

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, January 8, 2025 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Member
	Hiram A. Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Martin Canales	Assistant City Attorney III
	Luis Mora	Deputy Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Porfirio Hernandez	Planner I
	Alexis Martinez	Planner I
	Jessica Puga	Planning Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on December 18, 2024

The minutes for the meeting held on December 18, 2024. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

Mr. Hiram Gutierrez 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.

- a) Request of Christopher Sebastian for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport measuring 20.2 feet by 23 feet at Lot 2, Ponderosa Park Phase 1 Subdivision, Hidalgo County, Texas; 3506 North 29th Lane. (ZBA2024-0050) (TABLED: 12/18/2024)

Ms. Martinez stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for an existing carport measuring 20.2 feet by 23 feet. The applicant was unaware that a building permit was never obtained by the previous owner at the time of purchasing the home in July 2023. The applicant would like the structure to remain because the existing carport provides shade and protection during inclement weather for their multiple vehicles.

The subject property is located north of Iris Avenue between North 29th Lane and North 29th Street. The lot along North 29th Lane has 60 feet of frontage and a depth of 102 feet with a tract size of 6,120 square feet. The property is zoned R-1 (single family residential) District. Surrounding land uses are single-family residences in all directions.

The subdivision plat for Ponderosa Park Phase I Subdivision was recorded on July 29, 1997. As per plat, the front yard setback shall be 20 feet. According to Hidalgo County Appraisal District records, the residential home was built in 1998. A stop work order was issued by Buildings and Inspections Department staff on November 11, 2024 for the construction of a carport without a building permit. An application for a building permit for a carport was submitted to the Building Permits & Inspections Department on November 12, 2024. An application for a special exception request was submitted to the Planning Department on November 13, 2024 for the existing metal carport.

The special exception request is for an existing metal carport measuring 20.2 feet by 23 feet for an area of 464.6 square feet in size. The submitted site plan shows a carport encroaching 20 feet into the 20-foot front yard setback. A survey of this property shows the carport with an encroachment of 0.9' into the street right-of-way. The survey also appears to show a slight carport encroachment into the 6-foot setback along the north property line; however, distance is not specified. The applicant proposes reduction to the size of the carport, which may resolve the depicted right-of-way encroachment and encroachment (if any) along the north side yard setback. A site plan showing proposed reductions is pending. Consideration of Special Exception requests are confined to within property line boundaries and do not include encroachments into the right of way.

There is no alley at the rear of the property where a carport could be alternatively built.

Front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Carports being granted a Special Exception shall not exceed 400 square feet in size.

There is a garage that is part of the existing residence used to park family vehicles.

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

Staff recommended disapproval since approval may encourage other property owners to build similar structures after the character of the neighborhood on this block. In addition, the carport exceeds the 400 square feet maximum size stated in the ordinance.

The board members suggested that the item be tabled until the next meeting, this would allow the applicant to take more time to think about having a size reduction proposed on the site plan in which would provide dimensions that comply within the zoning ordinance 400 square feet size maximum size requirement for special exception requests. Subsequently to the meeting, staff did have a meeting with the applicant in office to have

the applicant configure dimensions for the proposed carport size reduction. The applicant has agreed that they would reduce to the size of the carport to 386 square feet. This would result in reducing the north side down by 3 feet to total 20 feet and the west side being reduced by .9 feet to total 19.3 feet.

Chairperson Gutierrez asked staff if the applicant was present. Staff stated he was not but his wife was present to speak on his behalf.

Ms. Rowena Sebastian, 3506 North 29th Lane. She stated that if they reduced the sides of the carport they would comply with the 400 square footage. She stated that when they purchased the house they called the previous owners to get information about who built the carport. They could not get any information. Ms. Sebastian stated they did not know how much it would cost to remove the entire carport.

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, Mr. Juan Mujica moved to disapprove the Special Exception as recommended by staff. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Special Exception with four members voting aye and one voting nay, Mr. Ivan Garcia.

b) Request of Carlos Jimenez for a variance to the City of McAllen Zoning Ordinance to allow the following encroachments: 1) 2.4 feet into the 5-foot North side yard setback, for an existing garage, 2) 2.6 feet into the 5-foot North side yard setback for an existing covered patio, and 3) 2.6 feet into the 5-foot North side yard setback for an existing storage room, at Lot 5 Block 1, Redwood Park Addition Subdivision, Hidalgo County, Texas; 1616 North 8th Street. (ZBA2024-0049) (TABLED: 12/18/2024) (REMAIN TABLED: 01/08/2025)

The applicant requested the item to remain tabled until the next meeting.

c) Request of Francisco Pons Ballesteros for a Variance to the City of McAllen Zoning Ordinance to not provide a masonry screen eight feet in height and instead provide a six-foot cedar fence with columns for the proposed Georgetown Park Subdivision at 9.1 Acres out of Lot 1, Block 17, Steele & Pershing Subdivision and Lot 1, Block 9, A.J. McColl Subdivision, Hidalgo County, Texas; 1100 East El Rancho Road (ZBA2024-0048) (TABLED: 12/04/2024) (REMAIN TABLED: 12/18/2024, 01/08/2025)

The applicant requested the item to remain tabled until the next meeting.


Board member Samuel Nunez stated the City of McAllen had recently adopted a new Unified Development Code. New terms were coming in as to how staff was going to be referring as to the zones and other information that would apply and be coming before this Board. Mr. Garcia has requested that staff be prepared for a Workshop on the UDC in the upcoming meetings.

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