

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

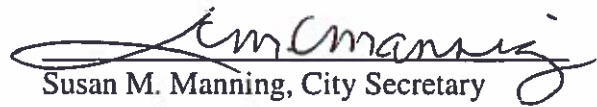
NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

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, AUGUST 6, 2019
9:00 A.M. AT THE MUNICIPAL BUILDING,
CITY COUNCIL CHAMBERS, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS**

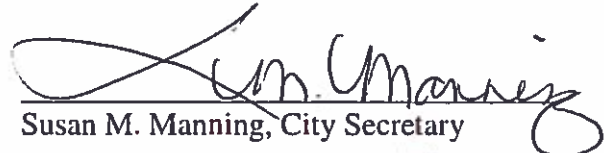
1. Call to Order
2. Pledge of Allegiance
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to the Board relating to agenda or non-agenda items. Speakers are required to address the Board at the podium and give their name before addressing their concerns. [Note: State 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. Approve minutes of March 8, 2019 special meeting.
5. Public Hearing regarding a request by Troy Giles for a Special Exception in accordance with Table 5.1 (Permitted Uses) of the PBED Form Based Code. Applicant is requesting a Special Exception to Sec. 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code – "Padre Boulevard North" Zoning District to allow a Single Family Home on the lot located at 5809 Padre Blvd. *(Lot 3, Block 196 Fiesta Isles, Being Padre Beach Subdivision Section XII)*
6. Discussion and action regarding a request by Troy Giles for a Special Exception in accordance with Table 5.1 (Permitted Uses) of the PBED Form Based Code. Applicant is requesting a Special Exception to Sec. 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code – "Padre Boulevard North" Zoning District to allow a Single Family Home on the lot located at 5809 Padre Blvd. *(Lot 3, Block 196 Fiesta Isles, Being Padre Beach Subdivision Section XII)*
7. Adjourn

DATED THIS THE 2ND DAY OF AUGUST 2019


Susan M. Manning, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF THE BOARD OF ADJUSTMENTS & APPEALS (ZONING) OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CURRENT 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 2, 2019** AT/OR BEFORE **5:00 PM** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST **72 HOURS** PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan M. Manning, 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 DAVID TRAVIS; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-8103.

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

FRIDAY, MARCH 8, 2019

I. CALL TO ORDER

The Board of Adjustments & Appeals (Zoning) of the City of South Padre Island, Texas held a Special Meeting on Friday, March 8, 2019 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Chairman Paul Fedigan called the meeting to order at 9:00 a.m. A quorum was present: Board Members in attendance were: Jerry Pace and Cain Mahan. Alternate Members in attendance were Abbie Mahan and Gordon Garlock. Members with an excused absence were Carol Bolstad and Chris Huffman,

City staff Members present were Interim City Manager/Police Chief Randy Smith, Interim Assistant City Manager/Administrative Services Director Wendi Delgado, and Administrative Assistant Marta Martinez.

II. PLEDGE OF ALLEGIANCE

Chairman Paul Fedigan led those present in the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS.

Comments and announcements were given at this time.

IV. APPROVE MINUTES OF FEBRUARY 5, 2019 REGULAR MEETING.

Board Member Pace made a motion, seconded by Board Member Garlock to approve the minutes as submitted. The motion carried unanimously.

V. PUBLIC HEARING REGARDING A REQUEST BY ANTONIO MURAIRA FOR A VARIANCE FROM SECTION 20-8 (B) ALLOWED USES (3) SPECIAL EXCEPTIONS AND (4) IMPOUND LOT OF THE CITY'S CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND. APPLICANT IS REQUESTING TO CREATE AN IMPOUND LOT LOCATED AT 105 W. ATOL STREET. (Lots 2 & 3 Block 82, Padre Beach Subdivision Section VI)

Chairman Fedigan opened the public hearing at 9:01 a.m. and asked if anyone wish to speak in favor or against this agenda item. Carol Bolstad, Christopher Julian, Catherine Spayd, Tony

Barriteall, Charla Givens, Kenneth Graham, and Brenda Parker spoke against this agenda item. Alejandro Rivera spoke in favor of this agenda item. Chairman Fedigan then closed the public hearing at 9:08 a.m.

VI. DISCUSSION AND ACTION REGARDING A REQUEST BY ANTONIO MURAIRA FOR A VARIANCE FROM SECTION 20-8 (B) ALLOWED USES (3) SPECIAL EXCEPTIONS AND (4) IMPOUND LOT OF THE CITY'S CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND. APPLICANT IS REQUESTING TO CREATE AN IMPOUND LOT LOCATED AT 105 W. ATOL STREET.
(Lots 2 & 3 Block 82, Padre Beach Subdivision Section VI)

After some discussion Chairman Fedigan made a motion, seconded by Board Member Pace to deny the creation of an impound lot. The motion passed on a 4:1 vote. Cain Mahan voted against.

VII. Adjourn

There being no further business to discuss Board Member Garlock mad a motion, seconded by Board Member Pace to adjourn. The meeting was adjourned at 9:11 a.m.

Marta Martinez, Secretary

Paul Fedigan, Chairman

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

MEETING DATE: August 6, 2019

ITEM: 5 & 6

SPONSOR / ORIGINATOR: Planning Department

TO: Board of Adjustment & Appeal (Zoning)

FROM: Planning Department

ITEM DESCRIPTION:

Discussion and action regarding a request by Troy Giles for a Special Exception in accordance with Table 5.1 (Permitted Uses) of the PBED Form Based Code. Applicant is requesting a Special Exception to Sec. 20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code – “Padre Boulevard North” Zoning District to allow a Single Family Home on the lot located at 5809 Padre Blvd. (*Lot 3, Block 196 Fiesta Isles, Being Padre Beach Subdivision Section XII*)

DISCUSSION:

I. PURPOSE AND MAJOR ISSUES

The applicant seeks a Special Exception to the Padre Blvd North Zoning District to allow a Single Family Home on the lot located at 5809 Padre Blvd.

**Sec. 20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code.
Padre Blvd North Character District.**

(4.2.5) Padre Boulevard North: The Padre Boulevard North Zone is intended to provide for more flexible, market based development vision that balances pedestrian orientation with auto-oriented development. Development standards will focus on establishing specific criteria under which developers could propose alternative/unique standards to implement a more market responsive project. Development within the Padre Boulevard North Zone shall meet the Building Form and Development Standards in Section 6.5 of this PBED Code.

(5.1) Permitted Uses: Due to the emphasis on urban form over land uses in the District, general use categories have been identified by Character Zone. Uses not listed in the following schedule (Table 5.1), but are substantially similar, may be permitted upon approval of the City Manager or designee, subject to City Council appeal.

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

(Table 5.1) Schedule of Uses (Land Use):

Character Zone	Bayfront	Entertainment District Core	Neighborhood Crossing	Town Center Crossing	Padre Boulevard North/Central	Padre Boulevard South	Neighborhood Transition	Northern Resort District
Schools, libraries, and community halls	P	P	P	P	P	P	NP	P
Universities and Colleges	P	P	P	P	P	P	NP	P
Technical, trade, and specialty schools	P	P	P	P	P	P	NP	P
Hospitals (General and Special), primary care office, urgent care centers, and dental clinics	NP	NP	P	P	P	P	NP	P
Nursing, supervision, and other rehabilitation services (including Substance Abuse Clinics)	NP	NP	P/SUP	P/SUP	P/SUP	P/SUP	NP	P/SUP
Civic uses	P	P	P	P	P	P	NP	P
Social and fraternal organizations	P	P	P	P	P	P	NP	P
Social services and philanthropic organizations	P	P	P	P	P	P	NP	P
Public administration uses (including government uses, public safety, health and human services)	P	P	P	P	P	P	NP	P
Religious Institutions	P	P	P	P	P	P	P	P
Funeral homes	P	P	P	P	P	P	NP	P
Residential Uses								
Home Occupations such as a dressmaker, physician/surgeon/dentist offices, a musician/artist studio etc.	P/A	P/A	P/A	P/A	P/A	P/A	P/A	P/A
Single family	SE	SE	SE	SE	SE	SE	SE	P

(SE) Special Exceptions (Sec. 20-16.3):

(A) *Purpose and Intent.* A special exception is a permitted land use that is allowed in a zoning district if listed as a special exception use, subject to specific conditions that may be imposed by the Board of Adjustment.

**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

Property Location

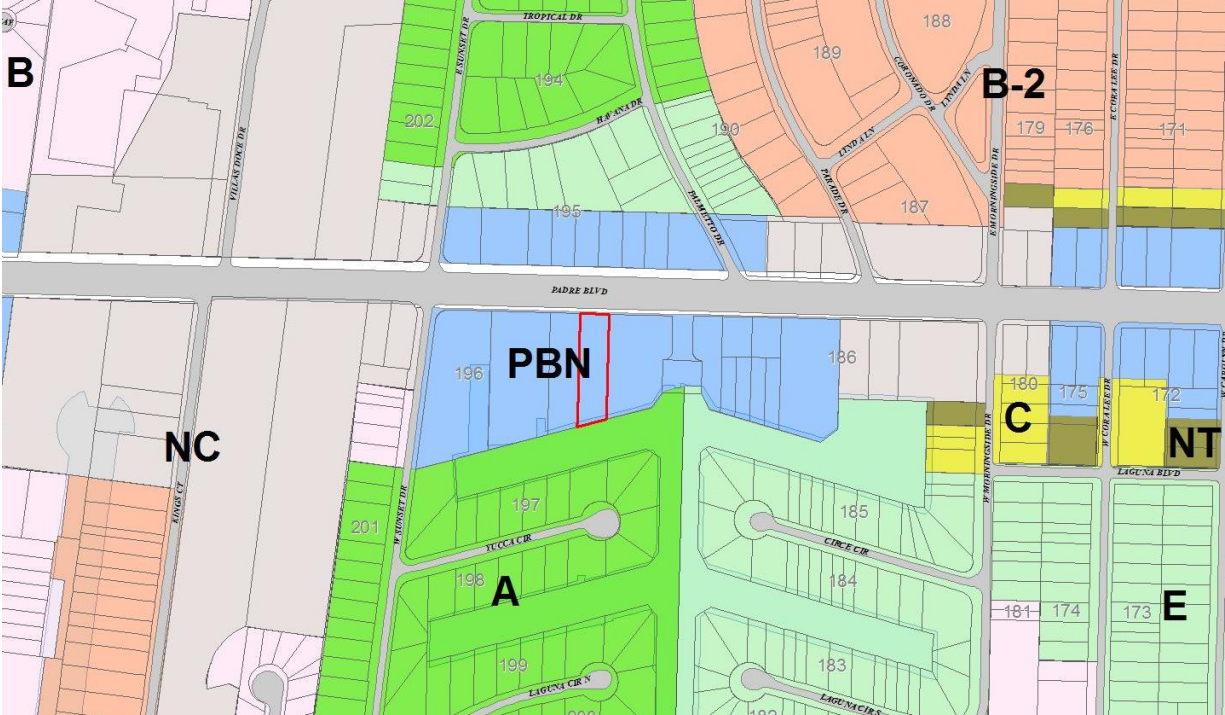
5809 Padre Blvd.



**BOARD OF ADJUSTMENT
AGENDA REQUEST FORM**

Zoning

5809 Padre Blvd.



II. REVIEW OF THE PLAN

The applicant seeks a Special Exception to the Padre Blvd North Zoning District to allow a Single Family Home on the lot located at 5809 Padre Blvd. Although the property fronts Padre Blvd and is within the Padre Blvd North district, it also backs onto a channel of Fiesta Isles, a primarily single-family subdivision. The lot directly to the north is a low-density office building that is also being used as a residence, and the lot to the north of that is a single-family home. The proposed use of this property is reasonable considering the surrounding uses.

III. TRANSPORTATION & PARKING

The property fronts Padre Blvd. and the proposal should have a net decrease on current traffic generation, as it is currently used as a boat parking lot. Although improvements may be required to the existing curb cut, there will be no additional drives.

<p style="text-align:center">BOARD OF ADJUSTMENT AGENDA REQUEST FORM</p>

IV. ZONING REVIEW STANDARDS

1. Regulating Plan Standards – Does the proposed single family home comply with the local street designation, frontage and character zone standards; and
2. Development Standards – Does the proposed single family home comply with the local character area design standards pertaining to building design and architecture
 - Single Family is listed as a Special Exception in Table 5.1
 - Development will still be required to meet all Building Form and Development Standards for this district as laid out in Section VI of the PBED Code.
 - Notices Sent on July 16th, 2019
 - No feedback received

V. BOARD OPTIONS:

Section 20-16.3

(B) *Purpose and Intent.* A special exception is a permitted land use that is allowed in a zoning district if listed as a special exception use, subject to specific conditions that may be imposed by the Board of Adjustment.

(B) *Procedure.*

- (1) The application shall first be reviewed by City staff for compliance with City codes, regulations, and policies.
- (2) After reviewing any foreseeable impacts and/or concerns raised at the hearing on the application, the Board of Adjustment may:
 - (a) Grant the application without conditions. In this case, the Board of Adjustment shall determine and state that there is no negative impact on public health, safety and general welfare on the applicable zoning district;
 - (b) Accept the application with conditions; or
 - (c) Deny the application. In this case, the Board of Adjustment shall determine and state that there are negative impacts on public health, safety and general welfare on the applicable zoning district, and those negative impacts cannot be resolved by any conditions.

BOARD OF ADJUSTMENT AGENDA REQUEST FORM
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RECOMMENDATIONS:

The Board will need to determine if the applicant has adequately demonstrated the suitability of the proposed use in order to justify the exception. Notice of this request and the hearing were given to the public in accordance with Section 20-16.1 and staff has received no feedback from the public. Please remember to state for the record your reason(s) for approval and/or denial.

COMMISSION ACTION:

MOTION:

BY: _____

SECOND BY: _____

Bolstad	Fedigan	Huffman	Pace	Mahan	Garlock	Mahan
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

McCULLOUGH AND McCULLOUGH

ATTORNEYS AT LAW

323 E. JACKSON

P.O. Box 2244

HARLINGEN, TEXAS 78551-2244

www.gmcculloughlaw.com

GRAHAM McCULLOUGH
GENE McCULLOUGH

TELEPHONE: 956-423-1234
FACSIMILE: 956-423-4976

August 2, 2019

VIA EMAIL: AHanley@MySPI.org

South Padre Island Planning Department

Attn: Aaron Hanley

4601 Padre Boulevard

South Padre Island, Texas 78597

RE: Zoning Variance Request

Location: Lot 3 Block 196 Fiesta Isles Subdivision – 5809 Padre Boulevard

Dear Mr. Hanley:

Please be advised that I represent the property owners at 5801 Padre Blvd, South Padre Island, Texas 78597, also known as Parrot Eyes Restaurant - Bar, Watersports, Boat Ramp & Marina.

We are in receipt of the Request for Variance to 5809 Padre Blvd and we respectfully oppose the variance for the following reasons: A single family residence will create potential conflicts of interest or usage with our existing commercial business such as the early morning operating hours for the commercial fishing guides, normal operating hours for the restaurant, bar, and watersports activities, daily vendor deliveries by large commercial vehicles, customer parking lot activity, dumpster location and odors, and just the normal ordinary day to day operating issues associated with an ordinary operation of a large commercial business. It is our opinion that all these things will be in conflict with the peaceful quiet enjoyment that a single-family residence would expect.

Our client hopes you take these comments into consideration in your meeting of August 6, 2019.

Sincerely,

McCullough & McCullough

Gene McCullough

GM2/ar

xc: Client



**CITY OF SOUTH PADRE ISLAND
BOARD OF ADJUSTMENT & APPEALS APPLICATION**

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

APPLICANT INFORMATION

Name Troy Giles
Mailing Address 5813 Padre Boulevard
City, State, Zip South Padre Island, Tx 78597
Phone number (956) 551-2040
Fax number (956) 761-6080
E-mail Address Troy@TroyGilesRealty.com

OWNER INFORMATION

Name Troy Giles Realty, Inc
Mailing address 5813 Padre Boulevard
City, State, Zip South Padre Island, Tx 78597
Phone number (956) 761-2040
Fax number (956) 761-6080
E-mail Address Troy@TroyGilesRealty.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 5809 Padre Blvd. South Padre Island, Tx 78597

Legal Description (Lor / Block / Subdivision): Lot 3 Blk 196 Fiesta Isles, Being Padre Beach Section XI (Cont'd pg 2)

I hereby request the following from the Board of Adjustment and Appeals: See Page 2

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: _____
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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) Troy Giles

Owner's Name (Please Print): Troy Giles Realty, Inc

Applicant's Signature:

Owner's Signature:

Date: 7.12.2019

Date: 7.12.2019

(Cont'd Pg 1)

LEGAL DESCRIPTION: Lot 3 Block 196, Fiesta Isles, being Padre Beach Section XII, So Padre Island, Cameron County, Texas according to map recorded in Volume 17, Page 43, Cameron County, Tx

I hereby request the following from the Board of Adjustments and Appeals:

A special exception to the current zoning to allow for a residential use on the subject property currently in the Padre Blvd North Character Zone. The property is currently unimproved, except for covered boat slips, the intent is to construct a single family dwelling with access from Padre Blvd. The home will be approximately 50 foot square containing 3,000 +/- sq. ft of air conditioned space.

Briefly Described as:

1. Ground Floor – 2 car garage, 12' ceiling, block with stucco
Outdoor kitchenette and sitting area
Elevator with foyer
Bathroom with small shower
Exterior stairs leading to porch on 1st floor from the side of the house
Exterior stairs leading to the front of the house
Exterior stairs leading to the rear of the house
2. 1st Floor – Living Area – 10' Ceiling, 2 x 6 framing with hardie board siding
Stairs
Dining
Kitchen
Elevator
Laundry Room
½ Bath
Master Bedroom, Bath & Closet (Dbl frame wall between master and living)
Foyer
A/C Closet
Wrap around covered porch with the rear porch partially uncovered
Trex decking with vinyl railing
Exterior stairs leading to Ground floor
Exterior stairs leading to front of house
Exterior stairs leading to rear of house
3. 2nd Floor – 3 bedrooms – 9' Ceiling – 2 x 6 framing with hardie board siding
2 Jack & Jill baths
Office
Living area
Stairs
Elevator
A/C Closet

Site Plan – House (Vinyl Window, Metal Roof)

Pool

Covered Palapa area between pool and channel

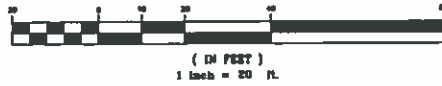
General Comments:

The lot being 75' x 275' and having a large front yard will leave room for a future office

Respectfully submitted,

Troy Giles, Applicant

GRAPHIC SCALE



MERIDIAN OF FIESTA ISLES SUBDIVISION

SUNSET DRIVE (50.0 FT. R.O.W.)

LOT 5

311.32'

LOT 3
(500 PADRE BOULEVARD)

LOT 1

SURVEY OF

LOTS THREE (3) AND FOUR (4), BLOCK ONE HUNDRED NINETY-SIX (196), FIESTA ISLES, BEING PADRE BEACH SECTION XII, SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO MAP OF SAID SUBDIVISION RECORDED IN VOLUME 17, PAGE 43, MAP RECORDS OF CAMERON COUNTY, TEXAS.

SCALE: 1"=20'

SURVEYED FOR:
TROY GILES

NOTES:

1. THIS TRACT LIES IN ZONE "AE" (ELEV. 8) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480113, PANEL 00074, EFFECTIVE DATE MARCH 08, 1999
2. MONUMENTATION ALONG THE WEST RIGHT-OF-WAY LINE OF PADRE BOULEVARD WAS HELD FOR BASIS OF BEARING.

Mejia & Rose, Incorporated

Engineering Surveying

T.B.P.E. Reg. No. F-002870

T.B.P.L.S Reg. No. 10023900

1643 West Price Road (956) 544-3022

P.O. Box 3761 Brownsville, Texas 78520

Fax (956) 544-3088

email: mandrinc@cngmail.com

G.P. NO. N/A

JOB NO. 19261
S.TECHNICAL

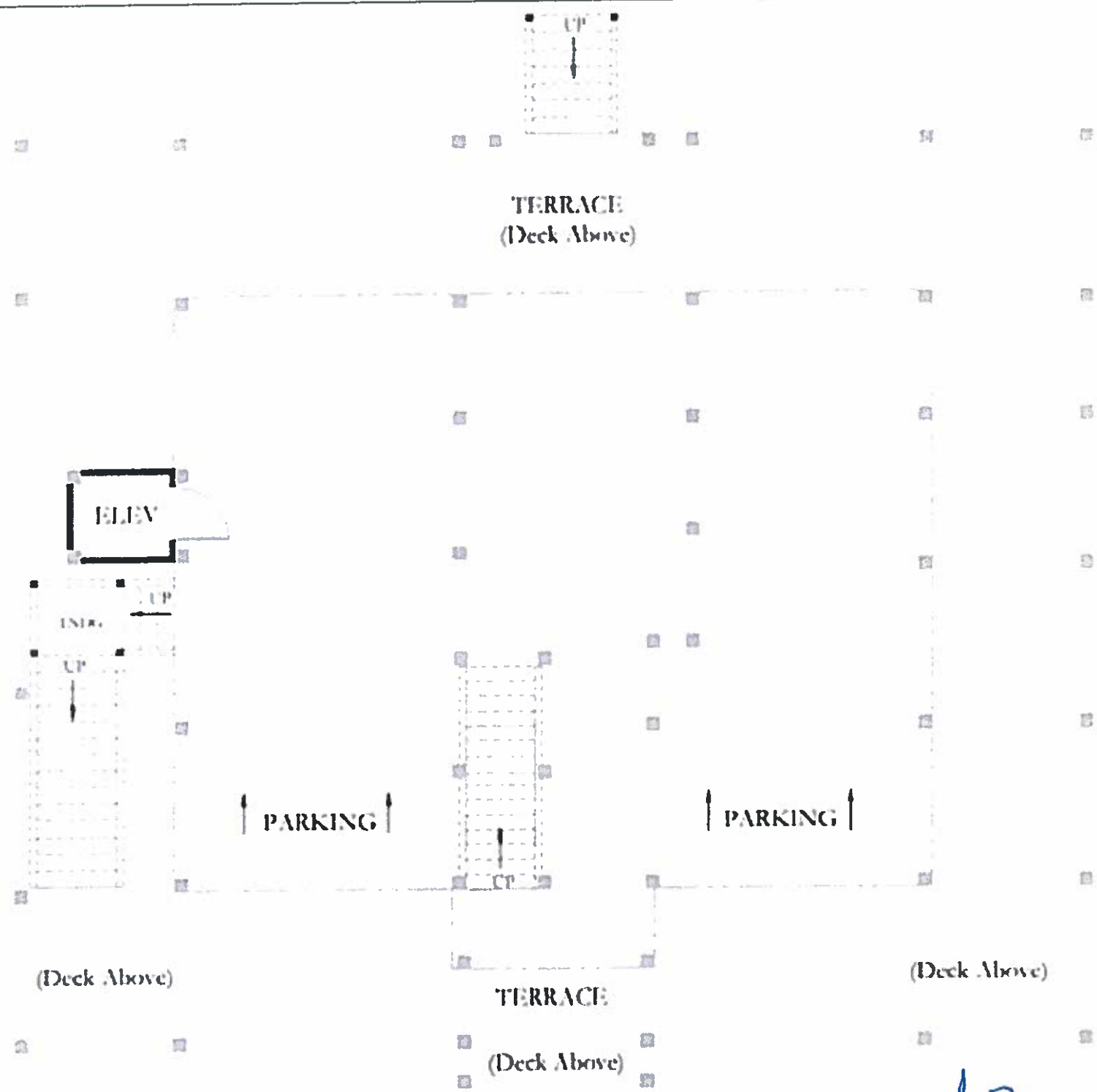
REVISED 8/3/2014 TO SHOW STEPS AND GATE ON LOT 4.

REVISED 8/16/2014 TO SHOW TREES ON LOTS 3 & 4 AND PMS SET IN CENTER OF LOT 3.

The undersigned hereby certifies that the survey described herein was made on the ground on 08-05-2014

that the only improvements on the ground are as shown; that there are no visible encroachments, visible overlappings, apparent omissions, or visible omissions, except as shown herein. THIS CERTIFICATION IS ONLY VALID WITH AN ORIGINAL SIGNATURE AND IF THE DRAWING CONTAINS NO ERRORS OR ADDITIONS.

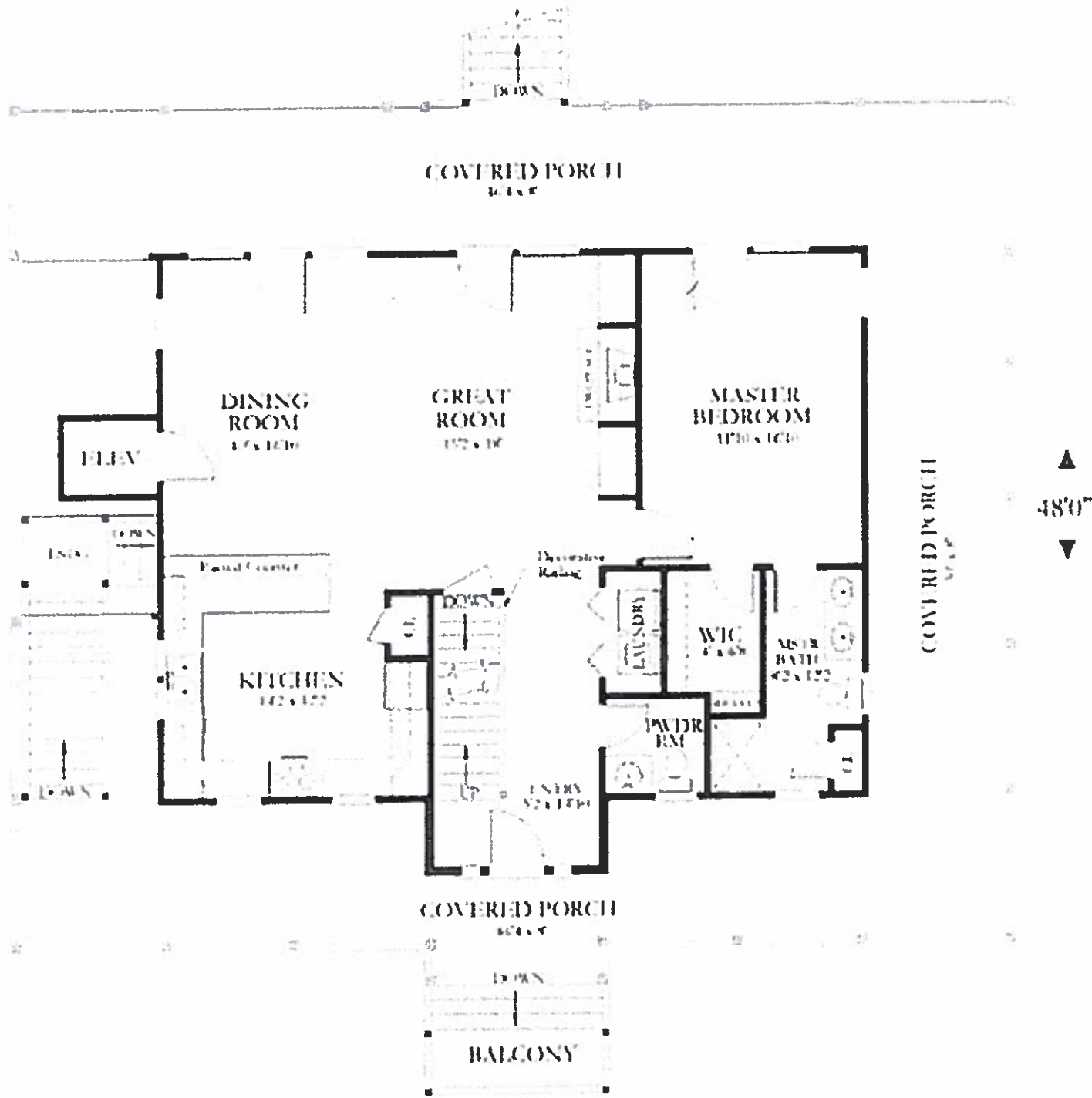
See enlarged signed survey attached



SAMPLE

GROUND FLOOR PLAN

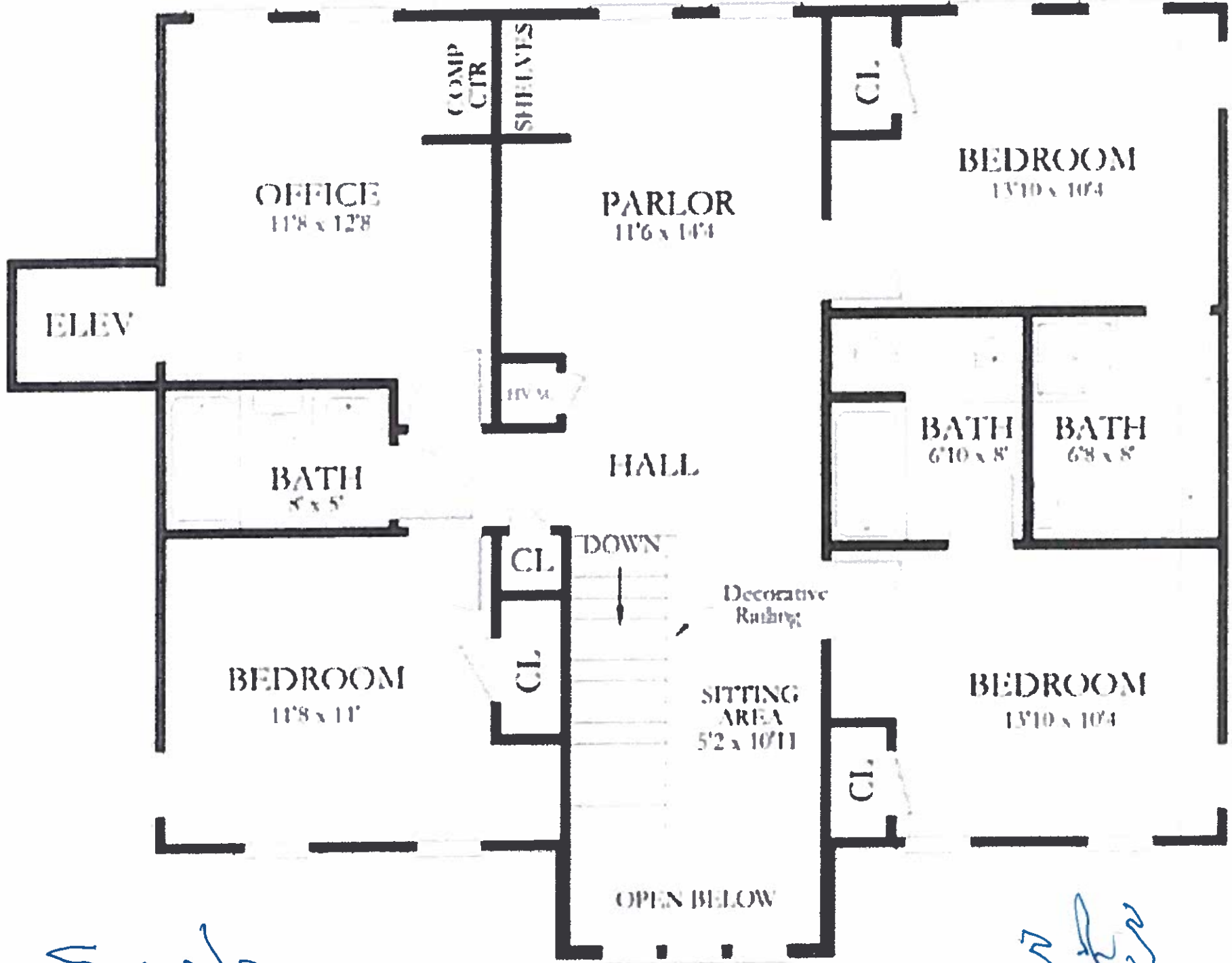
183



SAMPLE

54'4" FIRST FLOOR PLAN

2/25



Sample

Handwritten initials/signature

SECOND FLOOR PLAN



5809 Padre Blvd











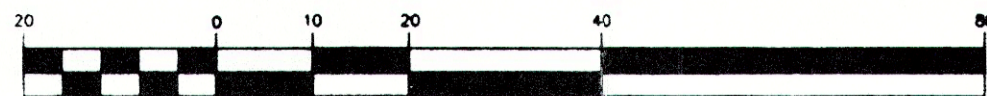








GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft

MERIDIAN OF FIESTA ISLES SUBDIVISION

LOT 5

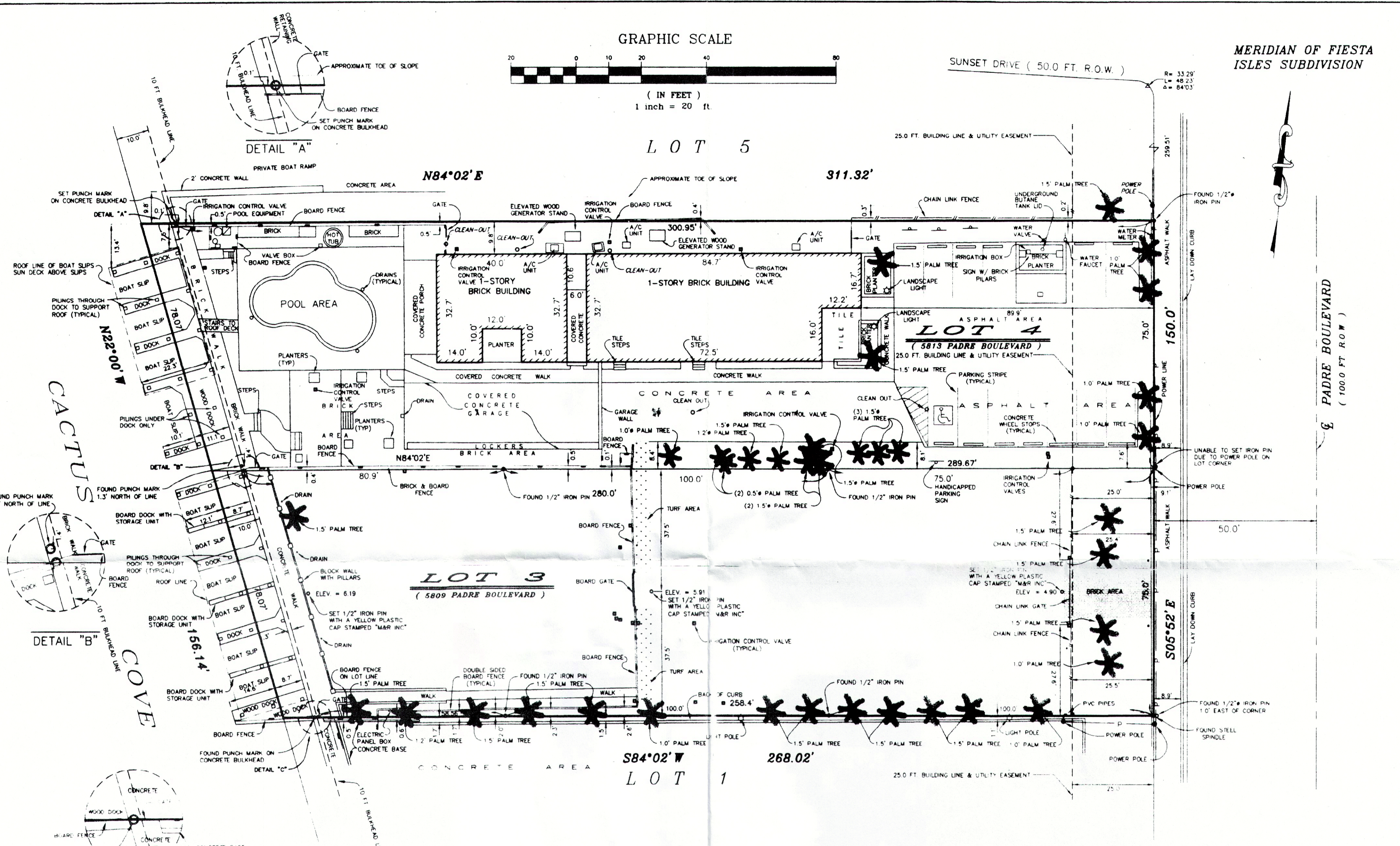
311.32'

N84°02'E

25.0 FT. BUILDING LINE & UTILITY EASEMENT

SUNSET DRIVE (50.0 FT. R.O.W.)

R = 33.29'
L = 48.23'
Δ = 84°03'



LOT 3
(5809 PADRE BOULEVARD)

LOT 4
(5819 PADRE BOULEVARD)

LOT 1

SURVEY OF

LOTS THREE (3) AND FOUR (4), BLOCK ONE HUNDRED
NINETY-SIX (196), FIESTA ISLES, BEING PADRE BEACH SECTION XII, SOUTH PADRE
ISLAND, CAMERON COUNTY, TEXAS, ACCORDING TO MAP OF SAID SUBDIVISION RECORDED
IN VOLUME 17, PAGE 43, MAP RECORDS OF CAMERON COUNTY, TEXAS.
SCALE: 1" = 20'

SURVEYED FOR:

TROY GILES

- NOTES:
1. THIS TRACT LIES IN ZONE "AE" (ELEV. 8) AS PER THE F.I.A. FLOOD INSURANCE RATE MAP OF COMMUNITY NO. 480115, PANEL 000'D, EFFECTIVE DATE MARCH 09, 1999
 2. MONUMENTATION ALONG THE WEST RIGHT-OF-WAY LINE OF PADRE BOULEVARD WAS HELD FOR BASIS OF BEARING

REVISED 9/3/2014 TO SHOW STEPS AND GATE ON LOT 4.
REVISED 8/16/2014 TO SHOW TREES ON LOTS 3 & 4 AND PINS SET IN CENTER OF LOT 3.

The undersigned hereby certifies that the survey described hereon was made on the ground on 08-05-2014 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.



REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3900

Mejia & Rose, Incorporated

Engineering Surveying
T.B.P.E. Reg. No. F-002670
T.B.P.L.S. Reg. No. 10023900
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. 19261
S.TROWBRIDGE