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 <u>REGULAR</u> MEETING ON:

TUESDAY, JUNE 2, 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 January 6, 2015 Regular Meeting.
- 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 Section III)
- Discussion and action regarding a Zoning request by Buddy Gregory for a variance from Section 20-10 District "E" – Low Density Residential Single-Family and Townhouse Dwelling District (D) Area Regulations (1) Front yard (3) Rear yard of the City's Code of Ordinance. Applicant is requesting to encroach into the front and rear yard setback. (217 W. Saturn Lane; Lot 1, Block 124, Padre Beach Section VIII) - <u>Item was withdrawn as per</u> <u>applicant.</u>
- 7. Adjourn

DATED THIS THE 29TH DAY OF MAY 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 MAY 29, 2015 AT/OR BEFORE 2:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDENLED TIME OF SAID MEETING.



Susan Hill, City Secretary

THIS ACILITY 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 JANUARY 6, 2015

1. Call to Order.

Roy De los Santos 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, Roy De los Santos, Paul Fedigan, Stephen Burch, and Chris Huffman. Staff Members present were Development Director Sungman Kim, Building Inspector David Travis, Assistant City Manager Darla Jones, and Marta Martinez.

2. Pledge of Allegiance.

Mr. De los Santos led those present in the Pledge of Allegiance.

3. Public comments and Announcements.

None

4. Election of Chairman and Vice Chairman.

Mr. De los Santos announce the item from the agenda and asked for any nominations for Chairman. Mr. Burch made a motion to nominate Mr. De los Santos for Chairman. All Board Members were in favor.

Mr. De los Santos then asked for any nominations for Vice Chairman. Mr. De los Santos made a motion to nominate Mr. Burch for Vice-Chairman. All Board Members were in favor.

5. Approval of Minutes of the November 4, 2014 Regular Meeting.

Mr. De los Santos made a motion table this agenda item until next regular meeting. All Board Members were in favor.

6. Discussion and action regarding a Zoning request by Clayton Brashear for a variance from Section 20-3 Definitions of "Parking, Parking Requirements, Off-Street Parking" of the City's Code of Ordinance. Applicant is requesting to build a caliche parking lot. (Tract 17 Padre Beach Estates)

Mr. De los Santos announced the item from the agenda and asked for a staff report. Dr. Kim gave a presentation regarding Clayton Brashear variance request. Mr. De los Santos then asked if a representative was present. Mr. De los Santos recognized Clayton Brashear. Mr. Brashear stated that he is requesting approval to build a caliche parking lot. Mr. De los Santos then asked if any member form the public wished to speak in favor and/or against this agenda item. Cain Mahan spoke in favor, Jacqueline Gallup spoke in opposition, Kirk Mills spoke in favor, James Gallup and Barry Sullivan spoke in opposition of this agenda item.

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

Board of Adjustments and Appeals (Zoning) Minutes January 6, 2015 Page 2 of 2

7. Adjourn

Since the Board had no further business to discuss, Mr. De los Santos adjourned the meeting at 10:00 a.m.

Marta Martinez, Secretary

Roy De los Santos, Chairman

MEETING DATE: June 2, 2015

Item: 5

SPONSOR / ORIGINATOR: Ray Ramon (the owner)

TO: Board of Adjustment

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Discussion and action regarding setback variance for Lot 19, Block 27, Padre Beach Section III.

DISCUSSION:

The Location 110 E. Tarpon Street



The Request

The owner wants to build a support for a chair lift on the southeast corner of the residential building, which is located within District "B-2".

The Issue

- 1. The owner was trying to build the structure without a permit;
- 2. District "B-2" requires 25' front setback and 5' side setback, and the structure is encroaching 4' into the required front setback and 3.5' into the required side setback.



<u>Hardship</u>

The applicant, who is a disabled person cared by a nurse, wants to get access to the second floor of his house.

STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Board approve the setback variance request so that the owner can enjoy the benefits of his entire property.

COMMISSION ACTION:

MOTION:					1	10 U	
BY:			_ SECOND BY: _				
Beumel	Bolstad	Fedigan	Huffman	Pace	Vacant	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

(9) 20 inch minimum distance between rack and curb,

(10) Do not position racks within roadside bus stops,

(11) Ensure that a six foot long bicycle can utilize the rack without impeding pedestrians, and

(12) Only stainless steel or anodized aluminum bicycle parking racks may be used to satisfy the requirements of this section. Bike racks shall be maintained in a structurally sound and rust free state.

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) Off Site Parking - Commercial parking lots prohibited. Required parking may be located off-site under the following circumstances:

(a) No more than 50% of the required parking may be located off-site.

(b) The off-site parking lot shall be no further than ninety feet (90') from the nearest property line of the principal use.

(c) The off-site parking may be located on another street from the principal use. If the off-site parking lot is located on another street from the principal use, and the principal use does not abut and have pedestrian access to the proposed off-site parking lot, pedestrian access must be created between the principal use and the off-site parking lot, by means of a private pedestrian easement agreement granted to the Property Owners Association and/or property owner of the principal use. The easement shall be recorded in Cameron County and filed with the City of South Padre Island. A public right-of-way shall not serve as the means for meeting the pedestrian access requirements to install an off-site parking lot established in this section, .

(d) Offsite Parking Design Standards

(1) Streetscape and Perimeter Landscaping

a. Provide a landscaped area at least 3 feet in width between surface parking and all property lines.

b. Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security. c. For parking lot edges adjacent to streets, parks or other public open space, provide the following:

• at least one row of shade trees, spaced evenly at 5' to 6' intervals (or as appropriate to the selected species) for the length of the parking lot edge

• screening, consisting of continuous planting, alone or in combination with a low decorative fence/wall or a landscaped berm. Typically, keep shrubs, fences or walls to a maximum height of thirty inches.

d. Set back screening at least 1' from the edge of public street rightof-way. Screening should not encroach into the public street right-ofway.

e. Install a permanent irrigation system in all landscaped areas. Where possible, collect rainwater from rooftops and other surfaces for plant irrigation. Identify hose bibs, sprinkler outlets, storage reservoirs, and other applicable irrigation elements on the Building Permit. Locate valves and other maintenance controls in discrete, yet accessible areas.

(f) Where landscaping might impact motorist pedestrian sight distance, keep shrubs below 24" in height and prune trees so that the lowest branches will be at least 6' above ground level.

(g) Ensure overhanging branches of trees or shrubs adjacent to pedestrian pathways maintain a clear headspace of at least 8'.

(h) Coordinate tree planting with the location of light standards and other utilities.

(2) Legally Conforming Non-Conforming Off-Site Parking Lots – Off- site parking lots in existence, at the time of the enactment of this Sec. 20-7.1(B)(4)(d)(2), that do not conform to the streetscape and perimeter landscaping requirements established in this section shall be considered legally conforming off- site parking lots.

(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

CITY OF SOUTH PADRE ISLAND South BOARD OF ADJUSTMENT & APPEALS APPLICATION I \$250 variance Special Exception Use (Sec. 20-16.1)

Administrative Appeal

APPLICANTINFORMATION	OWNER INFORMATION
Name Ray Pamon	Name Bay Ramon
Mailing Address 40023	Mailing address P.O. BOX 40023
City, State, Zip South Padre Island	City, State, Zip Cuth fadre TSland
City, State, Zip, 2017/ FLICIE 10100 Phone number 936-761-1668	
Phone number 136 101 1000	Phone number <u>956-761-1668</u>
Fax number	Fax number
E-mail Address	E-mail Address
SITE LOCATION FOR REQUEST:	
Physical Address (Street Name & Number):	tarpon
Legal Description (Lot / Block / Subdivision):	
I hereby request the following from the Board of Adjust 20-7.1 (D)(7) SIDE YARDS: SAME AS D	
In addition, the application requires the submission of th \$250 application fee per variance, special exception, ar \$Stamped/Sealed & dated survey of Improvements of th Copy of Floor Plan of structure proposed to be constru- Current/recent photographs of the site. \$And any additional information to more clearly under Note: Applicants are required to fully disclose in the application	Amount Paid: Paid Cash or Check No Date Received:
make their determination prior to issuance of any permit. Exception shall contain ten (10) copies of the information outl twenty (20) days prior to the meeting date. All fees must be pa	lined above. All information must be submitted no later than hid prior to the Board reviewing the application.
If Staff determines that the application is incorrect, incomple understanding of the variance or special exception, staff shall re-	
Applicant's Name (Please Print) Ray Ramon o	Dwner's Name (Please Print): Ray Ramon
	Dwner's Signature Rung Rand
Date: <u>5[8]15</u>	Date: _5/0/15

RIGHT OF WAY PERMIT

CITY OF SOUTH PADRE ISLAND BUILDING INSPECTION DEPARTMENT 4601 PADRE BLVD. SOUTH PADRE ISLAND, TX 78597 (956) 761-1025 (956) 761-3898 FAX



LOCATION

1081

CONTRACTOR

PERMIT NUMBER: 20150350

Date: 4/24/2015

IN ACCORDANCE WITH ALL CITY CODES AND ORDINANCES

COMMENTS:

THIS PERMIT IS HEREBY GRANTED ON THE EXPRESS CONDITION AND WITH THE AGREEMENT FROM THE APPLICANT OR HIS AGENT, THAT ERECTION OF SAID BUILDING OR ALTERATIONS SHALL CONFORM IN ALL RESPECTS TO THE BUILDING AND ZONING REGULATIONS OF THE CITY OF SOUTH PADRE ISLAND WHETHER HEREIN SPECIFIED OR NOT AND MAY BE REVOKED AT ANY TIME UPON VIOLATION OF ANY OF THE PROVISIONS OF SAID REGULATIONS. RESPONSIBILITY FOR COMPLIANCE RESTS WITH THE HOLDER.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN SIX (6) MONITHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF ONE (1) YEAR AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY AGREE TO SAVE, INDEMNIFY AND KEEP HARMLESS THE CITY OF SOUTH PADRE ISLAND AGAINST ALL LIABILITIES, JUDGEMENTS, COSTS AND EXPENSES WHICH MAY IN ANY WAY ACCRUE AGAINST SAID CITY BY CONSEQUENCE OF THE GRANTING OF THIS PERMIT, OR FROM THE USE OR OCCUPANCY OF ANY SIDEWALK, STREET OR SUB-SIDEWALK PLACED BY VIRTUE THEREOF AND WILL IN ALL THINGS STRICTLY COMPLY WITH THE CONDITIONS OF THIS PERMIT.

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 NOT. 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 OF CONSTRUCTION. I UNDERSTAND THAT REPORSIBILITY FOR COMPLIANCE RESTS WITH THE PERMIT HOLDER.

SIGNATURE OF OWNER, CONTRACTOR OR AGENT

AGENT FOR: ADDRESS: CITY: FEE CODE

FEE	CO	UE
155		
100		

DESCRIPTION RIGHT OF WAY PERMIT

 JOB ADDRESS:
 110 E TARPON

 LOT:
 19

 BLOCK:
 27

 SECTION:
 III

 SUBDIVISION:
 PADRE BEACH

 OTHER:
 Image: Construction of the second s

NAME:

NAME.	IBMA PENA
ADDRESS:	5200 CENTER LANE DR - APT A
CITY/STATE:	BROWNSVILLE TX 78526
LICENSE NO .:	
CELL:	
OFFICE:	518-1447

NAME:	RAY RAMON
ADDRESS:	PO BOX 40023
CITY/STATE:	SOUTH PADRE ISLAND TX 78597
PHONE:	761-1668
	ADDRESS: CITY/STATE:

	NE: RIGHT OF WAY	
DESCRIBE: PAVE	THE RIGHT OF WAY.	
ТҮРЕ:	RIGHT OF WAY	

THIS PE	APPLICATION APPROVAL RMIT DOES NOT BECOME VALID UNTIL SIGNED BY BUILDING	
INSPEC	TOR AND FEES ARE PAID.	_
1		

SIGNATURE OF INSPECTOR

AMOUNT \$ 50.00

TOTAL

\$ 50.00

City of South Padre Island Building Permit Application



Legal Description:	Physical Address
Property Owner Information	Contractor Information
Name: ROUL Ramon	Name: JEMA HONA
Mailing Address: 10 F Taypon i	Mailing Address: D.O Box 40023
City, State, Zip: SOUTH FOCIVE ISIGING	City, State, Zip: South Padre Island
Phone Number: 956-761-1668	Phone Number: 936 - 518-1444
Fax Number:	Fax Number:
E-mail Address:	E-mail Address: 1rmg Dena 19 @ Vahoo Com.
Improvement Value \$	Contractor Signature
(copy of contract required to verify value)	Date: 5 115
License & Permit Bond Yes D No (If No - One is require	d)

PLEASE NOTE: If a Beach & Dune Permit is required on this property, a Building Permit cannot be issued until the B&D Permit has been approved & issued first.

APPLICATIONS ARE CONSIDERED INCOMPLETE AND WILL NOT BE ACCEPTED IF THE ENERGY CODES AND LANDSCAPE CODES HAVE NOT BEEN APPLIED.

	TYPE O	F CONSTRUCTION				
□ New □	Addition Remodelin	ng 🛛 Repair	D Move	□ Remove		
Lot Square Feet Lot Existing Use		Floor Elevation Abo	Floor Elevation Above Curb			
OTHER WORK BEING	DONE BESIDES NEW CONSTR	UCTION				
Residential Use Only:	Outside 100 Year Flood Ele Bedrooms, Bathroom					
		OTHER	1			
FOUNDATION	EXT. WALL	ROOF	SPECIAL CONDITIO	N		
Concrete slab on pilin Concrete pier	gs	Wood Shingle Composition	Public Sidewalk Coner Lot			
U Wood pier & beam	Metal Siding	Metal	Cul De Sac			
TDLR Registration No.		Build Up B&D Conditions Other				

NOTICE: Separate Permits are required for Electrical, Plumbing, Heating, Ventilating or Air Conditioning. 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 6 months 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 not. 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 of construction.

NEED SCALE SITE PLAN

MAX code Approved slope for A RAMP 15 / m 12 MM 45/4 42/4 500 Aut 1/8



5/8/15 to whom it may concern. Once Mr. Ray Ramon is no longer living the attactment will be removed. taken down, If MR. Ray Ramon decides to sell his home or move the chair lift support will be brought down. Thank You Very Much. / Medical Trmia Penip / Asst. I fine MR. Kay Ramon X pay Dans







MEETING DATE: June 2, 2015

Item: 6

SPONSOR / ORIGINATOR: Buddy Gregory (the owner)

TO: Board of Adjustment

FROM: Sungman Kim, Director of Development Services

ITEM DESCRIPTION:

Discussion and action regarding front and rear setback variance for Lot 1, Block 124, Padre Beach Subdivision.

DISCUSSION:

The Location 271 W Saturn Street



The Request

The owner wants to build a residential building, which is located within District "E" and is requesting (1) to extend building past rear yard setback as much as 12' and (2) to extend second floor overhang past front yard setback for 2'.

The Issue

- 1. According to Sec. 20-10, District "E" requires;
 - a. 25' front setback;
 - b. 5' side setback; and
 - c. 20' rear yard setback.
- 2. The site contains a large wetland area in the middle. If Corps of Engineers prohibited the owner building a structure over the wetland area, the given geographic condition might insure a form of variance. On the other hand, there was a negotiation between the owner and Corps of Engineers, and Corps of Engineers granted the owner a right to build a structure on top of filings over the wetland. Therefore, there is no hardship.
- 3. The owner might claim that he spent money while negotiating with Corps of Engineers. On the other hand, it was spent over a Cost/Benefit analysis (whether the owner seriously calculated or just thought about), where the cost being the money spent and the benefit being the view to Laguna Madre. In fact, many property owners, who do not have a view to Laguna Madre, in uplands do not spend money for negotiating with Corps of Engineers, while *most of the property owners in wetlands do spend money for it*.
- 4. The owner is requesting a variance for his economic benefits and/or the most feasible way of spending money. (Please see the letter dated May 15, 2015 from Gregory Hagmann, the architect) *Economic hardship cannot be a reasoning for a variance*.

Hardship

A hardship occurs where there are special conditions attached to the property that do not generally apply to other properties in the area. Special conditions can involve the size, shape, topography or general location.

On the other hand, economic hardships has not been considered as a hardship for a variance in practice:

For example, adding more units to a building than allowed can generate more income and make the project more economically feasible. However, with the same logic, every other people also can request a hardship and get a variance.

The estimated the first floor square footage would be approx. 2,200 and, since it would be 2 story building, total square footage would become 4,500 through 5,000 without the requested variance. When the owner can build a decent size building on the property, requesting additional building square footage to gain economic advantage would not be appropriate for a hardship.

The Consequence of Granting a Hardship

It is possible that the Board of Adjustment grant a variance to this case. After granting the variance, on the other hand, if there will be other people who claim the same cause – economic hardship: (1) to provide more space for a business or a living with the same cost; or (2) to make more efficiency out of the project –, the BOA cannot deny those in the future. If the denial is followed by a law suit, the City will fail due to unfair treatments. Ultimately, such practice will make the City's zoning ordinance unenforceable.

STAFF RECOMMENDATIONS / COMMENTS:

Staff recommends the Board **NOT** approve the setback variance request due to the demonstrated **NO** hardship.

COMMISSION ACTION:

MOTION:							
BY:			SE	COND BY: _			
Beumel	Bolstad	Fedigan	Huffman	Pace	Vacant	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

(G) Any third party will be required to file a copy of the concession/lease agreement with the City of South Padre Island, Public Works Department, which shall control that party's use of the property.

Sec. 20-10 District "E" - Low Density Residential--Single-Family and Townhouse Dwelling District.

- (A) Purpose--This district is composed of those areas of the City whose principal use is and ought to be single-family dwellings and single-family attached Townhouse dwellings. This district is characterized by dwelling units with separate and distinct owners who own and reside within the dwelling units or rent these units. This district is intended to create and preserve areas of essentially single-family residential character, and promote a single-family residential neighborhood environment.
- (B) Use Regulations:
 - (1) Dwellings, one family.
 - (2) Townhouses.
 - (3) Accessory buildings, including private garage and bona fide servants' quarters, not for rent. When the accessory building is directly attached to the main building it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breczeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed fifty percent (50%) of the gross floor area of the principal structure.
 - (4) Temporary buildings to be used for construction purposes only, and which shall be removed upon the completion or abandonment of the construction work.
 - (5) Field offices for the sale of real estate for the specified development which shall be used for temporary offices only, to be removed after sales are closed, and to be used on the site only. A building permit is required for the installation of a field office and shall be valid for a one (1) year period, renewable upon expiration if sales are still active.
 - (6) Special Exceptions: Public Service Facility. (Ord 96-05. 10-2-96)
- (C) Height Regulations: No building shall exceed forty-five (45) feet, when measured vertically from the center line of the street to the highest point of the building.

(D) Area Regulations:

(1) Front yards:

- (a) There shall be a frontyard having a depth of twenty-five (25) feet.
- (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided upon both streets.
- (c) Corner lots shall provide the minimum frontyard setback along both streets, with the exception of corner lots on Laguna and Gulf Boulevards. The frontyard setback for both the Laguna and Gulf Boulevard frontages or corner lots shall be ten (10) feet.
- (2) Side yards:

City of South Padre Island Code of Ordinances 4/4/13

212

- (a) There shall be a side yard on each side of the lot having a clear width of not less than five (5) feet, including projections of the side of the building such as eaves, cornices, porches, stairways, carports, etc.
- (b) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet.
- (c) Where canals, bay front, beach front, and/or yacht basins occur at the side of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.

Rear yards: Same as District "A" (minimum of 20'), except:

- (a) 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 enclosures thereabouts as may be required as a good building practice. Any open deck or patio that undertakes to extend beyond the twenty (20) feet rear yard setback within ten (10) feet of the rear property line as provided for herein, shall 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.
- (b) Where canals, bay front, beach front, and/or yacht basins occur at the rear of lots, buildings may extend to the bulkhead abutting such canals, bay front, beach front, and/or yacht basins.
- (4) Area of lot:

(3)

- (a) For a single-family dwellings the minimum area of a lot shall be 5,000 square feet, or as recorded in the County Courthouse as of November 7, 1979.
- (b) For attached single-family Townhouse dwellings, the minimum area of a lot shall be 2,500 square feet per dwelling unit.
- (5) Width of lot:
 - (a) For a single-family dwelling, the minimum width of a lot shall be fifty (50) feet.
 - (b) For attached single-family Townhouse dwellings, the minimum width of a lot shall be twenty-five (25) feet.
- (6) Depth of lot: The minimum depth of a lot shall be one hundred (100) feet.
- (7) Parking Regulations: Off-street parking spaces shall be provided on the lot to accommodate two (2) vehicles for each dwelling unit; however, no supporting member of any garage structure shall be located within the required front yard.
- (8) Sanitation: There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- (9) Special Area Requirements: In no instance shall more than four (4) single-family attached Townhouses be connected as a single unit.
- (10) Driveways: All driveways shall be limited to a maximum of twenty-six
 (26) lineal feet in width. No driveway shall extend beyond the required

City of South Padre Island Code of Ordinances

4/4/13

Marta Martinez

From: Sent: To: Subject: Dr. Sungman Kim Monday, May 18, 2015 4:33 PM Marta Martinez FW: Variance Hearing 217 W Saturn 6/2

For file.

Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: <u>SKim@MySPI.org</u> www.MySPI.org



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From: J a s o n Y e t t e r [mailto:jasonyetter@hotmail.com] Sent: Monday, May 18, 2015 4:32 PM To: Dr. Sungman Kim Subject: Variance Hearing 217 W Saturn 6/2

Dear Adjustments and Appeals Board Members,

West Saturn Lane is a fully developed street, except for wetlands properties. Existing owners have complied with the zoning setbacks and suffered thereof.

The property in question was recently purchased at wetland values, that is a huge discount to nearby land values.

A variance to the setbacks requires a hardship, There can be no hardship, as the Owner has recently acquired the property with its limitations already discounted and disclosed in the purchase.

Therefor I ask you to REJECT all requests for any variance from zoning setbacks.

J Source J Jason Yetter + 956-433-6642 + Rettey Capital LLP 2216 Padre Blvd 44 South Padre Island, TX 78597

Marta Martinez

From:	Buddy Gregory <buddy@gregoryinsurancegroup.com></buddy@gregoryinsurancegroup.com>
Sent:	Friday, May 22, 2015 12:52 PM
То:	Dr. Sungman Kim; gregory hagmann; Marta Martinez
Subject:	217 W Saturn Ln.

That is totally fine. This was a \$250 learning experience. Please let me know how much attention was stirred up. Just curious.

Thanks, Buddy

Buddy W. Gregory II President **Gregory Insurance Group, Inc.** 14665 Midway Rd., Suite 135 Addison, Texas 75001

Office 214 466-2777 Fax 972 851-5686

From: Dr. Sungman Kim [mailto:SKim@MySPI.org] Sent: Friday, May 22, 2015 11:54 AM To: Buddy Gregory; gregory hagmann; Marta Martinez Subject: RE: 217 W Saturn Ln.

One more thing...Since the meeting notice went out, we should have the item open at the meeting and I will announce that the item has been withdrawn.

It is to let the audience, who does not know you pulled the item out and come to the meeting. Sungman

Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: <u>SKim@MySPI.org</u> www.MySPI.org



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From: Buddy Gregory [mailto:buddy@gregoryinsurancegroup.com] Sent: Friday, May 22, 2015 11:28 AM To: Dr. Sungman Kim; gregory hagmann; Marta Martinez Subject: 217 W Saturn Ln.

Dr. Kim,

Based on your recommendation, we will not go forward with the variance request. I really appreciate your honesty and will look forward to building an outstanding home within the city guidelines. I apologize for any inconvenience for our request. If you have any questions or concerns, please do not hesitate to email or call anytime. Have a wonderful weekend!

Thanks, Buddy

Buddy W. Gregory II President Gregory Insurance Group, Inc. 14665 Midway Rd., Suite 135

Office 214 466-2777 Fax 972 851-5686

Addison, Texas 75001

From: Dr. Sungman Kim [mailto:SKim@MySPI.org] Sent: Friday, May 15, 2015 3:28 PM To: gregory hagmann; Marta Martinez; Buddy Gregory Subject: RE: Varaince Package

It seems my email was cut-off with my automatic signature. I hope I fixed it this time. Please see below. Sungman

Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: <u>SKim@MySPI.org</u> www.MySPI.org



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From: Dr. Sungman Kim Sent: Friday, May 15, 2015 3:21 PM To: gregory hagmann; Marta Martinez; Buddy Gregory Subject: RE: Varaince Package

I will put your item for a discussion at the BOA. However, my recommendation would be the same. A hardship occurs where there are special conditions attached to the property that do not generally apply to other properties in the area. Special conditions can involve the size, shape, topography or general location. On the other hand, economic hardships has not been considered as a hardship for a variance in practice: For example, adding more units to a building than allowed can generate more income and make the project more economically feasible. However, with the same logic, every other people also can request a hardship and get a variance. Whether it should be on pier or on a concrete pad, through costly process with Corps of Engineers, the owner retained rights to build a house and, although the dimension of the house was not given on the site plan, I am estimating the first floor square footage being approx. 3,300 and, since it would be 2 story building, total square footage would become 5,000 through 6,000. When you can build enough, requesting additional building square footage to gain economic advantage would not be appropriate for a hardship.

You do not need to make the building wider and it is not a necessity for the development.

Thank you. Sungman

From: gregory hagmann [mailto:ggharchitect@yahoo.com] Sent: Friday, May 15, 2015 2:50 PM To: Dr. Sungman Kim; Marta Martinez; Buddy Gregory Subject: Re: Varaince Package

Letter for variance Hardship

Gregory

gregory hagmannARCHITECT

404 Provincetown Ln. Richardson Tx 75080 214 926 7575

On Friday, May 15, 2015 9:28 AM, Dr. Sungman Kim <<u>SKim@MySPI.org</u>> wrote:

Gregory,

If you cannot justify hardship, I recommend you to pull the item out from the variance review. We will then not process your check and send it back to you.

The legal advertisement should go out today by 4:00 PM, and I will give you a time to think until 3:00 PM.

Once the legal advertisement go out today, the check will not be returned to you since we are paying the legal ad.

Thank you. Sungman

Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: <u>SKim@MySPI.org</u> www.MySPI.org



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From: gregory hagmann [mailto:ggharchitect@yahoo.com] Sent: Friday, May 15, 2015 12:08 AM To: Dr. Sungman Kim; Marta Martinez Subject: Re: Varaince Package

Revised hardship letter for variance.

Gregory

gregory hagmannARCHITECT

404 Provincetown Ln. Richardson Tx 75080 214 926 7575

On Thursday, May 14, 2015 2:09 PM, Dr. Sungman Kim <<u>SKim@MySPI.org</u>> wrote:

Also, I would need your hardship statement. To issue variances, it is essential to know what caused your application. Thank you. Sungman

Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: <u>SKim@MySPI.org</u> www.MySPI.org



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From: Dr. Sungman Kim Sent: Thursday, May 14, 2015 12:07 PM To: Marta Martinez; <u>ggharchitect@yahoo.com</u> Subject: RE: Varaince Package

Dear Gregory,

I will need a building foot print on a site survey map with indications of required setback lines. The property is in District "E" and the district requires: 25 feet front setback; 5 feet side setback; and 20 feet rear yard setback (10 feet rear yard setback if decks/balconies are enclosed).

Thank you. Sungman Dr. Sungman Kim | Director of Development PhD, MBA, MLA, AICP, ASLA/PLA, GISP, SPHR, SHRM-SCP City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8113 | Cell: 956-407-2003 | Fax: 956-761-3898 E-mail: SKim@MySPLorg www.MySPLorg



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From: Marta Martinez Sent: Thursday, May 14, 2015 11:37 AM To: Dr. Sungman Kim Subject: FW: Varaince Package

Here you go. 🙂

Marta Martinez | Administrative Assistant / Assistant City Secretary City of South Padre Island 4601 Padre Blvd. South Padre Island, Texas 78597 Office: 956-761-8112 | Fax: 956-761-3898 | E-mail: MMartinez@MySPLorg www.MySPLorg



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From: gregory hagmann [mailto:ggharchitect@yahoo.com] Sent: Thursday, May 14, 2015 10:55 AM To: Marta Martinez Cc: Buddy Gregory Subject: Varaince Package

Marta,

Please let me know if you require any additional info?

Gregory

gregory hagmannARCHITECT

404 Provincetown Ln. Richardson Tx 75080 214 926 7575

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th.
adre
ISLAND

CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENT & APPEALS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
Name BUDDY GREGORY	NameSAME
Mailing Address 2811 CREEKWOOD LN	Mailing address
City, State, Zip Rrosper, T+ 75078	City, State, Zip
Phone number 214 215 9944-	Phone number
Fax number_ 888 619 . 0019	Fax number
Email Address huddy egregory in surance group	- E-mail Address
	LOM SOUTH PROVE ISLAND
Physical Address (Street Name & Number): 217 W 5	ATUNN LN. TX 78597
Legal Description (Lot / Block / Subdivision): Loて ユ B	
I hereby request the following from the Board of Adjustment and Appeals:	
D Extend building past rear	yard SRS BACK 12'.
D Extend building (over hang) past Front yATD SET BACK 2'.
In addition, the application requires the submission of \$250 application fee per variance, special exception, \$250 appl	and appeal request. Amount Paid: the Subject Property. Paid Cash or Check No cructed or expanded. 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) BUDBY Grebory	Owner's Name (Please Print), SAME
Applicant's Signature:	Owner's Signature:
Date: 5/14/15	Date:

1409BG-VARIANCE HARDSHIP REWUEST



404 Provincetown Ln. Richardson TX. 75080 Tel: 214 926 7575 ggharchitect@yahoo.com

PROJECT:	Gregory Beach House
CONTRACTOR:	Buddy Gregory
ARCHITECT:	gregory hagmann ARCHITECT
DATE:	15, May 2015

Variance Request

The Client Buddy Gregory and Architect Gregory Hagmann are submitting a variance request to modify the Rear Yard Setback restriction of 20'-0" to 8'-0", (which is also the easement depth). We are require by the Corps of Engineers to build a house on piers 8' above NAV D88 as determined by the Corps, thereby not having a typical slab on grade foundation in order to protect the Mangroves on site. We have incurred \$200k on Engineering Studies and Surveys to date and essentially this request is to reduce the continuing Cost of Construction by providing the program of areas required by the client to fit in a most cost effective shape of a narrow linear rectangle, build vertically, thereby reducing the number of piers and beams required. If the space were designed to be wider structure we would have more piers, additional slab area and incur additional costs. We are also requesting and overhang over the front

404 Provincetown, Richardson T x 75080 v 214 9267575

yard setback of 25'-0" for use of an outdoor fireplace for greater deck space as well as

providing lighting over the Garage Entry. Additionally the use and value of the area adjacent to the property included in the variance shall not be affected in a substantially adverse manner.

Sincerely, Gregory

Gregory Hagmann Architect



GENERAL NOTES

If a conflict arises between the zoning con section and any provision of these plans, the zoning ompliance section shall prevail

All excevated soil from foundation shall be removed ruction site and may not be used as fill dirt from cons unless called for on plans.

At no time, may runolf from the construction site traverse neighboring properties.

The finish floor elevation of new construction shall be 12" minimum above the lop of nearest sanitary sewer man hole cover.

General Contractor is responsible for the building site to be enclosed with a temporary fence with minimum height of 6'-0" and pedestrian gate for worker access as well as larger gate for material deliveries. Both gates are to remain closed and locked at all times except when required for building inspections. No one is allowed on site except Owner, Architect(s), City one is allowed on site except Owner, Architecit), Officials, Deneral Contractor and Working Crews. This requirement applies to all sides during construction. Temporary or final removal of any portion of fence for any reason whatsoever environment written authorization from Project Architect.

Unless otherwise noted, all groundcover is to remain

PROPOSED 2' STRUCTURAL SUPPORT EXTENSION & OVERHANG EXTENSION









W. SATURN LANE

01 | SITE PLAN

GENERAL NOTES

If a conflict arises between the zoning compliance section and any provision of these plans, the zoning compliance section shall prevail.

All excevated soil from foundation shall be removed from construction site and may not be used as fill dirt unless called for on plans.

At no time, may runolf from the construction site Iraverse neighboring properties.

The finish floor elevation of new construction shall be 12" minimum above the top of nearest samilary sewer man hole cover.

General Contractor is responsible for the bailding site to be enclosed with a temporary fence with minimum height of 6-0° and pedestrian gate for worker access as well as targer gate for material deliveries. Both gates are to remain closed and littmes except when required for building inspections. Ne one is allowed on site except Owner, Architectial. City Officials, General Contractor and Working Crews This requirement apples to all iaides during construction. Temporary or final removal of any portion of tence for any reason whatsower requires written authorization from Project Architect.

Unless otherwise noted, all groundcover is to remain

PROPOSED 2' STRUCTURAL SUPPORT EXTENSION & OVERHANG EXTENSION





.



front







back



bay view