

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, DECEMBER 21, 2022 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the meeting held on December 7, 2022.

2. PUBLIC HEARINGS:

- a) Request of Steve Barajas on behalf of Marcos Granados (property owner) for the following Special Exception request to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport measuring 21 feet by 21.66 feet, and **2)** to allow an encroachment of 3.5 feet into the 6 feet west side yard setback for an existing metal carport measuring 21 feet by 21.66 feet, at Lot 109, Los Encinos Subdivision, Hidalgo County, Texas; 3609 Queta Avenue. **(ZBA2022-0111)**
- b) Request of Jesus Trevino, Jr. for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 10 feet rear yard setback for an existing porch canopy measuring 9 feet by 32 feet, at Lot 1, Terranova Subdivision, Hidalgo County, Texas; 2813 Fullerton Avenue. **(ZBA2022-0114)**
- c) Request of Rene Tapia for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing canvas carport measuring 12 feet by 14 feet, at Lot 5, Brookwood Unit 2 Subdivision, Hidalgo County, Texas; 3801 Zinnia Avenue. **(ZBA2022-0108)**
- d) Request of Jesus C. Muniz for a Special Exception to the City of McAllen Zoning Ordinance to allow: **1)** An encroachment of 10 feet into the 10 feet rear yard setback for an existing canvas roof carport measuring 19.5 feet by 17 feet, **2)** a variance for an encroachment of 6 feet into the 6 feet south side yard setback for an existing porch canopy measuring 9.5 feet by 14 feet, **3)** a variance for an encroachment of 6 feet into the 6 feet south side yard setback for an existing porch cover measuring 22 feet by 14 feet on Lot 7, Shady Oaks Unit 1 Subdivision, Hidalgo County, Texas; 6101 North 8th Street. **(ZBA2022-0109)**
- e) Request of David Perez for a Variance to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one required parking space beyond the front yard setback line at Lot 94, Los Encinos III Subdivision, Hidalgo County, Texas; 2801 Ursula Avenue. **(ZBA2022-0110)**
- f) Request of Humberto Karr on Behalf of Jose Garza (owner) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 20 feet rear yard setback along the south side for a proposed porch that measures 12 feet by 15 feet, at Lot 93, Gardenia Terrace No. 23 Subdivision, Hidalgo County, Texas; 3201 Eagle Avenue. **(ZBA2022-0117)**

- g) Request of Michael Perez for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet in into the 25 feet front yard setback for an existing metal carport measuring 19 feet by 20 feet, at Lot 149, Saddle Creek Unit 2 Subdivision, Hidalgo County, Texas; 3404 Providence Avenue. **(ZBA2022-0107)**
- h) Request of Johnny Hinojosa for the following Special Exception request to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 20 feet into the 20 feet front yard setback for an existing wood and metal roof carport measuring 20 feet by 40 feet and **2)** an encroachment of 6 feet into the 6 feet south side yard setback for an existing wood and metal roof carport measuring 20 feet by 40 feet at Lot 2, Block 1, Golden Acres Retirement Subdivision No. 2, Hidalgo County, Texas; 615 North 36th Street. **(ZBA2022-0115)**
- i) Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. **(ZBA2022-0118)**
- j) Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive. **(ZBA2022-0126)**

3. FUTURE AGENDA ITEMS

- a) 2005 Gavelston Avenue
- b) 3121 Ursula Avenue
- c) 3109 Ursula Avenue
- d) 2728 Norma Avenue
- e) 3025 Ursula Avenue
- f) 301 North 3rd Street
- g) 3001 Teresa Avenue
- h) 4101 Violet Avenue
- i) 3524 Lucille Avenue
- j) 2921 North 40th Street
- k) 9002 North 22nd Lane
- l) 4804 South 29th Street
- m) 7809 North Ware Road - TBA

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 7, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a)** Minutes for the special meeting held on November 17, 2022.

The minutes for the special meeting held on November 17, 2022 were approved. The motion to approve the minutes were made by Vice-Chairperson Jose Gutierrez. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Melissa Trevino for the following Special Exception request to the City of McAllen Zoning ordinance to allow: **1)** an encroachment of 17.5 feet into the 20 feet front yard setback for an existing metal carport measuring 24 feet by 22 feet, and **2)** to allow an encroachment of 6.5 feet into the 10 feet west side yard setback adjacent to a street for an existing metal carport measuring 24 feet by 22 feet, at Lot 18, Block 1, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 3008 Sonora Avenue. **(ZBA2022-0100)**

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the front yard setback and corner side yard setback for an existing metal carport measuring 24 feet by 22 feet. According to the applicant, the construction of the carport was for

protection of their vehicles from inclement weather events.

The subject property was located at the northeast corner of Sonora Avenue and South 31st Street. The Lot had 55 feet of frontage along Sonora Avenue and a depth of 110 feet for a lot size of 6,050 square feet. The zoning was R-1 (single-family residential) District. The surrounding land use is single family residential.

Colonia McAllen Unit No. 7 was recorded on April 4, 1977, and the plat specifies a 20 feet front yard setback and 10 feet for properties adjacent to streets. The metal carport was built in March 2020. The applicant stated that they hired a contractor who did not obtain a building permit for the construction of the carport. A stop work order was issued by the Building Permits and Inspections Department on June 7, 2022 for construction without a permit. An application for a building permit was submitted to the Building Permits and Inspections Department on August 26, 2022 and an application for a Special Exception request was submitted to the Planning department on October 21, 2022.

The applicant was requesting a special exception to allow an encroachment of 17.5 feet into the 20 feet front yard setback and 6.5 feet into the 10 feet west side yard setback (adjacent to a street) for an existing metal carport measuring 24 feet by 22 feet over an existing concrete driveway. The applicant owns three vehicles that are protected by the existing metal carport. There was an existing one-car garage that is part of the residence that is being used for storage of household items. The customer states the size of the garage is too narrow to fit the family vehicles. Relocation of the carport to the rear of the property would not be feasible since a utility pole may prevent access from the alley.

During the site visit, staff noticed two other structures on the property that appear to be encroaching into the setbacks. The applicant has acknowledged the feasibility of compliance for the two structures. This Special Exception request is to resolve the carport encroachment.

During the site visit, staff noticed other similar structures in the area that appear to encroach into the front yard setbacks. A review of Planning Department records revealed two Special Exceptions granted between 2020 and 2022 (Lots 23 & 25, Block 5) for Colonia McAllen Unit No. 7 Subdivision. At the Zoning Board of Adjustments and Appeal meeting of September 2, 2020, the Board approved an encroachment of 16.5 feet into the 20 feet front yard setback for an existing carport measuring 18 feet by 38 feet at Lot 23, Block 5, Colonia McAllen Unit No. 7 Subdivision, and at the meeting of October 5, 2022, the Board approved an encroachment of 11 feet into the 20 feet front yard setback for an existing porch measuring 18 feet by 12 feet, at Lot 25, Block 5, Colonia McAllen Unit No. 7.

Special exceptions are issued to an individual and recorded, however a change of ownership requires the new property owner to apply for a Special Exception request.

The Planning Department had not received any emails or calls in opposition to the Special Exception request.

Staff recommended approval of the Special Exception request, since in the past there have been

Ms. Melissa Trevino, the applicant stated they built the carport over the existing driveway to protect their vehicles. At the same time, the carport was used to transport her elderly

mother to her medical appointments during inclement weather.

Board member Rodriguez asked the applicant if the vehicles would be over the curb cut. Ms. Trevino stated they avoid going over the gutter at the curb cut.

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

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

Following discussion, Ann Tafel **moved** to approve the special exception per staff's recommendation. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- b) Request of Juan Carlos Vasquez for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 25 feet front yard setback for an existing metal carport measuring 14 feet by 18 feet, at Lot 188, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4509 Pelican Avenue. (ZBA2022-0101)**

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the front yard setback for an existing metal carport with canvas cover having dimensions of 14 feet x 18 feet. The applicant states a contractor was hired to construct the carport but did not get the required building permits. The carport is to provide protection for the family vehicles from inclement weather events.

The subject property is located along the south side of Pelican Avenue, 100 feet west of North 45th Street. The lot has 50 feet of frontage along Pelican Avenue and a depth of 107.42 feet for a lot size of 5,371 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. Adjacent zoning is R-1 District in all directions except to the south there is A-O (agricultural and open space) District. Surrounding land uses are single family.

Plantation Gap Subdivision Phase 2 was recorded on October 25, 2006. The front yard setback is 25 feet as per plat. A Stop Work order was posted by Building Permits and Inspections Department on April 28, 2022. An application for a building permit was submitted to Building Permits and Inspections Department on August 23, 2022 and an application for a Special Exception request was submitted to the Planning Department on October 21, 2022.

The request is for a special exception to allow an encroachment of 18 feet into the 25 feet front yard setback for an existing metal carport measuring 14 feet by 18 feet and constructed over an existing concrete driveway. The property has no alley in the back of the property. The submitted site plan shows that the existing carport is not encroaching into a five feet utility easement located adjacent to the front property line.

There is an existing two-car garage currently having dual use as an exercise room for the family members due to health related reasons and a parking space for one of the family cars.

During the site visit, a windshield survey of the area revealed other similar structures with

encroachments in the front yard. A review of Planning Department records revealed two other Special Exception requests approved (Lots 130 & 176) by the Zoning Board of Adjustments and Appeal for carports in the front yard of the property between 2018 and 2022. At the Zoning Board of Adjustments and Appeal meeting of October 17, 2018, the Board approved an encroachment of 15 feet into the 25 feet front yard setback for a proposed metal carport measuring 18 feet by 20 feet at Lot 130, Plantation Gap Subdivision Phase 2, and at the meeting of June 15, 2022, the Board approved an encroachment of 19 feet into the 25 feet front yard setback for an existing metal carport measuring 18 feet by 19 feet, at Lot 176, Plantation Gap Subdivision Phase 2.

There have been no calls or emails received in opposition of the Special Exception request.

Measurements provided are without the benefit of a survey.

Special exceptions are issued to a property owner and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

Staff recommends approval of the Special Exception request, since in the past, there have been other Special Exception request granted in this subdivision and relocation to the rear yard is not feasible since there is no alley for access to the rear of the property.

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

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

After no discussion, Mr. Hugo Avila **moved** to approve the special exception. Ms. Ann Tafel seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- c) Request of Quincy McGill for the following Variances and Special Exception request to the City of McAllen Zoning Ordinance to allow: **1)** an accessory use without a primary use for a storage building with a carport structure measuring 30 feet by 12 feet, **2)** to allow an encroachment of 4 feet into the 10 feet rear yard setback for an existing wooden storage building measuring 20 feet by 12 feet and, **3)** a Special Exception to allow an encroachment of 4 feet into the 10 feet rear yard setback for an existing wooden carport measuring 10 feet by 12 feet, at Lot 16, Hibiscus Hill Subdivision, Hidalgo County, Texas; 3200 Northgate Lane. **(ZBA2022-0096)**

Vice-Chairperson Jose Gutierrez **moved** to remove the item from the table. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

As per the applicant's request, they withdrew variance request #2 and special exception #3.

Mr. Rivera stated the applicant was requesting variances to allow an accessory use without a primary use for a storage building with a carport structure measuring 30 feet by 12 feet in order for the structure to remain on a lot that does not have a primary use, and to allow an encroachment of 4 feet into the 10 feet rear yard setback for the same structure. The

applicant built the wooden storage building in order to store household items. A portion of the structure consists of a carport measuring 10 feet by 12 feet for which a Special Exception was being requested. The wooden carport was built in order to protect one of his vehicles from inclement weather events. The applicant was not aware that building permits were required for the construction.

The subject property was located along north side of Northgate Lane and had a Lot area of 10,331 square feet. The property was zoned R-1 (single-family residential) District. The adjacent zoning was R-1 (single-family residential) District in all directions. The surrounding land use is single-family residential.

Hibiscus Hill Subdivision was recorded on December 22, 2015. On June 8, 2022, the Building and Inspections Department issued a stop work order for construction without a building permit for a wooden storage building with a carport. An application for a building permit was submitted on June 10, 2022, and an application for a variance request was submitted on October 10, 2022.

Variance request #1: This request was for an existing wooden storage building with a carport structure measuring 30 feet by 12 feet to remain without a primary building on the 10,331 square feet subject property. The structure was constructed in 2022. The applicant owns the adjacent lot (Lot 17) which contains a single-family residence (the primary use). The properties are under the same ownership and enclosed with a cedar fence around the two lots in essence being used as one property. A replat consisting of both properties could be undertaken to resolve the separate uses.

Variance request #2: This request was for an existing wood storage building measuring 20 feet by 12 feet that encroaches 4 feet into the 10 feet rear yard setback. There is an existing 50 feet gas line easement that traverses of the property. According to the applicant, the gas line easement hinders relocation to other areas of the property on Lot 16. The property has a 10 feet utility easement running concurrently with the rear yard setback of the property and the structure also encroached into the utility easement. The applicant received a "letter of no objection" from the gas line company in order to allow the structure to remain within the easement. Relocating the structure out of the rear setback and 10 feet utility easement would increase proximity to the existing gas line.

Special Exception #3: This request was for an existing wooden carport measuring 10 feet by 12 feet that encroaches 4 feet into the 10 feet rear yard setback. The property has a 10 feet utility easement that runs concurrently with the rear yard setback of the property. The carport also encroaches into the utility easement. A 50 feet gas line easement traverses the property hindering relocation of the structure. The applicant received a "letter of no objection" from the gas line company in order to allow the structure to remain within the gas easement. Relocating the structure out of the rear setback and 10 feet utility easement would increase the proximity to the existing line. Carport parking area and related driveways shall be paved.

A request to abandon the 10 feet utility easement at the rear of the property needs to be undertaken in order to resolve the building encroachment into the utility easement.

Approval of the request allowing the structures within the rear yard of the property may encourage future structures in the rear of the property to be constructed.

There is also an existing swimming pool towards the front of the property that was approved

During a site visit, staff noticed other rear and side yard encroachments along Northgate Lane. A review of Planning Department records did not reveal any variance or special exceptions granted in the area.

The Planning Department has not received any emails or phone calls in opposition of the variance and special exception requests.

Staff recommends:

Variance #1: Staff recommends **approval** of the variance request to allow the secondary structures to remain on the lot, since an existing cedar fence surrounding the two Lots encloses the property. In essence, both lots are as one tract.

Variance #2 & Special Exception #3: Staff recommends **disapproval** of the variance request and special exception, since the structures encroach 4 feet into the 10 feet rear yard setback and utility easement. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

At the Zoning Board of Adjustment and Appeals meeting of November 17, 2022 no one appeared in opposition of the Variance and Special Exception requests. The Board voted to table the requests in order to allow the applicant time to consider options to reduce or modify the encroachments. There were five members present and voting.

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

- d) Request of Luis Villarreal, Jr. and Cynthia Villarreal for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 18 feet by 18 feet on Lot 152, Del Sol Phase II Subdivision, Hidalgo County, Texas; 4411 North 26th Lane. **(ZBA2022-0106)**

Mr. Nunez stated the applicant is requesting a special exception in order to allow the above-mentioned encroachment for an existing metal carport measuring 18 feet by 18 feet. The existing metal carport was constructed in order to protect his vehicles from possible hail damage. The applicant has stated that he owns five vehicles, two of which he stores in his garage and three which are exposed to the weather.

The subject property is located along the west side of North 26th Lane, between Shasta Quamasia Avenues. The property has 50 feet of frontage along North 26th Lane and a depth of 96 feet, for a lot size of 4,800 square feet. The surrounding land use is single-family residential.

According to Hidalgo County Appraisal District records, the existing home was built in 2004. The applicants became the property owners in September of 2012. The Building Permits and Inspections Department issued a non-compliance notice on August 8, 2022 for a front yard carport built without a permit. The applicant has stated the carport was built on June 9, 2022. At the time, the applicant was not aware that the hired contractor had not obtained a building permit for the construction of the existing carport. A building

permit application was submitted on August 10, 2022. This special exception request was submitted on November 1, 2022.

According to the submitted survey and subdivision plat, a 5-foot utility easement runs concurrently with the 20 feet front yard setback and is adjacent to the front property line. The existing metal carport was built to the front property line, encroaching into both the required front yard setback and utility easement. The applicant has provided a signed letter stating that he will cut back his carport by 5 feet in length in order to clear the encroachment over the 5 feet utility easement.

Since the property has no alleyway, the applicant cannot relocate the existing metal carport to the rear yard and out of the front yard setback. The existing garage is used to store two out of the five vehicles owned by the applicant.

During the site visit, staff noticed five other similar front yard encroachments in the subdivision. However, no approved building permits, variances, or special exceptions were found for these. There have been other variances granted in this subdivision, although not for carports.

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

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

Staff recommended approval of the special exception request since there are other similar encroachments in the area and the applicant proposes to reduce the encroachment by cutting his carport back 5 feet in order to resolve the encroachment over the front yard utility easement.

Chairperson Hinojosa asked staff if it was an issue when the utilities are in the front when there was a concrete driveway. Mr. Nunez stated according to the engineering department they were informed that they were able to pour concrete over these easements and could be cut into without any other structures to damage. The City did not allow any buildings over easements.

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

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

Following discussion, Vice-Chairperson Jose Gutierrez **moved** to approve the special exception per staff's recommendation. Mr. Hugo Avila seconded the motion. The Board voted unanimously to special exception with five members present and voting.

- e) Request of Yesenia Ramirez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 24 feet into the 25 feet front yard setback for an existing carport with a canvas roof measuring 24 feet by 21 feet on Lot 20, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3105 Tanya Avenue. **(ZBA2022-0116)**

Mr. Nunez stated the applicant was requesting a special exception in order to allow the above-mentioned encroachment for an existing carport measuring 24 feet by 21 feet. The existing carport was constructed in order to protect her vehicles and provide shade for the family. According to the applicant, she was unaware that the contractor hired to build the existing carport had not obtained a building permit.

The subject property was located along the south side of Tanya Avenue, between South 32nd and South 30th Streets. The property has 52 feet of frontage along Tanya Avenue and a depth of 103 feet, for a lot size of 5,356 square feet. The surrounding land use is single-family residential.

According to Hidalgo County Appraisal District records, the existing home was built in 2007. The applicant became the property owner in November of 2012. The Building Permits and Inspections Department issued a non-compliance notice on August 30, 2022 for a front yard carport built without a permit. A building permit application had not been submitted. This special exception request was submitted on November 15, 2022.

Approval of this request will allow an encroachment of 24 feet into the 25 feet front yard setback for the existing carport with a canvas roof. According to the subdivision plat, there are no utility easements on the front or side yards that are impacted by this construction. There is no alley on the rear yard of the property. Since the property had no alleyway, the applicant cannot relocate the existing carport to the rear yard and out of the front yard setback. The home has a built in two-car garage that currently accommodates one of the applicant's vehicles, and was also used for general storage of personal belongings.

During a site visit, staff noticed similar front yard encroachments in the subdivision. According to the applicant, her carport was one of several carports with canvas roofs built in the subdivision by the same contractor. A review of Planning Department records did not reveal any approved building permits, variances, or special exceptions for these existing carports. Non-compliance notices have been issued by the Building Permits and Inspections Department to the adjacent property owner, as well as to other property owners along Teresa Avenue for carports built without a permit.

At the time of writing, three special exception applications had been submitted for front yard encroachment for carports built without a permit at Lots 72, 75, and 78 of this subdivision. These cases are currently scheduled to be heard at the Zoning Board of Adjustments and Appeals meeting of January 4, 2023.

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

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

Staff recommended approval of the special exception request since there are similar carport encroachments in the subdivision and the applicant cannot relocate the existing carport to the rear or side yards and out of the front yard setback.

After discussion between Board members regarding the character of the carports, Austin Stevenson, Legal stated there had to be the character of the neighborhood but there was no precedence set. Carports that already existed in the neighborhood that were not approved one can pursue enforcement and would change the character of the neighborhood and this Board had the ability to do it which would be not to consider

carports that were not permitted.

Ms. Yesenia Ramirez, the applicant stated they did not have a Homeowners Association. She stated she was not aware she needed a building permit only because there were other carports in the neighborhood. She had the carport built due to her daughter's medical condition and inclement weather. Ms. Ramirez stated that she could only fit one vehicle due to the fact she had a boiler on one side and her washer/dryer on the other side.

Board member Millan mentioned to the applicant that if she shared the information told by the Board back to the neighborhood that each case is different.

Board member Rodriguez asked staff if this was on a complaint. Mr. Nunez stated it was based on a non-compliance notice from the Building Department on routine inspections as well as several neighbors. Some of the neighbors have moved forward to either acquiring a building permit or undergoing this special exception request process.

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

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

Following discussion, Mr. Hugo Avila **moved** to approve special exception. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception per staff's recommendation with three members voting aye and two voting nay, Rogelio Rodriguez and Vice-Chairperson Jose Gutierrez.

- f) Request of Arturo Castillo for a special exception and a variance to the City of McAllen Zoning Ordinance to allow: **1)** a special exception for an encroachment of 12.5 feet into the 28 feet front yard setback and 1 foot into the 5 feet side yard setback for an existing metal carport measuring 16.42 feet by 30 feet, and **2)** a variance for an encroachment of 5 feet into the 5 feet side yard setback for an existing metal porch measuring 14.5 feet by 18 feet on Lot 7, Block 27, North McAllen Addition, Hidalgo County, Texas; 420 North 16th Street. **(ZBA2022-0105)**

Mr. Nunez stated the applicant was appealing to allow the above-mentioned existing encroachments for a metal carport and metal porch. The applicant has stated that the carport is for protection of his vehicles from hazardous weather events and there is no other space available on the Lot for its placement. The applicant has also stated that there is a family member who lives in their home with health conditions that are helped by the shade provided by the existing porch and carport.

The subject property was located at the southeast corner of North 16th Street and Ebony Avenue. The property had 50 feet of frontage along North 16th Street and a depth of 140 feet for a total lot size of 7,000 square feet. The property was zoned R-2 (duplex-fourplex residential) District. The adjacent zoning was R-2 District to the north, west, and south and R-1 (single family residential) District to the East. The surrounding land use is single-family residential and apartment uses.

According to Hidalgo County Appraisal District records (HCAD), the existing home was built in 1975, with additions made later between the years of 1975 and 1990. The HCAD

records listed these improvements as “enclosed additions”, “storage”, “canopy”, and a “covered porch”. The applicant became the owner of the property in September of 2014. A non-compliance notice was issued by the Building Permits and Inspections Department for a carport built without a permit on September 20, 2022. A building permit application for the carport and an existing porch was submitted on October 21, 2022. The special exception and variance request application was submitted on October 31, 2022.

The existing metal carport and metal porch are located on the side yard of the property, which faces Ebony Avenue. The subdivision plat for North McAllen Addition does not show any utility easements on this property. The home does not have a built-in garage. A residential building at the rear of the property appears to be used as an apartment use. There is an alley located along the rear yard property line.

Regarding the required front yard setback for the property, as per Section 138-367 (a) of the Zoning Ordinance, “when 50 percent or more of the frontage on one side of a street on any one block is improved with buildings that have a front yard which is greater than the required front yard in the district, no new building shall project beyond the average front yard so established...”. The average front yard setback for this property is 28 feet.

The application review process by the Building Department revealed multiple structures in the property that were built without a permit. According to notes by the Building Department, the property owners purchased the property with the existing metal carport, porch, and other existing structures already in place. (This request is to resolve only an existing carport that encroaches into the front and side yard setbacks and an existing porch that encroaches into the side yard setback.)

According to the applicant, the existing metal carport is used to store and protect four of their vehicles, while the existing metal porch is used to provide shade during family outdoor activities. Given that there are multiple structures in the property, the applicant appears to have no other place in the Lot where he could relocate the existing carport out of the required setbacks.

During the site visit, staff noticed similar encroachments, namely carports, located on the front yard along the block. However, only one variance was found for one of the constructions noticed. At the Zoning Board of Adjustments meeting of September 2, 2015, a variance request was granted to Lot 4 of Block 24 for encroachments of 10 feet into the 10 feet rear yard setback and 5 feet into the 7 feet south side yard setback for an existing carport measuring 22 feet by 22 feet. No other approved variances or special exceptions for carports were found in the area.

At the Zoning Board of Adjustments and Appeals meeting of August 17, 2022, a proposed irregularly-shaped wooden carport proposed to encroach 3 feet into the 5 feet side yard setback at Lot 9, Block 10 was disapproved. A similar request was disapproved for an encroachment of 7 feet into the 7 feet south side yard setback on November 2, 2022 for an existing wooden carport at Lot 4, Block 25. At both of these meetings, the Board was concerned with structures being built close, or at the zero side yard property line, due to safety concerns.

Special exceptions are issued and recorded for the present owner only. New owners would need to apply for a new special exception request. Storage or placement of items other than motor vehicles was prohibited in a carport for which a special exception has been granted.

All measurements were taken without the benefit of a survey.

Staff did not receive any phone calls, email, or letters in opposition to this request.

Staff recommended approval of the special exception request since there has been one request approved for a carport within the subdivision and the construction will not negatively impact the existing character of the subdivision. Additionally, there is no other space available in the Lot where the applicant can relocate the existing carport out of the setbacks.

Staff recommended disapproval of the variance request since in the past similar requests have been disapproved for constructions built to the property line. In addition, the front of this structure was slanted toward the street and can potentially cause an accumulation of rainfall in the adjacent sidewalk.

Mr. Irma Castillo, the applicant's wife stated she had the carport for the protection of their vehicles in which she plans to keep. The smaller existing metal porch was to be removed because it needed repairs. She wanted to remodel it to be in compliance if approved. Ms. Castillo stated the structures already existed when she bought the house.

Following discussion, Ms. Ann Tafel **moved** to approve the special exception per staff's recommendation. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

Following discussion, Ms. Ann Tafel **moved** to disapprove the variance request per staff's recommendation. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- g) Request of Carlos Mariscal for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 5 feet west side yard setback for an existing metal carport measuring 17 feet by 30 feet at Lot 9, Block 4, West addition to McAllen Subdivision, Hidalgo County, Texas; 521 South 22nd Street. (ZBA2022-0103)**

Ms. Trevino stated the applicant was requesting a special exception in order to allow an encroachment of 5 feet into the 5 feet west side yard setback for an existing metal carport measuring 17 feet by 30 feet. The applicant was not aware that a permit was required for the construction of the carport. The applicant stated the existing metal carport was to protect his aunt's vehicles from weather element events.

The subject property was located at the northeast corner of South 22nd Street and Fresno Avenue. The property had 50 feet of frontage along Fresno Avenue and a depth of 150 feet, for a lot size of 7,500 square feet. There was an existing single-family residence on the subject property. The surrounding land use was Single Family Residential.

The plat for West Addition to McAllen was recorded on March 9, 1929. A Stop Work order was issued back on August 4, 2022. A building permit application for the carport was submitted on August 26, 2022. An application for the special exception request was submitted on October 28, 2022.

The request was to allow an encroachment of 5 feet in to the 5 feet west side yard setback on order to allow an existing metal carport measuring 17 feet by 30 feet to remain. The carport was constructed over an existing driveway along South 22nd Street.

The applicant stated locating the carport at the front of the property would be difficult to maneuver in and out of the driveway due to a Stop sign at the intersection of South 22nd Street and Fresno Avenue.

The applicant states that locating the carport to the rear of the property may not be feasible since there are utility service meters that may hinder access from the alley.

The applicant states also that driveway entrance along South 22nd Street is the more logical location for the carport since it allows for a more safe access to the property.

During the site visit, staff noticed two other similar encroachments in the area along Fresno Avenue and 21st Street.

A review of Planning Department records did not reveal any variances or special exceptions granted for carports in the area.

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

Measurements provided were without the benefit of a survey.

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

Staff recommended approval of the special exception request since relocation would create possible conflict with other required setbacks.

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

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

Following discussion, Ms. Ann Tafel moved to approve the special exception. Mr. Hugo Avila seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- h) Request of Maria De La Rosa for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 2 feet into the 7 feet South side yard setback for an addition measuring 38 feet by 15 feet at Lot 3, Block 3, Colonia McAllen Subdivision, Hidalgo County, Texas; 2709 South 27th Street. (ZBA2022-0104)**

Ms. Trevino stated the applicant was requesting to allow the above-mentioned encroachment for a proposed bedroom addition measuring 38 feet by 15 feet. The bedroom addition is to be located at the rear of the subject property and was proposed to encroach two feet into the 7 feet south side yard setback.

The subject property was located south of Jordan Avenue along South 27th Street. The property has 50 feet of frontage along South 27th Street and a depth of 122.5 feet, for a lot size of 6,125 square feet. The surrounding land use was single-family residential.

Colonia McAllen Subdivision was recorded on July 11, 1960. According to Hidalgo County Appraisal District records, the existing residence was built in 2012. The original building permit listed setbacks of 5 feet on the north side yard and 7 feet on the south side yard of the property. The site plan showed the home proposed to be built with setbacks of 5 feet on the south side yard and 7 feet on the north side yard. Review by the Planning Department of single-family residential applications for building permits was not standard practice at the time. A building permit application was submitted February 4, 2022 for the proposed new addition. The variance request application was submitted on October 28, 2022.

The proposed encroachment for the construction would allow the proposed addition to be squared up with the existing residential structure. Approval of the variance request would allow an encroachment of 2 feet in to the 7 feet side yard setback for a proposed bedroom addition as shown in the submitted site plan.

During a site visit, staff noticed other encroachments in the area at Lots 4,6,8,9, Encroachments appear to be mainly in the rear and side yard setbacks.

A review of the Planning Department records did not reveal any Permits, Variances or Special Exceptions granted in the area.

Measurements provided were without the benefit of a survey.

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

Staff recommended disapproval of the variance request since the construction is proposed and the site plan can be modified to be in compliance with required setbacks.

Following discussion, Mr. Hugo Avila moved to approve the variance request as shown on the submitted site plan. Ms. Ann Tafel seconded the motion. The Board voted unanimously to approve the variance request with five members present and voting.

4. FUTURE AGENDA ITEMS:

- a) 3404 Providence Avenue
- b) 3801 Zinnia Avenue
- c) 6101 North 8th Street
- d) 2801 Ursula Avenue
- e) 3609 Queta Avenue
- f) 2005 Galveston Avenue
- g) 2813 Fullerton Avenue
- h) 615 North 36th Street
- i) 3201 Eagle Avenue
- j) 1605 North 6th Street

ADJOURNMENT

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

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

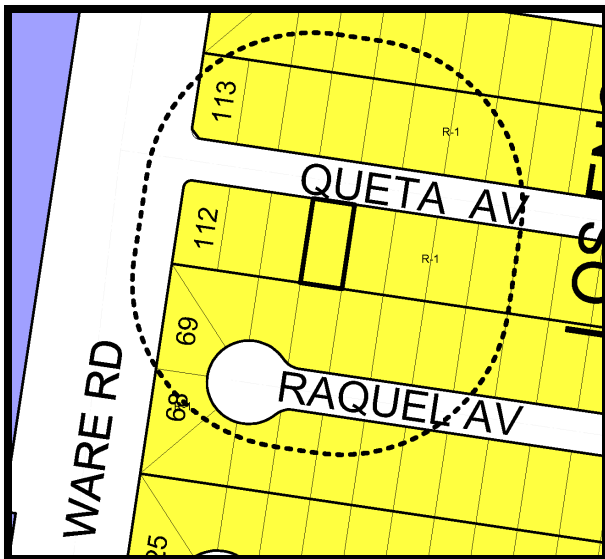
FROM: Planning Staff

DATE: December 13, 2022

SUBJECT: REQUEST OF STEVE BARAJAS ON BEHALF OF MARCOS GRANADOS (PROPERTY OWNER) FOR THE FOLLOWING SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 21 FEET BY 21.66 FEET, AND 2) TO ALLOW AN ENCROACHMENT OF 3.5 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 21 FEET BY 21.66 FEET AT LOT 109, LOS ENCINOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3609 QUETA AVENUE. (ZBA2022-0111)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the front and west side yard setback for an existing metal carport with canvas cover having dimensions of 21 feet x 21.66 feet. The applicant states a contractor was hired to construct the carport but did not get the required building permits. The carport is to provide protection for the family vehicles from inclement weather events.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Queta Avenue, 145 feet east of South Ware Road. The lot has 50 feet of frontage along Queta Avenue and a depth of 102.50 feet for a lot size of 5,125 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Los Encinos Subdivision was recorded on July 05, 1994. The required front yard setback as per plat is 20 feet. The required side yard setbacks are 6 feet as per plat. A Stop Work order was posted by Building Permits and Inspections Department on August 31, 2022 for doing work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on September 23, 2022 and an application for a Special Exception request was submitted to the Planning Department on November 10, 2022.

ANALYSIS:

The request is for a special exception to allow an encroachment of 20 feet into the 20 feet front yard setback and to allow an encroachment of 3.5 feet into the 6 feet west side yard setback for an existing metal carport measuring 21 feet by 21.66 feet and constructed over an existing concrete driveway. The property has no alley in the back of the property. The subdivision plat does not show any utility easements along the front or the side of the property.

There is an existing one-car garage currently being used for storage space. The applicant states the existing car garage is too small to fit the family vehicles.

During the site visit, staff noticed other similar structures with encroachments in the front yard. A review of Planning Department records revealed two Special Exception requests approved (Lots 143 & 175) by the Zoning Board of Adjustments and Appeal for carports in the front yard of the property. At the Zoning Board of Adjustments and Appeal meeting of January 17, 2019, the Board approved an encroachment of 20 feet into the 20 feet front yard setback for an existing canvas carport measuring 20 feet by 20 feet at Lot 175, Los Encinos Subdivision. At the meeting of September 18, 2019, the Board approved an encroachment of 20 feet into the 20 feet front yard setback for a carport measuring 10.66 feet by 19.83 feet, at Lot 143, Los Encinos Subdivision. Both properties are located along Paula Avenue (one street to the north).

There have been no calls or emails received in opposition of the Special Exception request.

Measurements provided are without the benefit of a survey.

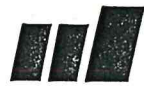
Special exceptions are issued to a property owner and recorded, however a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION:

Staff recommends approval of the Special Exception request, since in the past there have been other Special Exception requests granted in this subdivision, and relocation to the rear yard is not feasible since there is no alley for access to the rear of the property.

ZBOA
12/21/2022

ZBA2022-0111



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Lot. 109 Las Encinos Subdivision

Subdivision Name

Las Encinos Subdivision

Street Address

3609 Queta Ave.

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Carport is encroaching 20ft into the 20ft front yard set back, and 32" into the side setback to 3.5'

☒ \$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

Steve Bargas

Phone

956-688-7355

Address

4817 Kiwi Ave.

E-mail

stevebrjs@gmail.com

City

McAllen

State

TX

Zip

78

Owner

Name

Marco Granados

Phone

(956) 789-4103

Address

3609 Queta Ave.

E-mail

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

Marcos Granados

Date

11/9/22

Print Name

Marcos Granados

☒ Owner

☐ Authorized Agent

Office

Accepted by

sjt

Payment received by

Date

NOV 10 2022

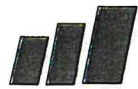
Rev 10/18

Rev



BY:

cu



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

The carport was built to help protect our vehicles from the sun, hail, and shade for when we are outside.

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

This variance will help us greatly in having protection for our 3 vehicles from the sun or hail damage.

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

This variance will not affect any of our neighbors in any way.

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

It is encroaching setbacks.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

12-1-22

Yo Marcos Grancados

Doy autorización a Steve Barajas

Para que sea mi representante

Legal y el puede tomar cualquier
decisión se Aprete.

Atte.

Marcos Grancados

ENTERED

DEC 01 2022

Initial: MR







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0111
CITY OF MCALLEN PLANNING DEPT.
940-581-1234
WWW.MCALLEN.NET

3609

3609

Memo

TO: Zoning Board of Adjustment & Appeals

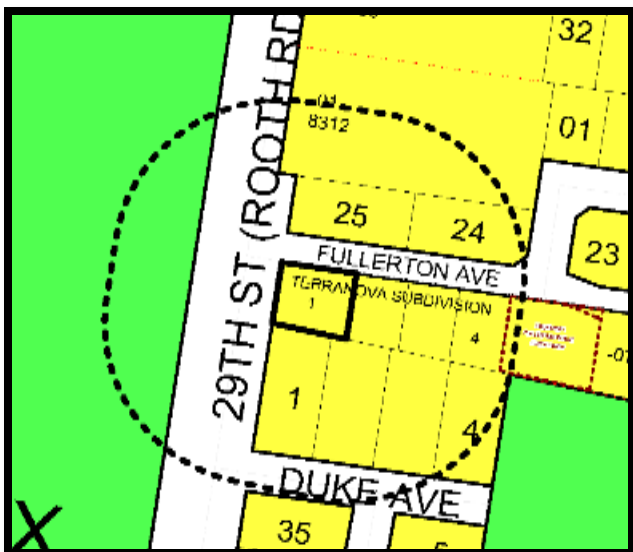
FROM: Planning Staff

DATE: December 13, 2022

SUBJECT: REQUEST OF JESUS TREVINO, JR. FOR THE FOLLOWING VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING PORCH CANOPY MEASURING 9 FEET BY 32 FEET, AT LOT 1, TERRANOVA SUBDIVISION, HIDALGO COUNTY, TEXAS; 2813 FULLERTON AVENUE. (ZBA2022-0114)

REASON FOR APPEAL:

The applicant is requesting a variance for an encroachment into the rear yard setback for an existing porch canopy. According to the applicant, a contractor was hired to construct the porch canopy but did not get the required building permits. The porch canopy is for protection from the weather elements and to provide shade for the residents of the property.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the southeast corner of North 29th Street and Fullerton Avenue. The Lot has 88 feet of frontage along Fullerton Avenue and a depth of approximately 75.77 feet at its deepest point for a Lot size of 6,756 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY:

Terranova Subdivision was recorded on July 29, 2015. The rear yard setback is 10 feet as per Zoning Ordinance. There is a 5 feet Hidalgo County Irrigation District easement running concurrently at the rear of the property. A stop work order was issued by the Building Permits and Inspections Department on November 08, 2022 for construction without a permit. An application for a building permit was submitted

to Building Permits and Inspections Department on November 09, 2022, and a Variance request was submitted to the Planning Department on November 15, 2022.

ANALYSIS:

The request is to allow an encroachment of 5 feet into the 10 feet rear yard setback of the property for an existing wooden porch canopy. The structure was built encroaching 10 feet into the rear setback and an existing five feet irrigation that runs concurrently at the rear of the property.

The applicant is proposing to reduce the structural encroachment by two feet in order to resolve the easement encroachment.

During the site visit, staff noticed a storage building that appears to be encroaching into the rear yard setback. The applicant has acknowledged the feasibility of compliance. The applicant has decided to resolve only the porch canopy at this moment.

A windshield survey of the area revealed other rear yard encroachments. A review of Planning Department records revealed one Variance granted in the area. At the Board of Adjustment and Appeals meeting of May 01, 2019, the Board approved an encroachment of 35 feet into the 45 feet front yard setback for a proposed swimming pool measuring 15 feet by 30 feet at Lot 25, Santa Cruz Subdivision.

A cedar fence is provided along the rear of the property, which helps to screen off the addition from the properties to the South.

A remaining 25 feet irrigation easement adjacent to the properties to the south provides additional distance to the residences for the South providing additional buffering.

Measurements provided are without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends **approval** of the variance request, since the encroachment into the utility easement will be resolved, and the irrigation easement provides additional distance buffering to single family residences to the south.

ZBA2022-0114

ZBA 12/21/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Lot One(1) Terranova Subdivision

Subdivision Name

Terranova Subd.

Street Address

2813 Fullerton Ave McAllen, TX 78504

Number of lots

1

Gross acres

Existing Zoning

Existing Land Use

Reason for Appeal (please use other side if necessary)

It is very hot in the back of the home + we need shade to cool the back 5 ft. For Patio in back of House into 10 ft. Rear Set Back

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

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

Applicant

Name Jesus Trevino Jr

Phone 956-292-9646

Address 2813 Fullerton Ave

E-mail

City McAllen

State TX

Zip 78504

Owner

Name Jesus and Hermelinda Trevino

Phone 956-292-9646

Address 2813 Fullerton Ave

E-mail meli-trevino@hotmail.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 Jesus Trevino Jr

Date 11/15/22

Print Name Jesus Trevino Jr

☒ Owner☐ 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: (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 back lot is not big enough to plant trees so it is very hot in the afternoons

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

The shaded patio would make it less hot & more comfortable to be in the back

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

This patio or covered area will not affect the safety of other property owners.

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

We are older citizens and would like to enjoy sitting in the back area if it were more comfortable

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

DOC. #2632738 M.R.

N. 29th STREET

5' CONC WALK

(MAP: N 8°-42'-30"E)

N 8°-51'-49"E - 73.75'

IRR. R.O.W. ESMT. EXCLUSIVE TO H.C.I.D. NO. 1

S 81°-17'-30"E

88.00'

79.79'

S 8°-59'-35"W

(MAP: S 8°-42'-30"W)

LOT 2 DOC. #2632738 M.R.

FULLERTON AVE. DOC. #2632738 M.R.

LOT 1

N 77°-21'-30"W

88.01'

(MAP: 88.21')

MIRA-BELLA PARK II SUB'D V. 40 P. 99 M.R.

BUYER'S NAME: Jesus Trevino, Jr and Hermelinda Palacios Trevino

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel Number 480334 0325 D
Map Revised: June 6, 2000 LOMR May 14, 2001

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "X" - 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 2020 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: _____

LEGAL DESCRIPTION: Lot One (1), TERRANOVA SUBDIVISION, an addition to the City of McAllen, Hidalgo County, Texas,

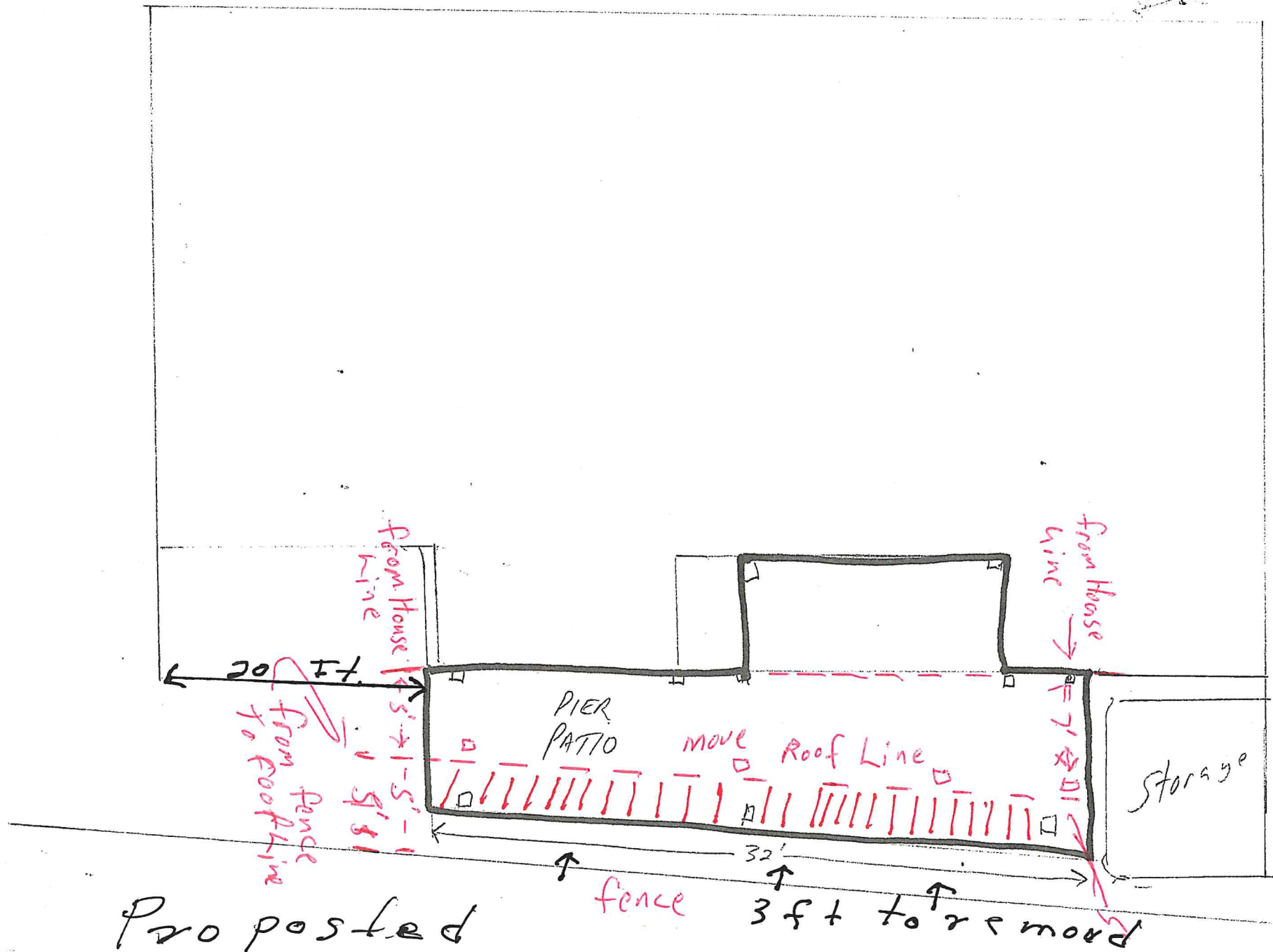
ACCORDING TO THE MAP RECORDED IN DOCUMENT NUMBER 2632738
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña III

PABLO PEÑA III

REG. PROFESSIONAL LAND SURVEYOR No. 5242

01/23/2020
DATE









NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0114
CITY OF MCALLEN PLANNING DEPT
800 N. 10TH ST
MCALLEN, TX 78501
WWW.MCALLEN.MX

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 12, 2022

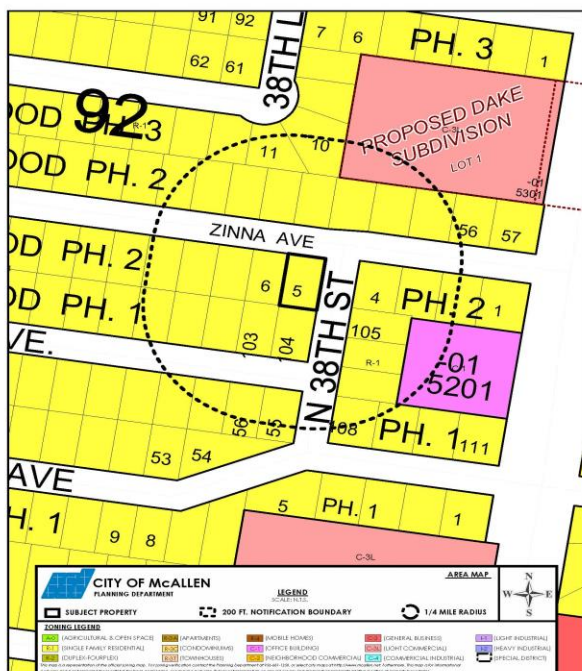
SUBJECT: REQUEST OF RENE TAPIA FOR THE FOLLOWING SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING CANVAS CARPORT MEASURING 12 FEET BY 14 FEET, AT LOT 5, BROOKWOOD UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3801 ZINNIA AVENUE. (ZBA2022-0108)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 15 feet into the front yard setback of 20 feet for an existing canvas carport measuring 14 feet by 12 feet. The applicant stated the proposed carport is to protect his two vehicles from the weather elements, as they do not have a garage. The contractor that built the carport was unaware that a permit was needed.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the southwest corner of Zinnia Avenue and North 38th Lane. The property has 55.50 feet of frontage along Zinnia Avenue and a depth of 88 feet, for a lot size of 4,884 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Brookwood Unit 2 was recorded in November 24, 1998. The plat states a 20 feet front yard setback. An application for a building permit for the carport was submitted on August 31, 2022. An application for the special exception request was submitted on November 7, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 15 feet into the 20 feet front yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to provide protection for his vehicles.

There is a 5 feet utility easement adjacent to the front property line that will not be impacted by the carport construction.

During the site visit, staff noticed two other (carports) similar encroachments in the Subdivision at lots 14 and 47.

At the Zoning Board of Adjustment and Appeal meeting of October 5, 2022 the Board approved a special exception request at Lot 14, Brookwood Unit II Subdivision to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 20 feet.

At Lot 47, Brookwood Unit II Subdivision an application for a Special Exception request was submitted but later was withdrawn by the applicant with the understanding that the carport be removed from the property.

Measurements provided are without the benefit of a survey.

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

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

RECOMMENDATION:

Staff recommends approval of the special exception request since there is no alley to relocate the carport out of the setbacks and a similar request was approved in October 2022 in this subdivision. Approval should be limited to the encroachment shown on the submitted site plan.

260A
12/21/2022

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

BROOKWOOD ST LOT 5

Subdivision Name

Brookwood

Street Address

3801 ZUMITA AVE

Number of lots

Gross acres

all.

Existing Zoning

R-1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

C/A PERM 15 ft

DE LA PANTA DE INFRAESTR. Campestre Cochran

☒ \$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

RENE TAPIA

Phone

(956) 5333433

Address

3801 ZUMITA AVE

E-mail

Santitas_burdena

City

Mc Allen

State

TX

Zip

78504 @gmail

Owner

Name

RENE TAPIA & ISABEL SULLIVAN

Phone

(956) 5333433

Address

3801 ZUMITA AVE

E-mail

City

Mc Allen

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

Date

11-7-22

Print Name

RENE TAPIA

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

NOV 07 2022



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:

NO HAY MAS POSIBLE MOVIM. LO TENGO PARA PROTECCION DE MIS VEHICULOS (CARROS)

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

NO TENGO OTRO LUGAR PARA ESTACIONAR MIS VEHICULOS, ESTE CARPET ES LO QUE ME LOS PROTEGE.

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:

ES UN CARPET ABUERTO, NO LE OBSTACULIZA A NINGUN VEHICULO, EL TIPO DE MATERIAL NO ES FLAMABLE.

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

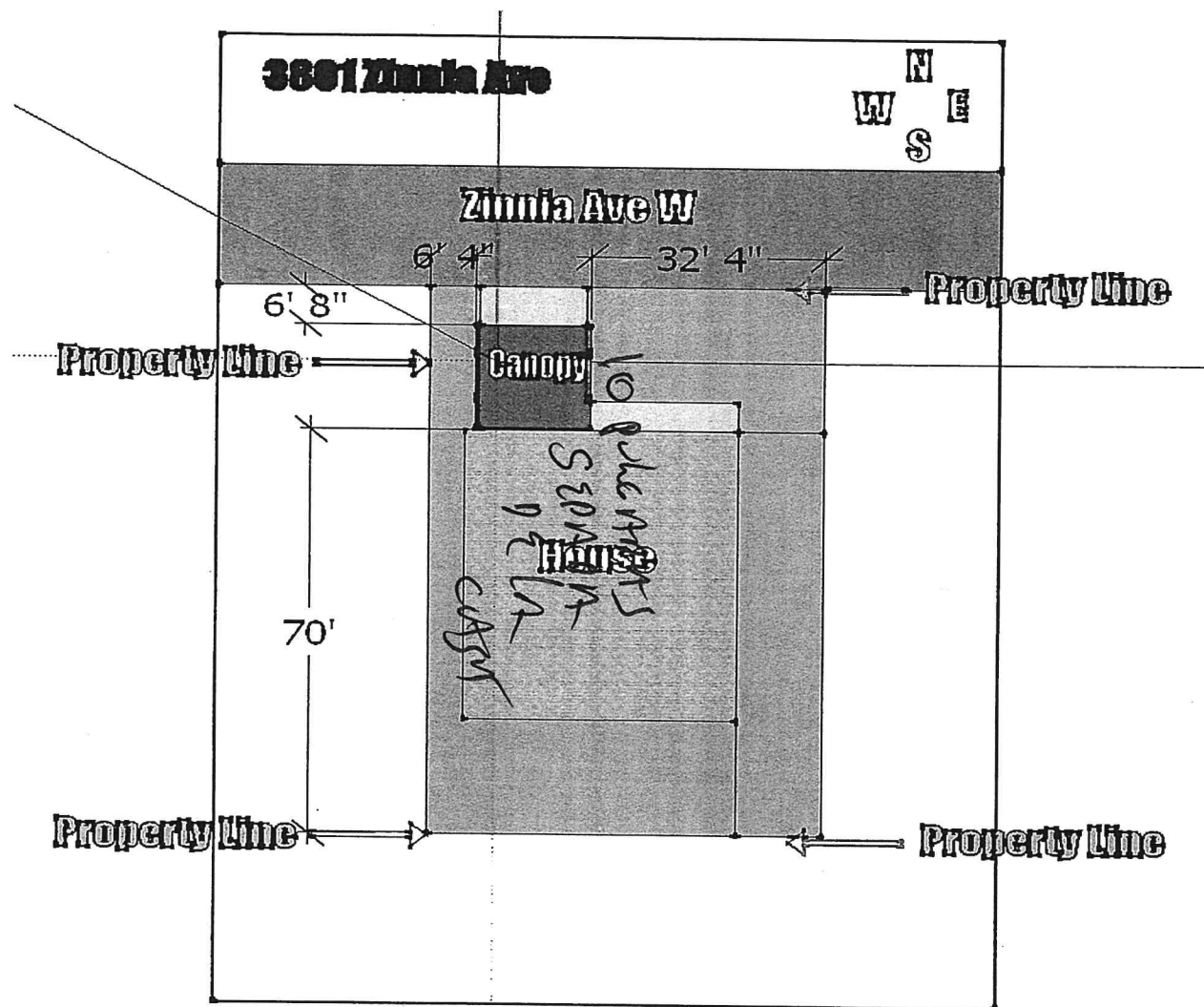
ESTE ES EL UNICO LUGAR DONDE ESTACIONAR MIS AUTOS, PARA PROTECCION DE ELLOS, POR LA CALLE DONDE ESTOY EN UN TUNNEL.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date











3801

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0108
CITY OF MCALLEN PLANNING DEPT.
956-481-1722
WWW.MCALLEN.NET

TEXAS
SRFROG



Memo

TO: Zoning Board of Adjustment & Appeals

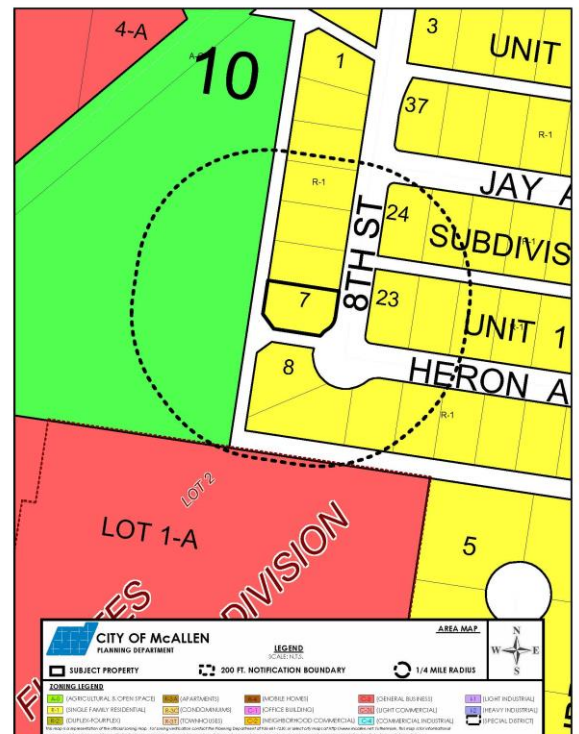
FROM: Planning Staff

DATE: December 12, 2022

SUBJECT: REQUEST OF JESUS C. MUNIZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING CANVAS ROOF CARPORT MEASURING 19.5 FEET BY 17 FEET, 2) A VARIANCE FOR AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING PORCH CANOPY MEASURING 9.5 FEET BY 14 FEET, 3) A VARIANCE FOR AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING PORCH COVER MEASURING 22 FEET BY 14 FEET, AT LOT 7, SHADY OAKS UNIT 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 6101 NORTH 8TH STREET. (ZBA2022-0109)

REASON FOR APPEAL:

This is a special exception request for an existing carport located at the rear of the subject property for protection of the family vehicles from inclement weather events. The applicant would like an area for his parent's vehicles to be protected from inclement weather events. The applicant also seeks approval of two variance requests (porch canopy and a porch cover) that consist of encroachments into the south side yard setbacks. The porches are for protection of his elderly parents who cannot be outdoors in direct sunlight and heat due to medical conditions.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the intersection of North 8th Street and Heron Avenue. According to the subdivision plat, the lot has approximately 41 feet of frontage along North 8th Street and a depth of 110 feet for a lot size of approximately 4,510 square feet. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences.

BACKGROUND AND HISTORY:

According to Hidalgo County Appraisal District records, the main residence was built in 1996. The applicant purchased the property December 18, 2008 from a previous owner.

A stop work order was issued by the Building Permits and Inspections Department on September 20, 2022 for a porch, patio and carport built without a permit. An application for a building permit was submitted on September 21, 2022 for all three structures. The special exception and variance requests were submitted November 8, 2022.

ANALYSIS:

Special exception request #1 is for an existing canvas roof carport. The carport is located in the rear yard with access to an alleyway. If a special exception is granted for this request, the carport will be allowed to encroach 10 feet into the 10 feet rear yard setback. The structure appears to encroach into the alley right-of-way at the point of a corner clip. There is also an existing two-car garage that can be used to park the family vehicles.

Variance request #2 is for an existing wooden porch canopy. The porch canopy is located on the south side yard. If a variance is granted for this request, the porch will be approved for an encroachment of 6 feet into the 6 feet south side yard setback. The canopy is used by the applicant's parents so that they are able to comfortably sit outside out of the sun.

Variance request #3 is for an existing wooden with a metal roof porch cover. The porch cover is located on the south side yard setback connected to the porch canopy. If a variance is granted for this request, the porch cover will be approved for an encroachment of 6 feet into the 6 feet south side yard setback. The porch is also used as protection from the sun for the applicant's parents.

During a site visit, staff noticed a carport that appeared to be encroaching into the rear yard setback on the adjacent property to the north.

A review of Planning Department records did not reveal any approved variance requests or special exceptions, in this subdivision for carports or porches.

Staff has received one phone call in opposition to the above mentioned requests. The resident stated that they did not like the way the structures looked and believed it posed a safety threat. Also, the resident stated that they thing everyone should have to go through the permit process the right way.

RECOMMENDATION:

Staff recommends disapproval of the special exception and variance requests since approval may encourage other property owners to build similar structures, as variances go with the land and approval would allow for future construction on the subject property. However, the Board may take into consideration the financial cost of compliance for variance requests #2 & #3 that may cause

unnecessary hardship to the applicant.

If the Board grants approval of the requests, it should be limited to the footprint shown on the submitted site plan.

2BA2022-0109

2BA
12/21/2022

City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF

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

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

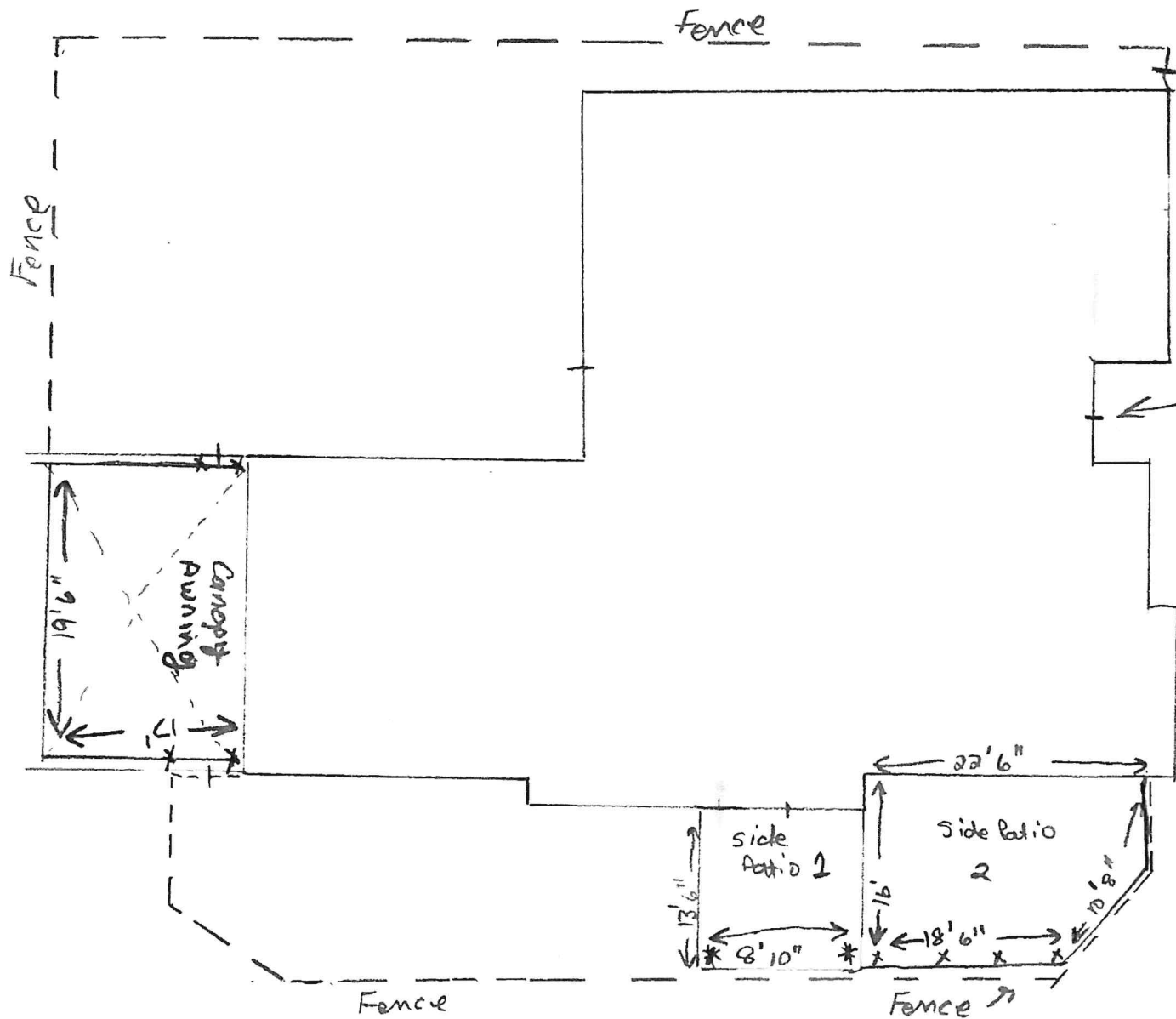
Project	Legal Description	<u>SHADY OAKS UT 1 LOT 7</u>		
	Subdivision Name	<u>Shady Oaks</u>		
	Street Address	<u>6101 N. 8th St, McAllen, TX 78504</u>		
	Number of lots	<u>1</u>	Gross acres	<u>0.1723</u>
	Existing Zoning	<u>Single Family Residential</u>	Existing Land Use	<u>Single Family Residential Dwelling</u>
	Reason for Appeal (please use other side if necessary)	<u>10 foot variance requested for the use of 2 covered patios (Patio 1: 9.5 x 14 feet and Patio 2: 22 x 14 feet) structures built on the setback of the property. Also, exception requested for the 20 x 18 foot carport.</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<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			
Applicant	Name	<u>Jesus C. Muniz</u>	Phone	<u>(956) 227-1799</u>
	Address	<u>PO Box 3912</u>	E-mail	<u>jesse@amtexapci.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u> Zip <u>78502</u>
Owner	Name	<u>Jesus H. Muniz</u>	Phone	<u>(956) 227-1799</u>
	Address	<u>PO Box 3912</u>	E-mail	<u>jesse@amtexapci.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u> Zip <u>78502</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature		Date	<u>11-08-2022</u>
	Print Name	<u>Jesus C. Muniz</u>	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent	
Office	Accepted by		Payment received by	_____ Date _____
	Rev 10/18 <div style="text-align: right;"> NOV 08 2022 BY: </div>			

BY:



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>	
	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>If variance is not granted, the structures would have to be demolished. This would adversely affect the use of the area because there would not be protection from the sun, heat and rain.</p>	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	<p>The variance is necessary because the structures are vital in the protection of the area from the sun, heat and rain. Without the protection from the structures, the area would not be utilized. It is vital to the owner's health to have a safe outdoor area that can be enjoyed all year.</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:	
Board Action	<p>The structures are contained solely to the property and do not adversely affect the neighboring properties or the neighborhood.</p>	
	4. Describe special conditions that are unique to this applicant or property:	
	<p>The owner's are elderly and have many health conditions that do not allow them to be outdoors in direct sunlight and heat.</p>	
Chairman, Board of Adjustment Signature		
Date		
_____ Rev. 9/20		



Front Door



Canopy Metal Frame / mylar roof
 Patio 1 - Wood Frame / composite
 Patio 2 - Metal Frame / Metal Roof

x - denotes metal tubing
 * - denotes cedar beam

















NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0109
CITY OF MCALLEN PLANNING DEPT.
505-481-1234
WWW.MCALLENNET



15101

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

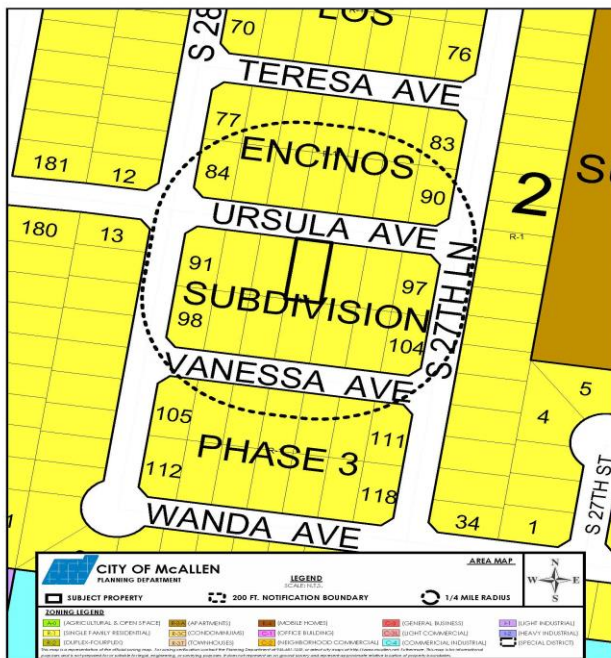
FROM: Planning Staff

DATE: December 13, 2022

SUBJECT: REQUEST OF DAVID PEREZ FOR A VARIANCE TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK LINE AT LOT 94, LOS ENCINO III SUBDIVISION, HIDALGO COUNTY, TEXAS; 2801 URSULA AVENUE. (ZBA2022-0110)

REASON FOR APPEAL:

The applicant is requesting a special exception to the parking requirement of one off-street parking space beyond the front yard setback (as required by section 138-394(1) of the zoning ordinance. The applicant has enclosed an existing car garage that has eliminated the one parking space beyond the front yard setback like. The garage was enclosed in order to make an additional bedroom for his son.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Ursula Avenue, between South 27th Lane and South 28th Lane. The property has 50 feet of frontage along Ursula Avenue with a depth of 105 feet for a lot size of 5,250 square feet. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Los Encinos III Subdivision was recorded December 4, 2006. The Board of Commissioners amended the Zoning Ordinance in 1999 to require 1 parking space beyond the front yard setback in order to enhance the appearance of single family residential areas. The subject property (and subdivision) is subject to compliance with the zoning requirements of 1 parking space beyond the front yard setback line.

According to Hidalgo County Appraisal District, the house was built in 2009, and the garage was recently enclosed by the owners (a building permit application was not found for this enclosure). The applicant received a non-compliance notice from the Building Permits and Inspections Department on August 29th of this year for the enclosed garage. The application for the special exception was submitted on November 10, 2022.

ANALYSIS:

The request is to not provide a required parking space beyond the front yard setback line. According to the site plan submitted, the enclosed garage area (now a bedroom for his son) measures 14 feet 8 inches by 14 feet 8 inches. Moreover, the front driveway measures approximately 16 feet by 24 feet, which would accommodate two required parking spaces.

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

A windshield survey of the neighborhood indicates there were other properties that also have enclosed garages.

A review of Planning Department records revealed one other special exception for enclosed garages that was approved in this subdivision. A review of the Planning Department records revealed 2 other issued building permits for enclosed garages at Lots 26 and 97. One was approved by the Planning Department and one was not routed to the Planning Department for review.

At the Zoning Board and Adjustments and Appeals meeting of January 6, 2020 the Board approved a variance request to not provide one required parking space beyond the front yard setback at Lot 88, Los Encinos III Subdivision.

The subject property complies with the zoning ordinance requirements of two parking spaces per dwelling unit.

In exercising its authority, the Board may consider the financial cost of compliance if the cost is greater than 50% of the appraised value of the structure

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

RECOMMENDATION:

Staff recommends approval of the variance request since there are other "approved" garage enclosures in the subdivision.

ZBA 2022-0110

ZBA 12/21/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Los Encinos III Lot 94</u>		
	Subdivision Name	<u>Los Encinos III</u>		
	Street Address	<u>2801 Ursula ave McAllen TX</u>		
	Number of lots	<u>1</u>	Gross acres	
	Existing Zoning	Existing Land Use		
Applicant	Reason for Appeal (please use other side if necessary)	<u>Parking area has been reduced due to garage space being closed.</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
	Name	<u>David Perez</u>	Phone	<u>956-648-8706</u>
	Address	<u>2801 Ursula ave</u>	E-mail	<u>grandavid3@gmail.com</u>
Owner	City	<u>McAllen</u>	State	<u>TX</u>
	Zip	<u>78503</u>		
	Name	<u>David Perez</u>	Phone	<u>956-648-8706</u>
	Address	<u>2801 Ursula ave</u>	E-mail	<u>grandavid3@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
Authorization	Zip	<u>78503</u>		
	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature	<u>[Signature]</u>	Date	
	Print Name	<u>David Perez</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	
Office	Accepted by	<u>[Signature]</u>	Payment received by	
	Date			

Rev 10/18

ENTERED

NOV 10 2022

Initial: NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

needed an extra bedroom for my son as he was growing and needed an extra room. the space of the driveway fits two vehicles.

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

without this room, my kids would need to share a room which would cause space problems since rooms are not too big to hold two beds.

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:

everything was done inside the house and met the requirements regarding insulation and electricity. nothing was affected outside the house.

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

as my son grew and the difference of years between my two daughters, the extra room was needed for comfort and privacy.

Reason for Appeal

Board Action

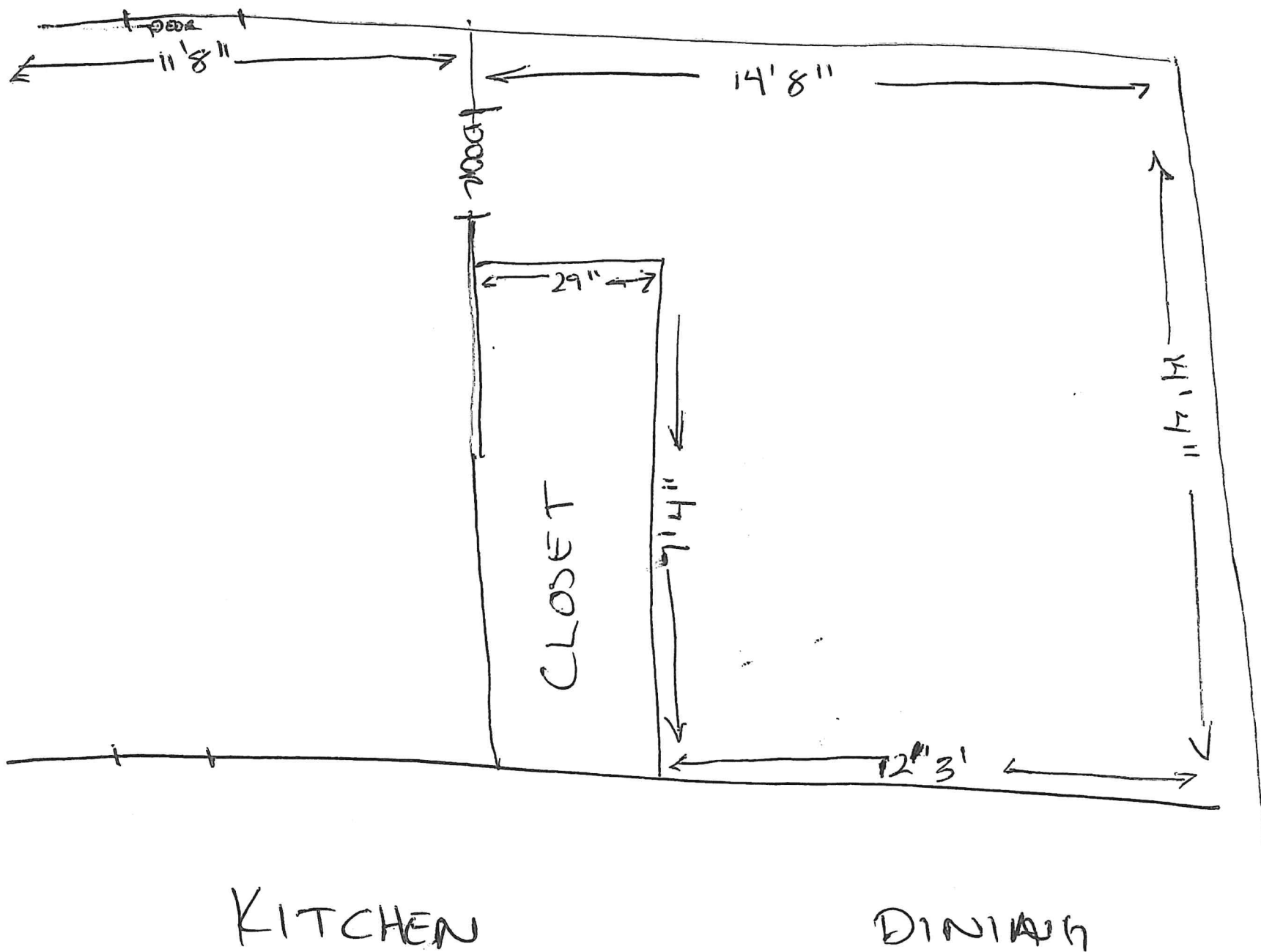
Chairman, Board of Adjustment
Signature

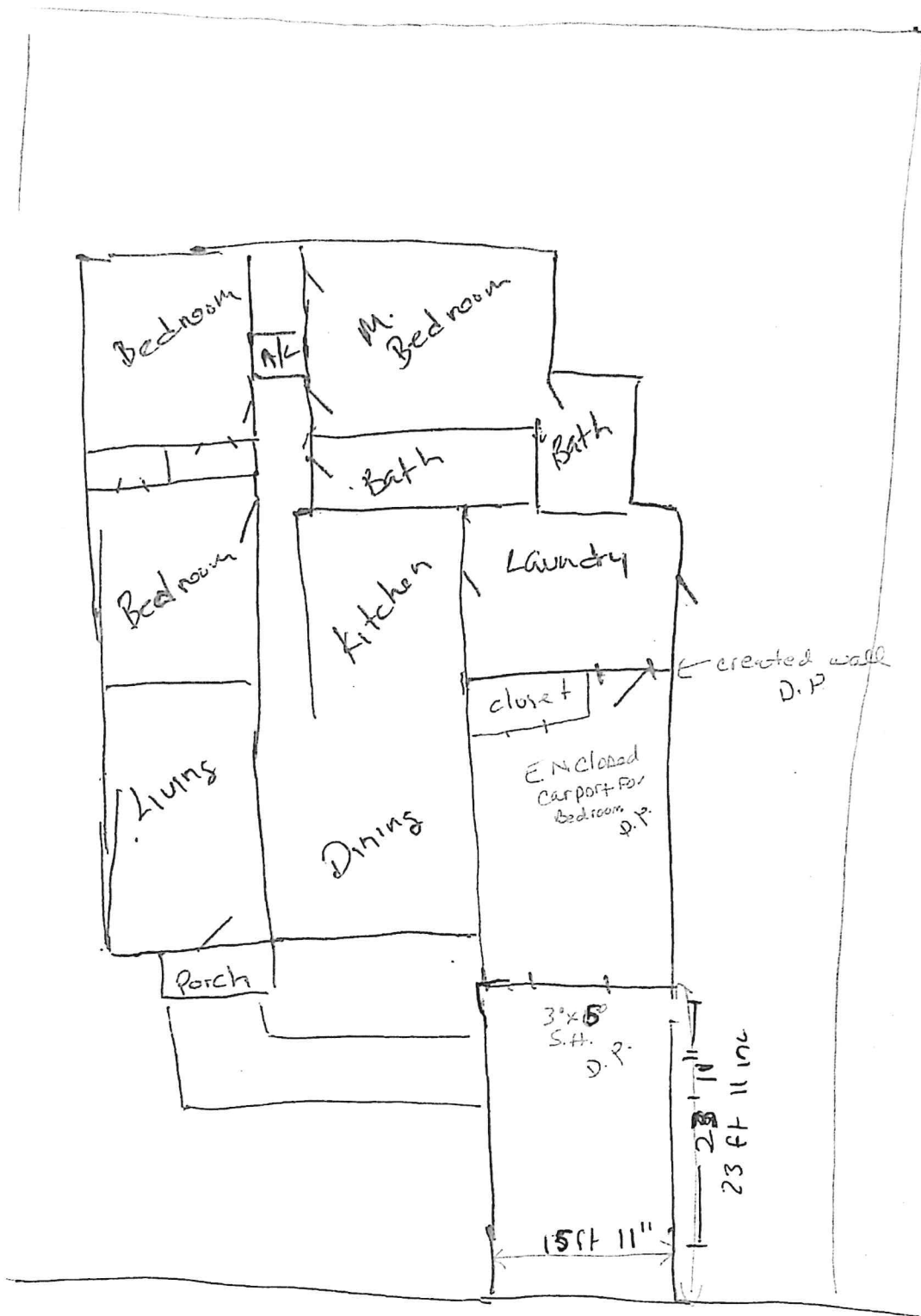
Date

Prop
sited
Floor



Ursula ave





Ursula Ave





BEWARE
of DOG

CITY OF
McAllen

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0110
CITY OF McALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET

2801

Planning Department

Memo

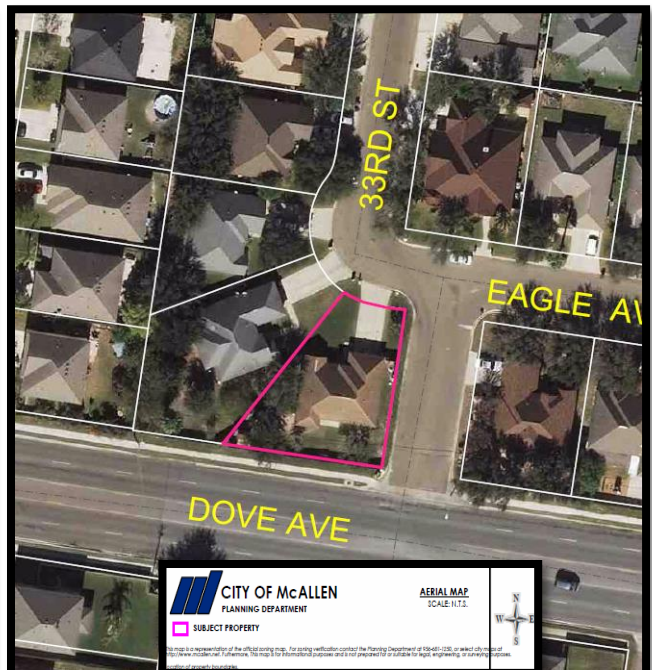
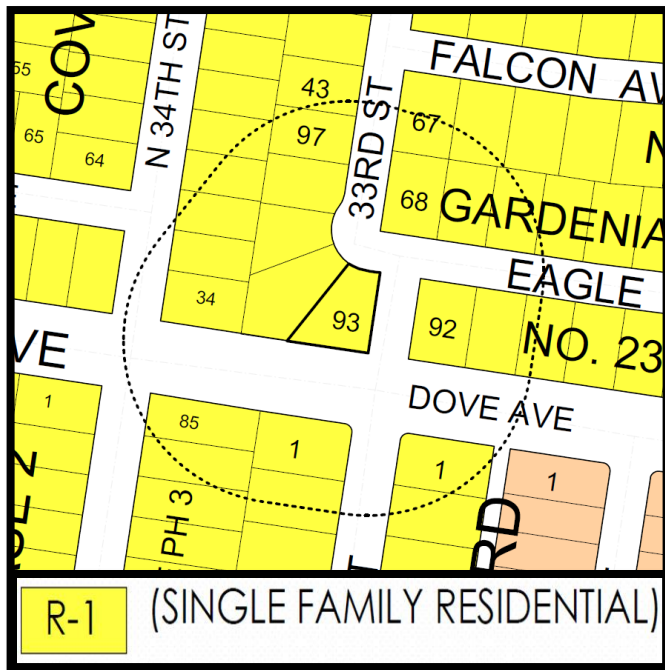
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 2, 2022

SUBJECT: Request of Humberto Karr on Behalf of Jose Garza (owner) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 20 feet rear yard setback along the south side for a proposed porch that measures 12 feet by 15 feet, at Lot 93, Gardenia Terrace No. 23 Subdivision, Hidalgo County, Texas; 3201 Eagle Avenue. (ZBA2022-0117)

REASON FOR APPEAL: The applicant is requesting a variance for a proposed porch that would encroach into the rear yard setback at the back of the subject property. The proposed porch would minimize heat from the sunlight, reduce weathering to the back door, and reduce noise level from traffic along Dove Avenue as per the applicant.



PROPERTY LOCATION AND VICINITY: The subject property is located on the northwest corner of Dove Avenue and Eagle Avenue. The property has 50 feet of frontage along Eagle Avenue and a depth of 121.4 feet. The zoning for the property and adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses include residential homes.

BACKGROUND AND HISTORY: Gardenia Terrace No. 23 Subdivision was recorded in

September 19, 1995. An application for a variance request was submitted on November 16, 2022. An application for a building permit has not been submitted.

ANALYSIS: The Variance request is to allow a proposed porch that would measure 12 feet by 15 feet to encroach 5 feet into the 20 feet rear yard setback. The total area of the proposed porch would be 100 square feet.

A cedar fence obscures and buffers the view of the rear yard and would potentially obscure the view of the proposed porch. A 15-foot irrigation easement is located along the rear property that hinders buildable area. As per the submitted site plan, the proposed porch would not be located within the 15-foot irrigation easement.

According to the applicant, the proposed porch would make the home energy efficient and significantly alleviate noise generated from traffic along Dove Avenue.

During a site visit, staff noticed approximately five residences within Gardenia Terrace No. 23 that appeared to have structures encroaching into the rear yard. A review of Planning Department records revealed other approved variances within the subdivision in the past.

Measurements provided were without benefit of a survey.

Staff has not received any phone calls in opposition nor in favor of the variance request.

RECOMMENDATION:

Staff recommends approval of the variance request since there are existing encroachments that are characteristic to the area, a 6 feet cedar fence obscures and buffers the rear yard, and the structure is not being proposed to be built within the 15-foot irrigation easement located at the rear of the property. If the Board grants approval of the variance request, it should be limited to the encroachments shown on the submitted site plan.

ZBA2022-0117

ZBA
12/21/2022

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

GARDENIA TERRACE NO. 23 LOT 93

Subdivision Name

GARDENIA TERRACE NO. 23

Street Address

3201 EAGLE AVE McAllen

Number of lots 1 Gross acres

Existing Zoning

R-1

Existing Land Use

House

Reason for Appeal (please use other side if necessary)

Proposed Porch 12' x 15'
Encroaching 5' into 20' Rear set back☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name

Humberto Karr

Phone

512 844 8234

Address

6004 N. 27th St

E-mail

humberto.karr@yahoo.com

City

McAllen

State

TX

Zip

78504

Owner

Name

Jose Garza

Phone

956-227-5546

Address

3201 Eagle Avenue

E-mail

j-g78504@hotmail.com

City

McAllen,

State

Texas

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

Jose Garza

Date

11/16/22

Print Name

Jose Garza

☒ Owner☐ Authorized Agent

Office

Accepted by

MR

Payment received by

Date

NOV 16 2022

Rev 10/18

BY:

CW

OS



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:

During the summer months, this area of the home has the most heat intake. Extending into a porch area will minimize the sunlight, reduce the weathering to the back door & reduce noise from door.

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

Building the back porch will help in reducing heat (from sunrise) making it more energy efficient in the long run. This addition will dampen the sound of the noise from major traffic adjacent to our home.

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

This is being built inside our property. This will not affect anyone in the neighborhood.

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

Building this addition will not only beautify our home, it will add property value, and increase the value in our neighborhood.

Reason for Appeal

traffic.

Board Action

Chairman, Board of Adjustment
Signature

Date

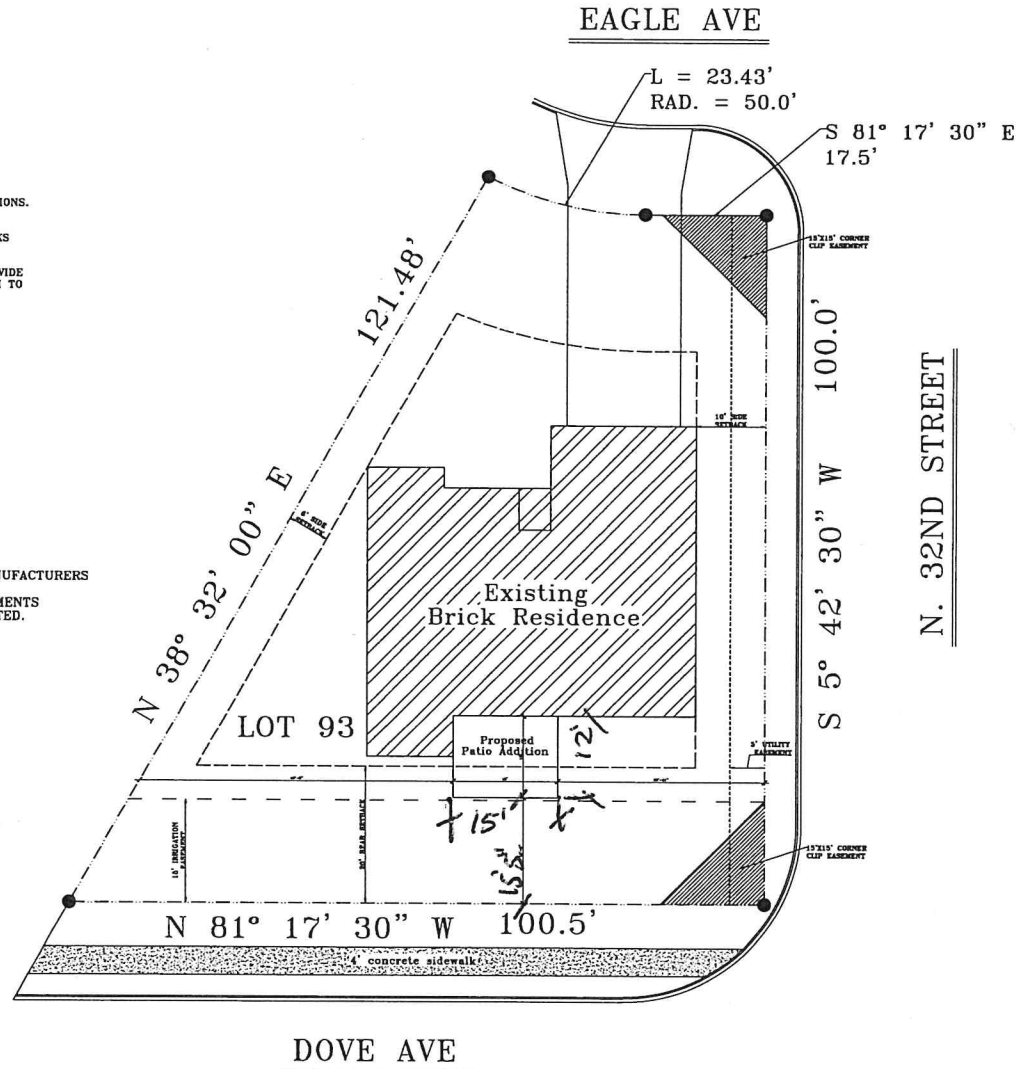
SITE PLAN NOTES:

1. ALL SUBCONTRACTORS SHALL VERIFY DIMENSIONS AND EXISTING SITE CONDITIONS. STARTING OF WORK SHALL MEAN ACCEPTANCE OF SUCH CONDITIONS.
2. LOCATION OF STORM SEWAGE, DRAINAGE, EASEMENTS, AND BUILDING SETBACKS VERIFIED AT JOB SITE PRIOR TO CONSTRUCTION.
3. PROVIDE 4" P.V.C. PIPE UNDER SLAB FOR DRAINAGE AS NEEDED. ALSO PROVIDE PIPE TO RUN ELECTRICAL CONDUIT TO LANDSCAPE AND LIGHTS AT APPROACH TO DWELLING.

NOTE:
IT IS THE BUILDER RESPONSIBILITY FOR FOLLOWING MATERIAL AND MANUFACTURERS INSTRUCTIONS, AND USING RECOGNIZED STANDARDS FOR EACH TRADE, AS WELL AS COMPLIANCE IN FULL WITH ALL GOVERNING CODE REQUIREMENTS FOR THE GEOGRAPHIC AREA IN WHICH THIS HOME IS TO BE CONSTRUCTED.

AREA TABULATION

PATIO	180 sq.ft.
TOTAL AREA ADDED	180 sq.ft.



H. Cantu
Drafting and Design

Hector Cantu
Designer

Cell: (956) 407-0050
hcdraftinganddesign@gmail.com

LIABILITY DISCLAIMER

The placement of residences on site plan is based on the owner's desired location and general vicinity's regulations. Every property has specific rules due to its location, acts of God, etc. and there may cause damage to structures built on said property. H. Cantu Drafting and Design LLC does not guarantee the continuous availability of the construction area and is not liable for damage caused by the location of the construction area. The owner must verify all property conditions and make modifications to the dimensions and techniques in construction drawings, before construction of proposed structure with all property conditions. General disclaimer: H. Cantu Drafting and Design LLC is not responsible for any construction phase before a new construction phase. H. Cantu Drafting and Design LLC is not responsible for construction to general contractor.

Proposed Addition for:

JOSE & ROSA GARZA

Project Information:

3201 Eagle Ave
McAllen, TX

Sheet Title:

Site Plan
SCALE: 1/8" = 1'-0"

Sheet #

1/3

Date Project #

09/19/22 22-007



Memo

TO: Zoning Board of Adjustment & Appeals

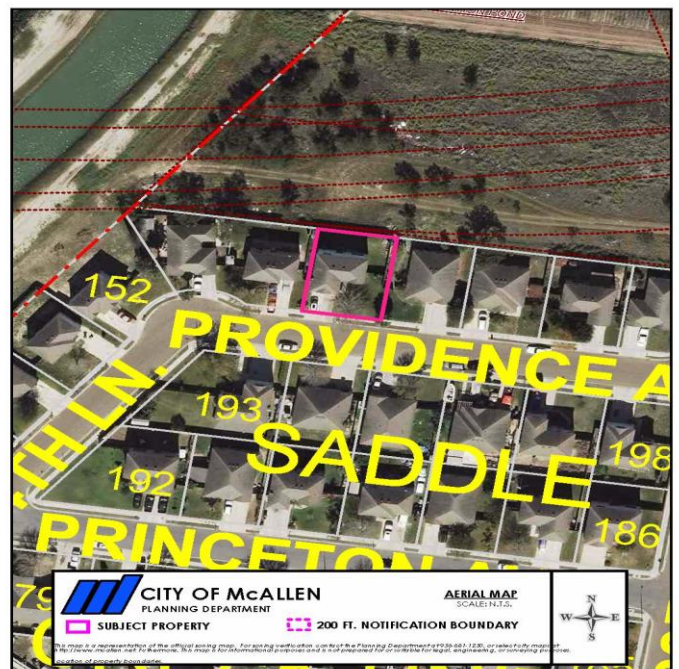
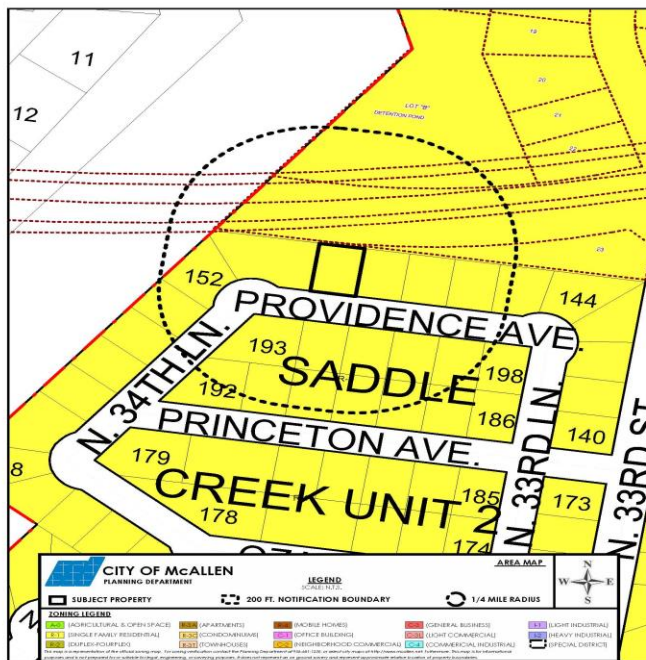
FROM: Planning Staff

DATE: December 7, 2022

SUBJECT: REQUEST OF MICHAEL PEREZ FOR A SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 19 FEET BY 20 FEET, AT LOT 149, SADDLE CREEK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS, 3404 PROVIDENCE AVENUE (ZBA2022-0107)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 25 feet into the front yard setback of 25 feet for an existing metal carport measuring 19 feet by 20 feet. The applicant stated the metal carport is to protect his vehicles from inclement weather events. The owner was unaware that a permit was needed for the construction of the carport.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Providence Avenue. The property has 60.5 feet of frontage along Providence Avenue and a depth of 83.21 feet, for a lot size of approximately

5,034 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.

BACKGROUND AND HISTORY:

The plat for Saddle Creek Unit 2 was recorded on February 10, 2003. The plat states a 25-foot front yard setback. A stop work order was issued for non compliance by the building department on September 16, 2022. An application for a building permit was submitted September 29, 2022. An application for the special exception request was submitted on November 7, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport measuring 19 feet by 20 feet.

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

There is an existing two car garage that is used to park one vehicle leaving the rest of the applicants vehicles in the driveway.

There is no ally at the rear of the property that would allow for relocation of the carport.

A site visit by staff revealed one other carport in the area. A review of Planning Department Records did not show any Special Exceptions granted for carports within Saddle Creek Unit 2 Subdivision.

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

Staff has received one phone call in support of the special exception request.

RECOMMENDATION:

Staff recommends disapproval of the special exception request, as it may encourage other property owners to construct similar carport structures.

ZBA 2022-0107

ZBA
12.21.22

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Saddle Creek 4+2 Lot 149

Subdivision Name

Saddle Creek

Street Address

3404 providence ave Mcallen TX 78504

Number of lots

Gross acres

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Existing Carport
encroaching into front yard set back.☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name

Michael Perez

Phone

329-4322

Address

3404 providence Ave

E-mail

2micchi@gmail.com

City

Mcallen TX

State

TX

Zip

78504

Owner

Name

Michael Perez

Phone

329-4322

Address

3404 providence ave

E-mail

2micchi@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

10-7-22

Print Name

Michael Perez

☒ Owner☐ Authorized Agent

Office

Accepted by

[Signature]

Payment received by

Date

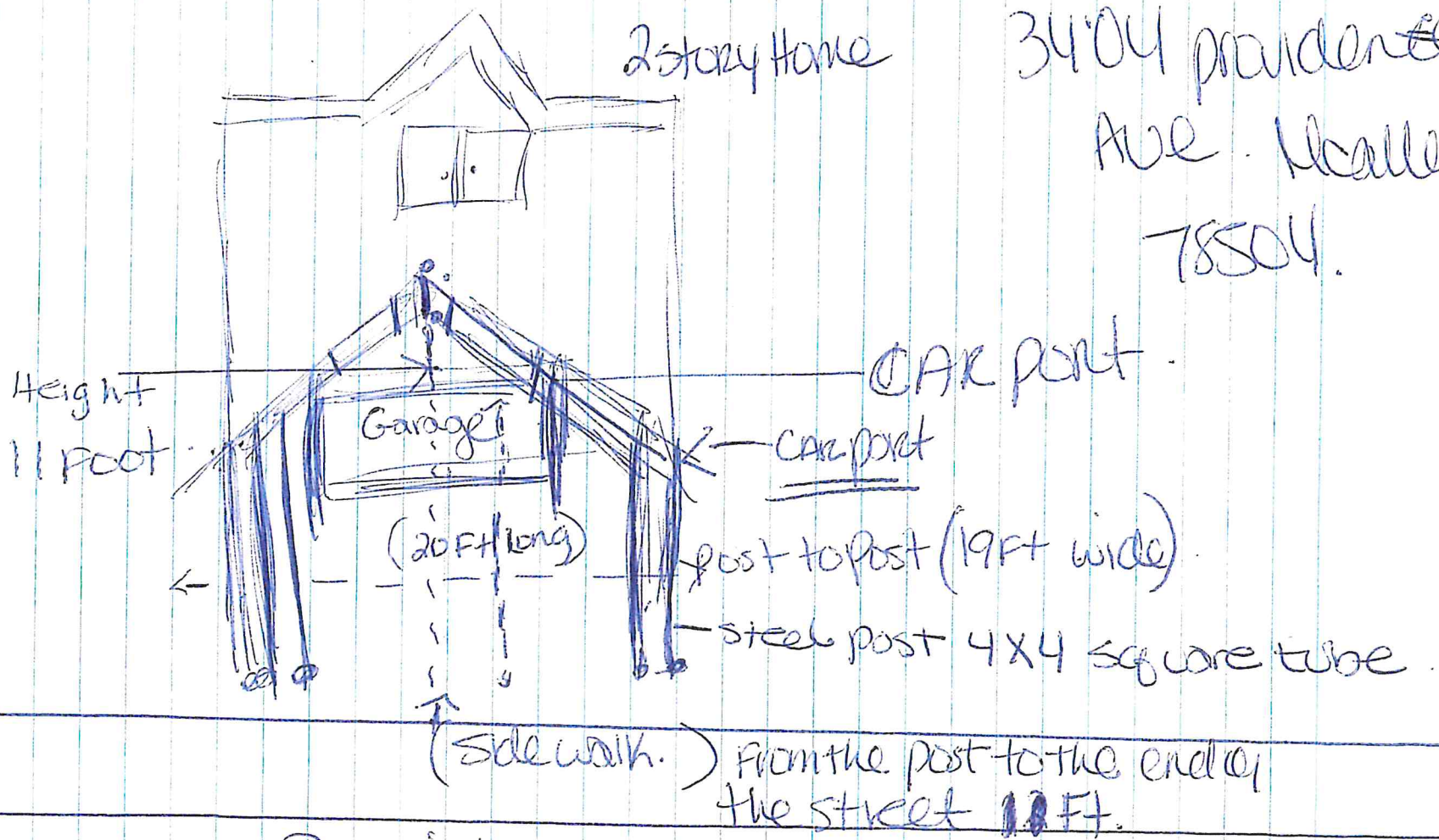
ENTERED

Rev 10/18

NOV 07 2022

Initial: NM

5



Providence Ave.

ENTERED

NOV 07 2022

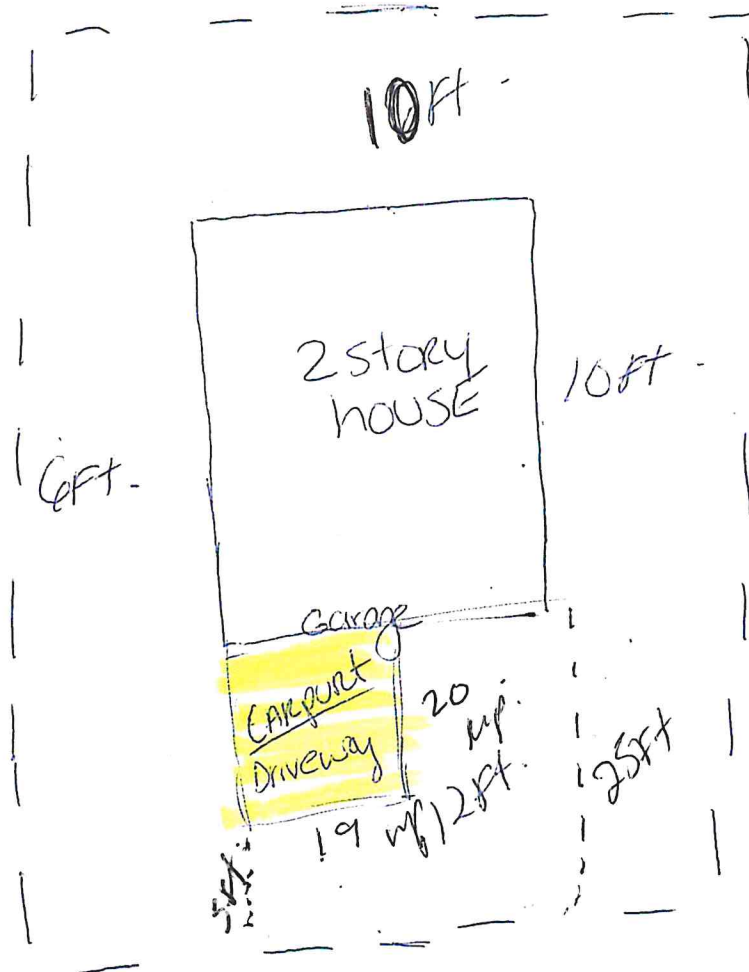
Initial:

Nm

NORTH.

3304

Providence



ENTERED

NOV 07 2022

Initial: Nm







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0107
CITY OF WICHLIFF PLANNING DEPT.
WICHLIFF, TEXAS 77981
WWW.WICHLIFF.MTX

3404

Memo

TO: Zoning Board of Adjustment & Appeals

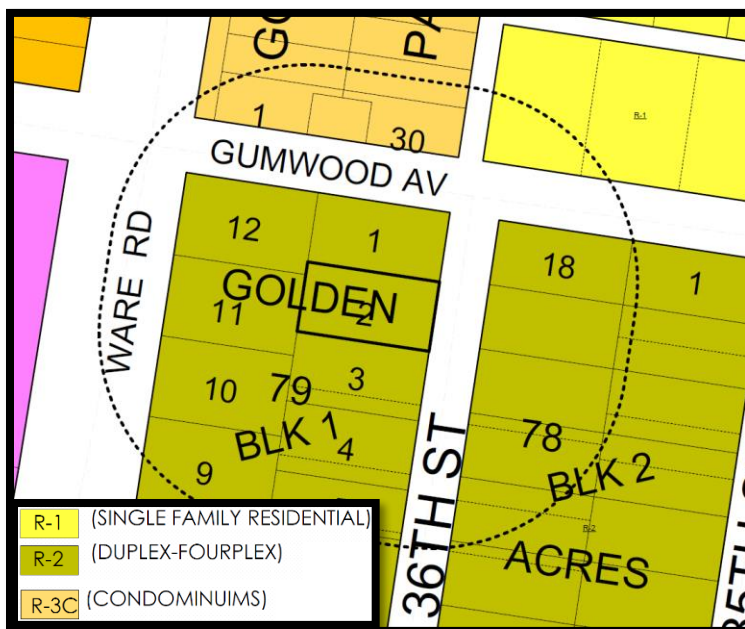
FROM: Planning Staff

DATE: December 13, 2022

SUBJECT: Request of Johnny Hinojosa for the following Special Exception request to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 20 feet into the 20 feet front yard setback for an existing wood and metal roof carport measuring 20 feet by 40 feet and 2) an encroachment of 6 feet into the 6 feet south side yard setback for an existing wood and metal roof carport measuring 20 feet by 40 feet at Lot 2, Block 1, Golden Acres Retirement Subdivision No. 2, Hidalgo County, Texas; 615 North 36th Street. (ZBA2022-0115)

REASON FOR APPEAL: The applicant is requesting a special exception for an encroachment into the front yard setback and side yard setback for an existing carport measuring 20 feet by 40 feet. According to the applicant, the existing carport shelters his vehicles and his son's (deceased) vehicles from inclement weather.

PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Gumwood Avenue, west of 36th street. The lot size is 9,585 square feet. The zoning is R-2 (duplex-fourplex residential) District. The surrounding land use is single family residential.



BACKGROUND AND HISTORY: Golden Acres Retirement Subdivision No. 2 Subdivision was recorded on June 18, 1968, and the plat specifies a 20 feet front yard setback. The Building Permits

and Inspections Department issued a stop work order in August 2022 for the construction without a permit of the carport. An application for a special exception request was submitted to the Planning Department on November 15, 2022, and an application for a building permit was submitted to the Building Permits and Inspections Department on November 16, 2022.

ANALYSIS: The applicant is requesting a 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 wood and metal roof carport measuring 20 feet by 40 feet and an encroachment of 6 feet into the 6 feet front yard setback for an existing wood and metal roof carport measuring 20 feet by 40 feet. The front yard setback is important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of the request to allow the existing carport within the front yard may encourage other structures to be constructed in the front yard setback.

The carport was constructed in 2021 as per Hidalgo County Appraisal District. The residence has a one car garage that stores one of the applicant's vehicles.

A windshield survey of the area did reveal approximately four other existing carports within the subdivision. Review of Planning Department records did not reveal any variances or special exceptions granted in Golden Acres Retirement Subdivision No. 2.

The Planning Department has received four letters in favor to the Special Exception request. The four neighbors do not have any issues with the placement of the existing carport.

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

RECOMMENDATION: Staff recommends disapproval of the Special Exception request since the residence already has a one-car garage. Approval of the request may encourage other property owners to build similar structures. If the Board chooses to approve the request, the approval should be limited to the footprint shown on the submitted site plan.

ZBA 12/21/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

ZBA 2022-0115

Project

Legal Description G480002001000200 I.D.
Golden Acres Ret. ~~Lot 2~~ ^{Lot 2} # Block 1
Subdivision Name Golden Acres Ret.
Street Address 615 N. 36th St.
Number of lots Lot 2 Blk 2 Gross acres _____
Existing Zoning Res. Existing Land Use _____
Reason for Appeal (please use other side if necessary) Existing Carport
Encroaching 20' into 20' Front Yard Set Back
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

Applicant

Name Johanny Hinojosa Phone 956-225-9686
Address 615 N. 36th St. E-mail JohannyJoeth@msn.com
City McAllen State TX Zip 78501

Owner

Name _____ Phone _____
Address SAME AS ABOVE E-mail _____
City _____ State _____ Zip _____

Authorization

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

☐ Yes☒ No

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

Signature Johanny HinojosaDate 11-15-22Print Name Johanny Hinojosa☒ Owner☐ Authorized Agent

Office

Accepted by [Signature]

Payment received by _____

Date _____

Rev 10/18



OS

210-888985



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:

Encroachment 20' INTO 20' SETBACK

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

Protect My "Son's" Vehicles (deceased.)

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:

Not bothering anybody

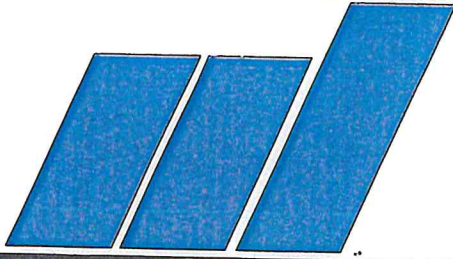
4. Describe special conditions that are unique to this applicant or property:

I have one car garage need more space for my Rest of my Vehicles

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN

Planning Department

Variance Request

LEGAL DESCRIPTION: Lot 2 Block 2

Golden Acres Subdivision

PROPERTY ADDRESS: 615 N. 36th St.

CASE NUMBER: # 22012029

HOLD HARMLESS AGREEMENT

MUST BE SIGNED BY THE PROPERTY OWNER

TO THE FULLEST EXTENT PERMITTED BY LAW, THE UNDERSIGNED APPLICANT AGREES TO INDEMNIFY, DEFEND AND SAVE HARMLESS THE CITY OF MCALLEN AND ITS COMMISSIONERS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, EXPENSES, COSTS, INJURIES AND LIABILITIES OF ANY NATURE (INCLUDING BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY, DEATH, BUSINESS INTERRUPTION AND/OR PROPERTY DAMAGE) RELATING TO, ARISING OUT OF OR RESULTING FROM THE GRANTING AND/OR IMPLEMENTATION OF THE VARIANCE REQUESTED HEREIN.

Applicant's Signature

Print Name

Johnny Hinojosa

Address

615 N. 36th St.

McAllen TX 78501

Phone

956-225-9686

e-mail JohnnyJoeth@MSN.com











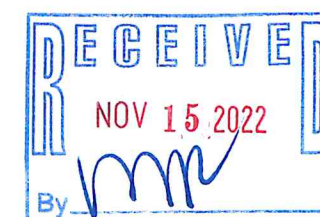
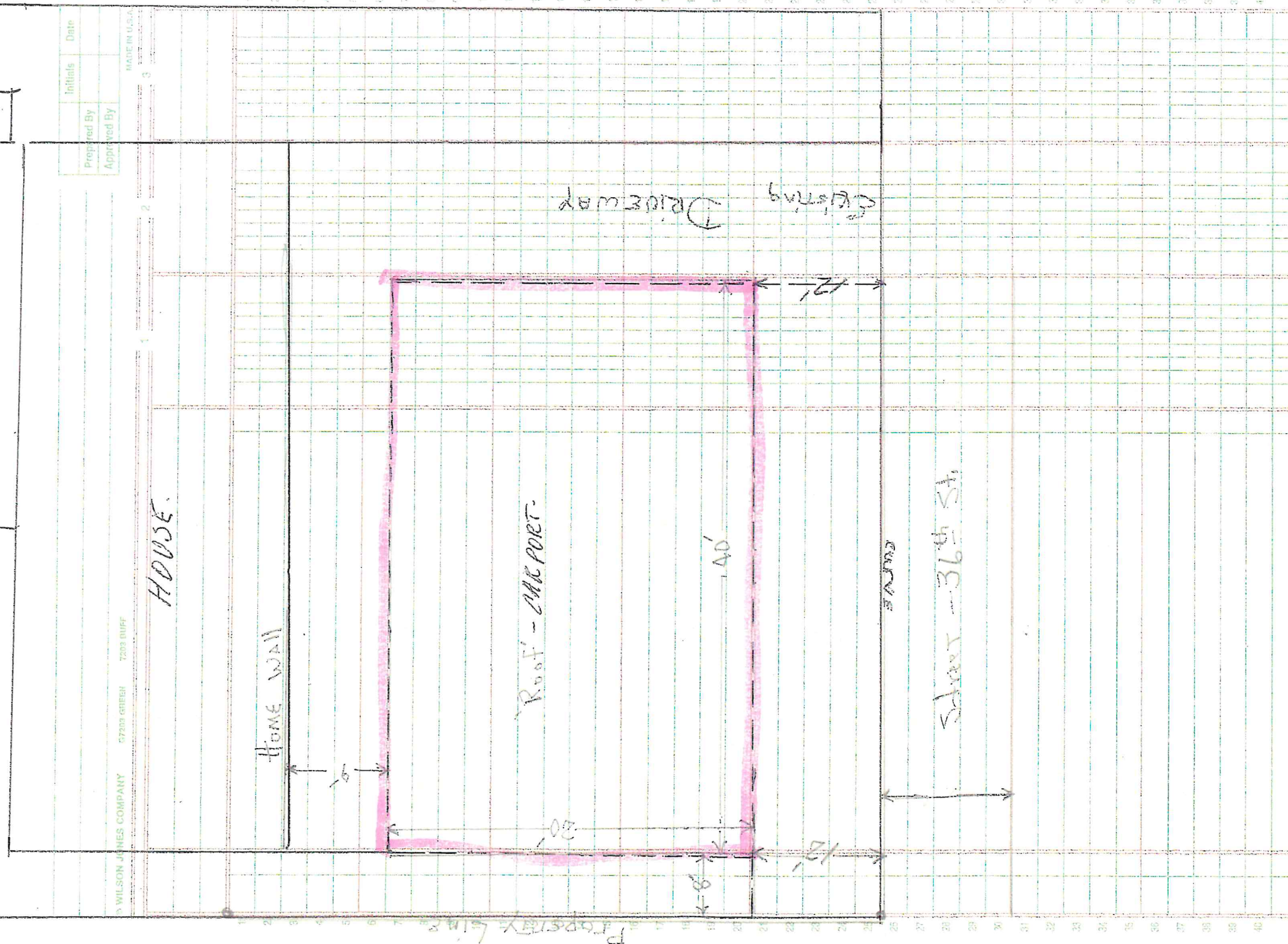












Memo

TO: Zoning Board of Adjustment & Appeals

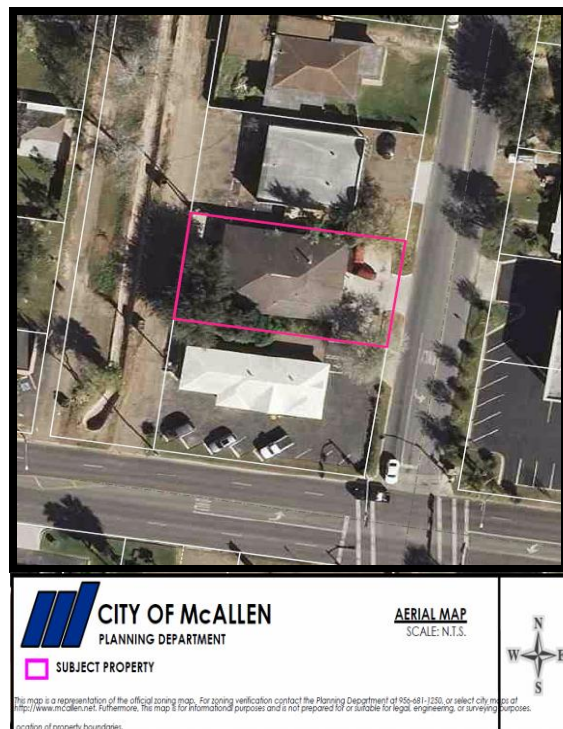
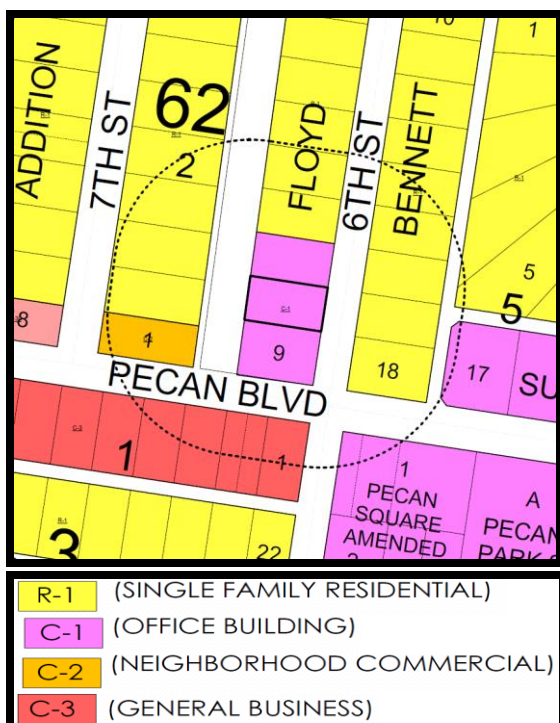
FROM: Planning Staff

DATE: December 12, 2022

SUBJECT: Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. (ZBA2022-0118)

REASON FOR APPEAL: The applicant requests the following variance to allow five parking spaces instead of the required ten parking spaces. The applicant indicated that he is requesting the above variance to “permit orderly development of existing commercial building”.

PROPERTY LOCATION AND VICINITY: The property is located on the west side of North 6th Street, approximately 100 feet north of Pecan Boulevard. The property has 65 feet of frontage along North 6th Street and 113.63 feet of depth for a tract size of 7,385.95 square feet. The property is zoned C-1 (office building) District. The zoning is C-1 District to the north and south, and R-1 (single-family residential) District to the east and west.



BACKGROUND AND HISTORY: The recorded plat is Floyd Bennett Subdivision. A variance application for the proposed five parking spaces instead of the required 10 was received on November 16, 2022.

ANALYSIS: The variance request is to allow five parking spaces instead of the required 10 parking spaces. The proposed facility will consist of two-floors with the total square footage being 2,522. Based on the square footage of the floor area, 10 parking spaces are required. Section 138-395 requires four parking spaces for up to 400 square feet of floor area plus one parking space for each additional 400 square feet of floor area.

The submitted site plan reveals ten parking spaces; however, the five parking spaces located at the rear of the property are located in the 50-foot canal right-of way, which is under Hidalgo County Irrigation District #3 ownership. The irrigation district will permit parking spaces to be located within the canal right-of-way; however, will not provide a letter indicating consent of the use of the canal right-of-way.

Planning Department has received one phone call in opposition to the request as the citizen expressed concern that the reduction in parking spaces will cause customers to park in their driveways or block alleys.

RECOMMENDATION: Staff recommends disapproval of the variance request since the Hidalgo County Irrigation District will not provide a letter to use the canal right-of-way, and approval of the variance request may encourage others to not comply with the parking and maneuvering requirement.

ZBA 2022-0118

ZBA!
12.21.22

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description ALL OF LOT 8,

Subdivision Name FLOYD BURNETT SUBD.

Street Address 1605 N. 6TH ST.

Number of lots 1 Gross acres 0.17

Existing Zoning C-1 Existing Land Use OFFICE BUILDING

Reason for Appeal (please use other side if necessary) NOT TO PROVIDE 10 PARKING SPACES - TO PERMIT ONLY 5 PARKING SPACES

☒ \$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 DAVID OMAR SALINAS Phone 682-9081

Address 2221 DRAFFDILL AVE. E-mail dsalinas@salinasengineer

City MCALLEN State TX Zip 78501 146.COM

Owner

Name MARIA EUGENIA ZABALETA Phone 956-375-4695

Address 4909 JIMM DR. E-mail MARUCABALETA@

City EDINBURG State TX Zip 78540 LIVE.COM

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 11/16/22Print Name DAVID OMAR SALINAS☐ Owner☒ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

Rev 10/18

ENTERED

NOV 16 2022

Initial: NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

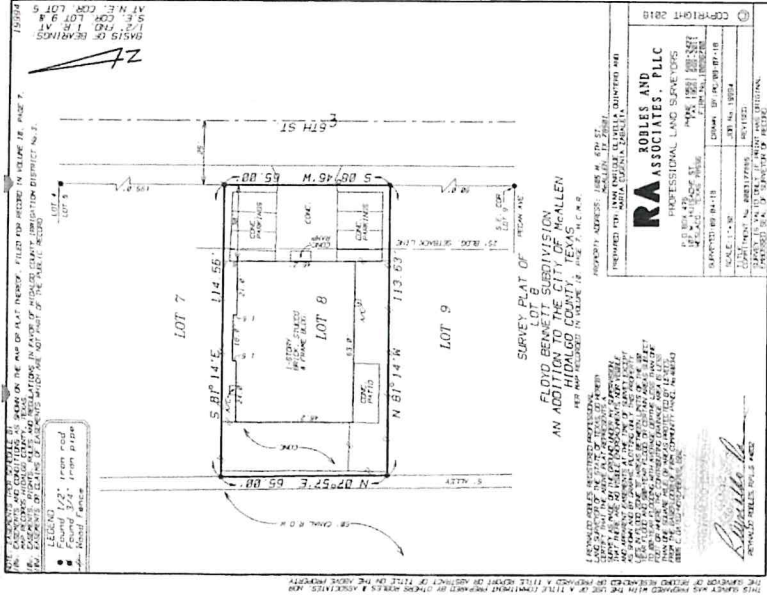
Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</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>	
	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:	
	HCID #3 WILL PERMIT PARKING AT REAR OF LOT 8 BUT WILL NOT PROVIDE LETTER	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	APPROVAL OF VARIANCE WILL PERMIT ORDERLY DEVELOPMENT OF EXIST. COMMERCIAL BUILDING	
	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:	
	APPROVAL OF VARIANCE DOES NOT AFFECT THE HEALTH, SAFETY OR WELFARE OF GENERAL PUBLIC	
	4. Describe special conditions that are unique to this applicant or property:	
	REAR OF PROPERTY IS ADJACENT TO HCID #3 CANAL ROW	
	Board Action	
Chairman, Board of Adjustment Signature _____		Date _____

Rev. 9/20

ENTERED

NOV 16 2022

Initial: NM



Engineer Plat Survey (Previous Existing Building)

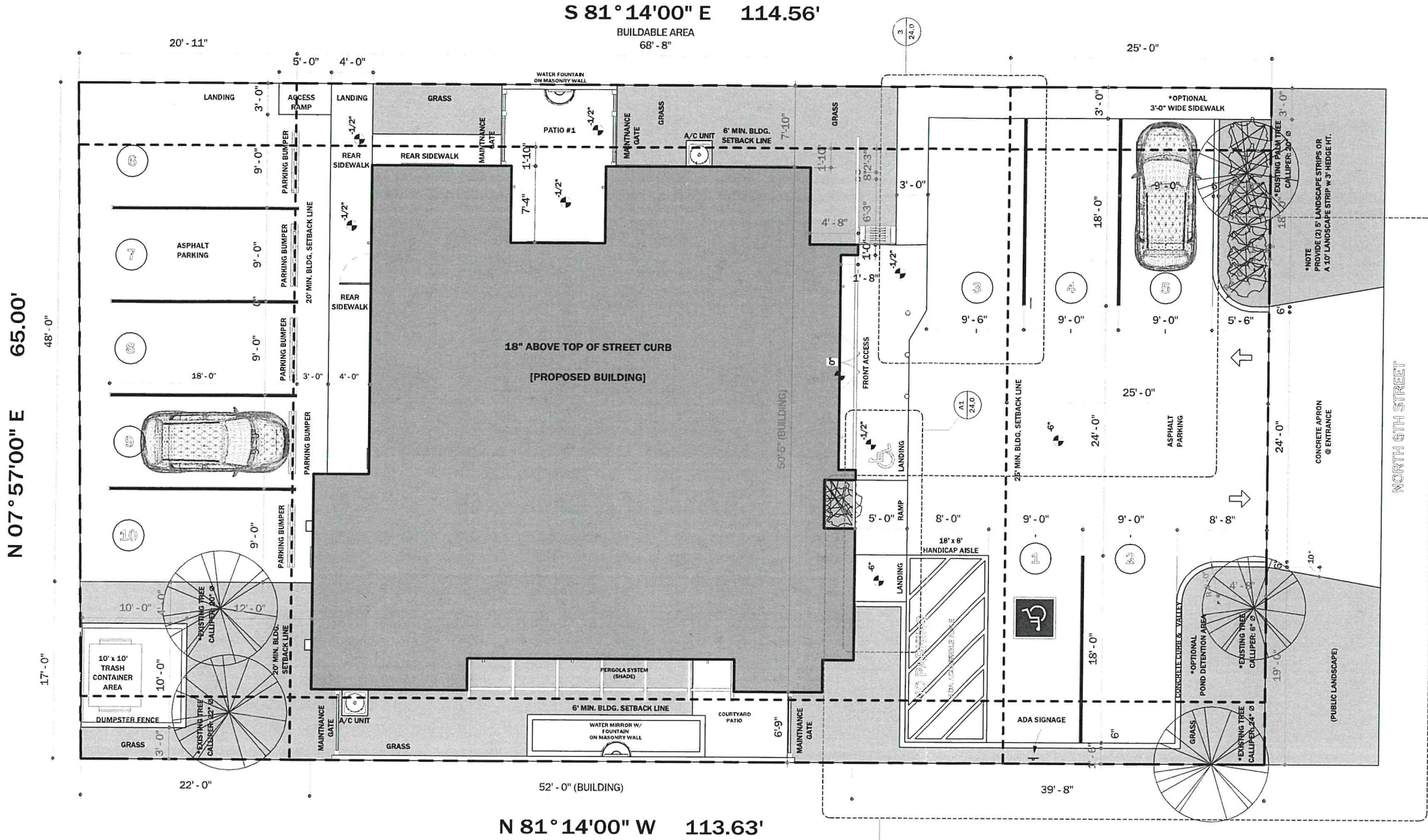


Property Information (123915)
Owner Name: QUINTERO IVAN E OLIVELLA & MARIAE ZABALETA
Doing Business As: STRAWBERRY PATCH ADULT DAYCARE
Property Identification Number: 123915
Geo Identification Number: B2500-00-000-0008-00
Legal Description: FLOYD BENNETT LOT 8
State Code: F1
Address: 1605 N 6TH ST MCALLEN, TX
Taxing Jurisdictions: DR1, CAD, SML, GHD
CIVIL, JCC, R12, SST
Appraised Value: \$106,512.00
Neighborhood: BENNETT
Abstract Code: B250000

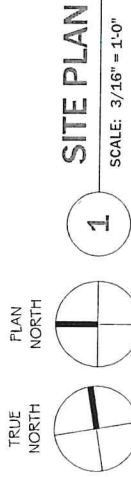
PROPERTY INFORMATION

BUILDING AREA	
AREA	SQ. FT.
1st Floor:	2,226
2nd Floor:	296
Total	2,522

LEGEND	
AREA	SQ. FT.
Lot Size:	7,410
Private Green Area:	20%
Public Green Area:	436
Concrete Apron:	292
Parking Area #1: (5 Slots)	1,818
Parking Area #2: (5 Slots)	996
Optional Sidewalk:	146
Front Building Access:	241
Rear Building Access:	158
Patio #1:	65
Patio #2:	156
Waste Container Pad:	60



S 08° 46'00" W 65.00' 6th Street



LOT 08
7410 SQ. FT.
0.1701 ACRE(S)

Legal Description: of Floyd Bennett Subdivision, Hidalgo County, McAllen, Texas
Lot 08, Block 1
Address: 1605 N. 6th Street, McAllen, TX 78501

Legend	
PROPERTY LINE	---
SETBACK LINE	---
EASEMENT LINE	---
CALLOUT LINE	---

SHEET:

02

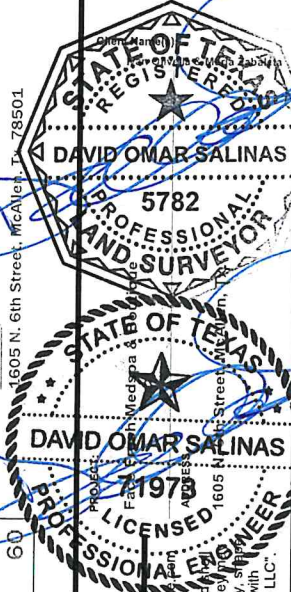
del Arq. Group LLC

Phone #: (956) 209-2145 Email: arqu@delarq.com

This project design and specifications are the property of del Arq. Group LLC. They shall not be reused, reproduced or altered in any way, without the prior written approval and with appropriate compensation to "del Arq. Group LLC".



houzz
I HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS MEET ALL LOCAL CODES, REQUIREMENTS AND ARE IN CONFORMITY WITH A MINIMUM PROPERTY REQUIREMENTS.
ID # 18-1322-SAD CORNELIO RIOS
SBCO PROFESSIONAL MEMBER #24573
MEMBER SINCE 1994
DATE: MAY 2022
PROJECT NO.: IM-COMM-03-22
REGISTRATION NO 22526
ARCHITECTURAL DESIGNER Cornelio Rios
ARCHITECTURAL DRAFTER Alon Rios
REVISIONS d A G
NOTES:
*REVISED - JUNE 2022
*PLANNING & ZONING REQUIREMENT:
- REAR SETBACK INCREASE BY 2'-0"
- TREE CALLIPER SIZE
- PERMIT FROM IRRIGATION DISTRICT FOR REAR PARKING ACCESS



GENERAL NOTES:

- **PLUMBING:**
 1. ANY ARCHITECTURAL DRAWINGS SPECIFICATIONS / INSTRUCTIONS / INDICATIONS SHALL BE OVERRIDEN BY ENGINEERING SPECIFICATIONS ON HOW TO PREPARE PLUMBING FOR PROJECT.
- **FRAMING:**
 1. SOLE PLATE (BOTTOM PLATE)
 - A. WOOD THAT IS LESS THAN 12" INCHES FROM GROUND SHALL BE PRESSURE TREATED WOOD.
 2. STUDS
 - A. FRAMING WALL STUDS SHALL BE PREPPED TO ENGINEERING SPECIFICATIONS (TIES, BRACING, ANCHORS, ETCETERA).
 - B. WOOD BLOCKING REQUIRED ON WALLS GREATER THAN 10'-0" HEIGHT.
 3. HEADER / TRIMMER / KING STUDS
 - A. SHALL BE INSTALLED ACCOMPANYING DOOR & WINDOW OPENINGS AND PREPPED TO ENGINEERING DESIGN.
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Information:

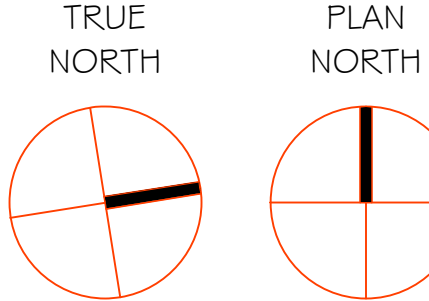
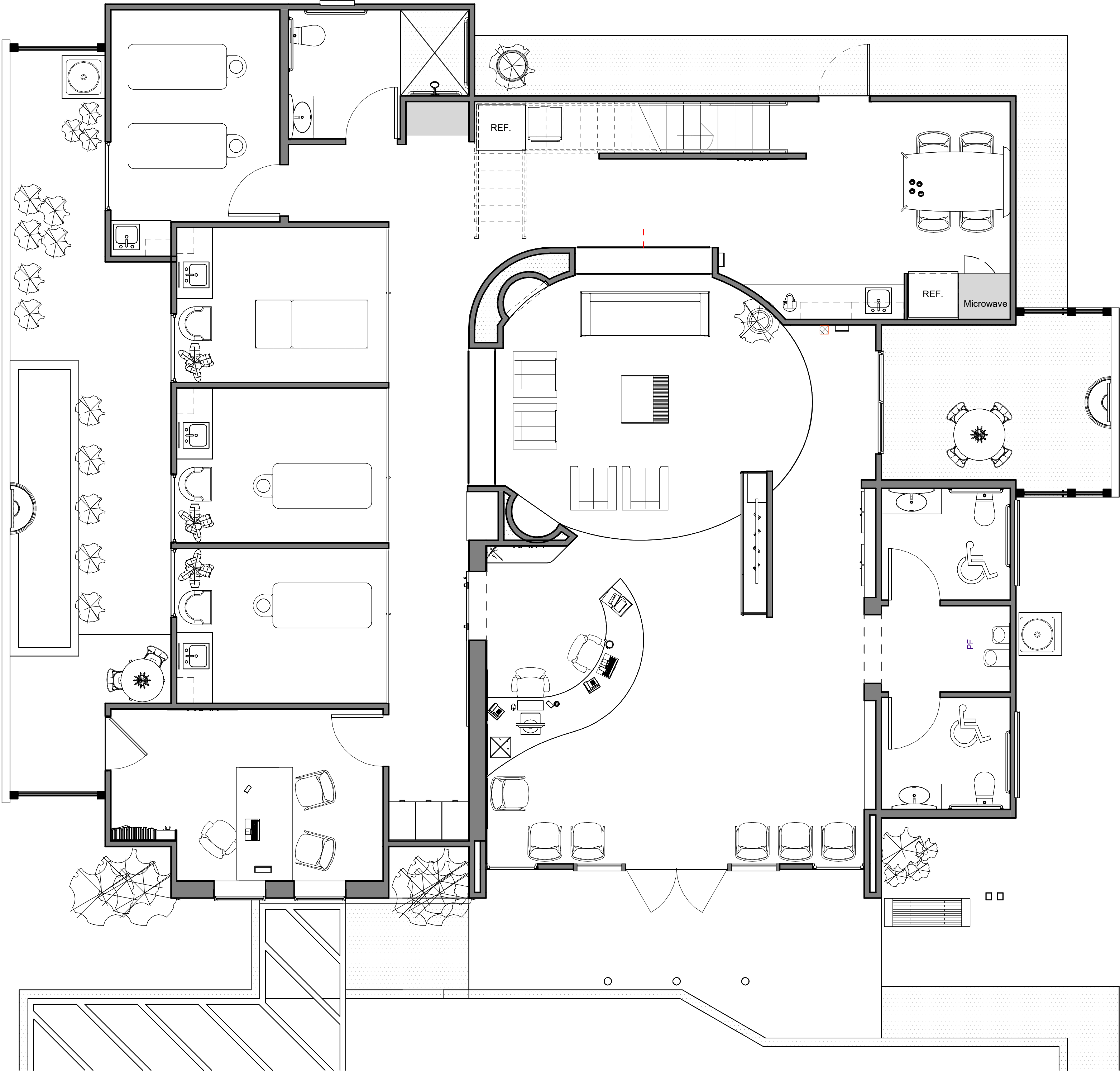
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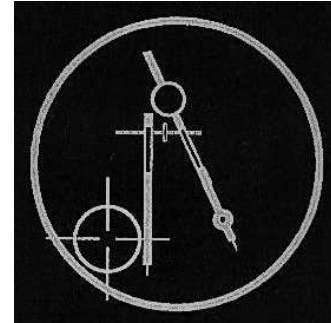
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Patio:	137
Waste Container Pad:	60

BUILDING AREA	
AREA	SQ. FT.
1st Floor:	2320
2nd Floor:	310
Total	2,630



1 Arch. Floor Plan - 1F
SCALE: 1/4" = 1'-0"



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ID # VA-1322-SAO CORNELIO RIOS
SBCO PROFESSIONAL MEMBER #24973
MEMBER SINCE 1994

DATE: MARCH 2022

PROJECT NO.: IM-COMM-03-22

REGISTRATION NO 22525

ARCHITECTURAL DESIGNER Cornelio Rios

ARCHITECTURAL DRAFTER Alec Rios

REVISIONS d A G

NOTES:

Client Name(s): Ivan Olivella & Maria Zabaleta

PROJECT: Face Fresh Medspa & Boutique
ADDRESS 1605 N. 6th Street, McAllen, Tx.

del Arq. Group LLC
Phone #: (956)205-2145 Email: arquit@live.com
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SHEET:

04

GENERAL NOTES:

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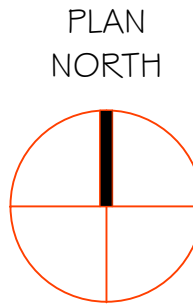
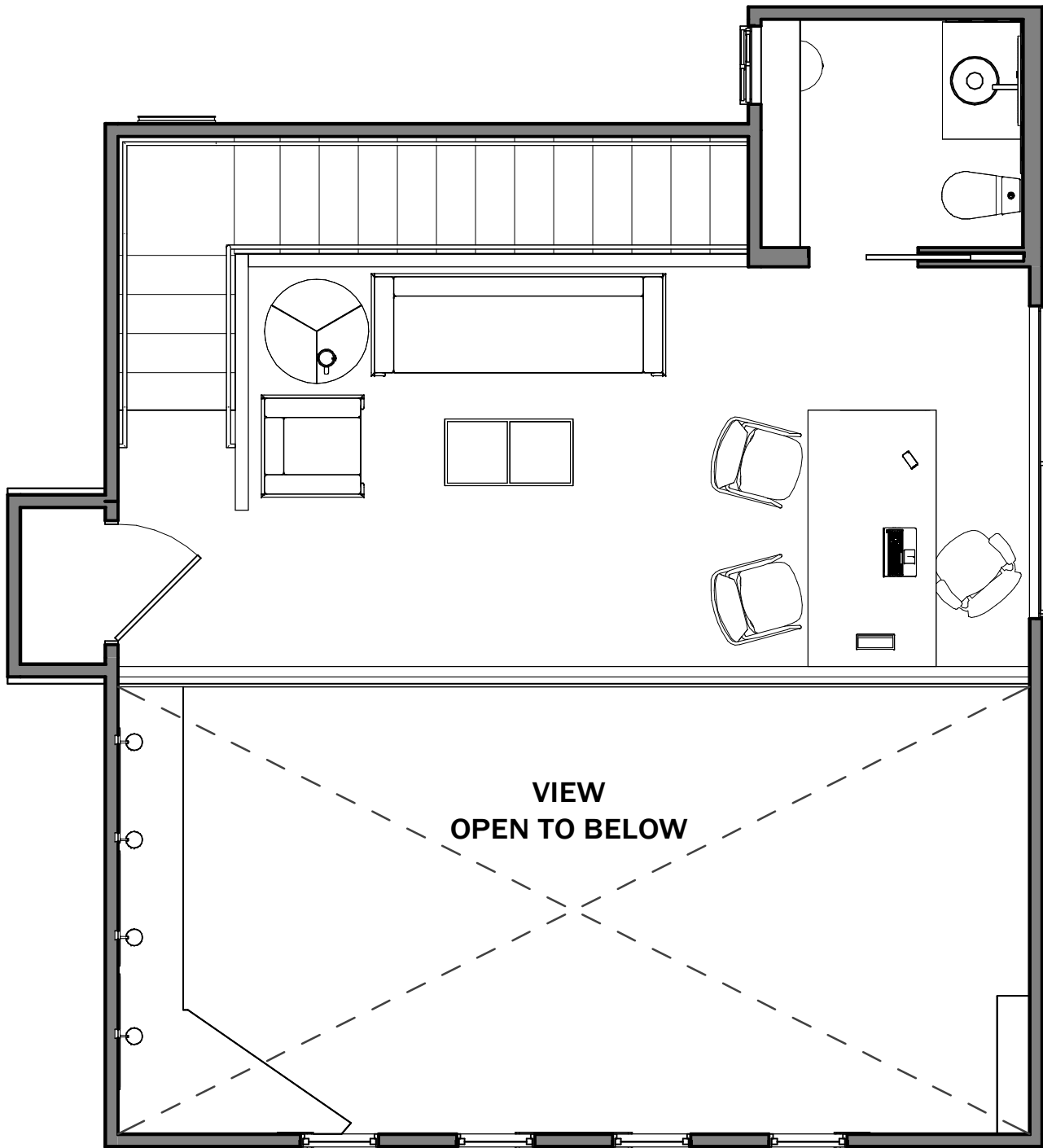
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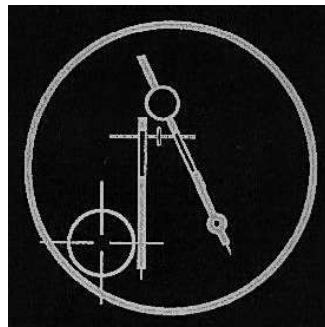
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BUILDING AREA	
AREA	SQ. FT.
1st Floor:	2320
2nd Floor:	310
Total	2,630



1 Arch. Floor Plan - Mezzanine

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



"I HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS MEET ALL LOCAL CODE(S) REQUIREMENTS AND ARE IN CONFORMITY WITH VA MINIMUM PROPERTY REQUIREMENTS."

ID # VA-1322-SAO
CORNELIO RIOS
SBCCI PROFESSIONAL MEMBER #24973
MEMBER SINCE 1994

DATE: MARCH 2022

PROJECT NO.: IM-COMM-03-22

REGISTRATION NO 22525

ARCHITECTURAL DESIGNER Cornelio Rios

ARCHITECTURAL DRAFTER Alec Rios

REVISIONS d A G

NOTES:

Client Name(s):
Ivan Olivella & Maria Zabaleta

PROJECT:
Face Fresh Medspa & Boutique

ADDRESS
1605 N. 6th Street, McAllen, Tx.

del Arq. Group LLC

Phone #: (956)209-2145 Email: arquit@live.com
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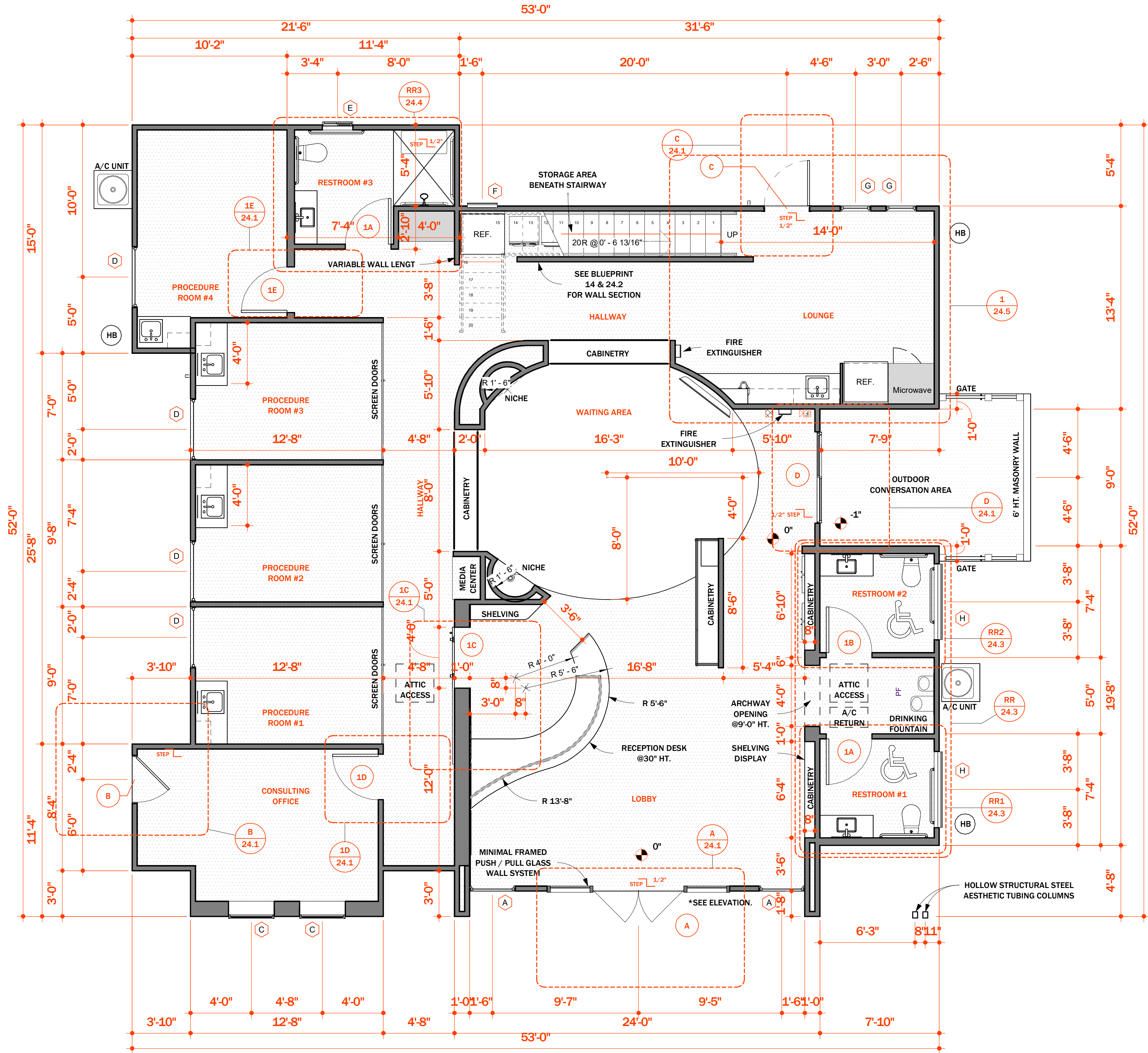
05

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TRUE
NORTH

PLAN
NORTH

1

Floor Plan - 1F

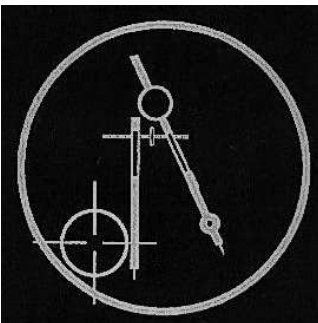
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houzz

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SBCCI PROFESSIONAL MEMBER #24973
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PROJECT NO.: IM-COMM-03-22

REGISTRATION NO. 22525

ARCHITECTURAL DESIGNER Cornelio Rios

ARCHITECTURAL DRAFTER Alec Rios

REVISIONS d A G

NOTES:

Client Name(s):
Ivan Olivella & Maria Zabaleta

PROJECT: Face Fresh Medspa & Boutique

ADDRESS

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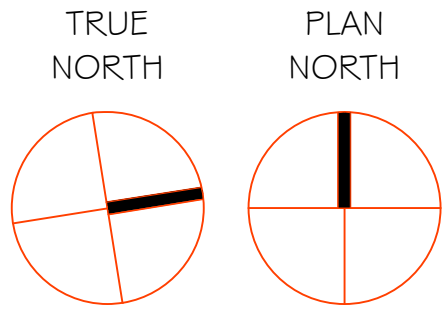
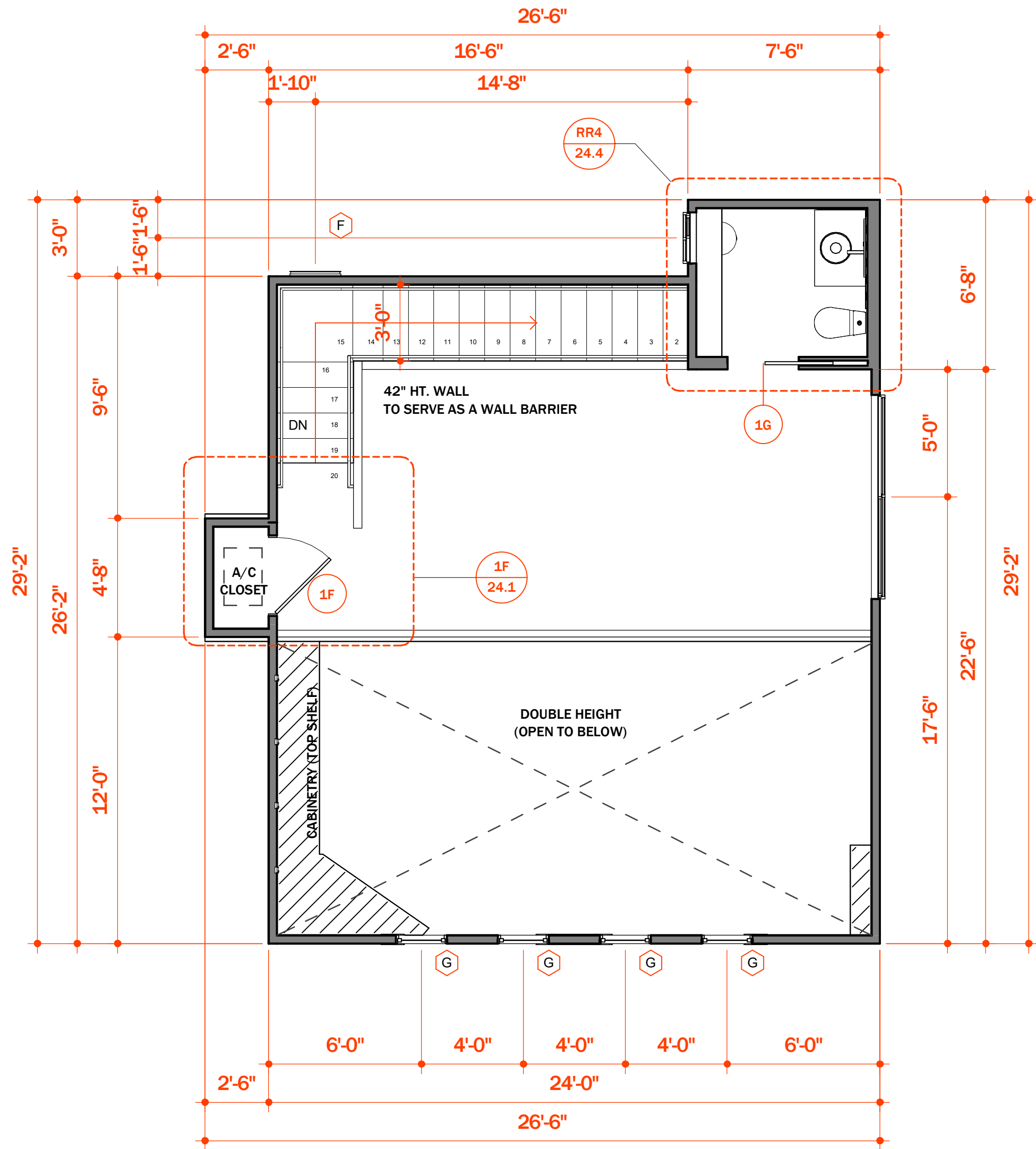
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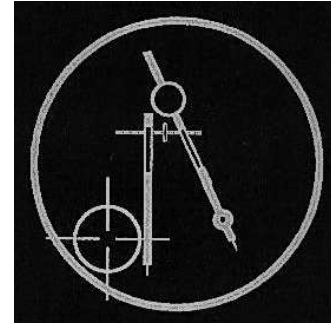
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Total	2,630



1 Floor Plan - 2F
SCALE: 1/4" = 1'-0"



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SHEET:

07



MEMO

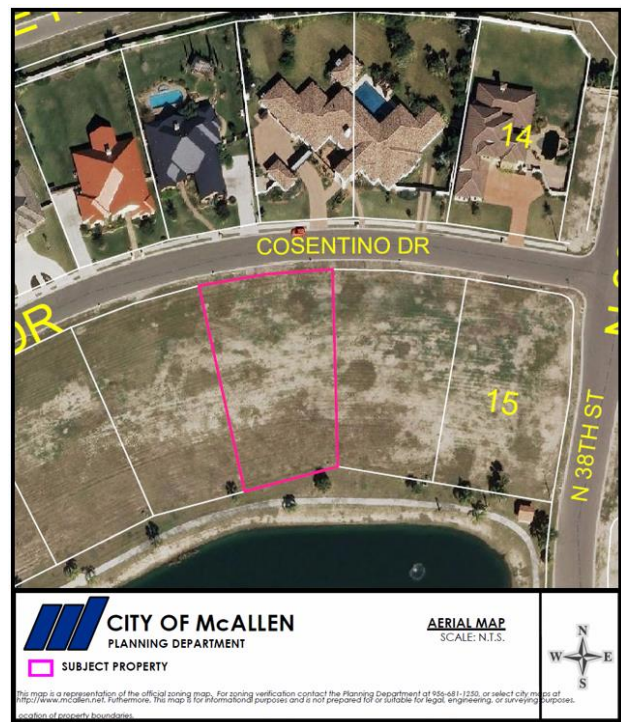
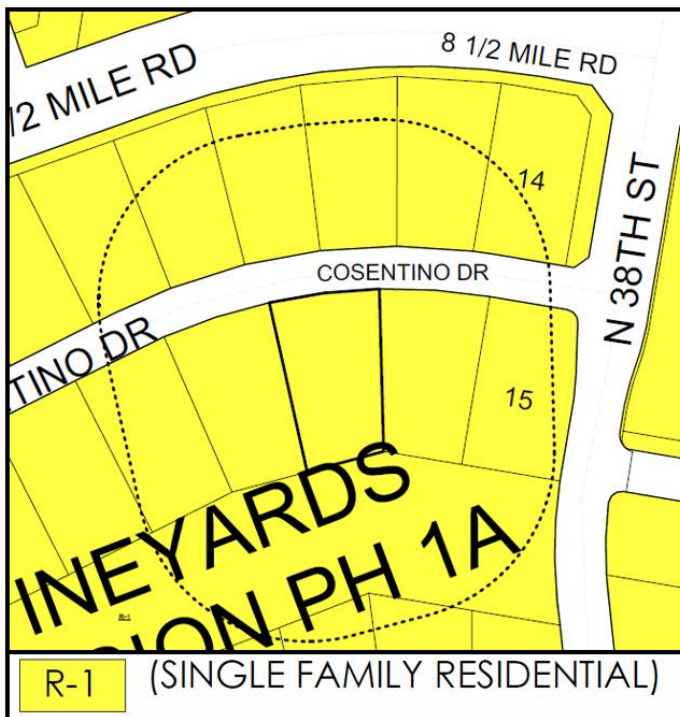
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 13, 2022

SUBJECT: Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive. (ZBA2022-0126)

REASON FOR APPEAL: Property owner is requesting a variance to the Vegetation Ordinance to reduce the cost of maintaining natural grass, to give the landscape better appearance year around, and to reduce the usage of water and chemicals.



PROPERTY LOCATION AND VICINITY: The property is located on the south side of Cosentino Drive, approximately 250 ft. west of North 28th Street. The property dimensions are 130.20 feet by 204.07 feet. The subject property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. Surrounding land uses include single-family residences and vacant land.

BACKGROUND AND HISTORY: A building permit was submitted in November 2020 for a 7,453 square foot single-family residence. An application for the variance request was received by the

Planning Department on December 2, 2022.

ANALYSIS: Upon submittal of the variance request, the applicant also submitted a landscape plan that indicates that synthetic grass is proposed to be used for the subject property to comply with the landscape requirements. Section 110-56 (f) of the Vegetation Ordinance states that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements.

The variance to the vegetation ordinance to allow the synthetic grass instead of the required landscape area that is visible from the fronting street (Consentino Drive) is not being met. As per Section 110-48 indicates that a minimum of fifty percent of the area within the required front yard of any residential parcel shall be devoted to landscape material.

Under the Building Permit, the applicant signed the conditions requiring a certain amount of landscape square footage to be of “sod, including the side yard setback extending to the front property line...” in December 2020.

Staff received two phone calls in opposition to the variance request. The citizens expressed that everyone must comply with the landscaping requirements.

RECOMMENDATION: Staff recommends disapproval of the variance request as synthetic grass should not be used in lieu of plant requirements and approval of the variance request may encourage other property owners to not comply with landscaping requirements.

ZBA 2022-0126

ZBA: 12/21/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Lot 17 of the vineyards subdivision

Subdivision Name

The vineyards

Street Address

3817 Cosentino

Number of lots

10

Gross acres

50 Acre

Existing Zoning

Existing Land Use

Reason for Appeal (please use other side if necessary)

Synthetic Artificial turf instead of natural grass on entire lot.

☒ \$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

Luis D. Waldo

Phone

956-777-3677

Address

8904 N. 9th McAllen

E-mail

luiswaldo@yahoo.com

City

McAllen

State

TX

Zip

78504

Owner

Name

Rene Castellanos

Phone

956-369-4877

Address

N/A 4817 S Jackson

E-mail

City

Edinburg

State

TX

Zip

78539

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

Print Name

Rene Castellanos

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

DEC. 02 2022

Rev 09/20

Initial:

DM



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:

This house is in Compliance with Greenery, it has adequate amount of trees & plants & the grass is low maintenance & low of pest.

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

The Client cannot afford to water the property all of its lifetime, its a greater investment but grass will stay green all year

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

The grass has the legal testis, and will be in compliance with larger municipalities.

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

This Artificial turf is compliance with all Drainage laws & will further cause a Savings in water consumption

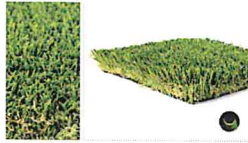
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

ECO 94 GOLD



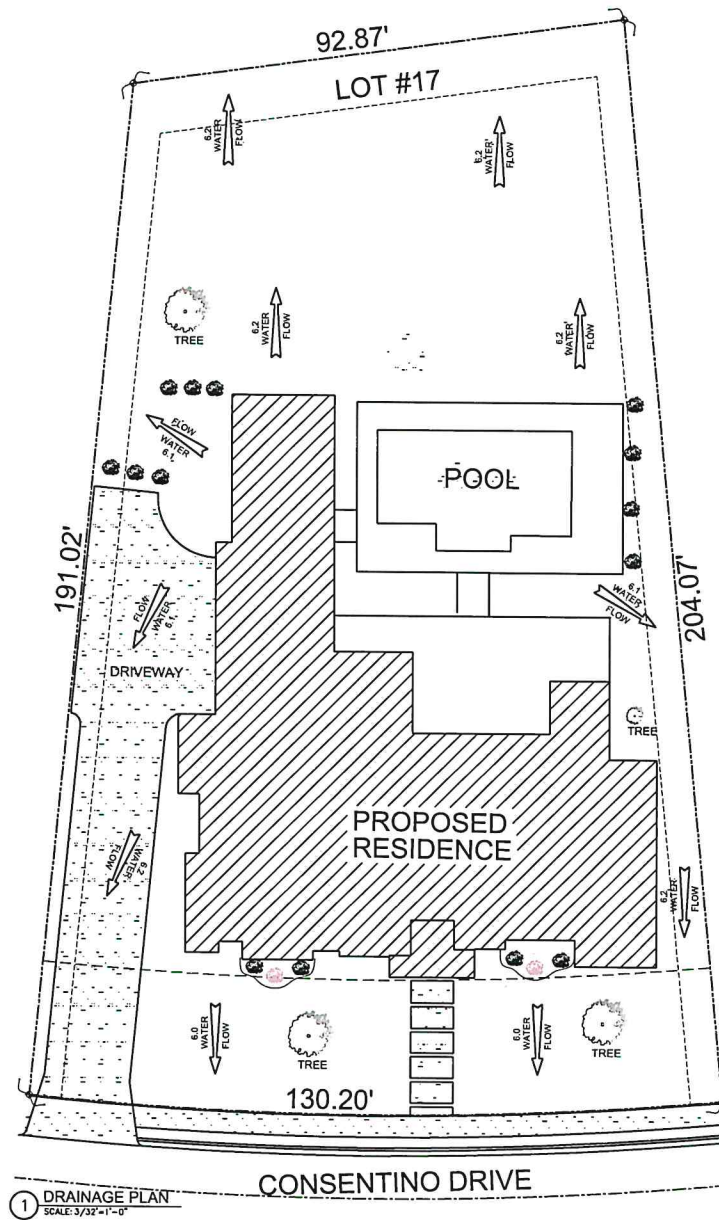
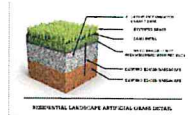
Yarn Type	Polyethylene - C Blade
Extruder	FE1500-493420
Approximate Pile Height	2.0 in.
Machine Gauge	3/8 in.
Roll Size	15 x 60 inches / roll
Approximate Inlet Amount	15.2 lbs / sq yd
Primary Backing	Polyurethane
Approx. Total Product Weight	56 lbs / sq yd
Pile Stem Weight	0.713 lbs / sq yd
Average Tuft Blade Strength	10 x 10 lbs / sq yd
Total Load Capacity	< 0.5 in / sq yd
UV Resistance	8 out of 10 Pass
Water Permeability	19.2 in / sq yd
QUV Accelerated Weathering	Color: 9 / Texture: 10

Recommended Uses

- Landscapes
- Pet Areas
- Playgrounds
- Pongos

Eco 94 Gold is a high-quality product ideal for moderate to high traffic. The jade and olive green blades have a natural coloring that can be installed in any neighborhood in any state. Whatever application you choose to use Eco 94 Gold it will look lush and natural while still being affordable.

- 10 Year Warranty
- DuraBlade™ Technology
- Lead Free



1 DRAINAGE PLAN
SCALE: 3/32" = 1'-0"

CONSENTINO DRIVE

Definitely Quality Homes

ALDO HOMES
LUIS WALDO
TERRE WALDO
(956) 466-8590
luiswaldo@alho.com

LOT #17
THE VINEYARDS
SUBDIVISION
MCALLEN, TEXAS.

NOTES:

DATE: 06-24-2020

SHEET
C-1











PLANNING DEPARTMENT

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



2023 CALENDAR

Meetings:





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

Deadlines:





D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed





JANUARY 2023

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






FEBRUARY 2023

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





MARCH 2023

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





APRIL 2023

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

MAY 2023

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






JUNE 2023

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



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

2023 CALENDAR








Meetings:

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











Deadlines:

-  D- Zoning/CUP Application
-  N - Public Notification
- * **Holiday** - Office is closed











JULY 2023

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












AUGUST 2023

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













SEPTEMBER 2023

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









OCTOBER 2023

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

NOVEMBER 2023

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

DECEMBER 2023

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

2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION