by the section 15 of this ordinance.

Aerial View



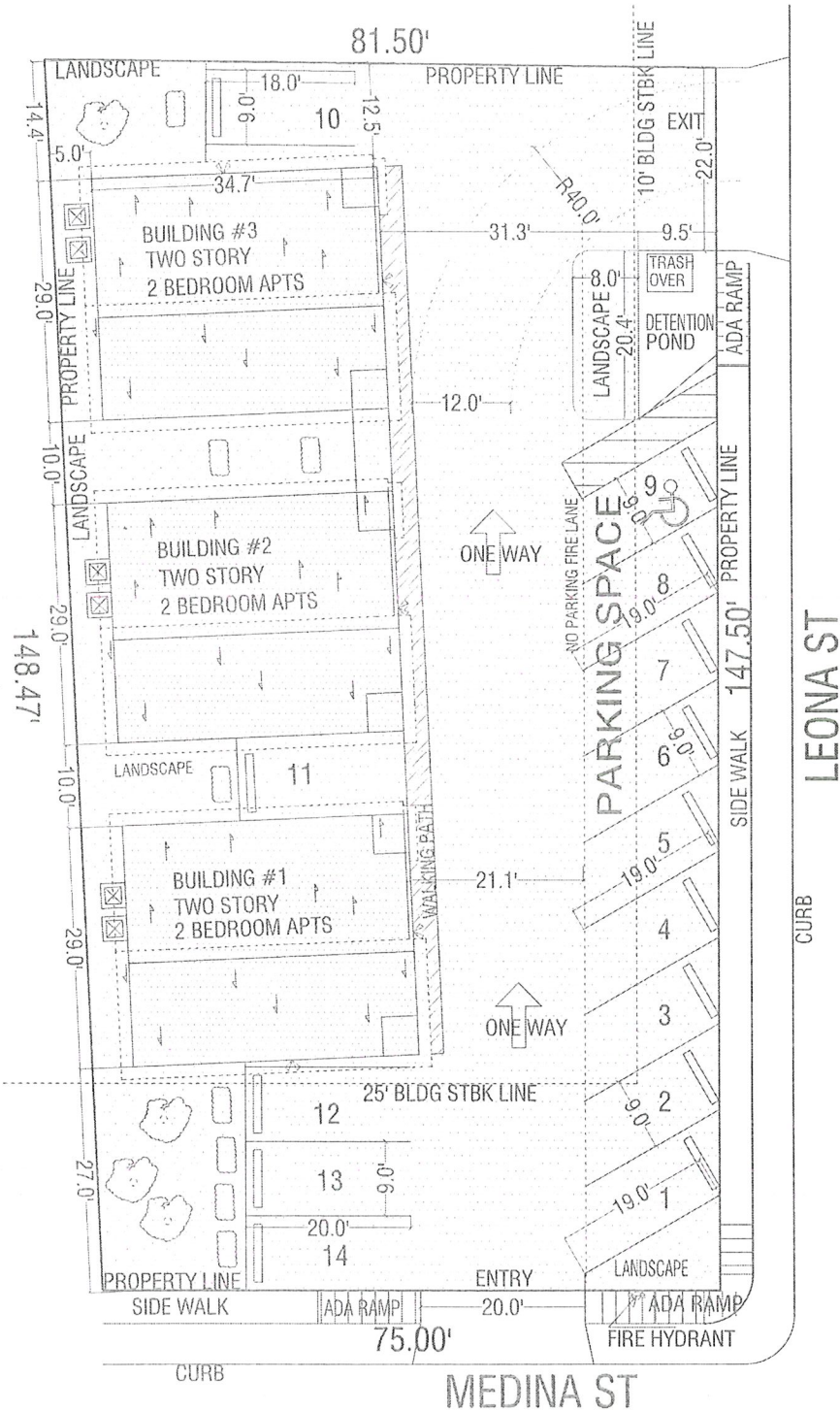
Site Photos



PLOT PLAN 597 MEDINA ST LOT 17 & 18 BLK 7 HILLCREST ADDITION EAGLE PASS TX DECEMBER 2024 SCALE 1:10

CONCRETE COVERED AREA 9,400.00 SQ. FT.
 20% REQUIRED LANDSCAPE 1,880.00 SQ. FT.
 ACTUAL LANDSCAPE 2,017.00 SQ. FT.
 FRONT ACTUAL LANDSCAPE 763.00 SQ. FT.
 REQUIRES 4 TREES AND 8 BUSHES
 4 CREPE TREES, 8 GREEN FEATHER BUSHES

TREE	
BUSH	
AC CONDENSER	



AREA	FIRST F. LIVING	508.00
	2 PORCH	40.00
	SECOND F. LIVING	929.00
	STAIRS	105.00
	BLDG. TOTAL	1,582.00 SQ. FT.
	3 BLDG. TOTAL	5,946.00 SQ. FT.



PLAN OF NEW APARTMENTS COMPLEX
 ERNESTO FUENTES
 597 MEDINA LOT 17 & 18
 BLK 7 HILLCREST ADDITION
 EAGLE PASS TX. DECEMBER 2024

Item #3



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

Landscape Variance Request – 2282 North Veterans Boulevard

I. BACKGROUND

General Information

Applicant: Christopher Judge

Property Owner: Tourquoise 4, LLC

Lessee: Regis Development I, LLC
7941 Katy Frwy #252, Houston, TX 77024

Legal Description: being all that tract of land located in Maverick County, Texas, out of the G.S.&S.F. Railroad Company, Section 2 Abstract Number 1112, and being a portion of that called 10-acre tract of land described in a deed to Turquoise 4, LLC as recorded in Volume 1094, Page 213 of the official Public Records of Maverick County, Texas

Property ID: 4329 & 8706839

Parcel Size: 1-acre lot out a 10-acre tract

Current Zoning: B1 and Industrial

Current Use: Vacant and undeveloped

Master Plan: no depiction of site on the map

Request: A variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. The applicant seeks to reduce the required landscaping to zero to accommodate a Battery Energy Storage Facility use.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

Vicinity: Access to this property is off a commercial/private access drive which connects to North Veterans Boulevard south of the site.

Access to the site is provided by Joyson Safety Systems Access 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*. There were thirty (30) notices mailed to the abutting property owners, with a legal notice published in the Eagle Pass News Gram on December 22, 2024.

Figure 1. Aerial Map



IV. STAFF ANALYSIS

The applicant is requesting a requesting a variance from *City of Eagle Pass Code of Ordinances Appendix A Zoning Ordinance Section 12(d)(5)* governing landscape requirements. This section references *Section 23-89(b)(4)* regulating landscape plan requirements under *Chapter 23-Subdivisions / Article VI – Landscape and Tree Preservation*. The applicant seeks to reduce the required landscaping to zero.

Although the construction will conform with all applicable building codes it does not meet the requirements set forth in the *Eagle Pass Code of Ordinances* regulating landscaping. Given that the project is out of site of main roadway and does not have much impervious cover, the City’s third party engineering firm believes landscape improvements are not required. The strict application will deprive the property owner(s) of the reasonable use of the property. Staff believe that the granting of the variance will not be detrimental to the public health of the community, therefore recommend that the petition be granted.

V. STAFF RECOMMENDATION

The Community Development Department recommends approving the request as proposed by the applicant for property located at 2282 North Veterans Boulevard.

TRANSMITTED to the parties listed hereafter:

Christopher Judge via e-mail
Eagle Pass City Secretary Erika Rodriguez via e-mail
Eagle Pass City Attorney Ana Sophia Garcia via e-mail
Community Development Department Report dated December 18, 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>Regis Escondio LLC</u> Site Address: <u>2282 North Veterans BLVD</u> Acres: <u>1</u> Square feet: <u>reference survey</u> Existing land use: <u>vacant & undeveloped</u>
Owner	Name: <u>Incheol Yoon</u> Phone: <u>832-594-9441</u> Address: <u>21960 Minnetoka BLVD, Suite 210</u> E-mail: <u>incheol-yoon@regis-energy.com</u> City: <u>Excelsior</u> State: <u>Minnesota</u> Zip: <u>55331</u>
Applicant If not owner	Name: <u>Christopher Judge</u> Phone: <u>817-773-7702</u> Address: <u>9800 Hillwood Parkway</u> E-mail: <u>cjudge@auipartners.com</u> City: <u>Fort Worth</u> State: <u>TX</u> Zip: <u>76177</u> Relationship to owner: <u>Contractor</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes <u> </u> 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>Christopher Judge</u> Date: <u>12/13/2024</u> Print Name: <u>Christopher Judge</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: No this does not exceed 50%

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 this will increase value of the lot.

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

Yes ☐ No ☒ Explain: No, We have been working closely with the city of eagle pass and following all city ordinances and regulations.

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

Yes ☐ No ☒ Explain: No, This site has a very small footprint.

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

Yes ☐ No ☒ Explain: No, This has not been expressed in any way by the city.

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

Yes ☒ No ☐

Explain: Yes, The Variance is needed to approve this project.

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, This Site falls all rules and regulations Local and federal.

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.

Christopher Judge

Applicant Acknowledgment

12/13/2024

Date

ORDINANCE NO. 2024-27

AN ORDINANCE OF THE CITY OF EAGLE PASS, TEXAS AMENDING CHAPTER 23, (SUBDIVISIONS), ARTICLE VI, SECTION 23-89 (4) (a - e) AND (d) (1); OF THE CODE OF ORDINANCES TO UPDATE LANDSCAPE REQUIREMENTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Section 23-89 (4) (a-e) and (d) (1), Article VI, Chapter 23, (Subdivision) of the Code of Ordinances of the City of Eagle Pass governs Landscape plan requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE PASS, TEXAS, as follows:

SECTION 1. That Section 23-89 (4) (a-e) and (d) (1), Article VI, Chapter of the Code of Ordinances of the City of Eagle Pass, is hereby amended to read as follows and the rest remains the same:

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 all non-single-family residential development, a minimum of one tree of at least two and one-half-inch caliper in size and ten feet in height shall be included and replaced as necessary as per the following ratios:

- (a) When the required area being landscaped is from one to 2,000 square feet a minimum of one tree for every 250 square feet of landscape area shall be required.
- (b) When the required area being landscaped is from 2,001 to 10,000 square feet a minimum of eight trees for the first 2,000 square feet and one tree for every 500 square feet over 2,000 square feet of landscape area shall be required.
- (c) When the required area being landscaped is from 10,001 to 20,000 square feet a minimum of 24 trees for the first 10,000 square feet and one tree for every 1,000 square feet over 10,000 square feet of landscape area shall be required.
When the required area being landscaped is 20,001 or greater square feet a minimum of 34 trees for the first 20,000 square feet and one tree for every 1,500 square feet over 20,000 square feet of landscape area shall be required.
- (d) Two palm trees with a minimum of six feet of clear trunk is the equivalent of one two and one-half-inch caliper tree. The number of palms trees shall not exceed 75 percent of the total number of trees required.
- (e) For every tree required two shrubs shall be required.

- (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.

- (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.*

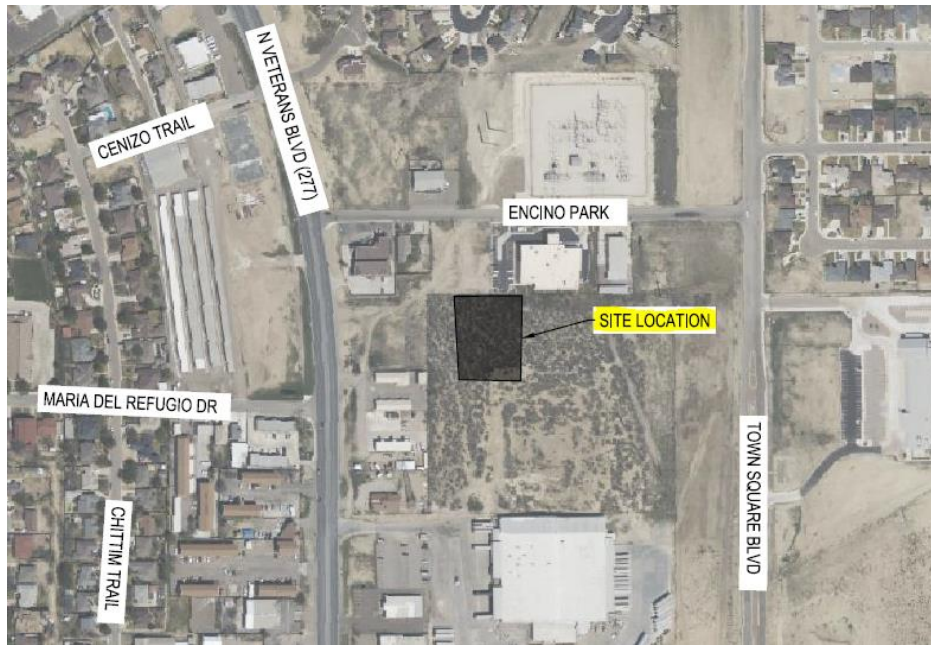
- a.
 1. Large trees must have a minimum caliper of two (2) inches and shall be planted in an area with a minimum of one hundred (100) square feet of permeable surface area. This area may be reduced to fifty (50) square feet if a permanent life support system, which must include but is not limited to 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.
- b. 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.

SECTION 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Eagle Pass, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. This Ordinance shall be in full force and effect from and after its final passage and publication thereof, in accordance with the City Charter of the City of Eagle Pass.

AERIAL VIEW



SITE VIEW





