



CITY OF EAGLE PASS
AGENDA
ZONING BOARD OF ADJUSTMENTS AND APPEALS
REGULAR MEETING
Council Chambers, City Hall
100 S. Monroe Street, Eagle Pass,
Maverick County, Texas
Wednesday, August 6, 2025 at 5:30 PM

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

SELECTION OF CHAIRPERSON

SELECTION OF VICE-CHAIRPERSON

MINUTES

1. Approval of the minutes of the June 4, 2025 meeting.

PUBLIC HEARINGS

2. Public hearing on the petition submitted by Anibal Jimenez, requesting a variance from the *Zoning Ordinance* of the *City of Eagle Pas*, particularly *Section 6(c)(1)* governing the minimum depth of a front yard. The applicant seeks to reduce the required 25-foot front building setback area to 27 inches, to allow for the construction of a detached carport on property located at 2616 Arrow Point Boulevard; closing of public hearing and possible action.
3. Public hearing on the petition submitted by Cassandra Miwa, requesting variances from the *Zoning Ordinance* Section 12(c)(7)(a) and Section 12(c)(7)(c). The applicant seeks to (1) reduce the minimum of ten (10) feet from the main use building to 6'6" feet and 8'6" feet, and (2) reduce the minimum five (5) feet to one (1) foot from the rear property line, to accommodate the ongoing construction of two (2) accessory buildings on property located at 2135 Apple Wood Street; closing of public hearing and possible action.

ADJOURNMENT

The Board reserves the right to consider business out of the posted order and the right to adjourn into Executive Session to discuss items which are not listed as Executive Session Items, but which qualify to be discussed in closed session as permitted by the Texas Open Meetings Act, under Chapter 551 of the Texas Government Code.

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 South Monroe Street, Eagle Pass, Texas, on August 01, 2025, at 5:20 p.m.

Placido Madera
Community Development Directo

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 a special meeting on Wednesday, June 4, 2025, 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: Board Members: Tohui Valero, Ernesto Fuentes, and Alternate Board Members: Crawford Rhodes, and Adolfo Olivares

Absent: Larry Martin, George Antuna, Priscilla Puente-Chacon

Staff present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Cortez; City Attorney, Ana Sophia Garcia; and Assistant City Secretary, Ita A. Cortinas

A quorum being present, Mr. Valero called the meeting to order, and the items were considered as follows:

APPOINTMENT OF CHAIRPERSON

APPOINTMENT OF VICE-CHAIRPERSON

Alternate Board Member Rhodes moved to table the appointment of chairperson and vice-chairperson. Seconded by Alternate Board Member Olivares.

AYES: Valero, Fuentes, Olivares, and Rhodes
NAYS: None
ABSTAINED: None
ABSENT: Martin, Antuna, and Puente-Chacon

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 of the March 5, 2025 meeting.

Board member Fuentes moved to approve the minutes. Seconded by Alternate Board Member Rhodes.

AYES: Valero, Fuentes, Olivares, and Rhodes
NAYS: None
ABSTAINED: None
ABSENT: Martin, Antuna, and Puente-Chacon

PUBLIC HEARINGS

2. Public hearing on the variance requests from City of Eagle Pass Code of Ordinances submitted by Maribel Rodriguez. The applicant seeks variances from Appendix A Zoning Ordinances Sections 12.1(C)(1)(g) and 12.1(C)3(a)iv regulating off-street parking requirements. The applicant seeks to (1) reduce the required six (6) feet from the back of the edge of the right-of-way adjacent to Wilson Street, and (2) reduce the required parking spaces from thirty-two (32) to nine (9), to allow the use of an events hall located at 450 Luis Street; closing of public hearing and possible action.

Acting Chairman Valero opened the public hearing at 5:41 p.m.

Community Development Department Director Madera provided details on the item and recommends denying the requests for property located at 450 Luis Street as the proposed project does not conform to Section 12.1(c)(1)(g) and Section 12.1(c)3(a)iv of the Zoning Ordinance.

Araceli Gonzalez, representing the applicant, spoke and provided additional details on the item, and answered questions asked by the Board.

There being no further comments from the public, Acting-Chairman Valero closed the public hearing at 6:08 p.m.

Alternate Board Member Olivares moved to table the item. Seconded by Alternate Board Member Rhodes. **MOTION APPROVED.**

AYES: Fuentes, Olivares, and Rhodes
NAYS: Valero
ABSTAINED: None
ABSENT: Martin, Antna, and Puente-Chacon

ADJOURNMENT

Alternate Board Member Rhodes moved to adjourn the meeting at 6:10 p.m. Seconded by Board Member Fuentes. **MOTION PASSED**

Passed and approved on , 2025

ATTEST:

Antonio Elizondo
Vice-Chairperson

Ita A. Cortinas
Assistant City Secretary

DRAFT



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

Frint Yard Building Setback Variance Request – 2616 Arrow Point Blvd

I. BACKGROUND

General Information

Applicant & Property Owner: Anibal Jimenez

Property ID Number: 80306

Legal Description: Arrow Point Subdivision,
Block 1, Lot 24

Request: Applicant seeks a variance from *Section 6(c)(1)* governing the minimum depth of a front yard for the R-2 (second one-family dwelling district). The applicant seeks to reduce the required 25-foot front building setback area to 27 inches, to allow for the construction of a detached carport.

Subject Property Information

Parcel Size: 6,682 square feet

Master Plan: Residential

Zoning: R-2 (Second One-Family Dwelling District)

Current Use: Residential dwelling

Vicinity Data

Property is bordered by single-family dwellings.

Infrastructure:

Property is serviced by public utilities/franchises.

Access to the lot is provided by Arrow Point Boulevard.

Aerial Map



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*. 28 notices were mailed to the abutting property owners on July 24, with a legal notice published in the Eagle Pass News Gram on July 23, 2025.

III. STAFF ANALYSIS

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 of the *Zoning Ordinance* of the *City of Eagle Pass*, particularly *Section 6(c)(1)* governing the minimum depth of a front yard for the R-2 (second one-family dwelling district).

The applicant is seeking to reduce the required 25-foot front building setback area to 27 inches, to allow for the construction of a detached carport on property located at 2616 Arrow Point Boulevard.

City Staff believe that the petition is not warranted as the property is not narrow, shallow, or its topographical conditions are in an exceptional situation or condition. The zoning ordinance does not result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property. The variation cannot be granted due to substantial detriment to the public good and substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

IV. STAFF RECOMMENDATION

The Zoning Board of Adjustment and Appeals Board **DENY** the applicant's variance request of a reduction to the front yard building setback area from 25-feet to 27 inches for property located at 2616 Arrow Point Boulevard.

TRANSMITTED to the parties listed hereafter:

Anibal Jimenez 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 July 28, 2025

Attachment 1

Application

Photographs, Rendering (Site Plan), Survey Copy



**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>Arrow Point Subdivision, Block 1, Lot 24</u> Site Address: <u>2616 Arrow Point Blvd</u> Acres: <u>0.1534</u> Square feet: <u>6,682</u> Existing land use: <u>Resident</u>
Owner	Name: <u>Anibal Jimenez</u> Phone: <u>830-776-6743</u> Address: <u>2616 Arrow Point Blvd</u> E-mail: <u>ANIBALPITBLL79@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></u> Date: <u>5/10/2025</u> Print Name: <u>Anibal Jimenez</u> ☒ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature _____	Date _____
Office	Accepted by <u>MC</u> Payment received by <u>MC</u> <u>7-22-25</u> Date _____	
	Zoning Classification <u>R2</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: Carport 20x20 reducing the 25 feet
to 27 inches attached are the measurements and the pictures
and side plans

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

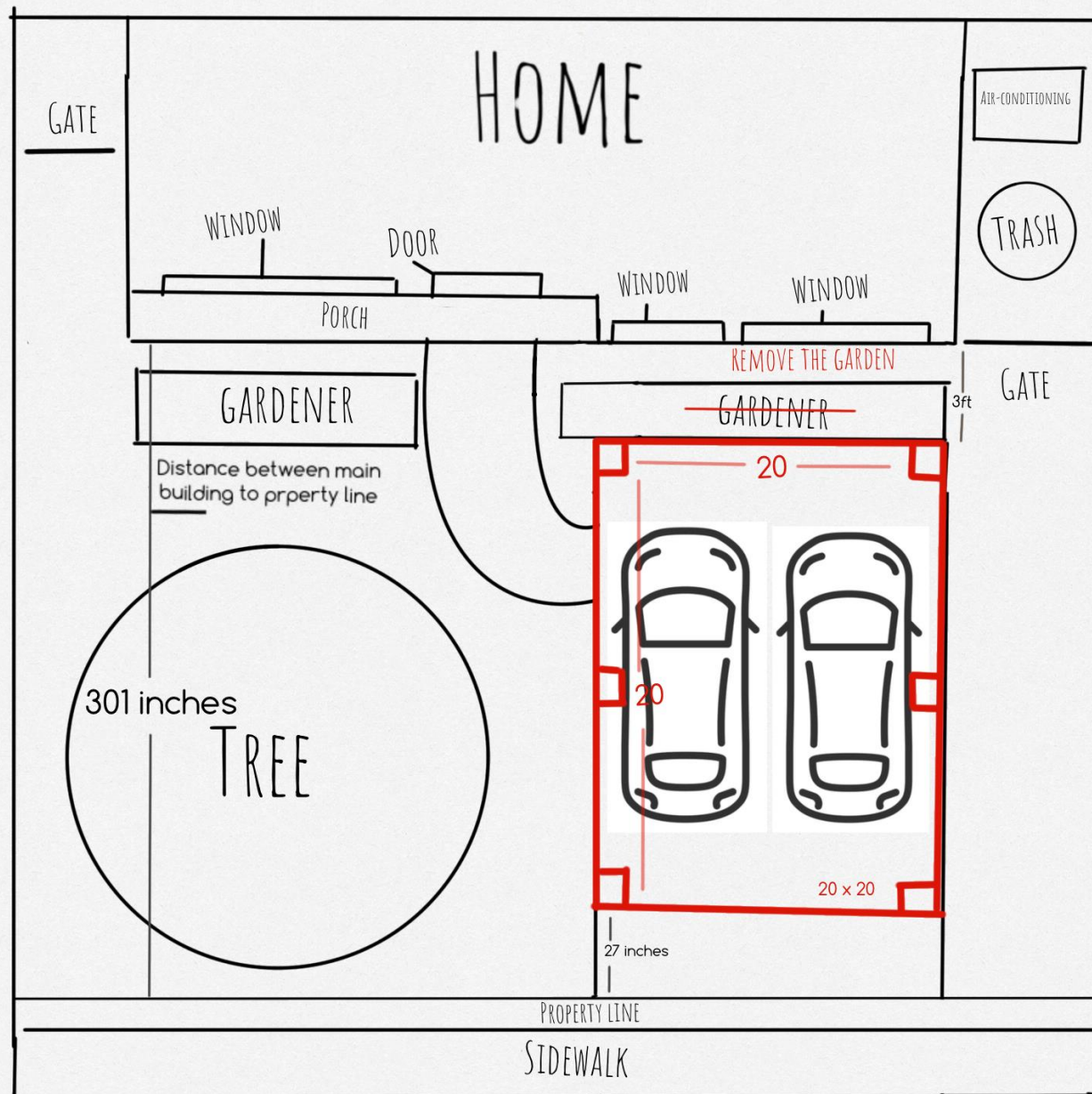
This checklist (signed by applicant/representative)

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 will be invoiced and collected before the meeting date. These fees are non-refundable. <i>publication fee of \$65 paid 7/22/25</i>
☒	☒		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.

anibal jimenez *MC*
Applicant Acknowledgment

5/10/2025
Date

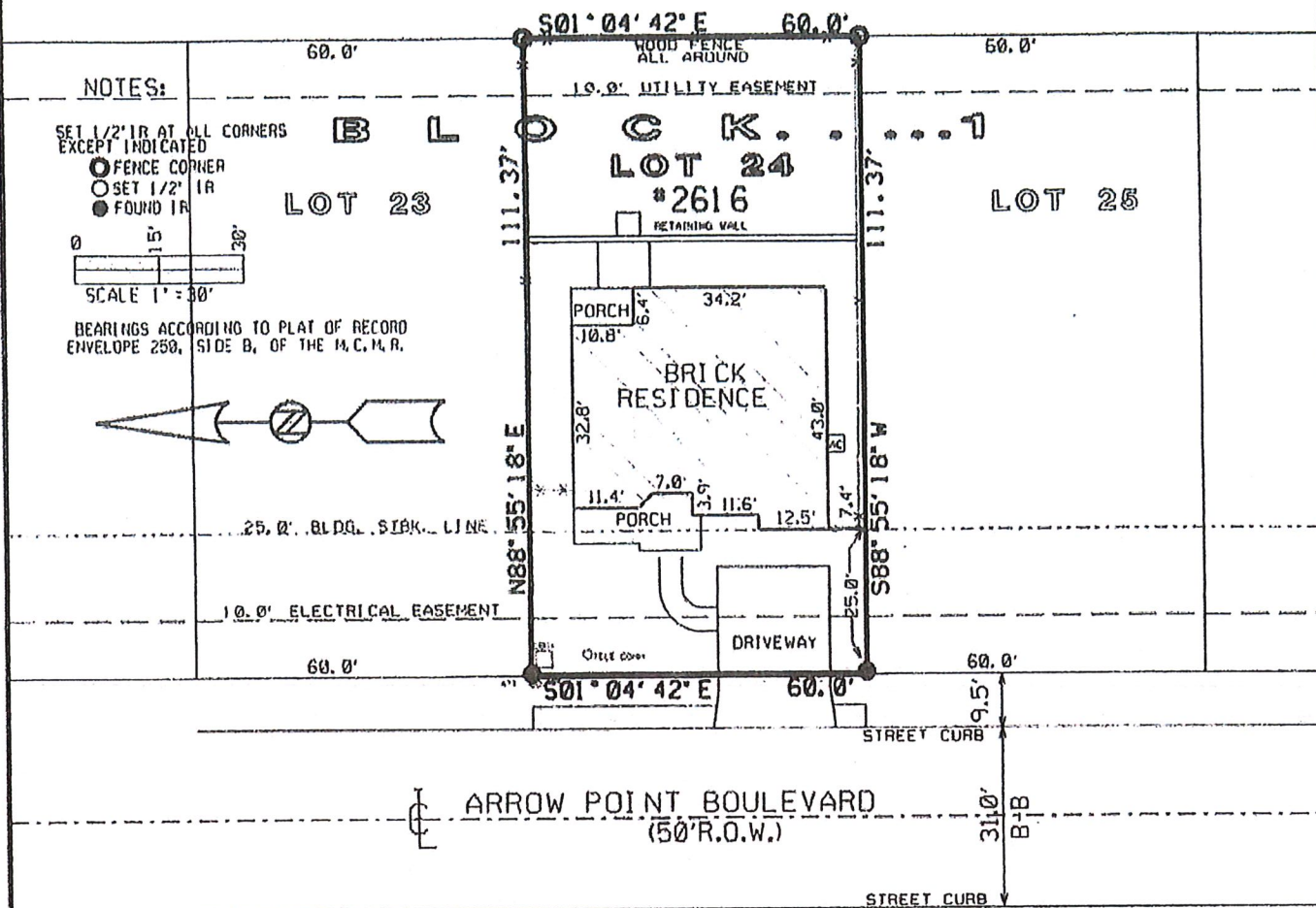


2616 Arrow Point Blvd
Eagel Pass TX

Anibal Jimenez







**PROPERTY SURVEY SHOWING IMPROVEMENTS ON LOT 24, BLOCK 1, ARROW POINT SUBDIVISION
CITY OF EAGLE PASS, MAVERICK COUNTY, TEXAS.**

AUGUST 2019

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 August 01, 2019; that it correctly shows the boundaries, line and location of said property as shown in ENVELOPE 250, SIDE B of the Map Records of Maverick County, Texas; and that there are no encroachments, protrusions or conflicts between the improvements and the boundaries of record except as shown above, and said property has access to and from a dedicated roadway, except as shown hereon. And that this professional service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1A, Condition II, Survey. This property is not in the 100 year flood plain as published by the Federal Flood Insurance Program.

Francisco Gaytan

08/01/2019

Francisco Gaytan

Francisco Gaytan
Registered Professional Land Surveyor
Texas No. 5474



19-392

2606 Encino Park Drive
Eagle Pass, Texas, 78852

RICHARD N. LANE & ASSOCIATES
CONSULTING LAND SURVEY SERVICES

Phone 830-773-8308
olvarez.gaytan@yahoo.com

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

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.

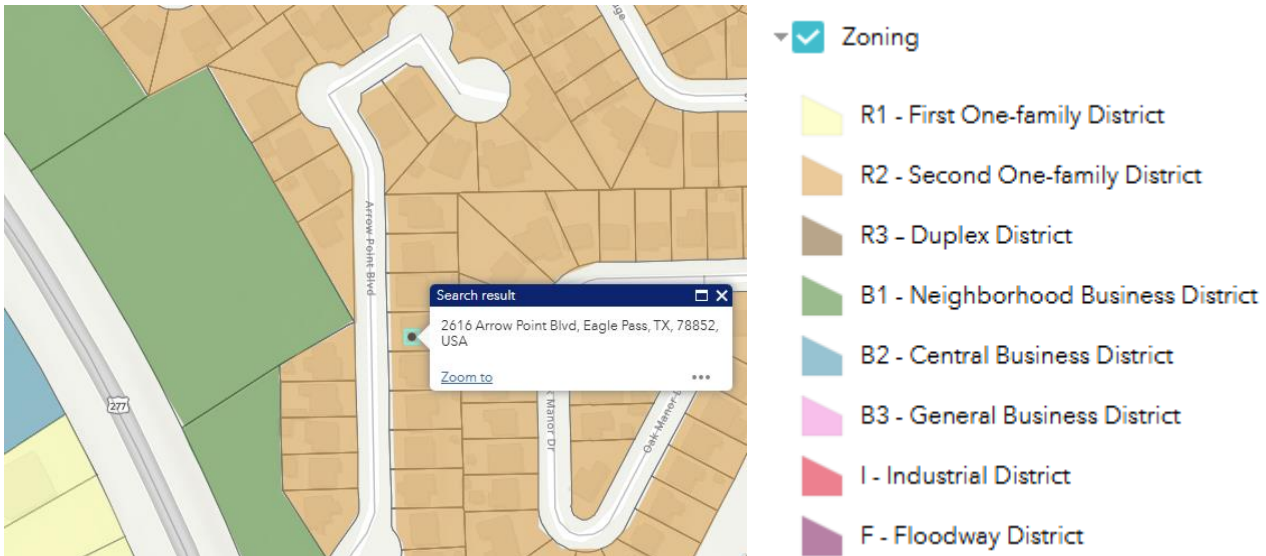
(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 2020-08, § 1, 4-21-2020; Ord. No. 2022-08, § 1, 3-17-2022)

Attachment 3
Master Plan Map and Zoning District Map

Master Plan Map – No Depiction



Zoning District Map





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

Front Yard Building Setback Variance Request – 2135 Apple Wood Street

I. BACKGROUND

General Information

Applicant: Cassandra Miwa

Property Owner: Julio Miwa

Property ID Number: 9003369

Legal Description: Bass Subdivision Unit 2, Block 2, Lot 8 (Amended Plat)

Request: Applicant seeks variances from *Section 12(c)(7)(a)* and *Section 12(c)(7)(c)*. The applicant seeks to (1) reduce the minimum ten (10) feet from the main use building to 6'6" feet and 8'6" feet, and (2) reduce the minimum five (5) feet to one (1) foot from the rear property line, to accommodate the ongoing construction of two (2) accessory buildings.

Subject Property Information

Parcel Size: 8,316.94 square feet

Year Built Eff: 2020

Main Area: 1,709.7 sq ft

Gross Building Area: 2,439.2 sq ft

Carport: 549 sq ft; Open porch: 136 sq ft; Open porch: 44.5 sq ft

Master Plan: No depiction

Zoning: R-2 (Second One-Family Dwelling District)

Current Use: Residential dwelling

Vicinity Data

Property is bordered by single-family dwellings. Lot is located at the corner of Apple Wood and Cottonwood Street

Infrastructure:

Property is serviced by public utilities/franchises.

Access to the lot is provided by Apple Wood Street.

Aerial Map



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. 27* notices were mailed to the abutting property owners on July 24, with a legal notice published in the Eagle Pass News Gram on July 23, 2025.

III. STAFF ANALYSIS

The proposed construction, as shown in the enclosed proposed Site Layout, does meet the construction requirements set forth in the Building Code, however, it does not meet regulations of the *Zoning Ordinance* of the *City of Eagle Pass*, particularly *Section 12(c)(7)(a)* and *Section 12(c)(7)(c)*.

The applicant seeks to (1) reduce the minimum ten (10) feet from the main use building to 6'6" feet and 8'6" feet, and (2) reduce the minimum five (5) feet to one (1) foot from the rear property line, to accommodate the ongoing construction of two (2) accessory buildings.

City Staff believe that the petition is not warranted as the property is not narrow, shallow, or its topographical conditions are in an exceptional situation or condition. The zoning ordinance does not result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property. The variation cannot be granted due to substantial detriment to the public good and substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

IV. STAFF RECOMMENDATION

The Zoning Board of Adjustment and Appeals Board **DENY** the applicant's variance requests for property located at 2135 Apple Wood Street.

TRANSMITTED to the parties listed hereafter:

Cassandra Miwa 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 July 28, 2025

Attachment 1

Application

Photographs, Rendering (Site Plan), Survey Copy



**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: lot 8, Block 4, Bass Subdivision Unit 2
Site Address: 2135 Apple Wood St.
Acres: _____ Square feet: _____ Existing land use: Residential

Owner

Name: Julio Miwa Phone: (830)513-6065
Address: 2135 Apple Wood St. E-mail: JulioMiwa@yahoo.com
City: Eagle Pass State: Tx Zip: 78852

Applicant
If not owner

Name: Cassandra Miwa Phone: (830)776-6100
Address: 2135 Apple Wood St. E-mail: Cassandradenise10@gmail.com
City: Eagle Pass State: Tx Zip: 78852
Relationship to owner: Spouse

Authorization

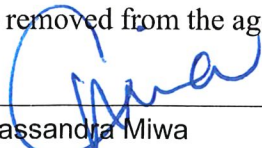
To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

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: 06/17/2025

Print Name: Cassandra Miwa ☒ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature _____	Date _____
Office	Accepted by <u>NR</u> Payment received by <u>Alt</u> Date <u>6/17/25</u>	
	Zoning Classification _____	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: Due to space limitation and the specific layout of my property. Granting this variance would allow for a beneficial community resource, without negatively affecting neighboring properties, where local coaches or mentors can help prepare young athletes for competitive leagues and or high school teams.

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: Set back distance from main buildings ~~15'~~ Set back distance from rear property line . 1' 11"
main building 6'6" & 8'6" Rear 1 Post Zero two Post 1 foot.

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: Set backs from main Residence 8'5" Rear Property line.

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

Yes ☒ No ☐

Explain: Same as discription.

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

Explain: _____

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:



Development Application signed by owner or notarized affidavit

This checklist (signed by applicant/representative)

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
			Any application that is missing information will be considered incomplete and will not be processed.	
☒	☒		1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
☒	☒		2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee will be invoiced and collected before the meeting date. These fees are non-refundable.
☒	☒		3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
☒	☒		4	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
☒	☒		5	Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation.

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

Applicant Acknowledgment

Date

6/17/25 per city staff

* missing authorization letter. (7/10/25) HC
* received 7/17/25 HC

Owner Authorization Letter for ZBAA Variance Application

Date: 7/10/2025

To Whom it May Concern,

I, **Julio Osaki Miwa**, owner of the property located at **2135 Apple Wood St.**, Eagle Pass, Texas, hereby authorize **Cassandra Miwa**, to act on my behalf for the purpose of submitting and processing a **Variance Application** to the **Zoning Board of Adjustment and Appeals (ZBAA)** with the City of Eagle Pass.

This authorization includes, but is not limited to, the right to complete and submit necessary applications, provide required documentation, attend hearings, and communicate directly with city officials on my behalf regarding this matter.

Property Information:

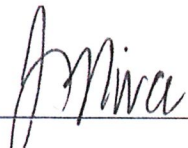
- **Owner's Name:** Julio Osaki Miwa
- **Property Address:** 2135 Apple Wood St., Eagle Pass, TX 78852
- **Legal Description (if known):** Lot 8, Block 4, Bass Subdivision Unit 2

Authorized Applicant Information:

- **Name:** Cassandra Miwa
- **Mailing Address:** 2135 Apple Wood St.
- **Phone Number:** (830) 776-6100
- **Email:** cassandradenise10@gmail.com

I certify that I am the legal owner of the above-described property. This authorization shall remain in effect throughout the duration of the variance application process unless revoked in writing.

Sincerely,



Julio O Miwa
2135 Apple Wood St.
(830) 513-6065

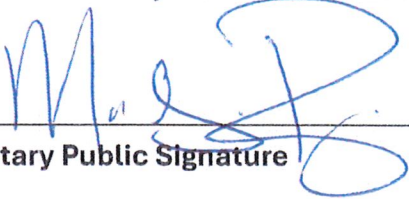
NOTARY ACKNOWLEDGMENT

State of Texas

County of Maverick

Before me, the undersigned Notary Public, on this day Julio Osaki Miwa personally appeared, known to me (or proved to me through satisfactory evidence of identity) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes therein expressed.

Given under my hand and seal of office this 17 day of July, 20. 25



Notary Public Signature



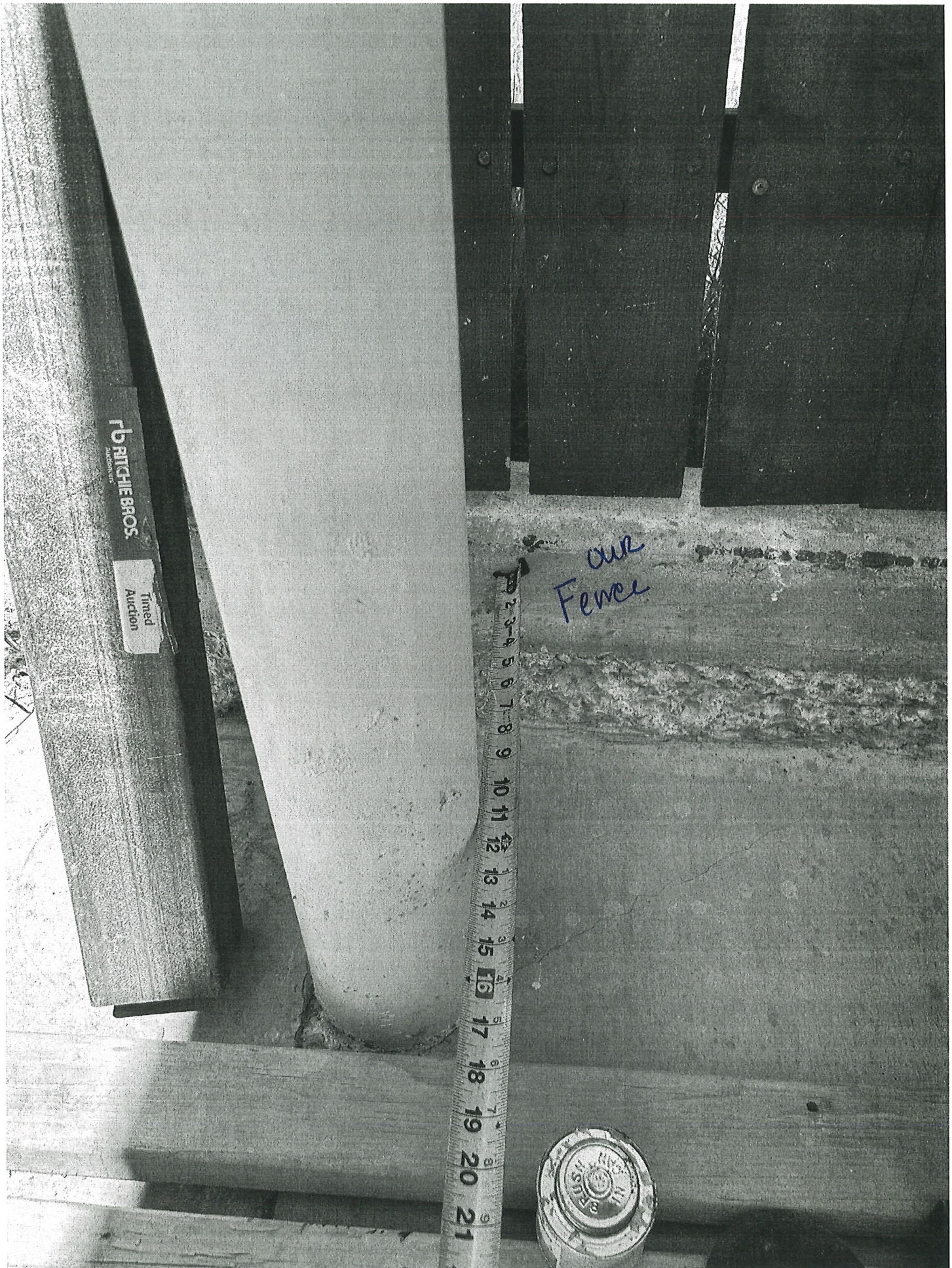
Printed Name of Notary Public: Maria G. Perez
My Commission Expires: 08.26.2026

House

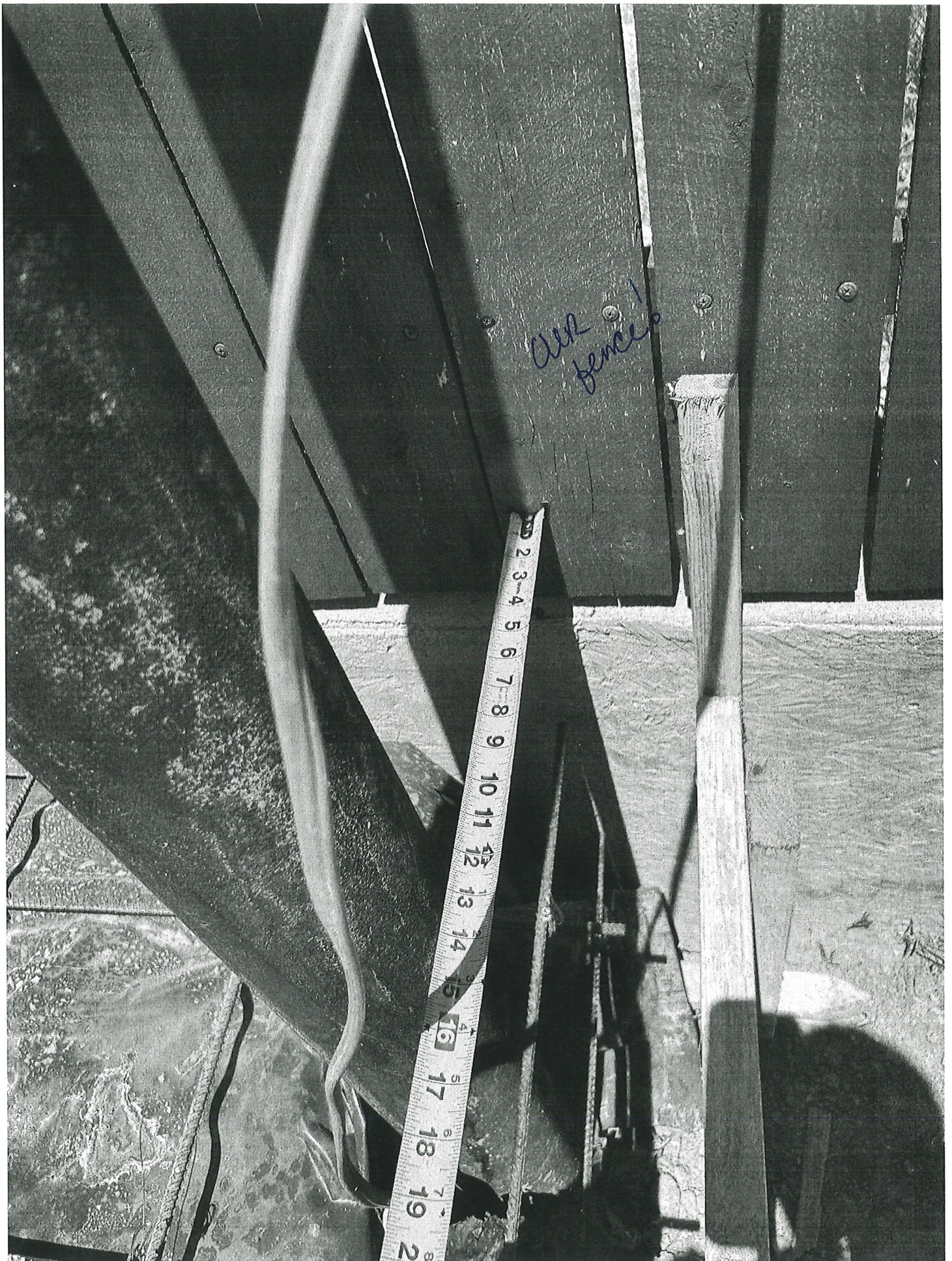
ft.

Palapa

Neighbor side Back Corner post.



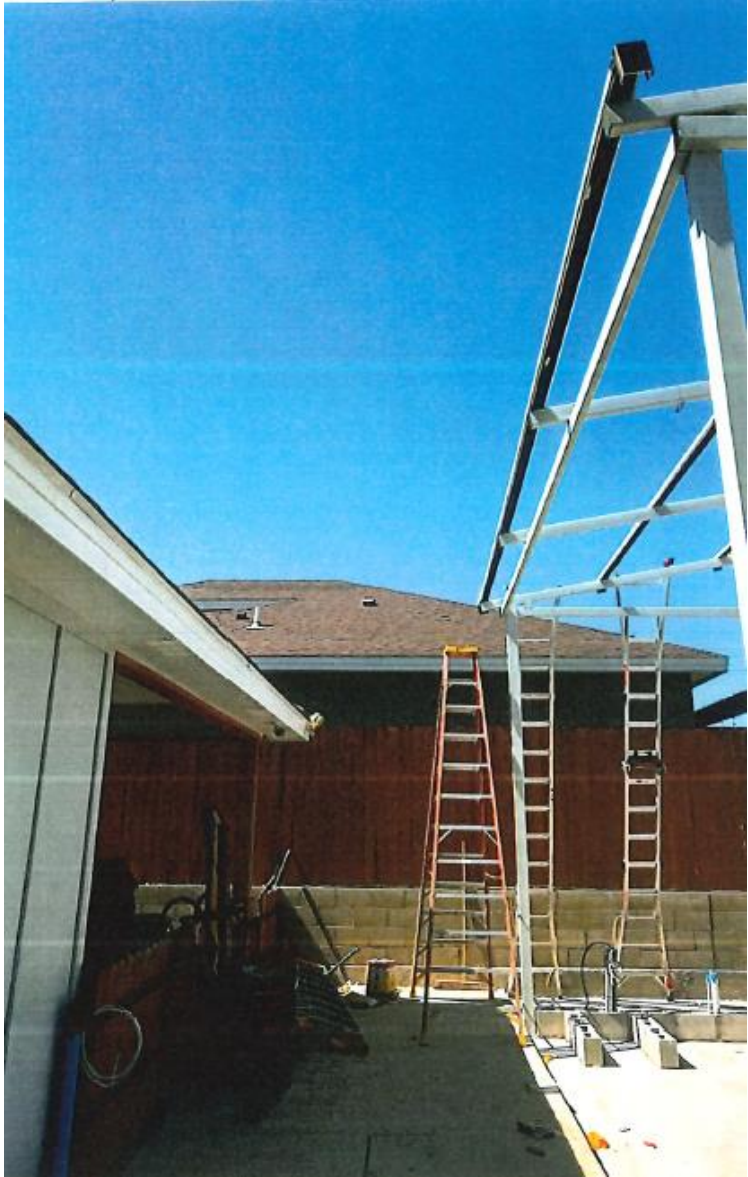
Retractable Net should still be stretched in 5 inches

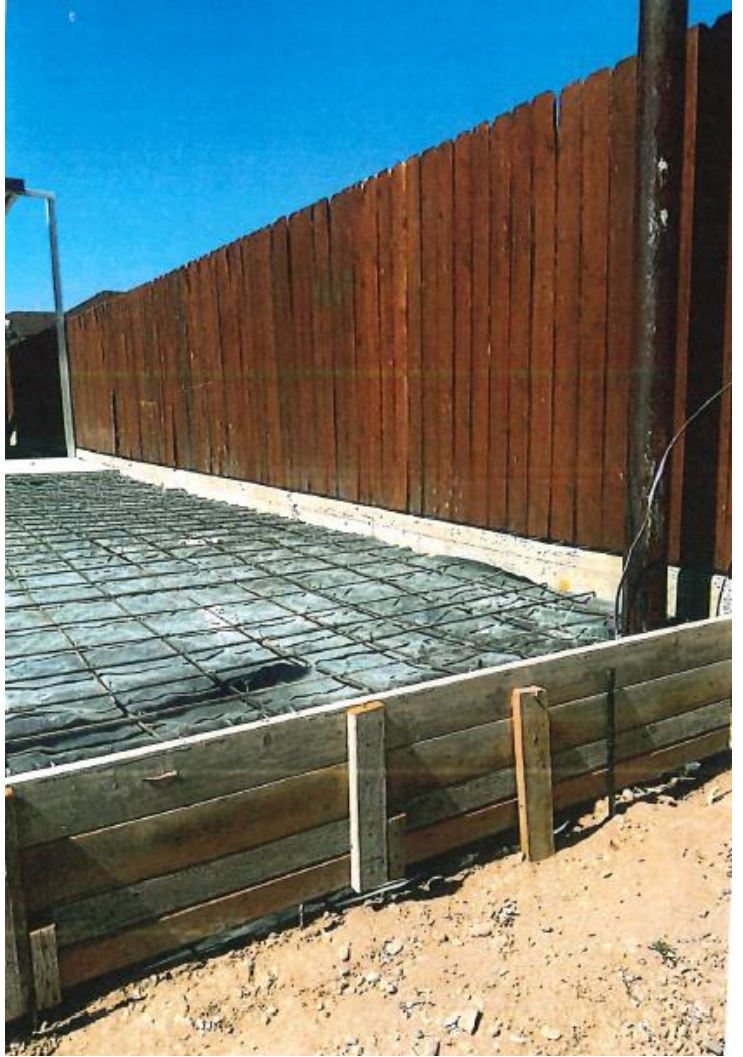
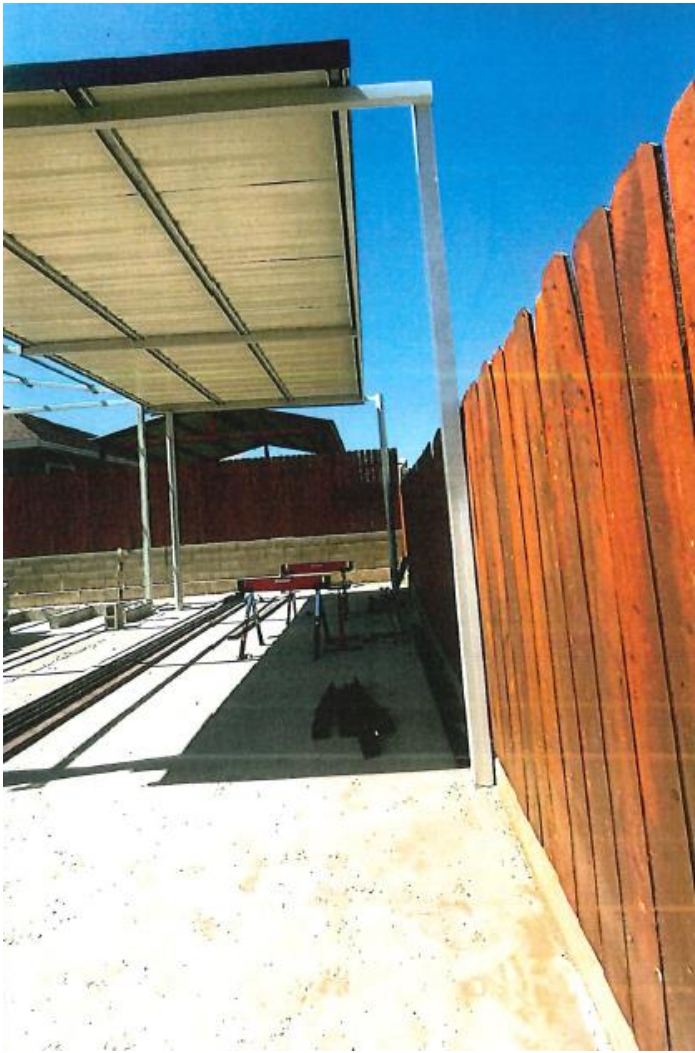


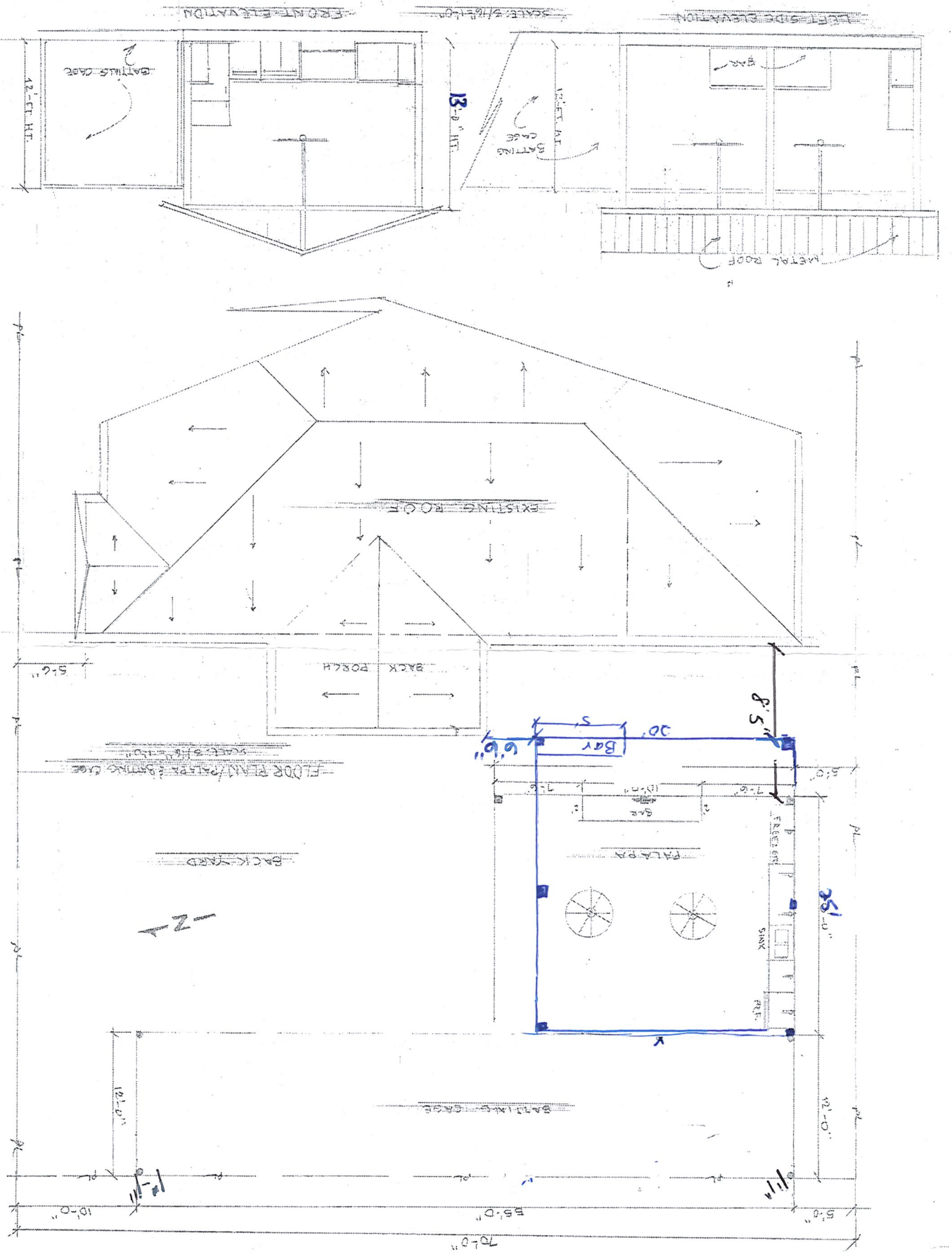
Retractable Net should still be stretched in 5 inches

House

Palapa







Attachment 2
Sec. 12 Additional use, height, and area regulations

Sec. 12. Additional use, height, and area regulations and exceptions.**A. Use regulations:**

- (1) *Accessory buildings.* No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main use building on the lot is also being used.
- (2) *Railroad rights-of-way.* On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad trackage and accessories to railroad movement may be constructed or maintained.

B. Height regulations:

- (1) Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet additional height above the height limit otherwise provided in the district in which the building is located.
- (2) The height regulations established under each zoning category shall not be superceded by this section.
- (3) Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, flour mills, monuments, stacks, or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or television towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Eagle Pass, Texas, provided that in the absence of any such ordinance there shall be no height limitation of these structures.

C. Area and density regulations:

- (1) In a district in which commercial or industrial buildings are built with one (1) or more stories for residential purposes above the commercial or industrial uses, no side yards will be required for the residential portions of the building, provided that the part of the building intended for residential use is not more than two (2) rooms deep from front to rear.
- (2) No yard or other open space provided about any building for the purposes of complying with the provisions of these regulations shall again be used as a yard or an open space for another building. Every part of a required yard shall be open to the sky and unobstructed by buildings except for accessory buildings in the rear yard and except the ordinary projections of skylights, sills, belt courses, cornices, and other ornamental features which may project into such yards a distance of not more than two (2) feet.
- (3) Porches, platforms, or landing places not covered by a roof or canopy may extend or project into the front yard for a distance not exceeding six (6) feet.
- (4) Terraces, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required side yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
- (5) Front yard.

-
- (a) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
 - (b) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
 - (i) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or
 - (ii) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
 - (iii) In determining such front yard depth, buildings located entirely on the rear one-half ($\frac{1}{2}$) of a lot shall not be counted.
- (6) Side yards.
- (a) The minimum width of a side yard of a corner lot in the "R-1," "R-2," and "R-3" Districts shall be not less than ten (10) feet provided that if the street side line of a corner lot is in the same block frontage with a lot or lots, whose street line is a front of such lot or lots, the side yard shall extend to the average alignment of the buildings along the same side of the street, unless such buildings are more than twenty-five (25) feet back from the street line, in which case the side yard need not be more than twenty-five (25) feet.
 - (b) A side yard of not less than twenty-five (25) feet on the side of the lot adjoining on an "R-1," "R-2," or "R-3" District shall be provided for all schools, libraries, churches, community houses, clubs, and other public or semi-public buildings hereafter erected or structurally altered.
 - (c) Where a lot in the "B-1," "B-2," "I," or "F" Districts is not used for residential purposes and abuts upon an "R-1," "R-2," or "R-3" District, a side yard shall be provided of not less than five (5) feet.
 - (d) Garages detached or attached to the main use building entering on the side street of a corner lot, shall maintain a minimum side yard of twenty (20) feet in front of the garage.
- (7) Rear yard.
- (a) In the "R-1," "R-2," or "R-3" Districts, accessory buildings shall be a minimum of ten (10) feet from the main use building. In the "R-1," "R-2," and "R-3" Districts no accessory building shall be more than one (1) story in height.
 - (b) In computing the depth of a rear yard where such yard opens into an alley, one-half ($\frac{1}{2}$) of the width of such alley may be assumed to be a portion of the required yard.
 - (c) Detached accessory buildings shall be a minimum of five (5) feet from the rear property line.

-
- (d) Attached accessory buildings shall be a minimum of ten (10) feet from the rear property line.

D. *Miscellaneous regulations:*

(1) Fences.

- (a) All new subdivisions must have fencing as described in this chapter or other city ordinance.
- (b) The installation, replacement or relocation of a fence within the City of Eagle Pass requires a building permit from the city.
- (c) All fences within a residential zoning shall be constructed of brick, stone, masonry, cement, stucco, cinder block, iron or wood that has been stained, pressure treated, painted, or adequately sealed to prevent decay. Requests to upgrade to an alternative fencing material must undergo a concept plan review with the planning director and city engineer.
- (d) All new residential construction shall include fencing of the side yard areas from the primary structure to the side property line with at least one (1) access gate. On corner lots and where there is more than one (1) public right-of-way frontage, those sections abutting frontage shall also be constructed. These sections of fencing shall be installed prior to issuance of certificate of occupancy.
- (e) Fences in commercial and industrial zones must undergo a concept plan review with the planning director and city engineer. The following materials are prohibited: cast off or second hand items, plywood.
- (f) Ranch style fencing typical for maintaining livestock and for predator control (such as a field fence, hours mesh fence, split rail, and ranch board) may be used on premises of three (3) acres or more in size. In addition, barbed wire fencing may be used on premises upon which large farm animals are legally kept and maintained. Permits are not required for internal cross-sectioning of such premises for the control of animals, to enforce rotational grazing, or for the repair of ranch style fencing to the extent that it is a necessary part of normal maintenance.
- (g) Fences in any zoning district shall not exceed eight (8) feet in height measured from the finished grade. Some fence designs may require to be engineered.
- (h) Fences and gates built in the front yard setback area, where permitted, shall not exceed four (4) feet in height when constructed of wrought iron, or other semitransparent materials, with a minimum of fifty (50) percent visibility, as approved by the building official. Chain link or cyclone fencing is not an allowed material for front yard fencing. Front yard fences or walls that are more than fifty (50) percent opaque may not exceed thirty (30) inches in height.
- (i) Fences on property that are at the intersection of two (2) streets must not encroach within any visibility triangle. The "visibility triangle" shall mean a triangle sight area, at all intersections, which shall include corner lots, driveways or other access points with the public right-of-way. This visibility triangle must be kept free of fences and other screening

between thirty (30) inches and seven (7) feet in height that would obstruct the motorist's views of oncoming traffic.

- (j) Fence sections essentially parallel with a public street shall have their back side (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public. Exception: Posts and rails may be oriented to the exterior of the residence when concealed within construction that is consistent with and complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.
- (k) In properties with double frontage, construction of fence sections along collector or arterial streets is the responsibility of the developer. Fence material and color within these sections shall be maintained by individual property owners to maintain uniformity and visible aesthetic from public right-of-way.
- (l) In properties with no double or triple frontage fence sections, construction of fences is the responsibility of the builder.
- (m) All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times.

Fences shall be maintained in sound structural condition as a whole or completely removed, including posts.
- (o) No fence shall be erected, maintained, or permitted that is electrically charged in any manner, has barbed wire in or on it, has concertina wire in or on it, has razor wire in or on it, has in it or on it bards, projects, broken glass, or anything reasonably capable of causing harm to persons or animals except in industrial zoning districts or where allowed by this Code.
- (p) No fence may impede access to public utilities or metering devices.
- (q) Where approved, any fence built in or across utility easements shall remain the responsibility of the property owner. In the event that the fence is constructed on an easement and the fence is substantially damaged or destroyed through the exercise of the rights of the City of Eagle Pass or utility entities, the repair or replacement of the fence shall be the sole responsibility of the property owner.
- (r) Existing fences that were approved by the planning department and constructed prior to the adoption of this article with materials not currently permitted by this article may be maintained as long as no part of the fence is, or becomes unsafe, dilapidated, or a public nuisance as determined by the planning department.
- (s) Between residential and non-residential uses, a seven-feet minimum height opaque fence shall be provided to buffer the residential uses from impacts from the non-residential use. All screening fences required under this section shall be constructed of brick, stone, masonry, cement, stucco, cinder block or pressure-treated weather-resistant lumber, and shall be structurally reinforced to resist wind damage. They shall be constructed in such a manner as to provide visual screening.
- (t) The erection of a fence is not mandatory, with the following exceptions in which it is required: to enclose a swimming pool area where required, to enclose a day care center

play area, residential perimeter fencing where required, as screening for commercial waste/refuse containers, and as required by other applicable sections of adopted city code.

- (u) The city does not permit fences in floodway areas as designated on FEMA's flood boundary and floodway map. The lone exception for fencing in a floodway area will be a break away fence type as approved through the city engineer.
- (2) Building materials.
 - (a) Within the Central Business District, all buildings facades shall be constructed of materials that are compatible with the historic context of the Central Business District. These materials may include brick, stucco, architectural concrete masonry, or stone. Metal shall not be allowed as a building veneer surface except for beams, lintels, trim elements and ornamentation. Reflective glass may cover no more than forty (40) percent of any single facade.
- (3) Parkland dedication requirements for all districts shall be as contained in the Parkland Dedication Ordinance.
- (4) For all uses other than single family, duplex or townhouse uses, refuse containers shall be located in an accessible but unobtrusive location on the lot, and shall be screened with an opaque fence or wall.
- (5) Land scape and tree preservation requirements shall be as contained in the Chapter 23 (Subdivisions).

E. *Yard parking regulations*

- (1) *Definitions.*
 - a. *Corner lot.* A property located at the intersection or confluence of two (2) or more side streets such that public street rights-of-way are directly adjacent to at least two (2) contiguous sides of the lot.
 - b. *Driveway.* The primary improved parking surface which provides egress and ingress from a garage, carport, or off-street parking area to an adjacent street or alley.
 - c. *Improved parking surface.* An area that is used by anyone for parking. Said area must be durably surfaced with concrete or asphalt, as set forth in the City of Eagle Pass Construction Specifications.
 - d. *Front yard.* Front yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(38).
 - e. *Rear yard.* Rear yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(39).
 - f. *Side yard.* Side yard shall have the meaning ascribed to it in Appendix A-Zoning Ordinance, Section 3(40).
 - g. *Vehicle.* A device in, or upon which any person or property is or may be transported or drawn or moved upon a street or highway, and shall include any automobile, truck, motorcycles, scooters, mopeds, and all-terrain vehicles. This definition does not include

non-motorized bicycles, small engine lawn mowers, and/or antique farm equipment of a decorative nature.

- (2) *Yard parking regulations:* Parking on unimproved surfaces is prohibited by this section. A person commits an offense if, upon any lot in any zoning district, the person causes, permits, or allows the parking or storage of any vehicle in the front yard, side yard, and/or rear yard upon any surface other than an improved parking surface. It is presumed that the registered owner of the vehicle or the registered owner of the property is the person who parked, caused, or permitted the vehicle or equipment to be parked in violation of this article.

Exceptions: It is an affirmative defense to prosecution for the parking of vehicles at an existing residence on an unimproved driveway or unimproved parking area where such unimproved driveway or unimproved parking area existed before the effective date of the ordinance from which this section is derived; however, the existing unimproved driveway or unimproved parking area shall be maintained in a fashion that will support vehicular traffic, not allow grass, weeds or other vegetation to grow in the unimproved driveway or unimproved parking area.

- (a) An unimproved driveway and an unimproved parking area, which are located in a street yard or a side yard shall be considered as nonconforming uses and subject to the regulations regarding nonconforming uses in section 12-2. Specifically, such unimproved driveway or unimproved parking area shall not be extended or expanded, nor changed except to an improved driveway, an improved surface used for parking, or an unimproved surface.
- (b) If the building or structure that is served by the unimproved driveway is damaged or destroyed to an extent greater than fifty (50) percent of its fair market value (as determined by the most recent appraised value of the appraisal district in which the building or structure is located), and if such building or structure is repaired or replaced, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.
- (c) If the building or structure that is served by the unimproved driveway is increased by twenty-five (25) percent or more in the square footage, the unimproved driveway shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway.
- (d) Upon the change of ownership of a property, the unimproved driveway or unimproved parking area shall no longer be permitted, and all off-street parking shall be required to be on an improved driveway within ninety (90) days of the transfer of ownership.
- (3) *Certain vehicles prohibited:* No boat, trailer, or other recreational vehicle except for a camper trailer or motor home shall be parked or stored within the required front yard building setback area. In the R-1 District, the R-2 District, the R-3 District, and the R-3(A) District, the parking or storage of such licensed vehicles is limited to the rear yard only and is limited to a maximum of one (1) licensed pleasure boat and one (1) unoccupied licensed trailer or licensed motor home designed for recreational use not to exceed twenty-four (24) feet in length. This restriction shall not apply to the storage of a boat or other vehicle in a fully enclosed building.

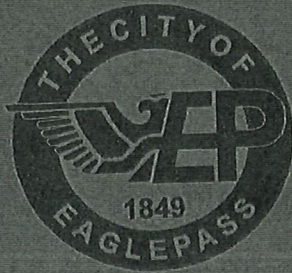
-
- (a) A camper trailer or motor home must be stored on an improved driveway or improved parking surface with asphalt or concrete, as set forth in the City of Eagle Pass Construction Specifications Manual, if stored in the front yard.
 - (b) On residential property when parked on front yard when such recreational vehicle is parked on hard paved surface of concrete or asphalt not less than nine (9) feet by eighteen (18) feet, or at least of sufficient size to accommodate the horizontal area projected by the extreme limits of the vehicle.
 - (c) Such recreational vehicles parked or stored in on a front yard shall maintain a minimum five-foot clearance to the property lines.
 - (d) In no instance, for any periods of time, shall a recreational vehicle encroach upon a public sidewalk or be parked within or obstruct an intersection visibility triangle, as defined by this Code.
- (4) *Enforcement:* Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day a violation of this article shall continue shall constitute a separate offense.
- (Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 2018-01, § 1, 1-2-2018; Ord. No. 2020-08, § 1, 4-21-2020; Ord. No. 2021-07, § 1, 4-22-2021; Ord. No. 2022-19, § 1, 7-12-2022; Ord. No. 2023-10, § 1, 5-15-2023; Ord. No. 2024-01, § 1, 1-2-2024)

Mrs. Cassandra Miwa assumed the building permit application was approved and, therefore, the project was initiated.

Attachment 3

Stop Work Order

Stop Work Order, Email and photos from Building Inspector, Building Permit Application, Voided Site Plan



STOP WORK ORDER

All construction work on this property is to STOP immediately until this ORDER is removed by the City of Eagle Pass Planning Department. Please contact the Planning Department at (830) 773-7781 to obtain information regarding this ORDER.

Job Location: 2135 Lemonwood

Reason for STOP WORK ORDER: Working without permit
IPC 105.6

Notes: permit submitted but still in revision

Building Code Official

6/16/25

Date

DO NOT REMOVE THIS ORDER

Claudia Talamantes

From: Claudia Talamantes
Sent: Tuesday, June 17, 2025 8:23 AM
To: Planning Team
Subject: 2135 Apple Wood st working without permit
Attachments: IMG_1588.jpeg; IMG_1589.jpeg

Application submitted but isn't approved yet
Concrete area shows more than the submitted plot plan

Best Regards,

Claudia Talamantes, Building Inspector I
Community Development Dept.
City of Eagle Pass
www.eaglepasstx.gov
Office: 830-773-7781/Mobile: 830.513.2296







PLANNING DEPARTMENT

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

BUILDING PERMIT APPLICATION – Residential Permit No. R-25-153

1. JOB ADDRESS: <u>2135 Apple wood St.</u>		MCAD PROPERTY ID NO.: <u> </u>	
2. LEGAL DESCRIPTION	LOT: <u> </u>	BLOCK: <u> </u>	SUBDIVISION NAME: <u> </u>
3. APPLICANT: ☒ OWNER ☐ CONTRACTOR		APPLICANT NAME OR DBA: <u>Cassandra Miura</u>	
ADDRESS: <u>2135 Apple wood St.</u>			
PHONE NO.: <u>(830) 776-6100</u>		EMAIL: <u>CassandraCadenise10@gmail.com</u>	
4. CONSTRUCTION INFORMATION:			
☐ New Construction ☐ Addition ☐ Remodeling/Repair ☐ Pool ☐ Demolition			
☒ Palapa ☐ Storage Shed ☐ Garage ☐ Carport ☐ Porch			
☐ Fill And/Or Grade ☐ Driveway Ord No 2018-01 ☐ Other <u> </u>			
5. SQ. FEET	6. COST OF PROJECT (Material plus Labor):		7. DESCRIBE WORK:
<u>400 sqft.</u>	<u>\$20,000.00 ±</u>		<u>Palapa 20 X 20, Cement, metal, Screws, Blocks, Bricks.</u>

Building Permit Fees (Fees are based on square footage under roof)			
On all buildings, structures or alternations	\$0.40 X	<u> </u> A	square feet <u> </u> \$ <u> </u> B
Plan Check Fees: Residential \$73 New single family and multi-family residential			\$ <u> </u> C
Plan check fees for construction over 1,000 sq. feet 1% of building permit fees (B)			\$ <u> </u> D
Parkland Dedication \$1.00 per 10 square feet under roof			\$ <u> </u> E
Base Permit Fee			\$28.00 <u> </u>
Fill and/or Grade			\$43.00 <u> </u>
Certificate of Occupancy			\$40.00 <u> </u>
Curb Cut			\$25.00 <u> </u>
Driveway Ordinance No. 2018-01			\$28.00 <u> </u>
Moving of a building or a structure			\$88.00 <u> </u>
Demolition (structures) Asbestos Survey required for all work except single family residence			\$88.00 <u> </u>
Doubling of Fee (Fees double if work is started prior to the obtaining of said permit)			\$ <u> </u>
SUBTOTAL			\$ <u> </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.

SIGNATURE

DATE 5/15/25

GAI:8/2019

	Date Application Received: <u>5/15/25</u>	By: <u>RR</u>
	Permit Issuance Date: <u> </u>	By: <u> </u>

FW: Plan Review

Original plan submittal
VOIDED

Fence

25ft

5ft

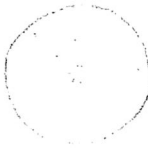
5ft

14ft

Fence

Face part

Shed



30ft

8.5ft

6.2ft

Back porch

14ft

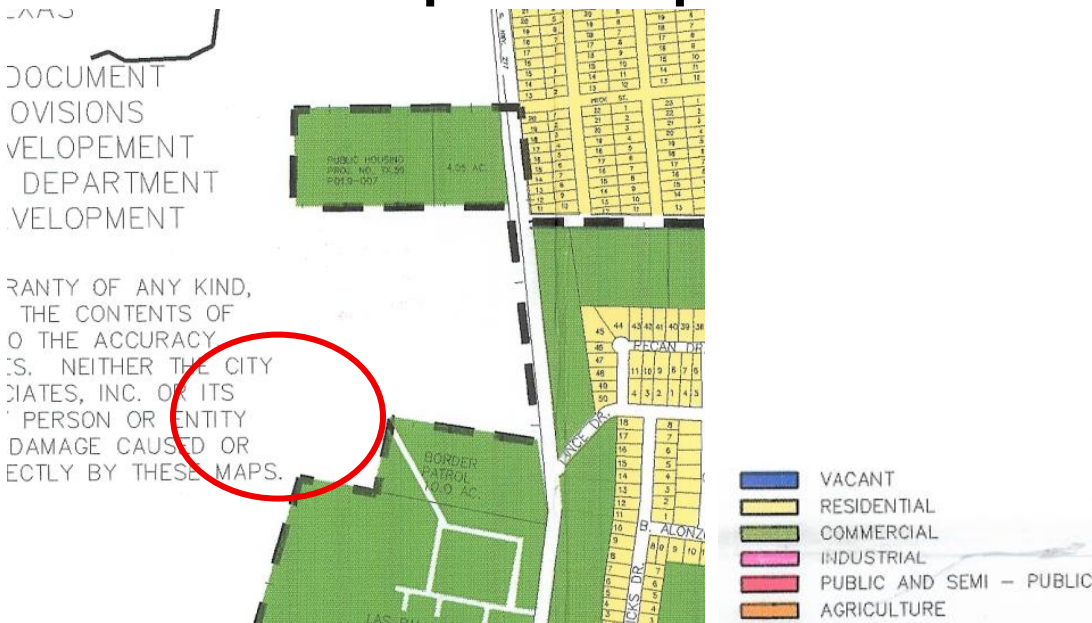
Fence

Minna
2135 Applewood St.

37ft

Attachment 4
Master Plan Map and Zoning District Map

Master Plan Map – No Depiction



Zoning District Map

