

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, May 20, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
	Francisco Davila	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Mia Fuentes	Planner I
	Jonathan Gutierrez	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on May 6, 2026.

The minutes for the meeting held on May 6, 2026. 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 Gabriel Segovia, a special exception to allow an encroachment of 16 feet into the 20-foot front setback for a proposed carport, at Lot 19, Amended Parkway Estates Subdivision, Hidalgo County, Texas; 2308 Thunderbird Avenue. **(ZBA2026-0019)**

Mr. Del Bosque stated the applicant was requesting a special exception to encroach 16 feet into the 20-foot front setback for a proposed 16' x 25' carport.

The subject property was located along the north side of Thunderbird Avenue, west of North 23rd Street, and is zoned R-1 (Single-Family Residential-OC) District.

The Amended Parkway Estates Subdivision was recorded on September 26, 1994. The application for a special exception was submitted on April 7, 2026.

The applicant was requesting a special exception for a proposed 16' x 25' carport that will provide shade for their vehicles, and has stated that their vehicle does not fit within their garage.

The recorded plat of the subdivision requires a 20-foot front yard setback. During the site visit, staff did not find any properties along Thunderbird Avenue with carports encroaching into the required 20-foot front setback. Staff's research also 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 did receive one phone call in opposition to the request.

Staff recommended disapproval of the variance request due to noncompliance with the front setback requirement in this subdivision.

Board member Diaz asked staff on the printout it states 16 feet by 20 feet but on the drawing it states 25 feet. Staff stated it should be 16 feet by 25 feet, which would equal to 400 square feet.

Mr. Gabriel Segovia, 2308 Thunderbird Avenue, McAllen, Texas 78504. He stated he wanted the carport because he invested in a tree that in time would grow tall. Also, to protect his vehicles. He stated he wanted to make sure everything was up to code.

Vice-Chairperson Avila asked the applicant if he uses his garage. He stated his truck did not fit inside the garage. When he bought the house with a wash/dry room, which was cut into the garage and other side was the water heater.

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.

Vice-Chairperson Avila asked staff if there were any other carports in the area. Staff stated no, there were no others.

Following the discussion Mr. Juan Mujica moved to disapprove the Special Exception. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to disapprove the Special Exception with five members present and voting.

- b) Request of Spoor Engineering Consultants, Inc., on behalf of Astrid Gutierrez, for a variance to allow lot frontage of less than 50 feet and to allow lot area of less than 5,000 square feet for a proposed subdivision, at Lot 1 and the north one-half of Lot 2, Block 2, Bryan's Addition Subdivision, Hidalgo County, Texas; 324 North 4th Street. **(ZBA2026-0018)**

Mr. Del Bosque stated the applicant was requesting a variance to reduce the minimum lot width to 45 feet and the minimum lot area to 3,200 square feet for a proposed three-lot subdivision.

The subject property was located on the southeast corner of North 4th Street and Date Palm Avenue, and is zoned R-1 (Single-Family Residential-OC) District.

Bryan's Addition Subdivision was recorded on October 11, 1927. A rezoning request from R-1 (Single-Family Residential-OC) District to R-3A (Multifamily Residential Apartment-OC) District was disapproved by City Commission on January 9, 2023. The subject property is going through the subdivision process under the name Astrid's Place Subdivision. The variance request was submitted on March 27, 2026.

The minimum lot area for an R-1 (Single-Family Residential-OC) District is 5,000 square feet and the minimum lot width along frontage is 50 feet. The proposed lots are showing over 45 feet of lot frontage and approximately 3,200 square feet of lot area each.

Staff received two phone calls in opposition to the request.

Staff recommended disapproval of both variance requests.

Board member Diaz asked staff even with the new UDC it will not comply. Staff stated under the new R-1 zone the lot width was reduced to 4500 square feet but the lot area remains the same at 5000 square feet.

Mr. Bryan Spoor, 510 South Broadway Street, McAllen, Texas 78501. He stated the owner and developer, Astrid Gutierrez was present as well. He stated he was surprised to receive disapproval on the lot frontage because the lot frontage under the new UDC. They were trying to save a rezoning fee and the delays. They were requesting less than the 5000 minimum lot area. Our neighbor directly to the south was in the same situation as them. He had 25 feet of frontage on 4th Street and the lot area that he had was about 3500 square feet. This development was for the owner and her siblings to build their houses on over the next several years.

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 one person to speak in opposition of the Variance request.

Ms. Cassandra Whetstone, 404 Cottonwood Avenue, which is directly in front of that lot. She stated she had concerns for the safety of her children as they play outside. Their neighborhood did not sidewalks on that side of the street. In additions, she had concerns for the increase of traffic to the neighborhood and the safety of her children. She stated there were no other lots that had multiple homes on it.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Variance request. There was one person to speak in opposition of the Variance request.

Mr. Ani Sharma, 407 Cottonwood Avenue. He had the same concerns as Ms. Whetstone. He stated the area as a whole was surrounded by single-family homes. They were all for single-family homes being present and not there for multi-zoning or multifamily. He stated three homes are being proposed or three lots are being proposed, which could signify a future whereby there a multifamily or multi zoning could take place.

Board member Mujica asked staff the variance request for the size of the property not so much for the zoning. Staff stated the variance #1 was for the lot, width and the area.

Board member Mujica asked staff regarding the two oppositions that had called in, were they the two that spoke here today. Staff stated yes they were the same ones.

Mr. Spoor stated this was very heavily developed part of the City. He did not foresee any other developments coming into this area anytime soon. They were proposing side obstruction corner clips easements on the proposed subdivision plat to prevent any kind of side obstructions from people either entering or backing out of the driveway and for the traffic on 4th Street. Chairperson Gutierrez stated no case creates a precedence we go case by case.

Board member Diaz asked the applicant was it not two lots in lieu of three. Mr. Spoor stated there were three siblings that wanted to build their houses on it.

Following the discussion, Mr. Alex Lamela moved to go with staff's recommendation and disapprove the Variance request. No one seconded the motion. Mr. Alex Lamela withdrew his motion.

Mr. Ari Sharma stated that eventually there would come a time when families will expand in size and one will have to move out, at that point does that not become a multifamily dwelling if they sell it onto someone else if there is three separate lots, three separate front doors. Board member Diaz stated there was no difference then selling your own house to a relative or another person. Mr. Sharma asked what would be the parking structure for the cars. Board member Diaz stated they would have to follow the building code and fit within the setbacks.

Legal asked the Board to go into Executive Session.

At 5:03 p.m., Chairperson Gutierrez made a motion to go into Executive Session. Vice-Chairperson Avila seconded the motion. The Board voted with five members present and voting.

At 5:16 p.m., the Board reconvened back to the meeting in progress.

After Executive Session, Mr. Alex Lamela moved to go with staff's recommendation and disapprove the Variance request. Mr. Juan Mujica seconded the motion. The Board voted to disapprove the Variance request with three members also (Chairperson Jose Gutierrez) voting aye and two members voting nay, Mr. Erick Diaz and Vice-Chairperson Hugo Avila.

Board member Juan Mujica stated they needed a super majority.

Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Variance request. Mr. Erick Diaz seconded the motion. The Board voted with two members voting aye and three members voting nay, Chairperson Jose Gutierrez, Alex Lamela and Mr. Juan Mujica.

Legal stated by operation of law, the Variance was not granted because there was not a super majority vote to grant it.

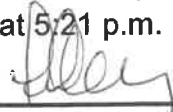
Chairperson Gutierrez stated the Variance request was not approved.

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 5:21 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez