

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, September 11, 2025 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
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Daniel Santos	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate

Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Natalie Moreno	Planner II
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on August 20, 2025 will be on the next meeting of September 25, 2025.

2. PUBLIC HEARINGS:

- a) Request of Victor Martinez, on behalf of Barry Franklin for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 7 feet into the 18-foot rear yard setback at Lot 29, Spanish Oaks at Frontera Subdivision, Hidalgo County, Texas; 705 Grayson Avenue. **(ZBA2025-0040)**

Ms. Tovar stated the subject property was located on the south of Grayson Avenue, east of North 8th street. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District on all directions. Surrounding land uses are single-family residences and vacant land.

Spanish Oaks at Frontera Subdivision was recorded on May 08, 2018. There is a rear yard setback of 18 feet as per the recorded plat. A building permit for a single-family residence was issued on April 23, 2019. The building permit application for this swimming pool was submitted on June 20, 2025 but was rejected by Planning Department for encroachment into the rear yard setback. The current variance request was submitted on July 28, 2025.

The request is for a variance to allow an encroachment of 7 feet into the 18 feet rear-building setback for a proposed swimming pool.

Section 138-356 of the Zoning Ordinance requires 10 feet rear yard setback for residential lots. The recorded plat requires 18 ft. rear yard setback. The proposed swimming pool will respect the rear yard setback as required by city ordinance.

Planning Department records show an approved variance request for an encroachment to the rear yard setback for a pergola and a pool within this subdivision.

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

Staff recommended approval of the variance request since it complies with minimum setback required by Section 138-356 of the zoning ordinance.

Mr. Victor Martinez, 1001 West Expressway 83. He was present on behalf of Mr. Barry Franklin. He was the builder for the swimming pool being requested.

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.

Mr. Barry Franklin, 705 Grayson Avenue. He was the owner of the swimming pool being built for him.

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.

Staff recommended approval of the variance request since it complies with minimum setback required by Section 138-356 of the zoning ordinance and will not impact the neighborhood's characteristic.

Following discussion, Mr. Daniel Santos moved to approve the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Variance request 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.


Carmen White, Administrative Assistant


Chairperson Jose Gutierrez

ATTENDANCE SHEET

PRINT NAME

PHONE #

ADDRESS:

Victor Martinez

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Barry Franklin

956 467 - 2714

705' Grayson