



**Zoning Board of
Adjustment &
Appeals
Regular Meeting
March 1, 2023**



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, MARCH 1, 2023, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

VIDEOCONFERENCE: This meeting will also be held by videoconference call. The location where the quorum of the governmental body will be physically present is in Council Chambers at 100 South Monroe, Eagle Pass, Texas, 78852 and it is the intent to have a quorum present at that location. The location where the presiding member is physically present will be open to the public during the open portions of the meeting. A member of the public may testify from a remote location by videoconference at: <https://meet.goto.com/946290837>

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes for the November 2, 2022 meeting and the December 7, 2022 meeting.

OLD BUSINESS

2. Discussion and possible action on revision recommendations for the variance application.

ADJOURNMENT

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

CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board Located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas, on February 24, 2023, at 2:40 p.m.

Placido Madera
Planning Director

Item #1

THE STATE OF TEXAS)(
COUNTY OF MAVERICK)(
CITY OF EAGLE PASS)(

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their regular meeting on Wednesday, November 2, 2022, 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 Members, Priscilla Puente-Chacon; and Maria A. Chio

Absent: Board Member, Julie Mathiws

Staff present: Planning Director, Placido Madera; Assistant Planning Director; Mariebelle Rodriguez; Records Management Specialist, Sydney Rodriguez; and Assistant City Secretary, Ita A. Cortinas

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 not any citizens communication forms submitted.

MINUTES

1. **Approval of the minutes for the October 5, 2022 meeting.**

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

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

OLD BUSINESS

2. Consideration and possible action on the request submitted by Roberto De Leon, for (1) a variance from Section 5(c)(1) of City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) to reduce the required front yard setback area from 25-feet to 18-feet, 2 inches, and (2) a variance from Section 5(c)(2) of City of Eagle Pass Code of Ordinances Appendix A (Zoning Ordinance) to reduce the required side yard building setback area from 5-feet to 4-feet, to allow for the remodel of a single-family home located at 962 Evans Avenue.

Assistant Planning Director, Mariebelle Rodriguez provided the Board with details on the variance request and stated that the Planning and Building Dept. recommends the approval of the request to reduce the required side yard building setback from 5-feet to 4-feet, and to deny the request to reduce the required front yard setback area from 25-feet to 18-feet 2 inches, based on City Ordinance.

The property owner, Mr. De Leon was in attendance, and answered any questions asked by the Board.

Board Member Puente-Chacon moved to approve the variance, to reduce the required side yard setback from 5-feet to 4-feet. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED** - Unanimously

AYES:	Chio, Puente Chacón, Elizondo, Gary
NAYS:	None
ABSTAINED:	None
ABSENT:	Mathiwos

Board Member Puente Chacon moved to approve the variance, to reduce the required front yard setback from 25-feet to 18-feet 25 inches. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED** - Unanimously

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

3. Discussion and possible action on revision recommendations for the variance application.

The Board discussed several changes they wished to make to the variance application, noted by Asst. Planning Director Rodriguez. It was agreed that Ms. Rodriguez is to make the noted changes to the application and bring it back to the Board for final approval.

Board Member Puente-Chacon moved to table the item. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED** - Unanimously

AYES:	Chio, Puente-Chacon, Elizondo, Gary
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Zoning Board of Adjustments & Appeals Special Meeting

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NAYS: None
ABSTAINED: None
ABSENT: Mathiwas

ADJOURNMENT

Board Member Puente Chacon moved to adjourn the meeting at 6:25 p.m. Seconded by Vice-Chairperson Elizondo. **MOTION PASSED** - Unanimously

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

Passed and approved on _____, 2022

Matthew Gary
Chairperson

ATTEST:

Ita A. Cortinas
Assistant City Secretary

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, December 7, 2022, 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 Members Priscilla Puente-Chacon and, Maria A. Chio.

Absent: Board Member, Julie Mathiwas; Alternate Board Members, Janina Ayers and Lucia Rosas

Staff present: Assistant Planning Director, Mariebelle Rodriguez; Assistant City, Ita A. Cortinas; and Secretary 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.

OLD BUSINESS

1. Discussion and possible action on revision recommendations for the variance application.

Assistant Planning Director, Mariebelle Rodriguez presented the first change for the variance application, which will be clarifying authorization documents for the project and reference the checklist for the project in the Authorization section of the application.

Vice-Chairperson, Elizondo went section by section on the application for any other changes needed for the variance application. Board member, Chio mentions a change for the address on the Owner section of the application. Assistant Planning Director, Rodriguez suggested changing it to site address.

Vice-Chairperson, Elizondo, suggested adding the relation to the owner on the Applicant If not owner section of the application.

A brief discussion between the Zoning Board of Adjustments and Appeals and Assistant Planning Director, Rodriguez about questions 3 and 4 on the variance application, on the similarities between the two questions. Vice-Chairperson Elizondo suggests removing question #4 and leaving question #3 on the application.

Board Member, Puente-Chacon suggests adding a question with sub questions for unnecessary hardship for the project.

After further discussion on the questions for the variance application, questions #2 and #3 will remain on the application while questions #1 and #4 will be removed.

Board Member, Chio suggests clarification for #3 on the Variance Application Checklist for documents regarding the project.

Board Member Puente-Chacon moved to table the application edits, with the condition that the City can provide the edits and the statutes as required. Second by Vice-Chairperson Elizondo.
MOTION PASSED- Unanimously

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

NAYS: None

ABSTAINED: None

ABSENT: Mathiwas, Ayers, and Rosas

ADJOURNMENT

Board Member Puente-Chacon moved to adjourn meeting at 6:13 p.m. Second by Vice-Chairperson Elizondo. **MOTION PASSED-** Unanimously

Passed and approved on _____, 2023

Matthew Gary
Chairperson

ATTEST:

Sydney Rodriguez

Records Management Specialist

Item #2



**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: _____ Site Address: _____ Acres: _____ Square feet: _____ Existing land use: _____
Owner	Name: _____ Phone: _____ Address: _____ E-mail: _____ City: _____ State: _____ Zip: _____
Applicant If not owner	Name: _____ Phone: _____ Address: _____ E-mail: _____ City: _____ State: _____ Zip: _____ Relationship to owner: _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes ____ No ____ I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence (i. e. corporate documents) of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees. Signature: _____ Date: _____ Print Name: _____ ☐ 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: _____

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: _____

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 of <u>approximately</u> \$450.00 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 _____