

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

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, December 17, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	Jose Gutierrez Hugo Avila Hiram Gutierrez Ivan Garcia Juan Mujica Alex Lamela Erick Diaz Francisco Davila	Chairperson Vice-Chairperson Member Member Alternate Alternate Alternate Alternate
<b>Absent:</b>	Daniel Santos	Member
<b>Staff Present:</b>	Norma Borrego Omar Sotelo Kaveh Forghanparast Nicolas Lopez Samantha Trevino Jessica Puga Carmen White	Assistant City Attorney I Planning Director Senior Planner Planner II Planner I Technician II Administrative Assistant

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

a) Minutes for meeting held on December 3, 2025.

The minutes for the meeting held on December 3, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Francisco Davila seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

a) Request of Yadira Gonzalez for a request of a special exception to the City of McAllen Zoning Ordinance to allow a garage enclosure, located at Lot 48, Lost Encinos III Subdivision, Hidalgo County, Texas; 5631 South 27th Lane. (ZBA2025-0063

Ms. Fuentes stated the applicant was requesting a special exception to enclose the existing garage and not provide the required parking at the subject property.

The subject property was located along the east side of South 27<sup>th</sup> Lane, south of Sarah Avenue and is zoned R-1 (Low Density Residential–UDC) District.

Los Encinos III Subdivision was officially recorded on October 4, 2006. A single-family residential home was built on the property in 2008. The applicant was given a Stop Work Order on November 8, 2025, and submitted a building permit for the enclosure of the garage on November 11, 2025. The permit was rejected by Planning due to non-compliance of Section §138-397 (a) of the Zoning Ordinance. A special exception request for the garage enclosure

was submitted on November 17, 2025.

The applicant was requesting the special exceptions to allow the garage enclosure on the property.

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

Staff recommended disapproval of the special exception request.

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

Ms. Yadira Gonzalez, 5631 South 27<sup>th</sup> Lane, McAllen. She stated she wanted to enclose her garage to make into a bedroom. She wanted to have it enclosed for her in-laws. Her father-in-law is handicapped and to help her mother-in-law in taking care of him.

Board member Lamela asked if this was considered a hardship case.

Ms. Gonzalez stated her father-in-law had his leg amputated and they lived by themselves. Therefore, they decided to have them live with him in order to help them out.

Following discussion, Mr. Alex Lamela moved to go against staff's recommendation and approve the Special Exception. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b)** Request of Christina Sanchez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 12 feet into the 30-foot front yard setback for a proposed carport at Lot 13 and East 9.5 feet of Lot 12, West Harvey Addition Unit No. 1 & Unit No. 2 Subdivision, Hidalgo County, Texas; 1901 Camellia Avenue. (ZBA2025-0062)

Mr. Del Bosque stated the applicant was requesting a special exception to allow an encroachment of 12 feet into the 30-foot front yard setback for a proposed 20'x20' carport.

The subject property was located on the southwest corner of Camellia Avenue and North Bicentennial Boulevard and is zone R-1 (Single Family Residential-OC) District.

West Harvey Addition Unit Number 1 and 2 Subdivision was recorded on February 11, 1958. Per the Hidalgo County Appraisal District records, the house was built in 1970. A special exception application was submitted November 14, 2025. No building permit for the carport has been submitted.

The applicant was requesting a special exception for a proposed 20'x20' carport that will be used to protect her elderly parents, both of whom use wheelchairs, from the weather elements. The carport would also provide cover for their vehicle.

The recorded plat of the subdivision requires a 30-foot front yard setback. During site visit, staff noticed multiple properties along Camellia that have carports, which seem to encroach into the required 30-foot front setback; however, staff's research, did not reveal any records of special exception being granted for this subdivision.

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 this request.

Staff recommended disapproval of the special exception request since it does not comply with the setback requirement in the subdivision.

Ms. Christina Sanchez, 1901 Camellia Avenue, McAllen. She stated her and her sister take care of their elderly parents. They have many medical needs, going to doctor's appointments in ambulances. In addition, during the inclement weather they need for protection when getting in and out of their vehicles.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one else 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. Hiram Gutierrez moved to go against staff's recommendation and approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) Request of Fernando Martinez Jr. and Yinoha C. Cruz for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25-foot rear yard setback for a proposed covered porch, at Lot 80, Taylor Crossing Subdivision, Hidalgo County, Texas; 4808 Kiwi Avenue. (ZBA2025-0064)

Ms. Ramirez stated the applicant was requesting a variance to allow an encroachment of 15-feet into the 25-foot rear yard setback for a proposed covered porch measuring 15ft x 28ft to provide cover for back yard/back door from weather (rain, sun, etc.).

The subject property was located on Kiwi Avenue, South of Lark Avenue and was zoned R-1 (Single-Family Residential-OC) District.

Taylor Crossing Subdivision was officially recorded on January 6, 2010. A single-family residential home was built on the property in 2018. This is the first attempt to request a variance to encroach into a proposed porch for the rear side setback. No other requests have been received.

The applicant was requesting a variance to allow the encroachment of 15 feet into the 25 feet rear setback for a non-existing covered porch on the rear side of the property. The home sits on a double fronting property in which the owner states it prevents them from using most of the lot space. City Ordinance Section 138-367(b) states, "Where lots have double frontage, a required front yard shall be provided on one street only." The submitted site plan shows the proposed residence will be in compliance with the 25 foot front yard setback. As per our records, there have been two variance requests for encroachments for covered porches granted within this subdivision.

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

Staff recommended approval of the variance request.

Mr. Fernando Martinez and wife, 4808 Kiwi Avenue, McAllen. He stated he wanted to build a porch in the rear for protection against inclement weather. In addition, for their children to play as well.

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

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

- d) Request of Austin Navarrette for a variance to the City of McAllen Zoning Ordinance to not provide the required masonry eight feet buffer in height or a six-foot opaque buffer at a 1.928 Ac tract out of Lot 8, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 201 Dallas Avenue. (ZBA2025-0057) (TABLED: 11/19/2025) (REMAIN TABLED: 12/3/2025)

Vice-Chairperson Hugo Avila made a motion to remove the item from the table. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Hernandez stated the applicant was requesting a variance to not provide an eight-foot masonry screen or a six-foot buffer along the property adjacent to an R-1 (Single Family Residential) District.

The subject property is located at the southwest corner of Dallas Avenue and South 2<sup>nd</sup> Street. The property is zoned C-3 (General Business) District. The adjacent zoning was R-1 (Single-Family Residential) District to the southwest and C-3 (General Business) District to the south and west. Surrounding land uses are single-family residences, commercial businesses and vacant land.

This property was currently undergoing the subdivision process under the name of 7-11 McAllen Subdivision and recently got approved in preliminary form on November 4, 2025. An application for this variance request was submitted on October 9, 2025.

This request is to not provide an eight-foot masonry wall nor a six-foot opaque buffer adjacent to an R-1(single family residential) District. Applicant states that the adjacent residential zone is used for oil and gas operations with no nearby or planned residential uses. They indicated that enforcing the wall requirement would create unnecessary construction burdens, safety issues by reducing visibility, and have no public benefit, while preventing reasonable use of the commercially zoned property.

Section 110-49(a) of the vegetation ordinance states that a masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks.

Based on the submitted survey, the commercial property has less than 100 feet in common with adjacent single-family zone; therefor an eight-foot-high cedar fence would be required.

Staff had not received any emails or phone calls in opposition of the variance request.

Staff recommended disapproval of the variance request since it does not comply with requirements established under Section 110-49(a) of the vegetation ordinance requirements.

Chairperson Gutierrez asked staff what the applicant meant by reasonable use of the commercial use and the person speak in favor of the request was it over the phone. Staff stated it was an email sent from the person in favor with his property being on the west adjacent to the subject property, which is the owner of the oil and gas well.

Mr. Beto De La Garza, 1121 Nyssa Avenue, McAllen. In responding to the Chairperson's question. He stated that was a letter, which was written from their client Vaquero. He stated putting a fence of 80 feet on the property would make it pointless. They were not planning on putting a fence on the rest of the property. Allocating that money would be more needed to put in more landscaping that could be added to the site plan.

Board member Diaz asked the representative if the same owner owns the property to the south and to the west. Their same owner selling the property to 7-11. He stated that a buffer was not required between two commercial buildings.

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

Following discussion, Mr. Juan Mujica moved to disapprove the Variance request. Mr. Francisco Davila seconded the motion. The Board voted to disapprove the Variance request with four members voting aye and one nay, Mr. Ivan Garcia.

- e) Request of Monica Rodriguez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage at Lot 11, Thomas Terrace Subdivision, Hidalgo County, Texas; 409 Redwood Avenue. (ZBA2025-0052) (TABLED: 11/5/2025) (REMAIN TABLED: 11/19/2025, 12/3/2025)

Mr. Alex Lamela made a motion to remove the item from the table. Mr. Ivan Garcia seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Hernandez stated the applicant was requesting a variance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage.

The subject property was located along the south side of Redwood Avenue west of North 4<sup>th</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

Thomas Terrace Subdivision was officially recorded on April 15, 1950. A Stop Work Order was issued on December 29, 2009, for the construction of the garage without a building permit. A subsequent Stop Work Order was issued on January 7, 2010, due to the continued violation. A follow-up was scheduled for January 20, 2010 to issue a citation but no one was at the residence. The property underwent a change of ownership in 2014. The new owner was informed that the existing violation needed to be resolved before proceeding with an application for an additional permit. A building permit for the garage was submitted on August 22, 2024, which was rejected by Planning due to the encroachment. A variance request for the existing garage was submitted on September 15, 2025. At the time of the memo, owner was working with utilities to come to an agreement.

The applicant was requesting the variance to allow the encroachment of the garage at the rear of the property.

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

Staff recommended disapproval of the variance request.

Mr. Forghanparast mentioned to the Board at that time on the application it had Monica Rodriguez's name on it as the owner. She has then sold it to another owner and notified him that staff had the application in process. The new owner was aware of the request and meeting today but could not attend. It had been tabled three times. They had an option to withdraw but they decided to continue.

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

Vice-Chairperson mentioned there was an old asbestos water line. The water line was in the alley but it was close to the fence.

Board member Mujica had a concern with the depth of the line. Ralph Balderas, MPU Engineering. He stated the normal depth is four feet. Their water department went out there recently with a request of the abandonment. There were some valves at the ends of the alley. With the curve of the alley, it was difficult to pin point where exactly where the line was but it was assumed it was at the north side of the alley.

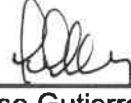
Following discussion, Mr. Hiram Gutierrez moved to go with staff's recommendation and disapprove the Variance request with the condition the carport will be reduced to comply with the City's requirements. Mr. Francisco Davila seconded the motion. The Board voted to approve the Variance request with five 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

Carmen White, Administrative Assistant

  
\_\_\_\_\_  
Chairperson Jose Gutierrez