

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, April 22, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Hiram Gutierrez	Member
	Ivan Garcia	Member
	Francisco Davila	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Mia Fuentes	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on April 8, 2026.

The minutes for the meeting held on April 8, 2026. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Jose J. Rodriguez for a variance to allow an encroachment of 9 feet into the 20-foot front setback for an open pergola, at Lot 16, Trenton North Subdivision, Hidalgo County, Texas; 1608 Thunderbird Avenue. **(ZBA2026-0014)**

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 9 feet into the 20-foot front yard setback for a proposed pergola with a concrete base.

The subject property was located along Thunderbird Avenue, east of North 17th Street and is zoned R-1 (Single-Family Residential-OC) District.

Trenton North Subdivision was recorded on December 22, 1981. An application for a variance was submitted on March 09, 2026. This is the first variance application submitted for both this property and subdivision.

The recorded plat required a 20-foot front yard setback. The applicant stated the pergola would help to beautify the neighborhood and allow the family to better enjoy the front yard.

Staff had not received any phone calls, emails or letters in opposition to this request.

Staff recommended disapproval of the variance request since it does not comply with the minimum setback requirement.

Mr. Jose J. Hernandez, 2519 Brentwood Drive, Mission, Texas. He stated the way his house was built, it was square and in an older neighborhood. He wanted to build a front porch pergola to enjoy the front yard. He had a 40-year-old oak tree in the front and the pergola would be an addition to the neighborhood. The front yard was plain and the pergola would beautify it. He stated there was a proposed building behind his lot and there were stakes where a wall would be built. It would be 8 feet from his back fence and would not allow him to enjoy his backyard. Chairperson Gutierrez explained to the applicant that a variance goes with the land and not the owner. The next owner could build anything in that particular area or enclose it.

Vice-Chairperson Avila asked the applicant if the pergola was proposed and how it was going to be built. The applicant showed the Board pictures of his proposed request.

Chairperson Jose Gutierrez asked 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 Jose Gutierrez asked 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.

Planning Director Sotelo stated that on a question about landscaping, with a landscape feature, you could not have a foundation. Once you have a foundation, it is considered a structure. He stated that pavers were allowed in general, but to be considered a landscaping feature, the pergola would have to be a frame with vines and no foundation.

Vice-Chairperson Avila mentioned that from the edge of the house to the back of curb had about 30 feet. He stated that if the applicant added 9 feet with the pergola, there would still be about 20 feet from the house to the back of curb.

Mr. Daniel Santos agreed and stated that the pergola would make the house more proportionate. Mr. Hernandez mentioned he had seen other pergolas when he travelled to the City of Marshall, and they were beautiful. Mr. Santos stated that it would be proportionate because a walkway was already existing, and if someone wanted to enclose it in the future, there was still plenty space between the house and back of curb.

Following the discussion, Mr. Erick Diaz moved to go against staff's recommendation and approve the variance request. Mr. Daniel Santos seconded the motion. The Board voted to approve the Variance request with four members voting aye and one nay, Chairperson Jose Gutierrez.

- b) Request of David S. Valdez, on behalf of LOF Investments, for a variance, to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas; 220 North 11th Street. (ZBA2026-

0008) (TABLED: 03/18/2026) (REMAIN TABLED: 04/08/2026)

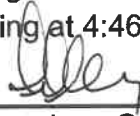
The applicant has withdrawn this item.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez moved to adjourn the meeting at 4:46 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez