

**NOTICE OF MEETING
CITY OF SOUTH PADRE ISLAND
BOARD OF ADJUSTMENTS & APPEALS (ZONING)**

NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENTS & APPEALS (ZONING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

TUESDAY, SEPTEMBER 1, 2015
9:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

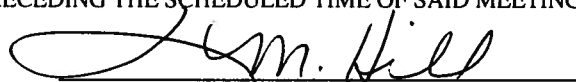
1. Call to Order.
2. Pledge of Allegiance.
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State law will not permit the Board of Adjustments & Appeals (Zoning) to discuss, debate or consider items that are not on the agenda. Citizen Comments may be referred to City Staff or may be placed on the agenda of a future Board of Adjustments & Appeals (Zoning) meeting]*
4. Approval of Minutes of the July 7, 2015 Regular Meeting.
5. Discussion and action regarding a variance from the Shores PDD side-setback requirement (6' and 12') to allow 5' and 13', on Lot 17, Block 17, Marina Village, Section 1, Shores Subdivision. (8407 Marina Dr.; Lot 17, Block 17, Marina Village, Section 1, Shores Subdivision)
6. Adjourn

DATED THIS THE 28TH DAY OF AUGUST 2015


Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF REGULAR MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS (ZONING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **AUGUST 28, 2015** AT/OR BEFORE **2:00 P.M.** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-1025.

BOARD OF ADJUSTMENTS & APPEALS (ZONING)
MEETING MINUTES
JULY 7, 2015

1. Call to Order.

Paul Fedigan called the meeting to order at 9:00 a.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Board Members in attendance were: Jerry Pace, Paul Fedigan, Andy Beumel, and Chris Huffman. Staff Members present were Development Director Sungman Kim, Building Inspector David Travis, and Marta Martinez. Also present was Council Member Alex Avalos

2. Pledge of Allegiance.

Mr. Fedigan led those present in the Pledge of Allegiance.

3. Public comments and Announcements.

None

4. Approval of Minutes of the January 6, 2015 Regular Meeting and June 6, 2015 Memo.

Mr. Fedigan announced the item from the agenda and asked the Board members if they had any corrections to the January 6, 2015 regular meeting minutes and the June 6, 2015 Memo. Mr. Pace made a motion to approve as submitted. Mr. Huffman seconded the motion. The motion carried unanimously.

5. Discussion and action regarding a Zoning request by Ray Ramon for a variance from Section 20-7.1 District "B-2" – Residential & Multi-family Dwelling District (D) Area regulations (1) Front yards (2) Side yards of the City's Code of Ordinance. Applicant is requesting to encroach into the front and side yard setback. (110 E. Tarpon Street; Lot 19 Block 27 Padre Beach Subdivision Section III)

Mr. Fedigan announced the item from the agenda and asked for a staff report. Dr. Kim stated that the applicant, who is a disabled person cared by a nurse, wants to get access to the second floor of his house. Therefore, staff recommends approval of the setback variance so that the owner can enjoy the benefits of his entire property.

Mr. Fedigan then opened it up for discussion by the Board. Mr. Fedigan made a motion to approve the variance request. Mr. Pace seconded the motion. The motion carried unanimously.

6. Discussion and action regarding a Zoning request by Billy R Corbin for a variance from Section 20-10 District "E" – Low Density Residential Single-Family and Townhouse Dwelling District (D) Area regulations (2) Side yards (a) of the City's Code of Ordinance. Applicant is requesting to keep existing Jacuzzi that is encroaching into the side yard setback. (218 W. Retama Street; Lot 21B Block 94 Padre Beach Subdivision Section VII)

Mr. Fedigan announced the item from the agenda. Mr. Pace made a motion to approve the variance request. Mr. Beumel seconded the motion. The motion carried unanimously.

Board of Adjustments and Appeals (Zoning) Minutes

July 7, 2015

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7. Adjourn

Since the Board had no further business to discuss, Mr. Beumel made a motion to adjourn. Mr. Pace seconded the motion. The meeting was adjourned at 9:03 a.m.

Marta Martinez, Secretary

Paul Fedigan, Chairman

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

MEETING DATE: September 1, 2015
SPONSOR / ORIGINATOR: Daniel de la Cruz (sub-contractor)
TO: Board of Adjustment
FROM: Sungman Kim, Director of Development Services

ITEM: 5

ITEM DESCRIPTION:

Discussion and action regarding a variance from the Shores PDD side-setback requirement (6' and 12') to allow 5' and 13', on Lot 17, Block 17, Marina Village, Section 1, Shores Subdivision.

DISCUSSION:

The Location

8407 Marina Dr.



BOARD OF ADJUSTMENT AGENDA REQUEST FORM
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The Request

The owner wants a variance from 6' side-setback to 5' side-setback while compensating other side from 12' to 13'.

The Issue

1. The PDD document requires 6' and 12' side-setback for Lot Type IV within R-1 district. (PDD 2.5(D));
2. The engineers construction drawing clearly denotes the side-setback being 6' and 12';
3. It was identified that the side-setback was prepared for 5' and 13' at the time of the foam-board inspection ; and,
4. The Shores Development Inc indicated that they approved the 5' setback on the letter dated August 12, 2015.

Hardship

1. No hardship can be found. The foam board inspection exists to find such errors and fix it;
2. Although the Shores Development Inc stated that they approved it, the entity does not have authority to issue such variance.

STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Board deny the variance request. This issue should be only fixed either by moving the current structure or by amending the PDD document.

COMMISSION ACTION:

MOTION: _____

BY: _____

SECOND BY: _____

Beumel	Bolstad	Fedigan	Huffman	Pace	Morgan	Vacant	Vacant
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

2.5 Use Regulations.

R-1 Single-Family District.

(A) **Use regulations:**

- 1). Single Family Residence (Including one outbuilding)
- 2) Single Family Raised Cottage (See Section 2.5 (H))

(B) **Lot Types Allowed in R-1 District**

- 1). Lot Type I Beachfront
- 2). Lot Type II Second Tier
- 3). Lot Type III Standard Interior
- 4). Lot Type IV Waterfront
- 5). Lot Type VI Island Interior

(C) **Maximum Size of Structures**

The maximum Impervious Area on any residential lot may not exceed 65% of the area of the lot.

Site coverage must be calculated to include the number of square feet of all heated and cooled space at all floors as they project down to the site and create a Footprint. Roof projections from the exterior walls or porch beams are not included. For example, when heated and cooled space is located above unheated/cooled space or above a porch, the calculation of the heated and cooled space (above) must be included as part of the Footprint below when calculating the Maximum Site Coverage. When a balcony or a porch at an upper level projects over an open space below, that area must be included in the site coverage total when calculating the Maximum Site Coverage (Including Porches).

The maximum size of structures shall be as follows:

Primary Structure:

One Story, Two Story and Three Story Structures:

Maximum Site Coverage: 40% of the Lot Area (Including Porches)

Towers:

Type I Lots may not have a Tower.

Towers are allowed on:

Lot Types II, III, IV, V, VI, VII & VIII

Maximum Area of the tower under Roof: 225 SF

Maximum Area of the tower Including Open Balconies or Decks: 300 SF

Outbuilding:

One Story Structure:

Maximum Footprint: 550 Square Feet
(Including Porches: Porches not required)

Two Story Structure:

Maximum Footprint: 450 Square Feet (Excluding Porches)
550 Square Feet (Including Porches)

Note: Exterior unenclosed and uncovered stairs to the second level of an outbuilding are not considered part of the area when calculating the Maximum Footprint.

Garages (Outbuildings):	(One Story: Maximum Footprint Area: 550 square feet)
Carports (Outbuildings):	(Maximum Area: 500 square feet)
Garden Structures:	(Maximum Area: 300 square feet)
Storage Buildings:	(Maximum Area: 120 square feet)
Decks:	(Maximum Area: 200 square feet) Note 3
Patios:	(Maximum Area: 400 square feet)
Swimming Pools:	(No Maximum Size)
Boathouses:	(Maximum footprint: 600 square feet)
Pergolas:	(Maximum Area: 300 square feet)
Gazebos:	(Maximum Area: 150 square feet)
Tower:	(Maximum Area: 225 square feet)

(D) Setback Requirements

- **Measurement:** All setbacks must be measured from the property line to the exterior wall of a structure. Roofs, bay windows above first floor, and balconies are permitted to overhang the required setback a maximum of 3'-0" but must be a minimum of 3' from the property line. On Type I Lots, however, roofs are not permitted to project past the building line at the rear setback (beach side). Chimneys and upper floor projections are considered part of the structure and are not permitted to protrude into the required setback. Steps, trash enclosures, and outdoor showers may protrude into the required setbacks to within 3'-0" of the side property line.
- **Required:** On all Lot Types, the Primary Residence must be located on the front setback as indicated below, except as provided in Note 2.
- **Eaves Requirement:** All buildings must have an eave (Roof Projection or overhang) with a minimum dimension of 12" from the exterior face of the exterior wall to the exterior face of the Eaves.

Setbacks

LOT TYPE I	FRONT	SIDE	REAR
Primary Residence	20' min.	8' & 12' (Note 1)	0 (Note 2)
Towers	Not Permitted	--	--
Outbuildings	20'	8'	0
Garages	20'	8'	50'
Carports	20'	8'	50'
Garden Structures	10' - 20'	3'	50'
Decks	30' min.	3' (Note 3)	3'
Patios	30' min.	3'	3'
Swimming Pools/Spa	25' min.	3'	3'
Storage Buildings	40' min.	8'	50'

LOT TYPE II	FRONT	SIDE	REAR
Primary Residence	20'-24'	6' & 12'	15'
Towers	30'	6' & 12'	25'
Outbuildings	20'-24'	6' & 12'	15'
Garden Structures	10' - 20'	3'	10'
Storage Buildings	40'	3'	10'
Decks	20'	3'	10'
Patios	20'	3'	10'
Swimming Pools	25'	3'	10'

LOT TYPE III	FRONT	SIDE	REAR
Primary Residence	20'-24'	6' & 12'	15'
Towers	30'	6' & 12'	25'
Outbuildings	20'-24'	3'	15'
Garden Structures	10' - 20'	3'	3'
Storage Buildings	40' Min.	3'	3'
Decks	20' Min.	3'	3'
Patios	20' Min.	3'	3'
Swimming Pools	25' Min.	3'	3'

LOT TYPE IV	FRONT	SIDE	REAR
Primary Residence	20'-24'	6' & 12'	20' (Note 2)
Towers	35' Min.	6' & 12'	20'
Outbuildings	20'-24'	3'	20'
Garden Structures	10' - 20'	3'	3'
Storage Buildings	40' Min.	3'	20'
Decks	30' Min.	3'	0'
Patios	30' Min.	3'	0'
Swimming Pools	25' Min.	3'	20' *

ZONING LEGEND	
R1	Single-Family Residential
R2	Multi-Family Residential
R3	High-Rise Multi-Family
C	Commercial

GULF OF MEXICO

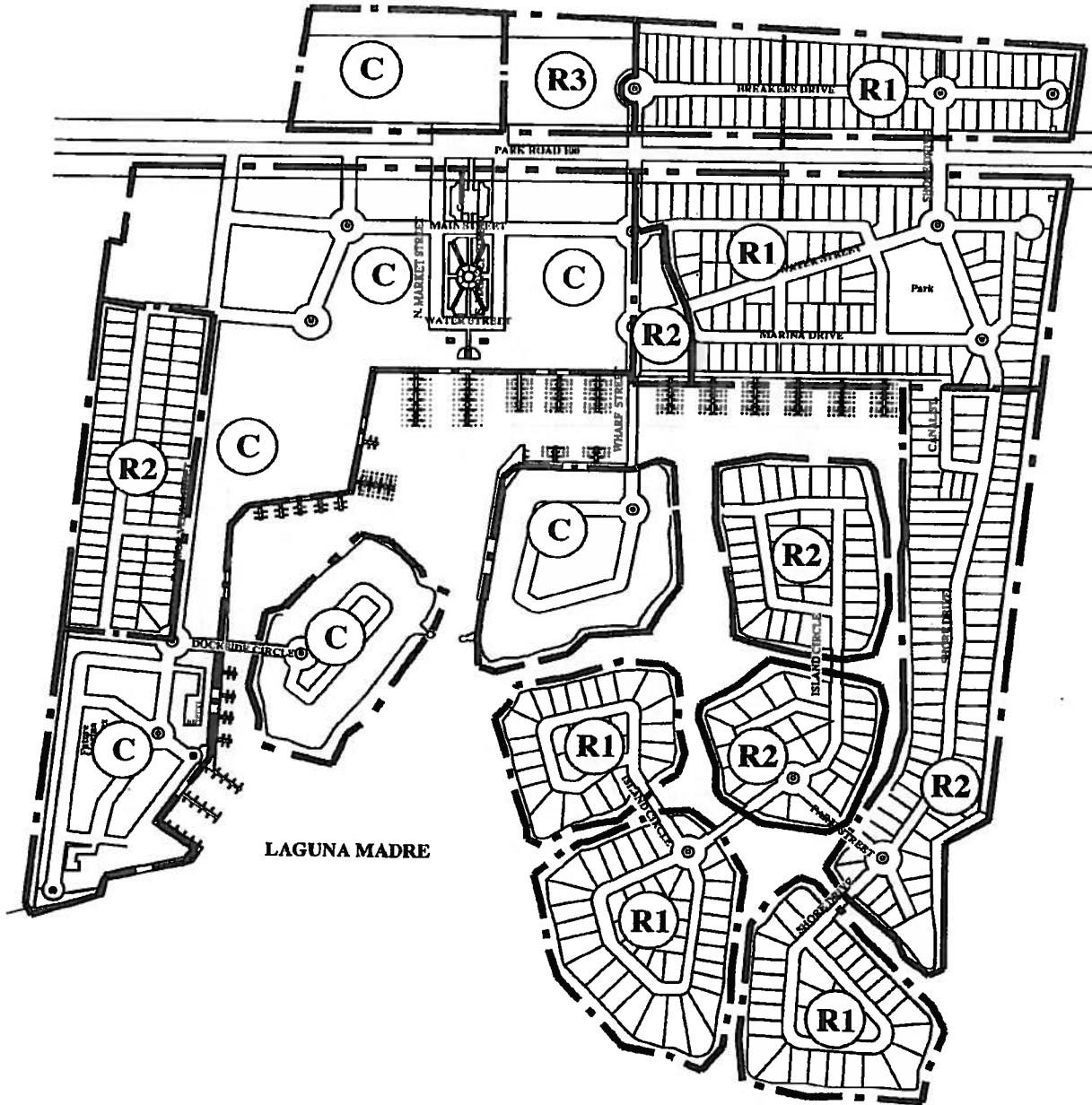
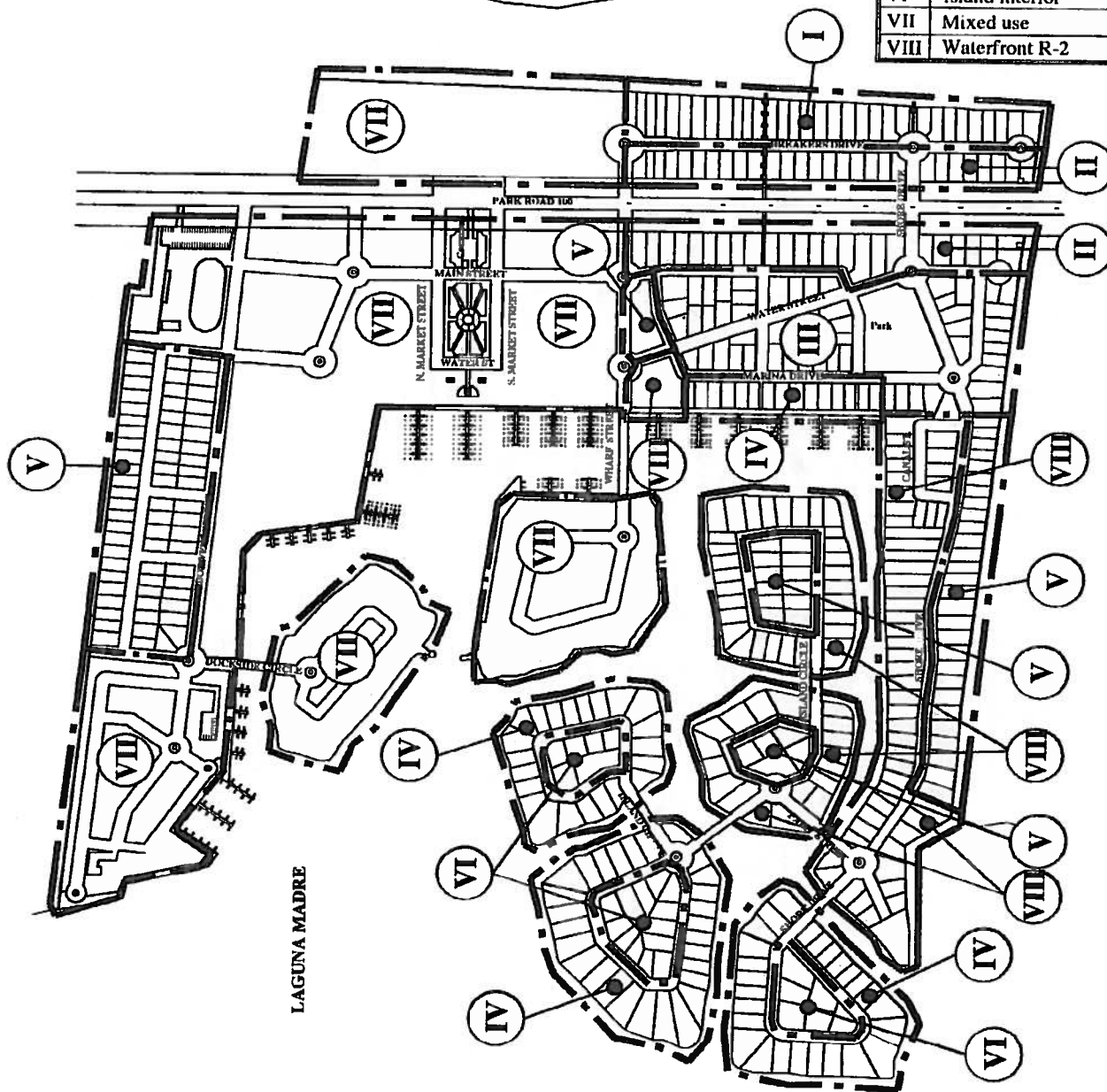


Exhibit 1
Lot Types

GULF
 OF
 MEXICO

LOT TYPE LEGEND	
I	Beachfront
II	Second tier
III	Standard interior
IV	Waterfront
V	Interior R-2
VI	Island interior
VII	Mixed use
VIII	Waterfront R-2





CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

☐ \$250 variance ☐ Special Exception Use (Sec. 20-16.1)

APPLICANT INFORMATION

Name Daniel de la Cruz
Mailing Address 5800 Padre Blvd. Ste. 206A
City, State, Zip South Padre Island, Texas, 78597
Phone number 956-533-1881
Fax number
E-mail Address ddlc20@att.net

OWNER INFORMATION

Name Alejandro Junco
Mailing address 2808 Calaw Cove
City, State, Zip Austin, Texas, 78746
Phone number 512-705-1414
Fax number
E-mail Address alejandro.junco@reforma.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 8407 Marina Dr.
Legal Description (Lot / Block / Subdivision): Lot 17, Block 17 Marina Village, Section 1, Shores Subdivision

I hereby request the following from the Board of Adjustment and Appeals: Variance From: Sec 2.5 (R-1) (D)
Primary Residence-Side- 6' & 12'. Planned Development District for the Shores to allow for 5' side yard.

For Internal use only:
Amount Paid:
Paid Cash or Check No.
Date Received:

- In addition, the application requires the submission of the following:
- \$250 application fee per variance, special exception, and appeal request.
- Stamped/Sealed & dated survey of Improvements of the Subject Property.
- Copy of Floor Plan of structure proposed to be constructed or expanded.
- Current/recent photographs of the site.
- And any additional information to more clearly understand the request.

Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined above. All information must be submitted no later than twenty (20) days prior to the meeting date. All fees must be paid prior to the Board reviewing the application. If Staff determines that the application is incorrect, incomplete, illegible, or in any way inadequate to insure the complete understanding of the variance or special exception, staff shall return the application to the applicant.

Applicant's Name (Please Print) Daniel de la Cruz
Applicant's Signature: [Signature]
Date: 8-12-2015

Owner's Name (Please Print): Alejandro Junco
Owner's Signature: [Signature]
Date: 8-12-2015

SHORES DEVELOPMENT INC.



August 12, 2015

Jay Mitchim
Building Inspector
City of South Padre Island
Public Works Department
4601 Padre Boulevard
South Padre Island, Texas 78597

jmitchim@townspi.com

Fax: 761-3898

Re: Lot 17, Block 17 / 8407 Marina Dr., Marina Village, Section I,
Shores Subdivision, South Padre Island, Texas 78597

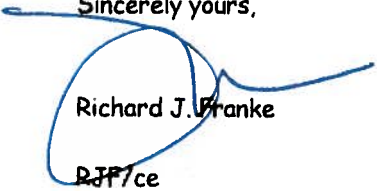
Dear Jay,

The Shores Design Review Board has approved the 5' north side yard setback on the construction plans for the residence to be built on the above referenced lot.

The 5' setback is consistent with what is allowed on other lots within the Marina Village Section of the Shores and although it is a variance from the requirements of Block 17, we have approved the setback.

Should you have any questions or need additional information, please give me a call.

Sincerely yours,



Richard J. Franke

RJF/ce

cc: Danny De La Cruz

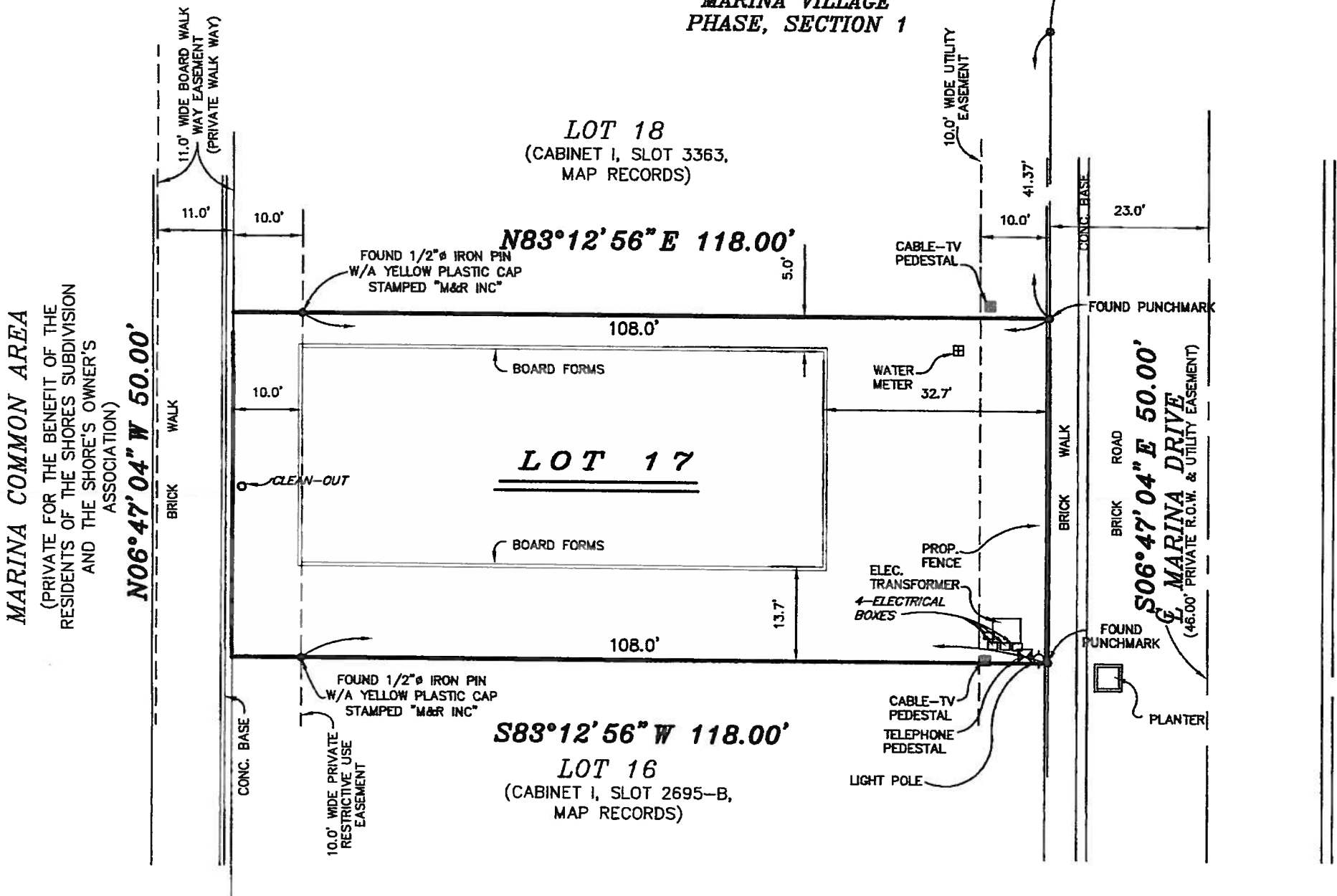
8605 Padre Boulevard, South Padre Island, Texas 78597

(800) 447-4753 / (956) 761-2606 / Fax 761-2650 / www.frankerealtors.com / richardr@frankerealtors.com

NOTES:

1. MONUMENTATION FOUND ALONG THE WEST RIGHT-OF-WAY LINE OF MARINA DRIVE WAS HELD FOR BASIS OF BEARING.
2. THIS TRACT LIES IN FLOOD ZONE "V10" (ELEV. 9) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480101, PANEL NO. 0200D, REVISED MAY 04, 1992.

MERIDIAN OF THE SHORES SUBDIVISION, MARINA VILLAGE PHASE, SECTION 1



FORM SURVEY OF
 LOT NUMBER SEVENTEEN (17), BLOCK NUMBER SEVENTEEN (17), THE SHORES SUBDIVISION, MARINA VILLAGE PHASE, SECTION 1, IN THE CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET I, SLOT 3363, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 20'
 SURVEYED FOR:

DDLC CONSTRUCTION

The undersigned hereby certifies that the survey described hereon was made on the ground on AUGUST 6, 2015; that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlappings, apparent conflicts, or visible easements except as shown hereon. THIS CERTIFICATION IS ONLY VALID WITH AN ORIGINAL SIGNATURE AND IF THE DRAWING CONTAINS NO ERASURES OR ADDITIONS.

E. H. Mejia
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900



Mejia & Rose, Incorporated

Engineering Surveying
 T.B.P.L.S Reg. No. 10023900
 T.B.P.E. Reg. No. F-002670
 1643 West Price Road (956) 544-3022
 P.O. Box 3761 Brownsville, Texas 78520
 Fax (956) 544-3068
 email: mandrinc@cngmail.com
 G.F. NO. N/A

JOB NO. 19582
 Gene G. Orive Jr.





