



## CITY OF ROMA BOARD OF ADJUSTMENTS



CECILIA BENAVIDES, MEMBER

ROY BENITEZ, JR, MEMBER

SANTOS DIAZ, MEMBER

MANUEL GARCIA, ALTERNATE MEMBER

GILBERTO PEÑA, MEMBER

GLORIA MORENO, ALTERNATE MEMBER

JOSE REGULO RAMOS, MEMBER

### NOTICE OF MEETING

CITY COUNCIL CHAMBERS | 201 W. CONVENT AVE. | WEDNESDAY, OCTOBER 29, 2025 | 5:30PM

**Notice is hereby given that the Planning and Zoning Commission will meet to consider and act upon the following:**

### AGENDA

**2025-01** Call to Order

**2025-02** Roll Call

### PUBLIC HEARING

**2025-03** Consider a variance request by Herbey Garza, on behalf of Reyes Flores Jr & Maria Reyes, owners, to allow the following:

- a. A five-foot (5 ft.) side yard setback, as opposed to the required fifteen-foot (15 ft.) side yard setback;
- b. A five-foot (5 ft.) rear yard setback, as opposed to the required fifteen-foot (15 ft.) rear yard setback; and
- c. Direct parking space access to Solimar Street, as opposed to the requirement that prohibits parking spaces from backing into a public-right-of-way.

**(BOA #2501)**

### REGULAR MEETING

**2025-04** Discuss and take action on the request by Herbey Garza, on behalf of Reyes Flores Jr & Maria Reyes, owners, to allow the following:

- a. A five-foot (5 ft.) side yard setback, as opposed to the required fifteen-foot (15 ft.) side yard setback;
- b. A five-foot (5 ft.) rear yard setback, as opposed to the required fifteen-foot (15 ft.) rear yard setback; and
- c. Direct parking space access to Solimar Street, as opposed to the requirement that prohibits parking spaces from backing into a public-right-of-way.

**(BOA #2501)**

**2025-05** Adjournment

DANIEL GARZA, DEVELOPMENT SERVICES DIRECTOR

Attest:

LILIANA SANDOVAL, CITY SECRETARY

# City of Roma

## Development Services

### MEMORANDUM

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**Date:** Wednesday, October 29, 2025

**To:** Board of Adjustments

**From:** Daniel Garza, Development Services Director

**Item ID:** 2025-03

**Subject:** Variance to the City of Roma Zoning Ordinance Chapter 95, Appendix C: Lot Design Standards, Side Yard Setback & Rear Yard Setback; Section 95-13, Off Street Parking and Loading Requirements **(BOA#2501)**

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**APPLICANT:** Herbey Garza, on behalf of Reyes Flores Jr & Maria Reyes, owners, is requesting a variance to the City of Roma's Zoning Ordinance to allow the following:

- a. A five-foot (5 ft.) side yard setback, as opposed to the required fifteen-foot (15 ft.) side yard setback;
- b. A five-foot (5 ft.) rear yard setback, as opposed to the required fifteen-foot (15 ft.) rear yard setback; and
- c. Direct parking space access to Solimar Street, as opposed to the requirement that prohibits parking spaces from backing into a public-right-of-way,

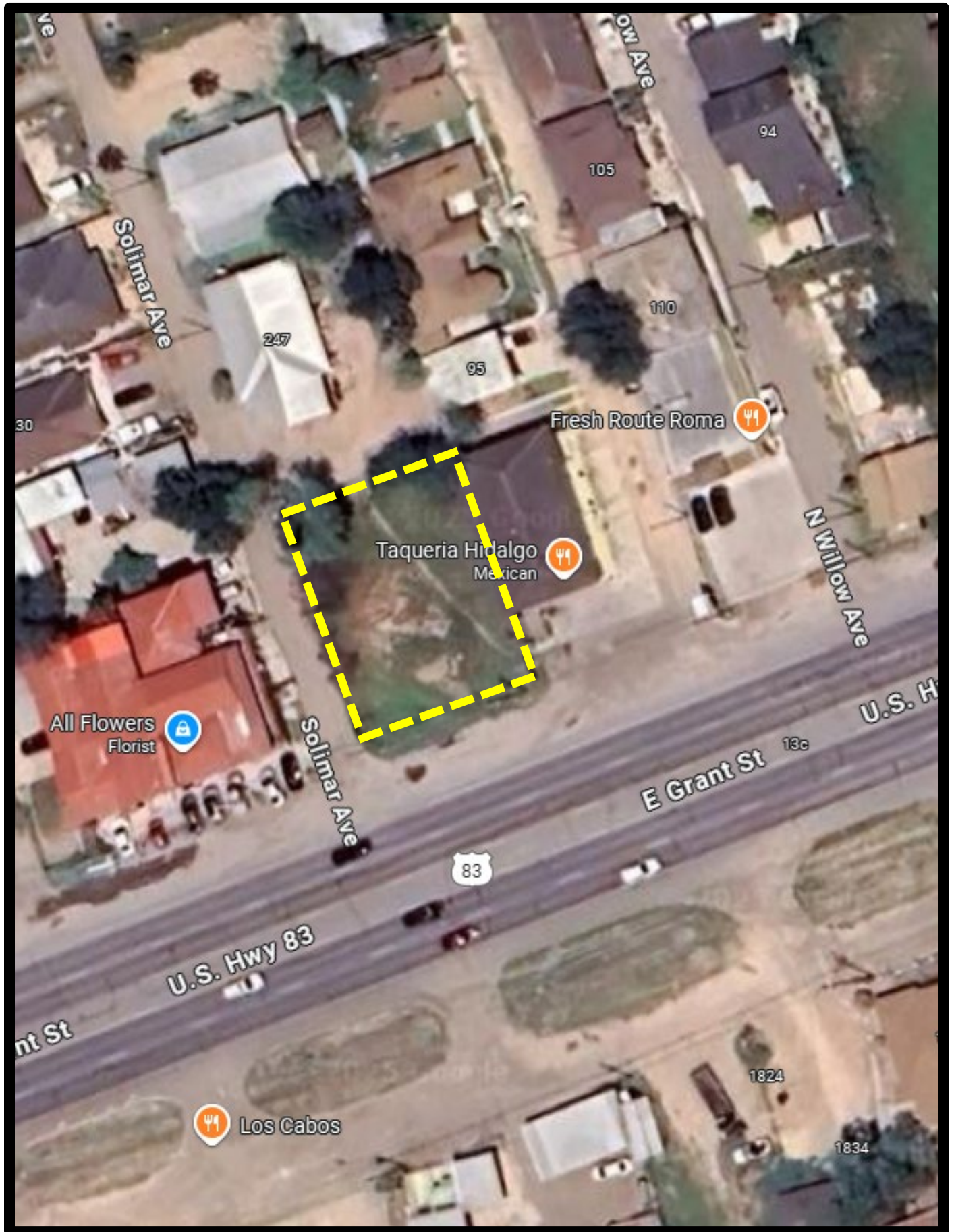
in an Office/Professional/Retail District (OPR) for a proposed commercial plaza.

**LEGAL DESCRIPTION:** The property is legally described as a tract of land containing 0.17 of one acre of land, forming a part or portion of Tract 69 of the Homer Trimble Map of Porcion 74, Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas, Geronimo Saenz, Original Grantee, Abstract 165.

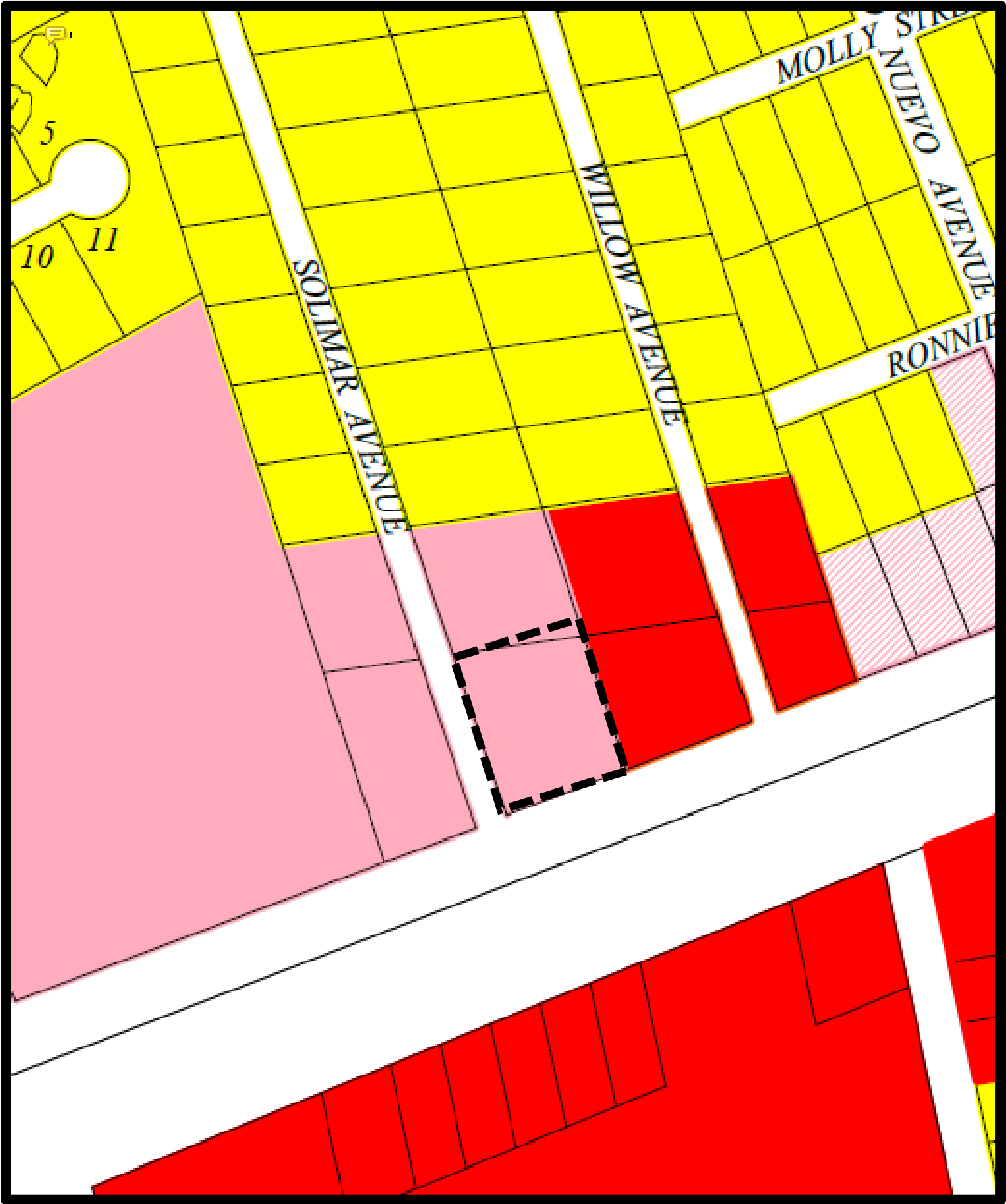
**LOCATION:** The property is located at the Northeast corner of East Grant Street and Solimar Avenue and has a physical address of 1821 East Grant Street, Roma, TX 78584.

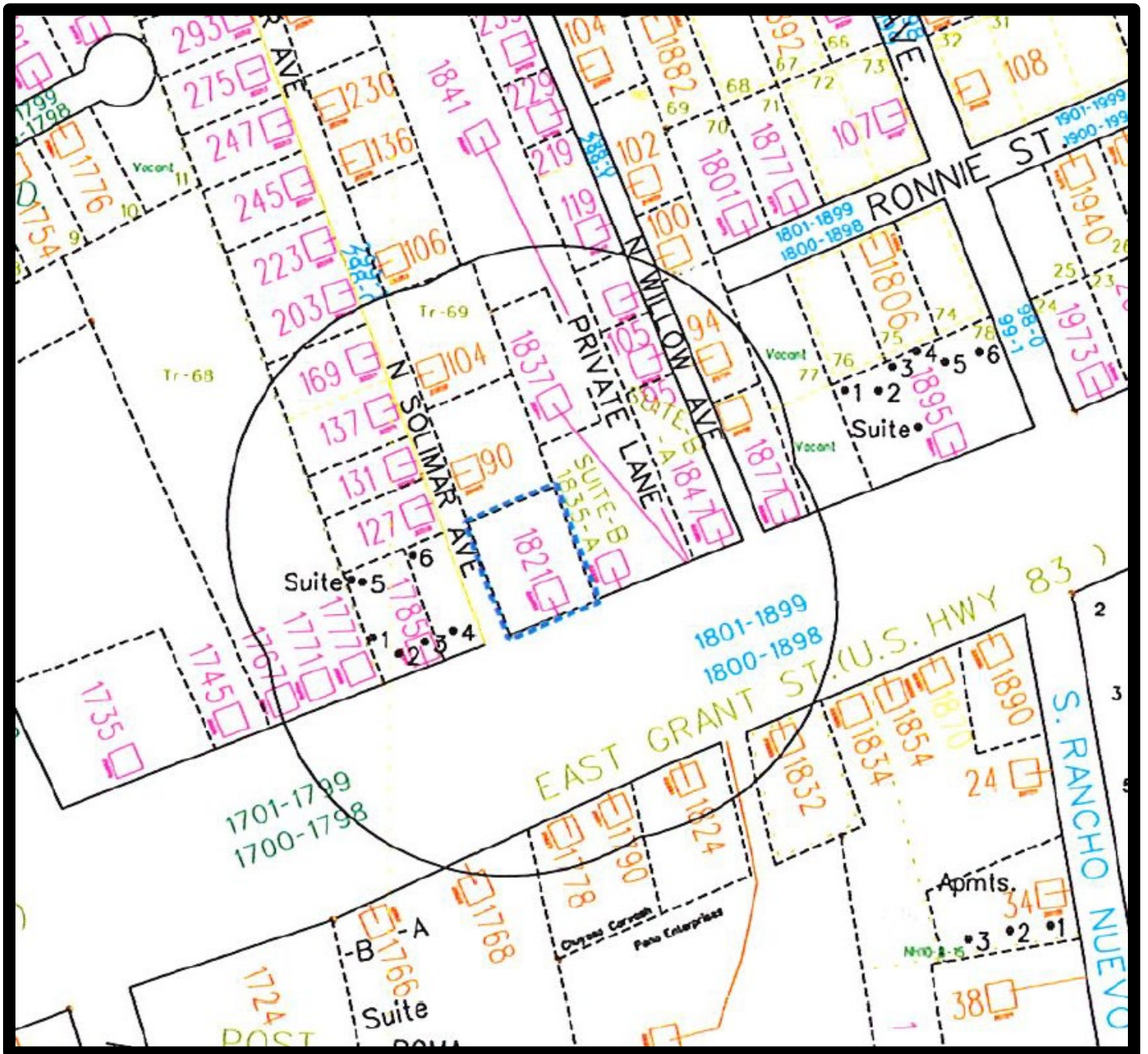
**ZONING:** The property is currently zoned Office/Professional/Retail District (OPR). The adjacent zones are Office/Professional/Retail District (OPR) to the North and West, and General Commercial District (C2) to the East and South. The area is designated for Commercial/Retail/Office Use in the Future Land Use Plan.

**PUBLIC NOTIFICATION:** Twenty-seven (27) letters were mailed out to the surrounding property owners within a two-hundred-foot (200 ft) radius on October 14, 2025, and a legal notice was published in the Starr County Towner Newspaper on October 8, 2025. Staff received zero (0) responses to the letters or the legal notice.











CITY OF ROMA  
DEVELOPMENT SERVICES

ZONING BOARD OF ADJUSTMENTS  
VARIANCE APPLICATION

PROPERTY INFORMATION:

Address: 00 E Grant street, Roma, Texas 78584

Legal Description: AB 165 POR 74 G/SAENZ TR 69

# of Lots: 1 Acreage: .17 Current Zoning: Commercial Proposed Zoning: Commercial  
Existing Land Use: Vacant Land Proposed Land Use: Commercial Plaza

OWNER INFORMATION:

Name: Reyes Flores Jr & Maria Rita Flores

Mailing Address: 5 Alegria Circle

Phone: 956-847-6962 City: Rio Grande City State: TX Zip: 78582

Email: reyesflores1234@yahoo.com

AUTHORIZED AGENT INFORMATION (IF DIFFERENT FROM OWNER):

Agent/Representative Firm:

Mailing Address: 75 Boers st Contact Person: Herbey Garza  
City: Roma State: Tx Zip: 78584  
Phone: 956-844-3292 Email: garzaherbey@yahoo.com

DESCRIPTION OF REQUEST:

Variance to Section: Setback Requirements Commercial Districts of the Zoning Ordinance, which requires:  
minimum 15-foot setback at the rear and side property lines and section which restricts vehicle entrances through the Solimar street.

Description of proposed variance (additional pages may be used): One reduce the rear yard setback from 15 ft to 5ft. Two  
reduction of the right side yard setback from 15 ft to 5ft and approval of an entrance through the  
Solimar street to provide safe vehicular access.

ACKNOWLEDGEMENT:

I hereby certify that this application is in conformance with the requirements of the City of Roma's Zoning Ordinance, as amended, that pertain to this submittal. I understand that it is my responsibility to have the applicant, owner or other authorized agent present at the Zoning Board of Adjustment Meetings. Should an authorized person not be at the meeting to represent the application, I hereby request that consideration of the item be continued to a future date to allow the authorized person the opportunity to appear and present testimony. However, I do understand that the city is not obligated to approve this request. I further understand that this request will be placed on the appropriate Zoning Board of Adjustment Agenda only after the application has been determined to be complete. Where a variance request is submitted concurrently with a zoning request, concept plan, development plan, or plat application and the variance approval is required prior to the approval of such a request, plan or plat application, I hereby request that these items be processed concurrently where possible.

I also understand that fees paid are not refundable. In addition, I also understand that by my signature below, I have made a declaration that the property under consideration is owned by the person(s) as listed and understand that the City of Roma has no responsibility to verify said ownership information. I also understand that an appeal of development decisions can be made in accordance with the Zoning Ordinance.

☒ Owner

☐ Authorized Agent

Applicant's Signature: Herbey Garza Applicant's Name: Herbey Garza Date (MM/DD/YYYY): 9-25-25

Variance Application Fee: \$200.00 + Notice of Public Hearing costs

DATE RECEIVED: (OFFICE USE ONLY)

APPLICATION ID: (OFFICE USE ONLY)

COLLECTED FEE: (OFFICE USE ONLY)



For your request to be granted, the Zoning Board of Adjustments (ZBA) must cast 75% of votes in support of your application. For the ZBA members to vote in support of your application, you must prove several things by your application. Your application must clearly show that your property has unique conditions and circumstances which separate it from other typical properties with the same zoning; and explain how these unique conditions and circumstances make it unreasonable or unfair to apply the standard ordinance requirements to your property, unlike the way they are applied to all other properties.

The ZBA shall not approve a variance *unless* it finds that all of the following criteria have been met:

- a) The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning;
- b) The need for the variance is not self-created;
- c) The need for the variance is not personal or financial hardship;
- d) The requested variance does not permit a person a privilege in developing a parcel of land which would not be permitted by City ordinances to other parcels of land in districts with the same zoning district or in a manner inconsistent with the rights of properties similarly zoned; and
- e) The granting of the variance would not violate the intent of this Zoning Ordinance and would further substantiate justice.

VARIANCE APPLICATION QUESTIONNAIRE:

1. State the specific provision of the Zoning Ordinance for which you are requesting a variance. (You may give the Section number and paragraph, or you may describe the regulation/requirement).

I am requesting a variance from the setback requirements in the Commercial District, which require a minium 15-foot setback for rear and side yards. I am also requesting a variance from the access standards which limit entrances on certain frontages, in order to allow a controoled entrance from Solimar Street.

2. Describe exactly how, and to what extent your request will differ from the requirements of the ordinance, as described above. (Use additional sheets if necessary).

The ordinance requires 15-ft setbacks at the rear and side. I am requesting to reduce both the rear and right side setbacks to 5ft (10ft closer than required). In addition, I am requesting to allow one entrance from Solimar St through the parking setback for safer vehicle and pedestrian circulation. Which would benefit all parties.

3. Describe the conditions and circumstances which are unique to your property and situation:

The property is a small 75X100ft corner lot with two st frontages, which creates double setbacks requirements and leaves limited buildable space. The reduced setbacks and a Solimar entrance are necessary to fit a reasonable commercial building and provide safe circulation. These conditions are unique to the lot size shape and corner and not self-created.



CITY OF ROMA  
DEVELOPMENT SERVICES

ZONING BOARD OF ADJUSTMENTS  
VARIANCE APPLICATION

4. Explain why these conditions and circumstances make it unreasonable or unfair to apply the standard ordinance requirements to your property:

This is a small 75 x 100 corner lot with two street frontages. After meeting the front landscape (15ft) and Solimar parking (25ft) setbacks, applying the full 15ft rear and right setbacks leaves an unworkable building envelope and concentrates traffic in one approach. Reducing those two setbacks and allowing a Solimar entrance enables a safe, reasonable plaza layout.

5. Why would granting this variance be only fair, and not more than fair, to you, since others are prevented from doing what you are requesting?

The hardship is not self-created; it results from the lot's size and corner condition. The variance simply lets this shallow parcel be used comparably to typical interior/deeper lots. All other standards are met, and the Solimar entrance improves public safety rather than granting a special privilege.

6. Explain how your proposal is the minimum manner by which the unique conditions and circumstances described can be overcome. List any possible alternatives to the requested variance.

This request is minimal; only reducing the rear and right setbacks to 5ft while keeping all front building and Solimar setbacks in place. The Solimar entrance improves safety. Alternatives such as shrinking the building or removing parking would make the site unusable.

QUESTIONNAIRE ACKNOWLEDGEMENT:

I hereby certify that I have answered all questions to the best of my ability, and I intend for the request to be in harmony with the public welfare and will not in any way be injurious or detrimental to my neighbors and their property rights.

Herbey Garza  
Signature of Owner(s) or Authorized Agent

Herbey Garza  
Name of Owner or Authorized Agent

9-24-25  
Date (MM/DD/YYYY):

AGENT AUTHORIZATION (IF APPLICABLE):

I/We, Reyes Flores Jr and Maria Rita Flores, owner(s) of the aforementioned property do hereby certify that I/we have given my/our permission to Herbey Garza to act as my/our agent for this variance request.

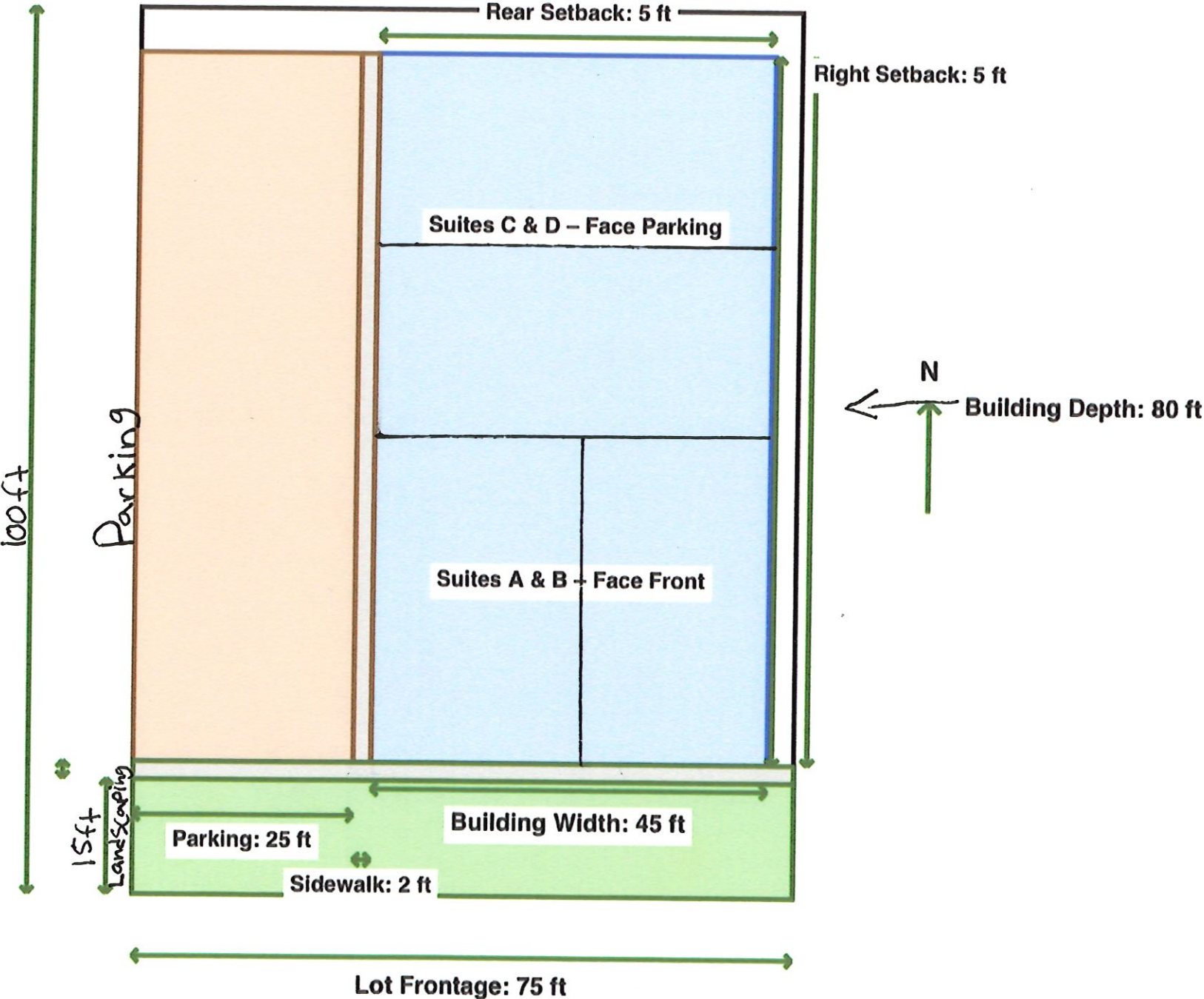
Owner's Signature: Reyes Flores Jr Owner's Name: Reyes Flores Jr Date (MM/DD/YYYY): 09/24/25

YOUR RIGHTS TO APPEAL THE ZBA'S DECISION:

Texas Local Government Code, Section 211.011 – Any of the following persons may present to a court of record a verified petition stating that the decision of the ZBA is illegal in whole or in part and specifying the grounds of the illegality: (1) a person aggrieved by a decision of the ZBA; (2) a taxpayer; or (3) an officer, department, board, or bureau of the municipality. The petition must be presented within ten (10) days after the date the decision is filed in the ZBA's office.



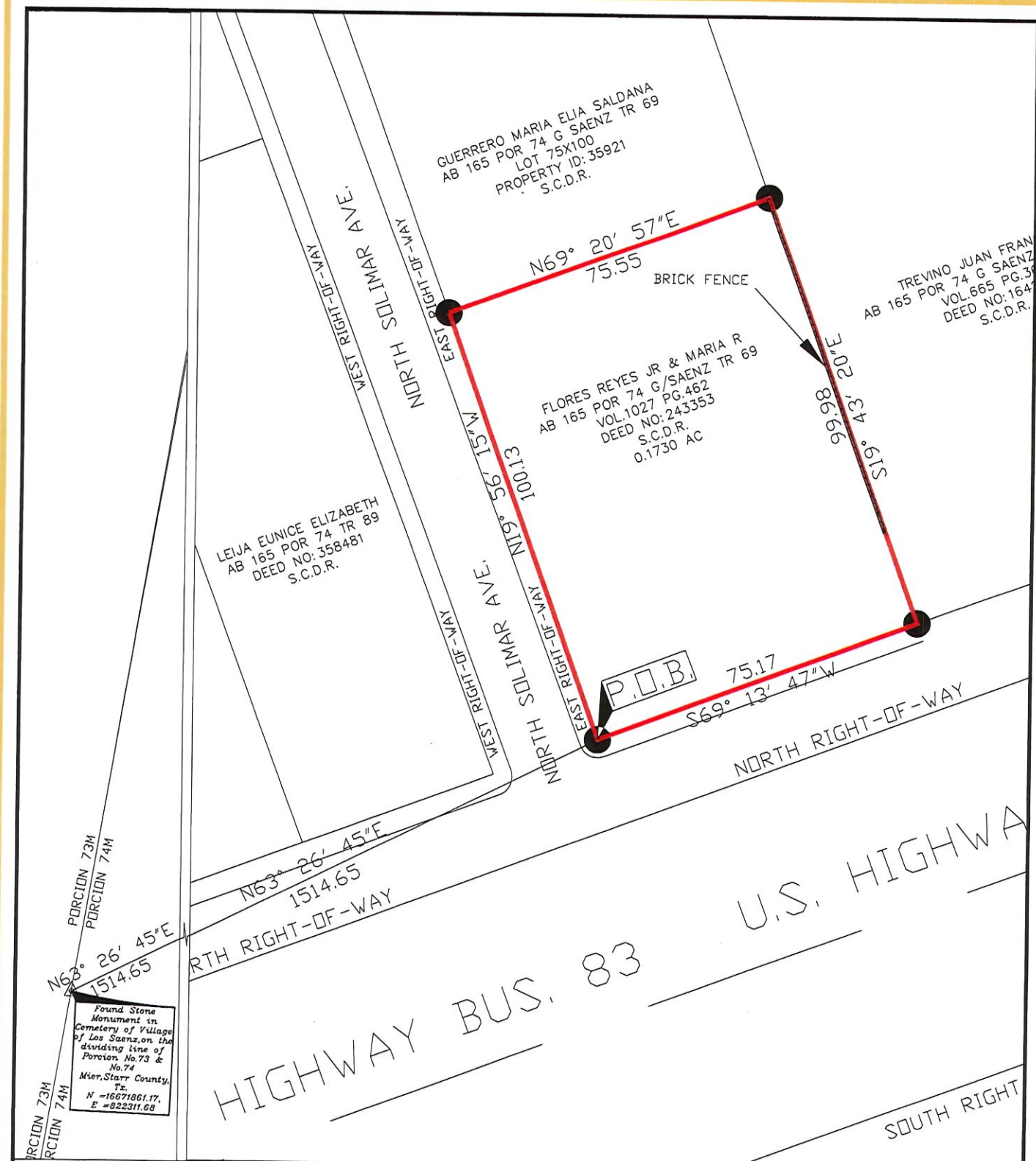
Proposed Site Plan – 75x100 ft Lot (Building Dimensions Added)











<p>0 30'</p> <p>SCALE: 1" = 30'</p>	<p><b>LEGEND</b></p> <p>P.O.B. POINT OF BEGINNING</p> <p>○ IRON ROD SET</p> <p>● IRON ROD FOUND</p> <p>⊕ STONE MONUMENT</p> <p>— BOUNDARY LINE</p>	<p><b>MAP</b></p> <p>Showing a 0.1730-acre parcel of land, out of and forming a part or portion of Tract No.69, of the Homer Trimble map, out of Porcion No. 74, situated in the Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas,</p>																									
<p>Property Address: STARR COUNTY, TX</p>																											
<p>This Survey was prepared for:</p> <p>NAME: Herby Garza</p>																											
<p><b>EULALIO AGUILAR R.P.L.S.</b></p> <p>P.O.BOX 425 Rio Grande City, Texas 78582 PH: 956-487-0973 / 956-488-1995</p>																											
<p>Job No. 10142025_WO-1</p> <p>Page 1 of 2 Pages - "Survey Drawing and Certification"</p> <p>Field Work By: AA/MM/ Date: 10/15/25</p> <p>Drawn By: J.Salinas Date: 10/16/25</p> <p>Checked By: E.Aguilar Date: 10/16/25</p>																											
<table><thead><tr><th>No.</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th><th>CHK'd BY</th></tr></thead><tbody><tr><td>1</td><td>10/16/25</td><td>Initial Submittal</td><td>EA</td><td>EA</td></tr><tr><td>2</td><td></td><td></td><td></td><td></td></tr><tr><td>3</td><td></td><td></td><td></td><td></td></tr><tr><td>4</td><td></td><td></td><td></td><td></td></tr></tbody></table>			No.	DATE	DESCRIPTION	BY	CHK'd BY	1	10/16/25	Initial Submittal	EA	EA	2					3					4				
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4																											
<p>SEAL OF EMBROIDMENT</p> <p>STATE OF TEXAS</p> <p>REGISTERED</p> <p>EULALIO AGUILAR</p> <p>4912</p> <p>PROFESSIONAL LAND SURVEYOR</p>	<p>I, EULALIO AGUILAR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY ALL PAGES OF THIS PLAT AND DESCRIPTION TO BE A TRUE AND CORRECT REPRESENTATION OF LAND AS SURVEYED ON THE GROUND UNDER MY DIRECTION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION IV SURVEY.</p> <p>EULALIO AGUILAR R.P.L.S. Registered Professional Land Surveyor Registration No. 4912_Firm #10194370</p> <p>DATE: 10-16-25</p>																										
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STANDARD ACREAGE SURVEY OF:

Field Note Description  
of  
0.1730 Acre parcel of land  
in  
Starr County, Texas

Being a 0.1730-acre parcel of land, out of and forming a part or portion of Tract No.69, of the Homer Trimble map, out of Porcion No. 74, situated in the Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas, and being a portion of a tract conveyed by Warranty Deed from SALDIVAR JUAN, GONZALEZ CONSUELO G, RIOJAS LETICIA, SALDIVAR GILBERTO, SALDIVAR GRACIELA, SALDIVAR PABLO, SALDIVAR RICARDO, and TORRES MARCOS, filed under Deed No. 243353 Vol.1027 Pg.462, of the Official Records of Starr County, Texas, and being more particularly described by metes and bounds as follows to wit:

Metes and Bounds Description for Survey:

BEGINNING on the Southwest corner a found 1/2" Iron Rod, for the Southwest corner of this tract, hereof; with said Rod and corner being distant N 63°26'45" E, a distance of 1514.65 feet from a found Stone Monument in Cemetery Of Village of Los Saenz, out of Porcion No.74 Mier, also being the dividing line of Porcion No. 73 & No.74 situated (Texas South State Plane Coordinates (NAD83, Grid) of N =16671861.17, E =822311.68), in the Ancient Jurisdiction of Mier, Mexico, Starr County, Texas;

THENCE N 19°56'15" W, along the said East Right-Of-Way of North Solimar Ave, a distance of 100.13 feet, to a found 1/2" Iron rod for the Northwest corner of this tract, hereof;

THENCE N 69°20'57" E, passing at 74.94 feet a brick fence, continuing to a total distance of 75.55 feet to a found 1/2" iron rod for the Northeast corner of this tract, hereof;

THENCE S 19°43'20" E, along the East side of a 6" brick fence and to the said North Right-of-Way line of U.S. Highway Bus. 83, a distance of 99.89 feet, to a found 1/2" iron rod for the Southeast corner of this tract, hereof;

THENCE S 69°13'47" W, along the said North Right-Of-Way line of U.S. Highway Bus.83, a distance of 75.17 feet, to the place of BEGINNING, and containing within these metes and bounds, a 0.1730-acre parcel of land, more or less.

NAME: Herby Garza

EULALIO AGUILAR R.P.L.S.

P.O.BOX 425  
Rio Grande City, Texas 78582  
PH: 956-487-0973 / 956-488-1995



I, EULALIO AGUILAR, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY ALL PAGES OF THIS PLAT AND DESCRIPTION TO BE A TRUE AND CORRECT REPRESENTATION OF LAND AS SURVEYED ON THE GROUND UNDER MY DIRECTION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION IV SURVEY.

EULALIO AGUILAR, R.P.L.S.  
Registered Professional Land Surveyor Registration No. 4912, Firm #0194370

DATE:

10-16-25

Job No. 10142025_WO-1				
Page 2 of 2 Pages - "Metes and Bounds Description"				
Surveyed Date:		Date: 10/15/25		
Written By: J.Salinas		Date: 10/16/25		
Checked By: E.Aguilar		Date: 10/16/25		
Revisions/Modifications				
No.	DATE	DESCRIPTION	BY	CHK'd BY
1	10/16/25	Initial Submittal		EA
2				
3				
4				

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