

**NOTICE OF BOARD OF ADJUSTMENTS AND APPEALS REGULAR MEETING  
CITY OF SOUTH PADRE ISLAND**

**TUESDAY, JULY 5, 2022**  
9:00 AM 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 and 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 and Appeals (Zoning) meeting]*
4. Regular Agenda
  - 4.1. Discussion and Action to approve the minutes of the June 7, 2022 regular meeting.
  - 4.2. PUBLIC HEARING: to discuss a request by Matt Wisenbaker, property owner for a variance from Chapter 20 Zoning, Section 20-13 Setback area-Special regulations and uses, (A) Setbacks-Area Not To Be Used of the City's Code of Ordinances. The applicant is requesting to install a swimming pool on the east side of existing home that will be encroaching into the front and side yard setback located at 217 W Sunset Drive. (Lot 1 Block 198, Fiesta Isle Subdivision, (Padre Beach, Section XII))
  - 4.3. DISCUSSION AND ACTION to discuss a request by Matt Wisenbaker, property owner for a variance from Chapter 20 Zoning, Section 20-13 Setback area-Special regulations and uses, (A) Setbacks-Area Not To Be Used of the City's Code of Ordinances. The applicant is requesting to install a swimming pool on the east side of existing home that will be encroaching into the front and side yard setback located at 217 W Sunset Drive. (Lot 1 Block 198, Fiesta Isle Subdivision, (Padre Beach, Section XII))
5. Adjourn

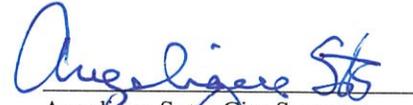
One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.

DATED THIS THE 1<sup>ST</sup> DAY OF JULY 2022.



  
\_\_\_\_\_  
Angelique Soto, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS AND APPEALS 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 **JULY 1, 2022**, AT/OR BEFORE 5:00 PM AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

  
Angelique Soto, 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, GEORGE MARTINEZ AT (956)761-8103.



**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** July 5, 2022

**NAME & TITLE:** Marta Martinez

**DEPARTMENT:** Planning/Parks & Rec. Department

**ITEM**

Discussion and Action to approve the minutes of the June 7, 2022 regular meeting.

**ITEM BACKGROUND**

N/A

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

Sent to Legal:

Approved by Legal:

**RECOMMENDATIONS/COMMENTS:**

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

**TUESDAY, JUNE 7, 2022**

**1. CALL TO ORDER**

The Board of Adjustments & Appeals (Zoning) of the City of South Padre Island, Texas held a Regular Meeting on Tuesday, June 7, 2022 at the Municipal Complex Building, 2<sup>nd</sup> Floor, 4601 Padre Boulevard, South Padre Island, Texas. Vice-Chairman Chris Huffman called the meeting to order at 9:00 a.m. A quorum was present: Board Members, Cain Mahan, Joseph Praster, Gordon Garlock, and Linda Milner.

City staff members present were City Manager Randy Smith, Public Works Director/City Engineer C. Alejandro Sanchez, and Planning Coordinator Marta Martinez.

**2. PLEDGE OF ALLEGIANCE**

Vice-Chairman Chris Huffman led those present in the Pledge of Allegiance.

**3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN.**

Vice-Chairman Huffman announced the item from the agenda and nominated Gordon Garlock for Chairman. All Board Members were in favor.

Chairman Garlock than asked for any nominations for Vice-Chairman. Hearing none Chairman Garlock nominated Joseph Praster for Vice Chairman. All Board Members were in favor.

**4. PUBLIC COMMENTS AND ANNOUNCEMENTS.**

None.

**5. REGULAR AGENDA**

**5.1 DISCUSSION AND ACTION TO APPROVE THE MINUTES OF THE DECEMBER 7, 2021 REGULAR MEETING BOARD OF ADJUSTMENTS & APPEALS (ZONING).**

Chairman Garlock announced the item from the agenda and asked the Board Members for a motion. Vice-Chairman Praster made a motion, seconded by Board Huffman to approve the December 7, 2021 regular meeting minutes as submitted. The motion carried unanimously.

**5.2 PUBLIC HEARING TO DISCUSS A REQUEST BY MOY CORBITT, APPLICANT ON BEHAVE OF CRAIG AND CHRISTINA SPARLING PROPERTY OWNERS FOR A VARIANACE FROM CHAPTER 20 ZONING, SECTION 2-14 PARKING REGULATIONS, (B) NUMBER OF PARKING REQUIRED, (7) OF THE CITY’S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING ONE (1) PARKING SPACE PER UNIT INSTEAD OF THE REQUIRED TWO (2) PARKING SPACES PER UNIT LOCATED AT 208 KINGFISH STREET. (LOT 8 BLOCK 66, PADRE BEACH SUBDIVISION, SECTION V)**

Chairman Garlock announced the item from the agenda and opened the public hearing at 9:03 a.m. Chairman Garlock then asked if anyone wish to speak in favor of this agenda item. Moy Corbitt spoke in favor of the agenda item. Chairman Garlock then asked if anyone wish speak in against this agenda item, Hearing none Chairman Garlock then asked for a staff report. Public Works Director/City Engineer C. Alejandro Sanchez gave a presentation regarding the parking requirements at the Sand Castle Condos. Staff also stated that two (2) letters against and two (2) letters in favor were received for this agenda item. Chainman Garlock then closed the public hearing at 9:13 a.m.

**5.3 DISCUSSION AND ACTION TO DISCUSS A REQUEST BY MOY CORBITT, APPLICANT ON BEHAVE OF CRAIG AND CHRISTINA SPARLING PROPERTY OWNERS FOR A VARIANACE FROM CHAPTER 20 ZONING, SECTION 2-14 PARKING REGULATIONS, (B) NUMBER OF PARKING REQUIRED, (7) OF THE CITY’S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING ONE (1) PARKING SPACE PER UNIT INSTEAD OF THE REQUIRED TWO (2) PARKING SPACES PER UNIT LOCATED AT 208 KINGFISH STREET. (LOT 8 BLOCK 66, PADRE BEACH SUBDIVISION, SECTION V)**

Chairman Garlock announced the item from the agenda and opened it up for discussion by the Board. The Board expressed their comments/concerns regarding this matter. After some discussion Board Member Huffman made a motion, seconded by Chairman Garlock to approve one (1) parking space per unit instead of the required two (2) parking spaces per unit. Based on the vacated street and behind a secured entry for the development to accommodate the additional requirements for parking. The motion passed on a 4:01 vote. Board Member Mahan abstained.

**5.4 PUBLIC HEARING TO DISCUSS A REQUEST BY ARTURO A. NELSON, WITH COSTA AZUL DEVELOPMENT, LLC PROPERTY OWNERS FOR A VARIANCE FROM CHAPTER 20**

**ZONING, SECTION 20-7.1 DISTRICT “B-2” RESIDENTIAL & MULTI-FAMILY DWELLING DISTRICT, (A) AREA, WIDTH, AND DEPTH OF LOTS OF THE CITY’S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING A WIDTH OF 23.75 FEET INSTEAD OF THE REQUIRED WIDTH OF 25 FEET OF LOT FOR LOTS 1 & 2 BLOCK 5 SUNNY ISLE SUBDIVISION AND LOTS 7 & 8 BLOCK 3 OF PADRE BEACH SUBDIVISION, SECTION I.**

Chairman Garlock announced the item from the agenda asked for a staff report. Public Works Director C. Alejandro Sanchez gave a brief presentation. Chairman Garlock then opened the public hearing at 9:20 a.m. and asked if anyone wish to speak in favor of this agenda item. Stanford Knowles and Arturo Nelson spoke in favor of the agenda item. Chairman Garlock then asked if anyone wish to speak against this agenda item, Hearing none Chairman Garlock then closed the public hearing at 9:51 a.m.

**5.5 DISCUSSION AND ACTION TO DISCUSS A REQUEST BY ARTURO A. NELSON, WITH COSTA AZUL DEVELOPMENT, LLC PROPERTY OWNERS FOR A VARIANCE FROM CHAPTER 20 ZONING, SECTION 20-7.1 DISTRICT “B-2” RESIDENTIAL & MULTI-FAMILY DWELLING DISTRICT, (A) AREA, WIDTH, AND DEPTH OF LOTS OF THE CITY’S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING A WIDTH OF 23.75 FEET INSTEAD OF THE REQUIRED WIDTH OF 25 FEET OF LOT FOR LOTS 1 & 2 BLOCK 5 SUNNY ISLE SUBDIVISION AND LOTS 7 & 8 BLOCK 3 OF PADRE BEACH SUBDIVISION, SECTION I.)**

Chairman Garlock announced the item from the agenda and opened it up for discussion by the Board. The Board expressed their comments/concerns regarding the width of proposed lots. After some discussion Board Member Huffman made a motion, seconded by Vice-Chairman Praster to approve the maximum of six (6) lots (1A, 2A, 2B of Sunny Isle Subdivision and 7A, 7B, 8A of Padre Beach Subdivision, Section I) to have a width of 23.75 feet of lot instead of the required width of 25 feet of lot pending approval of the replat. The motion carried unanimously.

**5.6 PUBLIC HEARING TO DISCUSS A REQUEST BY LTD SPI, ENRIQUE GARZA PROPERTY OWNERS FOR A VARIANCE FROM CHAPTER 20 ZONING, SECTION 20-14 PARKING REGULATIONS, (A) GERNERAL REGULATIONS (6) REQUIRED PARKING FOR A NON-RESIDENTIAL USE MAY BE LOCATED OFF-SITE UNDER THE FOLLOWING**

**CIRCUMSTANCES: (a) NO MORE THAN FIFTY (50) PERCENT OF THE REQUIRE PARKING FOR THE USE MAY BE LOCATED OFF-SITE IN ACCORDANCE WITH THE CITY'S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING TO HAVE A MAXIMUM OF FIVE (5) ON-SITE PARKING SPACES LOCATED AT 5102 GULF BLVD. (LOT 1A BLOCK 156, PADRE BEACH SUBDIVISION, SECTION X)**

Chairman Garlock announced the item from the agenda asked for a staff report. Public Works Director C. Alejandro Sanchez gave a brief presentation. Chairman Garlock then opened the public hearing at 10:01 a.m. and asked if anyone wish to speak in favor of this agenda item. Enrique Garza spoke in favor of the agenda item. Chairman Garlock then asked if anyone wish to speak against this agenda item, Hearing none Chairman Garlock then closed the public hearing at.10:20 a.m.

**5.7 DISCUSSION AND ACTION TO DISCUSS A REQUEST BY LTD SPI, ENRIQUE GARZA PROPERTY OWNERS FOR A VARIANCE FROM CHAPTER 20 ZONING, SECTION 20-14 PARKING REGULATIONS, (A) GERNERAL REGULATIONS (6) REQUIRED PARKING FOR A NON-RESIDENTIAL USE MAY BE LOCATED OFF-SITE UNDER THE FOLLOWING CIRCUMSTANCES: (a) NO MORE THAN FIFTY (50) PERCENT OF THE REQUIRE PARKING FOR THE USE MAY BE LOCATED OFF-SITE IN ACCORDANCE WITH THE CITY'S CODE OF ORDINANCES. THE APPLICANT IS REQUESTING TO HAVE A MAXIMUM OF FIVE (5) ON-SITE PARKING SPACES LOCATED AT 5102 GULF BLVD. (LOT 1A BLOCK 156, PADRE BEACH SUBDIVISION, SECTION X)**

Chairman Garlock announced the item from the agenda and opened it up for discussion by the Board. The Board expressed their comments/concerns regarding the width of proposed lots. After some discussion Vice-Chairman Praster made a motion, seconded by Board Member Huffman to approve to have a maximum of five (5) on-site parking spaces at 5102 Gulf Blvd. The motion carried unanimously.

**6. ADJOURN**

There being no further business, Chairman Fedigan adjourned the meeting at 10:23 a.m.

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Marta Martinez, Planning Coordinator

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Gordon Garlock, Chairman

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** July 5, 2022

**NAME & TITLE:** Alex Sanchez, Public Works Director

**DEPARTMENT:** Planning/Parks & Rec. Department

**ITEM**

**PUBLIC HEARING:** to discuss a request by Matt Wisenbaker, property owner for a variance from Chapter 20 Zoning, Section 20-13 Setback area-Special regulations and uses, (A) Setbacks-Area Not To Be Used of the City's Code of Ordinances. The applicant is requesting to install a swimming pool on the east side of existing home that will be encroaching into the front and side yard setback located at 217 W Sunset Drive. (Lot 1 Block 198, Fiesta Isle Subdivision, (Padre Beach, Section XII))

**ITEM BACKGROUND**

1. The Chairman opens the Public Hearing by reading the caption from the Board's agenda.
2. The Chairman asks if anyone is present to speak in favor of agenda item.
3. Once everyone in favor has spoken, the Chairman then asks if anyone is present to speak in opposition of agenda item.
4. Once everyone in opposition has had an opportunity to speak, the Chairman will then close the Public Hearing.

Please keep in mind that the Board will normally have discussion and action during the next item on the agenda. The Public Hearing is for the purpose of receiving comments from the public. It is not necessary for the Board Members to respond to the public at this time. If a member of the public raises a question, the members of the Board should make note of it to address during the next discussion and action item after the Public Hearing has been closed.

Staff did not receive any letter for or against.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

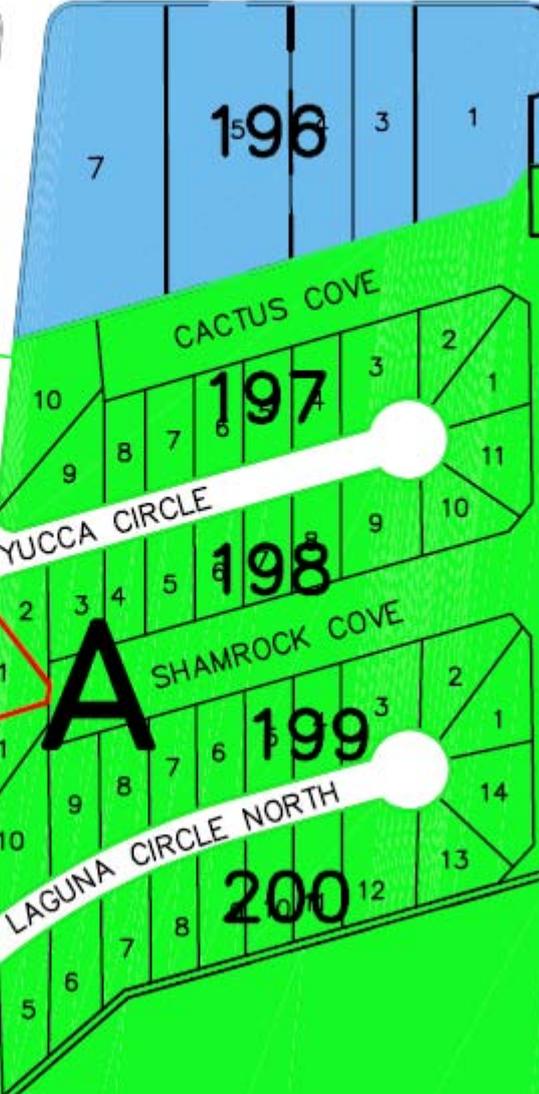
Sent to Legal:

Approved by Legal:

**RECOMMENDATIONS/COMMENTS:**

NC

TRACT "A"  
BAY HARBOR COVE



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**Sec. 20-13. Setback area—Special regulations and uses.**

- (A) *Setbacks—Area Not To Be Used.* No vertical structures or manufacture of any kind, temporary or permanent, or any types of goods, wares or merchandise of any kind, nor other property of any kind, will be placed within the setback requirements required by this code, except for fences, signs, trash pads, walks, linen cabinets as detailed in Section 20-13(E) below and retaining walls and the sideyard setback may have placed in it swimming pool equipment, trash pads, walks, shower pads and air conditioning equipment not to exceed first floor level. The rear yard setback may have placed in it a swimming pool and pool accessories that are limited to a hot tub, a spa, a pool slide, pool railings, water features, water pumps, swimming pool equipment and shower pads, provided those accessories are to be used solely by occupants of the dwelling(s) and their guests and shall not exceed 6.5 feet in height when located within 10 feet of a property line. The setback area shall be that portion of the property between a public right-of-way or lot line and the permissible building line for that piece of property.
- (B) *Determining Setback Requirements.* When determining the setback requirements for this Chapter, the setback lines for a structure will vary for different portions of that structure as it increases in height, thereby allowing stair stepping in determining the setback requirements. Each time a building reaches a height that requires an additional setback, only that portion of the building at that height must meet the additional setback, and the lower portions must only comply with the setback as applied to it
- (C) *Reserved.*
- (D) *Beach Lots—Rear Yard.* All buildings located East of Gulf Blvd. are not required to maintain a rear yard regardless of any provision in this Chapter to the contrary and may build the rear of their structure to the building line as established by the Attorney General of the State of Texas.
- (E) *Linen Cabinets.* Linen cabinets may be placed in the side and rear-yard setback areas with an approved Building Permit for such installation, under the following conditions:
- (1) Only within the "C", "C-2", "D" and "D-1" zoning districts.
  - (2) A minimum of a five (5) foot separation must exist between the linen cabinet and any structure, excluding fences.
  - (3) The receptacle must be anchored at or above the six (6) foot elevation and must be built and anchored to meet FEMA and windstorm standards for permanent structures.

(Ord. No. 98-03, Jan. 1998)

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## Sec. 20-6. District "A" —Single family dwelling district.

(A) *Use regulations:*

- (1) Dwellings, one family.
- (2) Accessory buildings, including a 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 building. When the accessory building is attached to the main building by a breezeway, the breezeway may be considered a part of the accessory building. The floor area of all accessory buildings on the lot shall not exceed 50% of the floor area of the principal structure.
- (3) Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
- (4) 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.
- (5) Special Exceptions: Public Service Facility; Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.
- (6) Rentals of less than 30 days are prohibited.

(B) *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.

(C) *Area regulations:*

(1) *Front yards:*

- (a) There shall be a front yard having a minimum depth of twenty-five (25) feet except all lots facing the Gulf of Mexico on the East side of Gulf Boulevard may have a front yard depth of no less than ten (10) feet from the lot line.
- (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yards:*

- (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.

(3) *Rear yards:*

- (a) There shall be a rear yard having a depth of not less than twenty (20) feet from the rear lot line
- (b) Where canals, bayfront, beach front, and/or yacht basins occur at rear of lots, buildings may extend to the bulkhead.
- (c) Where canals and yacht basins occur at rear of lots, boathouses may extend twenty (20) feet into the water provided that the structure is less than twelve (12) feet in height, is open construction,

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has no bathroom facilities and observes the sideyard set back as if the property lines were extended.

- (4) *Area of lot.* the minimum area of a lot shall be 5,000 square feet, except no person may replat any lot within Padre Beach Subdivision, Section XII that is Single-Family Residential (District "A") to cause it to be smaller than it was platted in the original subdivision plat.
- (5) *Width of lot.* The minimum width of a lot shall be fifty (50) feet.
- (6) *Depth of lot.* The minimum depth of a lot shall be one hundred (100) feet.
- (7) *Area of building.* The minimum area of a dwelling structure shall be 2,000 square feet in any lot in Block 192 and a minimum of 1,200 square feet in all other lots in the single family district. In the case of two or more stories, the area requirements shall apply to the ground floor.
- (8) *Sanitation.* There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- (9) *Type of construction—Padre Beach Section XII.* All buildings erected on any portion of Padre Beach Section XII must be of masonry or reinforced concrete construction from the ground floor to the second floor living area. This, however, will not preclude the use of wood material for roof members, windows, doors and for decorative effects. For the purpose of this sub-section only, masonry may include the use of brick veneer.

(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)

**CITY OF SOUTH PADRE ISLAND  
BOARD OF ADJUSTMENTS AND APPEALS  
AGENDA REQUEST FORM**

**MEETING DATE:** July 5, 2022

**NAME & TITLE:** Alex Sanchez, Public Works Director

**DEPARTMENT:** Planning/Parks & Rec. Department

**ITEM**

DISCUSSION AND ACTION to discuss a request by Matt Wisenbaker, property owner for a variance from Chapter 20 Zoning, Section 20-13 Setback area-Special regulations and uses, (A) Setbacks-Area Not To Be Used of the City's Code of Ordinances. The applicant is requesting to install a swimming pool on the east side of existing home that will be encroaching into the front and side yard setback located at 217 W Sunset Drive. (Lot 1 Block 198, Fiesta Isle Subdivision, (Padre Beach, Section XII))

**ITEM BACKGROUND**

Matt Wisenbaker, property owner is requesting to install a swimming pool on the east side of the existing home that will be encroaching into the front and side yard setback located at 217 W Sunset Drive, Lot 1 Block 198, Fiesta Isle Subdivision (Padre Beach, Section XII)). The subject property is located on north side of W Sunset Drive and is zoned District "A" Single family dwelling district.

**BUDGET/FINANCIAL SUMMARY**

N/A

**COMPREHENSIVE PLAN GOAL**

N/A

**LEGAL REVIEW**

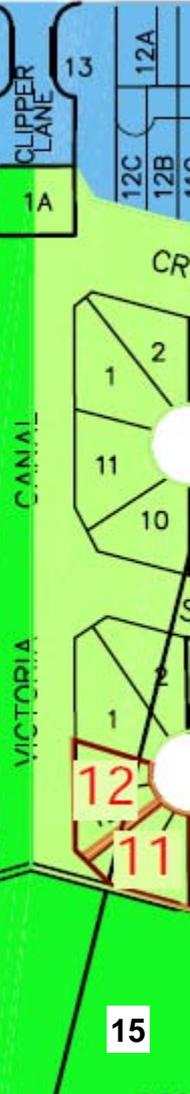
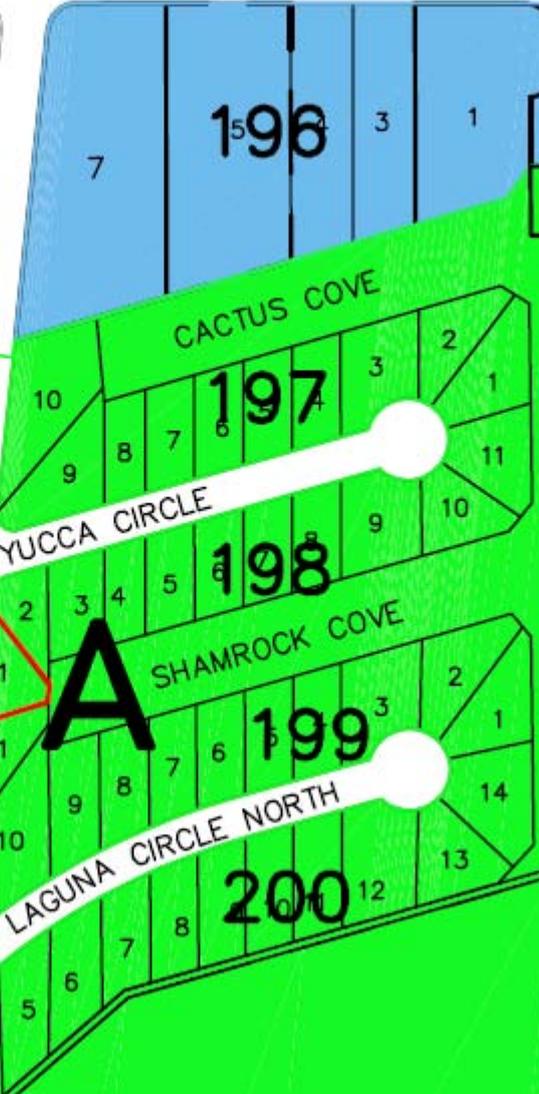
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**RECOMMENDATIONS/COMMENTS:**

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BAY HARBOR COVE



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**Sec. 20-13. Setback area—Special regulations and uses.**

- (A) *Setbacks—Area Not To Be Used.* No vertical structures or manufacture of any kind, temporary or permanent, or any types of goods, wares or merchandise of any kind, nor other property of any kind, will be placed within the setback requirements required by this code, except for fences, signs, trash pads, walks, linen cabinets as detailed in Section 20-13(E) below and retaining walls and the sideyard setback may have placed in it swimming pool equipment, trash pads, walks, shower pads and air conditioning equipment not to exceed first floor level. The rear yard setback may have placed in it a swimming pool and pool accessories that are limited to a hot tub, a spa, a pool slide, pool railings, water features, water pumps, swimming pool equipment and shower pads, provided those accessories are to be used solely by occupants of the dwelling(s) and their guests and shall not exceed 6.5 feet in height when located within 10 feet of a property line. The setback area shall be that portion of the property between a public right-of-way or lot line and the permissible building line for that piece of property.
- (B) *Determining Setback Requirements.* When determining the setback requirements for this Chapter, the setback lines for a structure will vary for different portions of that structure as it increases in height, thereby allowing stair stepping in determining the setback requirements. Each time a building reaches a height that requires an additional setback, only that portion of the building at that height must meet the additional setback, and the lower portions must only comply with the setback as applied to it
- (C) *Reserved.*
- (D) *Beach Lots—Rear Yard.* All buildings located East of Gulf Blvd. are not required to maintain a rear yard regardless of any provision in this Chapter to the contrary and may build the rear of their structure to the building line as established by the Attorney General of the State of Texas.
- (E) *Linen Cabinets.* Linen cabinets may be placed in the side and rear-yard setback areas with an approved Building Permit for such installation, under the following conditions:
- (1) Only within the "C", "C-2", "D" and "D-1" zoning districts.
  - (2) A minimum of a five (5) foot separation must exist between the linen cabinet and any structure, excluding fences.
  - (3) The receptacle must be anchored at or above the six (6) foot elevation and must be built and anchored to meet FEMA and windstorm standards for permanent structures.

(Ord. No. 98-03, Jan. 1998)

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## Sec. 20-6. District "A" —Single family dwelling district.

(A) *Use regulations:*

- (1) Dwellings, one family.
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- (3) Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work.
- (4) 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.
- (5) Special Exceptions: Public Service Facility; Residential accessory uses in a vacant lot that is contiguous with a residential single family lot having a principal building under common ownership.
- (6) Rentals of less than 30 days are prohibited.

(B) *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.

(C) *Area regulations:*

(1) *Front yards:*

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- (b) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yards:*

- (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.

(3) *Rear yards:*

- (a) There shall be a rear yard having a depth of not less than twenty (20) feet from the rear lot line
- (b) Where canals, bayfront, beach front, and/or yacht basins occur at rear of lots, buildings may extend to the bulkhead.
- (c) Where canals and yacht basins occur at rear of lots, boathouses may extend twenty (20) feet into the water provided that the structure is less than twelve (12) feet in height, is open construction,

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has no bathroom facilities and observes the sideyard set back as if the property lines were extended.

- (4) *Area of lot.* the minimum area of a lot shall be 5,000 square feet, except no person may replat any lot within Padre Beach Subdivision, Section XII that is Single-Family Residential (District "A") to cause it to be smaller than it was platted in the original subdivision plat.
- (5) *Width of lot.* The minimum width of a lot shall be fifty (50) feet.
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- (7) *Area of building.* The minimum area of a dwelling structure shall be 2,000 square feet in any lot in Block 192 and a minimum of 1,200 square feet in all other lots in the single family district. In the case of two or more stories, the area requirements shall apply to the ground floor.
- (8) *Sanitation.* There shall be no sewage disposal without water carriage. Chemical toilets may be erected on a temporary basis during construction only.
- (9) *Type of construction—Padre Beach Section XII.* All buildings erected on any portion of Padre Beach Section XII must be of masonry or reinforced concrete construction from the ground floor to the second floor living area. This, however, will not preclude the use of wood material for roof members, windows, doors and for decorative effects. For the purpose of this sub-section only, masonry may include the use of brick veneer.

(Ord. No. 96-05, 10-2-1996; Ord. No. 00-10, § 1, 8-2-2000)



CITY OF SOUTH PADRE ISLAND
BOARD OF ADJUSTMENT & APPEALS APPLICATION

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

APPLICANT INFORMATION

Name Mary Helen Wisenbaker
Mailing Address 21090 Blue Goose Drive
City, State, Zip Montgomery, Tx 77316
Phone number 713-380-0313
Fax number N/A
E-mail Address maryhelenw@wisenbaker.com

OWNER INFORMATION

Name Matt Wisenbaker
Mailing address 21090 Blue Goose Drive
City, State, Zip Montgomery, Tx 77316
Phone number 713-816-3685
Fax number N/A
E-mail Address MattW@wisenbaker.com

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 217 West Sunset

Legal Description (Lot / Block / Subdivision): Lot. 1, Block 198, Fiesta Isles Subdivision, Padre Beach Section 11

I hereby request the following from the Board of Adjustment and Appeals: We are requesting to install a pool on the east side of our home due to not having a backyard and a fence setback for the front

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:

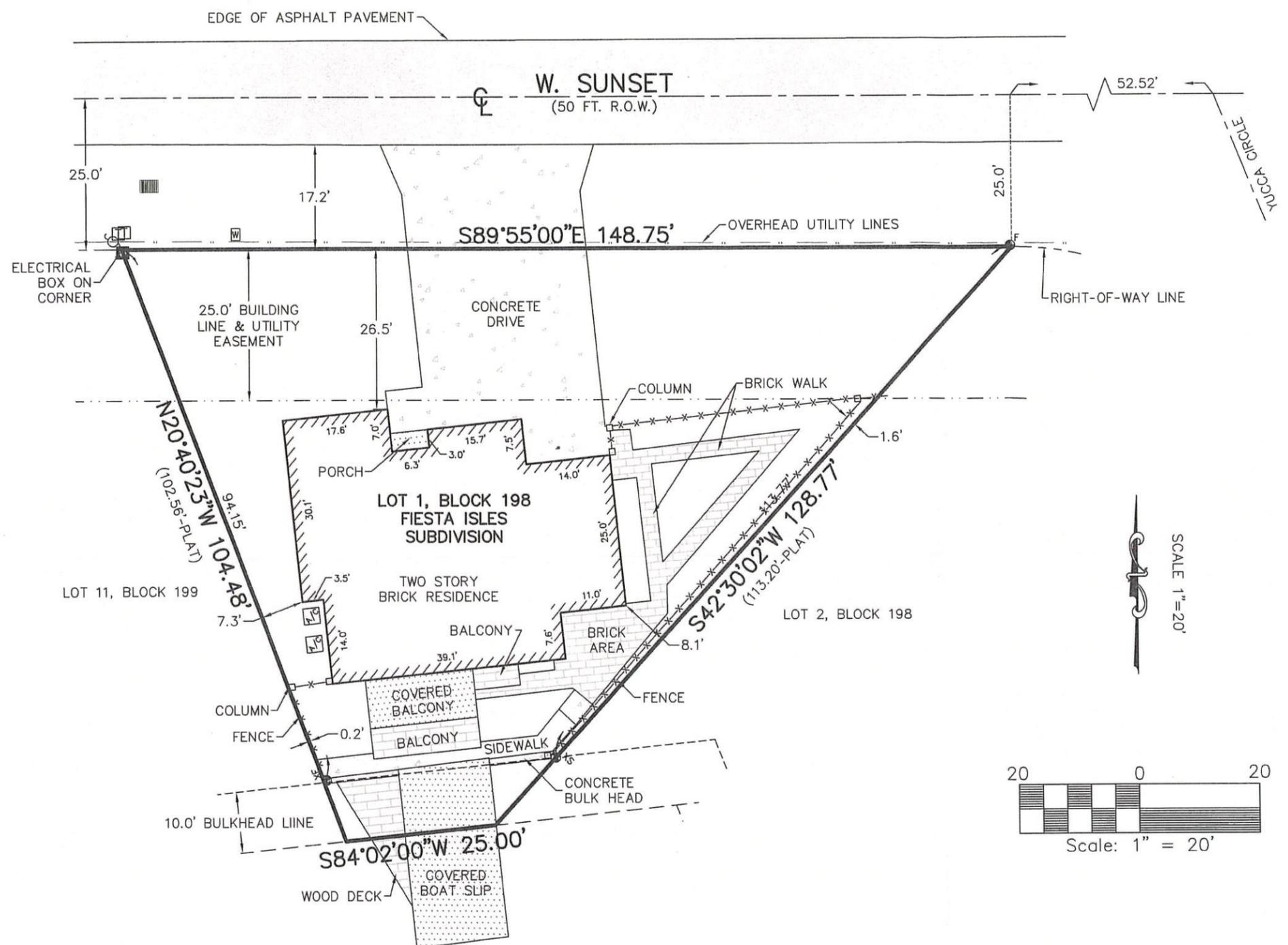
Note: Applicants are required to fully disclose in the application all information that is necessary for the various bodies to make their determination prior to issuance of any permit. At a minimum, an application for a variance or Special Exception shall contain ten (10) copies of the information outlined 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) Mary Helen Wisenbaker Owner's Name (Please Print): Matt Wisenbaker

Applicant's Signature: Mary Helen Wisenbaker Owner's Signature: [Signature]

Date: 6-13-2022 Date: 6-13-2022



**NOTES**

1. BASIS OF BEARINGS AS PER FIESTA ISLES SUBDIVISION RECORDED IN VOLUME 17, PAGE 43, MAP RECORDS OF CAMERON COUNTY, TEXAS.
2. ADDRESS: 217 W. SUNSET SOUTH PADRE ISLAND, TEXAS 78597
3. COMMITMENT FOR TITLE INSURANCE WITH FILE NO. 202092161, ISSUED APRIL 29, 2021 WAS USED TO PREPARE THIS SURVEY.

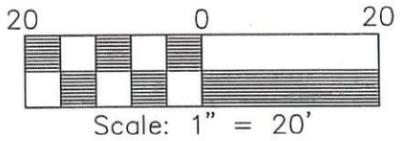
**SURVEYOR CERTIFICATE**

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREIN WAS MONUMENTED ON THE GROUND ON **06/01/2021**, THAT THE ONLY VISIBLE IMPROVEMENTS ARE AS SHOWN; THAT THERE ARE NO VISIBLE ENCROACHMENTS, VISIBLE OVERLAPPINGS, APPARENT CONFLICTS, OR VISIBLE EASEMENTS EXCEPT AS SHOWN HEREIN, THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

*Cody Moore*  
 CODY MICHAEL MOORE, R.P.L.S.  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6370  
 6/20/21  
 DATE



SCALE 1" = 20'



**BOUNDARY SURVEY OF:**

LOT NUMBER ONE (1),  
 BLOCK ONE HUNDRED NINETY EIGHT (198),  
 FIESTA ISLES SUBDIVISION,  
 BEING PADRE BEACH, SECTION XII, IN THE  
 TOWN OF SOUTH PADRE ISLAND, CAMERON  
 COUNTY, TEXAS, ACCORDING TO MAP  
 RECORDED IN VOLUME 17, PAGE 43, MAP  
 RECORDS OF CAMERON COUNTY, TEXAS.

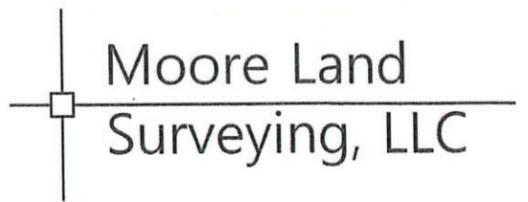
**FLOOD ZONE**

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "AE (EL 7)", AS PER THE NATIONAL FLOOD INSURANCE PROGRAM OF COMMUNITY NO. 480115, PANEL NO. 0370, SUFFIX "F", EFFECTIVE FEBRUARY 16, 2018.

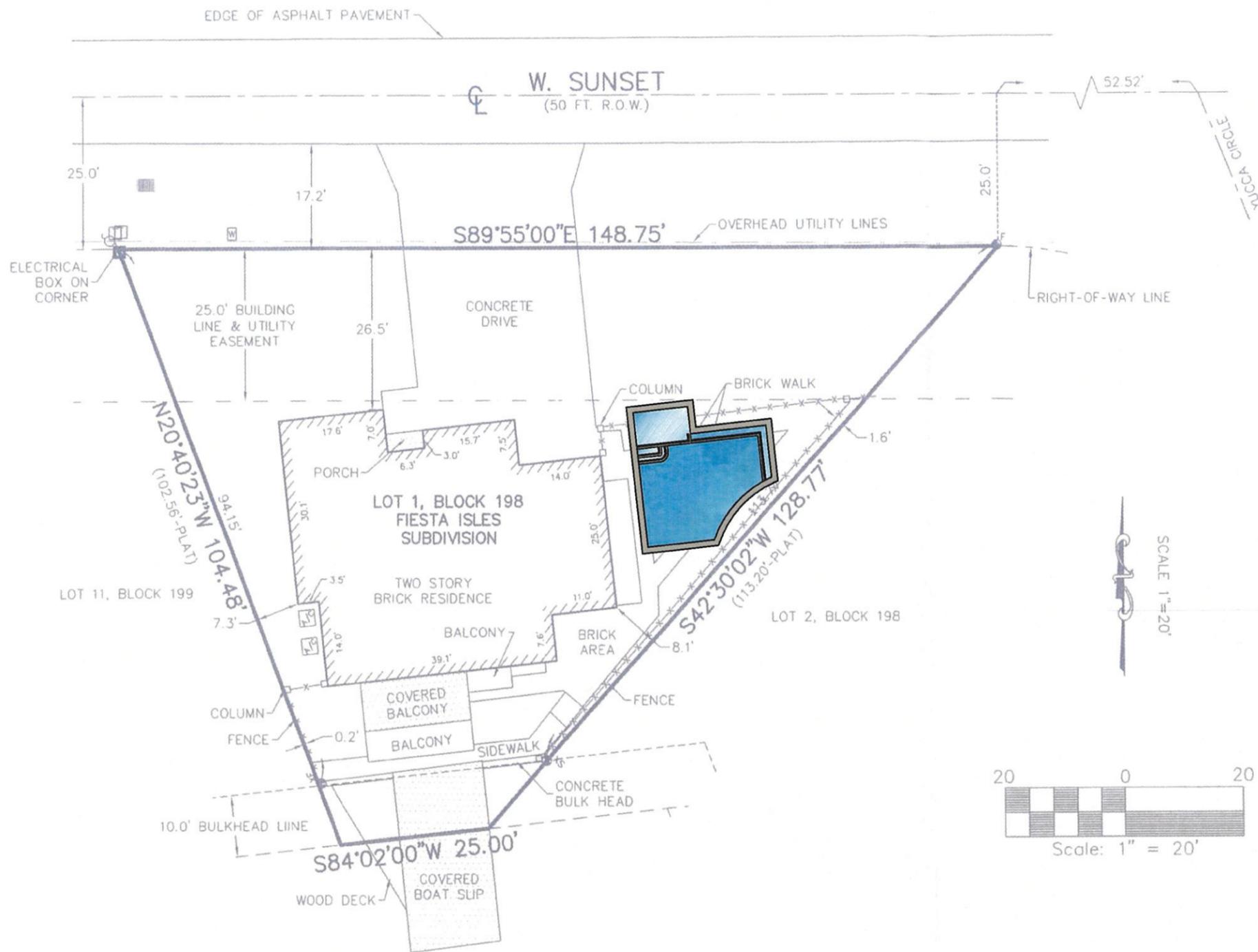
**LEGEND**

|  |  |  |                       |
|--|--|--|-----------------------|
|  | IRON ROD FOUND                             |  | STORM INLET           |
|  | IRON ROD SET WITH CAP STAMPED "MOORE-6370" |  | A/C UNIT              |
|  | "X" MARK SET                               |  | TELEPHONE PEDESTAL    |
|  | "X" MARK FOUND                             |  | CLEANOUT              |
|  | WATER METER                                |  | ELECTRIC JUNCTION BOX |
|  | POWER POLE                                 |  | CABLE PEDESTAL        |
|  |  |  | GRATE INLET           |

FOR: MATT D WISEBAKER AND MARY HELEN WISEBAKER  
 DATE: 28 JUNE 2021 JOB NO: 168086



14216 Palis Drive, La Feria, TX 78559  
 (956)245-0988 TBPLS Firm No. 10194186



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*Cody Moore*  
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 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6370  
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FOR: MATT D WISENBAKER AND MARY HELEN WISENBAKER  
 DATE: 28 JUNE 2021 JOB NO: 168086



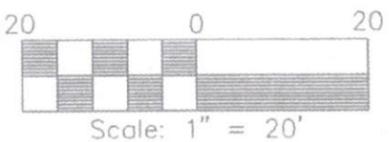
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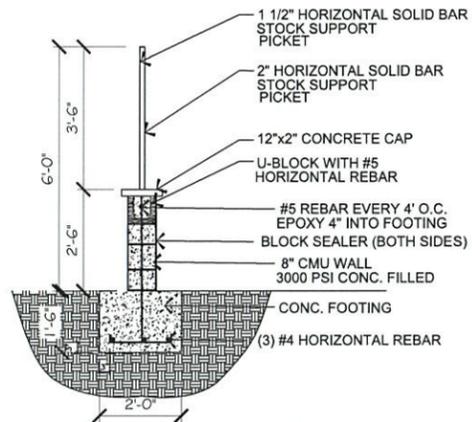
**LEGEND**

|  |  |  |                       |
|--|--|--|-----------------------|
|  | IRON ROD FOUND                             |  | STORM INLET           |
|  | IRON ROD SET WITH CAP STAMPED "MOORE-6370" |  | A/C UNIT              |
|  | "X" MARK SET                               |  | TELEPHONE PEDESTAL    |
|  | "X" MARK FOUND                             |  | CLEANOUT              |
|  | WATER METER                                |  | ELECTRIC JUNCTION BOX |
|  | POWER POLE                                 |  | CABLE PEDESTAL        |
|  |  |  | GRATE INLET           |



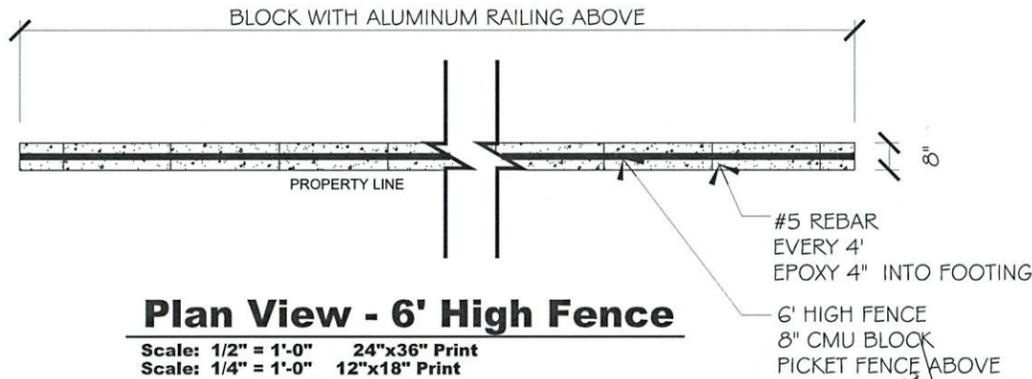
SCALE 1"=20'

**Project Name:**  
**WISENBAKER REMODEL**  
**Lot No. 1 Block 198**  
**Fiesta Isles Subdivision**  
**Padre Beach Section XII**  
**Town of SPI**  
**Cameron County Texas**



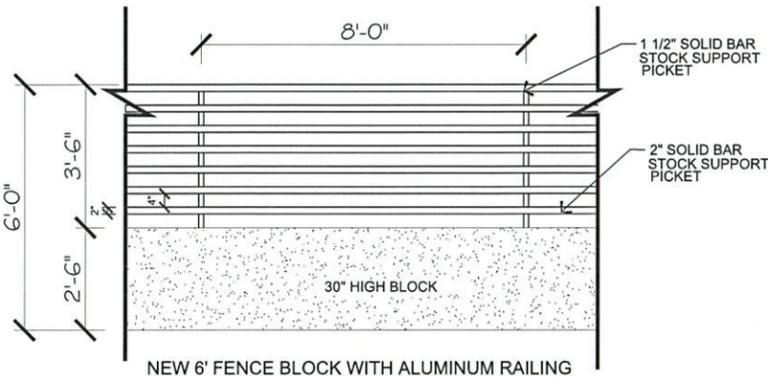
**Cross Section - 6' Fence**

Scale: 1/2" = 1'-0" 24"x36" Print  
 Scale: 1/4" = 1'-0" 12"x18" Print



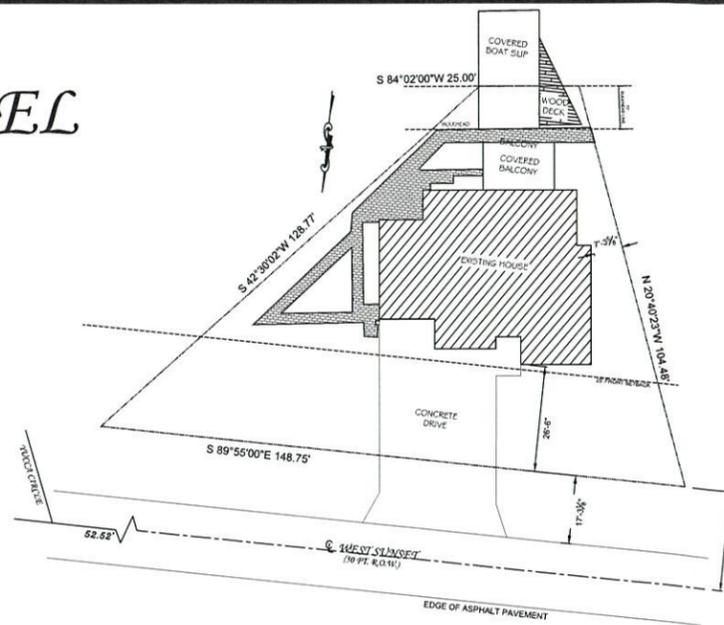
**Plan View - 6' High Fence**

Scale: 1/2" = 1'-0" 24"x36" Print  
 Scale: 1/4" = 1'-0" 12"x18" Print



**Fence @ South & East Side**

Scale: 1/2" = 1'-0" 24"x36" Print  
 Scale: 1/4" = 1'-0" 12"x18" Print



**Existing Site Plan**

Scale: 1/8" = 1'-0" 24"x36" Print  
 Scale: 1/16" = 1'-0" 12"x18" Print

| Wisnemaker Remodel        |             |                           |             |
|---------------------------|-------------|---------------------------|-------------|
| AREA TABULATION           |             |                           |             |
|                           | LIVING      | NON-LIVING                |             |
| 1st FLOOR LIVING EXISTING | 1,576.00 sf | GARAGE                    | 378.00 sf   |
|                           |             | REAR PATIO                | 216.00 sf   |
| 2nd FLOOR LIVING EXISTING | 1,954.00 sf | REAR BALCONY              | 216.00 sf   |
| TOTAL LIVING EXISTING     | 3,530.00 sf | TOTAL NON LIVING EXISTING | 810.00 sf   |
|                           |             | TOTAL AREA EXISTING       | 4,340.00 SF |

**INDEX OF DRAWINGS**

| DWG. NO. | DESCRIPTION                          |
|----------|--------------------------------------|
| CVR      | COVER PAGE # SITE PLAN               |
| FL-1     | 1st FLOOR PLAN # EXISTING # PROPOSED |
| FL-2     | 2nd FLOOR PLAN # EXISTING # PROPOSED |
| ELEV     | ELEVATIONS                           |

| Date: 05/04/2022              |                |
|-------------------------------|----------------|
| Project #: WISENBAKER REMODEL |                |
| REV.                          | DATE           |
|                               |                |
| NO.                           | REVISION/ISSUE |
|                               |                |

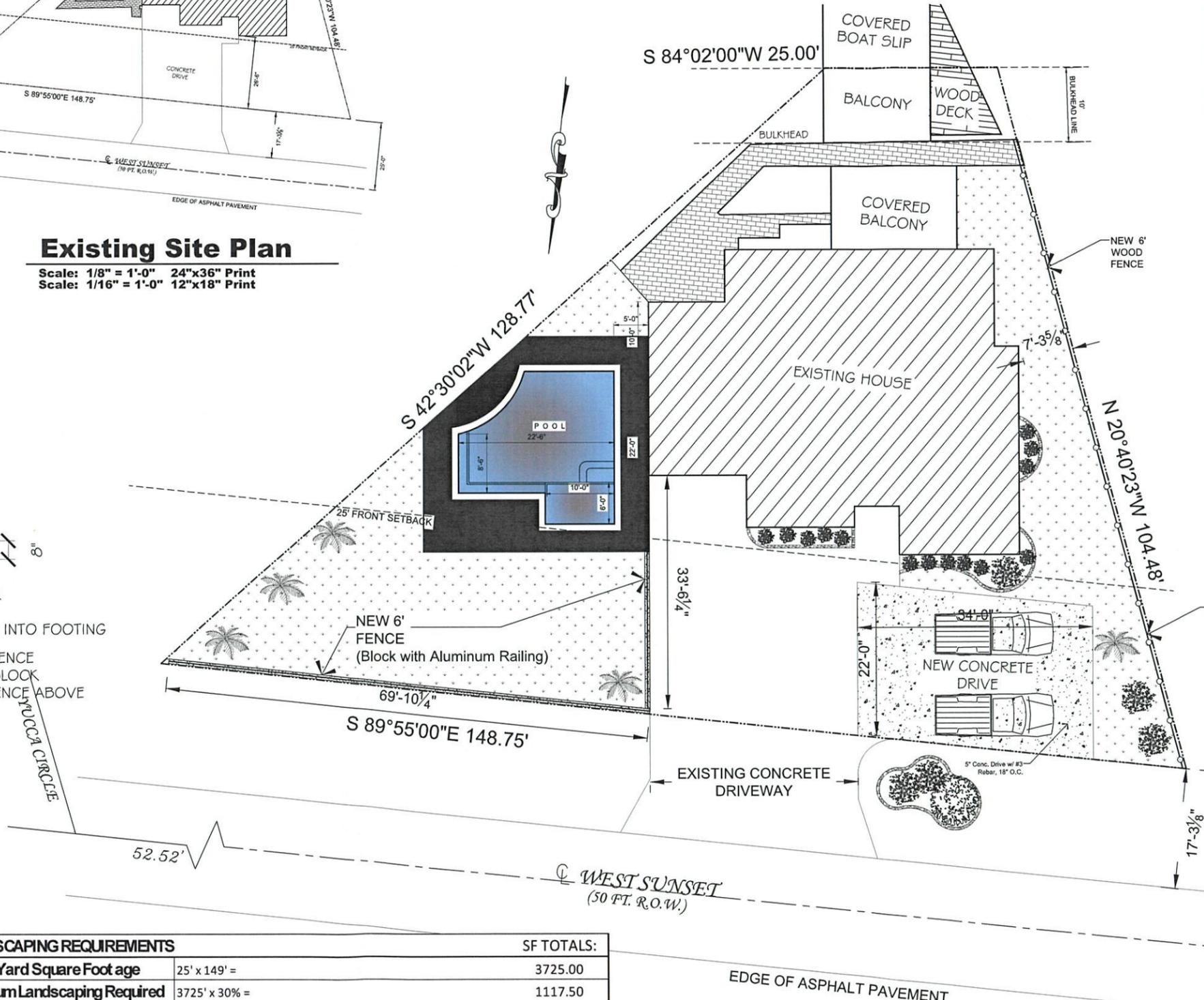
**Project Name:**  
**Wisnemaker Remodel**  
**217 W. Sunset**  
**South Padre Island,**  
**Texas 78597**

**PERLA TORRES DRAFTING & DESIGN**  
 415 E. WASHINGTON  
 SUITE A  
 PORT ISABEL, TEXAS  
 78578  
 (956) 266-8450

PERLAT@LIVE.COM

**Prepared For:**  
**Matt & Mary Helen Wisnemaker**

This plan cannot be copied or used for resale or construction unless it has an original signature and an authorization from Perla Torres. Engineering for the foundation is the responsibility of owner or Contractor. Perla Torres takes no responsibility for the construction of the residence or building. EVERY EFFORT HAS BEEN MADE TO AVOID MISTAKES DURING THE PREPARATION OF THESE DOCUMENTS. PERLA TORRES DRAFTING & DESIGN CANNOT GUARANTEE AGAINST HUMAN ERROR WHEN DRAFTING THESE PLANS. THE CONTRACTOR ASSIGNED TO DO THIS JOB MUST DOUBLE CHECK ALL DIMENSIONS AND DETAILS AS REQUIRED PER BUILDING CODES.



**Proposed Site Plan**

Scale: 1/8" = 1'-0" 24"x36" Print  
 Scale: 1/16" = 1'-0" 12"x18" Print

| LANDSCAPING REQUIREMENTS     |               | SF TOTALS: |         |
|------------------------------|---------------|------------|---------|
| Front Yard Square Footage    | 25' x 149' =  |            | 3725.00 |
| Minimum Landscaping Required | 3725' x 30% = |            | 1117.50 |
| Min. one tree/300 sf         |               |            |         |
| LANDSCAPING PROVIDED         |               | G1         | G2      |
|                              |               | 1460       | 330     |
|                              |               |            | 1790    |

**Sheet Number:**

**COVER PAGE & SITE**



• East side of backyard - looking South



• View of backyard



• View of backyard - looking East



• View of backyard on west side of house - looking South



• View of side yard - East side - looking North

\* proposed area for pool.



• East side of Front yard