AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, DECEMBER 20, 2023 - 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 – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on November 1, 2023
- b) Minutes for the meeting held on December 6, 2023

2. PUBLIC HEARINGS:

- a) Request of Christian Leonardelli for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 29 feet by 13 feet, at Lot 29, Campo de Suenos Subdivision, Hidalgo County, Texas; 8508 North 33rd Lane. (ZBA2023-0102)
- b) Request of Ramiro Ramirez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport measuring 19 feet by 19 feet, at Lot 53, Arthur Terrace Subdivision, Hidalgo County, Texas; 6304 North 36th Street. (ZBA2023-0103)

3. FUTURE AGENDA ITEMS

- a) 2913 La Vista Avenue
- b) 2538 Lindberg Avenue
- c) 705 Grambling Avenue
- d) 4101 Zinnia Avenue
- e) 305 Cornell Avenue
- f) 12505 North 40th Street
- g) 3305 Whetstone Avenue
- h) 3500 Ventura Avenue
- i) 12509 North 40th Street
- j) 4012 Ventura Avenue
- k) 12500 North 40th Street
- I) 12606 North 33rd Lane
- m) 3300 Wolf Creek Avenue
- n) 3700 Ventura Avenue
- o) 3302 Wolf Creek Avenue
- p) 3300 Whetstone 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, November 1, 2023 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez Ann Tafel Hiram A. Gutierrez Juan Mujica Alex Lamela	Chairperson Vice-Chairperson Member Alternate Alternate
Absent:	Hugo Avila Rogelio Rodriguez Pablo Garcia	Member Member Alternate
Staff Present:	Issac Tawil Austin Stevenson Benito Alonzo Michelle Rivera Edgar Garcia Norma Yado John Gutierrez Rodrigo Sanchez Omar Sotelo Hilda Tovar Samantha Trevino Jessica Puga Carmen White	City Attorney Assistant City Attorney III Assistant City Attorney I Assistant City Manager Planning Director Chief Building Official Supervisor Plans Examiner Senior Planner Senior Planner Planner II Planner I Technician I Administrative Assistant

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on October 18, 2023.

The minutes for the meeting held on October 18, 2023 and were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with four members present and voting.

2. PUBLIC HEARINGS:

a) Request of Ariel Olivares on behalf of Eduardo C. Longoria for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20 feet front yard setback for an existing metal carport measuring 15 feet by 20 feet, at Lot 1, The Rocks Subdivision, Hidalgo County, Texas; 8218 North 23rd Lane. (ZBA2023-0093) (TABLED: 10/18/2023)

The applicant requested the item to be tabled until the next meeting.

Chairperson Jose Gutierrez asked for an Executive Session. City Attorney Issac Tawil

stated anytime the Board has a desire to consult with counsel over any subject matter on the agenda under 551.071 of the Texas Government Code, it would be appropriate to recess to an Executive Session. It was recommended take a motion to that affect at this time.

Mr. Hiram Gutierrez **moved** to recess for an Executive Session. Mr. Alex Lamela seconded the motion. The Board voted unanimously to recess for an Executive Session with five members present and voting.

The Board recessed at 4:33 p.m.

The Board reconvened at 4:48 p.m.

b) Appeal of Sharybak I LLC, Appealing of the decision made by the Building Official of setback encroachment at Lot 1, Sharybak 1 Subdivision, Hidalgo County, Texas; 5001 Expressway 83. (ZBA2023-0084)

Mr. Garcia stated for the public, this was not a variance request it was an Appeal. There was a decision made and the applicant believed the decision was made in error.

Mr. Garcia stated the subject property was located between Expressway 83 and Colbath Road, approximately 300 ft. east of North Taylor Road; property was zoned C-3 (General Business) District. There was C-3 District to the north, east, and west of the property, and there was I-1 (Light Industrial) District to the south.

Planning and Zoning Commission preliminarily approved this plat on July 26, 2022. At this point, there was no setback drawn out note on the plat but it did have a proposed setback noted at 60 feet or greater for easement or approved site plan. There was also a note on the plat at that time stating all setbacks are subject to increase for easement or approved site plan.

For this approval, staff did issue comments to the project engineer-requesting wording be included in the front yard setback plat notes specifically stating in line with existing structure or whichever is greater applies due to the McAllen Code of Ordinances (MCO) Sec. 138-367 (a).

The final plat was approved at the Planning and Zoning Commission meeting of December 20, 2022. The Board approved the subdivision under consent with written staff comments requiring the removal of a 60 ft. setback line on the plat and requiring language referencing the City's Zoning Ordinance. On December 21, 2022, the City received a Mylar for review before recording. At this point, the setback line had been removed and the front yard setback note now read as follows: In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, *whichever is greater applies* (emphasis added).

The initial site plan application was submitted September 16, 2022, and at that time, the setback was not delineated on the plan. Staff issued comments on the site plan on September 27, 2022 and noted the lack of a setback notation. After a few more rounds of reviews, the applicant submitted a site plan with a proposed 60-foot front yard setback on November 18, 2022. The fifth site plan submittal was the first one where the building was shown at 60 ft. Comments for that review were sent out December 12, 2022 wherein the

language on the plat regarding existing average setback was noted. This was the last site plan reviewed; the proposed 60 ft. setback was not approved at this time.

The initial building permit application for Sharybak I Subdivision was submitted on December 8, 2022 and was issued out on April 3, 2023. In that approved building permit, conditions were noted which needed to be complied with, including minimum setback requirements. For the front yard setback, the condition read as follows: Proposing: 60 ft. or in line with existing structure, or approved site plan, or greater for easements, whichever is greater applies. In that same section there was, a condition stating no structure would be permitted within any setbacks or easements.

On July 27, 2023, notice was posted on Sharybak I's jobsite noting an encroachment into setbacks. In addition, on August 9, 2023 an email was also sent by the Building Permit Department to the applicant letting them know of the encroachment as well. The Planning Department received a complete Zoning Board of Adjustment and Appeals application on August 17, 2023.

At this time, Mr. Garcia handed to each Board member a copy of the Section 138-367(a). Mr. Garcia stated Section 138-367(a) of the Code read when 50% or more of the frontage on the block was improved with buildings that had a front yard greater than the required front yard then no new building should project beyond the average front yard so established.

For the front yard setback, the plat states "In accordance with zoning ordinance, or greater for easements or approved site plan, or in line with average setback, whichever is greater applies."

The applicant was appealing the decision of the Building Official of setback encroachment of the plaza. The setback for this property was the average of the already existing buildings as required by MCO Sec. 138-367 (a). It was customary for a developer, engineer, or contractor to provide calculations for their proposed setback when the average setback clause had been triggered. As of the writing of this memo, there have been no official submittals by the applicant to determine the average setback.

Ginther Estates, the lot to the west, has a noted setback of 75 ft. or greater for easements.

Shary Gateway, the four lots to the east, has a noted setback of 75 ft. or greater for approved site plan or easements.

As such, the average setback before Sharybak I was recorded was at least 75 ft. Staff calculations, based off submitted building permits, but without the benefit of a survey, have calculated the average to be approximately 77.75 ft. If the construction on Sharybak I is accurate to the submitted building permit, there was a 17 ft. 9 in. encroachment into the average setback set by MCO Sec. 138-367 (a).

Staff fielded calls regarding the encroachment from a neighboring property owner concerned with sight obstruction of their existing buildings.

Staff was recommending disapproval of the request as the structure on Sharybak I was within the average setback and no calculations have been submitted by the applicant.

Chairperson Gutierrez asked staff when was the last time staff reached out to the applicant to come to an agreement concerning the measurements. Mr. Garcia stated it had not been discussed or reached out to them at least one month.

Vice-Chairperson Tafel asked for clarification on the original plat showed 60 foot on theirs, and was removed and then put back in. Mr. Garcia responded no, it was recorded without that 60 foot. What was done on the plat notes was 60 foot or in line with greater, or in line with the average, or greater for approved site plan or greater for easements whichever is greater applies.

Board member Mujica asked staff in his statement earlier that there was another property that perhaps could also be encroaching and was that constructed after the 50% was established.

Mr. Garcia stated by the building records that would have triggered the 50%, he responded no. It would have to comply with the plat, which was 75 feet.

Chairperson Gutierrez asked who was representing Sharybak I LLC. Mr. Rene Ruiz, attorney representing Sharybak I LLC, owner of the project. Phillip and Joe Bakke, principals of Sharybak I LLC, Raul Garcia and Angelica Neira, Civil Engineers from Halff & Associates and Mo Verdecanna with Alamo Architects stated his address is P.O. Box 831294, San Antonio, Texas 78283.

Mr. Ruiz stated that the Planning and Zoning Commission had the authority to approve any setbacks, even if it is contrary to that which was required by the Zoning Ordinance if it was shown on the plat. He stated their project was approved for a 60-foot front setback as the Planning and Zoning Commission had the authority to do. Mr. Ruiz stated the Zoning Board of Adjustment and Appeals had the authority to hear an appeal of an administrative official and authority to reverse the notices of violations of encroaching setbacks. The notice that they had received up until the agenda packet was posted was encroaching setbacks. It did not mention front, rear or side setbacks or what it should be or is over in writing by the staff. Mr. Ruiz read from Chapter 212 of the Texas Local Government code regarding the process for plats stated, "The Planning and Zoning Commission shall approve conditionally approve or disapprove a plat within 30 days after the date that the plat is filed". "If the Planning and Zoning Commission conditionally approves a plat, the Planning and Zoning Commission shall provide the applicant a written statement of the conditions for the conditional approval that clearly articulates each specific condition for the conditional approval and each condition specified in the statement must include a citation to the law". At this time, Mr. Ruiz handed out to each Board member a packet to go over it with him.

Mr. Ruiz stated under tab #1 was the plat that was submitted with the initial subdivision application. On general footnote #4, it stated proposing 60 foot or greater for easements or approved site plan. The plat went to Planning and Zoning Commission on July 26, 2023. At the meeting, they had approved that plat subject to staff's comments and recommendations.

Mr. Ruiz referred the Board to tab #2. The plat that they hard first stated with was approved subject to these comments, "Proposing 60 foot or in line with existing structure or approved site plan or greater for easements or whichever greater applies". Staff's comments stated, "Please revise plat note #4 as shown above prior to the final". He stated that whenever a plat is conditionally approve a plat per the law staff are to submit a statement with the

reason for the change and a legal citation. He stated the legal citation was 138-356 which read "front yard setback shall be a minimum of 15 feet". He stated that Planning and Zoning Commission had approved the preliminary plat subject to this language on July 26, 2023.

Tab #3 - Engineers and staff were reviewing the site plan. Attached was an email from a city planner asking to indicate where the front yard setback on the site plan. Their engineers emailed the architect to show the 60-foot front yard setback on the site plan. The architects noticed they were 36 inches over the 60-foot front yard setback. Engineers asked staff if it would pose an issue in which staff responded, yes, a variance would be needed.

Tab #4 - Mr. Ruiz stated their preliminary plat was approved subject to staff's comments, then he stated their belief that their site plan was approved as well. It clearly showed a 60-foot front yard setback which he stated staff had asked them to put the 60-foot front yard setback back on the site plan.

Tab #5 - On the building permit application submitted December 5, 2022, it showed a 60-foot front yard setback.

Tab #6 – On December 20, 2022 the final plat was placed for approval by the Planning and Zoning Commission. Mr. Ruiz stated on Tab #4, it showed the highlighted note that staff had them put the language referencing "60 foot or in line with existing structure or approved site plan or greater for easements or whichever greater applies" back in July. Mr. Ruiz stated Planning and Zoning Commission granted final approval of the plat subject to staff's comments.

Tab #7 – at the bottom of the numbered page 2 of 4, it stated..."In accordance to with Zoning Ordinance or greater for easements or approved site plan or in line with average setback whichever is greater applies" revisions needed. "Remove setback line annotation from plat prior to recording". Mr. Ruiz restated their belief the plat had been approved with a 60-foot front yard setback.

Tab #8 – Mr. Ruiz shows the plat was recorded on March 23, 2023.

Tab #9 – Building permit which showed on permit condition #40 stating proposing 60 foot or in line with existing structure or approved site plan or greater for easements whichever greater applies. No reference to any average setback or any reference to Section 138-367(a).

Tab #10 – Mr. Ruiz stated they started vertical construction in January 2023. It was in July 2023 they posted the notice at the site. It was reposted the same day stating they were allowed to continue work. He stated they received miscellaneous violation stating they were encroaching setbacks but did not specify if it was front, side or rear setbacks.

Mr. Ruiz reiterated application was submitted on August 16th. Staff write-up stated application was accepted on August 17th.

Mr. Ruiz stated the City Ordinance 138-367(a) is called to front yard setback which is defined term.. The words were not on the recorded plat. It said in line with average setback. It did not say in line with average front yard setback. He stated there was a City ordinance for signs. It stated if a property had signs, as their neighbors have, you measure setbacks from the right of way to the edge of the sign closet to the curb.

Mr. Ruiz concluded by stating their engineers and architects submitted a plat proposing a 60-foot setback. The Planning and Zoning Commission conditionally approved subject to staff's comments. The only comments referenced to 138-365 to a 15-foot front setback. Staff recommended approval subject to its conditions noted. There were no notes specifying Ordinance 138-367(a) or the calculations that were required to invoke Ordinance 138-367 or the use of the words 'front yard'. The site plan was approved for a 60-foot setback. The building permit was issued. It did not include the language "in line with average setback". It stated "in line with existing structures". Mr. Ruiz stated his belief that structures include signs.

Board member Hiram Gutierrez questioned if Section 138-367(a) referred to the setbacks being set by buildings. He asked Mr. Ruiz even though Section 138-367(a) talks about buildings, signs count as setting the setbacks. Mr. Ruiz stated his belief that signs do count. The ordinance stated you measure setbacks from the right of way to the signs. Mr. Gutierrez asked where the authority of the Planning and Zoning Commission to waive setbacks came from. Mr. Ruiz referenced Section 138-366 of the City code.

Chairperson Jose Gutierrez asked if there was anyone present in favor of the Appeal. There was no one in favor of the Appeal other than applicant and their consultants.

Mr. Raul Garcia, of Halff Associates, 5000 West Military Highway, McAllen, Texas 78503. He stated he has worked on City of McAllen projects with staff for 23 years. Mr. Garcia stated that on this project specifically they submitted site plans and went through five iterations of adjusting the site plan to meet the requirements including moving the building back to be at the 60 foot setback. At that point, they were given the approval to continue their design. In January, they received a notice from the City to start construction. He stated had he known that the setback had to be 75-foot setback or greater, he would have adjusted plans from the beginning.

Chairperson Jose Gutierrez asked if there was anyone else present to speak in favor of the Appeal. There was someone else in favor of the Appeal.

Mr. Phillip Bakke, 207 Roosevelt Avenue, San Antonio, Texas 78210. He stated this was not their first project in McAllen. They make it a practice to hire the best consultants with Halff Associates and Alamo Architects. He felt they acted in accordance with the law. If they had been instructed to observe other setbacks they would have had time to adjust prior to the construction and not towards the end of construction.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Appeal. There was one present to speak in opposition of the Appeal.

Rafael de la Garza, 6600 North 23rd Street, McAllen, Texas 78504. He stated that in the report indicated applicant never calculated what the setbacks should be. Why did they choose 60-foot setback? Counsel referred to 15 feet in Section 138-366. Second, on page two of the report from McAllen staff indicated there were five iterations of the initial site plan that was submitted. On the fifth iteration from December 12, 2022 specifically stated in the first paragraph that there was a 60-foot indication, the last site plan review the proposed 60-foot setback was not approved at this time. In addition, a final plat was submitted and

as of December 21, 2022 stating at this point the setback line had been removed and the front yard setback now read as follows: "In accordance with Zoning Ordinance or greater for easements or approved site plan or in line with the average setback" and in italicized *whichever is greater applies.* The operative word was whichever is greater. Mr. de la Garza stated that the property owner to the west and the east of the subject property hired him. They had sent a letter to the applicant back on June 26, 2023 stating that they were encroaching on the front setback. Nothing happened. In addition, his client had approached the people doing the construction adjacent to the building on the west and the east and indicated the same thing to them before July 2023.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the Appeal. There was someone else present to speak in opposition of the Appeal.

Mr. Miguel Ramirez, 1900 Sabinal Street, Mission, Texas. Mr. Ramirez stated he was a resident and developer for commercial and housing developments in McAllen. He stated he always has complied with the ordinances. He stated he has never requested a variance because one can always engineer and design to comply with the ordinance. The rules and procedures are the backbone of the community in McAllen. Before building, one has to know what the ordinances are. There were five reviews where staff let developer know 60 was not right. At the end, Halff Associates were notified to erase the line because it was not correct. He stated his belief the construction affects his four developments. Mr. Ramirez stated that as soon as they poured the foundation he informed the general contractor that it was not right. The general contractor called Halff Associates. Mr. Ramirez sent a letter to them regarding the issue.

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

Chairperson Gutierrez and Board member Mujica mentioned to legal it was stated earlier that the Planning and Zoning Commission had the authority to override whatever setback found in the ordinance.

Legal counsel suggested going into an Executive Session to discuss the details of the question.

Chairperson Jose Gutierrez <u>moved</u> to recess for an Executive Session. Mr. Hiram Gutierrez seconded the motion. The Board voted unanimously to recess for an Executive Session with five members present and voting.

The Board recessed at 5:42 p.m.

The Board reconvened at 5:56 p.m.

Board member Mujica commented on the due process that goes through a number of people. During the process, there are questions that arise by different people and decisions are made. Somewhere along the way, a miscommunication happened. It is the best interest of our City to keep our Ordinances in place, and the safety and welfare of our citizens all the time. The ordinances and statutes are there for a reason and need to be complied. There was verbiage that was installed within the approvals and they were not followed.

Following discussion, Mr. Juan Mujica <u>moved</u> to disapprove the appeal as staff's recommendation. Vice-Chairperson Ann Tafel seconded the motion. The Board voted unanimously to disapprove the appeal with five members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 612 East Pineridge Avenue
- **b)** 812 South 26th Street

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

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 6, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez Ann Tafel Rogelio Rodriguez Hugo Avila Juan Mujica Alex Lamela Pablo Garcia	Chairperson Vice-Chairperson Member Member Alternate Alternate Alternate
Absent:	Hiram A. Gutierrez	Member
Staff Present:	Benito Alonzo Rodrigo Sanchez Omar Sotelo Hilda Tovar Natalie Tovar Jessica Puga Carmen White	Assistant City Attorney I Senior Planner Senior Planner Planner II Planner I Technician I Administrative Assistant

CALL TO ORDER – Chairperson Jose Gutierrez

EXECUTIVE SESSION:

 4a) Consultation with City Attorney regarding pending litigation: Cause No. C-4698-23-M; Sharybak I, LLC v. The City of McAllen and McAllen Zoning Board of Adjustment and Appeals (Section 551.071, T.G.C.)

Mr. Benito Alonzo, Attorney on behalf of the Board stated the agenda item that was listed as 4a might be discussed in Executive Session pursuant to Section 551.071 of the Texas Local Government code. Should the Board wished to discuss this matter in Executive Session, Mr. Alonzo recommended a motion to that effect.

Vice-Chairperson Ann Tafel **moved** to recess to Executive Session. Rogelio Rodriguez seconded the motion. The Board voted unanimously to recess to Executive Session with five members present and voting.

The Board recessed at 4:31 p.m.

The Board reconvened at 4:45 p.m.

1. MINUTES:

a) Minutes for the meeting held on November 15, 2023.

The minutes for the meeting held on November 15, 2023 and were approved. The motion to approve the minutes were made by Vice-Chairperson Ann Tafel. Mr. Rogelio Rodriguez

seconded the motion, which carried unanimously with five members present and voting.

As per Chairperson Jose Gutierrez's suggestion, the following items had been recommended for approval by staff. They are as follows:

2. PUBLIC HEARINGS:

- a) Request of Jesus C. Muniz for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 8 feet into the 10 feet rear yard setback for a proposed metal carport measuring 21 feet by 18 feet, at Lot 2, Shady Oaks Subdivision Unit II, Hidalgo County, Texas; 6205 North 8th Street. (ZBA2023-0099)
- b) Request of Corando Trevino for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 feet into the 20 feet front yard setback for an existing metal carport measuring 25 feet by 16 feet, at Lot 11, Block 3, Colonia McAllen Unit No. 4 Subdivision, Hidalgo County, Texas; 2716 Toronto Avenue. (ZBA2023-0100)

Chairperson Jose Gutierrez asked if there was anyone else present in opposition or in favor of the special exceptions. There was one in favor of the special exceptions.

Mr. Salvador Dominguez, applicant, 9803 Willow Crossing Place, Houston stated he was in favor of the special exception.

Vice-Chairperson Ann Tafel **moved** to approve the previously outlined special exceptions listed on the agenda as **2a** and **2b** as per staff's recommendation, limited to the submitted plans corresponding to each item. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to approve with five members present and voting.

c) Request of Hector Rodriguez for the following Special Exception to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 1.33 feet into the 6 feet west side yard setback for a carport measuring 19.58 feet by 10 feet and,
2) an encroachment of 13 feet into the 20 feet front yard setback for a carport measuring 19.58 feet by 10 feet, at Lot 99, Villa De Palmas Subdivision, Hidalgo County, Texas; 4104 Gardenia Avenue (ZBA2023-0101)

Ms. Moreno stated the applicant was requesting a Special Exception for an existing canvas cover carport that encroaches 13 feet into the 20 feet front yard setback and 1.33 feet into the 6 feet west side yard setback. The applicant was requesting the carport to remain for protection of the family's vehicles and protection for a family member (medical reasons) from adverse weather conditions.

The subject property was located along the north side of Gardenia Avenue between North 41st Street and North 42nd Street. The Lot had 50 feet of frontage along Gardenia Avenue and a depth of 90 feet for a total Lot size of 4,500 square feet. The property was zoned R-1 (single family residential) District. There was R-1 district in all directions.

Villa De Palmas Subdivision was recorded on September 22, 1999. The plat states a front yard setback of 20 feet. A stop work order was issued on October 24, 2023 for construction without a permit. A building permit application was submitted on October 24, 2023. A

special exception request application was submitted on October 27, 2023. On October 28, 2023 a citation was issued by the Building Permits and Inspection Department.

The applicant was requesting a Special Exception with encroachments into the front and side yard setbacks. The applicant would like the carport to remain in order to provide protection from adverse weather conditions both for a family member with a medical condition and for the family's vehicles.

There was an existing one-car garage with the home; however; it is narrow and the applicant states it hinders accessibility in and out of the family's vehicle.

The property owner stated that a contractor was hired for the construction of the carport, but subsequently learned that building permits were not obtained.

Front yard setbacks help keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

Special Exceptions are issued to and recorded for the present applicant/owner only. A change in ownership would require the new owner to apply for a Special Exception.

Measurements provided are without benefit of a survey.

During a site visit by Staff of this subdivision, only one other carport was observed at Lot 6, Villa de Palmas Subdivision. A review of Planning Department records did not reveal any application for building permits or Special Exceptions granted for the existing carport.

A 5 feet utility easement adjacent to the front property line runs concurrently with the front yard setback, however; the utility easement was not impacted by the proposed encroachment.

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

Staff recommended disapproval of the Special Exception request since approval may encourage other property owners to build similar structures in the front yard. If the Board approves the request, approval should be limited to the encroachments shown on the submitted site plan.

Board member Mujica asked staff there was only one carport on Lot 6 that was observed. Staff responded yes. They saw the one carport on Lot 6 but when they went on a second site visit, it had been removed. They checked for citations but there were none. Board member Mujica asked if there was an alley. Staff stated no.

Mr. Hector Rodriguez, the applicant stated the garage was small to get in and out so he had a carport built. He stated his wife had medical conditions and made it difficult to get into the car with the wheelchair during inclement weather. Chairperson Gutierrez asked the applicant when the carport was built. Mr. Rodriguez stated about a month and a half ago. Chairperson Gutierrez asked the applicant if the contractor mentioned anything about obtaining a permit. The applicant stated there was a miscommunication between him and the contractor to obtain the permit.

Board member Rodriguez asked him who was the contractor and the name of the company. The applicant stated his name was David Gutierrez. He said he works from San Antonio and sometimes comes to the Valley.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the special exception. There was no one in favor of the special exception.

Mr. Celia Magana, 3318 N. 41st Lane. She is in favor of the carport even though she resides a little further from her neighbors. She had one built for a family member with a wheelchair. Ms. Magana stated it would make it difficult to transport a person from the vehicle into their home through the side of the garage. It becomes more complicated with different weather factors to do so.

Board member Lamela asked Ms. Magana if this would be a safety issue. She stated there could be a safety issue but if everything was in accordance perhaps gutters on the side so the neighbors would not have difficulty with the rain falling onto the carport.

Board member Avila asked Mr. Rodriguez if he could use the garage. Mr. Rodriguez stated he could use it when there was hail.

Following discussion, Mr. Hugo Avila **moved** to approve the special exception as per the site plan submitted. Mr. Alex Lamela seconded the motion. The Board voted to approve the special exception with four members present aye and one voting nay, Vice-Chairperson Ann Tafel.

3. FUTURE AGENDA ITEMS:

a) 6205 North 8th Street

ADJOURNMENT

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

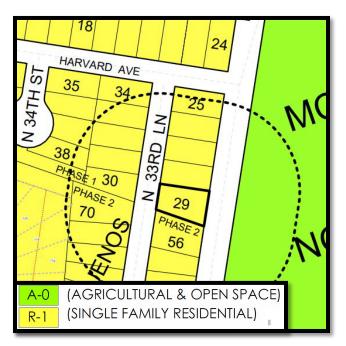
Chairperson Jose Gutierrez

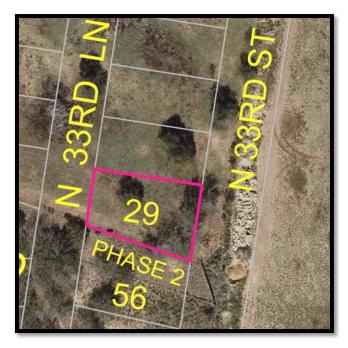
Carmen White, Administrative Assistant

Memo

- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: December 13, 2023
- SUBJECT: REQUEST OF CHRISTIAN LEONARDELLI FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14 FEET INTO THE 25 FEET REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 29 FEET BY 13 FEET, AT LOT 29, CAMPO DE SUENOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8508 NORTH 33RD LANE. (ZBA2023-0102)

REASON FOR APPEAL: The applicant is requesting to allow the above mentioned encroachment for a proposed rectangular shaped swimming pool measuring 29 feet by 13 feet with an encroachment of 14 feet into the 25 feet rear yard setback. The applicant states the required 25 feet rear yard setback leaves insufficient space for the construction and thus compels the encroachment.





PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 33rd Lane between North 33rd Lane and North 33rd Street. The irregular shaped Lot has 58.79 feet of frontage along North 33rd Lane and a depth of 112.84 feet at its deepest point for a total Lot size of 7,656 square feet. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions except to the east across North 33rd Street, there is A-O (agricultural & open space) District.

BACKGROUND AND HISTORY: Campo De Suenos Subdivision was recorded on January 20, 2021. The plat states the rear yard setback is 25 feet for double fronting lots. A special exception request application was submitted on November 10, 2023.

ANALYSIS: Lots 25-29 along this Block on Campo De Sueno Subdivision have double frontage along North 33rd Lane and North 33rd street and have a required 25 feet front and rear yard setbacks.

The applicant states that a contractor was hired to build an inground swimming pool at the rear of the property. In April 2023 the contractor began excavation for the swimming pool but construction was never completed. The applicant hired a different contractor and subsequently learned that an application for a swimming pool permit had never been submitted and the excavation area encroached into the 25 feet rear yard setback.

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 existing residence is in compliance with the 25 feet front yard setback along North 33rd Lane. However, an approved variance is still necessary to resolve the plat note setback requirement of 25 feet for the rear yard.

A 10 feet utility easement and 1 foot technology easement adjacent to the rear property line of Lot 29, run concurrently with the 25 feet rear yard setback but will not be impacted by the proposed encroachment.

A review of Planning Department records did not reveal any variances granted for swimming pools within this subdivision.

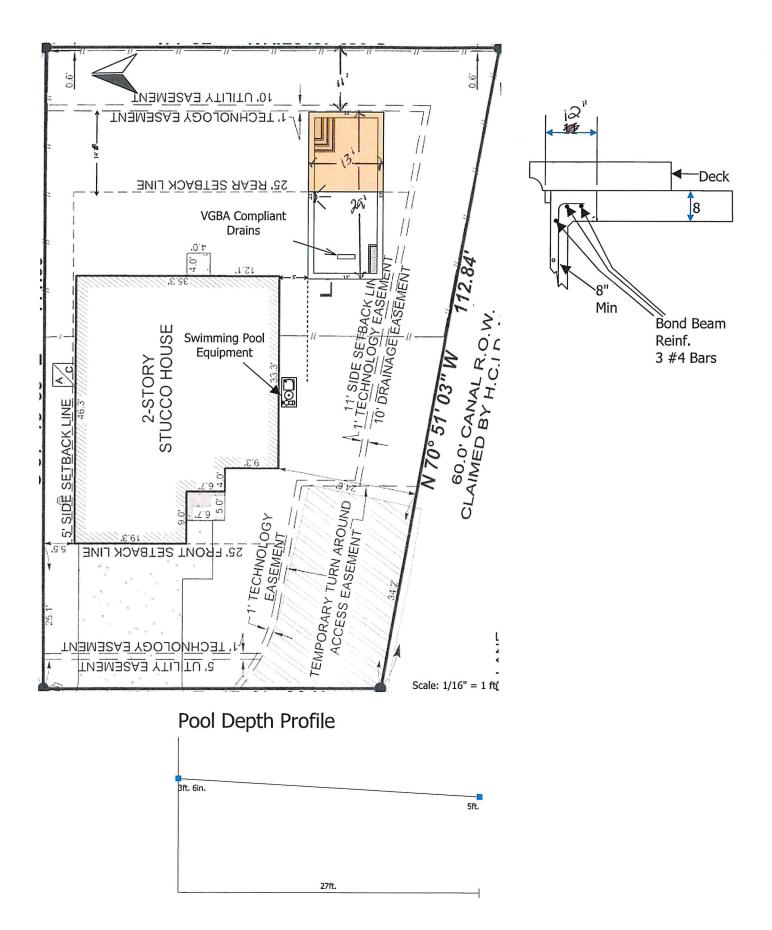
Measurements provided are without benefit of a survey.

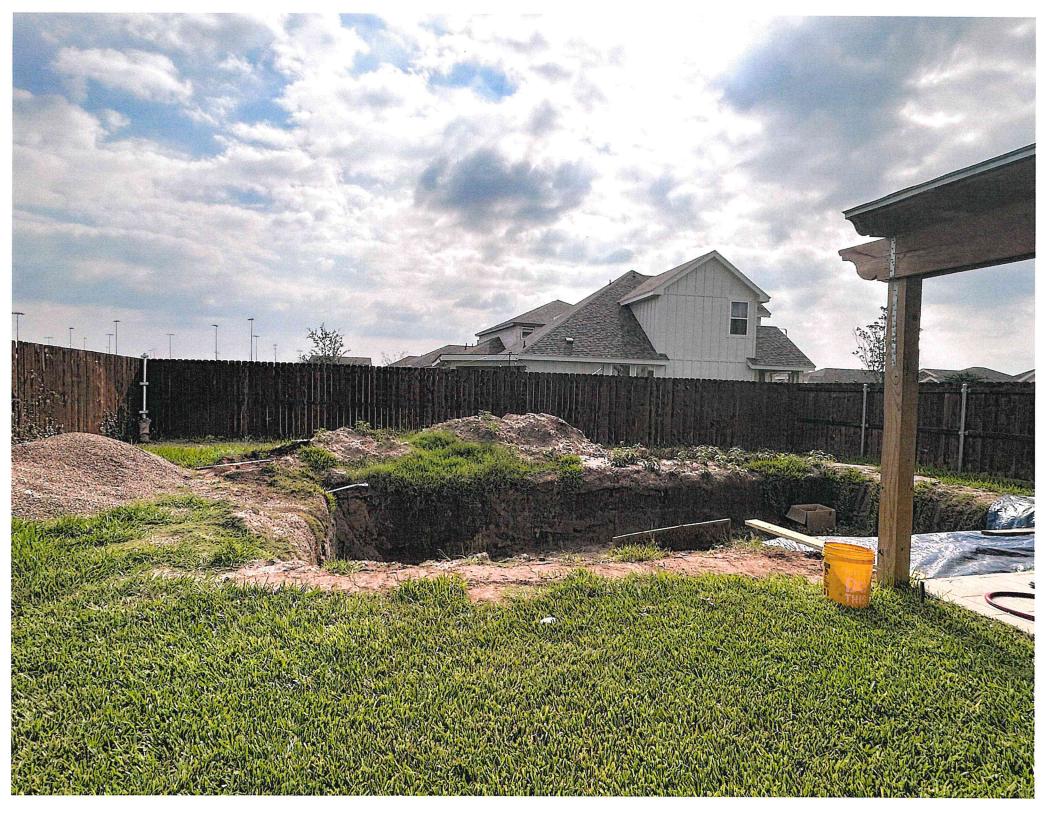
Staff has not received any phone calls, emails, or letters in opposition to the variance request.

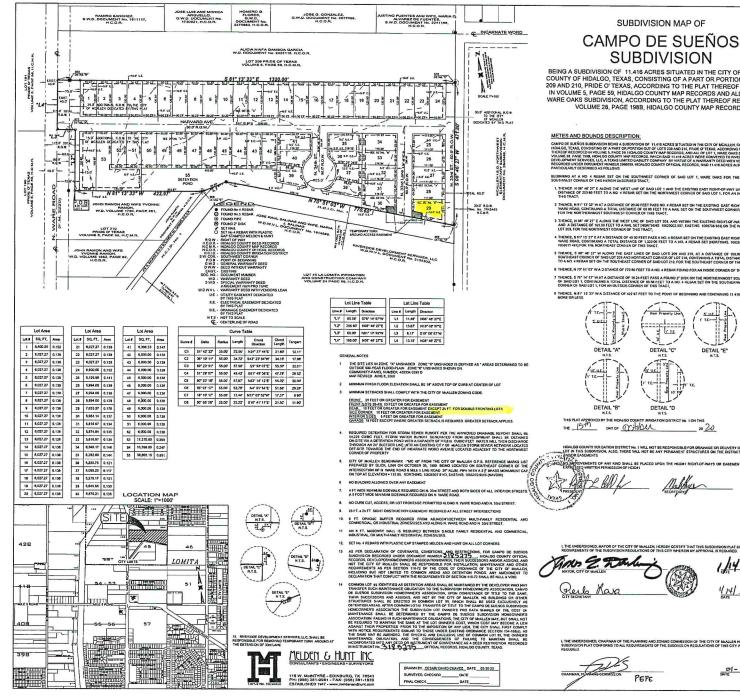
RECOMMENDATION: Staff recommends approval of the variance request since the required front yard has 25 feet along North 33rd Lane and is in compliance with the City of Mcallen Zoning Ordinance requirement for double fronting lots.

meeti	nu Date
ZBAA	City of McAllen City of McAllen <i>Planning Department</i> 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 Lot 29 Campo de SUEÃOS Subdivision Name <u>Compo de Sueños</u> Street Address <u>8508 N. 33 rd Ln. McAllen, TX 18504</u> Number of lots <u>I</u> Gross acres <u>1757</u> Existing Zoning <u>Residential</u> Existing Land Use <u>Residence</u> Reason for Appeal (please use other side if necessary) <u>Construction of</u> <u>SWIMMING Pool encredening 14' of the 25' Rear Set Backs</u> § \$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
Applicant	portion of a lot) is required Name <u>Christian Leonardelli</u> Phone <u>956-655-1144</u> Address <u>8508 N. 33rd Iane</u> E-mail <u>cleonardelliceoutleuk con</u> City <u>Hic Allen</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>Christian Leonardelli</u> Phone (956) (055-1144 Address <u>8508 N. 33rd Lane</u> E-mail <u>Cleonardelli@outlock.com</u> City <u>McAllen</u> State <u>TX</u> zip <u>18504</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? 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 1/8/23 Print Name histion Leonardelli Owner Date Authorized Agent
Office	Accepted by Payment received by Date

	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: (<i>Please use an additional page if necessary to complete responses</i>) **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.
	 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:
	Not detremental to the adjoining properties.
	Not detremental to the adjoining properties. There is a ballfield Behind Property.
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Reason for Appeal	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the
Ā	owner:
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Re	 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:
	4. Describe special conditions that are unique to this applicant or property:
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Board Action	Chairman, Board of Adjustment Date
ard	Signature
Bö	
	Rev. 9/20







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SUBDIVISION

BEING A SUBDIVISION OF 11.416 ACRES SITUATED IN THE CITY OF MCALLEN, COUNTY OF HIDALGO, TEXAS, CONSISTING OF A PART OR PORTION OUT LOTS 209 AND 210, PRIDE O' TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 59, HIDALGO COUNTY MAP RECORDS AND ALL OF LOT 1, WARE OAKS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN

VOLUME 28, PAGE 198B, HIDALGO COUNTY MAP RECORDS

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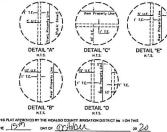
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4. THENCE, S 81' 13' 31' E AT A DISTANCE OF 40 00 FEET PASS A NO. 4 REBAR SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF WARE ROAD, CONTINUING A TOTAL DISTANCE OF 1,3200 FEET TO A NO. 4 REBAR SET [NORTHING. 16628601 241, EASTING TOGRIT 481 FOR THE NORTHERST CONCRETO FINS TRUCT, THIS TRUCT, THIS TORY OF THE NORTHERST CONCRETOR OF THIS TRUCT.

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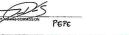
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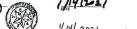




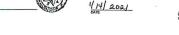
COMMISSION OF THE CITY OF MULLEN HEREBY CERTIFY THAT THE



GNED, MAYOR OF THE CITY OF MEALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT GONFORMS TO ALL 5 OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED. 14/2021



01-13-21 DATE



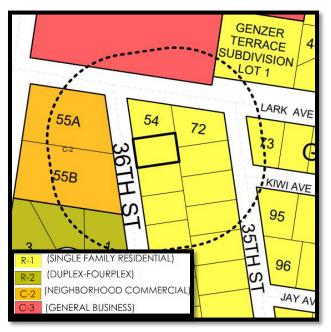




Memo

- **TO:** Zoning Board of Adjustment & Appeals
- FROM: Planning Staff
- DATE: December 14, 2023
- SUBJECT: REQUEST OF RAMIRO RAMIREZ FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTNG CARPORT MEASURING 19 FEET BY 19 FEET, AT LOT 53, ARTHUR TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 6304 NORTH 36TH STREET. (ZBA2023-0103)

REASON FOR APPEAL: The applicant is requesting to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport. The applicant is requesting for the carport to remain for protection of the family's vehicles from adverse weather elements.





PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 36th Street between North 35th Street and North 36th Street. The Lot has 68 feet of frontage along North 36th Street and a depth of 100 feet for a total Lot size of 6,800 square feet. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions except to the west across North 36th Street there is C-2 (neighborhood commercial) District and is the site for El Rodeo Meat Market and El Rodeo Taco Express Restaurant.

BACKGROUND AND HISTORY: Arthur Terrace Subdivision was recorded on June 22, 1982. The plat states a front yard setback of 20 feet. A stop work order was issued on June 10, 2023 for a carport built without a permit. A building permit application was submitted on September 22, 2023. A Special

Exception request application was submitted on November 15, 2023.

ANALYSIS: The Special Exception request is for an existing metal carport that encroaches 20 feet into the 20 feet front yard setback. The applicant would like for the carport to remain in order to provide protection from adverse weather conditions such as hail, rain and excessive sunlight, for the family's vehicles.

There is an existing two car garage which the applicant stated is used to park his daughters vehicle(s).

The property owner states that a contractor was hired for the construction of the carport, but subsequently learned that building permits had not been obtained.

Front yard setbacks help keep the character of single family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

There is no alley at the rear of the property that would allow for relocation of the carport out of the front yard setback.

Special Exceptions are issued to and recorded for the present applicant/owner only. A change in ownership would require the new owner to apply for a Special Exception.

A photo of the carport suggests that the structure may be encroaching, even though slightly, into the right of way, but measurements provided are without the benefit of a survey.

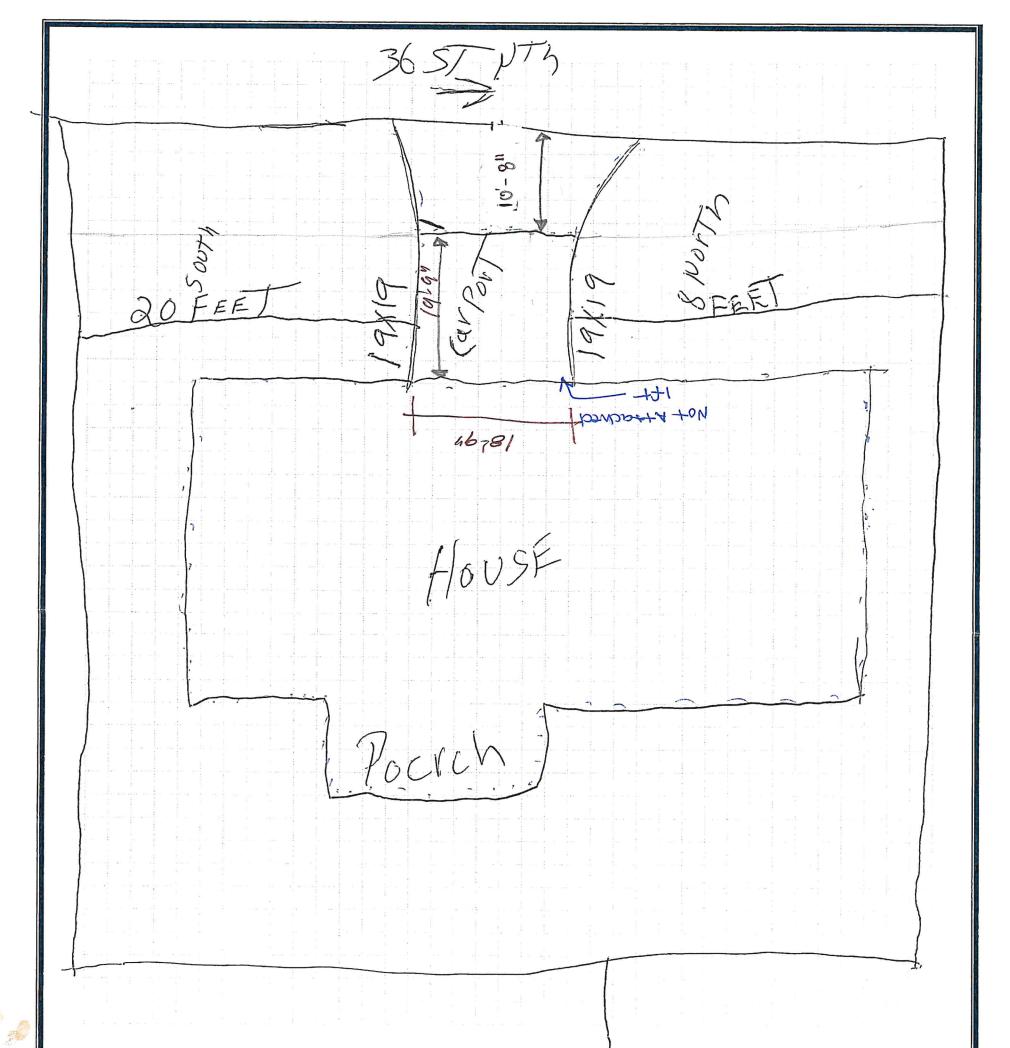
During a site visit of Arthur Terrace Subdivision, Staff noticed there were 2 carports with possible encroachments along North 36th Lane at Lots 22 and 23. A review of Planning Department records did not reveal any application for building permits or Special Exceptions granted for these existing carports on these Lots.

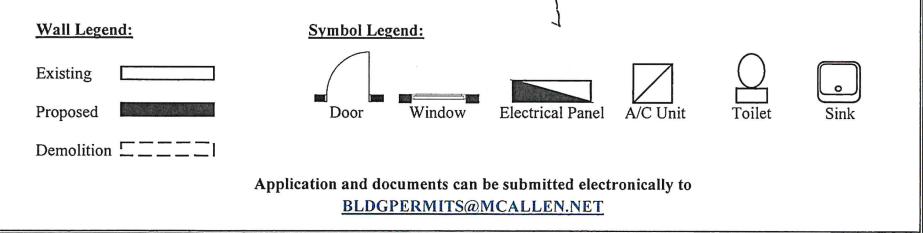
Staff has received a letter signed by three residents in support of this Special Exception request.

RECOMMENDATION: Staff recommends disapproval of the Special Exception request since there are no other carports along North 36th Street between Lark and Gull Avenues. If the Board approves the request, approval should be limited to the encroachment shown on the submitted site plan.

TOP IN THE POLICIES OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE Legal Description <u>ARTHUR TEYRACE LOT 53</u> Subdivision Name <u>ARTHUR TEYRACE LOT 53</u> Subdivision Name <u>ARTHUR TEYRACE LOT 53</u> Subdivision Name <u>ARTHUR TEYRACE LOT 53</u> Street Address <u>6304 MT</u> 9365T Number of lots <u>Gross acres</u> Existing Zoning <u>R-1</u> Existing Land Use <u>R-1</u> Reason for Appeal (please use other side if necessary) <u>CarPort is EPCROM</u> <u>20FEET INTO 20^N ForwT vard SET back</u> State of Special Exception Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required	
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NameRamieoRamileoRamileoPhone956-379-0938Address6304 N. 3674 STE-mailLealRamileo1983 grCityMCALLENStateTX.Zip78504	nail.com
Name <u>RAMILO RAMILEZ</u> Address <u>6304 N. 36th St.</u> City <u>MCALLEN</u> State <u>TL.</u> Zip <u>78504</u>	gmail.com
To the best of your knowledge are there any deed restrictions, restrictive covenarietc. 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 application and have attached written evidence of such authorization. Signature Date Hereiton Date Print Name RAMILO Ramiloo RAMILO	able)
Accepted by Accepted by Payment received by NOV 1 5 2023	_

	City of McAllen
	Planning Department REASON FOR APPEAL & BOARD ACTION
Reason for Appeal	 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 caepoar Seaves As A NecessALY SHELTEE FOR MY WEHICLES, PETECTING THEM Free Listeward Such As Lain, HAIL AND ELCESSINE SUULGAHT. THIS IS REALY TWO DEFAUL RESTREATE CONDITIONS CAN GAUSE DAMAGE TO DUE VEHICLES OVER TIME THE EXTERNE WEATHEE CONDITIONS THAT TN THE AREA we LIVE THE OVER THE NOT ONLY APADS WHELE TO MAY DUE AT ALSO CONTRI ALTS TO THE OUGLALL RESTREATE CONDITIONS 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: WITHOUT THE CAEPOAT THE ELEMENTS. AS MENTIONED BEPOLE, THE ADDITIONS THAT OAN CAUSE DENAGE TO VEHICLES ONER TIME. BY PROVIDING A SHELTEED SPACE FOR MY VEHICLES, THE CAEPOAT THE THE CONTININANY VALUE. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights of the router. Suel OWNARIES, THE CAEPOAT HEURS THE PROFECTIVE THE CONDITION AND VALUE. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights of the router. Suel OWNARIES, THE CAEPOAT HEURS THE PROFECTINE CONDITION AND VALUE. THE CAEPOAT HE CA
Board Action	Chairman, Board of Adjustment Date Signature









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 General Access and the set of the state of the set of the s 5 LOMITA 2220) 1 I VON LLJ ω. Z 1.375.1 47 6 L'II 5% 25 (F.M. للزتديهن STRE 46 1. M . NB 42'30'E VARE RD. (F 8 10 77 45 ά HU DE O 100' ъ Te 2014 HUNIMINGBIRD : ï WARE 11 11 10 A 10 A 100'12'00'1 3674 27 5 29 27 5 3 O 43 š ż ARDENIA A 9. 15' by L3' atrest standard to required at all conserve of all attent Standard UMAP 1225/23 3 42 2 30 5 13 -1 41 26 3F OF ARTHUR TERRACE 1014 LANE A D rtin? 40 12 25 32 G A COURT AND A COUR 16 MCALLEN . TEXAS. <u>199</u> 15 MAR. 141 2:3 39 33 BEING A SUBDIVISION OF IT. 19 AC. TRACT OF LAND 24 OUT OF LOT 81. Same of the second sec 3171 . HAWK CT. 36 AUDIO FOR RECEIPTION 23 10 34 HIDAL OD COUNTY, TEXAS -ses-th U -37 En states 20 20 21 21 22 Pis 30 REDALGO COUNTY LERIUATION DESTRICT &S WELL NOT be responsible for Dealeage of Delivery of Matter To any Lot of This substyletop. 36 Talling Þ GULL AVE. FABLAN, HELSON & MEDINA, MC. N BI "17"30"W MCALLEN , TEXAS 768.03 LOMITA CHECKED FOR DRAINAGE WAR 198 LOT 88 LA STATE OF TEAS 5476 -0-08C -W MERIMANEL, COMMER OF THE LAND INFORM ON THE PLAT, AND DESIGNATED HEREM AT THE "ARTHUR FERRES" ELECTION DESIGNATION TO THE CITY OF MALLER, TELES, AND UNDER SUBSCHMMER MERETO, SERET DEENEATE TO THE LINE OF THE PUBLIC ALL STREETS, ALLEYS, PLANE, MATER COMPAR, COMPARING, AND UNDER THATE OF AND UNDER THATES ALLEYS, SUBDIVIES SUBDIVIES DAY PERSONALLY ANCARED RACIE SAUGURES AND ONESCATOR THERE STATES. Wale Sheering STATE OF FELAS: MEPOPE OF, THE WHELE PRETRUMENT, AND ACCOUNTS LINEST AND ACCOUNTS Byrd T N. WWW. T, THE UNDERSTANDED, GANARIAN OF THE PLANNING AND TORING COMMENCE OF THE OTS OF MALLES REPORTED REPORTED FOR THIS DIT ONE PER AS APPROVAL IS REQUIRED. the S. march STATE OF TELAS: CONNTY OF HEALOO: CTHE UNDERFUNCED, & BEUMANNED PURCH: SUMMETON GAINO ON THE STATE OF TEXAS, MEMORY CLATIFY THAT THIS PLAT IS TRUE OF THE PROPERTY ANDE UNDER AT SUPERVISION ON THE OPDUAD. PLANT & MECHAN PLANT & MECHAN MITTER Project Stand of the Martine France Junis ------TAJA BOART Fritte Land · · · · · · THENT DISTRICT 19 mm1 ... Rulat ing -- Willaw Fike M 7.1 1. A. it:

11-14-2023

City of McAllen Planning Department

To whom it may concern;

This letter is to notify the City of McAllen board members or appeals department that the carport on our neighbor's property Ramiro Ramirez does not bother us in any type of way. It does not obstruct our view nor does the construction surpass into our property. Should you have any questions you can individually contact us.

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Warm regards,

Juan Moreno

36th 5 Mepllen, TX. 78504

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2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/19/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/23/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
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JOSE GUTIERREZ- CHAIRPERSON	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
ANN TAFEL- VICE-CHAIRPERSON	Ρ	Ρ	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
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ROGELIO RODRIGUEZ	Α	Ρ	Α	Ρ	Ρ	Ρ	Ρ	Α	Ρ	Ρ	Α	Ρ	Ρ	Р	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Α	Ρ	Ρ	
HIRAM A. GUTIERREZ											Ρ	Α	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Α	
REBECCA MILLAN (ALT 1)	Ρ																							
MARK TALBOT (ATL 2)	Α																							
SAM SALDIVAR (ALT 3)	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Α	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Α										
JUAN MUJICA (ALT 4)	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Α	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Α	Ρ	Ρ	Α	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	
PABLO D. GARCIA (ALT 2)									1										1	Р	Α	Α	Р	
ALEX A. LAMELA (ALT 3)																	Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	

P - PRESENT

A - ABSENT

NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION