

**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, DECEMBER 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 September 1, 2015 Regular Meeting.
5. Discussion and action regarding a variance from Sec.20-7.1(D) (3) rear yard setback requirement (20') to allow a spiral slide from the 2nd story deck into the pool, on Lot 2, Block 4, HASS Subdivision.
6. Adjourn

DATED THIS THE 24TH DAY OF NOVEMBER 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 **NOVEMBER 24, 2015** AT/OR BEFORE **3:30 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
SEPTEMBER 1, 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, Austin "Mike" Morgan, and Chris Huffman. Member with an excused absence was Carol Bolstad. Staff Members present were Development Director Sungman Kim, Building Official Jay Mitchim, Building Inspector David Travis, and Marta Martinez.

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 July 7, 2015 Regular Meeting.

Mr. Fedigan announced the item from the agenda and asked the Board members if they had any corrections to the July 7, 2015 regular meeting minutes. Mr. Beumel made a motion to approve as submitted. Mr. Pace seconded the motion. The motion carried unanimously.

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)

Mr. Fedigan announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief presentation regarding this matter and no hardship was found. Therefore; staff recommends the Board deny the variance request.

Mr. Fedigan then opened it up for discussion by the Board. The Board expressed their comments/concerns regarding this matter. After much discussion Mr. Fedigan made a motion to deny the variance request. Mr. Beumel seconded the motion. The motion carried unanimously.

6. Adjourn

Since the Board had no further business to discuss, Mr. Pace made a motion to adjourn. The meeting was adjourned at 9:49 a.m.

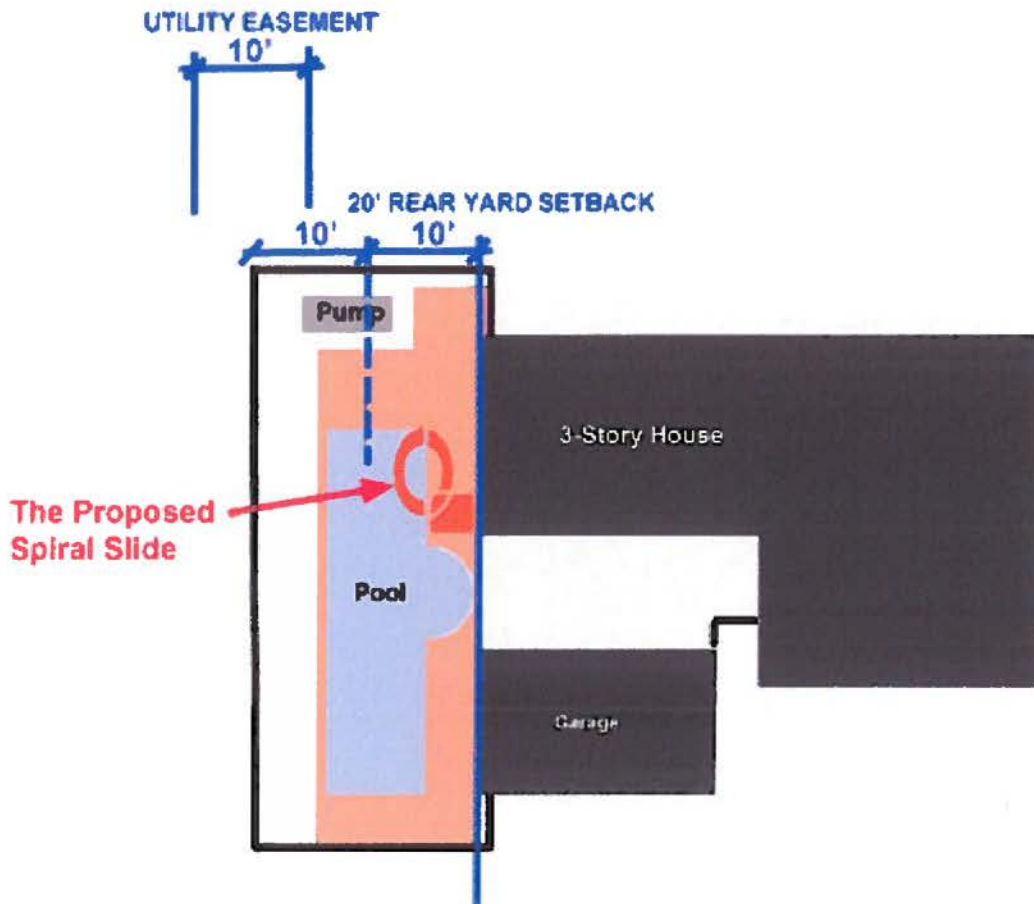
Marta Martinez, Secretary

Paul Fedigan, Chairman

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

The Request

The owner wants a variance from 20' rear yard setback to build a spiral slide with a deck.



The Issue

1. The purpose of rear yard setback is to (1) acquire public utility access; and/or (2) provide adequate spaces between buildings;
2. The main building meets the setback requirements;
3. There is no encroachment into the 10' utility easement;
4. There is a swimming pool already exist in the rear yard; and
5. The proposed spiral slide and the deck are accessory uses and can be removed if necessary.

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**



Hardship

The City traditionally allowed a swimming pool within rear yard setback area and the owner wants to have a slide into the pool. This is a minor issue to the City, but a major issue to the owner who wants to enjoy full amenity of his backyard.

STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Board approve the variance request.

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 |

- (b) Minimum rear yard depth shall be increased one (1) foot for each two (2) feet in height if the building exceeds six (6) standard stories.
- (4) Size of structure: The minimum size of structure is six hundred (600) square feet, except within Padre Beach Section XII, which shall be twelve hundred (1,200) square feet except Blocks 178, 191, and 192 which shall be 2,000 square feet.

Sec.20-7.1 District "B-2" – Residential & Multi-family Dwelling District.

- (A) Area, width, and depth of lots, sanitation and temporary building provisions are the same as District "A", except townhouse lots must have a minimum frontage of twenty five (25') feet; a minimum width of twenty-five (25') feet; a minimum depth of one hundred feet (100'); and a minimum area of two thousand five hundred square feet (2,500 sq. ft.).
- (B) Use Regulations: In District "B-2", no land shall be used and no buildings shall be erected for or converted to any use other than:
 - (1) Single family dwellings, multi-family dwellings; apartment buildings, condominiums and Townhomes.
 - (2) Incidental uses to any of the above specified uses include, but are not limited to, customary home occupations when engaged in by the private dwelling occupant. Said incidental use, however, shall never be permitted as a principal use, but only as a secondary use when indispensably necessary to the enjoyment of the premises by the private dwelling occupant.
 - (3) Special Exceptions: Public Service Facility.
 - (4) Specific Use Permit: Off-site parking spaces in excess of required spaces from a different zoning district.
- (C) Height regulations: No building shall exceed three stories. The height shall be restricted to fifty (50) feet above the FEMA Base Flood Elevation.
- (D) Area regulations:
 - (1) Front yards: Same as District "A" (minimum of 25'), except that all lots fronting the west side right-of-way line of Gulf Boulevard may have a front yard setback of ten (10) feet from the property line abutting the west Gulf Boulevard right-of-way line.
 - (2) Side Yards: Same as District "A" (minimum of 5').
 - (3) Rear yards: Same as District "A" (minimum of 20'), except that the structure may have decks and/or balconies extending within 10 feet of the rear property line, as long as said decks or balconies are not enclosed and shall only have such enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the 20 feet rear yard setback within 10 feet of the rear property line as provided for above, shall only be erected or placed in such a manner after a permit specifically therefore is issued by the Building Inspector. The open deck allowed within said area may not in any manner be enclosed, and by way of illustration and not by limitation, such as awnings, shutters, walls or having fixtures or any other type of device other than that which is required as a safety measure under the Building Codes. Any subsequent enclosure on a lawfully extended deck hereunder shall be deemed a violation of this Ordinance.
 - (4) Size of structure: The minimum size of structure is twelve hundred (1200) square feet.



CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

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

APPLICANT INFORMATION

Name Phillip Hayes
 Mailing Address 1401 Oakcrest Drive
 City, State, Zip Providence Village, TX 76227
 Phone number 214-621-5109
 Fax number 940-365-4701
 E-mail Address phayes@u-stormidstates.com

OWNER INFORMATION

Name Chubby Hut, LLC
 Mailing address 1401 Oakcrest Drive
 City, State, Zip Providence Village, TX 76227
 Phone number 214-621-5109
 Fax number 940-365-4701
 E-mail Address phayes@u-stormidstates.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 1403 Gulf Blvd.

Legal Description (Lot / Block / Subdivision): Lot 2 Block 4 Haas Subdivision

I hereby request the following from the Board of Adjustment and Appeals: Allow a spiral slide going from the 2nd story deck into the pool below.

- 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.

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

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) Phillip J. Hayes Owner's Name (Please Print): Phillip J. Hayes
Chubby Hut LLC

Applicant's Signature: Phillip J. Hayes Owner's Signature: Phillip J. Hayes

Date: 11/4/15

Date: 11/4/15

City of South Padre Island Board of Adjustments and Appeals

RE: Variance for a slide at 1403 Gulf Blvd, South Padre Island, TX 78597

The purpose of the request for variance is Phillip and Melissa Hayes, the owner's of the house, would like to install a spiral slide that starts off of the 2nd story balcony and spirals down into the pool below. The slide would be attached to the second story balcony based on manufacturer's recommendations and then also attached to a custom made "harness" that would hold the slide in place at the bottom while mounting into the ground to provide a stable, wind resistant application.

The walk area below the entrance of the slide would consist over around 2' width of walk space between the slide and the edge of the house. The spiral slide would terminate into the pool about 12-18", not allowing people to fall onto the edge of the pool or to slide too far and go out of the pool on the other side.

The diameter of the spiral slide would be approximately 5'4" to 6'. The slide sections are adjustable to fit your demands. The deck height of the entrance of the slide would be approximately 10'. The balcony will have 36" railing on all sides.

The reason that we would like to install this create some outside entertainment for our children and guests that we would have staying at the house in the future.

Thank you for your consideration in this matter.

Phillip & Melissa Hayes

[Clearance \(/Clearance.htm\)](#)



(Click for Larger View) (<http://www.backyardcity.com/Images/PIP/Super-Tube-Spiral-Slide.jpg>)

Super Tube Spiral Slide

3/16th inch thick wall

G+1 0

Like 5

Tweet 0

The Super Tube Spiral Slide allows you to upgrade your child's play system to include this impressive 180-degree tube slide. Designed to mount to a 7-foot deck height. This Super Tube Swing Set Spiral Slide is designed to last and provide years of enjoyment. It is easy to install and makes a great addition to any Swing Set Fort deck or most any wooden playset platform. There is a surcharge for shipping to states West of the Rocky Mountains

Additional middle sections can be added for increased deck heights. Each section raises the deck height by about 1 foot. When adding middle sections, some rotational adjusting can be done to fine tune it to match the deck height. If rotational adjustments are needed, it is possible that some drilling of new holes may be required for bolts. Alternatively you can build up the area under the base with a mixture of soil and/or patio stones so the base of the slide is firmly seated.

Features:

- Available in Green, Yellow or Blue
- 275 lb. load rating
- Rotationally molded
- Mounts to 7' deck height
- Entry Panel measures 29-1/2"W x 34-3/4"H
- Entrance to slide is one solid piece
- Side walls are 3/16 in. thick versus 1/16 in. on most other tube slides
- Exit chute features double walled thickness with built-in footer
- Spacious 24" diameter Tube
- No lower attachment bracket required
- All hardware included
- The slide is delivered in one box approx. 3' high x 5' long x 5' wide
- One Year Warranty
- Assembly required, detailed 3D illustrated manual included

Super Tube Spiral Slide - ID#:PIP-RST316
Mfg'd By: Plan it Play SKU#:RST316

Color: Blue

Shipping: Rockies States West (Adds \$120.00)

Add Middle Sections: No

Regular Price: \$1,199.00

Sales Price: \$879.00

You Save \$320.00 or 26.69%

Add to Cart

Availability: Usually ships in about 2-3 weeks.



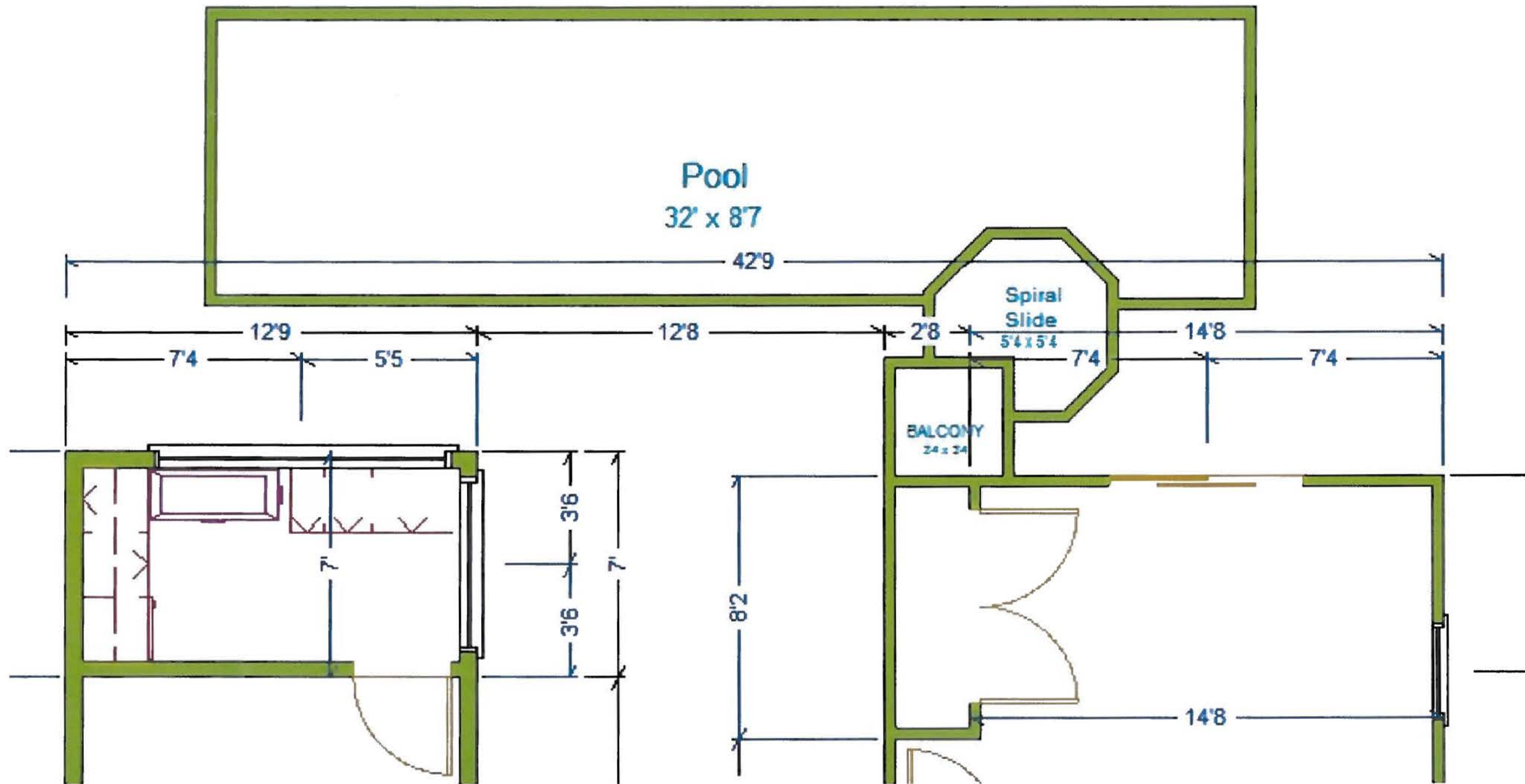
LTL Truck Shipping Only. This item is either too heavy or too large in volume to ship by any other method except by a common carrier truck line. Unlike UPS or FedEx Ground, truck carriers will only deliver your order to your curb. Surcharges may apply if you live in a remote or inaccessible area. See Details of our Truck Deliveries (<http://www.backyardcity.com/Includes/Shipping-By-Truck.htm>).

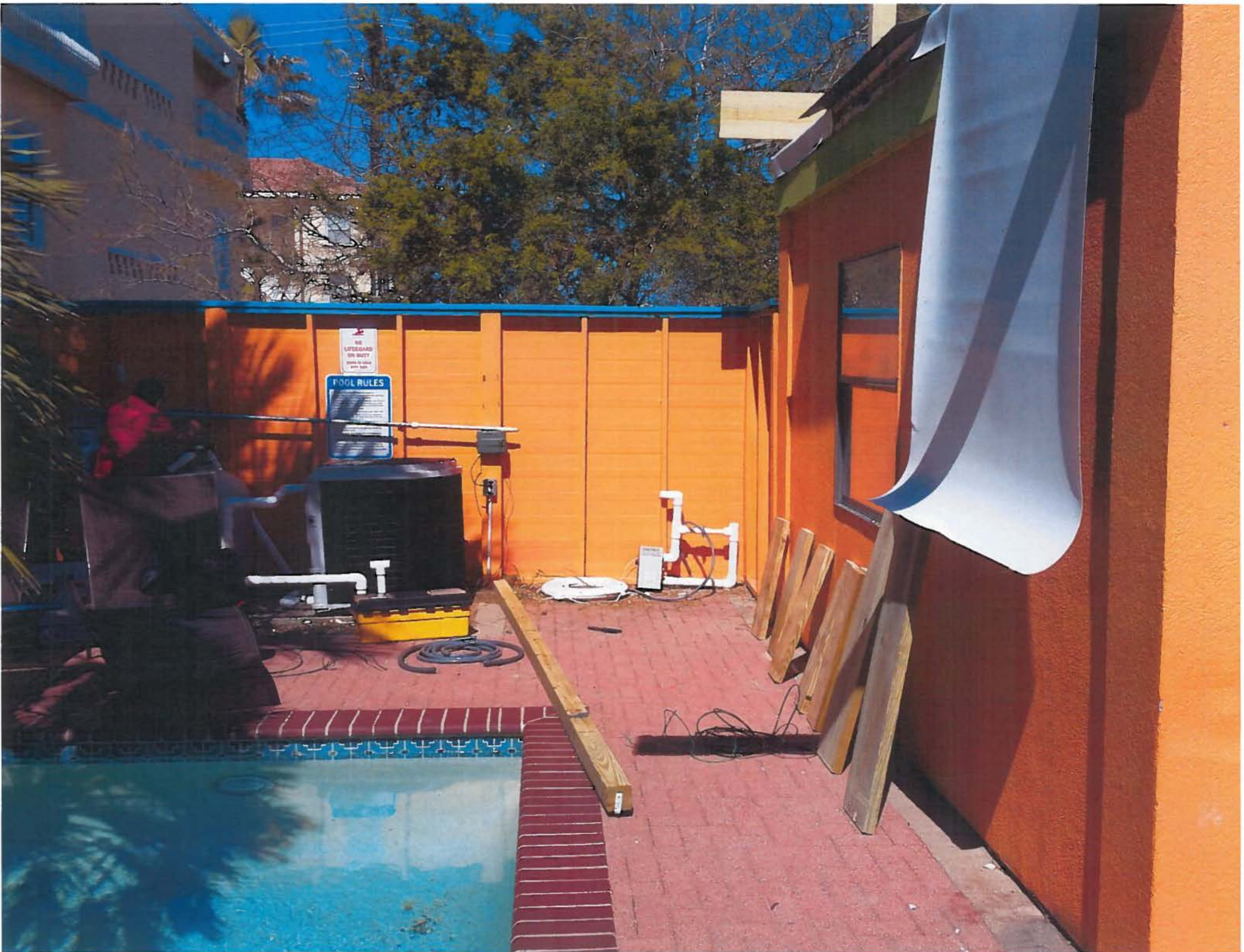
Please allow 1-4 weeks for delivery.

Last Updated: 09/28/2015 04:05 PM - ID:29

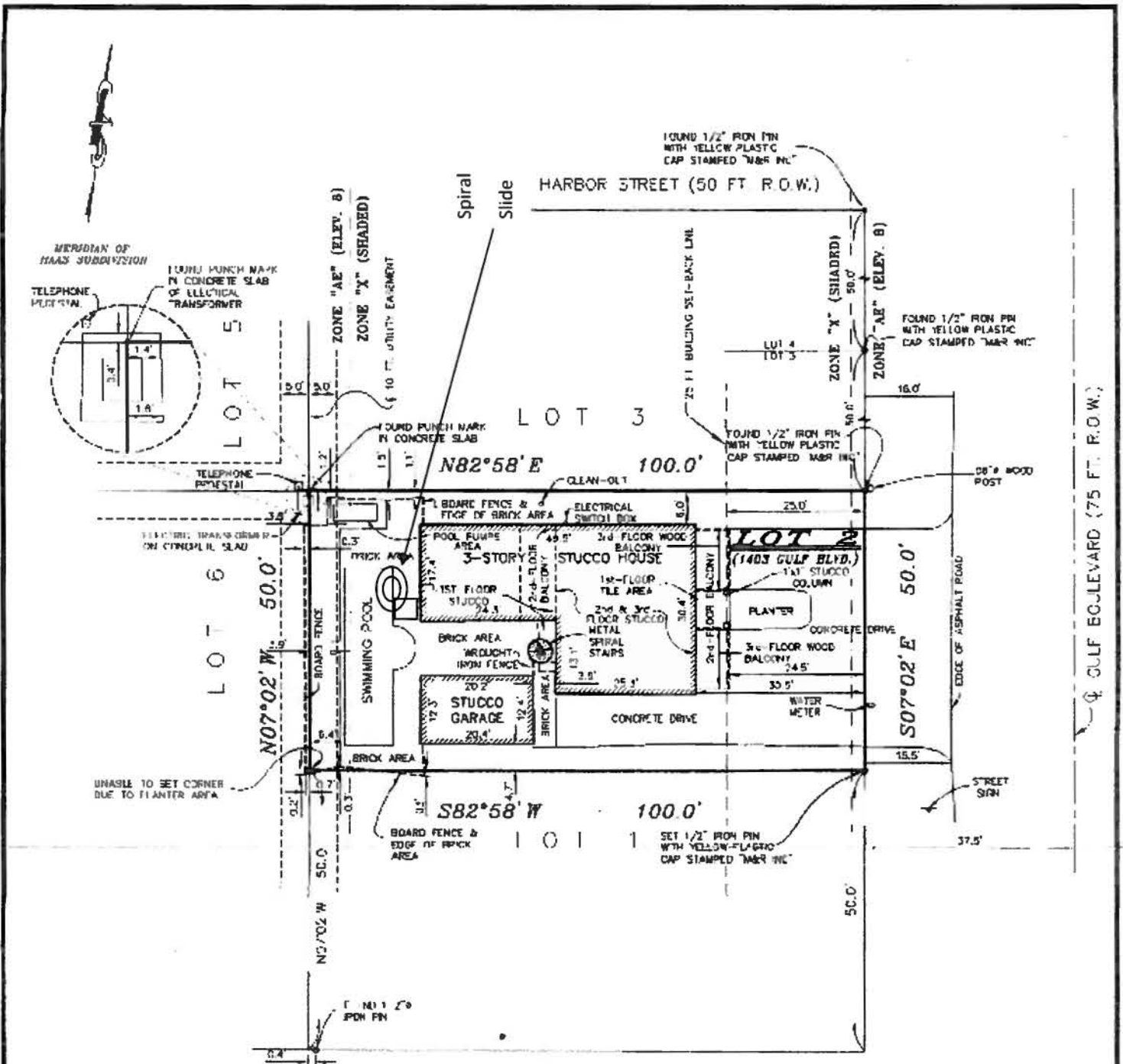
Got a question send us an email!











NOTES.

- 1) THIS PLAT USES FLOOD ZONES AS SHOWN PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 48015, PANEL NO. 0001 D, EFFECTIVE MARCH 9, 1977.
- 2) MUMMERY ALIGN FOUND ALONG THE EAST RIGHT-OF-WAY LINE OF GULF BOULEVARD USED AS THE BASIS OF BEARING.

SURVEY OF
 LOT TWO (2), BLOCK FOUR (4), HAAS SUBDIVISION IN THE TOWN OF SOUTH PADRE ISLAND,
 IN CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OF SAID SUBDIVISION RECORDED IN
 VOLUME 15, PAGE 47, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1" = 20'

SURVEYED FOR:
RONNY BARNETT
 AND
MARY KAY BARNETT

The undersigned hereby certifies that the survey described herein was made on the ground on 02-17-2003 that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlaps, 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
 1648 West Price Road (956) 544-3022
 P.O. Box 3781 Brownsville, Texas 78520
 Fax (956) 544-3068

D.F. No. 200373294 JOB NO. 13475
 Feb. 2