



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, September 3, 2025 at 5:30 PM

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

PUBLIC HEARINGS

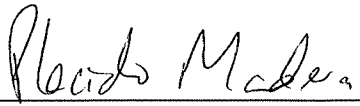
1. Public hearing on the petition submitted by Alberto Aguayo, requesting a variance from the *Zoning Ordinance for the City of Eagle Pass*, particularly *Section 6(c)(1)* governing the minimum depth of a front yard for the R-2 second one-family dwelling district. The applicant seeks to reduce the required 25-foot front building setback area to 7 feet, to allow for the construction of an attached carport on property located at 2143 Fox Borough Drivel 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, 27, 2025 at 4:00 p.m.



Placido Madera
Community Development Director

Item #1



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

Front Yard Building Setback Variance Request – 2143 Fox Borough Drive

GENERAL INFORMATION:

Applicant & Property Owner: Alberto Aguayo is requesting a variance to the City of Eagle Pass to allow the reduction of the 25-foot front building setback area to 7 feet, to allow for the construction of an attached carport.

Location: 2143 Fox Borough Drive

Property ID Number: 8708738

Legal Description: Lot 33 in Block 1 of Fox Borough Subdivision

Parcel Size: 11,420 square feet

Zoning: The property is currently zoned R-2 (Second One-Family Dwelling District). The surrounding area is zoned R-2 to the north and west, R-1 to the south, and Floodway District to the east. The area is generally designated for single-family residential use.

Master Plan: No depiction

Notification of Public: 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*.

Twenty-one (21) notices were mailed out to the surrounding property owners within the 200-foot radius on August 21, 2025.

A legal notice was published in the Eagle Pass News Gram on August 20, 2025.

FOR YOUR INFORMATION: The variance request is for the following:

Proposed:

- 1) Applicant is proposing a 7-foot front setback as opposed to the required 25-foot setback on the irregular side of the lot that includes the cul-de-sac, all other setbacks will be adhered to and followed in a Second One-Family Dwelling District (R-2).

City Requirements:

- 1) As per Section 6(c)(1) R-2 Second One-Family Dwelling District regulations: *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) As per Foxborough Subdivision Unit 2 Plat Note No. 1: Minimum setback lines-front 25', and from other adjoining property lines 5 feet or greater when avoiding utility easements.
- 3) As Per Plat Note No.2: All easements shall be kept clear of fences, buildings, plantings, and other obstructions that could interfere with utilities.

III. STAFF ANALYSIS

Although the proposed construction, 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 department contacted the utility companies and they replied with no objections (Spectrum, AT&T, and Gas), except for AEP. AEP is concerned with the construction encroaching on to the 15' utility easement located along the perimeter of the front width of said lot. The Fire Marshal has no objection as there aren't any nearby structures that are at risk. Public Works and City Engineering Departments had no comments in relation to the variance request.

City Staff believe that the petition is not warranted as the proposed carport encroaches into the required front setback and is located within a designated utility easement, it does not comply with applicable zoning and easement regulations set forth in the Zoning Ordinance for the City of Eagle Pass, Texas and the plat notes of the Recorded Plat of the Subdivision.

IV. STAFF RECOMMENDATION

The Zoning Board of Adjustment and Appeals Board **DENY** the applicant's variance request for a reduction to the front yard building setback area for property located at 2143 Fox Borough Drive.

TRANSMITTED to the parties listed hereafter:

Alberto Aguayo 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 August 21, 2025

Attachment 1

Application

Photographs, Rendering (Site Plan), Survey, Recorded Plat & Notes

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: Foxborough Subdivision
Unit #2 Block 2 Lot 33
Site Address: 2143 Foxborough Dr. / 2141 Foxborough Dr.
Acres: 0.2622 Square feet: 450 Existing land use: Residential
11,420 Drop ID # 2708738

Owner

Name: Alberto Aguayo Phone: 956 639 5072
Address: 2143 Foxborough E-mail: aaguayo10@yahoo.com
City: Eagle Pass State: TX Zip: 78852

Applicant
If not owner

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

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?
Yes _____ No ☒

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: Alberto Aguayo

Date: 08/08/2021

Print Name: Alberto Aguayo

☒ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature _____ Date _____	
Office	Accepted by <u>MC</u>	Payment received by _____ Date _____
	Zoning Classification <u>R2-Jeandore-family dwelling district</u>	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: Closure of existing garage because of risk of flash flooding the started to happen after new business construction on Veterans Blvd. will place flood barrier, raise drive way and build carport. The carport will encroach by approx. 7ft into the 25ft front setback, on one side only

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: Encroaching front setback
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: Prevent flood damage

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)

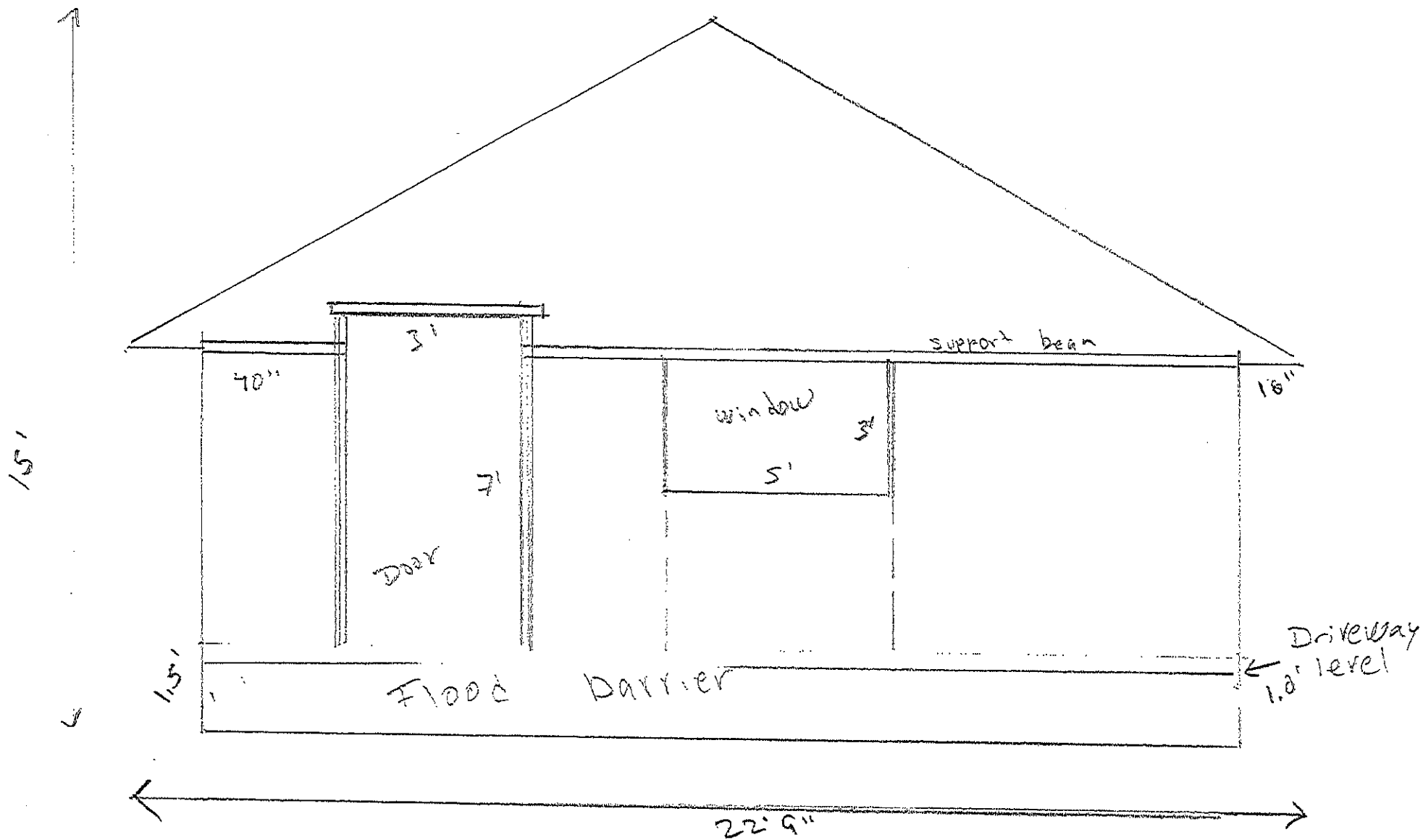
Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS
			Any application that is missing information will be considered incomplete and will not be processed.
☒	☒	☐	1 A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information. <u>pending review & acceptance from planners</u>
☒	☒	☐	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.
☒	☒	☒ N/A	3 Notarized <u>owner</u> 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. <u>as clerk of office</u>
☒	☒	☐	5 Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation. <u>CMA</u>

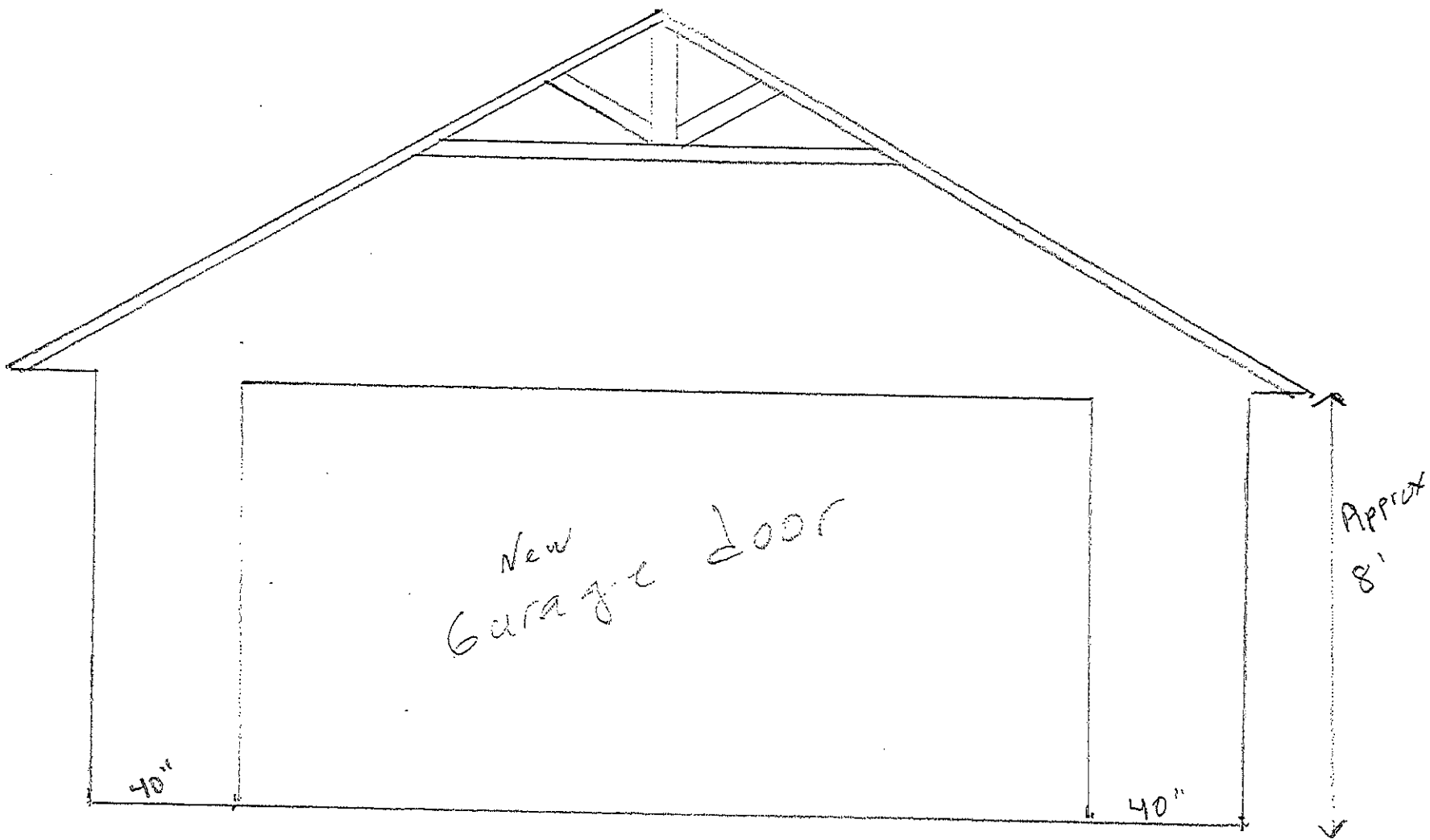
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment

Date

06/11/2025





143

48.2'

12.0'

8.0'

22.9'

2x2 p10r

2x2 p10r

2x2 p10r

25 ft

2x2 p10r

DRIVEWAY

7 feet

2x2 p10r

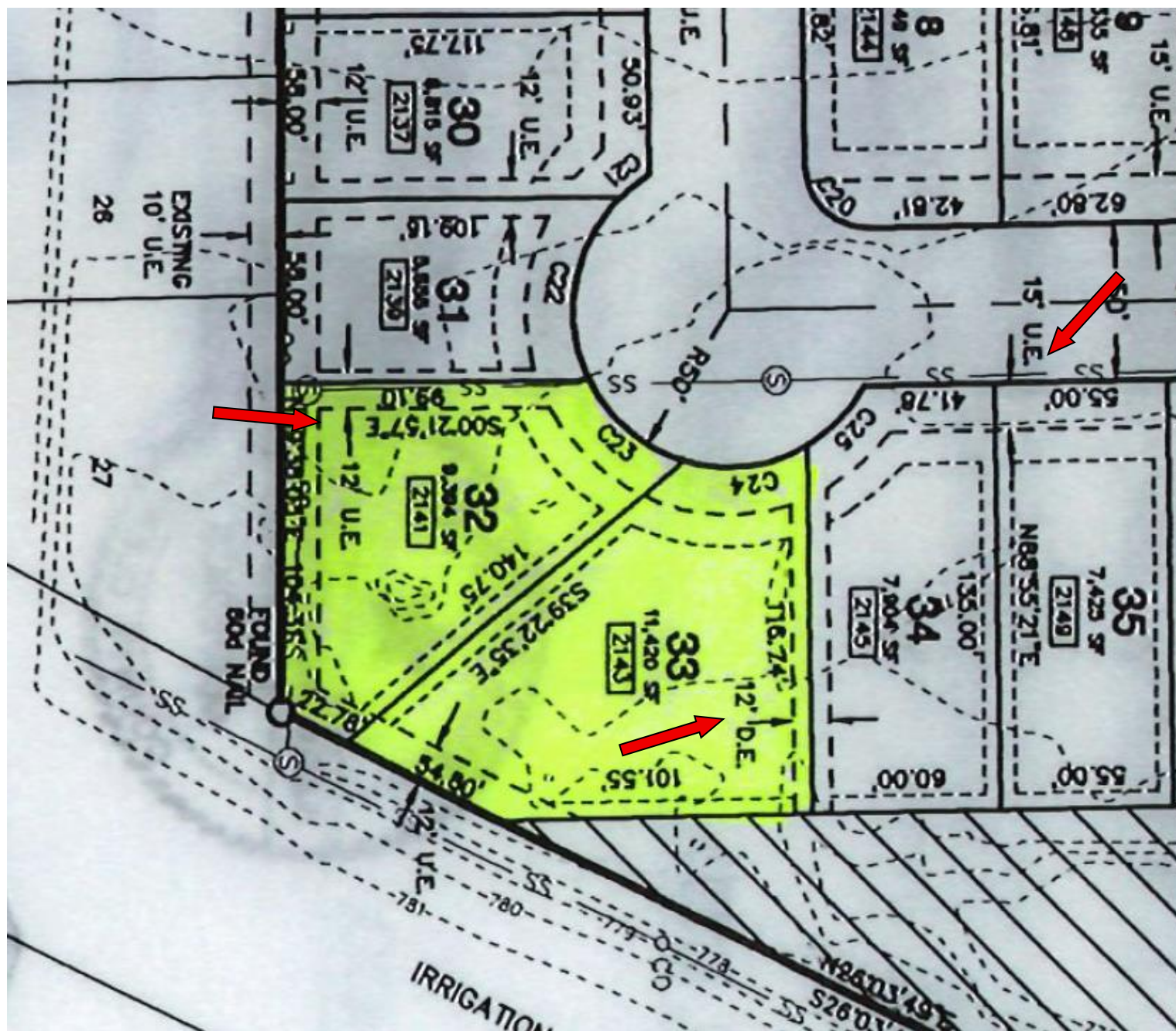
2x2 p10r



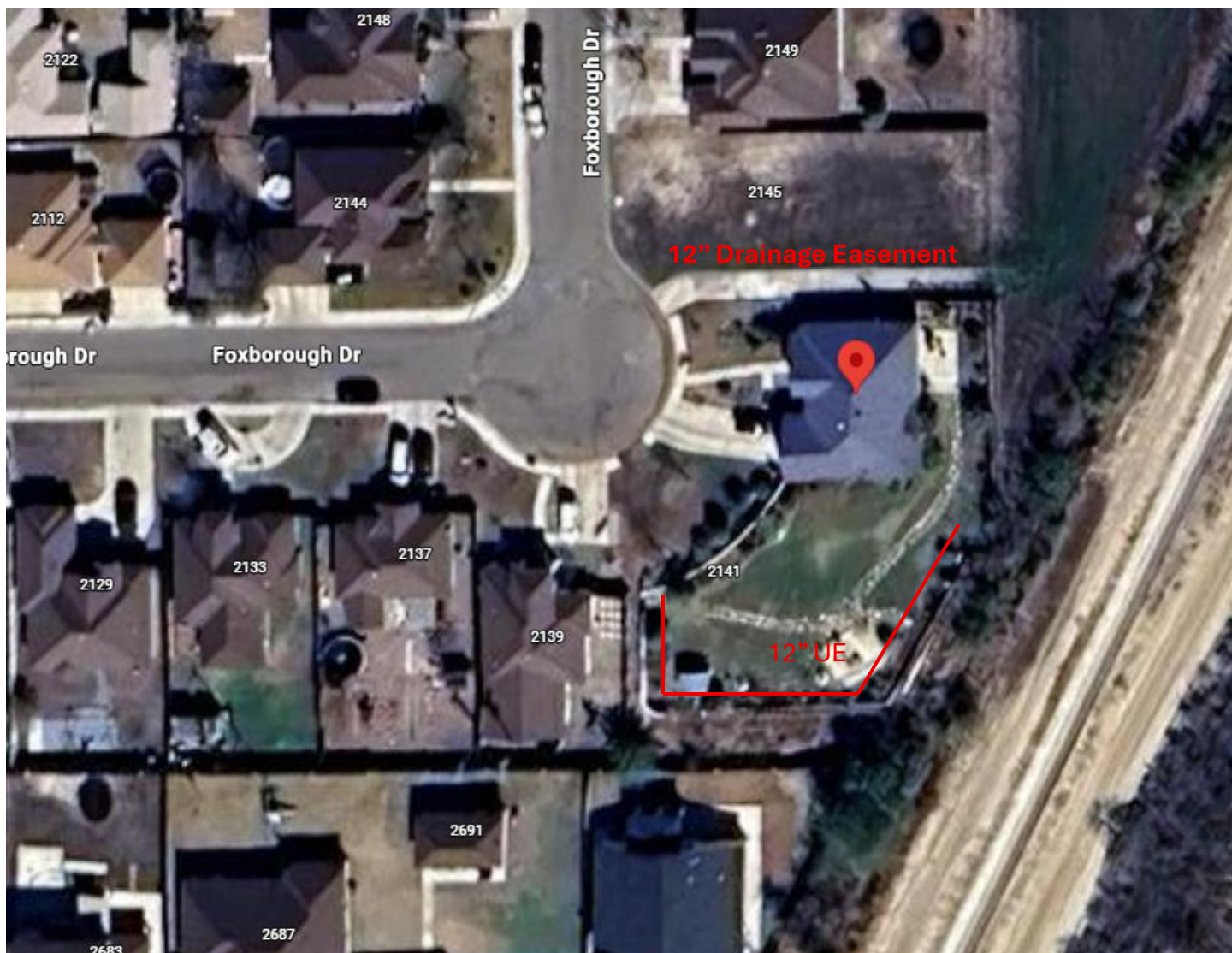
25 ft
setback

2143 Fox Bank

Recorded Plat







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

HERMOSA DR
ZACATECAS DR
PUEBLO DR
LOOP 431
A.J. DR
EDNA DR
CALLE DE LOS SANTOS
CALLE CHELO
CALLE 43RD

VACANT
RESIDENTIAL
COMMERCIAL
INDUSTRIAL
PUBLIC AND SEMI — PUBLIC
AGRICULTURE

PLAT NOTES AND RESTRICTIONS:

1. BUILDINGS SHALL BE SET BACK AS FOLLOWS:
FROM STREET RIGHT OF WAYS 25 FEET
FROM OTHER ADJOINING PROPERTY LINES 5 FEET OR
GREATER WHEN AVOIDING UTILITY EASEMENTS.
2. ALL EASEMENTS SHALL BE KEPT CLEAR OF FENCES,
BUILDINGS, PLANTINGS, AND OTHER OBSTRUCTIONS THAT WOULD
INTERFERE WITH UTILITIES.
3. NO VARIANCES TO THE CITY OF EAGLE PASS SUBDIVISION
ORDINANCE.
4. ALL LOT CORNERS, ANGLE POINTS, POINTS OF CURVATURE
AND POINTS OF TANGENCY ARE MARKED WITH $\frac{3}{4}$ " IRON RODS,
UNLESS SHOWN OTHERWISE. THE IRON RODS ARE TOPPED WITH
A PLASTIC CAP MARKED THE "GUADALUPE SURVEY CO."
5. ALL SIDEWALKS MUST BE ADA COMPLIANT.