

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, FEBRUARY 18, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for them meeting held on February 4, 2026

2. PUBLIC HEARINGS:

- a) Request of Antonio Andrade Jr. for the following variances to the City of McAllen Zoning Ordinance: **(1)** to allow an encroachment of 6.9 feet into the 10-foot rear setback for an existing guest house and **(2)** to allow the repair of a non-conforming structure to exceed the 10% maximum limit as required by ordinance, located at Lot 22, Block 2, Pecan Acres Subdivision, Hidalgo County, Texas; 802 Orange Avenue. **(ZBA2026-0001)**

3. FUTURE AGENDA ITEMS

- a) 1909 Hibiscus Avenue
- b) 4400 North 23rd Street
- c) 7413 North 22nd Street
- d) 6000 South Jackson Road

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, February 4, 2026 at 4:36 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hugo Avila	Vice-Chairperson
	Hiram Gutierrez	Member
	Ivan Garcia	Member
	Alex Lamela	Alternate
	Erick Diaz	Alternate
Absent:	Daniel Santos	Member
	Juan Mujica	Alternate
	Francisco Davila	Alternate
Staff Present:	Austin Stevenson	City Attorney
	Norma Borrego	Assistant City Attorney I
	Kaveh Forghanparast	Senior Planner
	Porfirio Hernandez	Planner II
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant
	Valerie Ramos	Administrative Clerk

CALL TO ORDER –Chairperson Jose Gutierrez

City Attorney Stevenson stated to the Board to make a motion to recess to Executive Session to update on an item that occurred since the last meeting related to the last meeting.

Vice-Chairperson Hugo Avila **moved** to go into Executive Session. Mr. Alex Lamela seconded the motion. The Board voted unanimously to go into Executive Session with five members present and voting at 4:37 p.m.

The Board reconvened at 4:52 p.m. to continue the regular meeting in session.

1. MINUTES:

- a) Minutes for meeting held on January 22, 2026.

The minutes for the meeting held on January 22, 2026. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Jose Lopez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 19 feet into the 25-foot front yard setback for an existing metal carport at Lot 54, Idela Park Subdivision Unit No. 2, Hidalgo County, Texas; 4901 South 33rd Street. **(ZBA2025-0071)**

Mr. Hernandez stated the applicant was requesting a special exception to allow an encroachment of 19 feet into the 25-foot front yard setback for an existing metal carport measuring 18ft x 20ft.

The subject property was located on the southeast corner of South 33rd Street and Lucille Avenue and is zoned R-1 (Low-Density Residential-UDC) District.

Idela Park Subdivision Unit No. 2 was officially recorded on July 25, 1978. The recorded plat establishes a 25-foot front yard setback and a 6-foot side yard setback, with corner lots subject to a 10-foot side yard setback. A building permit for a carport along Lucille Avenue was issued on May 26, 2000. Subsequently, a right-of-way permit for a driveway along South 33rd Street was issued on May 20, 2009.

On October 16, 2023, a building permit application was submitted for a proposed carport along South 33rd Street; however, it was rejected by Planning due to setback encroachment and later cancelled by the applicant, who indicated that no structure had been built. On December 11, 2024, a notice of violation was issued for construction of a carport without a permit. The applicant then reapplied for a building permit for the carport, which was again rejected due to encroachment into the front yard setback, and the applicant was advised to seek a special exception. A request for a special exception was submitted on December 19, 2025.

The applicant was requesting a special exception to allow the existing carport to remain. The residence does not include a garage, and the carport was built to provide necessary protection for vehicles from weather related damage, sun exposure and use shaded area for relaxing and spending time with family.

Staff's research did reveal five other special exceptions and variances for carports granted within this subdivision between 2009 and 2015.

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

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

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

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

Following discussion, Mr. Alex Lamela **moved** to follow staff's recommendation and approve the Special Exception. Vice-Chairperson Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 4:56 p.m.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: February 18, 2026

SUBJECT: REQUEST OF ANTONIO ANDRADE JR. FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE: (1) TO ALLOW AN ENCROACHMENT OF 6.9 FEET INTO THE 10 FOOT REAR SETBACK FOR AN EXISTING GUEST HOUSE AND (2) TO ALLOW THE REPAIR OF A NON-CONFORMING STRUCTURE TO EXCEED THE 10% MAXIMUM LIMIT AS REQUIRED BY ORDINANCE, LOCATED AT LOT 22, BLOCK 2, PECAN ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 802 ORANGE AVENUE. (ZBA2026-0001)

REASON FOR APPEAL: The applicant is requesting a variance to encroach 6.9 feet into the 10 foot rear setback for an existing guest house and to allow the repair of the non-conforming guest house to exceed the 10% maximum limit to ensure safety and compliance with current building standards.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southwest corner Orange Avenue and N. 8th St. The property is zoned R-1 (Single-Family Residential–OC) District. The adjacent zoning is R-1 (Single-Family Residential–OC) to the south, east, and west, and C-3 (General Business-OC) to the north. Surrounding land uses include single-family residences and commercial businesses.

BACKGROUND AND HISTORY: Pecan Acres Subdivision was recorded on June 15, 1946. A Stop Work Order was issued on December 31, 2025 for the remodeling of the guest house. The applicant submitted a building permit for the remodeling on January 7, 2026. The permit was rejected by Planning due to the encroachment into the rear setback, and the scope of repair work being more than the 10% maximum limit of a non-conforming structure. A variance request to encroach into the rear setback and to exceed the 10% maximum repair limit was submitted on January 9, 2026.

ANALYSIS: The applicant is requesting to encroach 6.9 feet into the 10 foot rear setback for an existing guest house and allow the repair of the non-conforming guest house to exceed the 10% maximum limit.

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

RECOMMENDATION: Staff recommends approval of variance requests (1) and (2).



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZPA 2020-0001 ZBOA Meeting: 2/18/20
Accepted By: ME

PROJECT

Legal Description LOT 22 BLK 2
Subdivision Name PECAN ACRES SUBDIVISION
Street Address 802 ORANGE AVE
Number of lots 1 Gross acres 0.16
Existing Zoning R-1 Existing Land Use RESIDENTIAL
Reason for Appeal (please use other side if necessary) NON CONFORMING
GUEST HOUSE / 10' REAR SET BACK

☒ \$300.00 non-refundable filing fee ☐ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name ANTONIO ANDRADE JR Phone 956 562 0138
Address 802 ORANGE ST E-mail tandrade3737@gmail.com
City MCALLEN State TX Zip 78501

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 1/9/20
Print Name ANTONIO ANDRADE JR ☒ Owner ☐ Authorized Agent

RECEIVED

JAN 9 2026

BY: AV.



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:

EXTRA SPACE FOR FAMILY → HAS BEEN EXISTING
SINCE 1973 WHEN WE MOVED INTO THIS PROPERTY.

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

TO BE ABLE TO KEEP SAFE WITH UPDATED
CODES FOR FAMILY

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:

DOES NOT AFFECT NEIGHBORS

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

EXTRA SPACE FOR FAMILY

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

T.B.P.E. FIRM No.: F-5154



ART SALINAS ENGINEERING & SURVEYING

T.B.P.L.S. FIRM No.: 10004000

1524 DOVE AVENUE,
McALLEN, TEXAS 78504

PH: (956) 618-5565

FAX: (956) 618-5540

20' ALLEY R.O.W.
(VOL. 9, PG. 11, H.C.M.R.)

EAST 61.0'

(ASPHALT PVMT.)

116.5'

N. 8th ST.
(60' R.O.W.-VOL. 9, PG. 11, H.C.M.R.)

SOUTH

(ASPHALT PVMT.)

WEST 61.0'

ORANGE ST.

(50' R.O.W.-VOL. 9, PG. 11, H.C.M.R.)



SCALE: 1"=20'

10' REAR
SETBACK

116.5'

5' SIDE
SETBACK

LOT 21

LOT 22
(7,106.5 S.F.)

BRICK RESI.
ON BEAM

- LEGEND
- DENOTES FOUND 5/8" PIPE
 - DENOTES NO MONUMENT
 - DENOTES RIGHT OF WAY
 - DENOTES BACK OF CURB
 - BOC DENOTES EDGE OF PAVEMENT
 - EOP DENOTES EDGE OF PAVEMENT

ROW

BOC

31.5' FRONT SETBACK
(V. 637, PG. 40, D/R)

NORTH

20.0'

34.9'

CONCRETE DRIVEWAY

9.7'

(ASPHALT PVMT.)

MAILBOX

TILE WALK

38.0'

14.0'

5.0'

13.2'

0.4'

10.7'

1.5'

CONC. STEPS

TILE ENTRY W/PORCH & STEPS

5.0'

46.4'

11.0'

10.0'

WOODEN FENCE

0.3'

CONC. SLAB

4.8'

9.3'

METAL CANOPY

11.6'

12.9'

BLOCK PATIO

5.1'

WATER HEATER

4.2'

4.8'

7.1'

18.4'

FRAME ROOM

20.4'

VINYL CANOPY

18.4'

GAS METER

3.1'

WOODEN FENCE

116.5'

WOODEN FENCE

15.2'

BOC

10' SIDE SETBACK

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WOODEN FENCE

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27.8'

10' SIDE SETBACK



**ZBA2026-0001
NOTICE
VARIANCE
FOR THIS
PROPERTY**

CITY OF MCALLEN PLANNING DEPT.

956-681-1250

WWW.MCALLE.NET



Benjamin Treviño

802 Orange Ave

McAllen, TX 78501

ben.trevino57@gmail.com

(956) 393-9082

February 5, 2026

Mia Fuentes, Planning and Zoning Department

City of McAllen

311 N. 15th St.

McAllen, TX 78501

Subject: Support for proposed zoning change (REZ2026-0005) and variance (ZBA-0001)

Dear Ms. Fuentes and members of the Planning and Zoning Board,

I am writing to express my support for the proposed zoning change and variance cases cited above for the property located at 802 Orange Ave.

After reviewing the details of the request, I believe these changes, if approved, would enhance the aesthetic appeal of the improvements on the property, and thus would be a positive step for the neighborhood at large.

In my view, other benefits would include:

- Enhancement of property values, and
- Improved drainage from the subject property.

I also feel the approval of these changes would be consistent with the land use of neighboring properties. They would not negatively impact the aesthetic appeal of the area, nor place any additional burden on city services to meet current demands and future projections.

I appreciate the thoughtful consideration the Planning Department and Commission give to proposals that shape the future of our community. In my view, this zoning change reflects a balanced approach that supports growth while maintaining the character and quality of our neighborhood.

Therefore I respectfully urge you to approve the proposed changes.

Thank you for your time in considering my letter, and for your ongoing service to the City of McAllen..

Sincerely,

Benjamin Treviño



Josh Galdean

1400 E 1st Ave

Mission TX, 78572

(303) 638-6545

02/07/2026

Dear Ms. Fuentes and Members of the Planning and Zoning Board,

I am writing to express my support for the proposed zoning change and variance for the property located at 802 Orange Ave. I believe this proposal represents a meaningful opportunity to both respect the past and invest in the future of this neighborhood.

This property has been part of the community for approximately sixty years and carries a sense of local history that deserves thoughtful stewardship. The proposed improvements would allow the site to evolve while preserving its longstanding presence, giving new life to a property that has served McAllen for generations.

The requested changes would also improve the visual experience of the neighborhood by creating a cleaner, more cohesive streetscape. Thoughtful reinvestment in established areas strengthens community pride, and a refreshed McAllen is ultimately a stronger McAllen.

From a practical standpoint, the proposal supports responsible land use, aligns with surrounding properties, and introduces improvements that enhance functionality without disrupting the character of the area. It represents progress without excess and growth without strain on city resource.

As a banker with Lone Star National Bank, I evaluate projects with an emphasis on long term value, sustainability, and neighborhood impact. From that perspective, this request reflects sound planning and a positive trajectory for the area.

For this reason, I respectfully encourage approval of the proposed zoning change and variance. Thank you for your continued commitment to thoughtful planning and to the future of our city.

Sincerely, Josh Galdean