

AGENDA

**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
WEDNESDAY, OCTOBER 7, 2020 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD 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 – Vice-Chairperson Erick Diaz

1. MINUTES:

- a) Minutes for the meeting held on September 17, 2020

2. PUBLIC HEARINGS:

- a) Request of Cesar H. Sanchez for the following variance to the City of McAllen Zoning Ordinance: to allow an unattached structure in the R-2 (duplex- fourplex residential) District, at the east 6 ft. of Lot 4, Block 7 and all of Lot 5, Block 7, Larkspur Subdivision No.2, Hidalgo County, Texas; 1607 Nolana Avenue. **(ZBA2020-0045) (TABLED: 09/17/2020)**
- b) Request of San Juanita San Miguel for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 5.17 ft. into the 6 ft. side yard setback along the north property line for an existing covered patio measuring 10 ft. by 24.33 ft., **2)** an existing covered patio measuring 10 ft. by 24.33 ft. with a distance of 3.17 ft. instead of 5 ft. to the main building, and **3)** an encroachment of 6 ft. into the 6 ft. side yard setback along the south property line for an existing storage building measuring 12.75 ft. by 13.33 ft., at Lot 154, Colonia McAllen Unit No. 6 Subdivision, Hidalgo County, Texas; 2121 South 31st Street. **(ZBA2020-0034)(TABLED: 08/05/2020) (REMAIN TABLED: 08/19/2020) (TABLED: 09/17/2020)**
- c) Request of Robert Zamora for the following special exception and variance to the City of McAllen Zoning Ordinance **1)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing carport with an encroachment area measuring 2.9 ft. by 25 ft., **2)** to allow an encroachment of 6 ft. into the 6 ft. side yard setback along the west property line for an existing wooden storage building measuring 12.4 ft. by 19 ft., and **3)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for an existing carport with an encroachment area measuring 2.9 ft. by 20 ft. at Lot 3, Block 1, Colonia McAllen Unit No. 4, Hidalgo County, Texas; 2612 Uvalde Avenue. **(ZBA2020-0041) (TABLED: 09/17/2020)**
- d) Request of Adriana Salazar, on behalf of Servikon, LLC, for the following special exceptions to the City of McAllen Zoning Ordinance **1)** to allow an 8 ft. separation between buildings instead of the required 12 ft., **2)** to allow a 7 ft. landscaping strip along South Bentsen Road instead of the required 10ft., and **3)** to allow an encroachment of 4 ft. into

the 10 ft. rear yard setback for proposed apartments at a 1.55-acre tract of land out of lot 178, John H. Shary Subdivision, Hidalgo County, Texas; 1820 South Bentsen Road. **(ZBA2020-0058)**

- e) Request of David Rutledge for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 6 ft. into the 6 ft. side yard setback for an existing carport measuring 16 ft. by 36 ft. at Lot 4, North Garden Estates Subdivision, Hidalgo County, Texas; 301 Pelican Avenue. **(ZBA2020-0054) (TABLED: 09/17/2020)**
- f) Request of Jose L. Salinas for the following variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 10 ft. into the 10 ft. side yard setback for an existing pergola measuring 10 ft. by 20 ft. at Lot 10, Block 1, The Courtlands Subdivision, Hidalgo County, Texas; 409 Dove Avenue. **(ZBA2020-0049) (TABLED: 09/17/2020)**
- g) 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)**
- h) Request of Benilde Garcia for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 10 ft. into the 25 ft. rear yard setback for a proposed single family residential home, at Lot 2, Antigua Subdivision, Hidalgo County, Texas; 3008 Zenaida Avenue. **(ZBA2020-0055)**
- i) Request of Humberto F. Nunez for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 4.17 ft. into the 10 ft. rear yard setback for a proposed swimming pool, at Lot 26, Heritage Manor No. 2 Subdivision, Hidalgo County, Texas; 4508 North 5th Lane. **(ZBA2020-0057)**
- j) Request of Gerardo Lopez for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14.5 ft. into the 20 ft. front yard setback for an existing metal carport measuring approximately 20 ft. by 30 ft., at Lot 50, Apollo Gardens Subdivision, Hidalgo County, Texas; 2113 Hibiscus Avenue. **(ZBA2020-0051) (TABLED: 09/17/2020)**
- k) 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 feet into the west side yard setback for an existing irregularly shaped wooden deck measuring 41 ft. by 55 ft., **2)** to allow an encroachment of up to 3 feet into the west side yard setback for an existing circular above ground swimming pool measuring 11 ft. by 20 ft., **3)** to allow an encroachment of up to 10 ft. on the rear setback for an existing irregularly shaped wooden deck measuring 41 ft. by 55 ft., **4)** to allow an encroachment of up to 10 ft on the rear setback for an existing above ground swimming pool measuring 11 ft. by 20 ft., **5)** to allow an encroachment of up to 10 feet the rear side 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)**
- l) Request of Hector Bosquez for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 3 ft. into the 6 ft. side yard setback for an proposed addition to an existing porch measuring 22 ft. by 22 ft. at Lot 25, Del Sol Subdivision Phase I, Hidalgo County, Texas; 2805 Quamasia Avenue. **(ZBA2020-0060)**

3. FUTURE AGENDA ITEMS

- a)** 1719 Redbud Avenue
- b)** 2021 Hawk Avenue
- c)** 601 North 2nd Street
- d)** 3937 Swallow Avenue
- e)** 2009 Iris Avenue
- f)** 2400 North 25th Street
- g)** 4405 Gardenia Avenue
- h)** 201 South 2nd Street

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, October 7, 2020

TIME: 4:30 PM

PLACE: McAllen City Hall
1300 Houston Avenue
Commissioners' Room – 3rd 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 2nd 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 2nd day of October, 2020.

Jessica Cavazos, Administrative Supervisor