

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 17, 2020 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

All interested citizens are invited to appear and be heard via teleconference due to COVID-19:

Web: <https://zoom.us/join> or phone: (346) 248-7799  
Meeting ID: [508-755-3077](https://zoom.us/join) Meeting Password: [878576](https://zoom.us/join)

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 DAVID SALINAS

#### 1. MINUTES:

- a) Minutes for the meeting held on June 3, 2020

#### 2. PUBLIC HEARINGS:

- a) Request of Miguel Martinez for the following special exceptions to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 17 ft. into the 25 ft. front yard setback for a proposed metal carport measuring 25 ft. by 20 ft. and **2)** to allow an encroachment of 1 ft. into the required 6 ft. north side yard setback for a proposed metal carport measuring 25 ft. by 20 ft. at Lot 9, Saldivar Subdivision Unit No. 2, Hidalgo County, Texas; 509 North 34th Street. **(ZBA2020-0022)**
- b) Request of Kimberly Belgum for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16 ft. into the required 40 ft. front yard setback for a proposed single family residence at Lot 2, Virginia Terrace No. 3, Virginia Terrace No.'s 1, 2, 3 & 4 Subdivision, Hidalgo County, Texas; 806 East Ithaca Avenue. **(ZBA2020-0023)**
- c) Request of J. Tom Ashley III, FAIA for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 ft. into the 30 ft. required front yard setback for a proposed metal carport measuring 18 ft. by 18 ft. at Lot 5, Block 1, Western Acres Subdivision, Hidalgo County, Texas; 1417 Vine Avenue. **(ZBA2020-0024)**
- d) Request of Laurel McLeaish for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 1.5 ft. into the 6 ft. rear yard setback for a proposed irregularly shaped swimming pool measuring 13.5 ft. by 27 ft. at Lot 10, The Legends Subdivision, Hidalgo County, Texas; 701 South H Street. **(ZBA2020-0025)**
- e) Request of Pablo Hernandez to allow the following special exception to the City of McAllen Off-Street Parking and Loading Ordinance: to not provide one parking space beyond the front yard setback for an existing single family residence at Lot 50, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4605 Swallow Avenue. **(ZBA2020-0026)**

- f) Request of Isaura Vasquez Castillo for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft.; and **2)** to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft. at Lot 141, Shadow Brook Subdivision Unit 1, Hidalgo County, Texas; 2024 Hawk Avenue. **(ZBA2020-0027)**
- g) Request of Fernando Morales for the following variance to the City of McAllen Zoning Ordinance: to allow an encroachment of 7 ft. into the 12 ft. side yard setback for a new building at Lot 1, Golden Corral Subdivision, Hidalgo County, Texas; 4310 N. 10th Street. **(ZBA2020-0028)**
- h) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020, 06/03/2020)**
- i) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020, 06/03/2020)**
- j) Request of Oralia Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057) (TABLED: 01/15/2020) (REMAIN TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020, 06/03/2020)**

### 3. FUTURE AGENDA ITEMS

- a) 2229 Ivy Avenue
- b) 821 North 27<sup>th</sup> ½ Street
- c) 2013 V-W Court

#### 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 PLANNING & ZONING COMMISSION 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 3, 2020 at 4:31 p.m. in the City Commission Meeting Room with the following present:

<b>Present:</b>	<b>David Salinas</b>	<b>Chairperson</b>
	<b>Erick Diaz</b>	<b>Vice-Chairperson (Virtual)</b>
	<b>Sylvia Hinojosa</b>	<b>Member</b>
	<b>Sonia Falcon</b>	<b>Member</b>
	<b>Jose Gutierrez</b>	<b>Alternate</b>
<b>Absent:</b>	<b>John Millin</b>	<b>Member</b>
	<b>Juan F. Jimenez</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>Assistant City Attorney</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Kimberly Mendoza</b>	<b>Senior Planner-Long Range</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Liliana Garza</b>	<b>Planner II</b>
	<b>Carlos Garza</b>	<b>Planner I</b>
	<b>Hebert Camacho</b>	<b>Planner I</b>
	<b>Juan Martinez</b>	<b>Development Coordinator</b>
	<b>Porfirio Hernandez</b>	<b>GIS Technician II</b>
<b>Carmen White</b>	<b>Secretary</b>	

**CALL TO ORDER – Chairperson, David Salinas**

**1. MINUTES:**

- a) Minutes for Regular Meeting held on May 20, 2020.

The minutes for the meeting held on May 20, 2020 were approved. The motion to approve the minutes was made by Ms. Sonia Falcon. Mr. Jose Gutierrez seconded the motion, which carried unanimously with four members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Alejandro Guzman for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed metal carport measuring 18 ft. by 28 ft. at Lot 14, Block 11, College Heights Subdivision, Hidalgo County, Texas; 2152 Kennedy Circle. **(ZBA2020-0016)**

Mr. Camacho stated the applicant was requesting a variance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed metal carport measuring 18 ft. by 28 ft. The applicant stated that the basis for the request was that he and his wife are the primary caregivers of his 92-year-old mother and due to the inclement weather, they are unable to transport her mother in a wheel chair to their vehicle and this causes her to miss her appointments. In addition, applicant stated that it would protect their vehicles from bad weather conditions.

The subject property was located on the north side of Kennedy Circle, approximately 170 ft. west of the intersection with South 21<sup>st</sup> Street. The property had 50 ft. of frontage along Kennedy Circle and a depth of 140 ft. with a lot size of 5,250 square feet. The property was zoned R-2 (duplex-fourplex residential) District. Surrounding land use are single-family residences.

College Heights Subdivision was recorded on December 29, 1926. The plat does not indicate setbacks. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The front yard setback is 20 ft. or average with existing structures as per ordinance.

On July 6, 2017, the Board approved a similar variance located at 2140 Kennedy Circle (Lot 11) for a front yard setback of 0 ft. for a carport and the board alternatively voted for 5 ft. instead of 0 ft. Additionally, another similar variance was approved at 2128 Kennedy circle (Lot 8) in 1981.

Some surrounding properties have existing carports; however, there are no permits on file.

The submitted site plan indicates the proposed carport to be along the front property line; however, measurements provided are without the benefit of a survey. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

The approval of the special exception would not intervene with the character and value of the neighborhood since carports are common in the area, whether the carports were permitted or not.

Staff recommended approval of the special exception, based on the conditions under Ordinance No. 2018-70, Section 138-371(b) - (1) & (2). If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

Ms. Sylvia Hinojosa inquired if staff went around the neighborhood to see if there were other carports. Mr. Camacho stated he went around Kennedy Circle and the surrounding property areas and there were some carports on the south side. There were 4 other carports that did not have permits.

Chairperson David Salinas inquired if there was anyone else present to speak in favor of the special exception. There was no one else to speak in favor of the special exception.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the special exception. There was no one present in opposition of the special exception.

Chairperson Salinas asked staff if the applicant was aware that the special exception does not run with the land, specifically to them and not a new owner. Mr. Camacho stated yes.

Ms. Sonia Falcon **moved** to approve the special exception subject to the footprint of the site plan. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the special exception with five members present and voting.

- b) Request of Marcelo Lopez for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed townhouse at Lot 16, Fairway Development Corporation Subdivision Unit No. 2, Hidalgo County, Texas; 2212 South 6th Street. **(ZBA2020-0020)**

Mr. Camacho stated the applicant was requesting a variance to encroach 5 ft. into the 10 ft. corner setback for a proposed townhouse at Lot 16 at Fairway Development Corporation Subdivision. The applicant had indicated that the basis for the request was that he would like to have more green area since the lots are too small. Additionally, he indicated that it would help him in the future so his children could have a safe area to play instead of being in the streets and being in a possible accident. Furthermore, it would give space for his dog to be outside instead of being inside the property.

The subject property is located on the west side of South 6<sup>th</sup> Street, approximately 320 ft. north of Wichita Avenue. The property has 20 ft. of frontage along South 6<sup>th</sup> Street and a depth of 83.16 ft. with a lot size of 3,126.4 square feet. Surrounding land use are single-family townhouses, The Fairway Condominiums, Staybridge Suites hotel, Los Amigos townhouses and vacant land.

Fairway Development Corporation Subdivision Unit No. 2 was recorded on December 28, 1981. The lot is currently vacant. An application for building permit is required and must comply with setbacks; however, a building permit has not been submitted. The application for the variance was submitted on May 6, 2020.

There have not been any variances in the area.

The request was to allow an encroachment of 5 ft. into the 10 ft. corner yard setback. The standard corner yard setback for the corner lots in a R3-T zone is 10 ft.

Should the request be approved, it may encourage other property owners on corner lots to request a variance to encroach into the corner setback. Approval of the variance request will allow the proposed construction as depicted on the site plan.

Staff received one phone call and a visit from a concerned citizen from surrounding property owners with questions in regards to the variance request. Both owners mentioned the HOA would not approve the request.

Staff recommended disapproval of the variance as requested. If the Board chooses to approve the variances, the approval should be limited to the footprint as shown on the site plan.

Staff gave the board an updated site plan with new dimensions.

Chairperson David Salinas inquired if there was anyone else present to speak in favor of the variance request. There was no one else to speak in favor of the variance request.

Mr. Marcelo Lopez, the applicant, stated he wanted the side setback to be less to have a bigger patio. The townhouses had small lots. He stated in that neighborhood there were five corner lots three of them had a five-foot setback in which his and another had a 10 foot side back. They did not have any Homeowners Association.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one present in opposition of the variance request.

Mr. Jose Gutierrez mentioned that there might have been someone in opposition that staff had stated earlier in the memo. Mr. Camacho stated the person who called was only wondering why they had received a legal notice in which he had explained it. Mr. Gutierrez asked if it was normal for the applicant to have a 10-foot setback and his across the street to have a five-foot setback. Mr. Camacho stated because of the setbacks that was submitted back in the date, this was a new construction it had to be for the new ordinance. The street Victoria Avenue, by the Fairway Plaza it had a fence there and it had been abandoned by the City so there was no through traffic.

Ms. Sonia Falcon moved to approve the variance request subject to the footprint of the proposed encroachment. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance request with four members voting aye and one nay, Mr. Jose Gutierrez.

- c) Request of Jaime Muriel for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 13.6 ft. into the 37.5 ft. front yard setback for a proposed metal porch measuring 11.7 ft. by 35 ft. at South 25' of Lot 3 and All of Lot 4, Ewing's Addition, Hidalgo County, Texas; 905 North Main Street. **(ZBA2020-0018)**

Ms. Garza stated the applicant was requesting the following variance to allow an encroachment of 13.6 ft. into the 37.5 ft. front yard setback for a proposed metal porch measuring 11.7 ft. by 35 ft. The applicant had indicated that the basis for the request was to use the proposed structure as shade for the existing front outdoor seating area of the restaurant, "Kocina Il Forno".

The property was located on the west side of North Main Street, approximately 350 ft. north of Hackberry Avenue, and was zoned C-3 (general business) District. Adjacent zoning was zoned is R-1 (single family residential) District to the west, and C-3 to the north, south and east. Surrounding land uses are restaurants, retail, and single family residential.

The property was located in Ewing's Addition, which was recorded on February 2, 1920. The previous owner applied for a variance request on October 13, 1983 to build the existing building 13.6 ft. back from the front property line instead of the 27.5 ft. setback required. At the Zoning Board of Adjustment and Appeal meeting of November 16, 1983 there was no one present in opposition and the board made the motion to approve the variance as long as the continuity of the front building setback remained the same with the surrounding building.

On October 17, 2019, the Board approved a similar variance located at 1409 North Main Street for a metal canopy encroaching into the front yard setback.

The proposed metal porch was for existing outdoor dining at the Kocina Il Forno restaurant. The porch measures 11.7 ft. by 35 ft. for (409.5 sq. ft.) with a height of 8 ft. The porch will have a metal roof with metal posts in concrete that will be placed over the portion of the existing dining area. The porch will extend from the wall of the existing building toward the front property line as per survey and site plan submitted. The zoning ordinance states that the front setback for a C-3 (general business) property shall be equal to one-half of the width

of the street right-of-way, which it faces or in line with majority setback of existing structures on the block face, whichever is greater. As per Ewing's Addition Subdivision plat, the street right-of-way is 75 ft.; therefore, the front setback required was 37.5 ft.

A building permit application for the metal porch was submitted on November 25, 2019. A building permit was issued for the construction of the metal porch on May 20, 2020, with the applicant's understanding that if the variance request is denied, he will have to come back and revised the site plan to not have the proposed metal structure in the front of the restaurant.

No calls have been received in opposition.

Staff recommended disapproval of the variance request. If the Board chooses to grant the variance request, it should be limited to the footprint as shown on the site plan.

Ms. Sylvia Hinojosa stated her concern was she had been by there and the roof was almost completed. This was coming before the Board before the permit was issued and were given permission to proceed. Mr. Edgar Garcia, Planning Director, stated with the full understanding that if it was not approved they would have to take it down.

Chairperson Salinas stated that staff had mentioned that the ROW was 75 feet but the survey said 50 feet. Ms. Garza stated as per the subdivision plat it did show 75 feet but the survey showed 50 feet.

Mrs. Sandra Muriel, the applicant's wife, stated they needed to expand the patio for their customers along Main Street and for shade.

Chairperson Salinas asked staff if they had a copy of the recorded plat. Ms. Garza stated she did not have the copy of the recorded plat but even it was 75 or 50 feet, the applicant still wanted to go to the property line.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request.

Mr. Jack Edwards, 1321 Jasmine Avenue, stated it looked like it was going to the property towards the north. Many things have changed over the last 50 years. The property has had different owners and uses. Mr. Edwards stated he was opposed to the variance that would allow a blank check to the property not sure of what would happen in the future. He was also concern with more traffic and noise late into the evening.

Chairperson David Salinas inquired if there was anyone else present to speak in favor of the variance request. There was no one else to speak in favor of the variance request.

Ms. Clementina Maldonado, representing the applicant stated they were not the only business. Their prime concern was to conserve the business, generate work and abide with the new regulations.

Chairperson Salinas asked regarding for the seating outside was to accommodate for the customers and was it going to help for the lack of seating inside because of the new regulations. Mrs. Muriel stated yes. Chairperson inquired during the past months how much seating has the restaurant lost inside the building. Mrs. Muriel stated they had not

been opened due to the size of the place. In order to open they would have more employees than customers.

Mr. Jose Gutierrez inquired to applicant what the current capacity was. Mrs. Muriel stated it was 55. However, full capacity was 80. She stated they were just requesting for shade protection and nothing more.

Ms. Sonia Falcon **moved** to approve the variance request subject to the footprint of the encroachment. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- d) Request of Elsa Villegas for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed swimming pool measuring 20 ft. by 8 ft. at Lot 10, Derby Downs Subdivision, Hidalgo County, Texas; 2217 North 47th Street. **(ZBA2020-0019)**

Ms. Garza stated Elsa Villegas was requesting the following variance to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for a proposed pool measuring 20 ft. by 8 ft.

The property was located on the west side of North 47<sup>th</sup> Street, approximately 260 ft. north of Vine Avenue. The lot has 63.80 ft. of frontage along North 47<sup>th</sup> Street and 103.44 ft. of depth for a lot size of 6,599.47 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single-family residences in all directions.

Derby Downs Subdivision was recorded on October 29, 2004. A note on the plat indicated that the rear yard setback requirement for the lots is 10 ft. and from the rear property line, there was a 5 ft. utility easement within the 10 ft. A variance application for the proposed swimming pool was submitted on May 6, 2020. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 5 ft.

The variance request was for a proposed swimming pool, which is an accessory structure and not a primary building. The standard rear yard setback for a standard lot in the R-1 (single family residential) district is 10 ft. In the past, the Board has approved variances for accessory buildings.

The site plan showed a proposed rectangular pool encroaching 5 ft. into the 10 ft. rear yard setback. There was a 5 ft. utility easement inside the property boundary along the rear property line. In the past, swimming pools were allowed to be built within setbacks; however, a subsequent determination by the City's Legal Department included swimming pools as structures, which require compliance with setbacks.

Staff had not received any phone calls from the surrounding property owners in opposition to these variance requests.

Staff recommended disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the pool plan as submitted.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request. Chairperson David Salinas inquired if there was anyone present to speak in opposition of

the variance request. There was no one to speak in opposition of the variance request.

Chairperson Salinas inquire to staff the definition of the pool the five feet, was that to the edge of the water or to the adjacent sidewalk. Ms. Garza stated it was to the wall of the pool. Ms. Garza stated they informed the applicant that if they wanted to install a decking on the five foot it could not be concrete because it would be on the easement so they could do it on pavers on sand.

Mr. Christian Handy, the applicant's husband, stated there were five pools in the neighborhood. They had contacted Green Out Pools for an estimate. Green Out Pools mentioned to him that McAllen was requiring a 10 foot setback, which was why he was requesting for a 5 foot setback.

Chairperson Salinas asked the applicant if the other pools in the neighborhood were built close to the property line as his. Mr. Handy stated he could not say from a distance how far they were to the property line.

Ms. Sonia Falcon **moved** to approve the variance request subject to the footprint of the pool plan. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- e) Request of Mayra Gomez for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed wooden storage building measuring 8 ft. by 10 ft. and **2)** to allow a building separation from the main building of 3 ft. instead of the required 5 ft., at Lot 126, Los Encinos Del Norte Subdivision, Hidalgo County, Texas; 3209 Kilgore Avenue. **(ZBA2020-0017)**

Mr. Garza stated Mayra Gomez, owner and applicant requested the following variances: to allow an encroachment of 5 ft. into the 10 ft. corner yard setback for a proposed wooden storage room measuring 8 ft. by 10 ft., and to allow a building separation of 3 ft. instead of the required 5 ft. The applicant indicated that she is requesting the above variances to store household items and she would like space to park her vehicle in her garage.

The property was located on the corner of North 32<sup>nd</sup> Lane and Kilgore Avenue. The property has 55 ft. of frontage along Kilgore Avenue and a depth of 90 ft. for a tract size of 7,700 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding zoning is R-1 in all directions.

Los Encinos Subdivision was recorded on June 21, 2001. The plat specified a front yard-building setback of 20 ft., 6 ft. side yard setbacks, 10 ft. side corner setbacks, and a 10 ft. rear yard setback. A variance application for the proposed wooden storage room was received on April 27, 2020. An application for a building permit is pending.

Variance #1: The variance request was for the encroachment 5 ft. into the 10 ft. side yard setback for a wooden storage building. The standard setback for the side yard for a lot in the R-1 zone is 6 ft. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks in which they are located.

Variance #2: The variance is to allow a building separation of 3 ft. instead of the required 5 ft. from the existing residence for a proposed wooden storage building measuring 8 ft. by 10 ft. Any attempt to relocate for building separation compliance will create an encroachment

into the 10 ft. rear utility easement and the 5 ft. side yard electrical easement. In addition, it will create an encroachment into the rear yard setback of 10 ft.

Storage buildings used as an accessory to the residential use and not for living quarters are permitted in an R-1 District.

There were no records of applications for variances for wooden storage buildings around the subject property.

Staff had not received any phone calls in opposition from surrounding property owners regarding this variance request.

Staff recommended disapproval of the variance requests. However, if the Board chooses to approve the variances as requested, it should be limited to the proposed encroachments as shown on the submitted site plan.

Chairperson Salinas asked the applicant if there was any way she could comply with at least one of the variances. Could she move the building a little more inside towards the middle of the house to avoid the encroachment into the side or can she build a smaller storage building.

Ms. Mayra Gomez, the applicant, stated there was a tree where her air conditioning unit was located. Her husband wanted to build the proposed wooden storage building so perhaps he could accommodate to fit without encroaching into the utility easement.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one to speak in opposition of the variance request.

Ms. Sonia Falcon moved to approve the variance requests limited to the proposed encroachments as show on the submitted site plan. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the variance requests with five members present and voting.

- f) Request of Jorge Almazan for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a proposed carport measuring 20 ft. by 18 ft. at Lot 90, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3316 North 33rd Street. **(ZBA2020-0021)**

Mr. Garza stated the applicant requested a special exception to allow a proposed carport measuring 20 ft. by 18 ft. with an encroachment of 20 ft. into the 20 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

The property was located on the intersection of north side of North 33<sup>rd</sup> Street and Geranium Avenue. The irregular lot has 50 ft. of frontage along North 33<sup>rd</sup> Street with a total area of 5,052 sq. ft. The property was zoned R-1 (single-family residential) District and a single-family residence was located on the property. The surrounding land uses are single-family residences to the north, south, and west and McAuliffe Park to the east.



Ponderosa Park Phase 6 was recorded on March 3, 2001 and the subdivision plat indicates a front yard setback of 20 feet. An application for a building permit was submitted on April 13, 2020, and is undergoing the review process. The applicant applied for the special exception on May 06, 2020.

The subdivision plat indicated that there are no utility easements along the front of the property.

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 a special exception request allowing a carport within the front yard may encourage future carports to be constructed in the front yard.

The submitted site plan showed the proposed carport to be 10 ft. behind the property line on the east side; however, measurements provided are without the benefit of a survey.

The submitted site plan showed the proposed carport to be encroaching 20 ft. into the 20 ft. front yard setback on the west side of the driveway.

There are no records of applications for special exceptions for carports around the subject property.

The house does not have a garage for car storage.

No phone calls have been received in opposition to the special exception request.

Staff recommended disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachment shown in the submitted site plan.

Ms. Sonia Falcon inquired if they had obtained a permit to enclose the garage. Mr. Garza stated yes. The way they obtained it was because the plat was submitted in April 1999 and because it was before the Ordinance, they were able to do that without having to worry about the parking requirement. Ms. Falcon inquired if there was anyone else in the neighborhood who had a carport. Mr. Garza stated no one had a carport.

Chairperson Salinas asked staff on the special exceptions where it was created to accommodate these types of situations. Did that ordinance require a hardship be shown? Mr. Garza stated yes. He stated that the customer had concerns that their vehicles would be exposed to inclement weather.

Mr. Jorge Almazan, the applicant stated that inside the neighborhood there were no carports. He had a picture of a house that had a carport but did not want that type of carport, which he showed the Board members. The garage was already enclosed when he bought the house, 10 years ago which is in a cul-de-sac. Mr. Almazan stated his wife had health issues and had no space. The garage was used to store other household items.

Mr. Garza stated on 33<sup>rd</sup> Street there were no carports but on 34<sup>th</sup> Street, there were at least two houses with carports.

Chairperson Salinas explained to the applicant that if he sells the house he would have to take it down and the new owners would have to come back and apply for something similar.

Ms. Sonia Falcon **moved** to approve the special exception limited to the encroachment shown in the submitted site plan. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the special exception with five members present and voting.

- g) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/15/2020, 05/20/2020)**

Staff recommended this item to remain tabled.

- h) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020)**

Staff recommended this item to remain tabled.

- i) Request of Juan A. Ruiz on behalf of San Juanita Ruiz for the following special exception and variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing carport measuring 17 ft. by 31 ft., **2)** to allow an encroachment of 5 ft. into the 10 ft. rear yard setback for an existing storage building measuring 10 ft. by 12 ft., and **3)** to allow an encroachment of 3 ft. into the 6 ft. north side yard setback for an existing storage building measuring 10 ft. by 12 ft., at Lot 2, Block 1, El Rancho Santa Cruz Subdivision Phase IV, Hidalgo County, Texas; 3113 South McColl Road. **(ZBA2019-0060) (TABLED: 01/15/2020) (TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020)**

Staff recommended the item will be withdrawn.

- j) Request of Oralía Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057) (TABLED: 01/15/2020) (TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020)**

Staff recommended this item was to remain tabled as requested by the applicant.

**FUTURE AGENDA ITEMS:**

- a) 509 North 34th Street
- b) 806 East Ithaca Avenue
- c) 1417 Vine Avenue
- d) 701 South H Street
- e) 4605 Swallow Avenue
- f) 2024 Hawk Avenue
- g) 4310 North 10<sup>th</sup> Street

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Mr. Jose Gutierrez **moved** to adjourn the meeting. Ms. Sonia Falcon seconded the motion, which carried unanimously with five members present and voting.

---

Chairperson  
David Salinas

---

Carmen White, Secretary



**BACKGROUND AND HISTORY:**

Saldivar Subdivision Unit No. 2 was recorded in August 1977 and the subdivision plat indicates a front yard setback of 25 feet. The applicant applied for the special exception on May 12, 2020.

**ANALYSIS:**

The subdivision plat indicates a 5 ft. utility easement along the north side of the subject property. The site plan shows that the proposed carport will not encroach into the utility easement.

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 a special exception request allowing a carport within the front yard may encourage other carports to be constructed in the front yard.

The submitted site plan shows the proposed carport to encroach 17 ft. into the 25 ft. front yard setback and 1 ft. into the north side 6 ft. yard setback; however, measurements provided are without the benefit of a survey.

A search of Planning Department records did not reveal any variances or special exceptions for the subject property.

The house does not have a garage for car storage.

No phone calls have been received in opposition to the special exception request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachments show in the submitted site plan.



ZBA 2020-0022

ZBDA  
6/17/2020



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

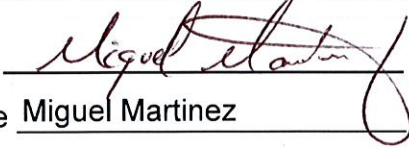
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

<b>Project</b>	Legal Description	<u>Saldivar #2 Lot 9</u>	
	Subdivision Name	<u>Saldivar Subdivision</u>	
	Street Address	<u>509 N. 34th Street</u>	
		Number of lots <u>1</u>	Gross acres <u>0.1970</u>
	Existing Zoning	<u>R-1 Single Family</u>	Existing Land Use <u>Single Family Residence</u>
	Reason for Appeal (please use other side if necessary)	<u>Protect vehicles from the elements/increment weather</u>	
		<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	

<b>Applicant</b>	Name	<u>Miguel Martinez</u>	Phone	<u>956-212-7598</u>
	Address	<u>509 N. 34th Street</u>	E-mail	<u>miguel@garza-associates.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u>
			Zip	<u>78501</u>

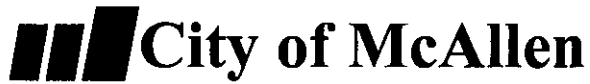
<b>Owner</b>	Name	<u>Miguel Martinez</u>	Phone	<u>956-212-7598</u>
	Address	<u>509 N. 34th Street</u>	E-mail	<u>miguel@garza-associates.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u>
			Zip	<u>78501</u>

<b>Authorization</b>	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?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	<u></u>
	Date	<u>May 11, 2020</u>
Print Name	<u>Miguel Martinez</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

<b>Office</b>	Accepted by	<u></u>	Payment received by	_____	Date	_____
	Rev 10/18					



Ref# 715722



# City of McAllen Planning Department

## REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Our vehicles have been damaged due to hail storms on two occasions now. The first time both vehicles were plummeted with hail stones and had huge amounts of damage. The second incident was this past Friday night on May 8, 2020. On this occasion my mini van suffered damage on the roof. The carport will serve to protect the vehicles from inclement weather and the extreme heat that we experience every year. The headlights on my minivan are dulled out from exposure to the sun. I would like to add the carport to protect my investments. An added benefit is the carport would shield the direct sunlight from entering through my front windows thus saving on my energy bill. \*\*On the first hail storm incident, my wife and I were caught in our vehicles with our infant children during the hail storm and had to ride out the storm inside our vehicles\*\*. Thank you for your consideration into this matter. Miguel Martinez

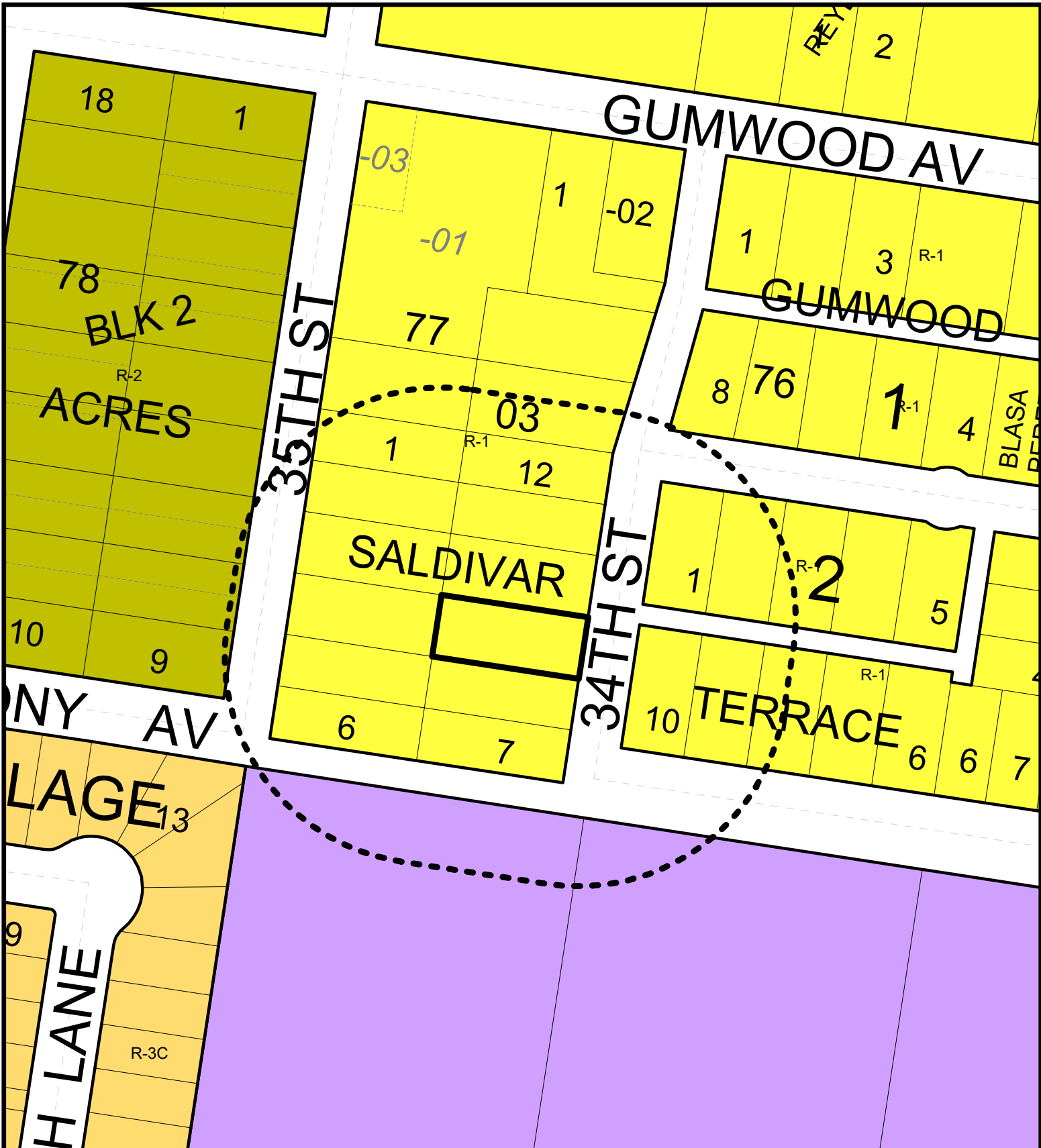
Board Action


Chairman, Board of Adjustment  
Signature

Date

\_\_\_\_\_

\_\_\_\_\_



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

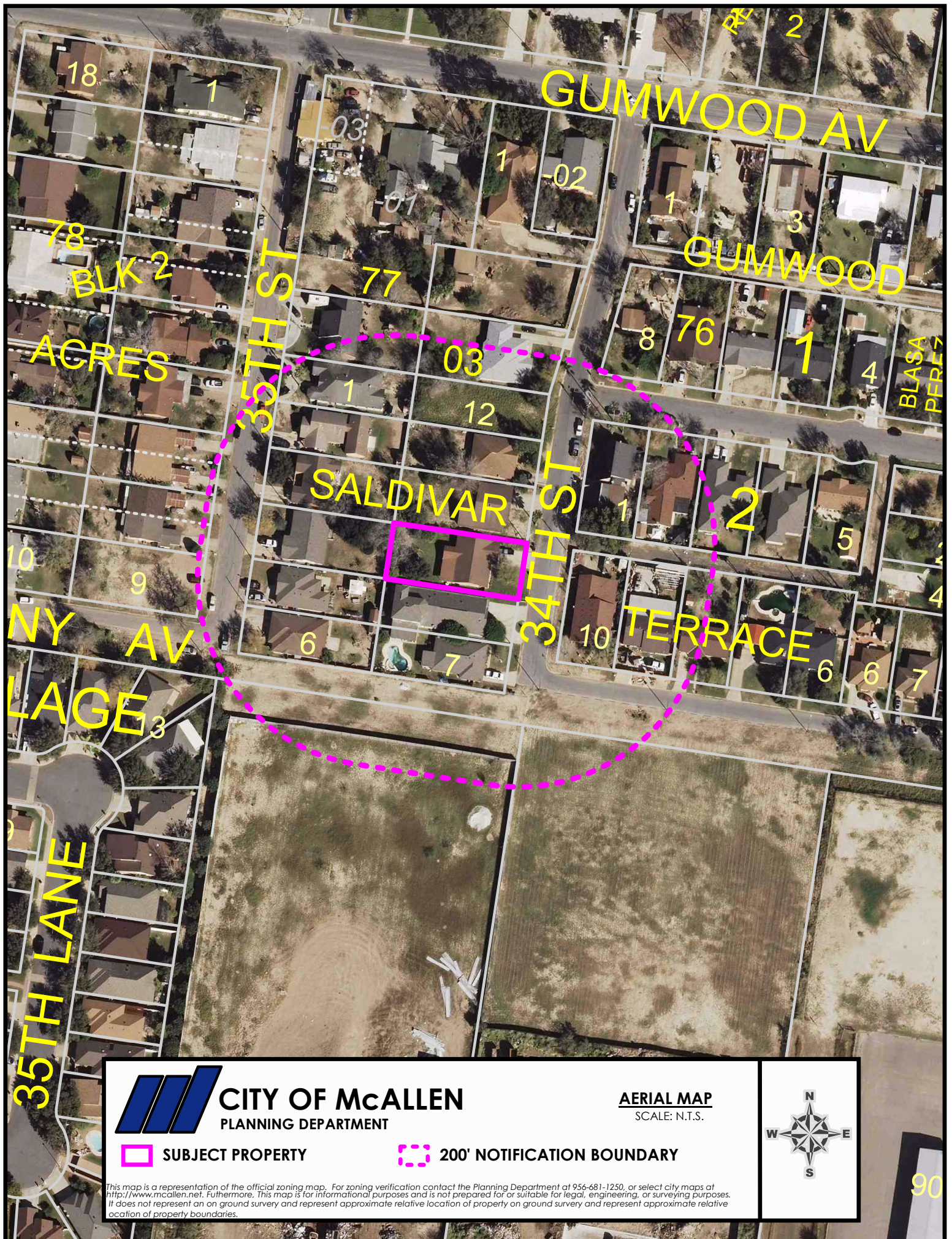
1/4 MILE RADIUS

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





GUMWOOD AV

GUMWOOD

35TH ST

34TH ST

SALDIVAR

TERRACE

ACRES

18

1

03

01

1

02

1

3

78

BLK 2

77

8

76

1

4

BLASA PEREZ

03

1

12

1

2

5

10

9

NY AV

VILLAGE

6

7

10

TERRACE

6

6

7

35TH LANE



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**



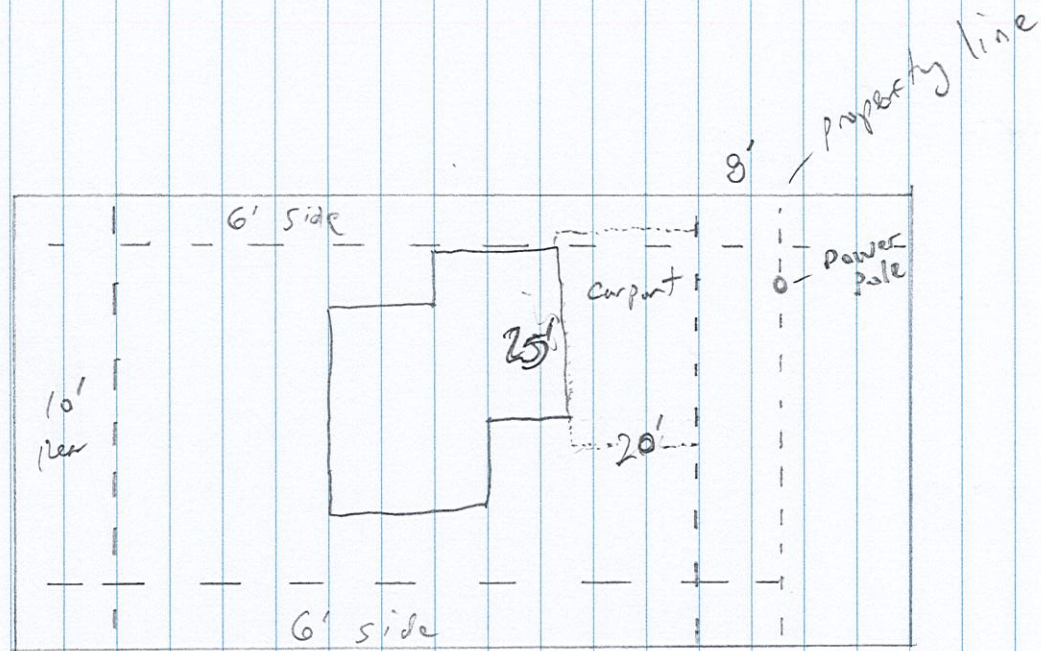
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.

90



MIGUEL MARTINEZ  
509 N 34<sup>th</sup> St

N



PROPOSED CARPORT WILL BE 8' FROM PROPERTY LINE  
TO THE FRONT & 5' TO THE NORTH

S



ST

35<sup>TH</sup>

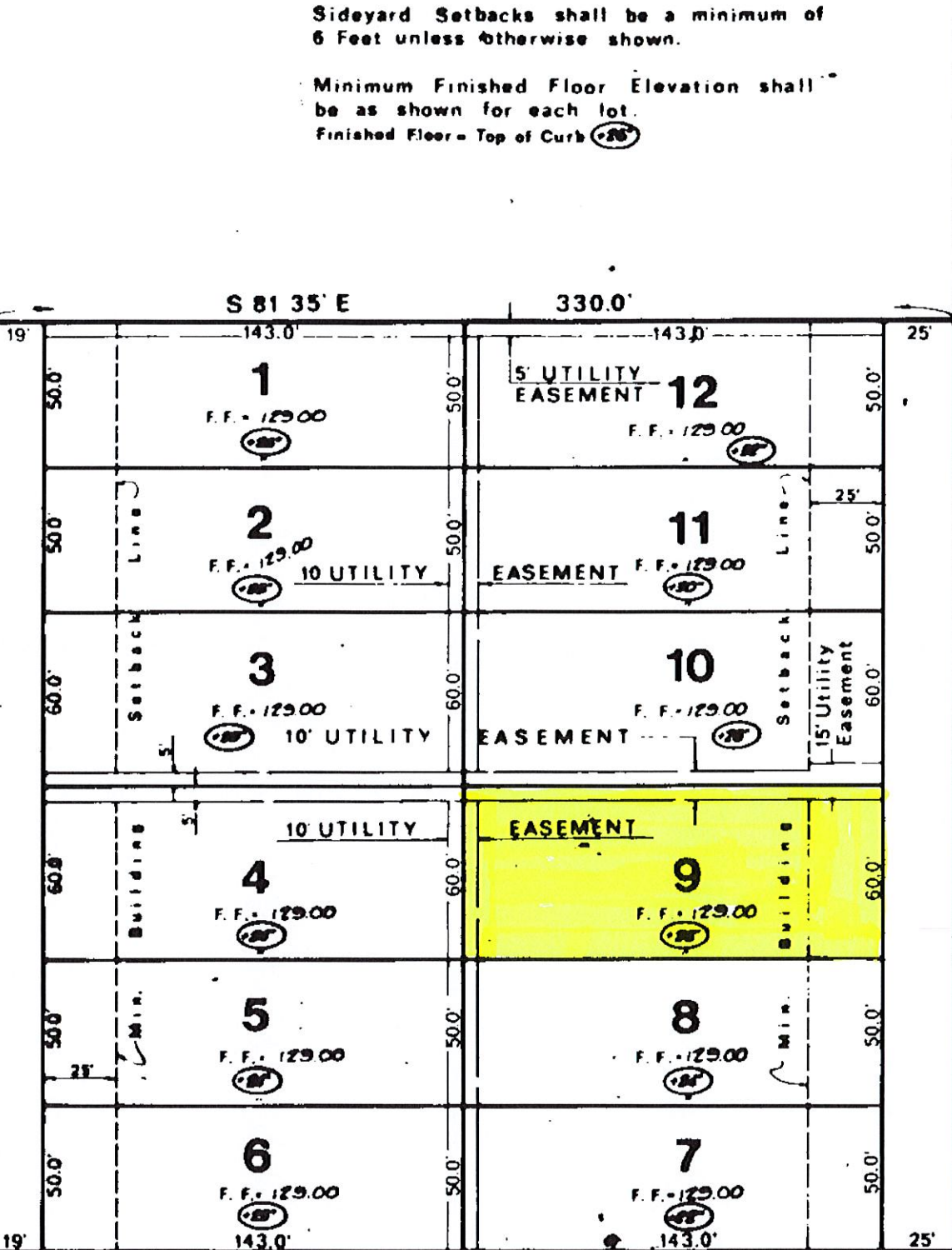
NORTH

350.0'

N 8° 23' 30" E

31'

30'



25'

NORTH

350.0'

S 8° 23' 30" W

25'

30'

Corner of 77

SE Corner of Lot

# SALDIVAR SUBDIVISION

## UNIT NO. 2

McALLEN, TEXAS 24640

BEING A SUBDIVISION OF THE SOUTH 350.0 FEET OF LOT 77, C. E. HAMMOND'S SUBDIVISION OUT OF PORCIONES 61, 62 AND 63, HIDALGO COUNTY, TEXAS.

I, the undersigned, certify that this is a true and correct copy of the Subdivision approval.

8/1/77  
Date





509

**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2020-0022**  
CITY OF McALLEN PLANNING DEPT.  
924-841-1250  
WWW.MCALLEN.MY

PROUD HOME  
OF  
GRADUATE



509







**Memo**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 11, 2020

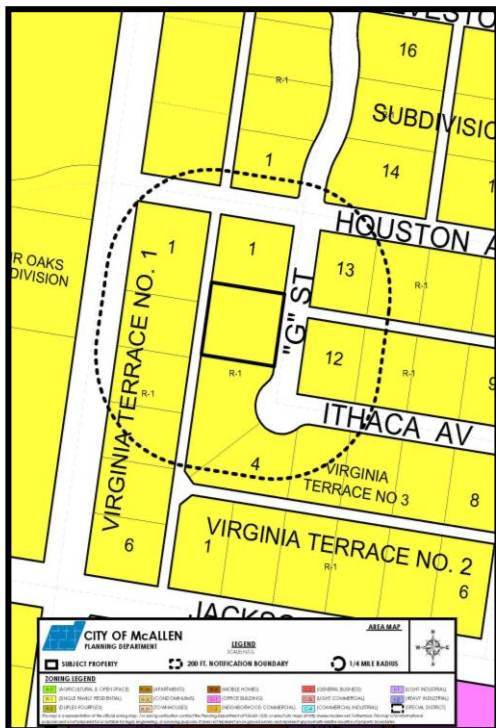
**SUBJECT: REQUEST OF KIMBERLY BELGUM FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16 FT. INTO THE REQUIRED 40 FT. FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY RESIDENCE AT LOT 2, VIRGINIA TERRACE NO. 3, VIRGINIA TERRACE NO.'S 1, 2, 3 & 4 SUBDIVISION, HIDALGO COUNTY, TEXAS; 806 EAST ITHACA AVENUE. (ZBA2020-0023)**

**REASON FOR APPEAL**

The applicant requests a variance to encroach 16 ft. into the 40 ft. front yard setback for the construction of a single-family residence.

**PROPERTY LOCATION AND VICINITY:**

The subject property is located along the west side of "G" Street (also known as East Ithaca Avenue). The tract has 130 ft. of frontage along "G" Street and a depth of 140 ft. with a tract size of 18,200 sq. ft. The property is zoned R-1 (single family residential) District and a single family residence is located on the property. Surrounding land uses are single-family residences.



**BACKGROUND AND HISTORY:**

The composite map Virginia Terrace No.'s 1, 2, 3, & 4 was recorded on January 23, 1957. The applicant is proposing a new residential house on the property. An application for building permit has not been submitted. An application for a variance request was submitted on May 12, 2020.

**ANALYSIS:**

The plat for this subdivision does not show utility easements on the property.

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 variance request will allow the proposed construction as depicted on the site plan, but would be in conflict with setback requirements for this subdivision. The submitted site plan shows that there is space at the rear of the lot to relocate the proposed house to the rear and be in compliance with the 40 ft. front yard setback required.

Setbacks show on the subdivision plat can only be changed by vacate and re-plat process approved by the Planning and Zoning Commission. The variance request is not due to special conditions nor is the plight of the owner unique.

Staff has not received any phone calls in opposition to this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request.

ZBA  
6/12/2020



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

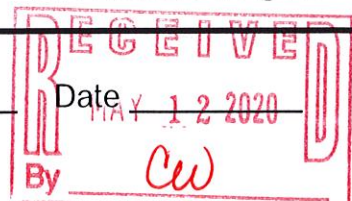
<b>Project</b>	Legal Description	<u>Virginia Terrace No.3 Lot 2</u>
	Subdivision Name	<u>Virginia Terrace</u>
	Street Address	<u>806 E. Ithaca, McAllen, TX 78501</u>
		Number of lots <u>1</u> Gross acres <u>0.48</u>
	Existing Zoning	<u>Residential</u> Existing Land Use <u>Vacant lot</u>
	Reason for Appeal (please use other side if necessary)	<u>Requesting the minimum building set back line be adjusted/amended from 40ft to 24ft.</u>
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)		
<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required		

<b>Applicant</b>	Name	<u>Kimberly Belgium</u>	Phone	<u>(956) 279-1158</u>
	Address	<u>1415 E. <del>McAllen</del> 28th St.</u>	E-mail	<u>jkbelgium@gmail.com</u>
	City	<u>Mission</u>	State	<u>TX</u> Zip <u>78574</u>

<b>Owner</b>	Name	<u>Kimberly Belgium</u>	Phone	<u>(956) 279-1158</u>
	Address	<u>1415 E. 28th St.</u>	E-mail	<u>jkbelgium@gmail.com</u>
	City	<u>Mission</u>	State	<u>TX</u> Zip <u>78574</u>

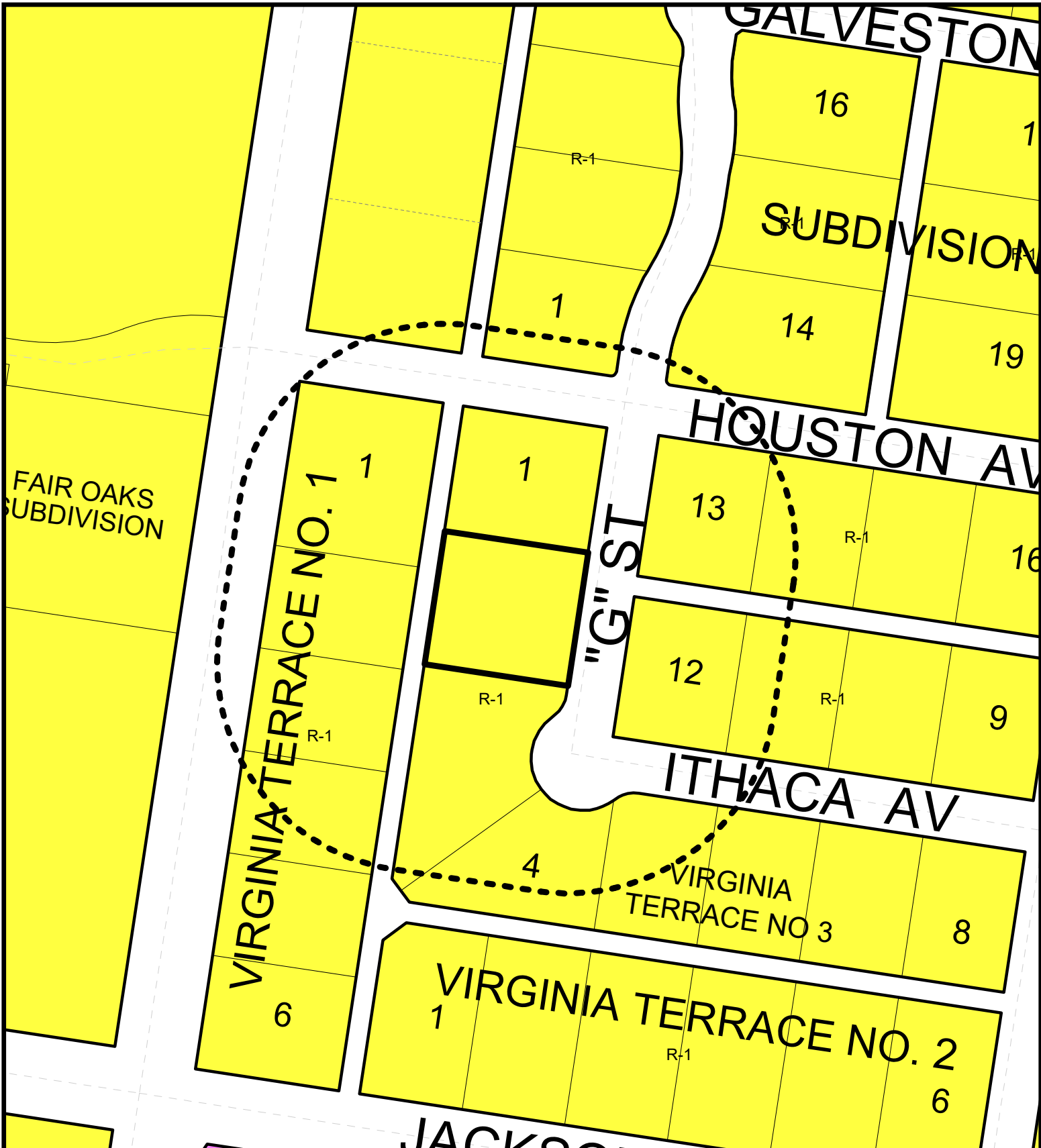
<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	I certify that I am the actual owner of 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	<u>Kimberly Belgium</u> Date <u>5/11/2020</u>
Print Name	<u>Kimberly Belgium</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

<b>Office</b>	Accepted by _____	Payment received by _____
	Rev 10/18	



Act # 115-775





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 **SUBJECT PROPERTY**

 **200' NOTIFICATION BOUNDARY**

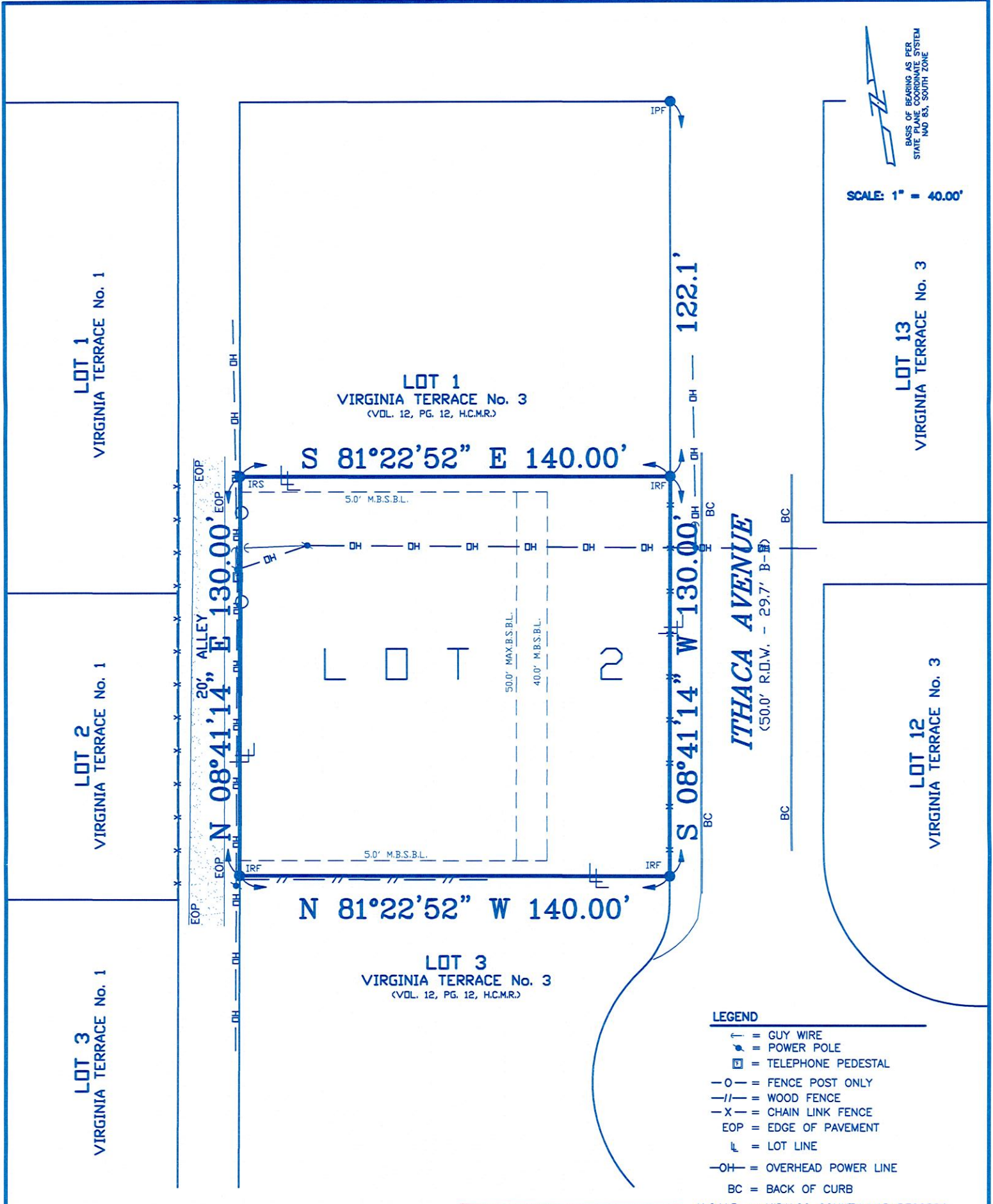


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



BASIS OF BEARING AS PER  
STATE OF ILLINOIS SYSTEM  
NOV 83, SOUTH ZONE

SCALE: 1" = 40.00'



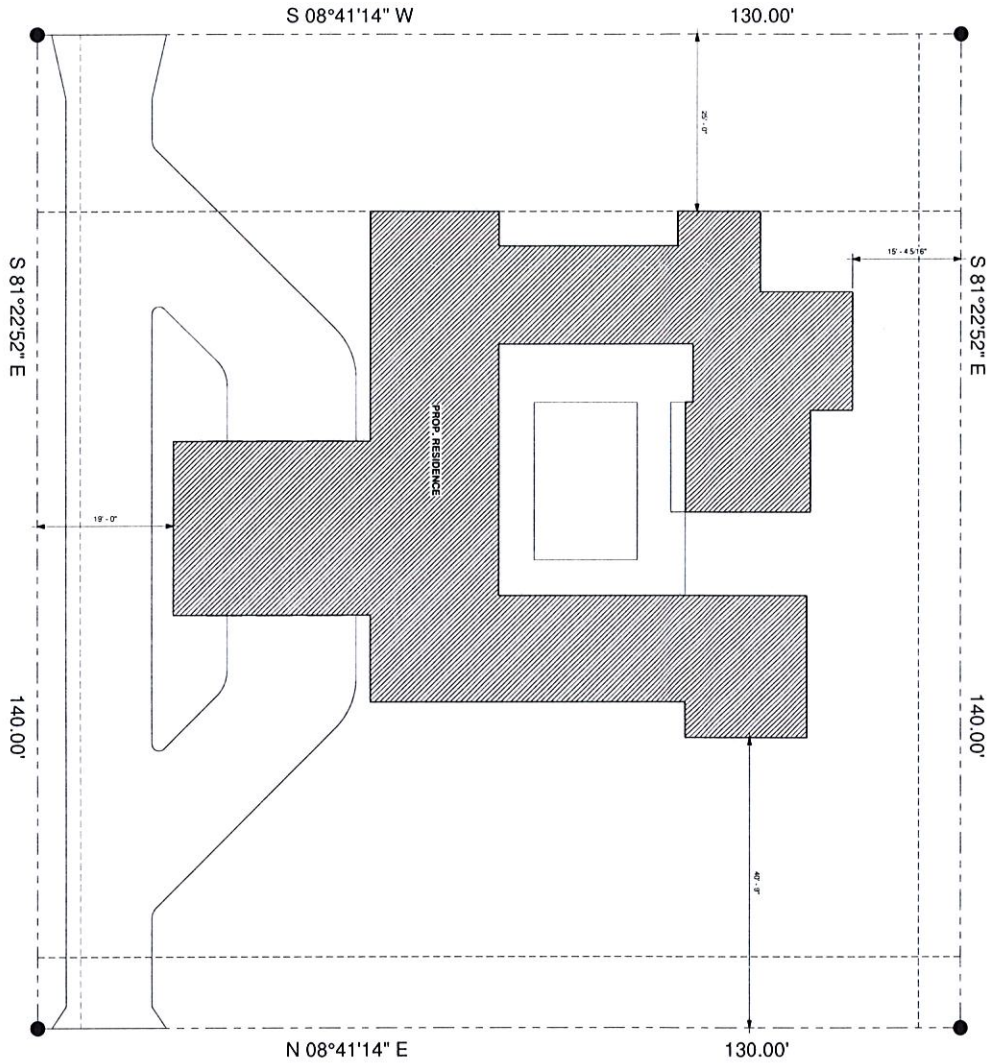
**FLOOD DESIGNATION**  
 The flood designation for this property is "Zone B" which are "Areas between limits of the 100-year flood and the 500-year flood; or certain areas subject to 100-year flooding with average depths of less than one foot or where the contributing drainage areas less than one square mile; or areas protected by levees from the base flood". As per F.E.M.A.s Flood Insurance Rate Map Panel No.:

**RECEIVED**  
 MAY 12 2020  
 CW

- LEGEND**
- |— = GUY WIRE
  - ⊙ = POWER POLE
  - ⊠ = TELEPHONE PEDESTAL
  - = FENCE POST ONLY
  - //— = WOOD FENCE
  - X— = CHAIN LINK FENCE
  - EOP = EDGE OF PAVEMENT
  - ⊥ = LOT LINE
  - OH— = OVERHEAD POWER LINE
  - BC = BACK OF CURB
  - H.C.M.R. = HIDALGO COUNTY MAP RECORDS
  - M.B.S.B.L. = MINIMUM BUILDING SET BACK LINE
  - MAX.B.S.B.L. = MAXIMUM BUILDING SET BACK LINE
  - IPF = FOUND IRON PIPE
  - IRF = FOUND 1/2" IRON ROD
  - IRS = SET 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVQ LS"

# ITHACA CIR.

① SITE PLAN  
1/8" = 1'-0"



ALLEY

**RECEIVED**  
MAY 12 2020  
By *CW*

RIGHTS RESERVED ON THIS PLAN BY CONCEPTUM FORBIDS THE USE OF THIS PLAN FOR CONSTRUCTION FOR MORE THAN ONE BUILDING.  
ALL RIGHTS RESERVED INCLUDING RIGHT OF USE BY EVERY ONE OR RIGHT TO PRODUCE OR COPY IN ANY MANNER ANY OR PORTION THEREOF.  
WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE DRAFTSMAN CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR IN THE JOB SHALL MAKE CHOICE. ALL DIMENSIONS AND OTHER DETAILS AND BE RESPONSIBLE FOR THE SAME.



**PROJECT ADDRESS**  
E. ITHACA AVE

**PROJECT INFORMARON**  
LOT 2 VIRGINA TERRACE,  
MCALLEN, TX

**SHEET NAME**  
SITE PLAN

**CLIENT INFORMATION**  
JOSHUA BELGUM

**SCALE**  
As indicated

**DATE**  
Issue Date

**DSGE BY:** NS  
**APPR BY:** JB

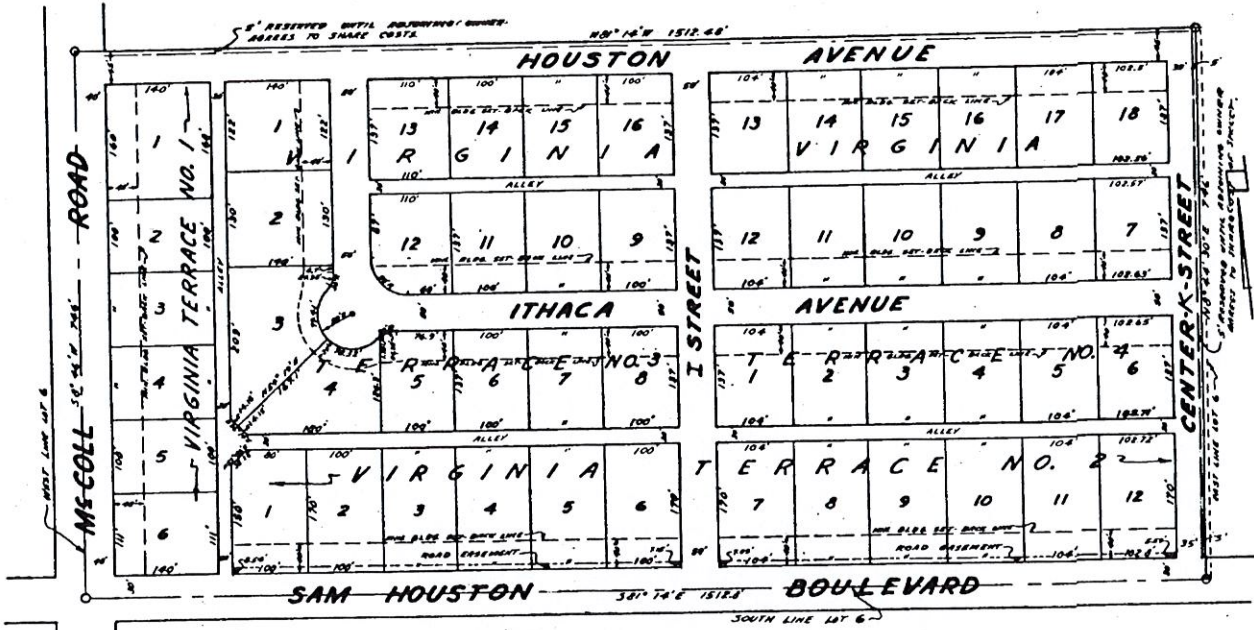
**PROJECT NO.**  
Project Number

**SHEET NO.**  
**A-1.0**

956-537-0237  
1801 West University Street, Suite 100  
McAllen, TX 78501

**CONCEPTUM**  
DANIELA L. OLIVER





**COMPOSITE MAP**  
 OF  
**VIRGINIA TERRACE NO'S 1, 2, 3 & 4**  
 McALLEN, TEXAS

BEING SUBDIVISIONS OF THE SOUTH 746.0 FEET OF LOT 6, BLOCK 13,  
 STEELE & PERSHING SUBDIVISION, OF PORCIONES 66 & 67,  
 HIDALGO COUNTY, TEXAS. CONTAINING 25.91 ACRES.

SCALE 1" = 100'

DATE 6-1-56

I, C. L. FABIAN, a Registered Public Surveyor, do hereby certify the foregoing map or plat to be a true and correct representation of the lands hereon described as platted by me from survey of the outside boundaries of same.

*C. L. Fabian*  
 C. L. FABIAN  
 REGISTERED PUBLIC SURVEYOR  
 Mc ALLEN, TEXAS



STATE OF TEXAS  
 COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS THAT I, W. D. WHALEN, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN.

*W. D. Whalen*  
 W. D. WHALEN

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED W. D. WHALEN, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 27th DAY OF January, A. D. 1956.

*Notary Public*  
 Notary Public in and for  
 HIDALGO COUNTY, TEXAS.



FILED FOR RECORD THIS DATE  
 M 900 P.M. B. M.

JAN 23 1957

GEO. L. ANDERSON  
 County Clerk, Hidalgo County, Texas  
 By *G. L. Anderson* Deputy

THIS PLAT APPROVED BY THE Mc ALLEN ZONING AND PLANNING BOARD ON THIS THE 6 DAY OF June A.D. 1956.

Mc ALLEN ZONING AND PLANNING BOARD  
 BY *V. E. Cook Jr.*  
 V. E. COOK, JR., CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF Mc ALLEN, TEXAS, ON THIS THE 17th DAY OF January, A.D. 1956.

*Phillip Boye*  
 PHILLIP BOYE, MAYOR



ATTEST.  
*H. H. Hensley*  
 H. H. HENSLEY, CITY SECRETARY

Approved by Commissioners Court  
 Jan 27, 1957  
*Louise Van Horn* Deputy

RECEIVED  
 MAY 12 2020  
 By *AW*



NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2020-0023



**MEMO**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 11, 2020

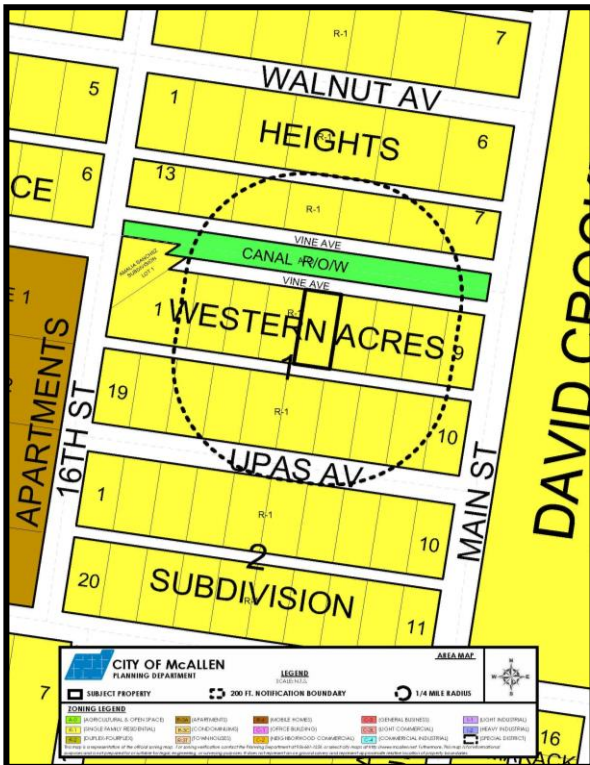
**SUBJECT:** REQUEST OF J. TOM ASHLEY III, FAIA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FT. INTO THE 30 FT. REQUIRED FRONT YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING 18 FT. BY 18 FT. AT LOT 5, BLOCK 1, WESTERN ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1417 VINE AVENUE. (ZBA2020-0024)

**REASON FOR APPEAL:**

The applicant requests a special exception to allow a proposed carport measuring 18 ft. by 18 ft. with an encroachment of 15 ft. into the 30 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

**PROPERTY LOCATION AND VICINITY:**

The property is located on the south side of Vine Avenue. The lot has 60 ft. of frontage along Vine Avenue and a depth of 129.75 ft. with a total area of 7,785 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences and canal right of way to the north.



**BACKGROUND AND HISTORY:**

Western Acres Subdivision was recorded on March 04, 1952 and the subdivision plat indicates a front yard setback of 30 feet. The applicant applied for the special exception on May 19, 2020.

**ANALYSIS:**

The subdivision plat does not indicate any utility easements along the front of the property.

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 a special exception request allowing a carport within the front yard may encourage future carports to be constructed in the front yard.

The submitted application states the proposed carport is to encroach 15 ft. into the front yard setback; however, measurements provided are without the benefit of a survey. The applicant submitted in their request that he would like to encroach 1 ft. into the 6 ft. side yard setback however, based on the applicable 1945 Zoning Ordinance setbacks for this subdivision are 5 ft. on the west and 7 ft. on the east side. The carport will not encroach on the side yard setback.

The house does not have a garage for car storage.

No phone calls have been received in opposition to the special exception request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachment show in the submitted site plan.



ZBCA  
6/17/2020

ZBA2020-0024



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

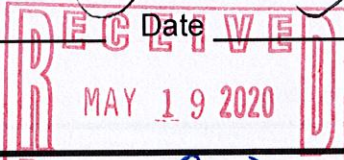
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description	<u>LOT 5, BLOCK 1, WESTERN ACRES</u>	
		<u>SUBDIVISION Recorded in Vol. 10, Page 52</u>	
	Subdivision Name	<u>M/R</u>	
	Street Address	<u>1417 Vine Ave. McAllen, TX, 78501</u>	
		Number of lots <u>1</u>	Gross acres <u>.1787</u>
	Existing Zoning	<u>Single Family</u>	Existing Land Use <u>Residence</u>
Reason for Appeal (please use other side if necessary) _____			
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

<b>Applicant</b>	Name	<u>J. Tom Ashley III, FAIA</u>	Phone	<u>956.369.1976 mobile</u>
	Address	<u>1417 Vine Ave.</u>	E-mail	<u>ar.jtomashley@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78501</u>

<b>Owner</b>	Name	<u>Molly E. Ashley</u>	Phone	<u>956.451.3450</u>
	Address	<u>1417 Vine Ave.</u>	E-mail	<u>mollyerinasashley@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
		Zip	<u>78501</u>	

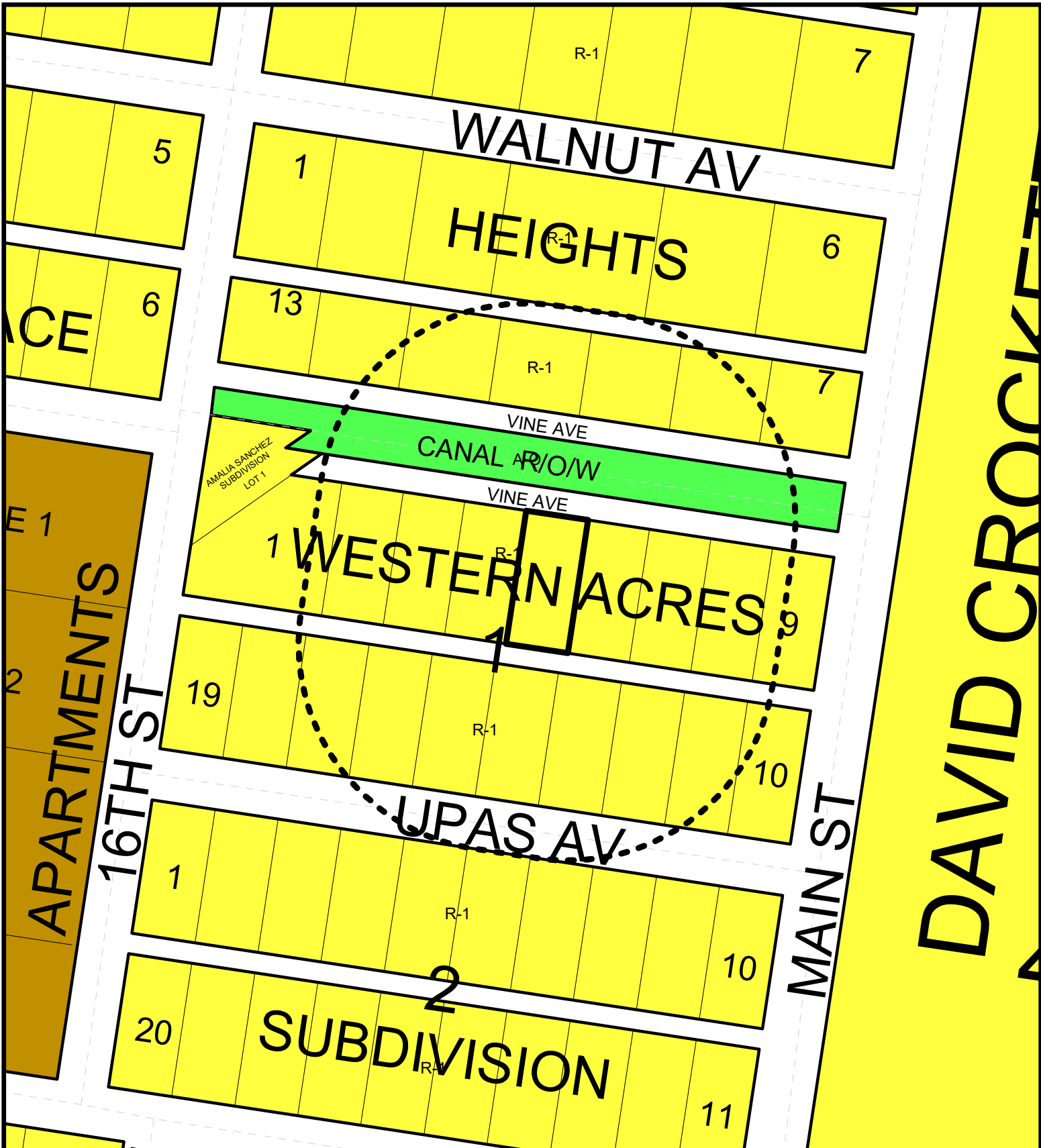
<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	I certify that I am the actual owner of the 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. <u>J. Tom Ashley III is my</u>	
	Signature	<u>Molly Ashley</u> <u>Authorized Agent.</u>
	Print Name	<u>Molly Erin Ashley</u> Date <u>May 19, 2020</u>
	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent <input checked="" type="checkbox"/>

<b>Office</b>	Accepted by	<u>[Signature]</u>	Payment received by	_____	Date	_____
	Rev 10/18					

Act # 716882







**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.

DAVID CROCKETT

APARTMENTS

16TH ST

MAIN ST

WALNUT AV  
HEIGHTS

CANAL R/O/W

WESTERN ACRES

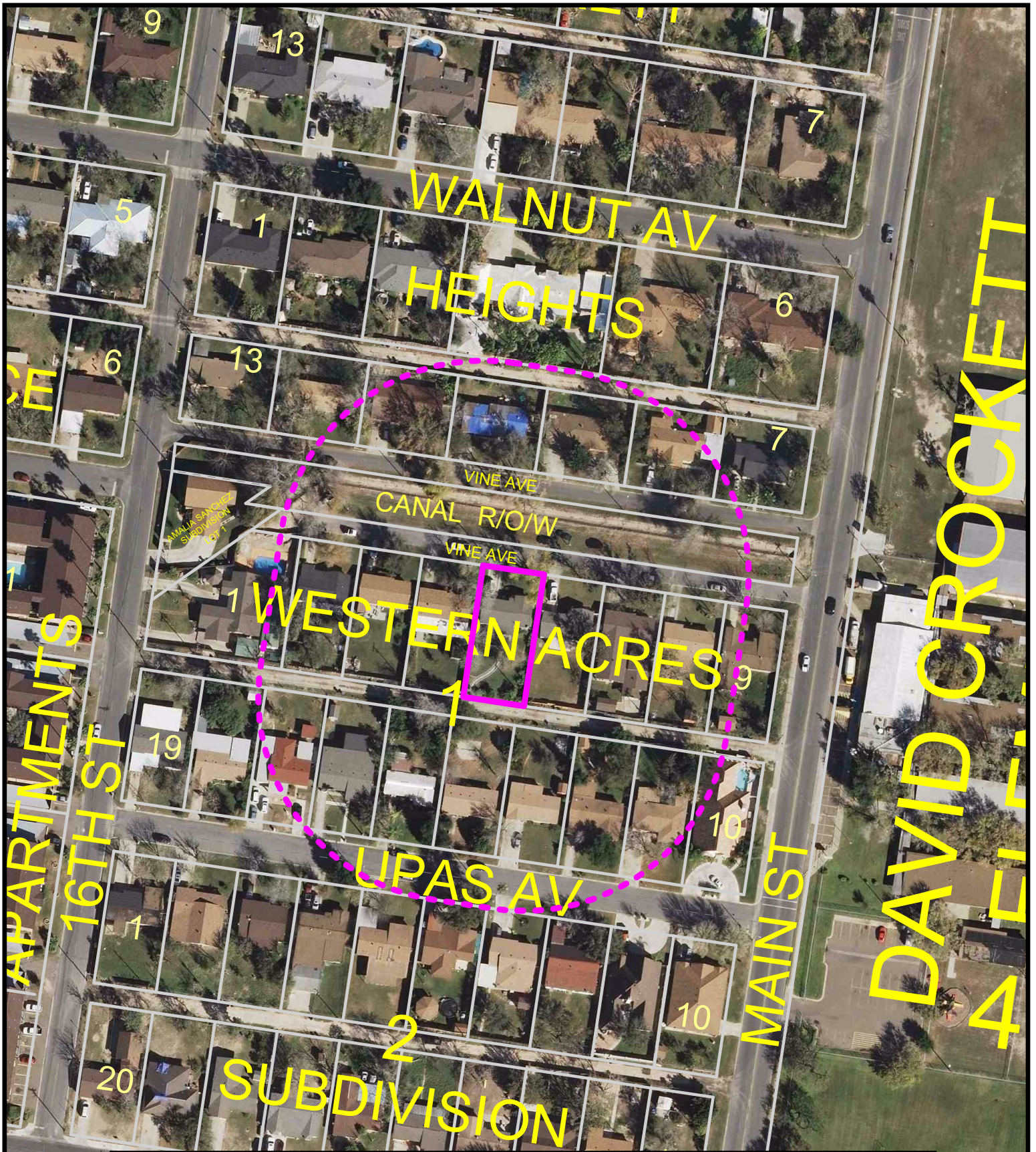
UPAS AV

SUBDIVISION

7

16





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



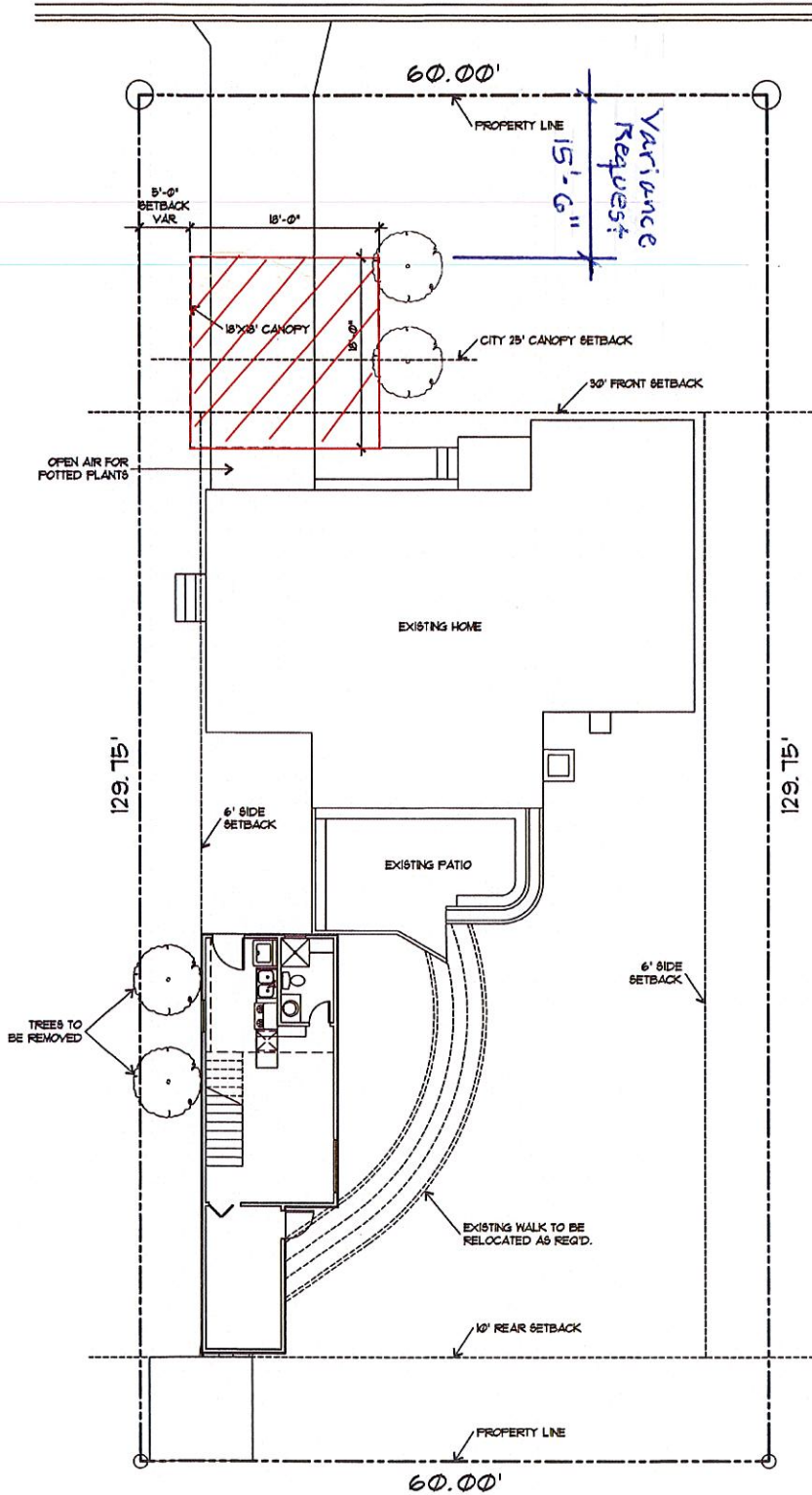
**200' NOTIFICATION BOUNDARY**



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



VINE ST.



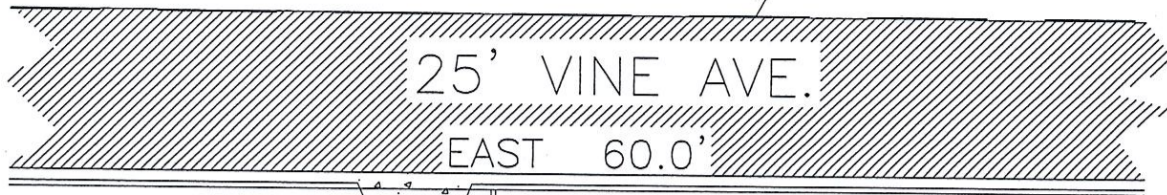
**01 SITE PLAN**  
1/8" = 1'-0"



ASHLEY  
QUEST HOUSE

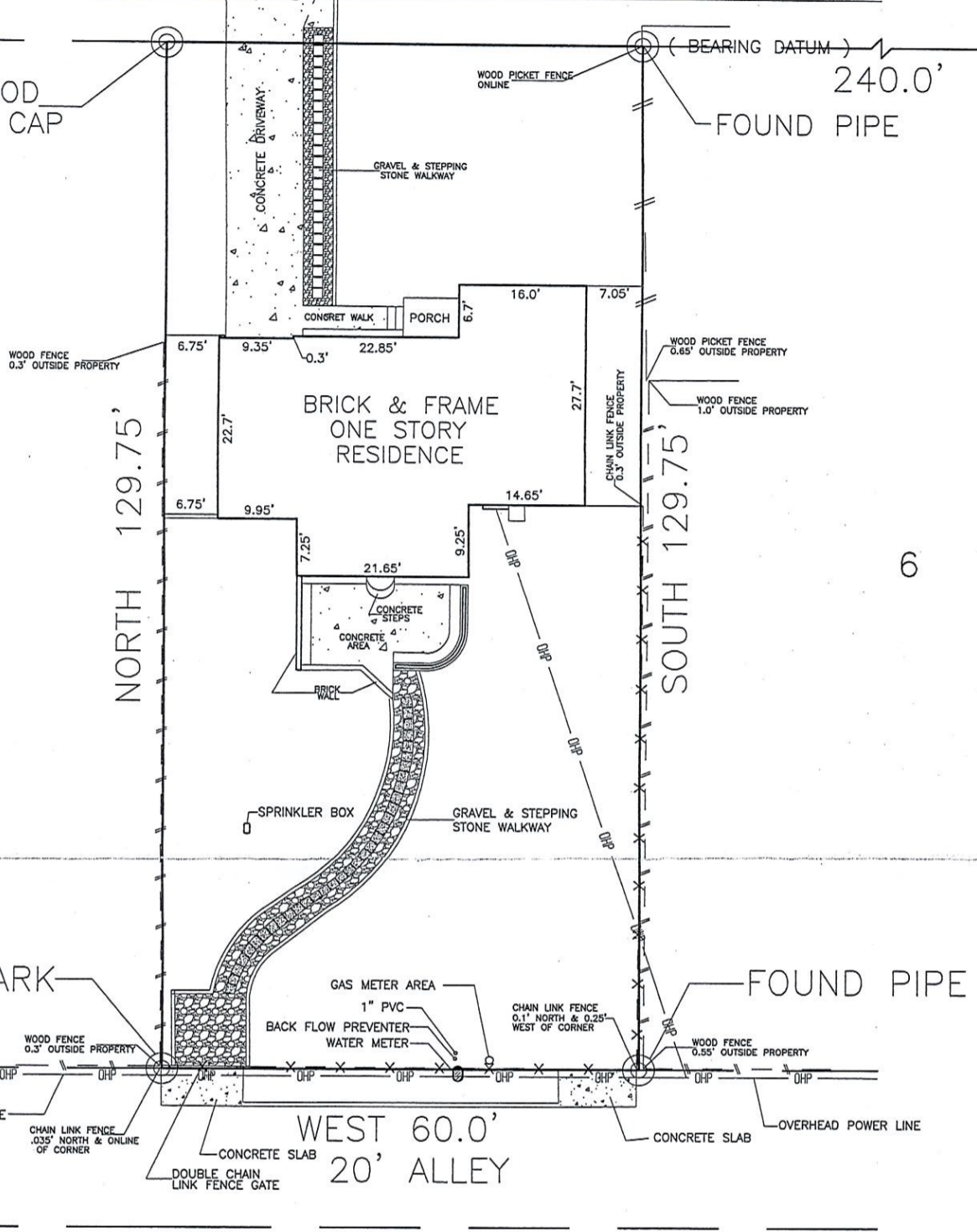


SOUTH LINE H.C.I.D.#3



SET ROD  
W/ MF CAP

( BEARING DATUM )  
240.0'  
FOUND PIPE



4

6

WEST LINE NORTH MAIN STREET

SET MARK

FOUND PIPE



SURVEY DONE WITHOUT BENEFIT OF  
TITLE REPORT OR TITLE COMMITMENT

I, MICHAEL FABIAN, A REGISTERED PROFESSIONAL  
LAND SURVEYOR, DO HEREBY CERTIFY THAT THE  
FOREGOING MAP IS A REPRESENTATION OF SURVEY  
MADE ON THE GROUND UNDER MY SUPERVISION  
AND THAT THERE ARE NO VISIBLE AND APPARENT  
EASEMENTS, DISCREPANCIES, CONFLICTS, OR SHORTAGES  
IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS  
OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN  
ON THIS PLAT. THIS PROPERTY FALLS IN ZONE "B" OF THE  
FLOOD INSURANCE RATE MAPS.

*Michael Fabian*

MICHAEL FABIAN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
MCALLEN, TEXAS.  
# 4893



MAP  
OF  
LOT 5, BLOCK 1,  
WESTERN ACRES  
SUBDIVISION  
HIDALGO COUNTY, TEXAS  
RECORDED IN VOL. 10, PG. 52, M/R

PREPARED BY  
MICHAEL FABIAN SURVEYING, INC.  
1203 E. HACKBERRY AVE.  
TEL. (956) 630-1432 MCALLEN, TEXAS 78501 FAX. (956) 687-4660

MICHAEL FABIAN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR

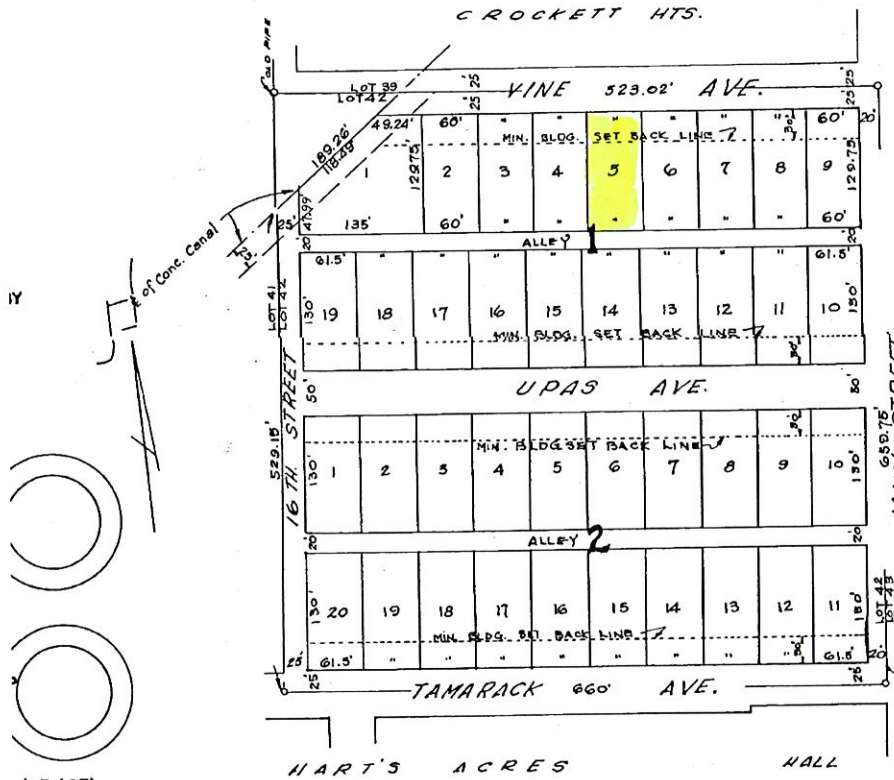
W.O.# 03677 CRD : SAME PRINT SIZE: LEDGER  
SCALE: 1" = 20' DATE: 02/19/2020

EMAIL ADDRESS: SURVEY @ MFABIANSURVEYING.COM  
FIRM # 10193965

COPYRIGHT MICHAEL FABIAN SURVEYING INC. 2020. NO LICENSE HAS BEEN CREATED,  
EXPRESSED OR IMPLIED TO COPY THIS PLAT OF SURVEY. IF THIS PLAT OF SURVEY  
DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE IT IS INVALID PER SECTION 661.46  
AND 663.19 OF THE PROFESSIONAL LAND SURVEYING PRACTICES ACT ENACTED UNDER  
ARTICLE 5282 C VERNONS TEXAS CIVIL STATUTES.







This plat approved by the McAllen Zoning & Planning Board Feb 11 1952.  
by *E. A. Greene*  
E. A. Greene, chairman

This plat approved by the City Commission of the City of McAllen, Texas on the 18th day of Feb. 1952.

by *C. W. Davis*  
C. W. Davis, Mayor

Attest: Feb 18, 1952  
*William J. Schaff*  
City Secretary

Approved Feb. 7 1952  
*Robert A. Scott*  
City Engineer

A. D. 1951

STATE OF TEXAS:  
COUNTY OF HIDALGO:  
I, R. B. Suttle, owner of the property hereon described, do hereby adopt, dedicate & confirm the foregoing plat, and do hereby dedicate to the public the streets and alleys thereon shown.

*R. B. Suttle*  
R. B. SUTTLE

STATE OF TEXAS:  
COUNTY OF HIDALGO:  
Subscribed and sworn to before me, the undersigned authority, on this the 20th day of Feb. 1952.

*H. J. Stafford* H. J. STAFFORD

Notary Public in and for Hidalgo County, Texas



I, C. L. Fabian, a Licensed Land Surveyor, do hereby certify the foregoing plat to be a true and correct representation of survey as made by me on the ground.

*C. L. Fabian*  
C. L. Fabian  
Licensed Land Surveyor  
McAllen, Texas.



3564

FILED FOR RECORD THIS DATE  
MAR 4 1952

GEO. L. ANDERSON  
*Geo. L. Anderson*

MAP OF  
**WESTERN ACRES**  
MC ALLEN, TEXAS.

BEING  
A SUBDIVISION OF LOT 42, NW 1/4 OF SECT. 9, HIDALGO CANAL CO'S. SUBDIVISION OF PORCIONES 64, 65 & 66, HIDALGO COUNTY, TEXAS, EXCEPT THAT PART OF LOT 42 LYING NW. OF CANAL.

PREPARED BY  
C. L. FABIAN  
LICENSED LAND SURVEYOR  
MC ALLEN, TEXAS

SCALE: 1"=100'

DATE FEB 4, 1952

FILE 1-6

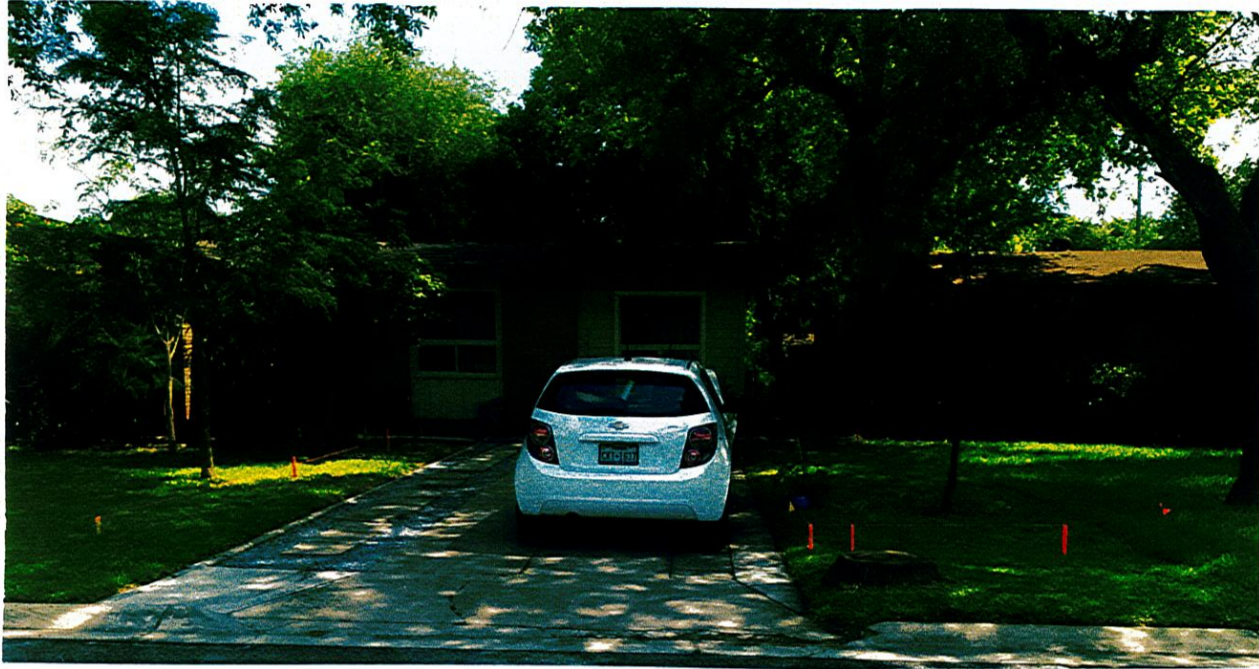


LOT 5 1417 Vine Ave.

**Photo 1:** View from Vine Ave. Left and right side stakes indicating 18 ft. wide driveway; including right/west side variance side setback from six to five ft. (Note that Lot 4 owner Paul Solis has verbally agreed. He is particularly pleased that two Hackberry Trees will be removed at Guesthouse location; leaves dropping into above-ground swimming pool and onto house roof has been a maintenance problem for him)

**Photo 2:** View looking east toward driveway and proposed car canopy. See drawings for dimensions and proposed setbacks. And, note that 18 ft. driveway connection to street curbing will be less than 18 ft. due to curving-narrowing right (west) parking space entry.

**Photo 3:** Two stakes note south/house-side of proposed car canopy and open-air area to allow sun and rain for existing potted plantings.







NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2020-0024



**Memo**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 11, 2020

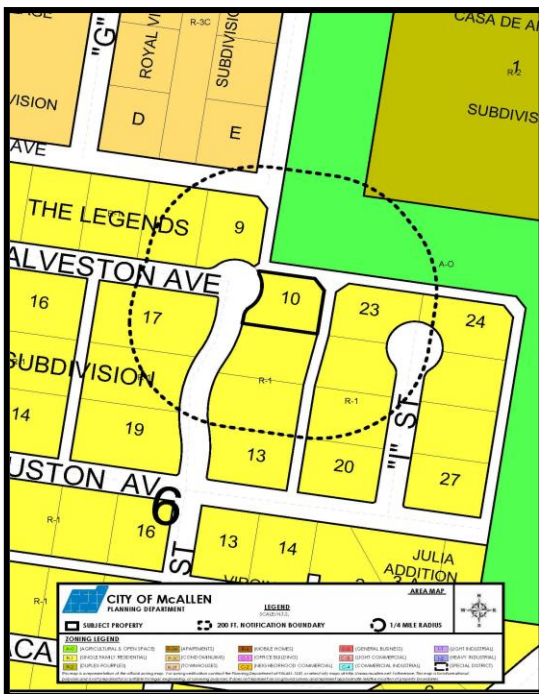
**SUBJECT: REQUEST OF LAUREL MCLEAISH FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 1.5 FT. INTO THE 6 FT. REAR YARD SETBACK FOR A PROPOSED IRREGULARLY SHAPED SWIMMING POOL MEASURING 13.5 FT. BY 27FT. AT LOT 10, THE LEGENDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 SOUTH H STREET. (ZBA2020-0025)**

**REASON FOR APPEAL:**

Laurel Mcleaish is requesting the following variance to allow an encroachment of 1.5 ft. into the 6 ft. rear yard setback for a proposed pool measuring 13.5 ft. by 27 ft.

**PROPERTY LOCATION AND VICINITY:**

The property is located at the intersection of South H Street, and Galveston Avenue. The lot has 80.88 ft. of frontage along H Street and a depth of 135 ft. at its deepest point for lot size of 12,306 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land uses include single family residential uses.



**BACKGROUND AND HISTORY:**

The Legends Subdivision was recorded on November 22, 1976. A note on the plat indicates that the rear yard setback requirement for the lot is 6 ft. A variance application for the proposed swimming pool was submitted on May 19, 2020.

**ANALYSIS:**

The variance request is for a proposed swimming pool, which is an accessory structure and not a primary building. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 4.5 ft. The standard rear yard setback for a standard lot in the R-1 (single family residential) district is 10 ft. In the past, the Board has approved variances for accessory buildings.

The site plan shows a proposed irregular shaped swimming pool encroaching 1.5 ft. into the 6 ft. rear yard setback. In the past, swimming pools were allowed to be built within setbacks; however, a subsequent determination by the City’s Legal Department included swimming pools as structures, which require compliance with setbacks.

Staff has not received any phone calls from the surrounding property owners in opposition to these variance requests.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the pool plan as submitted.



ZBA 2020-0025

ZBA  
4/11/20

# City of McAllen Planning Department

311 North 15<sup>th</sup> 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

<b>Project</b>	Legal Description	<u>Lot 10, the <del>Deer</del> Legends subdivision</u>		
	Subdivision Name	<u>The Legends</u>		
	Street Address	<u>701 South H St</u>		
	Number of lots	<u>1</u>	Gross acres	_____
	Existing Zoning	<u>Residential</u>	Existing Land Use	<u>Residential</u>
	Reason for Appeal (please use other side if necessary)	<u>I am planning to build a pool. I have a 6' setback which does not</u>		
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required				

<b>Applicant</b>	Name	<u>Laurel McKeaish</u>	Phone	<u>956-342-7278</u>
	Address	<u>701 S. H St</u>	E-mail	<u>ltmckeish@aol.com</u>
	City	<u>McAllen</u>	State	<u>Tx</u> Zip <u>78501</u>

<b>Owner</b>	Name	<u>Laurel McKeaish</u>	Phone	<u>956-342-7278</u>
	Address	<u>701 S. H St</u>	E-mail	<u>ltmckeish@aol.com</u>
	City	<u>McAllen</u>	State	<u>Tx</u> Zip <u>78501</u>

<b>Authorization</b>	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?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	<u>Laurel T. McKeaish</u> Date <u>May 19, 2020</u>
Print Name	<u>Laurel T. McKeaish</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

<b>Office</b>	Accepted by _____	Payment received by _____	Date _____
	Rev 10/18		

Act # 716876



2025-08-08 (1/1)

710  
02/21/11

# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

allow me the space to build the pool since I have a small back yard I am requesting a variance of 1.5 feet. To my knowledge, this variance would not interfere with any easement.

Board Action

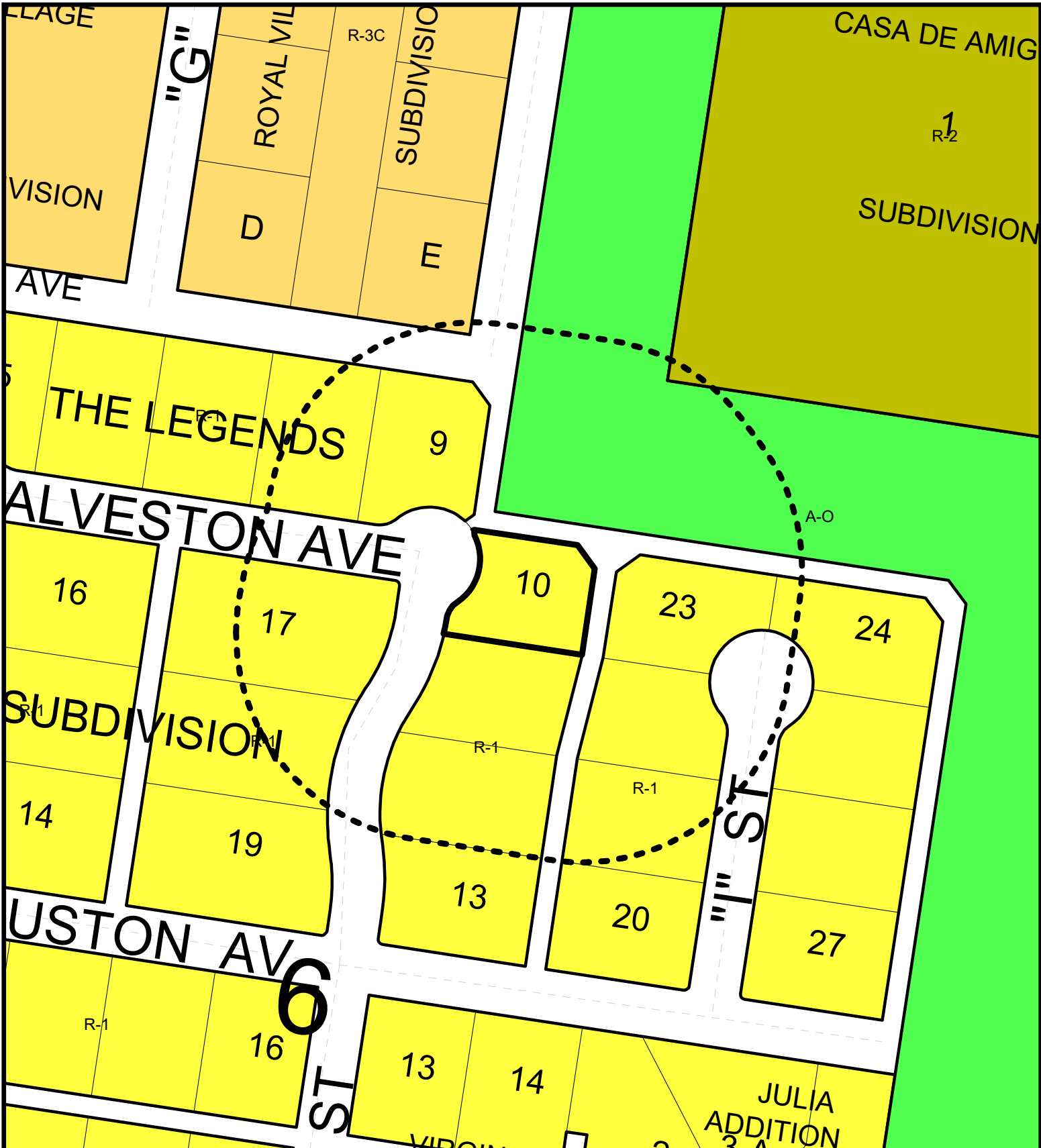
Chairman, Board of Adjustment  
Signature

Date

\_\_\_\_\_

\_\_\_\_\_

48011 # 154



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

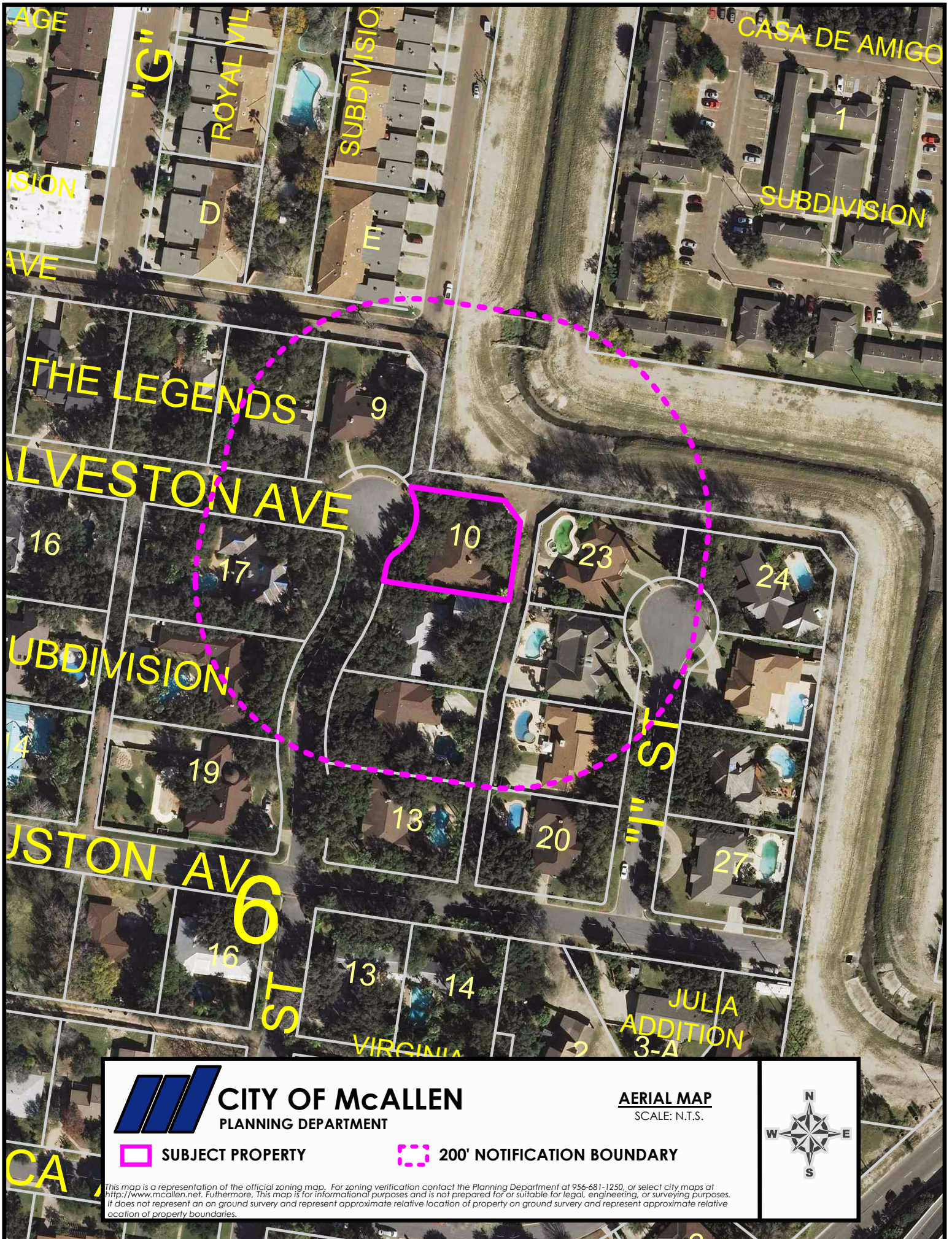
1/4 MILE RADIUS

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	S-1 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY

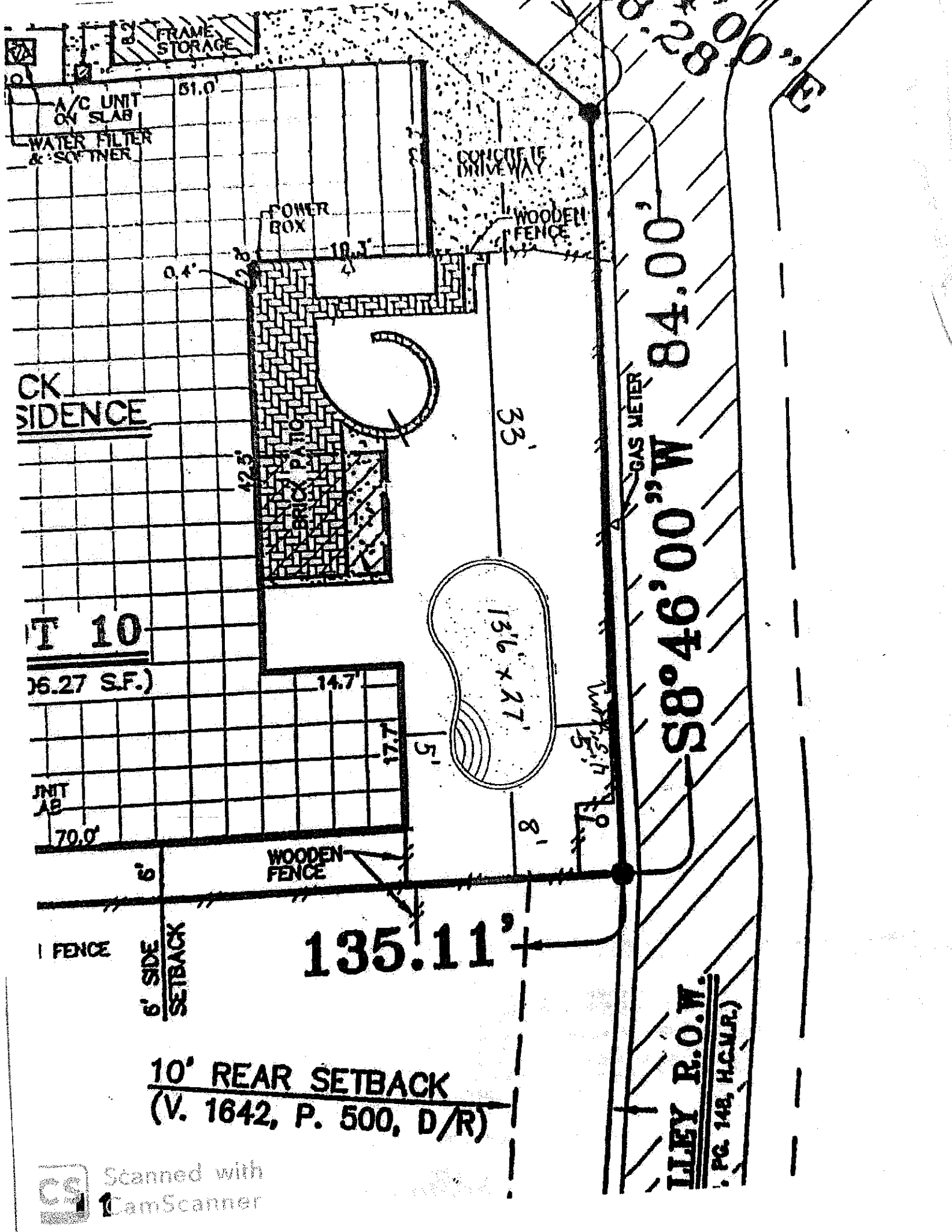


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.









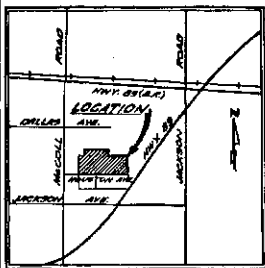
3201 P

SUBDIVISION PLAT

# THE LEGENDS SUBDIVISION

BEING 19.288 ACRES OF LAND OUT OF THE NORTH 30.00 ACRES OUT OF LOT 6, BLOCK 19, STREETE WOOD, PERSHAP SUBDIVISION OF PROFESSIONAL SURVEY CONSISTING OF 4.811 ACRES OUT OF VOLUME 482, PAGE 652, 1.057 ACRES OUT OF VOLUME 1090, PAGE 379 and 2.520 ACRES OUT OF VOLUME 1957, PAGE 427. ALL THE ABOVE BEING RECORDED IN DEED AND PLAT RECORDS, HIDALGO COUNTY, TEXAS.

CURVE	DELTA	RADIUS	TANGENT	LENGTH
A	25°00'00"	175.48'	34.89'	32.80'
B	25°00'00"	175.48'	34.89'	32.80'
C	16°00'00"	225.00'	24.60'	48.81'
D	16°00'00"	225.00'	31.62'	62.89'
E	16°58'52"	183.55'	27.23'	54.16'
F	16°58'52"	225.00'	34.73'	68.93'
G	25°00'00"	225.00'	48.89'	98.18'
H	25°00'00"	175.00'	38.80'	76.96'
I	90°00'00"	3.00'	3.00'	7.85'
J	45°11'52"	33.00'	11.16'	21.29'
K	30°37'21"	50.00'	13.94'	30.28'
L	30°13'14"	50.00'	13.63'	27.75'
M	32°08'56"	50.00'	14.59'	27.70'
N	32°40'51"	50.00'	15.39'	30.83'
O	135°11'21"	30.00'	130.90'	120.55'



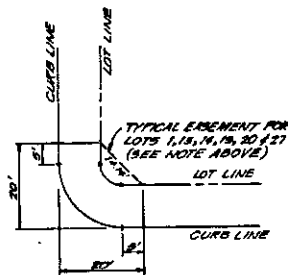
### LOCATION MAP

I, THE UNDERSIGNED, ADJACENT LAND OWNER, HEREBY DEDICATE PARCEL C FOR THE PURPOSE OF AN ALLEY.

*H. H. Fernandez*  
ADJACENT LAND OWNER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 20th DAY OF OCTOBER, A.D. 1976.

*Douglas H. Martin*  
NOTARY PUBLIC  
HIDALGO COUNTY, TEXAS



### DETAIL 'A'

FILED FOR RECORD THIS DATE

NOV 22 1976

NOV 22 1976

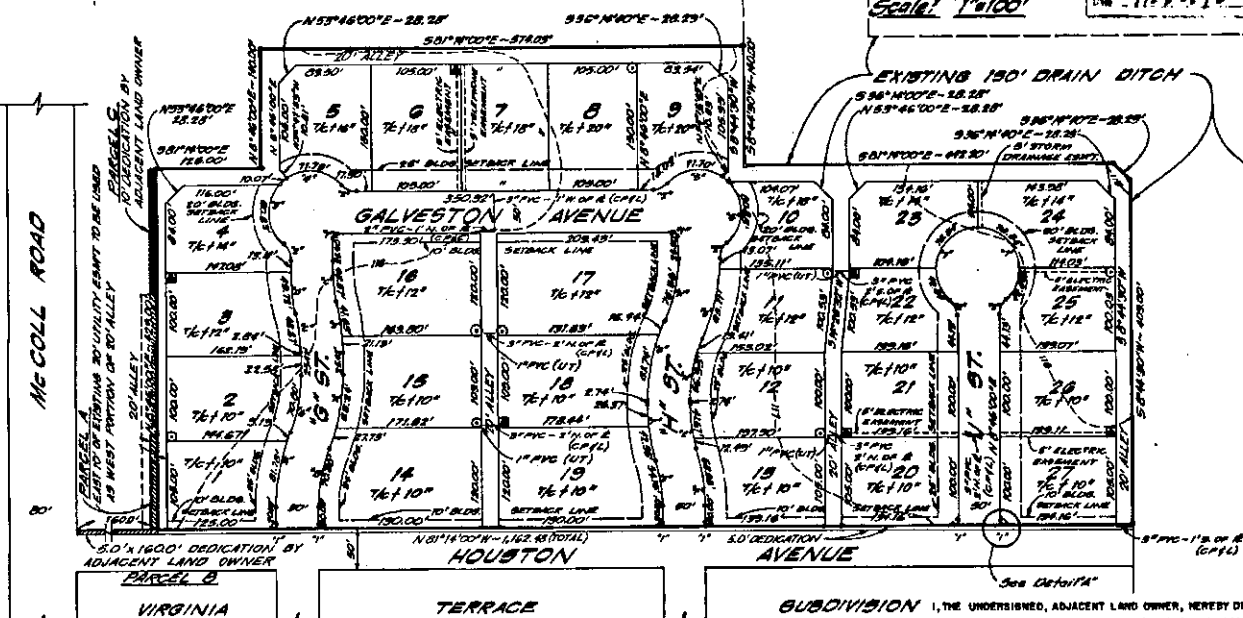
SHANTIS SULLIVAN  
County Clerk, Hidalgo County, Texas



APPROVED FOR RECORDING

COMMISSIONERS' COURT  
The 22nd day of Nov 1976  
SHANTIS SULLIVAN, County Clerk  
Hidalgo County, Texas  
*David K. Anger*

APPROVED FOR RECORDING  
DATE 11-22-76  
BY *[Signature]*



NOTE: IRON PINS SET AT ALL LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE.

TOTAL LOTS: 27  
TOTAL AREA: 19.288 AC.

GROVES, FERNANDEZ, BARRY, TELFORD and ASSOCIATES, INC.

### GENERAL NOTES:

- MINIMUM FLOOR ELEVATION SHALL BE AS SHOWN ON EACH LOT.
- COURTYARD & BACKYARD SETBACKS SHALL BE 5' MINIMUM UNLESS OTHERWISE SHOWN.
- CENTRAL POWER & LIGHT CO. IS HEREBY GRANTED AN EASEMENT (RIGHT-OF-WAY) ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF BUSINESS & EGRESS FOR SUCH PURPOSES AT THE RIGHT LOCATION WHERE SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED & MAINTAINED FROM TIME TO TIME.

EASEMENT LINE  
6" & 8" EASEMENT TO CENTRAL POWER & LIGHT CO. FOR TRANSFORMER SPACE.

I, THE UNDERSIGNED, ADJACENT LAND OWNER, HEREBY DEDICATE PARCEL A (FOR THE PURPOSE OF AN ALLEY) AND PARCEL B (FOR THE PURPOSE OF WIDENING HOUSTON AVENUE).

*H. H. Fernandez*  
ADJACENT LAND OWNER

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 20th DAY OF OCTOBER, A.D. 1976.

*Douglas H. Martin*  
NOTARY PUBLIC  
HIDALGO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO  
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS DESCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THE PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, TIERES, WATER COURSES, DRAINAGE, BARRIAGES AND PUBLIC PLACES THEREON KNOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

*M.K. Buchanan*  
OWNER

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED *M.K. Buchanan*, known to me to be the person whose name is subscribed to the foregoing instrument, and acting as the owner of the same, and acknowledged to me that he executed the same for the purposes and considerations therein stated, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 28th DAY OF OCTOBER, A.D. 1976.

*Douglas H. Martin*  
NOTARY PUBLIC  
HIDALGO COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY SHOWN UNDER AT SUPERVISION OF THE SURVEYOR.

*[Signature]*  
REGISTERED PROFESSIONAL SURVEYOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 19th DAY OF OCTOBER, A.D. 1976.

*Barbara Johnson*  
NOTARY PUBLIC  
HIDALGO COUNTY, TEXAS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREBY APPROVAL IS REQUIRED.

*Jack White*  
MAYOR, CITY OF McALLEN

APPROVAL BY WATER DISTRICT  
THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 2 ON THIS 21st DAY OF OCTOBER, 1976.

*[Signature]*  
PRESIDENT

*[Signature]*  
SECRETARY

THIS PLAT OF THE LEGENDS SUBDIVISION WAS SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 26th DAY OF OCTOBER, A.D. 1976.

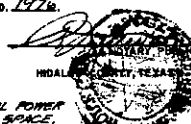
*[Signature]*  
CHAIRMAN

STATE OF TEXAS  
COUNTY OF HIDALGO

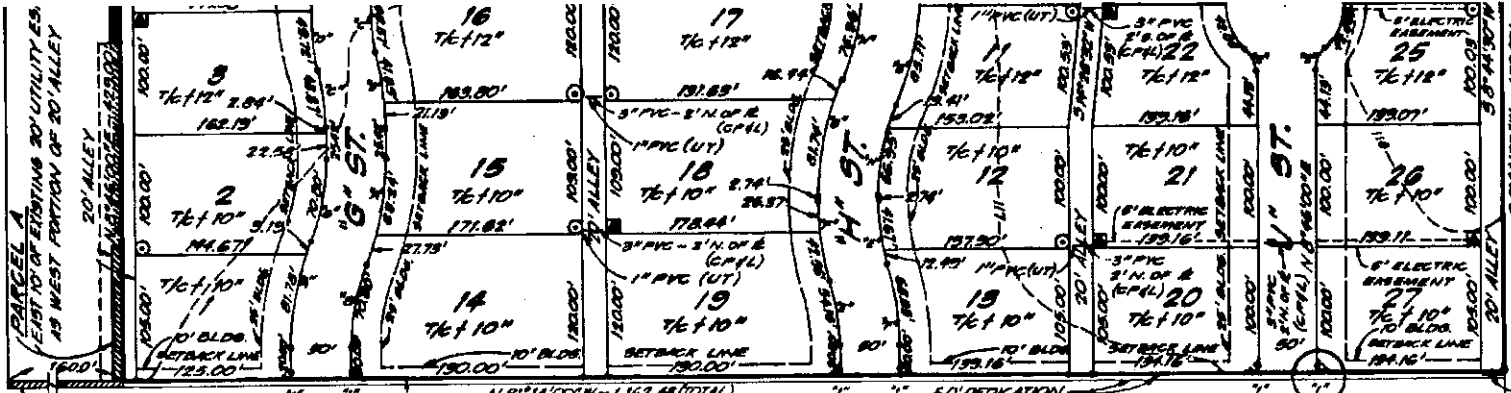
I, THE COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 22nd DAY OF NOVEMBER, 1976.

A.B. \_\_\_\_\_ AT \_\_\_\_\_ M. AND DAY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_\_ IN THE BOOKS OF \_\_\_\_\_ OF SAID COUNTY, IN BOOK NUMBER \_\_\_\_\_ ON PAGE \_\_\_\_\_

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. \_\_\_\_\_



McCOLL A



5.0'x1600' DEDICATION BY ADJACENT LAND OWNER  
 HOUSTON AVENUE  
 5.0' DEDICATION

VIRGINIA TERRACE

SUBDIVISION

NOTE: IRON PINS SET AT ALL LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE.

TOTAL LOTS: 27  
 TOTAL AREA: 13.288 AC.

GENERAL NOTES:

1. MINIMUM FLOOR ELEVATION SHALL BE AS SHOWN ON EACH LOT.
2. SIDEYARD & BACKYARD SETBACKS SHALL BE 6' MINIMUM UNLESS OTHERWISE SHOWN.
3. CENTRAL POWER & LIGHT CO. IS HEREBY GRANTED AN EASEMENT (RIGHT-OF-WAY) ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE RIGHT OF INGRESS & EGRESS FOR SUCH PURPOSE AT THE RIGHT LOCATION WHERE SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED & MAINTAINED FROM TIME TO TIME.

I, THE UNDERSIGNED, ADJACENT LAND OWNER, HER PARCEL A (FOR THE PURPOSE OF AN ALLEY) AM (FOR THE PURPOSE OF WIDENING HOUSTON AVENUE)

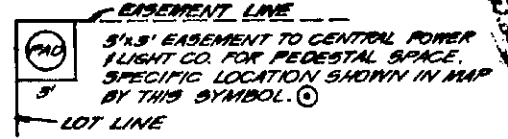
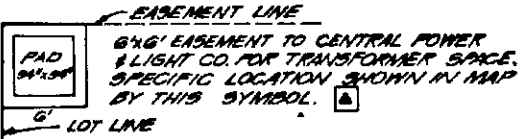
*[Signature]*  
 ADJACENT LAND OWNER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17<sup>th</sup> OF *Sept* A.D. 1976

MDAL



GROVES, FERNANDEZ, BARRY, TELFORD  
 and ASSOCIATES, INC.  
 Consulting Engineers / Planners  
 MCALLEN/SAN ANTONIO, TEXAS







NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0025

701



# Planning Department

## Memo

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 8, 2020

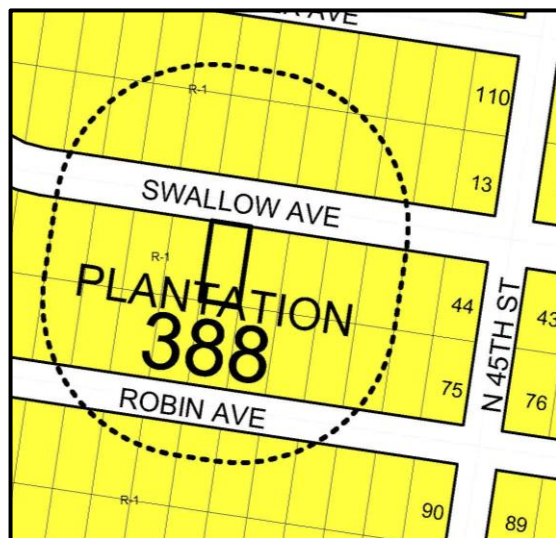
**SUBJECT: REQUEST OF PABLO HERNANDEZ TO ALLOW THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE: TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE AT LOT 50, PLANTATION GAP SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 4605 SWALLOW AVENUE. (ZBA2020-0026)**

### REASON FOR APPEAL:

The applicant requests a special exception to the parking requirement of one off-street parking space for single family uses beyond the front yard setback as required by Section 138-394 of the Zoning Ordinance. The applicant purchased the residence with an enclosed single car garage that has eliminated the one parking space beyond the front yard setback line. The applicant wishes to keep the enclosure as is.

### PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Swallow Avenue approximately 310 ft. west of N. 45<sup>th</sup> Street. The property has 50 ft. of frontage along Swallow Ave and a depth of 100 ft. with a lot size of 5,000 square feet. Surrounding land uses are single-family residences.



**BACKGROUND AND HISTORY:**

Plantation Gap Subdivision Phase 2 was recorded on July 11, 2006. The Board of Commissioners amended the Zoning Ordinance in 1999 to require one parking space beyond the front yard setback in order to enhance the appearance of single family residential areas. The subject property and subdivision is subject to compliance with the zoning requirement of one parking space beyond the front yard setback line.

The previous property owner had applied for the Building Permit to enclose the garage in March 2013, but was disapproved and he never applied for the Variance. The current property owner purchased the property with the garage enclosed and applied for the special exception on May 20, 2020.

The Board has approved two similar variances one on August 7, 2013, located at 4709 Swallow Avenue (Lot 56) for extra living space, and one on June 4, 2013, located at 4517 Swallow Avenue (Lot 48) for an extra bedroom. There are four other homes on Swallow Avenue that have enclosed their garages but have not applied for a special exception.

**ANALYSIS:**

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single family residential areas by eliminating the number of cars parked along the street and within the front yard. Approval of the request may encourage other property owners with single car garages to enclose their garage. Surrounding residences have enclosed their garages within the neighborhood.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception requested.



ZBA 2020-0026

ZBA  
6/17/20  
4:30pm



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description <u>Plantation Gap Phase 2 lot 50</u>
	Subdivision Name <u>Plantation Gap Phase 2</u> Street Address <u>4605 Swallow Ave.</u> Number of lots _____ Gross acres _____
<b>Applicant</b>	Existing Zoning <u>R1</u> Existing Land Use <u>Home</u>
	Reason for Appeal (please use other side if necessary) <u>Wanting to resolve the</u> <u>incompliance to the section 138-394(C) of city of McAllen</u>
	<input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Owner</b>	Name <u>Pablo Hernandez</u> Phone <u>956-358-0161</u> Address <u>4605 Swallow Ave.</u> E-mail <u>pablohernandez82@ymail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
	Name <u>Pablo Hernandez</u> Phone <u>956-358-0161</u> Address <u>4605 Swallow Ave.</u> E-mail <u>pablohernandez82@ymail.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Authorization</b>	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 <u>Pablo Hernandez</u> Date <u>5/20/2020</u> Print Name <u>Pablo Hernandez</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>L.G.</u> Payment received by <u>[Signature]</u> Date <u>MAY 20 2020</u>
	Rev 10/18 <u>Rec # 238318 pd \$300.00</u>

RECEIVED  
MAY 20 2020  
4:17pm



11813-18018 HRS

**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

APR 25/17 19:55

Reason for Appeal

ordinance when I bought the house it was already like that the garage was inclosed

Board Action

Chairman, Board of Adjustment  
Signature

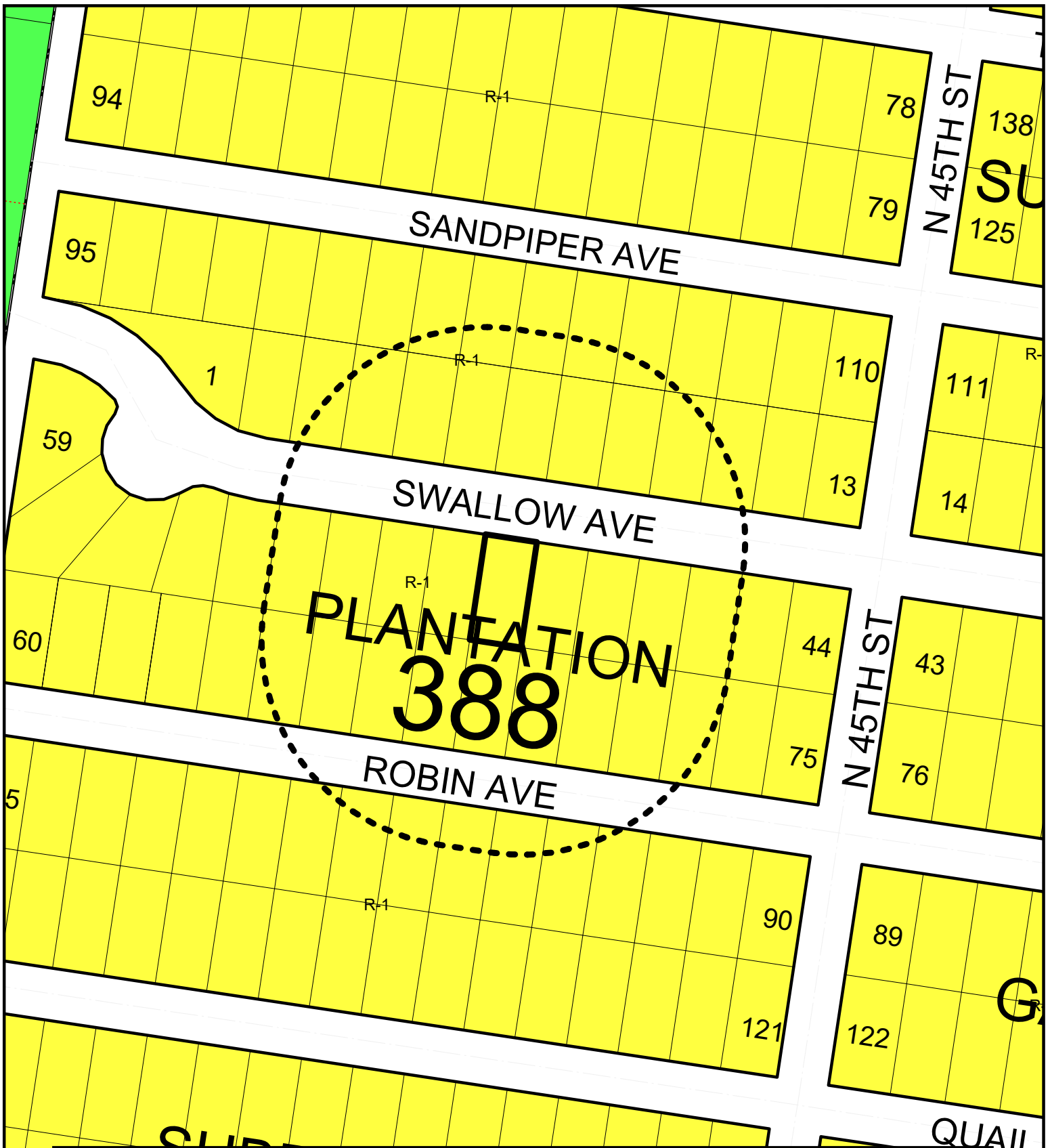
Date

\_\_\_\_\_

\_\_\_\_\_

11813-18018 HRS





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalien.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



**SUBJECT PROPERTY**



**200' NOTIFICATION BOUNDARY**



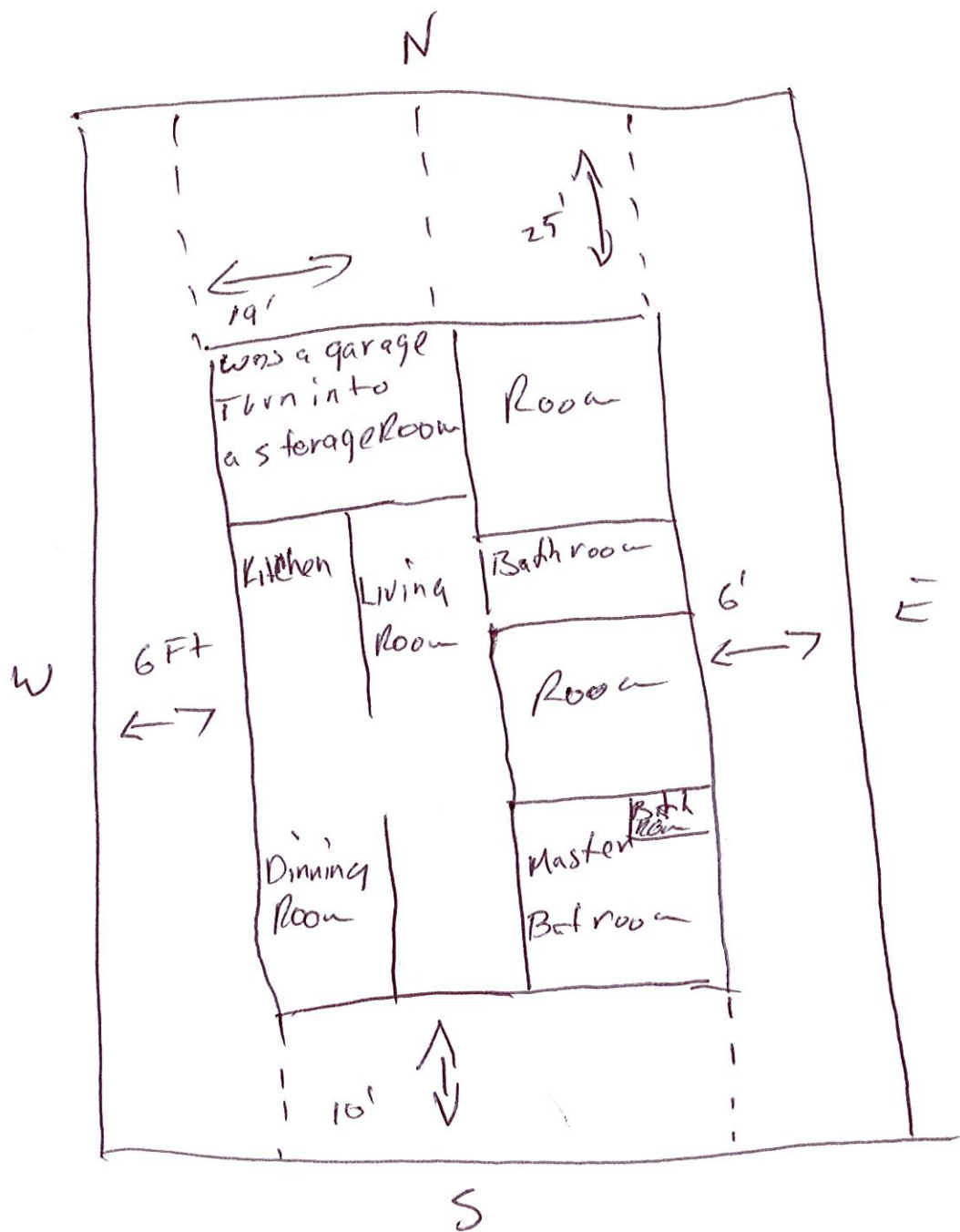
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



Plantation Group  
4605 Swallow Ave.  
McAllen TX. 78504

P.H.

5/20/2020



RECEIVED  
MAY 20 2020  
BY: [Signature]







**Memo**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 9, 2020

**SUBJECT: REQUEST OF ISAURA VASQUEZ CASTILLO FOR THE FOLLOWIING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR A CARPORT MEASURING 20 FT. BY 30 FT.; AND 2) TO ALLOW AN ENCROACHMENT OF 2 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR A CARPORT MEASURING 20 FT. BY 30 FT. AT LOT 141, SHADOW BROOK SUBDIVISION UNIT 1, HIDALGO COUNTY, TEXAS; 2024 HAWK AVENUE. (ZBA2020-0027)**

**REASON FOR APPEAL**

The applicant is requesting the following special exception 1) to encroach 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft., and 2) to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft., in order to protect their vehicles from the elements and to provide a cooler vehicle before loading the children in the vehicle.

**PROPERTY LOCATION AND VICINITY:**

The subject property is located on the north side of Hawk Avenue approximately 50 ft. east of North 21<sup>st</sup> Street. The property has 50 ft. of frontage along Hawk Avenue, with a lot size of 5,000 square feet. Surrounding land use are single-family residential.





**BACKGROUND AND HISTORY:**

Shadow Brook Subdivision Unit 1 was recorded on February 25, 1980. The residential home was built in 1984. An application for a building permit and application for the special exception was submitted on May 20, 2020. The adjacent neighbor to the west did apply for the same variance in February 5, 2014 and the Board disapproved the request, but the carport was never removed.

**ANALYSIS:**

Request #1 is to allow an encroachment of 20 ft. into the 20 ft. front yard setback, for a proposed carport measuring 20 ft. by 30ft.. The standard setback for the front yard for a lot in the R-1 zone is 20 ft..

Request #2 is to allow an encroachment of 2 ft. into the 6 ft. side yard setback, for a carport measuring 20 ft. by 30 ft.. The standard setback for the side yard for a lot in the R-1 zone is 6 ft..

If the request are approved it may encourage other property owners in applying for special exception to encroach into the front and side yard setbacks. Approval of the special exception requested will allow the proposed construction as depicted on the site plan.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception requested.



ZBA 2020-0027

ZBA  
6/17/20  
4:30pm



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description <u>Two car carport Shadow Brook #1 lot 141 - Unit 1</u>
	Subdivision Name <u>Shadow Brook #1</u>
<b>Applicant</b>	Street Address <u>2024 Hawk Avenue, McAllen, TX 78504</u>
	Number of lots <u>1</u> Gross acres _____
	Existing Zoning <u>R-1</u> Existing Land Use <u>Residence</u>
	Reason for Appeal (please use other side if necessary) <u>Two car carport</u>
<input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	
<b>Owner</b>	Name <u>Isaura Vasquez Castillo</u> Phone <u>956 566 8883</u>
	Address <u>2024 Hawk</u> E-mail <u>isaura.v@rocketmail</u>
	City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Authorization</b>	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 <u>Isaura Vasquez Castillo</u> Date <u>05/20/2020</u> Print Name <u>Isaura Vasquez Castillo</u> <input type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>[Signature]</u> Payment received by <u>[Signature]</u> Date <u>MAY 20 2020</u> Rev 10/18 <u>Per # 238 324 pd \$350</u>
	RECEIVED BY: <u>[Signature]</u> 4:53pm

Jan



7300-000-0000

Handwritten notes in red ink in the top right corner.

**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

**Reason for Appeal**

1 Isaura V Castillo and Salvador Castillo owner of 2024 Hawk Ave don't have a garage and would like to build a two car carport on our property. We would like to build a port for vehicles so they can get protected from sun damage and keeping vehicles cool before boarding my children in the vehicles; we would also like it for protection from hail on this times of Hurricane Season. Request a 0 Front Set Back instead of The Required 20' Set back; And 4 Ft instead of require 6ft <sup>West</sup> on side Property

**Board Action**

(This section contains multiple empty horizontal lines for recording board actions.)

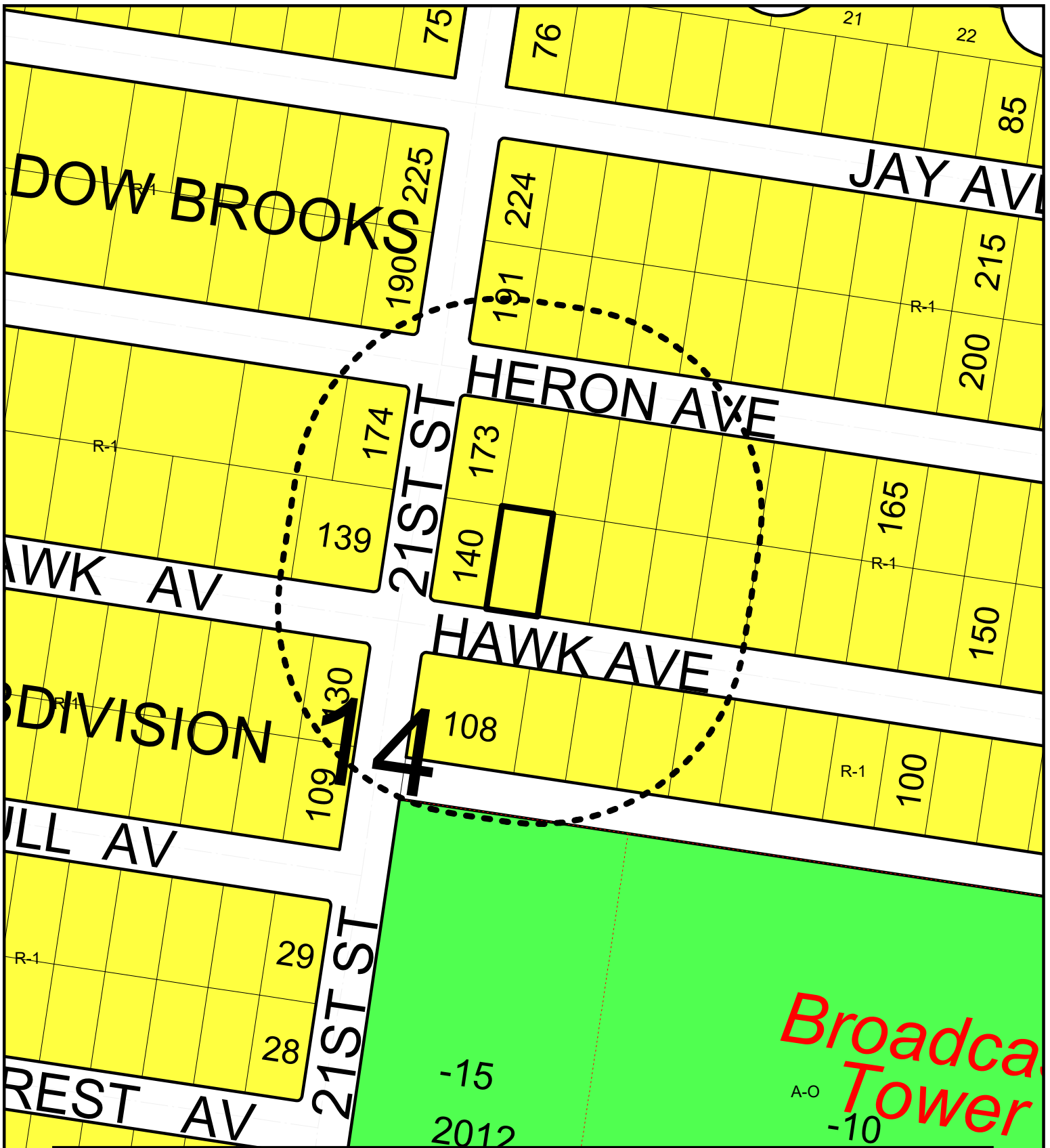
Chairman, Board of Adjustment  
 Signature

Date

\_\_\_\_\_

Handwritten notes and signatures in red ink at the bottom of the page.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

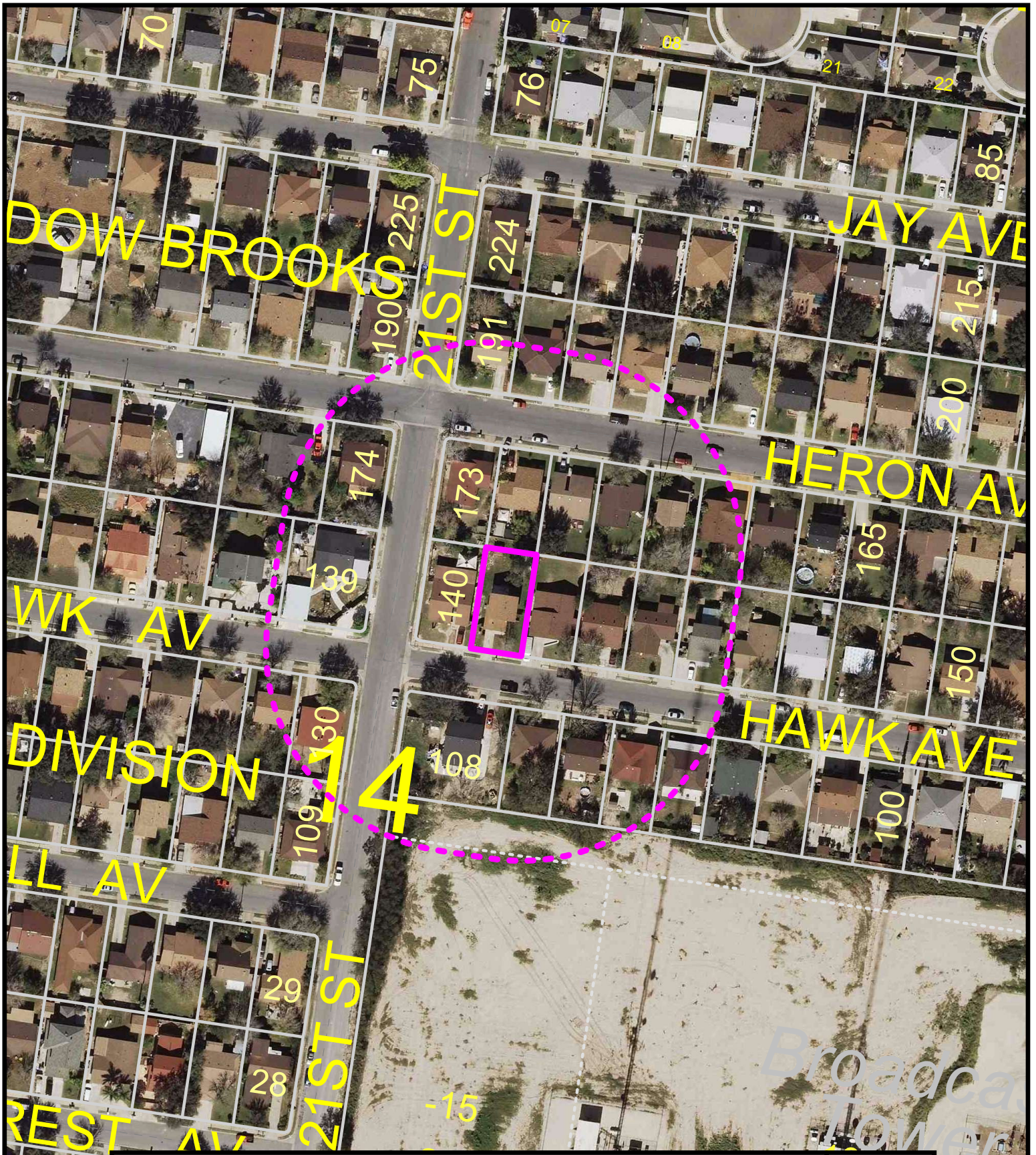
200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalien.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
 PLANNING DEPARTMENT

**AERIAL MAP**  
 SCALE: N.T.S.

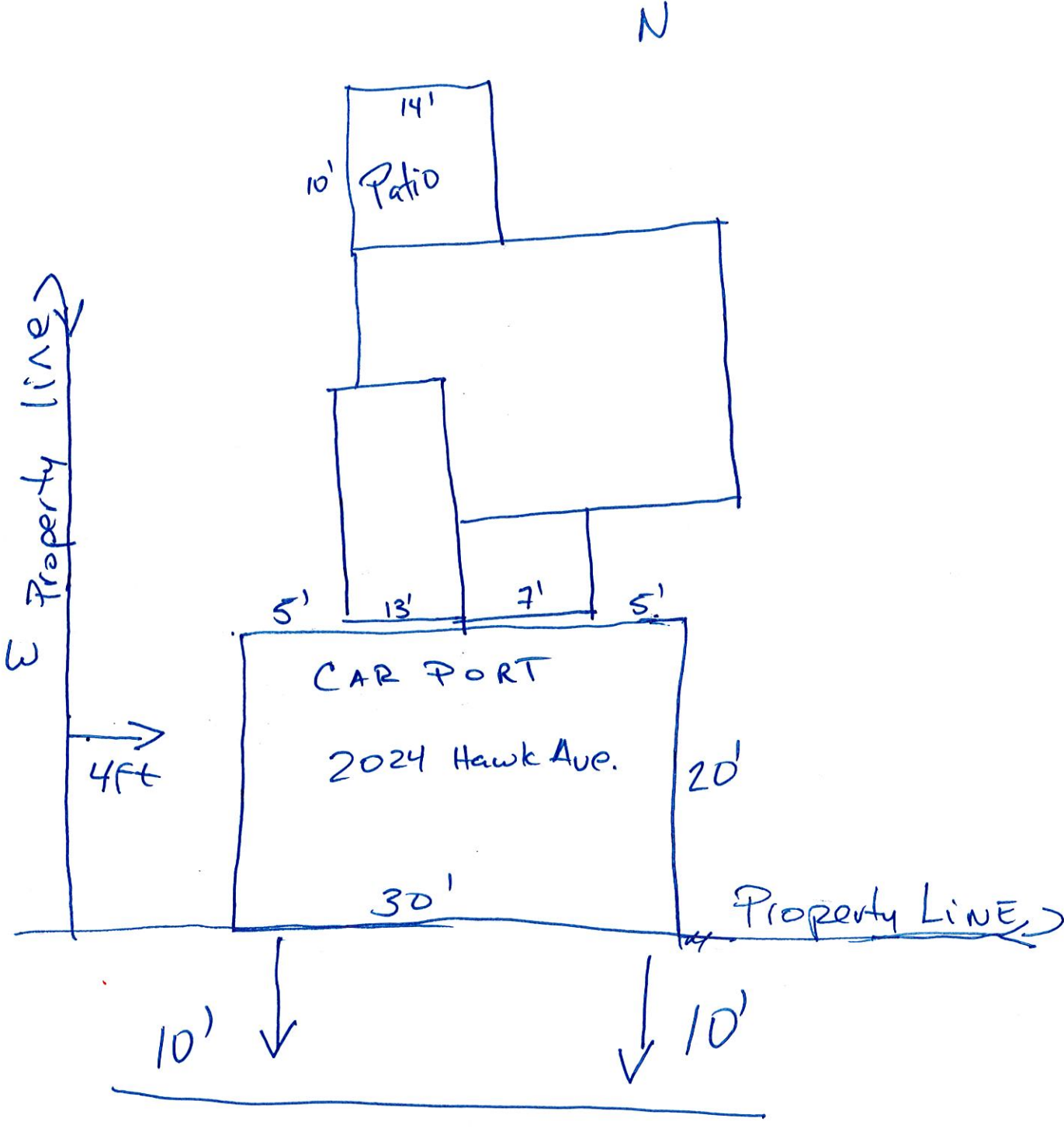
 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.





Hawk Avenue.

RECEIVED  
MAY 20 2020  
BY *MC* 4:53pm

5





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2020-0027



**Memo**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 9, 2020

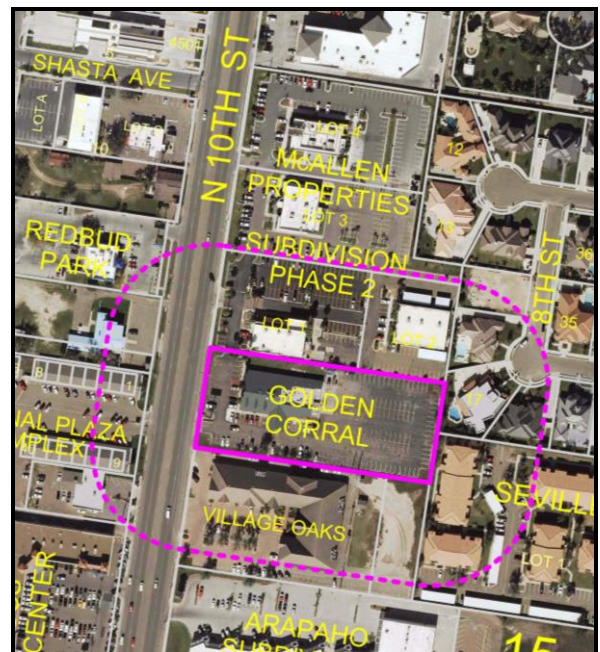
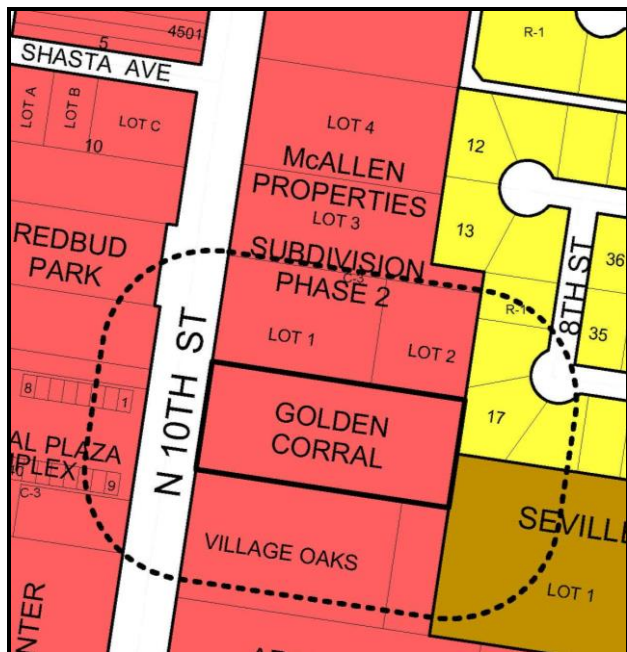
**SUBJECT: REQUEST OF FERNANDO MORALES FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE: TO ALLOW AN ENCROACHMENT OF 7 FT. INTO THE 12 FT. SIDE YARD SETBACK FOR A NEW BUILDING AT LOT 1, GOLDEN CORRAL SUBDIVISION, HIDALGO COUNTY, TEXAS; 4310 N. 10<sup>TH</sup> STREET. (ZBA2020-0028)**

**REASON FOR APPEAL:**

The applicant requests a variance to encroach 7 ft. into the 12 ft. side yard setback for a proposed new retail building. The applicant has indicated that building on the lot line would prevent them from having an exit on the north side of the building and providing the 12 ft. side yard setback would create issues with the parking lot layout to the south of the building.

**PROPERTY LOCATION AND VICINITY:**

The subject property is located on the east side of N. 10<sup>th</sup> Street, approximately 850 ft. north of Nolana Ave. The tract has 196 ft. of frontage along N. 10<sup>th</sup> Street with lot size of 99,960 square feet. The property is zoned C-3 (general business) District. Surrounding zoning is R-1 (single-family residential) District to the east, R-3A (multifamily apartment) District also to the east, and C-3 to the west and south.





**BACKGROUND AND HISTORY:**

Golden Corral Subdivision was recorded on July 30, 1991. The site is currently vacant and was previously the location of Golden Corral and the demolition permit was approved on March 18, 2019. An application for building permit has not been submitted.

**ANALYSIS:**

Request is to allow an encroachment of 7 ft. into the 12 ft. side yard setback for a new building. The applicant has stated that they will still provide the firewall even though they will be 5 ft. from the north property line and will also provide a buffer between the building and the north property line. The standard setback for C-3 is zero feet with a fire wall or half of the building height.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance as requested.



254 2020-0028



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

**Project**

Legal Description GOLDEN CORRAL LOT 1

Subdivision Name \_\_\_\_\_

Street Address 4310 N 10<sup>TH</sup> ST.

Number of lots 1 Gross acres 2.07

Existing Zoning C3 Existing Land Use COMMERCIAL

Reason for Appeal (please use other side if necessary) SEE NEXT PAGE

\$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 FERNANDO MORALES Phone 210-444-1051

Address 215-1 GROVETON ST. E-mail FERNANDO@CANARDSTUDIO.NET

City SAN ANTONIO State TX Zip 78210

**Owner**

Name FSAT REAL ESTATE HOLDINGS LTD. Phone 210-354-0690

Address P.O. BOX 10310 E-mail TACKL@MISSIONKS.COM

City SAN ANTONIO State TX Zip 78501-3706

**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.

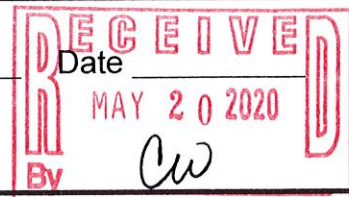
Signature [Signature] Date 5/19/20

Print Name FERNANDO MORALES  Owner  Authorized Agent

**Office**

Accepted by [Signature]

Payment received by \_\_\_\_\_



Rev 10/18

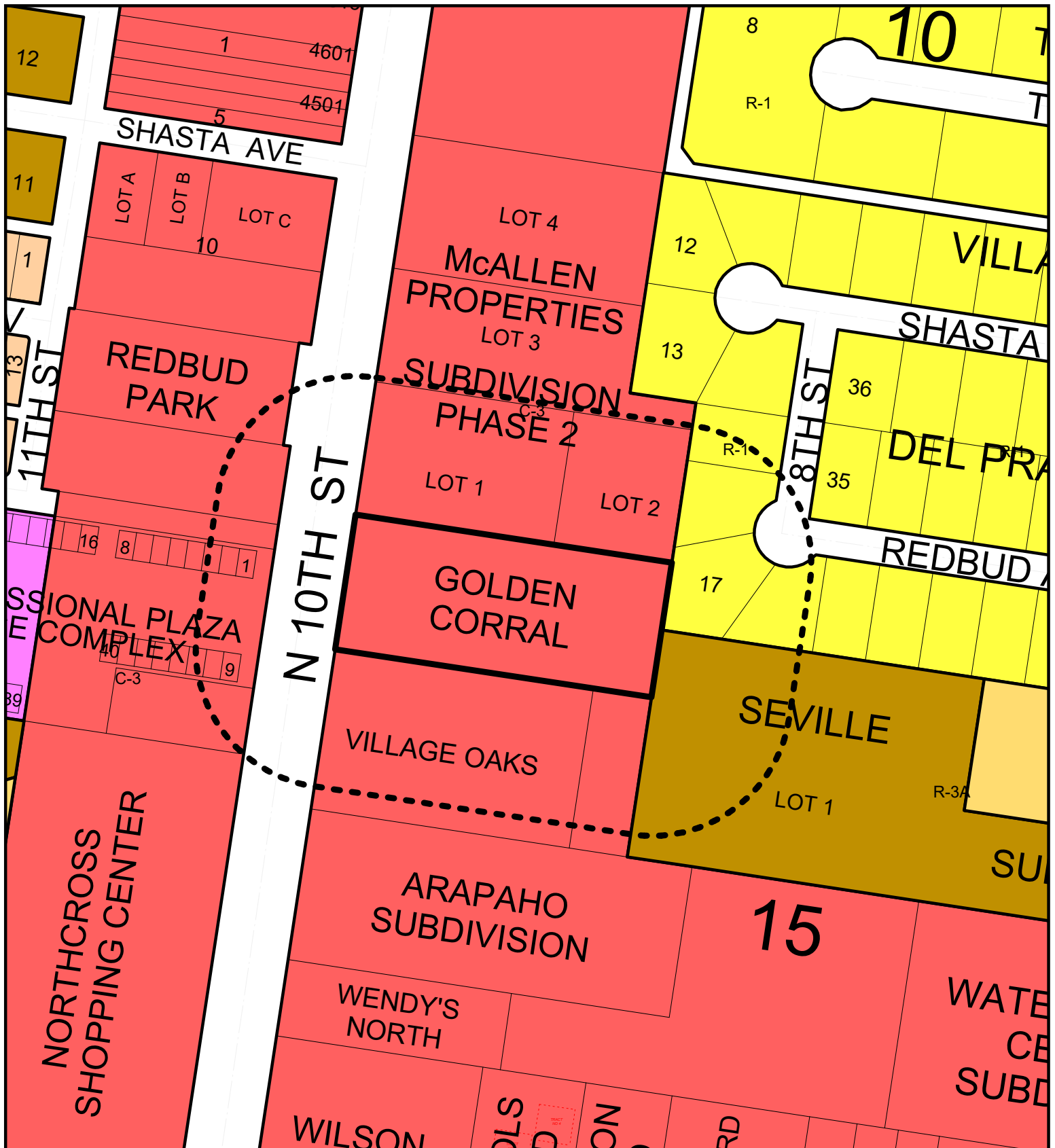
Act# 717162



Zoning code stipulates that side setbacks for the address in question are zero feet with a firewall or half the building height. At the north property line, we would prefer not to locate the building right on the property line. Doing so would prevent us from having an exit on the north side of the building. We would also like to maintain a buffer between the north building wall and the north property line. We would also prefer not to locate the building half the building height away from the north property line, which would be approximately twelve feet in our case. Doing so would encroach upon parking and driveway elements we have planned on the south side of the building.

Alternatively, we would like to propose placing the north wall of the building five feet from the north property line with the north wall of the building being a firewall. We feel this would be no more hazardous than the more extreme condition of being right on the property line with a firewall, which is already allowed by the zoning code.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY

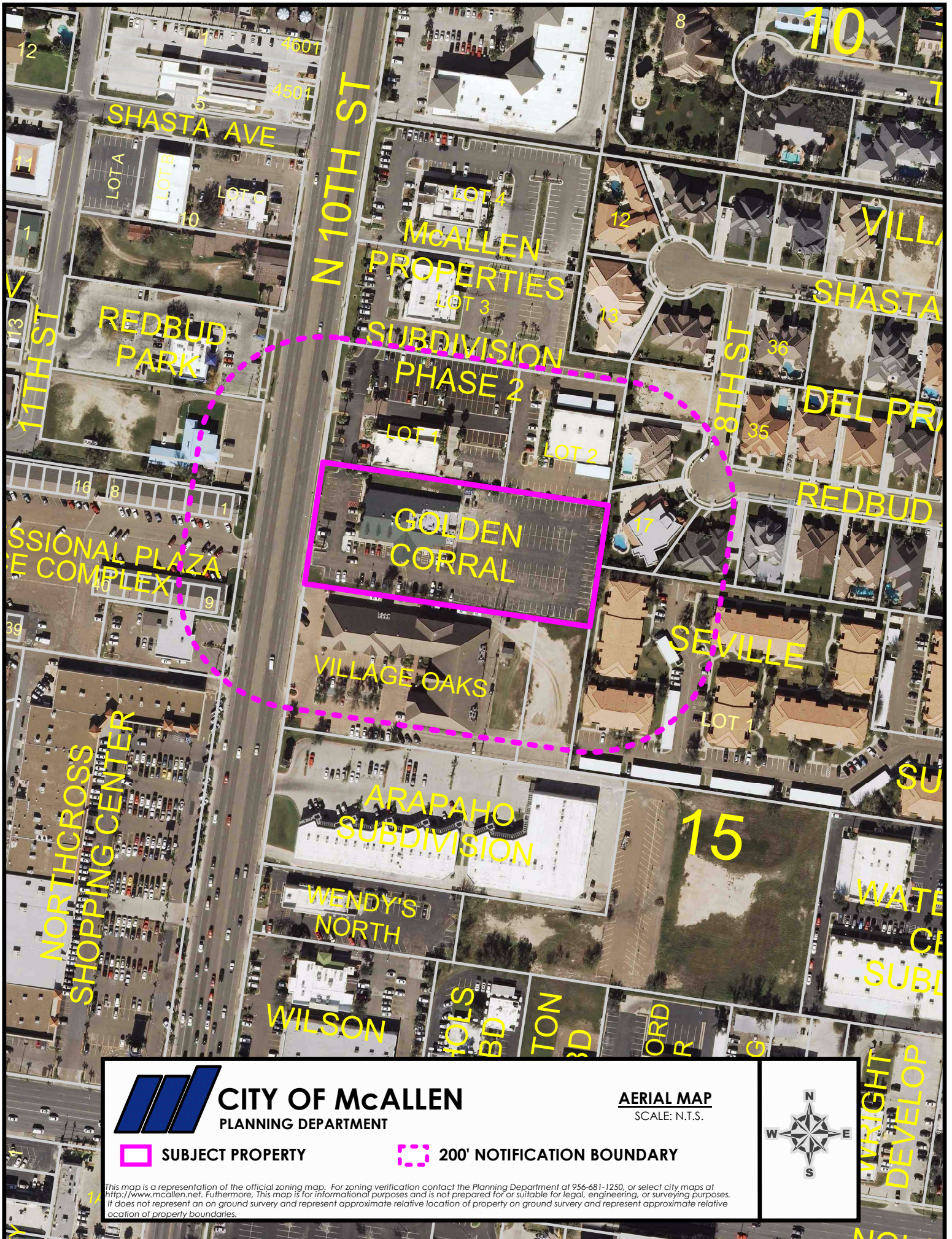
200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200' NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.

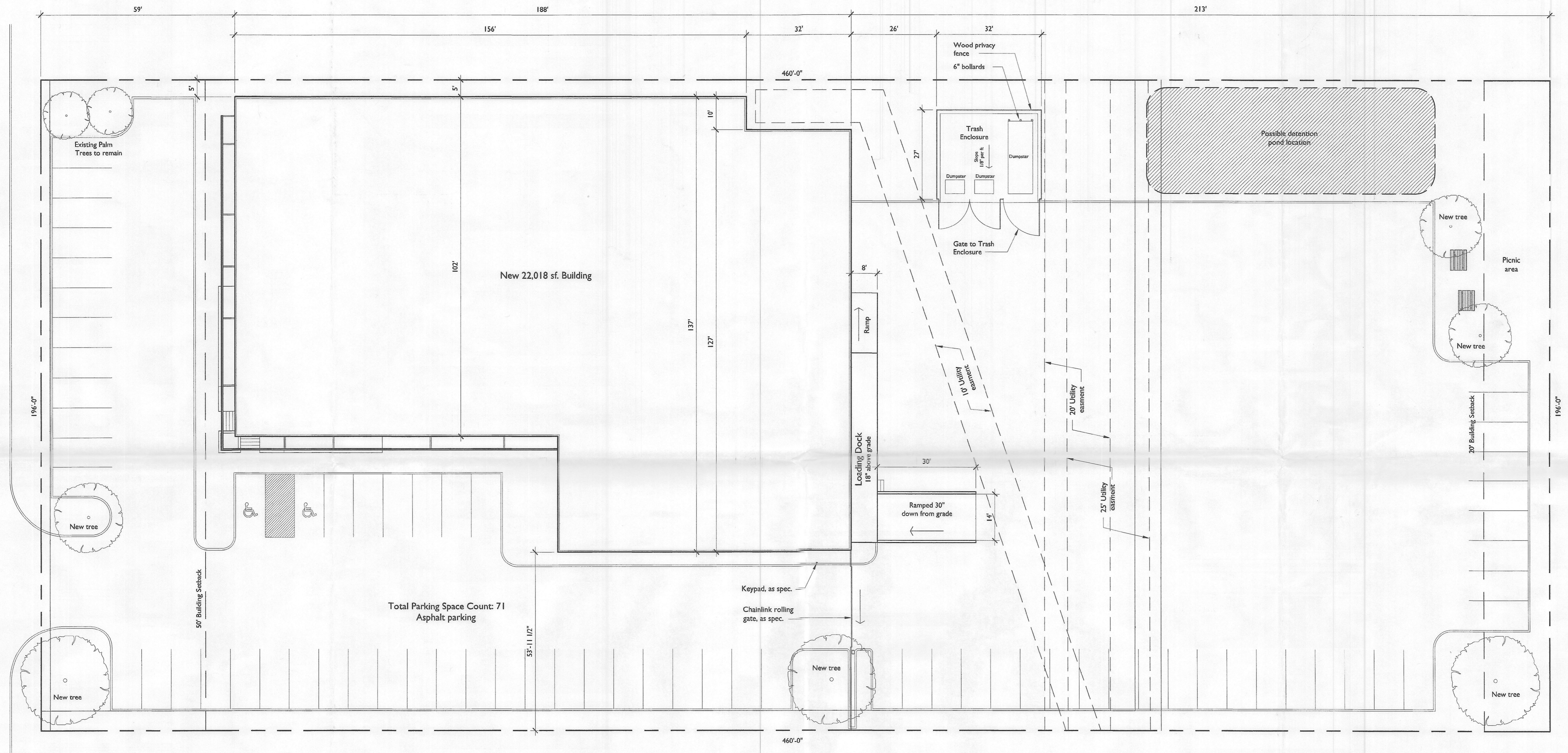


**MISSION RESTAURANT SUPPLY**  
 4310 N 10th Street, McAllen, TX 78504

Date: May 1, 2020  
 Revisions:

Sheet Contents:

Sheet No.



**SITE PLAN**  
 Scale: 1/16"=1'-0"

**PROJECT INFORMATION**

22,018 SQ. FT. = Commercial building

Width of Site = 196'-0"  
 Depth of Site = 460'-0"

C-3 General Business (City of McAllen, Texas)

Front Setback :	50'-0"
Side Setback :	None
Rear Setback :	20'-0"
Height of Building:	27'-0"

Number of Parking Spaces: 71  
 ADA Spaces Provided: 2

**LEGAL DESCRIPTION**  
 Golden Corral Lot 1

**ADDRESS**  
 4310 N 10th Street, McAllen, TX 78504

**BUILDING SF**  
 22,018 s.f.

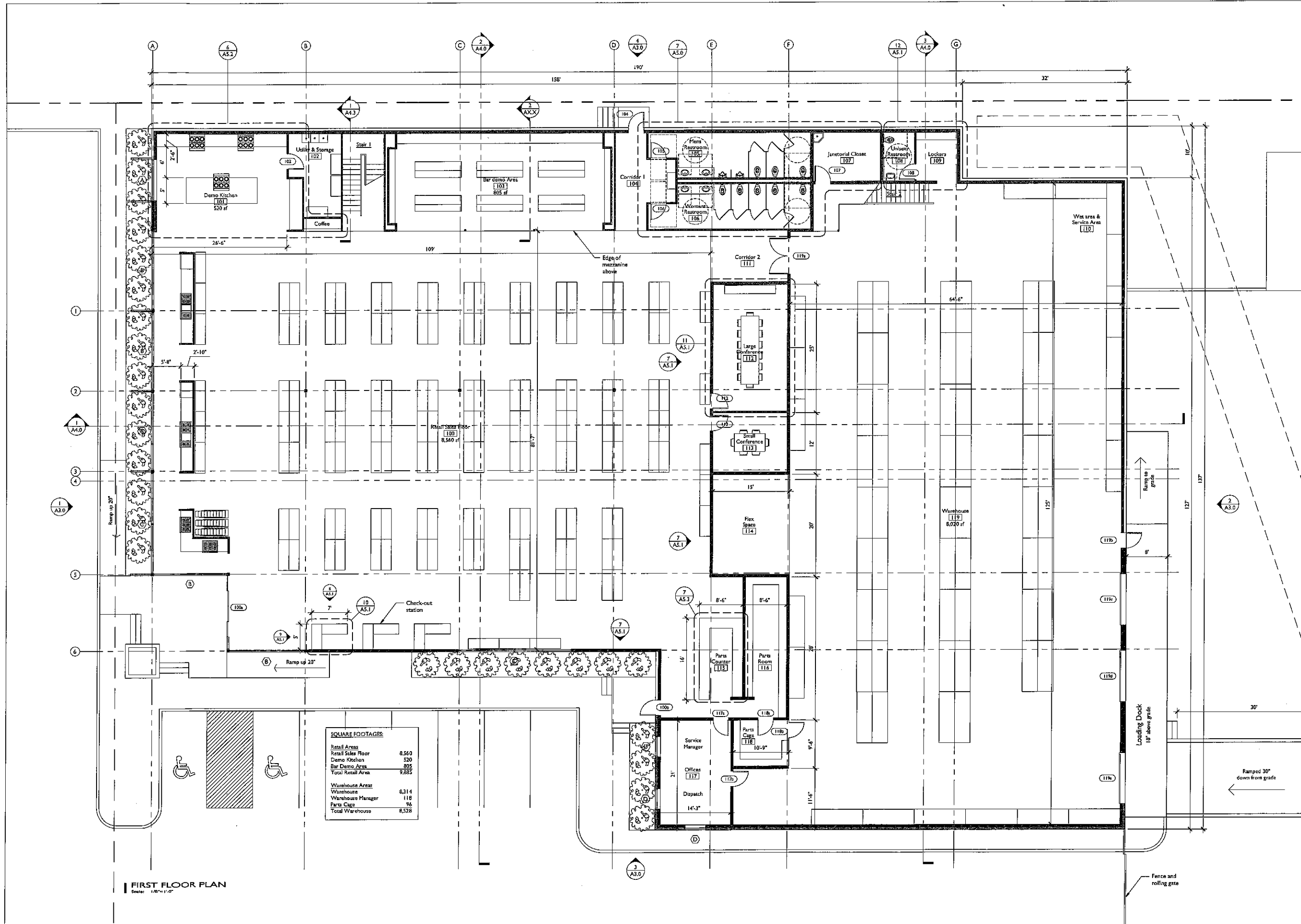
**PROPERTY SF**  
 90,142 s.f.

**OCCUPANCY**  
 Retail



NOT FOR REGULATORY  
APPROVAL, PERMITTING OR  
CONSTRUCTION

**MISSION RESTAURANT SUPPLY**  
4310 N 10th Street, McAllen, TX 78504



**SQUARE FOOTAGES**

<b>Retail Areas</b>	
Retail Sales Floor	8,560
Demo Kitchen	520
Bar Demo Area	805
<b>Total Retail Area</b>	<b>9,885</b>
<b>Warehouse Areas</b>	
Warehouse	6,314
Warehouse Manager	118
Parts Cage	96
<b>Total Warehouse</b>	<b>6,528</b>

**FIRST FLOOR PLAN**  
Scale: 1/8"=1'-0"

Date: May 20, 2020  
 Revisions:  
 Sheet Content:  
 • 1st Floor plan  
 Sheet No.  
**A2.0**



NOT FOR REGULATORY  
APPROVAL, PERMITTING OR  
CONSTRUCTION

MISSION RESTAURANT SUPPLY  
4310 N 10th Street, McAllen, TX 78504

Date: May 20, 2020

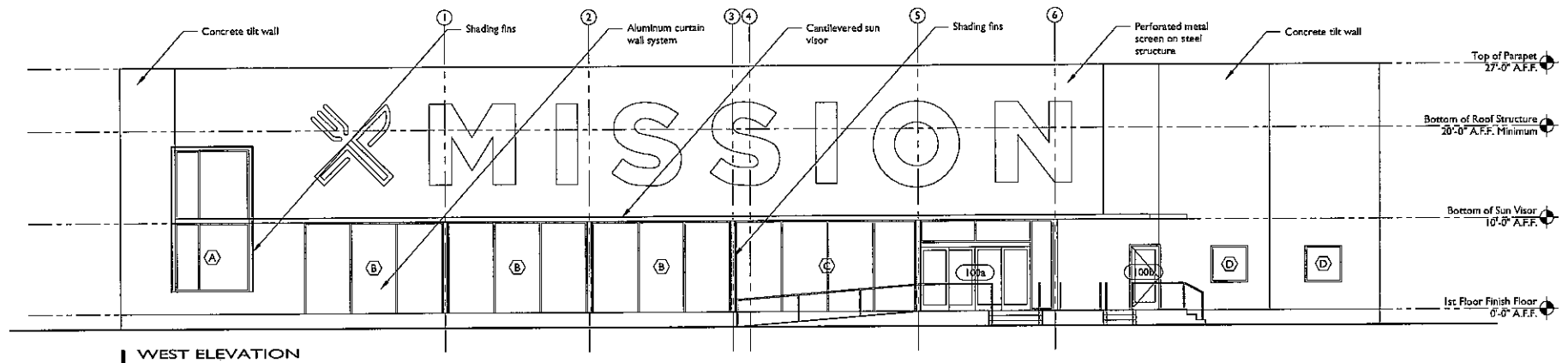
Revisions:


Sheet Contents:

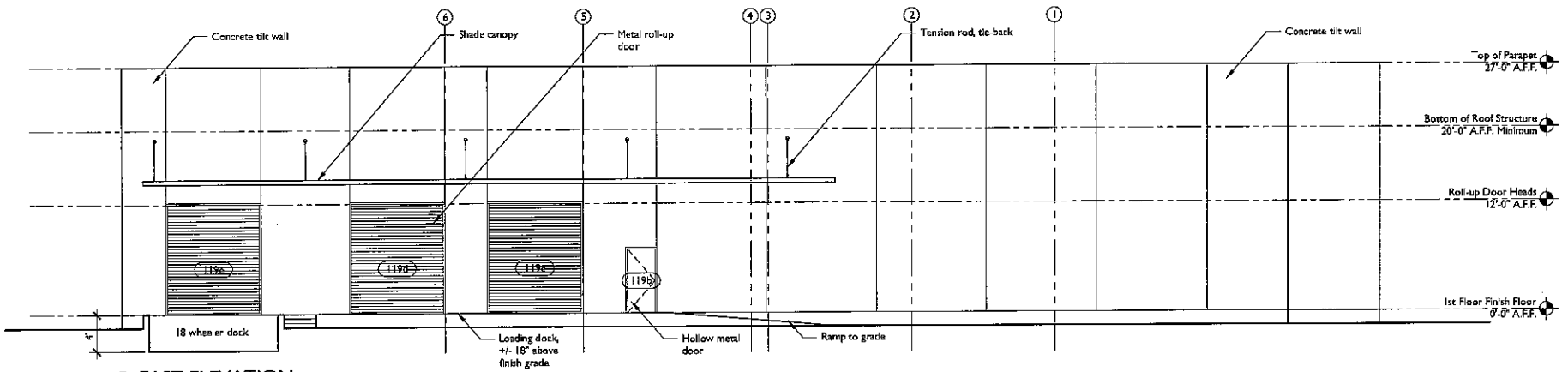
- Building elevations

Sheet No.

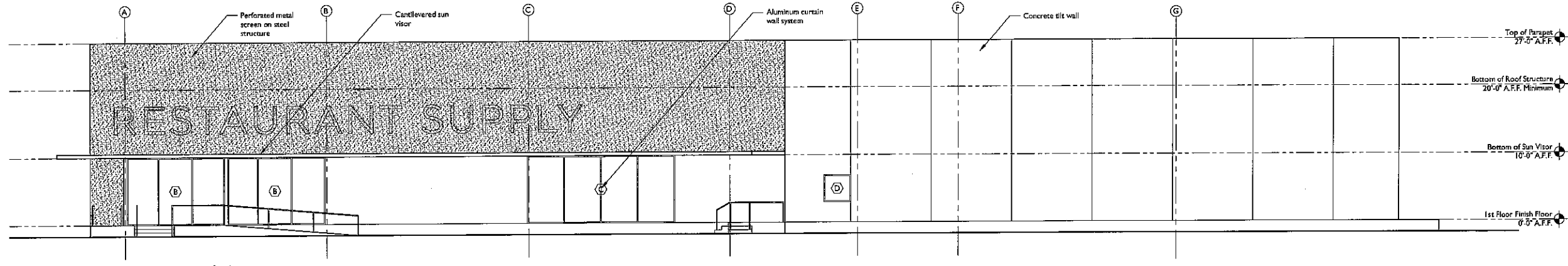
A3.0



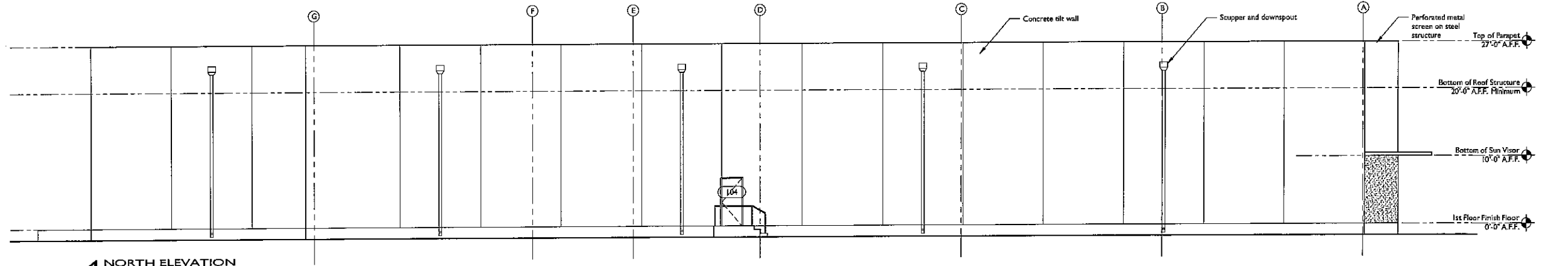
1 WEST ELEVATION  
Scale: 1/8"=1'-0"



2 EAST ELEVATION  
Scale: 1/8"=1'-0"

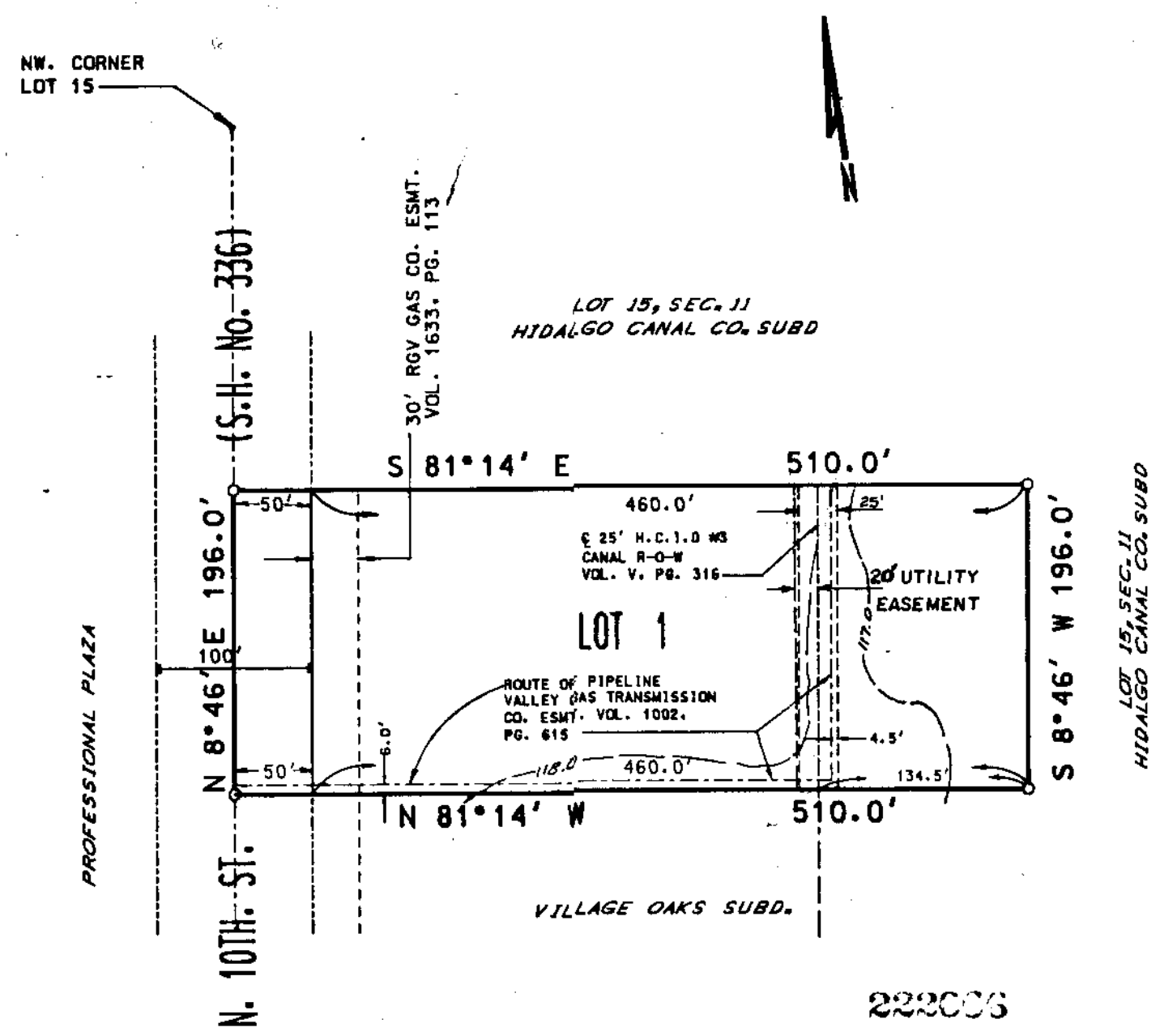


3 SOUTH ELEVATION  
Scale: 1/8"=1'-0"



4 NORTH ELEVATION  
Scale: 1/8"=1'-0"





- NOTES:**
1. MINIMUM FINISH FLOOR ELEVATION SHALL BE 24" ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF LOT.
  2. MINIMUM BUILDING SETBACK LINES SHALL BE AS FOLLOWS:  
FRONT: 50 FT. OR IN LINE WITH EXISTING BUILDINGS WHICHEVER IS GREATER  
REAR: 20 FT.  
SIDE: ACCORDING TO ZONING ORDINANCE AT TIME OF BUILDING PERMIT ISSUANCE.
  3. THIS PROPERTY FALLS IN ZONE "B" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #480343 0005, DATED 11-2-82.
  4. STORM WATER DETENTION OF 0.26 AC/FT IS REQUIRED FOR THIS SUBDIVISION.
  5. OWNER IS REQUIRED TO PROVIDE AN ENGINEERED DETENTION PLAN APPROVED BY THE ENGINEERING DEPT. PRIOR TO APPLICATION FOR BUILDING PERMIT.
  6. A 6' HIGH BUFFER MAY BE APPLICABLE FROM ANY ADJACENT RESIDENTIAL ZONE/USE.
  7. A 4' WIDE CONC. SIDEWALK REQUIRED ON 10th STREET

**MAP OF GOLDEN CORRAL SUBDIVISION**

McALLEN, TEXAS

BEING A 2.295 ACRE TRACT OF LAND OUT OF THE NORTH 1/2 OF LOT 15, SOUTHEAST 1/4, SECTION 11, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS.

PREPARED BY  
**FABIAN, NELSON & MEDINA, INC.**  
320 N. 15th ST.  
McALLEN, TEXAS

SCALE: 1" = 100' DATE: 5/17/91



APPROVED FOR RECORDING  
BY  
COMMISSIONERS' COURT  
This the 30<sup>th</sup> day of July 1991  
WILLIAM "BILLY" LEO, County Clerk  
Hidalgo County, Texas  
By \_\_\_\_\_ Deputy

STATE OF TEXAS  
COUNTY OF HIDALGO  
I, STEPHEN SPOOR, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT  
*Stephen Spoor*  
REGISTERED PROFESSIONAL ENGINEER  
P.E. REGISTRATION NO. 56752

APPROVED FOR RECORDING  
HIDALGO CO. PLANNING DEPT.  
BY: *Emilia Garcia*  
DATE: 7-30-91

STATE OF TEXAS  
COUNTY OF HIDALGO:  
I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SUBDIVISION TO THE CITY OF McALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATERLINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE), WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

*Arthur Charles Neidhart*  
ARTHUR CHARLES NEIDHART  
4310 N. 10TH ST.  
McALLEN, TEXAS 78503

*Bernman Augustus Neidhart*  
BERNMAN AUGUSTUS NEIDHART  
4310 N. 10TH ST.  
McALLEN, TEXAS 78503

STATE OF TEXAS  
COUNTY OF HIDALGO:  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE NAMED PERSONS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS TIME 10<sup>th</sup> DAY OF July, 1991

*William Kelly*  
WILLIAM KELLY  
NOTARY PUBLIC

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

*Plinio C. Medina*

STATE OF TEXAS  
COUNTY OF HIDALGO:  
I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR #1590 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

*Plinio C. Medina*  
PLINIO C. MEDINA  
REGISTERED PUBLIC SURVEYOR  
McALLEN, TEXAS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

*Wm. W. ...*  
MAYOR, CITY OF McALLEN

THIS PLAT APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO. 3 ON THIS 14<sup>th</sup> DAY OF July, A.D. 1991  
*Glenn ...*  
SECRETARY  
*Glenn ...*  
PRESIDENT

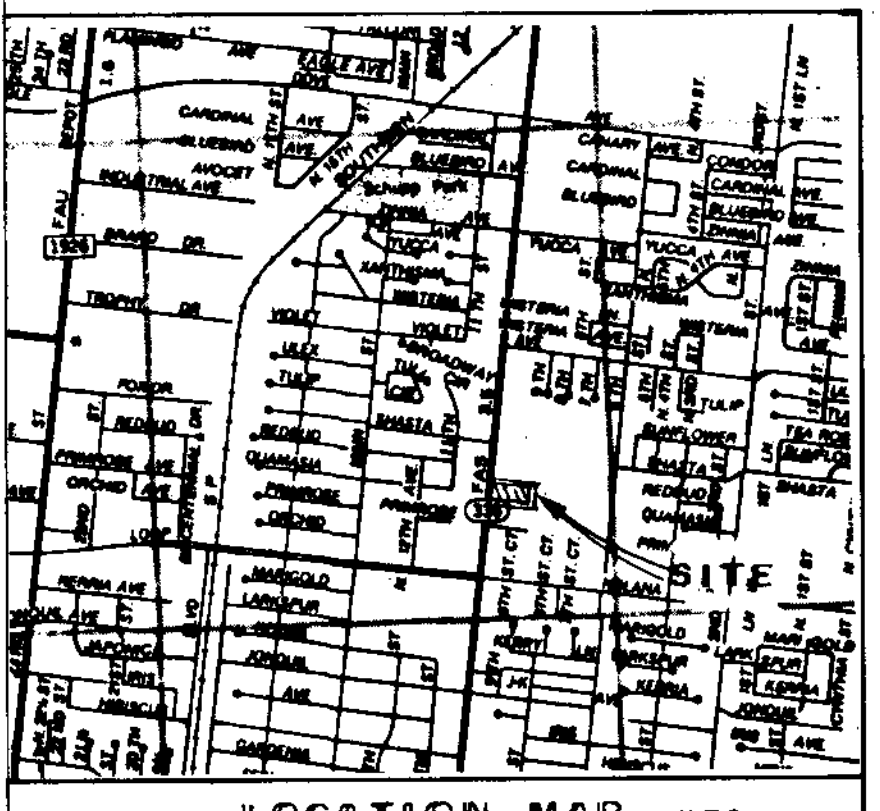
DEVELOPER:  
G.C. DEVELOPMENT CORP.  
P.O. BOX 29502  
RALEIGH N.C. 27612

2450  
301991  
*Amel*

Recorded in Book 27 Page 51A  
Hidalgo County records of Hidalgo  
Surveyors

48-A:2295bcc.ld  
FIELD NOTES FOR SURVEY OF A 2.295 AC TRACT OF LAND OUT OF THE NORTH 1/2 OF LOT 15, S.E. 1/4, SECTION 11, HIDALGO CANAL CO.'S SUBDIVISION, HIDALGO COUNTY, TX.

BEGINNING at a point on the West line of Lot 15, South 8 Deg. 46' West, 232.0 ft from the NW corner of Lot 15, for the NW corner of the following described tract of land; said point located in N. 10th St. (SH 8336):  
THENCE, parallel to the North line of Lot 15, South 81 Deg. 14' East, at 50.0 ft pass an iron pin found on the East line of N. 10th St., at 375.5 ft pass an iron pin found at the SE corner of a certain 20 acre tract and at 510.0 ft set an iron pin for the NE corner hereof;  
THENCE, parallel to the West line of Lot 15, South 8 Deg. 46' West, 196.0 ft. to an iron pin for the SE corner hereof;  
THENCE, parallel to the North line of Lot 15, North 81 Deg. 14' West, 134.5 ft. to an iron pin found at the NE corner of Village Oak Subdivision, McAllen, Texas, for a point on the South line hereof;  
THENCE, with the North line of said Village Oak Subdivision, North 81 Deg. 14' West, at 325.5 ft. pass an iron pin found on the East line of N. 10th St., and at 375.5 ft. a point on the West line of Lot 15, for the SW corner hereof;  
THENCE, with the West line of Lot 15, in N. 10th St., North 8 Deg. 46' East, 196.0 ft. to the PLACE OF BEGINNING. Containing 2.295 acres of land, more or less, of which the West 50.0 ft. comprising 0.225 acre, lies in N. 10th St. (S.H. 8336) and the West 25.0 ft. of the East 147.0 ft., comprising 0.112 acre, lies in Hidalgo County Water District 83 canal easement.







NOTED VIOLANCE  
IN THE PROPERTY  
OF THE CITY OF MIAMI



MEMO

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** May 28, 2020

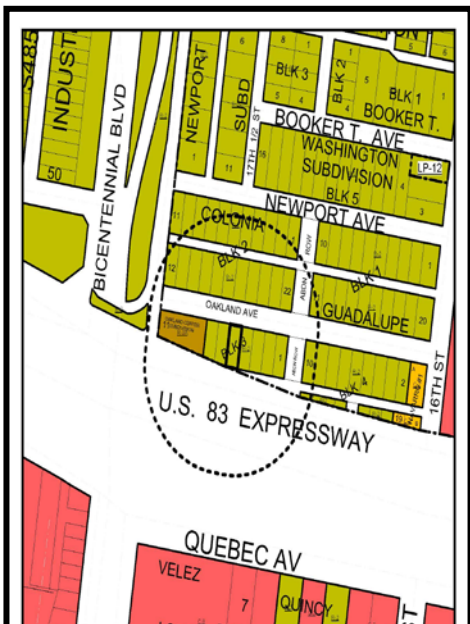
**SUBJECT: REQUEST OF SOFIA GARZA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16.5 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE WITH A PORCH, AT LOT 5, BLOCK 3, AMENDED MAP OF COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1709 OAKLAND AVENUE. (ZBA2020-0012)(TABLED 05/06/20)**

**REASON FOR APPEAL:**

The applicant is requesting a variance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing wooden porch measuring 5 ft. by 22ft. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks. The Hidalgo County Appraisal District shows that a canopy was built in 2017. A contractor performed the work and the applicant was unaware that a building permit had not been obtained for the work.

**PROPERTY LOCATION AND VICINITY:**

The property is located along the south side of Oakland Avenue. The lot has 30 ft. of frontage along Oakland Avenue with a depth of 80 ft. for a lot size of 2,400 square feet. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zonings is R-2 District to the north, east, and west. R-3A (multifamily residential) District at the north east corner of Bicentennial and U.S. Expressway 83. Surrounding land uses include single-family homes and an apartment complex.





**BACKGROUND AND HISTORY:**

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. Building Inspection Department records show that staff issued a stop work order on July 2018. A building permit application was submitted on July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020.

**ANALYSIS:**

The variance request is for an existing wooden porch measuring 5 ft. by 22 ft. that is encroaching into the 20 ft. front yard setback. There is no utility and irrigation easement shown on the plat. The applicant is requesting an encroachment of 16.5 ft. in the 20 ft. front yard setback for the wooden porch.

Measurements shown on the site plan are without the benefit of a survey.

The Planning Department has not received any calls in opposition of the request.

**RECOMMENDATION:**

Staff recommends the request be tabled in order to allow the applicant time to submit a revised site plan.



ZBOA  
4-1-20

# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

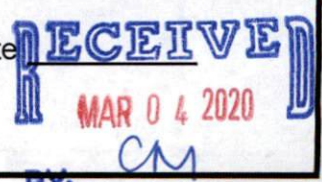
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description	<u>Col. Guadalupe lot 5 block k 3</u>	
	Subdivision Name	<u>Col. Guadalupe</u>	
	Street Address	<u>1709 OAKLAND AVE</u>	
	Number of lots	<u>1</u>	Gross acres _____
	Existing Zoning	<u>R2</u>	Existing Land Use <u>Residencia</u>
Reason for Appeal (please use other side if necessary) _____			
<u>La razón que pasó un señor y le ofrecio a hacerlo</u>			
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			

<b>Applicant</b>	Name	<u>SOFIN GARZA</u>	Phone	<u>956 (616-3440)</u>
	Address	<u>1709 OAKLAND AVE</u>	E-mail	<u>limit W. A</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>

<b>Owner</b>	Name	<u>S A M E</u>	Phone	_____
	Address	_____	E-mail	_____
	City	_____	State	_____ Zip _____

<b>Authorization</b>	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?	
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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	<u>SOFIN GARZA</u> Date <u>03-04-20</u>
Print Name	<u>SOFIN GARZA</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	

<b>Office</b>	Accepted by	<u>L.G.</u>	Payment received by	_____	Date	_____
	Rev 10/18					





# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

mi mama que tiene 81 años hacer el porche y mi mamá no sabía que se tenía que sacar un permiso y como ella le gusta estar afuera para tener sombra y no sabía que tenía que dejar 20 pies de la línea propiedad enfrente en donde está el porche y por eso dejó el espacio de 3.5 pies

Board Action

Chairman, Board of Adjustment  
Signature

Date



P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

102586  
 PERMIT APPLICATION REFERENCE NUMBER RES2018-04491

APPLICANT

NAME SOFIA GARTA PHONE 956-616-3440  
 ADDRESS 1709 OAKLAND  
 CITY McAllen STATE TX ZIP 78501  
 CONTACT NAME: \_\_\_\_\_ PHONE \_\_\_\_\_  
 OWNER  CONTRACTOR  TENANT  OTHER

OWNER

NAME SOFIA GARTA PHONE 956 616 3440  
 ADDRESS 1709 OAKLAND \*EMAIL: \_\_\_\_\_  
 CITY McAllen REQ'D \_\_\_\_\_  
 STATE TX ZIP 78501

\*OWNER INFORMATION NOT PROVIDED, INITIAL:

NEW  ADDITION  REMODELING  REPAIR  MOVE  REMOVE \_\_\_\_\_ BLDG. HGT. \_\_\_\_\_ NO. OF FLOORS \_\_\_\_\_

BLDG SQ. FT. 115 NO. PARKING SPACES \_\_\_\_\_ SQ. FT. LOT \_\_\_\_\_ LOT FRONT \_\_\_\_\_ FLOOR EL ABOVE CURB \_\_\_\_\_

EXISTING USE OF LOT \_\_\_\_\_ NEW USE \_\_\_\_\_ IMPROVEMENT VALUE \$ 400<sup>00</sup> 1.00 \*

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS \_\_\_\_\_ NO BDRMS \_\_\_\_\_ NO BATHRMS \_\_\_\_\_ SQ. FT. NON-LIVING \_\_\_\_\_ SQ. FT. LIVING \_\_\_\_\_

- |   |   |                                       |   |
|---|---|---------------------------------------|---|
| <b>FOUNDATION</b>                       | <b>EXT WALL</b>                         | <b>ROOF</b>                           | <b>SPECIAL CONDITIONS</b>                           |
| <input type="checkbox"/> CONCRETE SLAB  | <input type="checkbox"/> MASONRY VENEER | <input type="checkbox"/> WOOD SHINGLE | <input type="checkbox"/> FIRE SPRINKLER SYSTEM      |
| <input type="checkbox"/> CONCRETE PIER  | <input type="checkbox"/> MASONRY SOLID  | <input type="checkbox"/> COMPOSITION  | <input type="checkbox"/> FIRE ALARM SYSTEM          |
| <input type="checkbox"/> CONCRETE BLOCK | <input type="checkbox"/> METAL SIDING   | <input type="checkbox"/> METAL        | <input type="checkbox"/> TYPE OF CONSTRUCTION _____ |
| <input type="checkbox"/> CONCRETE BEAM  | <input type="checkbox"/> COMPOSITION    | <input type="checkbox"/> BUILD UP     | <input type="checkbox"/> ASBESTOS SURVEY            |
| <input type="checkbox"/> WOOD POSTS     | <input type="checkbox"/> WOOD           |                                       | <input type="checkbox"/> EABPRJAV#: _____           |
| <input type="checkbox"/> _____          | <input type="checkbox"/> _____          | <input type="checkbox"/> _____        | <input type="checkbox"/> CONDEMNED STRUCTURE        |

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
 SITE ADDRESS ST. NO. 1709 ST. NAME Oakland

CITY USE ONLY

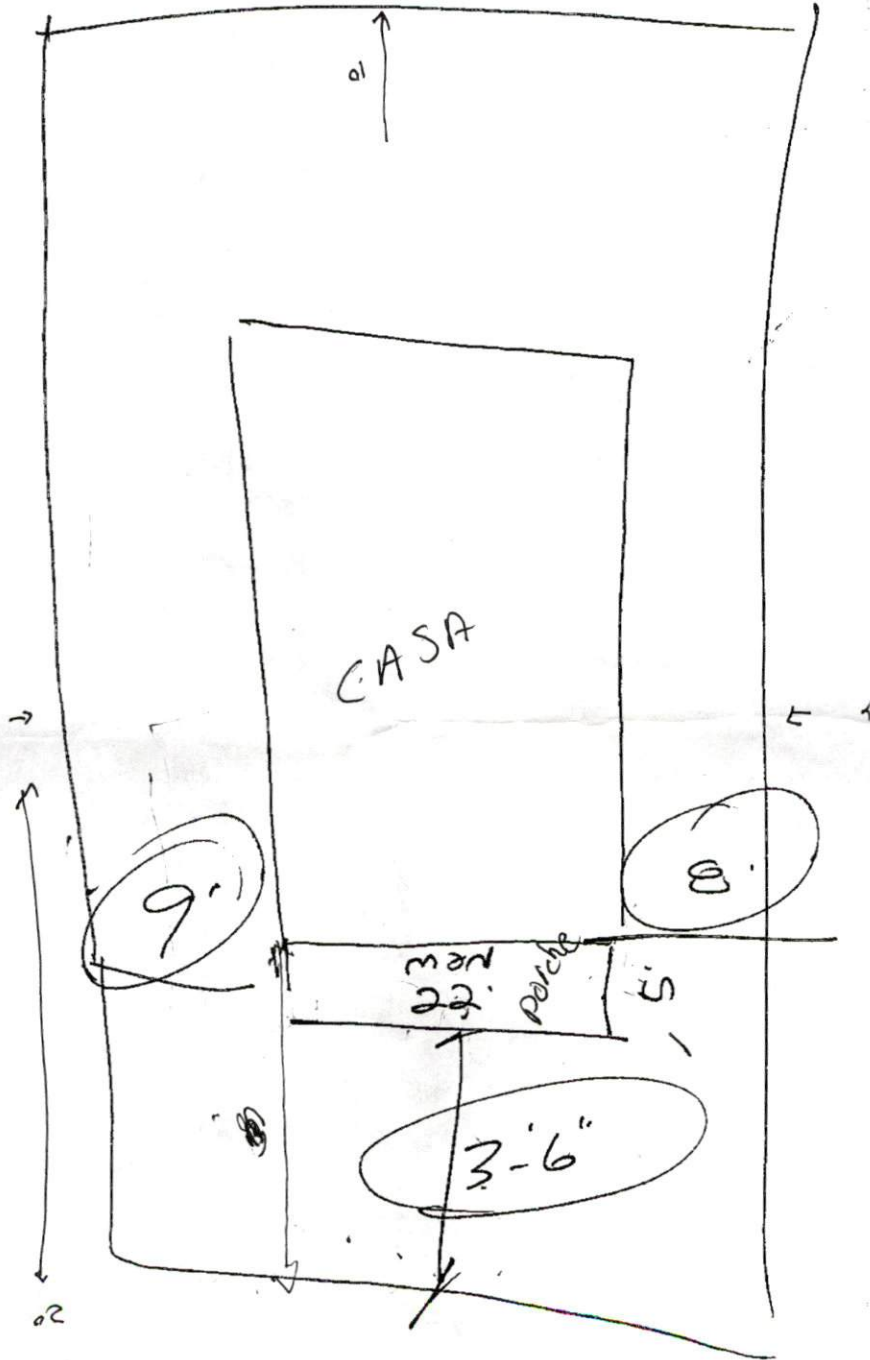
ZONING \_\_\_\_\_ PERMIT FEE \$ 48<sup>00</sup> DOUBLE FEE \$ 0 REC'D BY [Signature]  
 PERMIT REVIEW FEE \$ \_\_\_\_\_ DATE 7-18-18  
 PARK DEV.  TOTAL PERMIT FEE \$ 9<sup>00</sup> TIME \_\_\_\_\_  
 ZONE # \_\_\_\_\_ PARK DEVELOPMENT FEE \$ \_\_\_\_\_

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

SOFIA GARTA PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE 07-16-18 DATE  
 EMAIL ADDRESS (required) \_\_\_\_\_

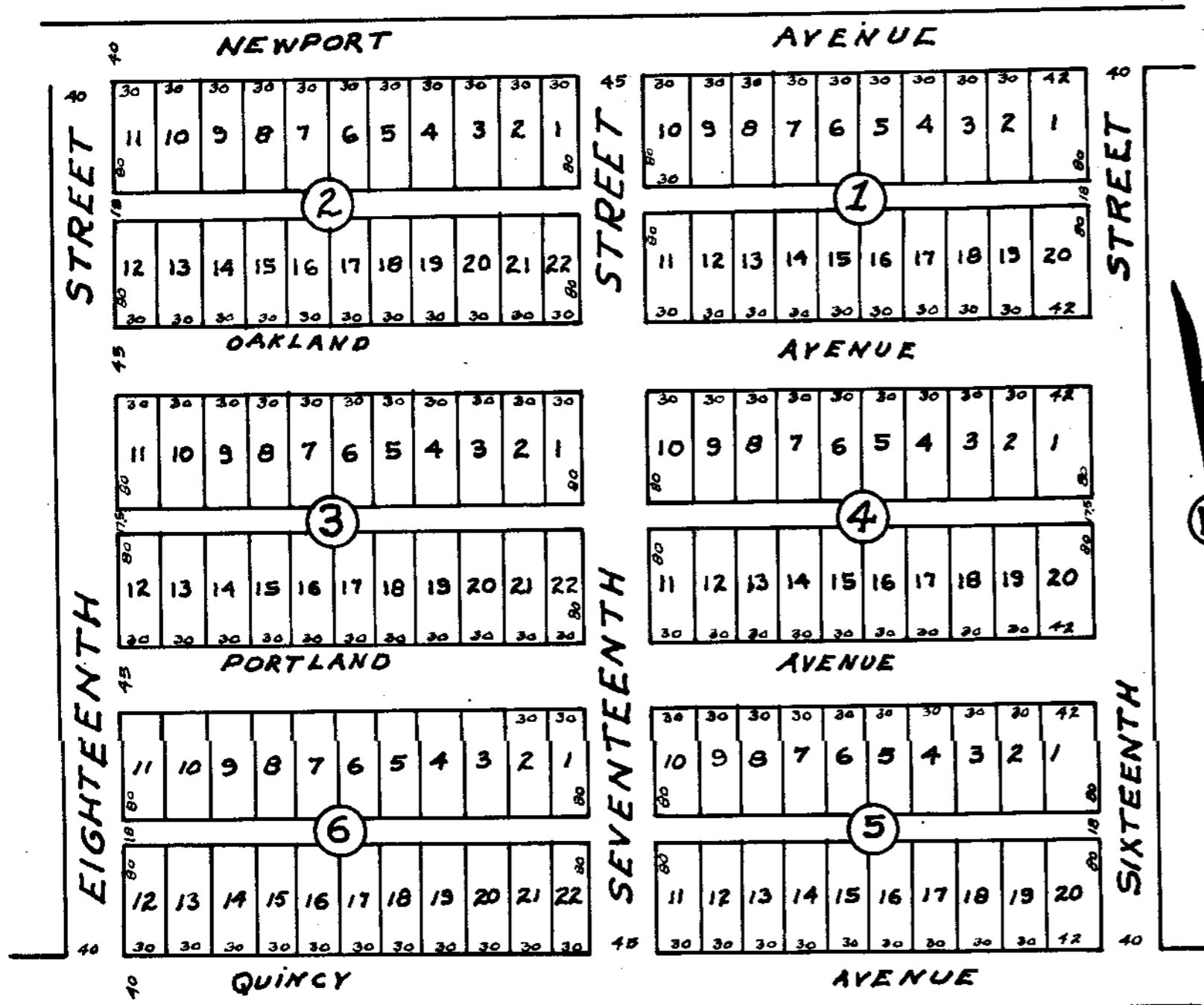


X Sofia Garza  
07-17-18



DAKLAND AVENUE  
SOFIA GARZA  
03-04-20





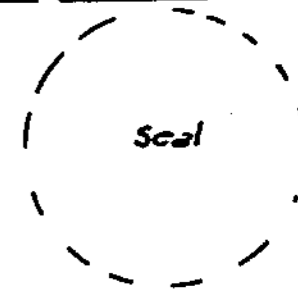
AMENDED  
**MAP**  
 OF  
**COLONIA GUADALUPE**  
 BEING A SUBDIVISION  
 OF  
 LOT 13 N.W. 1/4 SECTION 7  
 HIDALGO CANAL COMPANY'S SUBDIVISION  
 OF  
 - PORCIONES 64-65 & 66 -  
 HIDALGO COUNTY TEXAS  
 Scale 1"=100ft

I, E. M. Card, a Surveyor do hereby Certify that the foregoing Map of Colonia Guadalupe Being a Subdivision of Lot 13 N.W. 1/4 Section 7 Hidalgo Canal Company's Subdivision of Porciones 64, 65 & 66 Hidalgo County, Texas is a true and Correct Plat of said lands as Surveyed and Subdivided by me this 28<sup>th</sup> day of February 1944

E. M. Card  
 SURVEYOR.

Subscribed and Sworn to before me this 29<sup>th</sup> day of March, 1944

C. D. Martin  
 C. D. MARTIN  
 Notary Public in and for Hidalgo County, Texas



We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, held on the 5<sup>th</sup> day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City of McAllen, was duly approved by the Commissioners of said City and ordained that same may be recorded in the Map Records of Hidalgo County Texas

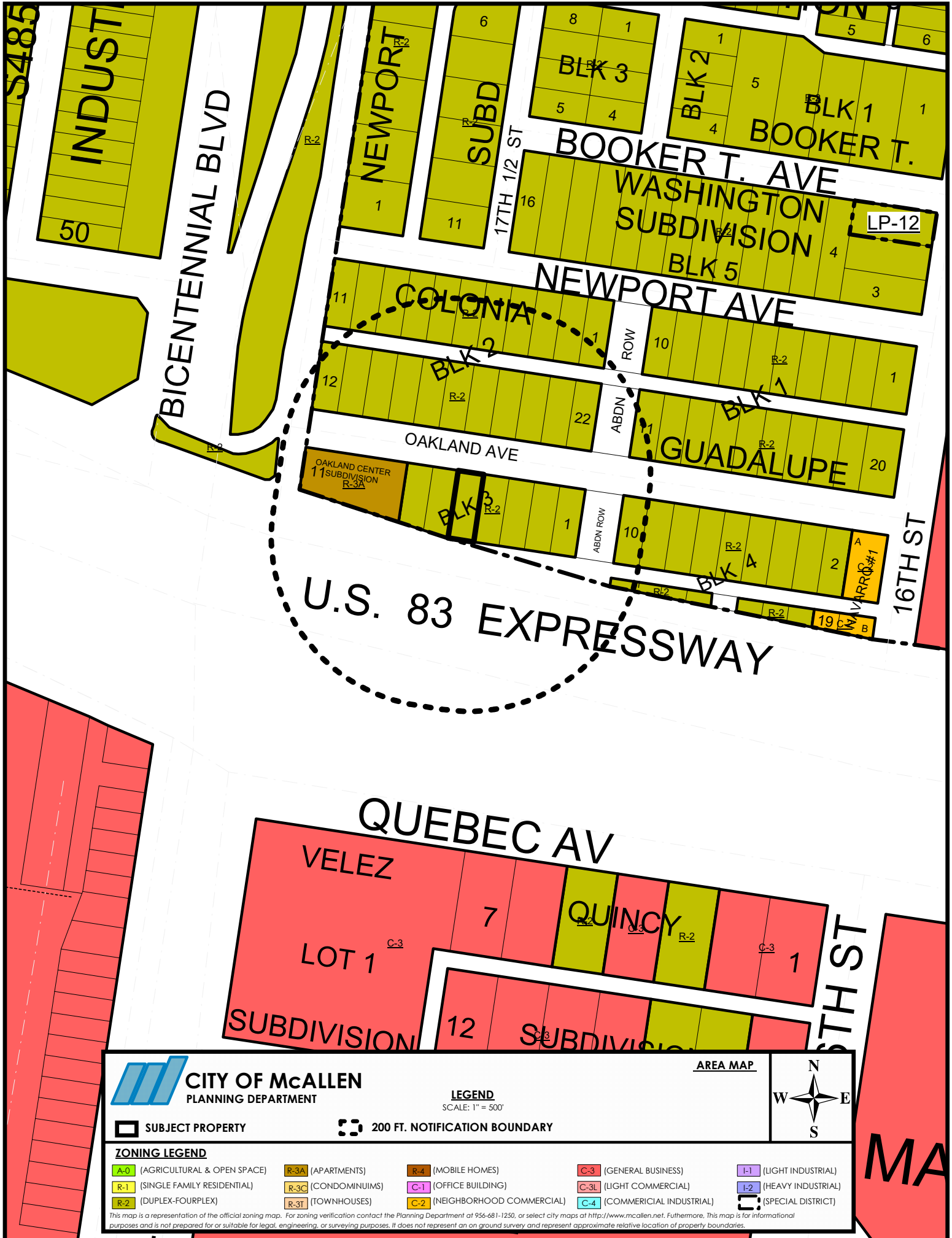
Witness our hands and Seal of City this 5<sup>th</sup> day of April 1944

Man Drosal  
 City Secretary

Lorace Etchison  
 Mayor

Filed July 28, 1944 at 11:00 A.M

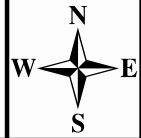




**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**  
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalLEN.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



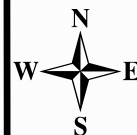


**CITY OF McALLEN**  
PLANNING DEPARTMENT



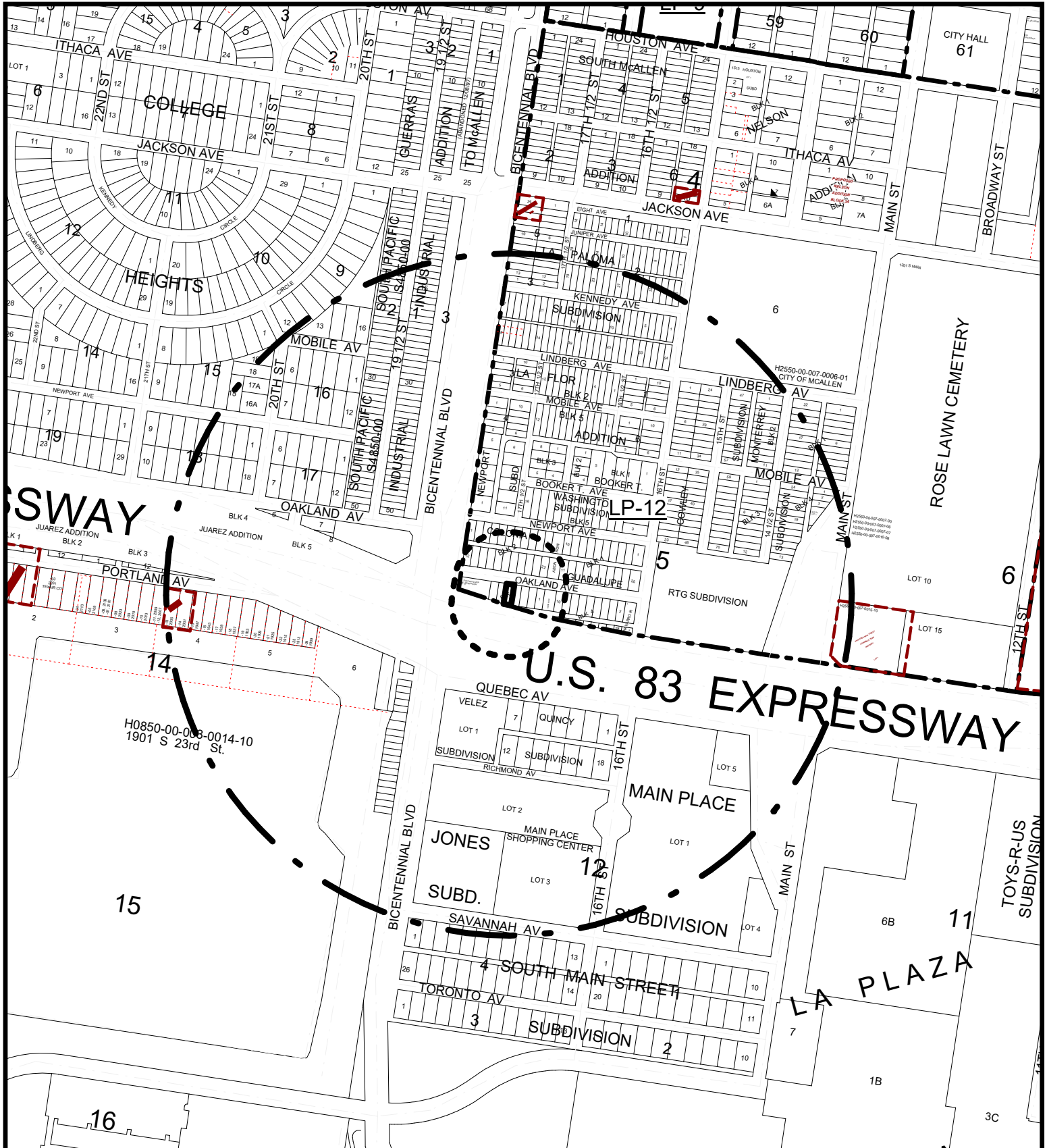
**SUBJECT PROPERTY**


**AERIAL MAP**  
SCALE: N.T.S.



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



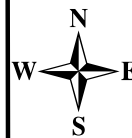






**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

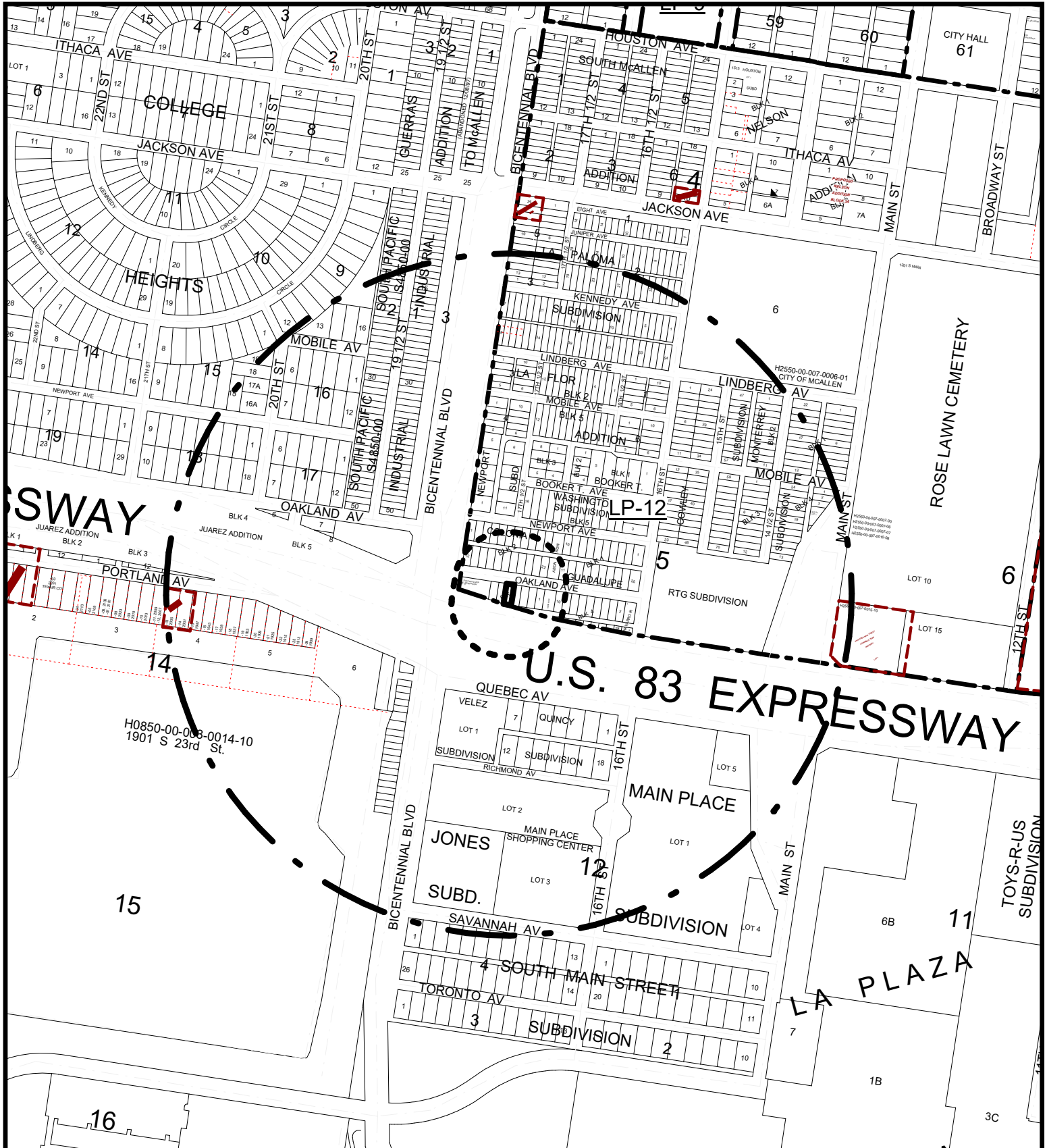
 **1/4 MILE RADIUS**


**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	SD (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



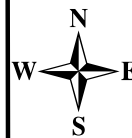






**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**



 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	SD (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0012

1709



## Memo

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 11, 2020

**SUBJECT: REQUEST OF U.S. RAGS, INC. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) 22 PARKING SPACES INSTEAD OF THE REQUIRED 36 PARKING SPACES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT., AND 2) AN ENCROACHMENT OF 10 FT. INTO THE 15 FT. SIDE YARD SETBACK ALONG THE NORTH AND SOUTH PROPERTY LINES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT. AT 0.99 ACRE TRACT OF LAND OUT OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2621 SOUTH 23RD STREET. (ZBA2020-0013).**

---

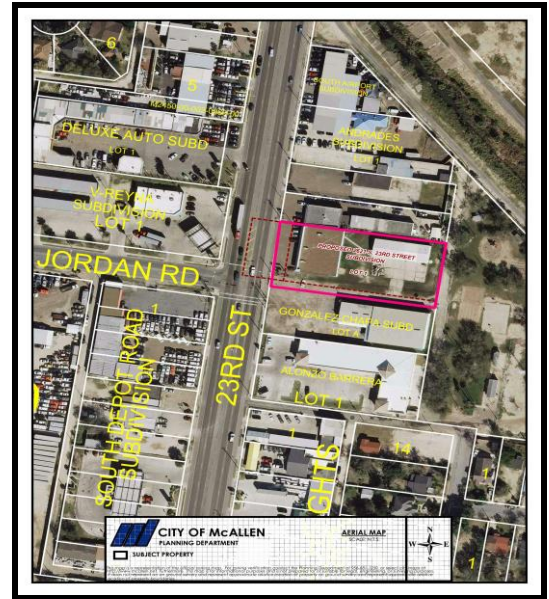
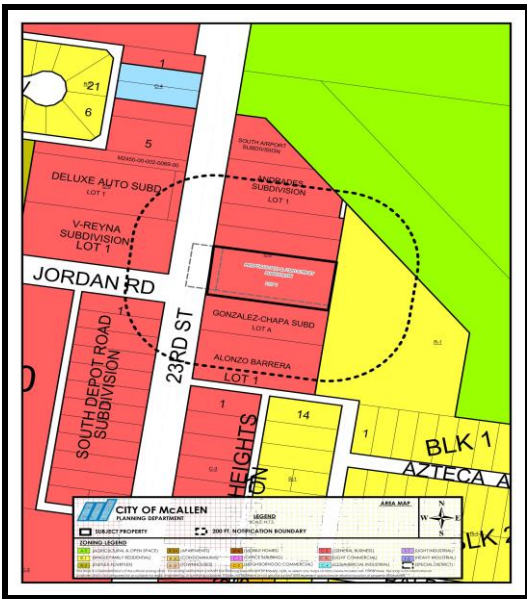
**REASON FOR APPEAL:** The applicant is requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 22 parking spaces instead of the required 36 parking spaces for a commercial building. The applicant states the basis for this request is that at any given time only 3 or 4 parking spaces are used by customers and office personnel. The applicant is also requesting a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the required side yard setback of 15 ft. on the north and south side of the property. The basis for the request to encroach into the side yard setbacks is that a 5 ft. utility easement prevents construction to the lot line as allowed by the Zoning Ordinance

**PROPERTY LOCATION AND VICINITY:** The property is located on the east side of South 23<sup>rd</sup> Street at the intersection with Jordan Road, and is zoned C-3 (general business) District. Surrounding areas are zoned C-3 District to the north, south and west, and R-1 (single family residential) District to the east.

**BACKGROUND AND HISTORY:** A subdivision plat for this property under the name of, "2621 South 23<sup>rd</sup> Street Subdivision" was approved in final form at the Planning and Zoning Board meeting of March 10, 2020.

**ANALYSIS:** The applicant is proposing to build a 13,000 sq. ft. commercial building for retail use on the subject property. As per Section 138-395, the ordinance states four parking spaces are required for the first 400 sq. ft. of floor area plus one parking space for each additional 400 sq. ft. of floor area for commercial use. Based on the square footage of the proposed commercial building, 36 parking spaces are required and 22 parking spaces are proposed. The shortage of parking spaces could create stacking issues on South 23<sup>rd</sup> Street, and also parking issues with customers using parking spaces from neighboring businesses.





The applicant is also requesting a variance to allow an encroachment of 10 ft. into the required 15 ft. side setback on the north and south side of the property. A general note on the proposed subdivision plat indicates that the proposed side yard setbacks will have be in accordance with the Zoning Ordinance or greater for easements. The proposed subdivision plat also indicates that there are 5 ft. utility easements along the north and south property lines. Section 138-356 (11) of the Zoning Ordinance indicates that side yard setbacks in commercial areas from all lot lines shall be one foot back for each two feet in height including corner lots, except a building may be built to a lot line when not adjacent to a residential zone and where a firewall is provided between uses. The proposed building will be 30 ft. in height; hence, required side setbacks will be 15 ft. The proposed 5 ft. utility easements along the side of the property prevent the proposed building from being constructed to the lot line. A letter submitted by the applicant indicates that he is willing to provide a firewall if the 5 ft. setback variance is approved. The utility easements will not be impacted by the proposed commercial building.

No calls or emails have been received in opposition.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception, and approval of the variance request.



ZBA2020.0013

ZBOA  
4-15-20



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

<b>Project</b>	Legal Description	<u>0.99 AC o/o LOT 18, BIK. 3,</u> <u>C.R. HAMMOND'S SUBD., H.C.T</u>	
	Subdivision Name	<u>2621 S. 23<sup>RD</sup> ST. SUBD.</u>	
	Street Address	<u>2621 S. 23<sup>RD</sup> ST., McALLEN</u>	
		Number of lots <u>1</u>	Gross acres <u>0.99</u>
	Existing Zoning	<u>C-3</u>	Existing Land Use <u>C-3</u>
	Reason for Appeal (please use other side if necessary)	<u>ALL PARKING REQ NOT</u> <u>NEEDED / INCREASED SETBACK REDUCES PARKING</u> <u>REQ.</u>	
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)		
	<input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required <u>SITE PLAN (EXHIBIT "B")</u>		

<b>Applicant</b>	Name	<u>U.S. RAGS, INC.</u>	Phone	<u>713-805-4546</u>
	Address	<u>303 S. 66<sup>TH</sup> ST.</u>	E-mail	<u>MAIL@BIGSTARMCNT.COM</u>
	City	<u>HOUSTON</u>	State	<u>TX</u> Zip <u>77011</u>

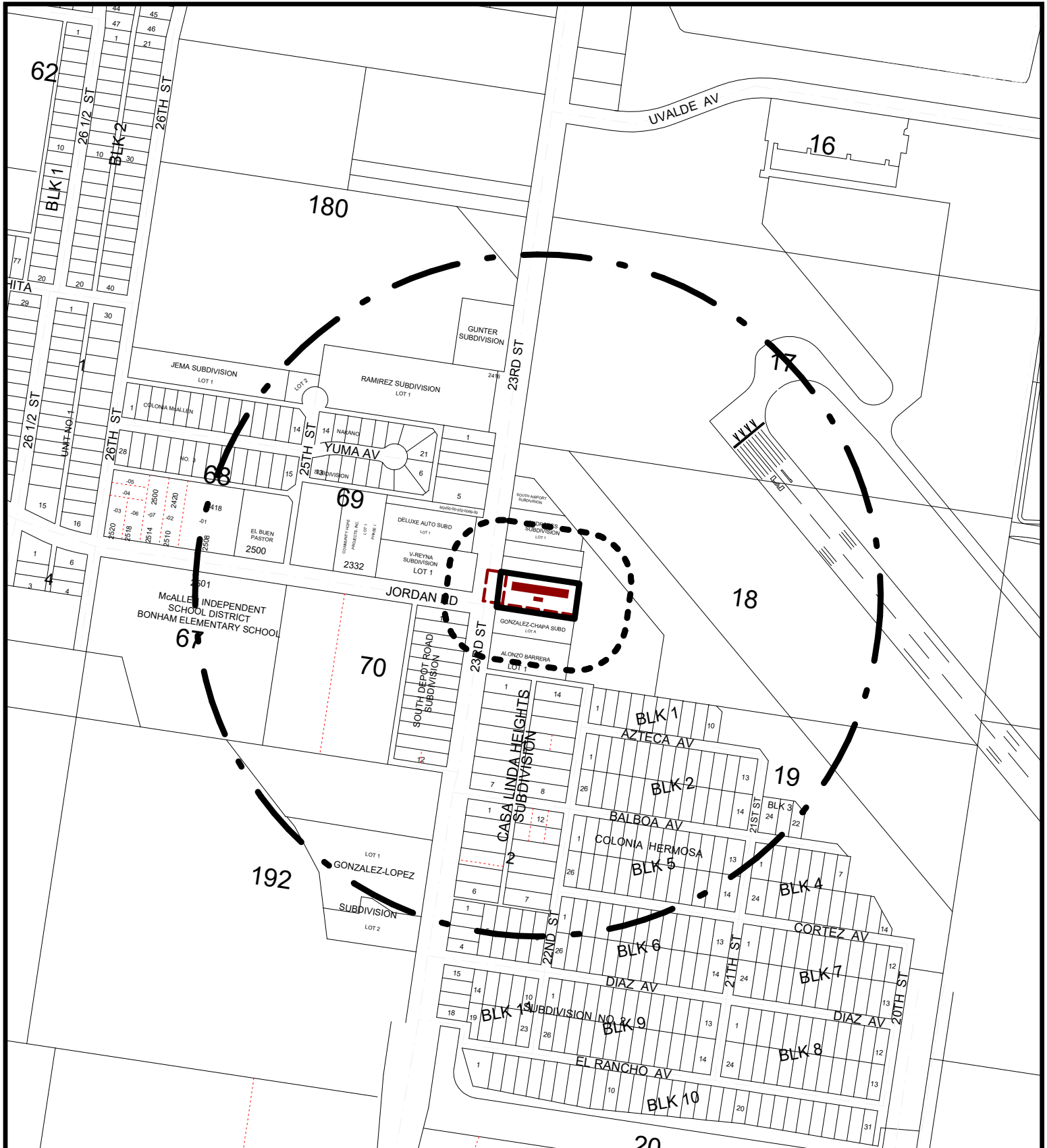
<b>Owner</b>	Name	<u>SAME AS APPLICANT</u>		
	Address	_____ E-mail _____		
	City	State	Zip	


<b>Authorization</b>	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?	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	<u>[Signature]</u> Date <u>3/9/20</u>
	Print Name <u>DAVID O. SALINAS</u>	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent

<b>Office</b>	Accepted by _____	Payment received by _____
	Rev 10/18 <u>Cb</u>	 BY: <u>[Signature]</u>

Ret#703923



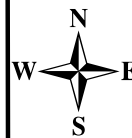






**CITY OF McALLEN**  
PLANNING DEPARTMENT


**LEGEND**  
SCALE: 1" = 500'

**AREA MAP**




 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**

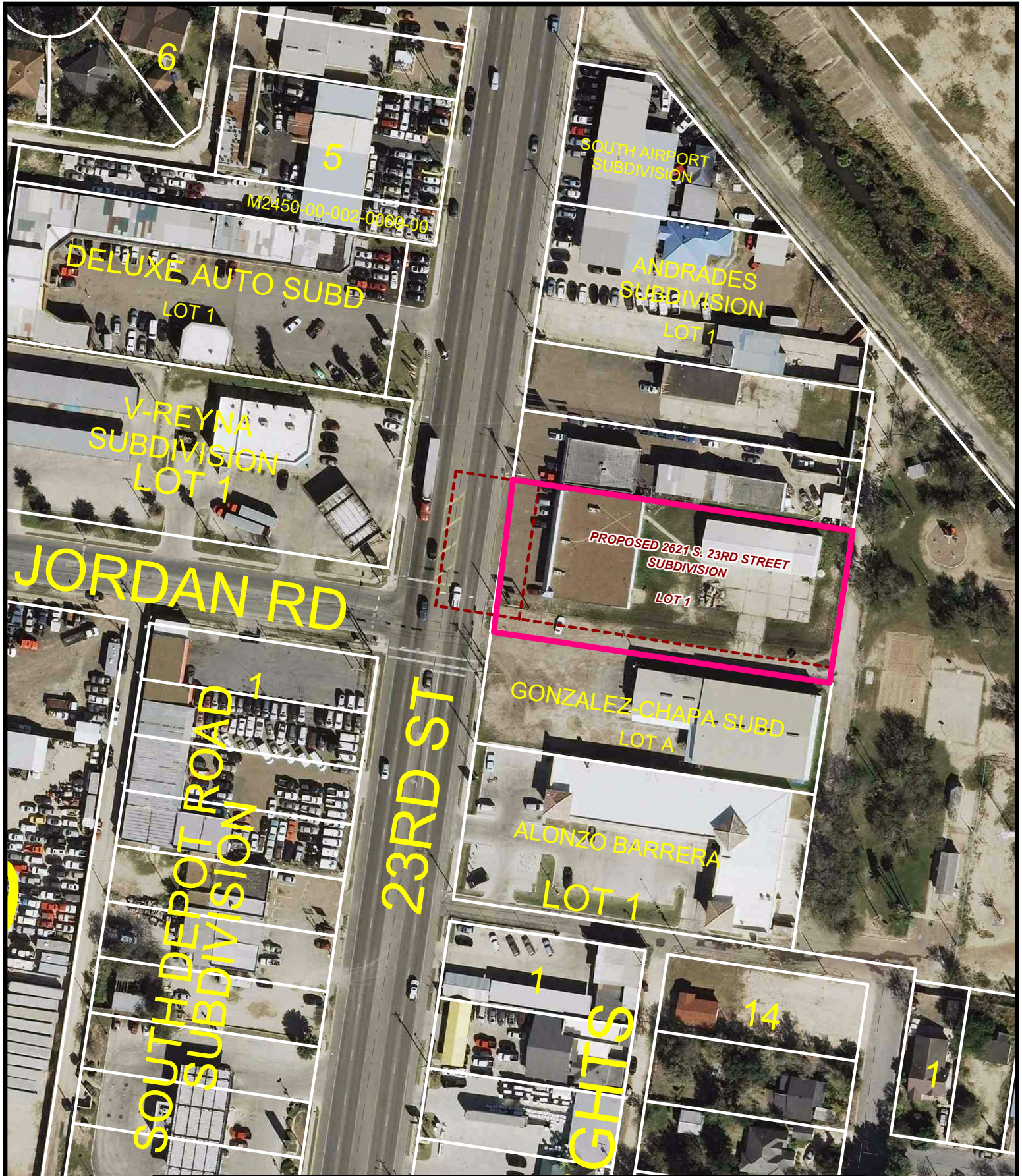
 **1/4 MILE RADIUS**

**ZONING LEGEND**

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.






**CITY OF McALLEN**  
PLANNING DEPARTMENT

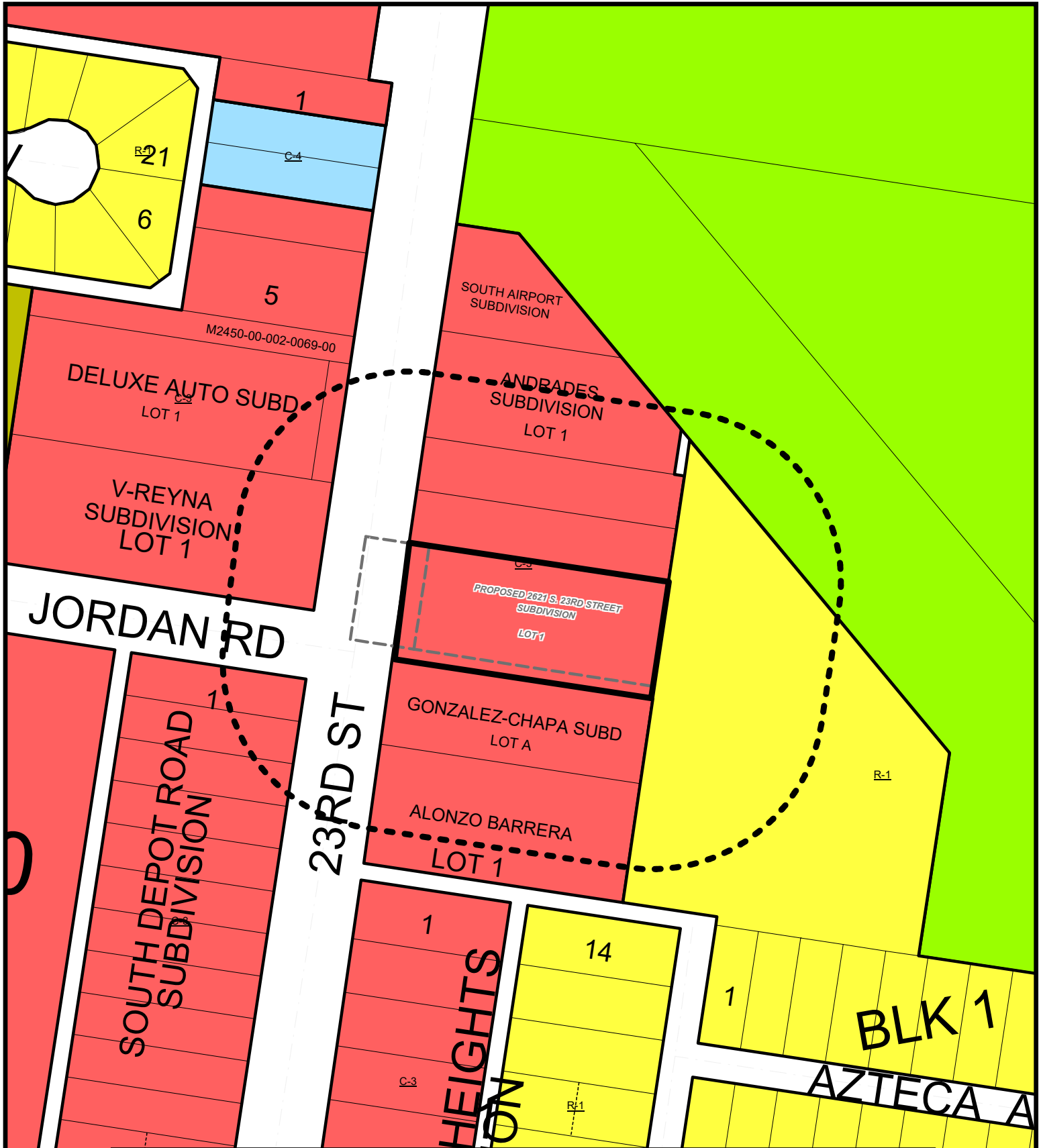
 **SUBJECT PROPERTY**


**AERIAL MAP**  
SCALE: N.T.S.



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.








**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLEX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)
			I-1 (LIGHT INDUSTRIAL)
			I-2 (HEAVY INDUSTRIAL)
			SD (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcalen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



2221 S. 23rd Street

**SALINAS ENGINEERING & ASSOCIATES**  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL AVE. - MCALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1489 (FAX)  
dsalinas@salinasengineering.com  
TEPLS 12100 PARK 35 ORACLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78573 (512) 239-5263

**METES AND BOUNDS DESCRIPTION**

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT:

(1) THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (X/DOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF MCALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0 FOOT STRIP OF LAND CONVEYED TO THE CITY OF MCALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT A, GONZALEZ-CHAPA SUBDIVISION, MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

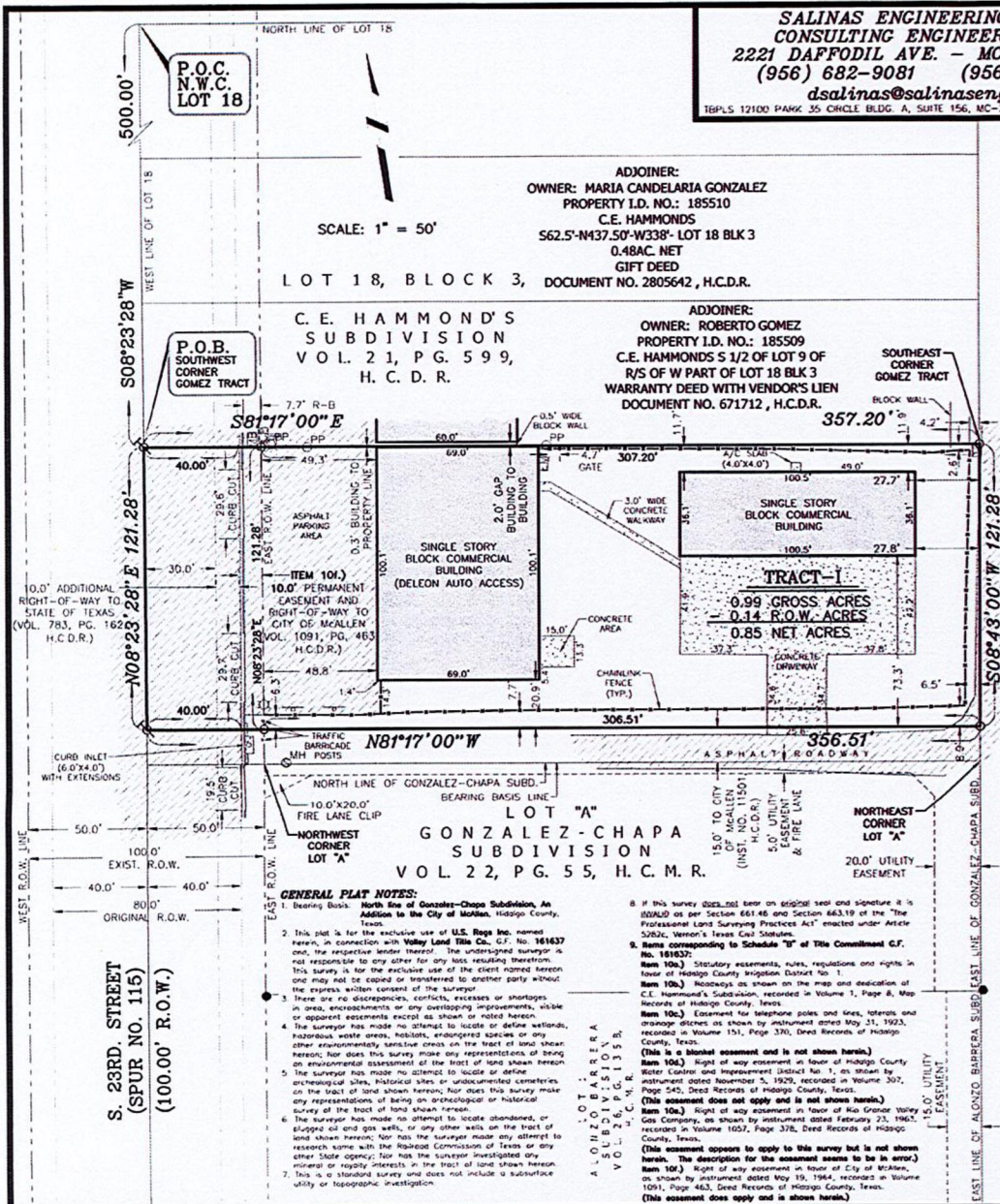
(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.  
N&M&B:2019N.12.060319

**LEGEND**  
● FOUND 1/2" IRON ROD  
○ SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"  
— SET NAIL  
— CABLE PEDESTAL  
— ELECTRIC METER  
— FIRE HYDRANT  
— CURB BUMP  
— MAIL BOX  
— POWER POLE  
— SANITARY SEWER MANHOLE  
— SINGLE POLE SIGN  
— TELEPHONE PEDESTAL  
— TRAFFIC SIGNAL POLE  
— WATER VALVE  
— RIGHT OF WAY  
— P-B POINT OF BEGINNING  
— P.C.C. POINT OF COMMENCEMENT  
— P.O.B. POINT OF BEGINNING  
— H.C.D.R. HIDALGO COUNTY DEED RECORDS  
— H.C.M.R. HIDALGO COUNTY MAP RECORDS

ADJOINER:  
OWNER: CITY OF MCALLEN  
PROPERTY I.D. NO.: 185503  
C.E. HAMMOND  
P.O.B. SOUTHWEST CORNER GOMEZ TRACT  
WARRANTY DEED  
DOCUMENT NO. UNDETERMINED, H.C.D.R.  
PALM CURE OUT OF S. PART OF LOT 18 BLK 3  
WARRANTY DEED  
DOCUMENT NO. UNDETERMINED, H.C.D.R.



ADJOINER:  
OWNER: MARIA CANDELARIA GONZALEZ  
PROPERTY I.D. NO.: 185510  
C.E. HAMMONDS  
562.5-N437.50-W338'- LOT 18 BLK 3  
0.48AC. NET  
GIFT DEED  
LOT 18, BLOCK 3, DOCUMENT NO. 2805642, H.C.D.R.

ADJOINER:  
OWNER: ROBERTO GOMEZ  
PROPERTY I.D. NO.: 185509  
C.E. HAMMONDS S 1/2 OF LOT 9 OF  
R/S OF W PART OF LOT 18 BLK 3  
WARRANTY DEED WITH VENDOR'S LIEN  
DOCUMENT NO. 671712, H.C.D.R.

**GENERAL PLAT NOTES:**  
1. Bearing Basis: North Line of Gonzalez-Chapa Subdivision, An Addition to the City of McAllen, Hidalgo County, Texas.  
2. This plat is for the exclusive use of U.S. Regs. Inc. named herein, in connection with Valley Land Title Co., C.F. No. 161637 and, the respective lender thereof. The undersigned surveyor is not responsible to any other for any loss resulting therefrom. This survey is for the exclusive use of the client named herein and may not be copied or transmitted to another party without the express written consent of the surveyor.  
3. There are no discrepancies, conflicts, encumbrances or shortages in area, encumbrances or any overlapping improvements, visible or apparent encumbrances except as shown or noted hereon.  
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon. Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.  
5. The surveyor has made no attempt to locate or define archaeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; nor does this survey make any representations of being an archaeological or historical survey of the tract of land shown hereon.  
6. The surveyor has made no attempt to locate abandoned, plugged oil and gas wells, or any other wells on the tract of land shown hereon; nor does the surveyor make any attempt to research same with the Railroad Commission of Texas or any other State agency; nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.  
7. This is a standard survey and does not include a subsurface utility or topographic investigation.

8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 2022c, Vernon's Texas Civil Statutes.  
9. Name corresponding to Schedule "B" of this Commitment C.F. No. 181837:  
Item 10(a). Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 1.  
Item 10(b). Easements as shown on the map and dedication of C.E. Hammond's Subdivision, recorded in Volume 1, Page 8, Map Records of Hidalgo County, Texas.  
Item 10(c). Easement for telephone poles and lines, telegrams and message wires as shown by instrument dated May 31, 1923, recorded in Volume 151, Page 370, Deed Records of Hidalgo County, Texas.  
(This is a blanket easement and is not shown hereon.)  
Item 10(d). Right of way easement in favor of Hidalgo County Water Control and Improvement District No. 1, as shown by instrument dated November 5, 1929, recorded in Volume 307, Page 242, Deed Records of Hidalgo County, Texas.  
(This easement does not apply and is not shown hereon.)  
Item 10(e). Right of way easement in favor of Rio Grande Valley Gas Company, as shown by instrument dated February 23, 1967, recorded in Volume 1057, Page 378, Deed Records of Hidalgo County, Texas.  
(This easement appears to apply to this survey but is not shown hereon. The description for the easement seems to be in error.)  
Item 10(f). Right of way easement in favor of City of McAllen, as shown by instrument dated May 19, 1984, recorded in Volume 1091, Page 463, Deed Records of Hidalgo County, Texas.  
(This easement does apply and is shown hereon.)

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 2621 S. 23RD. ST. in McALLEN, Texas, described as follows: BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF

(SEE METES AND BOUNDS DESCRIPTION)  
Lot 18, Block 3, of C.E. HAMMOND'S SUBDIVISION, HIDALGO CO., Texas, according to the plat recorded in Volume 21, Page 599, of the DEED Records of Hidalgo County, Texas. I further certify that this property lies in Zone B as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0010 C.

A.E.  
DRN. BY  
JUNE 03, 2019 DATE  
JUNE 14, 2019 UPDATED  
S-19-24128 JOB NO.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782  
BY: *David Omar Salinas*  
RECEIVED SEP 19 2019  
STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR 5782 DAVID OMAR SALINAS



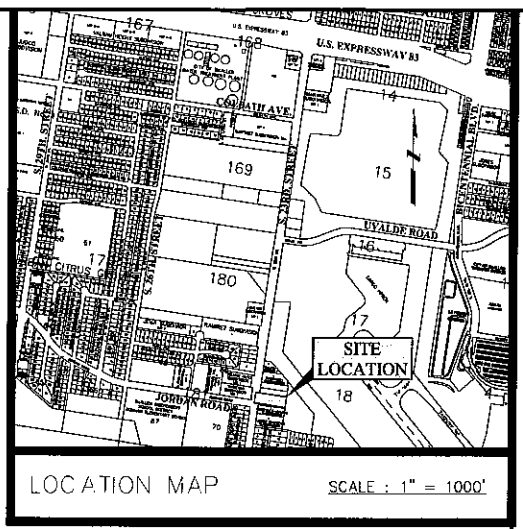
P.O.C. N.W.C. LOT 18

# EXHIBIT "B"

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E., TX. REG. NO. 71973 ON MARCH 09, 2020. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

ADJOINER:  
OWNER: MARIA CANDELARIA GONZALEZ  
PROPERTY I.D. NO.: 185510  
C.E. HAMMONDS  
S62.5'-N437.50'-W338'- LOT 18 BLK 3  
0.48AC. NET  
GIFT DEED  
DOCUMENT NO. 2805642 , H.C.D.R.

ADJOINER:  
OWNER: ROBERTO GOMEZ  
PROPERTY I.D. NO.: 185509  
C.E. HAMMONDS S 1/2 OF LOT 9 OF  
R/S OF W PART OF LOT 18 BLK 3  
WARRANTY DEED WITH VENDOR'S LIEN  
DOCUMENT NO. 671712 , H.C.D.R.



**SEA**  
**SALINAS ENGINEERING & ASSOCIATES**  
(P.E. 6875) (1008700)  
CONSULTING ENGINEERS & SURVEYORS  
2821 DAFFODIL - McALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1466 (FAX)  
1905 DIBB PARK 30 ONE BLOCK E. SUITE 104, MCALLEN, TEXAS 78123 (281) 239-0883

SITEPLAN

LOT 18, BLOCK 3, DOCUMENT NO. 2805642 , H.C.D.R.

C.E. HAMMOND'S  
SUBDIVISION  
VOL. 21, PG. 599,  
H.C.D.R.

LOT 1  
34,182.75 SQ.FT.  
0.78 ACRES

LOT "A"  
GONZALEZ-CHAPA  
SUBDIVISION  
VOL. 22, PG. 55, H.C.M.R.

LOT 1  
ALONZO BARRERA  
SUBDIVISION  
VOL. 26, PG. 135B

SCALE: 1"=20'

### LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- CABLE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- GUY WIRE
- MAIL BOX
- PP POWER POLE
- MH SANITARY SEWER MANHOLE
- MH STORM DRAIN MANHOLE
- SINGLE POLE SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL POLE
- WV WATER VALVE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

- DENOTES PROPOSED LANDSCAPE AREA
- ♿ DENOTES PROPOSED HANDICAP SPACE
- 🌳 DENOTES PROPOSED 4" CALIPER OAK TREE
- 🔥 DENOTES EXISTING FIRE HYDRANT

### CITY REQUIREMENTS

**PARKING REQUIREMENTS:**  
RETAIL - FOUR PARKING SPACES FOR UP TO 400 SQUARE FEET OF FLOOR AREA PLUS ONE PARKING SPACE FOR EACH ADDITIONAL 400 SQUARE FEET OF FLOOR AREA.  
13,000 S.F. - 400 S.F. (4 PARKING SPACES) = 12,600 S.F.  
12,600 S.F. / 400 S.F. = 32 PARKING SPACES  
TOTAL PARKING REQUIRED: 4 + 32 = 36 PARKING SPACES  
TOTAL PARKING PROVIDED: 22 PARKING SPACES  
TOTAL ACCESSIBLE PARKING REQUIRED: 2 SPACES  
TOTAL ACCESSIBLE PARKING PROVIDED: 2 SPACES  
PARKING SPACE DEFICIENCY: 14 PARKING SPACES

**DEVELOPED SQUARE FOOTAGE = 34,182.75 S.F.**  
LANDSCAPE REQUIRED: 34,182.75 S.F. X 10% = 3,418.28 S.F.  
LANDSCAPE PROVIDED = 7,318.30 S.F.  
FRONT LANDSCAPE REQUIRED: 3,418.28 S.F. X 50% = 1,709.14 S.F.  
FRONT LANDSCAPE PROVIDED = 3,434.88 S.F.  
TREE REQUIREMENTS: 2,001 S.F. TO 10,000 S.F. OF LANDSCAPE AREA = 10 TREES FOR FIRST 2,000 S.F. AND ONE TREE FOR EVERY 500 S.F. OVER 2,000 S.F.  
3,418.28 S.F. - 2,000 S.F. (10 TREES) = 1,418.28 S.F.  
1,418.28 S.F. / 500 S.F. = 3 TREES  
TREE CREDITS REQUIRED: 10 + 3 = 13 TREE CREDITS  
(1" - 4" CALIPER TREE = 2 TREE CREDITS)  
TREE CREDITS PROVIDED: 14 TREE CREDITS (7 - 4" CALIPER TREES)  
FIRE HYDRANTS = 1 EXISTING HYDRANT

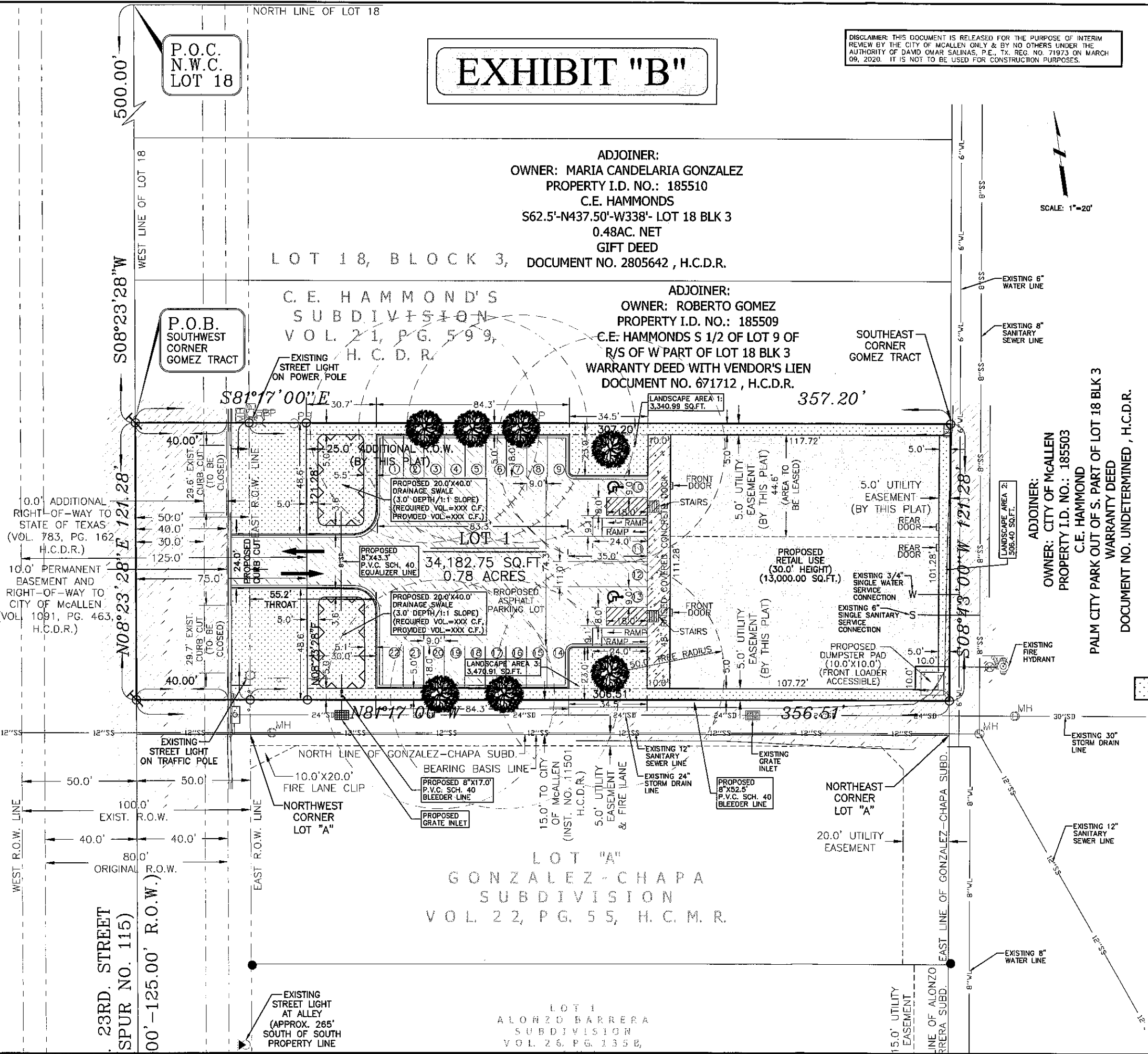
Sheet Title

2621 S. 23RD. STREET  
SUBDIVISION

Project



David Omar Salinas  
Registered Professional Engineer # 71973  
Date: 03/09/20  
Scale: 1"=20'  
Designed By: D.D.S.  
Drawn By: A.E.  
Checked By: D.D.S.  
Approved By: D.D.S.  
Project No: SP-19-24164  
Drawing No: SP-19-24164  
Sheet 1 of 1

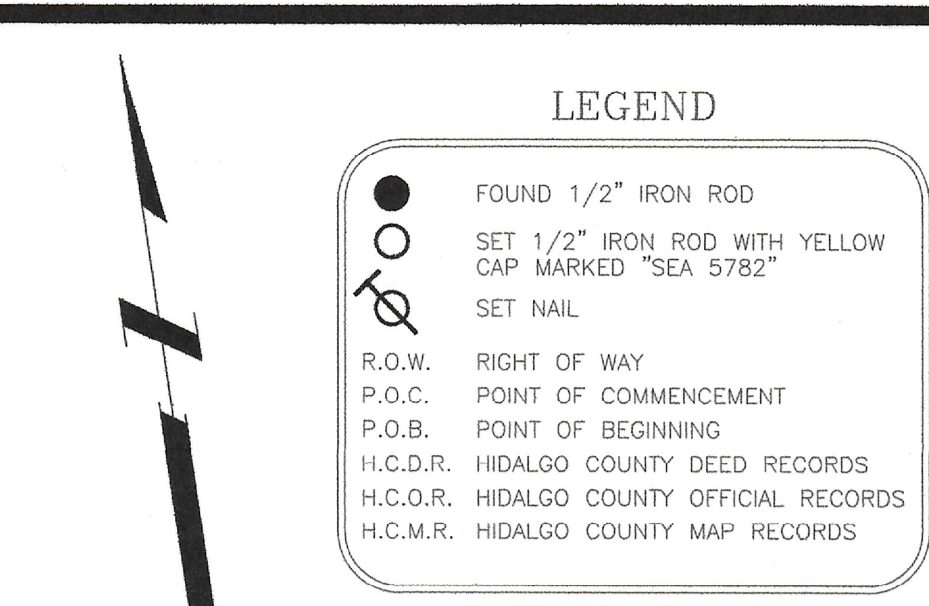
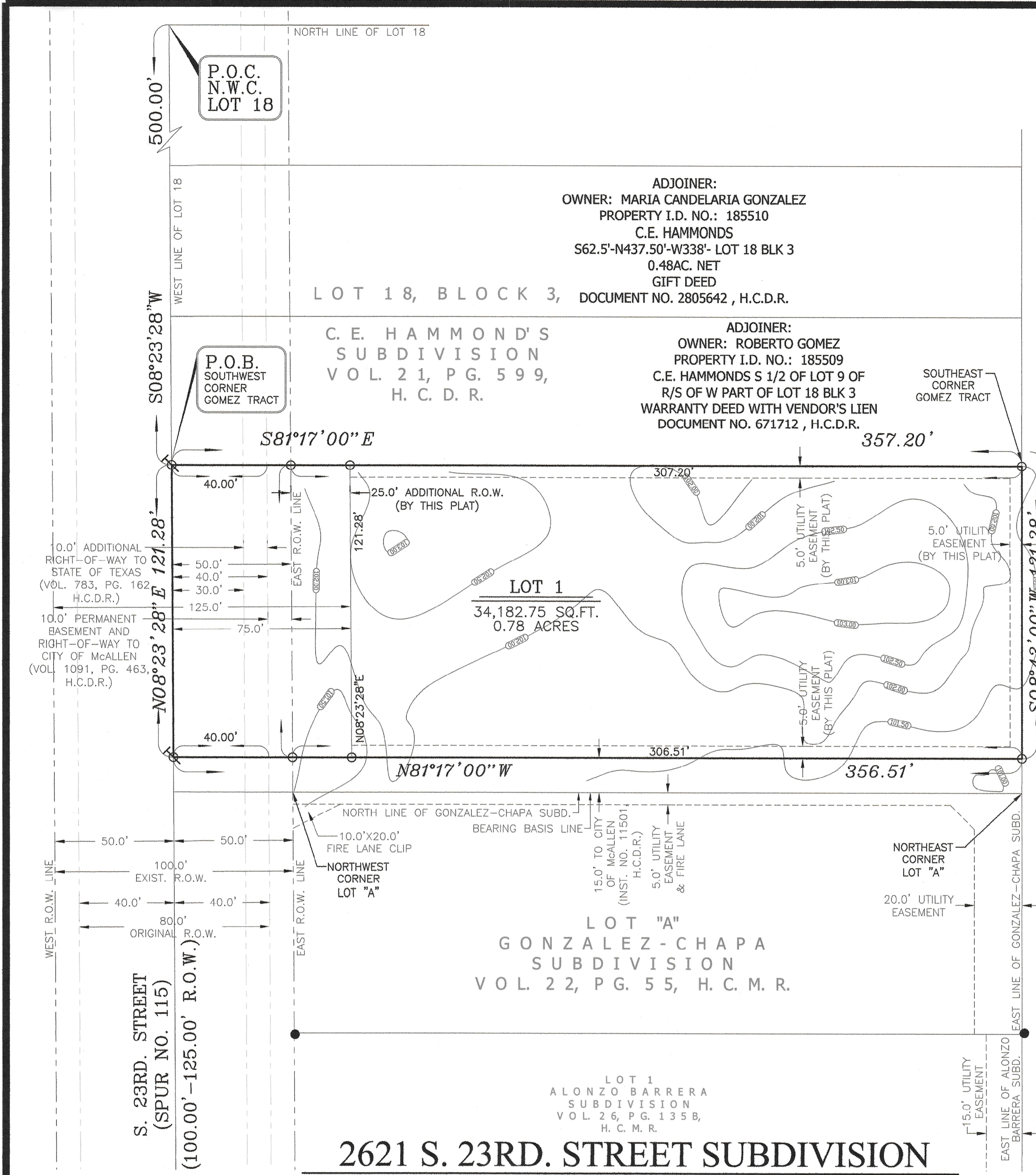






NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2020-0013





SCALE: 1" = 30'

ADJOINER:  
OWNER: CITY OF McALLEN  
PROPERTY I.D. NO.: 185503  
C.E. HAMMOND  
PALM CITY PARK OUT OF S. PART OF LOT 18 BLK 3  
WARRANTY DEED  
DOCUMENT NO. UNDETERMINED, H.C.D.R.

FILED FOR RECORD IN  
HIDALGO COUNTY  
ARTURO GUJARDO, JR.  
HIDALGO COUNTY CLERK

ON: \_\_\_\_\_ AT \_\_\_\_\_ AM/PM  
INSTRUMENT NUMBER \_\_\_\_\_  
OF MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY

## 2621 S. 23RD. STREET SUBDIVISION

AN ADDITION TO THE CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS.

**GENERAL PLAT NOTES:**

- MINIMUM SETBACK LINES = FRONT: 50.0 FT. OR GREATER FOR EASEMENTS.  
SIDE: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.  
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.  
GARAGE: 18.0 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
- LANDS CONTAINED WITHIN THIS SUBDIVISION LIE IN ZONE "B" ACCORDING TO THE FIRM (FLOOD INSURANCE RATE MAP) DATED 11/02/82, COMMUNITY PANEL NO. 480343 0010 C. ZONE "B" DEFINED AS AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. (MEDIUM SHADING)
- MINIMUM FINISHED FLOOR ELEVATION ON ALL NEW CONSTRUCTION SHALL BE A MINIMUM OF 18.0 INCHES ABOVE THE TOP OF THE ROAD AS MEASURED FROM THE CENTER OF THIS LOT ALONG S. 23RD. STREET (SPUR NO. 115).
- MINIMUM 5 FT. WIDE SIDEWALK IS REQUIRED ON S. 23RD. STREET (SPUR NO. 115).
- THIS SUBDIVISION PLAT SHALL BE REQUIRED TO DETAIN A TOTAL OF 5,721.00 CUBIC FEET, OR, 0.13 ACRE-FEET OF DRAINAGE RUNOFF VOLUME.
- THE CONSTRUCTION OF ANY STRUCTURES ON OR WITHIN ANY EASEMENTS SHALL BE PROHIBITED.
- A 6' OPAQUE BUFFER IS REQUIRED FROM ANY ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL OR INDUSTRIAL ZONE/USE. AN 8' MASONRY WALL IS REQUIRED BETWEEN SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTI-FAMILY RESIDENTIAL ZONE/USE.
- AN ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, IS REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- BENCHMARK: McALLEN SURVEY CONTROL POINT NO. 87, LOCATED INSIDE PALM CITY PARK WHICH IS ON THE WEST SIDE OF MILLER INTERNATIONAL AIRPORT. THE MONUMENT IS 8 FEET WEST FROM A CHAINLINK FENCE AND 396 FEET NORTHEAST FROM THE BACK OF CURB OF AZTEC STREET. ELEV. = 100.12.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.

**PRINCIPAL CONTACTS**

NAME	ADDRESS	CITY & ZIP	PHONE	FAX
OWNER: U.S. RAGS INC.	303 S. 66TH ST., STE. 105	HOUSTON, TEXAS 77011	(713) 923-6786	NONE
MUHAMMAD SALIM, PRESIDENT				
ENGINEER: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489
SURVEYOR: DAVID O. SALINAS	2221 DAFFODIL AVE.	McALLEN, TEXAS 78501	(956) 682-9081	(956) 686-1489

STATE OF TEXAS  
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **2621 S. 23RD. STREET SUBDIVISION**, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: U.S. RAGS INC., A TEXAS CORPORATION  
MUHAMMAD SALIM, PRESIDENT  
303 S. 66TH. STREET, SUITE #105  
HOUSTON, TEXAS 77011

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MUHAMMAD SALIM, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2020.

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS  
CITY OF McALLEN

I, THE UNDERSIGNED, MAYOR OF THE CITY McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
CITY OF McALLEN

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CHAIRMAN,  
PLANNING AND ZONING COMMISSION  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.  
REG. PROFESSIONAL ENGINEER #71973  
DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

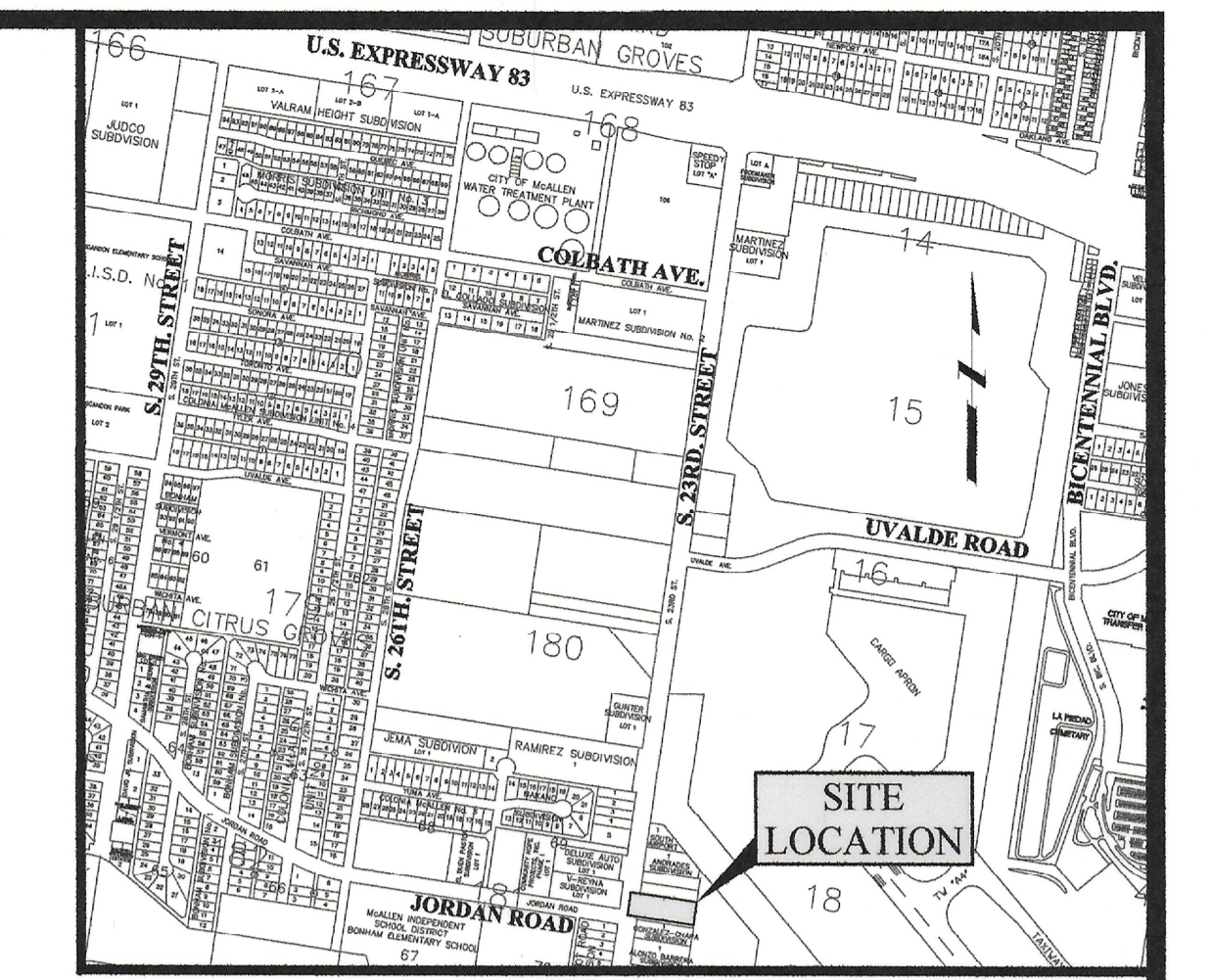
DAVID O. SALINAS, R.P.L.S.  
REG. PROFESSIONAL LAND SURVEYOR #5782  
DATE \_\_\_\_\_

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.  
GENERAL MANAGER  
DATE \_\_\_\_\_



LOCATION MAP SCALE: 1" = 1000'

**METES AND BOUNDS DESCRIPTION**

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

- SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (TAXDOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND, SAME BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF McALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0' FOOT STRIP OF LAND CONVEYED TO THE CITY OF McALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT "A", GONZALEZ-CHAPA SUBDIVISION, McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;
- THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.  
N&M&B.201911.12.060319

**2621 S. 23RD. STREET SUBDIVISION**

PREPARED BY: SALINAS ENGINEERING & ASSOC.  
DATE OF PREPARATION: MARCH 11, 2020  
JOB NUMBER: SP-19-24164

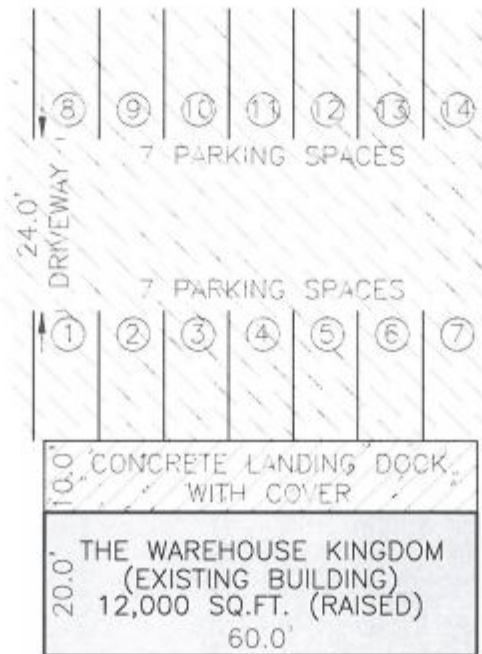
OWNER: U.S. RAGS INC., A TEXAS CORPORATION  
MUHAMMAD SALIM, PRESIDENT  
303 S. 66TH. STREET, SUITE #105  
HOUSTON, TEXAS 77011

**SEA**  
**SALINAS ENGINEERING & ASSOC.**  
(P-6675) (TBPLS-10065700)  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL AVE. McALLEN, TEXAS 78501  
(956) 682-9081 (956) 686-1489 (FAX)  
TBPLS 12100 PARK 35 CIRCLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78737 (512) 232-5263





SCALE: 1"=20'



**EXHIBIT "A"**  
**EXISTING SITE PLAN AT**  
**"THE WAREHOUSE KINGDOM"**

David O. Salinas, P.E., R.P.L.S.  
Licensed Professional Engineer  
Texas Engineer License No. 71973  
Texas Land Surveyor License No. 5782



JOB NUMBER: DP-19-24164  
DATE: JUNE 10, 2020

**SEA**  
**SALINAS ENGINEERING & ASSOCIATES**  
(P: 8875) (10085700)  
CONSULTING ENGINEERS & SURVEYORS  
2221 DAFFODIL - McALLEN, TEXAS 78501  
(888) 882-9081 (888) 886-1489 (FAX)  
SMILE - 3700 MARK 25 OFFICE BLDG. 4, SUITE 106, MC-250, McALLEN, TEXAS 78503 (214) 239-5263



**MEMO**

**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** June 11, 2020

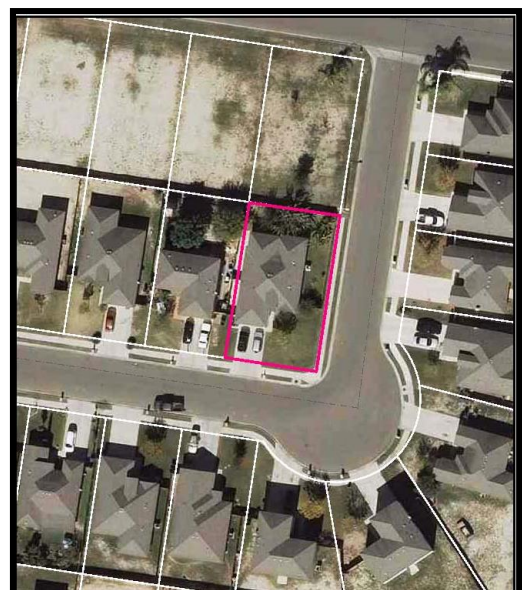
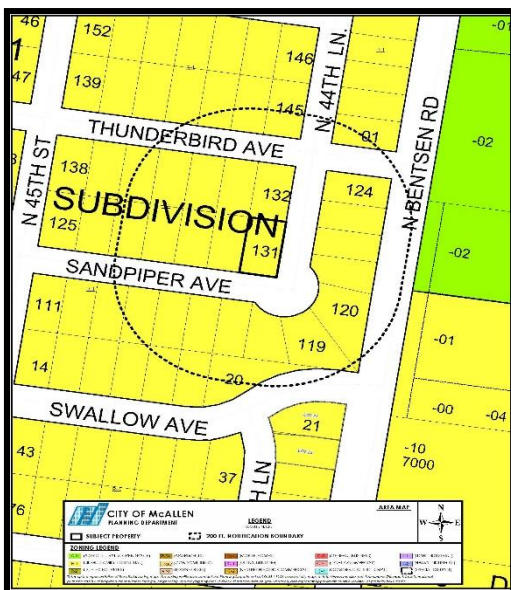
**SUBJECT: REQUEST OF ORALIA RODRIGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A WOODEN CARPORT WITH DECORATIVE COLUMNS MEASURING 25.0 FT. BY 20.0 FT., AT LOT 131, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO COUNTY, TEXAS; 4400 SANDPIPER AVENUE (ZBA2019-0057).**

**REASON FOR APPEAL:**

Mrs. Oralia Rodriguez, the property owner requests a special exception to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft. The applicant has indicated that the basis for the request is allow the existing structure to remain.

**PROPERTY LOCATION AND VICINITY:**

The property is located on the northwest corner of Sandpiper Avenue and North 44<sup>th</sup> Lane. The lot has 60 ft. of frontage along Sandpiper Avenue and a depth of 102.98 ft. for a lot size of 6,178.8 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences in all directions.





**BACKGROUND AND HISTORY:**

Plantation Gap Subdivision Phase 1 was recorded on December 20, 2004. A general note on the subdivision plat indicates a front yard setback of 25 feet. A citation for doing work without a permit was issued on October 17, 2019. The applicant applied for the special exception on October 16, 2019. An application for a building permit was submitted on October 16, 2019, and it is under review by city departments.

**ANALYSIS:**

The subdivision plat indicates there is a 5 ft. utility easement that runs along the front property line. 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 a variance allowing a carport within the front yard may encourage future carports to be constructed in the front yard

The submitted site plan indicates the proposed carport to be along the front property line; however, measurements provided are without the benefit of a survey. The applicant also submitted an application for an abandonment of the 5 ft. utility easement that runs along the front property line on October 24, 2019 and it is being reviewed by various city departments.

No phone calls have been received in opposition to the special exception request.

**ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JANUARY 15, 2020:**

At the Zoning Board of Adjustments and Appeals meeting of January 15, 2020 no one appeared in opposition to the variance request. The applicant was present. Staff recommended to table the variance request to until the City departments review the abandonment request. After a brief discussion, the Board voted to table the variance request with five members present and voting.

**ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF FEBRUARY 5, 2020:**

At the Zoning Board of Adjustments and Appeals meeting of February 5, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

**ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF MARCH 4, 2020:**

At the Zoning Board of Adjustments and Appeals meeting of March 4, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

**ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF APRIL 1, 2020:**

At the Zoning Board of Adjustments and Appeals meeting of April 1, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with five members present and voting.

**RECOMMENDATION:**

Staff recommends to table item as requested by the applicant.



ZBA 2019-0007

ZBA  
11/20/19.



# City of McAllen

## Planning Department

### APPEAL TO ZONING BOARD OF

### ADJUSTMENT TO MCALLEN ZONING ORDINANCE

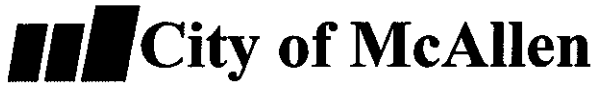
311 North 15<sup>th</sup> Street  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description <u>Plantation Gap PH 1 lots 131</u>
	Subdivision Name <u>Plantation Gap PH 1</u>
<b>Applicant</b>	Street Address <u>4400 Sand piper Ave McAllen tx 78504</u>
	Number of lots <u>131</u> Gross acres _____
	Existing Zoning <u>R 1 Single Family</u> Existing Land Use <u>Residential</u>
	Reason for Appeal (please use other side if necessary) <u>Estoy haciendo este tramite por no haber sacado permiso para construir antes de hacerlo</u>
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
<b>Owner</b>	Name <u>Oralia Rodriguez</u> Phone <u>915 867 0305</u>
	Address <u>4400 Sandpiper Ave.</u> E-mail <u>orlavirodriguez@hotmail.com</u>
	City <u>McAllen</u> State <u>Tx.</u> Zip <u>78504</u>
<b>Authorization</b>	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? <input type="checkbox"/> Yes <input type="checkbox"/> 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 <u>Oralia Rodriguez</u> Date <u>10/16/2019</u> Print Name <u>ORALIA RODRIGUEZ</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>L.G.</u> Payment received by _____
	Rev 10/18

**RECEIVED**  
Date OCT 16 2019  
BY: SC 4:27pm

Ret # 226701 Pd \$350





# City of McAllen Planning Department

## REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Yo necesite este carport para proteger mis carros de tormentas de granizo, lluvias fuertes y el tremendo sol del verano, agrego el daño a la pintura por el calentamiento del sol.

Va esta construido, solo pido que me permitan conservarlo por las razones antes mencionadas.

De antemano, muchas gracias por atencion a mi solicitud.

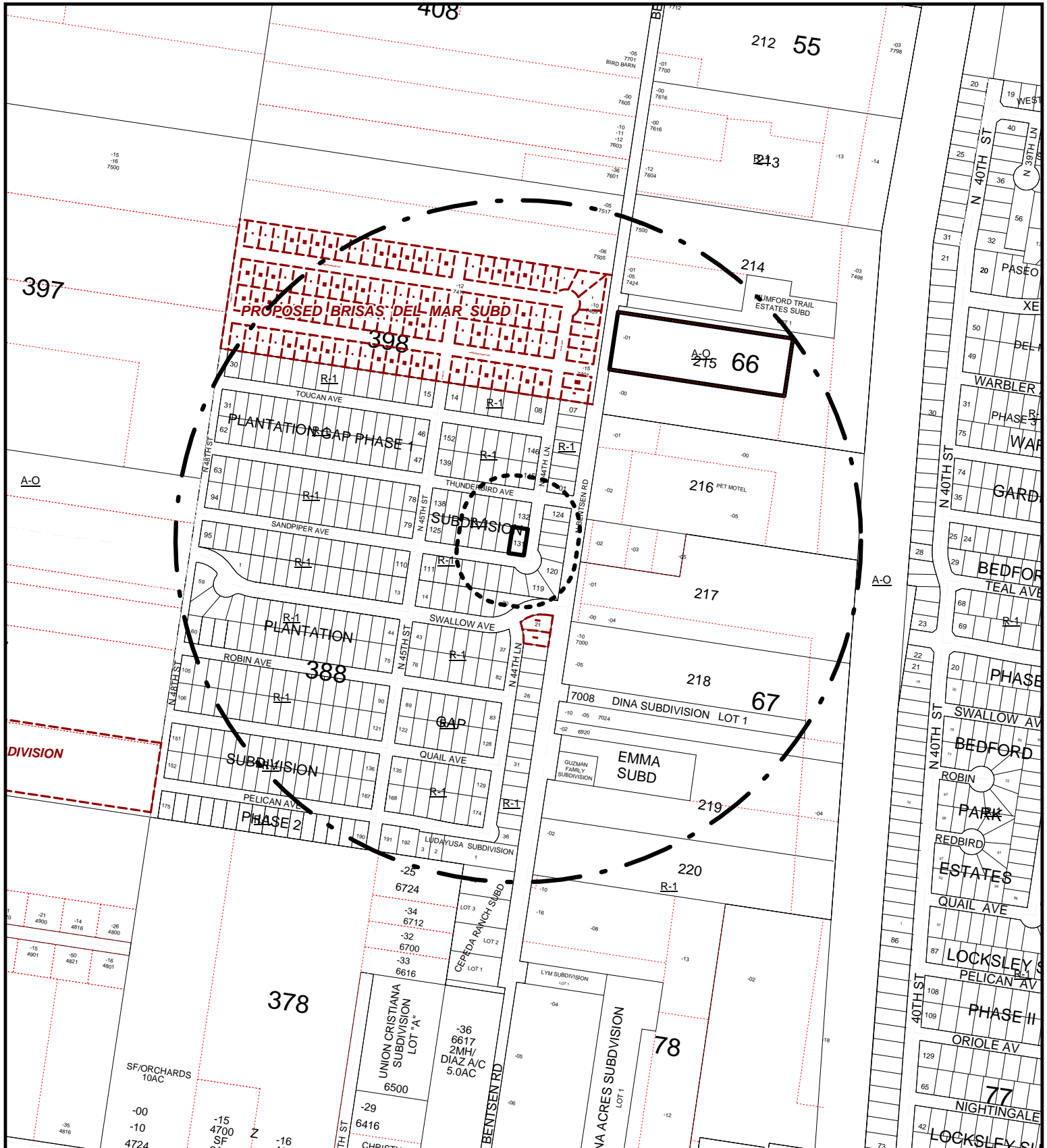
Rufo Rodriguez

Board Action

Chairman, Board of Adjustment  
Signature

Date





**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

**LEGEND**

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

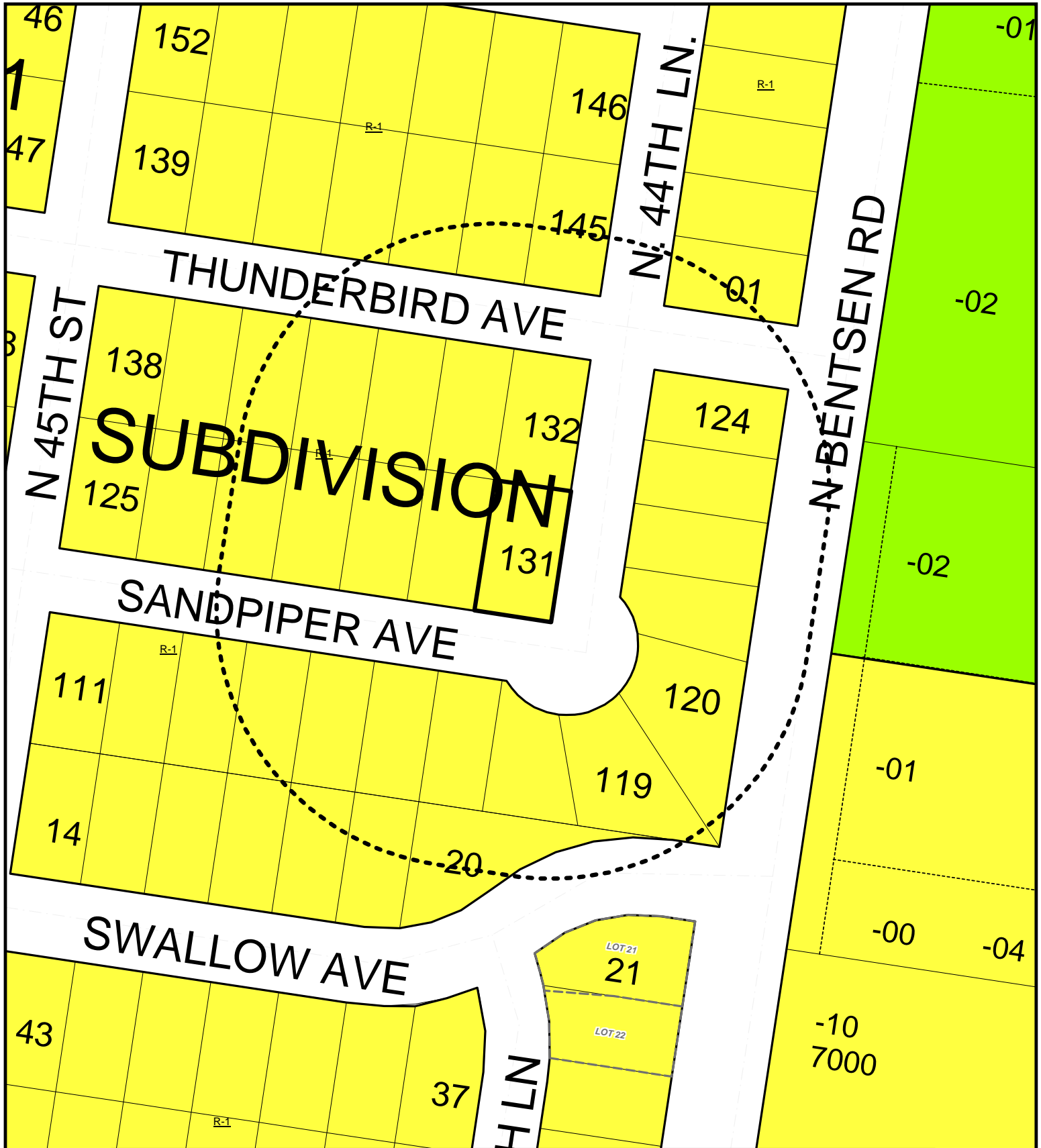



**ZONING LEGEND**

- |                                 |                     |                               |                             |                        |
|---------------------------------|---------------------|-------------------------------|-----------------------------|------------------------|
| A-O (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS)   | R-4 (MOBILE HOMES)            | C-3 (GENERAL BUSINESS)      | I-1 (LIGHT INDUSTRIAL) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING)         | C-3L (LIGHT COMMERCIAL)     | I-2 (HEAVY INDUSTRIAL) |
| R-2 (DUPLEX-FOURPLEX)           | R-3T (TOWNHOUSES)   | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) | (SPECIAL DISTRICT)     |

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.








**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**ZONING LEGEND**

<p><span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>A-0</b> (AGRICULTURAL &amp; OPEN SPACE)</p> <p><span style="background-color: #FFFFE0; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-1</b> (SINGLE FAMILY RESIDENTIAL)</p> <p><span style="background-color: #FFFFE0; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-2</b> (DUPLIX-FOURPLEX)</p>	<p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-3A</b> (APARTMENTS)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-3C</b> (CONDOMINIUMS)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-3I</b> (TOWNHOUSES)</p>	<p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>R-4</b> (MOBILE HOMES)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>C-1</b> (OFFICE BUILDING)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>C-2</b> (NEIGHBORHOOD COMMERCIAL)</p>	<p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>C-3</b> (GENERAL BUSINESS)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>C-3L</b> (LIGHT COMMERCIAL)</p> <p><span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>C-4</b> (COMMERCIAL INDUSTRIAL)</p>	<p><span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>I-1</b> (LIGHT INDUSTRIAL)</p> <p><span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> <b>I-2</b> (HEAVY INDUSTRIAL)</p> <p><span style="border: 1px dashed black; display: inline-block; width: 15px; height: 10px;"></span> (SPECIAL DISTRICT)</p>
---	---	--	--	---

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



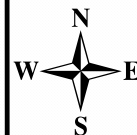


**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AERIAL MAP**  
SCALE: N.T.S.



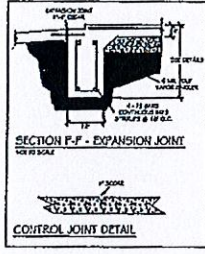
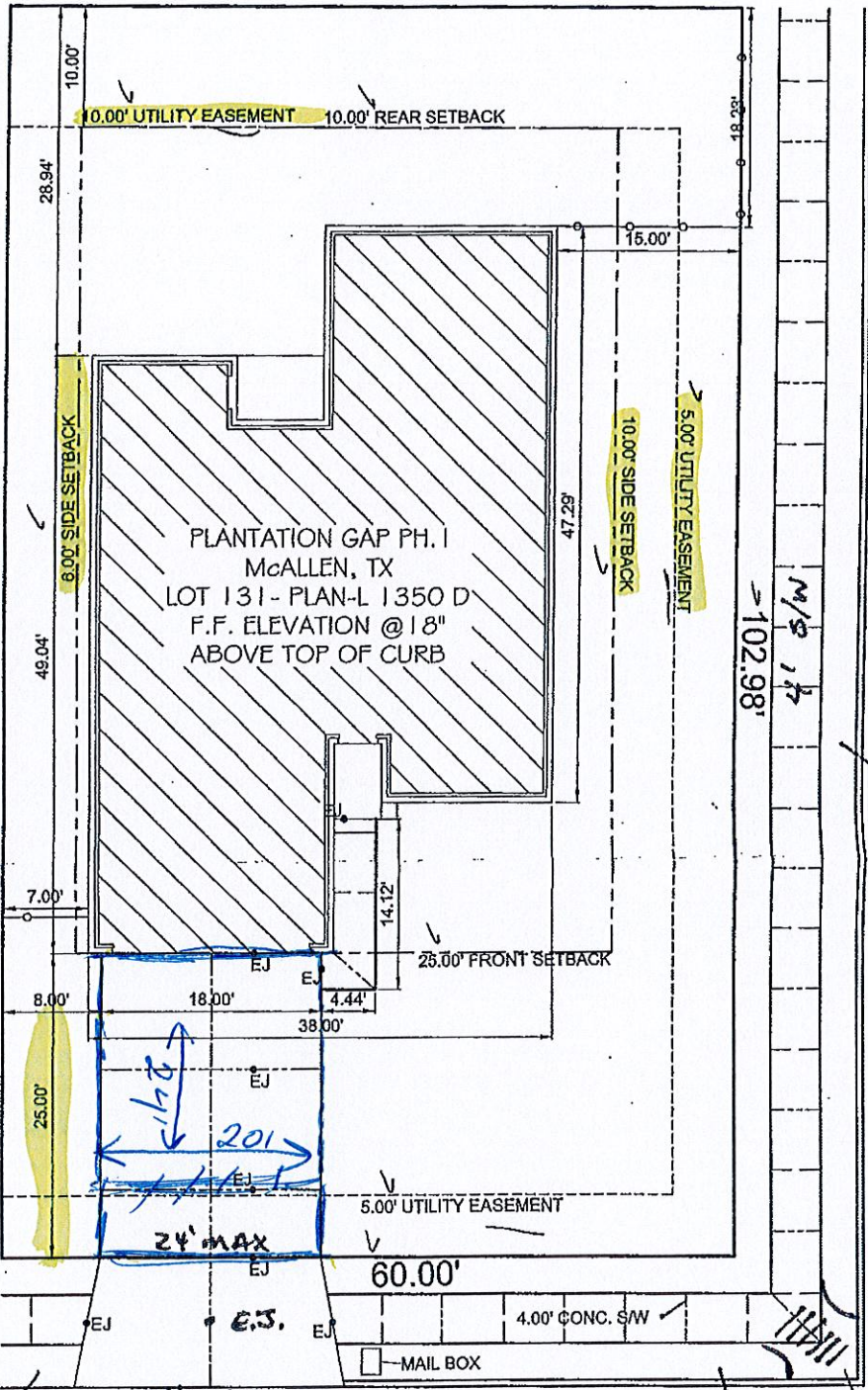
SUBJECT PROPERTY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



60.00

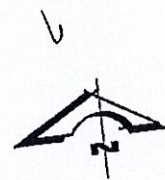


- LEGEND/NOTES**
- LOT LINE
  - - - SETBACK/EASEMENT
  - - - C.J.-CONTROL JOINT
  - FENCE
  - - - E.J.-EXPANSION JOINT
  - CONTROL JOINTS EVERY 5' ON SIDEWALK
  - EXPANSION JOINTS EVERY 10' ON SIDEWALK

- DRIVEWAY: 660 sq.ft. = 0.1 cu.yds.  
 SIDEWALKS: 664 sq.ft. = 0.2 cu.yds.  
 AC SLAB: 12.5 sq.ft. = 0.2 cu.yds.  
 TOTAL CONCRETE = 16.5 cu.yds.  
 FENCES: 41 lin.ft.  
 GRASS: 3054 sq.ft. = 5.0 pallets  
 CEDAR 1x4 10'-0" = 22 PIECES

**RECEIVED**  
 OCT 16 2019

BY: L.G.



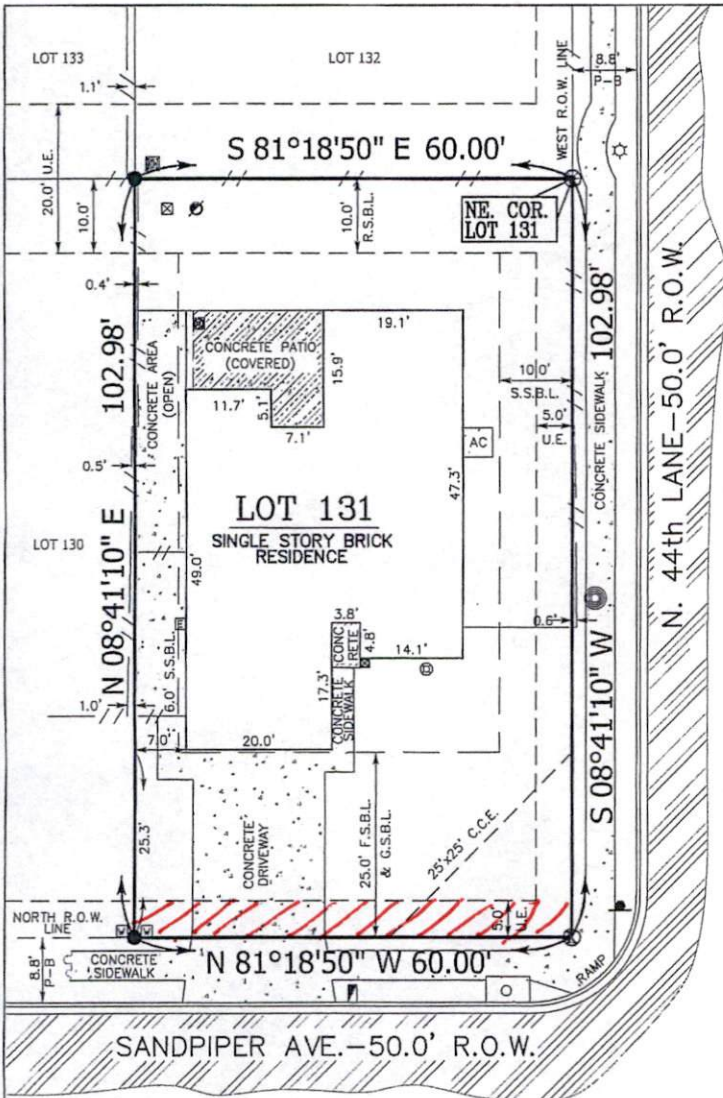
3' B.O.C. SANDPIPER AVENUE 3' B.O.C.

**SITE PLAN**  
 SCALE: 1"=10'

ADA  
 RR  
 RAMP

SHEET: <b>Site Plan</b>		Subdivision: PLANTATION GAP PHASE 1 PLAN ID# L-1350D ELEV: D 4 SIDE BRICK LEFT DRIVE	DRAWN BY:	DATE:
			AUDITED BY:	
			REVISED BY:	
			APPROVED BY:	
			APPROVED BY:	





BEARING BASIS  
 BEARING OF LOT 131,  
 SOLUTION GAP SUBDIVISION  
 PLANTATION PHASE I, H.C.M.R.  
 VOL. 46, PG. 181.

SCALE: 1"=20'

**LEGEND**

- FOUND 1/2" IRON ROD
- ⊗ FOUND "X" MARK
- ⊕ FOUND SPINDLE
- ⊙ TELEPHONE PEDESTAL
- ☆ LIGHT POLE
- ⊠ ELECTRIC BOX
- ⊞ CABLE T.V. PEDESTAL
- ⊡ ELECTRIC METER
- ⊞ CONC. (A/C UNIT) SLAB
- ⊞ WATER METER
- ⊙ CLEANOUT
- ⊞ CURB INLET
- ⊙ MANHOLE
- ⊞ STOP SIGN
- ⊞ MAILBOX
- ⊞ COLUMN
- /- WOODEN FENCE
- U.E. UTILITY EASEMENT
- C.C.E. CORNER CLIP EASEMENT
- F.S.B.L. FRONT SETBACK LINE
- R.S.B.L. REAR SETBACK LINE
- S.S.B.L. SIDE SETBACK LINE
- G.S.B.L. GARAGE SETBACK LINE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS

**FLOOD ZONE**

ZONE "C"

AREAS DETERMINED TO BE OUTSIDE  
 500-YEAR FLOODPLAIN.  
 COMMUNITY-PANEL NUMBER: 480334 0400 C  
 MAP REVISED: NOVEMBER 15, 1982.

**NOTES:**

1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
2. SURVEY WAS PREPARED IN COORDINATION WITH VALLEY LAND TITLE CO., COMMITMENT OF No. 152373  
 EFFECTIVE DATE: MAY 2, 2017  
 ISSUED DATE: JUNE 5, 2017
- 10.b. STATUTORY EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF UNITED IRRIGATION DISTRICT. (BLANKET)
- 10.d. R.O.W. EASEMENT REC. IN VOL. 942, PG. 567 AND VOL. 946, PG. 354, BOTH IN H.C.D.R. (NOT APPLICABLE)
- 10.l. EASEMENT AND R.O.W. REC. IN DOC. NO. 550950, H.C.O.R. (BLANKET)
- 10.g. EASEMENT AND AGREEMENT REC. IN DOC. NO. 1290579, H.C.O.R. (BLANKET)
3. MINIMUM FLOOR ELEVATIONS, SETBACK LINES, EASEMENTS AND RESTRICTION AS SHOWN ON THE MAP OF PLANTATION GAP PHASE I, REC. IN VOL. 46, PG. 181, H.C.M.R.
4. W & L MANGUM SURVEYING NOR THE SURVEYOR OF RECORD RESEARCHED OR PREPARED A TITLE REPORT OR ABSTRACT OF TITLE ON THE ABOVE PROPERTY.

ADDRESS: 4400 SANDPIPER AVE.  
 McALLEN, TEXAS 78504

BORROWER:

ALFREDO RODRIGUEZ

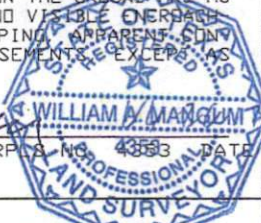
BORROWER:

ORALIA RODRIGUEZ

PLAT SHOWING  
 ALL OF LOT 131,  
 PLANTATION GAP  
 SUBDIVISION PHASE I,  
 AN ADDITION TO  
 THE CITY OF McALLEN,  
 HIDALGO COUNTY, TEXAS,  
 VOL. 46, PG. 181, H.C.M.R.

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREON, WAS MADE ON THE GROUND ON 06/26/17 UNDER MY DIRECTION, THAT THE ONLY IMPROVEMENTS ON THE GROUND ARE AS SHOWN, THAT THERE ARE NO VISIBLE OVERLAPMENTS, VISIBLE OVERLAPPING APPARENT SURVEY FLICTS, OR VISIBLE EASEMENTS EXCEPT AS

WILLIAM A. MANGUM, R.P.A. No. 4353 DATE



**W & L MANGUM SURVEYING**

817 N. WARE ROAD SUITE 19  
 McALLEN, TEXAS 78501  
 PHONE (956) 821-7026  
 FIRM NUMBER 10113300  
 wlmangumsurveying@gmail.com

DATE: 06-26-17 JOB No. 2017.06.37 BOOK: 113L, PG. 46

T.B.P.L.S. PHONE NO. 512-239-5263

© COPYRIGHT 2017 W & L MANGUM SURVEYING ALL RIGHTS RESERVED

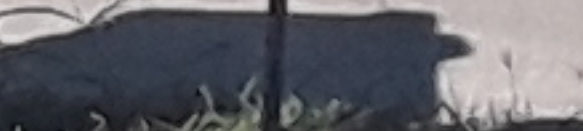




4400

NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2019-0057

CITY OF DALLAS PLANNING DEPT.  
1000 MARSHALL ST.  
DALLAS, TX 75201













## CRITERIA FOR ZBOA DETERMINATIONS

### APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

### SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
  - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
  - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
  - a. No structural alterations are made, AND
  - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

#### **Ord. Sec. 138-86. – GENERAL POLICY.**

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.



## VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
  - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
  - b. **Plight is unique** and not shared in general by others in the neighborhood, and
  - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.



# Definitions

## Table of Contents

<b>Chapter 138-Zoning .....</b>	<b>1</b>
Section 138-1 Definitions .....	1
<b>Chapter 110-Vegetation .....</b>	<b>6</b>
Section 110-26 Definitions .....	6



## Chapter 138-Zoning

### Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

*Accessory use* means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

*Accessory use of building* means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

*Alley* means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

*Apartment* means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

*Associated recreation* means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

*Authorized agent* means an architect, builder, developer or other person empowered to act on behalf of such persons.

*Base station.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

*Boardinghouse* means a building other than a hotel where lodging and meals are provided for compensation.

*Building* means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

*Carrier on wheels or cell on wheels ("COW").* A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

*Concealed or stealth design elements.* A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

*Conditional use* means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

*Depth of lot* means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

*District* means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

*Dwelling unit* means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.



- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

*Eligible facilities request.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Eligible support structure.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Existing.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Family* means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

*Garage, commercial* means a building or premises used for storage, repair, rental or servicing of motor vehicles.

*Garage, private* means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

*Guesthouse* means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

*Height* means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

*Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

*Lot* means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.



- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
  - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
  - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

*Lot of record* means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

*Maneuvering space* means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

*Mobile home* means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

*Mobile home and modular home park* means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

*Mobile home and modular home subdivision* means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

*Modular home* means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

*Ornamental feature* means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

*Parking area* means a space used exclusively for the parking of vehicles and where no other business is conducted.

*Parking space* means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

*Planned unit development (PUD)* means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

*Portable building* means a temporary building that does not have a foundation and is transportable.

*Recreational vehicle or travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.



*Residential storage building* means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

*Restaurant* means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

*Retail* means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

*Right-of-way line* means a dividing line between a lot, tract or parcel of land and the public right-of-way.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

*Substantial change.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Tower.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

*Townhouse* means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

*Transmission equipment.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Yard* means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.



- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Footnotes:

--- () ---

**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d) ... (1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

--- () ---

**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

## Chapter 110-Vegetation

### Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Buffer* means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

*Caliper* means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.



*Contiguous* means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

*Developed property* means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

*Diameter-at-breast-height (DBH)* means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

*Frontage* means lineal distance measured along abutting street rights-of-way.

*Ground cover* means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as lirioppe, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

*Landscape material* means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

*Landscape strip area* means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

*Paved ground surface area* (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

*Planting area* means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

*Reconstruction* means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

*Shrub* means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

*Stormwater detention facility* means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

*Street line* means that line separating the right-of-way from any adjacent property.

*Tree* means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

*Vine* means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

*Xeriscape* means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

**Cross reference**— Definitions and rules of construction generally, § 1-2.



## Exceptions Cited within the Zoning Ordinance

### Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

### Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)



Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers



## Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.



**ZONING BOARD OF ADJUSTMENT AND APPEALS**

**RULES AND PROCEDURES**

**CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.**

**I. ORGANIZATION AND OFFICERS**

**A. Members**

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

**B. Officers**

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

**C. Duties and Officers**

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.



## **II. POWERS OF THE BOARD**

### **A. General Powers**

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

### **B. Specified Powers**

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

## **III. DUTIES OF BOARD MEMBERS**

### **A. General Duties of Members**

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

### **B. Disqualification/Conflict of Interest**

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).



In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

#### **IV. A BASIS FOR ACTION**

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

#### **V. APPLICANTS**

##### **A. Legally Vested Interest**

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

##### **B. Applications**

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if



they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

**C. Meetings**

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

**D. Evidence**

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

**VI. HARDSHIP**

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

**VII. MEETINGS**

**A. Texas Public Information Act and Open Meetings Act.**

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.



**B. Quorum**

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

**C. Regular Meetings**

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

**D. Special Meetings**

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

**E. Order of Business**

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
  - a) Presentation of recommendation by City Staff.
  - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
  - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
  - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
  - e) The applicant or his representative may then give a rebuttal to any opposition.
  - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
  - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
  - h) Board discussion.
  - i) The Chair shall then declare that the discussion of the case is closed.



- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
  - k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
  - l) Vote on a motion.
6. The Chair may move a case out of regular agenda order.
  7. Staff Report
  8. Other Business posted on the Agenda
  9. Adjournment

**F. Staff Recommendations**

City staff shall provide recommendations on each case before the Board.

**G. Action by the Board**

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

**H. Minutes of the Board**

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

**VIII. DECISIONS OF THE BOARD**

**A. Precedent**

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

**B. Public Statements**

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.



**B. Parliamentary Procedure**

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

**IX. WITHDRAWAL OF APPEAL**

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

**X. ATTENDANCE**

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

**XI. AMENDEMENT PROCEDURE**

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

\_\_\_\_\_  
**Executive Secretary**



**ORDINANCE NO. 2018- 70**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

**WHEREAS**, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

**WHEREAS**, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

**Sec. 138-371. – Special Exception for carports.**

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
  - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and



- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
- (1) Whether the requested special exception is compatible with the character of the neighborhood.
  - (2) Whether the value of surrounding properties will be adversely affected.
  - (3) The suitability of the size and location of the carport
  - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

**SECTION II:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

**SECTION III:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

**SECTION IV:** This Ordinance shall be and remain in full force and effect from and



after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION V:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this 8<sup>th</sup> day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**SIGNED** this 9<sup>th</sup> day October, 2018.

**CITY OF McALLEN**

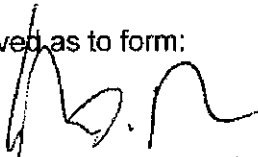
\_\_\_\_\_  
John Ingram, City Commissioner

Attest:



\_\_\_\_\_  
Perla Lara, TRMC/CMC, CPM  
City Secretary

Approved as to form:



\_\_\_\_\_  
Austin W. Stevenson, Assistant City Attorney





## 2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/15/20	02/05/20	02/19/20	03/04/20	03/18/20	04/01/20	04/15/20	05/06/20	05/20/20	06/03/20	06/17/20	07/01/20	07/15/20	08/05/20	08/19/20	09/02/20	09/17/20	10/07/20	10/21/20	11/04/20	11/18/20	12/02/20	12/17/20
ERICK DIAZ- <b>VICE-CHAIRPERSON</b>	P	P	NM	P	NM	P	P	NM	A	P													
SYLVIA HINOJOSA	P	P	NM	P	NM	A	A	NM	A	P													
DAVID SALINAS- <b>CHAIRPERSON</b>	P	P	NM	P	NM	P	P	NM	P	P													
JOHN MILLIN, III	A	A	NM	P	NM	P	P	NM	P	A													
SONIA FALCON	A	P	NM	A	NM	A	A	NM	A	P													
JOSE R. GUTIERREZ (ALT. 1)	P	P	NM	P	NM	P	P	NM	P	P													
JUAN F. JIMENEZ (ALT. 2)	P	P	NM	P	NM	P	A	NM	P	A													
(ALTERNATE 3)																							
(ALTERNATE 4)																							

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

## 2020 CALENDAR

### Meetings:

- City Commission
- Public Utility Board
- Planning & Zoning Board
- Zoning Board of Adjustment
- HPC - Historic Preservation Council
- CENSUS**

### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- \* **Holiday** - Office is closed

### JANUARY 2020

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

### FEBRUARY 2020

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

### MARCH 2020

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

### APRIL 2020

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

### MAY 2020

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

### JUNE 2020





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



## 2020 CALENDAR

### Meetings:

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

### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- \* **Holiday** - Office is closed

### JULY 2020

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

### AUGUST 2020

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

### SEPTEMBER 2020

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

### OCTOBER 2020

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

### NOVEMBER 2020

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

### DECEMBER 2020

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