

**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 5, 2025 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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 October 22, 2025.

The minutes for the meeting held on October 22, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Juan Mujica seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Cindy Lou Reyes for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 25-foot rear yard setback for an existing porch at Lot 50, Taylor Crossing Subdivision, Hidalgo County, Texas; 6109 North 51st Street. **(ZBA2025-0055)**

Ms. Trevino the applicant was requesting a variance to allow an encroachment of 13 feet into the 25-foot rear yard setback for an existing porch that is used for family gatherings and for the safety of their special needs child.

The subject property is located along the west side of North 51st Street and is zone R-1 (Single-Family Residential-OC) District.

Taylor Crossing Subdivision was recorded January 6, 2010. The first stop work order was issued 06.28.22. A Building permit was submitted July 29, 2022, which was rejected by the

Planning Department due to the rear yard setback encroachment. A special exception application was submitted October 6, 2025.

The applicant is requesting a variance to allow the encroachment of the patio in the rear of the property that is used for family gatherings and the protection of their special needs son. The applicant is willing to cut the carport back to meet the rear setback required by the city and for the patio to clear the 10-foot utility easement.

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

Staff recommended approval of the variance request.

Cindy Lou Reyes, 6109 North 51st Street. She stated they were not allowed to have a patio in the front porch and could not fence her front house. She stated she had a special needs child and often will wander off the property. It is more of a safety issue. Board member Mujica asked the applicant if she had access from the rear street into her property. She responded no. She stated they are trying to comply to be able to keep the existing porch.

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 Variance request.

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. Hiram Gutierrez **moved** to approve the Special Exception. Mr. Daniel Santos seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Olga Santillana for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing carport at Lot 45, Plantation Gap Subdivision, Hidalgo County, Texas; 4505 Toucan Avenue. (ZBA2025-0046)**

Ms. Trevino stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing metal carport.

The subject property was located at the south side of Toucan Avenue, east of north 45th Street. The subject property has an area of 5,149 square feet. The property is zoned R-1 (Single Family Residential-OC) District. The adjacent zoning is R-1 (Single Family Residential-OC) District in all directions.

Plantation Gap Subdivision Phase I was recorded on December 6, 2004. The subdivision plat indicates a front yard setback requirement of 25 feet. A Stop Work Order was issued on July 19, 2025, for the existing carport, which was constructed without the required building permit. An application for a building permit for the existing metal carport was submitted on July 29, 2025, which was rejected by Planning Department due to the encroachment into the front and side yard setback. A citation was issued for the existing carport on July 31, 2025, due to the continued violation. A special exception request for the existing metal carport was submitted on August 19, 2025.

The applicant was requesting the special exception for an existing metal carport measuring 20 feet x 25 feet with a total of 500 square feet, which exceeds the 400 square foot size allowed by ordinance, and encroaches into the front and side yard setbacks. The applicant

is proposing to reduce the size of the carport to 14 feet x 25 feet for a total of 350 square feet to comply with the 400-square-foot maximum requirement and eliminate the encroachment into the side setback. Applicant states the structure provides necessary shade and protection for her son, who has health issues, while practicing sports.

There have been five other carports approved in this subdivision by the Zoning Board of Adjustments since 2023.

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

Staff recommended approval of the special exception, 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 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. Daniel Santos **moved** to approve the Special Exception. Mr. Juan Mujica seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) Request of Raquel Espinoza 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 for a proposed carport at Lot 55, Montebello Unit No. 2 Subdivision, Hidalgo County, Texas; 1804 North 32nd Street. **(ZBA2025-0054)**

Ms. Trevino stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed carport measuring 22.33ft x 14ft.

The subject property was located on the east side of North 32nd Street north of Redwood Avenue and is zoned R-1 (Single-Family Residential-OC) District.

Montebello Subdivision Unit No. 2 was officially recorded on August 21, 1978. A building permit for the proposed carport was submitted on September 22, 2025, which was rejected pending a special exception approval. A special exception request was submitted on October 2, 2025.

The applicant was requesting a special exception to install a carport due to the lack of a garage on their home. The proposed structure would provide protection for vehicles from hail, sun exposure, and other weather related damage. Additionally, the carport would facilitate safer and more convenient access for a handicapped member of the household, particularly during inclement weather.

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

Staff recommended disapproval of the special exception request.

Ms. Raquel Espinoza, 1804 North 32nd Street. She stated she was proposing a carport. She had a handicapped member living with her who uses a walker. She needed it for protection against inclement weather for safety issues.

Board member Mujica asked the applicant if the house had a garage. Ms. Espinoza stated there was no garage.

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 the recommendation to disapprove was based on what reason. Staff stated the fact that it was built over the setbacks. It was standard recommendation.

Following discussion, Mr. Alex Lamela **moved** to go against staff's recommendation and approve the Special Exception. Mr. Francisco Davila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- d) Request of Raul Mendoza 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 3 feet into the side yard setback for an existing carport at Lot 26, Kerria Crossing Subdivision, Hidalgo County, Texas; 3603 North 41st Lane. **(ZBA2025-0051)**

Ms. Trevino stated the applicant was requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback and 3 feet into the side yard setback for an existing metal carport measuring 19ft x 19ft.

The subject property is located on the west side along North 41st Lane south of Kerria Avenue and is zoned R-1 (Single Family Residential-OC) District.

Kerria Crossing Subdivision was officially recorded on July 28, 1999. A Stop Work Order was issued on February 21, 2025, for the construction of the carport without a building permit. A citation was issued on July 7, 2025, due to the continued violation. A building permit for the carport was submitted on October 15, 2024, which was rejected by Planning due to the encroachment. An Abandonment request for the 10 foot Utility Easement was submitted on February 25, 2025 and is pending approval. Utilities has tentatively approved the encroaching agreement pending the meeting's conclusion. A special exception request for the existing metal carport was submitted on September 12, 2025.

A request for an encroachment agreement was submitted to the Wastewater Department, which responded indicating no objection to the agreement.

The applicant is requesting the special exception to allow the encroachment of the metal carport in the front of the property.

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

Staff recommended disapproval of the special exception request.

Board member Lamela asked staff if the house had a garage. Staff stated it was one car garage.

Mr. Raul Mendoza, 3603 North 41st Lane. He stated he built the carport three years ago after the hailstorm that damaged two of his vehicles. He now has two classic vehicles that he needed to protect against inclement weather. He only had a one-car garage.

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. Alfredo Cuellar, 3506 North 41st Lane. He stated he wanted to build a carport for the same reason as his neighbor. His vehicles were damaged by the hailstorm as well.

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.

Board member Mujica asked staff on the right side of the porch, were the columns aligned with the house or beyond the side yard. Staff stated it was three feet away.

Following discussion, Mr. Hiram Gutierrez **moved** to go against staff's recommendation and approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- 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)**

This item is to be tabled until the next meeting.

Following discussion, Mr. Juan Mujica **moved** to table based on staff's recommendation. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the item 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.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant