

**NOTICE OF SPECIAL 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 SPECIAL MEETING ON:

**FRIDAY, JANUARY 11, 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 December 4, 2018 regular meeting.
5. Discussion and action regarding a request by Raul Gonzalez & Jeffery Erickson for a variance from Section 2-14 Driveways, Alleys, Entrances and Approaches B. Residential Driveway Dimensions (2) Widths (b) Three Family Residential and Above of the City's Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island. Applicant is requesting a variance to expand to the maximum driveway curb cut dimensions to 40 feet. (Lot 24, Block 92, Padre Beach Subdivision Section VII – 126 E. Retama Street)
6. Adjourn

DATED THIS THE 8TH DAY OF JANUARY 2019


Susan Hill, 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 **JANUARY 8, 2019** AT/OR BEFORE **8:00 AM** AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.




Susan Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL DAVID TRAVIS; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-8103.

<p style="text-align: center;">MINUTES CITY OF SOUTH PADRE ISLAND BOARD OF ADJUSTMENTS & APPEALS (ZONING) REGULAR MEETING</p>
--

TUESDAY, DECEMBER 4, 2018

I. Call to Order.

The Board of Adjustments & Appeals (Zoning) of the City of South Padre Island, Texas held a Regular Meeting on Tuesday, December 4, 2018 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, Carol Bolstad, Chris Huffman, and Cain Mahan.

City staff Members present were Assistant City Manager Darla Jones, Planning Director Clifford Cross, Building Official David Travis, 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.

None

IV. Approve minutes of November 7, 2018 regular meeting.

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

V. Public hearing regarding a request by Raul Gonzalez & Jeffery Erickson for a variance from Section 2-14 Driveways, Alleys, Entrances and Approaches B. Residential Driveway Dimensions (2) Widths (b) Three Family Residential and Above of the City's Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island. Applicant is requesting a variance to expand to the maximum driveway curb cut dimensions to 40 feet. (Lot 24, Block 92, Padre Beach Subdivision Section VII – 126 E. Retama Street)

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; Jeffery Erickson spoke in favor the agenda item. Chairman Fedigan then closed the public hearing at 9:05 a.m.

- VI. Discussion and action regarding a request by Raul Gonzalez & Jeffery Erickson for a variance from Section 2-14 Driveways, Alleys, Entrances and Approaches B. Residential Driveway Dimensions (2) Widths (b) Three Family Residential and Above of the City's Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island. Applicant is requesting a variance to expand to the maximum driveway curb cut dimensions to 40 feet. (Lot 24, Block 92, Padre Beach Subdivision Section VII – 126 E. Retama Street)**

After much discussion regarding the variance to expand to the maximum driveway curb cut dimensions to 40 feet Chairman Fedigan made a motion, seconded by Board Member Bolstad to table the agenda item until next regular meeting to allow the Members and staff to review and discuss the driveway further. Motion carried unanimously.

- VII. Public hearing regarding a request by Romeo Garza & Jeffery Erickson for a variance from Section 2-14 Driveways, Alleys, Entrances and Approaches B. Residential Driveway Dimensions (2) Widths (b) Three Family Residential and Above of the City's Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island. Applicant is requesting a variance to expand to the maximum driveway curb cut dimensions to 40 feet. (Lot 29, Block 133, Padre Beach Subdivision Section IX – 112 E. Venus Lane)**

Chairman Fedigan opened the public hearing at 10:21 a.m. and asked if anyone wish to speak in favor or against this agenda item; Leslie Tatum and Tom Crawly spoke against the agenda item. Chairman Fedigan then closed the public hearing at 10:27 a.m.

- VIII. Discussion and action regarding a request by Romeo Garza & Jeffery Erickson for a variance from Section 2-14 Driveways, Alleys, Entrances and Approaches B. Residential Driveway Dimensions (2) Widths (b) Three Family Residential and Above of the City's Standards and Specifications for the Acceptance of Public Improvements for the City of South Padre Island. Applicant is requesting a variance to expand to the maximum driveway curb cut dimensions to 40 feet. (Lot 29, Block 133, Padre Beach Subdivision Section IX – 112 E. Venus Lane)**

Board Member Mahan made a motion, seconded by Board Member Huffman to withdraw the variance without prejudice. Motion carried unanimously.

- IX. Public hearing regarding a request by Ah Hock Yong for a Special Exception from Section 20-8.1 Appendix "Z" Padre Boulevard and Entertainment District Code of the City's Code of Ordinances Table 5.1 Schedule of Uses (Land Use) Single family home allowed in**

Neighborhood Transition Zone with a Special Exception. Of the Padre Boulevard and Entertainment District Code. Applicant is requesting a variance to construct a single family home in the Neighborhood Transition zone. *(Lot 3, Block 78, Padre Beach Subdivision Section VI – 103 E. Bahama Street)*

Chairman Fedigan opened the public hearing at 10:32 a.m. and ask if anyone wish to speak in favor or against this agenda item; Ah Hock Yong spoke in favor the agenda item. Chairman Fedigan then closed the public hearing at 10:33 a.m.

- X. Discussion and action regarding a request by Ah Hock Yong for a Special Exception from Section 20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code of the City’s Code of Ordinances Table 5.1 Schedule of Uses (Land Use) Single family home allowed in Neighborhood Transition Zone with a Special Exception. Of the Padre Boulevard and Entertainment District Code. Applicant is requesting a variance to construct a single family home in the Neighborhood Transition zone.** *(Lot 3, Block 78, Padre Beach Subdivision Section VI – 103 E. Bahama Street)*

Chairman Fedigan made a motion, seconded by Board Member Huffman to approve the variance to construct a single family home in the Neighborhood Transition zone. Motion carried unanimously.

- XI. Public hearing regarding a request by Ah Hock Yong for a Special Exception from Section 20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code of the City’s Code of Ordinances Table 5.1 Schedule of Uses (Land Use) Single family home allowed in Neighborhood Transition Zone with a Special Exception. Of the Padre Boulevard and Entertainment District Code. Applicant is requesting a variance to construct a single family home in the Neighborhood Transition zone.** *(Lot 36, Block 78, Padre Beach Subdivision Section VI – 102 E. Campeche Street)*

Chairman Fedigan opened the public hearing at 10:41 a.m. and asked if anyone wish to speak in favor or against this agenda item; hearing none. Chairman Fedigan then closed the public hearing at 10:41 a.m.

- XII. Discussion and action regarding request by Ah Hock Yong for a Special Exception from Section 20-8.1 Appendix “Z” Padre Boulevard and Entertainment District Code of the City’s Code of Ordinances Table 5.1 Schedule of Uses (Land Use) Single family home allowed in Neighborhood Transition Zone with a Special Exception. Of the Padre**

Boulevard and Entertainment District Code. Applicant is requesting a variance to construct a single family home in the Neighborhood Transition zone. *(Lot 36, Block 78, Padre Beach Subdivision Section VI – 102 E. Campeche Street)*

Chairman Fedigan made a motion, seconded by Board Member Mahan to approve the variance to construct a single family home in the Neighborhood Transition zone. Motion carried unanimously.

XIII. Public hearing regarding a request by Eladio Cuellar for a variance from Section 20-7.1 District “B-2” Residential & Multi-family Dwelling District (C) Height regulations of the City’s Code of Ordinances. Applicant is requesting a variance to construct a four (4) story building with parking spaces on the first (1) floor and living space on floors 2, 3 & 4. *(Lot 4, Block 188, Padre Beach Subdivision Section XII – 5607Gulf Boulevard)*

Chairman Fedigan opened the public hearing at 10:42 a.m. and asked if anyone wish to speak in favor or against this agenda item; Eladio Cuellar spoke in favor, Fran McKinsey, Jane Casey, Carlo Bolstad (representing 9 other owners), Bill Gurdon Sandra Armstrong spoke against the agenda item. Chairman Fedigan then closed the public hearing at 10:51 a.m.

XIV. Discussion and action regarding a request by Eladio Cuellar for a variance from Section 20-7.1 District “B-2” Residential & Multi-family Dwelling District (C) Height regulations of the City’s Code of Ordinances. Applicant is requesting a variance to construct a four (4) story building with parking spaces on the first (1) floor and living space on floors 2, 3 & 4. *(Lot 4, Block 188, Padre Beach Subdivision Section XII – 5607Gulf Boulevard)*

Chairman Fedigan made a motion, seconded by Board Member Huffman to deny the construction of a four (4) story building with parking spaces on the first (1) floor and living space on floors 2, 3, & 4. Motion carried unanimously.

XV. Adjourn

There being no further business to discuss Chairman Fedigan adjourned the meeting at 11:08 a.m.

Marta Martinez, Secretary

Paul Fedigan, Chairman

***The City of South Padre Island, Texas
Board of Adjustments & Appeals
Variance Request***

January 11, 2019

CASE NUMBER:	Items 5
CURRENT ZONING:	1) B-2 (Residential & Multi-Family)
FUTURE LAND USE	2) NA
EXISTING USE	3) Vacant
ZONING REQUEST:	Variance
LOCATION:	126 E. Retama
GEO ID NUMBER:	67-6400-0920-0240-00
ACREAGE:	Roughly 6,250 sq. ft. / .14 Acres (50' x 125')

ADJACENT ZONING, :	N)	1) B-2 – (Residential & Multi-Family)
FUTURE LAND USE		2) NA
& EXISTING LAND USE		3) Residential
	S)	1) B-2 – (Residential & Multi-Family)
		2) NA
		3) Residential
	E)	1) B-2 – (Residential & Multi-Family)
		2) NA
		3) Residential
	W)	1) B-2 – (Residential & Multi-Family)
		2) NA
		3) Residential

APPLICANT:

Raul S. Gonzalez & Jeffery Erickson
3520 Buddy Owens
McAllen, Texas 78504

OWNER:

Raul S. Gonzalez

I. PURPOSE AND MAJOR ISSUES

The applicant seeks a variance to the maximum curb cut requirements for multi-family residential units (Sec. 2-14 B(2)b)(A)(2) for Lot 24, Block 92, Padre Beach Subdivision, Section VII (126 E. Retama).

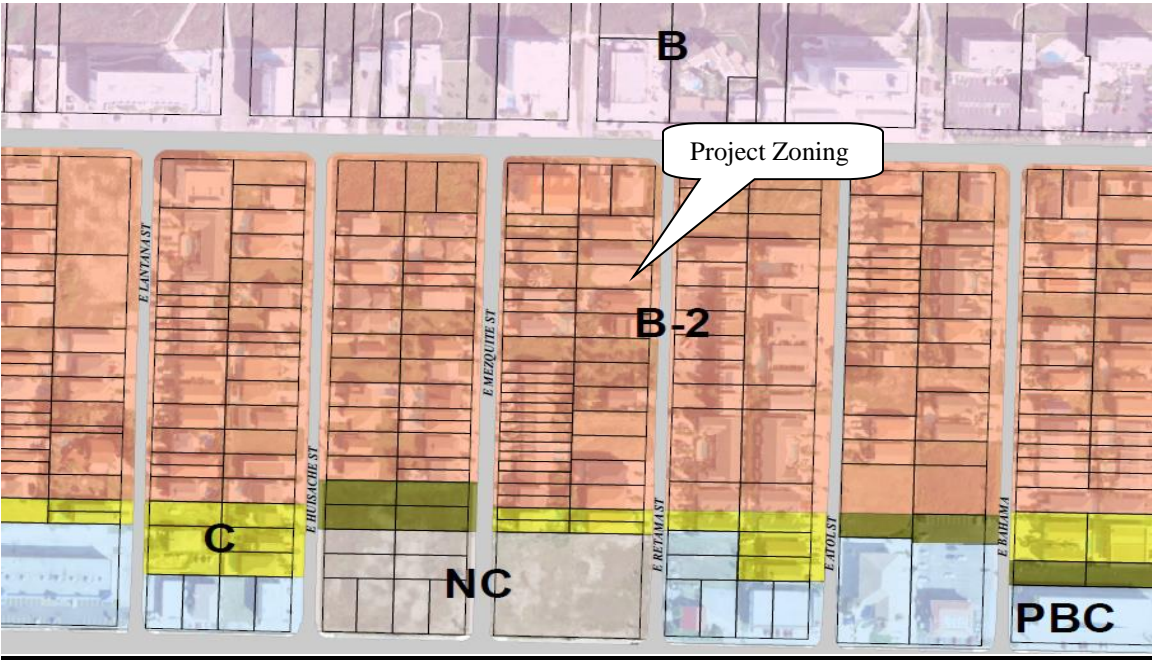
1. The applicant is requesting a curb cut of 40 feet which is a 16 foot increase to the maximum curb cut allowed.
2. Demonstrated Hardship

Property Location & Characteristics

126 E. Retama



Zoning



Existing Conditions:



II. REQUIREMENTS OF THE CITY'S ORDINANCE

- Sec. 2-14 – Driveways, Alleys, Entrances and Approaches:

B. Residential Driveway Dimensions:

(2) Widths:

(b) Three Family Residential and Above:

Minimum – Twenty-four (24) feet

Maximum – Twenty-four (24) feet

- Section 20-16.1.

(A) *Notice of Hearings.* Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by mailing notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

III. REVIEW STANDARDS

- Section 20-16.1.

(C) *Findings of Fact.* Every decision of the board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed in compliance with this article.

IV. PLANNING STAFF QUESTIONS/COMMENTS:

1. Retama has not been identified as a potential paid parking street at this time.

V. BOARD OPTIONS:

- Table
- Deny
- Approve



SPI TRANSIT & DEVELOPMENT DEPARTMENT

BOARD OF ADJUSTMENT & APPEALS APPLICATION

APPLICANT INFORMATION

Name RAUL S GONZALEZ GARCIA / Jeff Erickson

Mailing Address 3520 BUADY OWENS

City, State, Zip McAllen TX 78504

Phone number 956-631-9789

Fax number 956-631-1074

E-mail Address ERICKSON construction @ Iclad.com

OWNER INFORMATION

Name SAME

Mailing address _____

City, State, Zip _____

Phone number _____

Fax number _____

E-mail Address _____

SITE LOCATION FOR REQUEST:

Physical Address (Street Name & Number): 126 E Returns

Legal Description (Lot / Block / Subdivision): Lot 24 BLK 92 Padre Beach Sec VII

I hereby request the following from the Board of Adjustment and Appeals: Request curb cut to be larger (40') to allow for parking & accommodate the MAXIMUM off street parking

In addition, the application requires the submission of the following:

- ◇ \$250 application fee per variance or special exception 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) Jeff Erickson

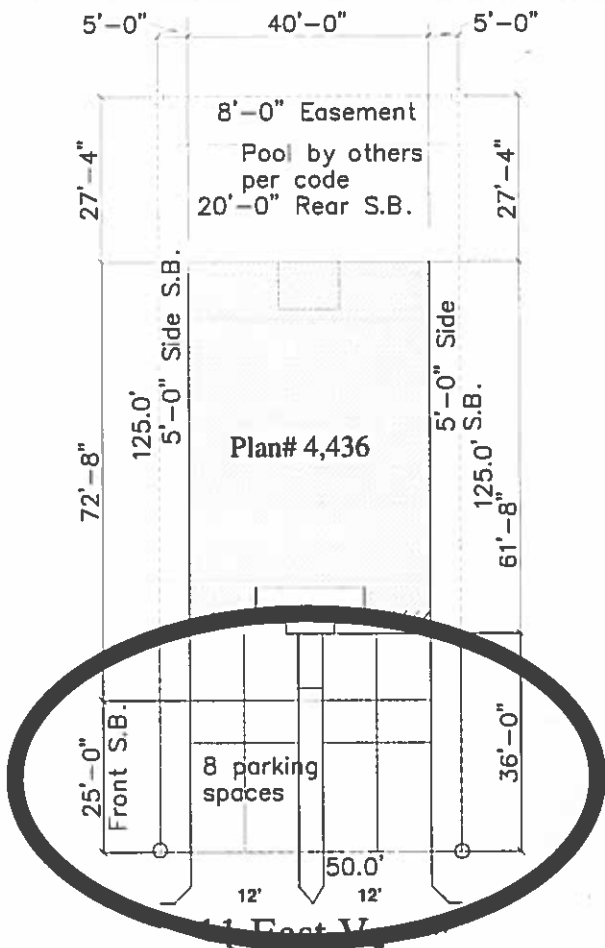
Applicant's Signature: [Signature]

Date: 11/1/18

Owner's Name (Please Print): Raul Gonzalez/Jeff Erickson

Owner's Signature: [Signature]

Date: 11/1/18



LEGAL DESCRIPTION	South Padre Island,
Block 5 Blk. 3	Cameron County, Texas
South Padre South Beach Sub'd Section 1	
dr; Erickson Construction L.L.C.	
scale : 1"=20'-0"	