AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
THURSDAY, JULY 7, 2022 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Zoning Board of Adjustment and Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER – Chairperson Sylvia Hinojosa

1. MINUTES:

a) Minutes for the meeting held on June 15, 2022

2. PUBLIC HEARINGS:

a) Request of Marc Millis for a Special Exception to the City of McAllen off-street parking and Loading ordinance to not provide the required parking for a proposed antique shop and a photographic studio, at Lot 1, Block 37, North McAllen Subdivision, Hidalgo County, Texas; 321 North Main Street. **(ZBA2022-0028)**

b) Request of Sergio Vasquez for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 14.5 feet into the 25 feet rear yard setback for an existing construction of a gazebo measuring 14.08 feet by 12.08 feet at Lot 54, Paseo Del Rio Subdivision, Hidalgo County, Texas; 4237 Tyler Avenue. **(ZBA2022-0032)**

c) Request of Frank Elizondo for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing carport measuring 30 feet by 24.10 feet, at Lot 22, Saddle Creek Unit 2 Subdivision, Hidalgo County, Texas; 2924 Providence Avenue. **(ZBA2022-0033)**

d) Request of Melden & Hunt, Inc. on behalf of Trentbak I, LLC for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 50 feet front yard setback for a proposed canopy (carport) measuring 21.51 feet by 44.24 feet, at Premier Storage Subdivision, Hidalgo County, Texas; 301 East Trenton Road. **(ZBA2022-0034)**

e) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037)**

3. FUTURE AGENDA ITEMS

a) 3917 Umar Avenue

b) 8004 North 3rd Street

c) 3824 Zinnia Avenue

d) 7303 North 55th Lane

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, June 15, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	**Sylvia Hinojosa**	**Chairperson**
	Ann Tafel	**Member**
	Hugo Avila	**Member**
	Rogelio Rodriguez	**Member**
	Rebecca Millan	**Alternate**
Absent:	**Jose Gutierrez**	**Vice-Chairperson**
	Mark Talbot	**Alternate**
	Juan Mujica	**Alternate**
	Sam Saldivar	**Alternate**
Staff Present:	**Austin Stevenson**	**Assistant City Attorney**
	Edgar Garcia	**Planning Director**
	Omar Sotelo	**Senior Planner**
	Kaveh Forghanparast	**Planner II**
	Katia Sanchez	**Planner II**
	Marco Rivera	**Planner I**
	Porfirio Hernandez	**Planning Technician II**
	Carmen White	**Administrative Assistant**

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

a) Minutes for the special meeting held on May 25, 2022.
b) Minutes for the meeting held on June 1, 2022.

The minutes for the special meeting held on May 25, 2022 were approved. The motion to approve the minutes was made by Mr. Hugo Avila. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

The minutes for the special meeting held on June 1, 2022 were approved. The motion to approve the minutes was made by Mr. Hugo Avila. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Daniel Rosas for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 20 feet front yard setback and 5 feet into the 6 feet west side yard setback for a proposed metal carport measuring 9 feet by 64 feet , at Lot 6, Block 15, Hammond's Addition To The Town of McAllen, Hidalgo County, Texas; 2021 Ebony Avenue. **(ZBA2022-**

0022)

Ms. Ann Tafel made a motion to remove the item from the table. Ms. Rebecca Millan seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the front yard and side yard setbacks for a proposed metal carport measuring 9 feet by 64 feet. According to the applicant, the purpose of the carport is to protect his vehicles from the weather elements and provide parking area at the front of his property.

The subject property was located along the South side of Ebony Avenue between 20th Street and 21st Street. The property had 50 feet of frontage along Ebony Avenue with a depth of 140 feet for a total area of 7,000 square feet. There was a single-family residence on the subject property. The property was zoned R-2 (duplex-fourplex residential) District. Adjacent zoning was R-2 District in all directions.

At the Zoning Board of Adjustments and Appeals meeting on April 20, 2022 the Board approved a special exception request to allow an encroachment of 13 feet into the 20 feet front yard setback for a metal carport measuring 20 feet by 25 feet. A second request for an encroachment of 6 feet into the 6 feet side yard setback for a proposed carport measuring 10 feet by 64 feet was disapproved. An application and site plan for a special exception request for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet has been submitted and involves a reduction of the encroachment into the side yard setback from the original request.

The request was for a special exception to allow an encroachment of 13 feet into the 20 feet front yard setback and for an encroachment of 5 feet into the 6 feet side yard setback for a proposed metal carport measuring 9 feet by 64 feet. The proposed carport will replace an existing 10 feet by 20 feet carport.

According to the applicant reducing the side yard encroachment less than 5 feet would not be practical since the reduced width would not accommodate a car. The proposed length of the structure remains at 64 feet.

Approval of the request will allow the proposed carport construction to be squared off with the proposed construction to be undertaken with the encroachment previously approved by the Board on April 20, 2022.

During the site visit, staff noticed other similar encroachments in the area.

Special exceptions are issued to an individual and recorded, however a change in ownership of the property will require a special exception request by the new owner.

Staff recommended disapproval of the special exception request of the proposed carport, due to the excessive size in length of the structure. However, if the Board approves the request it should be limited to the encroachments shown on the submitted site plan.

At the Zoning Board of Adjustments and Appeals, meeting of June 01, 2022 no one appeared in opposition of the Special Exception request. Board member Avila expressed a concern in regards to the carport roof covering the meter and utility personnel having to climb onto the roof of the carport to access connections. The Board unanimously voted to table the Special Exception request to allow the applicant time to address the concern of accessibility to the electric meter and its connections.

Subsequent to the meeting, the applicant provided a revised site plan showing the relocation of the weather head to the rear of the house. The applicant also proposes a reduction of the carport length from 64 feet to 62 feet in order to reduce the length of the structure and the side yard encroachment.

Mr. Rivera stated the antenna was going to be relocated to the rear of the property so that it would not be in the way of the carport.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Ms. Ann Tafel **moved** to approve the special exception at the 62 ft. in length instead of the 64 ft. At this time, the Board continued their discussion before completing the vote.

Ms. Ann Tafel **moved** to approve the special exception. Mr. Hugo Avila seconded the motion. The Board voted with three members voting aye and Mr. Rogelio Rodriguez, Rebecca Millan voting nay. The motion died.

b) Request of Ray Mandes II for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8 feet into the 10 feet rear yard setback for an existing carport measuring 21 feet by 28 feet, at Lot 1, Block 14, North McAllen Subdivision, Hidalgo County, Texas; 621 North 12th Street. **(ZBA2022-0029)**

Ms. Sanchez stated the applicant was requesting for an existing carport measuring 21 feet by 28 feet to remain in its current location encroaching into the rear yard setback of the subject property. As per the applicant, the carport serves as shelter for an RV from inclement weather.

The subject property was located on the west side of 12th Street, between Gumwood Avenue and Fir Avenue. The property had 50 feet of frontage along North 12th Street and a depth of 94.50 feet for a total lot size of 4,725 square feet. The zoning for the property and adjacent zoning was R-3A (multi-family apartment residential) District in all directions. Surrounding land uses include residential houses and Our Lady of Sorrows Catholic School.

An application for a variance request was submitted on May 16, 2022. According to the Hidalgo County Appraisal District, the property was acquired by the applicant in 1992. As per the applicant, the carport has been there for over five years.

The variance request was to allow an encroachment of 8 feet into the 10 feet rear yard

setback along the west side of the subject property. The carport was made of aluminum with steel posts and galvanized beams, the carport is not enclosed.

There was a 20 feet alley located at the rear of the subject property, which served as a buffer to the properties along the west side of the property.

Due to the property being located in an older subdivision, the lot was relatively smaller compared to newer lots, thus hindering the carport from relocating to another area of the property. The residence does not have a garage.

The property to the west of the subject property is approximately 45 feet away from the existing carport. The residence to the south of the subject property is approximately 25 feet away from the existing carport.

Although the residence was not the primary residence of the applicant, the applicant plans to reside on the property in the near future after renovations were made. If approved, the applicant has stated that the carport will continue to serve as a shelter for his RV from inclement weather, and will provide a shaded area for him to work on home projects. The applicant has also stated that if relocated, the existing carport will potentially eliminate green space in the backyard, where grass, plants, and a large shade tree are located.

During a site visit, staff noticed other similar encroachments along the rear side of properties within the area. The carport on the subject property is characteristic of construction along the area. There have been a two variances regarding setback encroachment within the area.

There are no known utility easements along the rear of the subject property. The measurements provided on the site plan are provided without benefit of a survey.

Special exceptions are issued to an individual and recorded, however if a new owner purchases the home they will have to apply as new owner.

Subsequent to the meeting, one call in favor as carport was aesthetically pleasing.

Staff had not received any phone calls in opposition to the special exception request.

Staff recommended approval of the special exception request since there are existing encroachments which are characteristic to the area, the existing shade tree located in the green space located in the rear yard prevents the relocation of the existing carport out of the setback, a 20 feet alley provides separation to the west, and financial cost of compliance may be greater than 50 percent of the value of the structure.

Mr. Ray Mandes, the applicant stated it would be a good use for the shade and the RV carport. There was green space between the house and the structure there was room for landscaping. He stated it was not covering any utility or power lines.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Mr. Hugo Avila **moved** to approve the special exception. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception with five members present and voting.

c) Request of Juanita Lozano for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4.75 feet into the 6 feet side yard setback along the north side for an existing wooden storage measuring 8 feet by 10 feet, Lot 163A, Trinity Oaks Subdivision Phase 1A, Hidalgo County, Texas; 10701 North 30th Street. **(ZBA2022-0026)**

Ms. Sanchez stated the applicant was requesting for an existing wooden storage measuring 8 feet by 10 feet to remain in its current location encroaching into the side yard setback of the subject property. As per the applicant, the existing wooden storage was used to store tools and household items.

The subject property was located on the north side of Colorado Avenue between North 30th and 31st Streets. The property has 60.20 feet of frontage along North 30th Street and a depth of 110 feet for a total lot size of 6,622 square feet. The zoning for the property and adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses include residential houses.

Trinity Oaks Subdivision Phase 1A was recorded on October 15, 2009. An application for a variance request was submitted on May 09, 2022. The applicant has resided in the residence for two years and as per the applicant, the wooden storage was already constructed on site.

The variance request was to allow an encroachment of 4.75 feet into the 6 feet side yard setback along the north side of the subject property. The existing wooden storage measures 8 feet by 10 feet for a total area of 80 square feet. The property to the north of the subject property is approximately 9 feet away from the existing wooden storage. A cedar fence obscures and buffers the view of the structure.

As per the applicant, there was no room to relocate the existing wooden storage as there is an existing covered patio covering most of the backyard area. There is also a 10 feet utility easement along the south side of the subject property, which hinders the relocation of the existing storage. The existing storage was used to store tools, household items such as storage boxes and cleaning supplies.

During a site visit, staff noticed other encroachments along the front and side yards within Trinity Oaks Subdivision Phase 1A. A review of Planning Department records did not reveal any approved variance in the area.

There were no utility easements along the north side of the subject property.

Staff had not received any phone calls in opposition to the variance request.

Staff recommended disapproval of the variance request since there are no approved variances in the area and the existing structure does not comply with the setback requirement. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

Ms. Juanita Lozano, the applicant stated the wooden storage existed when she bought the house in 2020. The wooden storage shed was there since 2015. She stated she liked the storage to store items since the garage was small enough for a vehicle.

Board member Rodriguez asked if there was electricity in the wooden storage shed. Ms. Lozano stated no. She was going to store household and garden items. It sat on wood not a concrete slab. She stated she could not move it anywhere due to not enough space in the back yard. Mr. Rodriguez stated he had concerns with fire since it was made of wood.

Chairperson Hinojosa how this item came before the Board. Ms. Sanchez stated she had a building permit pending staff saw the site plan and noticed an encroachment.

The Board asked staff if there was any way the storage could be relocated. Ms. Sanchez stated that along the south side of the property there was an easement. In addition, there was a patio. There was no room for relocation of the wooden storage shed. There was no alley and it was a corner lot.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Ms. Ivonne Flores, 10700 North 32rd Street stated she was in favor of the variance request.

Mr. Lewis Avila, 2925 Colorado Avenue, stated he was in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Ms. Sanchez stated staff received a phone call from a couple that had been in opposition of the variance request.

Following discussion, Mr. Rogelio Rodriguez **moved** to disapprove the variance request. Mr. Hugo Avila seconded the motion. The Board voted to disapprove the variance request with five members present and voting.

d) Request of Timothy J. Motes for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 19 feet into the 25-foot front yard setback for an existing metal carport measuring 18 feet by 19 feet, at Lot 176, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4717 Pelican Avenue. **(ZBA2022-0030)**

Mr. Forghanparast stated the applicant was requesting a special exception for 19 ft. encroachment into the 25 ft. front yard setback for an existing metal carport measuring 18 feet by 19 feet. The applicant stated that they needed the carport for medical reasons.

The subject property was located on the south side of Pelican Avenue, 55 ft. east of North 48th Street. The property had 50 ft. of frontage along Pelican Avenue and a depth of 107.42 ft. for a lot size of 5,371 sq. ft. The property was zoned R-1 (single-family residential) District and there was a house on the subject property. Surrounding land uses included single-family residences and vacant land.

Plantation Gap Subdivision Phase 2 was recorded on October 25, 2006. The Hidalgo County Appraisal District records showed that the existing house was built in 2015. The applicant purchased the subject property and built the existing metal carport in 2020. A non-compliance notice for construction of a carport without a permit was issued on April 28, 2022. An application for a building permit for the existing carport was submitted on May 11, 2022, which was disapproved by the Planning Department for encroachment into the front yard setback. An application for a special exception request was submitted on May 16, 2022.

A special exception for an encroachment of 15 ft. into the 25 ft. front yard setback for a metal carport was approved by the Zoning Board of adjustment for Lot 130, Plantation Gap Subdivision Phase 2, 4405 Quail Avenue, on October 17, 2018.

The request was for a special exception to allow an encroachment of 19 feet into the 25 ft. front yard setback for an existing unenclosed metal carport measuring 18 feet by 19 feet for medical reasons. The submitted site plan showed that the carport was not encroaching into the 5 ft. Utility Easement. Measurements provided were without the benefit of a survey. The carport served as an amenity for the existing house on the property.

During the site visit staff noticed that there were some other carports built within the front yard setback of some other lots in this subdivision; therefore, the carport had not changed the character of the neighborhood. Staff also notified the applicant that there are some other structure in the rear yard of the property, which seemed to be encroaching into the rear and side yard setback. The applicant indicated that they would either remove or apply for a variance for those structures.

The applicant stated that the contractor had not inform them that a building permit would be required for a carport. He also indicated that cost of removing the carport was $2,800 while it cost $4,000 to construct the carport; thus, the cost of bringing the property into compliance was more than 50% of the construction cost.

Staff had not received any phone calls or emails in opposition to the special exception request. Staff had received two letters in favor of the request.

Special exceptions were issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own special exception.

Staff recommended approval of the special exception request limited to the encroachment shown on the submitted site plan since the unenclosed carport did not change the neighborhood's character, there had been at least one other carport approved within the subdivision, If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

Mr. Timothy Motes, the applicant stated when he sold his home and relocated to a smaller

home he did not realize the garage was smaller. In which it made it harder to get in and out of the vehicle. He also used the garage as decontamination area during Covid before entering the house.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Ms. Ann Tafel **moved** to approve the special exception request limited to the encroachment shown on the submitted site plan. Ms. Rebecca Millan seconded the motion. The Board voted to approve the special exception request with five members present and voting.

e) Request of George Boghs on behalf of Benchmark Construction for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 5.5 feet into the 10-foot north side yard setback for a proposed metal carport measuring approximately 53.2 feet by 40 feet, at 1.48 acres being all of Lots 1, 2, and 3, Block 56, North McAllen Subdivision and an abandoned tract of right-of-way, Hidalgo County, Texas; 100 North Bicentennial Boulevard. **(ZBA2022-0031)**

Mr. Forghanparast stated the applicant was requesting a special exception for 5.5 ft. encroachment into the north side yard setback in order to construct a metal carport measuring approximately 53.2 feet by 40 feet. The applicant stated that they needed the carport for protecting the company's vehicles from the weather elements.

The subject property was an irregularly shaped tract located on the southwest corner of Beech Avenue and North 17th Street and consisted of 1.48 acres according to the submitted survey. The property was zoned C-4 (commercial-industrial) District and there were offices and warehouse on the subject property. Surrounding land uses included offices, restaurants, retail stores, and single-family residences.

An application for a building permit for a metal roof structure for a special exception request was submitted on April 14, 2022, which was disapproved by the Planning Department for encroachment into the side yard setback. An application for a special exception request was submitted on May 18, 2022.

The side yard setback for corner lots was 10 feet according to Section 138-368 of the Zoning Ordinance.

The request was for a special exception to allow an encroachment of 5.5 feet into the 10 ft. north side yard setback for a proposed metal carport measuring approximately 53.2 feet by 40 feet. There was an existing non-conforming metal office building on site, which was located 4.6 ft. from the property line to the north, hence encroaching 5.4 feet into the side yard setback as per the submitted survey. The carport would be an amenity to the offices on site and will not be enclosed according to the applicant.

The side yard setbacks for corner lots are set for street visibility; however, the proposed

carport would not be enclosed and would be 5 ft. from the dead-end alley with minimum traffic. The applicant was using the north and east side of the property to access the parking lot and since there was a chain link fence on the alley side, no access to the carport was proposed from the alley.

The applicant stated that the existing metal posts on site were the remains of a metal canopy existed on the subject property where they have proposed the new carport. The metal canopy had been removed between 2009 and 2010 according to Google Aerial images.

Section 94-89 of McAllen Code of Ordinances prohibits construction of any wall, fence, or other structure in a corner clip. The corner clip for the intersection of an alley with a street is a 10 ft. by 10 ft. triangle. The applicant confirmed on the application that the carport would be in compliance with the corner clip requirement.

Staff had received no phone calls or emails in opposition to the special exception request.

Special exceptions were issued to an individual and recorded, however a change of ownership required the new owner to apply for their own special exception.

Staff recommended approval of the special exception request since the carport would not be enclosed, would be an amenity to the existing office, will not be accessed from the alley, and will be out of the corner clip. If the Board chooses to approve the request it should be limited to the encroachment shown on the submitted site plan subject to be out of the 10 ft. by 10 ft. corner clip.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Mr. Rogelio Rodriguez **moved** to approve the special exception request subject to the submitted site plan and to be out of the corner clip. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception request with five members present and voting.

4. FUTURE AGENDA ITEMS:

a) 13818 North 33rd Lane (Special Meeting)

b) 321 North Main Street

c) 4237 Tyler Avenue

d) 2924 Providence Avenue

e) 301 East Trenton Road

Mr. Edgar Garcia, Planning Director mentioned to the Board that there would be a special meeting on June 29th for a case to be reheard in that certain conditions had changed.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Sylvia Hinojosa **moved** to adjourn the meeting.

_____
Chairperson Sylvia Hinojosa

_____
Carmen White, Administrative Assistant

Planning Department

Memo

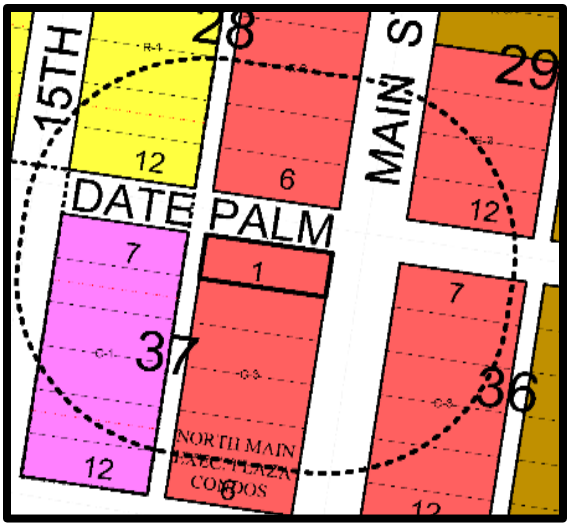
TO: Zoning Board of Adjustment & Appeals

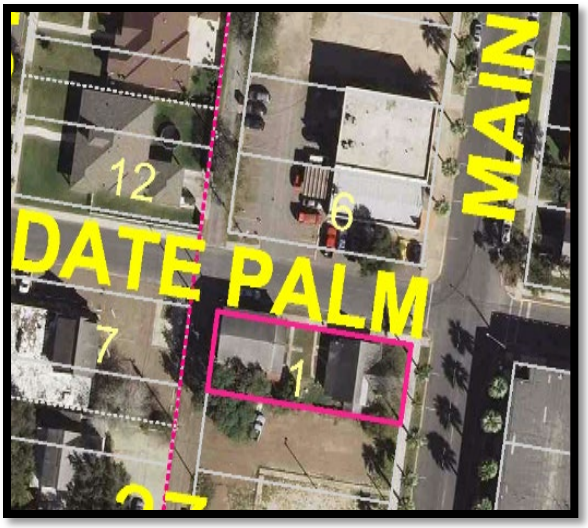
FROM: Planning Staff

DATE: July 1, 2022

SUBJECT: **REQUEST OF MARC MILLIS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE THE REQUIRED PARKING FOR A PROPOSED ANTIQUE SHOP AND A PHOTOGRAPHIC STUDIO, AT LOT 1, BLOCK 37, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 321 NORTH MAIN STREET. (ZBA2022-0028)**

REASON FOR APPEAL:
The applicant is requesting a variance to not provide the required parking at the subject property.





PROPERTY LOCATION AND VICINITY:
The subject property is located at the Southwest corner of Main Street and Date Palm Avenue. The property is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the North, East, and South and C-1 (office building) District to the West. Surrounding land uses include Birdies restaurant and Benavides Driving School.

BACKGROUND AND HISTORY:
An application for a building permit was submitted on May 3, 2022 for the interior remodeling for an Antique Store and a Photographic Studio. An application for a Special Exception request to not provide the required parking spaces was submitted on May 11, 2022.
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ANALYSIS:
This request is to not provide the required 11 parking spaces due to the proposed change of use to operate an antique shop and a photographic studio. The change of use from residential apartment to commercial use (antique shop and a photograph studio) requires compliance with current parking requirements of Sec 138-88(4) “a nonconforming use is converted to a permitted use, the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. As per square footage of the buildings 11 parking spaces are required.

The applicant submitted a revised site plan showing 5 parking spaces are to be provided on site reducing the requirement from 11 parking spaces to 6 parking spaces needed on site.

The Planning Department has not received any emails or phone calls in opposition of the variance request.

RECOMMENDATION:
Staff recommends disapproval of the Special Exception request since the change of use requires compliance with the parking requirement.

LBA 2022-0020

ZBOA 7/7/2022

City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description: NORTH McAllen LOT 1 BLK 37

Subdivision Name:

Street Address: 321 N. MAIN ST

Number of lots: 1 Gross acres: 0.1607

Existing Zoning: C-3 Existing Land Use: Multi-family

Reason for Appeal (please use other side if necessary): Parking variance for 2,517 sf + building requiring 11 parking spaces.

☒ $300.00 non-refundable filing fee + ☐ $50.00 Recording Fee for Special Exception (carport)

☒ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name: MARC MILLIS Phone: 956-408-0084

Address: PO Box 1716 E-mail: marc@millisreg.com

City: McAllen State: TX Zip: 78505

Owner

Name: Sunshine Vintage on MAIN, LLC Phone: Same

Address: Same E-mail:

City: State: Zip:

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature: [signature] Date: 5-11-22

Print Name: MARC J. MILLIS ☒ Owner ☐ Authorized Agent

Office

Accepted by: H.G. Payment received by: Date: MAY 11 2022

Rev 09/20

BY: CW

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (*Please use an additional page if necessary to complete responses*)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

See ATTACHED SHEET

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

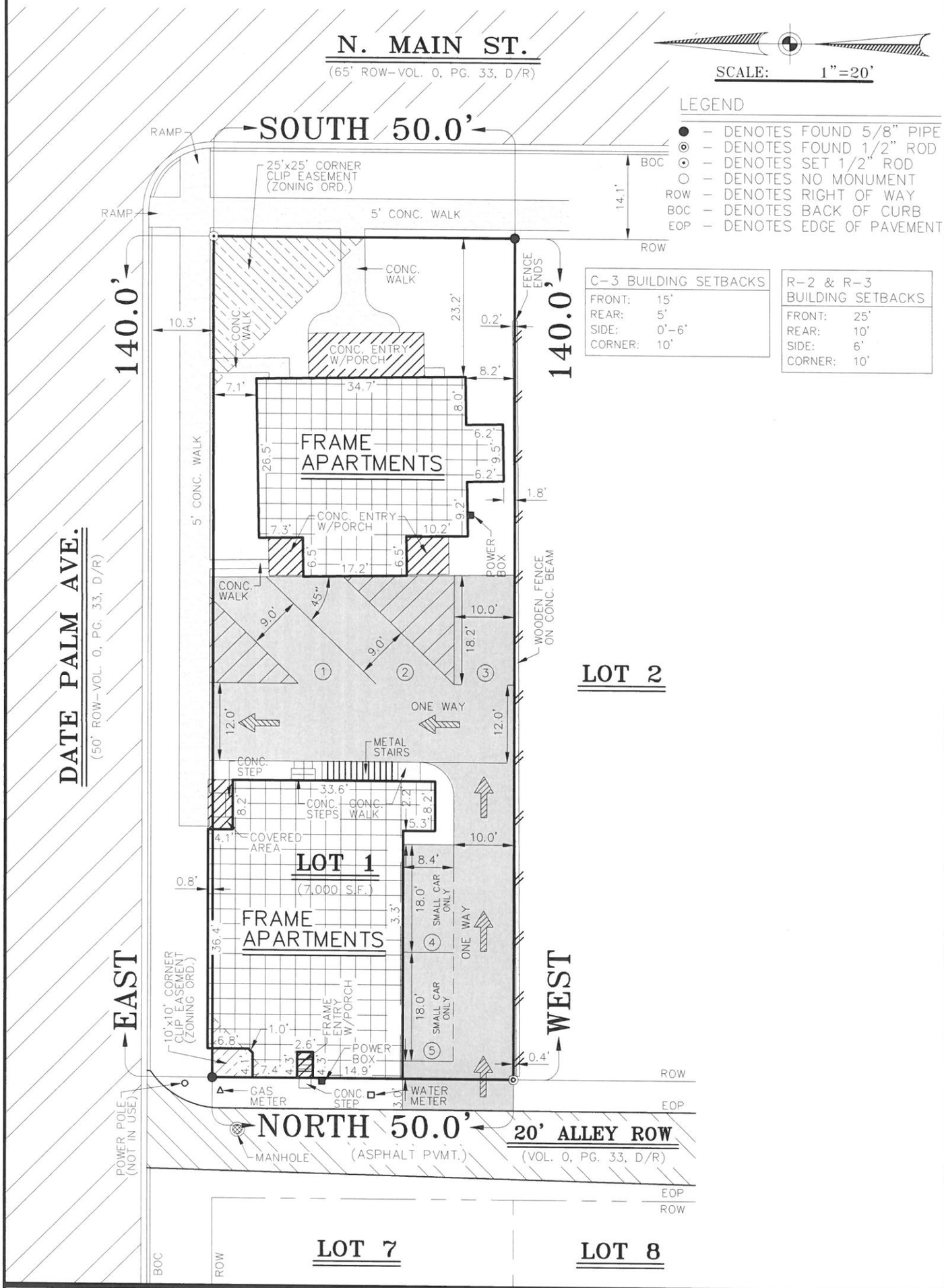
4. Describe special conditions that are unique to this applicant or property:

Board Action

Chairman, Board of Adjustment Signature _____

Date _____

Rev. 9/20


N. MAIN ST.
(65' ROW-VOL. 0, PG. 33, D/R)
SCALE: 1"=20'
LEGEND
● - DENOTES FOUND 5/8" PIPE
⊙ - DENOTES FOUND 1/2" ROD
⊙ - DENOTES SET 1/2" ROD
○ - DENOTES NO MONUMENT
ROW - DENOTES RIGHT OF WAY
BOC - DENOTES BACK OF CURB
EOP - DENOTES EDGE OF PAVEMENT
C-3 BUILDING SETBACKS
FRONT: 15'
REAR: 5'
SIDE: 0'-6'
CORNER: 10'
R-2 & R-3 BUILDING SETBACKS
FRONT: 25'
REAR: 10'
SIDE: 6'
CORNER: 10'
SOUTH 50.0'
RAMP
25'x25' CORNER CLIP EASEMENT (ZONING ORD.)
5' CONC. WALK
BOC
14.1'
ROW
CONC. WALK
FENCE ENDS
140.0'
10.3'
23.2'
0.2'
CONC. ENTRY W/PORCH
8.2'
7.1'
34.7'
8.0'
FRAME APARTMENTS
26.5'
6.2'
9.5'
6.2'
1.8'
9.2'
CONC. ENTRY W/PORCH
7.3'
10.2'
6.5'
17.2'
6.5'
POWER BOX
WOODEN FENCE ON CONC. BEAM
45°
9.0'
9.0'
10.0'
18.2'
LOT 2
ONE WAY
12.0'
12.0'
METAL STAIRS
CONC. STEP
33.6'
CONC. STEPS
CONC. WALK
2.2'
8.2'
8.2'
5.3'
4.1'
COVERED AREA
10.0'
LOT 1
(7,000 S.F.)
8.4'
0.8'
18.0'
SMALL CAR ONLY
FRAME APARTMENTS
3.3'
36.4'
ONE WAY
DATE PALM AVE.
(50' ROW-VOL. 0, PG. 33, D/R)
5' CONC. WALK
EAST
WEST
10'x10' CORNER CLIP EASEMENT (ZONING ORD.)
FRAME ENTRY W/PORCH
1.0'
6.8'
2.6'
POWER BOX
14.9'
4.1'
7.4'
4.3'
4.3'
0.4'
ROW
GAS METER
CONC. STEP
3.0'
WATER METER
EOP
POWER POLE (NOT IN USE)
NORTH 50.0'
MANHOLE
(ASPHALT PVMT.)
20' ALLEY ROW
(VOL. 0, PG. 33, D/R)
EOP
ROW
BOC
ROW
LOT 7
LOT 8

OPTION 2

PRIVATE GARAGE

210594
NO PARKING

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0028
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET
318

Planning Department

Memo

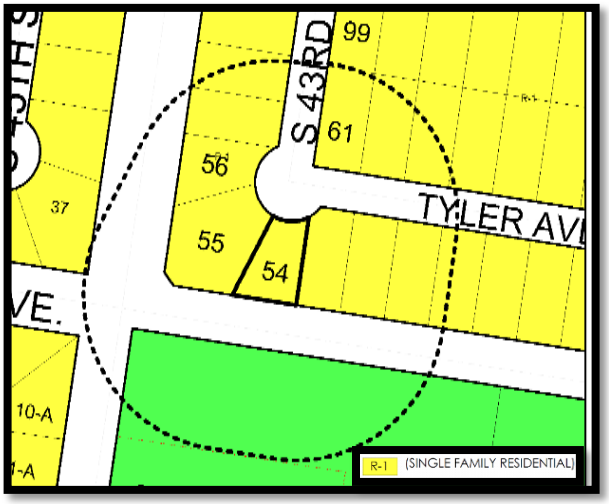
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 1, 2022

SUBJECT: **REQUEST OF SERGIO VASQUEZ FOR THE FOLLOWING VARIANCE REQUEST TO THE CIFY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14.5 FEET INTO THE 25 FEET REAR YARD SETBACK FOR AN EXISTING CONSTRUCTION OF A GAZEBO MEASURING 14.08 FEET BY 12.08 FEET AT LOT 54, PASEO DEL RIO SUBDIVISION, HIDALGO COUNTY, TEXAS; 4237 TYLER AVENUE. (ZBA2022-0032)**

REASON FOR APPEAL:
The applicant is requesting a variance to the rear yard setback on a double fronting lot for an existing wooden gazebo measuring 14.08 feet by 12.08 feet. As per the applicant the construction of the gazebo is for enjoyment and relaxing purposes.



PROPERTY LOCATION AND VICINITY:
The subject property is located at the elbow intersection of South 43th Street and Tyler Avenue. The property has an irregular shape and has an area of 7,244 square footage. The zoning of the property and adjacent zoning is R-1 (single family residential) District and A-O (agricultural open space) to the South of Uvalde Avenue. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY:
Paseo Del Rio Subdivision was recorded on June 2, 2005. An application for a building permit was submitted to the Building Permits & Inspections Department on August 1, 2019, but was never issued. A stop work order was posted on the property March 22, 2022 due to the expired application over 180 days to verify if there was any work done. An application was submitted to the Planning Department for a variance request for an encroachment of 14.5 feet into the 25 feet rear yard setback for an existing gazebo was submitted to the Planning Department on May 24, 2022.

ANALYSIS:
Lot 54 in Paseo Del Rio has double frontage along Uvalde Avenue and a 25 feet rear yard setback as per plat note.

The variance request is to allow an encroachment of 14.5 feet into the 25 feet rear yard setback for an existing wood gazebo measuring 14.08 feet by 12.08 feet. The city of McAllen zoning ordinance states "where lots have double frontage… a required front yard shall be provided on one street only." The proposed site plan shows that the front yard setback along Tyler Avenue will be 25 feet. Since the setback plat notes require a 25 feet rear yard setback, a variance is needed to resolve the plat note requirement.

A review of Planning Department records revealed previous variances for rear yard encroachments on a double fronting lots were approved for Paseo Del Rio between 2011 and 2019.

A 10 feet utility easement adjacent to the rear property line of lot 54 runs concurrently with the 25 feet rear yard setback and will not be impacted by the proposed setback encroachment.

Staff has not received any phone calls or e-mails in regards to the variance requests.

In the past, the Zoning Board of Adjustments has generally approved variance requests for accessory uses but not for living areas.

RECOMMENDATION:
Staff recommends approval of the variance request since the double frontage as per ordinance, requires the front yard setback to be provided on one street only. The required 25 feet front yard setback has been provided along Tyler Avenue.

ZBA 2022-0032

ZBOA-7-7-22

City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description: Paseo del Rio Lot 54

Subdivision Name: Paseo del Rio

Street Address: 4237 Tyler Ave.

Number of lots: 1 Gross acres: _____

Existing Zoning: _____ Existing Land Use: _____

Reason for Appeal (please use other side if necessary): We build this small construction to enjoy and relax in our Patio. In a double Fronting Lot. encroachment of 14.5'

☒ $300.00 non-refundable filing fee + ☐ $50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name: Sergio Vazquez Phone: (956) 236-4465

Address: 4237 Tyler Ave. E-mail: sergio129@hotmail.com

City: McAllen State: TX Zip: 78503

Owner

Name: Sergio Vazquez Phone: _____

Address: _____ E-mail: _____

City: _____ State: _____ Zip: _____

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature: Sergio Vazquez Date: _____

Print Name: Sergio Vazquez ☒ Owner ☐ Authorized Agent

Office

Accepted by: H.C Payment received by: _____ Date: _____

ENTERED

MAY 24 2022

Rev 10/18

Initial: DM

15

City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (*Please use an additional page if necessary to complete responses*)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

The area is a utility easement rear of lot 54

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

A gazebo was built over a concrete base leaving 10 feet of space from the property line.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

We think that the gazebo being 10 feet from property line is safe. It is not unsafe to the public heatth.

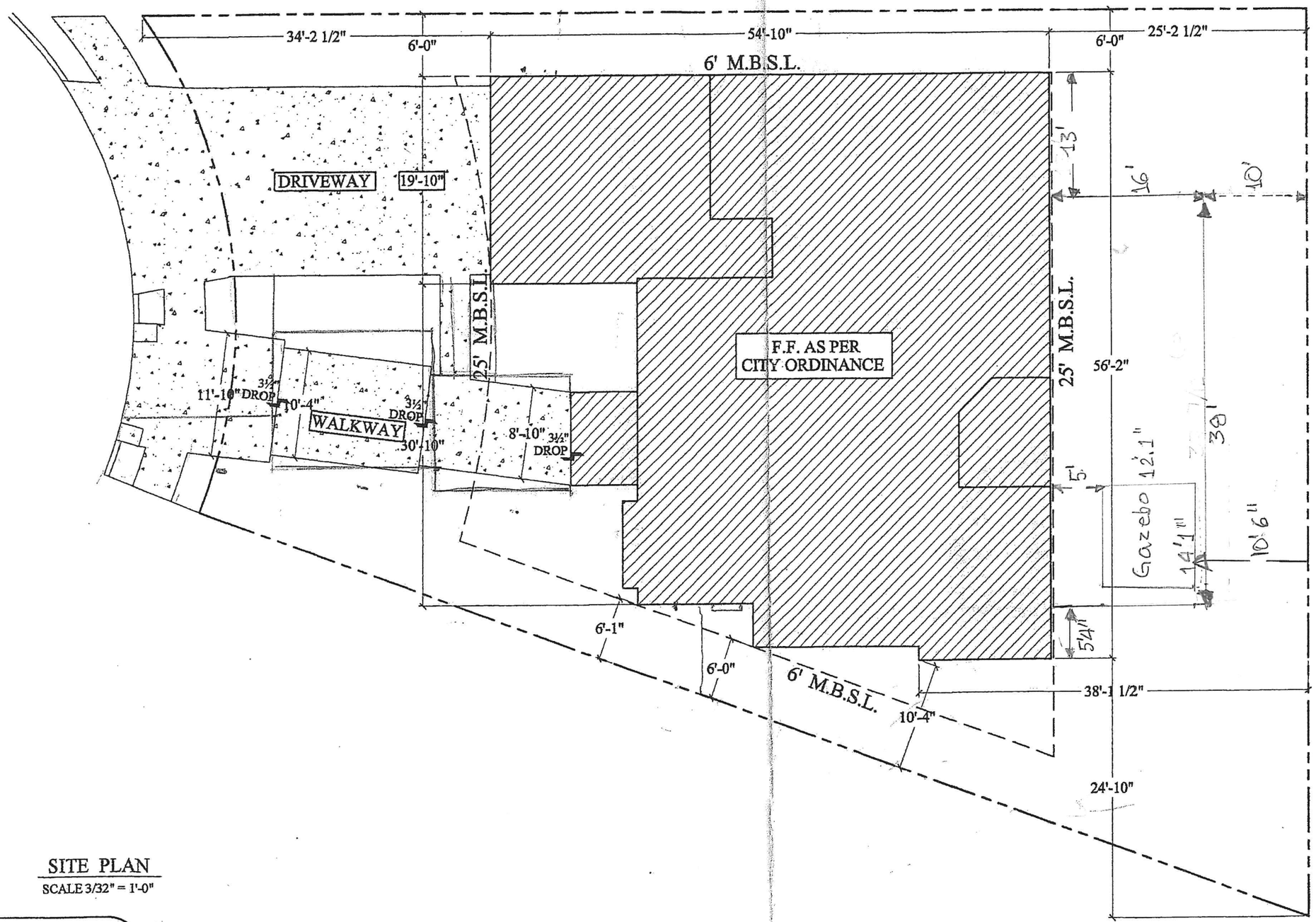
4. Describe special conditions that are unique to this applicant or property:

Board Action

Chairman, Board of Adjustment Signature _____

Date _____

Rev. 9/20



SITE PLAN

SCALE 3/32" = 1'-0"

AREAS:		
TOTAL LIVING AREA	1,941	SQ. FT.
GARAGE	457	SQ. FT.
PATIO	88	SQ. FT.
PORCH	58	SQ. FT.
TOTAL AREA	2,544	SQ. FT.

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0032
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Planning Department

Memo

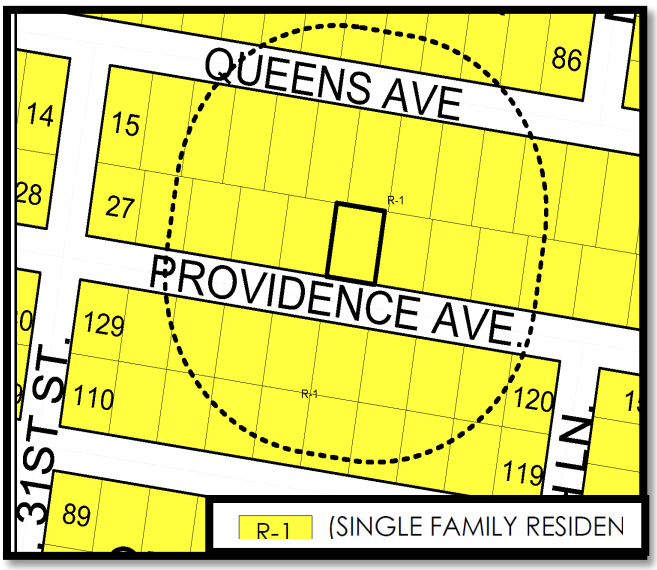
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 1, 2022

SUBJECT: **REQUEST OF FRANK ELIZONDO FOR THE FOLLOWING SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 30 FEET BY 24.10 FEET, AT LOT 22, SADDLE CREEK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2924 PROVIDENCE AVENUE. (ZBA2022-0033)**

REASON FOR APPEAL:
The applicant is requesting a special exception for an encroachment into the front yard setback in order to construct a metal carport with a size of 723 square feet and dimensions of 30 feet x 24.10 feet. According to the applicant, the carport was built to protect his three vehicles from the weather elements and (due to the size of the vehicles) they do not fit inside the existing garage.



PROPERTY LOCATION AND VICINITY:
The subject property is located along the North side of Providence Avenue, 310 feet East of North 31st Street. The lot size is 5,007 square feet. The zoning is R-1 (single-family residential) District. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:
Saddle Creek Unit 2 Subdivision was recorded on February 10, 2003,and the plat specifies a 25 feet front yard setback. A stop work order was issued by the Building Permits and Inspections Department on May 2, 2022 for the construction without a permit of the carport. An application for a building permit was submitted to the Building Permits and Inspections Department on May 13, 2022 and an application for Special Exception request was submitted to the Planning department on June 01, 2022.

ANALYSIS:
The applicant is requesting a special exception to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport measuring 30 feet by 24.10 feet over an existing concrete driveway. The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of the request to allow the carport within the front yard may encourage other carports to be constructed in the front yard. There is an existing one-car garage that is part of the residence that is currently being used as a storage room and weight room. The applicant owns two vehicles and a work assigned vehicle that are too high for the existing garage.

The Planning Department has not received any emails or calls in opposition to the Special Exception request.

A windshield survey of the area did not reveal any other existing carports in the general area.

At the Zoning Board of Adjustments meeting of June 17, 2015 the Board approved a variance request for a side yard encroachment of 4.5 feet into the 6 feet South yard setback for a wooden storage building measuring 16 feet by 10 feet.

There is no alley on the subject property that would allow for relocation of the proposed carport.

Special exceptions are issued to an individual and recorded, however if new owner purchases the home they will have to apply as new owner.

RECOMMENDATION:
Staff recommends disapproval of the request due to the size of the carport and since the home already has an existing garage. Approval of the request may encourage other property owners to build similar structures. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

ZBA2022-0033

ZBOA. 7/7/22

City of McAllen
Planning Department

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project

Legal Description: Saddle Creek Unit #2 Lot #22

Subdivision Name: Saddle Creek Unit #2

Street Address: 2924 Providence Avenue Mcallen TX, 78504

Number of lots: 1 Gross acres: N/A

Existing Zoning: Residential Existing Land Use: Residence

Reason for Appeal (please use other side if necessary): I feel that I should not be punished by the city by rejecting my application for a permit due to me being misled and lied to by the contractor. Requesting to encroach into 25ft. set back.

☒ $300.00 non-refundable filing fee + ☒ $50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name: Frank ELizondo Phone: 956-451-2629

Address: 2924 Providence Avenue E-mail: Franciscoelizondo1234@gmail.com

City: McAllen State: TX Zip: 78504

Owner

Name: Frank Elizondo Phone: 956-451-2629

Address: 2924 Providence Avenue E-mail: Franciscoelizondo1234@gmail.com

City: McAllen State: TX Zip: 78504

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature: [signature] Date: 6/1/22

Print Name: Frank Elizondo III ☒ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date JUN 01 2022

ENTERED

Rev 09/20

Initial: _____

QS

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (*Please use an additional page if necessary to complete responses*)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

I would be deprived because I relied on the builder's word to pull the permit. I tried to abide by the city ordinances.

Large vehicles do not fit in my one car garage, a small car barely fits in the garage. I own 2 large vehicles 2012, 2500

Dodge Ram, a 2007, 2500 Chev. Suburban, and my assigned Hidalgo County Sheriff's Ofc, unit are under the carport for protection against elements.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

It is necessary due to the need to keep my children and property safe from the weather elements for

example the extreme heat and all other weather elements. .

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

It will not and has not caused harm to anyone. It is on my property. For the past 3 years it has protected

myself, kids, and property(vehicles) from all weather elements like the extreme heat, rain, and hail. The carport is open on al sides for visibility and safety.

4. Describe special conditions that are unique to this applicant or property:

I relied on the builder's word that he had pulled the permit. I would be financially harmed and could also be

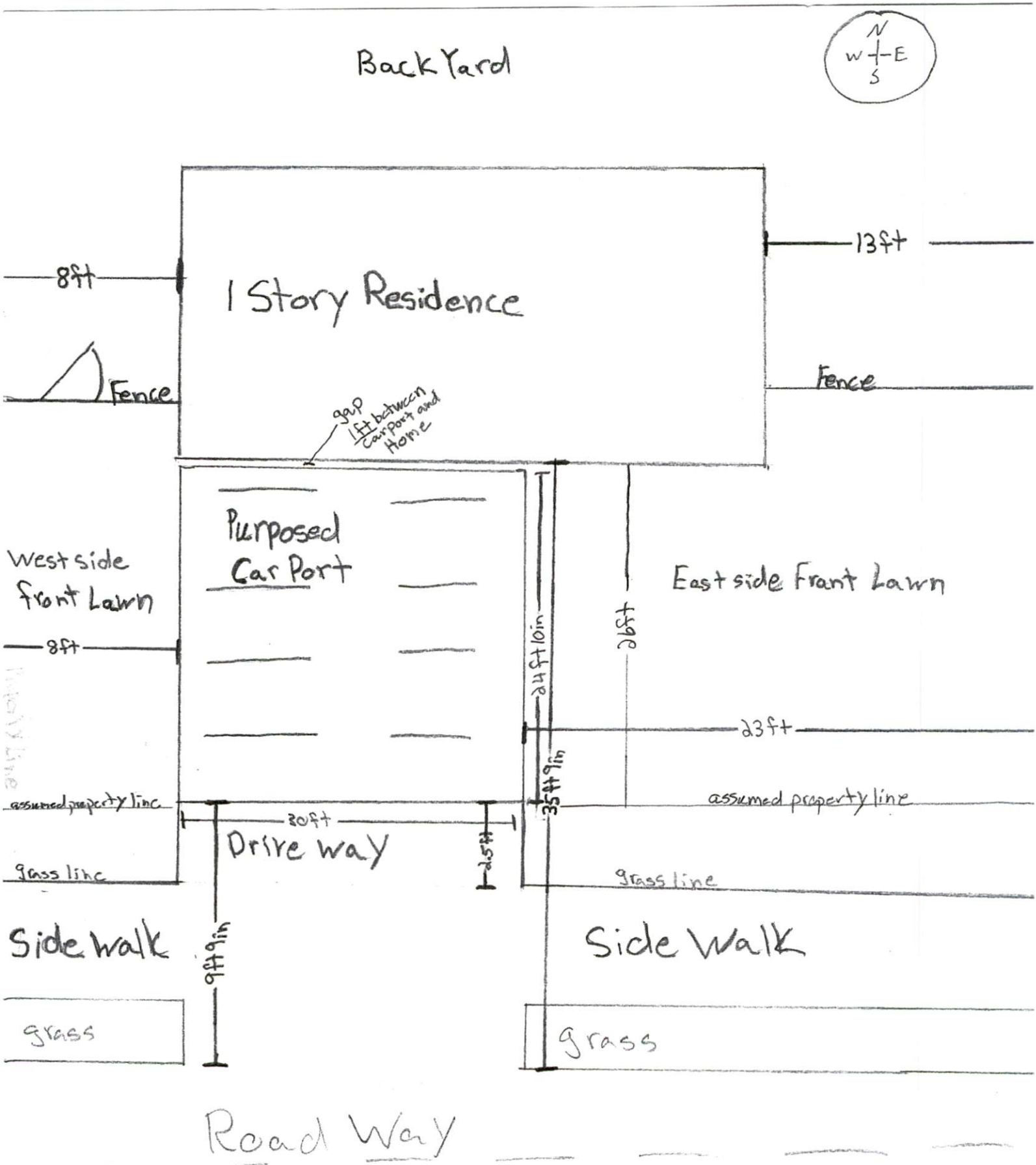
harmed physically while in the act of removing the carport if I were to be forced to remove it.

Board Action

Chairman, Board of Adjustment Signature _____

Date _____

Rev. 9/20



ENTERED

JUN 01 2022

Initial: CR

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0033
CITY OF MCALLEN PLANNING DEPT.
WWW.MCALLEN.NET
GLK-7897

Planning Department

Memo

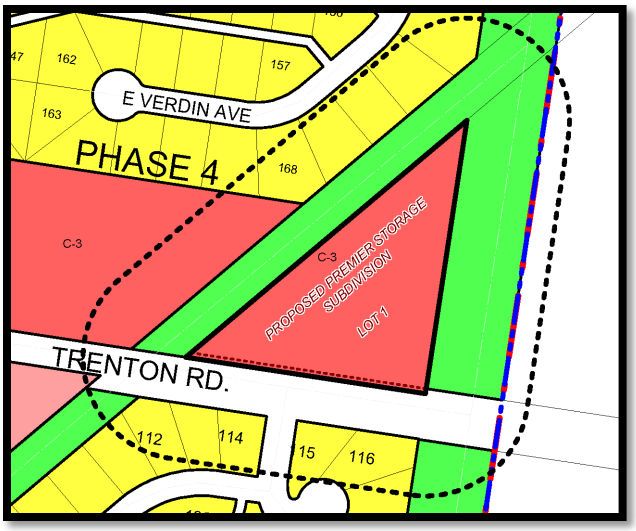
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 1, 2022

SUBJECT: **REQUEST OF MELDEN & HUNT, INC ON BEHALF OF TRENTBAK I, LLC FOR THE FOLLOWING SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 19 FEET INTO THE 50 FEET FRONT YARD SETBACK FOR A PROPOSED CANOPY (CARPORT) MEASURING 21.51 FEET BY 44.24 FEET, AT PREMIER STORAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 301 EAST TRENTON ROAD. (ZBA2022-0034)**

REASON FOR APPEAL:
The applicant is requesting a special exception for an encroachment into the front yard setback in order to construct a metal carport. The recorded plat requires a 50 feet front yard setback.



PROPERTY LOCATION AND VICINITY:
The subject property is located along the North side of Trenton Road, approximately 820 feet east of North 2nd Street. The lot is triangular shaped and has 464.47 feet of frontage along Trenton Avenue with a lot size of 2.613 Acres. The property is zoned C-3 (general business) District. Adjacent zoning is R-1 (single-family residential) District to the north and south, C-3 District to the west and A-O (agricultural-open space) District to the east and west. The surrounding land uses are single-family residences and vacant land, Southern Union Pacific Railroad and Drainage R.O.W by the City of McAllen.

BACKGROUND AND HISTORY:

Premier Storage Subdivision was recorded on May 17, 2022. The front yard setback is 50 feet as per plat. An application for a building permit for construction of a three story building was submitted to the Building Permits and Inspections Department on December 20, 2022. An application for a Special Exception request was submitted to the Planning Department on June 02, 2022.

ANALYSIS:

The request is for a special exception to allow an encroachment of 19 feet into the 50 feet front yard setback for a proposed metal canopy (carport) measuring 21.51 feet by 44.24 feet.

The city of McAllen Zoning ordinance requires a minimum of 15 feet for the front yard setback on commercial properties. However, the plat requires a 50 feet front yard setback. A Special Exception is needed to resolve the encroachment. The proposed site plan shows the structure to be 31 feet away from the property line, a variance is needed to resolve the plat note requirement.

Measurements for the proposed encroachment provided are without the benefit of a survey.

There have been no calls or emails received in opposition of the Special Exception request

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION:

Staff recommends approval of the Special Exception request since the city ordinance only requires a minimum of 15 feet for the front yard setback for this property.

ZBA2022-0034

ZBOA- 7/7/22

City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description: Being a subdivision of 2.822 acres out of Lot 4, Block 3, Steele & Pershing Subdivision, according to the plat thereof recorded in Volume 8, Page 114, H.C.D.R.

Subdivision Name: Premier Storage Subdivision (Lot 1)

Street Address: 301 East Trenton

Number of lots: 115 West McIntyre Street Em Gross acres: 2.822

Existing Zoning: C3 Existing Land Use: Foundation Only

Reason for Appeal (please use other side if necessary): Foundation for the property has been constructed and and the site plan has the canopy encroaching into the front setback.

☑ $300.00 non-refundable filing fee + ☑ $50.00 Recording Fee for Special Exception (carport)

☑ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name: Melden & Hunt, Inc. Phone: (956) 381-0981

Address: 115 West McIntyre Street E-mail: kelley@meldenandhunt.com

City: Edinburg State: Texas Zip: 78541

Owner

Name: Trentbak I, LLC Phone: c/o (956) 381-0981

Address: 4100 North 2nd Street, Suite 200 E-mail: c/o kelley@meldenandhunt.com

City: McAllen State: Texas Zip: 78504

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☑ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature: Date: 06.02.2022

Print Name: Mario A. Reyna for Kelley A. Heller-Vela ☐ Owner ☑ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date JUN 02 2022

ENTERED

Initial: AL

Rev 10/18

R H.C.

City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (*Please use an additional page if necessary to complete responses*)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Because of the lay of the land and the required fire lane on the west side of the property the developer has already reduced the size of the building several times, they ended up obtaining permission to pour the concrete slab for the building and now the canopy is encroaching into the front setback. THIS IS ONLY FOR VEHICLES.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

We are asking for a special exception for the canopy that is encroaching into the front setback. The concrete slab is already poured and the developer has changed the site plan countless of times to accommodate city requirements.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The variance will not be detrimental to the public health, safety, or welfare or injurious to the legal rights that other property owners may enjoy within the proposed area.

4. Describe special conditions that are unique to this applicant or property:

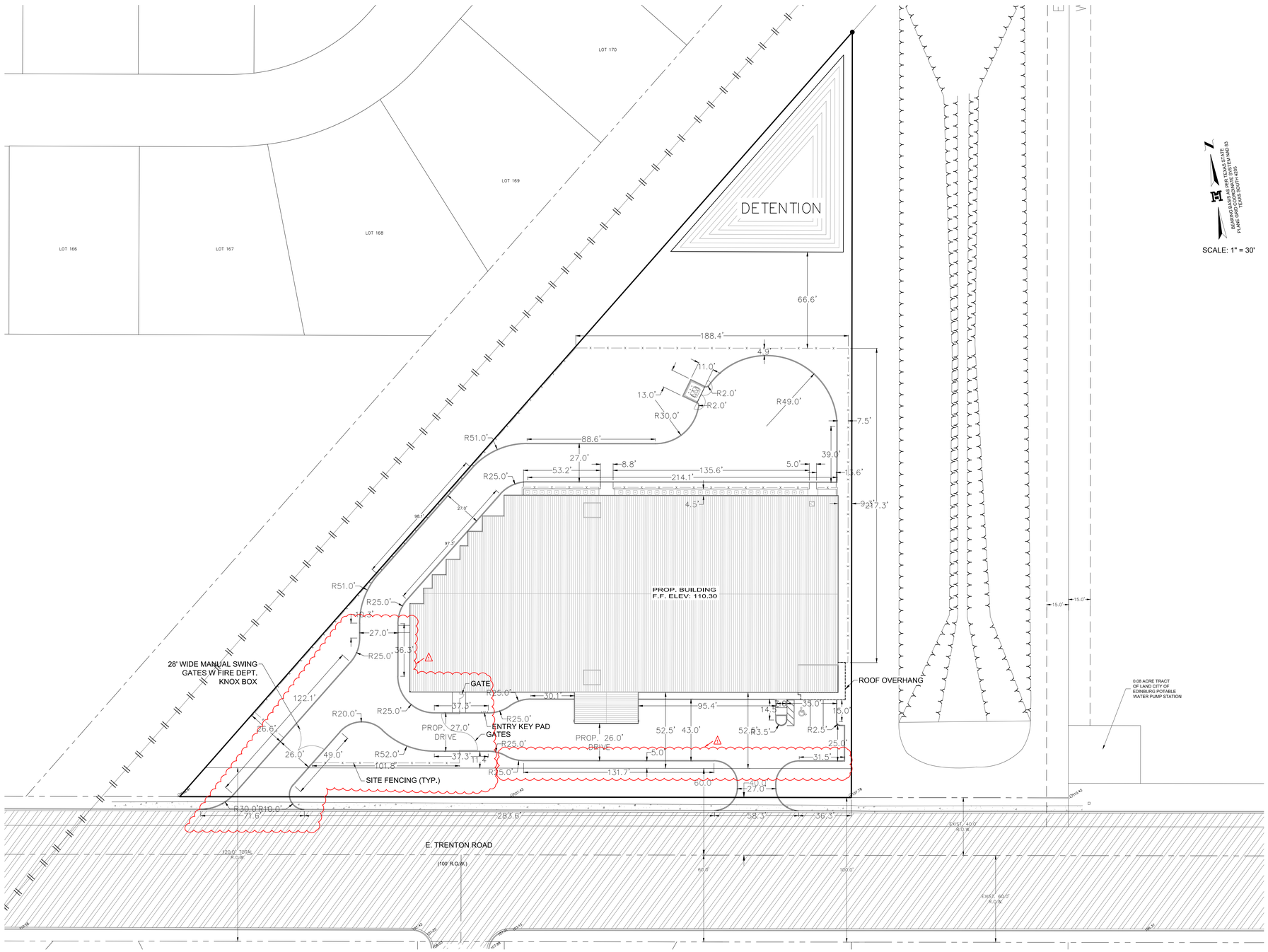
The exception is for a canopy that is encroaching into the front setback and the developer would appreciate an exception for this project.

Board Action

Chairman, Board of Adjustment Signature _____

Date _____

Rev. 9/20



SCALE: 1" = 30'

MELDEN & HUNT, INC
CONSULTANTS • ENGINEERS • SURVEYORS
115 W. McINTYRE
EDINBURG, TEXAS 78541
PH: (956) 381-0981
FAX: (956) 381-1839
ESTABLISHED 1947
227 N. F.M. 3167
DONNA, TEXAS 78537
PH: (956) 487-5603
FAX: (956) 488-8591
www.meldenandhunt.com
TBPELS No. 10009500

Alamo
ARCHITECTS
1512 South Flores Street
San Antonio, Texas 78204
P. 210.227.2612 / F. 210.227.9457

GENERAL CONTRACTOR
Independent Contractors
3511 Broadway
San Antonio, TX 78209
P. 210.821.5300

CIVIL ENGINEER
Melden & Hunt, Inc
115 W McIntyre St
Edinburg, TX 78541
P. 956.381.0981

Landscape Architect
MP Studio Landscape Architecture
201 Groveton St
San Antonio, TX 78210
P. 210.314.5582

Structural Engineer
Blake Wilson Engineering PLLC
1846 Norwood Plaza #114
Hurst, TX 76054
P. 817.268.2345

CODE
Fire Protection Consulting Group, LLC
339 Sandalwood Lane
San Antonio, TX 78216
P. 210.835.6300

MEP Engineer
James T. Rodriguez Consulting Engineers, Inc
412 W. Rhapsody Drive
San Antonio, TX 78216
P. 210.496.0960

NUM:	DATE:	ISSUE DESCRIPTION:
1	02/25/22	PCC/PERMIT COMMENT
2	06/02/22	LANDSCAPE BUFFER

CLIENT
Bakke Development

PROJECT NUMBER: 2021-37
PROJECT NAME
Premier Storage McAllen Tx
Trenton Road
McAllen, Tx

MELDEN & HUNT, INC.
TEXAS REGISTRATION F-1435
STATE OF TEXAS
KELLEY A. HELLER-VELA
97421
LICENSED
PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KELLEY A. HELLER-VELA, P.E. 97421

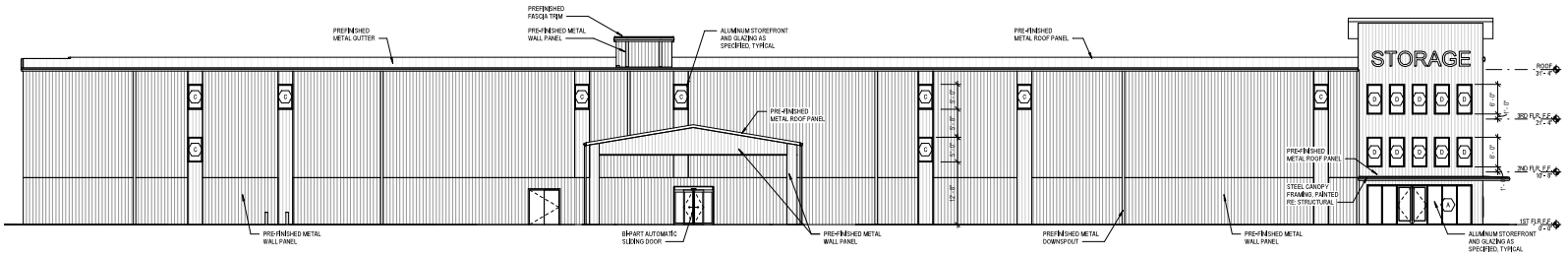
06-07-22

ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE LAW

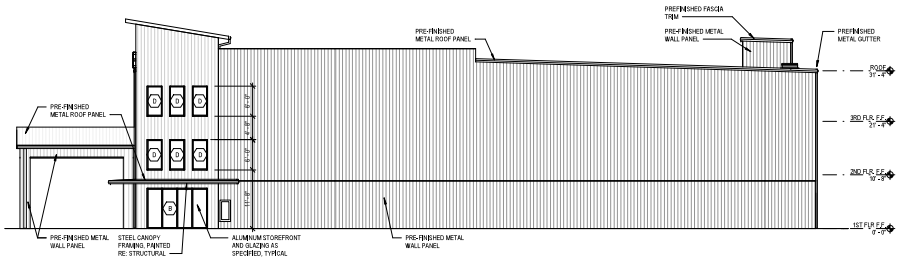
100% CD REVIEW

SHEET TITLE
SITE PLAN

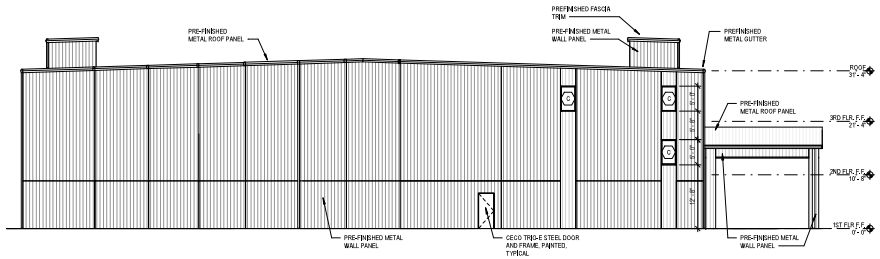
C2.0



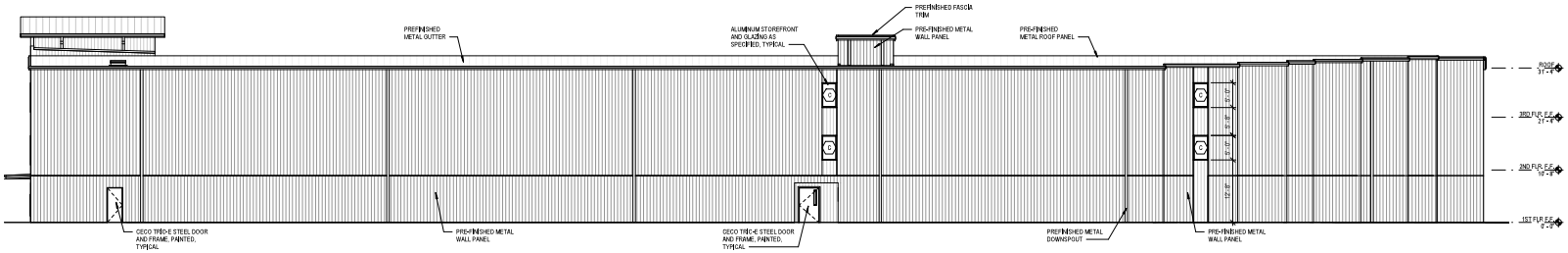
1 SOUTH ELEVATION
1" = 10'-0"



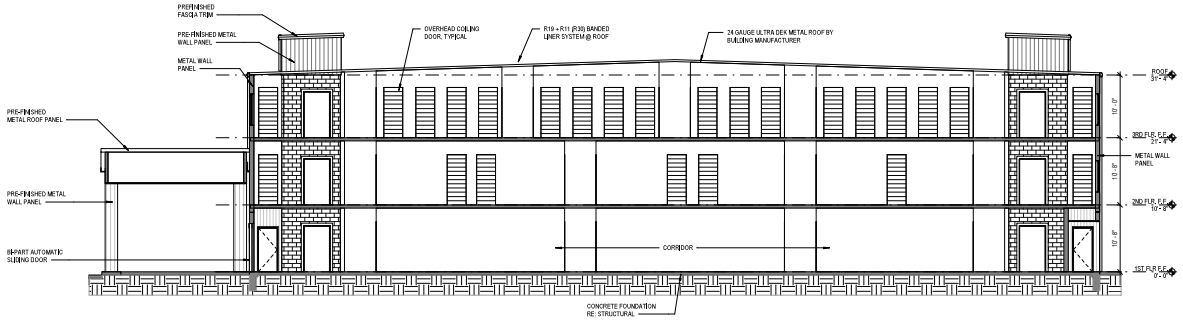
2 EAST ELEVATION
1" = 10'-0"



3 WEST ELEVATION
1" = 10'-0"



4 NORTH ELEVATION
1" = 10'-0"



5 BUILDING SECTION
1/8" = 1'-0"

C:\Workers\2021\37 Baker Storage McAllen\2021-37 Baker Storage McAllen_LOCAL_revit18.RVT

10/20/2021 9:01:17 AM

Alamo ARCHITECTS
1512 South Flores Street
San Antonio, Texas 78204
P. 210.227.2612 | F. 210.227.9457

GENERAL CONTRACTOR
Independent Contractors
207 Rosemary Ave
San Antonio, TX 78210
P. 210.825.2000

CIVIL ENGINEER
Melden & Hunt, Inc
115 W McIntyre St
Edinburg, TX 78541
P. 956.381.9981

Landscape Architect
MP Studio Landscape Architecture
201 Grosvenor St
San Antonio, TX 78210
P. 210.314.5000

Structural Engineer
Blake Wilson Engineering PLLC
1848 Northwood Plaza #114
Hurst, TX 76054
P. 817.268.2345

CODE
Fire Protection Consulting Group, LLC
339 Sandalwood Lane
San Antonio, TX 78216
P. 210.835.5300

MEP Engineer
James T. Rodriguez Consulting Engineers, Inc
612 W. Rhapsody Drive
San Antonio, TX 78216
P. 210.496.9960

NUM:	DATE:	ISSUE DESCRIPTION:

CLIENT
Premier Storage
TrentBak LTD

PROJECT NUMBER: 2021-37

PROJECT NAME
Premier Storage
McAllen Tx
Trenton Road
McAllen, Tx

12/03/21

100% CDs

SHEET TITLE
EXTERIOR ELEVATIONS & BUILDING SECTION

A5.01

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2022-0034
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET
CORE & MAIN
CORE

Planning Department

Memo

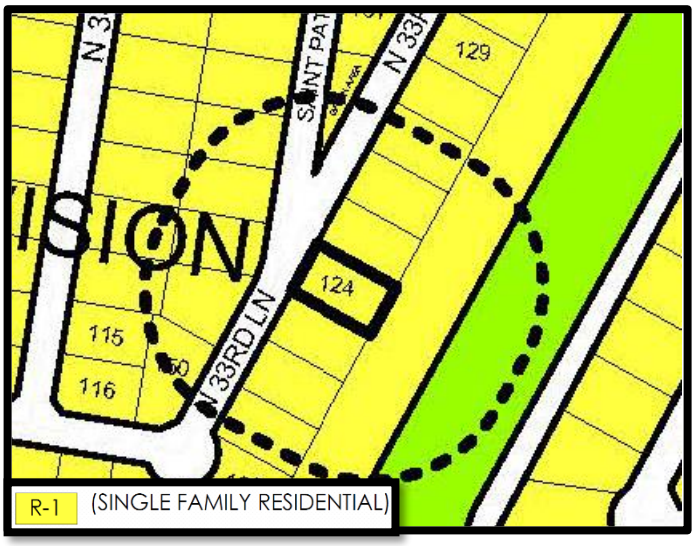
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 24, 2022

SUBJECT: **REQUEST OF ELIZABETH L. GARZA FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FEET INTO THE 10 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING SINGLE FAMILY HOME, AT LOT 124, VENDOME SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 13818 NORTH 33RD LANE. (ZBA2022-0037)**

REASON FOR APPEAL:
The applicant is requesting to allow an existing single family residential structure with an encroachment of 4 feet into the 10 feet south side yard setback to remain.



PROPERTY LOCATION AND VICINITY:
The subject property is located on the east side of North 33rd lane. The property has 74 feet. of frontage along North 33rd Lane and a depth of 125 feet for a lot size of 9,250 square feet. The subject property is zoned R-1 (single family residential) District. The surrounding land use is single-family residential, vacant land and Hidalgo Canal No. 1 Right of Way.

BACKGROUND AND HISTORY:
Vendome Subdivision Phase II was recorded on April 21, 2021. The original building permit application for the residential home was for Lot 126 however, a final survey of the construction revealed that the house was built on Lot 124 with an encroachment on the South side yard setback. A Certificate of Occupancy was issued April 28, 2022 for a single family home.

ANALYSIS:
The variance request is to allow an encroachment of 4 feet into the 10 feet side yard setback for an existing single family home. The survey provided indicates the structure was built with an encroachment of 3.8 feet into the south side yard setback. A 10 feet drainage easement runs concurrently with the setback. According Engineering Department plans, a 24-inch drain line runs through the middle of the 10 feet drainage easement. Any damage to the line may impact the structured integrity of the home and stability of its foundation. The actual construction of the home is approximately 1.2 feet from the drain line.

Staff has not received any phone calls or e-mails in regards to the variance requests.

RECOMMENDATION:
Staff recommends approval of the variance request since the drainage easement line is proposed to be relocated to approximately 6 feet away from the home.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF MAY 25, 2022:
At the Zoning Board of Adjustment and Appeals meeting of May 25, 2022 no one appeared in opposition of the variance request. Elizabeth Garza, the applicant, stated that a survey requested by their financial institution showed the recently constructed home encroaching into the 10 feet side yard setback and a drainage easement that run concurrently. Board member Mujica stated the proximity of the house to a drainage line within the easement was a cause for concern since potentially the line can leak, soften the soil, and thus impact the integrity of the foundation. The structure might also be impacted repair the line in the future. Felix Hernandez, the developer, provided a letter stating that if repairs were needed (caused by the proximity of the house to the drainage line) during a certain limited time period into the future, he would cover the expense of the repairs. Following further discussion, a motion to approve the request received three votes in the affirmative and two members voted nay thus, the motion did not pass due to the required supermajority vote.

Subsequent to the meeting, the applicant through their building contractor submitted a site plan as a request for relocation of the drainage line in order to provide greater distance from the already constructed house to the existing drainage line. The Engineering Department is in the process of reviewing the feasibility of the proposed drainage line relocation and a determination is pending this review process.

ZBA2022-0024

ZBOA-5/18/22

City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project

Legal Description: Lot 124

Subdivision Name: Vendome ph II

Street Address: 13818 N. 33rd Ln

Number of lots: 1 Gross acres:

Existing Zoning: Residential Existing Land Use: Residential

Reason for Appeal (please use other side if necessary): 4 ft. encroachment into the 10ft side yard/drainage.

☑ $300.00 non-refundable filing fee + ☐ $50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name: Elizabeth L. Garza Phone: (956) 605-8678

Address: 1212 Lindberg St E-mail: elizabeth.lourada44@gmail.com

City: Mission State: TX Zip: 78573

Owner

Name: Elizabeth L. Garza Phone: (956) 605-8678

Address: 1212 Lindberg St E-mail: elizabeth.lourada44@gmail.com

City: Mission State: TX Zip: 78573

Authorization

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature: E Garza Date: 5/2/2022

Print Name: Elizabeth L. Garza ☐ Owner ☐ Authorized Agent

Office

Accepted by: MR Payment received by: Date: ENTERED MAY 02 2022

Initial: AK

Rev 10/18

City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (*Please use an additional page if necessary to complete responses*)

****Information provided here by the applicant does not guarantee that the Board will grant a variance.**

*****Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.**

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

The drainage easment runs alongside the property line, we left a 6'-2" eastment.

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: We need the variance because the home has just been finished and having to demolish will a long & costly process.

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

the variance will not affect anybody else it is inside our property line

4. Describe special conditions that are unique to this applicant or property:

There were some mistakes on the subdivision plats. we started thinking it was Lot 126 but on final plot it was 124. the house is finished and we are ready to close for the owner to move in.

Board Action

Chairman, Board of Adjustment Signature _____

Date _____

Rev. 9/20

1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARRICADE/FENCING CONSTRUCTION TRAILER, CLEARING PROCEDURE GRADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOD, AND IRRIGATION SYSTEM.

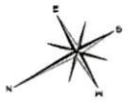
LEGAL DESCRIPTION

LOT	126
PHASE	3
SUBDIVISION	VENDOME
CITY	MCALLEN, TX

CONC. DRIVE (SQ. FT.)

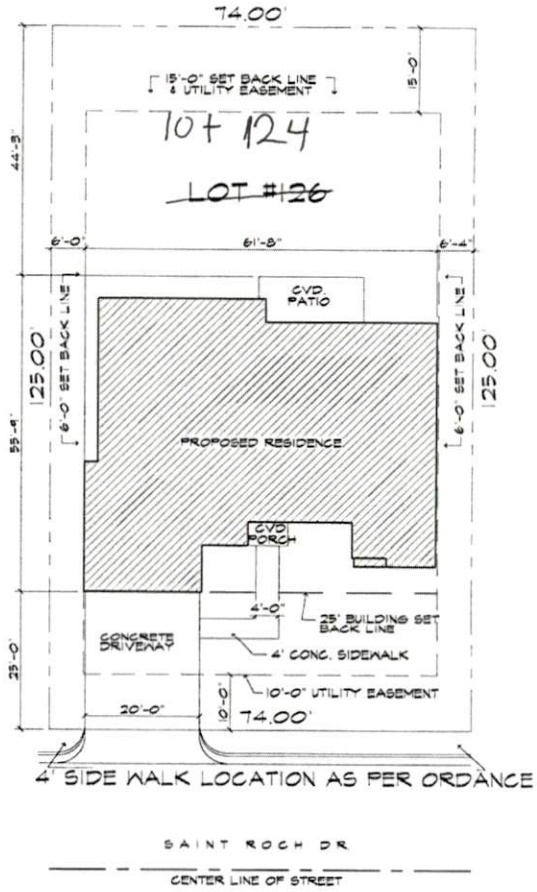
APPROX. TOTAL DRIVE WAY	400.0'
APPROX. TOTAL SIDEWALK	114.0'
TOTAL CONCRETE	514.0'

NORTH ARROW



1 SITE PLAN
SCALE: 1"=10'-0"

EJG 5/2/22



TREASURE BUILDERS LLC.

PROJECT: Garza Residence

DATE: 05-11-21

PLANNED

MAY 02 2022

Initial: CM

DISTINCTIVE DRAFTING & DESIGN L.L.C.

2312 S. EXPRESSWAY 83 SUITE # B
HARLINGEN, TX. 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

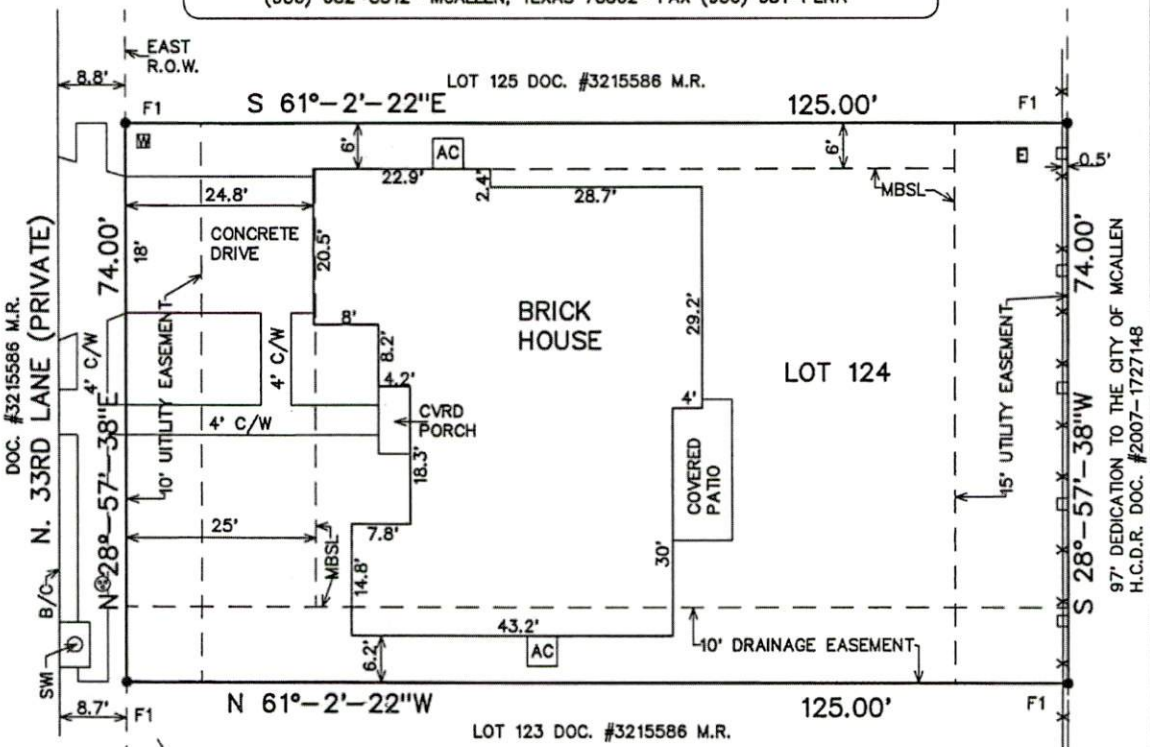
DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.

SHEET

C-1

PEÑA ENGINEERING

FIRM #10087200 · 1001 WHITEWING · P.O. BOX 4320
(956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 631-PENA



NOTE: THE BASIS OF BEARING IS THE NORTH LINE OF LOT 124 VENDOME SUBDIVISION PHASE II, DOCUMENT #3215586 M.R.

LEGEND

F1 – FOUND 1/2" IRON DIAMETER IRON ROD
B/C – BACK OR CONCRETE CURB & GUTTER
R.O.W. – RIGHT OF WAY
MBSL – MINIMUM BUILDING SETBACK LINE
SWI – STORM WATER INLET
W – WATER METER
E – ELECTRICAL PEDESTAL
C/W – CONCRETE WALK
– 6' IRON FENCE W/ CONC BLOCK PILLARS
– MANHOLE

SCALE 1"=20'
CAD: Vendome2-124SM
JOB #76312

NOTE:
1.) BLANKET FOR IRRIGATION LINES, PUMPS AND FACILITIES DOC. #583227 O.R.
2.) EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1.

BUYER'S NAME: John Mason Garza & Elizabeth Lima Louzada Garza

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480334 0325 D
Map Revised: June 6, 2000 LOMR May 17, 2001

☐ Zone "A" – This is to certify that this property is in a flood prone area.
☐ Zone "B" – This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
☒ Zone "X" – This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2022 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 13902 N. 33RD. LANE, MCALLEN, TEXAS 78504

LEGAL DESCRIPTION: LOT 124, VENDOME SUBDIVISION, PHASE II (PRIVATE SUBDIVISION) HIDALGO COUNTY, TEXAS,

ACCORDING TO THE MAP RECORDED IN DOCUMENT NUMBER 3215586 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña III

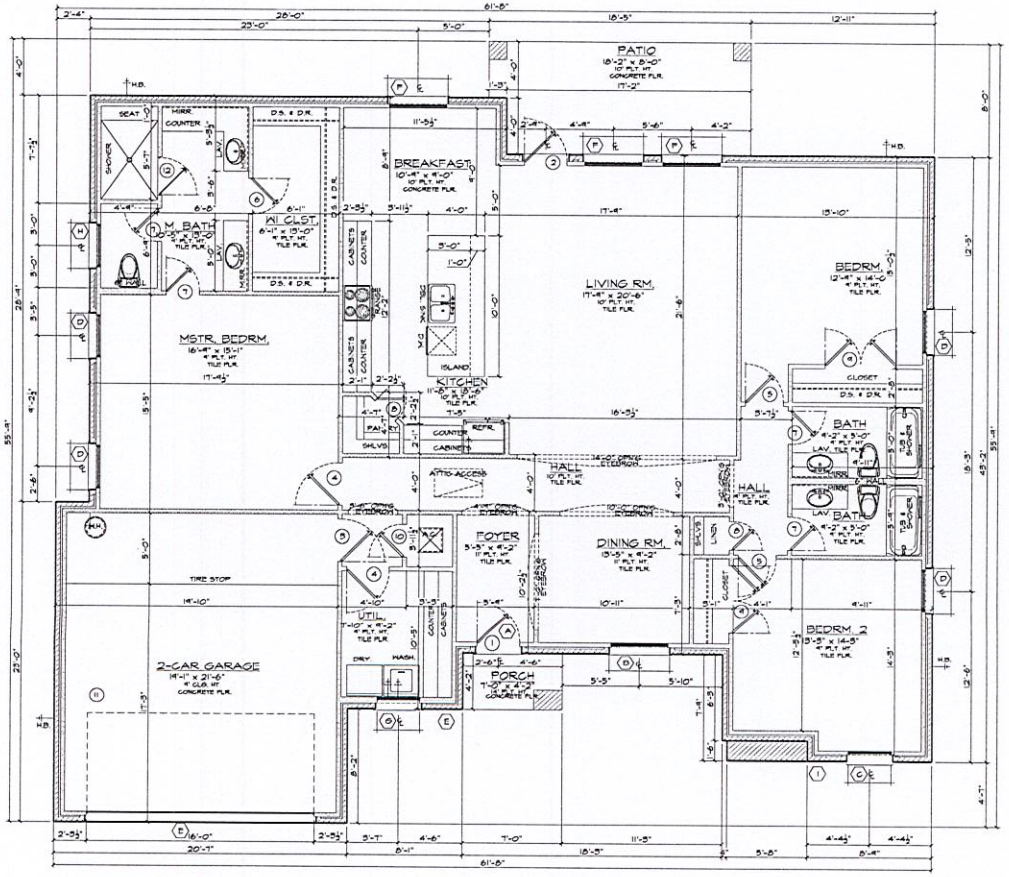
02-14-2022
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242

STATE OF TEXAS · PABLO PEÑA III · 5242 · REGISTERED

ENTERED
MAY 02 2022
Initial: AM

25.0'
146
117.44
74.00'
25.0'
147
117.66
74.00'
25.0'
148
PROP. TYPE
"A" INLET
TOP=118.45
F.L.=112.25
49.97'
STORM
S=0.67%
105.61'
G=118.40
S=0.25%
S=0.20%
G=117.95
G=117.95
24"
127
125.00'
116.83
N61°2'22"W
126
116.14
125.00'
116.40
10.00'
U.E.
125
125.00'
116.01
PROP. TYPE
"A" INLET
TOP=118.45
F.L.=111.55
124
10.00'
U.E.
125.00'
PROP. 24" RCP STORM
SEWER 162 L.F. S=0.68%
123
125.00'
PROP. 32.00'
ASPHALT
74.00'
S 28°57'38" W
97' DEDICATION
TO THE CITY OF McALL
H.C.D.R. DOC# 2007-1722
PROP. CONC.
RIP-RAP
F.L.=110.45
S 28°57'38"



1 FLOOR PLAN
SCALE: 1/4"=1'-0"

GENERAL NOTES:

A. THESE PLANS ARE INTENDED TO PROVIDE THE BASIC INFORMATION FOR CONSTRUCTION. THESE PLANS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR. ANY DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND, IS TO BE BROUGHT IMMEDIATELY TO THE OWNER BEFORE CONSTRUCTION WORK OR PURCHASE IS MADE.

B. FEDERAL, STATE, COUNTY, AND LOCAL CITY ORDINANCES AND BUILDING CODES TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS. ANY CONFLICT MUST BE ADHERED TO THE PROJECT BEFORE AND DURING CONSTRUCTION.

DOOR SCHEDULE

SYM.	DOOR W	DOOR H	DOOR T	MATL.	NOTES
1	3'-0"	8'-0"	1-3/4"	S.C. WOOD	EXTERIOR ENTRY DOOR
2	3'-0"	8'-0"	1-3/4"	GLASS	FRENCH DOOR
3	3'-0"	6'-8"	1-3/4"	S.C. WOOD	EXTERIOR DOOR
4	3'-0"	6'-8"	1-3/8"	H.C. WOOD	INTERIOR DOOR
5	2'-8"	6'-8"	1-3/8"	H.C. WOOD	INTERIOR DOOR
6	2'-6"	6'-8"	1-3/8"	H.C. WOOD	INTERIOR DOOR
7	2'-4"	6'-8"	1-3/8"	H.C. WOOD	INTERIOR DOOR
8	2'-0"	6'-8"	1-3/8"	H.C. WOOD	INTERIOR DOOR
9	2'-6"	6'-8"	1-3/8"	H.C. WOOD	DBL. CLST. DOORS
10	2'-4"	6'-8"	1-3/8"	H.C. WOOD	A.C. DOOR
11	16'-0"	8'-0"			GARAGE DOOR
12	2'-8"	5'-0"			SHOWER DOOR

WINDOW SCHEDULE

SYM.	WINDOW W	WINDOW H	TYPE	NOTES
A	3'-0"	2'-0"	EYEBROW TRANSOM	
B	4'-0"	6'-0"	FIXED FRAME	DIVIDED LTS
C	3'-0"	6'-0"	EYEBROW SINGLE HUNG	DIVIDED LTS
D	3'-0"	5'-0"	SINGLE HUNG	
E	1'-6"	2'-0"	TRANSOM	SEE ELEVATION
F	4'-0"	6'-0"	FIXED FRAME	
G	3'-0"	5'-0"	SINGLE HUNG	DIVIDED LTS
H	3'-0"	1'-0"	SLIDER	OBSCURED GLASS
I	1'-6"	1'-6"	FIXED FRAME	

TREASURE
BUILDERS LLC.

NOTES UNLESS NOTED OTHERWISE (U.N.O.)
01. 2" x 4" STUDS @ 16" O.C. W/ BRICK-EXTERIOR
02. 2" x 4" STUDS @ 16" O.C.-INTERIOR
03. TOP OF EYE-BROW CASED OPENINGS TO BE @ 8'-0" A.F.F.

PROJECT: *Garza Residence*

DATE: 05-11-21 | PLAN #555-20

DISTINCTIVE
DRAFTING & DESIGN L.L.C.
2312 S. EXPRESSWAY 83 SUITE # B
HARLINGEN, TX. 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

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SHEET
A-1

13818 N 33rd Ln - UE Encroachment

Bilkis Olazaran <bolazaran@mcallen.net>

Mon 5/2/2022 10:18 AM

To: Marco Rivera <marco.rivera@mcallen.net>

Cc: Edgar Garcia <edgar.garcia@mcallen.net>;Mario Cruz <mcruz@mcallen.net>

Marco,

Since this will be going before your board for consideration, we recommend disapproval. However, if the board decides to approve the encroachment, we recommend the following condition be included in the encroachment letter: ***The home owner, not the City of McAllen, will be responsible for any damages related to the operation and/or maintenance of any utility lines within the 10ft utility easement along the south property line.***

Please let me know when this item will be taken for consideration. Thanks!

Bilkis

ENTERED

MAY 02 2022

Initial: AM

AFFIDAVIT OF FELIX HERNANDEZ

STATE OF TEXAS §
§
COUNTY OF HIDALGO §

Before me, the undersigned authority, on this day personally appeared affiant Felix Hernandez who proved to me to be the person whose name is subscribed to this Affidavit and who acknowledged to me that he executed the same, and after he was duly sworn, upon his oath, he deposed and said:

My name is Felix Hernandez. My address is 110 Becker St, Alamo, Texas 78516. I am over 18 years of age, of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am the sole managing member of Treasure Builders LLC. We built a residential home at 13818 N. 33rd Ln, McAllen, Texas (Lot 124 Vendome Phase 2). The structure was built on the drainage easement because of an issue with the lot number. Treasure Builders LLC will be responsible for any damages to the home in the future caused by any repairs or maintenance to the drainage line within the easement part of the property. Treasure Builders LLC will restore the home to the condition it existed prior to the repairs and/or maintenance. This guarantee of repairs shall only be valid while the original owner is owner of the home and shall be voided once ownership is transferred. Once ownership of the home is transferred to another party, Treasure Builders LLC shall no longer bear any responsibility for this issue.

If you should have any questions or need any additional information, please feel free to contact me at 956-821-9710.

Felix Hernandez

SWORN TO and SUBSCRIBED before me by Felix Hernandez on this 18th day of May 2022.

Rick Puente
Notary Public, State of Texas
ID# 11412535
My Commission Expires November 12, 2022

[1]
Notary Public in and for the State of Texas
My Commission Expires on
November 12, 2022.

RECEIVED
MAY 18 2022
By MRC

[1] Rick Puente-Notary Public: PO Box 1514, San Juan, TX 78589 (956) 782-8425

Treasure Builders LLC

110 Becker St.

Alamo, Texas 78516

May 18, 2022

To whom it may concerned:

This is an estimated cost bring the construction located at 13818 N. 33rd Ln. in McAllen, Texas into compliance.

Demolition of brick and lumber wall on the south side of the home

Removing all of the south portion of the roof

Cutting and excavating the slab foundation along the south side of the home

Removing all plumbing pipe, vents and water lines on both bathrooms

Removing all ac ducts and vents

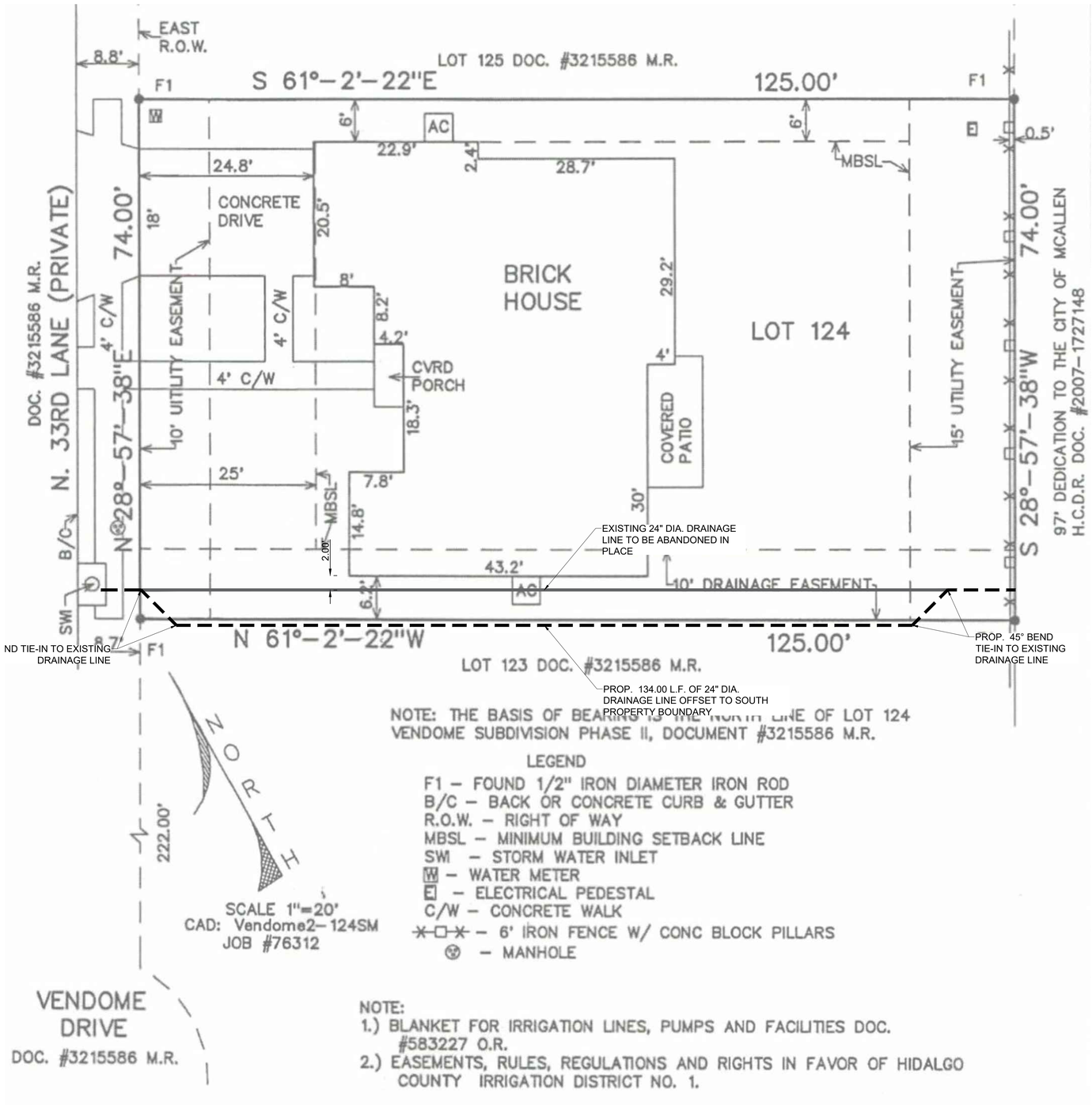
Removing all electrical wiring

Rebuilding and reconfiguring everything back to the compliance line will leave the home without 2 bathrooms and without 2 bedrooms.

Total cost $125,000.00

Felix Hernandez

RECEIVED
MAY 18 2022
By MR



1. SITE PLAN
SCALE: 1" = 8'

GENERAL SITE NOTES

1. SITE SURVEY PREPARED BY THIRD PARTY AND FOR THE SOLE RELIANCE OF ATLAS ENGINEERING CONSULTANTS LLC, FACILITY OWNER, AND ITS ASSIGNEES. ENGINEER SHALL NOT BE BE HELD RESPONSIBLE FOR THE COMPLETENESS OR ACCURACY OF DOCUMENTS PREPARED BY OTHERS.
2. CIVIL SITE WORK COMPONENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE INDUSTRY STANDARDS OR CITY STANDARDS, WITH THE MORE STRINGENT DESIGN CONSIDERED AS THE ACCEPTABLE SPECIFICATION.
3. CONTRACTOR SHALL BE SOLE RESPONSIBLE PARTY FOR ENSURING COMPLIANCE WITH STATE AND FEDERAL LABOR, ENVIRONMENTAL, SAFETY, AND CONSTRUCTION GUIDELINES, RULES, AND REGULATIONS.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR REPORTING ANY CONFLICTS TO THE ENGINEER PRIOR TO CONSTRUCTION. ANY NECESSARY CHANGES OR MODIFICATIONS RESULTING FROM THE CONTRACTOR'S NEGLIGENCE, OR LACK OF WRITTEN COMMUNICATION WITH THE ENGINEER SHALL RESULT IN NON PAYMENT TO THE CONTRACTOR.
5. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR IDENTIFYING ANY BUILDINGS, ROADS, PARKING LOTS, BUILDING PADS, SIDEWALKS, SWALES, ETC. CONTRACTOR SHALL BE REQUIRED TO EMPLOY A STATE REGISTERED PROFESSIONAL LAND SURVEYOR FOR CONDUCTION CONSTRUCTION STAKING, WITH SAID SURVEYOR BEING RESPONSIBLE TO MAINTAIN SITE-BENCHMARK CONTROL POINTS THROUGHOUT THE DURATION OF THE PROJECT. SURVEYOR SHALL PROVIDE THE ENGINEER IN WRITING THE CUT SHEETS WHEN LAYING OUT UTILITIES, AND OR ROADWAYS. IN THE EVENT ANY CONSTRUCTION STAKING IS CONDUCTED BY NON-AUTHORIZED PERSONNEL, SAID STAKING ACTIVITIES WILL BE CONSIDERED NON COMPLIANT AND SUBJECT TO MONETARY RESTITUTION TO THE THE ENGINEER FOR REPAIRS.
6. THE SURVEYOR SHALL PROVIDE IN WRITING TO THE ENGINEER DOCUMENTATION CERTIFYING THAT THE LAYOUT IN THE FIELD IS IN ACCORDANCE TO THE ENGINEER'S PLANS.
7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, AND PAY ALL APPLICABLE PERMIT FEES. CONTRACTOR SHALL PROVIDE PROOF TO THE ENGINEER THAT THESE PERMITS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF WORK.
8. ENGINEER PROVIDED INFORMATION ON THE PLANS FOR CONVENIENCE TO THE CONTRACTOR. THE CONTRACTOR SHALL ACCEPT ALL RESPONSIBILITY FOR MAINTAINING AND IMPLEMENTING SAFE WORKING CONDITIONS DURING THE CONSTRUCTION OF WORK UNDER THE CONTRACTOR'S RESPONSIBILITY. NEITHER THE OWNER NOR THE ENGINEER ACCEPTS ANY LIABILITY IMPLIED OR OTHERWISE FOR THE CONSTRUCTION METHODS AND PROCESSES OF CONSTRUCTION.
9. CONTRACTOR SHALL NOT COMMENCE WORK WITHOUT WRITTEN APPROVAL FROM THE OWNER OR THE REGULATING ENTITIES. ANY WORK CONSTRUCTED WITHOUT OWNER'S AUTHORIZATION SHALL CONSTITUTE THE CONTRACTOR'S TRESPASS ONTO THE OWNER'S PROPERTY.
10. CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ONE-CALL SYSTEM FOR UTILITY IDENTIFICATION PRIOR TO CONSTRUCTION, AS WELL AS RESPONSIBLE FOR THE COST OF REPAIRS TO ANY DAMAGED UTILITIES.
11. CONTRACTOR SHALL EMPLOY NECESSARY TRAFFIC CONTROL MEASURES NECESSARY FOR CONSTRUCTION. CONTRACTOR SHALL PRESENT THE ENGINEER COPIES OF THE TRAFFIC CONTROL PLAN PRIOR TO CONSTRUCTION. ANY TRAFFIC CONTROL MEASURES SHALL COMPLY WITH CURRENT MUTCD (MANUAL OF TRAFFIC CONTROL DEVICES) AND TXDOT REGULATIONS.

EXISTING UTILITIES

1. LOCATION AND DEPTH OF EXISTING UTILITIES SHOWN WITHIN UTILITY LAYOUT ARE APPROXIMATE ONLY. ACTUAL LOCATIONS AND DEPTHS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THEIR PROTECTION DURING CONSTRUCTION.
2. IT IS ESSENTIAL THAT 48 HOURS PRIOR TO CONSTRUCTION, ALL UTILITY COMPANIES BE NOTIFIED TO LOCATE AND TAG THEIR UNDERGROUND FACILITIES PRIOR TO EXCAVATION.
3. THE CONTRACTOR NEEDS TO ALLOW FOR THE POSSIBILITY OF UNDETECTED UNDERGROUND UTILITIES. THE CONTRACTOR MUST ALLOW FOR CHANGES DUE TO UTILITIES BEING IN LOCATIONS DIFFERENT FROM THOSE SHOWN ON THE UTILITY DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING CONFLICTS PRIOR TO CONSTRUCTION.
4. TRENCHES OR EXCAVATIONS MAY NOT BE LEFT OPEN OVERNIGHT UNLESS AUTHORIZED IN WRITING BY THE ENGINEERING DEPARTMENT. IN SUCH CASES, THE CONTRACTOR MUST PROVIDE 1/2" STEEL COVER PLATES WITH ANCHORING OR AS PER SPECIFICATIONS TO BE PROVIDED BY THE CITY.
5. ANY DAMAGE TO FENCES, SIDEWALKS OR PRIVATE PROPERTY SHALL BE REPAIRED BY THE CONTRACTOR AT THEIR EXPENSE.
6. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMOVE ALL EXCAVATED MATERIAL & DEBRIS FROM THE SITE AT NO ADDITIONAL EXPENSE TO THE OWNER.
7. THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING CONSTRUCTION MATERIALS TESTING THROUGH THE CITY'S DESIGNATED FIELD REPRESENTATIVE 24 HOURS PRIOR TO TESTING. CONTRACTOR IS RESPONSIBLE FOR ADHERING CLOSELY TO TESTING SCHEDULE AND AVOID ANY DELAYS IN THE FIELD.
8. THE CONTRACTOR SHALL PROVIDE ALL CONSTRUCTION STAKING AND SURVEYING.
9. EXISTING POWER POLES, CONCRETE STAND PIPES, ETC., WILL NEED TO BE BRACED DURING ADJACENT CONSTRUCTION.
10. CONTRACTOR SHALL KEEP ALL WATER & SANITARY SEWER SERVICES OPERATIONAL.
11. THE ENGINEER WILL BE THE FINAL AUTHORITY OF ALL CONFLICTS, DISCREPANCIES, AND THE INTERPRETATIONS OF THE DRAWINGS OR SPECIFICATIONS.

UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS (IF ANY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.

IF CULTURE MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION WORK SHALL CEASE IN THE IMMEDIATE AREA AND THE CONTRACTOR SHALL NOTIFY THE OWNER OR ENGINEER. THE OWNER OR ENGINEER SHALL CONTACT THE SECRETARY OF THE INTERIOR, (202-343-4104) IN ACCORDANCE WITH 36 CFR800. THE STATE HISTORIC PRESERVATION OFFICER (512-463-6069) SHALL ALSO BE NOTIFIED.

ALL SOILS ARE UNCLASSIFIED SOILS INCLUDING ROCK OR OTHER MATERIAL. NO SPECIAL PAYMENT WILL BE MADE TO THE CONTRACTOR FOR UNFORESEEN UNCLASSIFIED SOILS ENCOUNTERED. NO SPECIAL PROVISIONS ARE BEING MADE FOR UNCLASSIFIED SOILS.

PLAN NOTE:

1. CONTRACTOR TO VERIFY EXISTING MATERIALS TO BE OFFSET AS SHOWN ON PLANS. INFORMATION REGARDING THE EXISTING MATERIALS WAS NOT AVAILABLE AT THE TIME THIS PLAN WAS PREPARED.
2. CONTRACTOR MUST FOLLOW THE INSTALLATION REQUIREMENTS FOR THE NEW LINE IN ACCORDANCE WITH LOCAL CITY ORDINANCES AND REQUIREMENTS

ATLAS ENGINEERING CONSULTANTS
TBPE FIRM NO. 17057
2820 GULL, McALLEN, TEXAS 78504
(956) 379-3857
lcastillo.atlas@gmail.com

STATE OF TEXAS
LUCAS CASTILLO JR.
119990
LICENSED PROFESSIONAL ENGINEER
06/20/2022

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY LUCAS CASTILLO JR. P.E., No. 119990. ALTERATION OF A SEALED DOCUMENT WITHOUT NOTIFICATION TO THE ENGINEER IS AN OFFENSE UNDER THE STATE OF TEXAS ENGINEERING PRACTICE ACT.

PROJECT:
VENDOME SUBDIVISION
LOT 124
McALLEN, TEXAS

No.	DESCRIPTION	DATE

PROJECT No.	CV22-034
DATE:	06/20/2022
DRAWN BY:	L.C.
SCALE:	AS NOTED

SITE PLAN

C1.0

13818
NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0024
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/22	01/19/22	02/02/22	02/17/22	03/03/22	03/1722	04/06/22	04/20/22	05/04/22	05/18/22	06/01/22	05/25/22	06/15/22	06/29/22	07/07/22	07/20/22	08/03/22	08/17/22	09/08/22	09/21/22	10/05/22	10/19/22	11/02/22	11/16/22	12/07/22	12/21/22
ERICK DIAZ- CHAIRPERSON	P																									
SYLVIA HINOJOSA-CHAIRPERSON	P	P	P	P	A	A	P	P	P	P	P	P	P	LQ												
JOSE GUTIERREZ-VICE-CHAIR	P	P	P	P	P	P	P	P	P	P	P	P	A	LQ												
ANN TAFEL	A	P	P	P	P	P	P	P	P	P	P	A	P	LQ												
HUGO AVILA	P	P	P	P	P	P	P	P	A	P	P	P	P	LQ												
ROGELIO RODRIGUEZ	P	P	P	P	P	P	A	P	P	P	A	A	P	LQ												
REBECCA MILLAN (ALT 1)	P	P	P	P	P	P	P	A	P	P	P	P	P	LQ												
MARK TALBOT (ATL 2)				P	P	A	P	P	P	A	A	A	A	LQ												
SAM SALDIVAR (ALT 3)				P	P	A	P	P	P	A	P	A	A	LQ												
JUAN MUJICA (ALT 4)				P	P	P	P	P	P	P	P	P	A	LQ												

P - PRESENT
A - ABSENT
NEW APPOINTMENT
MC - MEETING CANCELLED
NRM - NO MEETING
LOQ - LACK OF QUORUM
RS - RESIGNATION

PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279

2022 CALENDAR

Meetings:

- City Commission
- Planning & Zoning Board
- Public Utility Board
- Zoning Board of Adjustment

HPC - Historic Preservation Council

Deadlines:

D- Zoning/CUP Application
N - Public Notification

* **Holiday** - Office is closed

JANUARY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 A-1/18 & 1/19	4	5 N-1/18 & 1/19 D-2/1 & 2/2	6	7	8
9	10	11	12	13	14	15
16	17 A-2/1 & 2/2	18	19 N-2/1 & 2/2 D-2/16 & 2/17	20	21	22
23 30	24 31 A-2/16 & 2/17	25	26 **HPC**	27	28	29

FEBRUARY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 N- 2/16 & 2/17 D- 3/2& 3/3	3	4	5
6	7	8	9	10	11	12
13	14 A-3/2 & 3/3	15	16 N-3/2 & 3/3 D-3/16 & 3/17	17	18	19
20	21	22	23	24 **HPC**	25	26
27	28 A-3/16 & 3/17					

MARCH 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 N-3/16 & 3/17 D - 4/5 & 4/6	3	4	5
6	7	8	9	10	11	12
13	14	15	16 D-4/19 & 4/20	17	18	19
20	21 A-4/5 & 4/6	22	23 N-4/5 & 4/6	24	25	26
27	28	29	30 **HPC**	31		

APRIL 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 A-4/19 & 4/20	5	6 N-4/19 & 4/20 D-5/3 & 5/4	7	8	9
10	11	12	13	14	15 HOLIDAY	16
17	18 18 A- 5/3 & 5/4	19	20 N- 5/3 & 5/4 D-5/17 & 5/18	21	22	23
24	25	26	27 **HPC**	28	29	30

MAY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 A- 5/17 & 5/18	3	4 D: 6/1 & 6/7 N-5/17 & 5/18	5	6	7
8	9	10	11	12	13	14
15	16 A-6/1 ZBA	17	18 N-6/1 ZBA D-6/15 & 6/21	19	20	21
22 29	23 A-6/7 PZ HOLIDAY 30	24 31	25 **HPC** N-6/7 PZ	26	27 A-6/15 ZBA	28

JUNE 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 N-6/15 ZBA D-7/6 & 7/7	2	3	4
5	6 A-6/21 P&Z	7	8 N-6/21 P&Z	9	10	11
12	13	14	15 D-7/19 & 7/20	16	17	18
19	20 A-7/6 & 7/7	21	22 N-7/6 & 7/7	23	24	25
26	27	28	29 **HPC**	30		

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279

2022 CALENDAR

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- City Commission
- Planning & Zoning Board
- Public Utility Board
- Zoning Board of Adjustment
- HPC - Historic Pres Council

Deadlines:

D- Zoning/CUP Application
N - Public Notification

*** Holiday** - Office is closed

JULY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 A-7/19 & 7/20	2
3	4 HOLIDAY	5	6 N-7/19 & 7/20 D-8/2 & 8/3	7	8	9
10	11	12	13	14	15	16
17	18 A-8/2 & 8/3	19	20 N-8/2 & 8/3 D-8/16 & 8/17	21	22	23
24 31	25	26	27 HPC	28	29	30

AUGUST 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 A- 8/16 & 8/17	2	3 N- 8/16 & 8/17 D-9/7 & 9/8	4	5	6
7	8	9	10	11	12	13
14	15	16	17 D-9/20 & 9/21	18	19	20
21	22 A- 9/7 & 9/8	23	24 N-9/7 & 9/8	25 HPC	26	27
28	29	30	31			

SEPTEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 A-10/20 & 10/21	3
4	5 HOLIDAY	6	7 N-9/20 & 9/21 D-10/4 & 10/5	8	9	10
11	12	13	14	15	16	17
18	19 A-10/4 & 10/5	20	21 D-10/18 & 10/19 N-10/4 & 10/5	22	23	24
25	26	27	28 HPC	29	30	

OCTOBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 A-10/18 & 10/19	4	5 N-10/18& 10/19 D-11/1 & 11/2	6	7	8
9	10	11	12	13	14	15
16	17 A- 11/1 & 11/2	18	19 N- 11/1 & 11/2 D-11/16 & 11/17	20	21	22
23 30	24 31 A-11/16 & 11/17	25	26 HPC	27	28	29

NOVEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 N-11/16 & 11/17 D-12/6 & 12/7	3	4	5
6	7	8	9	10	11	12
13	14	15	16 D-12/20 & 12/21	17	18	19
20	21 A-12/6&12/7	22	23 N-12/6 & 12/7	24 HOLIDAY	25	26
27	28	29	30			

DECEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 A-12/20 & 12/21	6	7 HPC D-1/3 & 1/4 N- 12/20& 12/21	8	9	10
11	12	13	14	15	16	17
18	19 A- 1/3 & 1/4	20	21 D-1/17 & 1/18 N- 1/3 & 1/4	22	23 HOLIDAY	24
25	26 HOLIDAY	27	28	29	30	31

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