

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, DECEMBER 17, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on December 3, 2025

2. PUBLIC HEARINGS:

- a) Request of Yadira Gonzalez for a request of a special exception to the City of McAllen Zoning Ordinance to allow a garage enclosure, located at Lot 48, Lost Encinos III Subdivision, Hidalgo County, Texas; 5631 South 27th Lane. **(ZBA2025-0063)**
- b) Request of Christina Sanchez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 12 feet into the 30-foot front yard setback for a proposed carport at Lot 13 and East 9.5 feet of Lot 12, West Harvey Addition Unit No. 1 & Unit No. 2 Subdivision, Hidalgo County, Texas; 1901 Camellia Avenue. **(ZBA2025-0062)**
- c) Request of Fernando Martinez Jr. and Yinoha C. Cruz for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25-foot rear yard setback for a proposed covered porch, at Lot 80, Taylor Crossing Subdivision, Hidalgo County, Texas; 4808 Kiwi Avenue. **(ZBA2025-0064)**
- d) Request of Austin Navarrette for a variance to the City of McAllen Zoning Ordinance to not provide the required masonry eight feet buffer in height or a six-foot opaque buffer at a 1.928 Ac tract out of Lot 8, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 201 Dallas Avenue. **(ZBA2025-0057) (TABLED: 11/19/2025) (REMAIN TABLED: 12/3/2025)**
- e) Request of Monica Rodriguez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage at Lot 11, Thomas Terrace Subdivision, Hidalgo County, Texas; 409 Redwood Avenue. **(ZBA2025-0052) (TABLED: 11/5/2025) (REMAIN TABLED: 11/19/2025, 12/3/2025))**

3. FUTURE AGENDA ITEMS

- a) 2117 West Hackberry Avenue
- b) 3420 Queta Avenue

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, December 3, 2025 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Erick Diaz	Alternate

Absent:	Daniel Santos	Member
	Ivan Garcia	Member
	Francisco Davila	Alternate

Staff Present:	Martin Canales	Assistant City Attorney III
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Nicolas Lopez	Planner II
	Samantha Trevino	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on November 19, 2025.

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

2. PUBLIC HEARINGS:

- a) Request of Laura Cantu on behalf of Mahan Properties, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 5-foot rear yard setback for an existing garage at Lot A, Save an Except 414 square feet of land conveyed to the City of McAllen, Druscilla Subdivision, Hidalgo County, Texas; 4120 Pecan Boulevard. **(ZBA2025-0060)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5 feet into the 5-foot rear yard setback for an existing commercial garage that is used for vehicle protection from the weather elements.

The subject property was located on the northeast corner of Pecan Boulevard and North 42nd Street and is zone C-3 (General Business-OC) District. The adjacent properties are zoned R-1 (Single-Family Residential-OC) District to the North and C-2 (Neighborhood

Commercial-OC) District to the east and C-3 (General Business-OC) District to the South across Pecan Boulevard.

Druscilla Subdivision was recorded on September 13, 1976. Based on a google earth search, staff noticed there was an existing garage that seemed to have been built back in the 90's that was part of the commercial business at that time. The garage portion was demolished by the new owner and reconstructed without a permit. A notice of violation was issued June 21, 2025 for additions of structure without a permit. A second notice of violation was issued September 26, 2025 for the same violation. A Building permit was submitted June 30, 2025, which was rejected by the Planning Department due to the rear yard setback encroachment. A variance application was submitted October 21, 2025.

The applicant is requesting a variance to allow the encroachment of 5 feet into the 5-foot rear setback for an existing garage built without a permit.

Section 138-356 of the Zoning Ordinance requires a five-foot rear setback for commercial properties. Also, Section 138-87 of the Zoning Ordinance states that if a non-conforming structure is damaged by any means to an extent of more than 50 percent of its replacement value at the time of destruction, it shall not be reconstructed except if it is approved by the Zoning Board of Adjustments.

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

Staff recommended disapproval of the variance request since it does not comply with rear setback requirements.

Laura Cantu, 4120 Pecan Blvd. She stated when she is the owner of the property. She stated when she bought the property the building was already constructed with the garage. She wanted to remove the carport and reconstruct it. She stated when she came to get a permit she stated that someone on the department that if the structure was existing she did not have to obtain a permit. Chairperson Gutierrez asked her if she remembered the person she spoke with, she did not get the name.

Board member Mujica stated he had concerns that the she is next to a residence. The ordinance stated that there has to be a separation between a commercial and residential. The concern was in case of a fire.

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

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

Rodolfo Esquivel, 1304 North 42nd Street. He stated that the water from her garage roof runs off onto his property. They do share the block wall between them. He stated his property value went down since the business was established.

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

Board member Gutierrez asked the applicant how long has he lived at that residence. Mr. Esquivel stated he lived there before the building was built in the 60's.

Board member Mujica asked staff if they were meeting the parking requirement for this garage in place. Staff stated there was a parking requirement. It was based on the original businesses that were there. Staff would have to check to make sure they were complying with parking.

Staff stated the building with the garage in the back was built back in the 90s. The older property owner owned a portion of the north property. When they were looking at the setbacks back then they were allowed to go all the way up to the property line. Later they sold that portion and of the portion on the north side now it is a part of the residential property.

Following discussion, Mr. Juan Mujica moved to go with staff's recommendation and disapprove the Variance request. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

- b) Request of Alejandro Sanchez for a Special Exception to the City of McAllen Zoning Ordinance for a garage enclosure at Lot 4, Saddle Creek Subdivision Unit 1, Hidalgo County, Texas; 2900 Northwestern Avenue (ZBA2025-0061)**

Ms. Trevino stated the applicant was requesting a Special Exception for a garage enclosure to make the home more attractive, by remodeling the house's façade.

The subject property was located on the northeast corner of Northwestern Avenue and North 29th Lane and is zone R-1 (Single-Family Residential-OC) District. Surrounding land uses are single-family residential in all directions.

Saddle Creek Subdivision Unit 1 was recorded September 11, 2001. A special exception application was submitted on November 3, 2025.

The applicant is requesting a special exception to enclose the existing garage since it is too small to fit any vehicles properly and to make the front of the home more modern.

Section 138- 397 of the Zoning Ordinance requires two parking spaces per dwelling unit. One off-street parking shall be located beyond the front yard setback. Enclosing the garage will eliminate the one off-street parking requirement beyond the front yard setback.

During site inspection, staff noticed several homes with enclosed garages in this subdivision. Staff's research did reveal 5 garage enclosures approved by the Zoning Board of Adjustments for this subdivision in the past.

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

Staff recommended approval of the special exception request, since it conforms to the existing neighborhood characteristics.

Board member Gutierrez asked staff why this was a Special Exception and not a Variance. Staff stated there were some provisions in the Code that mentions Special Exception one of them is the parking requirement. Some did not meet the parking requirement for a business they wanted to open. In this case, it was tied to the use. Tied to the house that

required one parking space behind the front yard setback, which they cannot comply.

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

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

Following discussion, Mr. Alex Lamela **moved** to go against staff's recommendation and approve the Special Exception with the condition the carport will be reduced to comply with the City's requirements. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) Request of Austin Navarrette for a variance to the City of McAllen Zoning Ordinance to not provide the required masonry eight feet buffer in height or a six-foot opaque buffer at a 1.928 Ac tract out of Lot 8, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas; 201 Dallas Avenue. **(ZBA2025-0057)**

This item was tabled per the applicant until the next meeting.

- d) Request of Monica Rodriguez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage at Lot 11, Thomas Terrace Subdivision, Hidalgo County, Texas; 409 Redwood Avenue. **(ZBA2025-0052) (TABLED: 11/5/2025) (TABLED: 11/19/2025)**

This was item was to remain tabled until the next meeting.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistan

Memo

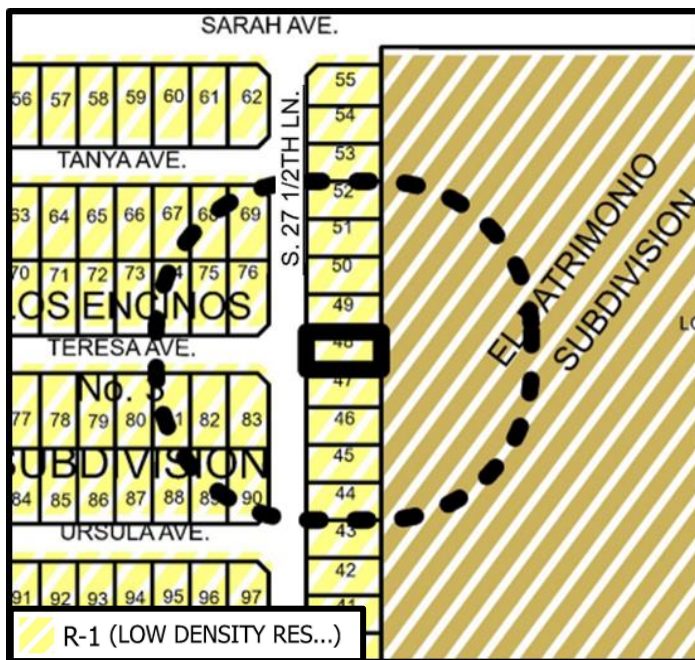
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 17, 2025

SUBJECT: REQUEST OF YADIRA GONZALEZ FOR A REQUEST OF A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A GARAGE ENCLOSURE, LOCATED AT LOT 48, LOST ENCINOS III SUBDIVISION, HIDALGO COUNTY, TEXAS; 5631 SOUTH 27TH LANE. (ZBA2025-0063)

REASON FOR APPEAL: The applicant is requesting a special exception to enclose the existing garage and not provide the required parking at the subject property.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of South 27th Lane, south of Sarah Avenue and is zoned R-1 (Low Density Residential–UDC) District.

BACKGROUND AND HISTORY: Los Encinos III Subdivision was officially recorded on October 4, 2006. A single-family residential home was built on the property in 2008. The applicant submitted a building permit for the enclosure of the garage on November 11, 2025. which was rejected by Planning due to non-compliance of Section §138-397 (a) of the Zoning Ordinance. A special exception request for the garage enclosure was submitted on November 17, 2025.

ANALYSIS: The applicant is requesting the special exceptions to allow the garage enclosure on the property.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.

Special Exception



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)

Case Number: ZBA 2025-0063

ZBOA Meeting: 12.17.2025

Accepted By: Sgt

PROJECT

Legal Description

Aser cuarto el garage
Los encinos III Lote 48

Subdivision Name

Los Encinos III

Street Address

5631 S 27TH LANE

Number of lots

Gross acres

Existing Zoning

garage

Existing Land Use

Dentro del garage

Reason for Appeal (please use other side if necessary)

Porque negaron el permiso y si
Se necesita ese cuarto porque mis hijo da discapacitado

☒ \$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

Yadira Gonzalez

Phone

(956) 270-1402

Address

5631 S 27TH LANE

E-mail

yadgon26@hotmail.com

City

McAllen

State

TX

Zip

78503

OWNER

Name

Yadira Gonzalez

Phone

(956) 270-1402

Address

5631 S 27TH LANE

E-mail

yadgon26@hotmail.com

City

McAllen

State

TX

Zip

78503

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

Yadira Gonzalez

Date

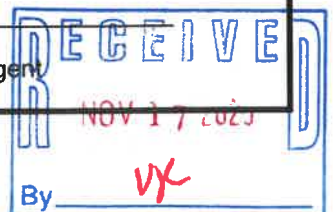
11/17/25

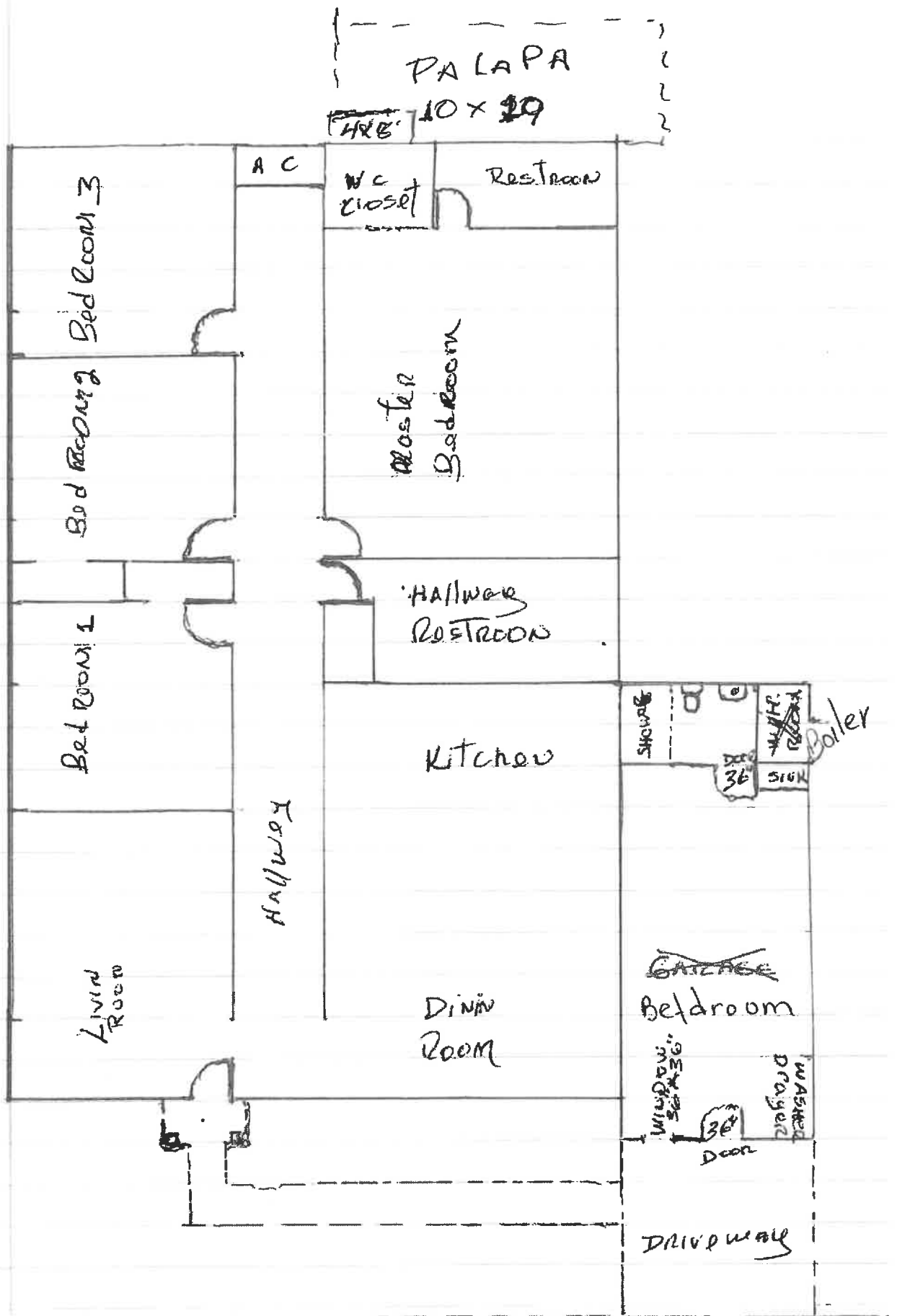
Print Name

Yadira Gonzalez

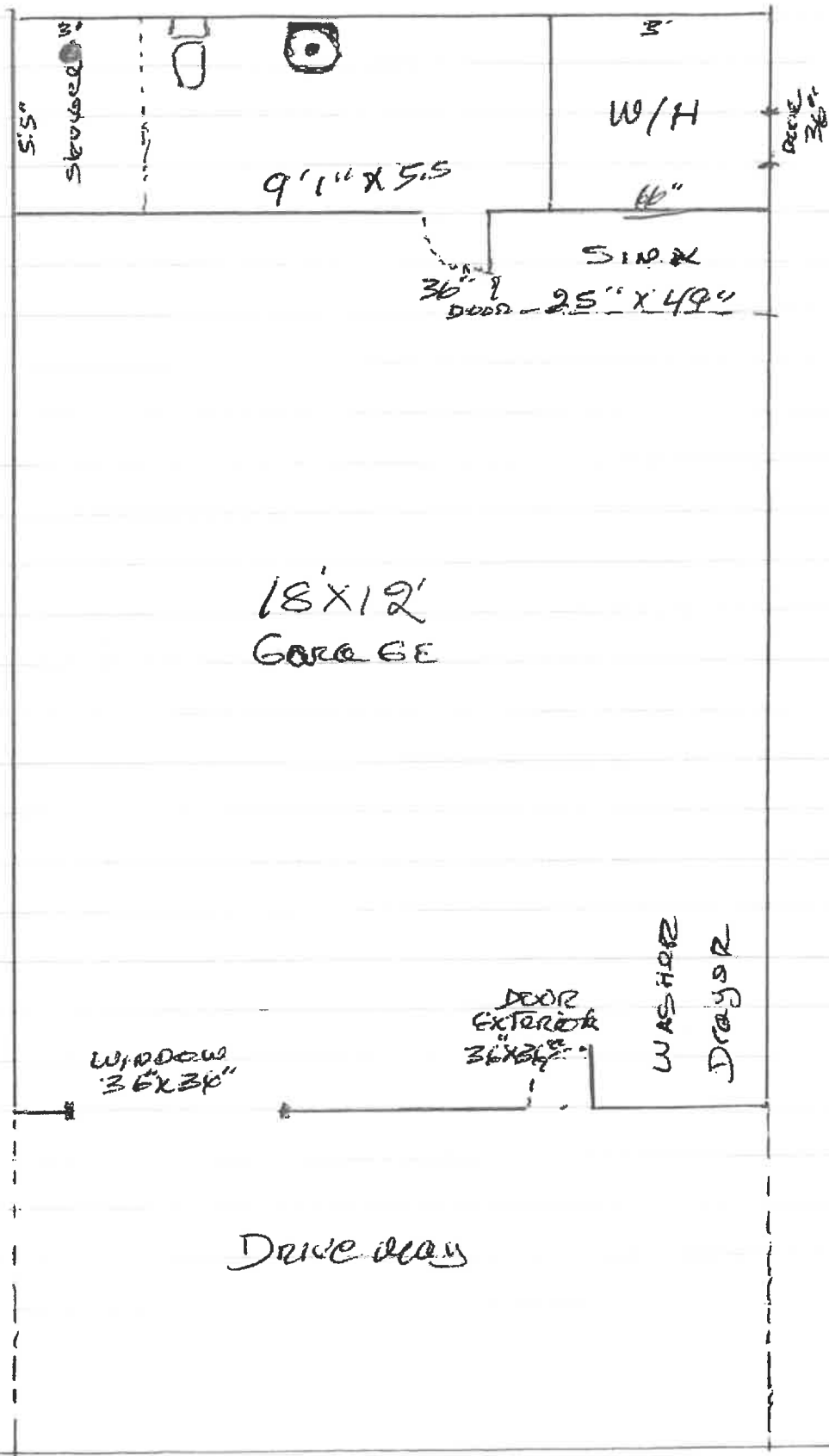
☒ Owner

☐ Authorized Agent





5631 S. 27 TH. LANE



5631 S. 27 TH LANE



ZBA2025-0063
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
804-581-1122
WWW.MCALLEN.NET

5631

Memo

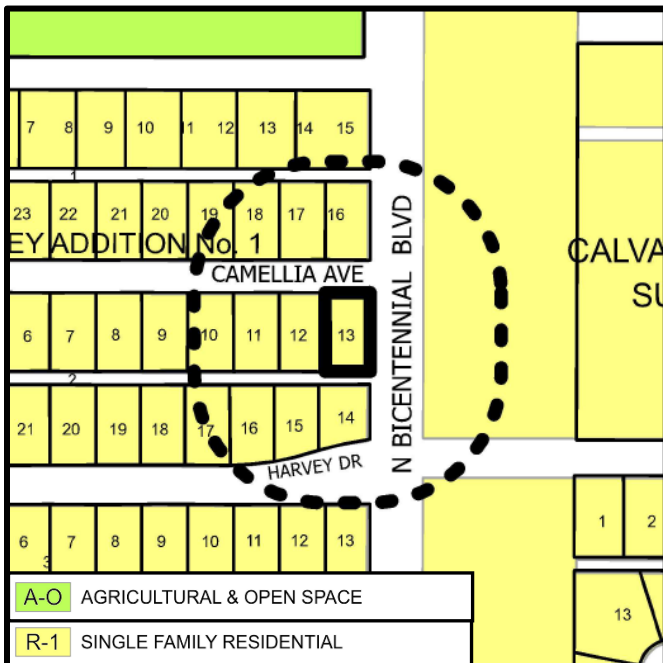
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 17, 2025

SUBJECT: REQUEST OF CHRISTINA SANCHEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 12 FEET INTO THE 30-FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT AT LOT 13 AND EAST 9.5 FEET OF LOT 12, WEST HARVEY ADDITION UNIT NO. 1 & UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 CAMELLIA AVENUE. (ZBA2025-0062)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 12 feet into the 30 foot front yard setback for a proposed 20'x20' carport.



PROPERTY LOCATION AND VICINITY: The subject property is located on the southwest corner of Camellia Avenue and North Bicentennial Boulevard and is zone R-1 (Single Family Residential-OC) District.

BACKGROUND AND HISTORY: West Harvey Addition Unit Number 1 and 2 Subdivision was recorded on February 11, 1958. Per the Hidalgo County Appraisal District records, the house was built in 1970. A special exception application was submitted November 14, 2025. No building permit for the carport has been submitted.

ANALYSIS: The applicant is requesting a special exception for a proposed 20'x20' carport that will be used to protect her elderly parents, both of whom use wheelchairs, from the weather elements. The carport would also provide cover for their vehicle.

The recorded plat of the subdivision requires a 30 foot front yard setback. During site visit, staff noticed multiple properties along Camellia that have carports which seem to encroach into the required 30-foot front setback; however, staff's research did not reveal any records of special exception being granted for this subdivision.

Special exceptions are issued to and recorded for the present applicant/owner only. New property owners would need to apply for a new special exception request.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request since it does not comply with the setback requirement in the subdivision.



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)

Case Number: ZBA 2025-0062 ZBOA Meeting: 12/17/2025
Accepted By: KF

PROJECT

Legal Description East 9.5' of lot 12 and all of lot 13, block
2, West HARVEY ADD Unit No 1
Subdivision Name W. HARVEY ADD Unit #1 + 2
Street Address 1901 Camellia Ave., McAllen
Number of lots 1 Gross acres _____
Existing Zoning R1 Existing Land Use RESIDENCE

Reason for Appeal (please use other side if necessary)

REQUEST PERMISSION TO ENCROACH 12' INTO THE 30' FRONT YARD SET BACK

☒ \$300.00 non-refundable filing fee ☒ \$50.00 Recording Fee for Special Exception (carport) FOR CAR PORT.

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required (20x20) PROPOSED

APPLICANT

Name CHRISTINA SAUCHEZ Phone 956-827-1611
Address 1901 Camellia Ave E-mail chrissysauchez@gmail.com
City McAllen State TX Zip 78501

OWNER

Name REYNALDO SAUCHEZ Phone 956-787-3904
Address 1901 Camellia Ave. E-mail N/A
City McAllen State TX Zip 78501

AUTHORIZATION

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

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

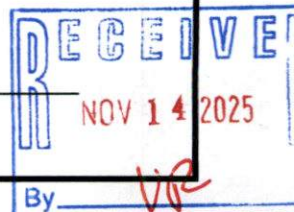
Signature Reynaldo Sanchez

Date Nov. 14, 25

Print Name REYNALDO SAUCHEZ

☒ Owner

☐ Authorized Agent





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:

Protection for Elderly, Disable parents.

Father 84, Mother 89 in wheel chairs.

Protection from weather & safety.

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

Protection & safety of Elderly parents in & out of home & van for appointments.

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:

Will not be an obstruction to neighbors sight line.
Carport will be inside property line.

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

Parents (lawyers) are disabled. Father 84 in wheelchair, Mother 89 in wheel chair. Needs protection from weather & safety to enter home & leave to appointments.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



ART SALINAS

ENGINEERING & SURVEYING

1824 DOVE AVENUE, McALLEN, TEXAS 78504

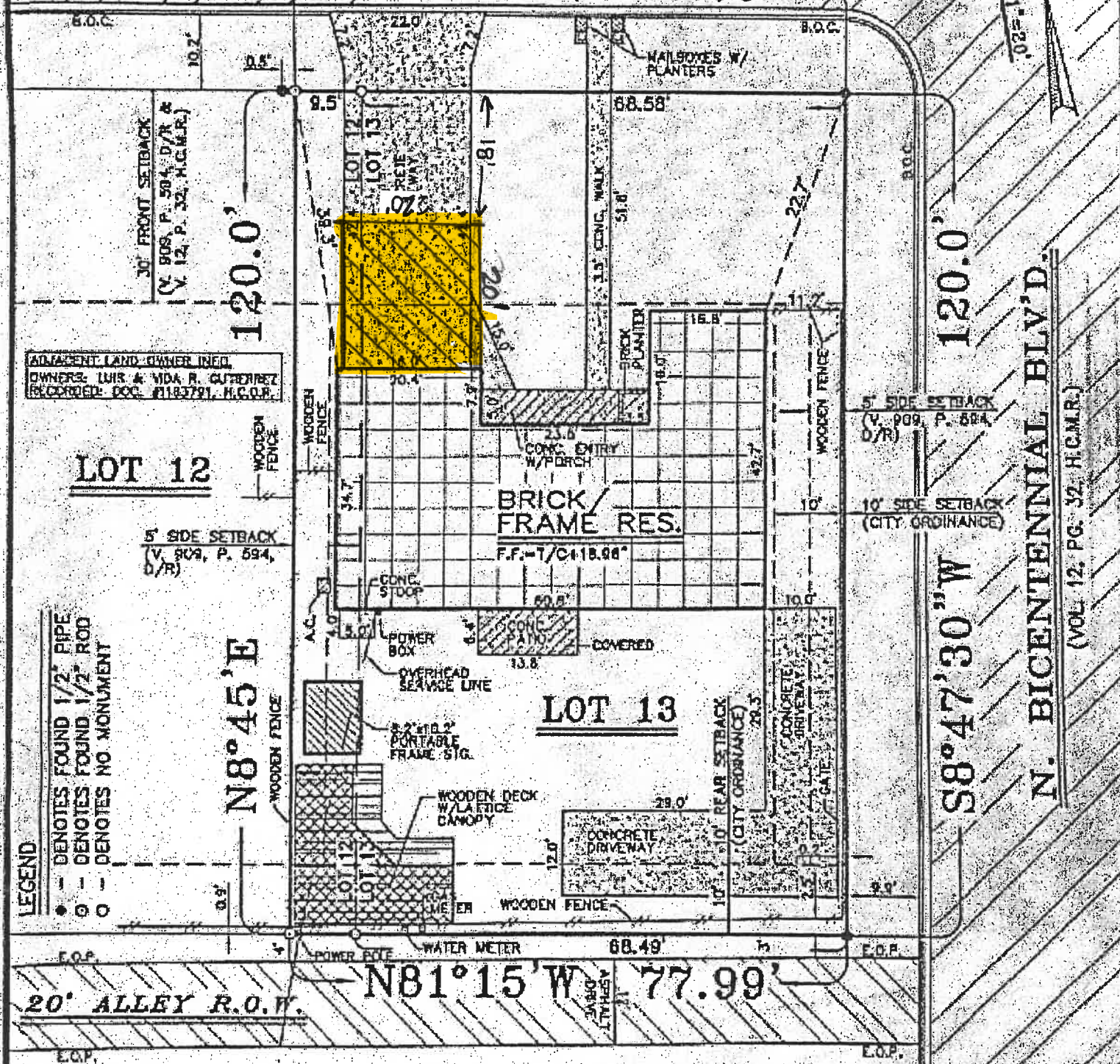
PH: (980) 818-5505

FAX: (980) 818-5540

CAMELLIA AVENUE

(50' R.O.W. - VOL 12, PG. 32, H.C.M.R.)

S81°15'E 78.08'



LEGEND

- DENOTES FOUND 1/2" PIPE
- DENOTES FOUND 1/2" ROD
- DENOTES NO MONUMENT

FLOOD ZONE CERTIFICATION: The property shown herein lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood, or certain areas subject to 100-year flooding with average depths less than 11 feet or where the contributing drainage area is less than one square mile or areas protected by levees from the main body as per FEMA Flood Insurance Rate Map Panel No. 481541-0100-C dated 11-02-82.

PLAT NOTES:

- There are no discrepancies, conflicts, or changes in area of boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.P. # 122544882, and does not guarantee title. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
- This survey plat contains an original seal and signature of the surveyor as per Section 661.01 and Section 661.15 of the "The Professional Land Surveying Practice Act".
- This is a standard survey and does not include the location of underground utility, irrigation and/or gas lines.
- Statutory rights, rules, regulations, easements and liens in favor of Hidalgo County Irrigation District No. 1, pursuant to applicable sections of the Texas Water Code, (hereinafter referred to as "TWCA") are shown on this plat.
- Subject to rights or claims by Hidalgo County Irrigation District No. 1 in any portion of property lying within canal and/or drain ditch easements and/or rights of way located on the property.
- Right of way easement granted to Canal Power and Light Company, recorded in Volume 433, Page 27, Deed Record, Hidalgo County, Texas. (Blank off).
- Zoning and building ordinances in favor of the City of McAllen.
- Subject to any oil, gas and mineral leases of record.
- Recording Basis: "West Harvey Addition, Unit No. 1"

BOOK 2008-11 PAGE 11

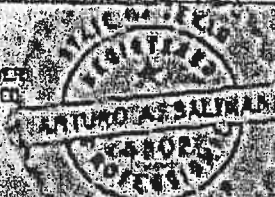
THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 1901 CAMELLIA AVENUE, McALLEN, TEXAS, DESCRIBED AS FOLLOWS:
THE EAST 9.5 FEET OF LOT TWELVE (12) AND ALL OF LOT THIRTEEN (13), BLOCK TWO (2), WEST HARVEY ADDITION, UNIT NO. 1, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 12, PAGE 32, MAP RECORDS OF HIDALGO COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR ALL PERTINENT PURPOSES.

13-43371
Job No.

02-08-13
Date

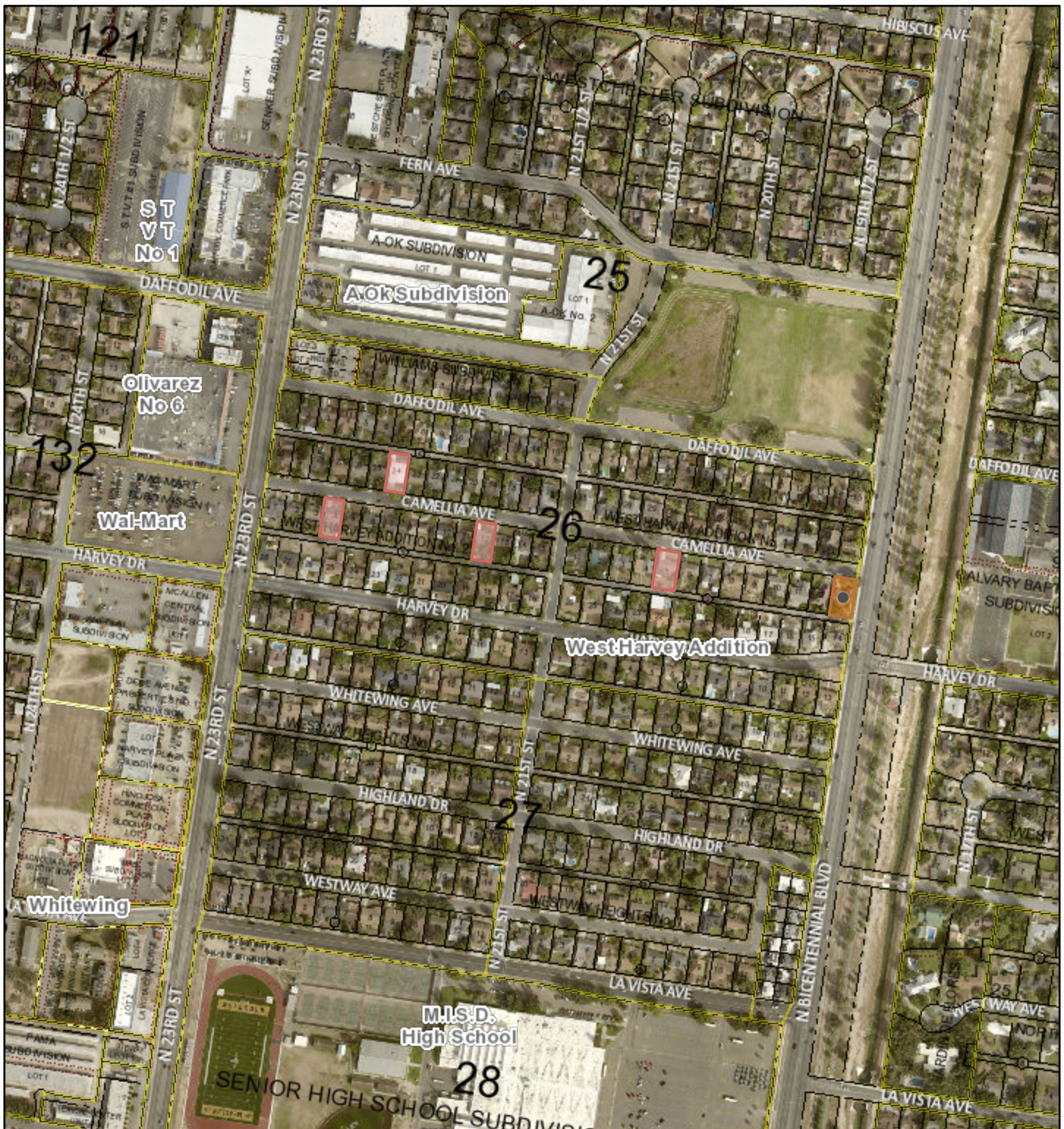
COPYRIGHT 2013 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.

Registered Professional Land Surveyor No. 4802



Reynaldo Sanchez

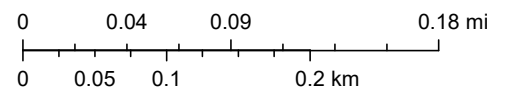
Developing & Zoning



11/25/2025, 3:23:58 PM

1:5,868

- City Corporate Limits
- Extra Territorial Jurisdiction
- Lot lines
- Drain Ditch
- Easement
- Gas Easement
- Lot Lines
- Subdivision-Private
- Preliminary Subdivision
- McAllen Parcels
- McAllen Parcels
- HCAD Parcels
- HCAD Parcels
- Subdivision



McAllen GIS Division, ESRI, Inc., EagleView Technologies, Inc., McAllen GIS Division, ESRI, Inc., McAllen GIS Division, ESRI, Inc.

McAllen GIS Division, ESRI, Inc.

Disclaimer: This map should not be used for navigation or legal purposes. It is intended for general reference use only.



ZBA2025-0062
• NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLENNET.NET

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 17, 2025

SUBJECT: REQUEST OF FERNANDO MARTINEZ JR. AND YINOH C. CRUZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 25 FOOT REAR YARD SETBACK FOR A PROPOSED COVERED PORCH, AT LOT 80, TAYLOR CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 4808 KIWI AVENUE. (ZBA2025-0064)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 15-feet into the 25-foot rear yard setback for a proposed covered porch measuring 15ft x 28ft to provide cover for back yard/back door from weather (rain, sun, etc.).



PROPERTY LOCATION AND VICINITY: The subject property is located on Kiwi Avenue, South of Lark Avenue and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: Taylor Crossing Subdivision was officially recorded on January 6, 2010. A single-family residential home was built on the property in 2018. This is the first attempt to request a variance to encroach into a proposed porch for the rear side setback. No other requests have been received.

ANALYSIS: The applicant is requesting a variance to allow the encroachment of 15 feet into the 25 feet rear setback for a non existing covered porch on the rear side of the property. The home sits on a double fronting property in which the owner states it prevents them from using most of the lot space. City Ordinance Section 138-367(b) states, "Where lots have double frontage, a required front yard shall be provided on one street only." The submitted site plan shows the proposed residence will be in compliance with the 25 foot front yard setback. As per our records, there have been two variance requests for encroachments for covered porches granted within this subdivision.

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

RECOMMENDATION: Staff recommends approval of the variance request.



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)

Case Number: 26A2005-0004 ZBOA Meeting: 12/17/25
Accepted By: P.H.

PROJECT

Legal Description Taylor Crossing Subdivision Lot 80
Subdivision Name Taylor Crossing
Street Address 4808 Kiwi Ave.
Number of lots 1 Gross acres _____
Existing Zoning R1 Existing Land Use Residence
Reason for Appeal (please use other side if necessary) Permission to encroach 15 ft into the 25 ft rear setback for a covered porch
☒ \$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 Vinoha Cruz

Name Fernando Martinez Jr Phone 956-215-4827
Address 4808 Kiwi Ave. E-mail fntz300@gmail.com
City McAllen State TX Zip 78504

OWNER Vinoha Cruz

Name Fernando Martinez Jr Phone 956-215-4827
Address 4808 Kiwi Ave E-mail fntz300@gmail.com
City McAllen State TX Zip 78504

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 [Signature] Date 11/17/25
Print Name Fernando Martinez Jr ☒ Owner ☐ Authorized Agent

NOV 17 2025

BY: CW



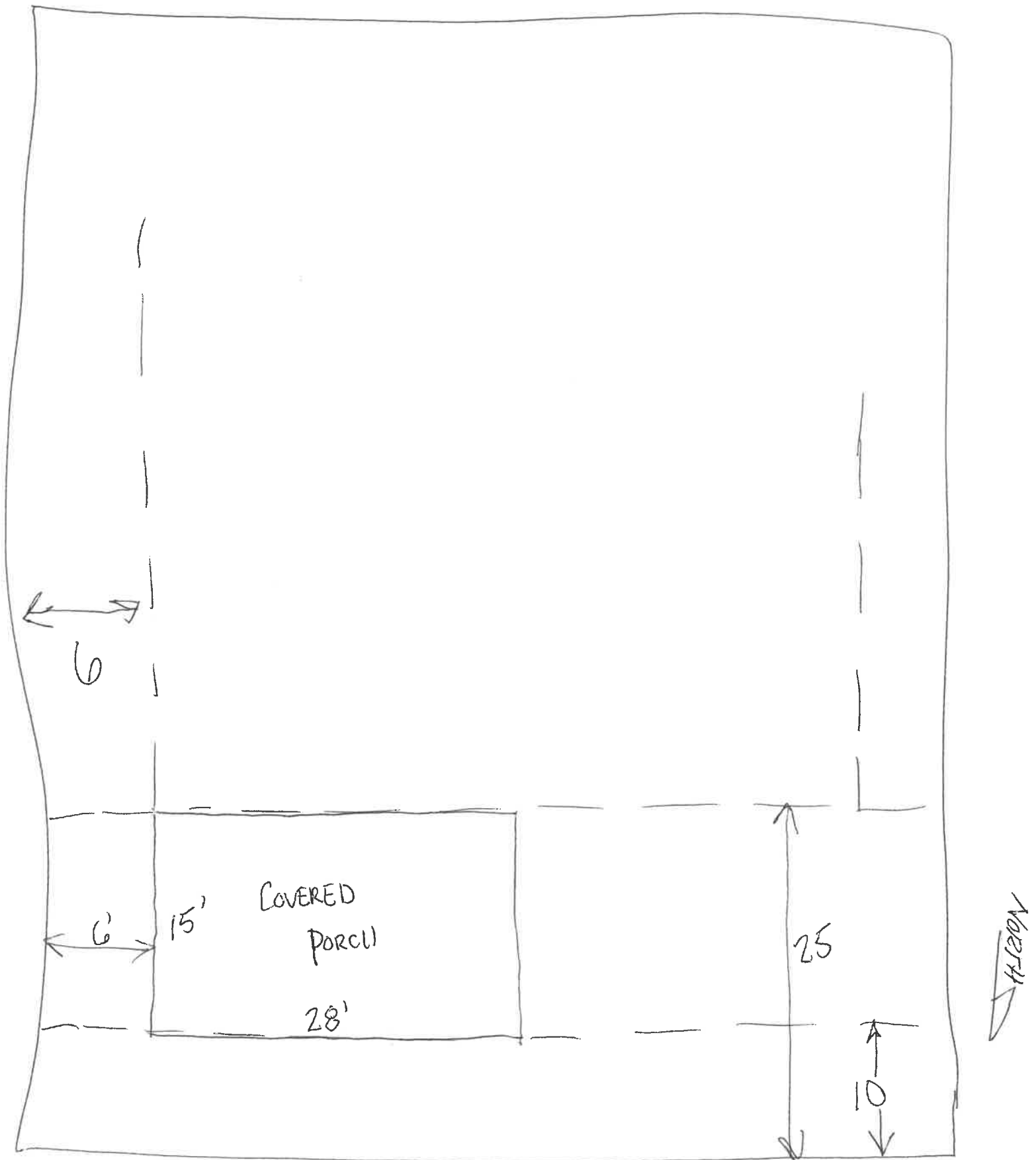
City of McAllen

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>Variance will be to provide cover for back yard/back door from weather (rain, sun, etc)</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p>
	<p>Variance is to preserve rights to build in own land to better home and better preserve property.</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>
Board Action	<p>We see no reason it affects other owners since it will be in our property.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p>
	<p>Lot is double fronting, prevents me from using most of the lot space.</p>
Board Action	
	<div style="display: flex; justify-content: space-between;"> <div data-bbox="297 1757 802 1839"> <p>Chairman, Board of Adjustment Signature</p> <p>_____</p> </div> <div data-bbox="1135 1757 1224 1795"> <p>Date</p> <p>_____</p> </div> </div>
	<p>Rev. 03/25</p>

KIWI AVE



LARK AVE



Development and Resource Viewer

Public utility **mains** which are located underground (water)



STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DECLARATION, CERTIFICATION, AND ATTESTATION

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS THE TAYLOR CROSSING SUBDIVISION TO THE CITY OF MALLER, TEXAS, AND WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY DECLARE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINAGE, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR OF WHICH I WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR OTHERWISE UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MALLER, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAN HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MALLER.

John H. Shary
11-26-9
DATE
JOHN H. SHARY
ATTORNEY-AT-LAW
1430 E. 14TH AVE.
MALLER, TEXAS 78501

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN H. SHARY, PERSONS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED HEREIN, HEREBY CERTIFYING THAT HE HAS READ AND UNDERSTANDS THE CONTENTS OF THE INSTRUMENT, AND ACKNOWLEDGES TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 11-26-9.

Christie J. Jones
NOTARY PUBLIC COUNTY OF HIDALGO, TEXAS



CITY OF MALLER

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MALLER, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL CITY ORDINANCES, SUBDIVISION REGULATIONS OF THIS CITY WHICH MY APPROVAL IS REQUIRED.

Robert C. Jones
12/17/09
Mayor of the City of Maller, Texas

CITY OF MALLER - PLANNING AND ZONING COMMISSION

CERTIFICATION BY THE CHAIRMAN OF THE COMMISSION:
I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MALLER, HEREBY CERTIFY THAT THE SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

Don A. Jones
12-18-09
CHAIRMAN, PLANNING COMMISSION

NOTE:
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 NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON INDUSTRY 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

Calvin G. Jones

PLANNING AND ZONING COMMISSION
RECEIVED
12-18-09
1430 E. 14TH AVE.
MALLER, TEXAS 78501
BY: *Robert C. Jones*

UNITED IRRIGATION DISTRICT

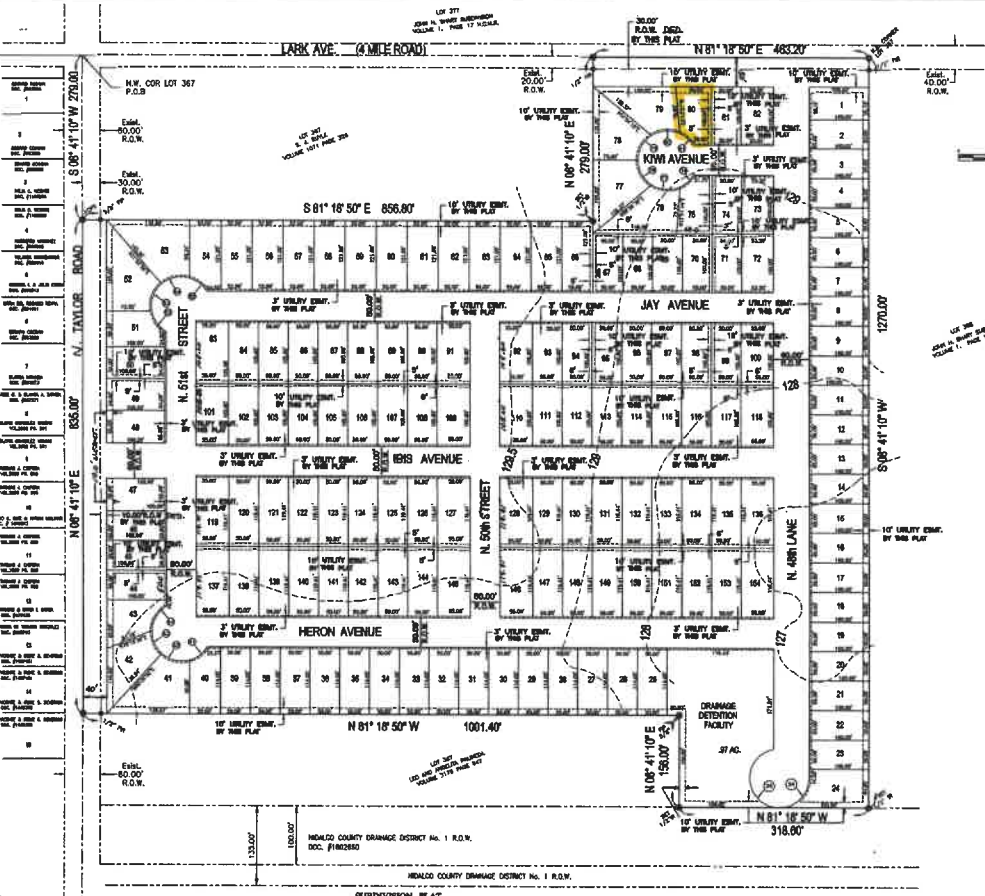
THIS PLAN IS HEREBY APPROVED BY UNITED IRRIGATION DISTRICT SUBJECT TO THE CONDITION THAT IF IRRIGATION FROM THIS SUBDIVISION IS DESIRED TO THE INDIVIDUAL LOTS IN THIS SUBDIVISION, PROVISION SHALL BE MADE FOR APPROPRIATE EASEMENTS FOR THE INSTALLATION OF NECESSARY IRRIGATION FACILITIES TO SUCH LOTS FROM CLOSEST WATER DISTRICT DELIVERY POINT AND IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE OWNER OF THE PROPERTY TO INSTALL AND MAINTAIN SUCH NECESSARY FACILITIES.

DATED THIS 27th DAY OF October, 2009

ATTEST:
Frank L. Jones
BOARD PRESIDENT

PRINCIPAL CONTACTS:

Name	Address	City & Zip	Phone	Fax
OWNER: LUIS FIGUEROA	1420 E. 14TH AVE.	MALLER, TX 78501	(858) 687-6283	(956) 902-9751
ENGINEER: RICHARD CRUZ	805 E. 14TH AVE., Suite 3	MALLER, TX 78501	(956) 682-5022	(956) 802-5089
SURVEYOR: JIM BOBLES	P.O. Box 478	MALLER, TEXAS 78501	(956) 908-3424	(956) 908-3011







ZBA2025-0064
NOTICE
VARIANCE
FOR THIS
PROPERTY

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

4808



Memo

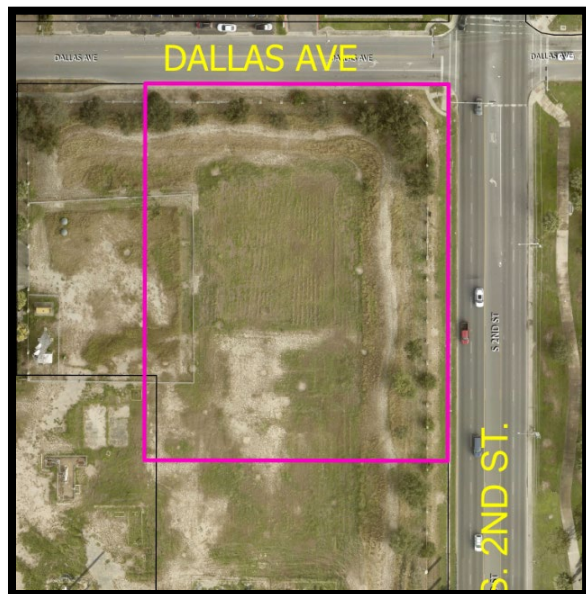
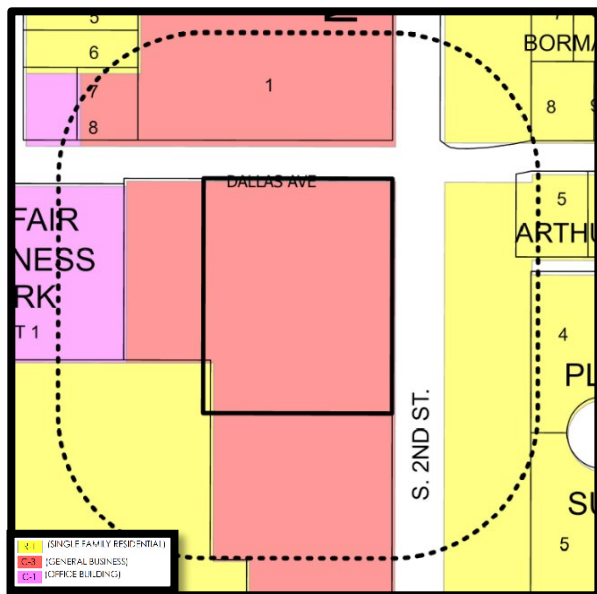
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 19, 2025

SUBJECT: REQUEST OF AUSTIN NAVARRETTE FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO NOT PROVIDE THE REQUIRED MASONRY EIGHT FEET BUFFER IN HEIGHT OR A SIX-FOOT OPAQUE BUFFER AT A 1.928 AC TRACT OUT OF LOT 8, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 201 DALLAS AVENUE. (ZBA2025-0057)

REASON FOR APPEAL: The applicant is requesting a variance to not provide an eight-foot masonry screen or a six-foot buffer along the property adjacent to an R-1 (Single Family Residential) District.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southwest corner of Dallas Avenue and South 2nd Street. The property is zoned C-3 (General Business) District. The adjacent zoning is R-1 (Single-Family Residential) District to the southwest and C-3 (General Business) District to the south and west. Surrounding land uses are single-family residences, commercial businesses and vacant land.

BACKGROUND AND HISTORY: This property is currently undergoing the subdivision process under the name of 7-11 Mcallen Subdivision and recently got approved in preliminary form on November 4, 2025. An application for this variance request was submitted on October 9, 2025.

ANALYSIS: This request is to not provide an eight-foot masonry wall nor a six-foot opaque buffer adjacent to an R-1(single family residential) District. Applicant states that the adjacent residential zone is used for oil and gas operations with no nearby or planned residential uses. They indicated that enforcing the wall requirement would create unnecessary construction burdens, safety issues by reducing visibility, and have no public benefit, while preventing reasonable use of the commercially zoned property.

Section 110-49(a) of the vegetation ordinance states that a masonry screen eight feet in height shall be required where a commercial, industrial or multifamily use has a side or rear property line in common with a single-family use or zone. Where such use has 200 feet or less in common with any residential use or zone, the buffer shall be eight feet in height but may be cedar planks.

Based on the submitted survey, the commercial property has less than 100 feet in common with adjacent single-family zone, therefor an eight-foot-high cedar fence would be required.

Staff has not received any emails or phone calls in opposition of the variance request.

RECOMMENDATION: Staff recommends disapproval of the variance request since it does not comply with requirements established under Section 110-49(a) of the vegetation ordinance requirements.

ZBA 2025-0057

ZBA 11/19/25



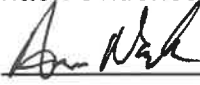
City of McAllen

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>1.928 Acres out of Lot 8, Section 8, Hidalgo Canal Company's</u> <u>Subdivision</u></p> <p>Subdivision Name <u>N/A</u></p> <p>Street Address <u>201 Dallas Avenue</u></p> <p>Number of lots <u>1</u> Gross acres <u>1.928</u></p> <p>Existing Zoning <u>C-3 (OC)</u> Existing Land Use <u>Vacant Land</u></p> <p>Reason for Appeal (please use other side if necessary) <u>Requesting a variance to remove the requirement of a 8' masonry wall and a 6' opaque buffer.</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 checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
	Applicant
Owner	<p>Name <u>MMGJ SOUTH TEXAS LLC</u> Phone <u>956-429-0600</u></p> <p>Address <u>401 W Dallas Ave</u> E-mail <u>kyle.horgan@meritenergy.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</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? <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></u> Date <u>10/08/2025</u></p> <p>Print Name <u>Austin Navarrette</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>KF</u> Payment received by _____ Date _____</p> <p>Rev 10/18</p>

OCT 09 2025

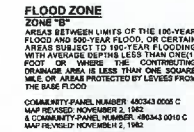
BY:

CW





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>While the neighboring property is currently zoned residential, the property is currently used as an oil and gas collection facility with no future residential plans. We are respectfully requesting that the city allows a variance to no longer require a 6' tall opaque buffer or an 8' tall masonry wall as they would impose unnecessary construction burdens without mitigating any impacts on residential uses. Therefore, strict application of these provisions would deprive the applicant of the reasonable use of the land.</p>			
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p>			
	<p>The requested variance is necessary because the strict buffer and wall requirements would impose unnecessary construction obligations that do not protect any adjacent residential uses. Granting the variance allows the owner to reasonably develop and use the property consistent with its commercial zoning while preserving the full legal rights to build and operate on the site. Walls/buffers on the west side of the subject property would adversely affect visibility and vehicular ingress/egress of the site, posing a safety issue and an impact on the business.</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>The variance will not be detrimental to the neighboring property, because while the neighboring property is currently zoned residential, the current/future usage plans for the site are not residential. As the current/future usage is not residential, neighbors privacy, safety, or visual enjoyment will not be impacted. Allowing the variance ensures the owner can develop the site without affecting the legal rights or welfare of surrounding property owners.</p>			
	<p>4. Describe special conditions that are unique to this applicant or property:</p>			
	<p>The property is currently has no shared boundaries with single-family residential uses, and adjacent parcels include a commercial office building and a current oil and gas collection facility with the current owner having no plans for any future residential use. These conditions eliminate the need for the standard buffer or wall requirements, making the situation distinct from typical commercial-residential interfaces.</p>			
Board Action				
	<table><tr><td>Chairman, Board of Adjustment Signature</td><td>Date</td></tr><tr><td>_____</td><td>_____</td></tr></table>	Chairman, Board of Adjustment Signature	Date	_____
Chairman, Board of Adjustment Signature	Date			
_____	_____			



1. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR
 2. BEARING & BASIS IS FROM THE No. 4 REBAR FOUND AT THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO AMGU SOUTH STATES, LLC, BY DEED OF A DEED CONVEYANCE AND ENCUMBRANCE AND BILL OF SALE RECORDED UNDER DOCUMENT NO. 2182187, HIDALGO COUNTY OFFICIAL RECORDS AND A No. 4 REBAR FOUND AT THE NORTHEAST CORNER OF THIS TRACT.
 3. ALL BEARINGS AND DISTANCES AS PER TEXAS COORDINATE SYSTEM SOUTH ZONE 4206, GRID COORDINATES.
 4. NO PHYSICAL ADDRESS WAS OBSERVED FOR SUBJECT TRACT DURING TIME OF SURVEY.
 5. A "NO PARKING" SIGN LETTER WAS NOT PROVIDED TO THE SURVEYOR BY THE CLIENT IN REGARDS TO THE CURRENT ZONING CLASSIFICATION, THE HEIGHT AND FLOOR SPACE AREA RESTRICTIONS AND PARKING REQUIREMENTS.
 6. NO BUILDINGS OBSERVED ON SUBJECT TRACT DURING TIME OF SURVEY.
 7. NO PARKING SPACES FOUND UPON SUBJECT TRACT DURING TIME OF SURVEY.
 8. NO RECENT HEAVY MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED DURING TIME OF SURVEY.
 9. 2ND STREET IS SHOWN AS AN EXISTING PAVING, ARTERIAL 127 AS PER THE RGVPMD THOROUGHFARE (APPROVED FEBRUARY 2024)
 10. SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE RESOURCES QUANTITY COMPANY COMMITMENT OF No. 1230995
- DATE: DATE: JUNE 14, 2025
ISSUED: JULY 7, 2025

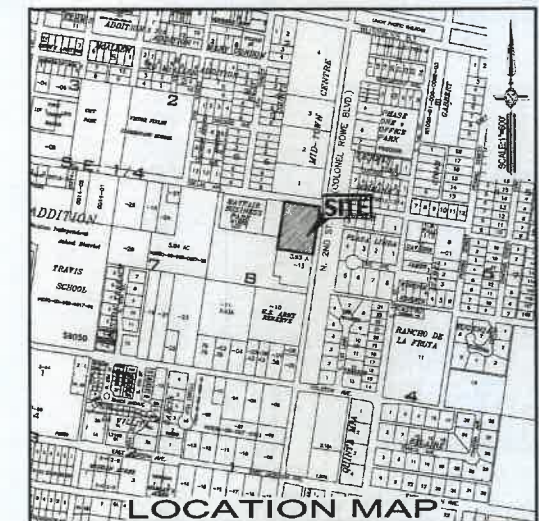
- EASEMENTS LISTED IN SCHEDULE B:**
- 10- EASEMENT AND RIGHT OF WAY DATED OCTOBER 17, 1928, RECORDED IN VOLUME 353, PAGE 357, DEED RECORDS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, BLANKET IN NATURE NOT PLOTTABLE.
- 10- EASEMENT DATED SEPTEMBER 12, 1959, RECORDED IN VOLUME 925, PAGE 102, DEED RECORDS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, PLOTTED AND SHOWN HEREIN.
- 10- PIPELINE EASEMENT DATED JUNE 28, 1996, RECORDED UNDER CLERKS FILE NO. 835041, OFFICIAL RECORDS HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, PLOTTED AND SHOWN HEREIN.
- 10- UTILITY EASEMENT DATED AUGUST 8, 1998, RECORDED UNDER CLERKS FILE NO. 544678, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, PLOTTED AND SHOWN HEREIN.
- 10- EASEMENT AGREEMENT DATED JULY 1, 1995, RECORDED UNDER CLERKS FILE NO. 57228, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, PLOTTED AND SHOWN HEREIN.
- 10- EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY CONSOLIDATED WATER CONTROL AND WASTEWATER DISTRICT.
- 10- OIL, GAS AND MINERAL LEASES DATED APRIL 29, 1933, RECORDED IN VOLUME 100, PAGE 20, OIL AND GAS RECORDS AND INSTRUMENTS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT IN VOLUME 106, PAGE 127 - OIL AND GAS RECORDS AND DATED MARCH 27, 1925, RECORDED IN VOLUME 107, PAGE 359, OIL AND GAS RECORDS, HIDALGO COUNTY, TEXAS. AFFECTS SUBJECT TRACT, BLANKET IN NATURE NOT A SURVEY MATTER.

- LEGEND**
- ① FOUND NO.4 REBAR
 - ② SET NO.4 REBAR WITH PLASTIC CAP STAMPED MELDEN & HUNT, INC
 - ③ SET NAIL
 - ④ POWER POLE
 - ⑤ SERVICE POLE
 - ⑥ GUY WIRE
 - ⑦ FIBER OPTIC CABLE MARKER
 - ⑧ SINGLE POST SIGN
 - ⑨ FIRE HYDRANT
 - ⑩ WATER METER
 - ⑪ WATER VALVE
 - ⑫ SANITARY SEWER MANHOLE
 - ⑬ STORM SEWER MANHOLE
 - ⑭ GAS MARKER
 - ⑮ ELECTRIC CUB
 - ⑯ TRAFFIC LIGHT POLE
 - ⑰ CHAIN LINK FENCE
 - ⑱ WROUGHT IRON FENCE
 - ⑲ OVERHEAD POWER LINE
 - ⑳ STORM SEWER LINE
 - ㉑ SANITARY SEWER LINE
 - ㉒ SPOTTED FIBER OPTIC LINE
[APPROXIMATE LOCATION]
 - ㉓ SPOTTED GAS LINE
[APPROXIMATE LOCATION]
 - ㉔ SPOTTED WATER LINE
[APPROXIMATE LOCATION]
-  ASPHALT AREA
-  CONCRETE AREA
- B.O.
R.O.W.
H.C.D.R.
H.D.G.O.
N.E. COR.
P.O.B.
SAME OWNER
- OAK TREE (SIZE AS NOTED)

METES AND BOUNDS DESCRIPTION

A TRACT OF LAND CONTAINING 1.928 ACRES SITUATED IN THE CITY OF MCALLEN, COUNTY OF HIDALGO, TEXAS, BEING A PART OR PORTION OUT OF LOT 6, SECTION 8, HIDALGO CANAL COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME Q, PAGES 175-177, HIDALGO COUNTY DEED RECORDS, WHICH SAID 1.928 ACRES OUT OF A CERTAIN TRACT CONVEYED TO MMJ3 SOUTH TEXAS LLC BY VIRTUE OF A DEED OF CONVEYANCE AND ASSIGNMENT AND BILL OF SALE RECORDED UNDER DOCUMENT NUMBER 213271, HIDALGO COUNTY OFFICIAL RECORDS, SAID 1.928 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1. THERE IS, OF 37' 38" W. A DISTANCE OF 145' 00" FEET TO E. SECTION 8 AND THE WEST RIGHT-OF-WAY LINE OF STATE STREET, A DISTANCE OF 233.00 FEET TO A NO. 4 RESUB. BEIT FOR THE SOUTHWEST CORNER OF THIS BEING DESCRIBED TRACT;
2. THERE IS, IN 37' 38" W. A DISTANCE OF 250.00 FEET TO THE EAST LINE OF SAG CEMETARY TRACT, CONVEYED TO MARCO SOUTHER TEXAS, LLC. CONTRIBUING A TOTAL DISTANCE OF 200.00 FEET TO A NO. 4 RESUB. BEIT, FOR THE SOUTHWEST CORNER OF THIS TRACT;
3. THERE IS, IN 37' 38" W. A DISTANCE OF 73.00 FEET FROM THE NORTH LINE OF SAG TRACT CONVEYED TO THE TEXAS LAND & OIL TEXAS, LLC. CONTRIBUING A TOTAL DISTANCE OF 32.00 FEET TO A NO. 4 RESUB. BEIT, FROM WHICH A NO. 4 RESUB. FORDS BEARS N 81' 22" 00" W. A DISTANCE OF 70.00 FEET, FOR THE NORTHWEST CORNER OF THIS TRACT;
4. THERE IS, 84' 12" 00" E. ALONG THE NORTH LINE OF SAG LOT 2 E. SECTION 8 AND THE SOUTH RIGHT-OF-WAY LINE OF STATE STREET, A DISTANCE OF 380.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.5833 ACRES OF LAND, MORE OR LESS.



**LEGAL DESCRIPTION
1.928 ACRES OUT OF LOT 8,
SECTION 8,
HIDALGO CANAL COMPANY'S
SUBDIVISION
VOLUME Q, PAGES 175-177, H.C.D.R.
CITY OF McALLEN,
HIDALGO COUNTY, TEXAS**

To: Vaquero Ventures Management LLC, MMGJ South Texas LLC, Central Title Company, Title Resources Guaranty Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 17 and 18 of Table A thereof. The field work was completed on August 1, 2025.

Date of Plot or Map: 09/10/2025


(Keto)

Roberto N. Tamez

RPLS No. 6238

Email: ehart@midlandhunting.com

ENTREPRENEUR, TUBER LIGHT, AND THE KITCHEN ECONOMY

JOB No. 25121.02	REVISED WITH COMMENTS	09/07/2025	J.G.
DRAWING DATE: 08/05/2025	REVISED BOUNDARY UPDATE	09/10/2025	M.L.S.
DRAWN BY: J.G. M.L.S.	REVISION	DATE	BY
File Name: 25121.02 _REV 100.00ADD		MELDEN & HUNT INC. CONSULTANTS • ENGINEERS • SURVEYORS	
T-XXX, PG. XXXX	115 W. MCINTYRE - EDINBURGH, TX 78541 PH: (361) 351-0081 - FAX: (361) 351-1039 ESTABLISHED 1947 - www.meldenandhunt.com		
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OCT 09 2025

BY:—

LANE
ENDS

SHARE
THE
ROAD

ZBA2025-0057
NOTICE
VARIANCE
FOR THIS
PROPERTY

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

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF MONICA RODRIGUEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR AN EXISTING GARAGE AT LOT 11, THOMAS TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 409 REDWOOD AVENUE. (ZBA2025-0052)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 10 feet into the 10 foot rear yard setback for an existing garage.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Redwood Avenue west of North 4th Street and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: Thomas Terrace Subdivision was officially recorded on April 15, 1950. A Stop Work Order was issued on December 29, 2009, for the construction of the garage without a building permit. A subsequent Stop Work Order was issued on January 7, 2010, due to the continued violation. A follow-up was scheduled for January 20, 2010 to issue a citation but no one was at the residence. The property underwent a change of ownership in 2014. The new owner was informed that the existing violation needed to be resolved before proceeding with an application for an additional permit. A building permit for the garage was submitted on August 22, 2024 which was rejected by Planning due to the encroachment. A variance request for the existing garage was submitted on September 15, 2025. At the time of the memo, owner was working with utilities to come to an agreement.

ANALYSIS: The applicant is requesting the variance to allow the encroachment of the garage at the rear of the property.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



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)

Case Number: ZBA 2025-0052 ZBOA Meeting: 10/22/2025
Accepted By: HT

PROJECT

Legal Description

Thomas Terrance Lot 11 Blk 6

Subdivision Name

Thomas Terrance

Street Address

409 Redwood Ave, McAllen TX 78501

Number of lots 11 Gross acres _____

Existing Zoning _____ Existing Land Use _____

Reason for Appeal (please use other side if necessary) requesting a variance to
encroach 10 ft into 10 ft rear set back for existing

☐ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)

garage

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Monica Rodriguez Phone 956-451-5427

Address 409 Redwood Ave E-mail monica.rodriguez38@gmail.com

City McAllen State TX Zip 78501

OWNER

Name Monica Rodriguez Phone 956-451-5427

Address 409 Redwood Ave E-mail monica.rodriguez38@gmail.com

City McAllen State TX Zip 78501

AUTHORIZATION

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

☒ Yes ☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature]

Date 9-15-2025

Print Name Monica Rodriguez

☒ Owner ☐ Authorized Agent

SEP 15 2025

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.

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:

Garage was built before I purchased property in 2016.

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

Need ~~carport~~ due weather conditions.
garage

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:

It is inside property line

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

I was unaware of permit issue when property was purchased. I need resolve permit condition.

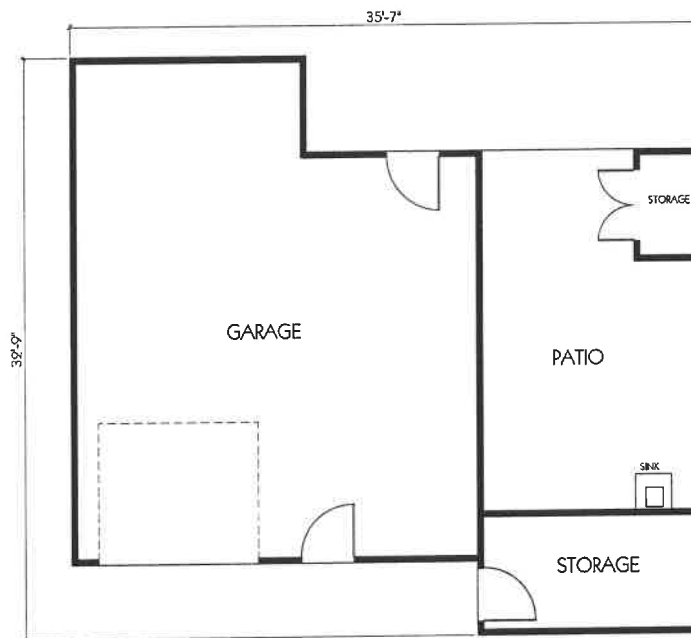
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

9-15-2025



EXIST FLOOR PLAN LAYOUT
AREA = 950.0FT

South Texas Designs



PROJECT 409 REDWOOD AVE
OWNER - BUILDER

SCALE 3/16"=1'-0"

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS BUILDING CODE, THE TEXAS MECHANICAL CODE, THE TEXAS ELECTRICAL CODE, THE TEXAS PLUMBING CODE, THE TEXAS FIRE CODE, AND THE TEXAS ENERGY CODE.

REVISIONS

BY

210 MOLANA STREET "B" WALKER, TEXAS 75084 (956) 887-1408

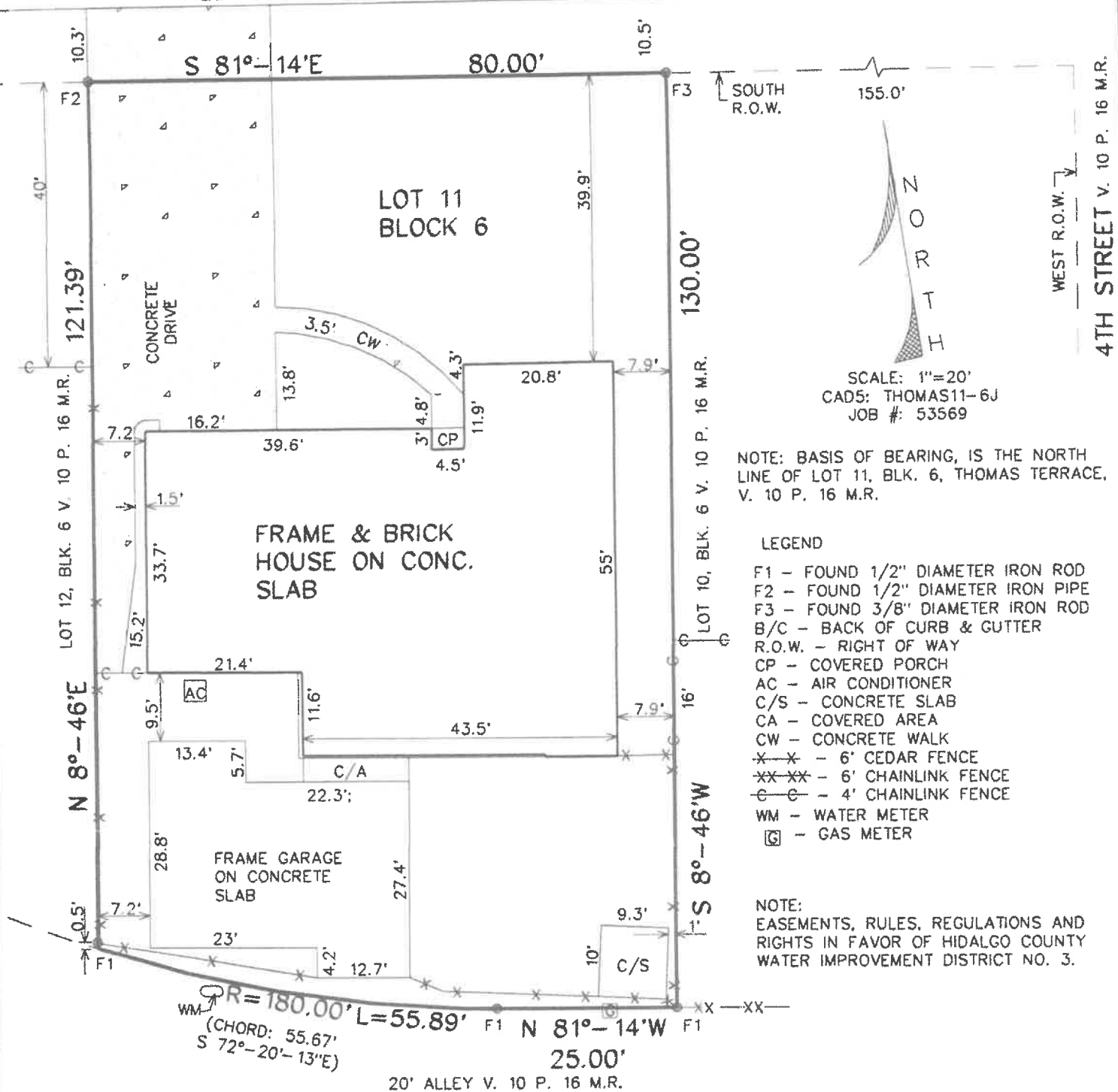
SEP 15 2025

BY: CW

PEÑA ENGINEERING

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

REDWOOD AVE. V. 10 P. 16 M.R. B/C



BUYER'S NAME: MONICA RODRIGUEZ

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL NO. 480343 0005 C
MAP REVISED: NOVEMBER 2, 1982

- ☐ 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 "C" - 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 2014 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 copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 409 REDWOOD AVE.

McALLEN, TX

LEGAL DESCRIPTION: LOT ELEVEN (11), BLOCK SIX (6), THOMAS TERRACE, AN
ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS

ACCORDING TO THE MAP RECORDED IN VOLUME 10 PAGE 6
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña III

PABLO PEÑA III

REG. PROFESSIONAL LAND SURVEYOR No. 5242

06-18-14

DATE



ZBA2025-0052
NOTICE
VARIANCE
FOR THIS
PROPERTY

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