

**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 19, 2025 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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| Present: | Jose Gutierrez | Chairperson |
| | Hiram Gutierrez | Member |
| | Ivan Garcia | Member |
| | Juan Mujica | Alternate |
| | Erick Diaz | Alternate |
| Absent: | Hugo Avila | Vice-Chairperson |
| | Daniel Santos | Member |
| | Alex Lamela | Alternate |
| Staff Present: | Martin Canales | Assistant City Attorney III |
| | Omar Sotelo | Planning Director |
| | Kaveh Forghanparast | Senior Planner |
| | Nicolas Lopez | Planner II |
| | Samantha Trevino | Planner I |
| | Jessica Puga | Technician II |
| | Carmen White | Administrative Assistant |

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on November 5, 2025.

The minutes for the meeting held on November 5 2025. The motion to approve the minutes were made by Mr. Daniel Santos. Vice-Chairperson Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Lionel Frederick on behalf of South Villa Hermosa LTD, for a Variance to the City of McAllen ordinance to encroach 8 feet into the 18-foot garage setback, at Lots 1-12 and 23-31, Paseo Del Lago Townhomes Subdivision, Hidalgo County, Texas, 3900-3923 South "M" Lane. **(ZBA2025-0059)**

Mr. Lopez stated the applicant was requesting a variance for an encroachment of 8 feet into the 18-foot garage setback for townhome development.

The subject property was located on the north side of East Orangewood Avenue, west of South Jackson Road. The property is zoned R-3 (High-Density Residential-UDC) District. Adjacent zoning is R-1 (Single-Family Residential-OC) District to the west and south, and R-3 (High-Density Residential-UDC) to the north. Surrounding land uses are single-family residences and apartment residences.

Paseo Del Lago Subdivision was recorded on December 09, 2004. The current variance request was submitted on October 21, 2025.

The request was for a variance to allow an encroachment of 8 feet into the 18 feet garage setback for proposed buildings at lots 1-12 and 23-31 in the Paseo Del Lago Subdivision. This would allow developers to utilize more of the rear portion of properties for larger townhome designs. The applicant also submitted photos of some existing townhomes developments, indicating that they are proposing to develop similarly.

Article 2.2 of the Unified Development Code requires 18 ft. garage setback for R-3(UDC) residential lots. The recorded plat also references 18 ft. garage setback.

Since Paseo Del Lago Townhomes Subdivision is a private and gated neighborhood and that the ROW maintenance will be by the HOA, approval of the variance request will not impact city operations.

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

Staff recommended disapproval of the variance request since it does not comply with minimum 18-foot garage setback required by UDC.

Chairperson Gutierrez asked staff what was on the west side of the property. Mr. Sotelo stated the CMU wall was on the west side of the property all the way around it but there was a neighborhood to the west. Chairperson Gutierrez asked if it was a gated community. Mr. Sotelo stated it was not a gated community and did not have access to the subject property. Mr. Sotelo stated the 18-foot garage was set because many people do not use their garages. They have the Homeowners Association so they will be taking care of it.

Chairperson Gutierrez asked staff if the garage dimensions the applicant plans on having they do comply with City's recommendations. Mr. Sotelo stated they have no guidelines for interior garage.

Mr. Lionel Frederick, 3105 Redwood Avenue, McAllen, TX. Oscar Falcon, 5221 North McColl Road. Mr. Falcon stated the rear setbacks is something they have been done in the past. They are doing few lots as possible for the as they called it, Cozy Communities. This was a townhouse subdivision. When they have a floor plan that has a master bedroom downstairs, it tends to generate more families versus younger people. The location where it is at South Jackson Road it is close to the shopping and the airport.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request. There was no one else 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, Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Variance request. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- b) Request of Marianela Martinez 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 and 6 feet into the 6-foot side yard setback for an existing carport at Lot

68, Montebello Subdivision Unit No. 2, Hidalgo County, Texas; 1921 North 31st Street. (ZBA2025-0056)

Mr. Hernandez stated the applicant as requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback and 6 feet into the 6-foot side yard setback for an existing carport measuring 18ft x 24ft.

The subject property was located on the west side of North 31st Street at the intersection with Tamarack Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Montebello Subdivision Unit No. 2 was officially recorded on August 21, 1978. The plat notes a 20-foot front yard setback and 6-foot side yard setback. A stop work order was issued on October 1, 2022 for no building permit for the carport. A building permit for the proposed carport was submitted on September 25, 2025, which was rejected for encroachment into the setbacks. A special exception request was submitted on October 8, 2025.

The applicant is requesting a special exception to allow the existing carport to remain. The residence does not include a garage, and the carport was built to provide necessary protection for vehicles from hail, sun exposure, and other weather-related damage. The applicant proposes to reduce the carport's size to 18 feet by 18 feet, ensuring compliance with the 6-foot side yard setback on the north side and with the maximum allowable 400 square footage for a special exception for a carport.

As per our records, there have been three special exceptions for carports granted within this subdivision.

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

Staff recommended approval of the special exception request since the request conforms to the existing neighborhood characteristics.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one else 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, Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Special Exception. Mr. Daniel Santos seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) Request of Austin Navarrette for a variance to the City of McAllen Zoning Ordinance to not provide the required masonry eight feet buffer in height or a six-foot opaque buffer at a 1.928 Ac tract out of Lot 8, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 201 Dallas Avenue. (ZBA2025-0057)

This item was tabled per the applicant until the next meeting.

- d) Request of Bertha J. Vela for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 20-foot front yard setback and 6 feet into the 6-foot side yard setback for an existing carport at Lot 173,

**Woodhollow Subdivision Phase 5, Hidalgo County, Texas; 7316 North 22nd Street.
(ZBA2025-0058)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 19 feet into the 20-foot front yard setback and 6 feet into the 6-foot north side yard setback for an existing carport measuring 30ft x 19ft.

The subject property is located on the east side of North 22nd Street, north of Umar Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Woodhollow Phase 5 Subdivision was recorded on June 13, 1994. The plat notes a 20-foot front yard setback and a 6-foot side yard setback. A stop work order was issued on September 25, 2025 for no building permit for the carport. 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 hailstorms. The applicant proposes to reduce the carport's size to 23 feet by 17 feet, ensuring compliance with the 6-foot side yard setback on the north side and with the maximum allowable square footage of 400 sq. ft. for a special exception for a carport.

As per our records, there are no special exceptions granted within this subdivision.

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

Staff recommended disapproval of the special exception request.

Ms. Bertha J. Vela, 7316 North 22nd Street. She stated she had a carport built with larger dimensions. She is requesting to reduce the carport to comply with allowable 400 square footage without having to remove it. Chairperson Gutierrez asked which side the applicant was going to reduce it. She stated from the width.

Board member Avila asked the applicant what was in the garage. She stated there was a large truck in it. She also uses it for her son's items.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was one to speak in favor of the Special Exception.

Mr. Ricardo Alvarez, 7413 North 22nd Street. He stated he also had a carport. He stated if he could fit his vehicles in the garage, he would not have built one. Mr. Alvarez stated he had a half-ton Tundra truck and did not fit. His wife's vehicle fits in the garage. The same person who built his neighbor's carport built his carport. The person who installed it stated he did not need a permit.

Chairperson Jose Gutierrez asked if there was anyone else present to speak in favor of the Special Exception. There was 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.

Chairperson Gutierrez asked the applicant what other reason for the carport being built. She stated she had a widowed sister living with her that had surgeries on both her knees and cannot too fast or climb stairs.

Board member Santos asked if there were other carports in the area besides the two that were mentioned earlier. Staff stated Mr. Alvarez lived three or four houses down from the applicant. As per their records, there were no other Special Exceptions granted.

Following discussion, Vice-Chairperson Hugo Avila moved to go against staff's recommendation and approve the Special Exception with the condition the carport will be reduced to comply with the City's requirements. Mr. Daniel Santos seconded the motion. The Board voted to approve the Special Exception with four members present voting aye and one nay, Mr. Alex Lamela.

- e) Request of Monica Rodriguez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage at Lot 11, Thomas Terrace Subdivision, Hidalgo County, Texas; 409 Redwood Avenue. **(ZBA2025-0052) (TABLED: 11/5/2025)**

This was item was to remain tabled until the next meeting.

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