

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, November 15, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Rogelio Rodriguez	Member
	Hiram A. Gutierrez	Member
	Hugo Avila	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Omar Sotelo	Senior Planner
	Hilda Tovar	Planner II
	Jacob Salazar	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on November 1, 2023.

The minutes for November 1, 2023 will be on the next agenda meeting of December 6, 2023.

As per Chairperson Jose Gutierrez’s suggestion, the following items had been recommended for approval by staff. They are as follows:

2. PUBLIC HEARINGS:

- a) Request of Rodrigo Barboza on behalf of Aldo Monteforte for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet front yard setback for an existing metal carport measuring 20 feet by 11 feet, at Lot 38, Fairway Grande Village Unit No. 2 Subdivision, Hidalgo County, Texas; 612 East Pineridge Avenue. (ZBA2023-0096)
- b) Request of Salvador Dominguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the 7 feet side yard setback, encroachment of 8 feet into the rear yard setback and 4 feet distance from the main structure for an existing metal carport measuring 24 feet by 11.10 feet, at Lot 10, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 812 South 26th Street. (ZBA2023-0097)

Chairperson Jose Gutierrez asked if there was anyone else present in opposition or in favor of the special exceptions. There was one in favor of the special exceptions.

Mr. Salvador Dominguez, applicant, 9803 Willow Crossing Place, Houston stated he was in favor of the special exception.

Mr. Hugo Avila moved to approve the previously outlined special exceptions listed on the agenda as **2a** and **2b** as per staff's recommendation, limited to the submitted plans corresponding to each item. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to approve with five members present and voting.

- c) Request of Ariel Olivares on behalf of Eduardo C. Longoria for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20 feet front yard setback for an existing metal carport measuring 15 feet by 20 feet, at Lot 1, The Rocks Subdivision, Hidalgo County, Texas; 8218 North 23rd Lane. **(ZBA2023-0093) (TABLED: 10/18/2023) (REMAIN TABLED: 11/1/2023)**

Vice-Chairperson Ann Tafel moved to remove item from the table. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Ms. Tovar stated the applicant was requesting a special exception to encroach 14 feet into the 20 feet front yard setback for an existing carport measuring 15 feet by 20 feet to shield from elements such as extreme heat, rain, wind, hail and standing water on the street.

The subject property was located along the East side of North 23rd Street intersection with Emory Avenue. The lot has 67.60 feet of frontage and 145 feet of depth for a total of 9,228 square feet. The property is zoned R-1 (Single family residential) District. The surrounding zones include R-1 (single-family residential) all around.

The Rocks subdivisions was recorded on May 26, 1998. The plat shows a 20 feet front yard setback for the subdivision. The house was built in the year of 2000 with a two car garage. A stop work order was issued on June 6, 2023 for building a carport without a permit. A building permit application to enclose garage was submitted in March 10 2000. However, permit application was not finalized. Building permit application was renewed in September 28, 2023. An application for a building permit for the existing carport was submitted in June 14, 2023.

On September 14, 2023, the applicant applied for a special exception to encroach 14 feet into a 20 feet front yard setback.

The applicant was requesting a special exception to encroach 14 feet into the 20 feet front yard setback for an existing carport measuring 15 feet by 20 feet to shield from elements such as extreme heat, rain, wind, hail and standing water on the street.

Existing carport was built without a building permit. Site visit by staff revealed that the existing carport was encroaching into the front 5 feet utility easement and the 6 feet side setback. Applicant is proposing to reduce the size of the carport to comply with the setback requirements.

Property was built with a garage. According to the applicant, the previous owners enclosed the garage without a building permit approval. Building permit application was renewed and approved on September 28, 2023.

Staff site visit revealed that one carport was built in the same subdivision at Lot 2. An application for 5 feet utility easement abandonment located in the front of the property was submitted in December 7, 2023. Application is still under review. 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.

At the last meeting on October 18, 2023, the item was tabled by the Board and applicant was given an opportunity to discuss with staff some options.

For the carport special exception, the applicant was willing to reduce the size of the existing carport to 15 feet by 20 feet carport and a request to encroach 14 feet into the 20 feet front yard setback. The proposed carport will not encroach into utility easements.

Staff was recommending disapproval of the special exception due to being non-characteristic of the neighborhood.

Mr. Ariel Olivarez, 1208 Jasmine Avenue, McAllen, representing Mr. Eduardo C. Longoria for 8218 North 23rd Lane. He stated they wanted to get a special exception for the carport that is front of the house. He met with staff discussed other options and took pictures. Staff did not recommend putting the carport in the rear or the side of the house. He previously mentioned that he house was built without a garage and had been enclosed when used as a model home. He stated that there four carports that been built and approved by the Board. Mr. Olivarez stated they were going through the legal process of getting the permits. Chairperson Gutierrez mentioned to Mr. Olivarez what happened with the other carports in the neighborhood did not create a precedence. Each one was considered individually by its own merits. Mr. Olivarez stated at the last meeting no one had opposed his request.

Mr. Eduardo C. Longoria, 8218 North 23rd Lane, owner of the property. He stated he had been trying to do the permit process legally to be in compliance. He stated they had been in contact with staff for the past 8 months and there had been no opposition from the neighbors. He also stated he was going to build it professionally.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Vice-Chairperson Tafel stated to staff that she had concerns about the house being a corner lot where others in the neighborhood were within the block. Ms. Tovar stated the only carport she saw was the neighbor's next to the subject's lot, which was built without a permit. Vice-Chairperson Tafel stated it was a corner lot coming in off a major street and had concerns sight around this corner if the carport protrudes out so far. If it were a bit shorter so that vehicles approaching the corner would not have outer most post potentially

blocking. Ms. Tovar showed the Board the aerial site view of the property. Chairperson Gutierrez asked staff how far were the posts from the property line. Mr. Olivarez stated that by looking at the front of the house they were building the carport on the right side of the house on the opposite side of the street. From the where the carport was to the corner of Emory Avenue and 23rd Lane, they had approximately 45 to 50 feet. When deciding to build the carport they were going to do the standard 20 feet by 20 feet. Nevertheless, with the same concerns as the Board they decided to do 15 feet of depth as opposed to the 20 feet for that reason.

Following discussion, Mr. Hugo Avila moved to approve the special exception as per the site plan submitted. Vice-Chairperson Ann Tafel seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

3. FUTURE AGENDA ITEMS:


- a) 6205 North 8th Street
- b) 2716 Toronto Avenue
- c) 4104 Gardenia Avenue

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

ZONING BOARD OF ADJUSTMENTS & APPEALS
ATTENDANCE SHEET
11-15-23

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