

**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 25, 2025 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
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Hugo Avila	Vice-Chairperson
	Ivan Garcia	Member

Staff Present:	Martin Canales	Assistant City Attorney III
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Hilda Tovar	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 the meeting held on August 20, 2025**

The minutes for the meeting held on August 20, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

- b) Minutes for the meeting held on September 11, 2025**

The minutes for the meeting held on September 11, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Martha Galvan 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 6-foot side yard setback for an existing carport at Lot 20, Sandalwood Subdivision, Hidalgo County, Texas; 3408 La Vista Avenue. (ZBA2025-0041)**

The applicant is requesting a special exception for encroachments into the rear yard and side yard setback for an existing metal carport that measures 20 feet by 23 feet. The applicant is proposing to reduce the size of the carport to 20 feet by 20 feet. According to the applicant, the carport was built to protect his vehicles from the weather elements. The applicant has also stated on his application that the carport is for medical related reasons.

The subject property is located along the north side of La Vista Avenue and it is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District on all directions. The surrounding land use is single family residential in all directions.

Sandalwood Subdivision was recorded on January 29, 1997. There is a front yard setback of 20 feet as per recorded plat. The existing carport was built without a building permit. The current special exception request was submitted on July 29, 2025.

The applicant is requesting a special exception to allow an encroachment of 20 feet into the 20 feet front yard setback and 3 feet into the side yard setback for an existing metal carport.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. The existing residence does not have a garage. According to the applicant, the carport was built to protect his vehicles from the weather elements. The applicant has also stated that the carport is for medical related reasons.

A review of Planning Department records did not reveal any special exceptions granted within this subdivision.

The construction of the existing carport does not appear to encroach into street right of way; however, measurements provided are without the benefit of a survey.

There is no alley on the subject property that would allow for relocation of the proposed carport. Special exceptions are issued to an individual and recorded; however, if a new owner purchases the home they will have to apply as the new owner.

Staff did not receive any phone calls, emails, or letters in opposition to the special exception request.

Staff recommended disapproval of the special exception request. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

Martha Galvan, 3408 La Vista Avenue. She stated she apologized for not obtaining the permit in the beginning. She stated she built the carport for her elderly mother who had medical conditions. Ms. Galvan stated her mother last November during the rain, ended slipping and broke her finger. Chairperson Gutierrez asked the applicant when the carport was built. Ms. Galvan stated it built about the first week of August. She had made it three feet wider to have enough coverage for her mother.

Board member Mujica asked her what was the size of the carport. Staff stated it was 20 by 23 feet but she was willing to reduce it by 3 feet by the entrance of the house so it can be 400 square feet.

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. Daniel Newcombe, 3500 W. La Vista Avenue. He stated he did have a problem with the carport she had at her residence.

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 Gutierrez asked staff if they had received any oppositions. Staff stated they did not receive any oppositions. The reason for recommending disapproval was that there were no carports in the front of the property in the subdivision. On this property, there was no alley to relocate the carport. There was no garage.

Following discussion, Mr. Hiram Gutierrez moved to go against staff's recommendation and approve the Special Exception limited to the 400 square footage. Mr. Juan Mujica seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Jorge Alfaro for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 15-foot side yard setback and Drainage Easement for an existing carport measuring 52 feet by 15 feet at Lot 19, Auburn Estates Subdivision, Hidalgo County, Texas; 7608 North 26th Court. **(ZBA2025-0042)**

Ms. Trevino stated the applicant is requesting a special exception to allow an encroachment of 15 feet into the 15 feet front yard setback for an existing carport that will be used for protection of the applicants personal and work vehicles

The subject property is located along the west side of North 26th Street and is Zoned R-1 (Single-Family Residential-OC) District. The Adjacent zoning is R-1 (Single-Family Residential-OC) District to the north, west and south and A-O (Agricultural and Open Space-OC) District to the east.

Auburn Estates Subdivision was recorded March 31, 2006. The subdivision plat indicates a side yard setback requirement of 15 feet, which is also a utility easement. A stop work order was issued February 28, 2025 for building a carport without a permit. A Building permit was submitted April 21, 2025 and rejected due to the encroachment on the 15-foot side yard setback and utility easement. An application for a Special Exception was submitted August 8, 2025.

The applicant is requesting a special exception to allow an encroachment of 15 feet into the 15 feet front yard setback for an existing carport that will be used for protection of the applicants personal and work vehicles. The carport does exceed the maximum requirement of 400 square feet for a carport as required per Section 138-371 (g). According to the applicant, the Engineering Department agreed for the property owner to disassemble the carport for the City if they needed access to the easement.

Measurements provided are without benefit of a survey.

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.

Staff recommended disapproval of the special exception request.

Chairperson Gutierrez asked regarding the disapproval recommendation. Staff stated it was over a drainage easement and was all the way to the property line. Staff did discuss with the applicant and possibly reducing it back.

Mr. Jorge Alfaro, 7608 North 26th Court. He stated the carport was over 10 years old. It was built after the 2012 hailstorm. It did a lot of damage to the house and his vehicles. He apologize

for not obtaining a building permit. He stated he five vehicles plus a State vehicle. He stated that after the hailstorm he started disassembling the carport by 11 feet. He then reduced the size of the second carport. He stated on May 8th, another hailstorm came and damaged one vehicle and the State vehicle. Board member Mujica asked the applicant if used the garage. Mr. Alfaro stated yes, he has a truck inside. Board member Mujica asked the applicant if he would be willing to reduce the carport to the recommended 400 square footage. He stated yes but would need to protect his other vehicles. He stated he had more property in the back to accommodate more vehicles but would have to put a structure there.

Mr. Alfaro spoke with staff in Engineering to discuss in detail and they researched the easement in the back and the east side where the carport was and according to them, there was no drainage, power lines or communication lines. Board member Diaz asked the applicant if it was on concrete. Mr. Alfaro stated he had pavers 12 by 12 and those are removable.

The Board recommended tabling the item in order for the applicant to get the approval for a license agreement from the Engineering Department. The applicant stated his job takes him all over and is gone 3 to 4 days out of the week. Chairperson Gutierrez stated when he gets the approval he can get in touch with City staff and let them it was taken care of and take it from there.

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.

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. Alex Lamela moved to table the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the Special Exception with five members present and voting.

- c) Request of Dennis Blum for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for a proposed carport measuring 15 feet 5 inches by 23 feet 6 inches feet at Lot 6, Bedford Park Estates Subdivision, Hidalgo County, Texas; 6913 North 40th Street. (ZBA2025-0043)

Staff removed item from the agenda pending possible abandonment.

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

9-25-25

PRINT NAME

PHONE #

ADDRESS:

Jorge Alfaro

956-391-4284

7608 N 26th Ct. McAllen

Martha Galvan

(956) 622-1112

3408 La Vista Ave McAllen

Daniel Newcombe

956-648-3299

3500 La Vista Ave McAllen Tx