

**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 6, 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 9, 2025.

The minutes for the meeting held on July 9, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Erick Diaz seconded the motion, which carried unanimously with five members present and voting

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

Minutes will be voted on the next meeting of August 20, 2025.

2. PUBLIC HEARINGS:

a) Request of Jenesiz Rodriguez, for the following Special Exception to the City of McAllen Zoning Ordinance: to allow an encroachment of 20 feet into the required 20 foot front yard setback for an unenclosed carport measuring by 20 feet x 20 feet at Lot 6, Tierra del Sol Unit 2 Subdivision, Hidalgo County, Texas; 5805 North 28th Lane. (ZBA2025-0037)

Ms. Moreno stated the applicant is requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing metal carport used for protection of their vehicle from inclement weather.

The subject property is located between North 29th Street and North 28th Lane. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single

Family Residential-OC) District in all directions.

Tierra del Sol Unit 2 was officially recorded on April 11, 1978. The subdivision plat indicates a front yard setback requirement of 20 feet. A Stop Work Order was issued on May 31, 2025, for the existing carport, which was constructed without an approved building permit. A building permit for the existing metal carport was submitted on July 8, 2025, which was rejected by Planning Department due to the front yard setback encroachment. A special exception request for the existing metal carport was submitted on July 9, 2025. Based on the google street view images, it seems that there was a one car garage that was enclosed between the years of 2019 and 2021 without an approved building permit.

The applicant is requesting a special exception for an existing metal carport measuring 22 feet x 20 feet with a total of 440 square feet, which seems to encroach onto the right-of-way and exceeds the 400 square foot size not allowed by ordinance. The applicant is proposing to reduce the size of the carport to 20ft x 20ft to comply with the 400-square-foot maximum requirement and to stay out of the right-of-way. The applicant states the structure provides necessary shade and protection from extreme weather conditions for their vehicle. During the site visit, staff noticed seven other front encroachment that did not have an approved building permit.

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. If the request is approved, it should be subject to the submitted site plan.

Vice-Chairperson Avila asked if there were other carports with possible violations. Staff stated there were seven carports that did not have an approved building permit.

Juan and Jenesiz Rodriguez, 5805 North 28th Lane. He stated they were first time homebuyers and closed on the home late April. There was no Homeowners Association as long they did not go past the 20-foot front yard setback they were fine to build. When the City inspector came by they were informed there was a Stop Work Order you cannot build. Mr. Rodriguez mentioned to them they were past the front yard setback at which the inspector mentioned that they needed a building permit. They went in to apply for the building permit but were told that it was a Special Exception permit. He stated they had two vehicles, one of which was a large truck. They wanted it to protect their vehicles from inclement weather. He thought that as long as the poles were behind the 20 feet that they could have the two feet overhang so that it would measure one foot over it. He was asking to keep the one foot so that it provided the protection. Chairperson Gutierrez if they had a garage. Mr. Rodriguez stated they did not it appeared to have had one and had been enclosed to make a fourth bedroom.

Board member Diaz asked the applicant if they could enter the property from 29th Street. Mr. Rodriguez stated you could not because there is a sidewalk and a gated area.

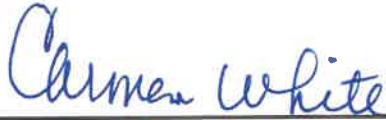
Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

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, Vice-Chairperson Hugo Avila moved to go against staff's recommendation, subject to the site plan submitted to approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception 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