

**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 3, 2025 at 4:31 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>Vice-Chairperson</b>
	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>

<b>Absent:</b>	<b>Daniel Santos</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Francisco Davila</b>	<b>Alternate</b>

<b>Staff Present:</b>	<b>Martin Canales</b>	<b>Assistant City Attorney III</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Kaveh Forghanparast</b>	<b>Senior Planner</b>
	<b>Nicolas Lopez</b>	<b>Planner II</b>
	<b>Samantha Trevino</b>	<b>Planner I</b>
	<b>Jessica Puga</b>	<b>Technician II</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for meeting held on November 19, 2025.

The minutes for the meeting held on November 19, 2025. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Laura Cantu on behalf of Mahan Properties, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 5-foot rear yard setback for an existing garage at Lot A, Save an Except 414 square feet of land conveyed to the City of McAllen, Druscilla Subdivision, Hidalgo County, Texas; 4120 Pecan Boulevard. **(ZBA2025-0060)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5 feet into the 5-foot rear yard setback for an existing commercial garage that is used for vehicle protection from the weather elements.

The subject property was located on the northeast corner of Pecan Boulevard and North 42<sup>nd</sup> Street and is zone C-3 (General Business-OC) District. The adjacent properties are zoned R-1 (Single-Family Residential-OC) District to the North and C-2 (Neighborhood

Commercial-OC) District to the east and C-3 (General Business-OC) District to the South across Pecan Boulevard.

Druscilla Subdivision was recorded on September 13, 1976. Based on a google earth search, staff noticed there was an existing garage that seemed to have been built back in the 90's that was part of the commercial business at that time. The garage portion was demolished by the new owner and reconstructed without a permit. A notice of violation was issued June 21, 2025 for additions of structure without a permit. A second notice of violation was issued September 26, 2025 for the same violation. A Building permit was submitted June 30, 2025, which was rejected by the Planning Department due to the rear yard setback encroachment. A variance application was submitted October 21, 2025.

The applicant is requesting a variance to allow the encroachment of 5 feet into the 5-foot rear setback for an existing garage built without a permit.

Section 138-356 of the Zoning Ordinance requires a five-foot rear setback for commercial properties. Also, Section 138-87 of the Zoning Ordinance states that if a non-conforming structure is damaged by any means to an extent of more than 50 percent of its replacement value at the time of destruction, it shall not be reconstructed except if it is approved by the Zoning Board of Adjustments.

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

Staff recommended disapproval of the variance request since it does not comply with rear setback requirements.

Laura Cantu, 4120 Pecan Blvd. She stated when she is the owner of the property. She stated when she bought the property the building was already constructed with the garage. She wanted to remove the carport and reconstruct it. She stated when she came to get a permit she stated that someone on the department that if the structure was existing she did not have to obtain a permit. Chairperson Gutierrez asked her if she remembered the person she spoke with, she did not get the name.

Board member Mujica stated he had concerns that the she is next to a residence. The ordinance stated that there has to be a separation between a commercial and residential. The concern was in case of a fire.

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.

Rodolfo Esquivel, 1304 North 42<sup>nd</sup> Street. He stated that the water from her garage roof runs off onto his property. They do share the block wall between them. He stated his property value went down since the business was established.

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

Board member Gutierrez asked the applicant how long has he lived at that residence. Mr. Esquivel stated he lived there before the building was built in the 60's.

Board member Mujica asked staff if they were meeting the parking requirement for this garage in place. Staff stated there was a parking requirement. It was based on the original businesses that were there. Staff would have to check to make sure they were complying with parking.

Staff stated the building with the garage in the back was built back in the 90s. The older property owner owned a portion of the north property. When they were looking at the setbacks back then they were allowed to go all the way up to the property line. Later they sold that portion and of the portion on the north side now it is a part of the residential property.

Following discussion, Mr. Juan Mujica moved to go with staff's recommendation and disapprove the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

- b) Request of Alejandro Sanchez for a Special Exception to the City of McAllen Zoning Ordinance for a garage enclosure at Lot 4, Saddle Creek Subdivision Unit 1, Hidalgo County, Texas; 2900 Northwestern Avenue (**ZBA2025-0061**)

Ms. Trevino stated the applicant was requesting a Special Exception for a garage enclosure to make the home more attractive, by remodeling the house's façade.

The subject property was located on the northeast corner of Northwestern Avenue and North 29<sup>th</sup> Lane and is zone R-1 (Single-Family Residential-OC) District. Surrounding land uses are single-family residential in all directions.

Saddle Creek Subdivision Unit 1 was recorded September 11, 2001. A special exception application was submitted on November 3, 2025.

The applicant is requesting a special exception to enclose the existing garage since it is too small to fit any vehicles properly and to make the front of the home more modern.

Section 138- 397 of the Zoning Ordinance requires two parking spaces per dwelling unit. One off-street parking shall be located beyond the front yard setback. Enclosing the garage will eliminate the one off-street parking requirement beyond the front yard setback.

During site inspection, staff noticed several homes with enclosed garages in this subdivision. Staff's research did reveal 5 garage enclosures approved by the Zoning Board of Adjustments for this subdivision in the past.

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

Staff recommended approval of the special exception request, since it conforms to the existing neighborhood characteristics.

Board member Gutierrez asked staff why this was a Special Exception and not a Variance. Staff stated there were some provisions in the Code that mentions Special Exception one of them is the parking requirement. Some did not meet the parking requirement for a business they wanted to open. In this case, it was tied to the use. Tied to the house that

required one parking space behind the front yard setback, which they cannot comply.

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. Alex Lamela moved to go against staff's recommendation and approve the Special Exception with the condition the carport will be reduced to comply with the City's requirements. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) 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)

**This item was tabled per the applicant until the next meeting.**

- d) 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) (TABLED: 11/19/2025)

**This was item was to remain tabled until the next meeting.**

#### **ADJOURNMENT**

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

  
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Carmen White, Administrative Assistan

  
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Chairperson Jose Gutierrez