AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, JANUARY 5, 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 December 21, 2022

2. PUBLIC HEARINGS:

- a) Request of Maria Villasenor for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for an existing canvas cover carport with metal supports measuring 20 feet by 23 feet, at Lot 72, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3121 Ursula Avenue. (ZBA2022-0119)
- b) Request of Rolando Cedillo for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 feet front yard setback for an existing metal carport measuring 18 feet by 20 feet, at Lot 185, Idela Park Unit 3 Subdivision, Hidalgo County, Texas; 3524 Lucille Avenue. (ZBA2022-0127)
- c) Request of Miguel Cedillo, Jr. for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 24 feet into the 25 feet front yard setback, and 4 feet into the 6 feet north side yard setback for an existing metal carport measuring 22.33 feet by 22.5 feet, at Lot 10, Idela Park Unit 2 Subdivision, Hidalgo County, Texas; 4804 South 29th Street. (ZBA2022-0130)
- d) Request of Irma Hermida on behalf of Jose Cervera 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 1.096 acres out of Lot 56, La Lomita Irrigation & Construction Company Subdivision (El Rancho Deluxe Condominiums), Hidalgo County, Texas; 7809 North Ware Road. (ZBA2022-0131)
- e) Request of Melden & Hunt, Inc. for the following Variance Request to the City of McAllen Zoning Ordinance to allow 10 ft. separation between the dwelling units on individual lots instead of the required 12 ft., at 6.427 acres out of Lot 308, John H. Shary Subdivision (proposed Brier Village Subdivision), Hidalgo County, Texas; 3901 North Bentsen Road. (ZBA2022-0133)
- f) Request of Mark Hanna on behalf of Odon Capital Property Holdings, LLC, 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 4, Block 1, Poorbaugh's Subdivision, Hidalgo County, Texas; 301 North 3rd Street. (ZBA2022-0123) WITHDRAWN
- g) Request of Maximo and Rita Campos for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for an existing canvas cover carport with metal supports measuring 20 feet by 23 feet, at Lot 75, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3109 Ursula Avenue. (ZBA2022-0120)

- h) Request of Maria C. Valdez De Zamora for the following Special Exception and Variance requests to the City of McAllen Zoning Ordinance: 1) A Special Exception to allow an encroachment of 16 feet into the 25 feet front yard setback for an existing metal carport measuring 11.16 feet by 15.66 feet, and 2) a Variance to allow an encroachment of 16 feet into the 25 feet front yard setback for an existing metal porch cover measuring 10.41 feet by 15.66 feet, at Lot 111, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 2728 Norma Avenue. (ZBA2022-0121)
- i) Request of Lucero Mendoza for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing carport measuring 16 feet by 29 feet, at Lot 78, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3025 Ursula Avenue. (ZBA2022-0122)
- j) Request of Onesimo Pulido for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing carport measuring 13 feet by 23 feet at Lot 56, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3001 Teresa Avenue. (ZBA2022-0124)
- k) 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)
- Request of Bellanira W. Murillo for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 1 foot in the 10 feet rear yard setback, and 5 feet in to the 10 feet side yard setback at Lot 47, Northgate Crossing Subdivision Phase II, Hidalgo County, Texas; 9002 North 22nd Lane. (ZBA2022-0129)
- m) 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)
- n) 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)

3. FUTURE AGENDA ITEMS

- a) 2005 Galveston Avenue
- **b)** 5912 North 35th Street
- c) 100 East Kerria Avenue
- d) 2732 Norma Avenue
- e) 208 North 4th Street
- f) 1718 Maple Avenue

ADJOURNMENT:

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

STATE OF TEXAS COUNTY OF HIDALGO CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, December 21, 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
Mark Talbot Alternate

Absent: Sam Saldivar Alternate

Juan Mujica Alternate

Rodrigo Sanchez Senior Planner Omar Sotelo Senior Planner

Katia Sanchez Planner II Marco Rivera Planner I Samantha Trevino Planner I

Porfirio Hernandez Planning Technician II
Carmen White Administrative Assistant

CALL TO ORDER -Chairperson Sylvia Hinojosa

1. MINUTES:

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

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

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

2. PUBLIC HEARINGS:

a) Request of Steve Barajas on behalf of Marcos Granados (property owner) for the following Special Exception request to the City of McAllen Zoning Ordinance to allow: 1) an encroachment of 20 feet into the 20 feet front yard setback for an existing metal carport measuring 21 feet by 21.66 feet, and 2) to allow an encroachment of 3.5 feet into the 6 feet west side yard setback for an existing metal carport measuring 21 feet by 21.66 feet, at Lot 109, Los Encinos Subdivision, Hidalgo County, Texas; 3609 Queta Avenue. (ZBA2022-0111)

- b) Request of Jesus Trevino, Jr. for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 10 feet rear yard setback for an existing porch canopy measuring 9 feet by 32 feet, at Lot 1, Terranova Subdivision, Hidalgo County, Texas; 2813 Fullerton Avenue. (ZBA2022-0114)
- c) Request of Rene Tapia for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing canvas carport measuring 12 feet by 14 feet, at Lot 5, Brookwood Unit 2 Subdivision, Hidalgo County, Texas; 3801 Zinnia Avenue. (ZBA2022-0108)
- d) Request of David Perez for a Variance to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one required parking space beyond the front yard setback line at Lot 94, Los Encinos III Subdivision, Hidalgo County, Texas; 2801 Ursula Avenue. (ZBA2022-0110)
- e) Request of Humberto Karr on Behalf of Jose Garza (owner) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 20 feet rear yard setback along the south side for a proposed porch that measures 12 feet by 15 feet, at Lot 93, Gardenia Terrace No. 23 Subdivision, Hidalgo County, Texas; 3201 Eagle Avenue. (ZBA2022-0117)

Mr. Hugo Avila **moved** to approve the previously outlined special exception and variance requests as per staff's recommendation, limited to the submitted plans correspondent to each item. Ms. Ann Tafel seconded the motion. The Board voted to approve with five members present and voting.

f) Request of Jesus C. Muniz for a Special Exception to the City of McAllen Zoning Ordinance to allow: 1) An encroachment of 10 feet into the 10 feet rear yard setback for an existing canvas roof carport measuring 19.5 feet by 17 feet, 2) a variance for an encroachment of 6 feet into the 6 feet south side yard setback for an existing porch canopy measuring 9.5 feet by 14 feet, 3) a variance for an encroachment of 6 feet into the 6 feet south side yard setback for an existing porch cover measuring 22 feet by 14 feet on Lot 7, Shady Oaks Unit 1 Subdivision, Hidalgo County, Texas; 6101 North 8th Street. (ZBA2022-0109)

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Rosanna Muniz, 111 Yuma Avenue, #21, representing her parents, Jesus and Elvira Muniz. She stated her parents were elderly with medical conditions. She stated they enjoyed being outside but due to their medical conditions they are not allowed to be in direct sunlight.

Chairperson Hinojosa asked the applicant who built the canopy porch. Ms. Muniz stated they hired a contractor but did not obtain a building permit.

Following discussion, Ms. Ann Tafel <u>moved</u> to approve the special exception and disapproved variance requests #2 and #3. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted unanimously to approve the variance request with five members present and voting.

g) Request of Michael Perez for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet in into the 25 feet front yard setback for an existing metal carport measuring 19 feet by 20 feet, at Lot 149, Saddle Creek Unit 2 Subdivision, Hidalgo County, Texas; 3404 Providence Avenue. (ZBA2022-0107)

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

The subject property was located along the north side of Providence Avenue. The property has 60.5 feet of frontage along Providence Avenue and a depth of 83.21 feet, for a lot size of approximately 5,034 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.

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

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

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

There was an existing two-car garage that is used to park one vehicle leaving the rest of the applicant's vehicles in the driveway.

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

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

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

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

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

Ms. Michael Perez, the applicant stated she had received a notice and did not know she was to obtain a building permit.

Board member Tafel asked the applicant why she could not park her vehicles in the twocar garage. Ms. Perez stated they were using it as storage space. She stated she noticed neighbors had the same type of carport.

Vice-Chairperson Gutierrez asked the applicant when the carport was built. Ms. Perez stated it was about one and a half years ago and it was through a contractor.

Following discussion, Ms. Ann Tafel <u>moved</u> to disapprove the special exception. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted unanimously to disapprove the variance request with five members present and voting.

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

At this time, Chairperson Sylvia Hinojosa recused herself from this item.

Ms. Sanchez stated the applicant was requesting a special exception for an encroachment into the front yard setback and side yard setback for an existing carport measuring 20 feet by 40 feet. According to the applicant, the existing carport shelters his vehicles and his son's (deceased) vehicles from inclement weather.

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

Golden Acres Retirement Subdivision No. 2 Subdivision was recorded on June 18, 1968, and the plat specifies a 20 feet front yard setback. The Building Permits and Inspections Department issued a stop work order in August 2022 for the construction without a permit of the carport. An application for a special exception request was submitted to the Planning Department on November 15, 20225, and an application for a building permit was submitted to the Building Permits and Inspections Department on November 16, 2022.

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

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

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

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

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

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

Board member Rodriguez asked staff if a caliche allowed as a driveway. Ms. Sanchez stated it was not permitted; it has to be property paved. It had been mentioned to the applicant at the time of the site visit.

Board member Tafel asked staff if there were utility lines. Ms. Sanchez stated that as per the plat there were no easements within that property.

Mr. Ruben Tello, 417 S. 29th Street, representing Mr. Johnny Hinojosa. Mr. Tello stated they had obtained a building permit after the fact. Based on the situation, the correction was made on the site encroachment.

Ms. Sanchez stated the Building Permits and Inspection Department did receive an application on November 15, 2022 and an application for the Special Exception on November 16, 2022. However, it had not been issued.

Vice-Chairperson Gutierrez asked the applicant, Mr. Johnny Hinojosa to withdraw item #2 for the 6 ft. into the 6 ft. south side yard setback. Mr. Hinojosa responded yes.

Board member Avila asked Mr. Tello how they were getting the vehicles onto the driveway. Mr. Tello stated they were using the existing driveway by going around the mailbox.

Board member Millan mentioned to staff there was no landscaping. Ms. Sanchez stated they could not tell the applicant but only consider what was being proposed at the time of the building permit.

Mr. Tello stated the purpose of the carport was for the preservation of his son's vehicles who passed away. They were not going to be used for driving. As for the landscaping, they were going to be using the 15 ft. from the curb line to the property line.

Vice-Chairperson Jose Gutierrez asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Vice-Chairperson Jose Gutierrez asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Mr. Juan Ruiz, 205 W. 12th Street stated he had notified Code Enforcement when they installed the caliche in the front yard and nothing was done. He also called into Code

Enforcement when they were building the carport and again nothing was done. Mr. Ruiz stated the carport had been there over a year and had multiple vehicles.

Following discussion, Mr. Rogelio Rodriguez <u>moved</u> to disapprove special exception #1 and with the applicant withdrawing #2. Ms. Ann Tafel seconded the motion. The Board voted to disapprove the special exception with four members voting aye and one member, Mr. Hugo Avila voting nay.

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

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

Mr. Hugo Avila <u>moved</u> to table the variance request until the next meeting. Ms. Ann Tafel seconded the motion. The Board voted unanimously to table the variance request with five members present and voting.

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

Ms. Sanchez stated the property owner was 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.

The property was 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.

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.

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

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

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

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

Staff recommended 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.

Chairperson Hinojosa she had concerns when it came to maintain the grass area.

Mr. Edgar Garcia, Planning Director stated that the Engineering Department does look at artificial turf on a case-to-case basis because of drainage and detention. If was approved, the applicant would need to go to the Engineering Department to make sure what they were proposing does allow for enough drainage.

Board member Millan asked Mr. Garcia if the applicant had more landscaping to the front whether it was vegetation other than grass would it be allowed. Mr. Garcia stated the landscaping ordinance required 10%, 50% of that to be in the front. If he had enough space behind that, it would be allowed.

Mr. Rene Castellanos, the owner stated he wanted to allow having in the front yard where he did not have the 50% natural grass. He had attempted to put natural grass, which gave out quickly. Mr. Castellanos passed around to the Board members a square piece of artificial grass. He also handed out pictures of the artificial grass. He went onto state the systematic process in putting in artificial grass. It was environmental friendly.

Mr. Castellanos stated he would like to table the variance request in order to get more information from the Engineering Department.

Following a lengthy discussion, Vice-Chairperson Jose Gutierrez <u>moved</u> to table the variance request for further information from the Engineering Department. Mr. Hugo Avila seconded the motion. The Board voted unanimously to table the variance request with five members present and voting.

4. FUTURE AGENDA ITEMS:

- a) 2005 Galveston Avenue
- b) 3121 Ursula Avenue
- c) 3109 Ursula Avenue
- d) 2728 Norma Avenue
- e) 3025 Ursula Avenue
- f) 301 North 3rd Street
- g) 3001 Teresa Avenue
- h) 4101 Violet Avenue
- i) 3524 Lucille Avenue
- j) 2921 North 40th Street
- k) 9002 North 22nd Lane

- I) 4804 South 29th Street
- m) 7809 North Ware Road

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 |
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| Carmen White, Administrative Assistant | |

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 22, 2022

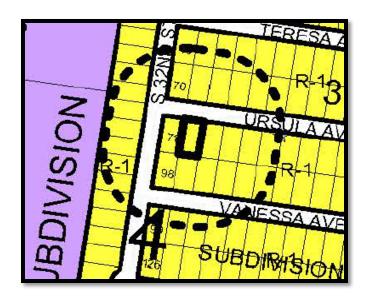
SUBJECT: REQUEST OF MARIA VILLASENOR FOR THE FOLLOWING SPECIAL

EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CANVAS COVER CARPORT WITH METAL SUPPORTS MEASURING 20 FEET BY 23 FEET, AT LOT 72, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3121 URSULA AVENUE.

(ZBA2022-0119)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the 25 feet front yard setback for an existing canvas cover carport with metal supports having dimensions of 20 feet x 23 feet. 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 for health related reasons for one of the family members.





PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Ursula Avenue, 56.50 feet east of South 32nd Street. The lot has 52 feet of frontage along Ursula Avenue and a depth of 103 feet for a lot size of 5,356 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:

Cielo Vista Subdivision Phase I was recorded in March 2007. 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 12, 2022 for doing work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 18, 2022 and an application for a Special Exception request was submitted to the Planning Department on November 18, 2022.

ANALYSIS:

The request is for a special exception to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing canvas cover carport with metal supports measuring 20 feet by 23 feet and constructed over an existing concrete driveway.

There is an existing two-car garage currently being used as space for parking one of the family vehicles and storage for household items.

During the site visit, staff noticed other similar structures with encroachments in the front yard. At the Zoning Board of Adjustments and Appeals meeting of December 07, 2022, the Board approved an encroachment of 24 feet into the 25 feet front yard setback for an existing canvas carport measuring 24 feet by 21 feet at Lot 20, Cielo Vista Subdivision Phase I. Lot 20 is located along Tanya Avenue two streets north from the subject property and within the same subdivision.

The property has no alley in the back of the property that would allows for relocation of the structure out of the setbacks to the rear yard.

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, as relocation to the rear yard is not feasible since there is no alley for access to the rear of the property and Special exceptions are issued to the current property owner only.

Planning Department APPEAL TO ZONING BOARD OF

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

Initial:_

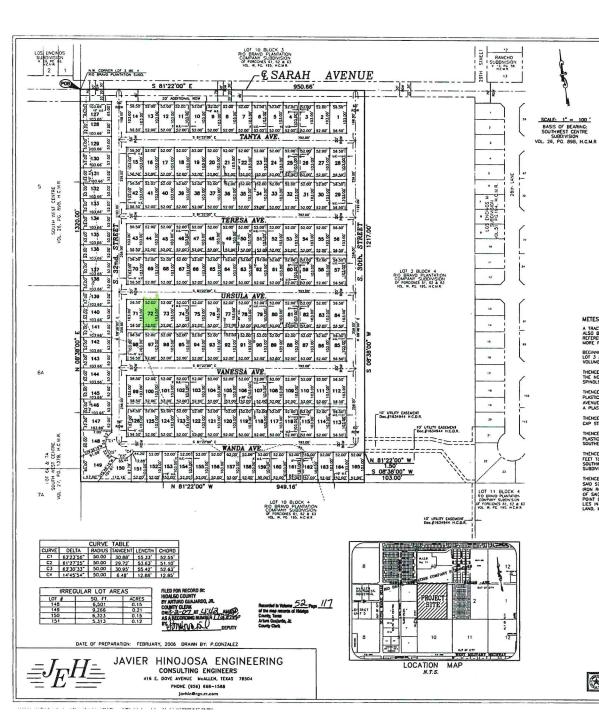
| ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|--|--|--|
| Project | Legal Description <u>Cielo Vista PHI</u> Lote 72 | |
| | Subdivision Name Crelo Vista P H | |
| Applicant | Name Maria Villaserier Phone 956-7769260 Address 3121 Ursula AV E-mail City MCA Ilen State Tx _ 78503 | |
| Owner | Name <u>Maria Villaseror</u> Phone <u>956-776 9260</u> Address <u>3/2) Ursula AX</u> E-mail City <u>McAllerr</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? 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 Maria Maria Date 16-18-2022 Print Name Maria Villaserrol Downer Dathorized Agent | |
| Office | Accepted by Payment received by Date Date Rev 10/18 | |



Planning Department REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses) *Information provided here by the applicant does not guarantee that the Board will grant a variance. *Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: 25 FT Invaccion described 20 X 23 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: 20 X 23 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: 4. Describe special conditions that are unique to this applicant or property: 21 |
|-------------------|--|
| Board Action | |
| | Chairman, Board of Adjustment Date |
| | Signature |
| | Rev. 9/20 |
| | |

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GENERAL NOTES

- 1. NO STRUCTURES PERMITTED OVER ANY EASEMENTS.
- 1. NO STRUCTURES:
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 FRONT 25 FEET FRONT 25 FEET FOR LOTS 1-14 ALONG SAWH AVE.
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- THE DEVELOPER SHALL PROVIDE AN ENGINEERED DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO AN APPLICATION FOR A BUILDING PERMIT.
- 4. DRAINAGE DETENTION REQUIRED OF 2.48 ACRE FEET OR 655 CUBIC FEET PER LOT FOR THIS SUBDIVISION
- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT MID POINT OF EACH LOT OR ELEVATION 100.00, WICHEVER IS GREATER
- 6. BENCHMARK: ELEVATION = 99.04 TOP OF CURB INLET LOCATED 320 ± EAST OF THE WEST PROPERTY LINE ON THE MORTH SDE OF SARAN MEMBE. (MC 92 ELEVATION = 95.88 LOCATED AT THE MORTHEAST CORNER OF THE INTERSECTION OF SOUTH WARE ROUD AND IDEA AVE.)
- A 25 x 25 FOOT CORNER CLIP EASEMENT IS HEREBY DEDICATED AT ALL STREET INTERSECTIONS.
- A 4 FOOT WIDE SIDEWALK IS REQUIRED ALONG THE SOUTH SIDE OF SARAH AVENUE, AND ON BOTH SIDES OF ALL INTERIOR STREETS.
- 9. A % DIAMETER IRON ROD SHALL BE SET ON ALL LOT CORNERS, UNLESS OTHERWISE NOTED ON THIS PLAT.
- A 6' HIGH BUFFER IS REQUIRED FROM ADJACENT COMMERCIAL ZONE/USES AND ALONG SARAH AVE.
- 11. NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG

METES AND BOUNDS

A TRACT OF LAND CONTAINING 28.81 ACRES, SITUATED IN HIDALGO COUNTY, TEXAS AND ALSO BEING ALL OF LOT 3, BLOCK 4, RIO BRAND PLANTATION SUBDIVISION, MAP REFERENCE: VOLUME W, PAGE 197, H.C.D.R., AND SAID 28.78 ACRES OF LAND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING IN THE RICHT-OF-WAY OF SARAH AVENUE, THE NORTHWEST CORNER OF SAID LOT 3 AND THE NORTHEAST CORNER OF SOUTHWEST CENTRE SUBDINSION, RECORDED IN VOLUME 26, PAGE 898, H.C.M.R., FOR THE NORTHWEST CORNER, OF THIS TRACT

THENCE S 81° 22° 00° E, ALONG THE RIGHT-OF-WAY OF SAID SAFAH AVENUE AND ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 950.65 FEET TO A COTTON PICKER SPHILLE SET, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE S OF 38' 00" W, AT A DISTANCE OF 30.00 FEET PASS A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET ON THE SOUTH RICHT-OF-WAY LINE OF SAID SARAH AVENUE. AND CONTINUANC A TOTAL DISTANCE OF 1217.00 FEET TO A 1/2" IRON ROD WITH A PLASTIC COP STAMPED "CVO LS" SET, FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE N 81" 22" 00" W, A DISTANCE OF 1.50 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET, FOR AN INSIDE CORNER OF THIS TRACT;

THENCE S OF 38' 00" W, A DISTANCE OF 103.00 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET ON THE SOUTH LINE OF SAID LOT 3, FOR THE SOUTHEAST CONNER OF THIS TRACT;

THEMCE N. 81' 22' 00" W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 949.16 FEET TO A 1/2" GRON ROD WITH A PILASTIC CAP STAMPED "CVO LS" SET ON THE SOUTHWEST CORNER OF SAID LOT 3 AND THE EAST LINE OF SAID SOUTH WEST CENTRE SUBDIVISION, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N OS' 38' 00" E, ALONG THE WEST LINC OF SAD LOT 3 AND THE EAST LINE OF SAD SOUTH WEST CENTRE SUBDIVISION, AT A DISTANCE OF 120:00.0 FEET PASS A 1/2" RION ROO WITH A PLASTIC CAP STAMPOE "O'CU SE" SET ON THE SOUTH RORM-10"-ANT LINE OF SAD SARAH ANDILE, AND CONTINUING A TOTAL DISTANCE OF 132:00.0 FEET TO THE OPN OF BEDONNON, CONTINUED 2.281 ACRES OF UNAD, OF WHICH OLSS OF OWA EARE LESS IN THE ROOM-0". THEN OF SAD SARAH ANDILE, LEWING A NET OF 28:13 ACRES OF LUM, UMPE OR LESS.

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STATE OF TEXAS COUNTY OF HIDALGO

COUNTY OF HIDALO

THE UNDERSORDED OWNER OF THE LAND SHOWN ON THE PLAT AND
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MCALLEN, TX 78501

STATE OF TEXAS COUNTY OF HIDALGO

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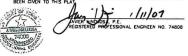
THIS SUBDIVISION PLAT OF CIELD VISTA SUBDIVISION PHASE I HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF MCALLEN, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION

DATED THIS 26 DAY OF FELLING , 2007 AD.

CHARNAN, PLANNING & ZONING COMMISSION

STATE OF TEXAS COUNTY OF HIDALGO

I, JAMER HINOJOSA, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.



STATE OF TEXAS COUNTY OF HIDALGO

I. CARLOS VASQUEZ A RECISTERED PUBLIC LAND SURVEYOR RESTAR OF TEAS. HEREBY CERTIFY THAT HES PLAT IS THE CORRECT AND MAS PREPARED FROM AN ACTUAL SURVEY OF PROPERTY MADE UNDER MY SUPERMSON ON THE GROUND.

CARLOS VASQUEZ

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CARLOS VASQUEZ REGISTRED PROFESSIONAL LAND SURVEYOR NO. 517 BEAUMONT AVENUE MCALLEN, TEXAS 78501 (956) 618-1551 DATE SURVEYED: 2/10/06

STATE OF TEXAS COUNTY OF HIDALGO

HOALGO COUNTY DRAHAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAHAGE PLANS FOR THIS SUBDIVISION COMPLY WITH MINIMUM STANDARDS OF THE CISTRICT ADOPTED MODER TEXAS WATER COC. \$49.2(f). INCLUDED THE COMPLY OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE CETTIFIANT TO MAKE THE CETTIFIANT TO MAKE THESE CETTIFIANT TO MAKE THE C

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 19, 2022

SUBJECT: REQUEST OF ROLANDO CEDILLO FOR A SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 23 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 18 FEET BY 20 FEET, AT LOT 185, IDELA PARK SUBDIVISION UNIT

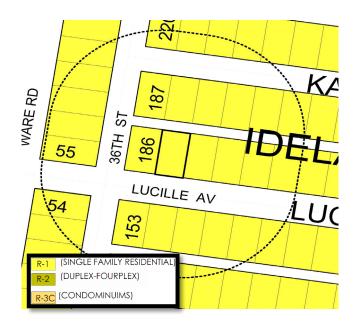
3, HIDALGO COUNTY, TEXAS; 3524 LUCILLE AVENUE. (ZBA2022-0127)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 23 feet into the 25 feet front yard setback for an existing carport measuring 18 feet by 20 feet. The applicant stated the existing carport is for safety and protection of his vehicles, family and animals from the heat and weather elements.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Lucille Avenue. The property has 50 feet of frontage along Lucille Avenue and a depth of 90 feet, for a lot size of 4,500 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 Idela Park Subdivision Unit 3 was recorded in February 13, 1979. The Subdivision plat note states a 25 feet front yard setback. A stop work order was issued November 17, 2022. An application for a building permit for the carport was submitted on November 22, 2022. An application for the special exception request was submitted on December 5, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 23 feet into the 25 feet front yard setback as shown in the applicant's submitted site plan. The reason for this request is for the safety and protection of the applicant vehicles, family and animals when they are outside.

During the site visit, staff noticed other (carports) similar encroachments along the Block. There were four other Special exceptions granted for carports in the front yards along Lucille avenue.

The property does have an alley but relocation of the carport is not possible, there is a 10 feet utility easement that run concurrently in the rear of the property.

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

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

RECOMMENDATION:

Staff recommends approval of the special exception request since there are other approved special exceptions in the area, and it would not change the characteristic of the neighborhood.

Planning Department APPEAL TO ZONING BOARD OF

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

311 North 15th Street

| ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|--|--|--|
| Project | Legal Description IDEG PACK VT3 185 | |
| | Subdivision Name Street Address Street Addre | |
| Applicant | Name Roberdo (Scillo y Monta De Propriedo 956-275-9787 Address 3524 Lucius Auk E-mail Roberdo c 1955AGAIU. Com City Maus State X Zip 78503 | |
| Owner | Name 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 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 Date Authorized Agent | |
| Office | Accepted by <u>M</u> Payment received by Date Date | |

Initial: NM



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 or economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>) |
| **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. |
| Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: |
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| Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: |
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| 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: |
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| Chairman, Board of Adjustment Date Signature |

Board Action

Rev. 9/20









Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 22, 2022

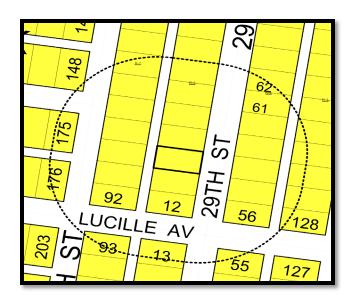
SUBJECT: REQUEST OF MIGUEL CEDILLO, JR. FOR THE FOLLOWING SPECIAL

EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 24 FEET INTO THE 25 FEET FRONT YARD SETBACK, AND 4 FEET INTO THE 6 FEET NORTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 22.33 FEET BY 22.5 FEET, AT LOT 10, IDELA PARK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 4804 SOUTH

29TH STREET. (ZBA2022-0130)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the front and north side yard setback for an existing metal carport having dimensions of 22.33 feet x 22.5 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 and due to health related reason for one of the family household members.





PROPERTY LOCATION AND VICINITY:

The subject property is located along the west side of South 29TH Street, 100 feet north of South 29th Street. The Lot has 50 feet of frontage along South 29th Street 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. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Idela Park Unit 2 Subdivision was recorded on July 25, 1978. The required front yard setback as per

plat is 25 feet. The required side yard setbacks are 6 feet as per plat. A Stop Work order was posted by Building Permits and Inspections Department on November 10, 2022 for doing work 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 07, 2022.

ANALYSIS:

The request is for a special exception to allow an encroachment of 24 feet into the 25 feet front yard setback and to allow an encroachment of 4 feet into the 6 feet north side yard setback for an existing metal carport measuring 22.33 feet by 22.5 feet and constructed over an existing concrete driveway. The property has an alley in the back of the property with surface of caliche that may not to be traversable during rainy weather events. There are other existing structures located at the rear of the property that would prevent relocation of the carport to the rear yard of the property. There is also a 10 feet utility easement that may hinder placement in the rear yard.

There is an existing one-car garage currently being used for storage space of household items. The applicant states the existing car garage is too small to fit the large family vehicles and too narrow for vehicle access by one of the household members with medical conditions.

During the site visit, staff noticed other similar structures with encroachments in the front yard.

A review of Planning Department records did not reveal any permits or special exceptions granted for these properties.

Between 2009 and 2022 there have been seven requests approved for carports with an encroachments into the front yard. One was a front yard porch encroachment.

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 relocation to the rear yard is not feasible, and in the past there have been other Special Exception requests granted in this subdivision for similar encroachments.

Planning Department APPEAL TO ZONING BOARD OF

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

| ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|--|--|--|
| Project | Legal Description <u>Fot 10</u> | |
| | Subdivision Name Idela Park UT 2 Street Address 4804 S. 29 + 5+ | |
| | Number of lots Gross acres Existing Zoning Reason for Appeal (please use other side if necessary) Hone are is hand: cap. Losier access for hone entry. ✓ \$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 Misuel Cedillo dr. Phone 956-212-9337 Address 4804 5-28 th 5t. E-mail City Mealler State TX Zip 78503 | |
| Owner | Name | |
| 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 Manuel Collidate Date 12-7-22 Print Name Manuel Collidate Date 10 Owner Authorized Agent | |
| Office | Accepted by Payment received by Mayda L. Date DEC 10/18 | |

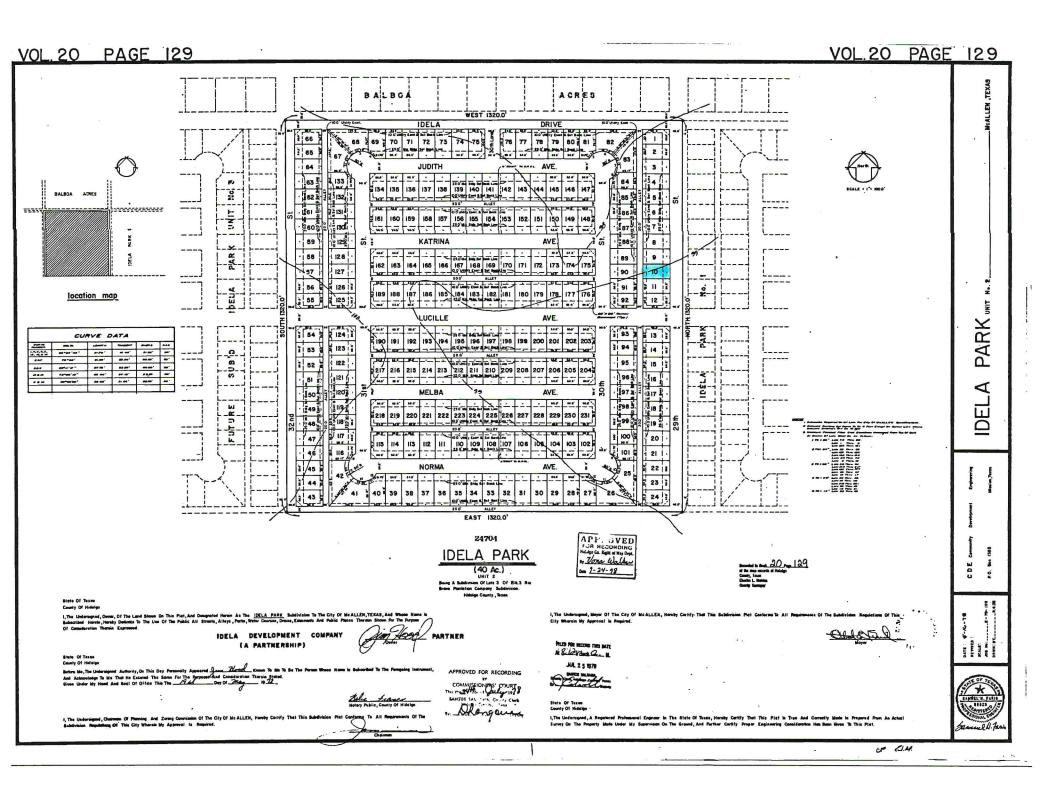


Planning Department REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on conomic 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: 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: ### ### ### ### ### ### ### ### ### # |
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| Board Action | Chairman, Board of Adjustment Date Signature ———————————————————————————————————— |
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Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

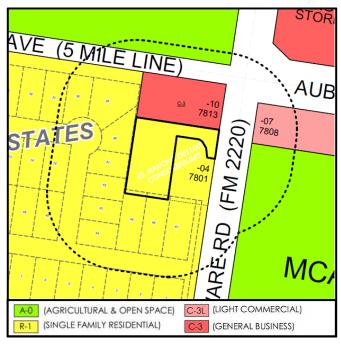
DATE: December 29, 2022

SUBJECT: REQUEST OF IRMA HERMIDA ON BEHALF OF JOSE CERVERA 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 1.096 ACRES OUT OF LOT 56, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION (EL RANCHO DELUXE CONDOMINIUMS), HIDALGO

COUNTY, TEXAS; 7809 NORTH WARE ROAD. (ZBA2022-0131)

REASON FOR APPEAL: The applicant is requesting a variance to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use and structure in order to remodel two existing residential condominium buildings. The applicant stated that this variance is necessary to make the structure habitable. The structure is dilapidated and needs rehabilitation to make it habitable.





PROPERTY LOCATION AND VICINITY: The subject property is located on the west side of North Ware Road, approximately 120 feet south of Auburn Avenue. The irregularly shaped tract has 54.37 feet of frontage along North Ware Road and a depth of 202.65 feet at its deepest point for a lot size of 0.555 acres as per the survey, out of 1.096-acre land indicated on the condominium declaration. The property is zoned R-1 (single-family residential) District and the adjacent zoning is R-1 District to the east, west, and south, C-3 (general business) District to the north, and A-O (agricultural and open space) District to the east. Surrounding land uses include single family residences, a gas station, a daycare, Michael E. Fossum Middle School, and vacant land.

BACKGROUND AND HISTORY: El Rancho Deluxe Condominiums Declaration was recorded in 1982, as per the Hidalgo County Clerk's Office records, and the condominium units were built in 1983, as per the Hidalgo County Appraisal District records. The property was annexed and initially zoned R-1 District in 1989, which resulted in a non-conforming use and structure.

During a conversation for building permit requirements, staff informed the applicant that a variance will be required if the cost of remodeling exceeds 10% replacement value. An application for the variance request was submitted on December 7, 2022.

ANALYSIS: The variance request is to allow repair and remolding of the non-conforming condominium structure in an R-1 District. According to the submitted survey, the condominium units are located in two buildings: a two-story stucco building, Building A, and one-story stucco one, Building B. The applicant stated that Building A includes 2 two-bedroom units and 2 one-bedrooms units and Building B includes 2 two-bedroom units and 1 one-bedroom unit for a total of 4 two-bedroom units and 3 one-bedroom units. She believes that two of the garages and a common area shown on the floor plan in the condominium declaration, were originally built as one-bedroom units prior to the annexation. The applicant is proposing to remodel the current structures in order to make it livable and safe for future 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 structures. 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 structures is \$278,431, 10% of which is \$27,843.

According to the applicant's submitted estimates, there will be a total expenditure of \$176,900 in the cost of materials needed to remodel this property and the adjacent single-family property to the east, known as 7801 North Ware Road. As per the applicant, approximately half of the total submitted cost estimate, \$88,000 in materials, would be required for the subject property. This estimate exceeds the 10% replacement value of the non-conforming structure by \$27,843.

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

Staff has received no calls, letters, or emails in opposition of the variance request.

RECOMMENDATION:

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

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

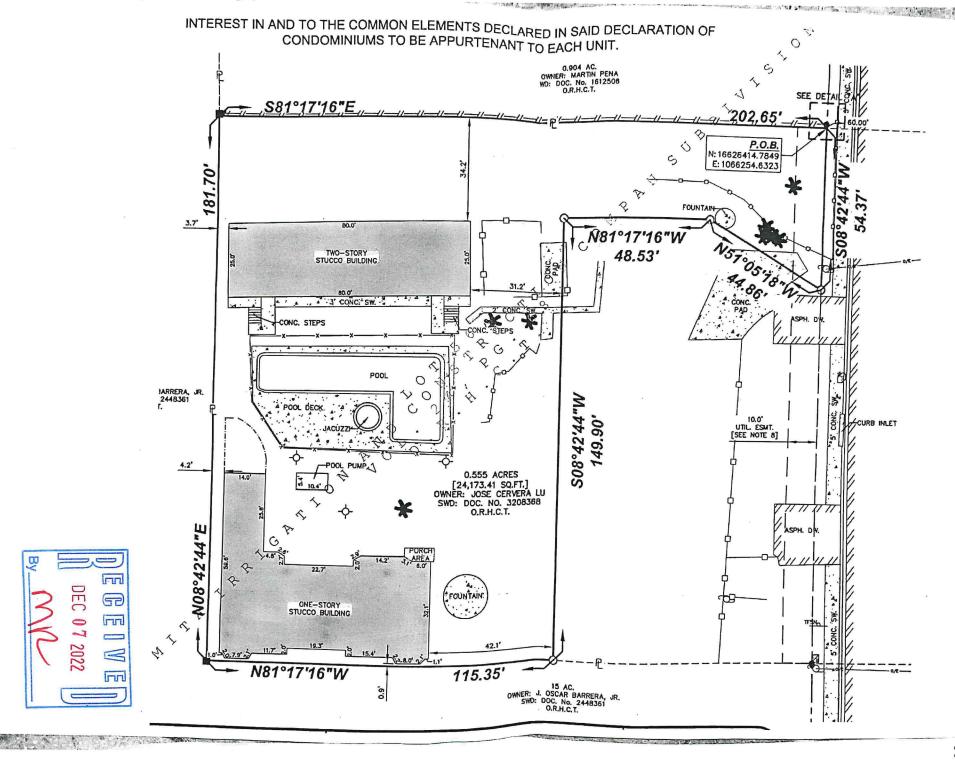
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

| | ADJUSTMENT TO MCALLEN ZONING ORDINANCE |
|---------------|---|
| | Legal Description <u>El Rancho Deluxe Condominiums</u> Building A unit 1+2 & Building B unit 1+2 |
| Project | Subdivision Name EL Rancho Delve Condominiums |
| Applicant | Name <u>Trma Hermide</u> Phone Address <u>46 Sle Estancia Pkwy</u> E-mail City <u>Mc Allon</u> State <u>TX</u> Zip <u>78504</u> |
| Owner | Name Jose Cervera Phone Address 1801 N Ware Rd E-mail City Mc Allen State The Zip 78504 |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Date Authorized Agent |
| Office | Accepted by IC Payment received by Macada Pate GE IV E |
| | |



Planning Department REASON FOR APPEAL & BOARD ACTION

| * (* 835) | *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (<i>Please use an additional page if necessary to complete responses</i>) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 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 property was hit by a hurricane and caused roof and other clamage that has not |
| for Appeal | Whowed for the property to be used again 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: |
| n for / | The variance is necessary to make property. Occupancy available to the comminity. Not |
| Reason | Many Condo minums are in the area. 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: |
| -1.7 | The variance will not be detrimental. The property. These Spanish architectural features from over |
| ia wana na mai | 4. Describe special conditions that are unique to this applicant or property: |
| | The property was will with unique Spanish architectural features and that ment building |
| | preservation of Vestoration to meet whent parmits to code required |
| tion | |
| Board Action | Chairman, Board of Adjustment Date Signature |
| n | Rev. 9/20 |











Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

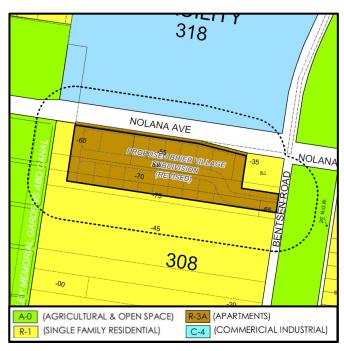
FROM: Planning Staff

DATE: December 29, 2022

SUBJECT: REQUEST OF MELDEN & HUNT, INC. FOR THE FOLLOWING VARIANCE

> REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW 10 FT. SEPARATION BETWEEN THE DWELLING UNITS ON INDIVIDUAL LOTS INSTEAD OF THE REQUIRED 12 FT., AT 6.427 ACRES OUT OF LOT 308, JOHN H. SHARY SUBDIVISION (PROPOSED BRIER VILLAGE SUBDIVISION), HIDALGO COUNTY, TEXAS; 3901 NORTH BENTSEN ROAD. (ZBA2022-0133)

REASON FOR APPEAL: The applicant is requesting a variance to allow a building separation of 10 feet instead of 12 feet for 6.427 acres being subdivided as Brier Village Subdivision. The applicant stated that this variance is necessary to build prototypical duplexes to stay consistent throughout the subdivision.





PROPERTY LOCATION AND VICINITY: The subject property is an irregularly shaped tract located on the west side of North Bentsen Road and south side of Nolana Avenue. It has 97.14 feet of frontage along North Bentsen Road and a depth of 1121 feet at its deepest point for a lot size of 6.427. The property is zoned R-3A (multifamily residential apartment) District and the adjacent zoning is R-1 District to the northeast, west, and south, C-4 (commercial-industrial) District to the north, and A-O (agricultural and open space) District to the east. Surrounding land uses include City of McAllen Public Works Department and Recycling Center, Hidalgo County Irrigation District No.1 canal right-of-way, single-family residences, and vacant land.

BACKGROUND AND HISTORY: City Commission approved a rezoning request to R-3A District for the subject property on January 10, 2022. The Planning and Zoning Commission approved the proposed plat of Brier Village Subdivision in final form on August 16, 2022. An application for the variance request was submitted on December 7, 2022.

ANALYSIS: Section 138-356(3)(c) requires that multifamily units on the same parcel shall be separated by at least 12 feet. The applicant is requesting to provide a separation of 10 feet since the building code has been amended after the zoning ordinance to allow a building separation of 10 feet. A 10-foot space requirement is allowed by the International Building Code subject to complying with fire resistance requirements. A new comprehensive plan and updated zoning codes are in process which will include the new building separation requirements concurring the building codes.

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

Staff has received no calls, letters, or emails in opposition of the variance request.

RECOMMENDATION:

Staff recommends approval of the variance request since the building code allows a building separation of 10 feet.

280A 5.23

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

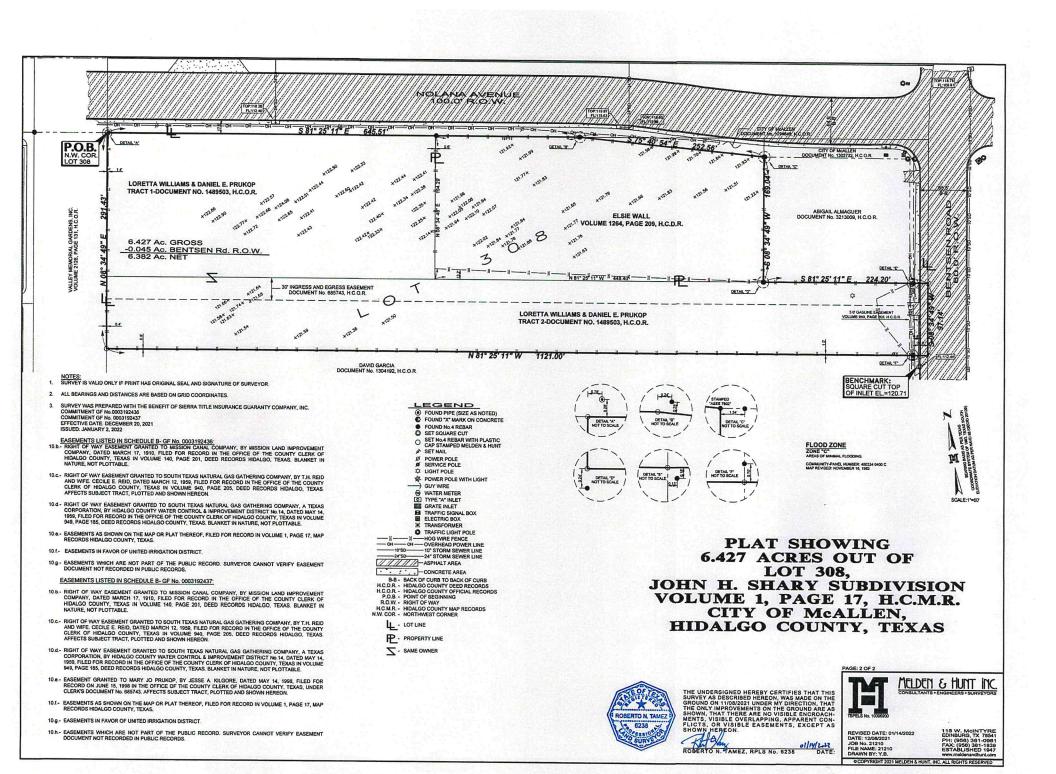
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

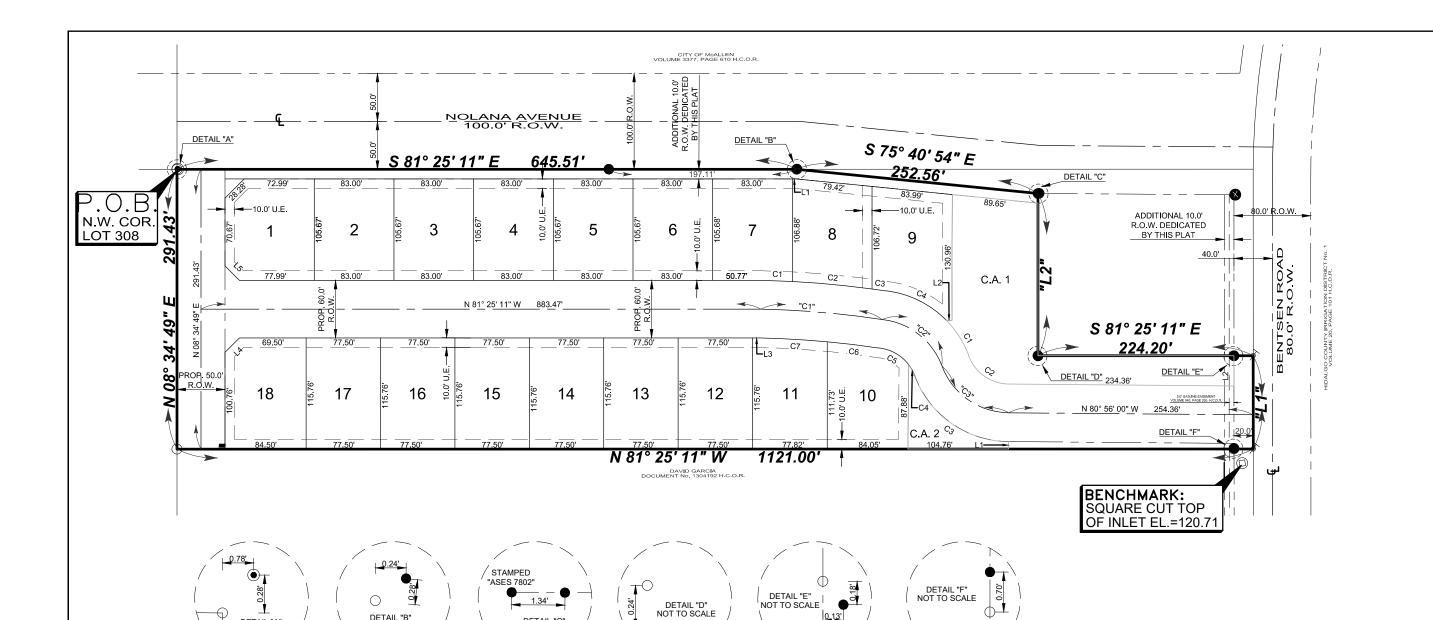
| Project | Existing Zoning R-3A Reason for Appeal (pl we are respectfully asking for the state of the state | being all of Lot 308, John H. Shary substitute BRIER VILLAGE N.A Existing ease use other side if necessary) The building separation to go from 12 feet to 1 dable filling fee + \$\Begin{array}{c} \text{Solution} \text{Solution} \text{Solution} \text{Constitution} \text{Constitution} \text{Constitution} \text{Constitution} \text{Solution} \text{Constitution} \te | Industrial |
|---------------|--|---|---|
| Applicant | Address <u>115 w. m</u> | cIntyre Street | Phone 956-381-0981 E-mail_Ruben@meldenandhunt.com Zip_78541 |
| Owner | Address | | Phone <u>c/o 956-381-0981</u> E-mail <u>c/o ruben@meldenandhunt.com</u> Zip |
| Authorization | etc. which would I certify that I am application is beir OR I am authoriz | prevent the utilization of the p Yes the actual owner of the prope | (include corporate name if applicable) mit this application and have |
| Office | Accepted by Rev 10/18 | Payment received by | Date Date |

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. 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 required building separation is 12ft, we are respectfully asking for 10ft separation of building. Reason for Appeal Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: This will allow for the prototypical homes to stay consistent through out the subdivision. 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: Describe special conditions that are unique to this applicant or property: **Board Action** Chairman, Board of Adjustment Date Signature

Rev. 9/20





LEGEND

SCALE:1"=60

- FOUND PIPE (SIZE AS NOTED) FOUND "X" MARK ON CONCRETE
- FOUND No.4 REBAR SET No.4 REBAR WITH PLASTIC
- SET NAIL R.O.W. - RIGHT OF WAY

CAP STAMPED MELDEN & HUNT

H.C.D.R. - HIDALGO COUNTY DEED RECORDS H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS P.O.B. - POINT OF BEGINNING C.A. - COMMON AREA

LOT - CURVE TABLES

| | | | Curv | e Table | | |
|---------|--------------|----------|--------|---------|--------------|-----------------|
| Curve # | Delta | Radius | Length | Tangent | Chord Length | Chord Direction |
| C1 | 001° 47' 38" | 1030.29' | 32.26' | 16.13' | 32.26' | N 79° 16' 47" W |
| C2 | 004° 38' 19" | 1030.29' | 83.41' | 41.73' | 83.39' | N 76° 03' 48" W |
| СЗ | 000° 48' 47" | 1030.29' | 14.62' | 7.31' | 14.62' | N 73° 20' 16" W |
| C4 | 038° 52' 05" | 105.00' | 71.23' | 37.05' | 69.87' | N 55° 24' 30" W |
| C5 | 046° 50' 01" | 45.00' | 36.78' | 19.49' | 35.77' | N 52° 27' 08" W |
| C6 | 003° 10' 59" | 970.29' | 53.90' | 26.96' | 53.89' | N 74° 27' 07" W |
| C7 | 004° 05' 43" | 970.29' | 69.35' | 34.69' | 69.34' | N 78° 05' 28" W |

LOT - AREAS

| Lo | ot Area T | able | Lo | ot Area T | able |
|------|-----------|-------|------|-----------|-------|
| Lot# | SQ. FT. | ACRES | Lot# | SQ. FT. | ACRES |
| 1 | 9514.22 | 0.22 | 11 | 8897.83 | 0.20 |
| 2 | 8771.28 | 0.20 | 12 | 8971.70 | 0.21 |
| 3 | 8771.28 | 0.20 | 13 | 8971.53 | 0.21 |
| 4 | 8771.28 | 0.20 | 14 | 8971.53 | 0.21 |
| 5 | 8771.28 | 0.20 | 15 | 8971.53 | 0.21 |
| 6 | 8771.36 | 0.20 | 16 | 8971.40 | 0.21 |
| 7 | 8787.88 | 0.20 | 17 | 8971.40 | 0.21 |
| 8 | 8835.94 | 0.20 | 18 | 9669.35 | 0.22 |
| 9 | 9562.75 | 0.22 | | | |
| 10 | 8893.53 | 0.20 | | | |

LOT LINE TABLES

| | Line Table | |
|--------|-----------------|--------|
| Line # | Direction | Length |
| L1 | N 81° 25' 11" W | 4.00' |
| L2 | N 82° 03' 23" W | 5.74' |
| L3 | S 81° 25' 11" E | 8.60' |
| L4 | N 53° 34' 49" E | 21.21' |
| L5 | N 36° 25′ 11″ W | 21.21' |

OPERATION AND MAINTENANCE

LOCATION MAP

PUERTA DEL SOL ESTATES

S/D PHASE 2

ORCHID AVE

ROAD CENTER LINE - CURVE TABLES

| | | | Curv | e Table | | |
|---------|--------------|----------|---------|---------|--------------|-----------------|
| Curve # | Delta | Radius | Length | Tangent | Chord Length | Chord Direction |
| "C1" | 007° 15' 28" | 1000.29' | 126.71' | 63.44' | 126.62' | N 76° 31' 45" W |
| "C2" | 063° 20' 06" | 75.00' | 82.91' | 46.26' | 78.75' | N 43° 31' 40" W |
| "C3" | 069° 04' 23" | 75.00' | 90.42' | 51.62' | 85.04' | N 46° 23' 48" W |

BOUNDARY LINE TABLES

| | Line Table | |
|--------|-----------------|---------|
| Line # | Direction | Length |
| "L1" | S 08° 34' 49" W | 97.14' |
| "L2" | S 08° 34' 49" W | 169.04' |

COMMON / DETENTION - AREAS

| L | ot Area Ta | able |
|------|------------|-------|
| Lot# | SQ. FT. | ACRES |
| 1 | 22370.18 | 0.51 |
| 2 | 3166.74 | 0.07 |

COMMON / DETENTION - LINE TABLE

| | Line Table | |
|--------|-----------------|--------|
| Line # | Direction | Length |
| L1 | N 08° 35' 16" E | 7.81' |
| L2 | N 08° 34' 49" E | 31.51' |

COMMON / DETENTION - CURVE TABLE

| | | | Curve | Table | | |
|---------|---------|---------|--------------|-----------------|--------------|---------|
| Curve # | Length | Radius | Delta | Chord Direction | Chord Length | Tangent |
| C1 | 44.19' | 105.00' | 024° 06' 50" | N23° 55' 02"W' | 43.87' | 22.43 |
| C2 | 54.25' | 45.00' | 069° 04' 23" | N46° 23' 48"W' | 51.02' | 30.97 |
| С3 | 126.58' | 105.00' | 069° 04' 23" | S46° 23' 48"E' | 119.06' | 72.26 |
| C4 | 13.49' | 45.00' | 017° 10' 31" | S20° 26' 53"E' | 13.44' | 6.80 |

GENERAL NOTES

- THE SITE LIES IN ZONE "C" ZONE "C" IS DEFINED AS " AREAS OF MINIMAL FLOODING. ZONE "C" SHOWN ON: COMMUNITY-PANEL NUMBER: 480334 0400 C MAP REVISED:NOVEMBER 16, 1982.
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB AT CENTER OF LOT.
- MINIMUM SETBACKS SHALL COMPLY WITH THE CITY OF McALLEN ZONING CODE: 20 FEET OR GREATER FOR EASEMENT OR APPROVED SITE PLAN IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS
- OR APPROVED SITE PLAN SIDE CORNER: 10 FEET OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN
- NTERIOR SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE OR GREATER FOR EASEMENTS OR APPROVED SITE PLAN GARAGE: 18 FEET EXCEPT WHERE GREATER SETBACK IS REQUIRED: GREATER SETBACK APPLIES. REQUIRED DETENTION FOR STORM SEWER RUNOFF PER THE APPROVED DRAINAGE REPORT SHALL
- BE 33,775 CUBIC FEET. STORM WATER RUNOFF GENERATED FROM DEVELOPMENT SHALL BE DETAINED ON-SITE VIA A DETENTION PONDS WITH A CAPACITY OF 36,633 CUBIC FEET. WATER WILL THEN DISCHARGE THROUGH AN 36" LINE INTO AN EXISTING CITY OF McALLEN STORM SEWER NETWORK LOCATED ON THE NORTH SIDE OF THE PROPERTY.
- CITY OF McALLEN BENCHMARK: (BENTSEN) FROM THE CITY OF McALLEN G.P.S. REFERENCE MARKS LIST PREPARED BY GLICK, LINN ON OCTOBER 08, 1999. BEING LOCATED INSIDE THE MCALLEN PUBLIC WORKS WHICH IS IN BENTSEN RD AND SOUTH OF 3 MILE LINE. STAINLESS STEEL, 3/8" BOLT, COVERED WITH AN ALUMINUM LOGO CAP. CAP ON TOP AT ELEVATION = 123.99, NORTHING: 16614919.50858, EASTING: 1061694.29109 (NAVD88).
- NO STRUCTURES PERMITTED TO BE BUILT OVER EASEMENTS.
- 5 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG THE SOUTH SIDE WEST NOLANA AVENUE, AND A 5 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG WEST SIDE OF NORTH BENTSEN AND 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG BOTH SIDES OF ALL INTERNAL STREETS.
- 25 FT. x 25 FT. SIGHT OBSTRUCTION EASEMENT REQUIRED AT ALL STREET INTERSECTIONS.
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL. AND INDIVIDUAL ZONES/USES ALONG NORTH BENTSEN ROAD AND NOLANA AVENUE.
- 10. AN 8 FT. MASONRY WALL IS REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- 11. SET No. 4 REBARS WITH PLASTIC CAP STAMPED MELDEN AND HUNT ON ALL LOT CORNERS.
- 12. C.A. 1 AND C.A. 2 ARE COMMON OR DETENTION AREAS IN WHICH NO BUILDING WILL BE BUILT, ANY PRIVATE STREET/ALLEYS, AND/OR GATES MUST MAINTAINED BY THE LOT OWNERS AND NOT THE CITY OF MCALLEN.
- 13. NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG WEST NOLANA AVENUE.

SUBDIVISION MAP OF BRIER VILLAGE PRIVATE SUBDIVISION

BEING A SUBDIVISION OF A 6.427 ACRES OF LAND SITUATED II THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, BEING ALL OF LOT 308, JOHN H. SHARY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGES 17, HIDALGO COUNTY MAP RECORDS.

GENERAL NOTES CONTINUED:

- 14. AS PER DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, FOR THE BRIER VILLAGE SUBDIVISION RECORDED UNDER DOCUMENT NUMBER . HIDALGO COUNTY OFFICIAL RECORDS, DEVELOPER/HOMEOWNERS ASSOCIATION/OWNER. THEIR SUCCESSORS AND/OR ASSIGNS. AND NOT THE CITY OF McALLEN SHALL BE RESPONSIBLE OF INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCE OF THE CITY OF McALLEN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND DETENTION PONDS. ANY AMENDMENT TO DECLARATION THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 SHALL BE NULL & VOID.
- 15. COMMON LOTS 20, IDENTIFIED AS DETENTION AREAS SHALL BE MAINTAINED BY THE DEVELOPER WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION. THE BRIER VILLAGE SUBDIVISION HOMEOWNER'S ASSOCIATION. UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNEES, AND NOT BY THE CITY OF McALLEN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERECTED IN COMMON LOT 20, WHICH SHALL BE USED EXCLUSIVELY AS DETENTION AREAS. AFTER COMMON LOT 20 TRANSFER OF TITLES TO THE BRIER VILLAGE SUBDIVISION HOMEOWNER'S ASSOCIATION THE SUBDIVISION LO OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE BRIER VILLAGE SUBDIVISION HOMEOWNER'S ASSOCIATION. FAILING IN SUCH MAINTENANCE OBLIGATIONS, THE CITY OF McALLEN MAY, BUT SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT 62 THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION. RECORDED IN INSTRUMENT No. OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.
- 16. LOT 20 FOR LANDSCAPING DETENTION PURPOSES ONLY, WILL BE PRIVATE AND MAINTAINED BY THE H.O.A./ PROPERTY OWNERS AND NOT THE CITY OF McALLEN.
- 17. SITE PLAN MUST BE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENTS PRIOR TO BUILDING PERMIT ISSUANCE.

METES AND BOUNDS DESCRIPTION:

A TRACT OF LAND CONTAINING 6.427 ACRES SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY TEXAS, BEING A PART OR PORTION OUT OF LOT 308, JOHN H. SHARY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 17, HIDALGO COUNTY MAP RECORDS, SAID 6.427 ACRES CONSIST OF; A 2.000- ACRE TRACT AND A 2.500-ACRE TRACT CONVEYED TO LORETTA WILLIAMS & DANIEL E. PRUKOP, BY VIRTUE OF A CORRECTION GIFT DEED RECORDED UNDER DOCUMENT NUMBER 1489503, HIDALGO COUNTY OFFICIAL RECORDS, AND OF 1.927 ACRES CONVEYED TO ELSIE WALL BY VIRTUE OF A DEED RECORDED IN VOLUME 1264, PAGE 209, HIDALGO COUNTY DEED RECORDS, SAID 6.427 ACRES ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON A NO. 4 REBAR SET (FROM WHICH AN IRON PIPE FOUND BEARS N 78° 37' 06" E A DISTANCE OF 0.83 FEET) AT THE NORTHWEST CORNER OF SAID LOT 308 FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

1. THENCE, S 81° 25' 11" E ALONG THE NORTH LINE OF SAID LOT 308 AND THE EXISTING SOUTH RIGHT-OF-WAY LINE OF NOLANA AVENUE, AT A DISTANCE OF 448.44 FEET PASS THE EAST PROPERTY LINE OF SAID 2,000-ACRE TRACT, CONTINUING A TOTAL DISTANCE OF 645.51 FEET TO A NO. 4 REBAR SET (FROM WHICH A NO. 4 REBAR FOUND BEARS N 52° 00' 46" E A DISTANCE OF 0.35 FEET) FOR AN OUTSIDE CORNER OF THIS TRACT;

NORTHERNMOST NORTHEAST CORNER OF THIS TRACT;

- 2. THENCE, S 75° 40' 54" E CONTINUING ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF NOLANA AVENUE, A DISTANCE OF 252.56 FEET TO A NO. 4 REBAR WITH A CAP LABELED "ASES 7802" FOUND (FROM WHICH A NO. 4 REBAR FOUND BEARS S 81° 01' 57" E A DISTANCE OF 1.34 FEET) FOR THE
- 3. THENCE, S 08° 34' 49" W A DISTANCE OF 169.04 FEET TO A NO. 4 REBAR SET (FROM WHICH A NO.4 REBAR FOUND BEARS S 08° 34' 49" W A DISTANCE OF 0.24 FEET) FOR AN INSIDE CORNER OF THIS
- 4. THENCE, S 81° 25' 11" E AT A DISTANCE OF 204.20 PASS A NO. 4 REBAR SET (FROM WHICH A NO. 4 REBAR FOUND BEARS S 26° 44' 16" E A DISTANCE OF 0.23 FEET) ON THE EXISTING WEST RIGHT-OF-WAY LINE OF BENTSEN ROAD, CONTINUING A TOTAL DISTANCE OF 224.20 FEET TO A NAIL SET FOR THE SOUTHERNMOST NORTHEAST CORNER OF THIS TRACT;
- 5. THENCE, S 08° 34' 49" W ALONG THE EAST LINE OF SAID LOT 308 AND WITHIN THE EXISTING RIGHT-OF-WAY OF BENTSEN ROAD, A DISTANCE OF 97.14 FEET TO A NAIL SET FOR THE SOUTHEAST CORNER OF THIS TRACT;
- 6. THENCE, N 81° 25' 11" W AT A DISTANCE OF 20.00 FEET PASS A NO. 4 REBAR SET (FROM WHICH A NO. 4 REBAR FOUND BEARS N 08° 34' 49" W A DISTANCE OF 0.70 FEET) CONTINUING A TOTAL DISTANCE OF 1.121.00 FEET TO A NO. 4 REBAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT:
- 7. THENCE, N 08° 34' 49" E ALONG THE WEST LINE OF SAID LOT 308, AT A DISTANCE OF 97.14 FEET PASS THE SOUTH LINE OF SAID 2.000-ACRE TRACT AND THE NORTH LINE OF SAID 2.500-ACRE TRACT. CONTINUING A TOTAL DISTANCE OF 291.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.427 ACRES, OF WHICH 0.045 OF ONE ACRE LIES WITHIN THE EXISTING RIGHT-OF-WAY OF BENTSEN ROAD, LEAVING A NET OF 6.382 ACRES OF LAND. MORE OR LESS.

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL

| MAYOR, CITY OF McALLEN | DATE |
|---|---|
| CITY SECRETARY | DATE |
| | |
| THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREME | D ZONING COMMISSION OF THE CITY OF McALLEN HEREBY CERTIFY TI ENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY |
| THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREME | |
| · · · · · · · · · · · · · · · · · · · | |

SECRETARY

APPROVED BY DRAINAGE DISTRICT:

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 §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 AND HIS ENGINEER TO MAKE THESE DETERMINATIONS.

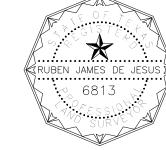
HIDALGO COUNTY DRAINAGE DISTRICT NO.1

RAUL E. SESIN, P.E., C.F.M. GENERAL MANAGER

STATE OF TEXAS COUNTY OF HIDALGO:

I, THE UNDERSIGNED, RUBEN JAMES DE JESUS, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE HEREIN PRESENTED PLAT AND DESCRIPTION OF BRIER VILLAGE SUBDIVISION, WERE PREPARED FROM A SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION ON 11-08-2021, AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE SUBDIVISION OF THE LANDS HEREON DESCRIBED.

RUBEN JAMES DE JESUS, R.P.L.S. # 6813 DATE SURVEYED: 11-08-2021 SURVEY JOB No. 21210.02-08







DRAWN BY: <u>E.V.Z..</u> DATE <u>05-13-22</u> SURVEYED, CHECKED _ FINAL CHECK _ DATE

TBPE FIRM # F-1435



THE STATE OF TEXAS COUNTY OF BEXAR

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE BRIER VILLAGE SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE JSE OF THE PRIVATE ALL STREETS. ALLEYS, PARKS, WATERCOURSES. DRAINS, EASEMENTS, WATER LINES, SEWER LINES STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH 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.

ELSIE WALL 1934 MTCALF STREET HOUSTON, TEXAS 77017-1621

THE STATE OF TEXAS COUNTY OF BEXAR

> WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE <u>BRIER VILLAGE</u> SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PRIVATEALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES. STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH 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.

LORETTA WILLIAMS P.O. BOX 10 SUNDOWN, TX 79372

THE STATE OF TEXAS COUNTY OF BEXAR

> WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE BRIER VILLAGE SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE JSE OF THE PRIVATE ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH 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.

DANIEL E. PRUKOP 644 COUNTY ROAD 439 ALICE, TEXAS 78332

STATE OF TEXAS COUNTY OF BEXAF

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ELSIE WALL 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 THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND AND

SEAL OF OFFICE, THIS THE _____ DAY OF ___

NOTARY PUBLIC. FOR THE STATE OF TEXAS

STATE OF TEXAS

MY COMMISSION EXPIRES:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LORETTA WILLIAMS KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND

AND SEAL OF OFFICE, THIS THE _____ DAY OF _____ , 20 ____

NOTARY PUBLIC, FOR THE STATE OF TEXAS MY COMMISSION EXPIRES:

STATE OF TEXAS **COUNTY OF**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DANIEL E. PRUKOP KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSED AND CONSIDERATIONS THEREIN GIVEN UNDER MY HAND

AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20 ____

NOTARY PUBLIC. FOR THE STATE OF TEXAS MY COMMISSION EXPIRES:

STATE OF TEXAS COUNTY OF HIDALGO:

> I, THE UNDERSIGNED, RUBEN JAMES DE JESUS, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

RUBEN JAMES DE JESUS, P.E. # 126282 DATE PREPARED: 01-13-2022 ENGINEERING JOB No. 21210.00





FILED FOR RECORD IN HIDALGO COUNTY ARTURO GUAJARDO, JR. HIDALGO COUNTY CLERK

_ AM/PM INSTRUMENT NUMBER_ OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

SHEET 1 OF 3



ITEM 2F

WITHDRAWN BY THE APPLICANT

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 22, 2022

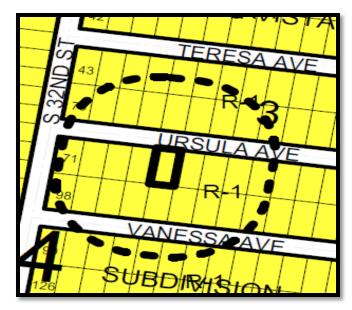
SUBJECT: REQUEST OF MAXIMO AND RITA CAMPOS FOR THE FOLLOWING SPECIAL

EXCEPTION REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CANVAS COVER CARPORT WITH METAL SUPPORTS MEASURING 20 FEET BY 23 FEET, AT LOT 75, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3109 URSULA AVENUE.

(ZBA2022-0120)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the 25 feet front yard setback for an existing canvas cover carport with metal supports having dimensions of 20 feet x 23 feet. 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.





PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Ursula Avenue, 212.5 feet east of South 32nd Street. The lot has 52 feet of frontage along Ursula Avenue and a depth of 103 feet for a lot size of 5,356 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY:

Cielo Vista Subdivision Phase I was recorded in March 2007. 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 12, 2022 for construction work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 21, 2022 and an application for a Special Exception request was submitted to the Planning Department on November 21, 2022.

ANALYSIS:

The request is for a special exception to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing canvas cover carport with metal supports measuring 20 feet by 23 feet and constructed over an existing concrete driveway.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view.

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

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

During the site visit, staff noticed other similar structures with encroachments in the front yard. At the Zoning Board of Adjustments and Appeals meeting of December 07, 2022, the Board approved an encroachment of 24 feet into the 25 feet front yard setback for an existing canvas carport measuring 24 feet by 21 feet at Lot 20, Cielo Vista Subdivision Phase I. Lot 20 is located to the north along Tanya Avenue.

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 **disapproed** of the Special Exception request, since the character of the neighborhood would be impacted and the garage can be cleared to be used for parking.

City of McAllen

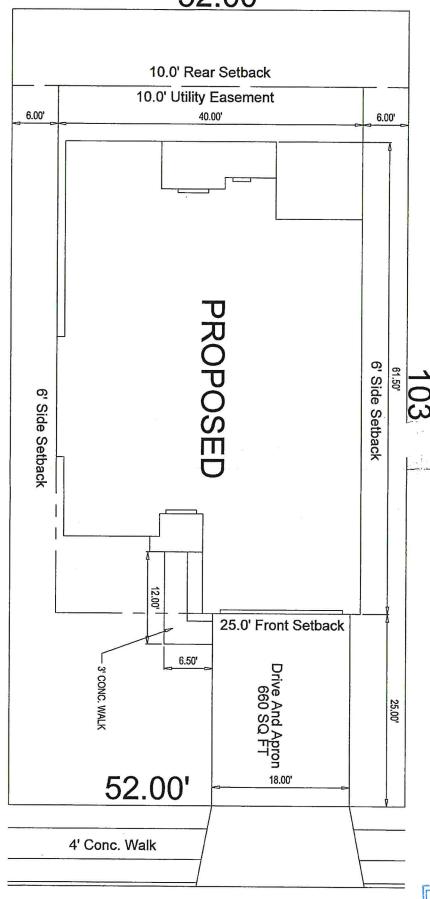
Planning Department APPEAL TO ZONING BOARD OF

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

| | ADJUSTMENT TO MICALLEN ZONING ORDINANCE |
|---------------|--|
| Project | Legal Description CIELO VISTA SUB PHI LOTE 475 Subdivision Name CIELO VISTA |
| | Street Address Number of lots 1 Gross acres Existing Zoning RI Existing Land Use RESIDENCIA Reason for Appeal (please use other side if necessary) 25 FT INVASION DENTO de. Los 25 FT FSB CARPOT-23 x 20 \$\$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 MAXIMO CAMPOS, RITA CAMPOS Phone 9/7-4/87833 Address 3109 URSULA E-mail City McAllen State Texas Zip 78503 |
| Owner | Name MAXIMO CAMPOS RITA CAMPOShone 917-418 78 33 Address 3109. URSU/A E-mail City MCAllen State Feats 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 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 Owner Authorized Agent |
| Office | Accepted by Payment received by Date Rev 10/18 |

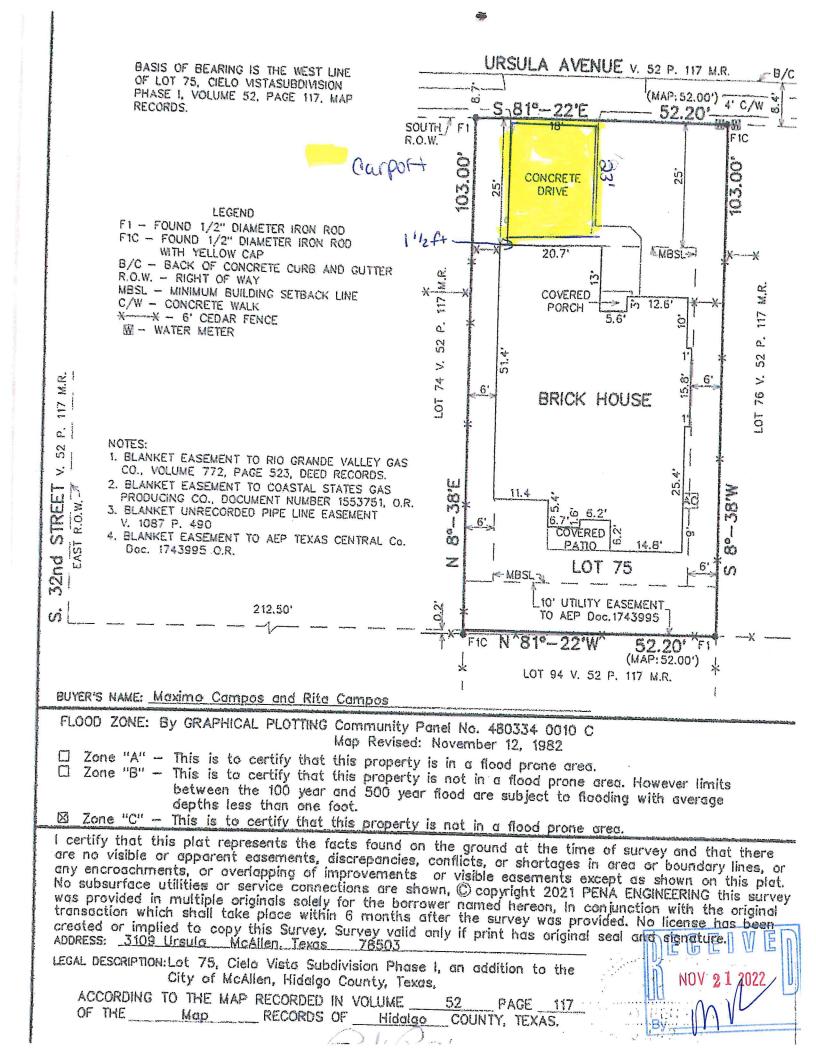
| A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely or economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional 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: 2 S F |
|--|
| Chairman, Board of Adjustment Date Signature Rev. 9/20 |

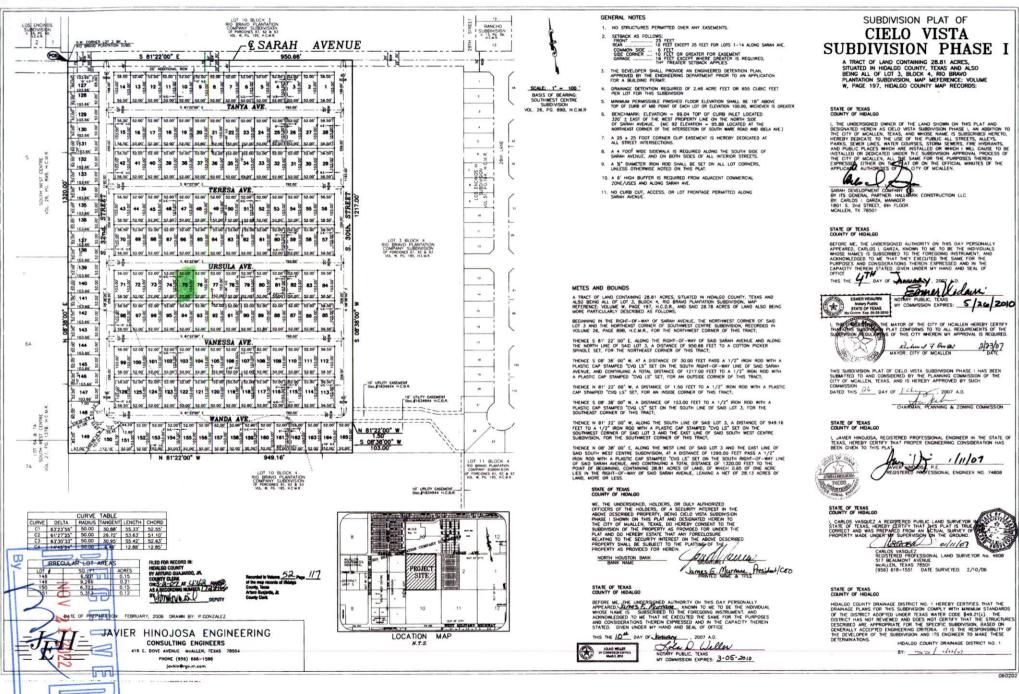
52.00'



3/09 URSULA STREET Lot # 75 Cido Vista











Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 22, 2022

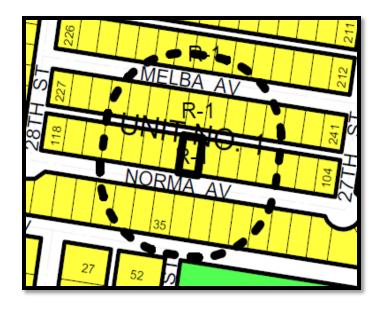
SUBJECT: REQUEST OF MARIA C. VALDEZ DE ZAMORA FOR THE FOLLOWING

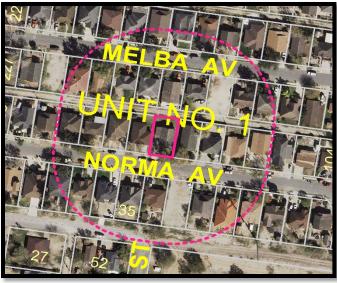
SPECIAL EXCEPTION AND VARIANCE REQUESTS TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 16 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 11.16 FEET BY 15.66 FEET, AND 2) A VARIANCE TO ALLOW AN ENCROACHMENT OF 16 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL PORCH COVER MEASURING 10.41 FEET BY 15.66 FEET, AT LOT 111, IDELA PARK UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS;

2728 NORMA AVENUE. (ZBA2022-0121)

REASON FOR APPEAL:

The applicant is requesting a special exception and a variance for an encroachment into the front yard setback for an existing metal carport and porch cover having combined dimensions of 21.57 feet x 15.66 feet. 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 for the porch is to be used for shade for one of the family members with health issues.





PROPERTY LOCATION AND VICINITY:

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 09, 2022 for doing work 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 November 21, 2022.

ANALYSIS:

Special Exception #1: This request is for an existing metal caport encroaching 16 feet into the 25 feet front yard setback measuring 11.16 feet by 15.66 feet. There is an existing one-car carport located at the front of the property, the request is essentially for the extension of the existing carport and would allow protection for the two 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 16 feet in to the 25 feet front yard setback measuring 10.41 feet by 15.66 feet. According to the applicant the structure would provide shade protection for one of the family members with health related concerns.

During the site visit, staff noticed other similar structures with encroachments in the front yard. A review of Planning Department did not show any records for special exceptions granted in the area.

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.

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

Measurements provided are without the benefit of a survey.

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 **disaproval** for Variance request #2, since variances run with the land.

City of McAllen

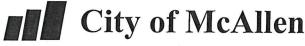
Planning Department

P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 APPEAL TO ZONING BOARD OF (956) 681-1279 (fax)

311 North 15th Street McAllen, TX 78501

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

| | ABOUTHLAT TO MORELEN ZONNO ORDINANCE |
|-----------|---|
| Project | Legal Description <u>IDE/A PARK OT NO.1 Lot. 111</u> |
| | Subdivision Name 1DEIA PARK |
| | Street Address 2728 Norma eve. Number of lots Gross acres |
| | Existing Zoning <u>R 1</u> Existing Land Use |
| | Reason for Appeal (please use other side if necessary) Carport encroaching 1 nto front. yard Setback |
| | \$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 |
| ant | Name MANN C VALDEZ DE ZAMORA Phone 954) 686-4583 |
| Applicant | Address 2728 Norma ave. E-mail (Cll) 685-7132 |
| 4 | City McAllen State Tx Zip 78503 |
| er | NamePhone AddressE-mail |
| Owner | AddressE-mail |
| 0 | City State Zip |
| r. | 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? |
| atic | ☐ Yes ☐ No I certify that I am the actual owner of the property described above and this |
| Authoriza | 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. |
| \uth | |
| 4 | Signature Date 11-21-22 Print Name MARIA CVALDE de Zamora Owner Authorized Agent |
| Θ | Accepted by Date |
| Offlice | Rev 10/18 |
| 7 | NOV 2 1 2022 |
| | Initial: |



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 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: Reason for Appeal Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the 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: bother neigh Describe special conditions that are unique to this applicant or property: Chairman, Board of Adjustment Date Signature Rev. 9/20

12-19-22

ENTERED

DEC 1 6 2022

NM Initial:





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 19, 2022

SUBJECT: REQUEST OF LUCERO MENDOZA FOR A SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT MEASURING 16 FEET BY 29 FEET, AT LOT 78, CIELO VISTA SUBDIVISION,

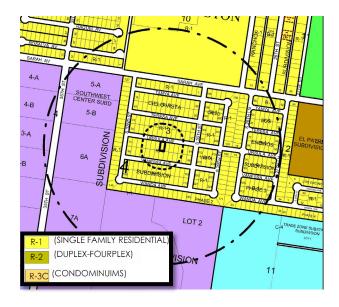
HIDALGO COUNTY, TEXAS; 3025 URSULA AVENUE. (ZBA2022-0122)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 25 feet into the front yard setback of 25 feet for an existing carport measuring 16 feet by 29 feet. The applicant stated the existing carport is for protection of her vehicles and her family from the weather elements.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of 40th Street. The property has 52 feet of frontage along Ursula Avenue and a depth of 103 feet, for a lot size of 5,356 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 Cielo Vista Phase I was recorded in March 2, 2007. The plat states a 25 feet front yard setback. A stop work order was issued for non-compliance on April 14, 2022. An application for a building permit for the carport was submitted on November 28, 2022. An application for the special exception request was submitted on November 22, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 25 feet into the 25 feet front yard setback as shown in the applicant's submitted site plan. The reason for this is for safety and protection of the applicant's vehicles and family from the weather elements. The applicant stated that the one car garage that they have is used for storage.

During the site visit, staff noticed other (carports) similar encroachments along the Block. A special exception for a carport in the front was approved at the meeting of December 7, 2022 for an encroachment of 24 feet into the 25 feet front yard setback at lot 20.

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

RECOMMENDATION:

Staff recommends disapproval of the special exception request since approval of the request may encourage other neighbors to construct similar structures.



ZBA-1/4/23 City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

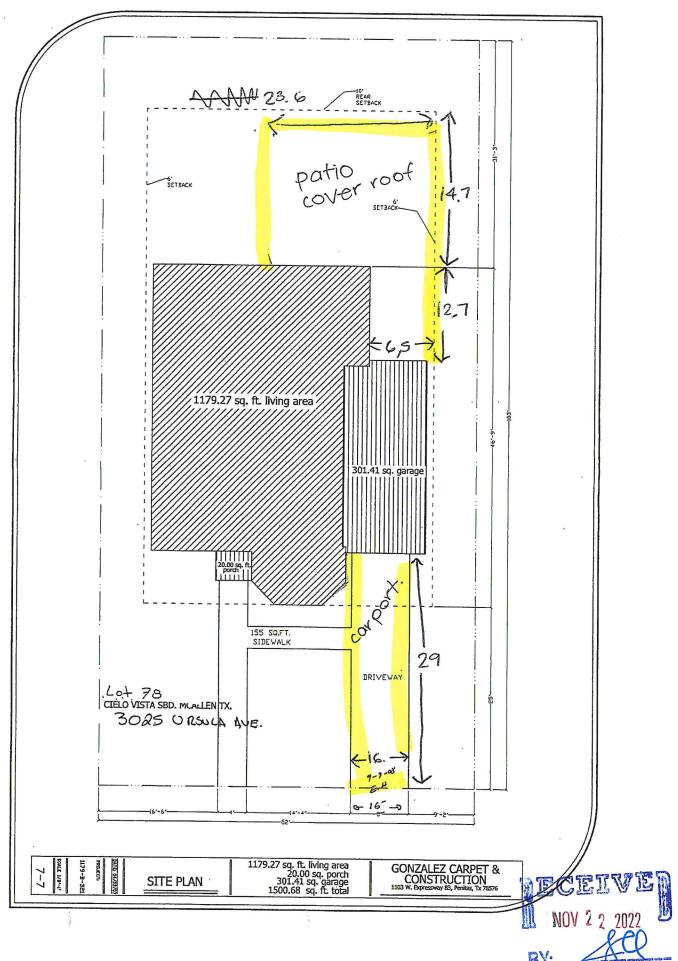
| | ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|---------------|---|--|--|
| | Legal Description <u>Cielo Vista</u> PH 1 Lot 78 | | |
| Project | Subdivision Name Cieb Visto Street Address Street Address Number of lots Firsting Zoning Reason for Appeal (please use other side if necessary) Car Dot Encrocking into Front yord set back. \$300.00 non-refundable filing fee + \$ | | |
| Applicant | Name <u>Lucero Mendoza</u> Phone (986)257-2728 Address 3025 <u>Ursula Ave</u> E-mail <u>lucero mz@hotmail</u> . C City <u>McAllen</u> State <u>Tx</u> zip <u>78503</u> | | |
| Owner | Name City 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 Print Name Date Owner Authorized Agent | | |
| Office | Accepted by Payment received by Date Rev 10/18 Payment received by NOV 22 AND | | |



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

| Reason tor Appeal | 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 construcción la hice para que en familia pada mos salir a nuestro patio y cochera y usarlo como zona recreativa. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: Uso el corpot techado para proteger mas carres al cochera la uso de storage, por que no tengo acceso al atio, y tambien salimos como area recreativa. 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 moresta a nadie de mis vecinos como serviciones con la como and como serviciones con la como serviciones como serviciones con la |
|-------------------|---|
| Board Action | area techada solo esta en mi propiedad. 4. Describe special conditions that are unique to this applicant or property: Me encanta el nuevo espacio techado por que es multiusos, protejo mis carros y además (on el clima que tenemos protejo a mi familia del sol y de la lluvia cuando salimos y entramos a la casa accavio. Chairman, Board of Adjustment Date |
| Boar | Signature |







Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 19, 2022

SUBJECT: REQUEST OF ONESIMO PULIDO FOR A SPECIAL EXCEPTION TO THE CITY OF

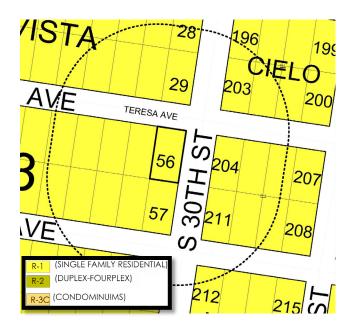
MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 13 FEET BY 23 FEET, AT LOT 56, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3001 TERESA AVENUE. (ZBA2022-0124)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 10 feet into the 10 feet rear yard setback and utility easement of for an existing carport measuring 13 feet by 23 Feet. The applicant stated the existing carport is for safety and protection of his vehicles and his family from the heat and weather elements

PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Teresa Avenue. The property has 56.50 feet of frontage along Teresa Avenue and a depth of 103 feet, for a lot size of 5,819.5 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 Cielo Vista Subdivision Phase I was recorded in March 2, 2007. The Subdivision plat note state a 10 feet rear yard setback. A stop work order was issued September 15, 2022. An application for a building permit for the carport was submitted on September 22, 2022. An application for the Abandonment of the easement was submitted on November 2, 2022. An application for the special exception request was submitted on November 30, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 10 feet into the 10 feet rear yard setback as shown in the applicant's submitted site plan (carport is built all the way to the property line). The reason for this request is for the safety and protection of the applicant vehicles and family when they are outside.

During the site visit, staff noticed other (carports) similar encroachments along the Block. A special exception for a carport in the front was approved at the meeting of December 7, 2022 for an encroachment of 24 feet into the 25 feet front yard setback at lot 20.

There is a 10 feet utility easement adjacent to the rear property line and the carport encroaches in to this utility easement. An application for utility abandonment has been submitted and is being processed.

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 disapproval of the special exception request pending the result of the abandonment application request. Approval of the special exception request may encourage other property owners to build similar structures.

ZBA2022-0124

311 North 15th Street McAllen, TX 78501

City of McAllen

Planning Department

P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 APPEAL TO ZONING BOARD OF (956) 681-1279 (fax)

AD HISTMENT TO MOALLEN ZONING ORDINANCE

| | ADJUST MICHELLIN ZUNING UNDINANCE | |
|---------------|--|-------------|
| | Legal Description CTELO VISTA PH 1 Lot 56 | |
| ಕ | Subdivision Name CTELO VISTA Street Address TERESA | |
| Project | Number of lots Gross acres Existing Zoning R Existing Land Use R Reason for Appeal (please use other side if necessary) Carport encroaching into the rear \underset{\and utility} en \$\frac{\sqrt{\and utility}}{\sqrt{\and utility}} en | S CP |
| Applicant | Name Onesimo Pulido Phone 956 - 212 05 97 Address 3001 Teresa AV E-mail polidoonesimo @ Gmai City McAllen ty State ty Zip 78703 | 6-01 |
| Owner | Name Onesimo Pulico Phone 956 212 05 97 Address 3001 Teres a AV E-mail City McAllen State TY Zip 18503 | |
| 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 Orcsino Polido Date Owner Authorized Agent | |
| Office | Accepted by Date Date NOV 3 0 2022 | |
| | | |

Initial: NM



City of McAllen

Planning Department REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely or economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board or 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: **Sonbra* para personas** Adultas** **Para niños** 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: **Para protecsion** **Para protecsion** 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: **Ness** material** **Logua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis becinas y al agua de la livia dad para mis dad para mis de la livia dad para mis d |
|-------------------|--|
| Board Action | Chairman, Board of Adjustment Date Signature Rev. 9/20 |

Tevesa Ave Ticken all Burtucy Fence

x Onesimo Pulido 10-24-2022







Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 19, 2022

SUBJECT: 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, AT LOT 78, ARROWHEAD SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 2921 NORTH 40TH STREET. (ZBA2022-

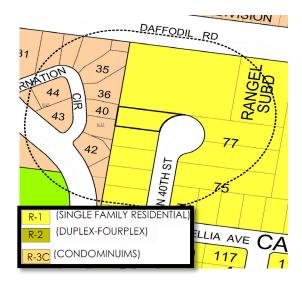
0128)

REASON FOR APPEAL:

The applicant is 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.

PROPERTY LOCATION AND VICINITY:

The subject property is 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 is an existing single-family residence on the subject property. The surrounding land use is single-family residential.





BACKGROUND AND HISTORY:

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.

ANALYSIS:

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

RECOMMENDATION:

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

LBA 1/5/23 City of McAllen Planning Department

APPEAL TO ZONING BOARD OF

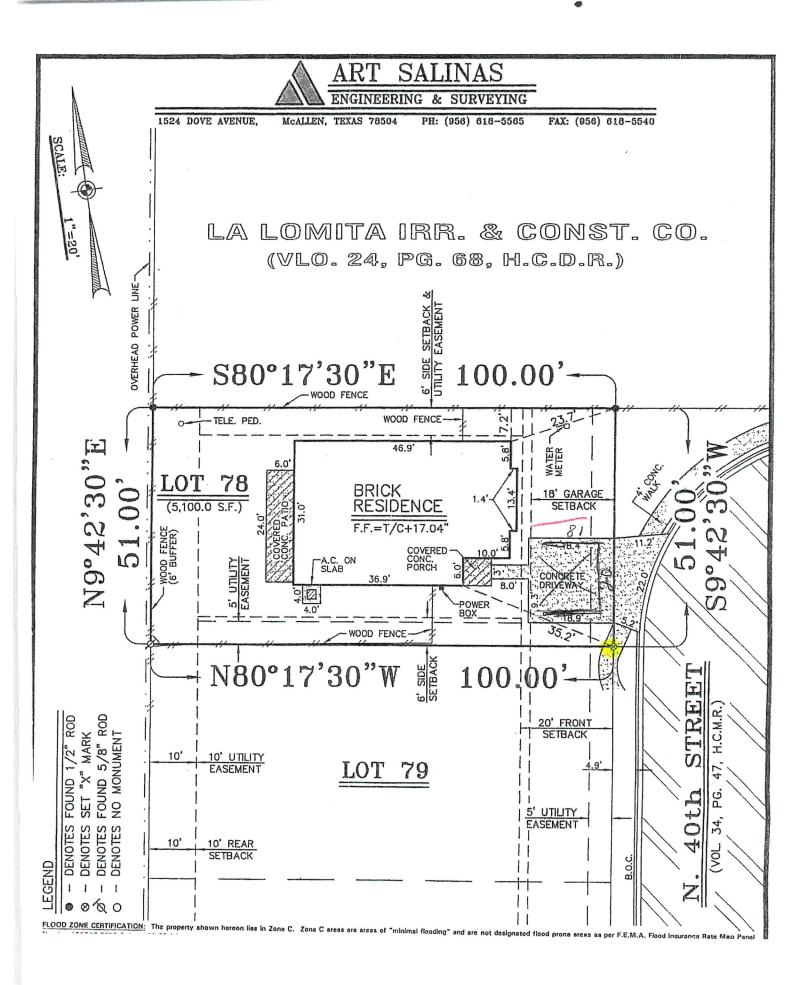
311 North 15th Street McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

| | ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|---------------|---|-----|--|
| | Legal Description _ EArrowhead PH 2 LOT 78 | | |
| ct | Subdivision NameArrowhead Street Address | | |
| Project | Number of lots Lot 78 Gross acres C Existing Zoning R. L Existing Land Use Single family Residential Reason for Appeal (please use other side if necessary) Security of elderly disabled person while walking \$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 Martin Saavedra Phone (956) 342-8140 Address 2921 N. 40th st. E-mail martin savedra 1001@gmail.co City McAllen State TX Zip 78501 | sm; | |
| Owner | Name Martin Saavedra Phone (956) 342-8140 Address 2921 N. 40th st. E-mail martin savedra 1001 Egmail, com 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 Aartin Saavedra Owner Authorized Agent | | |
| 9 | Accepted by Payment received by Date DFC 0 6 2022 Rev 10/18 Payment received by BY: | | |

City of McAllen

Planning Department REASON FOR APPEAL & BOARD ACTION

| economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Bos Adjustment will consider any combination of the following: (Please use an additional page if necessary to con responses) "Information provided here by the applicant does not guarantee that the Board will grant a variance." "Information provided here by the applicant of the research, but it is not required to provide response all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of provisions required would deprive the applicant of the reasonable use of the land: There is an elderly disabled person inving an property that requires car part as a sarety measure. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of owner: Due, to the trees planted on both ends of property, carport is utilized to avoid seeds from trees falling on driveway and coust elderly disabled person to stip fall. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legislation of the property owners enjoy in the area: Interastructure company came to property to perform an inspection and determined that any drainage and cables are not affected and as pipes do not exist on property. The daily usage of driveway by elderly disabled person is the special conditions that are unique to this applicant or property. Chairman, Board of Adjustment Date Chairman, Board of Adjustment Date | | |
|--|----------|---|
| Due to the trees planted on both ends of property, carport is utilized to avoid seeds from trees falling on driveway and cows elderly disabled person to slip / fall. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legislation and determined that any drainage and cables are not affected and gas pipes do mt exist on property. The daily usage of driveway by elderly disabled person is the special conditions that are unique to this applicant or property. Chairman, Board of Adjustment Date Chairman, Board of Adjustment Date Chairman, Board of Adjustment Date | | **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 |
| 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights or owner: Due to the trees planted on both ends of property, carport is utilized to avoid seeds from trees falling on driveway and cause elderly disabled person to slip / fall. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the least of the property owners enjoy in the area: Infrastructure company came to property to perform an inspection and determined that any drainage and cables live not affected and gas pipes do not exist an property. The daily usage of driveway by elderly disabled person is the special conditions that are unique to this applicant or property. Chairman, Board of Adjustment Date Chairman, Board of Adjustment Date | Hmbia | |
| elderly disabled person to slip / fall. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the kinghts other property owners enjoy in the area: infrastructure company came to property to perform an inspection and determined that any drainage and cables are not affected and gas pipes do not exist on property. 4. Describe special conditions that are unique to this applicant or property: The daily usage of driveway by elderly disabled person is the special condition to way we would like to preserve the carport. Chairman, Board of Adjustment Date Signature Chairman, Board of Adjustment Date | <u>@</u> | requires carport as a sarety measure. |
| Utilized to avoid seeds from trees falling on driveway and cause elderly disabled person to slip/fall. 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the learning of the property owners enjoy in the area: Infrastructure company came to property to perform an inspection and determined that any drainage and cables are not affected and gas pipes do not exist on property. 4. Describe special conditions that are unique to this applicant or property: The daily usage of driveway by elderly disabled person is the special condition to way we would like to preserve the carport. Chairman, Board of Adjustment Signature Chairman, Board of Adjustment Date | Арр | I will be the second and enjoyment of the legal property rights of the |
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| The daily usage of driveway by elderly disabled person is the special condition to why we would like to preserve the carport. Chairman, Board of Adjustment Signature Date | | |
| The daily usage of driveway by elderly disabled person is the special condition to why we would like to preserve the carport. Chairman, Board of Adjustment Signature Date | | inspection and determined that any drainage and cables |
| Chairman, Board of Adjustment Signature Dische Special condition to why we would like to preserve the carport. Chairman, Board of Adjustment Signature | | The not affected and gas pipes do not exist on property. 4. Describe special conditions that are unique to this applicant or property: |
| Chairman, Board of Adjustment Signature Date | - | |
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Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 21, 2022

SUBJECT: REQUEST OF BELLANIRA MURILLO FOR A SPECIAL EXCEPTION TO THE CITY

OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 1 FEET INTO THE 10 FEET REAR YARD SETBACK AND 5 FEET INTO THE 10 FEET SIDE YARD SETBACK FOR AN EXISTING CARPORT MEASURING 8 FEET BY 30 FEET, AT LOT 47, NORTHGATE CROSSING SUBDIVISION PHASE II, HIDALGO

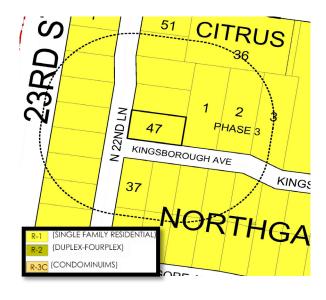
COUNTY, TEXAS; 9002 NORTH 22ND LANE. (ZBA2022-0129)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 1 feet into the rear yard setback, and 5 feet into the 10 feet side yard setback 26 for an existing carport measuring 8 feet by 30 feet. The applicant stated that the carport is used for protection of her vehicles, as it is difficult due to the layout of the home for her to park her vehicles in the garages and for her children to have a shaded area to play.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the North side of Kingsborough Avenue. The property has 74.89 feet of frontage along North 22nd Lane and a depth of 126 feet, for a lot size of 9,436.14 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 Northgate Crossing Subdivision Phase II was recorded in April 11, 2006. A stop work order was issued for non- compliance for the carport on August 29, 2022. An application for a building permit for the carport was submitted on August 29, 2022. An application for the special exception request was submitted on December 7, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 1 feet into the 10 feet rear yard setback and 5 feet into the 10 feet side yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to provide protection for her vehicles and her children.

During the site visit, staff did not notice any other similar encroachments in the Block, additionally; there are no permits, variances or special exceptions on file.

The property does not have an alley so relocation of the carport would not be possible.

Measurements provided are without the benefit of a survey.

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

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

RECOMMENDATION:

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

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

| ADJUSTMENT TO MCALLEN ZONING ORDINANCE | | |
|--|--|--|
| | Legal Description North Gate Crossing Ph#2 | |
| Project | Subdivision Name Street Address Number of lots 1 Gross acres Existing Zoning Reason for Appeal (please use other side if necessary) Reason for Appeal (please use other side if necessary) Support Attacks 10ft Set backs 120 FT INSI de soutside 5ft in 10ft Set backs 120 FT INSI de soutside 5ft i | |
| Applicant | Name Bertaising (U. Mur. 10 Phone 056 404-8151 Address 9002 N. 22nd Lane E-mail Wendoline 25.8 hotmas City MEAllen State T Zip 78504 | |
| Owner | Name Rodo to EBellonia M Phone 956 4 104-8151 Address 9002 N. 22nd Ln. E-mail Nendoline 250 hot City MSAllen State TX Zip 78504 | |
| Authorization | To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Date Authorized Agent | |
| Office | Accepted by Payment received by Date Rev 10/18 Payment received by Date | |

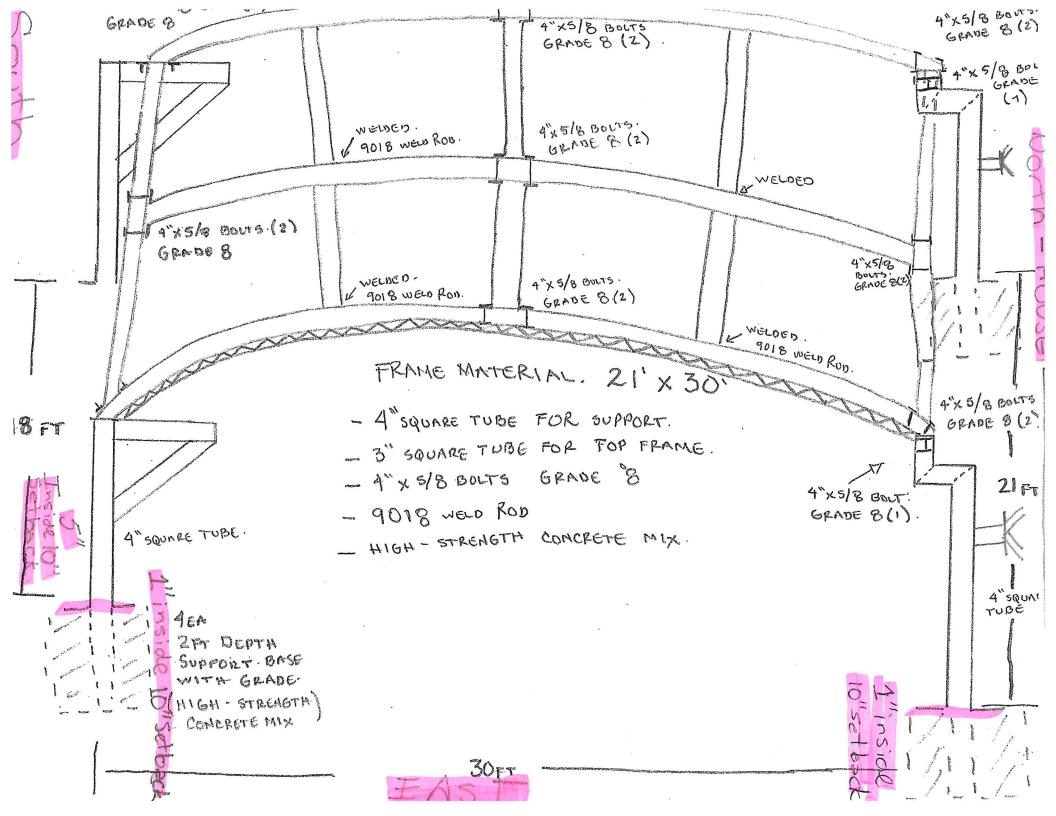
REASON FOR APPEAL & BOARD ACTION *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (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. 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: Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the 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: conditions that are unique to this applicant or property Chairman, Board of Adjustment Date Signature

Reason for Appeal

Board Action

Rev. 9/20

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Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: December 12, 2022

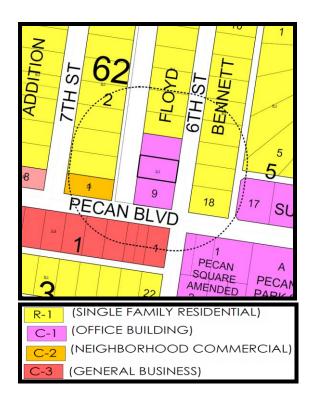
SUBJECT: Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the

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.

City of McAllen

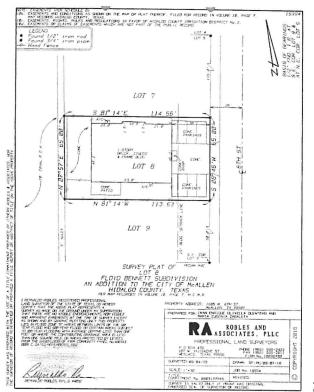
Planning Department APPEAL TO ZONING BOARD OF

| DOR'S | 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 MOF LOT 8 Subdivision Name Floud Brudett Surd. Street Address Number of lots 1 Gross acres O.17 Existing Zoning C-1 Existing Land Use OFFICE BUILDING Reason for Appeal (please use other side if necessary) PARKING SPACES - TO PERMIT DULY TO PREVIOUS 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 Oward Salivas Phone 682-9081 Address ZZZI DAFFO DIL AVE. E-mailsolinas e salivas engindre City ME ALIEN State Ty Zip 78501 |
| Owner | Name MARIA RUGENIA ZABALETA Phone 956-315-4695 Address 4909 TWO DR. E-mail MARUCABALETA C City EDIN BURG State T90 Zip 76540 |
| 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 Owner Authorized Agent |
| Offlice | Accepted by Payment received by Date Rev 10/18 |
| 1 | Initial: NM |

Planning Department REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | *A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (*Please use an additional page if necessary to complete responses) **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: ***HCTD #3 WILL PERMIT PARKING AT PRAR 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: **ARROVAL OF VARIANCE WILL PERMIT ORDERLY DEVELOPMENT OF EXIST. COMMERCIAL BUTCOTING 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: **AP PROVAL OF VARIANCE DOES LIGHT AFFECT THE HEALTH SAFETY OR WELFARE OF GENERAL PODLIC 4. Describe special conditions that are unique to this applicant or property: **PEARL OF PROPERTY IS ADSACETT TO NICIDIA** **CANAL ROD** **CANAL ROD |
|-------------------|--|
| Board Action | Chairman, Board of Adjustment Date Signature |
| Во | Rev. 9/20 |

ENTERED



Engineer Plat Survey (Previous Existing Building)



24.0

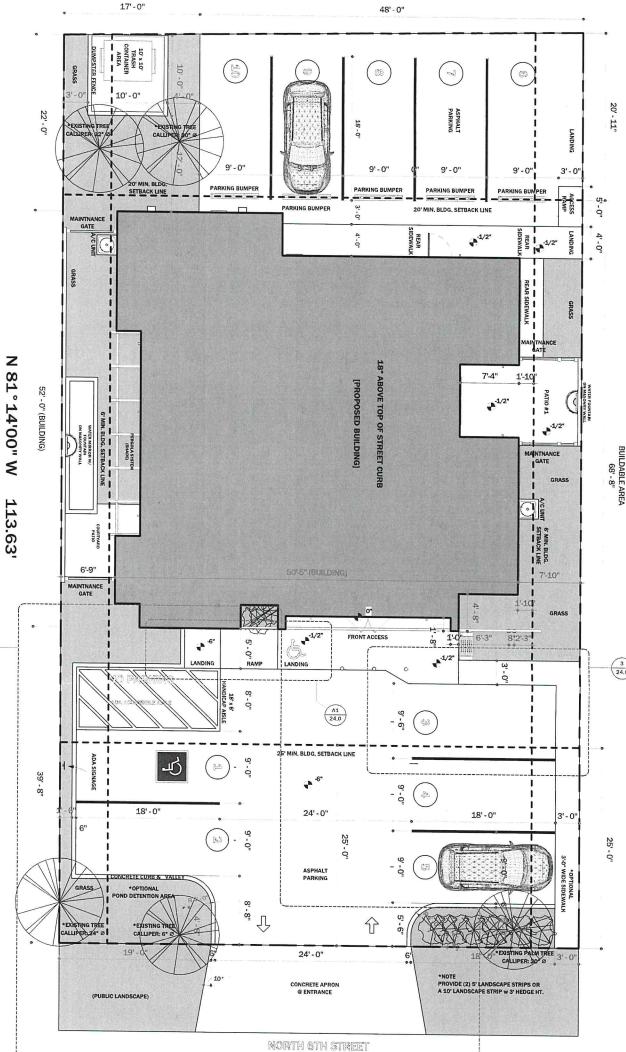
Property Information (123915)

Owner Name: QUINTERO IVAN E OLIVELLA & MARIA E ZABALETA.
Doing Business As: STRAWBERRY PATCH ADULT DAYCARE
Property Identification Number: 123915
Geo Identification Number: 82500-00-000-0008-00
Legal Description: FLOYD BENNETT LOT 8
State Code: F1
Address: 1605 N 6TH ST MCALLEN, TX
Taxing Jurisdictions: DR1, CAD, SML, GHD, CML, JCC, R12, SST
Appraised Value: \$109,512.00
Neighborhood: BENNETT
Abstract Code: B250000

PROPERTY INFORMATION

| BUILDING AREA | |
|---------------|---------|
| AREA | SQ. FT. |
| 1st Floor: | 2226 |
| 2nd Floor: | 296 |
| Total | 2,522 |

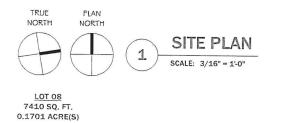
| LEGEND | | |
|----------------------------|---------|--|
| AREA | SQ. FT. | |
| Lot Size: | 7,410 | |
| Private Green Area: 20% | 1,475 | |
| Public Green Area: | 436 | |
| Concrete Apron: | 292 | |
| Parking Area #1: (5 Slots) | 1,818 | |
| Parking Area #2: (5 Slots) | 996 | |
| Optional Sidewalk: | 146 | |
| Front Building Access: | 241 | |
| Rear Building Access: | 158 | |
| Patio #1: | 65 | |
| Patio #2: | 153 | |
| Waste Container Pad: | 60 | |



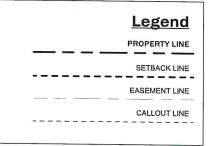
N 07°57'00" E

65.00'

S 08°46'00" W 65.00' 6th Street



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



0

del Arq. Group LLC

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



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S

81°14'00" E

114.56

• 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.

• <u>CEILING</u>

- 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.

Boutique

Artisanal Items

Vitamins

Beauty ProductsCreams

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.

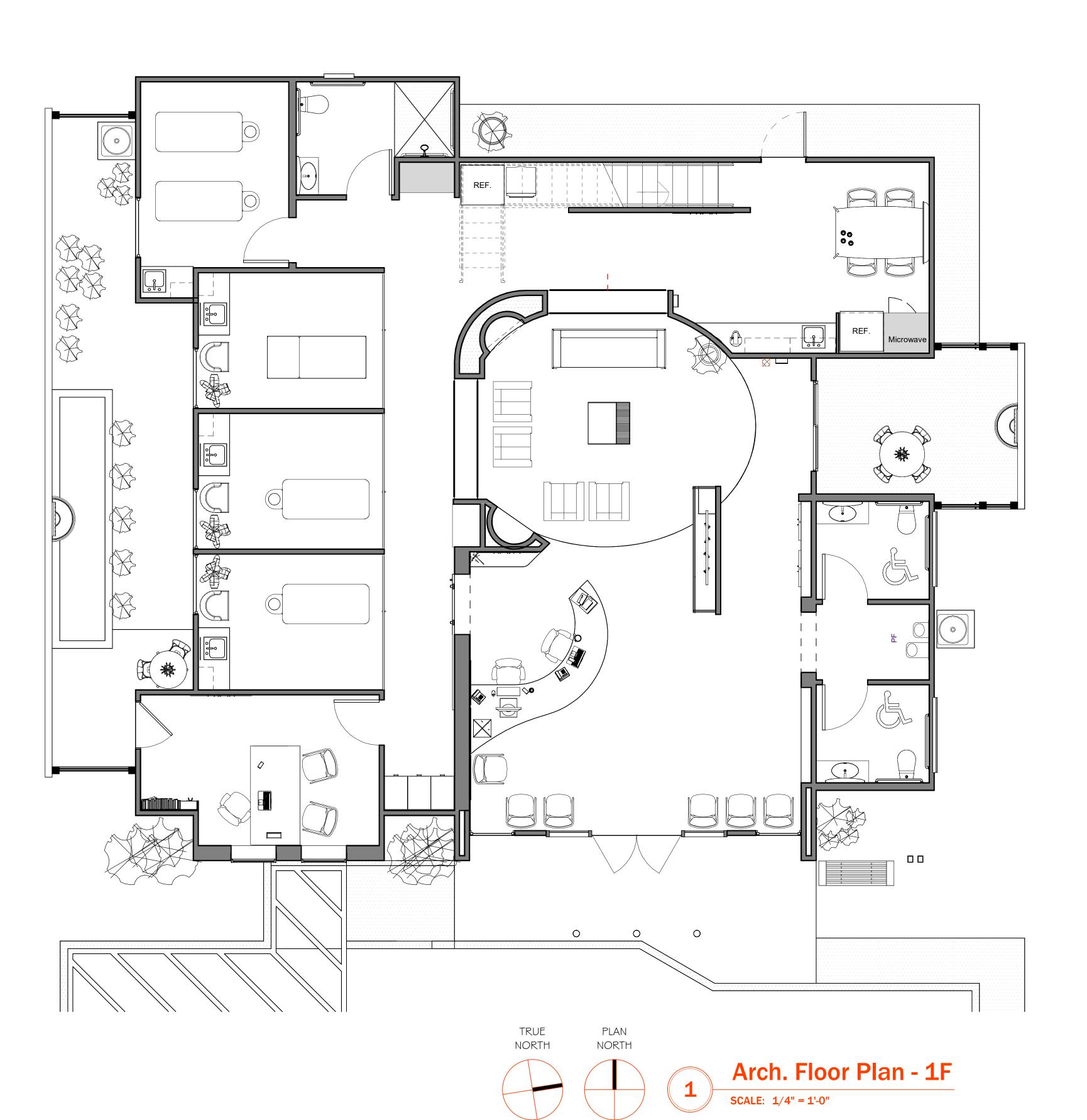
Nonsurgical treatments to be done such as:

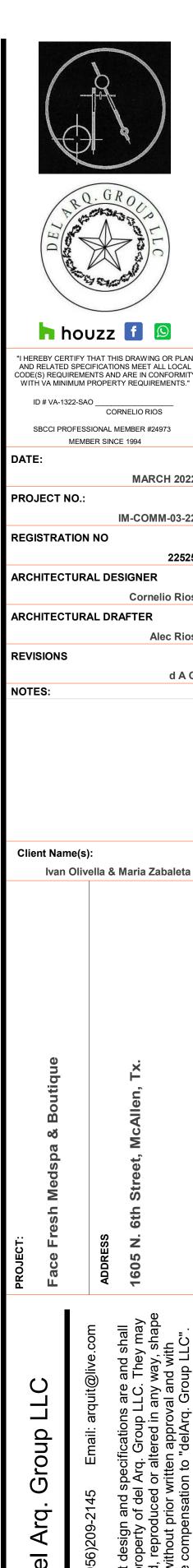
- Aesthetician Services
 - Waxing / Hair Removal
 - Microdermabrasions
 - Chemical Peels
 - Facials
 - Pore Cleansing
- Massage Therapy
- Massage Therapy
- AromatherapyScalp Massage / Treatments

For additional information call Owner, Architectural Designer for info.

| <u>LAND</u> | | |
|-------------------------------|---------|--|
| 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 | | | | | | | | |
| <u>Total</u> | 2,630 | | | | | | | | |





SHEET:

2022 Design By: del Arq. Group LLC

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• FRAMING:

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 - A. WOOD / TIMBER THAT IS LESS THAN 12" INCHES FROM GROUND SHALL BE PRESSURE TREATED WOOD.
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Boutique

Artisanal Items

Creams

Vitamins

Beauty Products

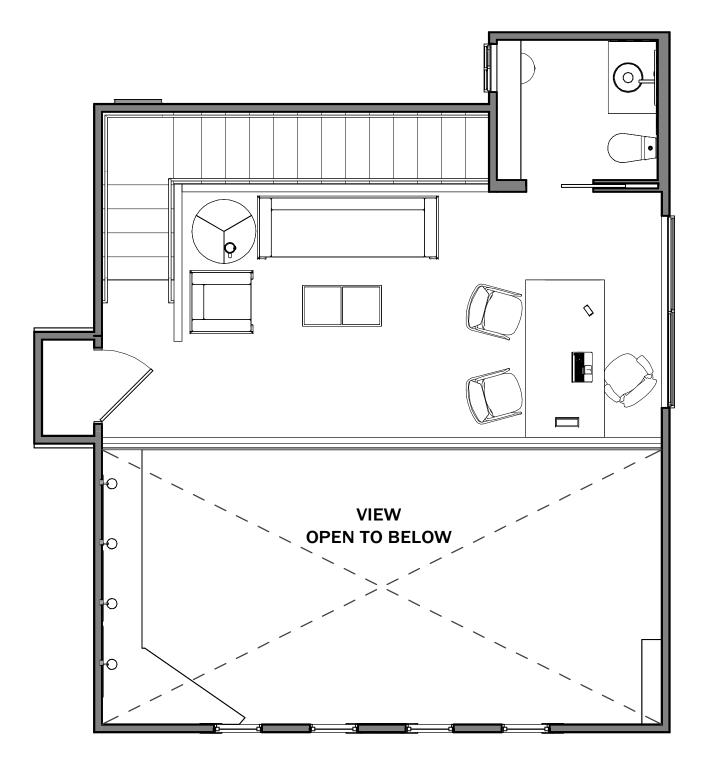
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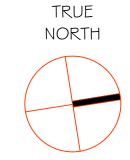
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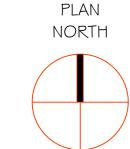
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Client Name(s):

Ivan Olivella & Maria Zabaleta

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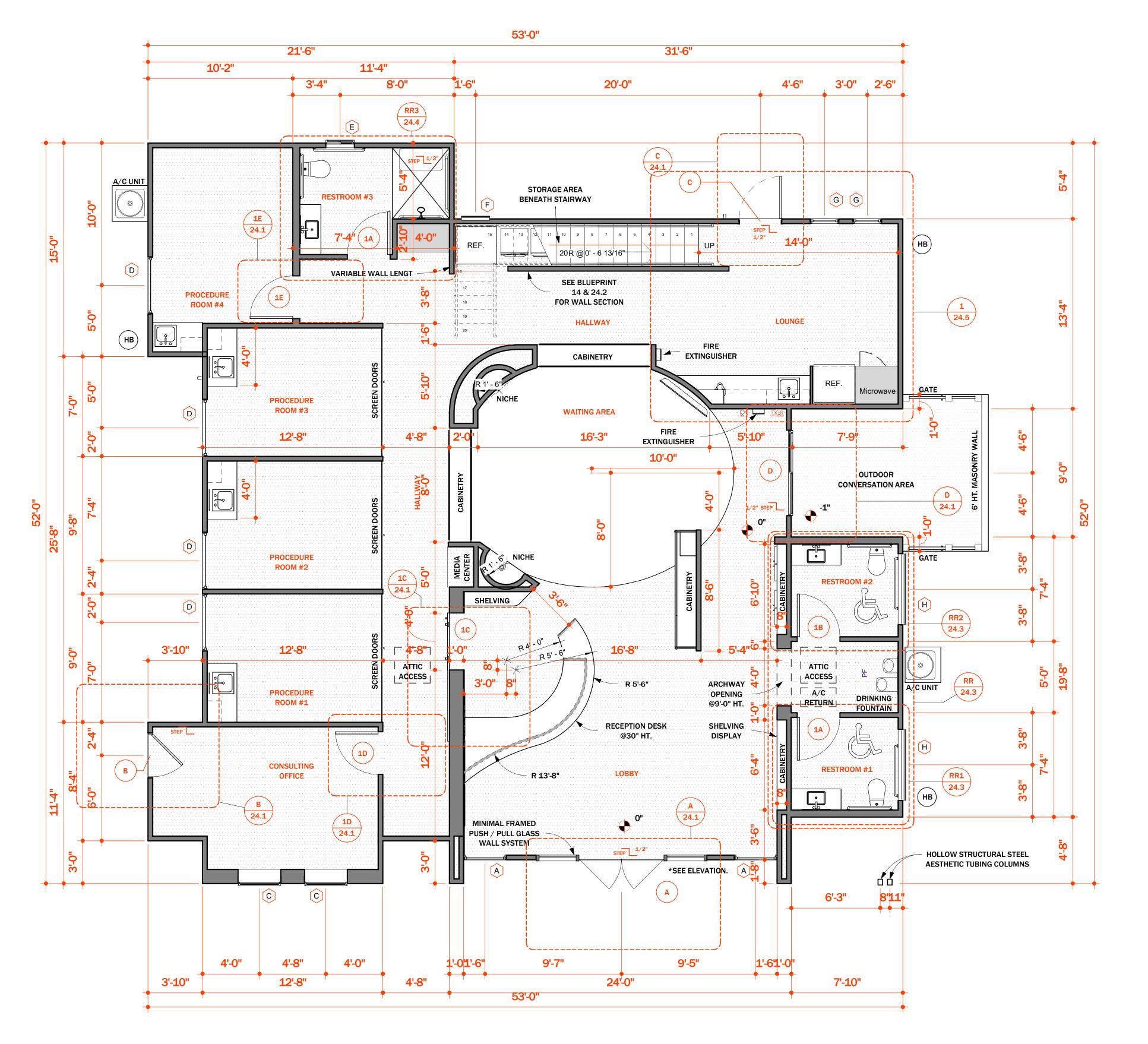
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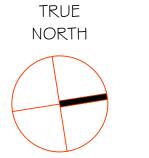
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Beauty Products Creams

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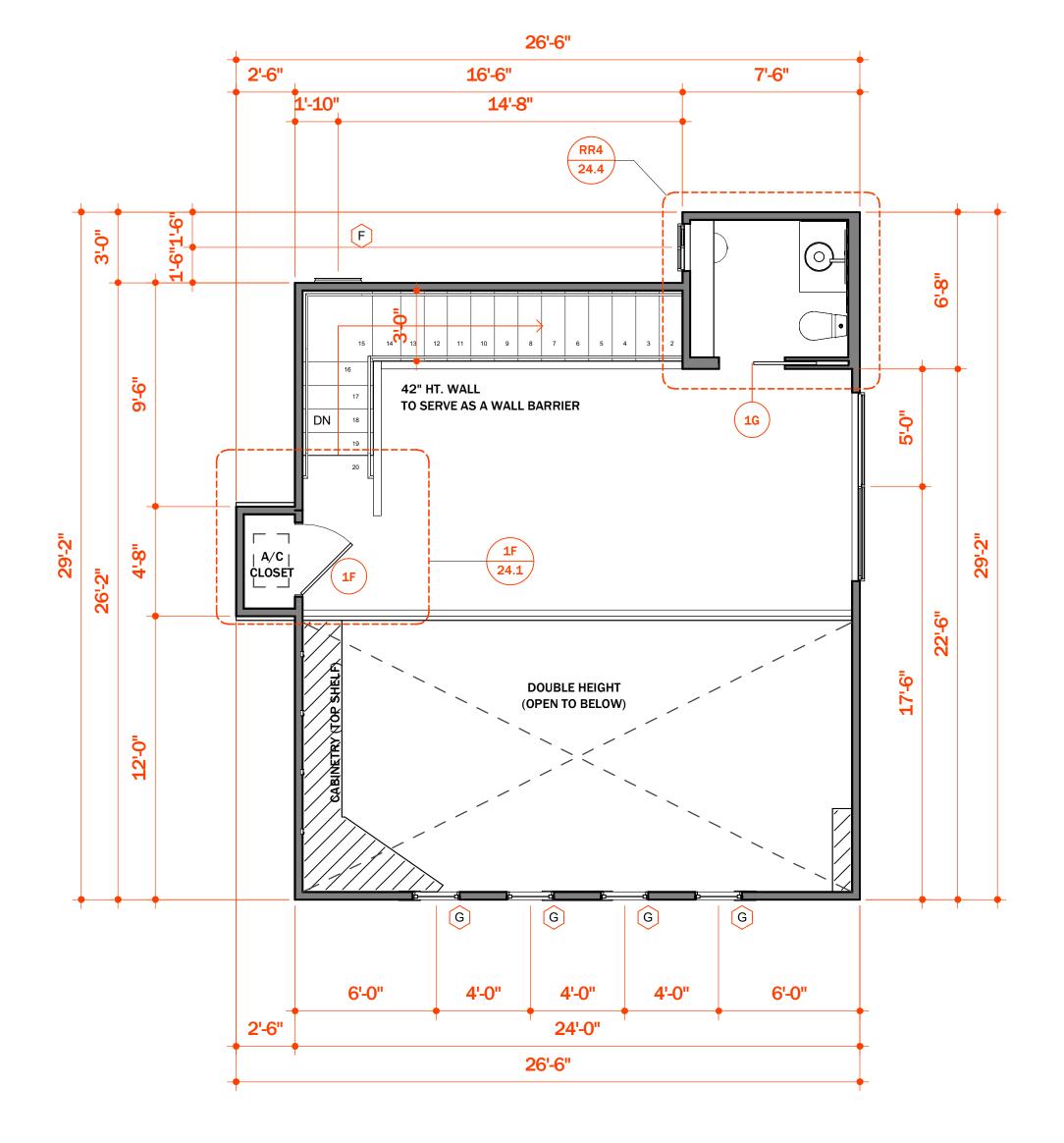
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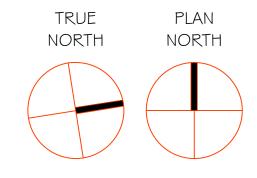
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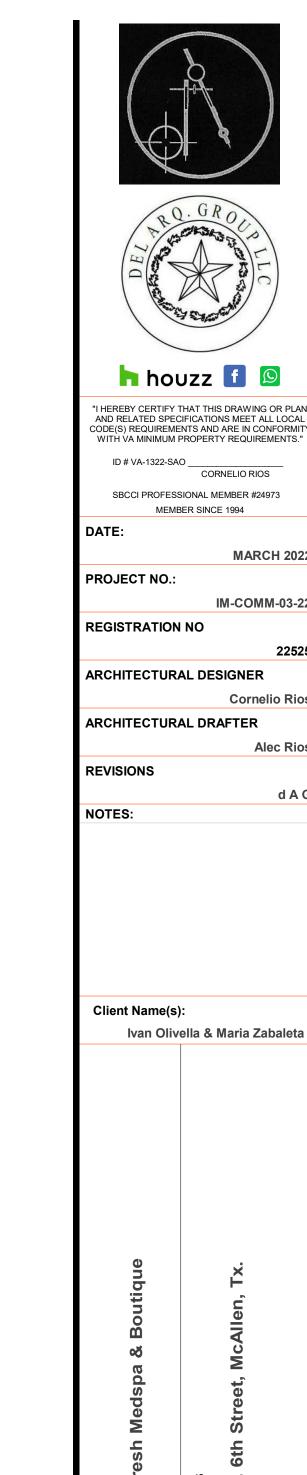
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Group LLC

Email: arquit@live.com
d specifications are and shall

#: (956)209-2145 Email: project design and specification the property of del Arq. Grou

SHEET:

07

2022 Design By: del Arq. Group LLC



Planning Department

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

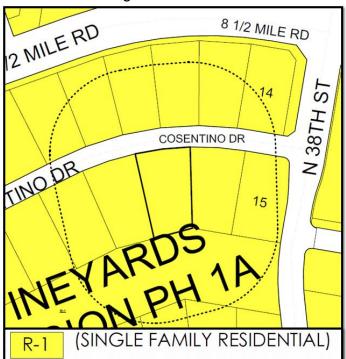
DATE: December 13, 2022

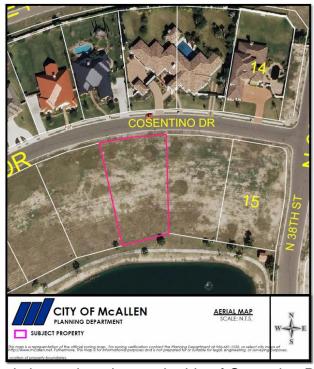
SUBJECT: Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following

Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive.

(ZBA2022-0126)

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





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

BACKGROUND AND HISTORY: A building permit was submitted in November 2020 for a 7,453 square 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.

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.

ZBH2022-0126

311 North 15th Street

28A: 12/21/22

City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

| 15 ° | ADJUSTMENT TO MCALLEN ZONING ORDINANCE |
|---------------|---|
| | Legal Description Lot 17 Of the Uneyards Subdivision |
| Project | Subdivision Name Street Address Number of lots Number of lots Existing Zoning Existing Land Use Reason for Appeal (please use other side if necessary) Synthetic Activity Instead of name (successary) \$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. Oth Meller E-mail luiswaldo Pyanou Com City Mester Zip 78509 |
| Owner | Name Mine Cestelland Phone 956-369-4877 Address N/A 4817 S Jechson E-mail City Edinburs 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 DEC 0 2 2022 Rev 09/20 Rev 09/20 |

Planning Department REASON FOR APPEAL & BOARD ACTION

| Reason for Appeal | A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses) "Information provided here by the applicant does not guarantee that the Board will grant a variance. "Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below. 1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land: This house is in Confirmed with Greeney, it has add greeney it has a confirmed with Greeney, it has a deformed to the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The Criat Canada afford to water the property of the legal property rights of the owner: The Criat Canada afford to water the property will be a greater investment but a fit is littly included by the area. The Criat Canada afford to water the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: The grass has the legal testing and will be included 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 testing and will be included 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 testing and will be included to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: The grass has the large testing and the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: A Describe how the variance w |
|-------------------|--|
| Board Action | Chairman, Board of Adjustment Date Signature |
| Bo | Rev. 9/20 |

ECO 94 GOLD



| varn Type | Polyethylene - C Blade | |
|-----------------------------|------------------------|---|
| Denier | PE8900+PF9420 | |
| Approximate Pile Height | 2.0 in. | |
| Machine Gauge | 18 v | |
| Rod Size | 15 a 100 linear feet | |
| Approximate Infill Amount | 15-7.0 los/pat | _ |
| Primary Elacking | Polyurethane | |
| Approx Total Product Weight | 96 cz/ya' | |
| Pike Yarn Weigna | 6719 aulys: | |
| Average Tuft Blind Strength | 10 4 lbs/force | |
| Total Land Content | -0.5 mg/kg | |
| PS Flammability | Bon of E Pass | |
| Water Permeability | 89 8 inshir | |

Recommended Uses

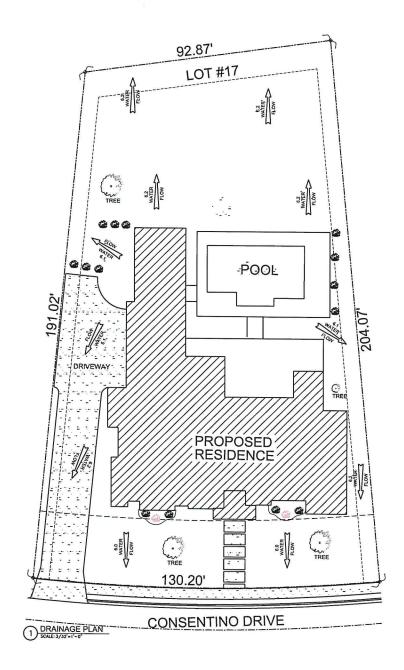
- Landscape:
 Pet Areas
 Playgroung
- Playground
 Fringes

Eco 94 Gold is a high-quality product ideal for moderate to high-traffic. The jade and citie given blades have a natural copying that can be installed in any neighborhood in any state. Whatever application you choose to use Eco 94 Gold at will book humous and natural while still being affordable.



DuraBladehi Technologi







LOT #17
THE VINEYARDS
SUBDIVISION

MCALLEN, TEXAS

NOTES:

DATE:06-24-2020

C-1











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 | 03/1722 | 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 | Р | | | | | | | | | | | | | | | | | | | | | | | | | |
| SYLVIA HINOJOSA-CHAIRPERSON | Р | Р | Р | Р | Α | Α | Р | Р | Р | Р | Р | Р | Р | LQ | Р | Р | Р | Α | Р | Р | Р | Р | P | Р | Р | Р |
| JOSE GUTIERREZ-VICE-CHAIR | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Α | LQ | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р |
| ANN TAFEL | Α | Р | Р | Р | Р | Р | Р | Р | Р | Р | Р | Α | Р | LQ | Р | Р | Р | Р | Р | Ρ | Р | Р | Р | Ρ | Р | Р |
| HUGO AVILA | Р | Р | Р | Р | Ρ | Р | Р | Р | Α | Ρ | Р | Р | Ρ | LQ | Р | P | Р | Р | Р | Ρ | Р | Α | Α | Ρ | Р | Р |
| ROGELIO RODRIGUEZ | Р | Р | Р | Р | Р | Р | Α | Р | Ρ | Ρ | Α | Α | Р | LQ | Р | P | Р | Α | Р | Α | Α | Р | Р | Р | Р | Р |
| REBECCA MILLAN (ALT 1) | Р | Р | Р | Р | Ρ | Р | Р | Α | Р | Р | Р | Р | Ρ | LQ | Р | P | Α | Р | Р | Р | Р | Р | Р | Α | Р | Р |
| MARK TALBOT (ATL 2) | | | | Р | Р | Α | Р | Р | Р | Α | Α | Α | Α | LQ | Р | A | Р | Р | Р | Р | Α | Р | Α | Α | Α | Р |
| SAM SALDIVAR (ALT 3) | | | | Р | Р | Α | Р | Р | Р | Α | Р | Α | Α | LQ | Р | P | Р | Α | Р | Р | Р | Р | Α | Р | Р | Α |
| JUAN MUJICA (ALT 4) | | | | Р | Р | Р | Р | Р | Р | Р | Р | Р | Α | LQ | Р | P | Р | Р | Α | Р | Р | Р | Р | Р | Α | Α |

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

| A Pu | City Commisublic Utility I | ssion Board | _ | nning & Zo | _ | | Deadlines: D- Zoning/CUP Application * Holiday - Office is closed FEBRUARY 2023 | | | | | | | | | | | | |
|----------|----------------------------|----------------|-------------------------------------|----------------------------------|------------|------------|---|--------------------------|----------------|-------------------------------------|---------------|--------------|-----|--|--|--|--|--|--|
| | | JAN | UARY 2 | 023 | | | | | | UARY 2 | 023 | | | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat | | | | | | |
| 1 | HOLIDAY | 3 | 4 | 5 N-1/17& 1/18 D-2/7 & 2/8 | | 7 | | | | 1 | 2 | 3 | 4 | | | | | | |
| 8 | ° • | 10 | 11 | 12 | 13 | 14 | 5 | 6 | 7 | 8 N- 2/21& 2/22 D- 3/7 & 3/8 | 9 | 10 | 11 | | | | | | |
| 15 | 16 A-2/7 & 2/8 | 17 | 18 N-2/7 & 2/8 D-2/121 & 2/22 | | 20 | 21 | 12 | 13 | 14 | | | 17 | 18 | | | | | | |
| 22 | 23 | 24 | 25 | 26 HPC | 27 | 28 | 19 | 20 A-3/2 & 3/3 | 21 | 22 N-3/7 & 3/8 D-3/15 & 3/16 | 23 HPC | 24 | 25 | | | | | | |
| 29 | 30 | 31 | | | | | 26 | 27 | 28 | | | | | | | | | | |
| | | MA | RCH 20 |)23 | | | | APR | RIL 202 | 3 | | | | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat | | | | | | |
| | | | 1 | 2 | 3 | 4 | | | | | | | 1 | | | | | | |
| 5 | 6 A-3/15 & 3/16 | 7 | 8 N-3/15 & 3/16 D-4/4 & 4/5 | 9 | 10 | 11 | 2 | 3 A-4/18 & 4/19 | 4 | 5 N-4/18 & 4/19 D-5/2 & 5/3 | 6 | 7 HOLIDAY | 8 | | | | | | |
| 12 | 13 | 14 | | | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | | | | | | |
| 19 | 20 A-4/4 & 4/5 | 21 | 22 N-4/4 & 4/5 D-4/18 & 4/19 | 23 | 24 | 25 | 16 | 17 18 A- 5/2 & 5/3 | 18 | 19 N- 5/2 & 5/3 D-5/16 & 5/17 | 20 | 21 | 22 | | | | | | |
| 26 | 27 | 28 | 29 HPC | 30 | 31 | | 23 30 | 24 | 25 | 26 | 27 HPC | 28 | 29 | | | | | | |
| | | M | AY 202 | 3 | | | JUNE 2023 | | | | | | | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | 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 | 2 | 3 | | | | | | |
| 1 | 8 | 9 | 10 | 11 | 12 | 13 | 4 | 5 A-6/20 & 6/21 | 6 | 7 D-7/12 & 7/13 N-6/20 & 6/21 | 8 | 9 | 10 | | | | | | |
| 8 | 15 | 16 | 17 D-6/20 & 6/21 | | 19 | 20 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | | | | | | |
| 15 | 22 A-6/6 & 6/7 | 23 | 24 N-6/6 & 6/7 | 25 HPC | 26 | 27 | 18 | 19 | 20 | 21 D-7/26 & 7/27 | 22 | 23 | 24 | | | | | | |
| 28 | HOLIDAY | 30 | 31 | | | | 25 | 26 A-7/12 & 713 | 27 | 28 N-7/12 & 7/13 | 29 HPC | 30 | | | | | | | |
| Deadline | es and Meetin | g Dates are | subject to cha | nge at any tir | me. Please | contact th | Plannin | | at (956) 681-1 | | e any questi | ons. | • | | | | | | |



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 Pres Council | | | | | | | Deadlines: D- Zoning/CUP Application * Holiday - Office is closed | | | | | | |
|--|------------------------|---------------|-------------------------------------|--------------------------|--------------------|---------------|--|----------------------|-----------------|---------------------------------------|---------------|----------|-----|
| JULY 2023 | | | | | | | AUGUST 2023 | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| | | | | | | 1 | | | 1 | 2 | 3 | 4 | 5 |
| 2 | 3 | HOLIDAY | 5 | 6 | 7 | 8 | 6 | 7 A- 8/22 & 8/23 | 8 | 9 N- 8/22 & 8/23 D-9/6 & 9/7 | 10 | 11 | 12 |
| | 10 A-7/26 & 7/27 | 11 | 12 N-7/26 & 7/27 D-8/8 & 8/9 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 16 | 17 | 18 | | 20 | 21 | 22 | 20 | 21 A- 9/6 & 9/7 | 22 | 23 N- 9/6 & 9/7 D-9/19 & 9/20 | 24 HPC | 25 | 26 |
| | 24 A -8/8 & 8/9 | 25 | 26 N-8/8 & 8/9 D-8/22 & 8/23 | 27 HPC | 28 | 29 | 27 | 28 | 29 | 30 | 31 | | |
| SEPTEMBER 2023 | | | | | | | OCTOBER 2023 | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| | | | | | 1 A-9/19 & 9/20 | 2 | 1 | 2 A-10/17 & 10/18 | 3 | 4 N-10/17 & 10/18 D-11/1 - 11/7 | | 6 | 7 |
| 3 | HOLIDAY | 5 | 6 N-9/19 & 9/20 D-10/3 & 10/4 | 7 | 8 | 9 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 15 | 16 A-11/1 ZBA | 17 | 18 N- 11/1 ZBA D-11/15 & 11/21 | 19 | 20 | 21 |
| 17 | 18 A-10/3 & 10/4 | 19 | D-10/18 & 10/19 N-10/3 & 10/4 | 21 | 22 | 23 | | 23 A- 11/7 PZ | 24 | 25 N- 11/7 PZ | 26 HPC | 27 | 28 |
| 24 | 25 | 26 | | 28 HPC | 29 | 30 | 29 | 30 A- 11/15 ZBA | 31 | | | | |
| NOVEMBER 2023 | | | | | | DECEMBER 2028 | | | | | | | |
| Sun | Mon | Tue | Wed | Thu | Fri | Sat 4 | Sun | Mon | Tue | Wed | Thu | Fri | Sat |
| | | | N- 11/15 ZBA D-12/5 & 12/6 | | | | | | | | | <u> </u> | |
| | 6 A-11/21 PZ | | N- 11/21 PZ | 9 | 10 | 11 | 3 | 4 A-12/19 & 12/20 | 5 | 6 HPC D-TBA N-12/19 & 12/20 | | 8 | 9 |
| 12 | 13 | 14 | 15 D-12/19 & 12/20 | 16 | 17 | 18 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 19 | 20 A-12/5&12/6 | 21 | N-12/5 & 12/6 | ²³ HOLIDAY | 24 | 25 | 17 | 18 A- TBA | 19 | 20 D- TBA N- TBA | 21 | 22 | 23 |
| 26 | 27 | 28 | 29 | 30 | | | 31 | HOLIDAY | HOLIDAY | 27 | 28 | 29 | 30 |
| Deadline | es and Meeting | g Dates are s | subject to cha | nge at any ti | me. Please c | ontact the | e Plannin | g Department | at (956) 681-12 | 250 if you hav | e any questi | ons. | |