



**CITY OF DEL RIO, TEXAS
ZONING BOARD OF ADJUSTMENT
COUNCIL CHAMBERS - CITY HALL
109 WEST BROADWAY
MONDAY, OCTOBER 17, 2022 - 5:30 P.M.**

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES

4. **OPEN PUBLIC HEARING**
Action may be taken on these items

- a. Conduct a Public Hearing and Consider a Request for Appeal # 22-17 by Adrian E. Davila who is requesting a variance in relation to area regulations requirements in an R-S Zoning District. Property Description: Lot 4, Block 44, North Heights (1603 Ave Q).
5. ADJOURNMENT

I, Maria C. Acosta, City Secretary, hereby certify that the above agenda was posted on the bulletin board in the Municipal Building and on the bulletin board immediately outside the Municipal Building on or before 5:30 p.m. on the 14th day of October 2022.

A handwritten signature in blue ink, appearing to read "M. Acosta", enclosed within a circular stamp or seal.

Maria C. Acosta, City Secretary

Board of Adjustment**4. a.****Meeting Date:** 10/17/2022**Submitted By:** Janice Pokrant, Public Works

Information**SUBJECT:**

Conduct a Public Hearing and Consider a Request for Appeal # 22-17 by Adrian E. Davila who is requesting a variance in relation to area regulations requirements in an R-S Zoning District. Property Description: Lot 4, Block 44, North Heights (1603 Ave Q).

BACKGROUND:

Applicant: Adrian E Davila

Address: 1603 Ave Q

Requested Action: Variance in relation to the front and side yard setback requirements

Lot Size: 60 x 140 sq. ft.

Zoning History:

Flood Plain Clearance: This property lies outside the FEMA 100-Year Flood Plain

Traffic Impact: Significant traffic is not anticipated with this request

Application/Regulations:

Sec. 30-53. Area regulations.

(a) Size of yards.

(1) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets. No parking shall be allowed within the required front yard.

(2) Side yard and rear yard. No structure shall be closer to a side or rear lot line than seven (7) feet or a distance equal to forty (40) percent of the height of the structure, whichever distance shall be the greater. A detached accessory building may be located within three (3) feet of the rear lot line, provided that the rear lot line is also a right-of-way line for a public alley or a public or utility easement which easement shall have a width of not less than ten (10) feet.

Notification:

Property Owners Notices Mailed: 41

Opposition: None received to date

Support: None received to date

Returned to Sender: None received to date

ADJACENT LAND USES

Direction	Zoning	Land Use
North	R-S	Residential single-family
South	R-S & R-M	Residential single-family
East	R-S	Residential single-family
West	R-S & R-M	Residential single-family

DISCUSSION:

The property owner is requesting to construct a carport within the front and side yard setbacks. The side yard will be 4.74' and estimated o' front yard setback. The application indicates a 30' long carport. This requested length might not fit on private property. Staff does not see existing structures encroaching within the front yard setback within this block. There is one on the 1400 block of Ave Q which is being investigated by our building department for permits.

This request meets 5 of the standards for granting the approval of a variance as listed below from the City of Del Rio Code of Ordinances.

Sec. 7-238. - Same—Standards

No application for a variance shall be granted unless the board of adjustment finds the existence of each of the following:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;*
 - (2) That a literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of said zoning regulations;*
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;*
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district;*
 - (5) That the reasons set forth in the application justify the granting of the variance;*
 - (6) That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;*
 - (7) That the granting of the variance will be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*
- (Ord. No. 82-44, § 3, 12-14-82)*

PROS:

Approving the item will allow the property owner to construct a carport on the property.

CONS:

Approving this variance will allow for a front yard setback in a neighborhood that doesn't already have encroachments in the front yard.

RECOMMENDATION:

Staff recommends denial of the requested variance as the request doesn't meet all the standards listed for the approval of a variance.

Attachments

Inv H 000 15077

CITY OF DEL RIO, TEXAS
ZONING BOARD OF ADJUSTMENTS
114 WEST MARTIN
DEL RIO, TEXAS 78840
FAX (830) 703-5305
(830) 774-8553

Appeal No.
Deadline
Date of Hearing
Date Received
Filing Fee
Date of Action
Action

22-17
~~0022-220022~~ SEPT 19
OCT 17 2022 5:30
COUNCIL
CWA BEN

Purpose:

The application process is the initial stage for requesting action from the Zoning Board of Adjustment on an appeal as defined by Section 7-181 of the Code of Ordinances for the City of Del Rio, Texas.

Applicant:

Name Adrián E. Davila
Address 1603 AVE Q
City Del Rio, TX 78840
Phone 830-765-0254
E-Mail davila99adrian@hotmail.com

Representing

Name _____
Address _____
City _____
Phone _____
E-Mail _____

Appeal

I/We appeal to the Zoning Board of Adjustment the decision of the Building Official on _____
_____. The Building Official was required under the provision of the Zoning Ordinance to deny a permit to _____

The reason for this application is:

- _____ An appeal for and interpretation of the Zoning Ordinance or Zoning Map.
_____ A Special Exception to the terms of the Zoning Ordinance on which the Board of Adjustment is required to pass.
☒ A Variance in relation to the () Use, () Height, () Area, or () Parking. If for area () yard: _____ Front
_____ Side, _____ Rear, () feet, () lot coverage, () width, or () depth.

30' CARPORT
15' to CURB / 10' VARIANCE

Refer to pictures with similar structure

Reason for request: Why do you believe that the Zoning Board of Adjustment should approve this request (include grounds for appeal, or reasons for granting the appeal, or special exception, or variance. If hardship is claimed, state the specific hardship.)

Due to recent hail storm, I've been affected with vehicle damages. My garage doesn't have the space for a pick-up and plan for a future car purchase for my daughter. Require to build a carport matching home structure attached to the house.

Property Description:

Street Address 1603 Ave. Q

Lot Size 60' X 140'

Lot Number 4

Zoning District North Heights

Block Number 44

Addition _____

Mobile Home Size _____

(Must be included for a Special Permit to be granted)

History

Previous Application/Appeal Filed? () Yes (X) No

Date _____

Results of Appeal _____

Other: _____

Interest in the property? (Owner, Agent, Lessee, ect.) Owner

Approximate cost of work involved? 5,000

AFFIDAVIT OF OWNERSHIP

THE STATE OF TEXAS) (

COUNTY OF VAL VERDE) (

Before me, the undersigned authority,

Adrian Eduardo Navila
Name of Applicant

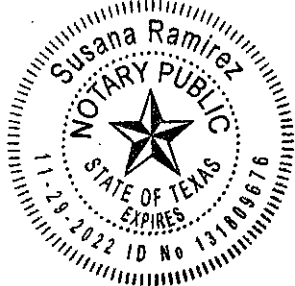
Personally appeared, and upon being duly sworn by me, stated and depose under oath that he/she is the true owner of the above described real property, or is the duly authorized agent for the true owner of the above described real property and have filed this application on behalf of said owner.

[Signature]
SUBSCRIBED AND SWORN to before me this

Signature of Applicant
19th day of September 2022

[Signature]
Notary Public

My Commission Expires: 11-29-2022



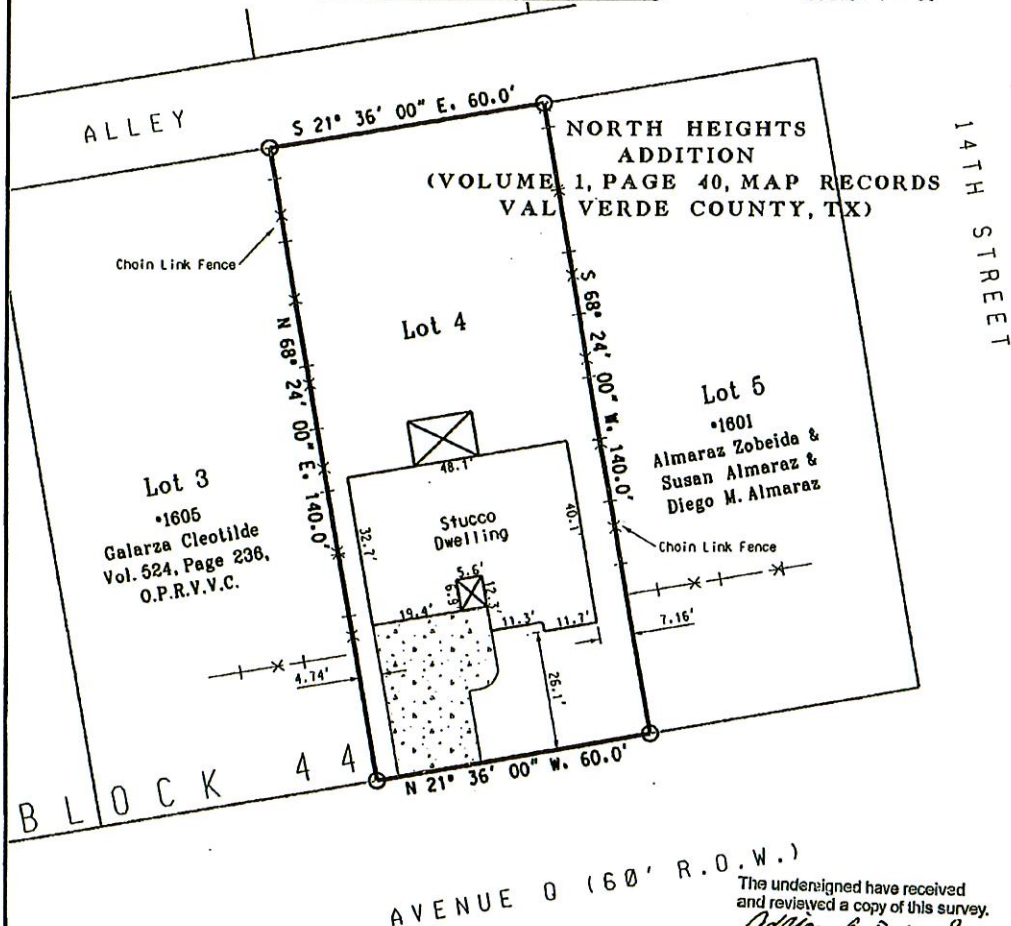
SIMBOLOGY

- FOUND 1/2" IRON ROD
- SET 3/8" IRON ROD

AMISTAD CONSULTING SERVICES CIVIL - ENVIRONMENTAL - SURVEYING

601 E. Garfield
Del Rio, Texas 78840
Phone: (830) 776-4678, Fax: (830) 774-8706

Scale: 1" = 30'



The undersigned have received
and reviewed a copy of this survey.

Adrian E. Davila
Erika M. Magana de Davila

DESCRIPTION OF PROPERTY

Situated in Val Verde County, Texas, and being Lot 4, Block 44, of North Heights Addition, an addition to the City of Del Rio, Texas, according to the plat of record in Volume 1, Page 40, of the Map Records, Val Verde County, Texas.

Purchaser : Adrian E. Davila and Erika M. Magana de Davila
Address : 1603 Avenue Q, Del Rio, TX 78840
G.F. No. : 090425RF

I DO HEREBY CERTIFY THAT THE ABOVE PROPERTY HAS BEEN SURVEYED ON THE GROUND UNDER MY SUPERVISION, THAT THE CORNERS OF THE PROPERTY HAVE BEEN SET, LEFT AS FOUND, OR REFERENCED, THAT THE PROPERTY HAS ACCESS TO A DEDICATED PUBLIC ROADWAY, THAT THERE ARE NO DISCREPANCIES OR ENCROACHMENTS ON THIS PROPERTY UNLESS SHOWN, AND THAT THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

DEL RIO, TEXAS, DECEMBER 9, 2009

Abner Martinez
ABNER MARTINEZ, R.P.L.S. NO. 5009



PROPERTY CONSISTS OF ONE STORY
STUCCO DWELLING

Copyright 2009 ACS, Inc. This survey is being provided solely for the use of the current parties and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within 6 months after the survey was provided, except as authorized by ACS, Inc.

1603 Ave Q.dgn 12/9/2009 10:49:10 AM







1803 Ave. C



1805 Ave. C

GENERAL INFO

ACCOUNT

Property ID: 23987
Geographic ID: 5370-0440-0040
Type: R
Zoning: R-S
Agent:
Legal Description: NORTH HEIGHTS BLOCK 44 LOT 4

Property Use:

LOCATION

Address: 1603 AVE Q Del Rio TX 78840

Market Area:
Market Area CD:
Map ID: 57

PROTEST

Protest Status:
Informal Date:
Formal Date:

OWNER

Name: DAVILA ADRIAN EDUARDO & ERIKA M
Secondary Name:
Mailing Address: 1603 AVE Q DEL RIO TX US 78840
Owner ID: 69643
% Ownership: 100.00
Exemptions: HS - Homestead



VALUES

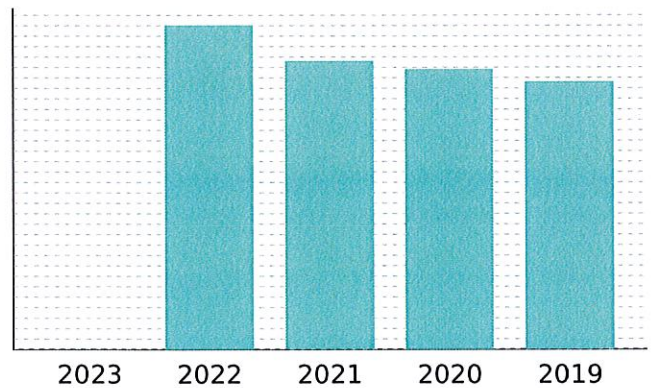
CURRENT VALUES

Land Homesite: \$11,000
Land Non-Homesite: \$0
Special Use Land Market: \$0
Total Land: \$11,000

Improvement Homesite: \$144,254
Improvement Non-Homesite: \$0
Total Improvement: \$144,254

Market: \$155,254
Special Use Exclusion (-): \$0
Appraised: \$155,254
Value Limitation Adjustment (-): \$3,437
Net Appraised: \$151,817

VALUE HISTORY



Values for the current year are preliminary and are subject to change.

VALUE HISTORY

Year	Land Market	Improvement	Special Use Exclusion	Appraised	Value Limitation Adj (-)	Net Appraised
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$11,000	\$144,254	\$0	\$155,254	\$3,437	\$151,817
2021	\$11,000	\$127,015	\$0	\$138,015	\$0	\$138,015
2020	\$11,000	\$123,110	\$0	\$134,110	\$0	\$134,110
2019	\$11,000	\$117,120	\$0	\$128,120	\$3,655	\$124,465

TAXING UNITS

Unit	Description	Tax Rate	Net Appraised	Taxable Value
G233	VAL VERDE COUNTY	0.478100	\$151,817	\$151,817
RFM	FARM-TO-MARKET	0.019600	\$151,817	\$148,817
HOS	VAL VERDE REGIONAL MEDICAL CEN	0.082100	\$151,817	\$151,817
SD	SAN FELIPE DEL RIO CISD	1.133046	\$151,817	\$80,766
CD	CITY OF DEL RIO, TEXAS	0.707000	\$151,817	\$151,817

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

IMPROVEMENT

Improvement #1: **RESIDENCE**
State Code: **A1**

Improvement Value: **\$144,254**

Main Area: **1,392**
Gross Building Area: **2,029**

Type	Description	Class CD	Exterior Wall	Number of Units	EFF Year Built	Year	SQFT
MA	MAIN AREA	F4		1	2006	2006	1,392
AGF2	ATTACHED GARAGE	F4		0	2006	0	462
OP	OPEN PORCH	F4		0	2006	0	140
OP	OPEN PORCH	F4		0	2006	0	35

Improvement Features

MA Plumbing: 2, Heating/Cooling: CHCA 1

LAND

Land	Description	Acres	SQFT	Cost per SQFT	Market Value	Special Use Value
UL	OTHER	0.1928	8,400	\$1.31	\$11,000	\$0

DEED HISTORY

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
1/4/10	WDVL	WARRANTY DEED WITH	DAVILA ALFONSO	DAVILA ADRIAN EDUARDO & ERIKA				00255308
9/27/06	WD	WARRANTY DEED	GALARZA RAUL ET UX	DAVILA ALFONSO	1019	1019	613-615	0228790
11/28/88	OT	Other	WIPFF LUTHER	GALARZA RAUL ET UX	503	503	400	