

**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 4, 2026 at 4:32 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>Daniel Santos</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>Ivan Garcia</b>	<b>Member</b>
	<b>Francisco Davila</b>	<b>Alternate</b>

<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>City Attorney</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Kaveh Forghanparast</b>	<b>Senior Planner</b>
	<b>Eduardo Mendoza</b>	<b>Director Engineering</b>
	<b>Even Gonzalez</b>	<b>Development Engineer</b>
	<b>Porfirio Hernandez</b>	<b>Planner II</b>
	<b>Nicolas Lopez</b>	<b>Planner II</b>
	<b>Mia Fuentes</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 February 18, 2026.

The minutes for the meeting held on February 18, 2026. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Ricardo Alvarez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18.25 feet into the 20-foot front yard setback for an existing carport at Lot 179, Woodhollow Subdivision Phase V, Hidalgo County, Texas; 7413 North 22nd Street. **(ZBA2026-0004)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 18.25 feet into the 20-foot front yard setback for an existing carport.

The subject property was located on the west side of North 22<sup>nd</sup> Street, south of Warbler Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Woodhollow Phase 5 Subdivision was recorded on June 13, 1994. The plat notes require a 20-foot front yard setback and a 6-foot side yard setback. A stop work order was issued on September 25, 2025, for a carport without a building permit. A building permit for the existing carport was submitted on September 30, 2025, which was rejected due to the encroachment into the setbacks. A special exception request was submitted on October 20, 2025.

The applicant is requesting a special exception to allow the existing carport to remain. The carport was built to provide protection for their vehicles from the extreme heat and weather conditions. The existing carport is larger than 400 square feet and encroaches into the front and side yard setbacks. The applicant proposes to reduce the carport's size to 19.67 feet by 19.67 feet, ensuring compliance with the 6-foot side yard setback on the south side and the maximum 400 sq. ft. allowable carport size for a special exception.

As per our records, one special exception was granted for a carport within this subdivision in 2025.

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 meet the setback requirement.

Chairperson Gutierrez asked staff if they had in writing the offer of modifying the dimensions. Staff stated yes.

Board member Mujica asked staff if the carport the similar material as the one carport that was approved a block away. Staff stated the one that was approved was three houses down and it was similar materials.

Mr. Ricardo Alvarez, 7413 North 22<sup>nd</sup> Street, McAllen. He stated he would like to keep the carport. He stated the person that built his and his neighbors said they did not need a permit. This person had built them all over the City. He tried to get a permit but was told no because he needed a structural analysis which he had obtained. Still was told no. Mr. Alvarez decided to take it down and start again. That is when he came in to apply for a Special Exception. He was trying to comply and every time was no. He also asked for the utilities to abandon the easement, just the water line that belonged to him. He did do a letter to modify the carport to 400 square footage.

Board member Mujica asked the applicant if he uses the double car garage. Mr. Alvarez stated he had one car in there but his truck does not fit with it. He wanted it for protection of the vehicles from inclement weather.

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 go against staff's recommendation and approve the Special Exception contingent on the square footage maximum requirement for the carport. Mr. Erick Diaz seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Frederick Zuniga for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 18-foot garage setback for a detached garage, located at Lot 38, Apollo Gardens Subdivision, Hidalgo County, Texas; 1909 Hibiscus Avenue. **(ZBA2026-0002)**

Ms. Fuentes stated the applicant was requesting a variance to encroach 10 feet into the 18-foot garage setback for a detached garage to protect their vehicles and personal properties from vandalism and theft.

The subject property was located along the south side of Hibiscus Avenue and is zoned R-1 (Single-Family Residential–OC) District. The adjacent zoning is R-1 (Single-Family Residential–OC) in all directions. Surrounding land uses include single-family residences.

Apollo Gardens Subdivision was recorded on June 14, 1976. A building permit to enclose an existing carport in the rear of the property was approved on November 20, 2025. A Stop Work Order was issued on December 16, 2025, for a new carport built in the rear of the property without a permit. The applicant submitted another building permit application for the addition of a garage also in the rear of the property. The permit was rejected by the Planning Department due to the encroachment into the minimum 18 ft. garage setback. A variance request to encroach into the garage setback was submitted on January 13, 2026. There have been two previous special exceptions and variances approved in the Apollo Gardens Subdivision in 2020 for carports and a storage building.

The applicant was requesting to encroach 10 feet into the 18-foot garage setback at the rear side of the property in order to build a detached garage to protect their vehicles and personal properties from vandalism and theft.

Section 138-356 of the Zoning Ordinance and Section 2.2.2 of the UDC require entrances to a garage or enclosed carport to be a minimum of 18 feet from streets or alleys.

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

Staff recommended disapproval of the variance since it does not comply with City ordinances.

Mr. Frederick Zuniga, 1909 Hibiscus Avenue, Apollo Gardens, Lot 38. He stated the reason for the enclosed carport was that he has a daughter who has a medical condition and does not allow her to smoke in the house. He had several items stolen from his home. His wife had passed on recently. She wanted a carport for their son's truck.

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 Diaz asked staff why this was considered a variance and not a Special Exception. Staff stated it was considered a garage because Special Exception are for carports. They were planning to enclose the garage due to vandalism and theft.

Following discussion, Mr. Erick Diaz moved to follow staff's recommendation and disapprove the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

- c) Request of Pamm Family Properties, LLC. for a variance to the landscape requirement within the right-of-way for Lots 47 - 58, International Center Block 2 Subdivision, Hidalgo County, Texas; 4400 North 23rd Street. **(ZBA2026-0003)**

Mr. Hernandez stated the applicant was seeking a variance to waive the landscape requirement within the right-of-way and instead install artificial turf and shrubs.

The subject property is located at the southeast corner of North 23<sup>rd</sup> and Fox Drive and is zoned C-3 (General Business-OC) District.

International Center Block 2 Subdivision was officially recorded on February 13, 1979. Building permits have been issued for the business operating under the name "Mercado District" since 2020. Pursuant to the conditions of the approved building permits, and in addition to standard landscaping requirements, the right-of-way areas—excluding sidewalks and driveway sections—are required to be landscaped.

At the subject property, work had commenced to clear the right-of-way area in preparation for landscape improvements. This activity came to the attention of the Planning Department, at which time the property owner was advised that any required landscaping within the right-of-way must consist of sod.

Subsequently, the owner proposed installing artificial turf and shrubs in lieu of sod and submitted an application for a variance on January 15, 2026 seeking approval of this alternative landscaping treatment.

The applicant is requesting a variance to permit the installation of two-foot wide artificial turf with Texas Sage and Lantana within the right-of-way area. The submitted application states that the proposed landscape improves the appearance of the city, conserves water, and will have no negative impact on the right-of-way. They added that the modification is minor in scope and is intended solely to enhance the overall visual appeal of the site.

Section 4.6.4 of the Unified Development Code states that Landscape areas within public and private rights-of-way, shall comply with the specifications of the department of engineering and shall be maintained in perpetuity by the property owners as common area. The same section indicates that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

Engineering Department has recommended disapproval of the variance request.

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

Staff recommended disapproval of the variance request due to not being in compliance with city ordinance.

Chairperson Gutierrez asked staff if they had discussed with the applicant regarding the Unified Development Code that it was against to use artificial turf. Staff stated the applicant had been speaking with the Engineering Department regarding the issue of the artificial turf.

Mr. Jesus Gonzalez, Owner, 106 Rio Grande Drive, Mission, TX. He stated he was not aware about obtaining a permit for the landscaping. He wanted to beautify it by filling in the patches from the dirt area. He also stated he was not aware of the water retention.

Board member Diaz asked the applicant what he was planning to put underneath the shrubs. Mr. Gonzalez stated just dirt that would work with water retention situation. Mr. Diaz asked what the overall width. Mr. Gonzalez stated two will be turf and three would be natural plants.

Board member Mujica asked City Engineer what was the City's position on the issue of artificial turf. Mr. Mendoza stated from the Right of Way to the center of the street we do not approve of artificial turf. When a utility company or City has to use this R.O.W. it would become a high cost maintenance issue. They do not carry turf and not be readily available to put that turf back in the condition it was before. Mr. Mendoza stated for the record that the Engineering Department was opposed to this request.

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 Diaz asked Mr. Mendoza if the City had any issue with gravel. Mr. Mendoza stated that in the R.O.W. we require sod.

Mr. Jesus Gonzalez stated at the beginning when they were cited, they took pictures of at least 15 businesses that had the similar landscape with what they were proposing. He stated they looked very pretty. He stated he would be willing to sign a release form where would be responsible to maintain it. Chairperson Gutierrez asked who would be responsible once he decides to sell the property.

Following discussion, Mr. Juan Mujica moved to disapprove the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to disapprove the Variance request with four members voting aye and one voting nay, Mr. Alex Lamela.

- d) Request of Jorge Gonzalez, on behalf of G 956 Properties LLC, for a variance to the minimum lot size requirement for 36.84 acres out of Lots 1 and 2, Block 10, A. J. McColl Subdivision (Proposed Blue Jay Subdivision) Hidalgo County, Texas, 6000 South Jackson Road. **(ZBA2026-0005)**

**Board member Juan Mujica abstained from this item.**

Mr. Lopez stated the applicant was requesting a variance to not provide the minimum 5,000 square feet lot size for a proposed single-family development proposed as Blue Jay Subdivision

The subject property was located along the west side of South Jackson Road, north of East Whalen Road, and is zoned R-1 (Low Density Residential-UDC) District. The property is currently vacant.

A single-family residential subdivision application for the subject property under the name of Blue Jay Subdivision was submitted on May 8, 2025, and is currently under review. City Commission approved annexation and initial zoning requests to R-1 (Low-Density

Residential-UDC) District for the subject property on September 8, 2025. The current variance application request for the minimum lot size was submitted on January 26, 2026.

The applicant was requesting to not provide the 5,000 square foot minimum lot size for proposed Blue Jay Subdivision. Based on the latest submitted plat, approximately 61 lots out of 150 proposed lots, located on the west half of the subdivision, do not meet the minimum lot size requirement. The minimum lot size is proposed to be 4,500 square feet. The lots located on the east side of the subdivision are typically larger with lot sizes larger than 6,000 square feet. The proposed plat can be revised to comply with minimum lot size requirement.

The submitted application states that the variance is needed to keep the number of proposed lots at 150. It adds that the proposed lot size provides ample area to build a house for first time homeowners.

Section 2.2.2 of the UDC, requires the minimum lot size for R-1 (Low-Density Residential-UDC) District to be 5,000 square feet.

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

Staff recommended disapproval of the variance request, as the UDC requires the minimum lot size in an R-1 (UDC) District to be 5,000 square feet and the proposed plat can be revised to comply with lot size requirements.

Chairperson Gutierrez asked staff if they discussed with Mr. Gonzalez possible alternatives he may have. Staff stated yes. Senior Planner Kaveh stated they were in contact with the project engineer and submitted the application stating that they needed to keep 150 lots. They did not want to revise the layout.

Planning Director stated the minimum lot width used to be 50 feet, now UDC allows 45 feet. Although you are allowed to have smaller lot width, you have to go deeper to meet the 5000 square feet, which was mentioned by staff from the beginning of this project.

Board member Diaz asked where the 5000 square footage came from. Mr. Sotelo stated that 5,000 square feet has ever been the minimum lot size requirement for R-1 (single-family Residential) District. In R-2, (duplex-fourplex) lots can be smaller.

Mr. Jorge Gonzalez stated he was the owner/project construction for multiple developments throughout South Texas. He stated the main reason for the change was they had a new developer coming in from Laredo and that is the size of the lot he was requesting to keep the cost. They were selling everything by square feet. The bigger the lot the more it would cost. They were going to divide the subdivision in two sections where one side would be lower cost homes the other side would be higher cost.

City Attorney Stevenson stated there was a State law that was passed last year, which limits municipalities' authority to require lot sizes larger than 3,000 square feet for single-family developments. It would apply in this case if McAllen had a population of a 150,000 or more. According to the last Census, the population was less than 150,000. Therefore, the State law did not apply; however, after the next Census if this development were coming in, it would be a different process.

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.

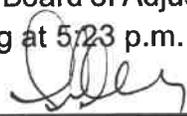
Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was no one to speak in opposition of the Variance request.

Following discussion, Mr. Erick Diaz moved to go against staff's recommendation and approve the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Variance request with four voting aye and one voting nay, Chairperson Jose Gutierrez.

**ADJOURNMENT**

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez moved to adjourn the meeting at 5:23 p.m.

  
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Carmen White, Administrative Assistant

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

**CONFLICT OF INTEREST**

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

I, Juan Mujica as a member of the Zoning Board of Adjustment and Appeals make this  
(NAME) (CITY COMMISSION OR BOARD)

affidavit and hereby on oath state that I, or a person related to me, have a substantial interest in a business entity or real property that a vote or decision on the matter as specified below will have a special effect on such business entity or real property which is specially, economically distinguishable from the effect on the public; such item is reflected as Agenda Item 2d on the posted Agenda for the Commission or Board as applicable for the meeting of March 4, 2026.

The business entity is defined as Jorge Gonzalez 6000 S. JACKSON Rd, McAllen, TX.  
(NAME) (ADDRESS)

The real property is described as

My substantial interest in the Business Entity or Real Property is for the following reasons: (check all which are applicable):

- I own land within 200 feet of subject property; or
- I own 10% or more of the voting stock or shares of the business entity; or
- I own \$15,000.00 or 10% or more of the fair market value of the business entity; or
- Funds received from the business entity exceed 10% of my gross income for the previous year; or
- Real property is involved and I have an equitable or legal ownership with a fair market value of \$2,500 or more; or
- A relative of mine (1st degree of consanguinity or affinity) has a substantial interest in the business entity or property that would be affected by the decision of the public body of which I am a member, for which I have checked out the substantial interest above; or
- I have a perceived interest in the business or property that is involved.

Upon the filing of this affidavit with the Official Custodian of Records of the City of McAllen, I affirm that I will abstain from voting on any decision involving this business entity or real property and from any further participation on this matter whatsoever. This affidavit is given under the provisions of Chapter 171 of the Texas Local Government Code, all terms defined therein, and provisions thereof are incorporated herein.

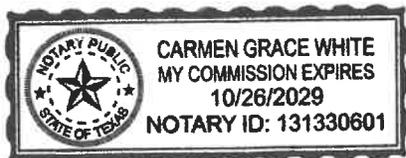
Signed this 4th day of March, 2026.

[Signature]  
Signature of Official

BOARDS MEMBER  
Title

BEFORE ME, the undersigned authority, this day personally appeared Juan Mujica and on oath stated that the facts hereinabove stated are true to the best of such person's knowledge or belief.

Sworn to and subscribed before me on this 4th day of March, 2026.



Carmen Grace White  
Notary Public in and for the State of Texas  
My Commission Expires: 10/26/2029