

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, AUGUST 3, 2022 - 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 July 20, 2022

2. PUBLIC HEARINGS:

- a) Request of Florentino Gutierrez for a special exception request to the City of McAllen Zoning Ordinance to allow an encroachment of: 22 feet into the 25 feet front yard setback and 6 feet into the 6 feet side yard encroachment along the west side for a proposed carport measuring 22 feet by 22 feet on Lot 64, Olivarez Subdivision No. 5, Hidalgo County, Texas; 2912 Tamarack Avenue. **(ZBA2022-0042)**
- b) Request of Juan Gabriel Enriquez for a variance to the City of McAllen Zoning ordinance to allow an encroachment of 30 feet into the 60 foot side yard setback along the east side of the property for a proposed single-family residence on Lot 4A, North Bryan Estates Subdivision, Hidalgo County, Texas; 8401 State Highway 107. **(ZBA2022-0043)**
- c) Request of Antonio Zapata for a variance to the City of McAllen Zoning Ordinance for an accessory use, a proposed storage shed measuring 10 feet by 16 feet without a primary use for Lot 47, Frontera Village Subdivision, Hidalgo County, Texas; 1817 Jefferson Avenue **(ZBA2022-0039)**
- d) Request of MHA Hibiscus Village, Ltd. for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20 feet front yard setback along Hibiscus Avenue for 46 proposed carports individually measuring 9 feet by 18 feet, for Lot 1, Hibiscus Village Subdivision, Hidalgo County, Texas; 2412 Hibiscus Avenue. **(ZBA2022-0041)**
- e) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022) (REMAIN TABLED: 07/20/2022)**
- f) Request of Emma Veras for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport measuring 12 feet by 15 feet, at Lot 47, Brookwood Unit II Subdivision, Hidalgo County, Texas; 3824 Zinnia Avenue. **(ZBA2022-0038) (TABLED: 07/20/2022)**

3. FUTURE AGENDA ITEMS

- a)** 3409 North 36th Lane
- b)** 3221 Iris Avenue
- c)** 6729 North 4th Street
- e)** 2300 Oxford
- f)** 2304 Gull Avenue
- g)** 614 North 17th Street

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, July 20, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Ann Tafel	Member
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Rebecca Millan	Alternate
	Juan Mujica	Alternate
	Sam Saldivar	Alternate
Absent:	Mark Talbot	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney
	Omar Sotelo	Senior Planner
	Katia Sanchez	Planner II
	Marco Rivera	Planner I
	Samuel Nunez	Planner I
	Porfirio Hernandez	Planning Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a)** Minutes for the special meeting held on July 7, 2022.

The minutes for the special meeting held on July 7, 2022 were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Anita Flores to allow a Special Exception to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one required parking space beyond the front yard setback line at Lot 72, Ware Gardens Subdivision, Hidalgo County, Texas; 3917 Umar Avenue. **(ZBA2022-0035)**

Mr. Nunez stated the applicant was requesting a special exception to the parking requirement of one off-street parking space beyond the front yard setback (as required by section 138-394). The applicant purchased her home in 2018 with an enclosed garage.

The subject property was located on the south side of Umar Avenue, approximately 119 ft. east of North 40th Street. The property has 50 ft. of frontage along Umar Avenue, with a

depth of 98.75 ft. for a lot size of 4,937 square feet. The property was zoned R-1 (single-family residential district). Surrounding land use is single family residential.

The subdivision application for Ware Gardens Subdivision was initially submitted in January 1999, and received preliminary and final approval on May 5, 1999. At the time, the parking requirement for single-family residential homes was two parking spaces with no requirement for parking beyond the front yard setback. The Board of Commissioners amended the zoning ordinance in November 1999 to require two parking spaces beyond the front yard setback (later reduced to one parking space beyond the front yard setback).

The plat for Ware Gardens Subdivision was recorded on August 21, 2000.

According to Hidalgo County Appraisal District, the house was built in 2002, and the garage was enclosed the same year by the previous owners (no building permit was found for this enclosure). The applicant received a non-compliance notice from the Building Permits and Inspections Department in 2019 for the enclosed garage, approximately one year after she purchased the home. The application for the special exception was submitted on June 7, 2022.

The request was to not provide a required parking space beyond the front yard setback line. According to the site plan submitted, the enclosed garage area (now a living room/kitchen area) measures 12 ft. by 18.5 ft. Moreover, the front driveway measures approximately 16 ft. by 20 ft., which would accommodate two required parking spaces.

The intent for the requirement of locating one parking space beyond the front yard setback line was to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard.

Approval of the request may encourage other property owners to enclose their garages.

A review of Planning Department records did not reveal any similar special exceptions approved in this subdivision.

Staff had not received any phone calls or emails in opposition to the special exception request.

Staff recommended approval of the special exception request since the submission and approval of the Ware Gardens Subdivision was in January 1999 prior to the adoption of the ordinance that required parking beyond the front yard setback.

Being no discussion, Mr. Hugo Avila **moved** to approve the special exception request. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to approve the special exception request with five members present and voting.

- b) Request of Ramos Pools for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed irregularly shaped swimming pool with a sun ledge measuring 8 feet by 10 feet and a swim spa measuring 8 feet by 8 feet, at Lot 25, The Embers Subdivision, Hidalgo County, Texas, 8004 North 3rd Street. (ZBA2022-0036)**

Mr. Nunez stated the applicant was requesting a variance to the rear yard setback on a double fronting lot for a proposed irregularly shaped swimming pool with a sun ledge and swim spa. The applicant is requesting to allow the swimming pool to be constructed with an encroachment of 10 feet into the 25 feet rear yard setback as required on the subdivision plat.

The subject property was located in The Embers Subdivision (gated community), with frontage on North 3rd Street and North 2nd Street. The property had 100 ft. of frontage along North 3rd Street and a depth of 116 ft. for a lot size of 11,600 square feet. The property and adjacent zoning was R-1 (single-family residential) District. The surrounding land use was single-family residential and vacant land.

The Embers Subdivision was recorded on June 6, 2016. An application for a proposed swimming pool permit has not been submitted to the Building and Inspections Department. However, an application for the variance request was submitted on June 13, 2022.

Lots 1 through 5 and 23 through 32 in The Embers Subdivision have double frontage with either Wisconsin Road or North 2nd Street at the rear property line of the lots. The recorded plat for the subdivision requires the aforementioned lots to have a 25 feet rear yard setback.

The variance request was to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed irregularly shaped swimming pool with a sun ledge measuring 8 feet by 10 feet and a swim spa measuring 8 feet by 8 feet. The City of McAllen Zoning Ordinance states, "Where lots have double frontage...a required front yard shall be provided on one street only." The submitted site plan shows that the front yard setback along North 3rd Street is 25 feet. However, an approved variance request was still necessary to resolve the plat note setback requirement of 25 feet for the rear yard.

A 15 feet utility easement adjacent to the rear property line of Lot 25 runs concurrently with the 25 feet rear yard setback and will not be impacted by the proposed encroachment.

A review of the Planning Department's records revealed that two similar variances were previously approved in the subdivision. At the Zoning Board of Adjustment & Appeals meeting of July 17, 2019, the Board approved an encroachment of 15 feet into the 25 feet rear yard setback for a proposed irregularly shaped swimming pool for Lot 27. An approval was also granted at a later meeting on August 18, 2021 for a proposed swimming pool and landing area with an encroachment of 9.75 into the 25 ft. rear yard setback for Lot 2.

The Board has approved four other variances in this subdivision between the years 2019 and 2021 for encroachments into the front and rear yard setbacks for single family residential and accessory uses.

Staff had not received any phone calls or e-mails in regards to the variance request.

Staff recommended approval of the variance request since the required front yard had 25 feet along North 3rd Street and was in compliance with the City of McAllen Zoning Ordinance requirement for double fronting lots.

Board member Mujica asked staff if the utility easement was being used. Mr. Nunez stated it was not currently being use.

After a brief discussion, Mr. Hugo Avila moved to approve the variance request. Ms. Ann Tafel seconded the motion. The Board voted to approve the variance request with five members present and voting.

- c) Request of West Wind Homes for the following Variance requests to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25 feet rear yard setback for a proposed swimming pool, the northwest corner of the existing residence, and patio located at the rear of the property, at Lot 87, Cobblestone Subdivision, Hidalgo County, Texas; 7303 North 55th Lane. **(ZBA2022-0040)**

Ms. Sanchez stated the applicant was requesting a variance for a proposed swimming pool and the northwest corner of the existing residence, and a patio located at the rear of the property.

The subject property was located along the cul-de-sac along Umar Avenue and North 55th Lane. The zoning for the property was R-1 (single-family residential) District. The adjacent zoning was R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences and vacant land.

Cobblestone Subdivision was recorded in July 2020. As per Cobblestone Subdivision plat, the rear setback states “25.0 feet for double fronting lots”, however in March 2022, a building permit was approved at 10 feet and will be honored at that setback, rather than the 25 feet. McAllen’s City Commission passed Ordinance No. 2021-80, Section I (b), which amended the requirements regarding to double-fronting lots, “where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only”. A variance request was submitted on June 24, 2022.

The applicant was requesting a variance for an irregularly shaped proposed swimming pool to be built at the rear of the property. The applicant was also requesting for the northwest corner of the existing residence and the patio located at the rear of the property to remain at their current location.

The property does lie within a cul-de-sac and is a double-fronting lot, which does limit the amount of buildable area within the lot. There was a 25 feet rear yard setback and a 10 feet utility easement along the rear and the south side of the subject property. The applicant was not proposing the pool to be located within the easement. The existing structures are not built within the easement.

As per the applicant, the proposed swimming pool would be used for recreational purposes, and the existing structures help to maximize living area.

Staff had not received a phone call in support or opposition of the variance requests.

Staff recommended approval of the variance requests since the proposed and existing encroachments are not located within the easements, and the lot was irregular (situated on a cul-de-sac and is double fronting). If the Board grants approval of the requests, it should be limited to the encroachments shown on the submitted site plan.

Vice-Chairperson Jose Gutierrez moved to approve the variance request limited to the

encroachment shown on the site plan. Mr. Rogelio Rodriguez seconded the motion. The Board voted to approve the variance request with five members present and voting.

- d) Request of Emma Veras for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport measuring 12 feet by 15 feet, at Lot 47, Brookwood Unit II Subdivision, Hidalgo County, Texas; 3824 Zinnia Avenue. **(ZBA2022-0038)**

Ms. Sanchez stated the applicant was requesting a special exception for an encroachment into the front yard setback in order to allow an existing carport to remain in its current location. According to the applicant, the carport was built to hinder any accidents and protect a senior citizen resident. The applicant contracted a contractor to construct the carport; she was unaware that the contractor did not obtain the necessary building permit. The applicant also stated that the residence does not have a garage, which would help shelter her vehicle from inclement weather.

The subject property was located on the North side of Zinnia Avenue. The property had 51.50 feet of frontage and a depth of 86 feet, the lot size was 4,429 square feet according to the subdivision plat. The surrounding land use is single-family residential.

There was a single-family residence on the subject property. The property was zoned R-1 (single family residential) District. Adjacent zoning was R-1 District in all directions. The resident applied for a building permit on June 08, 2022 after receiving a stop work order on June 03, 2022. The resident applied for a special exception request on June 13, 2022.

The special exception request was to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport measuring 12 feet by 20 feet over an existing driveway. The carport was not enclosed which allows for visibility when entering or exiting the property.

The original site plan indicated that the existing carport was encroaching into the 5-foot utility easement along the front of the property. Subsequent to the Planning Department staff explaining the abandonment process to the applicant, she submitted an updated site plan displaying a proposed reduced footprint of the carport.

As per applicant, she was willing to reduce the dimension of the carport. The applicant had submitted a site plan with a proposed dimension of the carport, measuring 12 feet by 15 feet. The residence does not have a garage, so the existing carport helps protect her vehicle from inclement weather.

There was no alley access on the subject property. There was no room for relocation of the carport to any other area of the property as she had mature trees and a garden area at the front of the property.

During the site visit, staff noticed other similar encroachments, specifically carports located at the front yard, along Zinnia Avenue; there are three other encroaching carports, along with four other carports in the neighboring streets. The carport on the subject property was a characteristic of construction along the area. A review of the Planning Department records did reveal one special exception on Zinnia Avenue, approved by the Board in 2014.

There was a 5-foot utility easement along the front of the property. Should the carport encroach into the easement, the applicant must undergo the abandonment process at a later date.

Special exceptions are issued to an individual and recorded, however if new owner purchases the home they will have to apply as new owner.

Staff recommended disapproval of the special exception request, unless the applicant reduces the footprint of the carport.

Vice-Chairperson Gutierrez asked staff if they had mentioned to the applicant about reducing the size of the carport. Ms. Sanchez stated yes. She asked to go to one of the slides to show the existing structure site plan and the revised proposed site plans with the reduced dimensions.

Emma Veras, the applicant stated she wanted to build a carport for shade and protection from the inclement weather.

Ms. Sanchez stated she explained to the applicant the abandonment process and how to resolve the current issue. In addition, if she had to encroach into that easement she would have to apply for the abandonment process.

Following discussion, Mr. Hugo Avila **moved** to table the special exception request until the next meeting. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to table the special exception request with five members present and voting.

The Board continued their discussion. Chairperson Hinojosa mentioned to the applicant she would need to discuss with staff of the changes to the site plan.

Vice-Chairperson Jose Gutierrez **moved** to remove the special exception request from the table. Mr. Hugo Avila seconded the motion. The Board voted to remove the special exception from the table with five members present and voting

Emmanuel Arendol, 3900 Zinnia Avenue, requested to speak on behalf of his grandmother for the next meeting. Board member Mujica explained to Mr. Arendol that the Board was neither approving nor denying the item today.

Following discussion, Vice-Chairperson Jose Gutierrez **moved** to table the special exception request until the next meeting. Mr. Hugo Avila seconded the motion. The Board voted to table the special exception request with five members present and voting.

- e) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037)**
(TABLED: 07/07/2022)

This item was to remain tabled until the next meeting.

4. FUTURE AGENDA ITEMS:

- a) 3917 Umar Avenue
- b) 8004 North 3rd Street
- c) 3824 Zinnia Avenue
- d) 7303 North 55th Lane

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Sylvia Hinojosa **moved** to adjourn the meeting.

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

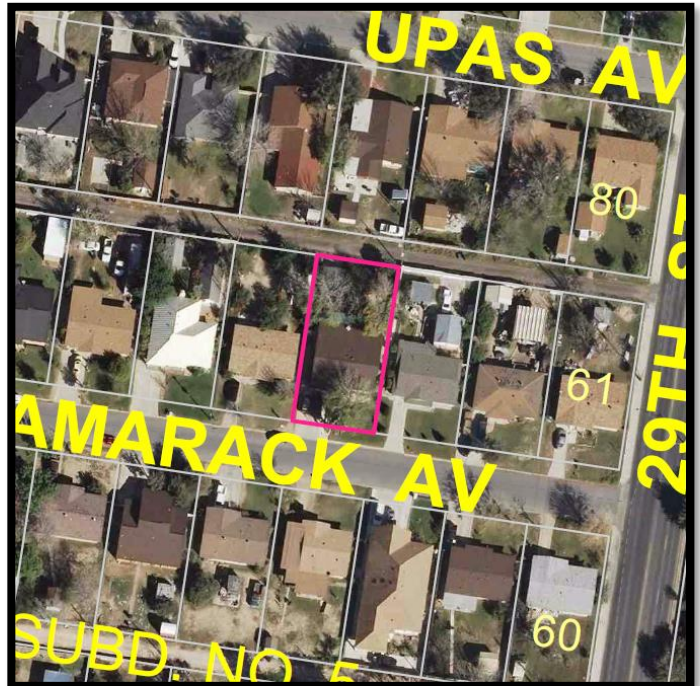
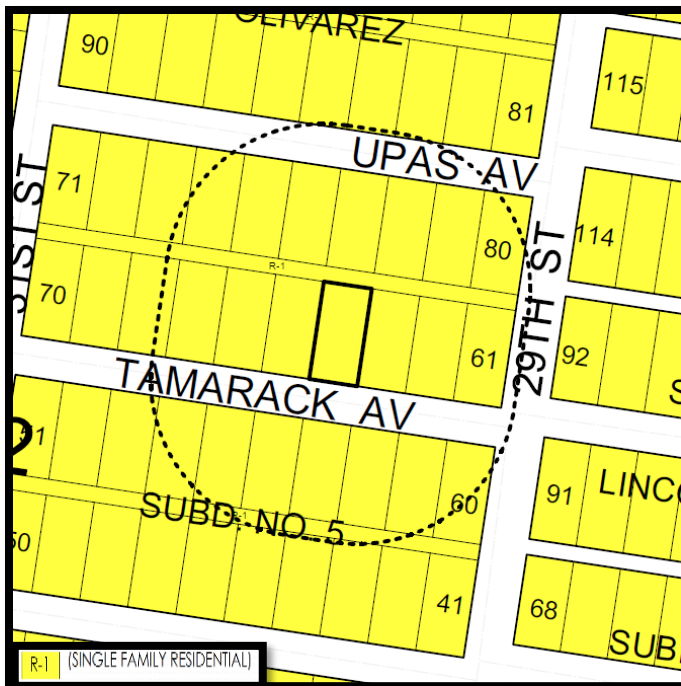
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 18, 2022

SUBJECT: Request of Florentino Gutierrez for a special exception request to the City of McAllen Zoning Ordinance to allow an encroachment of: 22 feet into the 25 feet front yard setback and 6 feet into the 6 feet side yard encroachment along the west side for a proposed carport measuring 22 feet by 22 feet on Lot 64, Olivarez Subdivision No. 5, Hidalgo County, Texas; 2912 Tamarack Avenue. (ZBA2022-0042)

REASON FOR APPEAL: The applicant is requesting a special exception for an encroachment into the front and side yard setback in order to allow a proposed carport to be placed on the existing driveway. According to the applicant, the proposed carport would protect his two vehicles from sun damage and inclement weather as his residence does not have a garage. The applicant also stated that the carport addition would greatly assist him due to his health.



PROPERTY LOCATION AND VICINITY: The subject property is located on the North side of Tamarack Avenue. The property has 61.40 feet of frontage and a depth of 124.50 feet, the lot size is 7,644.30 square feet according to the subdivision plat. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY: Olivarez Subdivision No. 5 was recorded on February 1, 1972. The plat specifies a 25 feet front yard setback. The resident applied for a building permit on July 06, 2022. The resident applied for a special exception request on July 05, 2022, and updated the special exception application on July 14, 2022.

ANALYSIS: The special exception request is to allow an encroachment of 22 feet into the 25 feet front yard setback for a proposed carport measuring 22 feet by 22 feet over an existing driveway 6 feet into the 6 feet side yard setback along the west side of the property.

The applicant is proposing the carport to not be enclosed which will allow for visibility when entering or exiting the property. The proposed carport not being enclosed will also allow for visibility during egress and ingress into Tamarack Avenue or for oncoming traffic.

There is no room for relocation of the carport to any other area of the property as the applicant has mature trees at the rear of the subject property.

As per the applicant, he is proposing to locate the proposed carport over an existing driveway located at the front of the subject property. The residence does not have a garage to place the applicant's two vehicles, the carport is needed in order to protect vehicles from inclement weather.

During the site visit, staff noticed other similar encroachments, specifically carports located at the front yard within the area. There are approximately seven carports within the area that appear to encroach within the front yard setback. The carport on the subject property is a characteristic of construction along the area. A review of the Planning Department records did reveal one special exception on Upas Avenue, approved by the Board in 2021.

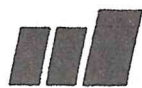
There are no utility easements on the subject property.

Special exceptions are issued to an individual and recorded, however if new owner purchases the home they will have to apply as new owner.

RECOMMENDATION:

Staff recommends 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.

ZBA2022-0042



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)

ZBOA
8.3.22

Project

Legal Description

CARPORT OLIVAR 2 HS Lot 64

Subdivision Name

OLIVAR 2

Street Address

2912 Tamarack Ave

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

house

Reason for Appeal (please use other side if necessary)

Propose SHAD "CARPORT
encroaching 22' front foot and using 6 feet on left
65' most

☒ \$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

Florentino Gutierrez

Phone

956-467-7139

Address

2912 Tamarack Ave

E-mail

fingutierrez@yahoo.com

City

McAllen, TX

State

TX

Zip

78501

Owner

Name

SAME

Phone

Address

E-mail

City

State

Zip

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

Date

7-5-2022

Print Name

Florentino Gutierrez

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

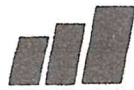
Rev 10/18

JUL 06 2022

ALS KS

Initial:

NM



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:

I AM REQUESTING a VARIANCE to the 6 feet on the left side of my property. I would like the to cover ALL the driveway including the 6ft on left

2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: Protect AGAINST Heat + Vehicles + HEALTH

Without the VARIANCE, the CARPORT WOULD LOOK STANGE on the driveway. Other homes AROUND here HAVE CARPORTS AS I WOULD like mine.

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:

THIS VARIANCE WOULD NOT VIOLATE my neighbor property. IT WOULD NOT BE DETRIMENTAL to anyone.

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

I dont have a garage and this carport would protect my 2 cars from Sun Damage orcl inclement weather. CARPORT NOT enclosed.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Getting too old to use rear entry into property

NET CONNECTED
to house



45'

8'

1 story

8'

← 45' →

SLAB

6" 10" SLAB 6" 10" 10"

Proposed
CARPORT

6' 2" →

↑ 2' ↓

↑ 11' ↓

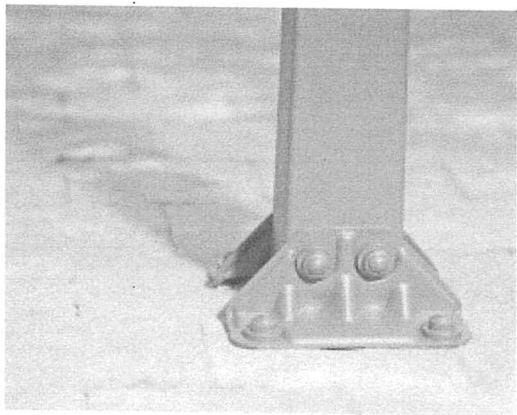
Property Line

2912 TAMARACK Ave



Similar to this







APPROVED FOR RECORDING
BY
COMMISSIONERS' COURT
This the 1st day of February 1972
SANTOS SALDANA, County Clerk
Hidalgo County, Texas
By *Luis De Busto*

MAP
OF
OLIVAREZ SUBDIVISION No. 5
HIDALGO COUNTY, TEXAS.

BEING A SUBDIVISION OF THE NORTH 14.91 ACRES OF THE EAST
25.18 AC. OF LOT 142, LA LOMITA IRRIG. & CONST. CO'S. SUBD.
OF PORCIONES 61, 62, 63 & 64. HIDALGO COUNTY, TEXAS.
Lying South of Canal R.O.W.

APPROVED
FOR RECORDING
Hidalgo Co. Reg. & Map Dept.
By *[Signature]*
Date 2-1-72

NOTE:

EXISTING FLOOR ELEVATION SHALL BE
LOW THAN 10' U.S.C. & 6.3. DATUM OR
NOT LESS THAN 1' ABOVE TOP OF HIGHEST
ADJACENT CURB INDICATED IN THE RECORD
ELEVATION.

FILED FOR RECORD THIS DATE
Feb 1-72 October 2-72

FEB 1 1972

SANTOS SALDANA
County Clerk, Hidalgo County, Texas
By *[Signature]*

Subject property
Encroachment
Approved Variance

PREPARED BY:
FABIAN, NELSON & MEDINA INC.
McAllen, Texas

SCALE: 1" = 100' DATE: 12-6-71

I, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON SHOWN AS PLATTED BY ME FROM THE SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS THAT ENRIQUE OLIVAREZ CONSTRUCTION, INC., OWNER OF THE LANDS HEREON MAPPED AND PLATTED, DO HEREBY DEDICATE THE SURFACE USE OF THE STREETS AND ALLEYS SHOWN ON THE ABOVE MAP TO THE USE OF THE PUBLIC AND UNTO THE CITY OF McALLEN, TEXAS, SO LONG AS IT SHALL ACCEPT, MAINTAIN AND PROTECT THE SAME FOR THE USE AND BENEFIT OF THE PUBLIC.

IN TESTIMONY WHEREOF, ENRIQUE OLIVAREZ CONSTRUCTION, INC., HAS CAUSED THESE PRESENTS TO BE EXECUTED ON THIS 6TH DAY OF DECEMBER, A.D. 1971.

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ABOVE NAMED OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 8TH DAY OF DECEMBER, A.D. 1971.



[Signature]
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS.

FILED FOR RECORD THIS DATE
Feb 1-72 October 2-72

THIS PLAT APPROVED BY THE McALLEN ZONING AND PLANNING BOARD ON THIS THE 14th DAY OF December, A.D. 1971.

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS ON THIS THE 20th DAY OF December, A.D. 1971.

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 1 ON THIS THE 23rd DAY OF December, A.D. 1971.



Memo

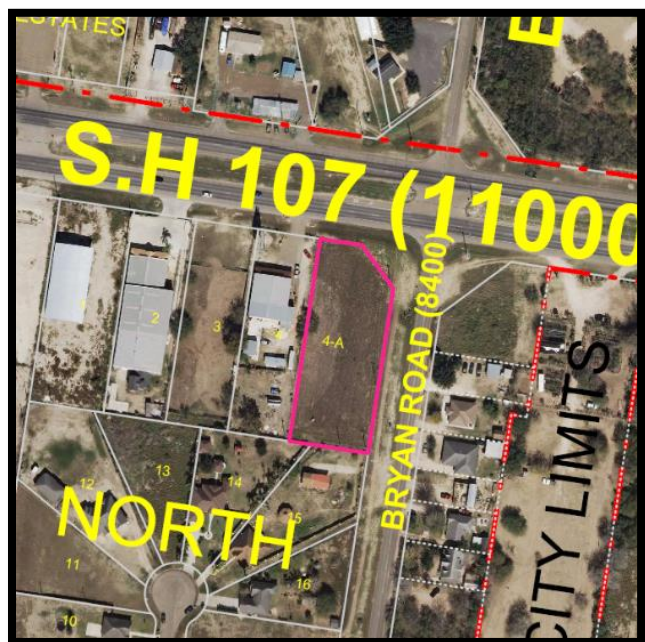
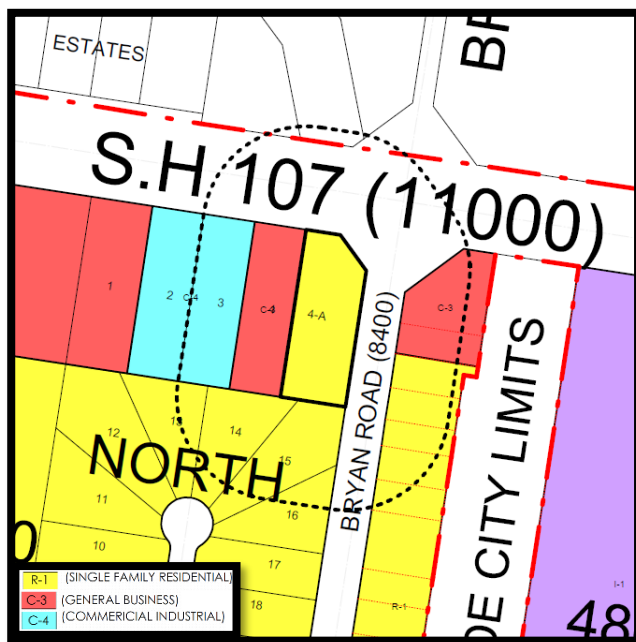
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 19, 2022

SUBJECT: Request of Juan Gabriel Enriquez for a variance to the City of McAllen Zoning ordinance to allow an encroachment of 30 feet into the 60-foot side yard setback along the east side of the property for a proposed single-family residence on Lot 4A, North Bryan Estates Subdivision, Hidalgo County, Texas; 8401 State Highway 107. (ZBA2022-0043)

REASON FOR APPEAL: The applicant is requesting the variance requests to encroach 30 feet into the 60-foot side yard setback to allow for more buildable area in order to construct a single-family residence.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southwest corner of State Highway 107 and North Bryan Road. The subject property is zoned R-1(single-family residential) District, and is .91 acres. The adjacent zoning is C-3 (general business) District to the east and west and R-1 (single-family residential) District to the south. Surrounding land uses are single-family residences and The Glute Factory.

BACKGROUND AND HISTORY:

North Bryan Estates Subdivision was recorded on March 13, 1997. The plat indicates 60 feet of east side yard setback. The applicant is proposing a single-family residence on the subject property. An application for the variance requests was submitted to the Planning Department in July 2022.

ANALYSIS:

A submitted site plan proposes construction that would encroach 30 feet into the 60 feet side

yard setback along the east side of the subject property. The purpose of the request is to adjust the buildable area for the lot.

The R-1 district typically has a side setback along a road is typically 10 feet, however, the side setback along the east side is at 60 feet. The property is a corner lot, “on a corner lot in all districts, the width of the side yard along the street shall not be less than ten feet...” and the lot is an irregular shape. The subject property was recently rezoned from C-3 district to R-1 district in May 2022; residential lots have a reduced setback requirement than that of a general business district.

As per the applicant, should the variance be approved, the proposed residence will not impede or obstruct the view of North Bryan Road. The applicant also stated that the variance request will allow greater living area.

The plat shows 25 feet irrigation easement along the east side of the subject property. The requested variance if approved will not impact the easements.

The Planning Department has not received any emails or phone calls in opposition to the variance request.

RECOMMENDATION:

Staff recommends approval of the variance request. Should the Board approve the variance request, it should be limited to the footprint shown on the submitted site plan.

ZBA 2022-0043



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

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

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project

Legal Description

North Bryan Estates
Lot 4A

Subdivision Name

North Bryan Estates

Street Address

W HWY 107 & Bryan SWC, 8401 State Hwy 107

Number of lots

1

Gross acres

.9124

Existing Zoning

RS R-1

Existing Land Use

Vacant

Reason for Appeal (please use other side if necessary)

I am requesting to adjust
east setback of property to 30 ft. in order for home to fit.

☒ \$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

Juan Gabriel Enriquez

Phone

(956) 772-5829

Address

8401 State Hwy 107

E-mail

Juanenriquez12@hotmail.com

City

Mission

State

TX

Zip

78573

1409 Sparrow LN, Edinburg TX 78541

Owner

Name

Juan Gabriel Enriquez

Phone

(956) 772-5829

Address

8401 State Hwy 107

E-mail

Juanenriquez12@hotmail.com

City

Mission

State

TX

Zip

78573

1409 Sparrow LN, Edinburg TX 78541

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

Juan G. Enriquez

Date

7-5-2022

Print Name

JUAN G. ENRIQUEZ

☒ Owner

☐ Authorized Agent

Office

Accepted by

SEN

Payment received by

Date

24



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:

The current property setbacks leave a narrow space to build. The plans designed are designed to avoid excessive or unnecessary square feet and driveway and for my family's safety.

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

It is necessary to adjust East setback to 30 ft to allow home to fit. This will allow good distribution of living square feet and minimize driveway needed.

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:

This variance will not impede or obstruct view to any road in the area or to surrounding properties. It will also allow the home to fit further from HWY 107.

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

This property is located on the corner of Bryan Rd and HWY 107 which is a busy, high speed Rd.

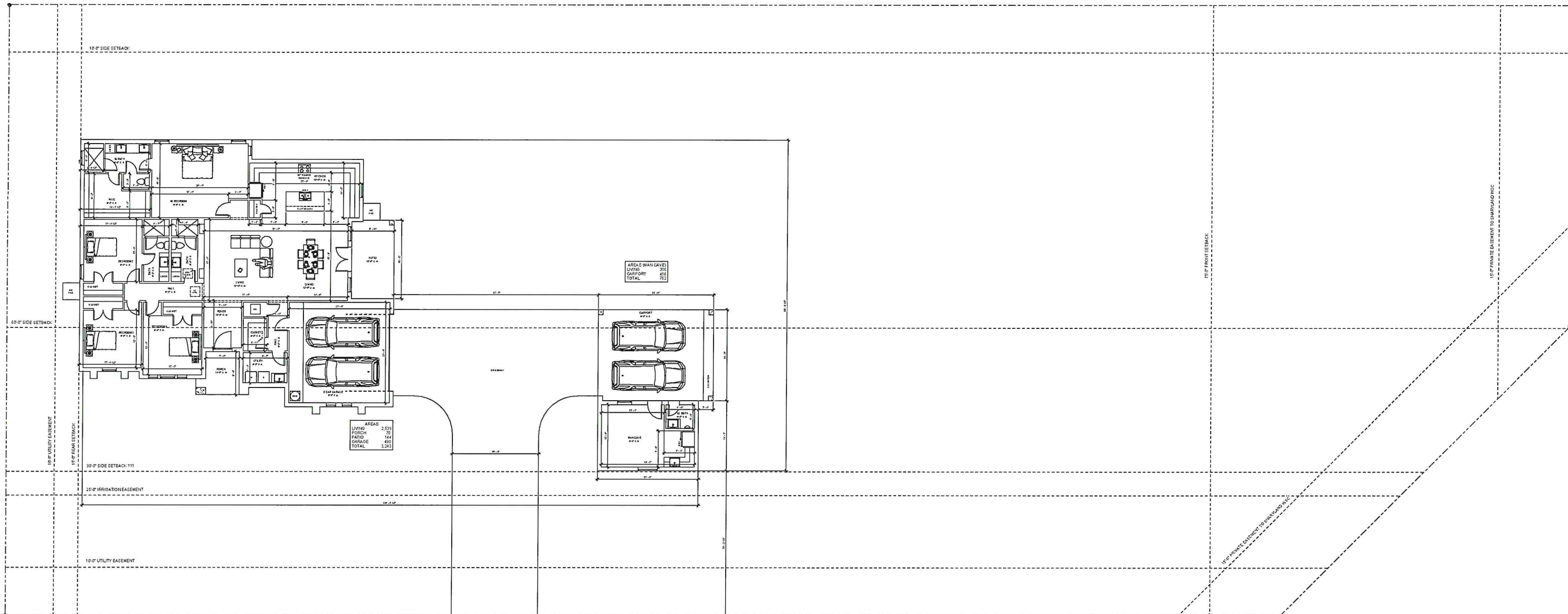
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

HWY 107



Bryan Rd

N

North
scale 1"=100'

North Bryan Estates Subdivision

being a subdivision of 58.05 acres out of Lots 48-10, 47-10 and 46-10,
West Addition to Sharyland, Hidalgo County, Texas.

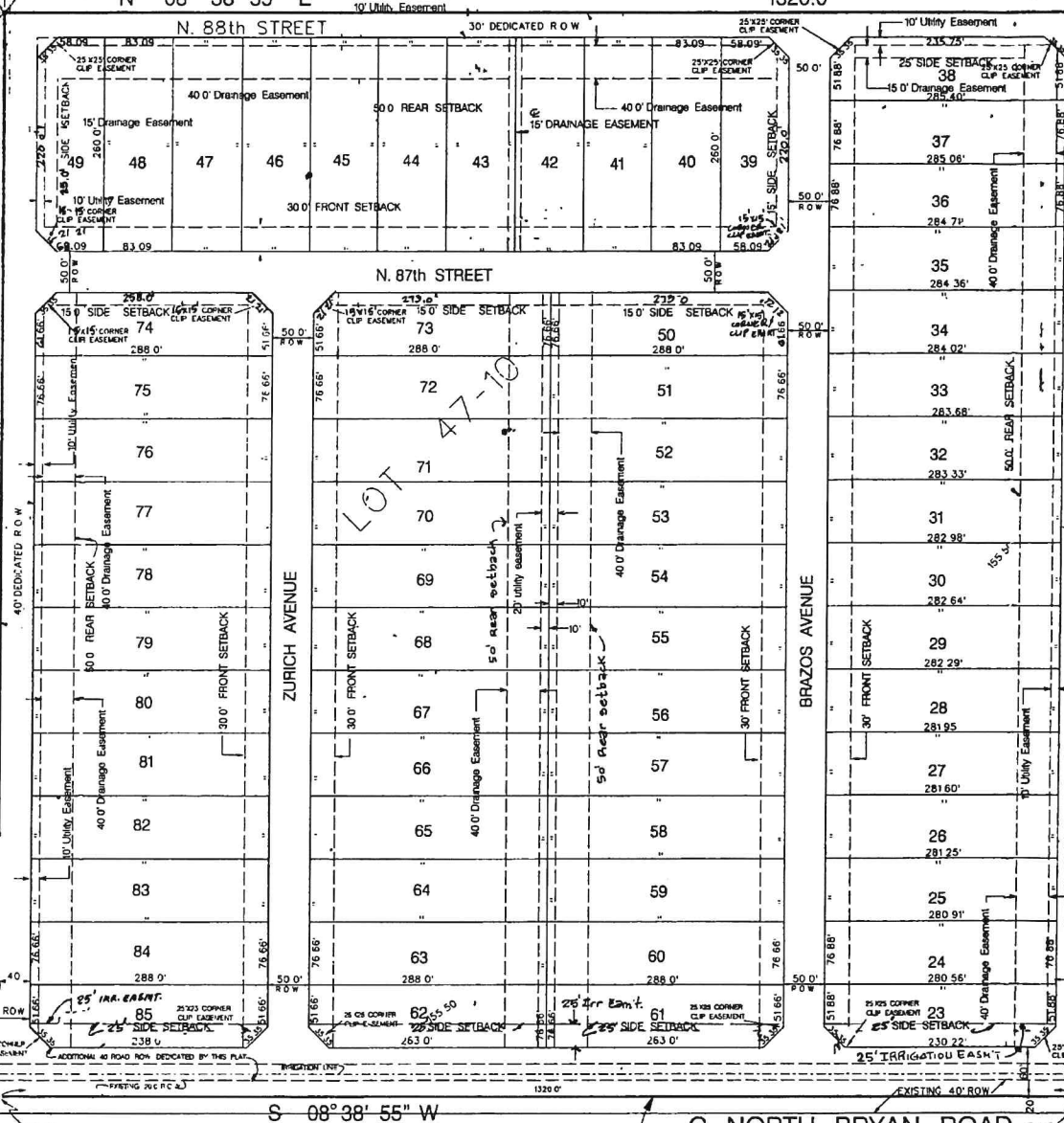
Recorded in Volume 32 Page 43
of the map records of Hidalgo
County, Texas
Vols. 21 and 22

LOT 47-9.
WEST ADD TO SHARYLAND
UNPLATTED CITRUS GROVE

PERCOLATION TEST

HOLE	TIME MINUTES	AVERAGE DEPTH	RATE MIN/INCH
1	9:00		
	9:30		
	30	.60	5.0 m/inch
2	10:00		
	10:30		
	30	.62	5.45 m/inch

SEWAGE APPLICATION RATE = 0.6





Memo

TO: Zoning Board of Adjustment & Appeals

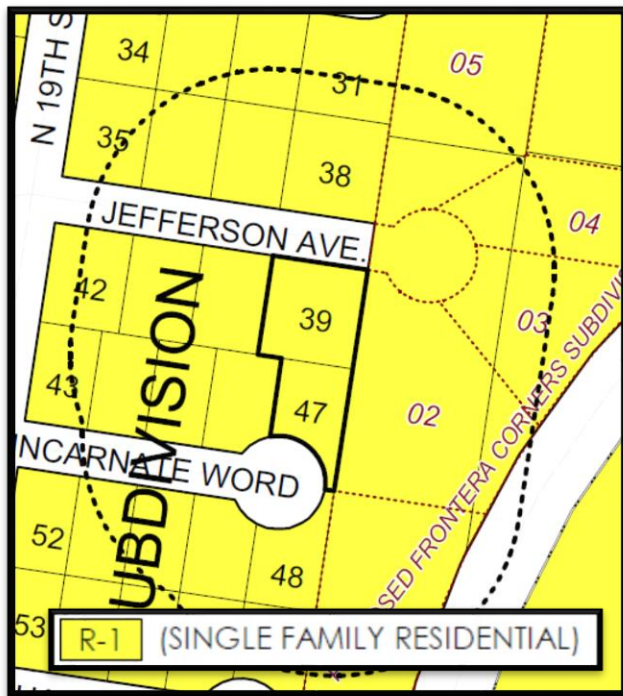
FROM: Planning Staff

DATE: July 27, 2022

SUBJECT: REQUEST OF ANTONIO ZAPATA FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE FOR AN ACCESSORY USE, A PROPOSED STORAGE SHED MEASURING 10 FEET BY 16 FEET WITHOUT A PRIMARY USE FOR LOT 47, FRONTERA VILLAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1817 JEFFERSON AVENUE. (ZBA2022-0039)

REASON FOR APPEAL:

The applicant is requesting a variance for a proposed 160-square foot storage shed to be placed on Lot 47, which has no primary use. According to the applicant, there is a lack of storage space in his house. The only feasible place to store their belongings would be an attic located in the garage area. However, the applicant states that this attic would prove to be too unsafe for him to access due to age-related factors and his 70% disability.



PROPERTY LOCATION AND VICINITY:

The applicant owns Lots 39 and 47 located between Jefferson Avenue and Incarnate Word Avenue, which are approximately 260 feet east of North 19th Street. The applicant's primary residence is located on Lot 39 and has 102.52 feet of frontage along Jefferson Avenue and a depth of 107 feet for a total lot size of 10,969.64 square feet.

Lot 47 (the lot where the applicant is proposing to build the storage shed) is located adjacent on the south side of the primary residence (Lot 39). Lot 47 has 95.38 feet of frontage along Incarnate Word Avenue and a depth of 132 feet for a total lot size of 7,326.35 square feet.

Both lots are zoned R-1 (single family residential) District. The surrounding land use is single-family residential with vacant land to the East.

BACKGROUND AND HISTORY:

The plat for Frontera Village Subdivision was recorded on April 13, 2005. An application for a building permit has not been submitted to the Building and Inspections Department (since one is not required based on the size of the structure). An application for a special exception request was submitted to the Planning Department on June 17, 2022.

ANALYSIS:

The request is for a variance to allow an accessory use (a storage shed) without a primary use on Lot 47. The proposed storage shed would measure 10 feet by 16 feet and will be located on the vacant lot to the south which serves as a backyard to the primary residence. Based on the submitted site plan, the proposed storage shed will not be encroaching into any setbacks or easements on Lot 47.

A 20-foot utility easement between Lots 39 and 47 prevents construction over the lot line. This in turn prevents the two lots from being considered, for construction purposes, as one tract.

Storage buildings that are 200 square feet or less in size do not require a building permit, however they are required to comply with the setbacks of the zoning districts in which they are located.

A review of Planning Department records revealed two approved variances along Harvard Avenue for two rear yard setback encroachments for a new residential construction and a proposed swimming pool.

There have been no calls, emails, or letters received in opposition of the variance request

RECOMMENDATION:

Staff recommends approval of the variance request since the applicant owns both lots, and both are fenced and used as one property. Additionally, the 20-foot utility easement at the rear of the property prevents any construction over the property line, and would not allow for the placement of the proposed storage shed.

ZBA2022-0039

ZBDA-8/3/22



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>Storage shed NTE 140 sqft.</u> <u>All of LOTS 39447</u></p> <p>Subdivision Name <u>Frontier Village Subdivision</u></p> <p>Street Address <u>1817 Jefferson Ave. McAllen, TX 78520</u></p> <p>Number of lots <u>2 / 39447</u> Gross acres _____</p> <p>Existing Zoning _____ Existing Land Use <u>VACANT</u></p> <p>Reason for Appeal (please use other side if necessary) <u>need to place a storage shed on LOT #47 (proposed)</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input 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	<p>Name <u>Antonio Zapata</u> Phone <u>956-249-5335</u></p> <p>Address <u>1817 Jefferson Ave.</u> E-mail <u>zapata.zapata2010@gmail.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></p>
Owner	<p>Name <u>Antonio Zapata</u> Phone <u>956-249-5335</u></p> <p>Address <u>1817 Jefferson Ave</u> E-mail <u>zapata.zapata2010@gmail.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></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>[Signature]</u> Date <u>17 Jun 2022</u></p> <p>Print Name <u>Antonio A. Zapata</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by _____ Payment received by _____ Date _____</p> <p>Rev 10/18</p> <p style="text-align: right;">ENTERED JUN 17 2022 Initial: <u>AN</u></p>

925



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:

LOT 39 is where the main residence.

LOT

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

Lack of storage space in house.

~~the~~ Access to Attic may be unsafe for climbing,
70% disabled vet.

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:

small storage space in attic can be dangerous
to both myself & wife. storage shed would
help solve our issue.

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

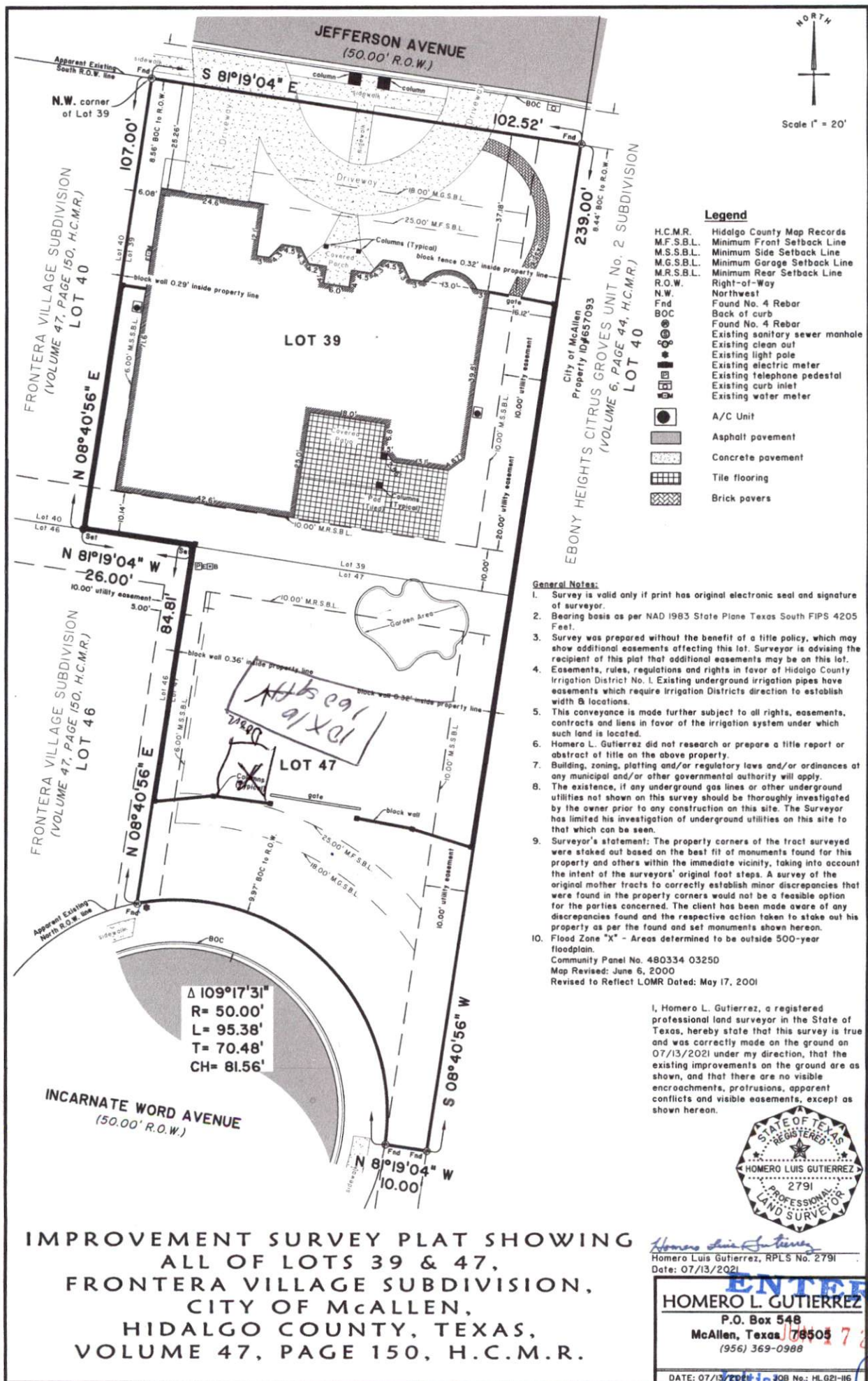
LOT 47 has plenty of space for a
storage shed of 160 sqft.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date





**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0039**

CITY OF MCALLEN PLANNING DEPT.
956-681-1200
WWW.MCALLEN.NET







Memo

TO: Zoning Board of Adjustment & Appeals

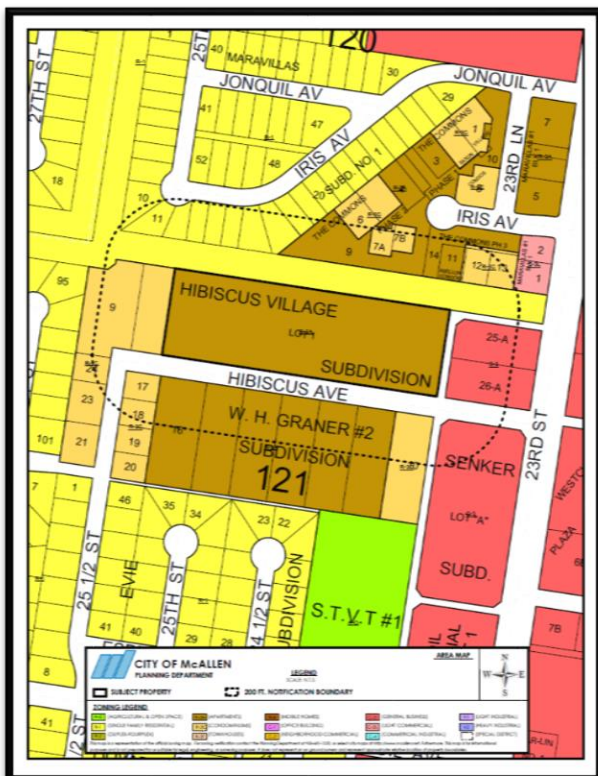
FROM: Planning Staff

DATE: July 21, 2022

SUBJECT: REQUEST OF MHA HIBISCUS VILLAGE, LTD FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 20 FEET FRONT YARD SETBACK ALONG HIBISCUS AVENUE FOR 46 PROPOSED CARPORTS INDIVIDUALLY MEASURING 9 FEET BY 18 FEET, FOR LOT 1, HIBISCUS VILLAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2412 HIBISCUS AVENUE. (ZBA2022-0041)

REASON FOR APPEAL:

MHA Hibiscus Village, Ltd. is requesting a special exception to allow an encroachment of 10 ft. into the 20 feet front yard setback for 46 proposed carports that will individually measure 9 feet by 18 feet. MHA Hibiscus Village, Ltd. informed staff that they seek approval of this special exception request in order to comply with the Texas Department of Housing and Community Affairs (TDHCA) eligibility basis, which requires them to provide one covered parking space per unit (96).



PROPERTY LOCATION AND VICINITY:

The subject property is located north of Hibiscus Avenue and approximately 275 feet northwest of 23rd Street. The lot has 800 feet of frontage along Hibiscus Avenue and a depth of 252.10 feet for a lot size of 201,680 square feet. The property is zoned R-3A (multi-family residential apartments) District. Adjacent zoning districts include R-1 (single family residential) to the North, R-3C (multi-family condominium residential) to the West, and C-3 (general business) across the alley to the East. Surrounding land uses are multi-family residences, Women's Clinic of the RGV, Benchmark Wellness Clinic, and the Flamingo Bowl bowling alley.

BACKGROUND AND HISTORY:

The subdivision plat for Hibiscus Village Subdivision was recorded on October 10, 2018. According to Hidalgo County Appraisal District records, the apartment complex was built in 2021.

A 12 feet by 252 feet utility easement that traverses the subdivision plat from north to south was abandoned by ordinance at the city commission meeting of October 26, 2020.

An application for permit was submitted for the proposed carports on July 11, 2022 and is pending approval of the special exception request. The application for the special exception for the proposed carports was submitted on July 5, 2022.

ANALYSIS:

The plat for Hibiscus Village Subdivision has a front yard setback of 20 feet. There is a 10-foot utility easement that runs concurrently with the front yard setback adjacent to the front property line. Based on the submitted site plan, this utility easement will not be impacted by the proposed carports.

Approval of the request will allow the proposed carports (as depicted on the submitted site plan) to be constructed along Hibiscus Avenue.

A review of the Planning Department's records did not reveal any similar special exceptions that were approved in the immediate area.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since the parking area where the proposed carports will be built has been established. Relocation of the proposed construction is not feasible due to the space constraints of the existing development.

ZBA2022-0041

ZBOA
8/3/2022

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	Legal Description	Hibiscus Village, Lot 1		
	Subdivision Name	Hibiscus Village Subdivision		
	Street Address	2412 Hibiscus Avenue, McAllen, TX 78501		
	Number of lots	one (1)	Gross acres	4.630
	Existing Zoning	R-3A Multifamily Residential	Existing Land Use	Multifamily
Applicant	Reason for Appeal (please use other side if necessary) We are not able to provide enough covered parking spaces for each unit without <u>20 foot setback</u> overhanging the carport roof of 46 spaces into the front setback.			
	<u>encroachment of 10 feet into the 20 foot front yard setback along Hibiscus</u>			
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
	Name	MHA Hibiscus Village, Ltd.	Phone	956-686-3951
Owner	Address	1200 N. 25th Street	E-mail	rramirez@mcaha.org
	City	McAllen	State	Texas
	Zip	78501		
	Name	MHA Hibiscus Village, Ltd.	Phone	956-686-3951
	Address	1200 N. 25th Street	E-mail	rramirez@mcaha.org
Authorization	City	McAllen	State	Texas
	Zip	78501		
	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?			
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.			
Office	Signature	<u>[Signature]</u>		
	Date	7/5/22		
	Print Name	Rodolfo "Rudy" Ramirez		
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent			
	Accepted by	Payment received by	Date	

Rev 10/18

JUL 05 2022

BY: CW



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.**

Reason for Appeal

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:

In order to provide covered parking for the residents of the project we need to provide 1 covered space for each of the 96 units. However, unless we overhang the carport roof approximately 10 feet into the 20 foot front setback we will only be able to cover about 50 spaces.

46

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

We need the front half of 46 spaces to overhang approximately 10 feet into the 20 foot setback in order to provide a covered space for each of the 96 units.

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:

This should have no impact to the adjacent property owners in the area and will not impede access to any of the easements running through our property.

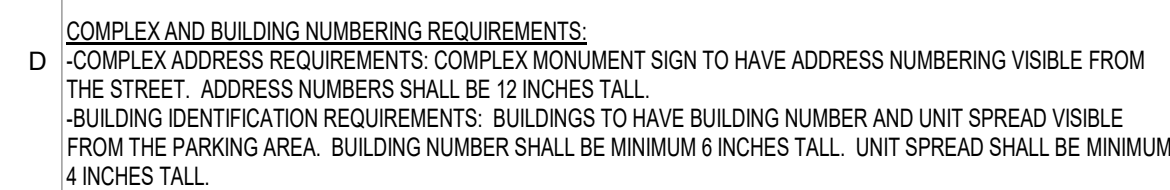
4. Describe special conditions that are unique to this applicant or property:

This is a large project on a site with multiple easements running through the property and it is not possible to provide a covered space for each of the 96 units without overhanging the carport roof of 46 spaces 9 feet into the 20 foot front setback.

Board Action

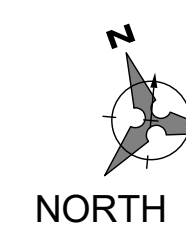
Chairman, Board of Adjustment
Signature

Date



POOL (SEE POOL PLANS, SHEET A1-4 & A1-5):
POOL FURNITURE: POOL FURNITURE BY OWNER
POOL ACCESSORIES: SEE NOTES ON A1-4 & A1-5
BBQ GRILLS (PROVIDE TWO (2)):
-MANUFACTURE: KAY PARK RECREATION CORP., OR EQUAL
-MODEL: ECG1941 - 500 SQ. IN., STEEL CONSTRUCTION FIREBOX AND LID
PEDESTAL MOUNTED, CHARCOAL

1. RE: G-1-1 & G-1-2 FOR REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES & CALCULATIONS.
2. TOTAL NUMBER OF COVERED SPACES TO BE PROVIDED IS 96, 5 OF WHICH ARE ACCESSIBLE. THIS MEETS THE 1 COVERED SPACE PER UNIT REQUIREMENT.
3. TOTAL NUMBER OF UNCOVERED SPACES IS 89, OF WHICH 11 ARE ACCESSIBLE.
4. TOTAL PARKING PROVIDED IS 185, OF WHICH 16 ARE ACCESSIBLE.


$$\frac{1}{32}'' = 1'-0''$$


A1-01-VAR



2412
HIBISCUS
VILLAGE

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0041
CITY OF MCALLEN PLANNING DEPT.
700-465-1250
WWW.MCALLEN.NET

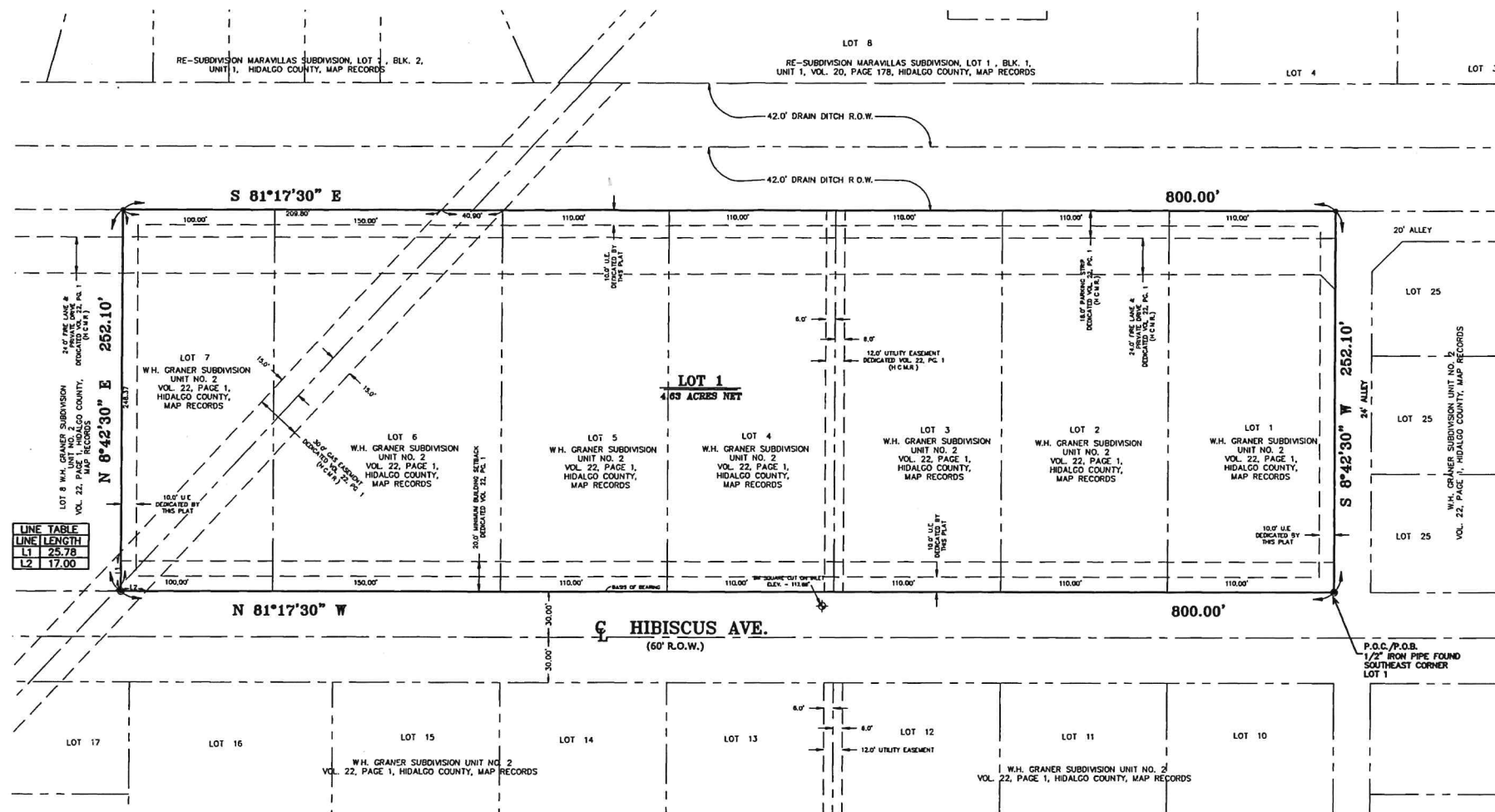


2412
HIBISCUS
VILLAGE

FIRE LANE

GENERAL PLAT NOTES AND RESTRICTIONS:

1. THE FLOOD DESIGNATION FOR THIS PROPERTY IS "ZONE B", AREAS OF MINIMAL FLOODING.
- FIRM COMMUNITY PANEL No.: 480343 0005 C
MAP REVISED: NOV. 02, 1982
2. PROJECT BENCHMARK:
- 30" ALUMINUM PIPE W/ 3-1/4" BRASS MONUMENT WITH CAP MARK STAMPED MC65
LOCATED NORTHWEST CORNER OF N. 23TH AND DAFFODIL STREETS.
- NAVD 88, NAD 83
N 16610140.74868
E 1069138.40929
3. BUILDING SETBACK LINES:
- FRONT: HIBISCUS AVE. - 20.0'.
REAR: 42.0 FEET, OR GREATER FOR APPROVED SITEPLAN OR EASEMENTS
SIDES: IN ACCORDANCE WITH ZONING ORDINANCE, OR GREATER FOR APPROVED SITEPLAN OR EASEMENTS
CORNER: 10' ALONG ALLEY
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED, GREATER SETBACK APPLIES
ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS
4. MINIMUM FINISH FLOOR ELEVATION: 18" ABOVE TOP OF CURB AT CENTER OF LOT.
5. STORM WATER DETENTION REQUIRED 19,096.609 C.F. OR (0.438 AC.FT.) PER DRAINAGE REPORT FOR 50 YEAR FLOOD.
6. A 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONES/USES, AND ALONG EAST PROPERTY LINE OF LOT 1.
7. 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES
8. ALL PROPERTY OWNERS SHALL HAVE THE RIGHT OF ACCESS, INGRESS AND EGRESS ON, OVER AND ACROSS THE FIRE LANE AND PRIVATE DRIVE AND MAINTENANCE OF PRIVATE DRIVE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS IN PROPORTION TO THE FRONTAGE ON THE PRIVATE DRIVE WHERE THE MAINTENANCE OCCURS.
- THE CITY OF McALLEN IS HEREBY GRANTED RIGHT OF ACCESS ON, OVER AND ACROSS FIRE LANE AND PRIVATE DRIVE FOR THE PURPOSE OF PROVIDING ANY AND ALL NECESSARY CITY SERVICES.
9. AN ENGINEERED DRAINAGE DETENTION PLAN SHALL BE REQUIRED AND APPROVED BY THE CITY OF McALLEN ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMITS.
10. PERMIT ISSUED MUST INCLUDE PROVISION FOR PAVED FIRE LANE ACCESS TO HIBISCUS AVE., AND UNTIL SECOND FIRE LANE ACCESS TO HIBISCUS IS COMPLETED, PROVISION FOR A MINIMUM 60" DIA. TURNAROUND MUST BE INCLUDED.
11. A 10 FT. X 10 FT. SIGHT OBSTRUCTION EASEMENT IS REQUIRED AT THE STREET/ALLEY INTERSECTIONS.



LINE	LENGTH
L1	25.78
L2	17.00

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS Hibiscus Village Subdivision to the City of McAllen, Texas and whose name(s) is (are) subscribed hereto, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS & EASEMENTS WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

BY: Arnold Padilla - SECRETARY
HOUSING AUTHORITY OF THE CITY OF McALLEN, TRUSTEE
2301 JASMINE AVENUE
McALLEN, TEXAS 78501, USA

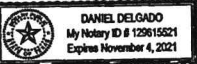
09-14-18
DATE

NOTARY PUBLIC'S CERTIFICATION
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ARNOLD PADILLA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREBY EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 14 DAY OF September 2018

Daniel Delgado
NOTARY PUBLIC



ENGINEER'S STATEMENT:

I, MARIANO GARCIA, A REGISTERED AND PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

Mariano Garcia, P.E.
REG. LICENSED ENGINEER No. 90956
09-11-18
DATE



SURVEYOR'S STATEMENT:

I, MARIO GONZALEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE ABOVE PLAT AND DESCRIPTION OF THE HIBISCUS VILLAGE SUBDIVISION WERE PREPARED FROM A SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Mario Gonzalez, R.P.L.S. No. 5571
24593 FM 88
MONTE ALTO, TX. 78538
09-11-18
DATE



THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 ON

THIS 21 DAY OF SEPTEMBER 2018

HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED THIS WILL NOT BE AT DISTRICT EXPENSE.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON H.C.I.D. No. 1 RIGHT-OF-WAY OR EASEMENTS WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE H.C.I.D. No. 1.

Robert L. Bell
SECRETARY



Robert L. Bell
PRESIDENT

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURE DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: Raul E. Sebin, P.E., CFM
General Manager
10/09/18
DATE



SCALE: 1"=50'

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED.

James E. Davis
MAYOR CITY OF McALLEN
10/9/18
DATE



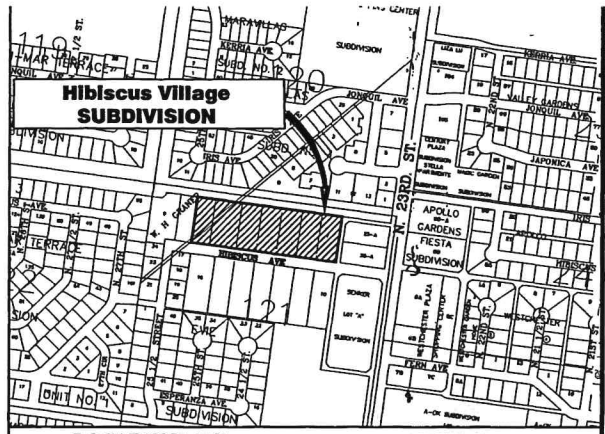
I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISIONS REGULATIONS OF THE CITY OF McALLEN WHEREIN MY APPROVAL IS REQUIRED.

Arturo Guajardo, Jr.
CHAIRMAN PLANNING AND ZONING COMMISSION

Arturo Guajardo, Jr.
10/9/18
DATE

SUBDIVISION PLAT
OF
Hibiscus Village Subdivision

A 4.63 ACRE TRACT OF LAND OUT OF LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, AND LOT 7, W.H. GRANER SUBDIVISION UNIT NO. 2, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS AS PER MAP RECORDED IN VOLUME 22, PAGE 1, MAP RECORDS OF HIDALGO COUNTY, TEXAS



LOCATION MAP
SCALE: 1"=500'

PREPARED BY: M. GARCIA ENGINEERING, LLC.
400 NOLANA SUITE H2
McALLEN, TEXAS 78504

DATE PREPARED: SEPTEMBER 11, 2018
DATE SURVEYED: APRIL 2017

PROJECT NO. 16-308

MAP OF Hibiscus Village Subdivision
A 4.63 ACRE TRACT OF LAND OUT OF LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT 6 AND LOT 7, W.H. GRANER SUBDIVISION UNIT NO. 2, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

PLAT SHEET 1 OF 1

Meters and Bounds Description

A 4.63 ACRE TRACT OF LAND OUT OF LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT 6, AND LOT 7, W.H. GRANER SUBDIVISION UNIT NO. 2, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS AS PER MAP RECORDED IN VOLUME 22, PAGE 1, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 4.63 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE SOUTHEAST CORNER OF SAID LOT 1 SAME BEING THE NORTH RIGHT OF WAY LINE OF HIBISCUS AVENUE, FOR THE SOUTHEAST CORNER OF THIS TRACT OF LAND AND THE POINT OF BEGINNING;

THENCE N 81°17'30" W, WITH THE SOUTH LINE OF SAID LOTS 1-7 AND THE NORTH RIGHT OF WAY LINE OF SAID HIBISCUS AVENUE, A DISTANCE OF 800.00' TO A 1/2" IRON PIPE FOUND ON THE SOUTHWEST CORNER OF SAID LOT 7, FOR THE SOUTHWEST CORNER OF THIS TRACT OF LAND;

THENCE N 08°42'30" E, WITH THE WEST LINE OF SAID LOT 7, A DISTANCE OF 252.10' TO A 1/2" IRON ROD FOUND ON THE NORTHWEST CORNER OF SAID LOT 7, FOR THE NORTHWEST CORNER OF THIS TRACT OF LAND;

THENCE S 81°17'30" E, WITH THE NORTH LINE OF SAID LOTS 1-7, A DISTANCE OF 800.00' TO A 1/2" IRON ROD FOUND ON THE NORTHEAST CORNER OF SAID LOT 1, FOR THE NORTHEAST CORNER OF THIS TRACT OF LAND;

THENCE S 08°42'30" W, WITH THE EAST LINE OF SAID LOT 1, A DISTANCE OF 252.10' TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES OF LAND MORE OR LESS.



FILE FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: 10-10-18 AT 10:01 AM
INSTRUMENT NUMBER 2956549
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: Arturo Guajardo, Jr. DEPUTY



400 W. Nolana Suite H.2
Bus. 956.687.9421
www.mgarciengineering.com

McAllen, Texas 78504
Fax 956.687.3211
TBPE FIRM REG. No. F-9 8 2 8

NO.	SHEET	REVISION	DATE	APPROVED

PRINCIPAL CONTACTS	NAME	ADDRESS	CITY, STATE & ZIP CODE	PHONE	FAX
OWNER:	McALLEN HOUSING AUTHORITY	2301 JASMINE AVENUE	McALLEN, TEXAS 78501	(956) 377-8000	(956) 447-3746
ENGINEER:	MARIANO GARCIA, P.E.	400 NOLANA SUITE H2	McALLEN, TEXAS 78504	(956) 687-9421	(956) 687-3211
SURVEYOR:	MARIO GONZALEZ, R.P.L.S.	24593 FM 88	MONTE ALTO, TEXAS 78538	(956) 380-5154	(956) 380-5156

Memo

TO: Zoning Board of Adjustment & Appeals

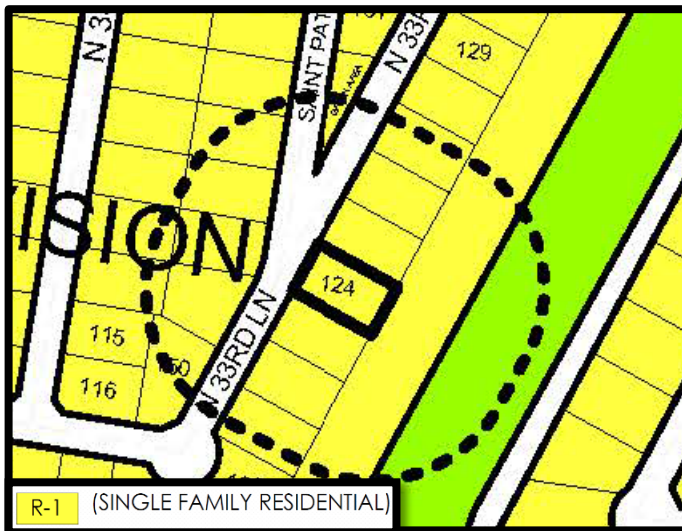
FROM: Planning Staff

DATE: July 29, 2022

SUBJECT: REQUEST OF ELIZABETH L. GARZA FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FEET INTO THE 10 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING SINGLE FAMILY HOME, AT LOT 124, VENDOME SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 13818 NORTH 33RD LANE. (ZBA2022-0037)(TABLE 07/07/2022)

REASON FOR APPEAL:

The applicant is requesting to allow an existing single family residential structure with an encroachment of 4 feet into the 10 feet south side yard setback to remain.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the east side of North 33rd lane. The property has 74 feet. of frontage along North 33rd Lane and a depth of 125 feet for a lot size of 9,250 square feet. The subject property is zoned R-1 (single family residential) District. The surrounding land use is single-family residential, vacant land and Hidalgo Canal No. 1 Right of Way.

BACKGROUND AND HISTORY:

Vendome Subdivision Phase II was recorded on April 21, 2021. The original building permit application for the residential home was for Lot 126 however, a final survey of the construction revealed that the house was built on Lot 124 with an encroachment on the South side yard setback. A Certificate of Occupancy was issued April 28, 2022 for a single family home.

ANALYSIS:

The variance request is to allow an encroachment of 4 feet into the 10 feet side yard setback for an existing single family home. The survey provided indicates the structure was built with an encroachment of 3.8 feet into the south side yard setback. A 10 feet drainage easement runs concurrently with the setback. According Engineering Department plans, a 24-inch drain line runs through the middle of the 10 feet drainage easement. Any damage to the line may impact the structured integrity of the home and stability of its foundation. The actual construction of the home is approximately 1.2 feet from the drain line.

Staff has not received any phone calls or e-mails in regards to the variance requests.

RECOMMENDATION:

Staff recommends disapproval of the variance request since the documents for the relocation of the drainage easement are pending.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF MAY 25, 2022:

At the Zoning Board of Adjustment and Appeals meeting of May 25, 2022 no one appeared in opposition of the variance request. Elizabeth Garza, the applicant, stated that a survey requested by their financial institution showed the recently constructed home encroaching into the 10 feet side yard setback and a drainage easement that run concurrently. Board member Mujica stated the proximity of the house to a drainage line within the easement was a cause for concern since potentially the line can leak, soften the soil, and thus impact the integrity of the foundation. The structure might also be impacted repair the line in the future. Felix Hernandez, the developer, provided a letter stating that if repairs were needed (caused by the proximity of the house to the drainage line) during a certain limited time period into the future, he would cover the expense of the repairs. Following further discussion, a motion to approve the request received three votes in the affirmative and two members voted nay thus, the motion did not pass due to the required supermajority vote.

Subsequent to the meeting, the applicant through their building contractor submitted a site plan as a request for relocation of the drainage line in order to provide greater distance from the already constructed house to the existing drainage line. The Engineering Department is in the process of reviewing the feasibility of the proposed drainage line relocation and a determination is pending this review process.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JULY 07, 2022:

At the Zoning Board of Adjustments and Appeals, meeting of July 7, 2022 a rehearing of the request was tabled, since the applicant was in the process of preparing information for their case. The board voted to table the request with five members present and voting.

ZBA-5/18/22

ZBA 2022-0024



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

Legal Description

Lot 124

Subdivision Name

Vendome ph II

Street Address

13818 N. 33rd Ln

Number of lots

1

Gross acres

Existing Zoning

Residential

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

4 ft. encroachment into the 10ft side yard/drainage.

☒ \$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 Elizabeth L. Garza

Phone (956) 605-8678

Address 1212 Lindberg St

E-mail elizabeth.louzada44@gmail.com

City Mission

State TX

Zip 78573

Owner

Name Elizabeth L. Garza

Phone (956) 605-8678

Address 1212 Lindberg St

E-mail elizabeth.louzada44@gmail.com

City Mission

State TX

Zip 78573

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

Elizabeth L. Garza

Date

5/2/2022

Print Name

Elizabeth L. Garza

☐ Owner

☐ Authorized Agent

Office

Accepted by MR

Payment received by

Date

ENTERED

Rev 10/18

MAY 02 2022

Initial:

AG



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:

The drainage easment runs alongside the property line, we left a 6'-2" easment.

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

We need the variance because the home has just been finished and having to demolish will a long & costly process.

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:

the variance will not affect anybody else it is inside our property line

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

There were some mistakes on the subdivision plats we started thinking it was lot 124 but on final plot it was 124. the house is finished and we were ready to close for the owner to move in.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



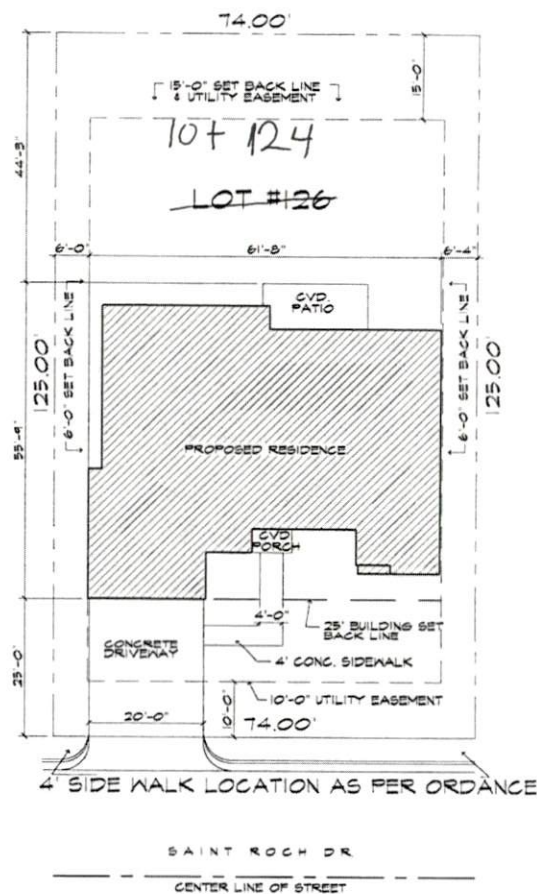
1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION DUMPAGE/SPENDING CONSTRUCTION TRAILER, CLEARING PROCEDURES, GRADING AND DRAINAGE, EROSION AND POLLUTION PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING. ONLY OWNER SHALL PROVIDE ALL LANDSCAPING, SOIL, AND IRRIGATION SYSTEMS.

LEGAL DESCRIPTION

LOT	124
PHASE	2
SUBDIVISION	VENDUE
CITY	MCALLEN, TX
CONC. DRIVE	
	150 FT.
APPROX. TOTAL DRIVEWAY	400.0
APPROX. TOTAL SIDEWALK	114.0
TOTAL CONCRETE	514.0
NORTH ARROW	



① SITE PLAN
SCALE: 1"=10'-0"



PROJECT : *Garza Residence*

DATE: 05-11-21

2312 S. EXPRESSWAY 83 SUITE # B
HARLINGEN, TX. 78552
OFFICE: (956) 425-7040
FAX: (956) 425-7714

DISTINCTIVE
DRAWING & DESIGN

SHEET

C-1

DISTINCTIVE DRAFTING & DESIGN HEREBY RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.

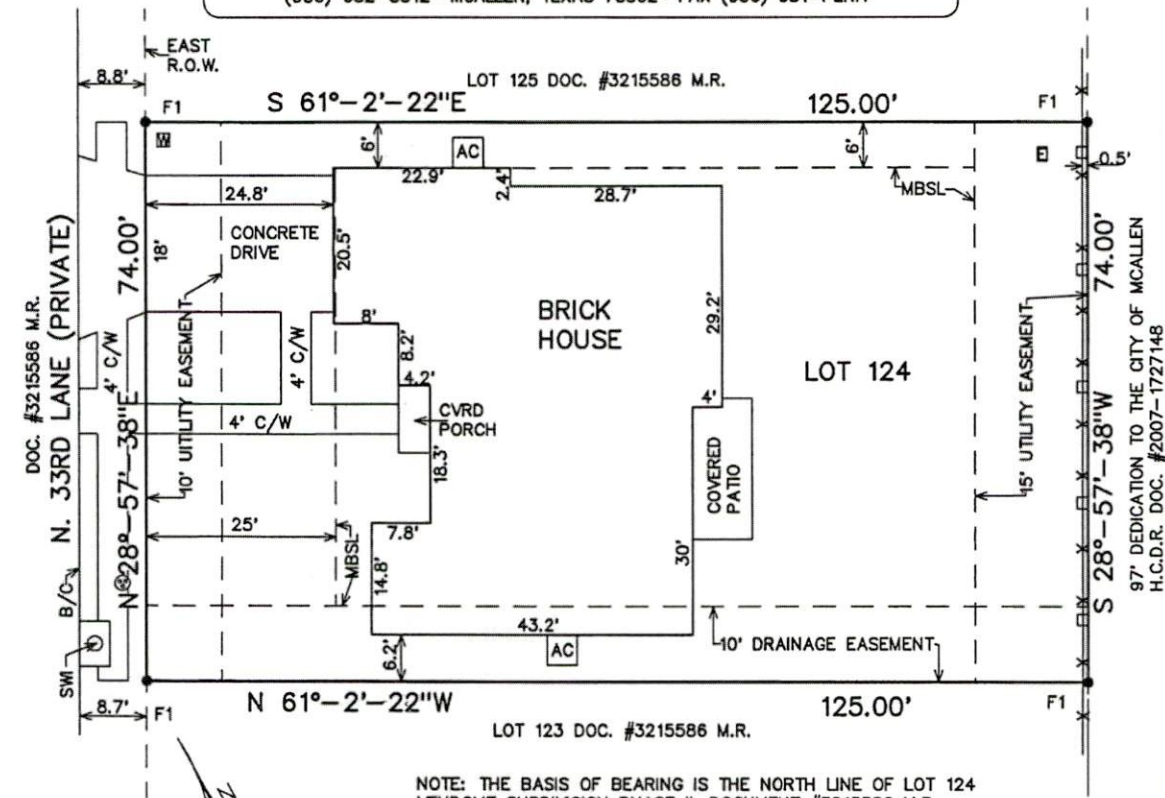
PLA: 7555-20

02 2022

Initial:

PEÑA ENGINEERING

FIRM #10087200 • 1001 WHITEWING • P.O. BOX 4320
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA



NOTE: THE BASIS OF BEARING IS THE NORTH LINE OF LOT 124 VENDOME SUBDIVISION PHASE II, DOCUMENT #3215586 M.R.

LEGEND

- F1 - FOUND 1/2" IRON DIAMETER IRON ROD
- B/C - BACK OR CONCRETE CURB & GUTTER
- R.O.W. - RIGHT OF WAY
- MBSL - MINIMUM BUILDING SETBACK LINE
- SW - STORM WATER INLET
- WM - WATER METER
- EP - ELECTRICAL PEDESTAL
- C/W - CONCRETE WALK
- X-X-X - 6' IRON FENCE W/ CONC BLOCK PILLARS
- ⊕ - MANHOLE

NOTE:

- 1.) BLANKET FOR IRRIGATION LINES, PUMPS AND FACILITIES DOC. #583227 O.R.
- 2.) EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1.

VENDOME DRIVE

DOC. #3215586 M.R.

BUYER'S NAME: John Mason Garza & Elizabeth Lima Louzada Garza

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480334 0325 D
Map Revised: June 6, 2000 LOMR May 17, 2001

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☐ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☒ Zone "X" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2022 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 13902 N. 33RD. LANE, McALLEN, TEXAS 78504
LEGAL DESCRIPTION: LOT 124, VENDOME SUBDIVISION, PHASE II (PRIVATE SUBDIVISION)
HIDALGO COUNTY, TEXAS,

ACCORDING TO THE MAP RECORDED IN DOCUMENT NUMBER 3215586
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña

02-14-2022
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242



ENTERED

MAY 02 2022

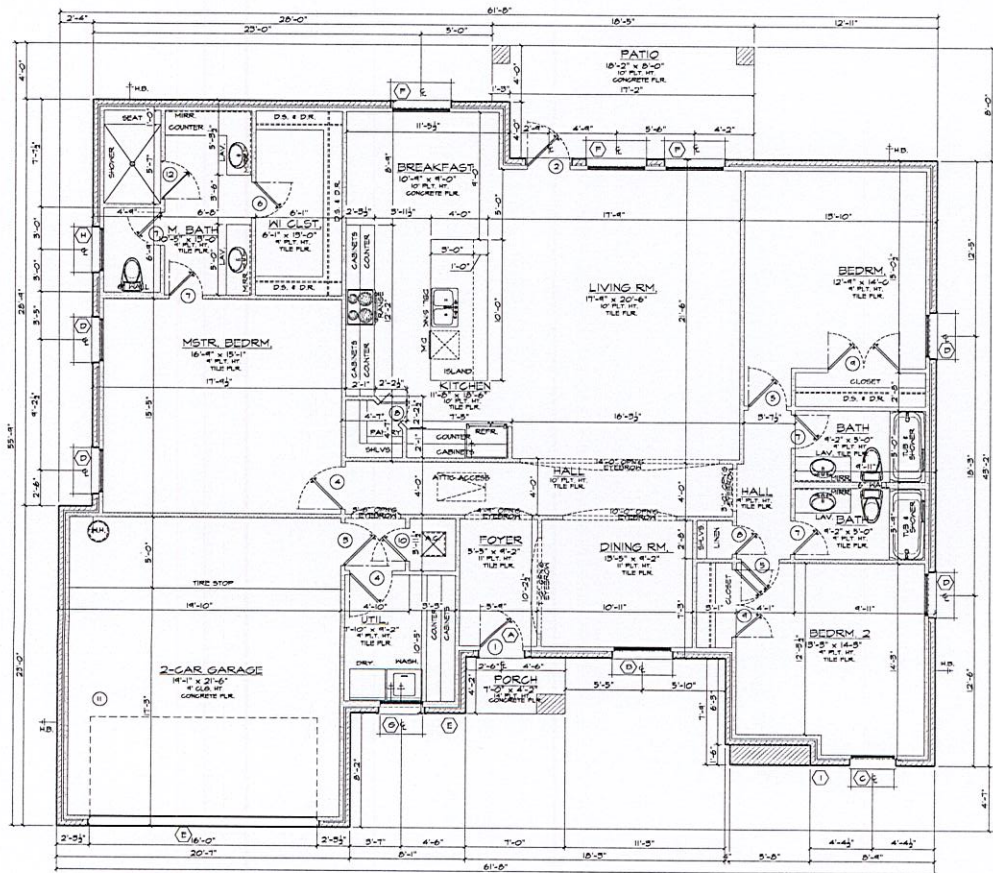
Initial: *AM*

STORM
L.F. S=0.67%
105.61

PROP. SEWER 24" RCP 162 L.F. STORM S=0.68%

PROP. CONC.
RIP-RAP
F.L.=110.45

TO THE CITY OF McALLISTER
H.C.D.R. DOC# 2007-1727



1 FLOOR PLAN
SCALE: 1/4"=1'-0"

GENERAL NOTES:

- THESE PLANS ARE INTENDED TO PROVIDE THE BASIC INFORMATION FOR CONSTRUCTION. THESE PLANS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR. ANY DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND, IS TO BE BROUGHT IMMEDIATELY TO THE OWNER BEFORE CONSTRUCTION WORK OR PURCHASE IS MADE.
- FEDERAL, STATE, COUNTY, AND LOCAL CITY ORDINANCES AND BUILDING CODES TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS. ANY CONFLICT MUST BE ADHERED TO THE PROJECT BEFORE AND DURING CONSTRUCTION.

DOOR SCHEDULE					
SYM	W	H	T	MATL	NOTES
1	3'-0"	6'-0"	1-3/4"	S.C. WOOD	EXTERIOR ENTRY DOOR
2	3'-0"	6'-0"	1-3/4"	GLASS	FRENCH DOOR
3	3'-0"	6'-0"	1-3/4"	S.C. WOOD	EXTERIOR DOOR
4	3'-0"	6'-0"	1-3/8"	H.C. WOOD	INTERIOR DOOR
5	2'-0"	6'-0"	1-3/8"	H.C. WOOD	INTERIOR DOOR
6	2'-0"	6'-0"	1-3/8"	H.C. WOOD	INTERIOR DOOR
7	2'-0"	6'-0"	1-3/8"	H.C. WOOD	INTERIOR DOOR
8	2'-0"	6'-0"	1-3/8"	H.C. WOOD	INTERIOR DOOR
9	2'-0"	6'-0"	1-3/8"	H.C. WOOD	DEL. CLST. DOORS
10	2'-0"	6'-0"	1-3/8"	H.C. WOOD	AG. DOOR
11	6'-0"	8'-0"			GARAGE DOOR
12	2'-0"	5'-0"			SHOWER DOOR

WINDOW SCHEDULE				
SYM	W	H	TYPE	NOTES
A	3'-0"	2'-0"	EYEDROH TRANSOM	
B	4'-0"	6'-0"	FIXED FRAME	DIVIDED LTB
C	3'-0"	6'-0"	EYEDROH SINGLE HUNG	DIVIDED LTB
D	3'-0"	5'-0"	SINGLE HUNG	
E	1'-0"	2'-0"	TRANSOM	SEE ELEVATION
F	4'-0"	6'-0"	FIXED FRAME	DIVIDED LTB
G	3'-0"	3'-0"	SINGLE HUNG	DIVIDED LTB
H	3'-0"	1'-0"	SLIDER	OBSCURED GLASS
I	1'-0"	1'-0"	FIXED FRAME	



NOTES UNLESS NOTED OTHERWISE (N.O.)
 01. 2" x 4" STUDS @ 16" O.C. IN BRICK-EXTERIOR
 02. 2" x 4" STUDS @ 16" O.C. INTERIOR
 03. TOP OF EYE-DROH CASED OPENINGS TO BE @ 5'-0" A.F.F.

PROJECT: *Garga Residence*
 DATE: 05-11-21
 PLAN: #555-20

2312 S. EXPRESSWAY 83 SUITE # B
 HARLINGEN, TX 78552
 OFFICE: (956) 425-7040
 FAX: (956) 425-7714
D **DISTINCTIVE**
DRAFTING & DESIGN L.L.C.

SHEET
A-1

DISTINCTIVE DRAFTING & DESIGN L.L.C. RESERVES ITS COMMON COPYRIGHT LAW & OTHER PROPERTY RIGHTS IN THESE PLANS & DESIGNS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION FROM DISTINCTIVE DRAFTING & DESIGN. DISTINCTIVE DRAFTING & DESIGN TAKES NO RESPONSIBILITY FOR THE CONSTRUCTION OF THE RESIDENCE OR BUILDING.

13818 N 33rd Ln - UE Encroachment

Bilkis Olazaran <bolazaran@mcallen.net>

Mon 5/2/2022 10:18 AM

To: Marco Rivera <marco.rivera@mcallen.net>

Cc: Edgar Garcia <edgar.garcia@mcallen.net>; Mario Cruz <macruz@mcallen.net>

Marco,

Since this will be going before your board for consideration, we recommend disapproval. However, if the board decides to approve the encroachment, we recommend the following condition be included in the encroachment letter: *The home owner, not the City of McAllen, will be responsible for any damages related to the operation and/or maintenance of any utility lines within the 10ft utility easement along the south property line.*

Please let me know when this item will be taken for consideration. Thanks!

Bilkis



ENTERED

MAY 02 2022

Initial: am

AFFIDAVIT OF FELIX HERNANDEZ

STATE OF TEXAS

§

§

COUNTY OF HIDALGO

§

Before me, the undersigned authority, on this day personally appeared affiant Felix Hernandez who proved to me to be the person whose name is subscribed to this Affidavit and who acknowledged to me that he executed the same, and after he was duly sworn, upon his oath, he deposed and said:

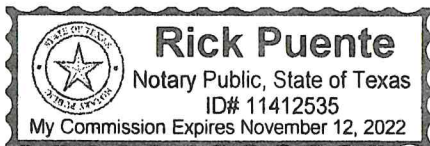
My name is Felix Hernandez. My address is 110 Becker St, Alamo, Texas 78516. I am over 18 years of age, of sound mind and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.


I am the sole managing member of Treasure Builders LLC. We built a residential home at 13818 N. 33rd Ln, McAllen, Texas (Lot 124 Vendome Phase 2). The structure was built on the drainage easement because of an issue with the lot number. Treasure Builders LLC will be responsible for any damages to the home in the future caused by any repairs or maintenance to the drainage line within the easement part of the property. Treasure Builders LLC will restore the home to the condition it existed prior to the repairs and/or maintenance. This guarantee of repairs shall only be valid while the original owner is owner of the home and shall be voided once ownership is transferred. Once ownership of the home is transferred to another party, Treasure Builders LLC shall no longer bear any responsibility for this issue.

If you should have any questions or need any additional information, please feel free to contact me at 956-821-9710.


Felix Hernandez

SWORN TO and SUBSCRIBED before me by Felix Hernandez on this 18th day of May 2022.




Notary Public in and for the State of Texas
My Commission Expires on
November 12, 2022.



¹ Rick Puente-Notary Public: PO Box 1514, San Juan, TX 78589 (956) 782-8425

Treasure Builders LLC

110 Becker St.

Alamo, Texas 78516

May 18, 2022

To whom it may concerned:

This is an estimated cost bring the construction located at 13818 N. 33rd Ln. in McAllen, Texas into compliance.

Demolition of brick and lumber wall on the south side of the home

Removing all of the south portion of the roof

Cutting and excavating the slab foundation along the south side of the home

Removing all plumbing pipe, vents and water lines on both bathrooms

Removing all ac ducts and vents

Removing all electrical wiring

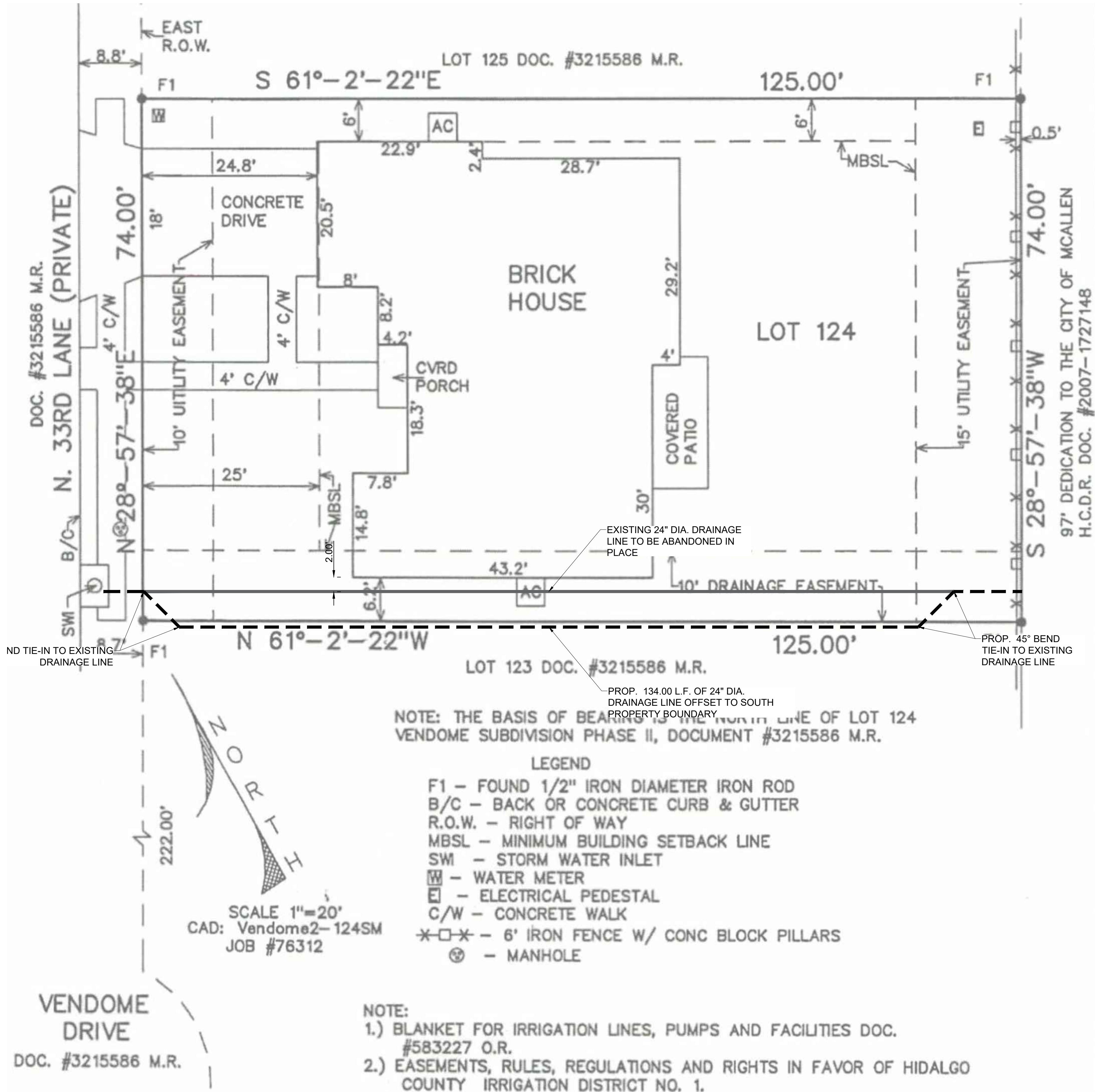
Rebuilding and reconfiguring everything back to the compliance line will leave the home without 2 bathrooms and without 2 bedrooms.

Total cost \$125,000.00



Felix Hernandez





GENERAL SITE NOTES

- SITE SURVEY PREPARED BY THIRD PARTY AND FOR THE SOLE RELIANCE OF ATLAS ENGINEERING CONSULTANTS LLC, FACILITY OWNER, AND ITS ASSIGNEES. ENGINEER SHALL NOT BE HELD RESPONSIBLE FOR THE COMPLETENESS OR ACCURACY OF DOCUMENTS PREPARED BY OTHERS.
- CIVIL SITE WORK COMPONENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE INDUSTRY STANDARDS OR CITY STANDARDS, WITH THE MORE STRINGENT DESIGN CONSIDERED AS THE ACCEPTABLE SPECIFICATION.
- CONTRACTOR SHALL BE SOLE RESPONSIBLE PARTY FOR ENSURING COMPLIANCE WITH STATE AND FEDERAL LABOR, ENVIRONMENTAL, SAFETY, AND CONSTRUCTION GUIDELINES, RULES, AND REGULATIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR REPORTING ANY CONFLICTS TO THE ENGINEER PRIOR TO CONSTRUCTION. ANY NECESSARY CHANGES OR MODIFICATIONS RESULTING FROM THE CONTRACTOR'S NEGLIGENCE, OR LACK OF WRITTEN COMMUNICATION WITH THE ENGINEER SHALL RESULT IN NON PAYMENT TO THE CONTRACTOR.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR IDENTIFYING ANY BUILDINGS, ROADS, PARKING LOTS, BUILDING PADS, SIDEWALKS, SWALES, ETC. CONTRACTOR SHALL BE REQUIRED TO EMPLOY A STATE REGISTERED PROFESSIONAL LAND SURVEYOR FOR CONDUCTION CONSTRUCTION STAKING, WITH SAID SURVEYOR BEING RESPONSIBLE TO MAINTAIN SITE-BENCHMARK CONTROL POINTS THROUGHOUT THE DURATION OF THE PROJECT. SURVEYOR SHALL PROVIDE THE ENGINEER IN WRITING THE CUT SHEETS WHEN LAYING OUT UTILITIES, AND OR ROADWAYS. IN THE EVENT ANY CONSTRUCTION STAKING IS CONDUCTED BY NON-AUTHORIZED PERSONNEL, SAID STAKING ACTIVITIES WILL BE CONSIDERED NON COMPLIANT AND SUBJECT TO MONETARY RESTITUTION TO THE THE ENGINEER FOR REPAIRS.
- THE SURVEYOR SHALL PROVIDE IN WRITING TO THE ENGINEER DOCUMENTATION CERTIFYING THAT THE LAYOUT IN THE FIELD IS IN ACCORDANCE TO THE ENGINEER'S PLANS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS, AND PAY ALL APPLICABLE PERMIT FEES. CONTRACTOR SHALL PROVIDE PROOF TO THE ENGINEER THAT THESE PERMITS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF WORK.
- ENGINEER PROVIDED INFORMATION ON THE PLANS FOR CONVENIENCE TO THE CONTRACTOR. THE CONTRACTOR SHALL ACCEPT ALL RESPONSIBILITY FOR MAINTAINING AND IMPLEMENTING SAFE WORKING CONDITIONS DURING THE CONSTRUCTION OF WORK UNDER THE CONTRACTOR'S RESPONSIBILITY. NEITHER THE OWNER NOR THE ENGINEER ACCEPTS ANY LIABILITY IMPLIED OR OTHERWISE FOR THE CONSTRUCTION METHODS AND PROCESSES OF CONSTRUCTION.
- CONTRACTOR SHALL NOT COMMENCE WORK WITHOUT WRITTEN APPROVAL FROM THE OWNER OR THE REGULATING ENTITIES. ANY WORK CONSTRUCTED WITHOUT OWNER'S AUTHORIZATION SHALL CONSTITUTE THE CONTRACTOR'S TRESPASS ONTO THE OWNER'S PROPERTY.
- CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ONE-CALL SYSTEM FOR UTILITY IDENTIFICATION PRIOR TO CONSTRUCTION, AS WELL AS RESPONSIBLE FOR THE COST OF REPAIRS TO ANY DAMAGED UTILITIES.
- CONTRACTOR SHALL EMPLOY NECESSARY TRAFFIC CONTROL MEASURES NECESSARY FOR CONSTRUCTION. CONTRACTOR SHALL PRESENT THE ENGINEER COPIES OF THE TRAFFIC CONTROL PLAN PRIOR TO CONSTRUCTION. ANY TRAFFIC CONTROL MEASURES SHALL COMPLY WITH CURRENT MUTCD (MANUAL OF TRAFFIC CONTROL DEVICES) AND TXDOT REGULATIONS.

EXISTING UTILITIES

- LOCATION AND DEPTH OF EXISTING UTILITIES SHOWN WITHIN UTILITY LAYOUT ARE APPROXIMATE ONLY. ACTUAL LOCATIONS AND DEPTHS MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THEIR PROTECTION DURING CONSTRUCTION.
- IT IS ESSENTIAL THAT 48 HOURS PRIOR TO CONSTRUCTION, ALL UTILITY COMPANIES BE NOTIFIED TO LOCATE AND TAG THEIR UNDERGROUND FACILITIES PRIOR TO EXCAVATION.
- THE CONTRACTOR NEEDS TO ALLOW FOR THE POSSIBILITY OF UNDETECTED UNDERGROUND UTILITIES. THE CONTRACTOR MUST ALLOW FOR CHANGES DUE TO UTILITIES BEING IN LOCATIONS DIFFERENT FROM THOSE SHOWN ON THE UTILITY DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING CONFLICTS PRIOR TO CONSTRUCTION.
- TRENCHES OR EXCAVATIONS MAY NOT BE LEFT OPEN OVERNIGHT UNLESS AUTHORIZED IN WRITING BY THE ENGINEERING DEPARTMENT. IN SUCH CASES, THE CONTRACTOR MUST PROVIDE 1/2" STEEL COVER PLATES WITH ANCHORING OR AS PER SPECIFICATIONS TO BE PROVIDED BY THE CITY.
- ANY DAMAGE TO FENCES, SIDEWALKS OR PRIVATE PROPERTY SHALL BE REPAIRED BY THE CONTRACTOR AT THEIR EXPENSE.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REMOVE ALL EXCAVATED MATERIAL & DEBRIS FROM THE SITE AT NO ADDITIONAL EXPENSE TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR SCHEDULING CONSTRUCTION MATERIALS TESTING THROUGH THE CITY'S DESIGNATED FIELD REPRESENTATIVE 24 HOURS PRIOR TO TESTING. CONTRACTOR IS RESPONSIBLE FOR ADHERING CLOSELY TO TESTING SCHEDULE AND AVOID ANY DELAYS IN THE FIELD.
- THE CONTRACTOR SHALL PROVIDE ALL CONSTRUCTION STAKING AND SURVEYING.
- EXISTING POWER POLES, CONCRETE STAND PIPES, ETC., WILL NEED TO BE BRACED DURING ADJACENT CONSTRUCTION.
- CONTRACTOR SHALL KEEP ALL WATER & SANITARY SEWER SERVICES OPERATIONAL.
- THE ENGINEER WILL BE THE FINAL AUTHORITY OF ALL CONFLICTS, DISCREPANCIES, AND THE INTERPRETATIONS OF THE DRAWINGS OR SPECIFICATIONS.

UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS (IF ANY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.

IF CULTURE MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION WORK SHALL CEASE IN THE IMMEDIATE AREA AND THE CONTRACTOR SHALL NOTIFY THE OWNER OR ENGINEER. THE OWNER OR ENGINEER SHALL CONTACT THE SECRETARY OF THE INTERIOR, (202-343-4104) IN ACCORDANCE WITH 36 CFR800. THE STATE HISTORIC PRESERVATION OFFICER (512-463-6069) SHALL ALSO BE NOTIFIED.

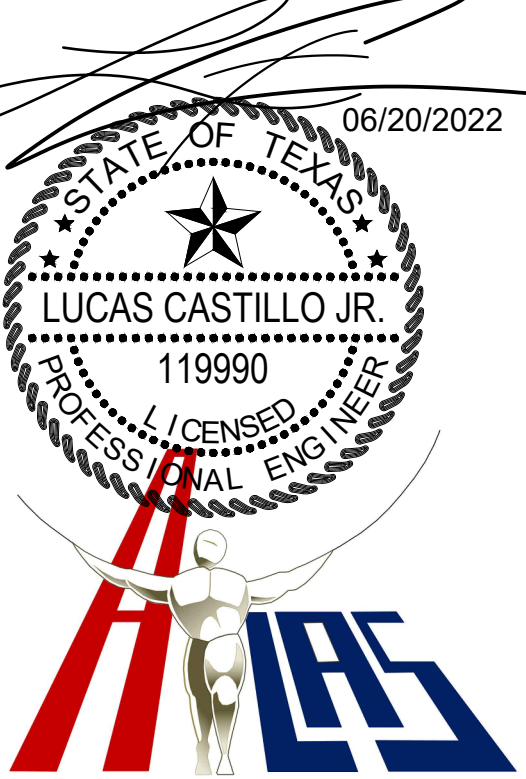
ALL SOILS ARE UNCLASSIFIED SOILS INCLUDING ROCK OR OTHER MATERIAL. NO SPECIAL PAYMENT WILL BE MADE TO THE CONTRACTOR FOR UNFORESEEN UNCLASSIFIED SOILS ENCOUNTERED. NO SPECIAL PROVISIONS ARE BEING MADE FOR UNCLASSIFIED SOILS.

PLAN NOTE:

- CONTRACTOR TO VERIFY EXISTING MATERIALS TO BE OFFSET AS SHOWN ON PLANS. INFORMATION REGARDING THE EXISTING MATERIALS WAS NOT AVAILABLE AT THE TIME THIS PLAN WAS PREPARED.
- CONTRACTOR MUST FOLLOW THE INSTALLATION REQUIREMENTS FOR THE NEW LINE IN ACCORDANCE WITH LOCAL CITY ORDINANCES AND REQUIREMENTS

ATLAS ENGINEERING CONSULTANTS

TSPE FIRM NO. 17057
2820 GULL, McALLEN, TEXAS 78504
(956) 379-3852
lcastillo@atlaseng.com



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY LUCAS CASTILLO JR. P.E. No. 119990. ALTERATION OF A SEALED DOCUMENT WITHOUT NOTIFICATION TO THE ENGINEER IS AN OFFENSE UNDER THE STATE OF TEXAS ENGINEERING PRACTICE ACT.

VENDOME SUBDIVISION
LOT 124
McALLEN, TEXAS

PROJECT:

DATE									
DESCRIPTION									
No.									


PROJECT No. CV22-034
DATE: 06/20/2022
DRAWN BY: L.C.
SCALE: AS NOTED

SITE PLAN
C1.0



13818

**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0037**

 CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET



Memo

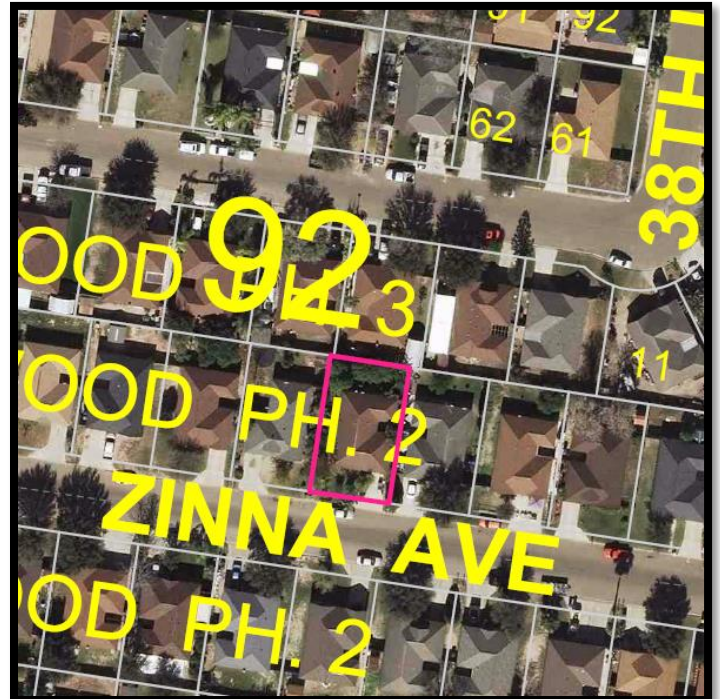
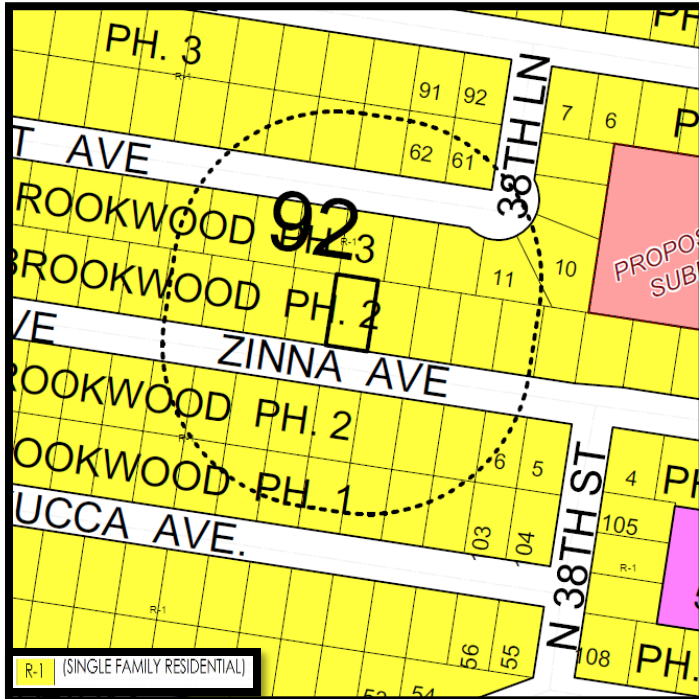
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: July 28, 2022

SUBJECT: Request of Emma Veras for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport measuring 12 feet by 15 feet, at Lot 47, Brookwood Unit II Subdivision, Hidalgo County, Texas; 3824 Zinnia Avenue. (ZBA2022-0038)

REASON FOR APPEAL: The applicant is requesting a special exception for an encroachment into the front yard setback in order to allow an existing carport to remain in its current location. According to the applicant, the carport was built to hinder any accidents and protect a senior citizen resident. The applicant contracted a contractor to construct the carport, she was unaware that the contractor did not obtain the necessary building permit. The applicant also stated that the residence does not have a garage which would help shelter her vehicle from inclement weather.



PROPERTY LOCATION AND VICINITY: The subject property is located on the North side of Zinnia Avenue. The property has 51.50 feet of frontage and a depth of 86 feet, the lot size is 4,429 square feet according to the subdivision plat. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY: There is a single-family residence on the subject property. The property is zoned R-1 (single family residential) District. Adjacent zoning is R-1 District in all directions. The resident applied for a building permit on June 08, 2022 after receiving a stop work order on June 03, 2022. The resident applied for a special exception request on June 13, 2022.

ANALYSIS: The special exception request is to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport measuring 12 feet by 20 feet over an existing driveway. The carport is not enclosed which allows for visibility when entering or exiting the property.

The original site plan indicated that the existing carport is encroaching into the 5-foot utility easement along the front of the property. Subsequent to the Planning Department staff explaining the abandonment process to the applicant, she submitted an updated site plan displaying a proposed reduced footprint of the carport.

As per applicant, she is willing to reduce the dimension of the carport. The applicant has submitted a site plan with a proposed dimension of the carport, measuring 12 feet by 15 feet. The residence does not have a garage, so the existing carport helps protect her vehicle from inclement weather.

There is no alley access on the subject property. There is no room for relocation of the carport to any other area of the property as she has mature trees and a garden area at the front of the property.

During the site visit, staff noticed other similar encroachments, specifically carports located at the front yard, along Zinnia Avenue; there are three other encroaching carports, along with four other carports in the neighboring streets. The carport on the subject property is a characteristic of construction along the area. A review of the Planning Department records did reveal one special exception on Zinnia Avenue, approved by the Board in 2014.

There is a 5-foot utility easement along the front of the property. Should the carport encroach into the easement, the applicant must undergo the abandonment process at a later date.

Special exceptions are issued to an individual and recorded, however if new owner purchases the home they will have to apply as new owner.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. If the Board should approve the special exception request it should be limited to the footprint shown on the proposed site plan submitted by the applicant.

ZBA 2022-0038

ZBDA-7/20/22



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)

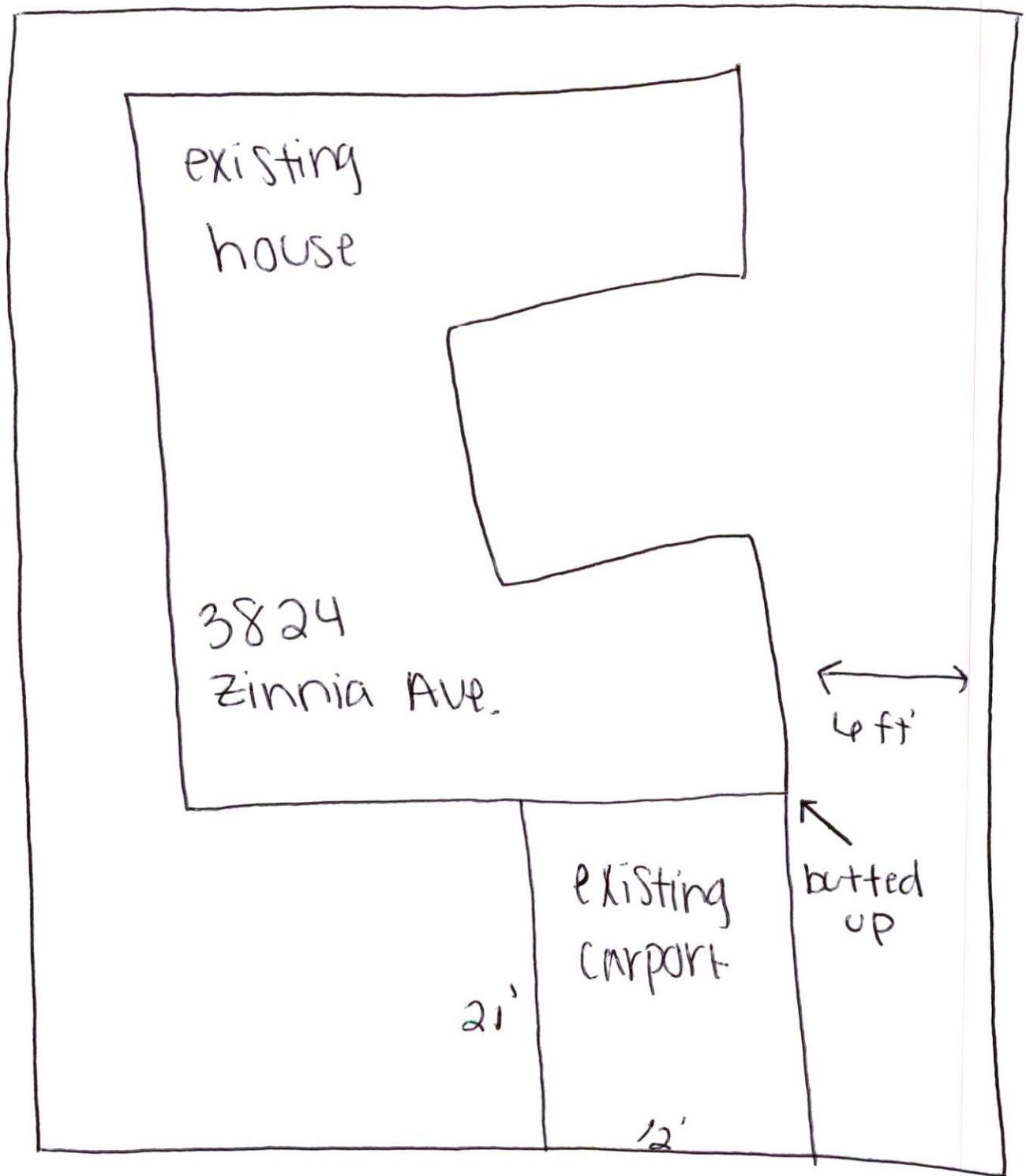
Project	Legal Description	<u>BROOKWOOD UT 2 LOT 47</u>		
	Subdivision Name	<u>Brookwood</u>		
	Street Address	<u>3824 Zinnia Ave.</u>		
	Number of lots	<u>.25</u>	Gross acres	
	Existing Zoning	<u>R-4</u>	Existing Land Use	<u>Residential</u>
	Reason for Appeal (please use other side if necessary)	<u>existing carport measuring 20 ft. encroaching into the front setback. 21 by 12 ft.</u>		
	<input type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>Emma Veras</u>	Phone	<u>(956) 451-3433</u>
	Address	<u>3824 Zinnia Ave.</u>	E-mail	<u>cveras17@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78504</u>
Owner	Name	<u>Emma Veras</u>	Phone	<u>(956) 451-3433</u>
	Address	<u>3824 Zinnia Ave.</u>	E-mail	<u>cveras17@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78504</u>
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? <input type="checkbox"/> Yes <input type="checkbox"/> 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	<u>Emma Veras</u>	Date	
	Print Name	<u>Emma Veras</u>	<input type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by		Payment received by	
	Rev 09/20		ENTERED Date <u>JUN 13 2022</u> Initial: <u>an</u>	

05



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>I want to have an existing carport that encroaches 20 ft. into the 20 ft. front yard set back.</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>It allows to keep the current carport for protection of weather elements. Willing to cut whatever is necessary.</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>It would not interfere with any neighbors.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p>Currently house was constructed without a garage and protection from slips and falls, with senior citizen.</p>
Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p> <p>Rev. 9/20</p>



up to **ENTERED**
Property line **JUN 13 2022**
Initial: An



up to
Property line
Initial: an

SUBDIVISION PLAT OF BROOKWOOD UNIT II

AN 8.72 ACRE TRACT OF LAND OUT OF LOTS 1 & 2
J.H. BEATTY SUBDIVISION OUT OF LA LOMITA IRRIG. &
CONST. CO'S SUBD. OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS
RECORDED IN VOLUME 2, PAGE 40. M/R

PREPARED BY: K K ENGINEERING CONSULTANTS
DATE: APRIL 29, 1998

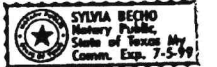
STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE **BROOKWOOD SUBDIVISION UNIT II** SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: ADOBE HOLDINGS, INC.
DAVID O. ROGERS III, PRESIDENT
5516 NORTH MCCOLL ROAD
McALLEN, TEXAS 78504

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **DAVID O. ROGERS III**

KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 14TH DAY
OF OCTOBER, 1998.

Sylvia Becho

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 7/5/99

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Rob Robles
MAYOR, CITY OF McALLEN, TEXAS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

BY: *[Signature]*

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF **BROOKWOOD UNIT II** HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 24TH DAY OF NOVEMBER, A. D. 1998

[Signature]
CHAIRMAN

STATE OF TEXAS
COUNTY OF HIDALGO

I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

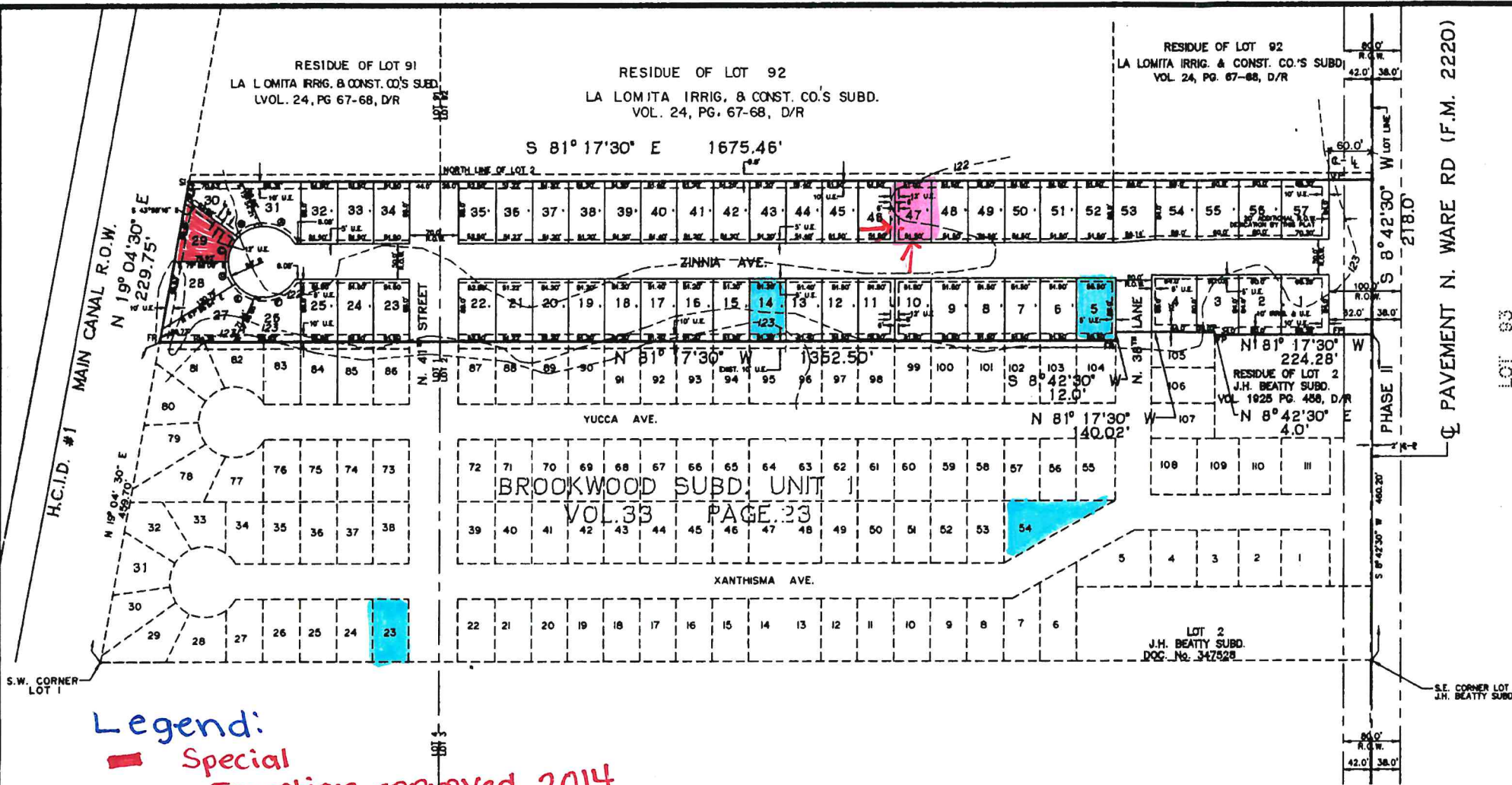
Kambiz S. Khademi
KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.



Reynaldo Robles
REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599



Legend:
Special
Exception approved 2014
Subject Property
Encroachments in area

LEGEND

SI SET 1/2" IRON PIN
FP FOUND PIPE
FN FOUND NAIL
FM FOUND X-MARK
FR FOUND 1/2" IRON ROD

METES AND BOUNDS

BEING 8.72 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS, AND BEING OUT OF LOTS 1 AND 2, J.H. BEATTY SUBDIVISION AS PER MAP RECORDED IN VOLUME 2, PAGE 40 OF THE HIDALGO COUNTY MAP RECORDS, AND SAID 8.720 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND ON THE WEST LINE OF SAID LOT 1 FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, SAID 1/2-INCH IRON ROD BEARS NORTH 19°04'30" EAST, 456.70 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE, NORTH 19°04'30" EAST, 228.75 FEET WITH THE WEST LINE OF SAID LOT 1 TO A 1/2-INCH IRON ROD SET FOR THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 8°17'30" EAST, 1675.46 FEET TO A COTTON PICKER SPWOLE SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 8°42'30" WEST, 218.00 FEET, WITH THE EAST LINE OF SAID LOT 2 TO A COTTON PICKER SPWOLE FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 8°17'30" WEST, 224.28 FEET TO A 3/4-INCH IRON PIPE FOUND FOR CORNER;

THENCE, NORTH 8°42'30" EAST, 4.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE, NORTH 8°17'30" WEST, 140.02 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 8°42'30" WEST, 12.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE, NORTH 8°17'30" WEST, 1352.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.72 ACRES OF LAND MORE OR LESS.

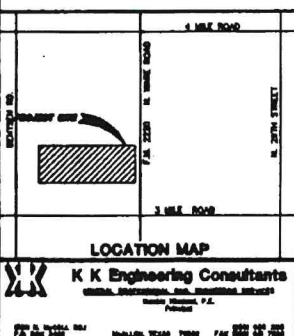
SCALE: 1" = 100'

GENERAL PLAT NOTES

- MINIMUM FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF THE CURB MEASURED IN CENTER OF THE LOTS.
- THE SUBDIVISION IS IN ZONE "C" ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480343-0005-C REVISED NOVEMBER 02, 1982.
- MINIMUM BUILDING SETBACK LINES SHALL BE:
FRONT: 20.00'
REAR: 10.00'
SIDE: 6.00' - STREET CORNER 10.00'
GARAGE: 18.0' EXCEPT WHERE GREATER SETBACK APPLIES
- THE CITY OF McALLEN SHALL HAVE A 25.0'X25.0' EASEMENT AT STREET INTERSECTIONS.
- 4.0' SIDEWALK IS REQUIRED ALONG THE WEST SIDE OF N. WARE ROAD, AND ALONG BOTH SIDES OF NORTH 4th STREET.
- 6.0' BUFFER REQUIRED FROM COMMERCIAL ZONE/USE AND ALONG N. WARE ROAD.
- NO CURB CUTS OR LOT FRONTAGE PERMITTED ON N. WARE ROAD AND NORTH 4th STREET.
- THERE SHALL BE AN ON-SITE LOT DETENTION OF 0.60 AC. FT. PROVIDED AS PART OF BUILDING PERMIT PROCESS AND DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT.
- ALL LOT CORNERS ARE MARKED WITH A 1/2-INCH IRON ROD 24" LONG.

AREAS (SQ. FT.) OF IRREGULAR LOTS:		
LOT No.	NET AREA (SQ. FT.)	
3	4,938	
26	5,499	
27	6,327	
28	5,463	
29	4,966	
30	4,808	
31	5,074	
53	5,074	

CURVE DATA				
CURVE	RADIUS	LENGTH	CHORD	DELTA
A	50.00'	58.28'	55.04'	88°47'02"
B	-	34.35'	33.68'	38°21'38"
C	-	38.27'	37.34'	43°51'00"
D	-	33.18'	32.58'	38°01'21"
E	-	33.27'	32.68'	38°07'49"
F	50.00'	64.44'	60.08'	73°50'50"



K K Engineering Consultants
K K Engineering Consultants
1111 N. WARE ROAD
SUITE 100
McALLEN, TEXAS 78504
TEL: 248-1234
FAX: 248-1234







2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/22	01/19/22	02/02/22	02/17/22	03/03/22	03/17/22	04/06/22	04/20/22	05/04/22	05/18/22	06/01/22	05/25/22	06/15/22	06/29/22	07/07/22	07/20/22	08/03/22	08/17/22	09/08/22	09/21/22	10/05/22	10/19/22	11/02/22	11/16/22	12/07/22	12/21/22
ERICK DIAZ- CHAIRPERSON	P																									
SYLVIA HINOJOSA-CHAIRPERSON	P	P	P	P	A	A	P	P	P	P	P	P	P	LQ	P	P										
JOSE GUTIERREZ-VICE-CHAIR	P	P	P	P	P	P	P	P	P	P	P	P	A	LQ	P	P										
ANN TAFEL	A	P	P	P	P	P	P	P	P	P	P	A	P	LQ	P	P										
HUGO AVILA	P	P	P	P	P	P	P	P	A	P	P	P	P	LQ	P	P										
ROGELIO RODRIGUEZ	P	P	P	P	P	P	A	P	P	P	A	A	P	LQ	P	P										
REBECCA MILLAN (ALT 1)	P	P	P	P	P	P	P	A	P	P	P	P	P	LQ	P	P										
MARK TALBOT (ATL 2)				P	P	A	P	P	P	A	A	A	A	LQ	P	A										
SAM SALDIVAR (ALT 3)				P	P	A	P	P	P	A	P	A	A	LQ	P	P										
JUAN MUJICA (ALT 4)				P	P	P	P	P	P	P	P	P	A	LQ	P	P										

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501
Phone: 956-681-1250 Fax: 956-681-1279



2022 CALENDAR

Meetings:

-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment

HPC - Historic Preservation Council

Deadlines:

D- Zoning/CUP Application N - Public Notification

* Holiday - Office is closed

JANUARY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
	A-1/18 & 1/19		N-1/18 & 1/19 D-2/1 & 2/2			
9	10	11	12	13	14	15
16	17	18	19	20	21	22
	A-2/1 & 2/2		N-2/1 & 2/2 D-2/16 & 2/17			
23	24	25	26	27	28	29
			HPC			
30	31					
	A-2/16 & 2/17					

FEBRUARY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
			N- 2/16 & 2/17 D- 3/28 & 3/3			
6	7	8	9	10	11	12
13	14	15	16	17	18	19
	A-3/2 & 3/3		N-3/2 & 3/3 D-3/16 & 3/17			
20	21	22	23	24	25	26
				HPC		
27	28					
	A-3/16 & 3/17					

MARCH 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
			N-3/16 & 3/17 D - 4/5 & 4/6			
6	7	8	9	10	11	12
13	14	15	16	17	18	19
			D-4/19 & 4/20			
20	21	22	23	24	25	26
	A-4/5 & 4/6		N-4/5 & 4/6			
27	28	29	30	31		
			HPC			

APRIL 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
	A-4/19 & 4/20		N-4/19 & 4/20 D-5/3 & 5/4			
10	11	12	13	14	15	16
					HOLIDAY	
17	18	19	20	21	22	23
	A- 5/3 & 5/4		N- 5/3 & 5/4 D-5/17 & 5/18			
24	25	26	27	28	29	30
			HPC			

MAY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
	A- 5/17 & 5/18		D: 6/1 & 6/7 N-5/17 & 5/18			
8	9	10	11	12	13	14
15	16	17	18	19	20	21
	A-6/1 ZBA		N-6/1 ZBA D-6/15 & 6/21			
22	23	24	25	26	27	28
	A-6/7 PZ		HPC		A-6/15 ZBA	
29	30	31				
	HOLIDAY		N-6/7 PZ			





JUNE 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			N-6/15 ZBA D-7/6 & 7/7			
5	6	7	8	9	10	11
	A-6/21 P&Z		N-6/21 P&Z			
12	13	14	15	16	17	18
			D-7/19 & 7/20			
19	20	21	22	23	24	25
	A-7/6 & 7/7		N-7/6 & 7/7			
26	27	28	29	30		
			HPC			

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.

2022 CALENDAR

Meetings:





-  City Commission
-  Planning & Zoning Board
-  Public Utility Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council

Deadlines:






- D- Zoning/CUP Application
- N - Public Notification

* **Holiday** - Office is closed





JULY 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
					A-7/19 & 7/20	
3	4 HOLIDAY	5	6 N-7/19 & 7/20 D-8/2 & 8/3	7	8	9
10	11 	12 	13	14	15	16
17	18 A-8/2 & 8/3	19	20 N-8/2 & 8/3 D-8/16 & 8/17	21	22	23
24	25 	26 	27 HPC	28	29	30
31						






AUGUST 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 N- 8/16 & 8/17 D-9/7 & 9/8	4	5	6
	A- 8/16 & 8/17					
7	8 	9 	10	11	12	13
14	15	16	17 D-9/20 & 9/21	18	19	20
21	22 	23 	24 N-9/7 & 9/8	25 HPC	26	27
28	29	30	31			





SEPTEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
					A-10/20 & 10/21	
4	5 HOLIDAY	6	7 N-9/20 & 9/21 D-10/4 & 10/5	8	9	10
11	12 	13 	14	15	16	17
18	19 A-10/4 & 10/5	20	21 D-10/18 & 10/19 N-10/4 & 10/5	22	23	24
25	26 	27 	28 HPC	29	30	




OCTOBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 N-10/18 & 10/19 D-11/1 & 11/2	6	7	8
	A-10/18 & 10/19					
9	10 	11 	12	13	14	15
16	17 A- 11/1 & 11/2	18	19 N- 11/1 & 11/2 D-11/16 & 11/17	20	21	22
23	24 	25 	26 HPC	27	28	29
30	31 A-11/16 & 11/17					

NOVEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 N-11/16 & 11/17 D-12/6 & 12/7	3	4	5
6	7	8	9	10	11	12
13	14 	15 	16 D-12/20 & 12/21	17	18	19
20	21 A-12/6&12/7	22	23 N-12/6 & 12/7	24 HOLIDAY	25	26
27	28 	29 	30			

DECEMBER 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7 HPC D-1/3 & 1/4 N- 12/20& 12/21	8	9	10
	A-12/20 & 12/21					
11	12 	13 	14	15	16	17
18	19 A- 1/3 & 1/4	20	21 D-1/17 & 1/18 N- 1/3 & 1/4	22	23 HOLIDAY	24
25	26 HOLIDAY	27	28	29	30	31