

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING

WEDNESDAY, APRIL 23, 2025 - 4:30 PM

MCALLEN CITY HALL, 1300 HOUSTON AVENUE

CITY COMMISSION CHAMBERS, 3RD FLOOR

At any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the Zoning Board of Adjustment and Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the Zoning Board of Adjustment and Appeals may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on April 2, 2025

2. PUBLIC HEARINGS:

- a) Request of Rolando Solis for a special exception to the City of McAllen Zoning Ordinance to allow a proposed encroachment of 20 feet into the 25-foot front yard setback for an existing carport at Lot 4, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 7212 North 44th Lane. **(ZBA2025-0007)**
- b) Request of Carla Cantu on behalf of Jose Vasquez 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 an existing carport measuring 20 feet by 20 feet at Lot 140, Shadow Brook Subdivision Unit No.1, Hidalgo County, Texas; 2028 Hawk Avenue. **(ZBA2025-0008)**

3. FUTURE AGENDA ITEMS

- a) 1952 South 33rd Street
- b) 1214 North 16th Street
- c) 3021 South "J" Street

4. ELECTION OF OFFICERS:

- a) Chairman
- b) Vice-Chairperson

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, April 2, 2025 at 4:30 p.m. in the McAllen Development Center, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram A. Gutierrez	Member
	Hugo Avila	Member
	Daniel Santos	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate
Absent:	Ivan Garcia	Member
Staff Present:	Norma Borrego	Assistant City Attorney I
	Omar Sotelo	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samantha Trevino	Planner I
	Noah Del Bosque	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the meeting held on March 19, 2025

The minutes for the meeting held on March 19, 2025. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Adrian Hinojosa for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 foot front yard setback for an existing carport measuring 15 feet by 25 feet at Lot 133, Colonia McAllen Subdivision, UT No. 6, Hidalgo County, Texas; 2108 South 30th ½ Street. **(ZBA2025-0006)**

Ms. Trevino stated the applicant was requesting to encroach 15 feet into the 20-foot front yard setback for an existing carport that was proposed to be modified to comply with square footage size requirement and to be located out of the utility easement. The carport will be used to protect his vehicles from inclement weather and will provide protection for an elderly family member that lives with him.

The subject property was located along the west side of South 30th ½ Street and south of Uvalde Avenue. The subject property is currently zoned R-1 (single-family residential-OC) District.

Colonia McAllen Unit No. 6 Subdivision was recorded on August 02, 1976. The original permit for a carport was submitted February 5, 2018. The permit was withdrawn for the carport (reason unknown) and only the concrete slab and curb cut extension were done. A stop work order was issued June 18th, 2024 for construction without a permit. An application for a building permit for a proposed carport was submitted on July 10, 2024 and a special exception was submitted July 11, 2024. A special exception was disapproved for an encroachment of 20 feet into the 20-foot front yard setback with a measurement of 26 feet by 17.25 feet since the carport exceeded the 500-foot maximum and relocation was an option. A new application for a special exception request was submitted on February 28, 2025.

The applicant was requesting to encroach 15 feet into the 20-foot front yard setback for a proposed modification of an existing carport that will be used to protect his vehicles from inclement weather and will provide protection for an elderly family member that lives with him. The home had a garage that is now enclosed.

In the past, there have been other variances and special exceptions granted in Colonia McAllen Unit No. 6 Subdivision for encroachments into the front yard setback for carports.

Measurements are provided without the 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 since the applicant has access to a traversable rear yard alley where a carport can be relocated out of the setbacks.

Mr. Adrian Hinojosa, 2108 South 30 ½ Street. He stated the contractor who build the carport informed him that he would take care of everything. After about three weeks, the City came by to give him a citation. He wanted to keep the carport for inclement weather and for his elderly mother. Chairperson Gutierrez asked Mr. Hinojosa that staff had mentioned he could put the carport in the rear. Mr. Hinojosa stated he had trees in the back yard and the size of the carport would not fit.

Board member Avila asked the applicant if they had a garage and if they used it for the vehicle. Mr. Hinojosa stated yes but they used it for storage of household items.

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 Avila asked staff if there other carports in the vicinity. Staff stated there were others in the subdivision but along that street there was probably one other carport.

Chairperson Gutierrez asked what was it based on the disapproval. Staff stated even though the applicant were recommending minimizing the carport they still have the space to be completely out of the setbacks for the process to be necessary. The alley is traversable and was paved as well.

Board member Lamela asked the applicant's mother if the distance for access to the vehicle was easier from the rear yard or the front. She stated the front would be easier on her for access to the vehicle.

Following discussion, Mr. Hugo Avila **moved** to approve the Special Exception with modifications as noted. Mr. Alex Lamela seconded the motion. The Board voted to approve Special Exception 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

Memo

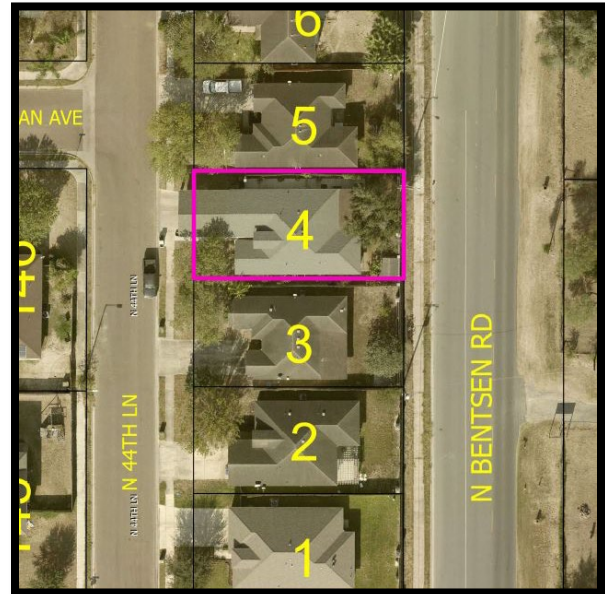
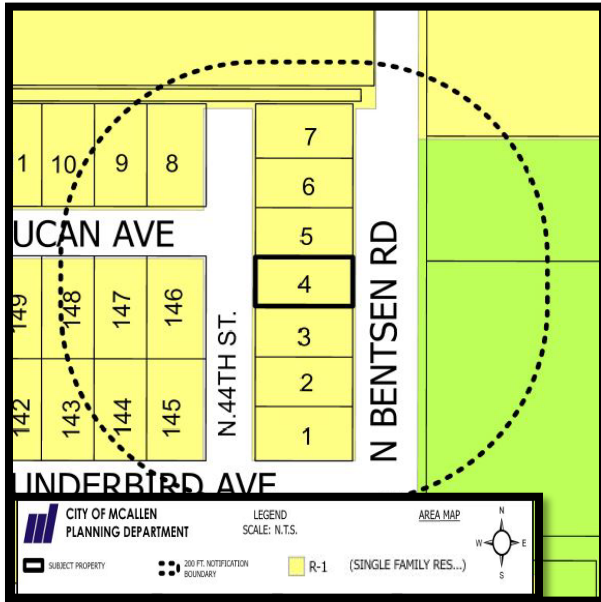
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 7, 2025

SUBJECT: REQUEST OF ROLANDO SOLIS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A PROPOSED ENCROACHMENT OF 20 FEET INTO THE 25 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 4, PLANTATION GAP SUBDIVISION PHASE 1, HIDALGO COUNTY, TEXAS; 7212 NORTH 44TH LANE. (ZBA2025-0007)

REASON FOR APPEAL: The applicant is requesting to encroach 20 feet into the 25 foot front yard setback for an existing carport that is proposed to be modified to comply with square footage size requirement and to be located out of the 5 foot utility easement. The carport will be used to protect his vehicles from inclement weather and will provide protection for the applicant and his wife who have multiple health issues.



PROPERTY LOCATION AND VICINITY: The subject property is located along between North 44th Lane and North Bentsen Road. The subject property is currently Zoned R-1 (single family residential-OC) District.

BACKGROUND AND HISTORY: Plantation Gap Phase 1 Subdivision was recorded on December 20, 2004. A building permit was submitted June 2, 2022 for a carport addition and was denied for encroaching into the front yard setback and 5 foot utility easement. A stop work order was issued February 24, 2023 for carport construction without a permit. An application for a special exception

request was submitted on March 13, 2025.

ANALYSIS: The applicant is requesting to encroach 20 feet into the 25 foot front yard setback for an existing carport. The carport will be used to protect his vehicles from inclement weather and will provide protection for the applicant and his wife who have multiple health issues.

In the past there have been other variances and special exceptions granted in Plantation Gap Phase 1 Subdivision for encroachments into the front yard setback for carports.

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 has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the special exception request.

ZBA 2025-0007



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project	<p>Legal Description <u>Plantation GAP PH1 Lot 4</u></p> <p>Subdivision Name <u>Plantation GAP</u></p> <p>Street Address <u>7212 1212 Nth 44th Lane McAllen</u></p> <p>Number of lots <u>1</u> Gross acres _____</p> <p>Existing Zoning <u>R1</u> Existing Land Use <u>Resident</u></p> <p>Reason for Appeal (please use other side if necessary) <u>carport encroachment</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
	Applicant
Owner	<p>Name <u>same as above</u> Phone <u>(956) 855-4274</u></p> <p>Address _____ E-mail _____</p> <p>City _____ State _____ Zip _____</p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>Rolando Solis</u> Date <u>12-9-2024</u></p> <p>Print Name <u>Rolando Solis</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>[Signature]</u> Payment received by _____ Date _____</p> <p>Rev 09/20</p>





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider **any combination of** the following: (Please use an additional page if necessary to complete responses)

**Information provided here by the applicant does not guarantee that the Board will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:

Garsage not suitable for all cars

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:

disability and bad weather

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

its not a nuisance it common in neighbor

4. Describe special conditions that are unique to this applicant or property:

MEDICAL Reason

Elderly disabled person living with us
my wife has osteoporosis afraid of her falling when wet
I also am disabled with knee and back problems
afraid of slipping when wet

Chairman, Board of Adjustment
Signature

Date

Original Plan

HOUSE

Address

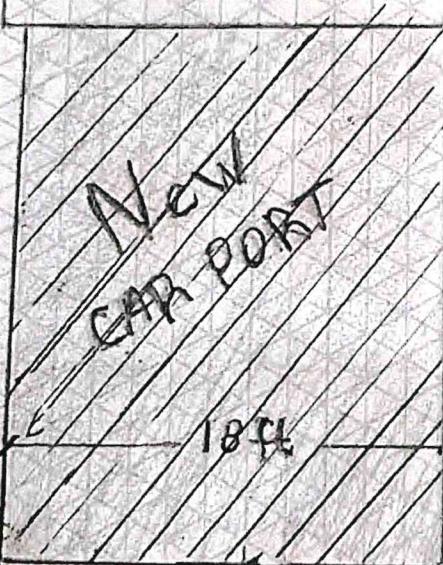
7212 N 44th Lane
Meallen TX 78504

fence
7-3 ft

Garage

fence
6 ft

N
←



S
→

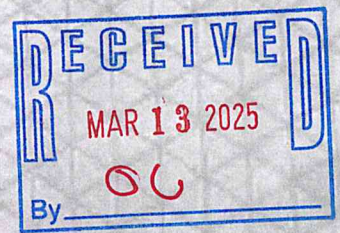
Side Walk
Grass

Side Walk
Grass

44th lane



existing construction
New construction



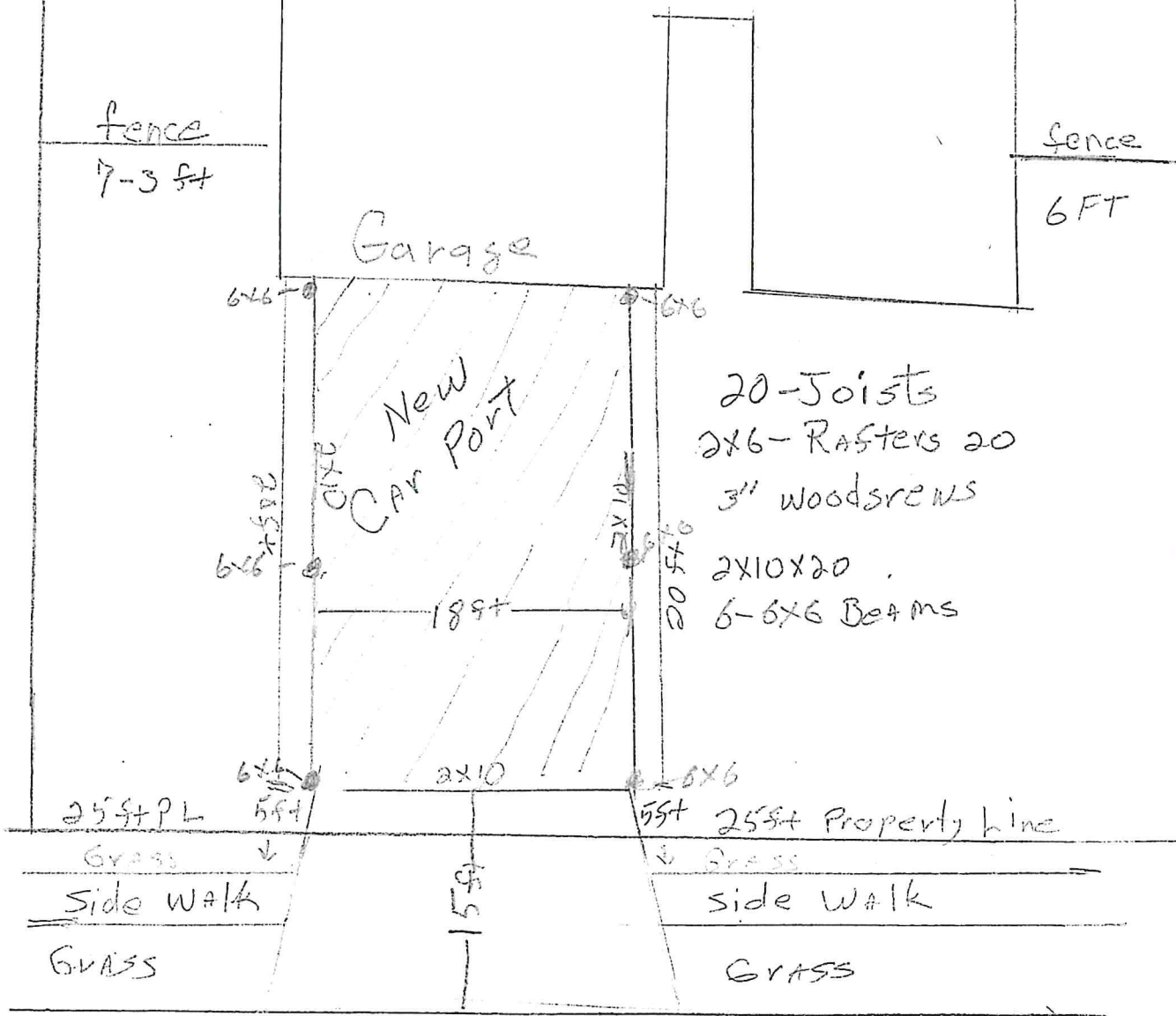
Proposed Plan

House



Address

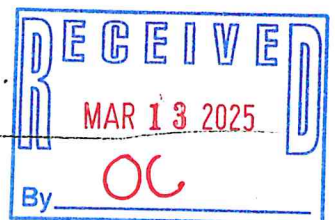
7212 n 44th Lane

McAllen TX 78504



44th lane

 existing Construction
 New Construction





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2025-0007
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

72712

Memo

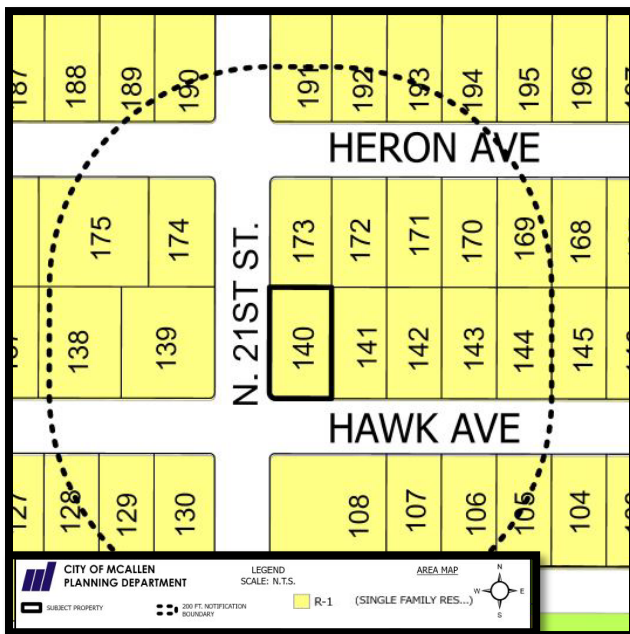
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 7, 2025

SUBJECT: REQUEST OF CARLA CANTU OF BEHALF OF JOSE VASQUEZ 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 AN EXISTING CARPORT MEASURING 20 FEET BY 20 FEET AT LOT 140, SHADOW BROOK SUBDIVISION UNIT NO.1, HIDALGO COUNTY, TEXAS; 2028 HAWK AVENUE. (ZBA2025-0008)

REASON FOR APPEAL: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback for an existing carport. The carport will be used to protect his vehicles from inclement weather and will provide protection for the elderly homeowners who have health issues and mobility restraints.



PROPERTY LOCATION AND VICINITY: The subject property is located along the intersection of North 21st Street and Hawk Avenue. The subject property is currently Zoned R-1 (single family residential-OC) District.

BACKGROUND AND HISTORY: Shadow Brook Unit 1 Subdivision was recorded on February 13, 1979. A building permit was rejected January 22, 2014 for carport addition. A stop work order was issued March 28, 2014 for a garage enclosure and building a carport without a permit. A special exception was applied for and denied on April 15, 2014. A new application for a special exception request was submitted on March 20, 2025.

ANALYSIS: The applicant is requesting to encroach 20 feet into the 20 foot front yard setback for an existing carport. There are no utility easements that run through the front. The carport will be used to protect his vehicles from inclement weather and will provide protection for the elderly homeowners who have health issues and mobility restraints. The home had a garage that was enclosed back in 2014.

In the past there have been other variances and special exceptions granted in Shadow Brook UT 1 Subdivision for encroachments into the front yard setback for carports.

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 has not received any phone calls, emails, or letters in opposition to the special exception request.

RECOMMENDATION: Staff recommends disapproval of the special exception request.

4/23/25



City of McAllen Planning Department

311 North 15th Street
McAllen, TX 78501
P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: 2BA2025-0008 ZBOA Meeting: 4/23/25 ☐ Routed
Receipt No: _____ ☐ Scanned
Accepted by: P: NM S: _____ Customer Acknowledgment (Int.): CC

PROJECT

Legal Description Shadow Brook ut 1 Lot 140.
2028 Hawk Ave. McAllen TX 78501
Subdivision Name Shadow Brook ut 1
Street Address 2028 Hawk Ave McAllen, TX 78501
Number of lots 1 Gross acres —
Existing Zoning single Fam. Existing Land Use single Fam.
Reason for Appeal (please use other side if necessary) encroaching 20 feet into 20 ft
frontyard set back
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Carla Cantu Phone 956 475 2858
Address 300 S. 8th St E-mail carla@readyevensecond.com
City McAllen State TX Zip 78501

OWNER

Name Jose Vasquez Phone 956-560-2145
Address 2028 Hawk Ave E-mail n/a
City McAllen State TX Zip 78501

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

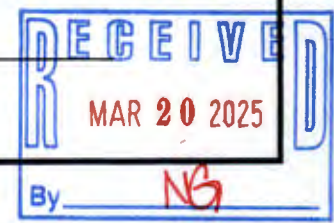
I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Jose Vasquez

Date 3-19-2025

Print Name Jose Vasquez

☒ Owner ☐ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>4. Describe special conditions that are unique to this applicant or property:</p> <p>_____</p> <p>_____</p> <p>_____</p>

Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p>
	<p>Rev. 9/20</p>

Ready Every Second Solar, Inc.
5506 Mitchelldale St
Houston TX 77092
713-5895299

To Whom It May Concern,

I am writing on behalf of Jose Isaac Vasquez and Isaura Vasquez to formally request a variance for a carport denied in 2014 in front yard per setback requirement on their property located at 2028 Hawk Ave McAllen TX 78504. The current zoning regulations mandate a certain set back from the street; I am seeking approval for Board to review the carport once again for approval.

Justification for the Variance:

The necessity for this variance arises from the homeowners being elderly and have health issues and mobility restraints and existing structure helps facilitate coming and going from the home in a safe manner. These conditions make it impractical to adhere to the standard setback requirement without significantly compromising the functionality and aesthetics of the property and to be able to accommodate both vehicles.

Granting this variance helps meet the practical needs of their household, without adversely affecting the character of the neighborhood or encroaching upon public spaces.

Supporting Documentation:

- Site plans illustrating the proposed carport location and its relation to property.
- Photographs of the property highlighting existing conditions that necessitate the variance.

I respectfully request that the Zoning Board/Planning Commission re-examine the initial denial in light of the information provided. I am confident that the proposed variance aligns with the intent of the zoning regulations and will not negatively impact the surrounding community.

Thank you for your time and consideration. I am submitting a new application on homeowner's behalf. I am available to discuss this request further and can be reached at all times.

Sincerely,

Carla Cantu, Operations and Customer Support at Ready Every Second Solar, Inc.

5506 Mitchelldale St

Houston, TX 77092

956-475-2858

carla@readyeverysecond.com

Customer Authorization to work on their behalf:

Jose vasquez

2028 Hawk Ave

NOAH

HOUSE

carport

20 x 20

Hawk Ave.

cost
est \$18,000

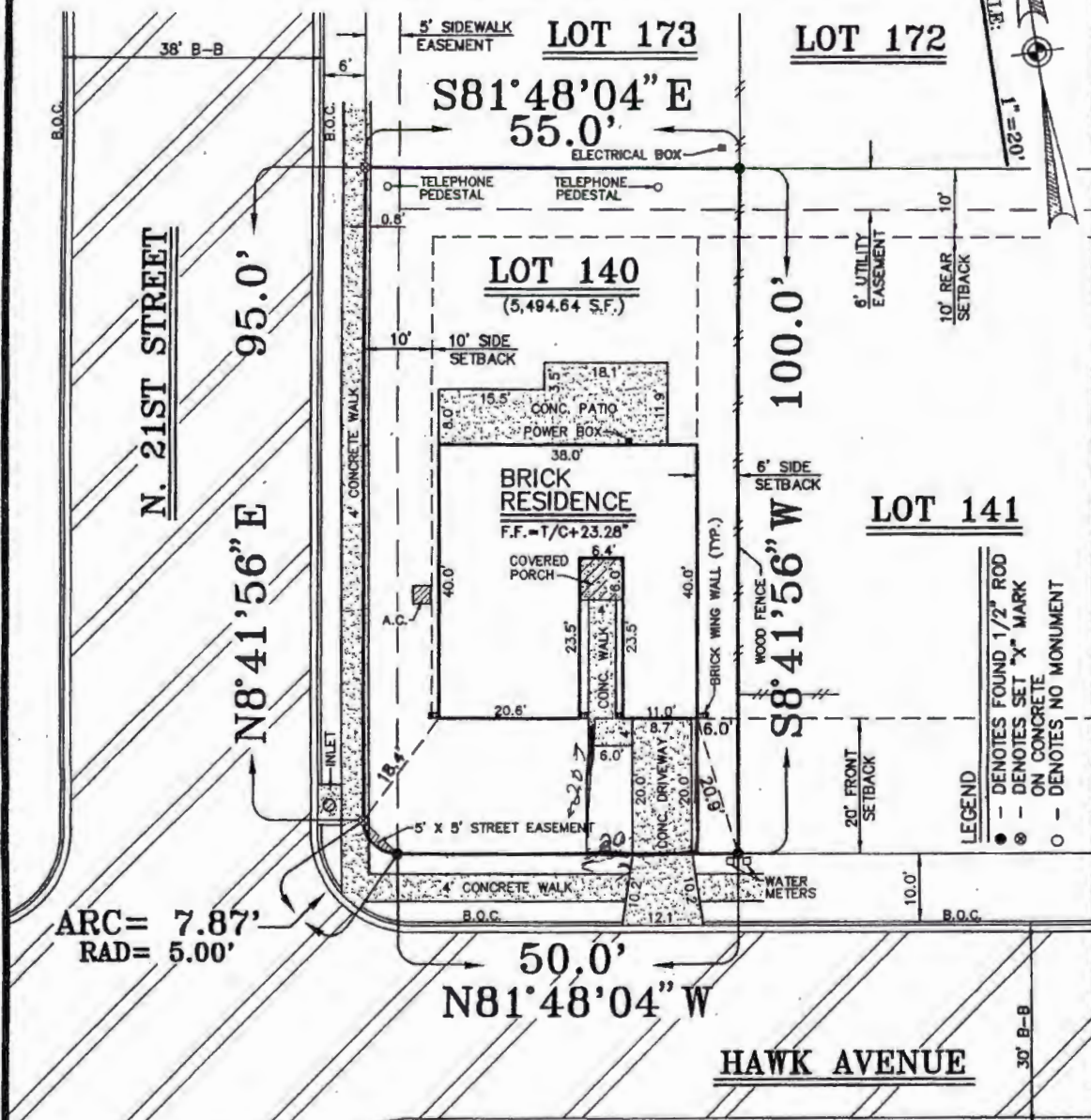
South



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



FLOOD CERTIFICATION: The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

PLAT NOTES:

- There are no discrepancies, conflicts or shortages in area or boundary lines, encroachments, or any overlapping of improvements except as shown or noted hereon.
- Statutory rights in favor of Hidalgo County Irrigation District No. 1, pursuant to applicable sections of the Texas Water Code. (Blanket)
- Easements in favor of Hidalgo County Irrigation District No. 1. (Blanket)
- Right of Way Easement for pipeline executed by A.H. Patton to Rio Grande Valley Gas Company, dated July 22, 1927, recorded in Volume 257, Page 532 and modified by Partial Release of Easement recorded in Volume 1408, Page 287, both in the Deed Records of Hidalgo County, Texas. (Blanket; Gas main does not cross property shown hereon.)
- Easement and right of way each Lot in said subdivision granted to Magic Valley Electric Coop., Inc for underground service primary and service lateral with the right of ingress and egress as contained in the General Notes of the subdivision plat herein referred to. (Blanket)
- This plat is for the exclusive use of the borrower named hereon, the title company in connection with G.F.# 9916377 and the respective lender thereof. The undersigned surveyor is not responsible to any others for any loss resulting therefrom.
- BEARING BASIS: SHADOWBROOK SUBDIVISION UNIT 1"

BORROWERS: JOSE ISAAC VASQUEZ and wife, SAN JUANA VASQUEZ

THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE GROUND OF PROPERTY WHICH IS LOCATED AT 2028 HAWK AVENUE, In McALLEN, TEXAS, DESCRIBED AS FOLLOWS: ALL OF LOT 140, SHADOWBROOK SUBDIVISION, UNIT 1, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 91, MAP RECORDS OF HIDALGO COUNTY, TEXAS.

99-11860
Job No.

05-26-99
Date

Registered Professional Land Surveyor No. 4802



RECEIVED

JAN 07 2000

Initial:



**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2025-0008**
CITY OF MCALLEN PLANNING DEPT.
956-681-1290
WWW.MCALLEN.NET

TEXAS
STP-6151

NO
LOADING