

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, March 19, 2025 at 4:30 p.m. in the McAllen Development Center, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram A. Gutierrez	Member
	Hugo Avila	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
Absent:	Daniel Santos	Member
	Ivan Garcia	Member
Staff Present:	Omar Sotelo	Planning Director
	Rodrigo Sanchez	Senior Planner
	Porfirio Hernandez	Planner II
	Noah Del Bosque	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on March 5, 2025

The minutes for the meeting held on March 5, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Reyes Aguilar, for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 17.84 feet into the 25-foot front yard setback for an existing 11-foot x 20-foot metal carport at Lot 79, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 2716 Judith Avenue. **(ZBA2025-0004)**

Mr. Hernandez stated the applicant is requesting to encroach 17.84 feet into the 25-foot front yard setback for an existing metal carport that will be used to protect his vehicles from inclement weather and provide shade for gatherings.

The subject property is located along the north side of Judith Avenue approximately 105 feet east of North 27th Lane. The subject property is zoned R-1 (single family residential O.C.)

District.

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The plat states a 25-foot front yard setback. An application for a building permit has not been submitted at this

time and a special exception request were submitted on February 17, 2025.

The applicant is requesting to encroach 17.84 feet into the 25-foot front yard setback for an existing carport being used to protect his vehicle from inclement weather conditions and to provide the owner a shaded space for relaxation, which contributes to his well being and mental health. The home was constructed without a garage in 1998 since one parking space beyond the front yard setback was not required at the time of subdivision recordation.

In the past, there have been other variances and special exceptions in Idela Park Unit No. 1 Subdivision for encroachments into the front yard setbacks.

Measurements are provided without the benefit of a survey.

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 the special exception request.

Staff recommended approval of the special exception request since the approval is granted solely to the present owner and does not negatively impact the existing character of the neighborhood.

Board member Mujica asked staff if there were other carports similar to this carport. Mr. Hernandez responded yes. The one next door had been approved last year.

Mr. Reyes Aguilar, 2716 Judith Avenue, the applicant stated someone else had built it four months ago. Chairperson Gutierrez asked the applicant if he was aware that he needed a permit. Mr. Aguilar stated he lived in Illinois and did not know the process for a carport here in the City.

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.

Board member Mujica asked staff how was this case brought before the Board. Mr. Hernandez stated he had received a citation. He had built a carport in the rear, which he had removed. That is when decided to build it in the front.

Following discussion, Mr. Alex Lamela moved to approve the Special Exception. Mr. Hugo Avila seconded the motion. The Board voted to approve Special Exception with five members present and voting.

- b) Request of Drake Alford on behalf of Krake Investments, LLC. for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback and 7 feet into the 7-foot East side yard setback for an existing 9.91 feet x 18 feet detached garage at Lot 3, Block 4, Louise Addition Subdivision, Hidalgo County, Texas; 815 Cedar Avenue. (ZBA2025-0005)

Mr. Hernandez stated the applicant was requesting a variance to allow an encroachment of ten feet into the ten foot rear yard setback and seven feet into the seven foot east side yard setback for an existing detached garage.

The subject property was located along the south side of Cedar Avenue approximately 102.5 feet east of North 9th Street. The subject property has an area of 6,500 square feet. The property is zoned R-1 (Single Family Residential O.C.) District. The adjacent zoning is R-1 District O.C. to the North, East and West and R-2 (Duplex-Fourplex Residential O.C.) District to the South across the alley.

The Louise Addition Subdivision was officially recorded on December 11, 1921. According to Hidalgo County records, the main house and detached garage were constructed in 1968. A variance request was submitted on February 19, 2025.

The applicant intended to purchase the property and is seeking a variance request for encroachment into the rear and side yard setbacks for an existing detached garage. Approval of the variance request will allow the applicant to secure a mortgage as part of the transaction. The detached garage was considered a nonconforming structure since it was constructed under a previous zoning ordinances. The character of the subdivision was not negatively impacted by the existing encroachments. A 20-foot alley at the rear of the property serves as a buffer for the property to the south. The applicant has stated that there are no plans to modify the structure. The garage currently measures 9.91 feet x 18 feet having a total of 178.4 square feet.

No utility easements will be impacted by the encroachment.

If the variance request was approved, the structure must comply with building code requirements.

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

Staff recommended approval of the variance request since approval would allow the closing on the property.

Mr. Drake Alford, 1511 Camellia Avenue, McAllen. He was the applicant on behalf of Krake Investments, LLC. They were able to close on the property last month. He stated the title policy excludes coverage of the attached garage. The garage was built in 1962. They had no plans to modify or add to it. Their plans are to improving the interior of the existing structure.

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

Board member Gutierrez asked staff if the garage that built in 1962 with the carport, did it comply with the ordinances at that time. Staff stated it might have complied with the 1945-zoning ordinance at the time.

Board member Mujica asked if the garage was made of what material. Mr. Alford stated it was made of wood with stucco material. He stated correction the garage was built in 1968. Board member Mujica had concerns with the garage being out of wood materials as a fire hazard.


Following discussion, Mr. Hiram Gutierrez moved to approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve 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