

## AGENDA

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

**Web: <https://zoom.us/join> or phone: (346) 248-7799  
Meeting ID: [672-423-1883](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 ERICK DIAZ**

#### **1. MINUTES:**

- a) Minutes for the meeting held on October 7, 2020
- b) Minutes for the meeting held on October 21, 2020

#### **2. PUBLIC HEARINGS:**

- a) Request of Raul De La Garza, on behalf of Jorge Gutierrez, for the following variances to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of up to 6 ft. into the 6 ft. east side yard setback for an existing irregularly shaped wooden deck measuring approximately 41 ft. by 55 ft., **2)** to allow an encroachment of up to 3 feet into the 6 ft. east side yard setback for an existing circular above ground swimming pool measuring approximately 11 ft. by 20 ft., **3)** to allow an encroachment of up to 10 ft. into the 10 ft. rear yard setback for an existing irregularly shaped wooden deck measuring approximately 41 ft. by 55 ft., **4)** to allow an encroachment of up to 8 ft. into the 10 ft. rear yard setback for an existing above ground swimming pool measuring approximately 11 ft. by 20 ft., **5)** to allow an encroachment of 10 ft. into 10 ft. rear yard setback for an existing storage room measuring 6 ft. by 5 ft. at Lot 67, Falling Water Subdivision, Hidalgo County, Texas; 4204 Worthington Avenue. **(ZBA2020-0059)**
- b) Request of Aurora Pena for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 5 ft. into the 5 ft. west side yard setback for an existing covered patio measuring 6.33 ft. by 56 ft.; **2)** an encroachment of 9 ft. 9 in. into the rear yard setback for an existing wooden storage shed measuring 12.20 ft. by 12.25 ft.; **3)** to allow an accessory building separation from the main building of 3.75 ft. instead of the required 5 ft.; at Lot 12, Block 3, Amigo Park 1 Subdivision, Hidalgo County, Texas; 4405 West Gardenia Avenue. **(ZBA2020-0067) (TABLED: 10/21/2020)**
- c) Request of Juan Lopez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport measuring 17 ft. by 23 ft. at Lot 44, Oak Terrace Subdivision, Hidalgo County, Texas; 1916 North 35th Street. **(ZBA2020-0056) (TABLED: 10/7/2020) (REMAIN TABLED: 10/21/2020)**

- d) Request of Martin Hinojosa III for the following Variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 16 ft. into the 25 ft. front yard setback for a proposed garage addition measuring 26 ft. by 22 ft., **2)** an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing irregular hexagonal gazebo with an approximate area of 62.81 square feet **3)** an encroachment of 3.9 ft. into the 5 ft. side yard setback for an existing wooden storage measuring 15.9 ft. by 3.4 ft. and **4)** an encroachment of 6 ft. into the 10 ft. rear yard setback for an existing wooden storage measuring 15.9 ft. by 3.4 ft., at Lot 14 Block 5, Whitewing Addition Subdivision Unit 1, Hidalgo County, Texas; 2400 North 25th Street. **(ZBA2020-0066)**
- e) Request of Maria Quinteros, for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the 10 ft. front yard setback for a proposed garage extension measuring 10 ft. by 18 ft., at Lot 73, Los Alegres Subdivision Unit No. 2, Hidalgo County, Texas; 317 Uvalde Avenue. **(ZBA2020-0071)**
- f) Request of Frances Rivas, for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 13 ft. into the 25 ft. front yard setback for an existing carport measuring 19 ft. by 23 ft. at Lot 16, Block 7, Westway Heights Subdivision Unit No. 2, Hidalgo County, Texas; 2108 Highland Avenue. **(ZBA2020-0069)**
- g) Request of Douglas and Rosalia LaRoque for the following variance to the City of McAllen Zoning Ordinance to allow an encroachment of 15 ft. into the 25 ft. front yard setback for an existing gazebo measuring 10 ft. by 10 ft. at Lot 33, El Rancho Santa Cruz Subdivision Phase I, Hidalgo County, Texas; 800 East Pineridge Avenue. **(ZBA2020-0070)**

### **3. FUTURE AGENDA ITEMS**

- a) 4905 Ibis Avenue
- b) 201 Dove Avenue
- c) 3500 and 3504 Kilgore Avenue

### **4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY)**

- a) Consultation with Attorney regarding possible litigation related to enforcement. (Section 551.071, Tex. Gov't Code)

### **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.

**NOTICE OF REGULAR MEETING TO BE HELD BY  
THE MCALLEN ZONING BOARD OF ADJUSTMENT AND APPEAL**

**DATE:** Wednesday, November 4, 2020

**TIME:** 4:30 PM

**PLACE:** McAllen City Hall  
1300 Houston Avenue  
Commissioners' Room – 3<sup>rd</sup> Floor  
McAllen, Texas 78501

***SUBJECT MATTERS: SEE FOREGOING AGENDA***

**C E R T I F I C A T I O N**

I, the undersigned authority, do hereby certify that the above agenda for the Meeting of the McAllen Zoning Board of Adjustment and Appeals Commission is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the municipal building, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 30<sup>th</sup> day of October, 2020 at 3:00 p.m. and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Date this the 30<sup>th</sup> day of October, 2020.

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Jessica Cavazos, Administrative Supervisor