

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 7, 2026, 2026 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram Gutierrez	Member
	Daniel Santos	Member
	Ivan Garcia	Member
	Alex Lamela	Member
	Juan Mujica	Alternate
Absent:	Erick Diaz	Alternate
	Francisco Davila	Alternate
Staff Present:	Michelle Rivera	Deputy City Manager
	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Alexa Martinez	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on September 9, 2026.

The minutes for the meeting held on September 9, 2026. The motion to approve the minutes were made by Mr. Juan Mujica. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Ramon Almaguer, on behalf of Monarca Capital Lending LLC, for a variance to allow a 10-foot front yard setback instead of the required 25 feet, for Lots 1-5, Newport Subdivision, Hidalgo County, Texas; 1317, 1321, 1325, 1329, and 1333 South 18th Street. **(ZBA2026-0040)**

Ms. Trevino stated the applicant was requesting a variance to allow 10-foot front setbacks for Lots 1-5 of Newport Subdivision. The applicant intends to build duplexes on the vacant lots.

The subject properties are located on the northeast corner of Newport Avenue and South Bicentennial Boulevard. The surrounding land uses include mostly single-family residences.

Newport Subdivision was recorded on November 16, 1960. According to the plat notes, the subject properties front yard setbacks are 25 feet. The property is currently going through a

rezoning to the new R-2 (Medium Density Residential-UDC) District.

The subject properties will contain either a one or a two-story duplex according to the applicant. The property does not have access to South Bicentennial Boulevard, instead access will be through the alley that will be required to be paved to and through.

During staff site visit, staff noticed multiple properties with existing front setback less than the minimum required front setback.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

Staff had received any phone calls, emails or letters in opposition to this request.

Staff recommended approval since the request was compatible with the character of the neighborhood and the lots will not have access to South Bicentennial Boulevard.

The applicant was present and there were people were present to speak against the item.

Board member Mujica asked if the property was considered a double frontage. Staff stated no, there was an alley so it was Bicentennial Boulevard, the subdivision, the alley and then 17th ½ Street.

Mr. Ramon Almaguer, applicant and representative for the owners of 1317, 1321, 1325, 1329 and 1333 South 18th Street. the idea or rather the requirement for change in Cedards was rather because we are making a different proposal, instead of making accesses through the 5 lots for the bicentennial I am proposing to leave as if it were the back, the back of the apartments towards the Bicentennial Boulevard so that there are no less risks of the traffic issue that everything is handled on the side of the alley, in this case the alley would be practically new because it is in bad condition and instead of 20 feet it would be 24 feet according to the requirements of the city then 20 feet would be 24 feet and then an "L" was still formed to give the exit at 17th ½ Street those 75 feet by 17th Street would also be new. So the reason why we are asking for the setbacks is because only on the side where the parking lot is going to be are 4 feet plus the 18 feet of the parking spaces are already taking away 22 feet, so that is why we are kindly requesting if possible that the part of the bicentennial be 10 feet to be able to accommodate the apartments well

Board member Mujica asked the applicant that the alley was 20 feet and that he was requesting 24 feet. Was he going to get 4 feet from each property. Mr. Almaguer stated if it's 20 feet and they're going to grab 4 feet so that it's 24 feet because the City's requirement is 24 feet to maneuver at 90 degrees plus the 18 in the parking lot.

Board member Mujica asked if the 4 feet are inside these properties who will maintain those 4 feet of the alleyway. Planning Director Sotelo stated no matter what you will still have an alley of 20 feet. The main requirement was the 24 feet which was for maneuvering. So, the maneuvering of the 24 feet would still be on the owner's property.

Chairperson Gutierrez asked if there were parking spaces for visitors. Staff stated no. Mr. Almaguer stated if depending on the site plan, they could put parking spaces for visitors and possibly for the dumpsters.

Chairperson Gutierrez asked staff is parking allowed on Bicentennial Boulevard. Staff not in that area because it was where traffic was coming off the Expressway.

Board member Lamela asked staff if one can have a multifamily building without parking spaces. Mr. Forghanparast stated no, there are parking spaces they're complying with code. The City of McAllen does not have any parking requirement for visitors.

Mr. Forghanparast mentioned the request today was just for the front setback which was off of Bicentennial Boulevard based on the plat it is 25 feet setback and they're asking for 10 feet setback. Based on the way they had access they will have access from the alley. They are trying to flip it and use Bicentennial Boulevard as their rear instead of using it as a front.

Board member Gutierrez asked staff the neighboring properties 1, 3 and 5 are they non-conforming. Mr. Forghanparast stated they were existing non-conforming so that is why TxDot allowed them to continue having their access over by Bicentennial Boulevard. Board member Gutierrez asked staff where do the neighboring properties 1, 3 and 5 park. Mr. Forghanparast stated the drive on the north south side was done by TxDot. They provided them that when there was a project on Bicentennial Boulevard when they removed the overpass.

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 to the Variance request. There was someone to speak in opposition to the Variance request.

Mr. Hector Vargas, 1207 South Bicentennial Boulevard. He stated on those streets they could not get a fire truck in especially in the alley. He stated he did 34 years with the McAllen Fire Department so he knew the area well. The fire trucks were 50 feet long. They've had a lot of fires in that area. There was not a lot of space in that neighborhood. He had concerns with the fire hazard and was in opposition of the variance request.

Chairperson Gutierrez asked staff if they have to get an approval from the Fire Department for trucks to enter in and out of the alley. Mr. Forghanparast stated the fire trucks would not go through the alley they would access it off Bicentennial Boulevard.

Board member Mujica stated in any new development and you have instant properties the Fire Department Marshal require what is called a Knox Box that have a key to access either a gate or a fence so they can access for the vehicles.

Mr. Forghanparast mentioned stated on the site plan there was a 37.6 foot of Right-of-Way before getting to the actual Right-of-Way of Bicentennial Boulevard. The applicant was requesting for the variance from the property line. There's at least 44 feet of distance between the property line to the paving of the road.

Mr. Vargas stated there was a lot of areas that have key for a gate. This particular area does not have it.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Ms. Yolanda Vargas, 1207 South Bicentennial Boulevard. She stated her sister lives at 1328 South 17th ½ Street which was adjacent to the property that's in question lots 1 and 4. She had pictures of the townhouses that were north of them. She stated from a letter she wrote that they were thankful for the City's many improvements had accomplished in McAllen walking areas, neighborhood parks, Bethel Gardens. Future projects that will bring more revenue, jobs and entertainment like the Boyer Reservoir Development project coming soon. They were not against beautifying our community. She stated 80% of the houses there were made of wood and had concerns with fire hazard. She said there were other concerns with neighborhood issues. She stated their neighborhood streets were very narrow. She was reading from the UDC ordinance regarding the R-2 District.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Mr. Mario Quintanilla, 1322 South 17th Street. He stated his concern was the request to reduce the required setbacks of 25 feet to 10 feet. Before granting the variance he respectfully asked the Board and the applicant explain the unique physical condition or hardship associated with this property preventing it from being developed while maintaining the required 25-foot setback. Planning had informed him the current proposed was for 5 duplex buildings totaling 10 units although it's in preliminary and could change. He asked if the applicant would consider an alternative that maintains the 25-foot setback. Traffic Operations had not reviewed the expected vehicle trips and the Fire Department had not reviewed the proposed alley and roadway access. Drainage would be reviewed later. The utility pole in the alley would have to be relocated. He stated he's maintained the alley for 15 years.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Ms. Mary Gracia, 1428 South 17th ½ Street. She stated her sister's home is almost in the middle of the proposed duplexes. When she returned to 1328 South 17th ½ Street, Booker T, Mobile and Newport Streets she saw a school bus trying to get past through 17th ½ Street. It was very narrow. The townhomes that were built on the corner of Jackson Road and Bicentennial Boulevard. A fire truck could park in front of Bicentennial Boulevard but none of those high fences have access to those homes. So, they would have to go to the back through the alley.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was someone else to speak in opposition to the Variance request.

Mr. Almaguer stated the proposed variance would make the neighborhood look beautiful. The alley would be well paved.

Board member Diaz asked staff there was a Planning and Zoning meeting, was this rezoned. Mr. Forghanparast stated the Planning and Zoning Commission recommended approval of the rezoning of the properties to the new R-2, updating from the old R-2 code to the new UDC R-2 code. He stated to the people in opposition if they wanted to get a building permit respecting that front 25 feet from Bicentennial Boulevard and 10 feet from the alley they can get their building permit. It is before the Board because they want to flip

it and put the parking which technically it's going to be further from the alley because they can build 10 feet from the alley.

Mr. Mario Quintanilla, 1322 South 17th Street. He stated that there were some houses that their fences extended out about 8 feet, would that be taken away for the alley. All the existing water meters and that the existing property owner would have to fix it. And for the existing property owners to get a survey on their house to see where their property line since it extended 8 feet from the other homes. Planning Director Sotelo stated this was a recorded lot just like the lots between Houston Avenue and Jackson Avenue off of Bicentennial Boulevard. Those neighbors had issues because they built into the existing alley because they were encroaching. The property owners had to reduce their fencing back to their property line.

Board member Mujica asked staff if the alley was not becoming a road or street will it be paved. Staff stated it was going to be an alley just because during the subdivision process back in 1960 they dedicated it as a 20-foot alley. It cannot be made bigger or smaller.

Following discussion, Mr. Hiram Gutierrez moved to approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve with five members present and voting.

- b) Request of Martha I. Garza, for a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for Lot 23, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 705 South 26th ½ Street. **(ZBA2026-0039)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for a new addition.

The subject property was located south of Galveston Avenue, east of South 26th ½ Street. The surrounding land uses include single-family residences.

McAllen Heights Subdivision was recorded on January 28, 1959. As per the Zoning Ordinance the side yard setbacks are 6 feet on both sides.

According to the site plan submitted the existing home is 4 feet 11 inches away from the property line on the north and south sides. The applicant is proposing to construct an addition in the rear of the property and is requesting the variance in order to align with the existing home.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

- a. The variance is not contrary to the public interest;
- b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
- c. The spirit of the varied provision is observed and substantial justice is done.

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

Staff recommended disapproval of the variance request.

Board member Mujica asked staff if the letters in support are adjacent to her property. Staff responded they were adjacent to the property. There were four letters in support.

Ms. Martha Garza, 3801 North McColl Rd, #1325. She stated she would to continue the addition so that it lines up with the existing property. This would be for her mother's home in which she will be moving in with her. She stated she received letters of support with the neighbors adjacent to the property.

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

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

Board member Gutierrez asked staff that the house was already encroaching into the 6 feet setback but was not in violation because at the time there was no 6-foot setback. Staff stated they would consider it existing non-conforming.

Senior Planner Mr. Forghanparast stated there was a time there was a setback that a 12-foot separation was required it was more like 5 feet 7 inches setback. In some neighborhood 5 feet in the north and 7 feet in the south. The intent was to build it with the five feet on the north side. On the existing residence on the site plan, it was labeled 4 feet 11 inches when it was built. Now with the current code they can build 5 feet and 5 feet on both sides. They're asking to follow the same that they have on the north side to keep the same on the south side. Instead of keeping 5 feet, they want to do 4 feet 11 inches and that was why they're requesting this variance.

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

At this time, we will be making nominations for the position of Vice- Chairperson.

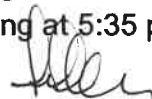
Chairperson Jose Gutierrez nominated Mr. Hiram Gutierrez for Vice-Chairperson. Mr. Alex Lamela seconded the nomination for Mr. Hiram Gutierrez for Vice-Chairperson. The Board voted with five Board members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez moved to adjourn the meeting at 5:35 p.m.



Carmen White, Administrative Assistant



Chairperson Jose Gutierrez