

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, August 20, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate

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

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on July 23, 2025.

The minutes for the meeting held on July 23, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

b) Minutes for the meeting held on August 6, 2025.

The minutes for the meeting held on August 6, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Hamlin Pools, on behalf of Bryan Senker, for a variance request to the City of McAllen Zoning ordinance to allow an encroachment of 8 feet into the 18-foot rear yard setback for a proposed pool at Lot 4, Spanish Oaks at Frontera Subdivision, Hidalgo County, Texas; 900 Grayson Avenue. (ZBA2025-0038)

Mr. Lopez stated the applicant was requesting a variance for an encroachment of 8 feet into the 18-foot rear yard setback for a pool measuring approximately 12 feet by 16 feet.

The subject property is located on the north of Grayson Avenue, east of North 8th street.

The property is zoned R-1 (Single-Family Residential -OC) District. Adjacent zoning is R-1 (Single-Family Residential -OC) District on all directions. Surrounding land uses are single-family residences and vacant land.

Spanish Oaks at Frontera Subdivision was recorded on May 08, 2018. The rear building setback is 18 feet as per the recorded plat. A building permit for a single family residence was issued on March 12, 2025 and is currently under construction. A building permit application for a swimming pool was submitted on May 27, 2025 but was rejected by Planning Department, due to encroachment into the rear yard setback. The current variance request was submitted on July 23, 2025.

The request is for a variance to allow an encroachment of 8 feet into the 18 feet rear building for a proposed swimming pool measuring approximately 12 ft. x 16ft.

Section 138-356 of the Zoning Ordinance requires 10 ft. rear yard setback for residential lots. The recorded plat requires 18 ft. rear yard setback. The proposed swimming pool will respect the rear yard setback as required by city ordinance.

Staff have not received any phone calls, emails, or letters in opposition of the variance request.

Planning Department records show an approved variance request for an encroachment to the rear yard setback for a pergola in this subdivision in 2025.

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.

Staff recommended approval of the variance request since it complies with minimum setback required by Section 138-356 of the zoning ordinance and will not impact the neighborhood's characteristic.

Following discussion, Vice-Chairperson Hugo Avila **moved** to approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Michael Ramirez and Maurilia Ramirez, on behalf of Chris Ryan Homes & Investments LLC, for a variance request to the City of McAllen Zoning ordinance to allow an encroachment of 8 feet into the 18-foot rear yard setback for a proposed pool at Lot 40, Spanish Oaks at Frontera Subdivision, Hidalgo County, Texas; 900 Grambling Avenue. (ZBA2025-0039)**

Mr. Lopez stated the applicant was requesting a variance for an encroachment of 8 feet into the 18-foot rear yard setback for an in-ground pool measuring approximately 14 feet by 18 feet.

The subject property is located on the north side of Grambling Avenue, east of North 8th street. The property is zoned R-1 (Single-Family Residential -OC) District. Adjacent zoning is R-1 (Single-Family Residential -OC) District on all directions. Surrounding land uses are single-family residences and vacant land.

Spanish Oaks at Frontera Subdivision was recorded on May 08, 2018. The rear building setback is 18 feet as per plat. A building permit to construct a single family residence was issued on September 19th, 2024 and the Certificate of occupancy was issued on June 10th, 2025. A building permit application for proposed pool was submitted on July 10, 2025 but was rejected by Planning Department, due to encroachment into the rear yard setback. The current variance request was submitted on July 25, 2025.

The request is for a variance to allow an encroachment of 8 feet into the 18 feet rear building for a proposed swimming pool measuring approximately 14 ft. x 18ft.

Section 138-356 of the Zoning Ordinance requires 10 ft. rear yard setback for residential lots. The recorded plat requires 18 ft. rear yard setback. The proposed swimming pool will respect the rear yard setback as required by city ordinance.

There have been no calls or emails received in opposition of the variance request.

Planning Department records show an approved variance request for an encroachment to the rear yard setback for a pergola in this subdivision in 2025.

Staff recommended approval of the variance request since it complies with minimum setback required by Section 138-356 of the zoning ordinance and will not impact the neighborhood's characteristic.

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.

Mary Ramirez, owner of the residence 900 Grambling Avenue. She stated they were builders and have done six homes already. Other customers want swimming pools. She asked if it was necessary to come each time. Chairperson Gutierrez stated yes. If more, come at the same time they could vote on each one separately.

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.

Following discussion, Mr. Hiram Gutierrez moved to approve the Variance request. Mr. Juan Mujica seconded the motion. The Board voted to approve the Variance request 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 Assistant



Chairperson Jose Gutierrez