

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, DECEMBER 7, 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 November 17, 2022

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)**
- 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)**
- 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) (TABLED: 11/17/2022)**
- 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)**
- 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)**
- 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)**

- 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)**
- 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)**

3. 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:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, November 17, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Ann Tafel	Member
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Rebecca Millan	Alternate
	Juan Mujica	Alternate
	Sam Saldivar	Alternate
Absent:	Rebecca Millan	Alternate
	Mark Talbot	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Marco Rivera	Planner I
	Samantha Trevino	Planner I
	Porfirio Hernandez	Planning Technician II
	Julian Hernandez	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a)** Minutes for the special meeting held on November 2, 2022.

The minutes for the special meeting held on November 2, 2022 were approved. The motion to approve the minutes were made by Vice-Chairperson Jose Gutierrez. Mr. Rogelio Rodriguez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Ahyra Guerrero for the following Variance request to the City of McAllen Zoning Ordinance to allow issuance of a building permit in excess of 10% replacement value for a non-conforming structure, at Lot 17, Block 4, College Heights Subdivision, Hidalgo County, Texas; 817 South 22nd Street. **(ZBA2022-0095)**

Mr. Rivera stated the applicant was requesting a variance to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use in order to remodel an existing dwelling located on the subject property. The applicant claims that this

variance is necessary to make the structure habitable. The structure is dilapidated and needs rehabilitation to make it habitable.

The subject property is located on the east side of South 22nd Street, 50 feet north of Ithaca Avenue. The property has 50 feet of frontage along South 22nd Street and a depth of 140 feet, for a lot size of 5,299 square feet. The zoning for the subject property and the adjacent properties is R-2 (duplex-fourplex residential) in all directions. Surrounding land uses include single family residential.

College Heights Subdivision was recorded in November 1926. The applicant states that the house was constructed in 1948. The current owners acquired the property in 2021.

A Stop Work order was posted on September 1, 2022 for construction work without a building permit. A building permit application for the remodeling of the structure was submitted on September 9, 2022 and an application for the variance request was submitted on October 7, 2022.

The variance request is to allow the continuation of the non-conforming structure as a single-family residence. According to the submitted site plan, the dwelling measures a total size of approximately 1,130 square feet. According to the applicant. The applicant is proposing to remodel the current structure in order to make it livable and safe for the occupants.

According to Section 138-89 (a), "on any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing to an extent exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be."

The proposed remodeling will not increase the square footage of the current structure. The proposed remodeling cost however, will exceed the replacement value of the non-conforming structure in excess of 10%.

According to Hidalgo County Appraisal District, the current value of the non-conforming structure is \$20,666. Moreover, 10% of said value would be \$2,066.60.

According to the applicant's submitted estimates, there will be a total expenditure of \$32,750 in the cost of the materials needed to remodel the dwelling structure. Out of the total submitted cost estimates, only \$26,450 in materials would require a building permit. This estimate total would exceed the 10% replacement value of the non-conforming structure by \$24,383.4.

If the variance request is approved, the applicant must comply with all other zoning ordinance and building code requirements.

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

Staff recommended approval of the variance request since the proposed remodeling would make the structure habitable and bring the structure closer to compliance with City codes.

Following discussion, Ms. Ann Tafel moved to approve the variance request as recommended by staff. Mr. Rogelio Rodriguez seconded the motion. The Board voted

unanimously to approve the variance request with five members present and voting.

- b)** 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)**

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 is 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 has a Lot area of 10,331 square feet. The property is zoned R-1 (single-family residential) District. The adjacent zoning is 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 is 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 is 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 encroaches 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 is 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 in May 2022

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 had not received any emails or phone calls in opposition of the variance and special exception requests.

Staff recommended:

Variance #1: Staff recommends Approval of the variance request to allow the secondary structures to remain on the lot, since the property is enclosed by an existing cedar fence surrounding the two Lots in essence both lots are used as one tract.

Variance #2 & Special Exception #3: Staff recommends Disapproval of the variance request #2 and special exception #3, 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.

Mr. Quincy McGill, the applicant stated the shed in the back was intended to be a little house for his mother. The shed was there since January 2021. The Code inspector came by around August 2021 and noticed the shed. He stated the person he used for the shed did not come out to the 10-foot easement nor did they apply for the proper building permits. He stated he got in touch with energy Transfer Company about the gas line because his home builders in 2020 informed him the gas line ran through their yard was inactive. When they were getting ready to get the pool install, the City came to mark the lines and informed him that the lines were indeed active.

Board member Ann Tafel asked the applicant if it had electrical lines running through the shed. Mr. McGill stated yes, but no utilities.

Board member Saldivar asked staff if the applicant had room to move the shed to the 10-foot easement with the gas line being there. Mr. Rivera stated there was room to able to move it but staff did not have survey now staff did not have the proximity to the gas line.

Board member Rodriguez asked staff being that it was two lots and that it was going to be used as a secondary living quarters at what point would it be considered a guesthouse. Mr. Rivera stated the City did not have a minimum square footage for a guesthouse, which would be through a Conditional Use Permit.

Board member Saldivar asked staff regarding the carport that was originally going to be used as a residence, but now as a shed, did the applicant need to pave it. Mr. Rivera stated for the shed they did not require the paving but for the area, he was going to be using for the carport he would.

Following discussion, Vice-Chairperson Jose Gutierrez **moved** to table the variance request and special exceptions for more options. Ms. Ann Tafel seconded the motion. The Board voted unanimously to table the variance request and special exceptions with five members present and voting.

- c) Request of Flamingo Pools (Marcos Ramirez III) on behalf of Chris Howard for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 14 feet by 35 feet at Lot 9, Vine Ridge Estates Subdivision, Hidalgo County, Texas; 3508 Upas Avenue. **(ZBA2022-0098)**

Ms. Trevino stated the applicant was requesting a variance in order to allow an encroachment of 15 feet into the rear yard setback of 25 feet for a proposed swimming pool measuring 14 feet by 35 feet.

The subject property was located along the north side of Upas Avenue, west of North 35th Street and between Upas and Vine Avenues. The property has double frontage of 50 feet along Upas and Vine Avenues. It has a depth of 151.5 feet, for a lot size of approximately 7,565 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.

The plat for Vine Ridge Estates Subdivision was recorded on March 12, 2019. An application for a swimming pool permit has not yet been submitted to the Building and Inspections Department. An application for the variance request was submitted on October 19, 2022.

Approval of the variance request would allow an encroachment of 15 feet in to the 25 feet rear yard setback as shown in the submitted site plan. Lots 1 through 11 along this block in Vine Ridge Estates Subdivision Phase have double frontage along Upas Avenue and Vine Avenue. The recorded plat for the subdivision requires the double fronting Lots to have a 25 feet front and rear yard setbacks.

City Ordinance Section 138-367 (b) states, “where lots have double frontage...a required front yard shall be provided on one street only. “The submitted site plan shows the existing residence in compliance with the 25 feet front yard setback along Upas and Vine Avenue. However, an approved variance is still necessary to resolve the plat note setback requirement of 25 feet for the rear yard

In addition, existing 10 feet utility easement will not be impacted by the proposed setback encroachment.

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

Staff recommended approval of the variance request since the required front yard has 25 feet along Upas Avenue and is in compliance with the City of McAllen Zoning Ordinance requirement for double fronting lots.

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

- d) Request of Diana Guerrero-Pena for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6.67 feet into the 10 feet corner side yard setback for an existing covered porch measuring 16 feet by 20 feet at Lot 30, Golden Acres Patio Homes Subdivision, Hidalgo County, Texas; 3620 Gumwood Avenue, Unit 30. (ZBA2022-0099)**

Ms. Trevino stated the applicant was requesting a variance in order to allow an encroachment of 6.67 feet into the corner side yard setback of 10 feet for an existing metal porch structure measuring 16 feet by 20 feet. The reason for this request according to the applicant is for shade and to provide protection for her parents from the weather elements when they visit.

The subject property is located at the northwest corner of North 36th Street and Gumwood Avenue. The property has 50 feet of frontage along North 36th Street and a depth of 95 feet, for a lot size of 4,750 square feet. There is an existing residence on the subject property, which is part of Golden Acres Patio Homes, a condominium development.

The plat for Golden Acres Patio Homes Subdivision was recorded on August 11, 1980. A stop work order was issued for building the porch without a permit on October 12, 2022. An application for a building permit for the porch was submitted October 13, 2022. An application for the variance request was submitted on October 19, 2022.

Approval of the variance request would allow an encroachment of 6.67 feet into the 10 feet corner side yard setback as shown in the applicant's submitted site plan. The reason for this request according to the applicant was for shade and to provide protection for her parents from the weather elements when they visit.

Corner side yard setbacks are important in allowing for adequate building separation from road ways.

There is an existing brick wall mostly that surrounds the residence on the subject property that serves as a buffer and screens any visible encroachments.

Granting of a variance may allow a structure to be enclosed in the future.

During a site visit of the subject property, staff noticed other similar encroachments within this development. A review of the Planning Department records did not reveal other variances processed for this development.

Staff had received one phone call in opposition with a concern that it may encourage other similar encroachments. There were two phone calls received in favor of the variance request.

Staff recommended disapproval of the variance request since the plight of the owner is not unique. If the Board chooses to grant the variance, it should be limited to the encroachment shown on the submitted site plan.

Board member Avila asked staff what were the concerns of the oppositions regarding the covered porch. Ms. Trevino stated that the neighbors were concerned that more residents would be building the same types of porches.

Following discussion, Mr. Hugo Avila **moved** to approve the variance request subject to the encroachment of the submitted site plan. Ms. Ann Tafel seconded the motion. The Board voted to approve the variance request with four members voting aye and one voting nay, Vice-Chairperson Jose Gutierrez.

- e) Request of Juan R. Dominguez for the following Variance Request to the City of McAllen Zoning Ordinance to allow an encroachment of 2.5 feet into the 6 feet east side yard setback for an existing wood storage building measuring 20 feet by 18 feet, at Lot 29, La Puerta Subdivision Phase I, Hidalgo County, Texas; 3221 La Puerta Avenue. **(ZBA2022-0097)**

Mr. Rivera stated the applicant was requesting a variance to encroach 2.5 feet into the east side yard setback of the subject property for an existing wooden storage building measuring 20 feet by 18 feet. The applicant stated that the storage shed would be used to store tools and yard work equipment.

The subject property was located on the south side of La Puerta Avenue near the intersection with North 33rd Street. The property had 84 feet of frontage along La Puerta Avenue and a depth of 143.33 feet for a total lot size of 12,039.7 square feet. The zoning for the property and adjacent zoning was R-1 (single-family residential) District in all directions. Surrounding land use was single family residential.

La Puerta Subdivision Phase I was recorded in August 2006. A Stop Work order was issued by the Building Permits and Inspections Department on October 8, 2022 for doing construction without a building permit. A building permit application was submitted to the Building Permits and Inspections Department on October 11, 2022 and a variance application was submitted to the Planning Department on October 14, 2022. The applicant hired a contractor to start construction on the wooden storage shed in 2022 in order to store his personal tools and yard work equipment. He was previously storing the items in the car garage. The storage building was constructed in order to move the equipment out of the garage and store the items in the storage shed.

The request was to allow an encroachment of 2.5 feet into the 6 feet east side yard setback for an existing wooden storage building measuring 20 feet by 18 feet. As per the subdivision plat, there are no easements along the east side of the property.

The storage building was placed over a concrete foundation and compliance would involve relocation or demolition of the encroaching portion of the structure in order to achieve compliance.

During a site visit, staff noticed other encroachments along the rear and side yards within La Puerta Subdivision Phase I. A review of Planning Department records did not reveal other variances granted within the subdivision. Approval of the request allowing structures within the side yard of the property may encourage other similar encroachments.

During a site visit of the subject property, staff noticed a carport located on the adjacent property that appears to encroach into the side yard. A review of Planning Department records did not reveal any Building Permits or a Variance requests granted for the this structure.

Measurements provided were without benefit of a survey.

Staff had not received calls or emails in opposition of the variance request.

Staff recommended disapproval of the variance request since, there was no history of other variances having been granted at La Puerta Subdivision Phase I, and approval may encourage other construction with encroachments. If the Board chooses to approve the variance request, it should be limited to the footprint shown in the site plan.

Mr. Juan Dominguez, the applicant stated it was a tool shed to store his yard equipment. He wanted to alleviate the space in the garage to use for his vehicles.

Board member Tafel asked the applicant if there was work to be finished. Mr. Dominguez stated no, it was completed.

Board member Mujica asked the applicant if there was electricity. Mr. Dominguez stated there was no electricity.

Board member Avila asked staff when it is a hardship. Mr. Garcia, Planning Director stated that when the State Legislature passed that if the correcting the issue would be more than 50% worth of the structure.

Mr. Dominguez stated he did ask someone but in a different building and was informed that he did not need a permit. The cement slab was for their RV.

Staff stated to the Board that building did not require a permit for a storage that is under 200 square feet although it would have to comply with the setbacks.

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 to disapprove the variance request with two members voting aye and three members voting nay, Hugo Avila, Sylvia Hinojosa and Rogelio Rodriguez.

- f) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022, 10/05/2022, 10/19/2022, 11/02/2022, 11/17/2022)**

Ms. Ann Tafel **moved** to remove the item from the table. Vice-Chairperson Jose Gutierrez

seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Mr. Rivera stated the applicant was requesting to allow an existing single-family residential structure with an encroachment of 4 feet into the 10 feet south side yard setback to remain.

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

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

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

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

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

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

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

At the Zoning Board of Adjustments and Appeals, meeting of July 7, 2022 a rehearing of the request was tabled, since the applicant was in the process of preparing information

for their case. The board voted to table the request with five members present and voting.

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

4. FUTURE AGENDA ITEMS:

- a)** 3008 Sonora Avenue
- b)** 4509 Pelican Avenue
- c)** 521 South 22nd Street
- d)** 2709 South 27th Street
- e)** 420 North 16th Street
- f)** 4411 North 26th Lane
- g)** 3105 Tanya Avenue

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

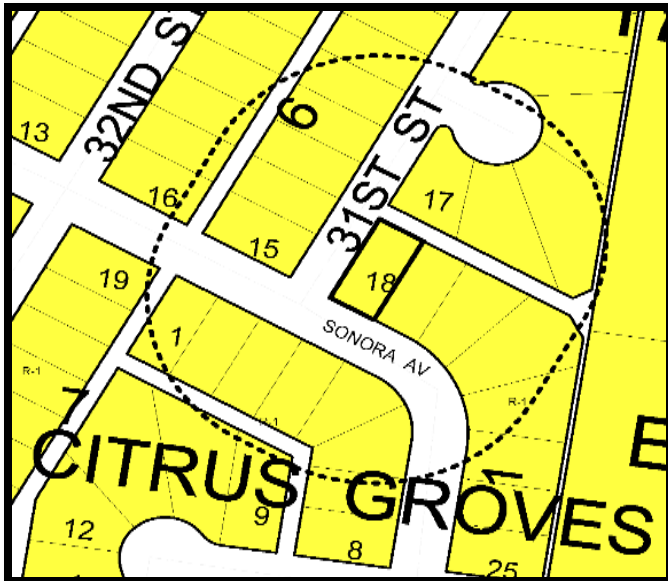
FROM: Planning Staff

DATE: November 29, 2022

SUBJECT: 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)

REASON FOR APPEAL:

The applicant is 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.



PROPERTY LOCATION AND VICINITY:

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

BACKGROUND AND HISTORY:

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.

ANALYSIS:

The applicant is 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 is 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 has not received any emails or calls in opposition to the Special Exception request.

RECOMMENDATION:

Staff recommends approval of the Special Exception request, since in the past there have been other Special Exception requests granted within Colonia McAllen No.7 Subdivision.

ZBA 2022-0100

ZBA
12/7/22



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 Colonia McAllen UT No. 7 Lot 18 BK 1
Subdivision Name Colonia McAllen Unit # 7
Street Address 3008 Sonora Ave
Number of lots 1 Gross acres _____
Existing Zoning R 1 Existing Land Use existing House
Reason for Appeal (please use other side if necessary) Requesting a Special
exception for carport measuring 24x22 distance south property
left distance to west property line carport is encroaching line
☒ \$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

Carport is encroaching left into the 10 ft set back

Applicant

Name Melissa Trevino Phone 956-624-7776
Address 3008 Sonora Ave E-mail mtrevino@mcallen.net
City McAllen State TX Zip 78503

Owner

Name Melissa Trevino Phone 956-624-7776
Address 3008 Sonora Ave E-mail mtrevino@mcallen.net
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 [Signature] Date 9-12-22
Print Name Melissa Trevino ☒ Owner ☐ Authorized Agent

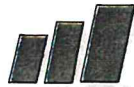
Office

Accepted by _____ Payment received by _____ Date _____

Rev 10/18



ALS



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:

my property is a corner lot. The side setback on west is 10ft. Typical setback are 6ft. please take this into consideration.

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

Due to my garage being too small for my car the carport has helped my cars to be safe from sun damage and storms that we had in past years. Help from cars to be overheated when I had to take my mother to doctors appts and dialysis, helped from getting us wet when raining.

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:

To my knowledge it is not a problem to neighbors of good quality structure.

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

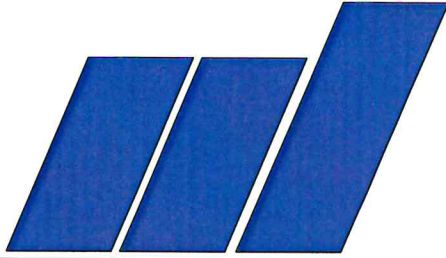
carport will protect cars and us from heat, storms that may cause car damage or bodily damage. Carport metal so won't catch on fire carport open so view will not be blocked. Carport over existing driveway.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN
Planning Department
Variance request

LEGAL DESCRIPTION: Colonia McAllen UT No 7 Lot 18 B/K 1

PROPERTY ADDRESS: 3008 Sonora Ave.

CASE NUMBER: : _____

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 Melissa Trevino

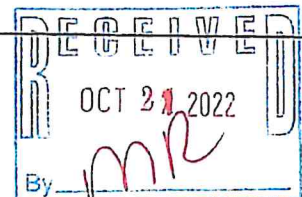
Address 3008 Sonora Ave

McAllen TX 78503

Phone 956-624-7776 e-mail mtrevino@mcallen.net



N









NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0100
CITY OF MCALLEN PLANNING DEPT.
361-681-1236
WWW.MCALLE.NET

3008

Memo

TO: Zoning Board of Adjustment & Appeals

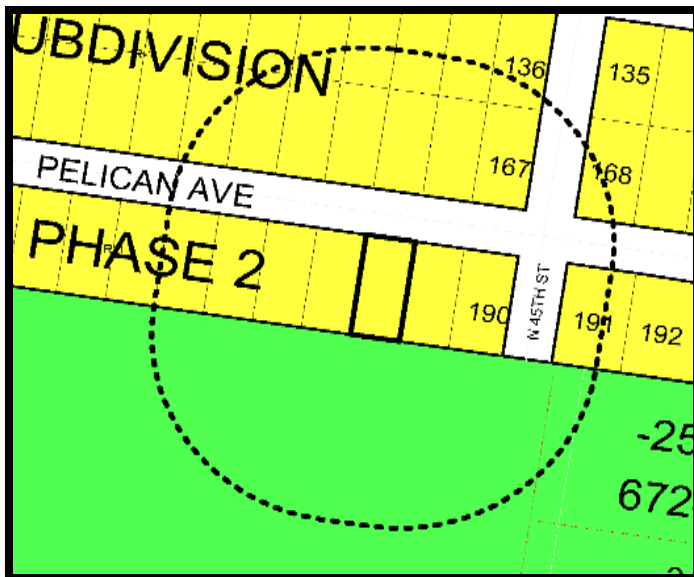
FROM: Planning Staff

DATE: November 30, 2022

SUBJECT: 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)

REASON FOR APPEAL:

The applicant is 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.



PROPERTY LOCATION AND VICINITY:

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.

BACKGROUND AND HISTORY:

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.

ANALYSIS:

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.

RECOMMENDATION:

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.

ZBA 2022-0101

ZBDA
12/17/2022

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

Plantation Gap Ph 2 Lot 188

Subdivision Name

Plantation Gap Phase 2

Street Address

4509 Pelican Ave. McAllen, TX 78504

Number of lots

1

Gross acres

Existing Zoning

R1-f

Existing Land Use

Reason for Appeal (please use other side if necessary)

~~En~~ encroachment 18 ft into
EysB-25 ft, Carport 14 ft x 18 ft Carport with Canvas Roof

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

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

Applicant

Name

Juan Carlos Vasquez

Phone

956-878-9803

Address

4509 Pelican Ave

E-mail

City

McAllen

State

TX

Zip

78504

Owner

Name

Juan C. Vasquez

Phone

(435) 621-2187

Address

4548 La Roche Ave

E-mail

jcvasquez.sfa@gmail.com

City

Carrollton

State

TX

Zip

75010

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

10/18/2022

Print Name

Juan C. Vasquez

☒ Owner☐ Authorized Agent

Office

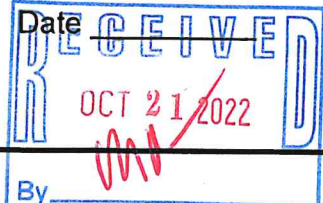
Accepted by

SEN

Payment received by

Rev 10/18

Date



By



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

2003/11/01

*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 of 18ft 20ft E/SB
for carport measuring 14ft x 18ft

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

for the protection of vehicles from Rain, Sun
and natural elements -

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 structure is safe and is a hazard free to people.
The structure was professional made -

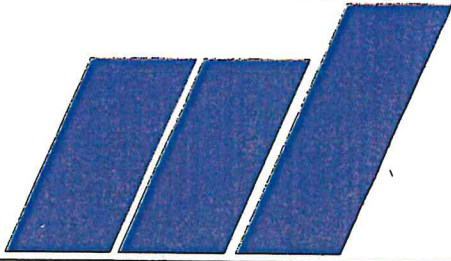
4. Describe special conditions that are unique to this applicant or property:

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF MCALLEN
Planning Department
Variance request

LEGAL DESCRIPTION: _____

PROPERTY ADDRESS: 4509 Pelican Ave. McAllen, TX 78504

CASE NUMBER: : B328

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.

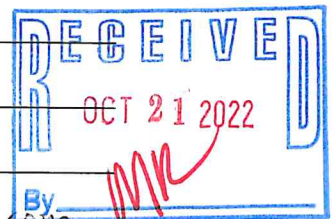
Applicant's Signature J. Vasquez

Print Name Juan C. Vasquez

Address 4548 La Roche Ave

Carrollton, TX 75010

Phone (435) 621-2187 e-mail jvasquez.sf@gmail.com



6/18/2022

To whom it may concern,

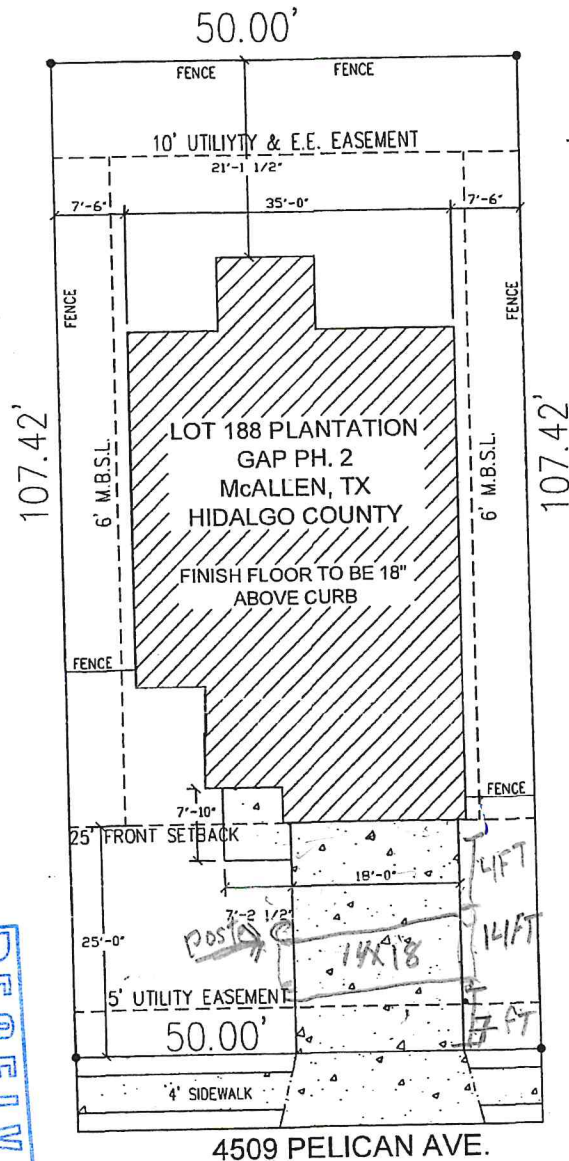
I would like to request and designate Homero Vasquez, my father, to ^{for} ~~act~~ act as my proxy in resolving this issue with the car port. I am unable to present myself as I am moving out of state for job reasons. Please allow Homero Vasquez to act on my behalf regarding the car port issue.

Respectfully, J. Vasquez
Juan C. Vasquez

Owner Juan Carlos Vasquez
4548 La Roche Ave.
Carrollton TX 75010
phone 541.864.0225

Cove of Homero Vasquez
4509 Pelican Ave McAllen TX 78504
956-5789803

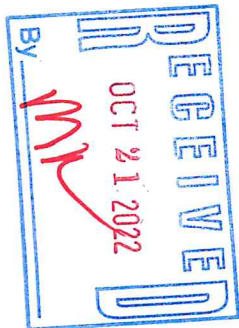
MODEL: SAN CRISTOBAL - RH



NOTES: Carport Mat Canvas
size 14' Long X 18' Wide
2-3" post 4-2" anchor 1" X 3' deep

WING FENCE: 15 FEET
REAR FENCE: 195 FEET

DRIVEWAY: 450 SQ. FT.
SIDEWALKS: 172 SQ. FT.
APRON: 160 SQ. FT.
TOTAL CONCRETE: 782 SQ. FT. = 9.5 CU. YRS.
GRASS: 1151 SQ. FT. = 2.5 PALLETS



A quien corresponda.

el 2020, contratamos un contratista para que construyera un carport en el driveway. el no sacó los permisos necesarios para construir y se le construyó así sin permiso. en agosto vino la Ciudad preguntando por el permiso, el cual no tengo.

La Razon para este carport, es para proteccion de mis dos carros. Tengo garage para dos carros uno usualmente esta adentro, el otro en el carport. porque en una area del garage tengo equipos de ejercicio medido: para mi esposa y para terapia en casa, todos los días es el motivo.

Gracias

Sin mas

Homero Vasquez

956-878-9803

ENTERED

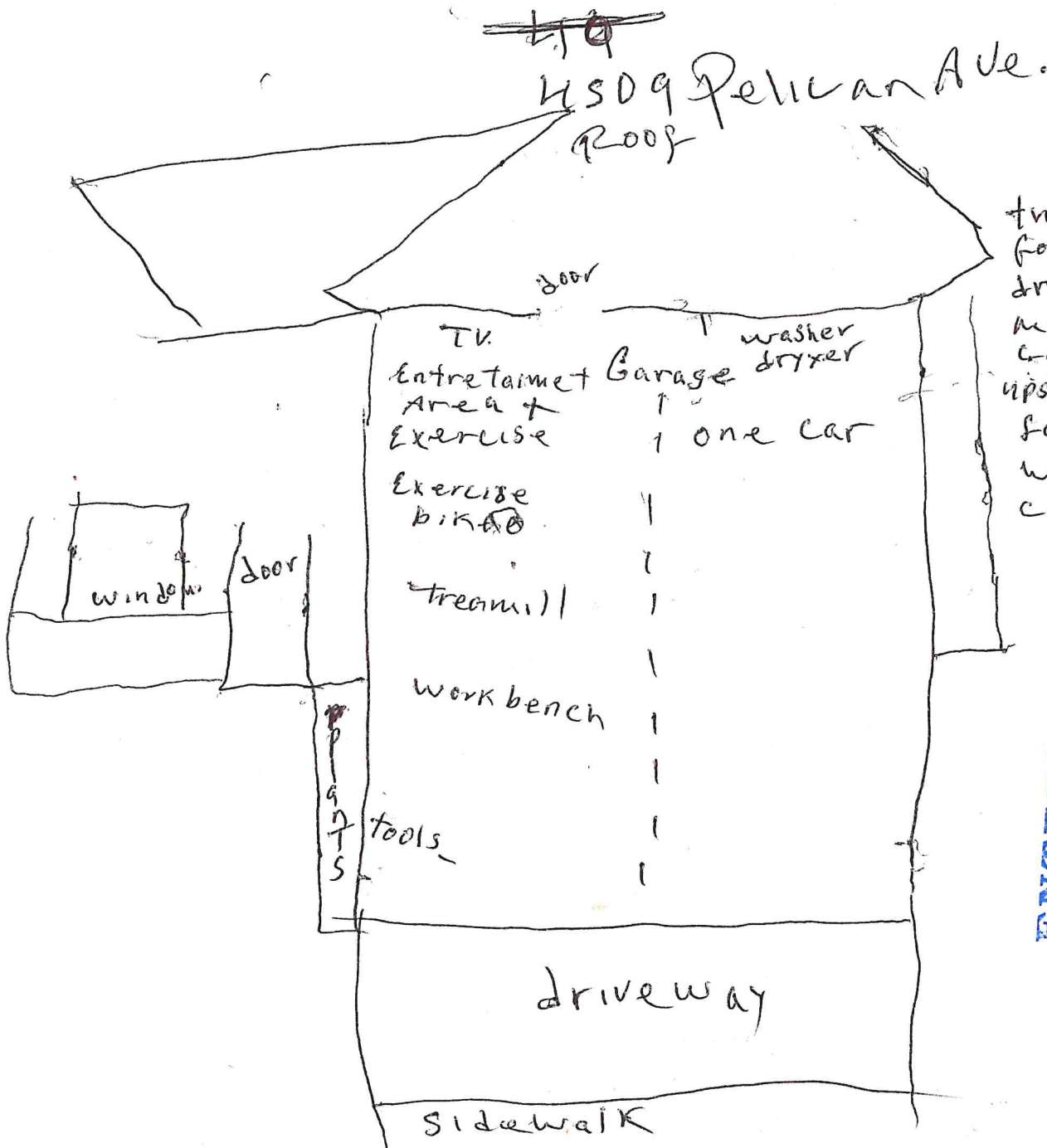
NOV 29 2022

Initial: NR

Juan Carlos Vasquez

Homero Vasquez

956-878-9803



the reason
for the washer and
dryer in the garage
my wife and I
cannot climb
upstairs fear of
falling
we own ~~one~~ ^{Two}
cars only.

ENTERED

NOV 29 2022

Initial: MC





**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0101**

CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLENNET.TX



Memo

TO: Zoning Board of Adjustment & Appeals

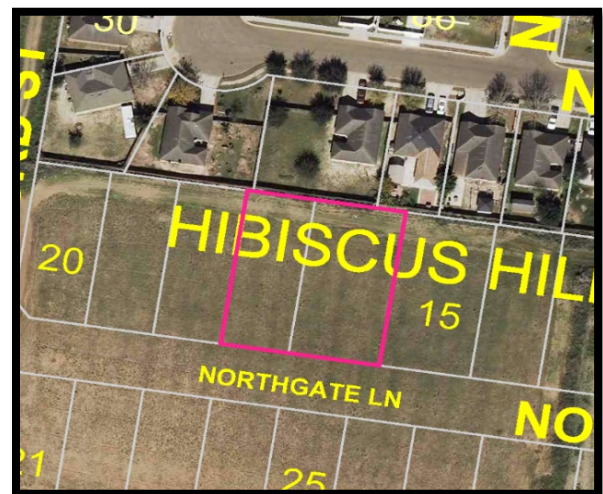
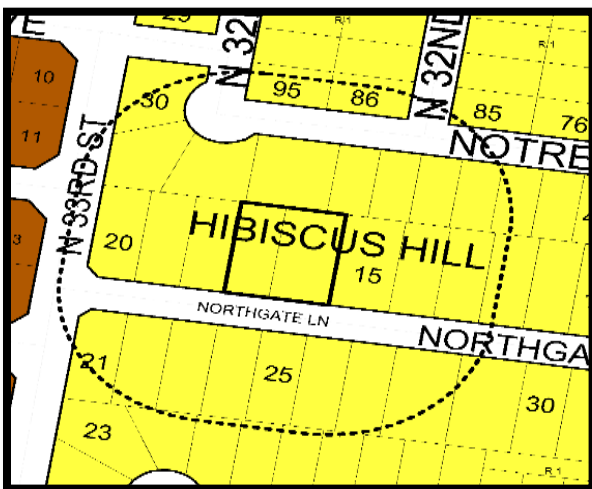
FROM: Planning Staff

DATE: December 02, 2022

SUBJECT: REQUEST OF QUINCY MCGILL FOR THE FOLLOWING VARIANCES AND SPECIAL EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW 1) AN ACCESORY 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) (TABLE 11/17/2022)

REASON FOR APPEAL:

The applicant is 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 foot 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 is 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.



PROPERTY LOCATION AND VICINITY:

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

BACKGROUND AND HISTORY:

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.

ANALYSIS:

Variance request #1: This request is 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 is 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 encroaches 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 is 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 in May, 2022

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.

RECOMMENDATION:

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.

ZBOA MEETING ON NOVEMBER 17, 2022:

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.

2BA022-0096

2BA-
11/17/22

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 HIBISCUS HILL LOT 16+17

Subdivision Name _____

Street Address 3204 NORTHGATE LANE, McALLEN TX 78504

Number of lots 2 Gross acres _____

Existing Zoning RESIDENTIAL Existing Land Use RESIDENTIAL

Reason for Appeal (please use other side if necessary) TO ALLOW 4 FT INTO THE 10 FT SETBACK FOR STORAGE SHED AND CARPORT WAREHOUSE USE WITHOUT NEIGH HOUSE

☒ \$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 QUINCY MCGILL Phone 361-813-8927

Address 3204 NORTHGATE LANE E-mail QUINCYMCGILL@YAHOO.COM

City McALLEN State TX Zip 78504

Owner

Name SAME AS ABOVE Phone _____

Address _____ E-mail _____

City _____ State _____ Zip _____

Authorization

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

☐ Yes ☐ No

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

Signature [Signature] Date 10-10-22

Print Name QUINCY MCGILL ☐ Owner ☐ Authorized Agent

Office

Accepted by [Signature] Payment received by _____ Date OCT 10 2022

Rev 10/18

 ENTERED
 Initial AM



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:

WITH THE 50 FOOT EASEMENT AND THE REAR SET BACK, NO OTHER STRUCTURE OR CONSTRUCTION WILL BE DONE IN THIS AREA.

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

OUR HOME BUILDER WESTWIND HOMES TOLD US THAT THE GAS LINE WAS INACTIVE IN 2020 DURING THE BUILDING OF 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:

THE STRUCTURE SITS AT 6 FT, WHICH IS 4 FT SHORT OF THE SETBACK OF THE REAR FENCE ONLY

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

THE GAS LINE EASEMENT TAKES AWAY FROM THE FULL USE OF THE BACKYARD

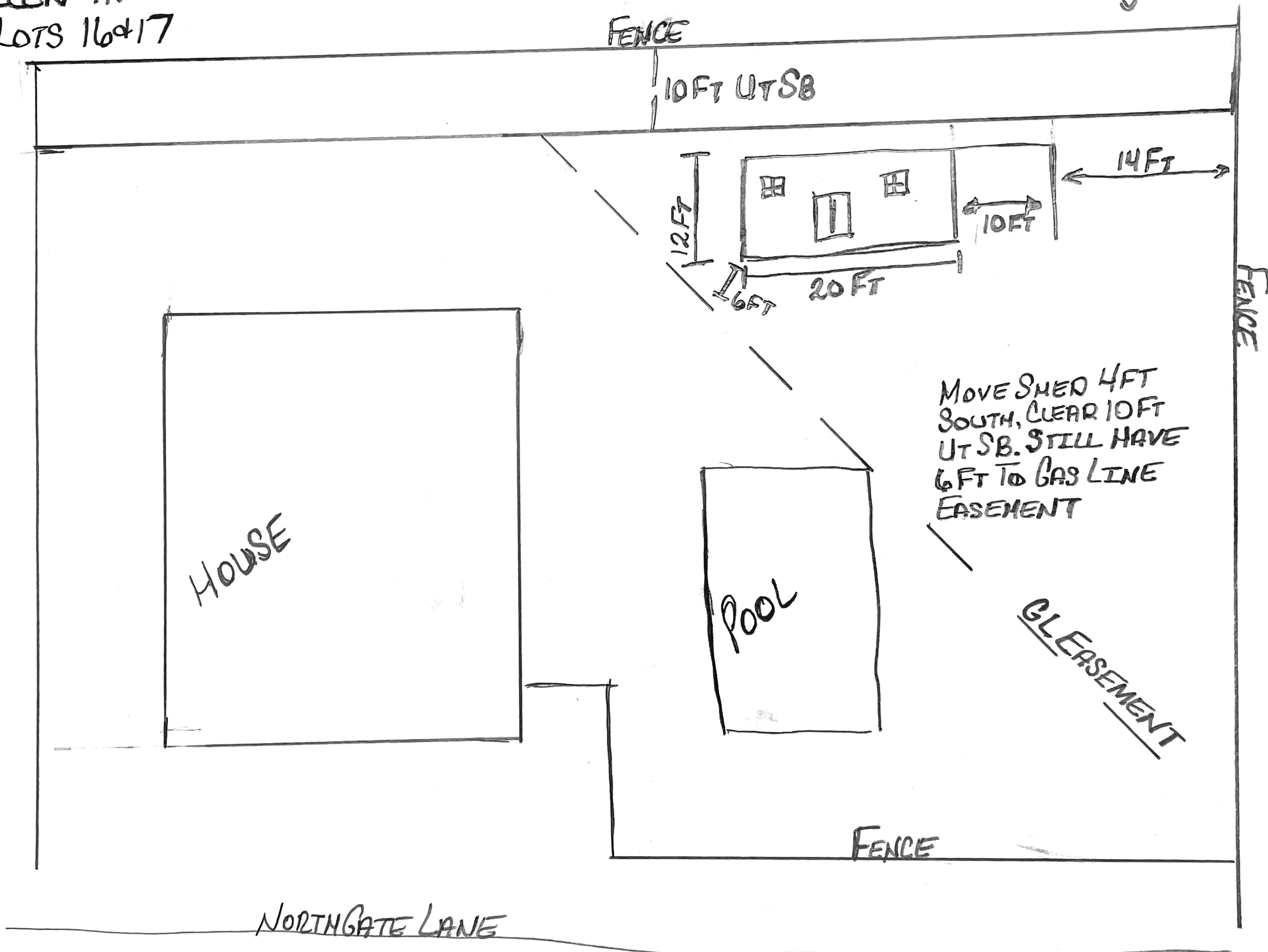
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

QUINCY MCGILL
3204 NORTHGATE LANE
MCALLEN TX
LOTS 16 & 17



Letter of No Objection

This instrument made and entered into this 29 day of September, 2022 by and between ETC Texas Pipeline, Ltd., a Delaware limited partnership (hereinafter referred to as "ETC"), with principal offices at 1300 Main Street, Houston, Texas 77002-5600, and Quincy McGill, (hereinafter referred to as the "Owner" whether one or more), whose mailing address is 3204 Northgate Lane, McAllen Texas, 78504.

WITNESSETH:

WHEREAS, ETC is the holder of a 50-foot Easement granted by Richard Wiesehan and wife, Virginia Wiesehan on June 19th, 1957, and recorded under Volume 893, Page 4 of the Record of Deeds of Hidalgo County, Texas, covering the following described premises in Hidalgo County, Texas, as further described below:

Being North 10 acres of Lot 39 La Lomita Irrigation and Construction Company's Subdivision of Porciones 61, 62 & 63 more fully described in WD from Texas Land Company to Richard W. Wiesehan recorded in Volume 721, Page 216 of the deed records of said county (hereinafter referred to as the "Premises");

WHEREAS, pursuant to the authority contained in said Easement, ETC has constructed and currently operates and maintains an 8-inch, (hereinafter referred to as the "ETC Pipeline Facilities"), across and through the above-described Premises; and

WHEREAS, Owners are the present owners of the following described real property, upon which the ETC Pipeline Facilities are situated, in Hidalgo County, Texas (hereinafter referred to as the "Owned Premises");

See Exhibit "A" attached hereto and made a part hereof for a description of the Owned Premises

WHEREAS, Owners wooden storage shed (hereinafter referred to as the "Encroachment") upon ETC's 50-foot right-of-way width (hereinafter referred to as the "Easement Area"), and such Encroachment is depicted on Exhibit "B" which is attached hereto and made a part hereof; and

WHEREAS, Owner has been advised by ETC that ETC is a natural gas transmission company; and

WHEREAS, Owner has requested permission from ETC to maintain, use, and enjoy the Encroachment upon a portion of the Easement; and

WHEREAS ETC is willing to grant such permission upon the terms and conditions set forth as follows.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. ETC hereby grants permission to Owner to maintain, operate and use the Encroachment, subject to the following conditions:

- A. Owner assumes all risks for damages, injuries, or loss to either property or persons, which may be incurred by Owner or its agents, invitees, or licensees present on or in the vicinity of the Easement Area and in any way associated with said Encroachment. Any maintenance or improvements to or repairs of the Encroachment shall be the sole responsibility, and performed at the sole cost and expense, of the Owner.

ENTERED
OCT 10 2022
Initial: Am

- B. The permission granted herein is limited exclusively to the Encroachment within the Easement Area. Owner shall not alter, or permit the alteration of, the grade of the Easement Area without the prior express written consent of ETC. Owner shall be solely responsible for, and shall bear the expense of repairs attributable to, any loss of subjacent or lateral support for ETC's Easement Area and/or the ETC Pipeline Facilities caused by the Encroachment.
- C. ET shall be notified at least 48 hours in advance of any construction or maintenance activity. You must contact the State approved notification center at "811", in addition to contacting ET's field representative before commencing any Crossing at or near ET's Pipeline Facilities.
- D. Owner shall at all times conduct all of their activities within the Easement Area in such a manner as not to interfere with or impede the operation, safety, or maintenance of the ETC Pipeline Facilities and activities in any manner whatsoever. In the event that ETC, in its sole discretion, determines that the safety, operation, or maintenance of the ETC Pipeline Facilities is affected by the Encroachment, Owner shall, at ETC's option and to ETC's satisfaction, either resolve the situation or reimburse ETC for its costs incurred in resolving the situation, including but not limited to lowering or relocating the ETC Pipeline Facilities.
- E. Owner shall not plant any trees within the Easement Area.
- F. That Owner shall construct and maintain said Encroachment as shown on Exhibit "B".

2. Owner agrees to indemnify, protect, and hold ETC, its parent, affiliates, subsidiaries, and their directors, officers, employees, representatives, and agents harmless from and against any and all actions or causes of action, claims, demands, liabilities, loss, damage, injury, suit, proceeding, judgment, cost (including the cost or expense of environmental response, removal or remediation activities) or expense of whatever kind or nature, including but not limited to reasonable attorneys' fees, arising from: (1) non-compliance with any laws, regulations and orders applicable to the ownership or the operation and maintenance of the Encroachment within the Easement Area described herein; (2) any incidents, acts, releases, negligence, transactions or omissions, or conditions on or affecting the Easement Area that would (i) contribute to or constitute a violation of any local, state or federal environmental rule, regulation, law or judicial order, (ii) result, in whole or in part, in any requirement to clean up or otherwise remedy or remediate a condition, (iii) give rise to any lien, liability, injunction, order, restriction, claim, expense, damage, fine or penalty, or (iv) adversely affect human health or the environment at or near the Easement Area; and (3) any incident, act, action, cause of action, negligence, transaction, or omission or in connection with, or incidental to the construction, operation, maintenance, presence, or use of the Encroachment, except where such loss, cost, liability, or expense was proximately caused solely by the gross negligence of ETC, its employees or agents.

3. Owner agrees that protection of the ETC Pipeline Facilities will be maintained at all times.

4. Should ETC desire to remove any portion of the Encroachment within the Easement Area in order to construct, maintain, operate, repair, replace, remove, or resize ETC's existing or additional Pipeline Facilities, Owner or its successors and assigns, shall pay the cost of removing and replacing or reinstalling such removed portion of the Encroachment. In addition, all repair and maintenance work performed by ETC on its existing or additional Pipeline Facilities located on the Owned Premises, shall be performed in a reasonable and workmanlike manner and ETC shall restore the surface and grade of the Owned Premises where the work is performed, but shall not be liable for loss, damage, or replacement to the Encroachment or any associated equipment and facilities that exist within the Easement Area, and in this regard, Owner does hereby release ETC, its employees, agents, officers, and directors from any and all liability for any such loss or damage.

5. The parties hereto understand that this Agreement in no way constitutes a waiver by ETC of its rights to enjoy the Premises or the Easement Area unencumbered by the construction and operation of the Encroachment.

6. It is expressly agreed to by and between the parties hereto that if Owner is in violation of any terms or conditions set forth in this Agreement, ETC may at any time terminate this Agreement upon ten (10) days' written notice to Owner. In the event of such termination, Owner shall immediately remove any and all of said Encroachment, which may be situated on the Easement Area, or if Owner fails to remove any and all of said Encroachment, ETC may, at its option, remove said Encroachment at the expense of Owner and without any liability whatsoever. It is further agreed that the failure by ETC to exercise such option as to any such violation shall not constitute a waiver of ETC's future right to exercise such option as to the same or any future violation.

7. Upon the termination of this Agreement, Owner shall remove from the Easement Area all of the Encroachment and restore the surface of the Easement Area to good condition and to ETC's satisfaction, including the leveling and grading of all ruts, excavations, depressions and mounds caused by, or resulting from, the Encroachment.

8. The provisions of the Easement, and all rights, powers, privileges, and duties, obligations, and liabilities created thereby, remain in full force and effect and are not affected hereby except to the extent and in the manner set forth above.

9. This Agreement may not be assigned by Owner, in whole or in part, without the prior express written consent of ETC, which consent shall not be unreasonably withheld so long as any such permitted assignee agrees to be bound by and to comply with all the terms and conditions of this Agreement. Any assignment made in contravention of this provision shall be deemed null and void and of no force and effect whatsoever.

10. Owner agrees, that should ETC need to utilize any portion of the Encroachment area, to perform any pipeline operations in the future, Owner shall allow ETC to utilize same without any compensation or payment due to any interference caused to Owner's business

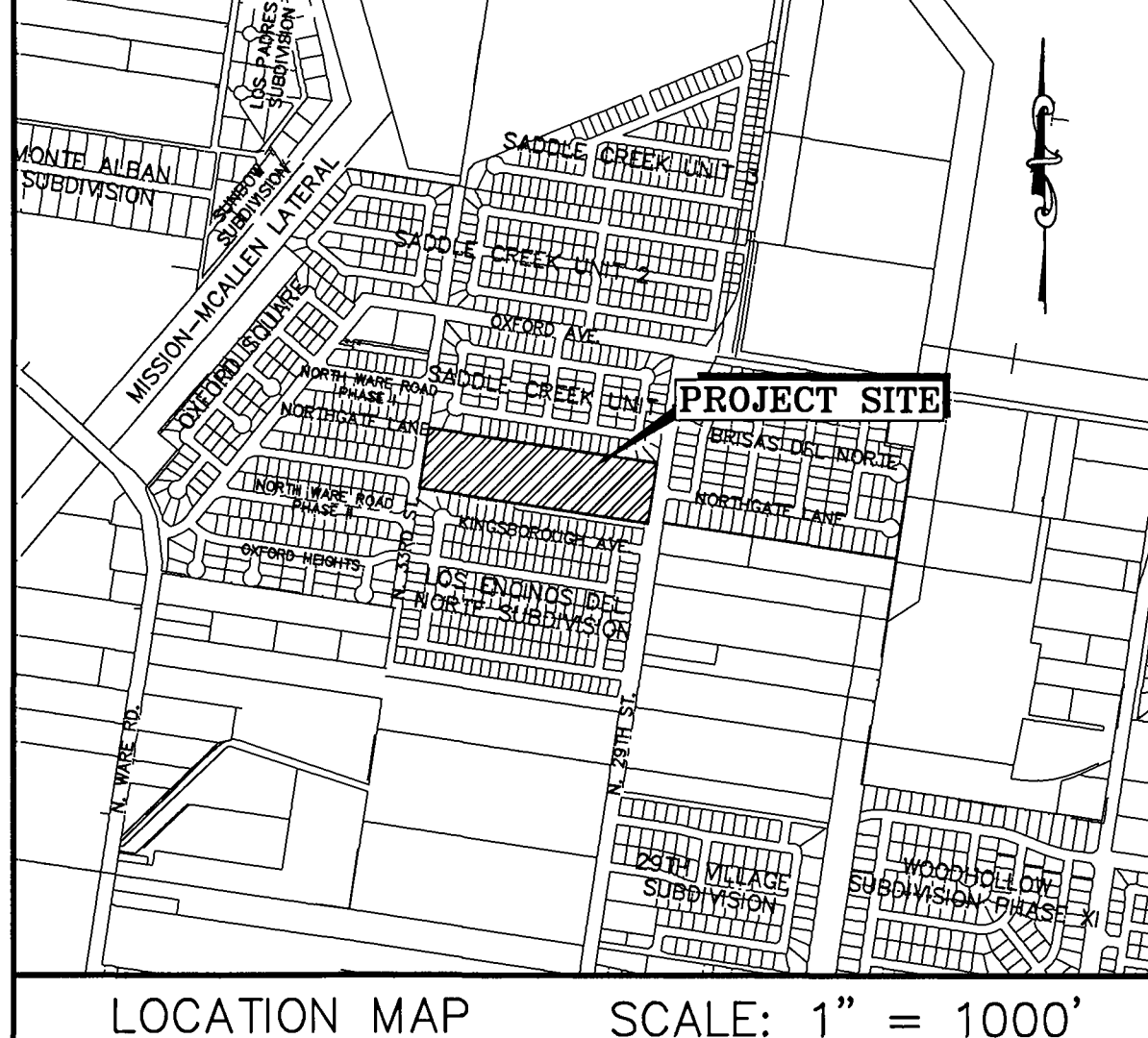
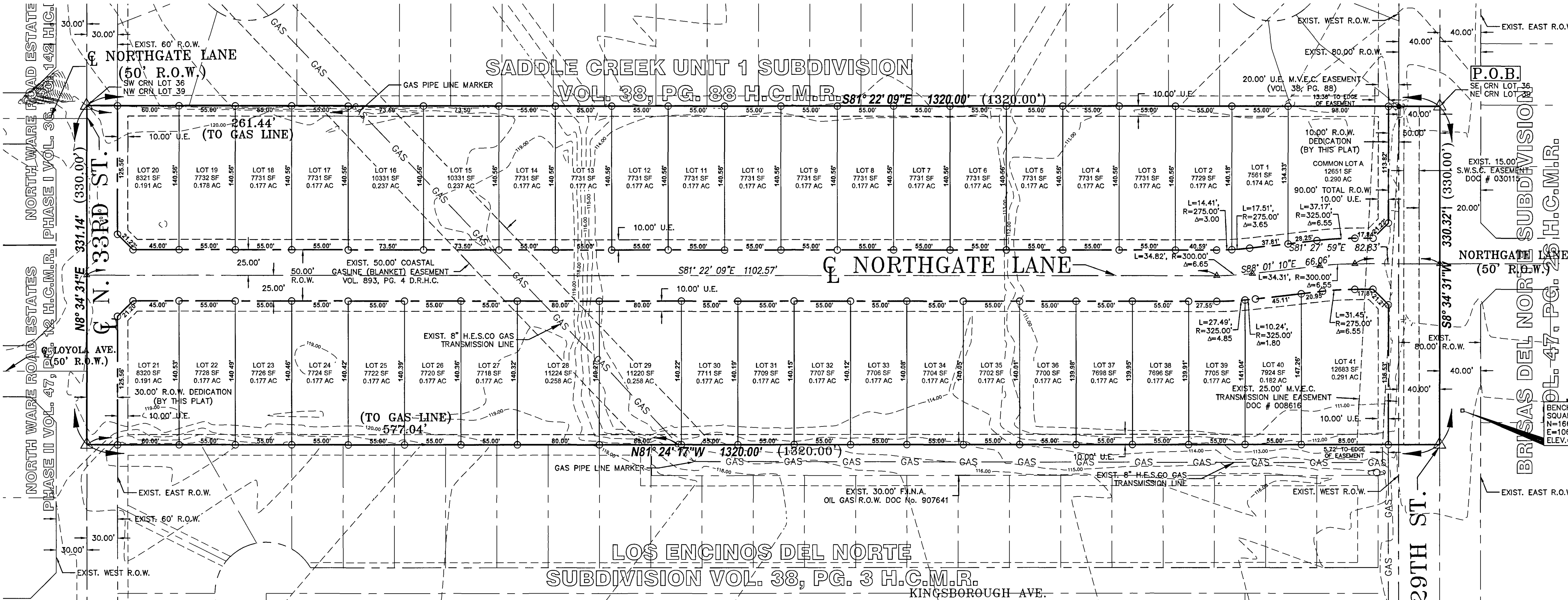
This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties and the benefits of this Agreement shall run with the land.

Erik Van Aller
Encroachments Project Manager
Energy Transfer
Erik.VanAller@energytransfer.com

Sign: 

HIBISCUS HILL SUBDIVISION

BEING THE NORTH 10.022 ACRES, MORE OR LESS OUT OF LOT 39 OF LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION OUT OF PORCIONES 61 AND 63, AS RECORDED IN VOL. 0, PG. 39, OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.



SCALE 1" = 60'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK

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

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OMAR FELIPE GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 4TH DAY OF December 2015.

MARILY BECERRA
Notary Public, State of Texas
My Commission Expires 05-12-2015

Marilyn Becerra
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 05-12-2015

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1
Raul E. Sesin, P.E., C.F.M. 12/11/15
DATE
GENERAL MANAGER

GENERAL PLAT NOTES:

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT: 25 FT. OR GREATER FOR EASEMENTS.
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
INTERIOR SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS ALONG N. 29TH & N. 33RD STREETS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
- THE SUBDIVISION IS IN ZONE "X" (NON-SHADED) OF THE FLOODINSURANCE RATE, AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD-PLAIN, MAP COMMUNITY PANELS NO.: 480334 0325 D MAP REVISED: JUNE 6, 2000, AND 480334 0295 D MAP REVISED: JUNE 6, 2000
- A DRAINAGE DETENTION OF 25,447.12 CF OR 0.584 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE OBTAINED IN COMMON LOT A, COMMON LOT A* WILL BE DESIGNATED FOR DETENTION PURPOSES ONLY. DETENTION SHALL COMPLY WITH MASTER DRAINAGE PLAN. CITY OF MCALLEN WILL NOT MAINTAIN DETENTION AREA.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- BENCHMARK: ELEV.=112.46, GRID COORDINATES N 16629780.87, E 1069514.97 NAVD 88.
- THE CITY OF MCALLEN TO HAVE A 15'X15' CORNER CLIP EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ON N. 29TH & N. 33RD STREETS, AND ON BOTH SIDES OF NORTHGATE LANE
- NO CURB OUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG N. 29TH & N. 33RD STREETS.
- CITY OF MCALLEN BENCHMARK (MC48): ELEV.=115.79 GRID COORDINATES N 16630296.39 E 1072459.20 NAVD 88 (SE CORN OF WARE RD./MILE S LN. INTERSECTION) 166265.81 1066370.95
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, OR INDUSTRIAL ZONES/USES AND ALONG N. 29TH & N. 33RD STREETS.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- NO STRUCTURES CAN BE BUILT IN COMMON LOT A AND IT IS EXCLUSIVE TO DRAINAGE DETENTION ONLY.

LEGEND	
○	SET 1/2 INCH IRON ROD
●	FOUND 1/2 INCH IRON ROD
●	FOUND 5/8 INCH IRON ROD
▲	FOUND COTTON PICKER SPINDLE
△	FOUND 60-D NAIL
△	SET COTTON PICKER SPINDLE
+	POWER POLE
○	GUY WIRE
□	FOUND FENCE POST
□	TRAFFIC SIGN
□	WATER METER
×	WATER VALVE
⊙	IRRIGATION STAND PIPE
(XXXX)	MAP RECORD
XXXX	NATURAL GROUND
△	CALCULATED POINT
○	CAPPED IRON ROD SET

ABBREVIATION LEGEND	
F.B.S.L.	FRONT BUILDING SETBACK LINE
R.B.S.L.	REAR BUILDING SETBACK LINE
S.B.S.L.	SIDE BUILDING SETBACK LINE
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.W.C.	SOUTHWEST CORNER
F.T.	FARM TRACT
F.A.R.	FARM-TO-MARKET
S.T.E.C.	SOUTH TEXAS ELECTRIC CO-OP
U.E.	UTILITY EASEMENT
W.S.C.	WATERSHED WATER SUPPLY CORP.
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
L.O.T.	LOT LINE

METES AND BOUNDS DESCRIPTION.

BEING THE NORTH 10.022 ACRES, MORE OR LESS OUT OF LOT 39 OF LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION OUT OF PORCIONES 61 AND 63, AS RECORDED IN VOL. 0, PG. 39, OF THE MAP RECORDS OF HIDALGO COUNTY TEXAS, SAID 10.022 ACRES BEING THE SAME LAND DESCRIBED IN A WARRANTY DEED WITH VENDORS LIEN TO FORTIS LAND COMPANY, LLC, RECORDED IN DOCUMENT #2603220, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS, AND SAID 0.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A COTTON-PICKER-SPINDLE SET AT THE SOUTHEAST CORNER OF LOT 36, SAME BEING THE NORTHEAST CORNER OF LOT 39, SAME BEING A POINT ON THE CENTER LINE OF N. 29TH STREET, AND SAME BEING THE SOUTHEAST CORNER OF SADDLE CREEK UNIT 1 SUBDIVISION, RECORDED IN VOLUME 38, PAGE 88, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE S 08°34'31" W ALONG THE EAST BOUNDARY LINE OF LOT 39, SAME BEING THE CENTERLINE OF N. 29TH STREET, A DISTANCE OF 330.32 FEET TO A COTTON-PICKER-SPINDLE SET, THE NORTHEAST CORNER OF LOS ENCINOS DEL NORTE SUBDIVISION, RECORDED IN VOLUME 38, PAGE 3, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 81°24'17" W, ALONG THE NORTH BOUNDARY LINE OF THE SAID LOS ENCINOS DEL NORTE SUBDIVISION, PASSING AT 40.00 FEET THE WEST RIGHT-OF-WAY LINE OF N. 29TH STREET, AND CONTINUING FOR A TOTAL DISTANCE OF 1320.00 FEET TO A COTTON-PICKER-SPINDLE SET AT THE CENTERLINE OF N. 33RD STREET, SAME BEING A POINT ON THE EAST LINE OF NORTHWARE ROAD ESTATES SUBDIVISION PHASE II, RECORDED IN VOLUME 47, PAGE 12, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 08°34'31" E ALONG THE EAST BOUNDARY LINE OF THE SAID NORTH WARE ROAD ESTATES SUBDIVISION PHASE II, AND IN PART ALONG THE EAST BOUNDARY LINE OF NORTH WARE ROAD ESTATES SUBDIVISION PHASE I, RECORDED IN VOLUME 36, PAGE 42, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAME BEING THE CENTERLINE OF N. 33RD STREET, A DISTANCE OF 331.14 FEET TO A COTTON-PICKER-SPINDLE SET, THE SOUTHWEST CORNER OF LOT 36, SAME BEING THE NORTHWEST CORNER OF LOT 39, AND SAME BEING THE SOUTHWEST CORNER OF THE SAID SADDLE CREEK UNIT 1 SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 81°22'09" E, ALONG THE NORTH BOUNDARY LINE OF LOT 39, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 36, AND SAME BEING THE SOUTH BOUNDARY LINE OF THE SAID SADDLE CREEK SUBDIVISION, PASSING AT 1,280.00 FEET AN IRON ROD FOUND AT THE INTERSECTION OF THE EAST BOUNDARY LINE OF LOT 39 AND THE CENTERLINE OF N. 33RD STREET, A DISTANCE OF 1320.00 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 10.022 ACRES OF LAND, MORE OR LESS.

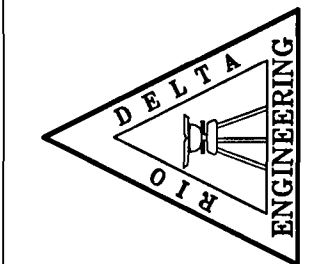
FILED FOR RECORD IN:
HIDALGO COUNTY
BY ARTURO GUAJARDO, JR.
COUNTY CLERK
ON: 12-22-15 AT: 12:06 PM
INSTRUMENT NUMBER: 67-12234
BY: Arturo Guajardo DEPUTY

LIENHOLDER'S ACKNOWLEDGMENT
STATE OF TEXAS
COUNTY OF HIDALGO
I (WE), THE UNDERSIGNED, HOLDER(S) OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE HIBISCUS HILL SUBDIVISION OF THE CITY OF MCALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

STATE OF TEXAS
COUNTY OF HIDALGO
PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE
I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.
Fernando de la Cerda 12-16-15
DATE
PLANNING AND ZONING CHAIR

PRINCIPAL CONTACTS:		NAME	ADDRESS	PHONE & FAX
OWNER(S):	FORTIS LAND COMPANY, LLC OMAR FELIPE GARCIA (MANAGING MEMBER)	222 W. UNIVERSITY DRIVE	EDINBURG, TX. 78539	(956) 292-0008 (956) 292-0896
		921 S. 10TH AVENUE	EDINBURG, TX. 78539	(956) 380-5152 (956) 380-5083
SURVEYOR:	IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083
ENGINEER:	IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083

RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027
921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



DRAWN: PETER HERMIDA E.I.T.
DESIGN: IVAN GARCIA P.E. R.P.L.S.
CHECKED: IVAN GARCIA P.E. R.P.L.S.
SURVEYOR: IVAN GARCIA P.E. R.P.L.S.
SCALE: 1" = 60'
DATE: NOVEMBER, 2015

ISSUED FOR:
FINAL

PLAT SHEET
HIBISCUS HILL SUBDIVISION
MCALLEN, TEXAS
HIDALGO COUNTY

PROJECT:
SUB 15 008
PAGE NO:
1 OF 1





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0096
CITY OF MCALLEN PLANNING DEPT
374-5811230
WWW.MCALLEN.NET

3204

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 25, 2022

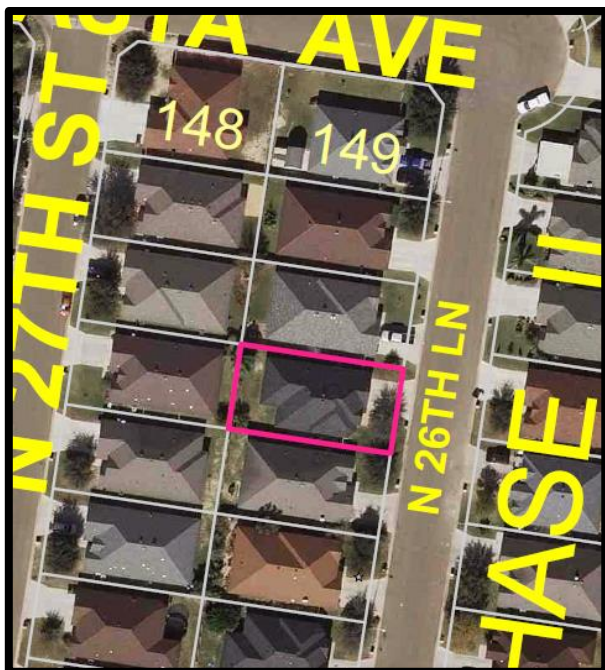
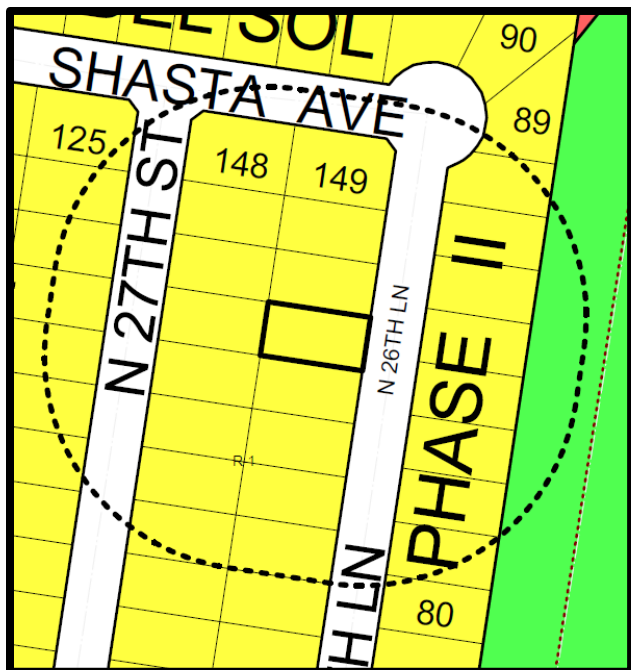
SUBJECT: REQUEST OF LUIS VILLARREAL, JR. AND CYNTHIA VILLARREAL FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 18 FEET BY 18 FEET ON LOT 152, DEL SOL PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 4411 NORTH 26TH LANE. (ZBA2022-0106)

REASON FOR APPEAL:

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.

PROPERTY LOCATION AND VICINITY:

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.



BACKGROUND AND HISTORY:

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.

ANALYSIS:

According to the submitted survey and subdivision plat, there is a 5-foot utility easement that 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 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 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.

ZBA2022-0106

ZBA
12/7/2022

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	<p>Legal Description <u>Del Sol Ph 2 Lot 152</u></p> <p>Subdivision Name <u>Del Sol</u></p> <p>Street Address <u>4411 N. 26th Ln</u></p> <p>Number of lots <u>1</u> Gross acres _____</p> <p>Existing Zoning <u>R1</u> Existing Land Use <u>R1</u></p> <p>Reason for Appeal (please use other side if necessary) <u>15 ft into the 20 ft front set back for carport measuring 13 ft long x 16 ft wide</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required <u>Cynthia Villarreal</u></p>
Applicant	<p>Name <u>or Luis Villarreal Jr.</u> Phone <u>956 599-3861</u></p> <p>Address <u>4411 N. 26th Ln</u> E-mail <u>Cindylu1129@gmail.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></p>
Owner	<p>Name <u>Luis & Cynthia Villarreal</u> Phone <u>956-599-3861</u></p> <p>Address <u>4411 N. 26th Ln</u> E-mail <u>Cindylu1129@gmail.com</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u></p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>Cynthia Villarreal</u> Date <u>10/29/22</u></p> <p>Print Name <u>Cynthia Villarreal</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>[Signature]</u> Payment received by _____ Date <u>NOV 01 2022</u></p> <p>Rev 10/18 BY: <u>CW</u></p>

R



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:

To protect vehicles from storms, hail damage.
Currently own 5 vehicles.

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

Variance is necessary to protect vehicles at home total of
5 cars 2 in garage 3 exposed to weather

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

no detrimental issues. Does not interfere
w/ medical or police trespass. Not in 5ft
electrical easement.

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

There is no Alley or back entrance for carport
for relocation

Reason for Appeal

Board Action

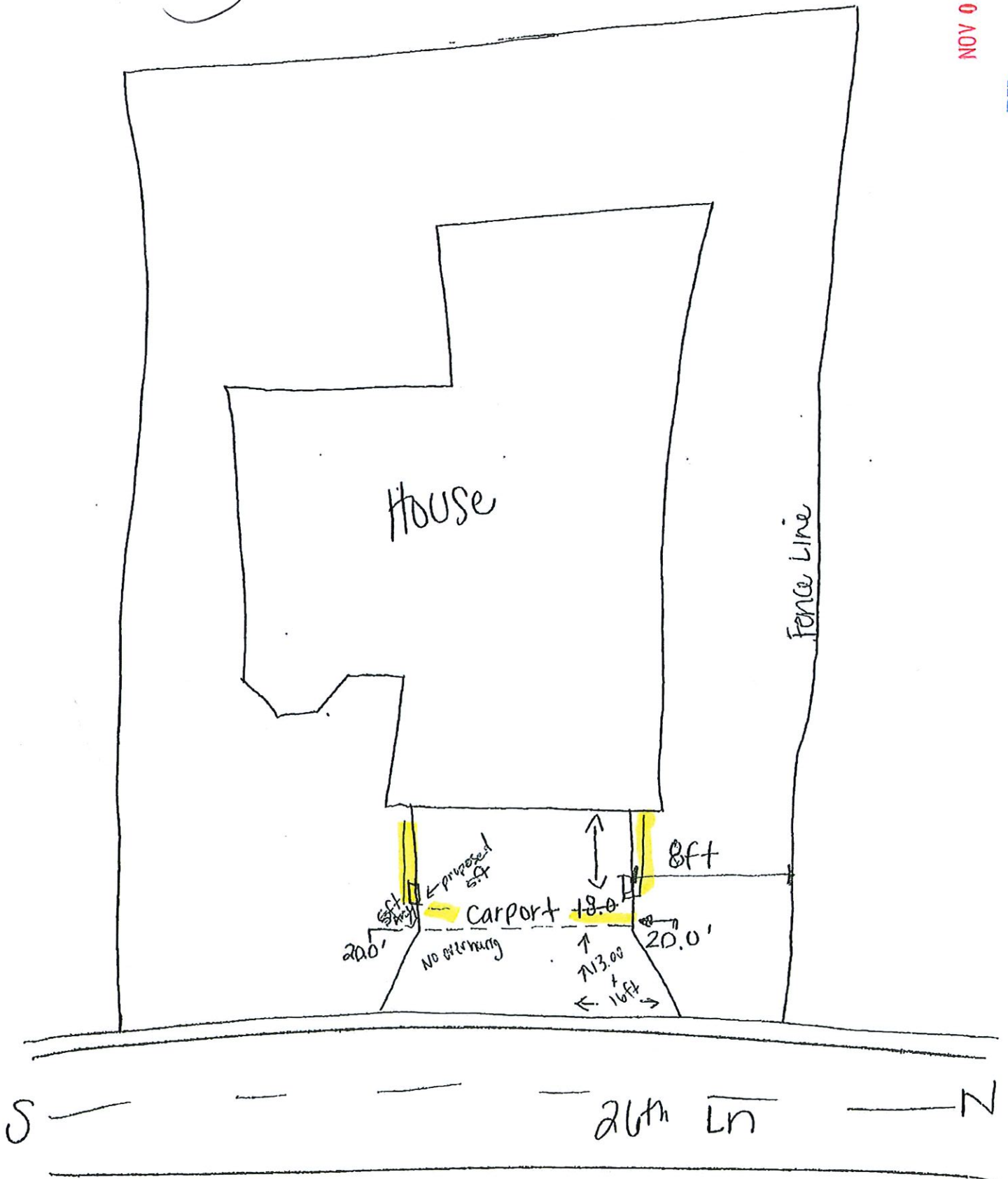
Chairman, Board of Adjustment
Signature

Date

Carport
measurements } cv
18ft by 18ft

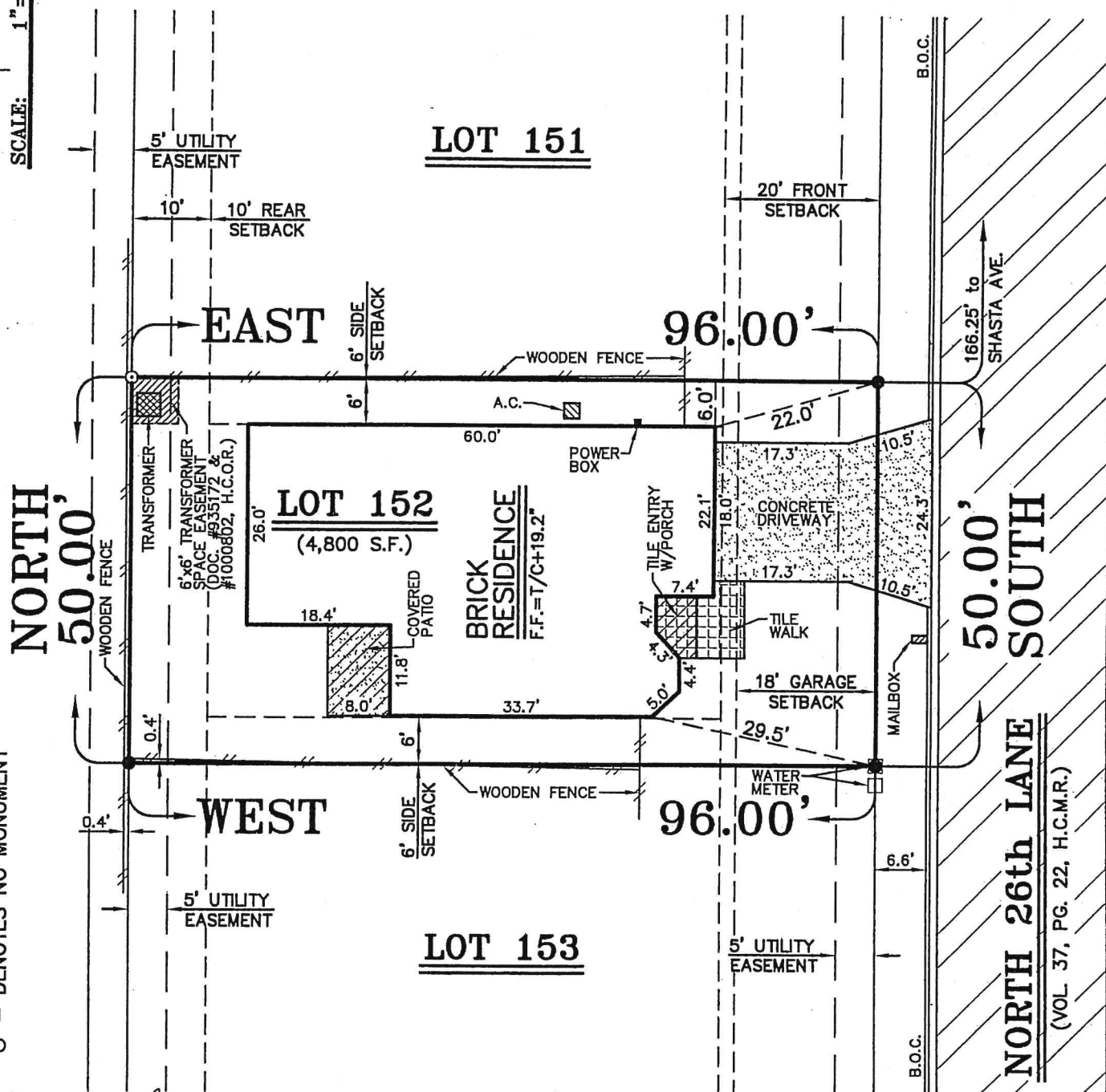
NOV 01 2022

BY: _____





FAX: (958) 618-5540



LEGEND

- - DENOTES FOUND 1 1/2" ROD
 ⊗ - DENOTES SET 1 1/2" ROD
 ○ - DENOTES NO MONUMENT

Line 11/12 8-31-12

Gynther villedo 8-31-12

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

PLAT NOTES:

1. There are no discrepancies, conflict or shortages in area or boundary lines, any encroachments, or any overlapping of improvements except as shown or noted hereon.
2. This survey plat is prepared in connection with Title Policy G.F. # 130588 and does not guarantee title. The survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express consent of the surveyor.
3. If this survey does not bear an original seal and original signature it is not valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0106
CITY OF MCALLEN PLANNING DEPT.
956-887-1330
WWW.MCALLEN.NET

ROLLING W RANCH
FREER, TX.
GMC

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 1, 2022

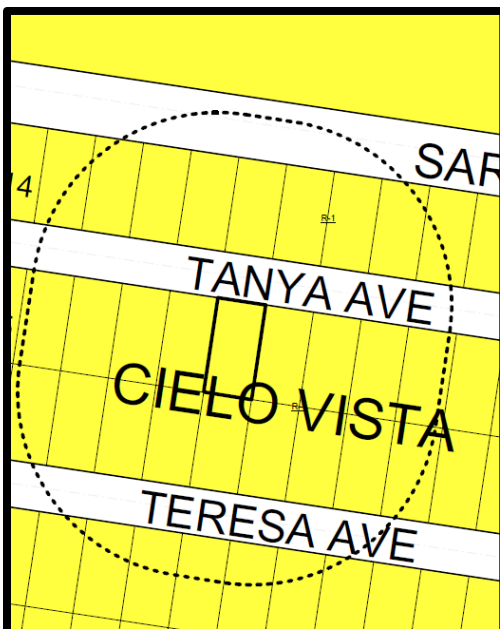
SUBJECT: REQUEST OF YESENIA RAMIREZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 24 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT WITH A CANVAS ROOF MEASURING 24 FEET BY 21 FEET ON LOT 20, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3105 TANYA AVENUE. (ZBA2022-0116)

REASON FOR APPEAL:

The applicant is 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.

PROPERTY LOCATION AND VICINITY:

The subject property is 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.



BACKGROUND AND HISTORY:

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 has not been submitted. This special exception request was submitted on November 15, 2022.

ANALYSIS:

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 has 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 is 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 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 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.

ZBA 2022-0116

ZBA-12-7-22



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>Cielo Vista Phase I Lot 20</u>		
	Subdivision Name	<u>Cielo Vista</u>		
	Street Address	<u>3105 Tanya Ave</u>		
	Number of lots	<u>1</u>	Gross acres	
	Existing Zoning	<u>R-1</u>	Existing Land Use	<u>SFH</u>
	Reason for Appeal (please use other side if necessary)	<u>Carport encroaches 24 feet in 25 foot front yard setback</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			
Applicant	Name	<u>Yesenia Ramirez</u>	Phone	<u>956-648-3535</u>
	Address	<u>3105 Tanya Ave.</u>	E-mail	<u>yeseniar22@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
		Zip	<u>78503</u>	
Owner	Name	<u>Yesenia Ramirez</u>	Phone	<u>956-648-3535</u>
	Address	<u>3105 Tanya Ave</u>	E-mail	<u>yeseniar22@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
		Zip	<u>78503</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	 <u>Yesenia Ramirez</u>		
	Print Name	<u>Yesenia Ramirez</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	Date <u>11-15-22</u>
Office	Accepted by	Payment received by		Date
	Rev 10/18 <div style="text-align: right;"> ENTERED NOV 15 2022 Initial: <u>NM</u> </div>			

B

Initial:

NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

2017-2018-1915

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

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

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

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

I need the carport to block heat from daughters carseat.

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

It blocks the heat from the house.

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:

Carport is Open on all sides.

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

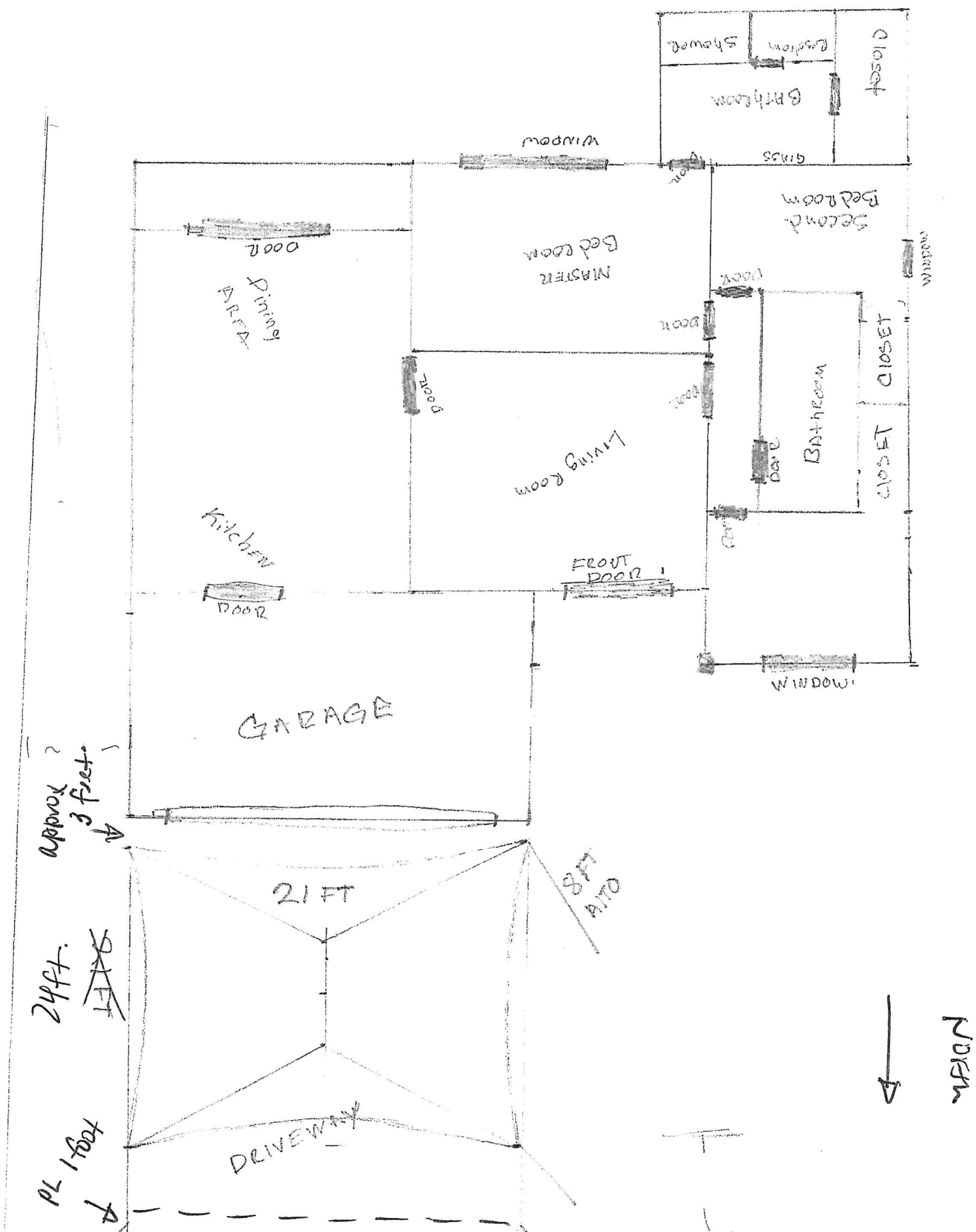
protects our cars and our kids when outside playing.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date









NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0116
CITY OF RICHMOND - PLANNING DEPT.
WWW.RICHMOND.GOV

3105

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 30, 2022

SUBJECT: 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)

REASON FOR APPEAL:

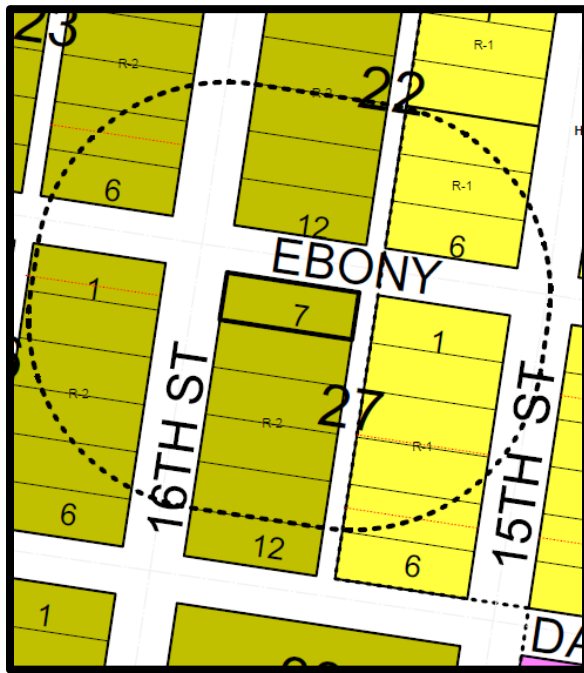
The applicant is appealing to allow the above mentioned existing encroachments for a metal carport and metal porch. The applicant has stated that the carport is for protection of his vehicles from hazardous weather events and there is no other space available on the Lot for its placement. The applicant 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.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the southeast corner of North 16th Street and Ebony Avenue. The property has 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 is zoned R-2 (duplex-fourplex residential) District. The adjacent zoning is 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.

BACKGROUND AND HISTORY:

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.



ANALYSIS:

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 is 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.

RECOMMENDATION:

Staff recommends 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 recommends 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 is slanted toward the street and can potentially cause an accumulation of rainfall in the adjacent sidewalk.

ZBOA 2022-0105



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
12/7/22

Project

Legal Description

Nort Mc Allen Lot # 7
BLK - 27

Subdivision Name

Street Address

420 N 16 st

Number of lots

Gross acres

Existing Zoning

R-2

Existing Land Use

R-2

Reason for Appeal (please use other side if necessary)

8' de la parte de enfrente para una cochera, 6' de lado Norte
8' de un lado Norte Tech para el niño Dios + porche

☒ \$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 Arturo CastilloPhone (956) 540 96 77Address 420 N 16 st.E-mail acmi 1995 @ yahoo . comCity Mc AllenState TxZip 78501

Owner

Name Arturo CastilloPhone (956) 540 96 77Address 420 N 16 stE-mail acmi 1995 @ yahoo . comCity Mc AllenState TxZip 78501

Authorization

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

☐ Yes☒ No

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

Signature

Arturo Castillo

Date

10-31-22

Print Name

Arturo Castillo☒ Owner☐ Authorized Agent

Office

Accepted by MR

Payment received by

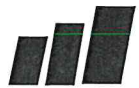
Date

ENTERED

Rev 10/18

OCT 31 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:

La una ubicación disponible para la cochera de bido a otras estructuras de casa existentes no tengo espacio en otro lugar

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

Para protección de granizo, inundaciones para los vehículos para que no me lo dañe

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 una estructura abierta y no bloquea ninguna visibilidad, ni líneas de utilidades

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

hay un familiar de la casa en la casa de las rodillas no puede caminar muy lejos se necesita para protección

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date







**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0105**
CITY OF McALLEN PLANNING DEPT.
956.981.1206
WWW.MCALLEN.NET

**BEWARE
OF THE DOG**

416

FDC

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 29, 2022

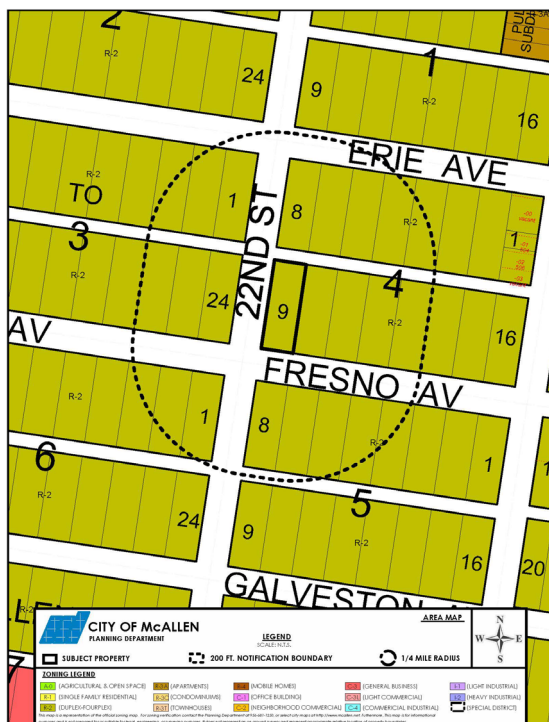
SUBJECT: REQUEST OF CARLOS MARISCAL FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCHROACHMENT OF 5 FEET INTO THE 5 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 17 FEET BY 30 FEET AT LOT 9, BLOCK 4, WEST ADDITION TO MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 521 SOUTH 22ND STREET. (ZBA2022-0103)

REASON FOR APPEAL:

The applicant is 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 is to protect his aunt's vehicles from weather element events.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northeast corner of South 22nd Street and Fresno Avenue. The property has 50 feet of frontage along Fresno Avenue and a depth of 150 feet, for a lot size of 7,500 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 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.

ANALYSIS:

The request is 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 is constructed over an existing driveway along South 22nd Street.

The applicant states 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 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 relocation would create possible conflict with other required setbacks.

ZBA 2022-0103

ZBA
12/7/2022

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

West Addition to McAllen Lot 9 BLK 4

Subdivision Name

West Addition

Street Address

2128 Fresno

Number of lots

1

Gross acres

Existing Zoning

R-2

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

encroaching into side 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

Carlos Mariscal

Phone

(956) 378-1981

Address

308 E. Ridge Rd

E-mail

Mariscal1377@gmail

City

Alamo

State

TX

Zip

78516

Owner

Name

Rosaura Martin

Phone

(956) 222-7319

Address

2128 Fresno

E-mail

City

McAllen

State

TX

Zip

78501

Authorization

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

☐ Yes☒ No

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

Signature

Date

10/28/2022

Print Name

Carlos Mariscal

☐ Owner☒ Authorized Agent

Office

Accepted by

Payment received by

Date

OCT 28 2022

Rev 09/20

BY:

05



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 is located in a safer area of the property and is not affecting traffic or utilities.

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

encroaching into the side

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

It will be the safer option with regards to thru traffic

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

The property has an extremely narrow Alley and is a corner lot on a busy intersection. The West Side is the safest option for traffic and residents

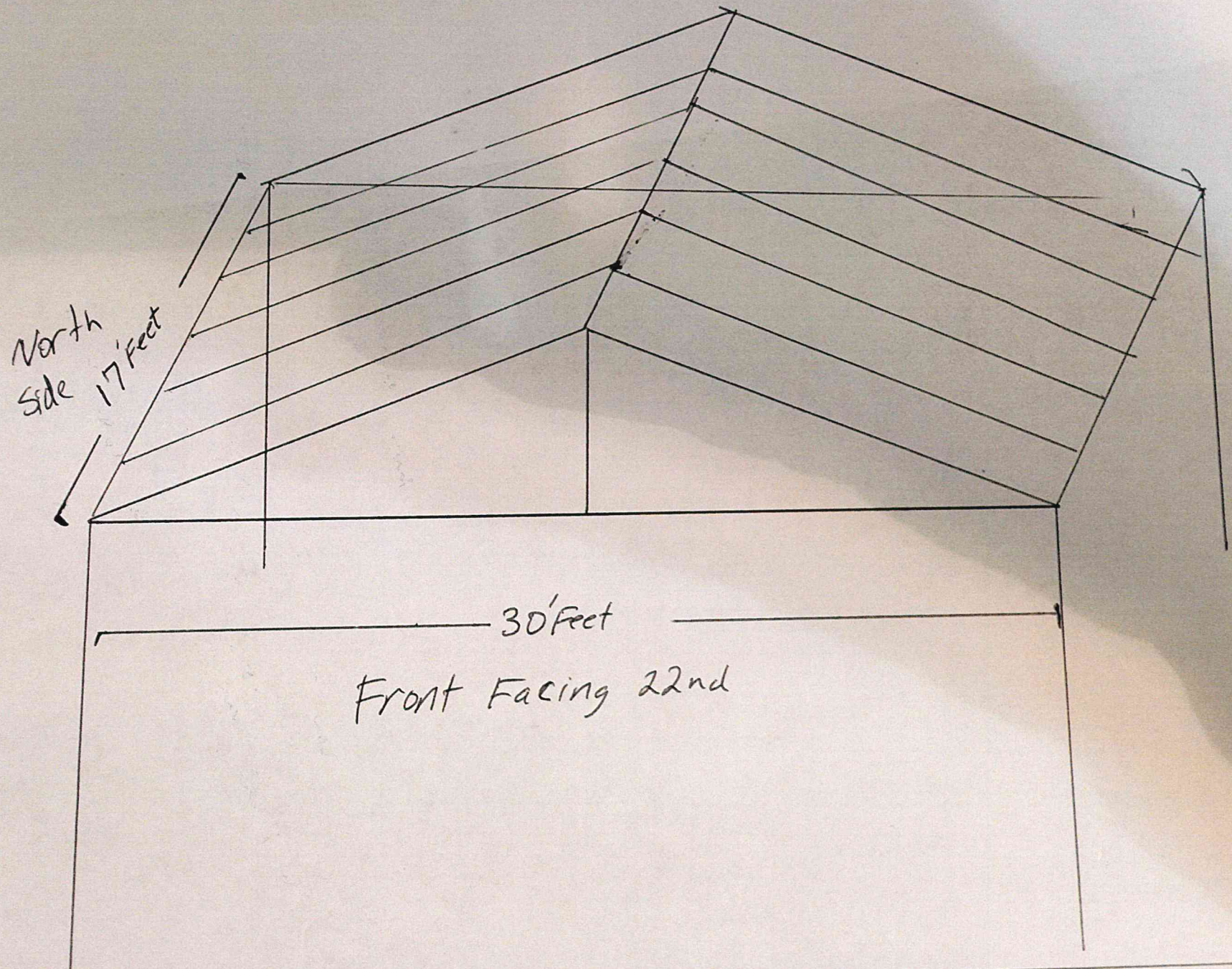
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

updated site plan.



6

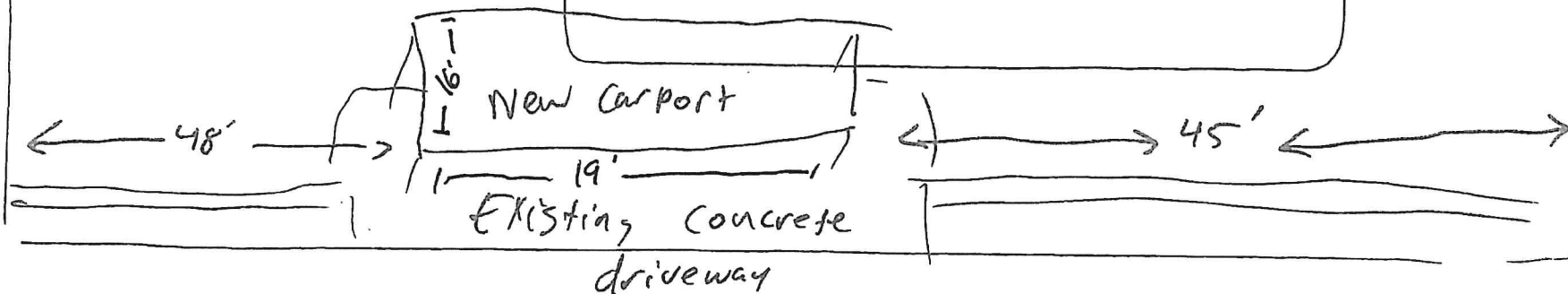
2128 Fresno Ave

Existing
Residence

Alley

Fresno

S



22nd W







NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0103
CITY OF McALLEN PLANNING DEPT.
WWW.MCALLENNET.NET

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 29, 2022

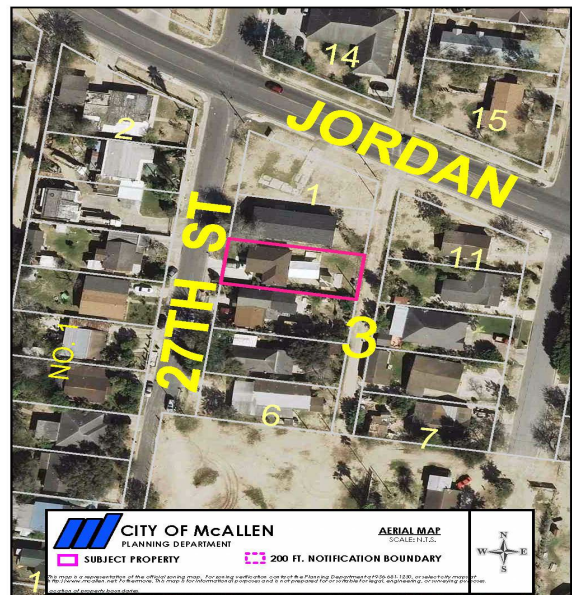
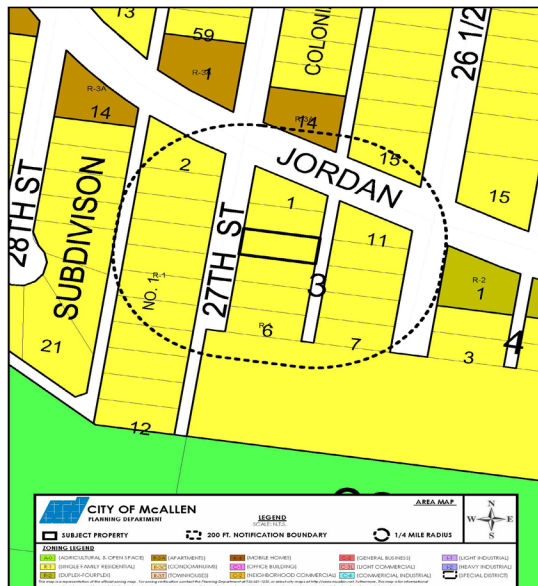
SUBJECT: REQUEST OF MARIA DE LA ROSA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 2 FEET INTO THE 7 FEET SOUTH SIDE YARD SETBACK FOR AN ADDITION MEASURING 38 FEET BY 15 FEET AT LOT 3, BLOCK 3, COLONIA MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 2709 SOUTH 27TH STREET. (ZBA2022-0104)

REASON FOR APPEAL:

The applicant is 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 is proposed to encroach two feet into the 7 feet south side yard setback.

PROPERTY LOCATION AND VICINITY:

The subject property is 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 is single-family residential.



BACKGROUND AND HISTORY:

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 shows 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.

ANALYSIS:

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

RECOMMENDATION:

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

ZBA 2022-0104

ZBA
12/7/22

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)

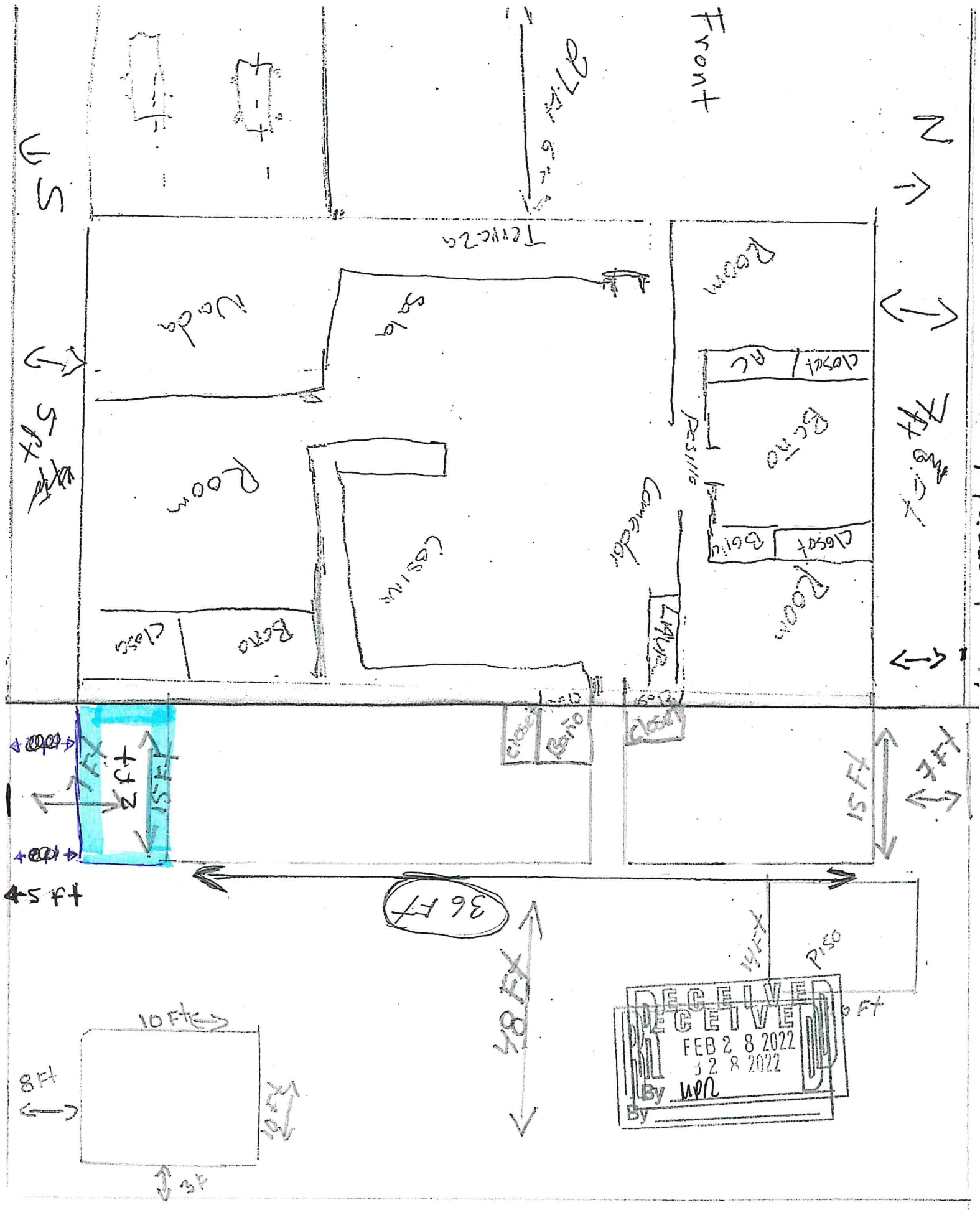
Project	Legal Description	Colonia McAllen Lot 3 BLK 3		
	Subdivision Name	Colonia McAllen		
	Street Address	2709 S 27th Street		
	Number of lots	3	Gross acres	
	Existing Zoning	R - 1 Single - Family Residential District	Existing Land Use	
	Reason for Appeal (please use other side if necessary)	2 ft S. Setback Cuartos		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	Maria De La Rosa	Phone	(956)438-6598
	Address	2709 S 27th Street	E-mail	
	City	McAllen	State	Texas Zip 78501
Owner	Name	Jorge Orta Moreno	Phone	(956)616-3481
	Address	2709 S 27th Street	E-mail	
	City	McAllen	State	Texas Zip 78501
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <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	Jorge Orta M	Date	10/28/22
	Print Name	Jorge Orta M	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by <u>MN</u>		Payment received by _____	
	Date		ENTERED OCT 28 2022 Initial: <u>NM</u>	

Rev 10/18



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:	
	It is dislocated to the current construction.	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	It will be aligned to the current construction and we will take advantage of the current construction	
	measures.	
	3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:	
	It should not affect because there is enough distance between the neighbors and there are fences on both sides. In addition, the neighbors on the sides and front do not have the regular measurements either.	
	Board Action	
Chairman, Board of Adjustment Signature		Date
_____		_____
Rev. 9/20		



RECEIVED
FEB 28 2022
J 2 8 2022
By WPN

Back



**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0104**

CITY OF MCALLEN PLANNING DEPT
956-681-1235
WWW.MCALLENNET

SMILE
YOU'RE ON CAMERA

2709

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		
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		
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		
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		
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		
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		
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		
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		
JUAN MUJICA (ALT 4)				P	P	P	P	P	P	P	P	P	A	LQ	P	P	P	P	A	P	P	P	P	P		

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

2022 CALENDAR

Meetings:





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

Deadlines:






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

* **Holiday** - Office is closed





JULY 2022

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






AUGUST 2022

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





SEPTEMBER 2022

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




OCTOBER 2022

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

NOVEMBER 2022

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

DECEMBER 2022

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