

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Special Meeting on Thursday, August 30, 2024 at 4:40 p.m. in the McAllen Development Center, 311 North 15th Street, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Alex Lamela	Alternate
Absent:	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Pablo Garcia	Alternate
	Daniel Santos	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Samantha Trevino	Planner I
	Carmen White	Administrative Assistant

CALL TO ORDER –Vice-Chairperson Ann Tafel

1. PUBLIC HEARINGS:

- a) Request of Hollywood Development and Construction, for Variances to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback at Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27 and 28, Imperio Estates Subdivision, Hidalgo County, Texas; 2813, 2809, 2805, 2801, 2721, 2717, 2713, 2709, 2705, 2704, 2708, 2712, 2716, 2720, 2800, 2804, 2812, 2816, 2820, and 2824 Indian Hill Avenue (ZBA2024-0029)

Mr. Trevino stated the applicant was requesting to not provide one parking beyond the front yard setback for various Lots within Imperio Estates Subdivision.

The subject properties were located on the east side of North 29th street within a two street subdivision. The properties are zoned R-1 (single-family residential) District. The surrounding land use is R-1 (single-family residential) District to the east and A-O (agricultural and open space) District to the north and south.

Imperio Estates Subdivision was recorded on June 28, 2024. The variance application was submitted July 31, 2024.

The applicant was requesting to not provide one parking space beyond the front yard setback. Section 138-394(1) states, "Single-family, mobile/modular home, townhouse

and duplex: Two parking spaces per dwelling unit. One off-street parking for single-family uses shall be located beyond the front yard setback. Parking on landscape development areas required by section 110-48 is prohibited..." The applicants state that their request is based on unique dimensions of their lots (56x90.5). Although the Lot sizes meet the minimum requirement, the lot depths are more constrained compared to standard residential lots. The limitation of space requires modifications to the floor plans.

The proposed site plan for the mentioned lots show two-car driveways. The applicant states buyers will be able to choose between designs with built in garages as an integral part of the original house or homes without a garage. The request if granted may encourage future special exception requests for front yard carports since no covered parking areas would be provided, as well as result in on-street parking for owners who may own more than two vehicles. Moreover, upon further review of the proposed site plan, staff believes that the lots are not being used to their maximum potential since the proposed dwellings are show to provide more distance than the required minimum side and rear yard setbacks. The applicant states that moving the house further back would significantly reduce the available patio space for homeowners.

A review of Planning Department records did not reveal other variances granted within the subdivision since this is a new subdivision this would be the first request.

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

Staff recommended disapproval of the variance request since one parking space is required beyond the front yard setback as per the ordinance, and the site plans can be modified to meet that requirement. They currently have applied for and received 2 permits complying with this requirement. Further, no hardship exists since the plat can still be changed to accommodate requirement.

Board member Avila asked staff to clarify the one parking beyond the front yard setback. Staff stated the ordinance after 1999 City required one parking space to be located beyond the front yard setback to accommodate to limit the off-street parking. The older houses that were built without garages does not comply but after since the 1999 ordinance they require either a garage, carport or even a driveway for some parking beyond the house.

Mr. Jorge Valdez, owner of Hollywood Development and Construction and Imperio Estates Subdivision, 2201 West Dove Avenue, McAllen, Texas. He stated he was requesting for a two-car driveway being 40 x 20 not 20 x 40. It would not go beyond the front yard setback.

Mr. Rafael Mendoza, 2201 West Dove Avenue. He stated some houses have garages so they will not need on the dimensions for a two-car driveway. For the newer generations coming in with a different type of house so they want to keep their options open for opportunities for new homebuyers. This would include a substantial size for the backyard and not having to push the house further back.

Ms. Trevino stated she spoke with Ana of Hollywood Development a site plan similar to this one. There was space on either side to move it over and accommodate for one car to be put on the side. Concrete can go over setbacks. It not an issue but an option.

Chairperson Jose Gutierrez arrived at 4:45 p.m. while in progress.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the Variance request. There was no one in favor of the Variance request.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Variance request. There was no one in opposition of the Variance request.

Chairperson Gutierrez asked how far back they would go back for the limit the space for families to have more room. Mr. Barroso stated 18 feet; instead of 33 feet in the back, they would only have 15 feet. Chairperson Gutierrez asked if the construction were for one or two floors. Mr. Barroso stated one floor. Chairperson Gutierrez asked if two floors the back could have 33 feet. Mr. Barroso stated yes however, it would not be feasible for economic financial situation but it could be.

Mr. Aaron Herrera, 2201 North Dove Avenue, McAllen, Texas. He asked if they could build concrete over the easements and setbacks because he was informed that they needed greenery on each side.

Following discussion, Mr. Alex Lamela moved to go with staff's recommendation and disapprove the Variance request. Mr. Hugo Avila seconded the motion. The Board voted to disapprove 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

ZONING BOARD OF ADJUSTMENTS & APPEALS
ATTENDANCE SHEET

8-30-24

PRINT NAME

PHONE #

ADDRESS:

Jorge Valdez (956) 789-1337 2201 W. Dove Munten

Rafael Mendoza 956-354-5298 2201 W. Dove Ave.

Alexis Herrera 980-6558917 2201 W. Dove Ave

Blank lined area for additional entries.