

**.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 23, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hugo Avila</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Nancy Valenzuela</b>	<b>Alternate</b>

<b>Absent:</b>	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Erick Diaz</b>	<b>Alternate</b>

<b>Staff Present:</b>	<b>Norma Borrego</b>	<b>Assistant City Attorney I</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Samantha Trevino</b>	<b>Planner I</b>
	<b>Noah Del Bosque</b>	<b>Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for the meeting held on April 2, 2025.

The minutes for the meeting held on April 2, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Juan Mujica seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Rolando Solis for a special exception to the City of McAllen Zoning Ordinance to allow a proposed encroachment of 20 feet into the 25 foot front yard setback for an existing carport at Lot 4, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 7212 North 44th Lane. (ZBA2025-0007)

Ms. Trevino stated the applicant was requesting to encroach 20 feet into the 25-foot front yard setback for an existing carport that is proposed to be modified to comply with square footage size requirement and to be located out of the 5-foot utility easement. The carport will be used to protect his vehicles from inclement weather and will provide protection for the applicant and his wife who have multiple health issues.

The subject property was located along between North 44<sup>th</sup> Lane and North Bentsen Road. The subject property was currently Zoned R-1 (single-family residential-OC) District.

Plantation Gap Phase 1 Subdivision was recorded on December 20, 2004. A building permit was submitted June 2, 2022 for a carport addition and was denied for encroaching into the front yard setback and 5-foot utility easement. A stop work order was issued February 24, 2023 for carport construction without a permit. An application for a special exception request was submitted on March 13, 2025.

The applicant was requesting to encroach 20 feet into the 25-foot front yard setback for an existing carport. The carport will be used to protect his vehicles from inclement weather and will provide protection for the applicant and his wife who have multiple health issues.

In the past, there have been other variances and special exceptions granted in Plantation Gap Phase 1 Subdivision for encroachments into the front yard setback for carports.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

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

Staff recommended disapproval of the special exception request

Chairperson Gutierrez asked staff why they were recommending disapproval. Ms. Trevino stated since it did not comply with setbacks currently so standard recommendation for staff was usually disapproval.

Board member Mujica asked staff if there were other carports in the neighborhood. Ms. Trevino stated there were currently that were approved in that subdivision and eight that were illegally constructed. Most of the carports were made of metal. There was one wooden carport but did not have a permit.

Mr. Rolando Solis, 7212 North 44<sup>th</sup> Lane, McAllen. The applicant stated the carport had been built in 2022. He stated he was encroaching into the setback. Staff indicated to him to reduce it 5 feet from the property line. Board member Avila asked the applicant if he received a stop work order. Mr. Solis stated he did but continued to build it. He stated Engineering and Building Permits Departments had approved it but did not know about the Planning Department. Board member Mujica asked who built the carport. Mr. Solis stated he hired someone to build it. He stated he did not remember the person's name. The builder told him that they built carports all the time. Mr. Solis went to the Building Department and gave him measurements of 24 by 18 so he went by those measurements. Ms. Trevino stated the applicant was willing to reduce it back to meet the square footage requirement and to clear the five-foot utility easement per the proposed plan.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception

Following discussion, Mr. Juan Mujica moved to approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve Special Exception with five members present and voting.

- b) Request of Carla Cantu on behalf of Jose Vasquez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 foot front yard setback for an existing carport measuring 20 feet by 20 feet at Lot 140, Shadow Brook Subdivision Unit No.1, Hidalgo County, Texas; 2028 Hawk Avenue. (ZBA2025-0008)

Ms. Trevino stated the applicant was requesting to encroach 20 feet into the 20-foot front yard setback for an existing carport. The carport will be used to protect his vehicles from inclement weather and will provide protection for the elderly homeowners who have health issues and mobility restraints.

The subject property was located along the intersection of North 21<sup>st</sup> Street and Hawk Avenue. The subject property was currently Zoned R-1 (single-family residential-OC) District.

Shadow Brook Unit 1 Subdivision was recorded on February 13, 1979. A building permit was rejected January 22, 2014 for carport addition. A stop work order was issued March 28, 2014 for a garage enclosure and building a carport without a permit. A special exception was applied for and denied on April 15, 2014. A new application for a special exception request was submitted on March 20, 2025.

The applicant was requesting to encroach 20 feet into the 20-foot front yard setback for an existing carport. There are no utility easements that run through the front. The carport will be used to protect his vehicles from inclement weather and will provide protection for the elderly homeowners who have health issues and mobility restraints. The home had a garage that was enclosed back in 2014.

In the past, there have been other variances and special exceptions granted in Shadow Brook UT 1 Subdivision for encroachments into the front yard setback for carports.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

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

Staff recommended disapproval of the special exception request.

Chairperson Gutierrez asked staff why they were recommending disapproval. Ms. Trevino stated since it did not comply with setbacks currently so standard recommendation for staff was usually disapproval. It was encroaching into the front yard setback.

Board member Mujica stated on the aerial view picture the property adjacent seemed to have a carport and another one across the street two houses down. Ms. Trevino those two carports were approved by ZBOA.

Ms. Carla Cantu, 709 East Carol Road, San Juan. She stated she was representing Mr. Jose Vasquez who is in his late 70's. She stated that Mr. Vasquez though the special exception was approved but when in fact it was disapproved in 2014. Ms. Cantu was customer experience for Solar. She was trying to help him get him solar panels and get this project moving on for him. His carport was needing a permit to be issued.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Hugo Avila moved to approve the Special Exception. Mr. Daniel Santos seconded the motion. The Board voted to approve Special Exception with five members present and voting.

#### **ELECTION OFFICERS:**

Mr. Alex Lamela nominated to re-elect Mr. Jose Gutierrez as Chairperson. Mr. Hugo Avila seconded the motion. The Board voted unanimously with five members present and voting.

Chairperson Jose Gutierrez nominated Mr. Hugo Avila for Vice-Chairperson. Mr. Alex Lamela seconded the motion. The Board voted unanimously with five members present and voting.

#### **ADJOURNMENT**

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



Carmen White, Administrative Assista



Chairperson Jose Gutierrez