

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, FEBRUARY 8, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the meeting held on January 18, 2023

2. PUBLIC HEARINGS:

- a) Request of Jesus Amaya for a special exception to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 23 feet into the 25 feet front yard setback for an existing carport measuring 19 feet by 16.67 feet and **2)** an encroachment of 4 feet into the 25 foot front yard setback for an existing porch measuring 4 feet by 23 feet at Lot 112, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 2732 Norma Avenue. **(ZBA2022-0134)**
- b) Request of Michael Steven Deck for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of: **1)** 25 feet into the 25 feet front yard setback including overhang and **2)** 6 feet into the 6 feet west side yard setback for an existing metal carport measuring 28 feet by 22 feet at Lot 34, Olivarez Subdivision Unit No. 4, Hidalgo County, Texas; 3005 Sycamore Avenue. **(ZBA2022-0137)**
- c) Request of Manuel Ramirez and Juana Ramirez for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 9 feet into the 25-foot front yard setback for the construction of a house, at Lot 2, Ramirez Subdivision to McAllen, Hidalgo County, Texas; 2420 South 25th Street. **(ZBA2023-0007)**
- d) Request of Mireya Espinoza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25-foot front yard setback for a proposed single family home, at the North 131' Lot 1, Block 6, Bryan's Addition Subdivision, Hidalgo County, Texas; 208 North 4th Street. **(ZBA2022-0135) (TABLED: 01/18/2023) WITHDRAWN**
- e) Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. **(ZBA2022-0118) (TABLED: 12/21/2022) (TABLED: 01/05/2023) (REMAIN TABLED: 01/18/2023)**
- f) Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive. **(ZBA2022-0126) (TABLED: 12/21/2022) (REMAIN TABLED: 01/05/2023, 01/18/2023)**

3. DISCUSSION:

- a) Election of Officers

4. FUTURE AGENDA ITEMS

- a)** 5912 North 35th Street
- b)** 100 East Kerria Avenue
- c)** 709 North 16th Street
- d)** 705 North 29th Street
- e)** 13321 Atlas Court
- f)** 3520 Upas Avenue
- g)** 909 North Jackson Road
- h)** 1509 Sycamore Avenue

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Thursday, January 18, 2023 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
	Sam Saldivar	Alternate
	Juan Mujica	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Omar Sotelo	Senior Planner
	Katia Sanchez	Planner II
	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 January 5, 2023.

The minutes for the special meeting held on January 5, 2023 were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Lauro Perez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 24 feet into the 30 feet front yard setback for an existing carport measuring 24 feet by 26.8 feet, at the West ½ of Lot 3 & all of Lot 4, Block 4, Milmor Subdivision, Hidalgo County, Texas; 1713 Maple Avenue. **(ZBA2022-0136)**

Ms. Trevino stated the applicant was requesting a special exception in order to allow an encroachment of 24 feet into the front yard setback of 30 feet for an existing metal carport measuring 24 feet by 26.8 feet. The applicant is appealing to keep his metal carport to protect his vehicles from the inclement weather events.

The subject property was located along the south side of Maple Avenue, between Bicentennial Boulevard and 17th street. According to the subdivision plat, the property has 75 feet of frontage along Maple Avenue with a depth of 160 feet, for a lot size of 12,000 square feet. The surrounding land use is single-family residential with commercial

use to the north across Maple Avenue and apartment use adjacent to the south.

The plat for Milmor Addition was recorded on May 26, 1927. According to Hidalgo County Appraisal District, the existing home was built in 1999. A stop work order was issued by the Building Permits and Inspections Department on August 14, 2022 for construction of a carport without a permit. A Building Permit application was submitted on December 2, 2022. The application for the special exception request was submitted on December 21, 2022.

According to Section 138-367 (a), "when 50 percent or more of the frontage on one side of a street on any one block is improved with buildings that have 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..."

Approval of the special exception request would allow an encroachment of 24 feet into the 30 feet front yard setback as shown in the applicant's submitted site plan.

According to the subdivision plat, there are no dedicated easements adjacent to the front property line of the subject property.

During the site visit, staff noticed similar encroachments, namely carports, located at the front yard within the area (including the adjacent property). The existing carport on the subject property would be characteristic of construction within the area.

At the Zoning Board of Adjustment and Appeals meeting of September 21, 2022 a special exception request was approved for a carport encroachment of 26 feet in to the 31 feet front yard setback at Lot 5, Block 4, Milmor Addition.

There was an existing garage as part of the residence. According to the applicant, the existing garage is used for storage of his motorcycle and household items.

Special exceptions are issued and recorded for the present property owner. A new property owner would need to apply for their own special exception request.

All measurements were taken without the benefit of a survey.

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

Staff recommended approval of the special exception request, limited to the encroachment shown on the submitted site plan. There are other carports within the area. The existing carport would not be breaking with the existing character of the subdivision.

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

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

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

- b) Request of Mireya Espinoza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25-foot front yard setback for a proposed single family home, at the North 131' Lot 1, Block 6, Bryan's Addition Subdivision, Hidalgo County, Texas; 208 North 4th Street. **(ZBA2022-0135)**

This item will be tabled pending re-advertisement.

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

- c) Request of Martin Saavedra for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 20 feet front yard setback for an existing carport measuring 18 feet by 20 feet, on Lot 78, Arrowhead Subdivision Phase II, Hidalgo County, Texas; 2921 North 40th Street. **(ZBA2022-0128) (TABLED: 01/05/2023)**

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

Ms. Trevino stated the applicant was requesting a special exception in order to allow an encroachment of 18 feet into the front yard setback of 20 feet for an existing carport measuring 18 feet by 20 feet. The applicant stated the existing carport is for safety and protection of a disabled elderly person.

The subject property was located along the north side of 40th Street. The property has 51 feet of frontage along North 40th Street and a depth of 100 feet, for a lot size of 5,100 square feet. There was an existing single-family residence on the subject property. The surrounding land use is single-family residential.

The plat for Arrowhead Subdivision Phase 2 was recorded in March 5, 1999. The plat state a 20 feet front yard setback. A stop work order was issued April 20, 2022. An application for a building permit for the carport was submitted on April 20, 2022. An application for the special exception request was submitted on December 6, 2022.

Approval of the special exception request would allow an encroachment of 18 feet into the 20 feet front yard setback as shown in the applicant's submitted site plan. The reason for this is for safety and protection of a disabled elderly person. The applicant stated that the infrastructure company performed an inspection on the property and determined that gas pipes do not exist on the property and no other cables or drainage pipes would be affected by the carport location. An abandonment application is still pending submission at this time.

During the site visit, staff noticed two other (carports) similar encroachments in the Block, however there are no permits, variances or special exceptions on file.

The property did not have a garage nor an alley, so relocation of the carport would not be possible.

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

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

Staff recommended disapproval of the special exception request pending abandonment application.

At the Zoning Board of Adjustments and Appeals meeting of January 5, 2023, no one appeared in opposition of the special exception request. The applicant Martin Saavedra stated that he built the carport for his elderly mother-in-law who lives with them. Board member Mr. Mujica moved to table the item until the next meeting providing modifications of the carport to be moved out of the 5-foot utility easement. Mr. Avila seconded the motion. There were 5 members present and voting.

Board member Saldivar asked staff in moving the carport further back how would it have been feasible or functional for it not to be encroaching. Ms. Trevino stated since there was no garage or alley so there would no relocation opportunity for them. Moving it back would keep in the setback but it would take it out of the utility easements.

Mr. Martin Saavedra, the applicant stated he wanted to move the carport back but keep a foot of overhang over the utility easement. Ms. Saavedra reiterated what her husband requested from the Board to keep the one-foot overhang.

Chairperson Hinojosa asked Ms. Trevino to clarify what the Board was voting on for the request on the special exception. Ms. Trevino stated it was for the carport to remain with the revisions they are proposing.

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

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

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

- d) Request of Carlos and Ma Elva Flores on behalf of Ramon Rodriguez (owner) for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 3.95 feet into the 3.95 feet east side yard setback for a proposed metal carport measuring 12 feet by 40 feet, at Lot 9, Block 9, D. Guerra's Addition to McAllen, Hidalgo County, Texas; 2005 Galveston Avenue. **(ZBA2022-0112) WITHDRAWN**

The applicant withdrew this item.

- e) Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. **(ZBA2022-0118) (TABLED: 12/21/2022) (TABLED: 01/05/2023)**

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

- f) Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive.
(ZBA2022-0126) (TABLED: 12/21/2022) (REMAIN TABLED: 01/05/2023)

This item was to remain tabled until the next meeting.

4. FUTURE AGENDA ITEMS:

- a) 5912 North 35th Street
- b) 100 East Kerria Avenue
- c) 2732 Norma Avenue
- d) 3005 Sycamore Avenue
- e) 1701 Kerria 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

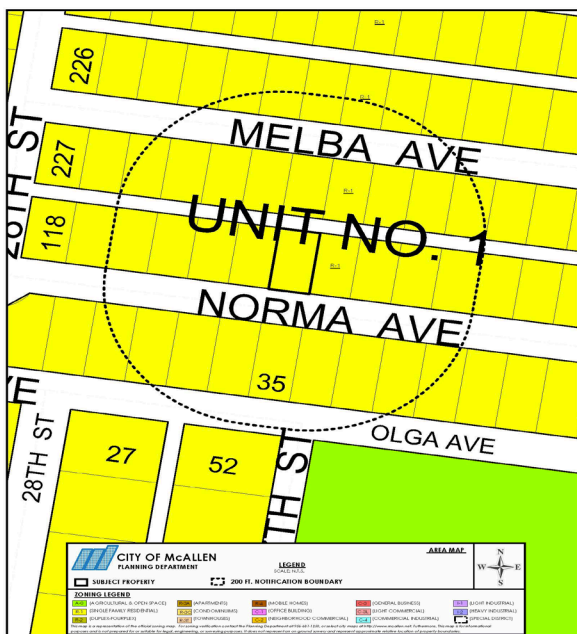
FROM: Planning Staff

DATE: Januar 27, 2022

SUBJECT: REQUEST OF JESUS AMAYA FOR A SPECIAL EXCEPTION AND VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 23 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 19 FEET BY 16.67 FEET, AND 2) AN ENCROACHMENT OF 4 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING PORCH MEASURING 4 FEET BY 23 FEET, AT LOT 112, IDELA PARK UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2732 NORMA AVENUE. (ZBA2022-0134)

REASON FOR APPEAL:

The applicant is requesting a special exception and a variance for encroachments into the front yard setback for an existing metal carport and porch. The applicant states a contractor was hired to construct the carport but did not get the required building permit. The carport is to provide protection for the family vehicles from inclement weather events and the porch is for shade and to protection from heavy rain seeping into the house through the sides of the front door.



The subject property is located along the north side of Norma Avenue, between South 27th and 28th Streets. The Lot has 50 feet of frontage along Norma Avenue and a depth of 90 feet for a Lot size of 4,500 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The required front yard setback as per plat is 25 feet. A Stop Work order was posted by Building Permits and Inspections Department on November 10, 2022 for construction without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 11, 2022 and an application for a Special Exception request was submitted to the Planning Department on December 12, 2022.

ANALYSIS:

Special Exception #1: This request is for an existing metal carport encroaching 23 feet into the 25 feet front yard setback and measuring 19 feet by 16.67 feet. The request is to allow the carport to remain for the protection of the family vehicles from inclement weather events. There is an existing caliche alley that appears to not be traversable during rainy weather. Any relocation to the rear yard may not be feasible since the rear yard area appears to be limited by an existing 10 feet utility easement located at the rear of the property.

Variance request #2: This request is for an existing metal porch cover encroaching 4 feet in to the 25 feet front yard setback and measuring 4 feet by 23 feet. It is not an oversized overhang extension that is beyond the 2 feet allowed for an overhang. According to the applicant the structure provides shade and protection from heavy rain seeping into the house through the sides of the front door.

At the Zoning Board of Adjustments and Appeals meeting of January 5, 2023 a special exception request was approved for an encroachment of 16 feet into the 25 feet front yard setback for a carport measuring 11.16 feet by 15.66 feet, at Lot 111, Idela Park Unit No. 1 Subdivision.

A review of Planning Department records revealed a variance granted in 1979 for an encroachment of 5 feet into the 25 feet front yard setback for a porch measuring 5 feet by 21 feet, at Lot 40, Idela Park Unit No. 1 Subdivision.

There have been no calls or emails received in opposition to the requests.

Measurements provided are without the benefit of a survey.

The submitted site plan shows a storage building that appears to be encroaching into the rear yard setback however, the applicant has decided to not resolve this encroachment at this time.

RECOMMENDATION:

Special Exception #1: Staff recommends **approval** of the Special Exception request, since relocation would not be feasible due to limited space in the rear yard.

Variance request #2: Staff recommends **approval** for Variance request #2, since the porch structure does not negatively impact the character of the neighborhood.

ZBA 2022-0134

ZBA 1/18/23



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

IDELA PARK #1 Lot 112 - Unit 1

Subdivision Name

IDELA PARK #1

Street Address

2732 NORMA AVE

Number of lots

1

Gross acres

0.1033

Existing Zoning

R1

Existing Land Use

Home

Reason for Appeal (please use other side if necessary)

Removing Carport would affect our health as we wouldn't be protected from the element when using our cars. Shed removal a place for our stored items and might make them visible to others. therefore affecting the aspect of our house / neighborhood.

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport) 20' into the 25' front yard set back.

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

Applicant

Name

JESUS AMAYA

Phone

(956) 225-7040

Address

2732 NORMA AVE

E-mail

estelajesusamaya@att.net

City

MCALLEN

State

TX

Zip

78503

Owner

Name

JESUS & ESTELA AMAYA

Phone

(956) 225-7040

Address

2732 NORMA AVE

E-mail

estelajesusamaya@att.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

Jesus A. Amaya

Date

12/7/22

Print Name

JESUS AMAYA

☒ Owner☐ Authorized Agent

Office

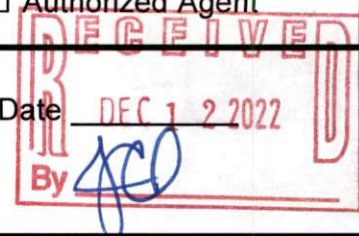
Accepted by

Payment received by

Date

DEC 12 2022

Rev 10/18



AVS



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 strict application of the provisions required would deprive us from staying dry from the rain / elements when getting in and out of our cars.

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

The variance is necessary as we are senior citizens and have fallen a couple of times due to the driveway being wet + slippery. It also provides protection to our front door from the 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:

Our construction doesn't affect any of our neighbors or property owners in the area, as it is within our property. In the contrary, I have been told it makes our home look a bit modern.

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

Conditions that are unique to myself & my wife and helps bring up the are that we are getting older, I have arthritis and diabetes neighborhood and walking under my carport and going to & from my shed have helped me keep me active while out of the heat & rain.

Reason for Appeal

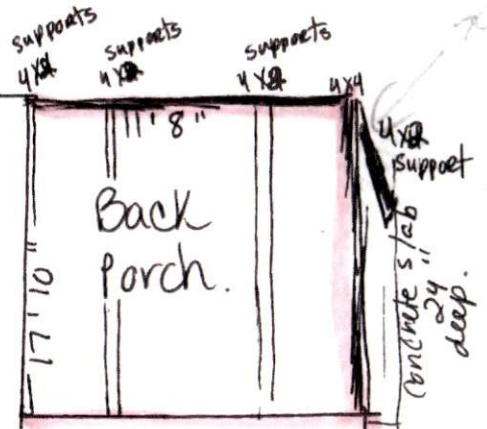
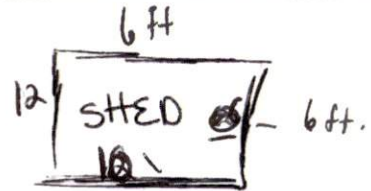
Board Action

Chairman, Board of Adjustment
Signature

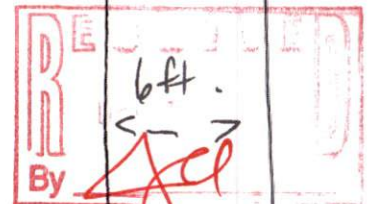
Date

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ALLEY

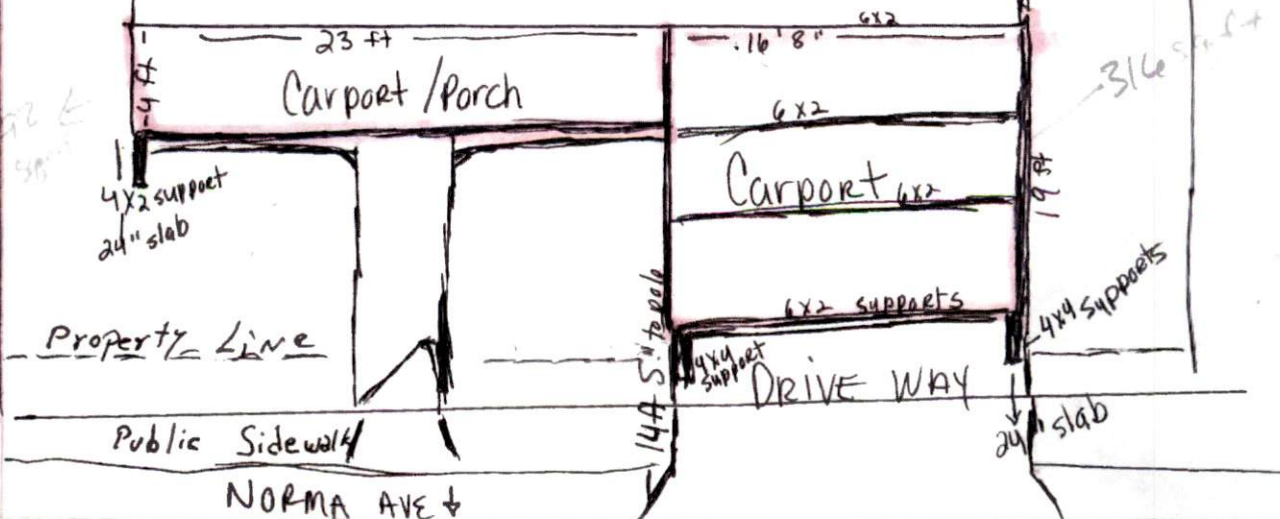
Back Porch
+
Carport
DONE



2732 NORMA AVE
MCALLEN TX 78503
1,420 sq ft.



6 ft







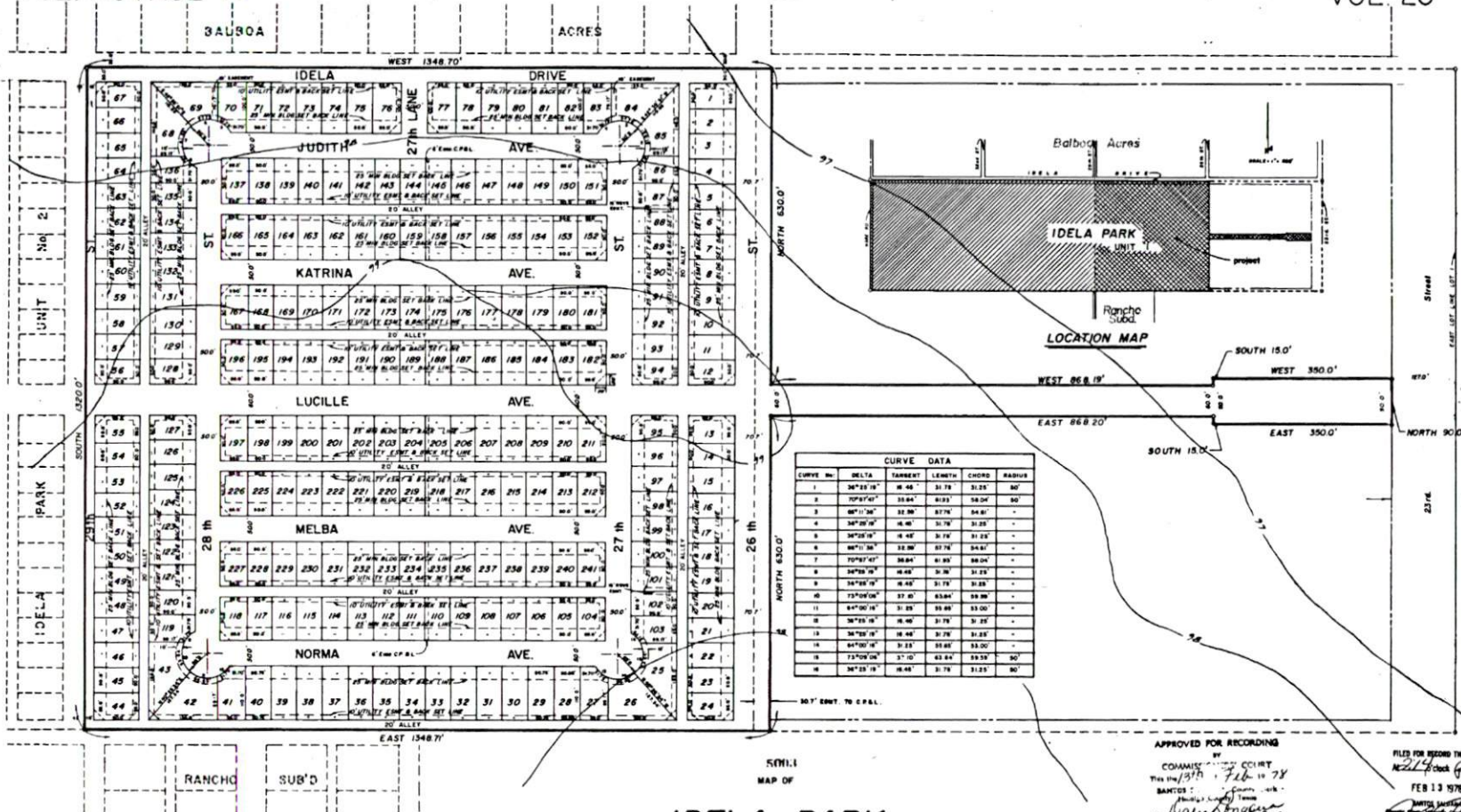




WELCOME Y'all

2732
FAMILIA AMAYA
NORMA AG. HALLER





NOTES:

1. All lots shown on this plat are of the same size.
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25. All lots shown on this plat are of the same size.
26. All lots shown on this plat are of the same size.

IDELA PARK

UNIT No. 1

BEING A SUBDIVISION OF LOTS 1 AND 2 OF
BLOCK 3 RIO BRAVO PLANTATION COMPANY
SUBDIVISION, HIDALGO COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HIDALGO

I, (WE) THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNED HEREIN AS THE
IDELA PARK SUBDIVISION TO CITY OF MALLEN, TEXAS AND WHOSE NAME IS SUBSCRIBED HEREIN
HEREBY DEDICATE TO THE USE OF PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASE-
MENTS, AND PUBLIC PLACES THEREON SHOWN FOR PURPOSES OF CONSIDERATION THEREIN EXPRESSED.

IDELA DEVELOPMENT COMPANY
(A PARTNERSHIP)

PARTNER
OWNER

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Timothy
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 CONSIDERATION THEREIN
STATED. GIVEN UNDER MY HAND SEAL OF OFFICE, THE 11th DAY OF January, 1972.

Malissa Haddock
NOTARY PUBLIC

APPROVED FOR RECORDING
BY
COMMISSIONER OF THE COURT
FILED 1/13/72
BANKS: James H. Jones

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MALLEN,
HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION
REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN STATE OF TEXAS, HEREBY CERTIFY
THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY
ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND FURTHER CERTIFY THAT
PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Samuel H. Farn
PROFESSIONAL ENGINEER

I, THE UNDERSIGNED, MAYOR OF CITY MALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS
TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS
REQUIRED.

John H. Farn
MAYOR

APPROVED
FOR RECORDING
Hidalgo Co. Register
1/13/72



FILED 1/13/72
IDELA PARK
1/13/72



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2022-0134

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 30, 2022

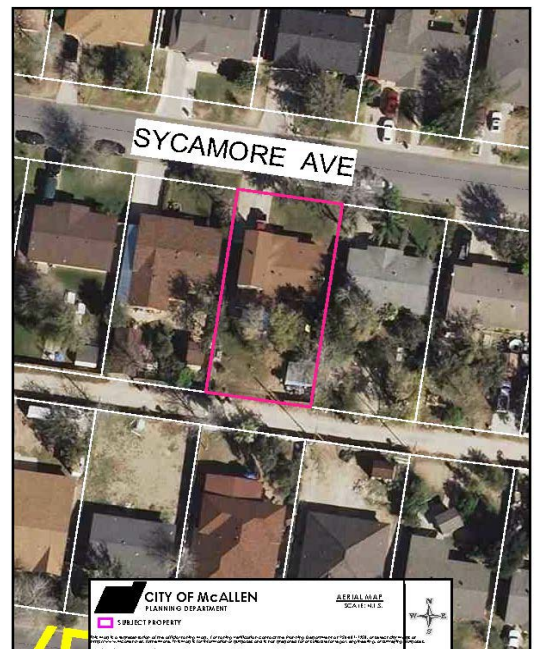
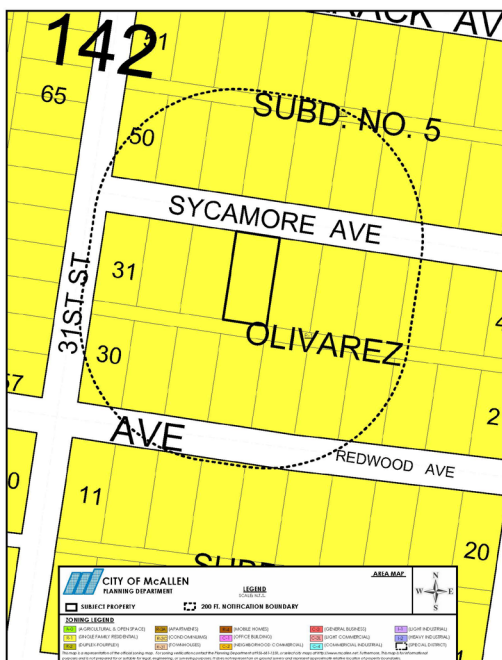
SUBJECT: REQUEST OF MICHAEL STEVEN DECK FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW 1) AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK INCLUDING OVERHANG AND 2) AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 28 FEET BY 22 FEET, AT LOT 34, OLIVAREZ SUBDIVISION UNIT NO. 4, HIDALGO COUNTY, TEXAS; 3005 SYCAMORE AVENUE. (ZBA2022-0137)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow encroachments of 25 feet into the front yard setback of 25 feet and 6 feet into the 6 feet west side yard setback for an existing carport measuring 28 feet by 22 feet. The applicant stated the existing carport is for his protection due to medical reasons and protection of the family's vehicles from the weather elements. The subject property does not have a garage.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Sycamore Avenue. The property has 61.4 feet of frontage along Sycamore Avenue and a depth of 125 feet, for a lot size of 7,675 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 Olivarez Subdivision Unit No. 4 was recorded on January 11, 1971. The face of the plat shows a 25 feet front yard minimum building setback line. A stop work order was issued on October 7, 2022. An application for a building permit for the carport was submitted on October 12, 2022. An application for the special exception request was submitted on December 29, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 25 feet into the 25 feet front yard setback, and 6 feet in to the 6 feet west side yard setback. The subject property does not have a garage.

During a site visit, staff noticed other (carports) similar encroachments within the subdivision. Department files revealed no permits, variances or special exceptions found.

The property does have an alley, but relocation would not be feasible since the purpose of the carport is to provide easy accessibility to the entrance of the home for the applicant and his wife.

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

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

RECOMMENDATION:

Staff recommends approval of the special exception request limited to the encroachment on the site plan, and accommodating wheelchair access for the individual.

ZBA2022-0137

ZBA:
2/8/23

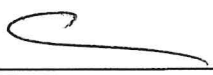
City of McAllen

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>LOT 34</u>		
	Subdivision Name	<u>Olivera Subdivision, Unit No. 4</u>		
	Street Address			
	Number of lots		Gross acres	<u>.555</u>
	Existing Zoning	<u>Residential</u>	Existing Land Use	<u>Single Family Dwelling</u>
	Reason for Appeal (please use other side if necessary)	<u>Application for carport was denied/rejected.</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>Michael Steven Deck</u>	Phone	<u>956-499-3879</u>
	Address	<u>3005 Sycamore Ave.</u>	E-mail	<u>mdeck1@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>Michael Steven Deck</u>	Phone	<u>956-499-3879</u>
	Address	<u>3005 Sycamore Ave</u>	E-mail	<u>mdeck1@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</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 checked="" type="checkbox"/> Yes <input 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			
	Print Name	<u>Michael Steven Deck</u>	Date	<u>12/29/22</u>
			<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	<u>STJ</u>	Payment received by	
	Date			

Rev 09/20

ENTERED

DEC 29 2022

Initial: MSD



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 existing structure meets the requirements for a carport in McAllen

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

owner is handicapped. Needs protection of carport from weather rain, wind, etc.

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:

structure is simply a cover over owner's driveway. It does not interfere on any neighbor's property.

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

applicant is handicapped

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

House

8' 1"

8' 2"

Lot Line

Not To Scale

28' Carport

60' 1"



20' 8"

13' 6"

Summary Area





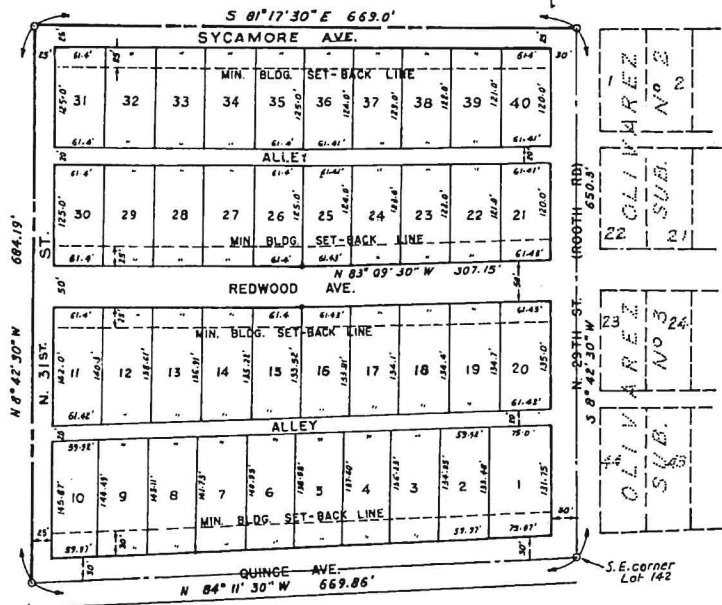
DECK

3005





612



FILED FOR RECORD THIS DATE
At 3:10 o'clock P.M.

JAN 13 1971

CANTOS SALDANA
County Clerk, Hidalgo County, Texas
By *W. H. Hedley* Deputy

APPROVED FOR RECORDING

COMMISSIONER'S COURT
THIS 11th January 1971
SARVES
By *Luis A. B. B. B.* County Clerk

APPROVED
FOR RECORDING
Hidalgo County, Texas
By *[Signature]*
Date 1-11-71

MAP
OF

OLIVAREZ SUBDIVISION NO. 4 HIDALGO COUNTY, TEXAS

BEING A SUBDIVISION OF THE SOUTH 10.25
ACRES OF THE EAST 25.16 ACRES OF LOT
142, LA LOMITA IRRIGATION & CONSTRUCTION
COMPANY SUBDIVISION OF PORCIONES 61, 62, & 63,
HIDALGO COUNTY, TEXAS

SCALE: 1"=100'

DATE: 12-23-70

I, C. L. FABIAN, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE FOREGOING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREON SHOWN AS PLATTED BY ME FROM SURVEY OF THE OUTSIDE BOUNDARIES OF SAME.

C. L. Fabian
C. L. FABIAN
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

STATE OF TEXAS
COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS
THAT I, ENRIQUE OLIVAREZ, OWNER OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE, AND CONFIRM THE FOREGOING MAP OF "OLIVAREZ SUBDIVISION NO. 4" AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS AND ALLEYS HEREON SHOWN.

Enrique Olivarez
ENRIQUE OLIVAREZ

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, ENRIQUE OLIVAREZ, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23rd DAY OF December A.D. 1970.

[Signature]
NOTARY PUBLIC IN AND FOR
HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE MCALLEN ZONING AND PLANNING BOARD ON THIS THE 23rd DAY OF December A.D. 70.

MCALLEN ZONING AND PLANNING BOARD

BY *Ben Bilbrey*
BEN BILBREY, CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF MCALLEN, TEXAS ON THIS THE 27th DAY OF December A.D. 70.

[Signature]
MAXIMILIANO SANCHEZ, CITY CLERK

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 ON THIS THE 7th DAY OF January A.D. 1971.

[Signature]
ATTORNEY
SECRETARY

[Signature]
JACK A. WETSEL
PRESIDENT



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0137

DECK

3005

Memo

TO: Zoning Board of Adjustment & Appeals

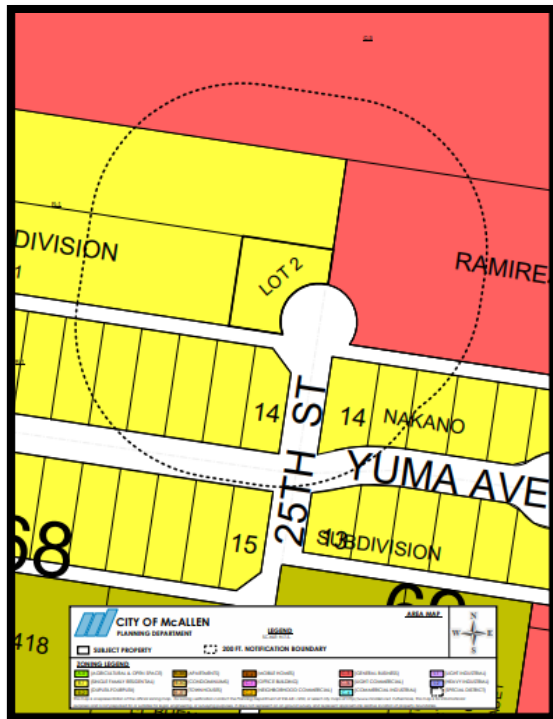
FROM: Planning Staff

DATE: January 19, 2023

SUBJECT: REQUEST OF MANUEL RAMIREZ AND JUANA RAMIREZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT 9 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY HOME AT RAMIREZ LOT 2, RAMIREZ SUBDIVISION, HIDALGO COUNTY, TEXAS; 2420 SOUTH 25TH STREET. (ZBA2023-0007)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 9 feet into the 25 feet front yard setback to accommodate construction of a proposed single family residence as it is an irregular lot.

PROPERTY LOCATION AND VICINITY: The subject property is located at the west side of 25th street. The property is 740 feet west of 23rd street, for a lot size of approximately 10,890 square feet. The surrounding land use is single-family residential with a commercial use to the east along 25th street.



BACKGROUND AND HISTORY:

The plat for Ramirez Subdivision was recorded October 31, 2006. A building permit application for the proposed residence has not yet been submitted. The applicant submitted the variance request on January 17, 2023.

ANALYSIS:

Approval of the variance request would allow an encroachment of 9 feet into the 25 feet front yard setback for the construction of a house. The front yard setback will be 16 feet. The submitted site plan shows that a single-family residence is to be built on the property. The applicant states proposed site plan and square footage does not coincide with required front yard setback. The subject property is an irregular lot. Upon the site visit, subject property was identified as a cul-de-sac. Cul-de-sac lots often seek a variance for front yard setbacks.

If the variance request is approved, the applicant must comply with all other building and zoning ordinance requirements, including requirements from the vegetation ordinance (landscaping) and the off-street parking ordinance.

A review of Planning Department records did not reveal any approved special exceptions or variances in the immediate area.

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

RECOMMENDATION:

Staff recommends approval of the variance request. If the Board grants approval of the request, it should be limited to the encroachment of 9 feet into the 25 feet front yard setback shown on the submitted site plan. The proposed encroachment will not alter the essential character of the neighborhood.

02/08/23

ZBA 2023-0007

ZBA
02-8-23
okay as per Edgar.

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description LOT 2Subdivision Name RAMIREZ SUBDIVISION, VOL 51, PG 150, M.R.H.C.Street Address 2420 S 25TH ST MCALLEN, TXNumber of lots 1 Gross acres 0.25Existing Zoning R-1 Existing Land Use VACANT

Reason for Appeal (please use other side if necessary) _____

reduction of 25th street setback from 25' to 16'

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

N/A

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

Applicant

Name MANUEL RAMIREZ AND JUANA RAMIREZ Phone (956) 656-0595Address 2313 S. 26th STREET E-mail _____City McALLEN State TX Zip 78503

Owner

Name MANUEL RAMIREZ AND JUANA RAMIREZ Phone (956) 656-0595Address 2313 S. 26th STREET E-mail _____City McALLEN State TX Zip 78503

Authorization

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

☐ Yes☒ No

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

Signature [Signature]Date 1/17/23Print Name Manuel Ramirez☒ Owner☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____ Initial: WJ

Rev 10/18

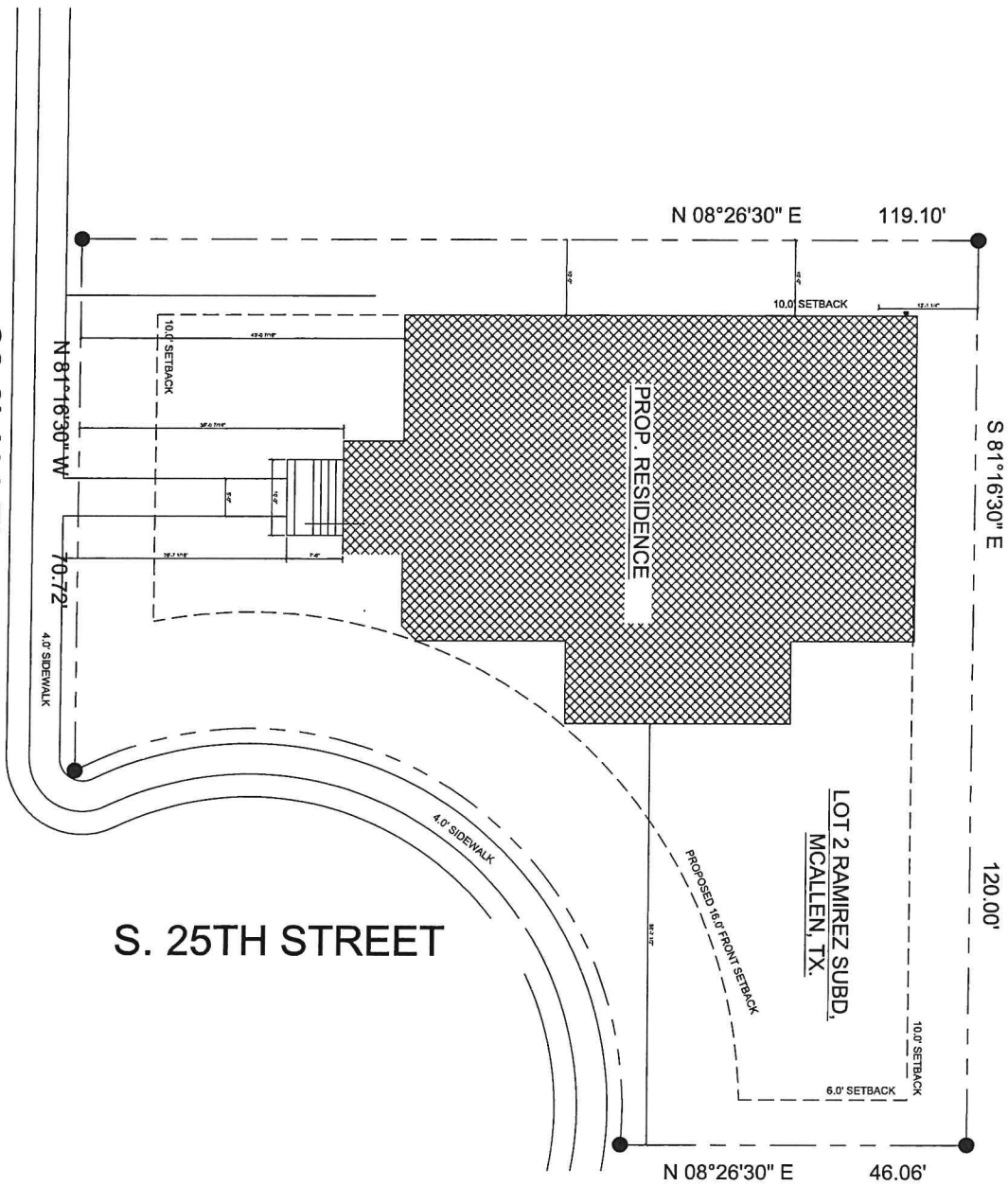
ENTERED
JAN 18 2023



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:	
	THIS IS AN IRREGULAR LOT AND THE TYPICAL SETBACK FOR CUL-DES-SAC LOTS IS 15'.	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	WE ARE REQUESTING TO REDUCE ONLY THE 25TH STREET SETBACK TO BE ABLE TO FIT THE PROPOSED SITE PLAN AND SQUARE FOOTAGE	
	3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:	
	WILL NOT AFFECT ANY OF THE OTHER RESIDENTS PROPERTIES AND ALL CONSTRUCTION WILL BE DONE AS PER CITY OF McALLEN BUILDING REGULATIONS	
Board Action		
	Chairman, Board of Adjustment Signature	Date
	_____	_____

20.0' ALLEY











WITHDRAWN

Memo

TO: Zoning Board of Adjustment & Appeals

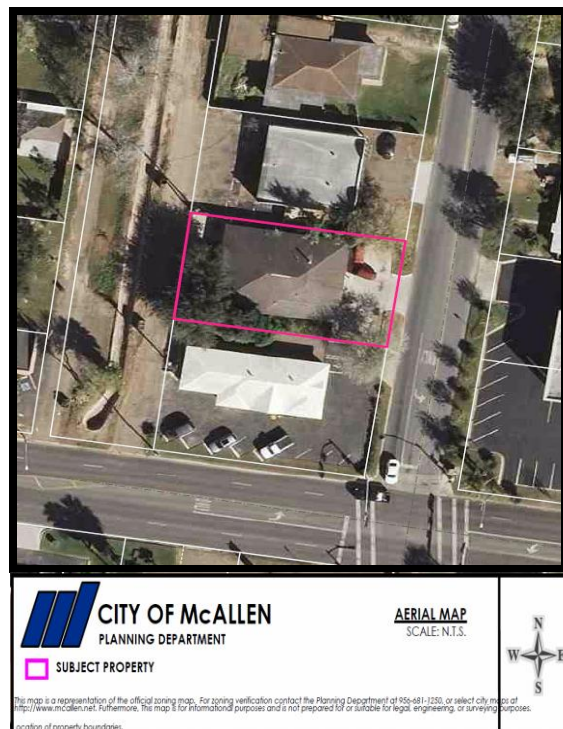
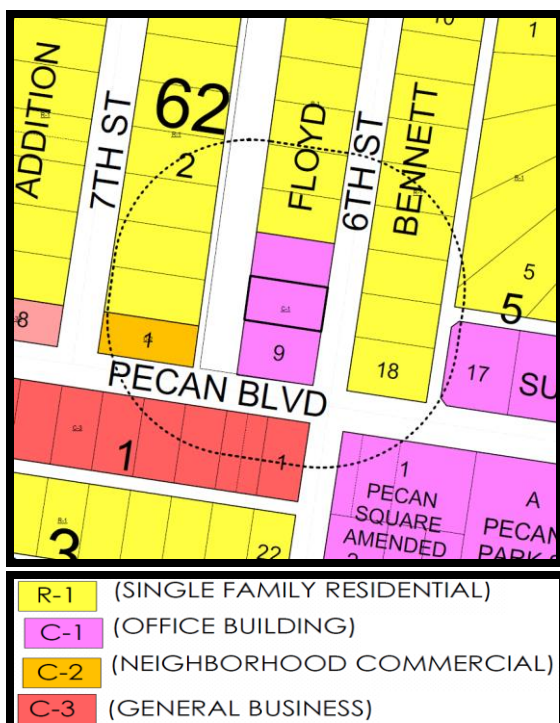
FROM: Planning Staff

DATE: December 12, 2022

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

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

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



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

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

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

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

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

ZBA 2022-0118

ZBA: 12.21.22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description ALL OF LOT 8,

Subdivision Name FLOYD BURNETT SUBD.

Street Address 1605 N. 6TH ST.

Number of lots 1 Gross acres 0.17

Existing Zoning C-1 Existing Land Use OFFICE BUILDING

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

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

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

Applicant

Name DAVID OMAR SALINAS Phone 682-9081

Address 2221 DRAFFORD L AVE. E-mail dsalinas@salinasengineer

City MCALLEN State TX Zip 78501 1466.COM

Owner

Name MARIA EUGENIA ZABALETA Phone 956-375-4695

Address 4909 JIMM DR. E-mail MARUCABALETA@

City EDINBURG State TX Zip 78540 LIVE.COM

Authorization

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

☐ Yes☒ No

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

Signature [Signature]Date 11/16/22Print Name DAVID OMAR SALINAS☐ Owner☒ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

Rev 10/18

ENTERED

NOV 16 2022

Initial: NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>	
	1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:	
	HCID #3 WILL PERMIT PARKING AT REAR OF LOT 8 BUT WILL NOT PROVIDE LETTER	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	APPROVAL OF VARIANCE WILL PERMIT ORDERLY DEVELOPMENT OF EXIST. COMMERCIAL BUILDING	
	3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:	
	APPROVAL OF VARIANCE DOES NOT AFFECT THE HEALTH, SAFETY OR WELFARE OF GENERAL PUBLIC	
	4. Describe special conditions that are unique to this applicant or property:	
	REAR OF PROPERTY IS ADJACENT TO HCID #3 CANAL ROW	
	Board Action	
Chairman, Board of Adjustment Signature _____		Date _____

Rev. 9/20

ENTERED

NOV 16 2022

Initial: NM



GENERAL NOTES:

- **PLUMBING:**
 1. ANY ARCHITECTURAL DRAWINGS SPECIFICATIONS / INSTRUCTIONS / INDICATIONS SHALL BE OVERRIDEN BY ENGINEERING SPECIFICATIONS ON HOW TO PREPARE PLUMBING FOR PROJECT.
- **FRAMING:**
 1. SOLE PLATE (BOTTOM PLATE)
 - A. WOOD THAT IS LESS THAN 12" INCHES FROM GROUND SHALL BE PRESSURE TREATED WOOD.
 2. STUDS
 - A. FRAMING WALL STUDS SHALL BE PREPPED TO ENGINEERING SPECIFICATIONS (TIES, BRACING, ANCHORS, ETCETERA).
 - B. WOOD BLOCKING REQUIRED ON WALLS GREATER THAN 10'-0" HEIGHT.
 3. HEADER / TRIMMER / KING STUDS
 - A. SHALL BE INSTALLED ACCOMPANYING DOOR & WINDOW OPENINGS AND PREPPED TO ENGINEERING DESIGN.
 - B. REINFORCE WINDOW HEADERS FOR CURTAIN PLACEMENTS.
 4. BOTTOM CRIPPLES / WINDOW SILL
 - A. SHALL BE INSTALLED ACCOMPANYING WINDOW OPENINGS AND PREPPED TO ENGINEERING DESIGN.
- **CEILING**
 1. SUB-CONTRACTOR SHALL ASSURE THAT CEILING DESIGN IS TO PAR TO ARCHITECTRAL DRAWINGS AND PREPPED TO ENGINEERING STANDARDS.
 2. SUB-CONTRACTOR SHALL ASSURE THAT THEY REINFORCE CEILINGS AREAS WHERE THERE IS PLACEMENT OF CEILING FANS, CHANDELIERS, PENDANT LIGHTS, ETCETERA.
- **ROOFING**
 1. REFER TO ARCHITECTURAL DRAWINGS FOR ROOF DESIGN.
 2. REFER TO ENGINEERING BLUEPRINTS FOR ROOF CONSTRUCTION.
 3. PROVIDE ANY EXHAUST FANS, VENTS AND/OR ROOFING PENETRATIONS SUCH AS VENTILATION GRILLS, ETCETERA IF NEEDED AND NOT SPECIFIED ON BLUEPRINTS.
 4. PROVIDE CRICKETS AT INDICATED AREAS OR WHERE THERE MAY BE EXHAUST FAN UNITS, ROOF HATCHES, CHIMNEYS OR MECHANICAL EQUIPMENT TO ENSURE PROPER ROOFING DRAINAGE.

Information:

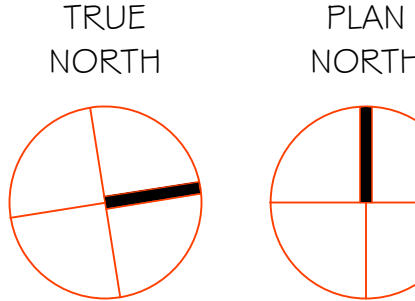
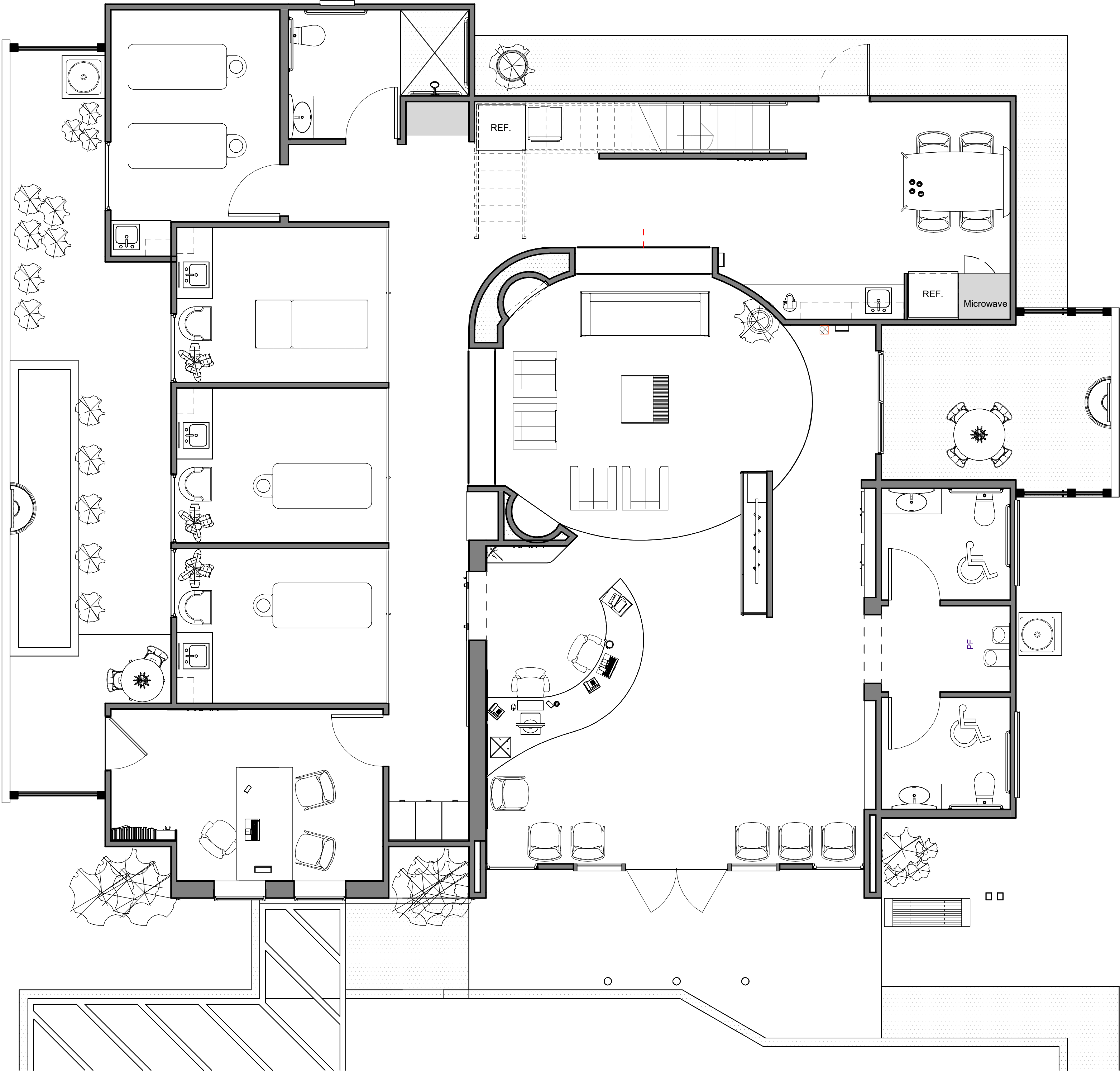
The following building to be used as a medspa / beauty lounge.
Nonsurgical treatments to be done such as:

- Aesthetician Services
 - Waxing / Hair Removal
 - Microdermabrasions
 - Chemical Peels
 - Facials
 - Pore Cleansing
- Massage Therapy
 - Massage Therapy
 - Aromatherapy
 - Scalp Massage / Treatments
- Boutique
 - Artisanal Items
 - Beauty Products
 - Creams
 - Vitamins

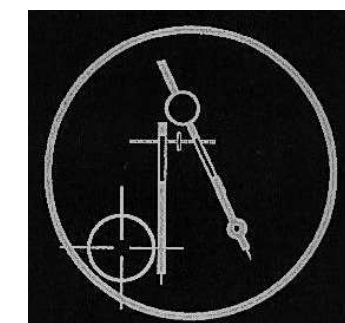
For additional information call Owner, Architectural Designer for info.

LAND	
AREA	SQ. FT.
Lot Size:	7,410
Green Area:	1,444
Concrete Apron:	301
Parking Area #1: (5 Slots)	1,872
Parking Area #2: (5 Slots)	996
(Private) Front Sidewalk:	274
(Private) Rear Sidewalk:	158
Courtyard (Pavers):	61
Patio:	137
Waste Container Pad:	60

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



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



houzz

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

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

DATE: MARCH 2022

PROJECT NO.: IM-COMM-03-22

REGISTRATION NO 22525

ARCHITECTURAL DESIGNER Cornelio Rios

ARCHITECTURAL DRAFTER Alec Rios

REVISIONS d A G

NOTES:

Client Name(s): Ivan Olivella & Maria Zabaleta

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

del Arq. Group LLC
Phone #: (956)205-2145 Email: arquit@live.com
This project design and specifications are and shall remain the property of del Arq. Group LLC. They may not be reused, reproduced or altered in any way, shape or form without prior written approval and with appropriate compensation to "delArq. Group LLC".

SHEET:

04

GENERAL NOTES:

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

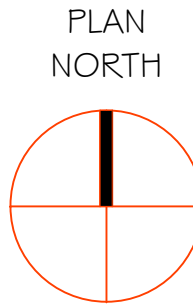
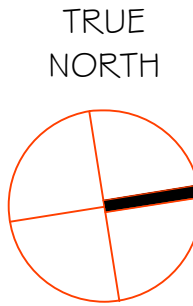
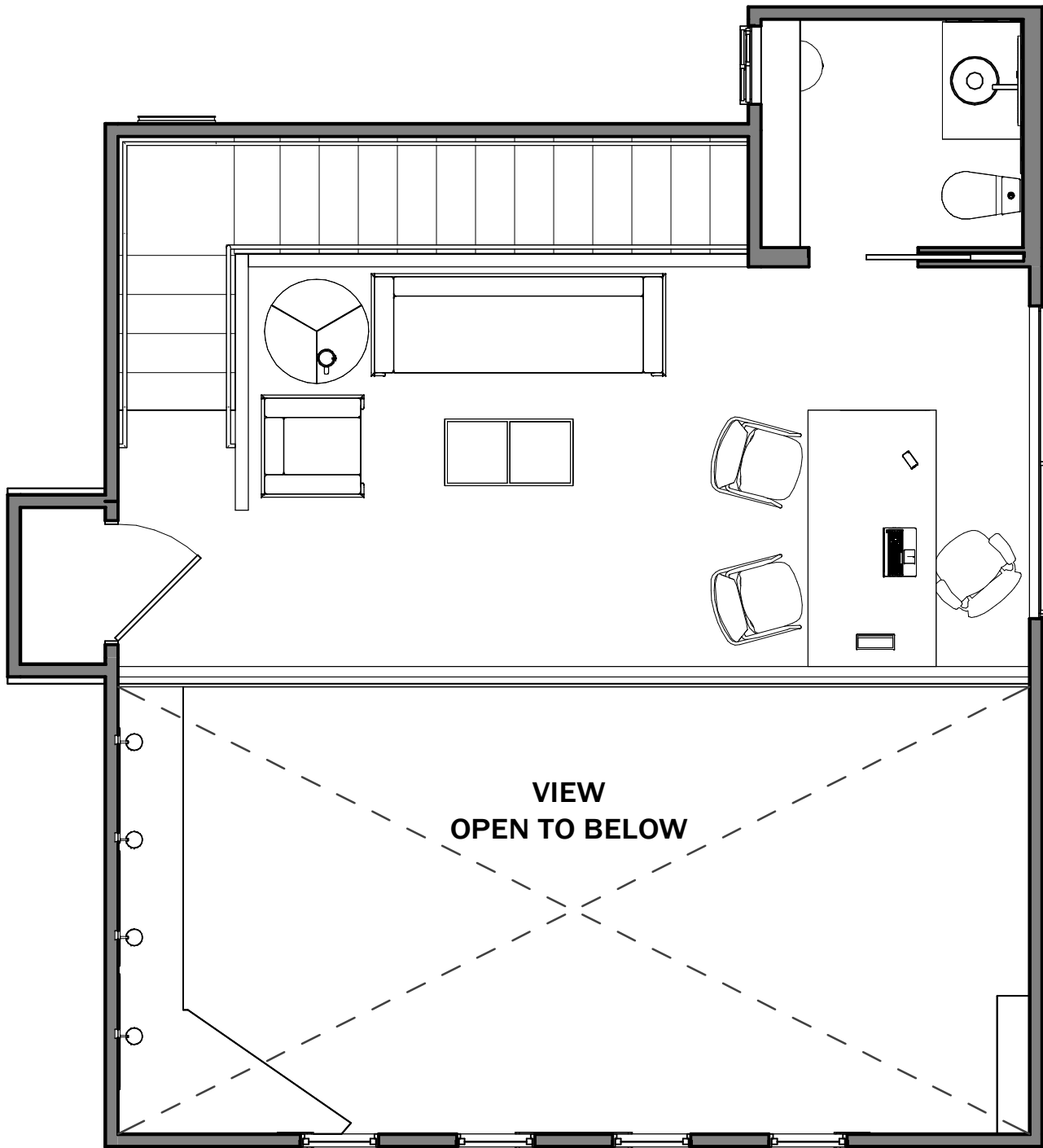
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 - Chemical Peels
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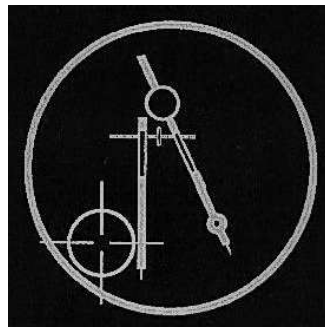
LAND	
AREA	SQ. FT.
Lot Size:	7,410
Green Area:	1,444
Concrete Apron:	301
Parking Area #1: (5 Slots)	1,872
Parking Area #2: (5 Slots)	996
(Private) Front Sidewalk:	274
(Private) Rear Sidewalk:	158
Courtyard (Pavers):	61
Patio:	137
Waste Container Pad:	60

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



1 Arch. Floor Plan - Mezzanine

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



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

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

DATE: MARCH 2022

PROJECT NO.: IM-COMM-03-22

REGISTRATION NO 22525

ARCHITECTURAL DESIGNER Cornelio Rios

ARCHITECTURAL DRAFTER Alec Rios

REVISIONS d A G

NOTES:

Client Name(s):
Ivan Olivella & Maria Zabaleta

PROJECT: Face Fresh Medspa & Boutique

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

del Arq. Group LLC

Phone #: (956)209-2145 Email: arquit@live.com
This project design and specifications are and shall remain the property of del Arq. Group LLC. They may not be reused, reproduced or altered in any way, shape or form without prior written approval and with appropriate compensation to "delArq. Group LLC".

SHEET:

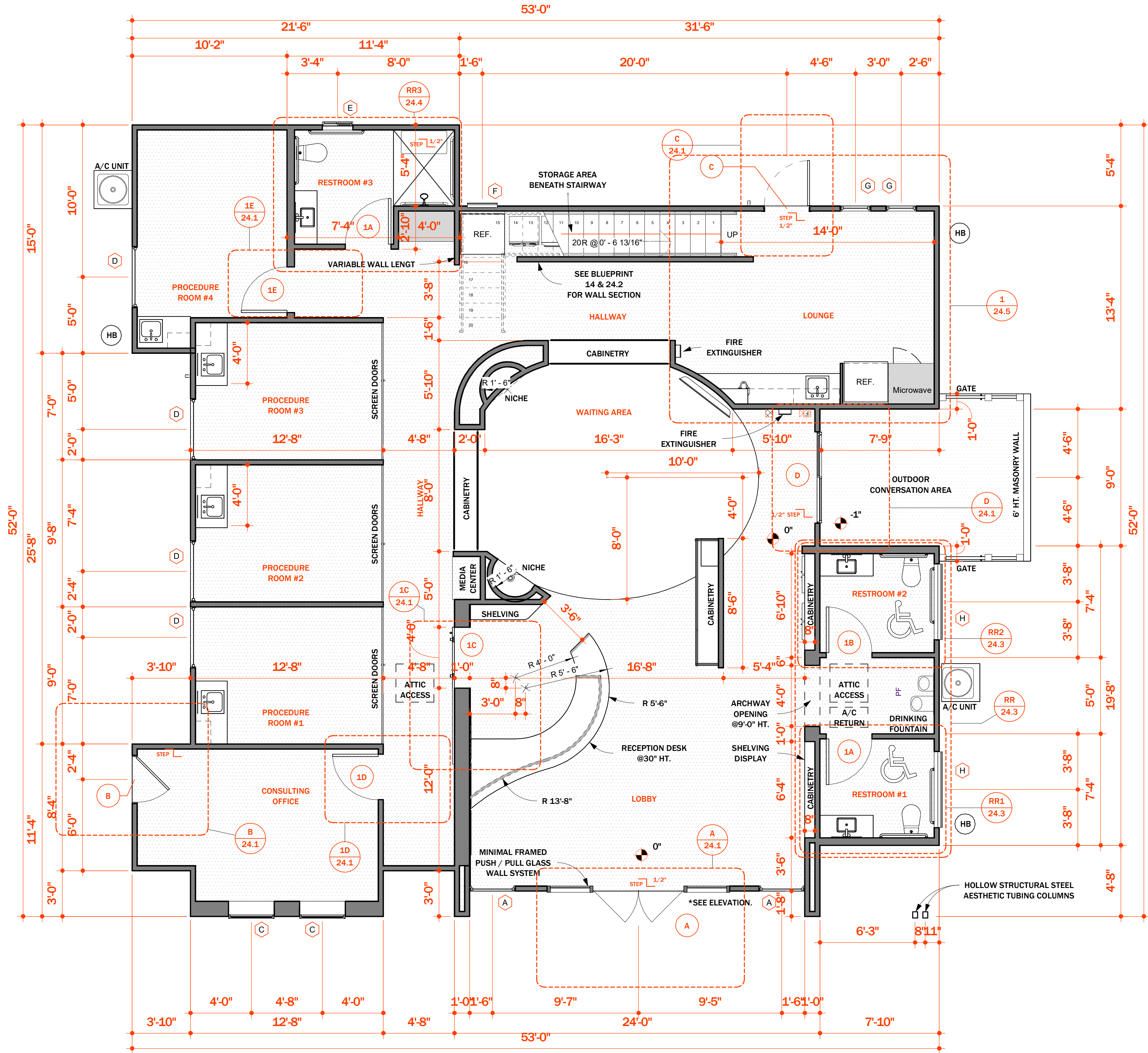
05

GENERAL NOTES:

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TRUE NORTH

PLAN NORTH

1

Floor Plan - 1F

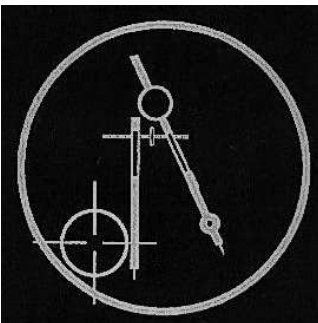
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houzz

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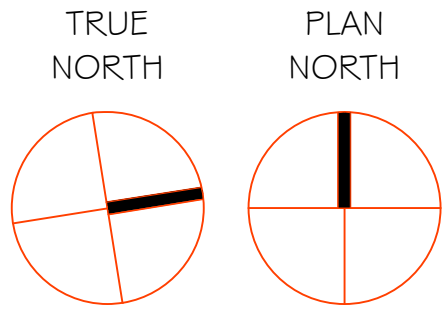
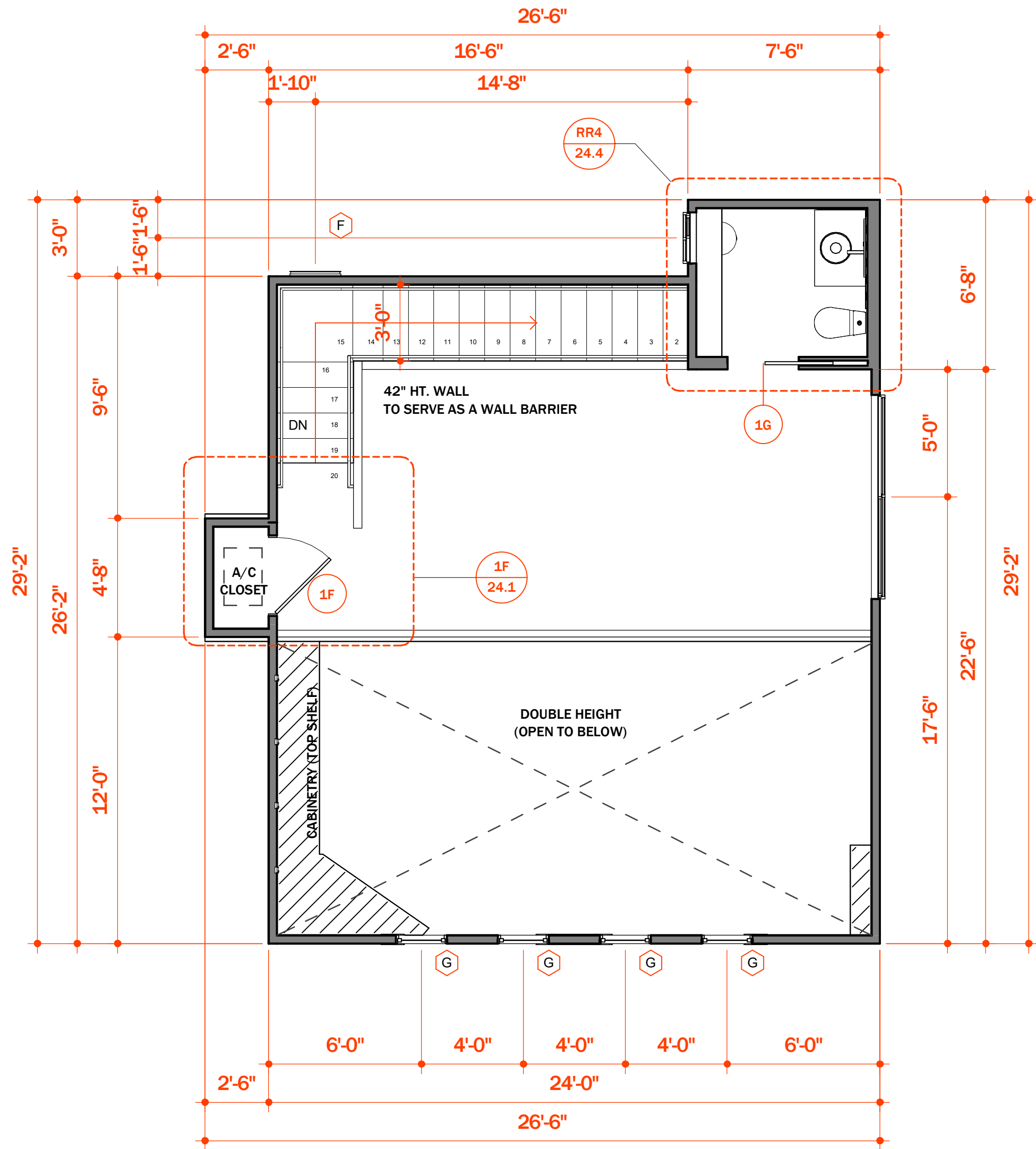
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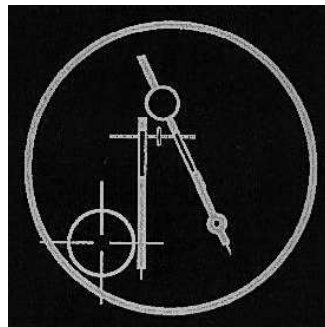
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07



MEMO

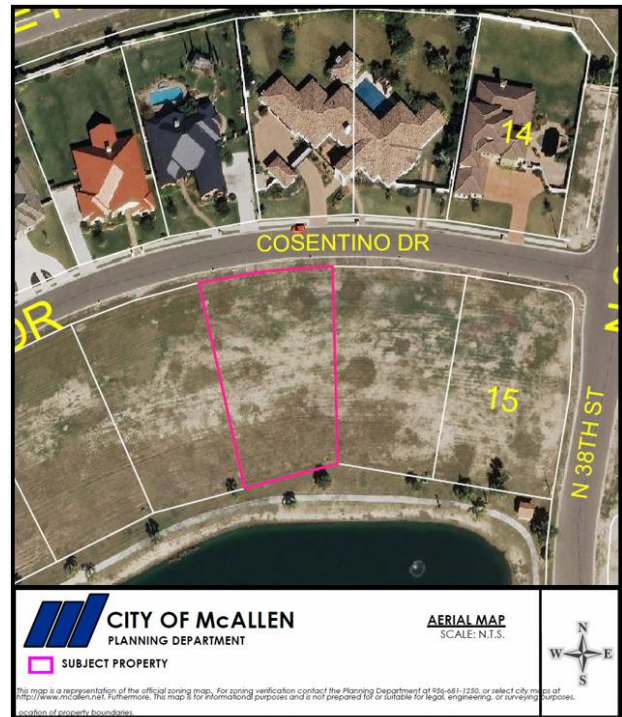
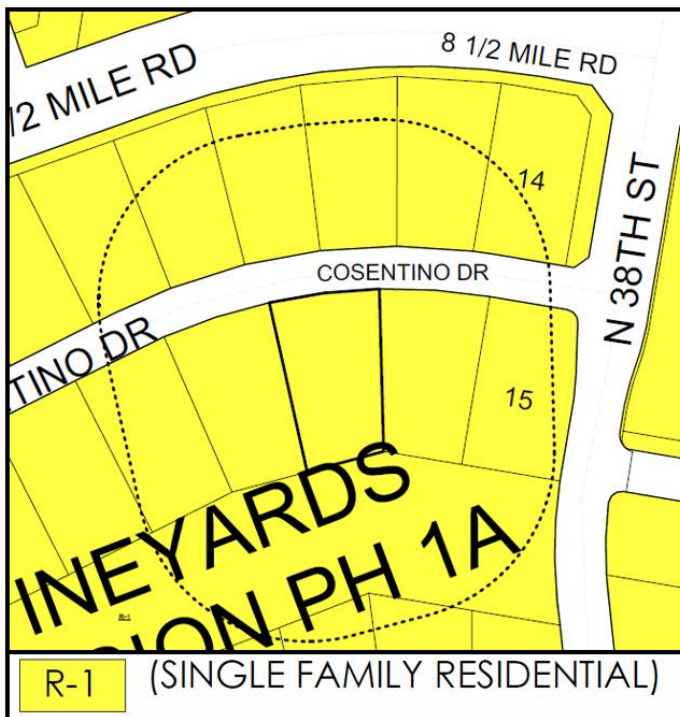
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: January 12, 2023

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

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



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

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

Department on December 2, 2022.

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

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

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

The Engineering Department has received and reviewed the proposed turf and have no objections as the turf would not have a noticeable impact on the drainage of the property. However, no comment or recommendation on the planning or landscaping aspect is being stated or implied by the Engineering Department.

The Planning Director reviewed landscaping codes for various cities across Texas, including Austin, Dallas, San Antonio, and El Paso, and none allowed synthetic materials to be used for compliance with landscaping requirements.

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

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

ZBA 2022-0126

ZBA: 12/21/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Lot 17 of the vineyards subdivision

Subdivision Name

The vineyards

Street Address

3817 Cosentino

Number of lots

10

Gross acres

50 Acre

Existing Zoning

Existing Land Use

Reason for Appeal (please use other side if necessary)

Synthetic Artificial turf instead of natural grass on entire lot.

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

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

Applicant

Name

Luis D. Waldo

Phone

956-777-3677

Address

8904 N. 9th McAllen

E-mail

luiswaldo@yahoo.com

City

McAllen

State

TX

Zip

78504

Owner

Name

Rene Castellanos

Phone

956-369-4877

Address

N/A 4817 S Jackson

E-mail

City

Edinburg

State

TX

Zip

78539

Authorization

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

☐ Yes

☒ No

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

Signature:

Date

Print Name

Rene Castellanos

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

DEC. 02 2022

Rev 09/20

Initial:

DM



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

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

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

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

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

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

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

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

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

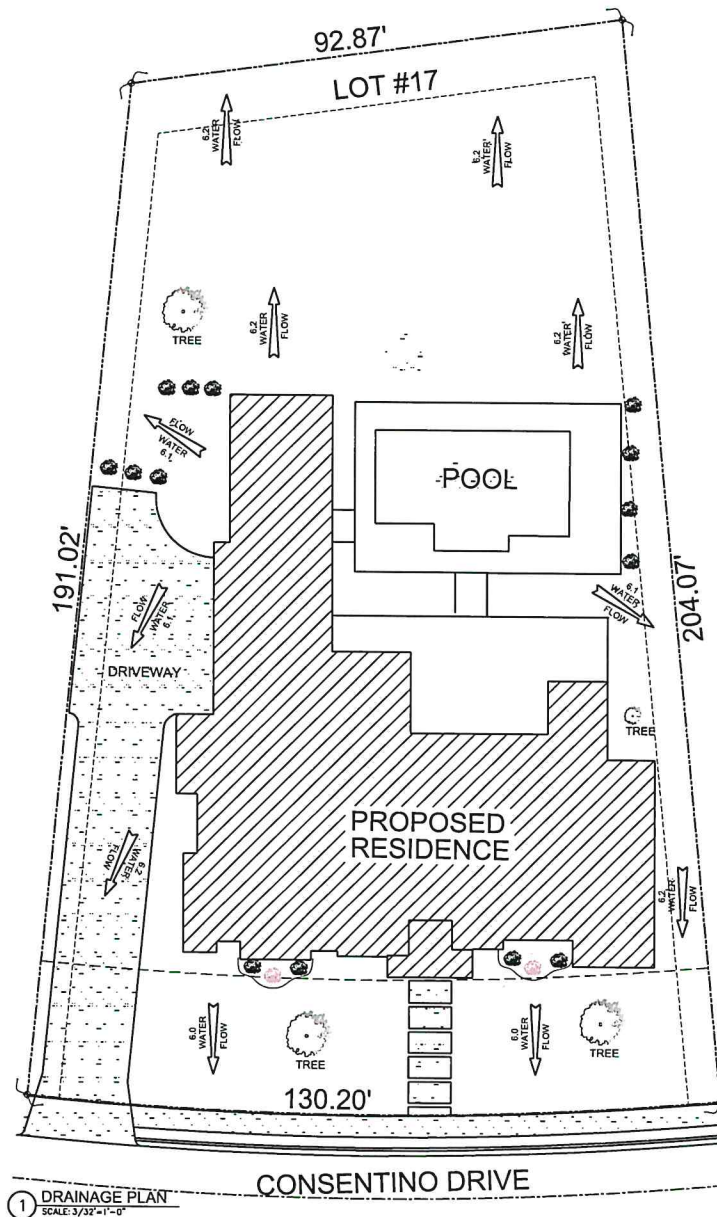
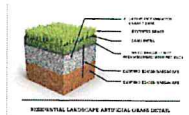
Date

Gum Type	Polyethylene - C Blade
Diameter	PF6500-PF6420
Approximate Pin Height	2.0 in.
Machine Gauge	5/8 in.
Roll Size	36 x 100 inches / roll
Approximate Inlet Amount	15-20 kg / roll
Primary Backing	Polyethylene
Approx. Total Pinhead Weight	66 ctns*
Pin Iron Weight	979 g/ctn
Average Tuft Bind Strength	10.4 mN/cm
Total Lead Content	<0.5 mg/kg
Pin Flammability	8 out of 6 Pass
Water Permeability	192 Inch
UV Accelerated Weathering	Color 3 / Texture 3

- Landscapes
- Pet Areas
- Playgrounds
- Fringes

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

- 16 Year Warranty
- DuraBlade™ Technology
- Lead Free



Definitely Quality Homes

ALDO HOMES

LUIS WALDO
(956) 466-8590

TERE WALDO
(956) 466-8227

luiswaldo@yahoo.com

LOT #17
THE VINEYARDS
SUBDIVISION
MCALLEN, TEXAS.

SHEET
C-1





ELECTION OF OFFICERS

Chairperson

Vice-Chairperson

2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/20/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/17/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA-CHAIRPERSON	P	P																						
JOSE GUTIERREZ-VICE-CHAIR	P	P																						
ANN TAFEL	P	P																						
HUGO AVILA	P	P																						
ROGELIO RODRIGUEZ	A	P																						
REBECCA MILLAN (ALT 1)	P																							
MARK TALBOT (ATL 2)	A																							
SAM SALDIVAR (ALT 3)	P	P																						
JUAN MUJICA (ALT 4)	P	P																						

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

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



2023 CALENDAR

Meetings:

-  City Commission
-  Planning & Zoning Board
-  Public Utility Board
-  Zoning Board of Adjustment





HPC - Historic Preservation Council

Deadlines:





D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed





JANUARY 2023

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





FEBRUARY 2023

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





MARCH 2023

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





APRIL 2023

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

MAY 2023

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



JUNE 2023

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

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

2023 CALENDAR

Meetings:





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

Deadlines:





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

* **Holiday** - Office is closed





JULY 2023

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





AUGUST 2023

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





SEPTEMBER 2023

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



OCTOBER 2023

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

NOVEMBER 2023

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

DECEMBER 2023

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