

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JULY 1, 2020 - 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 DAVID SALINAS

1. MINUTES:

- a) Minutes for the meeting held on June 17, 2020

2. PUBLIC HEARINGS:

- a) Request of Sofia Garza for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 20 ft. into the 20 ft. front yard setback for an existing single family residence and an existing porch measuring 6 ft. by 22.4 ft., and **2)** an encroachment of up to 3.5 ft. into the 3.5 ft. side yard setback for an existing porch area measuring 11.7 ft. by 6.2 ft., at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012)**
- b) Request of Jose Alfredo Vargas on behalf of Maria Romana Vargas for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15.75 ft. into the 25 ft. front yard setback for an existing treehouse structure measuring 12 ft. by 11.83 ft., and **2)** an encroachment of 3.25 ft. into the 5 ft. side yard setback along the west property line for an existing treehouse structure measuring 12 ft. by 11.83 ft., at Lot 18, Block 3, Metz Subdivision, Hidalgo County, Texas; 2229 Ivy Avenue. **(ZBA2020-0029)**
- c) Request of Maria Isabel Avendano for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing carport at Lot 5A, Block 8, Trenton Park Estates Subdivision Phase 1 Amended, Hidalgo County, Texas; 2013 V-W Court. **(ZBA2020-0031)**
- d) Request of Isaura Vasquez Castillo for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft.; and **2)** to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft. at Lot 141, Shadow Brook Subdivision Unit 1, Hidalgo County, Texas; 2024 Hawk Avenue. **(ZBA2020-0027) (TABLED: 06/17/2020)**
- e) Request of Richard A. Arciniegas for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 15 ft. into the 30 ft. front yard setback for a proposed porch measuring 13 ft. by 14.33 ft., and **2)** an encroachment of 5.5 ft. into the 7 ft. side yard setback along the south property line for a proposed porch measuring 6 ft. by 33 ft. at Lot 12, Siebring Addition Subdivision, Hidalgo County, Texas; 821 North 27th ½ Street. **(ZBA2020-0030)**

- f) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 5/20/2020, 06/03/2020) (TABLED: 06/17/2020)**

3. FUTURE AGENDA ITEMS

- a) 3501 Vendome Drive
- b) 4912 Vermont 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 PLANNING & ZONING COMMISSION 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, June 3, 2020 at 4:33p.m. in the City Commission Meeting Room with the following present:

Present:	David Salinas	Chairperson
	Erick Diaz	Vice-Chairperson
	Sylvia Hinojosa	Member
	John Millin	Member
	Jose Gutierrez	Alternate
	Juan F. Jimenez	Alternate (virtual)
Absent:	Sonia Falcon	Member
Staff Present:	Austin Stevenson	Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Kimberly Mendoza	Senior Planner-Long Range
	Rodrigo Sanchez	Senior Planner
	Liliana Garza	Planner II
	Carlos Garza	Planner I
	Hebert Camacho	Planner I
	Juan Martinez	Development Coordinator
	Porfirio Hernandez	GIS Technician II
	Carmen White	Secretary

CALL TO ORDER – Vice-Chairperson, Erick Diaz

1. MINUTES:

- a) Minutes for Regular Meeting held on June 3, 2020.

The minutes for the meeting held on June 3, 2020 were approved. The motion to approve the minutes was made by Ms. Sylvia Hinojosa. Mr. John Millin seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Miguel Martinez for the following special exceptions to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 17 ft. into the 25 ft. front yard setback for a proposed metal carport measuring 25 ft. by 20 ft. and **2)** to allow an encroachment of 1 ft. into the required 6 ft. north side yard setback for a proposed metal carport measuring 25 ft. by 20 ft. at Lot 9, Saldivar Subdivision Unit No. 2, Hidalgo County, Texas; 509 North 34th Street. **(ZBA2020-0022)**

Ms. Garza stated the applicant requested a special exception to allow a proposed carport measuring 25 ft. by 20 ft. with an encroachment of 17 ft. into the 25 ft. front yard setback and 1 ft. into the 6 ft. side yard setback along the north property line. The carport will serve to protect the family vehicles against inclement weather and extreme heat. The carport would also shield direct sunlight from entering through the front windows thus

saving on energy costs.

The property is located along the west side of North 34th Street. The lot has 60 ft. of frontage along North 34th Street and a depth of 143 ft. with a total area of 8,580 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences.

Saldivar Subdivision Unit No. 2 was recorded in August 1977 and the subdivision plat indicates a front yard setback of 25 feet. The applicant applied for the special exception on May 12, 2020.

The subdivision plat indicated a 5 ft. utility easement along the north side of the subject property. The site plan shows that the proposed carport will not encroach into the utility easement.

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. Approval of a special exception request allowing a carport within the front yard may encourage other carports to be constructed in the front yard.

The submitted site plan showed the proposed carport to encroach 17 ft. into the 25 ft. front yard setback and 1 ft. into the north side 6 ft. yard setback; however, measurements provided are without the benefit of a survey.

A search of Planning Department records did not reveal any variances or special exceptions for the subject property.

The house does not have a garage for car storage.

No phone calls have been received in opposition to the special exception request.

Staff recommended disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachments show in the submitted site plan.

Mr. John Millin how did this special exception differ from the previous one heard. Mr. Edgar Garcia stated the previous one had to do with an abandonment and the neighborhood already had some carports whereas this particular one changes by neighborhood and no special conditions noted.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the special exceptions. There was no one else to speak in favor of the special exceptions.

Mr. Miguel Martinez, the applicant, stated he did not mention the special conditions. He stated his daughter had medical issues. There was also many things built without permission. His subdivision was 40 years. Mr. Martinez stated his vehicles were damaged by the hail of 2012.

Vice-Chairperson Diaz inquired to the applicant what the reasoning for the size of the carport. Mr. Martinez stated the 20 feet was the length. The 25 feet width so that he would

not have to break the existing driveway to install the supports.

Vice-Chairperson Diaz inquired if the applicant was willing to modify the carport in order to compromise. Mr. Martinez stated yes. He also mentioned where the house comes out about one foot from the driveway so that support will be in line with the house. The reason he did that was in case they needed to make a bigger hole for the supports.

Chairperson Salinas inquired how much was the overhang from the support going towards the setback. Mr. Martinez stated it was going to be in line with the support that is already there of the existing house.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the special exceptions. There was no one present in opposition of the special exceptions.

Chairperson Salinas inquired of staff does the City permit an overhang from a house or a structure that might be encroaching into the setback and if so, how much would that be. Ms. Garza stated it was allowed two feet.

Mr. Miguel Martinez stated he was going to withdraw request #2.

Mr. John Millin **moved** to approve the special exception. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the special exception with five members present and voting

- b) Request of Kimberly Belgum for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16 ft. into the required 40 ft. front yard setback for a proposed single family residence at Lot 2, Virginia Terrace No. 3, Virginia Terrace No.'s 1, 2, 3 & 4 Subdivision, Hidalgo County, Texas; 806 East Ithaca Avenue. (ZBA2020-0023)**

Ms. Garza stated the applicant requested a variance to encroach 16 ft. into the 40 ft. front yard setback for the construction of a single-family residence.

The subject property was located along the west side of "G" Street (also known as East Ithaca Avenue). The tract has 130 ft. of frontage along "G" Street and a depth of 140 ft. with a tract size of 18,200 sq. ft. The property is zoned R-1 (single family residential) District and a single family residence is located on the property. Surrounding land uses are single-family residences.

The composite map Virginia Terrace No.'s 1, 2, 3, & 4 was recorded on January 23, 1957. The applicant was proposing a new residential house on the property. An application for building permit has not been submitted. An application for a variance request was submitted on May 12, 2020.

The plat for this subdivision does not show utility easements on the property.

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.

Approval of the variance request will allow the proposed construction as depicted on the site

plan, but would be in conflict with setback requirements for this subdivision. The submitted site plan shows that there is space at the rear of the lot to relocate the proposed house to the rear and be in compliance with the 40 ft. front yard setback required.

Setbacks show on the subdivision plat can only be changed by vacate and re-plat process approved by the Planning and Zoning Commission. The variance request is not due to special conditions nor is the plight of the owner unique.

Staff had not received any phone calls in opposition to this variance request.

Staff recommended disapproval of the variance request.

Ms. Sylvia Hinojosa asked if this item went before the Planning and Zoning Board. Ms. Garza stated no, this was a recorded plat. Ms. Hinojosa mentioned that they would have to vacate or replat. Ms. Garza stated if they wanted to redefine the setbacks.

Vice-Chairperson Erick Diaz inquired if there were other houses in the neighborhood that respect that setback. Ms. Garza stated there was Lot 1, based on the amended warranty deed they ended up being 24 feet from the front lot line rather than 40 feet.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Ms. Kimberly Belgum, the applicant, stated they purchased the property in April 2019. It was an abandonment lot, which was supposed to be a park area in an old subdivision with homes from the 1950s through the 1970s. There was an abandoned pool in the middle of the lot. The setback was set to 40 feet because that was the intended purpose for the pool and had concrete basketball court. They wanted to build a home on it. She stated Lot 1 amended their setback line in 1957 and the entire neighborhood signed off on it. The house immediately to the north of them their setback line was at 24 feet. By having their setback line at 40 feet, it pushes their home further back.

Chairperson Salinas mentioned that on the map it showed the property was fronting "G" Street. Ms. Belgum stated it was on "G" Street but the address was Ithaca Avenue.

Vice-Chairperson Diaz inquired if there was a Home Owners Association. Ms. Belgum stated no. Chairperson Salinas mentioned there were cul-de-sacs built on it and the applicant was the second lot from the corner. Ms. Belgum stated yes they were the only open lot.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Mr. Josh Belgum, applicant's husband, stated that the City of McAllen owned 10 feet of green area and their property line does not stop at the curb and gutter there's an additional 10 feet. Their property would be 50 feet from the back of the curb and gutter before they could begin construction on the house.

Vice-Chairperson Diaz mentioned there was a power pole on the property. Mr. Belgum stated he was speaking with AEP for the power pole placement on the northwest corner of the lot and that AEP was going to remove it. In addition, ATT was using that pole as

well.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one present in opposition of the variance request.

(Via teleconference) Ms. Deena Ponce, 811 S. McColl Road, stated she wanted to know how this would affect her property. She was on Lot 2, Virginia Terrace No. 1. Chairperson Salinas stated it would not affect her in anyway. Ms. Belgum had setback lines that she had to comply and wanted to push her house forward toward "G" Street.

Mr. John Millin **moved** to approve the variance requests subject to the footprint of the proposed construction. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the variance requests with five members present and voting

- c) Request of J. Tom Ashley III, FAIA for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 ft. into the 30 ft. required front yard setback for a proposed metal carport measuring 18 ft. by 18 ft. at Lot 5, Block 1, Western Acres Subdivision, Hidalgo County, Texas; 1417 Vine Avenue. **(ZBA2020-0024)**

Ms. Garza stated the applicant requested a special exception to allow a proposed carport measuring 18 ft. by 18 ft. with an encroachment of 15 ft. into the 30 ft. front yard setback. The carport will serve to protect the family vehicles against inclement weather.

The property was located on the south side of Vine Avenue. The lot has 60 ft. of frontage along Vine Avenue and a depth of 129.75 ft. with a total area of 7,785 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences and canal right of way to the north.

Western Acres Subdivision was recorded on March 04, 1952 and the subdivision plat indicates a front yard setback of 30 feet. The applicant applied for the special exception on May 19, 2020.

The subdivision plat does not indicated any utility easements along the front of the property.

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. Approval of a special exception request allowing a carport within the front yard may encourage future carports to be constructed in the front yard.

The submitted application stated the proposed carport is to encroach 15 ft. into the front yard setback; however, measurements provided are without the benefit of a survey. The applicant submitted in their request that he would like to encroach 1 ft. into the 6 ft. side yard setback however, based on the applicable 1945 Zoning Ordinance setbacks for this subdivision are 5 ft. on the west and 7 ft. on the east side. The carport will not encroach on the side yard setback.

The house did not have a garage for car storage.

No phone calls have been received in opposition to the special exception request.

Staff recommended disapproval of the special exception request since the request is not due to special conditions nor is the plight of the owner unique. However, if the board chooses to approve the request it should be limited to the encroachment shown in the submitted site plan.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Mr. Tom Ashley III, the applicant, stated he was representing his daughter. They were proposing to do a 18' x 18' carport out of metal. (At this time, he was speaking at the T.V. monitor to show the pictures away from the microphone). He stated the structure would be two steel columns with a canvas curved shaped cover that would allow for two cars. The maximum width was 25 feet but was requesting 18 feet. Mr. Ashley stated that previously they were proposing a guesthouse but since then decided not to apply. He stated he spoke with two of his neighbors and they were in favor of the canopy.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one present in opposition of the variance request.

Vice-Chairperson Erick Diaz **moved** to approve the special exception subject to the footprint of the proposed carport. Mr. Jose Gutierrez seconded the motion. The board voted unanimously to approve the special exception with five members present and voting

- d) Request of Laurel McLeaish for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 1.5 ft. into the 6 ft. rear yard setback for a proposed irregularly shaped swimming pool measuring 13.5 ft. by 27 ft. at Lot 10, The Legends Subdivision, Hidalgo County, Texas; 701 South H Street. (ZBA2020-0025)**

Ms. Garza stated the applicant requested the item to be tabled due to not being able to attend. Chairperson Salinas inquired what the staff recommended. He mentioned to hear the item.

Ms. Garza stated Laurel McLeaish was requesting the following variance to allow an encroachment of 1.5 ft. into the 6 ft. rear yard setback for a proposed pool measuring 13.5 ft. by 27 ft.

The property is located at the intersection of South H Street, and Galveston Avenue. The lot has 80.88 ft. of frontage along H Street and a depth of 135 ft. at its deepest point for lot size of 12,306 sq. ft. The property was zoned R-1 (single family residential) District. The surrounding land uses include single-family residential uses.

The Legends Subdivision was recorded on November 22, 1976. A note on the plat indicates that the rear yard setback requirement for the lot is 6 ft. A variance application for the proposed swimming pool was submitted on May 19, 2020.

The variance request is for a proposed swimming pool, which is an accessory structure and not a primary building. The site plan submitted shows the proposed distance from the rear property line to the outside wall of the swimming pool at 4.5 ft. The standard rear yard

setback for a standard lot in the R-1 (single family residential) district is 10 ft. In the past, the Board has approved variances for accessory buildings.

The site plan shows a proposed irregular shaped swimming pool encroaching 1.5 ft. into the 6 ft. rear yard setback. In the past, swimming pools were allowed to be built within setbacks; however, a subsequent determination by the City's Legal Department included swimming pools as structures, which require compliance with setbacks.

Staff had not received any phone calls from the surrounding property owners in opposition to these variance requests.

Staff recommended disapproval of the variance request. If the Board chooses to grant the variance, it should be limited to the footprint of the pool plan as submitted.

Chairperson Salinas asked staff if it was the edge of the water or the deck. Ms. Garza stated it was edge of the water. Chairperson Salinas asked if there were any utility easements in the rear area where it was encroaching. Ms. Garza stated no, it was a 6 ft. rear setback as per the plat.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one present in opposition of the variance request.

Ms. Hinojosa asked if there were any complaints from the neighbors. Ms. Garza stated no.

Ms. Sylvia Hinojosa **moved** to approve the variance request subject to the footprint of the pool plan as submitted. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the variance request with five members present and voting.

- e) Request of Pablo Hernandez to allow the following special exception to the City of McAllen Off-Street Parking and Loading Ordinance: to not provide one parking space beyond the front yard setback for an existing single family residence at Lot 50, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4605 Swallow Avenue. **(ZBA2020-0026)**

Mr. Sanchez stated the applicant requested a special exception to the parking requirement of one off-street parking space for single-family uses beyond the front yard setback as required by Section 138-394 of the Zoning Ordinance. The applicant purchased the residence with an enclosed single car garage that has eliminated the one parking space beyond the front yard setback line. The applicant wishes to keep the enclosure as is.

The subject property was located on the south side of Swallow Avenue approximately 310 ft. west of N. 45th Street. The property has 50 ft. of frontage along Swallow Ave and a depth of 100 ft. with a lot size of 5,000 square feet. Surrounding land uses are single-family residences.

Plantation Gap Subdivision Phase 2 was recorded on July 11, 2006. The Board of

Commissioners amended the Zoning Ordinance in 1999 to require one parking space beyond the front yard setback in order to enhance the appearance of single-family residential areas. The subject property and subdivision is subject to compliance with the zoning requirement of one parking space beyond the front yard setback line.

The previous property owner had applied for the Building Permit to enclose the garage in March 2013, but was disapproved and he never applied for the Variance. The current property owner purchased the property with the garage enclosed and applied for the special exception on May 20, 2020.

The Board has approved two similar variances one on August 7, 2013, located at 4709 Swallow Avenue (Lot 56) for extra living space, and one on June 4, 2013, located at 4517 Swallow Avenue (Lot 48) for an extra bedroom. There are four other homes on Swallow Avenue that have enclosed their garages but have not applied for a special exception.

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residential areas by eliminating the number of cars parked along the street and within the front yard. Approval of the request may encourage other property owners with single car garages to enclose their garage. Surrounding residences have enclosed their garages within the neighborhood.

Staff had not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

Staff recommended disapproval of the special exception requested.

(Via teleconference) Mr. Pablo Hernandez, the applicant, stated when he bought the house the garage had already been enclosed. He stated there might have been a couple of houses with their garages enclosed.

Mr. John Millin asked that they needed one parking space beyond the enclosed garage toward the street. Mr. Sanchez stated yes. The garage was that space beyond the front yard setback. The required number of parking spaces for a single-family residence was two parking spaces. One of those had to be beyond the front yard setback, which was where the garage was located.

Mr. Sanchez stated the applicant wanted to resolve it since he had received notice that it was a requirement.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was no one present in opposition of the variance request.

Ms. Sylvia Hinojosa **moved** to approve the special exception. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to approve the special exception with five members present and voting.

- f) Request of Isaura Vasquez Castillo for the following variances to the City of McAllen Zoning Ordinance: 1) to allow an encroachment of 20 ft. into the 20 ft.

front yard setback for a carport measuring 20 ft. by 30 ft.; and **2)** to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft. at Lot 141, Shadow Brook Subdivision Unit 1, Hidalgo County, Texas; 2024 Hawk Avenue. **(ZBA2020-0027)**

Mr. Sanchez stated the applicant is requesting the following special exception 1) to encroach 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft., and 2) to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft., in order to protect their vehicles from the elements and to provide a cooler vehicle before loading the children in the vehicle.

The subject property was located on the north side of Hawk Avenue approximately 50 ft. east of North 21st Street. The property had 50 ft. of frontage along Hawk Avenue, with a lot size of 5,000 square feet. Surrounding land use are single-family residential.

Shadow Brook Subdivision Unit 1 was recorded on February 25, 1980. The residential home was built in 1984. An application for a building permit and application for the special exception was submitted on May 20, 2020. The adjacent neighbor to the west did apply for the same variance in February 5, 2014 and the Board disapproved the request, but the carport was never removed.

Request #1 is to allow an encroachment of 20 ft. into the 20 ft. front yard setback, for a proposed carport measuring 20 ft. by 30 ft. The standard setback for the front yard for a lot in the R-1 zone is 20 ft.

Request #2 is to allow an encroachment of 2 ft. into the 6 ft. side yard setback, for a carport measuring 20 ft. by 30 ft. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

If the request are approved it may encourage other property owners in applying for special exception to encroach into the front and side yard setbacks. Approval of the special exception requested will allow the proposed construction as depicted on the site plan.

Staff had not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

Staff recommended disapproval of the special exception requested.

Chairperson Salinas indicated that in the presentation, special exception was mentioned but on the agenda item, it stated variance. Mr. Sanchez stated they spoke with legal counsel and stated it was all right with it.

Vice-Chairperson Diaz asked staff if they had spoken to the applicant to revise the size of the carport or not going up to the property line. Mr. Sanchez stated he did not get an opportunity to speak with the applicant.

Mr. Millin asked staff if the carport would be in character with the rest of the neighborhood. Mr. Sanchez stated that neighborhood there was probably other similar structures. One of the adjacent property lots had one.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the special exception. There was no one to speak in favor of the special exception.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the special exception. There was no one present in opposition of the special exception.

Ms. Sylvia Hinojosa moved to table the special exception to allow the applicant an opportunity to be present at the meeting and to consider reducing the encroachment. Vice-Chairperson Erick Diaz seconded the motion. The board voted unanimously to table the special exception with five members present and voting.

- g) Request of Fernando Morales for the following variance to the City of McAllen Zoning Ordinance: to allow an encroachment of 7 ft. into the 12 ft. side yard setback for a new building at Lot 1, Golden Corral Subdivision, Hidalgo County, Texas; 4310 N. 10th Street. (ZBA2020-0028)**

Mr. Sanchez stated the applicant requested a variance to encroach 7 ft. into the 12 ft. side yard setback for a proposed new retail building. The applicant has indicated that building on the lot line would prevent them from having an exit on the north side of the building and providing the 12 ft. side yard setback would create issues with the parking lot layout to the south of the building.

The subject property was located on the east side of N. 10th Street, approximately 850 ft. north of Nolana Ave. The tract had 196 ft. of frontage along N. 10th Street with lot size of 99,960 square feet. The property is zoned C-3 (general business) District. Surrounding zoning is R-1 (single- family residential) District to the east, R-3A (multifamily apartment) District also to the east, and C-3 to the west and south.

Golden Corral Subdivision was recorded on July 30, 1991. The site is currently vacant and was previously the location of Golden Corral and the demolition permit was approve on March 18, 2019. An application for building permit had not been submitted.

Request is to allow an encroachment of 7 ft. into the 12 ft. side yard setback for a new building. The applicant has stated that they will still provide the firewall even though they will be 5 ft. from the north property line and will also provide a buffer between the building and the north property line. The standard setback for C-3 is zero feet with a firewall or half of the building height.

Staff had not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

Staff recommended disapproval of the variance as requested.

Ms. Sylvia Hinojosa asked staff what the applicant was proposing to build. Mr. Sanchez stated the application request indicated a retail building.

Mr. Fernando Morales, the applicant, and Mission Restaurant Supply, represented by Candid Rogers Architects. They were designing a new retail store location for the applicant. It would be a 22,000 square foot retail establishment. They were aware that the Code allowed a building to be located on the lot line so long as the firewall was provided. However, they learned from staff that a building also with a firewall provided could not be located five feet off the property line, which would a less hazardous configuration in terms of fire spread than to be on the property line. Their reasons for this would be one, their driveway and parking on the south side of the building was small and could not be

reduced. Second, would like to have an emergency exit door out of the north side of the building with concrete steps and metal railing leading down to ground level. Third, the neighbor to the north had a fence line that was currently located on the property line with trees and landscaping that they would not be eliminated but to be neighborly.

Chairperson David Salinas inquired if there was anyone present to speak in favor of the variance request. There was no one to speak in favor of the variance request.

Chairperson David Salinas inquired if there was anyone present to speak in opposition of the variance request. There was one person present in opposition of the variance request.

Mr. Tommy Vela, 620 South 12th Street, represents the McAllen Properties Subdivision, Lots 1, 2 and 3 north and adjacent to the proposed Golden Corral lot. He stated they did not want the building any closer. There was plenty of space on the property to build their proposed building. He stated they do not maintain the landscaping, which was maintained by the previous owner. There was residential to the east. The Verizon building on Lot 1 was very close to the lot line as well as Lot 2. He was in opposition of the variance request.

Vice-Chairperson Diaz asked the applicant if Verizon was on the lot line. Mr. Vela stated he did not know if it was on the lot line but it would be the closest building. He stated there was a backyard possibly 10 feet.

Mr. John Millin asked what kind of buffer was between the properties. Mr. Vela stated there was none.

(Via teleconference) Mr. Michael Fallek, stated he was in opposition of the variance request. He stated his office was in the building north and adjacent to proposed property. He agreed with Tommy Vela comments.

Mr. Morales stated that if denied their response would not to move the building to the south 12 feet but to comply by placing the wall of the building on the lot line. Out of courtesy to the neighbors, they were proposing placing the building five feet off the lot line, which would provide more of a buffer to them.

Chairperson Salinas asked the representative what they were proposing to put where the five foot setback and the property line. They were planning on a landscaping area.

Mr. Millin asked if the applicant move the building seven feet south would that create any problems with the parking or the amount space they need for parking. Mr. Fernando stated yes. The side of the building they had a driveway and parking spaces, which they need to maintain minimum width for the large trucks to deliver products.

Chairperson Salinas asked Mr. Morales if they were processing a site plan with staff to accommodate the building and the parking. Mr. Morales stated they did not submit for plan review yet but their Civil Engineer, who was present, could them more information in depth has been in contact with City's staff with the configurations. He state the process was moving further along.

(Via teleconference) Mr. Fallek inquired what Mr. Morales was stating, he could not hear clearly. Chairperson Salinas was reiterating what Mr. Morales was proposing to do with the setbacks and the firewall.

Mr. Millin commented that there was no hardship. He stated there was no discussion on the design of the building whether it could be widened or reduced and still comply with City code and the setbacks.

Vice-Chairperson Erick Diaz moved to approve the variance request. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously with four members voting aye and one nay, Mr. John Millin.

- h) Request of Sofia Garza for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 16.5 ft. into the 20 ft. front yard setback for an existing single family residence with a porch, at Lot 5, Block 3, Colonia Guadalupe Subdivision, Hidalgo County, Texas; 1709 Oakland Avenue. **(ZBA2020-0012) (TABLED: 04/01/2020) (REMAIN TABLED: 04/15/2020, 05/20/2020, 6/03/2020, 06/17/2020)**

Staff recommended the request remain tabled and has been re-noticed and will be heard at the next meeting.

- i) Request of U.S. Rags, Inc. for a special exception to the City of McAllen Off-Street Parking and Loading Ordinance and a variance to the City of McAllen Zoning Ordinance to allow: **1)** 22 parking spaces instead of the required 36 parking spaces for a proposed commercial building measuring 13,000 sq. ft. and **2)** an encroachment of 10 ft. into the 15 ft. side yard setback along the north and south property lines for a proposed commercial building measuring 13,000 sq. ft. at 0.99 acre tract of land out of Lot 18, Block 3, C.E. Hammond's Subdivision, Hidalgo County, Texas; 2621 South 23rd Street. **(ZBA2020-0013) (TABLED: 04/15/2020, 05/20/2020, 06/03/2020) (TABLED: 06/17/2020)**

Mr. Jose Gutierrez moved to remove the item from the table. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously with five members present and voting.

Mr. De la Garza stated the applicant was requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 22 parking spaces instead of the required 36 parking spaces for a commercial building. The applicant states the basis for this request is that at any given time only 3 or 4 parking spaces are used by customers and office personnel. The applicant is also requesting a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the required side yard setback of 15 ft. on the north and south side of the property. The basis for the request to encroach into the side yard setbacks is that a 5 ft. utility easement prevents construction to the lot line as allowed by the Zoning Ordinance

The property was located on the east side of South 23rd Street at the intersection with Jordan Road, and is zoned C-3 (general business) District. Surrounding areas are zoned C-3 District to the north, south and west, and R-1 (single family residential) District to the east.

A subdivision plat for this property under the name of, "2621 South 23rd Street Subdivision" was approved in final form at the Planning and Zoning Board meeting of March 10, 2020.

The applicant was proposing to build a 13,000 sq. ft. commercial building for retail use on the subject property. As per Section 138-395, the ordinance states four parking spaces are

required for the first 400 sq. ft. of floor area plus one parking space for each additional 400 sq. ft. of floor area for commercial use. Based on the square footage of the proposed commercial building, 36 parking spaces are required and 22 parking spaces are proposed. The shortage of parking spaces could create stacking issues on South 23rd Street, and also parking issues with customers using parking spaces from neighboring businesses.

The applicant was also requesting a variance to allow an encroachment of 10 ft. into the required 15 ft. side setback on the north and south side of the property. A general note on the proposed subdivision plat indicates that the proposed side yard setbacks will have to be in accordance with the Zoning Ordinance or greater for easements. The proposed subdivision plat also indicates that there are 5 ft. utility easements along the north and south property lines. Section 138-356 (11) of the Zoning Ordinance indicates that side yard setbacks in commercial areas from all lot lines shall be one foot back for each two feet in height including corner lots, except a building may be built to a lot line when not adjacent to a residential zone and where a firewall is provided between uses. The proposed building will be 30 ft. in height; hence, required side setbacks will be 15 ft. The proposed 5 ft. utility easements along the side of the property prevent the proposed building from being constructed to the lot line. A letter submitted by the applicant indicated that he was willing to provide a firewall if the 5 ft. setback variance is approved. The utility easements will not be impacted by the proposed commercial building.

No calls or emails have been received in opposition.

Staff recommended disapproval of the special exception, and approval of the variance request.

Vice-Chairperson Erick Diaz inquired the site plan was different from the survey. Staff stated they were going to take the existing building and construct a new building.

Mr. John Millin inquired about the amount of parking spaces they were not going to need because of the type of business. Staff stated the applicant had mentioned that any given time during the day they only needed 3 or 4 parking spaces.

At this time, under the City Attorney's instructions the item was to be tabled.

Ms. Sylvia Hinojosa **moved** to table the item. Mr. John Millin seconded the motion. The board voted unanimously to table the item with five members present and voting.

- j) Request of Oralía Rodriguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft., at Lot 131, Plantation Gap Subdivision Phase 1, Hidalgo County, Texas; 4400 Sandpiper Avenue **(ZBA2019-0057) (TABLED: 01/15/2020) (TABLED: 02/05/2020, 03/04/2020, 04/01/2020, 04/15/2020, 05/20/2020, 06/03/2020)**

Mr. John Millin **moved** to remove the item from the table. Mr. Jose Gutierrez seconded the motion. The board voted unanimously with five members present and voting.

Mr. De la Garza stated Mrs. Oralía Rodriguez; the property owner requests a special exception to allow an encroachment of 25 ft. into the 25 ft. front yard setback for a wooden carport with decorative columns measuring 25.0 ft. by 20.0 ft. The applicant has indicated that the basis for the request is allow the existing structure to remain.

The property was located on the northwest corner of Sandpiper Avenue and North 44th Lane. The lot had 60 ft. of frontage along Sandpiper Avenue and a depth of 102.98 ft. for a lot size of 6,178.8 sq. ft. The property was zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are single-family residences in all directions.

Plantation Gap Subdivision Phase 1 was recorded on December 20, 2004. A general note on the subdivision plat indicates a front yard setback of 25 feet. A citation for doing work without a permit was issued on October 17, 2019. The applicant applied for the special exception on October 16, 2019. An application for a building permit was submitted on October 16, 2019, and it is under review by city departments.

The subdivision plat indicated there was a 5 ft. utility easement that runs along the front property line. 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. Approval of a variance allowing a carport within the front yard may encourage future carports to be constructed in the front yard

The submitted site plan indicates the proposed carport to be along the front property line; however, measurements provided are without the benefit of a survey. The applicant also submitted an application for an abandonment of the 5 ft. utility easement that runs along the front property line on October 24, 2019 and it is being reviewed by various city departments.

No phone calls have been received in opposition to the special exception request.

At the Zoning Board of Adjustments and Appeals, meeting of January 15, 2020 no one appeared in opposition to the variance request. The applicant was present. Staff recommended to table the variance request to until the City departments review the abandonment request. After a brief discussion, the Board voted to table the variance request with five members present and voting.

At the Zoning Board of Adjustments and Appeals, meeting of February 5, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

At the Zoning Board of Adjustments and Appeals, meeting of March 4, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with six members present and voting.

At the Zoning Board of Adjustments and Appeals, meeting of April 1, 2020 no one appeared in opposition to the variance request. Staff recommended the item to remain tabled until the City departments review the abandonment request. After no discussion, the Board voted to table the variance request with five members present and voting. Staff recommended approval subject to the conditions of the abandonment.

Mr. Jose Gutierrez inquired when the carport was built. Mr. De la Garza stated there was a citation from October 2019 and that was when the carport was built without a permit.

Mr. John Millin inquired if at one time the City recommending disapproval. Staff stated yes. Mr. Millin asked what changed. Mr. De la Garza stated the applicant applied for an abandonment. There was also a utility easement running along the south property line, which was in front. After the reviews from the different departments, they all agreed there was no issues with the structure being there.

Vice-Chairperson Erick Diaz inquired if there was anyone present to speak in favor of the special exception. There was no one to speak in favor of the special exception.

Vice-Chairperson Erick Diaz inquired if there was anyone present to speak in opposition of the special exception. There was no one present in opposition of the special exception.

Mr. John Millin **moved** to approve the special exception subject to the conditions of the abandonment. Ms. Sylvia Hinojosa seconded the motion. The board voted unanimously to approve the special exception with five members present and voting.

FUTURE AGENDA ITEMS:

- a) 2229 Ivy Avenue
- b) 821 North 27th ½ Street
- c) 2013 V-W Avenue
- d) 1709 Oakland Avenue

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Mr. John Millin **moved** to adjourn the meeting. Ms. Sylvia Hinojosa seconded the motion, which carried unanimously with five members present and voting.

Chairperson
David Salinas

Carmen White, Secretary

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 23, 2020

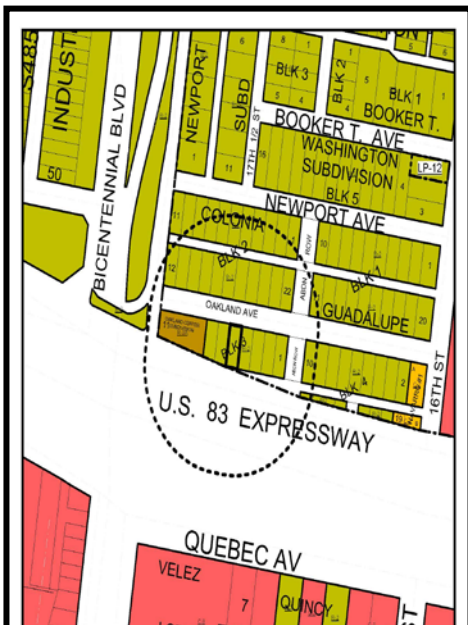
SUBJECT: REQUEST OF SOFIA GARZA FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR AN EXISTING SINGLE FAMILY RESIDENCE AND AN EXISTING PORCH MEASURING 6 FT. BY 22.4 FT., AND 2) AN ENCROACHMENT OF UP TO 3.5 FT. INTO THE 3.5 FT. SIDE YARD SETBACK FOR AN EXISTING PORCH AREA MEASURING 11.7 FT. BY 6.2 FT., AT LOT 5, BLOCK 3, COLONIA GUADALUPE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1709 OAKLAND AVENUE. (ZBA2020-0012)

REASON FOR APPEAL:

The applicant is requesting a variance to allow encroachments of 20 ft. into the 20 ft. front yard and 3.5 ft. into the 3.5 side yard setback for an existing wooden porch. The applicant stated that the basis for the request is that she wants to provide shade for her 81-year-old grandmother and they were unaware of the need to obtain a building permit or the need to observe setbacks.

PROPERTY LOCATION AND VICINITY:

The property is located along the south side of Oakland Avenue. The lot has 30 ft. of frontage along Oakland Avenue with a depth of 80 ft. for a lot size of 2,400 square feet. The property is zoned R-2 (duplex-fourplex residential) District. Adjacent zonings is R-2 District to the north, east, and west. There is R-3A (multifamily residential apartments) District at the northeast corner of Bicentennial Boulevard and U.S. Expressway 83. Surrounding land uses include single-family homes and an apartment complex.



BACKGROUND AND HISTORY:

Amended Map of Colonia Guadalupe Subdivision was recorded on July 28, 1944. The plat does not indicate plat notes. The City of McAllen Zoning Ordinance, Section 138-368. - Side yards (f) states that where a lot of record at the time of the effective date of the ordinance from which this chapter is derived is less than 50 feet in width, the required side yard may be reduced to ten percent of the width of the lot, provided that no side yard shall be less than 3½ feet. Building Inspection Department records show that a stop work order was issued for construction without a permit on July 2018. A building permit application was submitted on July 2018 to build a wooden porch. A variance request was submitted on March 04, 2020. The Hidalgo County Appraisal District shows that a canopy was built in 2017. A contractor performed the work and the applicant was unaware that a building permit had not been obtained for the work.

ANALYSIS:

Variance #1 the applicant is requesting an encroachment of 20 ft. in the 20 ft. front yard setback for the wooden porch. The variance request is for an existing wooden porch measuring 6 ft. by 22.4 ft. that is encroaching into the 20 ft. front yard setback. There are no utility and irrigation easements shown on the plat.

Variance #2 the applicant is requesting an encroachment of 3.5 ft. into the 3.5 ft. side yard setback for the wooden porch. The variance request is for an existing wooden porch portion measuring 6.2 ft. by 11.7 ft. that is encroaching 3.5 ft. There are no utility and irrigation easements shown on the plat.

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. Approval of the variance request will not change the character of the neighborhood because the neighborhood shows several front and side yard encroachments around the area.

During the inspection of the site, it was noticed that the fence along the front property line appears to extend to the sidewalk, which may be inside of the Oakland Avenue 45 ft. right-of-way.

A review of Planning Department records did not reveal any other variances or special exceptions granted along this block.

Measurements shown on the site plan are without the benefit of a survey.

The Planning Department has not received any calls in opposition of the request.

RECOMMENDATION:

Staff recommends disapproval of the variance requests.

ZBOA
4-1-20

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	<p>Legal Description <u>Col. Guadalupe lot 5 block 3</u></p> <p>Subdivision Name <u>Col Guadalupe</u></p> <p>Street Address <u>1709 OAKLAND AVE</u></p> <p>Number of lots <u>1</u> Gross acres _____</p> <p>Existing Zoning <u>R2</u> Existing Land Use <u>Residencia</u></p> <p>Reason for Appeal (please use other side if necessary) <u>La razón que pasó un señor y le ofrecio a hacerlo</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required</p>
	<p>Applicant</p> <p>Name <u>SOFIA GARZA</u> Phone <u>956 (616-3440)</u></p> <p>Address <u>1709 OAKLAND AVE</u> E-mail <u>limit W. A</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>
Owner	<p>Name <u>S A M E</u> Phone _____</p> <p>Address _____ E-mail _____</p> <p>City _____ State _____ Zip _____</p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>SOFIA GARZA</u> Date <u>03-04-20</u></p> <p>Print Name <u>SOFIA GARZA</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>L.G.</u> Payment received by _____ Date _____</p> <p>Rev 10/18</p> <p style="text-align: right;"> MAR 04 2020 BY: <u>CM</u> </p>



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

mi mama que tiene 81 años hacer el
porche y mi mamá no sabía que se tenía
que sacar un permiso y como ella le
gusta estar afuera para tener sombra
y no sabía que tenía que dejar 20 pies de la
línea propiedad enfrente en donde está
el porche y por eso dejó el espacio
de 3.5 pies

Board Action

Chairman, Board of Adjustment
Signature

Date



P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

BUILDING PERMIT APPLICATION

REV. 10/16

PERMIT APPLICATION REFERENCE NUMBER

102586

RES2018-04471

APPLICANT

NAME SOFIA GARTIA PHONE 956-616-3440

ADDRESS 1709 OAKLAND

CITY McAllen STATE TX ZIP 78501

CONTACT NAME: _____ PHONE _____

☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME SOFIA GARTIA PHONE 956-616-3440

ADDRESS 1709 OAKLAND *EMAIL: _____

CITY McAllen REQ'D _____

STATE TX ZIP 78501

*OWNER INFORMATION NOT PROVIDED, INITIAL: _____

☒ NEW ☐ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE _____ BLDG. HGT. _____ NO. OF FLOORS _____

BLDG SQ. FT. 115 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL. ABOVE CURB _____

EXISTING USE OF LOT _____ NEW USE _____ IMPROVEMENT VALUE \$ 400.00

SCOPE OF WORK TO BE DONE Front Carport

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION

- ☐ CONCRETE SLAB
☐ CONCRETE PIER
☐ CONCRETE BLOCK
☐ CONCRETE BEAM
☐ WOOD POSTS
☐ _____

EXT WALL

- ☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ _____

ROOF

- ☐ WOOD SHINGLE
☐ COMPOSITION
☐ METAL
☐ BUILD UP
☐ _____

SPECIAL CONDITIONS

- ☐ FIRE SPRINKLER SYSTEM
☐ FIRE ALARM SYSTEM
☐ TYPE OF CONSTRUCTION _____
☐ ASBESTOS SURVEY
☐ EABPRJAB#:
☐ CONDEMNED STRUCTURE

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 1709 ST. NAME Oakland

CITY USE ONLY

ZONING _____ PERMIT FEE \$ 48.00 ✓ DOUBLE FEE \$ 48.00PARK DEV. ☐

PERMIT REVIEW FEE \$ _____

TOTAL PERMIT FEE \$ 96.00

ZONE # _____

PARK DEVELOPMENT FEE \$ _____

REC'D BY [Signature]DATE 7-18-18

TIME _____

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

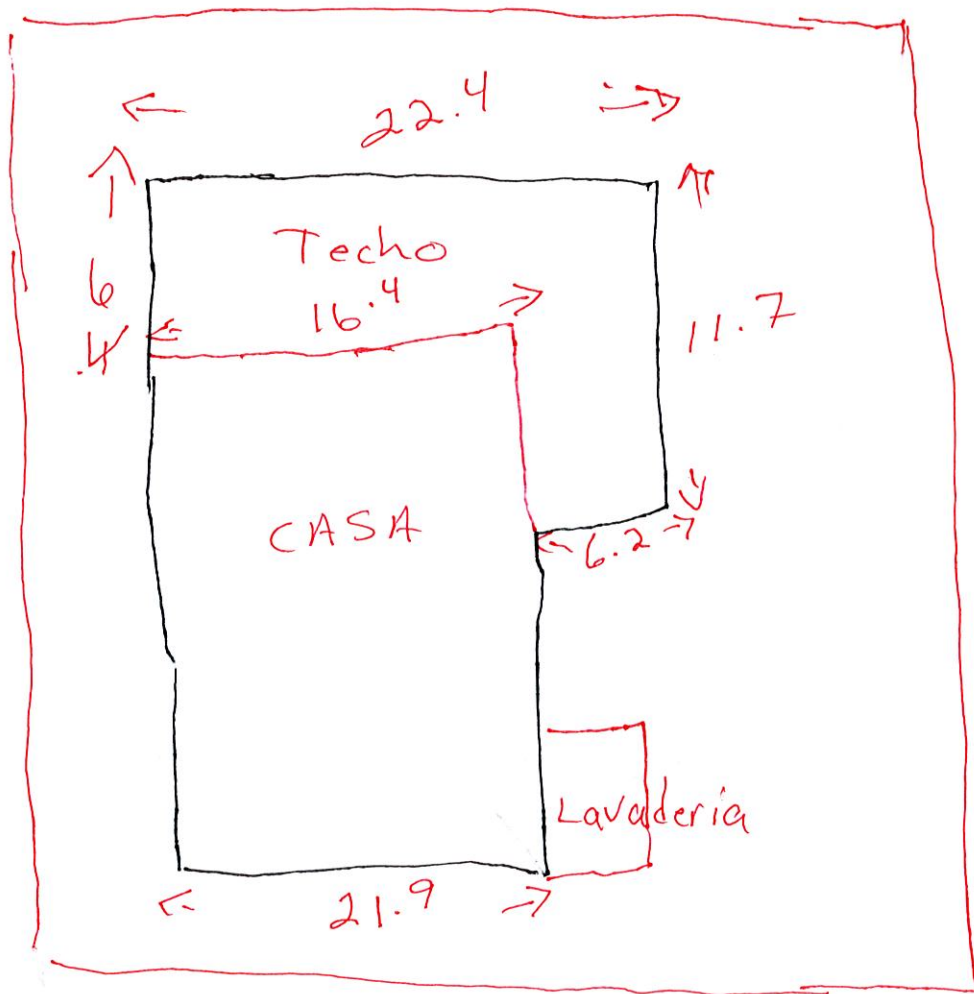
PRINT (AUTHORIZED AGENT/OWNER)

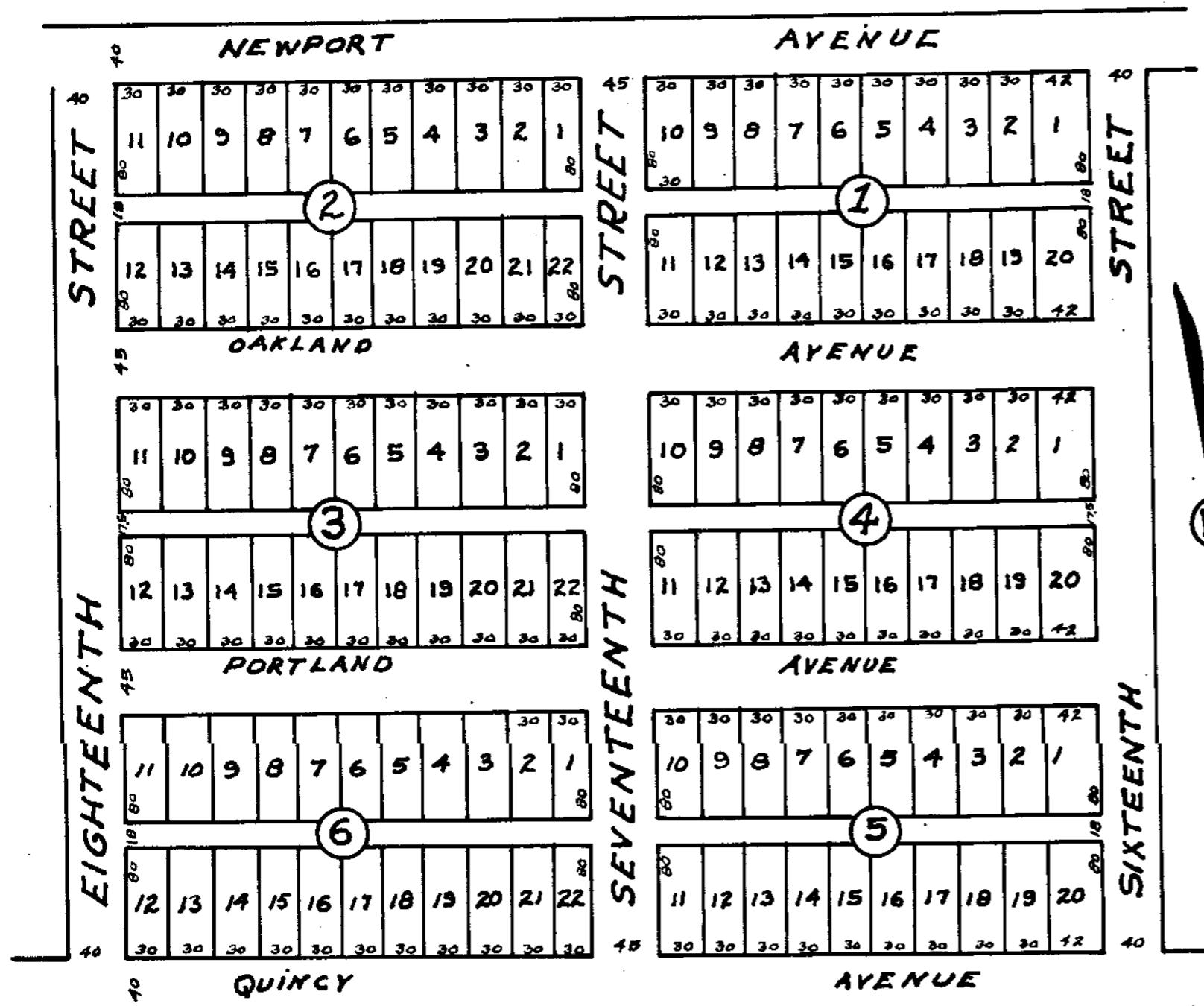
SIGNATURE

EMAIL ADDRESS (required)

DATE

SOFIA GARTIA07-16-18





AMENDED
MAP
 OF
COLONIA GUADALUPE
 BEING A SUBDIVISION
 OF
 LOT 13 N.W. $\frac{1}{4}$ SECTION 7
 HIDALGO CANAL COMPANYS SUBDIVISION
 OF
 - PORCIONES 64-65 & 66 -
 HIDALGO COUNTY TEXAS
 Scale 1"=100ft

I, E. M. Card, a Surveyor do hereby Certify that the foregoing Map of Colonia Guadalupe Being a Subdivision of Lot 13 N.W. $\frac{1}{4}$ Section 7 Hidalgo Canal Companys Subdivision of Porciones 64, 65 & 66 Hidalgo County, Texas is a true and Correct Plat of said lands as Surveyed and Subdivided by me this 28th day of February 1944

E. M. Card
 SURVEYOR.

Subscribed and Sworn to before me this 29th day of March, 1944

C. D. Martin
 C. D. MARTIN
 Notary Public in and for Hidalgo County, Texas

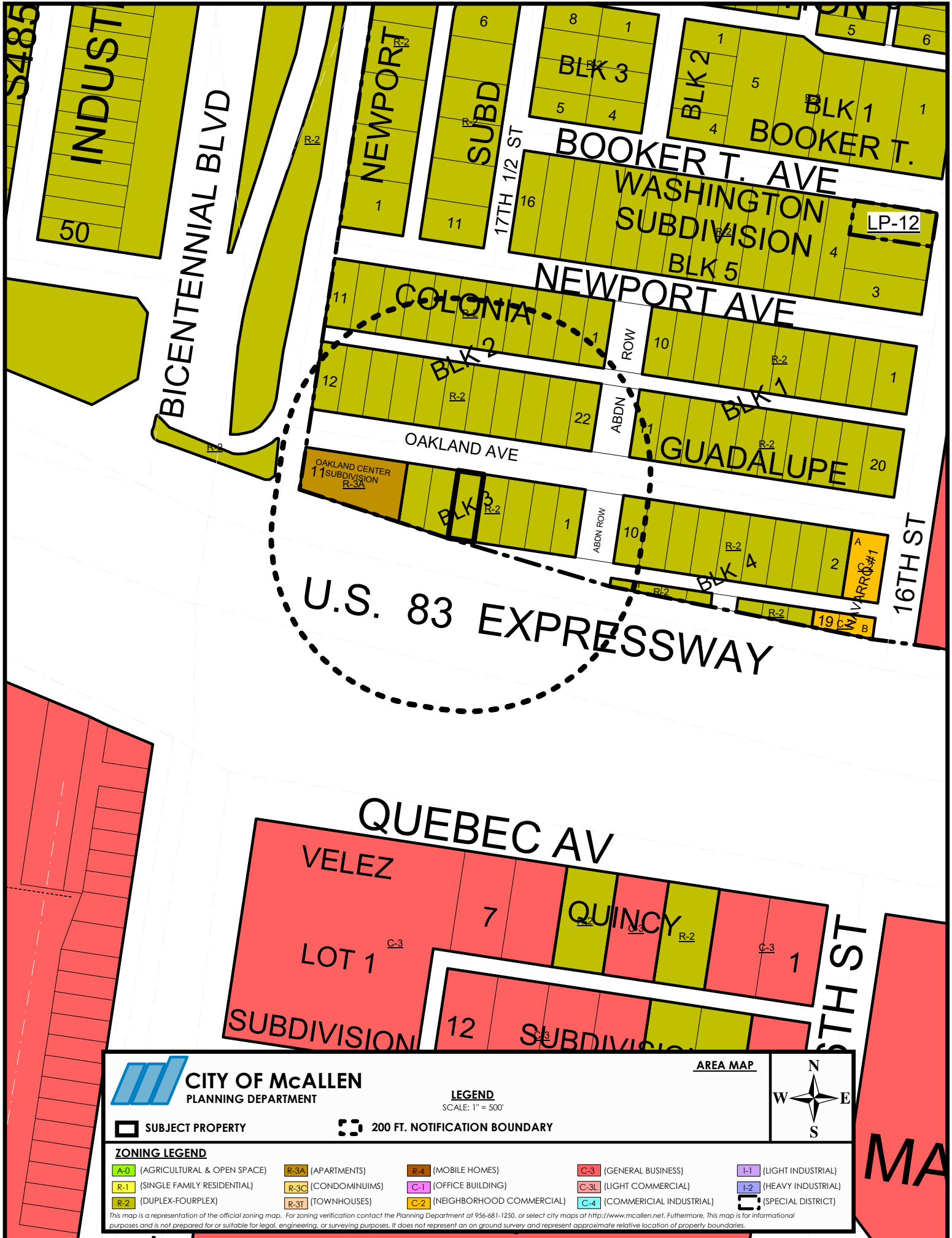
We, the undersigned Mayor & City Secretary, respectively of the City of McAllen Texas, do hereby Certify that at a meeting of the Board of Commissioners of Mc Allen, Texas, held on the 5th day of April, 1944, the above and foregoing map, or Plat, of Colonia Guadalupe an addition to and within the City of McAllen, was duly approved by the Commissioners of said City and ordained that same may be recorded in the Map Records of Hidalgo County Texas

Witness our hands and Seal of City this 5th day of April 1944

Man Drosal
 City Secretary

Lorace Etchison
 Mayor

Filed July 28, 1944 at 11:00 A.M.



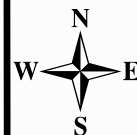


CITY OF McALLEN
PLANNING DEPARTMENT

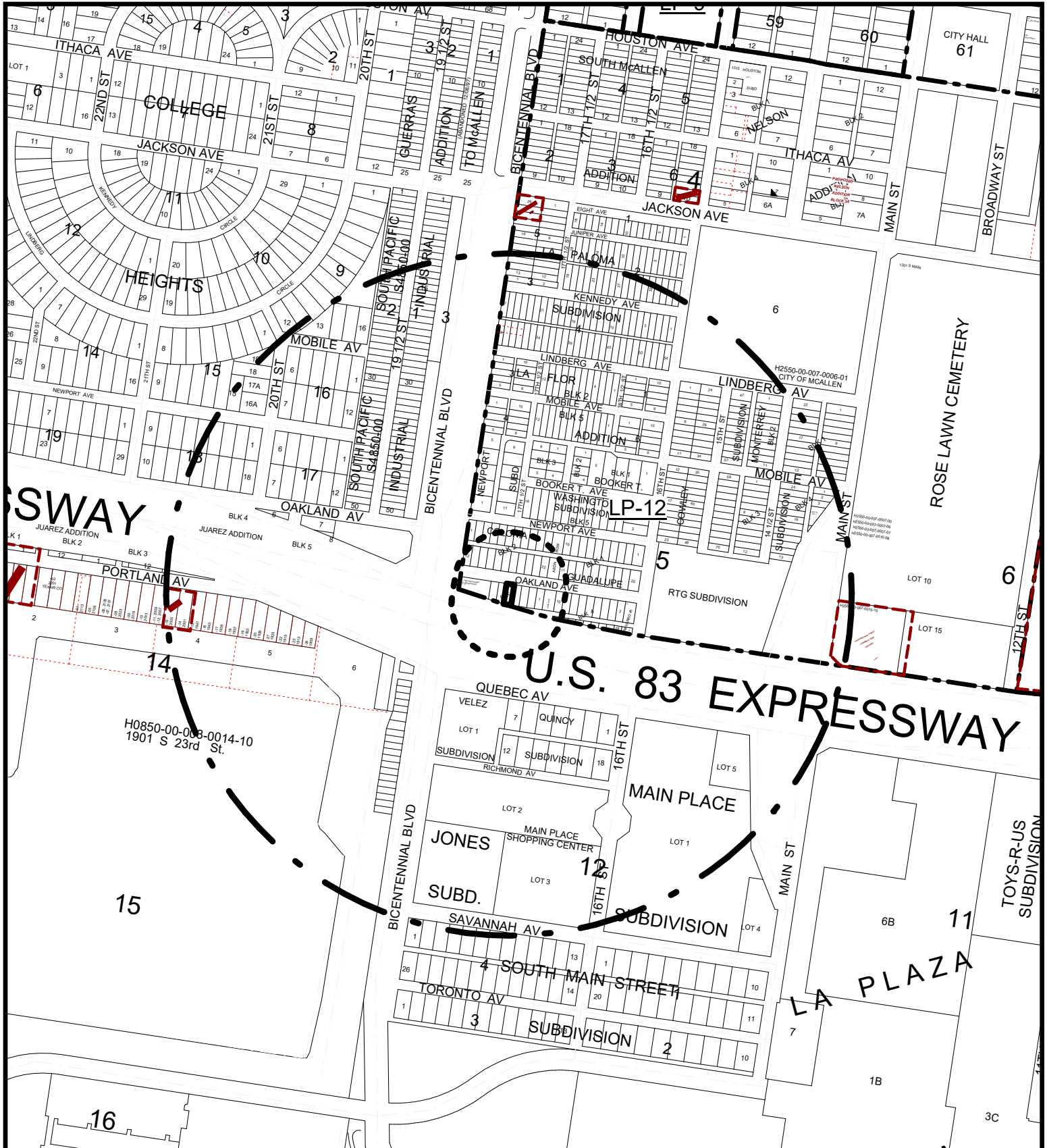


SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, This map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND

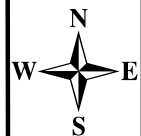
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

AREA MAP



ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)

R-3A (APARTMENTS)

R-4 (MOBILE HOMES)

C-3 (GENERAL BUSINESS)

I-1 (LIGHT INDUSTRIAL)

R-1 (SINGLE FAMILY RESIDENTIAL)

R-3C (CONDOMINIUMS)

C-1 (OFFICE BUILDING)

C-3L (LIGHT COMMERCIAL)

I-2 (HEAVY INDUSTRIAL)

R-2 (DUPLEX-FOURPLEX)

R-3T (TOWNHOUSES)

C-2 (NEIGHBORHOOD COMMERCIAL)

C-4 (COMMERCIAL INDUSTRIAL)

(SPECIAL DISTRICT)

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NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0012

1709

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 26, 2020

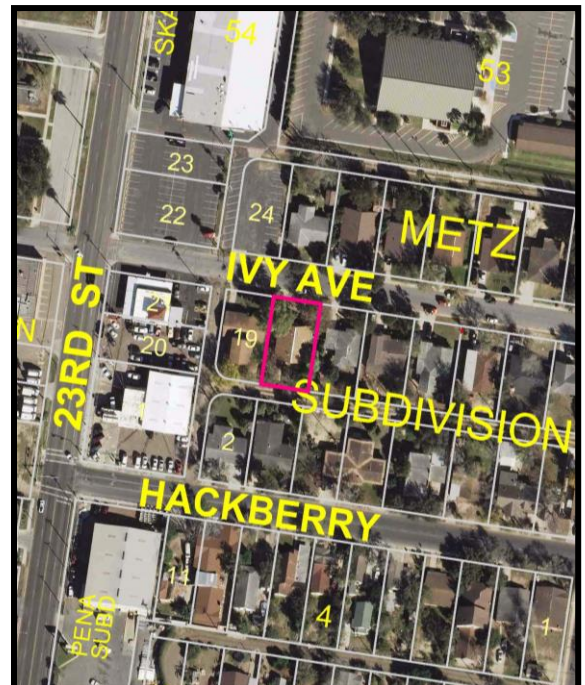
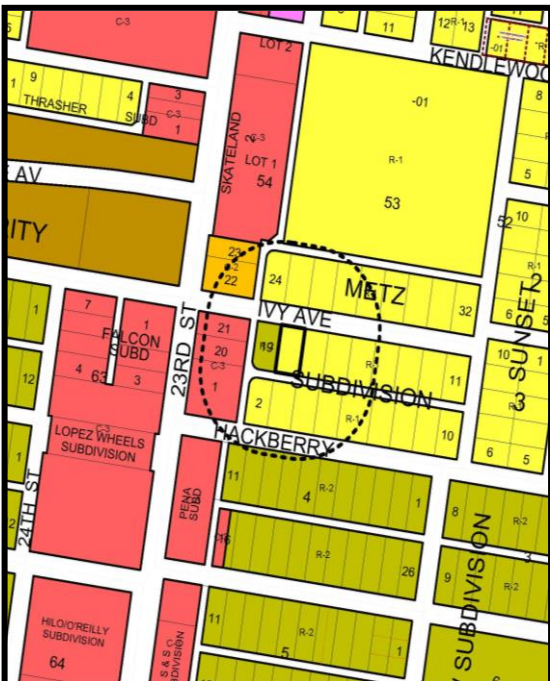
SUBJECT: REQUEST OF JOSE ALFREDO VARGAS ON BEHALF OF MARIA ROMANA VARGAS FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 15.75 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR AN EXISTING TREEHOUSE STRUCTURE MEASURING 12 FT. BY 11.83 FT., AND 2) AN ENCROACHMENT OF 3.25 FT. INTO THE 5 FT. SIDE YARD SETBACK ALONG THE WEST PROPERTY LINE FOR AN EXISTING TREEHOUSE STRUCTURE MEASURING 12 FT. BY 11.83 FT., AT LOT 18, BLOCK 3, METZ SUBDIVISION, HIDALGO COUNTY, TEXAS; 2229 IVY AVENUE. (ZBA2020-0029).

REASON FOR APPEAL:

Jose Alfredo Vargas on behalf of Maria Romana Vargas, owner of the property, is requesting variances to allow encroachments, 1) to allow an encroachment of 15.75 ft. into the 25 ft. front yard setback for an existing treehouse structure measuring 12 ft. by 11.83 ft., 2) to allow an encroachment of 3.25 ft. into the 5 ft. side yard setback for an existing treehouse structure. The request is to allow the structure to remain. The existing tree house is used for the safety and enjoyment of the applicant's children.

PROPERTY LOCATION AND VICINITY:

The subject property has frontage on Ivy Avenue and is approximately 230 ft. away from 23rd street. The lot has 64.1 ft. of frontage on Ivy Avenue and a depth of 115 ft. The property is zoned R-1 (single family residential) District. The surrounding land uses are single-family residences.



BACKGROUND AND HISTORY:

Metz Subdivision No's 1, 2, & 3 was recorded on February 12, 1962. A citation for remodeling without a permit was issued on August 22, 2019. The applicant submitted an application for a building permit on August 22, 2019. The variance request was submitted on May 22, 2020.

ANALYSIS:

Variance request # 1 is to allow an encroachment of 15.7 ft. into the 25 ft. front yard setback. There is no utility and irrigation easement shown on the plat. 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 of properties in a subdivision. The standard setback for the front yard for a lot in the R-1 District is 25 ft.

Variance request # 2 is to allow an encroachment of 3.25 ft. into the 5 ft. side yard setback for an accessory building that is a treehouse that is built around an existing tree. The standard setback for the side yard for a lot in the R-1 zone is 6 ft.

Accessory buildings are customarily located in the rear yard.

Staff has not received any phone calls in opposition to the request.

RECOMMENDATION:

Staff recommends disapproval of the variance requests. If the Board chooses to approve the variance requests, the approval should be limited to the footprint as shown on the site plan.

ZBA2020-0029

ZBA
7/1/2020

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 METZ LOT 18 BLK 3

Subdivision Name METZ

Street Address 2229 Ivy Ave McAllen Tx

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use _____

Reason for Appeal (please use other side if necessary) TREE HOUSE, ~~ATTY~~
side set back & Front set back

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

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

Applicant

Name same as below Phone 0

Address _____ E-mail _____

City _____ State _____ Zip _____

Owner

Name Jose Alfredo Vargas Phone 956-369-6107

Address 2229 Ivy Ave E-mail rancho72vicjo@yahoo.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 [Signature]Date 5/22/20Print Name Jose A Vargas☒ Owner☐ Authorized Agent

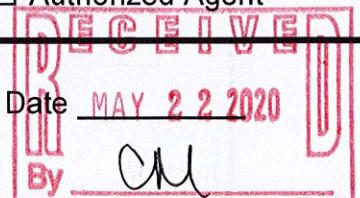
Office

Accepted by [Signature]

Payment received by _____

Date MAY 22 2020

Rev 10/18



H.C.



BUILDING PERMIT APPLICATION

REV. 4/17

P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER

RES 2019-05534

GC103497
APPLICANT

NAME Jose A. Vargas PHONE 956-369-6107
ADDRESS 2229 Ivy Ave
CITY McAllen STATE TX ZIP 78501
CONTACT NAME: Jose A. Vargas PHONE 956-369-6107
☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER

NAME Jose A. Vargas PHONE 956-369-6107
ADDRESS 2229 Ivy Ave *EMAIL: rancho72viejo@yahoo.com
CITY McAllen STATE TX ZIP 78501

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW ☐ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
BLDG SQ. FT. 144' NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL. ABOVE CURB _____
EXISTING USE OF LOT Front yard NEW USE Tree House IMPROVEMENT VALUE \$ 7,000 .00

SCOPE OF WORK TO BE DONE Tree House

PROJECT

FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRMS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION

- ☐ CONCRETE SLAB
☐ CONCRETE PIER
☐ CONCRETE BLOCK
☐ CONCRETE BEAM
☒ WOOD POSTS
☒ Tree

EXT WALL

- ☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ _____

ROOF

- ☐ WOOD SHINGLE
☐ COMPOSITION
☐ METAL
☐ BUILD UP
☐ CLAY OR CONCRETE TILE
☐ _____

SPECIAL CONDITIONS

- ☐ FIRE SPRINKLER SYSTEM
☐ FIRE ALARM SYSTEM
☐ TYPE OF CONSTRUCTION _____
☐ ASBESTOS SURVEY
☐ EABPRJA/B#: _____
☐ CONDEMNED STRUCTURE
☐ SEPTIC TANK EXISTING OR PROPOSED
☐ YES ☐ NO

LOT _____ BLOCK _____ SUBDIVISION _____

SITE ADDRESS ST. NO. 2229 ST. NAME Ivy Ave

CITY USE ONLY

ZONING _____ PERMIT FEE \$ 48.00 DOUBLE FEE \$ _____ REC'D BY [Signature]
PERMIT REVIEW FEE \$ _____ DATE 8/22
PARK DEV. ☐ TOTAL PERMIT FEE \$ _____ TIME noon
ZONE # _____ PARK DEVELOPMENT FEE \$ _____

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

[Signature] Jose A. Vargas [Signature] rancho72viejo@yahoo.com
PRINT (AUTHORIZED AGENT/OWNER) SIGNATURE EMAIL ADDRESS (required) DATE

McAllen Municipal Court
1601 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 681-2900

☐ Warning

Ticket #
21345

Date: 5-22-19	Time: 10:11 AM	Issuer: P. Rodriguez	ID #: 12212
Location/Block/Street: 2229 IVY AVE			License Plate:
Permits	Health	Zoning	
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> Weedy Lot	<input type="checkbox"/> Sign Placed in ROW	
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Accumulation of trash	<input type="checkbox"/> Signs w/o Permit	
<input type="checkbox"/> Electrical	<input type="checkbox"/> Stagnant Water	<input type="checkbox"/> Erecting Signs w/o Permit	
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Illegal Dumping	<input type="checkbox"/> Proh. Portable Signs	
Work w/o Inspection	<input type="checkbox"/> Gross Unsanitary Cond.s	<input type="checkbox"/> Front Yard Parking	
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Deposit of Wastes	<input type="checkbox"/> Fail to Obtain C.U.P.	
<input type="checkbox"/> Electrical	Food/Retail	<input type="checkbox"/> Expired C.U.P.	
<input type="checkbox"/> Mechanical	<input type="checkbox"/> No Certified Manager	<input type="checkbox"/> Violation of C.U.P. Cond.	
<input checked="" type="checkbox"/> Construction (com./res)	<input type="checkbox"/> No Food Handling Cert.	Animal	
Performing Work w/o Lic.	<input type="checkbox"/> Hazardous Foods	<input type="checkbox"/> Leash Law	
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Selling Food w/o Permit	<input type="checkbox"/> No Vaccinations	
<input type="checkbox"/> Electrical	<input type="checkbox"/> Business on Sidewalks	Fire	
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Display/Sale on St/Sidewalk	<input type="checkbox"/> Exceed Occupancy	
	<input type="checkbox"/> Proh. Outdoor Display/Sale of Merch.	<input type="checkbox"/> Blocked Exits	
	<input type="checkbox"/> No Garage Sale Permit	<input type="checkbox"/> Fail to Maintain Fire Alarm	

Violation/Offense:

Violation/Offense:

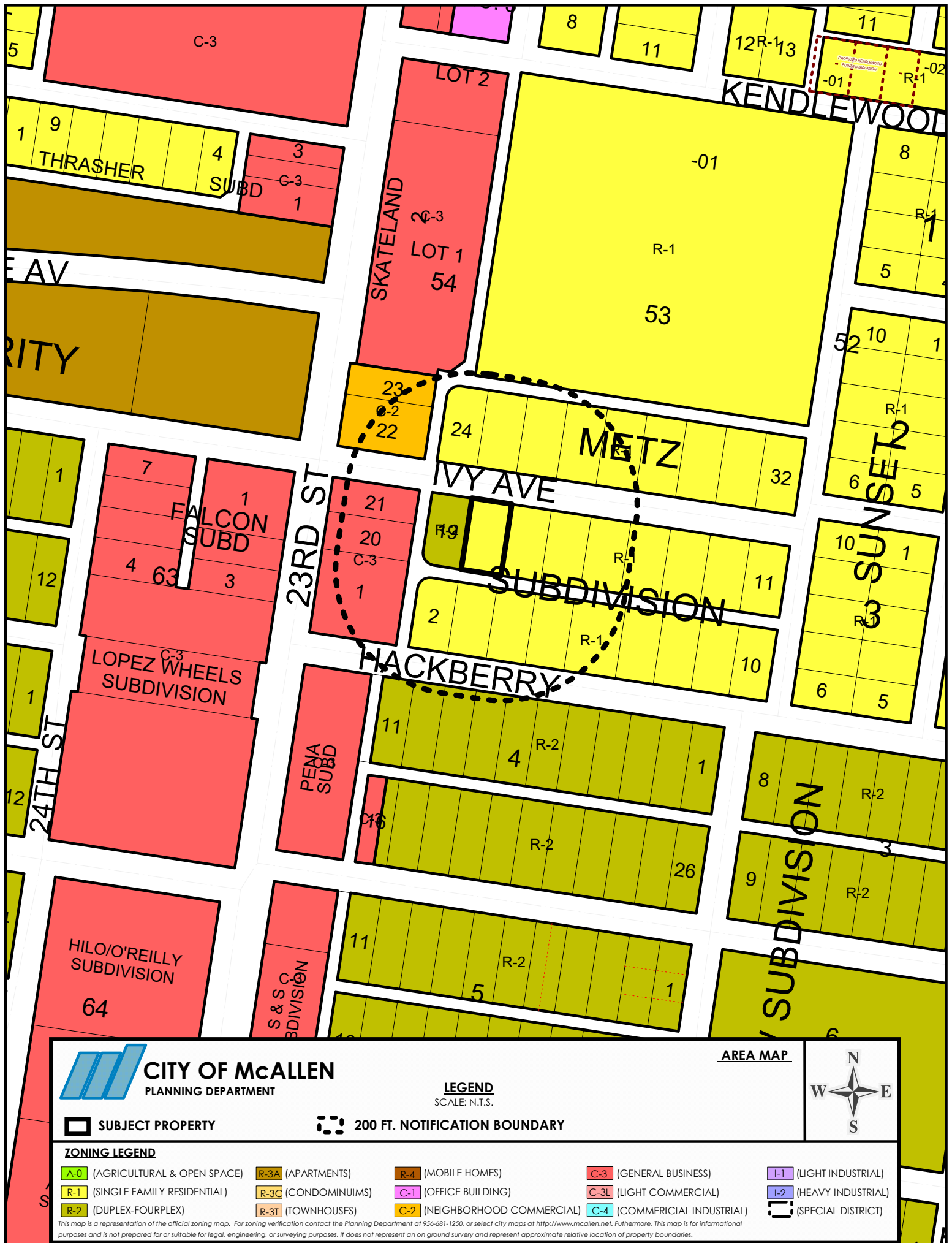
Last Name: Vergara		First Name: Jose		Middle: Alfredo	
Street Address: 2229 IVY AVE		City: McAllen	State: TX	Zip: 78501	
Res. Phone: 369-6107	Sex: M	DOB: 8-17-72	Age: 17	D.L. #: 18467684	State: TX
Occupation:	Employer:		Phone:		
Business Address:		City:	State:	Zip:	

I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

September 1, 20**19**

Signature: 

YOUR FAILURE TO APPEAR MAY CAUSE A CRIMINAL COMPLAINT TO BE FILED AGAINST YOU AND A WARRANT FOR YOUR ARREST WILL BE ISSUED.



CITY OF McALLEN

PLANNING DEPARTMENT

LEGEND

SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)
R-1 (SINGLE FAMILY RESIDENTIAL)
R-2 (DUPLEX-FOURPLEX)

R-3A (APARTMENTS)
R-3C (CONDOMINIUMS)
R-3T (TOWNHOUSES)

R-4 (MOBILE HOMES)
C-1 (OFFICE BUILDING)
C-2 (NEIGHBORHOOD COMMERCIAL)

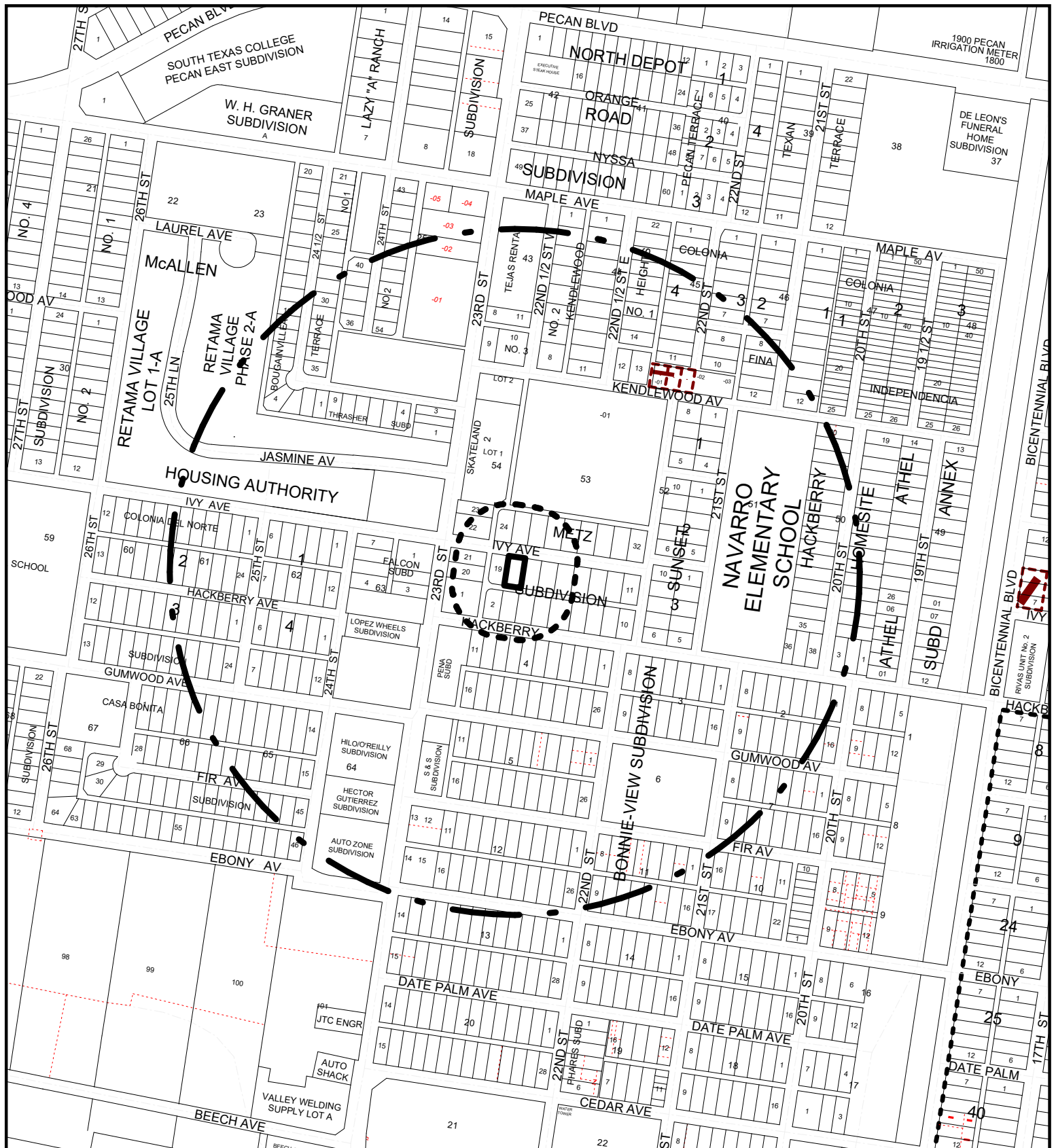
C-3 (GENERAL BUSINESS)
C-3L (LIGHT COMMERCIAL)
C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)
I-2 (HEAVY INDUSTRIAL)
I-3 (SPECIAL DISTRICT)

AREA MAP



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP



SUBJECT PROPERTY

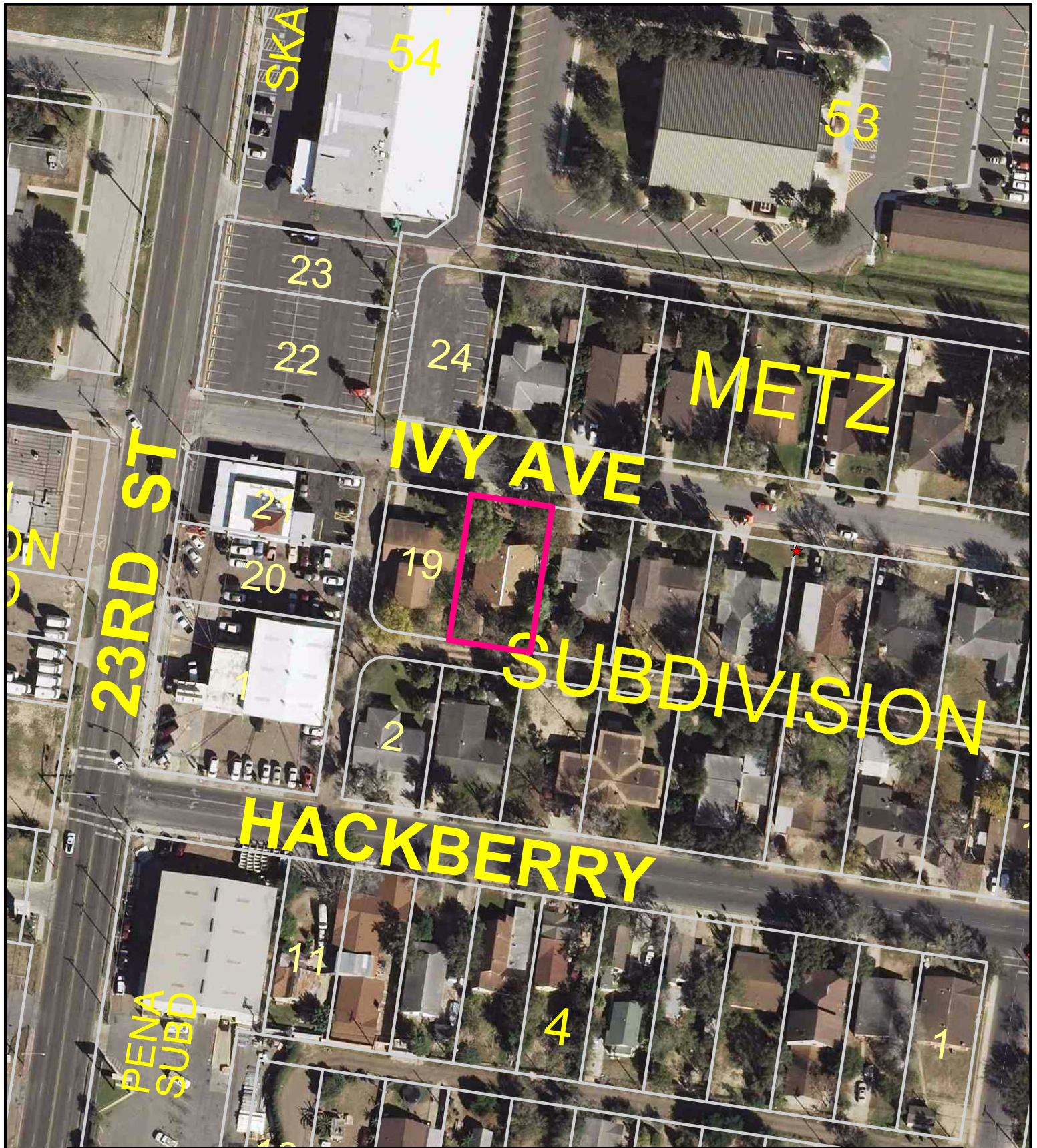
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT



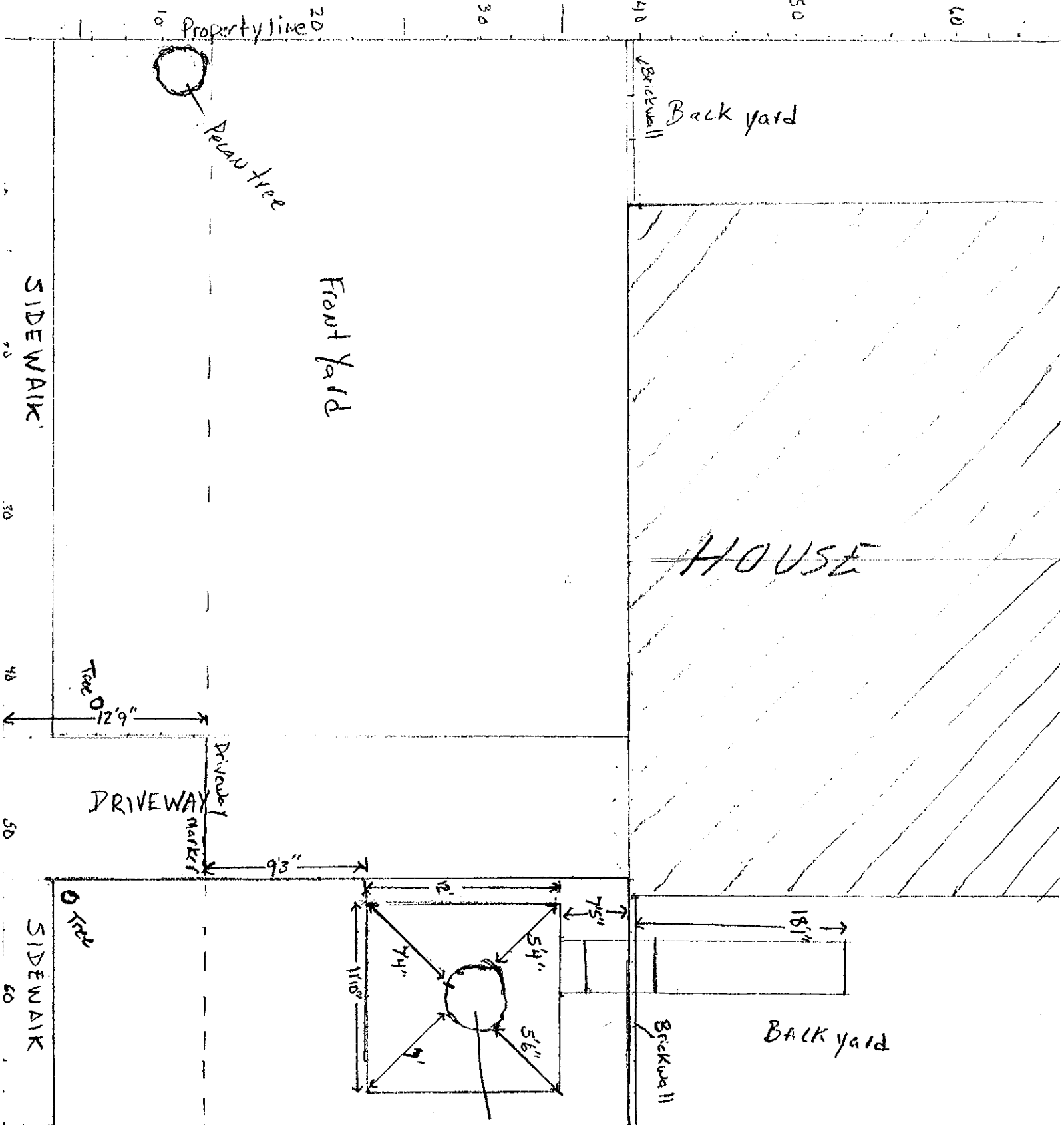
SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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2229 ILY Ave 111 Allen IX

Front + Rst layout

All wood pressure treated

Decking consists of 2x6 42x4 only

Tree House is framed by 2x9 with joist hangers & 4x4 for support

All Torque Screws used 3"

NO NAILS

Jose Vargas 956-369-6104

ASH Tree Trunk

Property line

3'9"

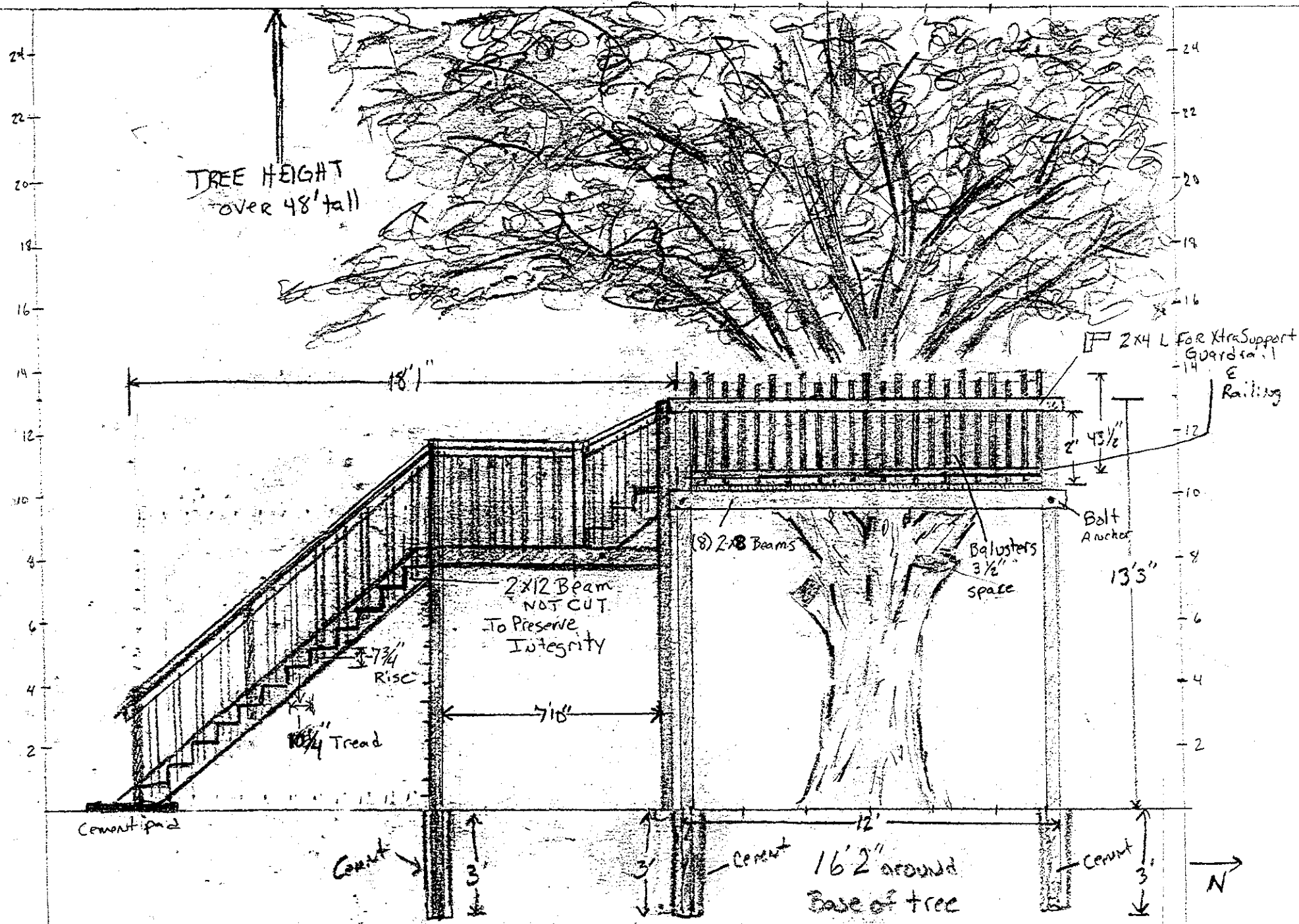
TREE HOUSE

Side View

2229 LUY AVE

McAllen TX

Jose Vargas 956-369-6107



Jose Vargas 956-369-6107

2229 Ivy Ave McAllen TX

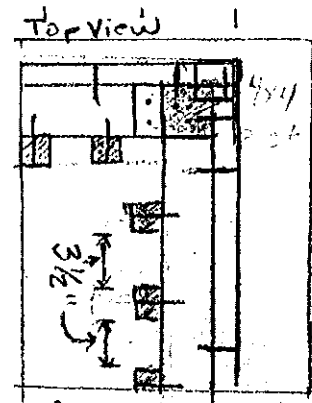
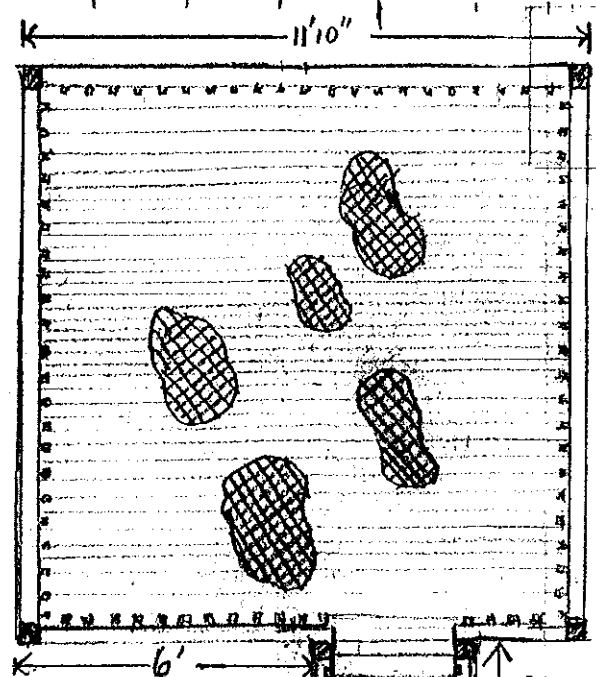
↑ N

TOP View Tree House

Vertical wood 4x4" Tree STAIRS

2 4 6 8 10 12 14 16 18 20 22 24 26 28

Crossdecking 2"x6" & 2"x4"
Rails 2"x2"x4"



CORNER 4x4 Post
SCREWS

2'8"

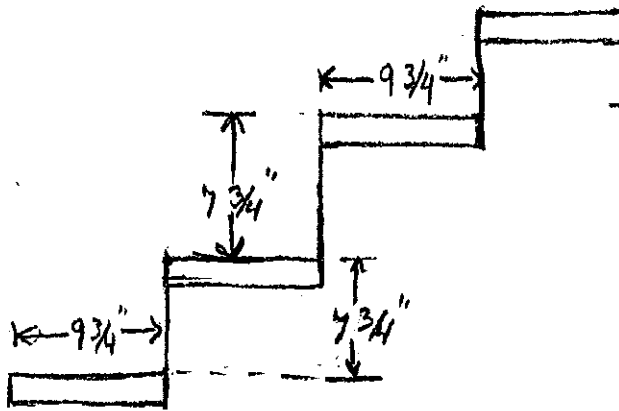
2 4 6 8 10 12 14 16 18 20 22 24 26 28

2229 Ivy Ave McAllen Tx

1" = Equals 3"

STAIR CASE

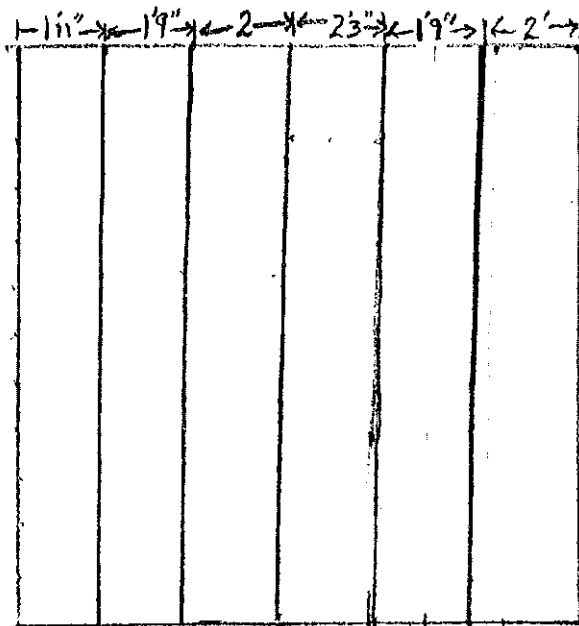
Jose Vargas 956-369-6107



Total Length: $9'3"$
Height: $8'9"$

FLOOR RAFTERS 2x8 with Joist Hangers

1" = 1ft



↓ N

23rd Street

61'

23 ft

TREE
HOUSE

12'

12'

12'

0.0
0.0

12'6"

35'

FRONT

← 14'3" →

← 18'4" →

120'

43 ft

House

61'

Alley

← 60°

23RD ST (DEPOT ROAD)

2995

3 81° 24' E 757.06'

22 23 24 25 26 27 28 29 30 31 32

IVY AVE.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

HACKBERRY AVE.

NOTES: MAP OF METZ SUB. AND METZ SUB. #2 RECORDED IN VOL. 13, P. 26 & 104. 13, P. 42, RESPECTIVELY, OF THE MAP RECORDS, HIDALGO COUNTY, TEXAS.

MAP OF METZ SUBDIVISION NO.'S 1, 2 & 3 MEALLEN, TEXAS

BEING A SUBDIVISION OF THE SOUTH 433.9 FT. OF THE WEST 92.06 FT. OF LOT 52 AND THE SOUTH 433.9 FT. OF LOTS 53 & 54, ALL IN BLOCK 1, C. E. HAMMOND SUBDIVISION; OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS; CONTAINING 7.65 AC.

Scale: 1" = 100' FILED FOR RECORD THIS DATE FEB 12 1962

At 1 o'clock P. M.

APPROVED FOR RECORDING COMMISSIONERS' COURT This the 20 day of February, 1962 GEO. L. ANDERSON County Clerk, Hidalgo County, Texas By: *James DeBusch* Deputy

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

STATE OF TEXAS: COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS: THAT WE, SOREN METZCH, ABEL GRACIA, RICARDO L. CORTEZ AND ARGELIA G. CORTEZ, OWNERS OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC, THE SURFACE USE OF THE STREETS AND ALLEYS THEREON SHOWN.

Soren Metzch SOREN METZCH
Abel Gracia ABEL GRACIA
Ricardo L. Cortez RICARDO L. CORTEZ
Argelia G. Cortez ARGELIA G. CORTEZ

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SOREN METZCH, ABEL GRACIA, RICARDO L. CORTEZ AND ARGELIA G. CORTEZ, OWNERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 5 DAY OF February, A.D. 1962.

Mike Cook NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE MC ALLEN ZONING AND PLANNING BOARD ON THIS THE 25 DAY OF February, A.D. 1962.

MC ALLEN ZONING AND PLANNING BOARD
By: *V. E. Cook, Jr.* V. E. COOK, JR., CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF MC ALLEN, TEXAS ON THIS THE 5 DAY OF February, A.D. 1962.

Robert F. Barnes ROBERT F. BARNES, MAYOR
H. H. Hensley H. H. HENSLEY, CITY SECRETARY

THIS PLAT APPROVED BY HIDALGO COUNTY WATER & IMPROVEMENT DISTRICT NO. 1 ON THIS THE 7 DAY OF February, A.D. 1962.

ATTEST: *Richard W. Hensley* PRESIDENT
Robert F. Barnes SECRETARY

KNOW ALL MEN BY THESE PRESENTS: THAT, I, M. S. GARRIGA, BISHOP OF CORPUS CHRISTI, OWNER OF THAT PART OF LOTS 52, 53 & 54, BLOCK 1, C. E. HAMMOND SUBDIVISION; OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS; LYING NORTH OF METZ SUBDIVISION NO.'S 1, 2 & 3, DO HEREBY DEDICATE TO THE CITY OF MC ALLEN AND TO THE PUBLIC FOR USE AS AN ALLEY THAT 10.0 FOOT STRIP OF LAND LYING NORTH OF AND ADJACENT TO THE METZ SUBDIVISION AS SHOWN ON THE ABOVE MAP.

M. S. Garriga M. S. GARRIGA, BISHOP OF CORPUS CHRISTI

STATE OF TEXAS: COUNTY OF NUECES:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, M. S. GARRIGA, BISHOP OF CORPUS CHRISTI, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 22nd DAY OF January, A.D. 1962.

William Thompson NOTARY PUBLIC IN AND FOR NUECES COUNTY

3591

DAFFODIL AVE.

1 2 3 4 5 6 7 8 9

ALLEY

18 17 16 15 14 13 12 11 10

CAMELLIA AVE.

1 2 3 4 5 6 7 8 9

ALLEY

10 11 12 13 14 15 16

HARVEY DRIVE

MAP OF HOLIDAY PARK MEALLEN, TEXAS

BEING A RESUBDIVISION OF LOTS 26 & 27, WAYNE COURT SUBDIVISION EXTENDED, OUT OF LOTS 1, 2, 15 & 16, SOUTHEAST 1/4 SECTION 10, AND THE SOUTH 20.0 FEET OF LOT 8, SECTION 10, HIDALGO CANAL CO.'S SUBDIVISION; OF PORCIONES 64, 65 & 66, HIDALGO COUNTY, TEXAS

Scale: 1" = 100' Date: 11-13-61

APPROVED FOR RECORDING Hidalgo Co. Right of Way Dept. By: *Paul Jones* Date: 2-19-62

APPROVED FOR RECORDING COMMISSIONERS' COURT This the 20 day of February, 1962 GEO. L. ANDERSON, County Clerk By: *James DeBusch* Deputy

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

STATE OF TEXAS: COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS: THAT MEINEN CONSTRUCTION CO., A CORPORATION, OWNER OF THE LANDS HEREON MAPPED AND PLATTED, DOES HEREBY DEDICATE THE SURFACE USE OF THE STREETS AND ALLEYS SHOWN ON THE ABOVE MAP TO THE USE OF THE PUBLIC AND UNTO THE CITY OF MC ALLEN, TEXAS, SO LONG AS IT SHALL ACCEPT, MAINTAIN AND PROTECT THE SAME TO THE USE AND BENEFIT OF THE PUBLIC.

IN TESTIMONY WHEREOF, THE SAID MEINEN CONSTRUCTION CO. HAS CAUSED THESE PRESENTS TO BE EXECUTED THIS THE 9th DAY OF August, A.D. 1961.

Meinen Construction Co. MEINEN CONSTRUCTION CO.
By: *Venton Doughtle* VENTON DOUGHTLE, VICE PRESIDENT
F. Evers, Jr. F. EVERS, JR., SECRETARY

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED C. H. MEINEN, PRESIDENT OF THE MEINEN CONSTRUCTION CO., A CORPORATION, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AS THE ACT AND DEED OF SAID CORPORATION AND IN THE CAPACITY AS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 9th DAY OF August, A.D. 1961.

Frances Batte FRANCES BATTE, NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY THE MC ALLEN ZONING AND PLANNING BOARD ON THIS THE 17 DAY OF February, A.D. 1961.

MC ALLEN ZONING AND PLANNING BOARD
By: *V. E. Cook, Jr.* V. E. COOK, JR., CHAIRMAN

THIS PLAT APPROVED BY THE CITY COMMISSION OF THE CITY OF MC ALLEN, TEXAS, ON THIS THE 6th DAY OF November, A.D. 1961.

ATTEST: *Robert F. Barnes* ROBERT F. BARNES, MAYOR
H. H. Hensley H. H. HENSLEY, CITY SECRETARY

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER CONTROL & IMPROVEMENT DISTRICT FILED FOR RECORD THIS DATE NO. 3 ON THIS THE 9th DAY OF August, A.D. 1961.

ATTEST: *Frank A. Jones* Frank A. Jones, Vice President
Robert F. Barnes Robert F. Barnes, Mayor

STATE OF TEXAS: COUNTY OF NUECES:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, M. S. GARRIGA, BISHOP OF CORPUS CHRISTI, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 22nd DAY OF January, A.D. 1962.

William Thompson NOTARY PUBLIC IN AND FOR NUECES COUNTY





NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0029
CITY OF MILWAUKEE PLANNING DEPT.
MILWAUKEE, WI 53201

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 26, 2020

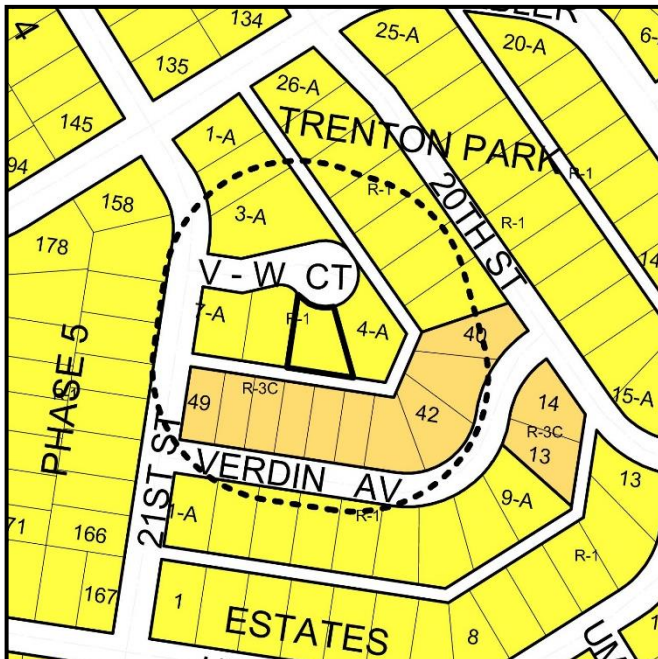
SUBJECT: REQUEST OF MARIA ISABEL AVENDANO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR AN IRREGULARLY SHAPED EXISTING CARPORT AT LOT 5A, BLOCK 8, TRENTON PARK ESTATES SUBDIVISION PHASE 1 AMENDED, HIDALGO COUNTY, TEXAS; 2013 V-W COURT. (ZBA2020-0031)

REASON FOR APPEAL

The special exception request is to allow an existing irregularly shaped metal carport that encroaches 4 ft. into the 6 ft. side yard setback along the west property line. The applicant stated that it was constructed in order to shade the bedroom and bathroom side of the house.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of V-W Court at a cul-de-sac, approximately 150 ft. east of North 21st Street. The property has 59.47 ft. of frontage along V-W Court, with a lot size of 7,730 sq. ft. The surrounding land use is residential.



BACKGROUND AND HISTORY:

Trenton Park Estates Subdivision Phase 1 Amended was recorded on March 25, 1992. The Appraisal District records show that the residential home was built in 1993. The carport was built in 2016, according to Google Earth aerial maps. The applicant received a notice of non-compliance from the Building Department inspector on April 28, 2020, followed by a citation on May 12, 2020, for construction without a building permit. An application for a building permit was submitted on May 12, 2020.

ANALYSIS:

The request is to allow an encroachment of 4 ft. into the 6 ft. side yard setback for an irregularly shaped existing metal carport built in 2016. The setback for the side yard is 6 ft., according to the recorded plat. During the inspection, staff noticed that the driveway and parking space are not paved. The carport seems to be slightly sloped towards the adjacent property on the west. However, it does not have an overhang, and as per the site plan, there is a 2 ft. distance between the carport and the property line.

If the request is approved, it may encourage other property owners to apply for a special exception to encroach into the setbacks. The approval of this special exception request is necessary to continue the workflow of the requested building permit.

Staff has received opposition from one neighboring property owner who wishes to remain anonymous.

RECOMMENDATION:

Staff recommends disapproval of the special exception request. However, if the Board chooses to approve it, the paving of the driveway and the parking space is required.

ZBA 2020-0031



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

ZBA
7.1.20

Project

Legal Description

Trenton Park Estates

Phase 1 lot 5A B1K8

Subdivision Name

Street Address

2013 V-W CT McAllen TX 78504

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

Single family Resident

Reason for Appeal (please use other side if necessary)

apelo por 6 pies quieros dejar
2 pies del poste a la linea de propiedad.

☒ \$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 Maria Isabel Avendano

Phone 956-227-0039

Address 2013 V-W CT

E-mail isavendano53@gmail.com

City McAllen

State TX

Zip 78504

Owner

Name MARIA Isabel Avendano

Phone 956-227-0039

Address 2013 V-W CT

E-mail

City McAllen

State TX

Zip 78504

Authorization

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

☐ Yes☒ No

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

Signature Maria Isabel Avendano

Date 6/2/2020

Print Name MARIA ISABEL AVENDANO

☒ Owner☐ Authorized Agent

Office

Accepted by LG

Payment received by

Date

Rev 10/18



pd. by C.A.



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

Porque la pared de la casa es muy caliente de la el sol.
casi Todo el dia y la Recamon y los 2 Baños son en
barro y se echava a perder todo lo de los Lavavatos y
pagaba mucha Luz

El techo es de metal delgado y postes de madera
no estamos protegidos del techo ni de la pared de la casa
el piso es la Tierra

Board Action

Chairman, Board of Adjustment
Signature

Date

McALLEN

P.O. BOX 220 McALLEN, TEXAS 78505-0220

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

PERMIT APPLICATION REFERENCE NUMBER

RES2020-03728

APPLICANT
NAME JOSE AVENDANO PHONE _____
ADDRESS 2013 VW CT.
CITY McAllen STATE TX ZIP 78504
CONTACT: NAME ISABEL AVENDANO PHONE (956) 227 0039
☒ OWNER ☐ CONTRACTOR ☐ TENANT ☐ OTHER

OWNER
NAME SAME AS ABOVE PHONE SAME AS ABOVE
ADDRESS _____
CITY _____
STATE _____ ZIP _____

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW ☒ ADDITION ☐ REMODELING ☐ REPAIR ☐ MOVE ☐ REMOVE BLDG. HGT. _____ NO. OF FLOORS _____
BLDG SQ. FT. 97.5 NO. PARKING SPACES _____ SQ. FT. LOT _____ LOT FRONT _____ FLOOR EL. ABOVE CURB _____
EXISTING USE _____ NEW USE _____
OF LOT _____

SCOPE OF WORK TO BE DONE A CARPOT ON THE WEST SIDE

PROJECT
FOR RESIDENTIAL USE ONLY NO. OF UNITS _____ NO. BDRMS _____ NO. BATHRS _____ SQ. FT. NON-LIVING _____ SQ. FT. LIVING _____

FOUNDATION
☐ CONCRETE SLAB
☐ CONCRETE PIER
☒ CONCRETE BLOCK
☐ CONCRETE BEAM
☐ WOOD POSTS
☐ DIRT (FLOOR)

EXT WALL
☐ MASONRY VENEER
☐ MASONRY SOLID
☐ METAL SIDING
☐ COMPOSITION
☐ WOOD
☐ NO WALLS

ROOF
☐ WOOD SHINGLE
☐ COMPOSITION
☒ METAL
☐ BUILD UP

SPECIAL CONDITIONS
☐ FIRE SPRINKLER SYSTEM
☐ TYPE OF CONSTRUCTION
☐ ASBESTOS SURVEY
☐ CONDEMNED STRUCTURE

LOT 5A BLOCK 8 SUBDIVISION TRENTON PARK ESTATESSITE ADDRESS ST. NO. 2013 ST. NAME VW CT

CITY USE ONLY
ZONING _____ PERMIT FEE \$ 48.00 DOUBLE FEE \$ _____ REC'D BY RA
PERMIT REVIEW FEE \$ _____ DATE 5/12/20
PARK DEV. ☐ TOTAL PERMIT FEE \$ _____ TIME 12:07
ZONE # _____ PARK DEVELOPMENT FEE \$ _____

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced. This permit is good for one year only.

JOSE AVENDANO
PRINT (AUTHORIZED AGENT/OWNER)

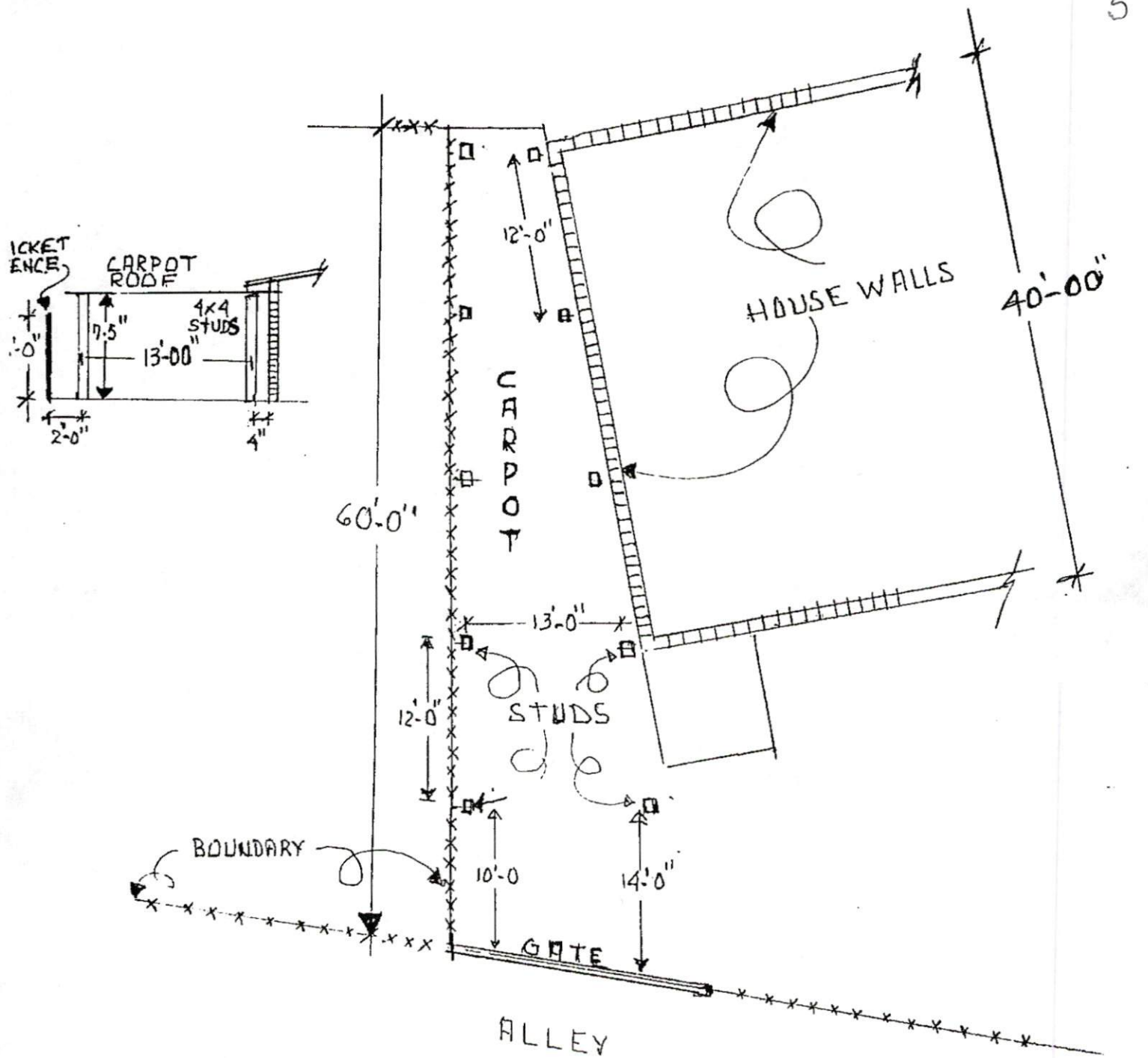
SIGNATURE

EMAIL ADDRESS (required)

DATE

& MARIA ISABEL

5-4-20

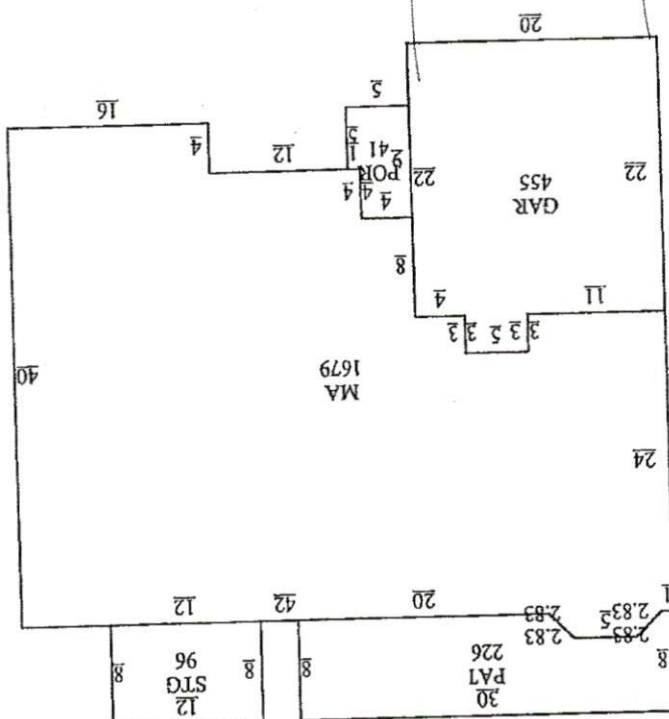


TOTAL CARPORT AREA CONSTRUCTION
565 SQF

$\hat{L}(N)$

V-W Crf

Driveway



ALLEY

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT
ACCEPTED / PERMITTED

- ☐ GENERAL
- ☐ CONSTRUCTION
- ☐ ELECTRICAL
- ☐ MECHANICAL WORK
- ☐ PLUMBING
- ☐ GAS PIPING
- ☐ OCCUPANCY

PLEASE CONTACT OUR OFFICE AT 956-681-1300
FOR FURTHER ASSISTANCE.

-NOTE-

2013 V-W Ct.

Structure built on west side of
property without Permit. Need to obtain

DATE permit 48 Hours

INSPECTOR

DO NOT REMOVE THIS NOTICE

4-28-2020

C. CAZARES @ me.net

Hable con ella y mandanos el pag

5/12/20 9:00 AM.

Cuarenta pies cuadrados Teire

Director

\$48.00

OFI

681-1300

Plani

Liliana

Liliana Boza Planiacion



☒ Non-Compliance
☐ Stop Work

OFFICE OF BUILDING OFFICIAL

NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND IS NOT
ACCEPTED / PERMITTED

- ☐ GENERAL
☒ CONSTRUCTION
☐ ELECTRICAL
☐ MECHANICAL WORK
☐ PLUMBING
☐ GAS PIPING
☐ OCCUPANCY

PLEASE CONTACT OUR OFFICE AT 956-681-1300
FOR FURTHER ASSISTANCE.

-NOTE-

2013 V-W

Side Porch Built without a permit
need to obtain permit

DATE

5-12-2020

DO NOT REMOVE THIS NOTICE

INSPECTOR

FICIAL

CTED AND IS NOT
ED

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AL
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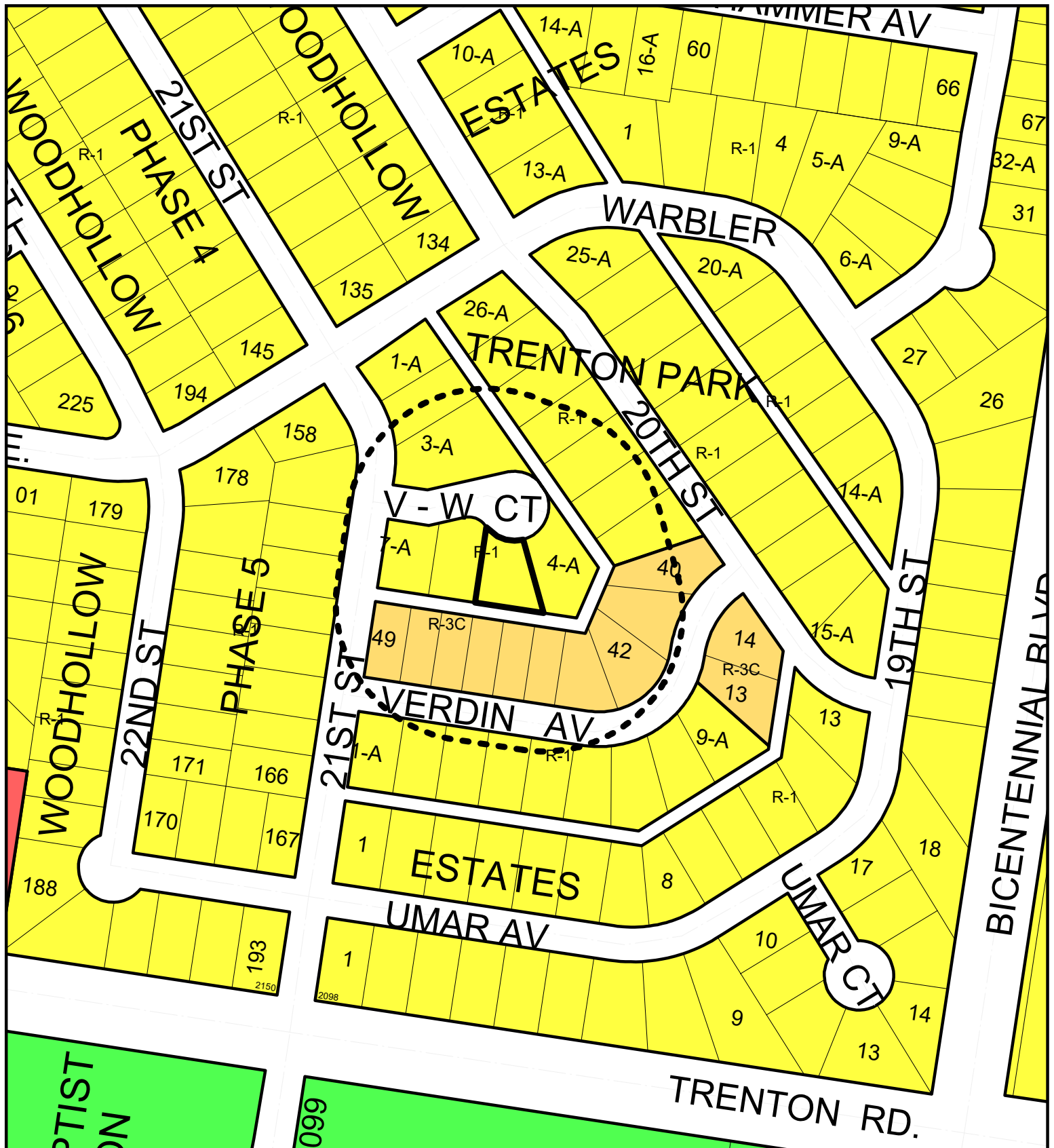
side of
ed to obtain

INSPECTOR

OTICE

[Signature]

[Signature]



CITY OF McALLEN PLANNING DEPARTMENT

LEGEND SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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AREA MAP





CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP

SCALE: N.T.S.



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NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2020-0031

2013





10'	HIDALGO	COUNTY	WATER	IMP.	DIST.	No.	3	R-O-W
-----	---------	--------	-------	------	-------	-----	---	-------

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 26, 2020

SUBJECT: REQUEST OF ISAURA VASQUEZ CASTILLO FOR THE FOLLOWIING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE: 1) TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 20 FT. FRONT YARD SETBACK FOR A CARPORT MEASURING 20 FT. BY 30 FT.; AND 2) TO ALLOW AN ENCROACHMENT OF 2 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR A CARPORT MEASURING 20 FT. BY 30 FT. AT LOT 141, SHADOW BROOK SUBDIVISION UNIT 1, HIDALGO COUNTY, TEXAS; 2024 HAWK AVENUE. (ZBA2020-0027)(Tabled 6/17/2020)

REASON FOR APPEAL

The applicant is requesting the following special exception 1) to encroach 20 ft. into the 20 ft. front yard setback for a carport measuring 20 ft. by 30 ft., and 2) to allow an encroachment of 2 ft. into the 6 ft. side yard setback for a carport measuring 20 ft. by 30 ft., in order to protect their vehicles from the elements and to provide a cooler vehicle before loading the children in the vehicle.

PROPERTY LOCATION AND VICINITY:

The subject property is located on the north side of Hawk Avenue approximately 50 ft. east of North 21st Street. The property has 50 ft. of frontage along Hawk Avenue, with a lot size of 5,000 square feet. Surrounding land use are single-family residential.



BACKGROUND AND HISTORY:

Shadow Brook Subdivision Unit 1 was recorded on February 25, 1980. The residential home was built in 1984. An application for a building permit and application for the special exception was submitted on May 20, 2020. The adjacent neighbor to the west did apply for the same variance in February 5, 2014 and the Board disapproved the request, but the carport was never removed.

ANALYSIS:

Request #1 is to allow an encroachment of 18 ft. into the 20 ft. front yard setback, for a proposed carport measuring 18 ft. by 25 ft.. The standard setback for the front yard for a lot in the R-1 zone is 20 ft..

Request #2 is to allow an encroachment of 2 ft. into the 6 ft. side yard setback, for a carport measuring 18 ft. by 25 ft.. The standard setback for the side yard for a lot in the R-1 zone is 6 ft..

If the requests are approved, this may encourage other property owners in applying for special exceptions to encroach into the front and side yard setbacks. Approval of the special exception request will allow the proposed construction as depicted on the site plan.

Staff has not received any phone calls from the surrounding property owners with issues of concern regarding this variance request.

RECOMMENDATION:

Staff recommends disapproval of the special exception request.

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING OF JUNE 17, 2020:

At the Zoning Board of Adjustment and Appeal's meeting of June 17, 2020 no one appeared in opposition of the special exception request. The applicant was not present. Following discussion the board voted to table the special exception request to allow the applicant time to consider a reduction in the proposed encroachments. There were five members present and voting.

Subsequent to the meeting, the applicant submitted a revised site plan reducing the carport measurements from 20 ft. by 30 ft. to 18 ft. by 25 ft.. The revised site plan encroachments are 18 ft. into the 20 ft. front yard setback and 1.67 ft. into the side yard setback along the west property line.

ZBA2020-0027

ZBA
6/17/20
4:30pm

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 Two car carport Shadow Brook #1 lot 141 - Unit 1

Subdivision Name Shadow Brook #1

Street Address 2024 Hawk Avenue, McAllen, TX 78504

Number of lots 1 Gross acres _____

Existing Zoning R-1 Existing Land Use Residence

Reason for Appeal (please use other side if necessary) Two car carport

☐ \$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 Isaura Vasquez Castillo Phone 956 566 5883

Address 2024 Hawk E-mail isaura.v@rocketmail

City McAllen State TX Zip 78504

Owner

Name Isaura Vasquez Castillo Phone 956 566 5883

Address 2024 Hawk Ave E-mail isaura.v@rocketmail

City McAllen State TX Zip 78504

Authorization

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

☐ Yes ☒ No

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

Signature Isaura Vasquez Castillo Date 05/20/2020

Print Name Isaura Vasquez Castillo ☐ Owner ☐ Authorized Agent

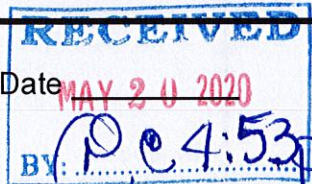
Office

Accepted by [Signature] Payment received by [Signature]

Date MAY 20 2020

Rev 10/18

RCF # 238324 pd \$350



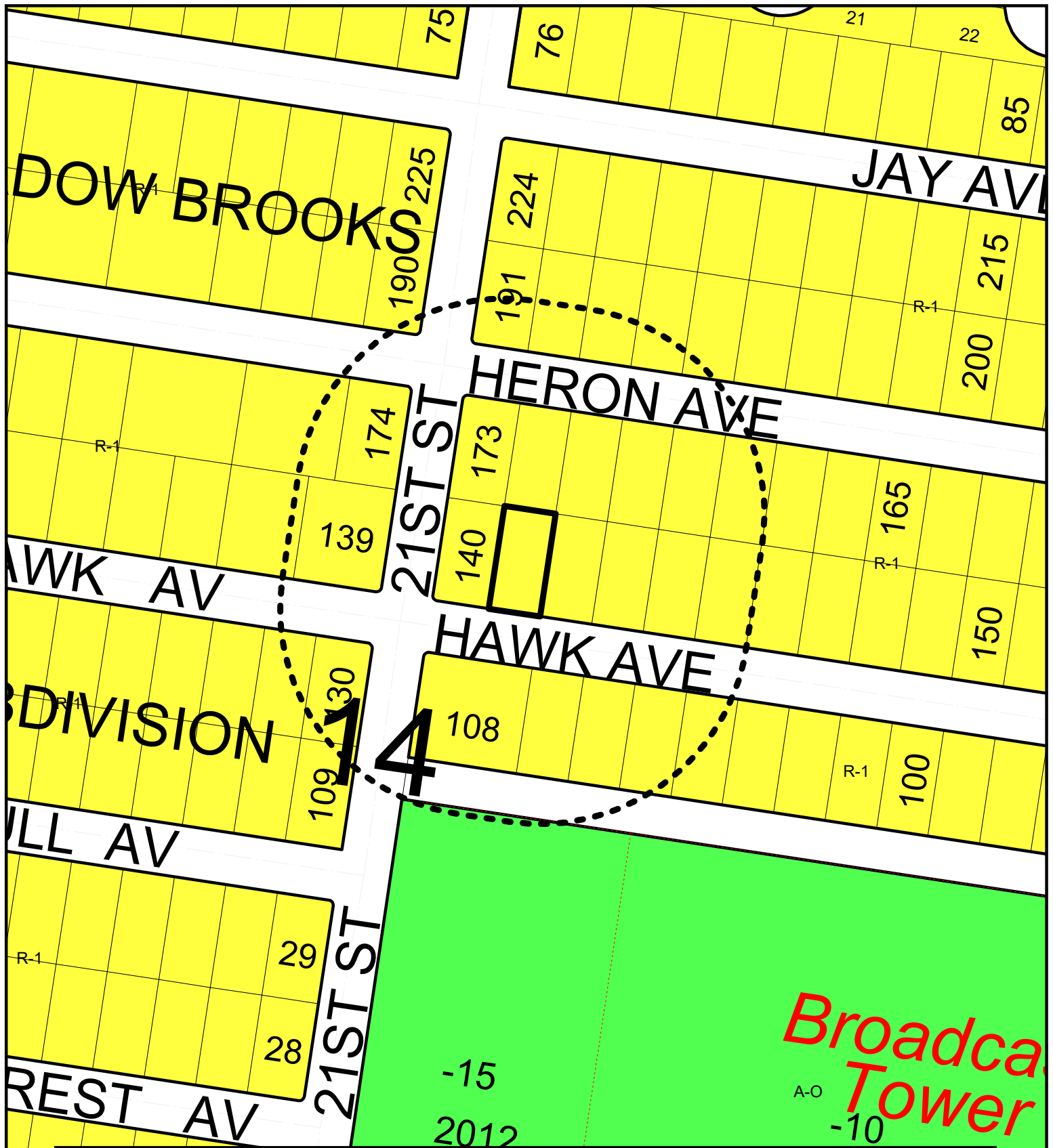
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7500-0003/183
1/18/20
1/18/20

City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>1 Isaura V Castillo and Salvador Castillo owner at 2024 Hawk Ave do not have a garage and would like to build a two car carport on our property. We would like to build a port for vehicles so they can get protected from sun damage and keeping vehicles cool before boarding my children in the vehicles; we would also like it for protection from hail on this times of Hurricane Season. Request a 0 Front Set Back instead of The Required 20' Set back; And 4 Ft instead of require 6ft ^{West} on side Property</p>
Board Action	
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Chairman, Board of Adjustment Signature</p> <p>_____</p> </div> <div style="width: 45%;"> <p>Date</p> <p>_____</p> </div> </div>

Rev.10/18



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: N.T.S.



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.



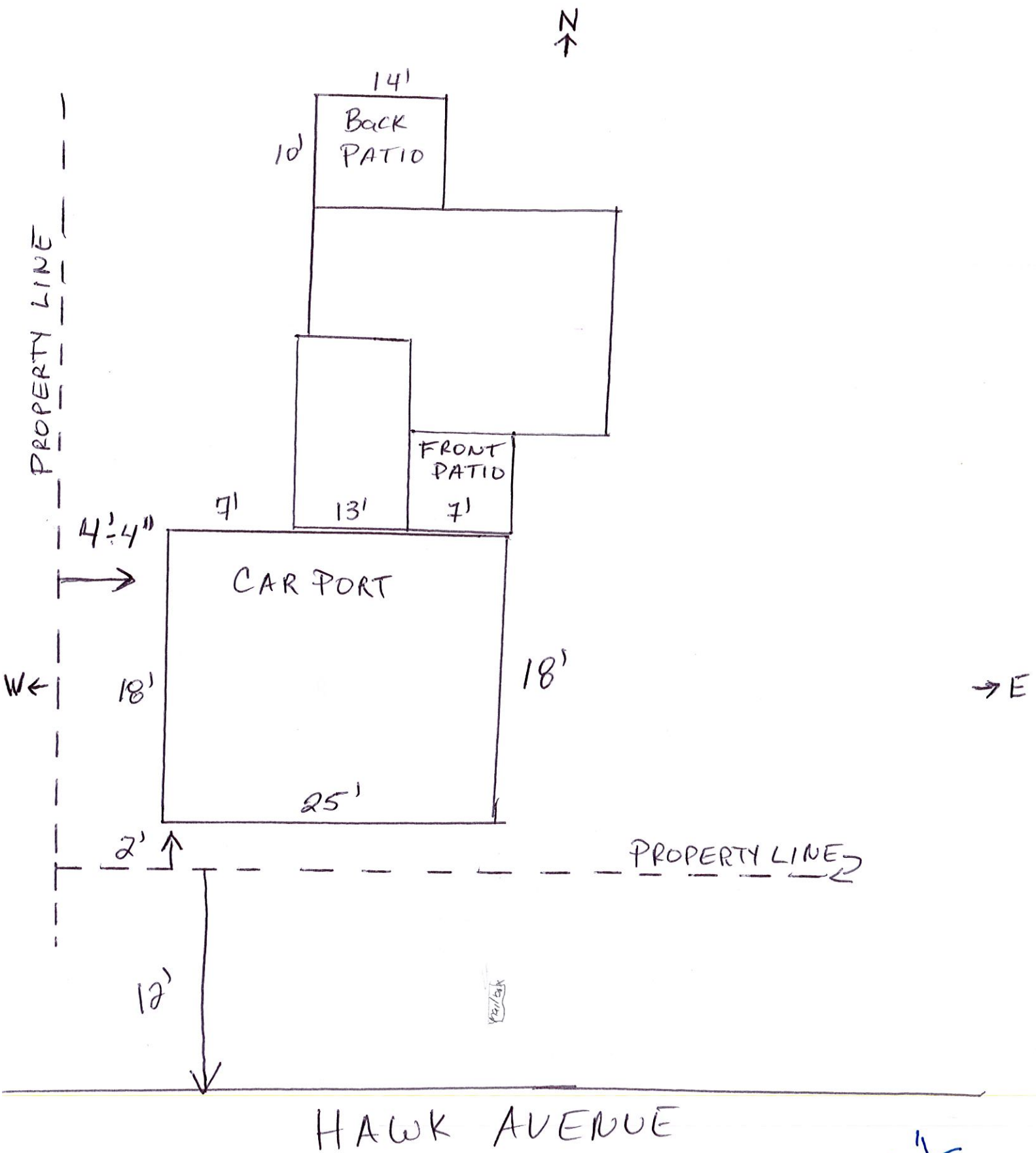
SUBJECT PROPERTY



200' NOTIFICATION BOUNDARY



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Option 1



LA LOMITA IRRIGATION AND CONSTRUCTION CO. SUBDIVISION
LOT 84
LOT 85

LOT 13
G.E. HAMMOND SUBDIVISION
(Overall)
28'18" ON E - 123'11"

19087 SUBDIVISION PLAT OF
SHADOW BROOK SUBDIVISION
UNIT 1

BEING THE WEST 1/2 OF THE SOUTH 1/2 OF
LOT 13 AND THE WEST 1/2 OF LOT 14,
OF PARCELS 81, 82 AND 83 OUT OF MIDALGO
COUNTY, TEXAS, BAYE AND EXCEPT THE SOUTH
49'00" OF THE EAST 1/2 OF LOT 14 AND
THE SOUTH 80'00" OF THE WEST 1/2 OF SAID LOT 14

STATE OF TEXAS
COUNTY OF HIDALGO
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERE-
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATED TO THE USE
OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASE-
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION
THEREIN EXPRESSED.

Douglas H. Melden
OWNER

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY
Knew *Douglas H. Melden*, known to me,
whose name is subscribed to the foregoing instrument, and
he that he executed the same for the purposes and con-
siderations expressed and in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY
A.D. 1978

Douglas H. Melden
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT
THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1
ON THIS 11th DAY OF August, 1978

Recorded in Book 20, Page 187
the map records of Hidalgo
County, Texas
Charles L. Melden
County Surveyor

APPROVED
FOR RECORD
Douglas H. Melden
Date 2-12-79

I, THE UNDERSIGNED,Mayor of the City of Shadow Brook, Texas, do hereby certify that this
subdivision plat conforms to all requirements of the subdivision regulations of
said city wherein approval is required.

Charles H. Melden
MAYOR, CITY OF SHADLOW

THIS PLAT OF SHADOW BROOK SUBDIVISION UNIT 1 HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF
SHADLOW, TEXAS AND IS HEREBY APPROVED BY THAT COMMISSION.
DATED THIS 1st DAY OF February, A.D. 1979

John H. Melden
VICE - CHAIRMAN

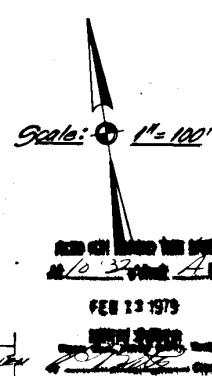
STATE OF TEXAS
COUNTY OF HIDALGO
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND THAT IT IS
AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

REGISTERED PROFESSIONAL SURVEYOR

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF
A.D. 1978

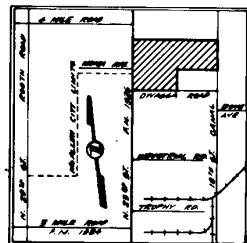
Douglas H. Melden
HIDALGO COUNTY

SANTOS (A) 1978



TOTAL LOTS: 173
TOTAL AREA: 30.712 A.
SHEET 1 of 2

GRUBBS, FERNANDEZ, FRAZER, TELFORD,
RODRIGUEZ AND ASSOCIATES, INC.
Consulting Engineers & Planners
McAllen / San Antonio, Texas



LOCATION MAP

TYPICAL EASEMENT & EASEMENT
RESTRICTIONS. EASEMENT SHALL
BE IN COMPLIANCE WITH CITY
ORDINANCE 115, 127-01, 127-02,
SECTION 36-36.

DETAIL "A"

CURVE DATA				
NO.	CHORD	RADIUS	ANGLE	LENGTH
1	100.00	500.00	36.00	100.00
2	100.00	500.00	36.00	100.00
3	100.00	500.00	36.00	100.00
4	100.00	500.00	36.00	100.00
5	100.00	500.00	36.00	100.00
6	100.00	500.00	36.00	100.00
7	100.00	500.00	36.00	100.00
8	100.00	500.00	36.00	100.00
9	100.00	500.00	36.00	100.00
10	100.00	500.00	36.00	100.00
11	100.00	500.00	36.00	100.00
12	100.00	500.00	36.00	100.00
13	100.00	500.00	36.00	100.00
14	100.00	500.00	36.00	100.00
15	100.00	500.00	36.00	100.00
16	100.00	500.00	36.00	100.00
17	100.00	500.00	36.00	100.00

GENERAL NOTES:

1. ALL LOTS SHALL BE SHOWN ON EACH LOT OR AS PER THE SURVEY PLAN.
2. EASEMENTS 1' MINIMUM WIDTHS SHALL BE 6' 1" MINIMUM WIDTHS EXCEPT AT CORNER LOTS.
3. EASEMENTS 1' MINIMUM WIDTHS SHALL BE 6' 1" MINIMUM WIDTHS EXCEPT AT CORNER LOTS.
4. THE CITY OF SHADLOW SHALL HAVE AN EASEMENT ON CORNER LOTS AS SHOWN ON DETAIL "A".
5. EASEMENTS 1' MINIMUM WIDTHS SHALL BE 6' 1" MINIMUM WIDTHS EXCEPT AT CORNER LOTS.
6. A 40' SIDEWALK SHALL BE REQUIRED ON NORTH SIDE OF PLANNING ROAD (EAST SIDE OF 23rd ST. (P.M. 1978).
7. A 40' SIDEWALK SHALL BE REQUIRED ON SOUTH SIDE OF PLANNING ROAD (EAST SIDE OF 23rd ST. (P.M. 1978).
8. LOTS 4-17 AND LOTS 88-91 SHALL NOT HAVE EASEMENT FROM PLANNING ROAD (EAST SIDE OF 23rd ST. (P.M. 1978).
9. IN THE EVENT IT BECOMES NECESSARY AND THE CITY OF SHADLOW TO UTILIZE THE EASEMENT LOTS ON LOTS 4-17 AND LOTS 88-91 FOR CONSTRUCTION, REPAIR, MAINTENANCE, OR INSTALLATION OF UTILITY IN ANY MANNER, THE OWNER MAY BE REQUIRED AT HIS COST AND EXPENSE TO REMOVE THE EASEMENT AREA CONTRACTUALS WHICH ARE INTERFERE WITH THE USE OF THE EASEMENT.
10. EASEMENT TO SHADLOW SHALL BE REQUIRED ON LOTS 4-17 AND LOTS 88-91.
11. EASEMENT TO SHADLOW SHALL BE REQUIRED ON LOTS 4-17 AND LOTS 88-91.

MEMO

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 26, 2020

SUBJECT: REQUEST OF RICHARD A. ARCINIEGAS FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 15 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR A PROPOSED PORCH MEASURING 13 FT. BY 14.33 FT., AND 2) AN ENCROACHMENT OF 5.5 FT. INTO THE 7 FT. SIDE YARD SETBACK ALONG THE SOUTH PROPERTY LINE FOR A PROPOSED PORCH MEASURING 6 FT. BY 33 FT. AT LOT 12, SIEBRING ADDITION, HIDALGO COUNTY, TEXAS; 821 NORTH 27TH ½ STREET. (ZBA2020-0030)

REASON FOR APPEAL:

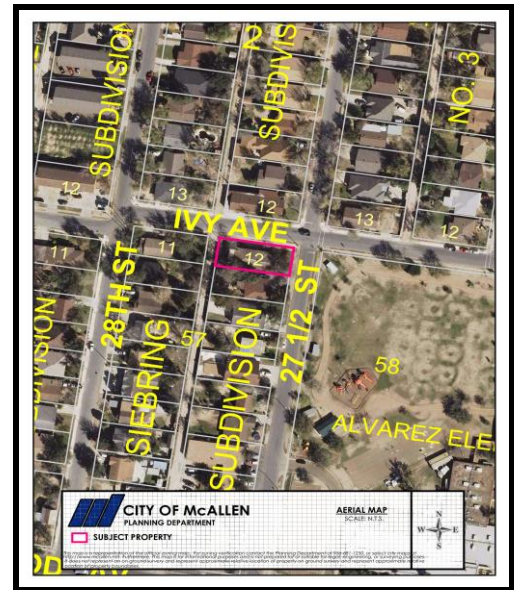
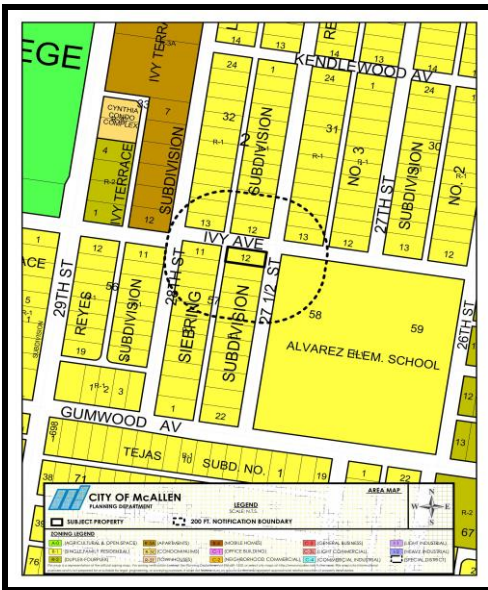
Mr. Richard A. Arciniegas, the property owner requests a variance to allow an encroachment of 15 ft. into the 30 ft. front yard setback for a proposed porch measuring 13 ft. by 14.33 ft., and a variance to allow an encroachment of 5.5 ft. into the required 7 ft. side yard setback along the south property line for a proposed porch measuring 33 ft. by 6 ft. The applicant has indicated that the basis for the requests is that his wife was diagnosed with skin cancer and doctors have recommended her to stay away from direct sunlight as much as possible.

PROPERTY LOCATION AND VICINITY:

The property is located at the intersection of North 27th ½ Street and Ivy Avenue. The lot has 54 ft. of frontage along North 27th ½ Street and a depth of 130 ft. for a lot size of 7, 236 sq. ft. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land uses are Francisca Alvarez Elementary School and single-family residences.

BACKGROUND AND HISTORY:

Siebring Addition was recorded on October 6, 1959. A “stop work” order was issued on April 30, 2020 for construction without a permit. An application for a building permit was submitted on May 4, 2020 for construction of two porches and it is currently under review. The applicant submitted the variance requests on May 28, 2020.



ANALYSIS:

The subdivision plat indicates that there are no utility easements along north property line. The site plan shows that the porch will not encroach into any utility easements.

Variance request #1 is for an encroachment of 15 ft. into the 30 ft. front yard setback for a porch measuring 13 ft. by 14.33 ft. The subdivision plat indicates that there is a 30 ft. front setback along North 27th ½ Street. The submitted site plan shows the porch to be 15 ft. from the front property line.

Variance request #2 is for an encroachment of 5.5 ft. into the 7 ft. side yard setback along the south property line for a porch measuring approximately 6 ft. by 33 ft. The site plan shows the distance from the south side property line to the proposed porch at 1.5 ft.

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 properties in the subdivision. Approval of a variance allowing a porch within the front yard may encourage future structures to be constructed in the front yard. Buildings are not permitted to be located within the front and side yard setbacks.

During the inspection of this site, staff noticed a brick barbecue pit located in the front yard setback. Applicant was notified of this finding and will revise the submitted site plan to match what is existing on the property.

No phone calls have been received in opposition to the variance requests.

RECOMMENDATION:

Staff recommends to table the variance request in order to allow the applicant to submit a revised site plan.

ZBA 2020-0030

ZBA
7/1/2020



City of McAllen

Planning Department

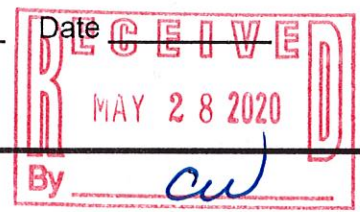
APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description	<u>Siebring Addition Lot 12</u>		
	Subdivision Name			
	Street Address	<u>821 N 27th 1/2 St. McAllen, TX 78501</u>		
	Number of lots	<u>1</u>	Gross acres	<u>0.16 acres (7,020 sq. ft)</u>
	Existing Zoning	<u>Residential</u>	Existing Land Use	<u>Residential</u>
	Reason for Appeal (please use other side if necessary)	<u>Health concerns.</u> <u>Cover patios (front 13'x14'4" and back 33'x6") are encroaching</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>Richard A Arciniegas</u>	Phone	<u>956.309.5262</u>
	Address	<u>821 N 27th 1/2 St.</u>	E-mail	<u>richard_arc@usa.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u>
	Zip	<u>78501</u>		
Owner	Name	<u>Richard & wife Gloria Arciniegas-Mendoza</u>	Phone	<u>956.309.5262 ; 956.601.3511</u>
	Address	<u>821 N 27th 1/2 St</u>	E-mail	<u>richard_arc@usa.com</u>
	City	<u>McAllen</u>	State	<u>Texas</u>
	Zip	<u>78501</u>		
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?			
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature	<u>Richard A. Arciniegas</u>	Date	<u>5.28.2020</u>
Office	Print Name	<u>Richard A Arciniegas</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
	Accepted by	<u>L.G.</u>	Payment received by	

Rev 10/18



pd. by C.C.



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

About on September 2019, my wife Gloria was diagnosed with skin cancer in several parts of her body. On January 2020, she started a battery of radiation therapy on her face and left leg. This therapy lasted about a month. She also had surgery on her back.

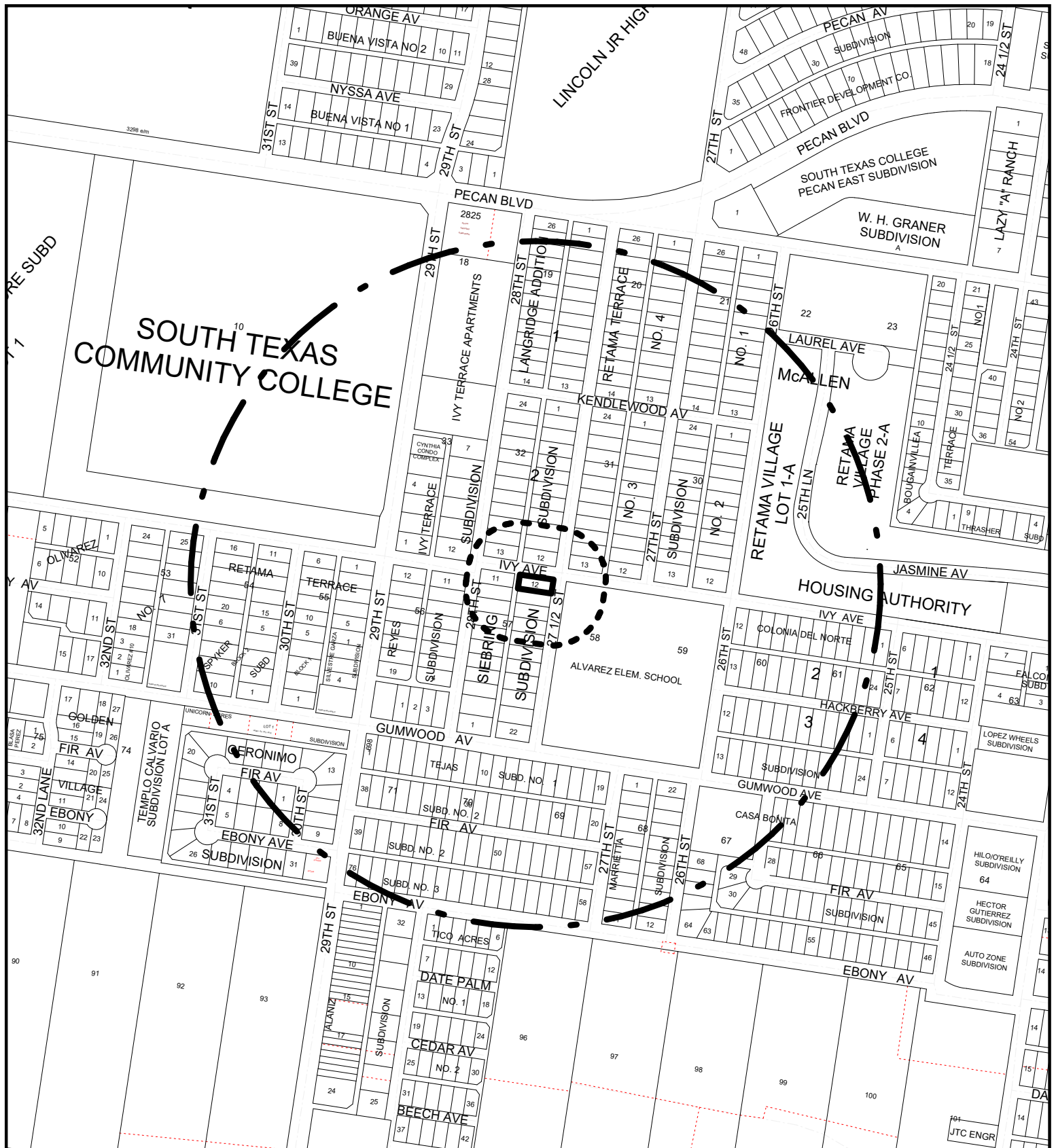
My wife Gloria was told by her doctors to stay away from direct sunlight as much as possible. She loves her dogs and the outdoors so she needs some protection from direct sunlight when outdoors.

This is the reason why I am appealing to your understanding.

Board Action

Chairman, Board of Adjustment
Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: N.T.S.

AREA MAP




 **SUBJECT PROPERTY**

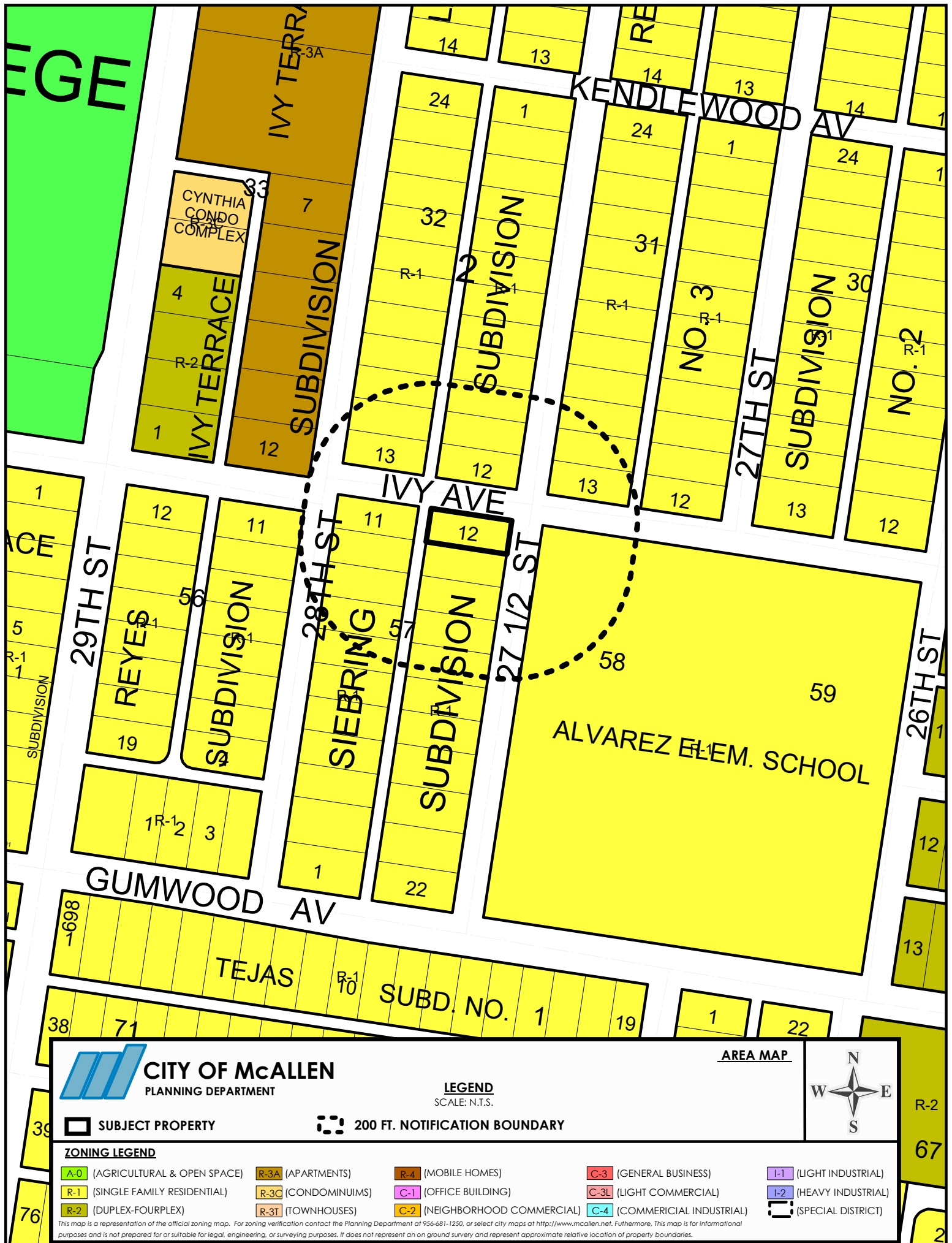
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.





CITY OF McALLEN
PLANNING DEPARTMENT



SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.

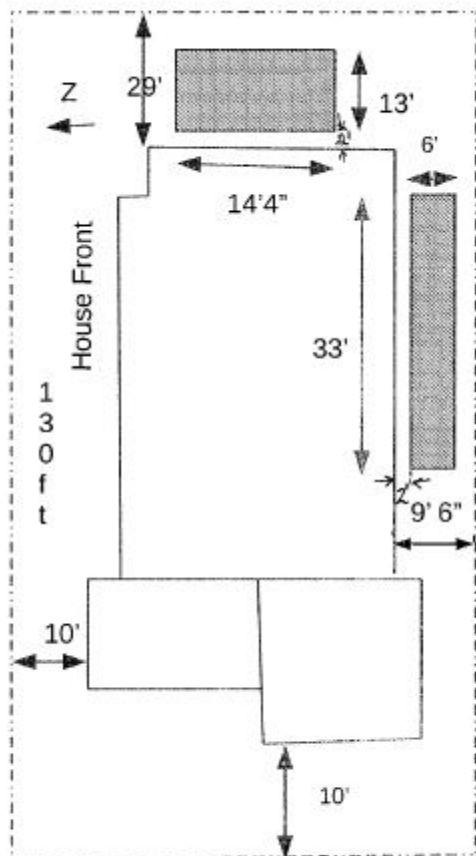


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27th ½ St

Site Plan

Patio covers are attached to the fascia of the roof.



54 ft

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House Front

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NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0030

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 25, 2020

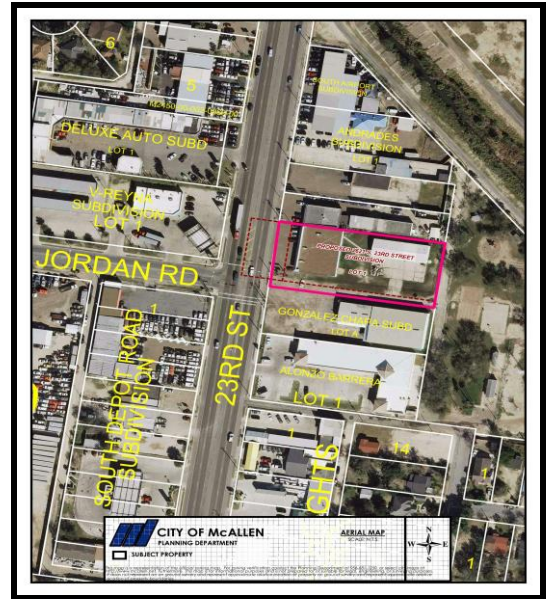
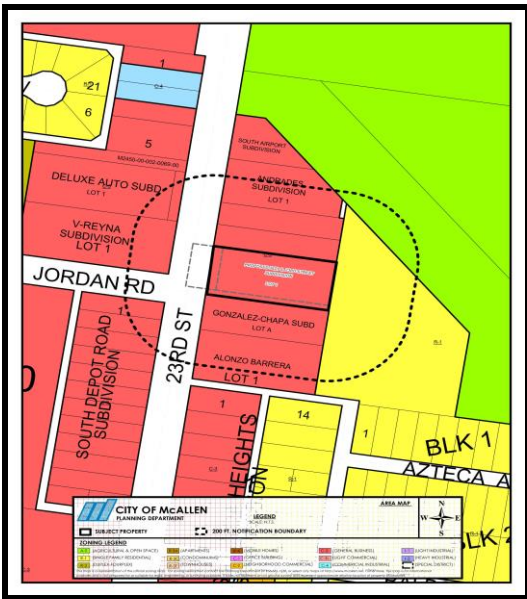
SUBJECT: REQUEST OF U.S. RAGS, INC. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) 22 PARKING SPACES INSTEAD OF THE REQUIRED 36 PARKING SPACES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT., AND 2) AN ENCROACHMENT OF 10 FT. INTO THE 15 FT. SIDE YARD SETBACK ALONG THE NORTH AND SOUTH PROPERTY LINES FOR A PROPOSED COMMERCIAL BUILDING MEASURING 13,000 SQ. FT. AT 0.99 ACRE TRACT OF LAND OUT OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 2621 SOUTH 23RD STREET. (ZBA2020-0013).

REASON FOR APPEAL: The applicant is requesting a special exception from the City of McAllen Off-street Parking and Loading Ordinance to provide 22 parking spaces instead of the required 36 parking spaces for a commercial building. The applicant states the basis for this request is that at any given time only 3 or 4 parking spaces are used by customers and office personnel. The applicant is also requesting a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 ft. into the required side yard setback of 15 ft. on the north and south side of the property. The basis for the request to encroach into the side yard setbacks is that a 5 ft. utility easement prevents construction to the lot line as allowed by the Zoning Ordinance

PROPERTY LOCATION AND VICINITY: The property is located on the east side of South 23rd Street at the intersection with Jordan Road, and is zoned C-3 (general business) District. Surrounding areas are zoned C-3 District to the north, south and west, and R-1 (single family residential) District to the east.

BACKGROUND AND HISTORY: A subdivision plat for this property under the name of, "2621 South 23rd Street Subdivision" was approved in final form at the Planning and Zoning Board meeting of March 10, 2020.

ANALYSIS: The applicant is proposing to build a 13,000 sq. ft. commercial building for retail use on the subject property. As per Section 138-395, the ordinance states four parking spaces are required for the first 400 sq. ft. of floor area plus one parking space for each additional 400 sq. ft. of floor area for commercial use. Based on the square footage of the proposed commercial building, 36 parking spaces are required and 22 parking spaces are proposed. The shortage of parking spaces could create stacking issues on South 23rd Street, and also parking issues with customers using parking spaces from neighboring businesses.



The applicant is also requesting a variance to allow an encroachment of 10 ft. into the required 15 ft. side setback on the north and south side of the property. A general note on the proposed subdivision plat indicates that the proposed side yard setbacks will have be in accordance with the Zoning Ordinance or greater for easements. The proposed subdivision plat also indicates that there are 5 ft. utility easements along the north and south property lines. Section 138-356 (11) of the Zoning Ordinance indicates that side yard setbacks in commercial areas from all lot lines shall be one foot back for each two feet in height including corner lots, except a building may be built to a lot line when not adjacent to a residential zone and where a firewall is provided between uses. The proposed building will be 30 ft. in height; hence, required side setbacks will be 15 ft. The proposed 5 ft. utility easements along the side of the property prevent the proposed building from being constructed to the lot line. A letter submitted by the applicant indicates that he is willing to provide a firewall if the 5 ft. setback variance is approved. The utility easements will not be impacted by the proposed commercial building.

No calls or emails have been received in opposition.

ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING OF JUNE 17, 2020:

At the Zoning Board of Adjustments and Appeals meeting of June 17, 2020 no one appeared in opposition to the variance request. After a brief discussion, City Attorney's Assistant recommended the Board to table the item. The Board voted to table the item with five members present and voting

RECOMMENDATION:

Staff recommends disapproval of the special exception, and approval of the variance request.

ZBA2020.0013



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

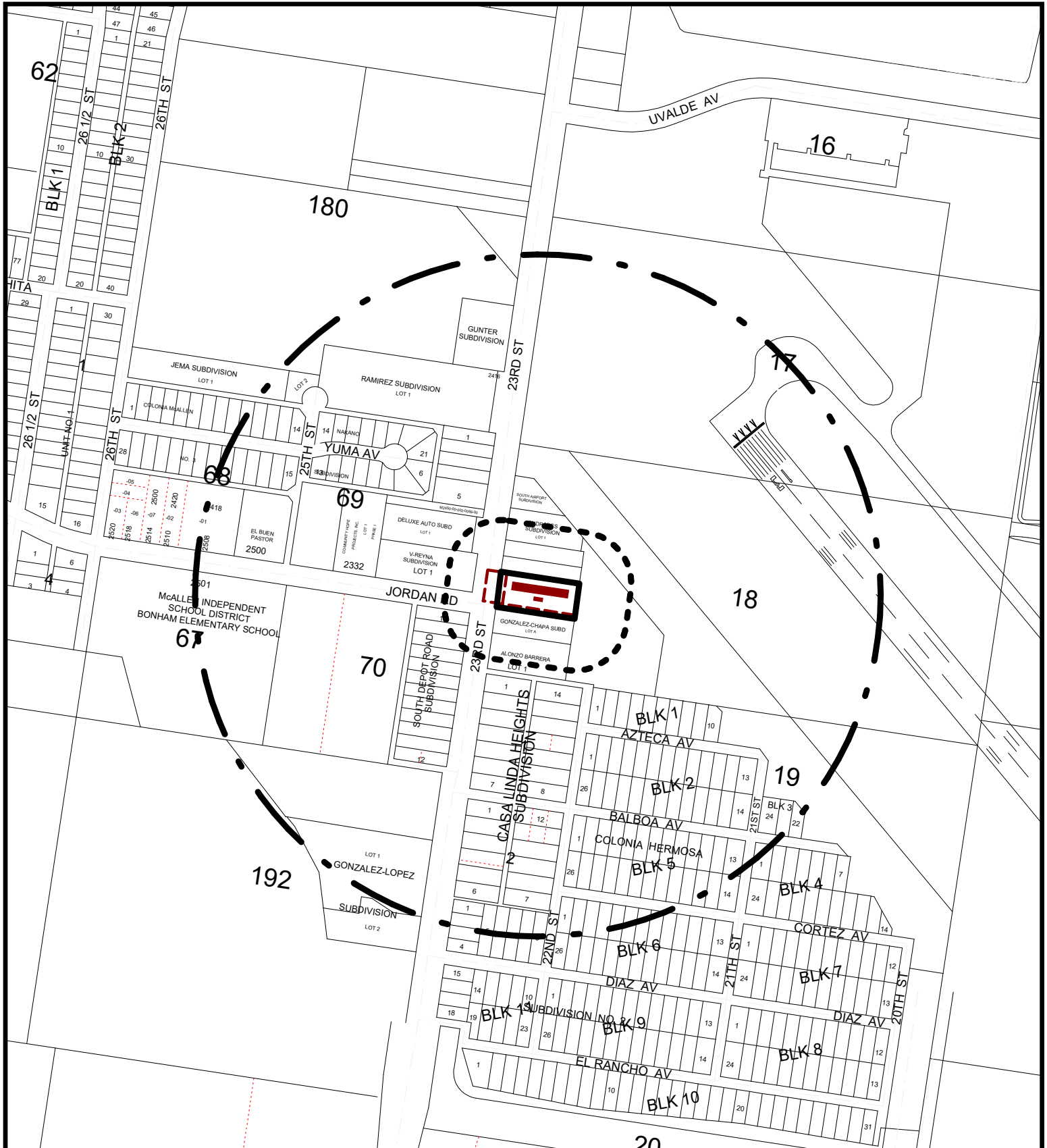
ADJUSTMENT TO MCALLEN ZONING ORDINANCE


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

ZBA
4-15-20

Project	<p>Legal Description <u>0.99 AC o/o LOT 18, BIK. 3,</u> <u>C.R. HAMMOND'S SUBD., H.C.T.</u></p> <p>Subdivision Name <u>2621 S. 23RD ST. SUBD.</u></p> <p>Street Address <u>2621 S. 23RD ST., McAllen</u></p> <p>Number of lots <u>1</u> Gross acres <u>0.99</u></p> <p>Existing Zoning <u>C-3</u> Existing Land Use <u>C-3</u></p> <p>Reason for Appeal (please use other side if necessary) <u>ALL PARKING REQ NOT</u> <u>MADE / INCREASED SETBACK REDUCES PARKING</u> <u>REQ.</u></p> <p><input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)</p> <p><input checked="" type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required <u>SITE PLAN (EXHIBIT "B")</u></p>
	<p>Name <u>U.S. RAGS, INC.</u> Phone <u>713-805-4546</u></p> <p>Address <u>303 S. 66TH ST.</u> E-mail <u>MAIL@BIGSTARMGMT.COM</u></p> <p>City <u>HOUSTON</u> State <u>TX</u> Zip <u>77011</u></p>
Applicant	
Owner	<p>Name <u>SAME AS APPLICANT</u> Phone _____</p> <p>Address _____ E-mail _____</p> <p>City _____ State _____ Zip _____</p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>[Signature]</u> Date <u>3/9/20</u></p> <p>Print Name <u>DAVID O. SALINAS</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by _____ Payment received by _____</p> <p>Rev 10/18 <u>Cb</u></p> <p>RECEIVED MAR 11 2020</p> <p>BY: <u>[Signature]</u></p>

Rct#703923

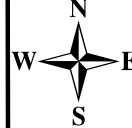






CITY OF McALLEN
PLANNING DEPARTMENT


LEGEND
SCALE: 1" = 500'

AREA MAP




 **SUBJECT PROPERTY**

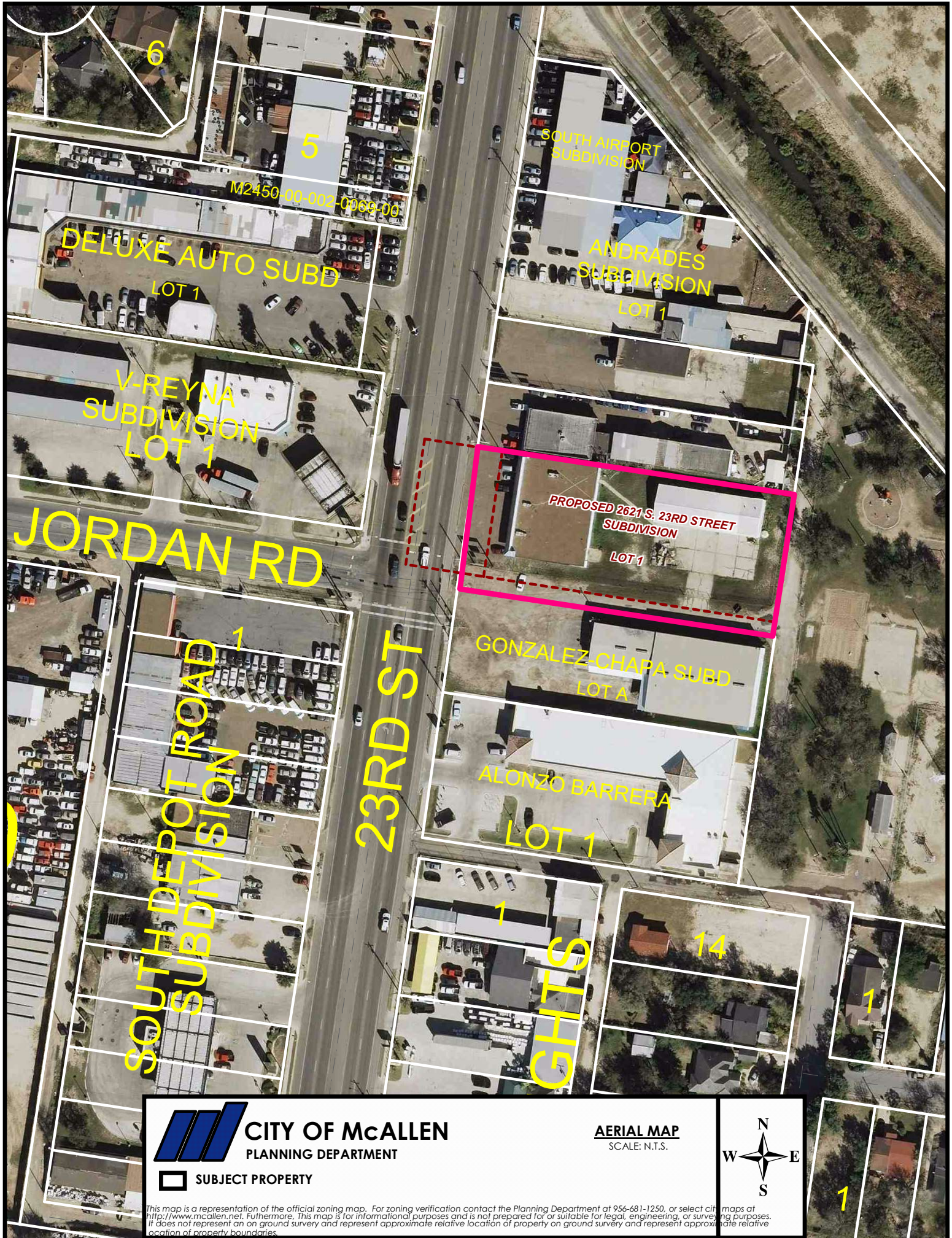
 **200 FT. NOTIFICATION BOUNDARY**

 **1/4 MILE RADIUS**

ZONING LEGEND

A-O (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)	I-1 (LIGHT INDUSTRIAL)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)

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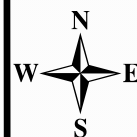


CITY OF McALLEN
PLANNING DEPARTMENT

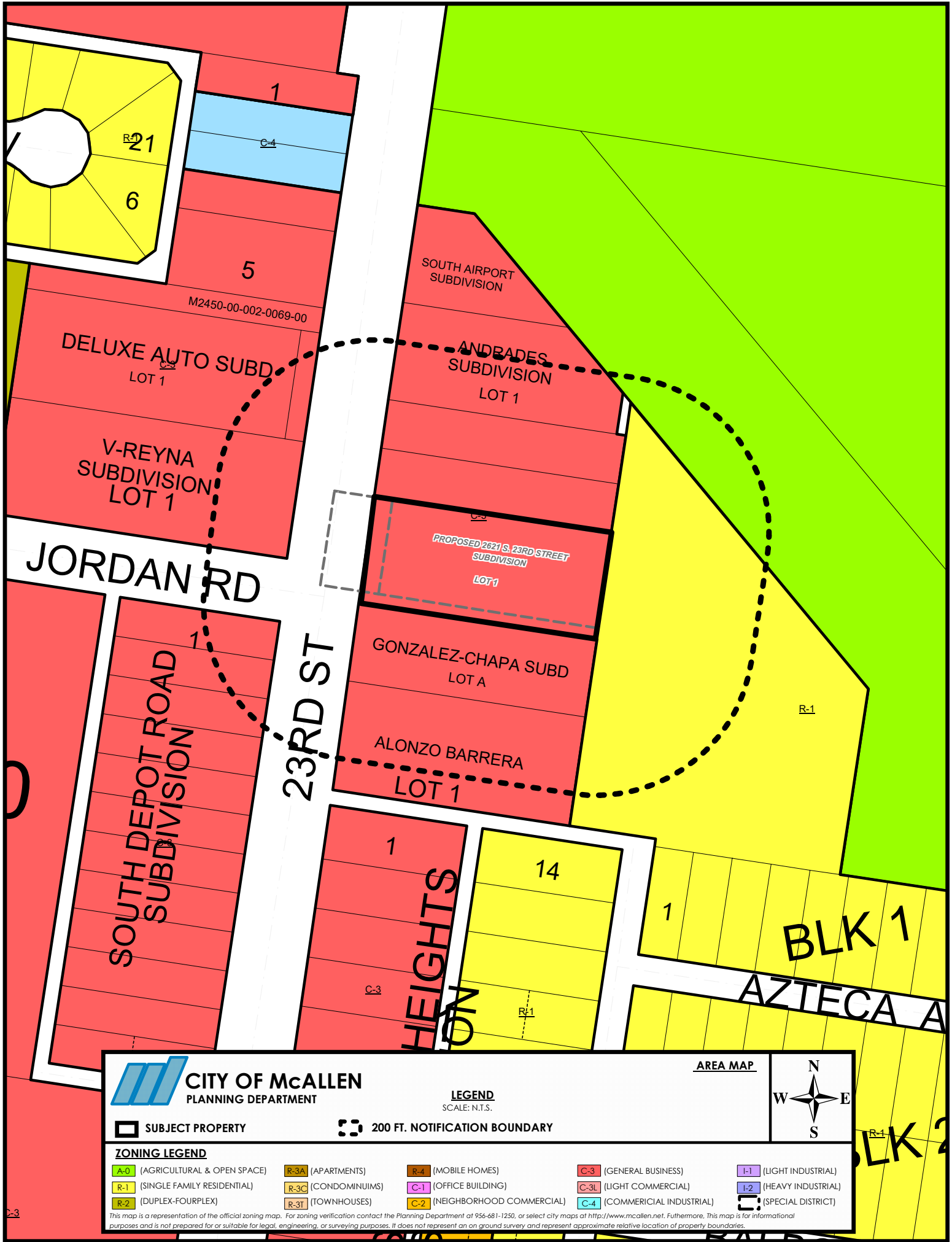


SUBJECT PROPERTY

AERIAL MAP
SCALE: N.T.S.



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SALINAS ENGINEERING & ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE. - MCALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
dsalinas@salinasengineering.com
TEPLS 12100 PARK 35 ORACLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78753 (512) 239-5263

METES AND BOUNDS DESCRIPTION

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 480.0 FEET (7X100' ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND, SAME BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF MCALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0 FOOT STRIP OF LAND CONVEYED TO THE CITY OF MCALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT A, GONZALEZ-CHAPA SUBDIVISION, MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF MCALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.
N+M+B.2019U.12.060319

This is to certify that I have, this date, made a careful and accurate standard land survey on the ground of property which is located at 2621 S. 23RD. ST. in McALLEN, Texas, described as follows: BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF (SEE METES AND BOUNDS DESCRIPTION)

Lot 18, Block 3, of C.E. HAMMOND'S SUBDIVISION, HIDALGO CO., Texas, according to the plat recorded in Volume 21, Page 599, of the DEED Records of Hidalgo County, Texas. I further certify that this property lies in Zone B as per FIRM (Flood Insurance Rate Map) dated NOV. 2, 1982 Community Panel No. 480343 0010 C.

A.E. DRN. BY JUNE 03, 2019 DATE JUNE 14, 2019 UPDATED S-19-24128 JOB NO.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5782 BY: *aw/147*



SCALE: 1" = 50'

LOT 18, BLOCK 3, DOCUMENT NO. 2805642, H.C.D.R.

C. E. HAMMOND'S
SUBDIVISION
VOL. 21, PG. 599,
H. C. D. R.

ADJOINER:
OWNER: ROBERTO GOMEZ
PROPERTY I.D. NO.: 185509
C.E. HAMMOND S 1/2 OF LOT 9 OF
R/S OF W PART OF LOT 18 BLK 3
WARRANTY DEED WITH VENDOR'S LIEN
DOCUMENT NO. 671712, H.C.D.R.

SOUTHEAST
CORNER
GOMEZ TRACT

TRACT-1

0.99 GROSS ACRES
0.14 R.O.W. ACRES
0.85 NET ACRES

ADJOINER:
OWNER: CITY OF MCALLEN
PROPERTY I.D. NO.: 185503
C.E. HAMMOND
PARK OUT OF S. PART OF LOT 18 BLK 3
WARRANTY DEED
DOCUMENT NO. UNDETERMINED, H.C.D.R.

GENERAL PLAT NOTES:

- Bearing Basis: North line of Gonzalez-Chapa Subdivision, Addition to the City of McAllen, Hidalgo County, Texas.
- This plat is for the exclusive use of U.S. Rege Inc. named herein, in connection with Valley Land Title Co., G.F. No. 161637 and, the respective leader thereof. The undersigned surveyor is not responsible to any other for any loss resulting therefrom. This survey is for the exclusive use of the client named herein and may not be copied or transferred to another party without the express written consent of the surveyor.
- There are no discrepancies, conflicts, encroachments or shortages in area, encroachments or any overlapping improvements, visible or apparent encroachments except as shown or noted herein.
- The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown herein; nor does this survey make any representations of being an archaeological or historical survey of the tract of land shown herein.
- The surveyor has made no attempt to locate or define abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown herein; nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; nor has the surveyor investigated any mineral or royalty interests in the tract of land shown herein.
- This is a standard survey and does not include a subsurface utility or topographic investigation.

- If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5202c, Vernon's Texas Civil Statutes.
- Name corresponding to Schedule "B" of Title Commitment C.F. No. 181637.
- Item 10a: Statutory easements, rules, regulations and rights in favor of Hidalgo County Irrigation District No. 1.
- Item 10b: Easements as shown on the map and dedication of C.E. Hammond's Subdivision, recorded in Volume 1, Page 8, Map Records of Hidalgo County, Texas.
- Item 10c: Easement for telephone poles and lines, telegraph and drainage ditches as shown by instrument dated May 21, 1923, recorded in Volume 151, Page 370, Deed Records of Hidalgo County, Texas.
(This is a blanket easement and is not shown herein.)
- Item 10d: Right of way easement in favor of Hidalgo County Better Control and Improvement District No. 1, as shown by instrument dated November 5, 1929, recorded in Volume 307, Page 245, Deed Records of Hidalgo County, Texas.
(This easement does not apply and is not shown herein.)
- Item 10e: Right of way easement in favor of Rio Grande Valley Gas Company, as shown by instrument dated February 25, 1967, recorded in Volume 1057, Page 378, Deed Records of Hidalgo County, Texas.
(This easement appears to apply to this survey and is not shown herein. The description for the easement seems to be in error.)
- Item 10f: Right of way easement in favor of City of McAllen, as shown by instrument dated May 19, 1964, recorded in Volume 1091, Page 463, Deed Records of Hidalgo County, Texas.
(This easement does apply and is shown herein.)

S. 23RD. STREET
(SPUR NO. 115)
(100.00' R.O.W.)

500.00'
WEST LINE OF LOT 18

P.O.C.
N.W.C.
LOT 18

P.O.B.
SOUTHWEST
CORNER
GOMEZ TRACT

S81°17'00"E

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

121.28'

P.O.C.
N.W.C.
LOT 18

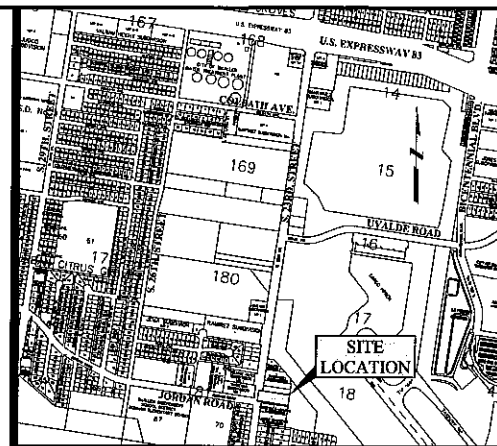
EXHIBIT "B"

DISCLAIMER: THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW BY THE CITY OF McALLEN ONLY & BY NO OTHERS UNDER THE AUTHORITY OF DAVID OMAR SALINAS, P.E. TX. REG. NO. 71973 ON MARCH 09, 2020. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

ADJOINER:
OWNER: MARIA CANDELARIA GONZALEZ
PROPERTY I.D. NO.: 185510
C.E. HAMMONDS
S62.5'-N437.50'-W338'- LOT 18 BLK 3
0.48AC. NET
GIFT DEED
DOCUMENT NO. 2805642, H.C.D.R.

ADJOINER:
OWNER: ROBERTO GOMEZ
PROPERTY I.D. NO.: 185509
C.E. HAMMONDS S 1/2 OF LOT 9 OF
R/S OF W PART OF LOT 18 BLK 3
WARRANTY DEED WITH VENDOR'S LIEN
DOCUMENT NO. 671712, H.C.D.R.

SCALE: 1"=20'



LOCATION MAP SCALE: 1" = 1000'

SEA

SALINAS ENGINEERING & ASSOCIATES
(P-6875) (10065700)
CONSULTING ENGINEERS & SURVEYORS
2821 DAFFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1486 (FAX)
1805 S. 110TH PARK 35 CIRCLE SUITE A, SUITE 104, MCALLEN, TEXAS 78123 (956) 239-5883

SITEPLAN

Sheet Title

2621 S. 23RD. STREET
SUBDIVISION

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- CABLE PEDESTAL
- ELECTRIC METER
- FIRE HYDRANT
- CUT WIRE
- MAIL BOX
- POWER POLE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- SINGLE POLE SIGN
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL POLE
- WATER VALVE
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

DENOTES PROPOSED LANDSCAPE AREA

DENOTES PROPOSED HANDICAP SPACE

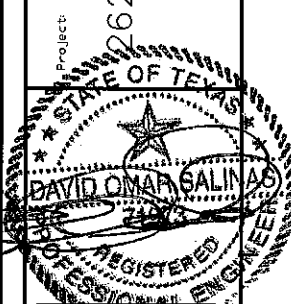
DENOTES PROPOSED 4" CALIPER OAK TREE

DENOTES EXISTING FIRE HYDRANT

CITY REQUIREMENTS

PARKING REQUIREMENTS:
RETAIL - 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.
13,000 S.F. - 400 S.F. (4 PARKING SPACES) = 12,600 S.F.
12,600 S.F. / 400 S.F. = 32 PARKING SPACES
TOTAL PARKING REQUIRED: 4 + 32 = 36 PARKING SPACES
TOTAL PARKING PROVIDED: 22 PARKING SPACES
TOTAL ACCESSIBLE PARKING REQUIRED: 2 SPACES
TOTAL ACCESSIBLE PARKING PROVIDED: 2 SPACE
PARKING SPACE DEFICIENCY: 14 PARKING SPACES

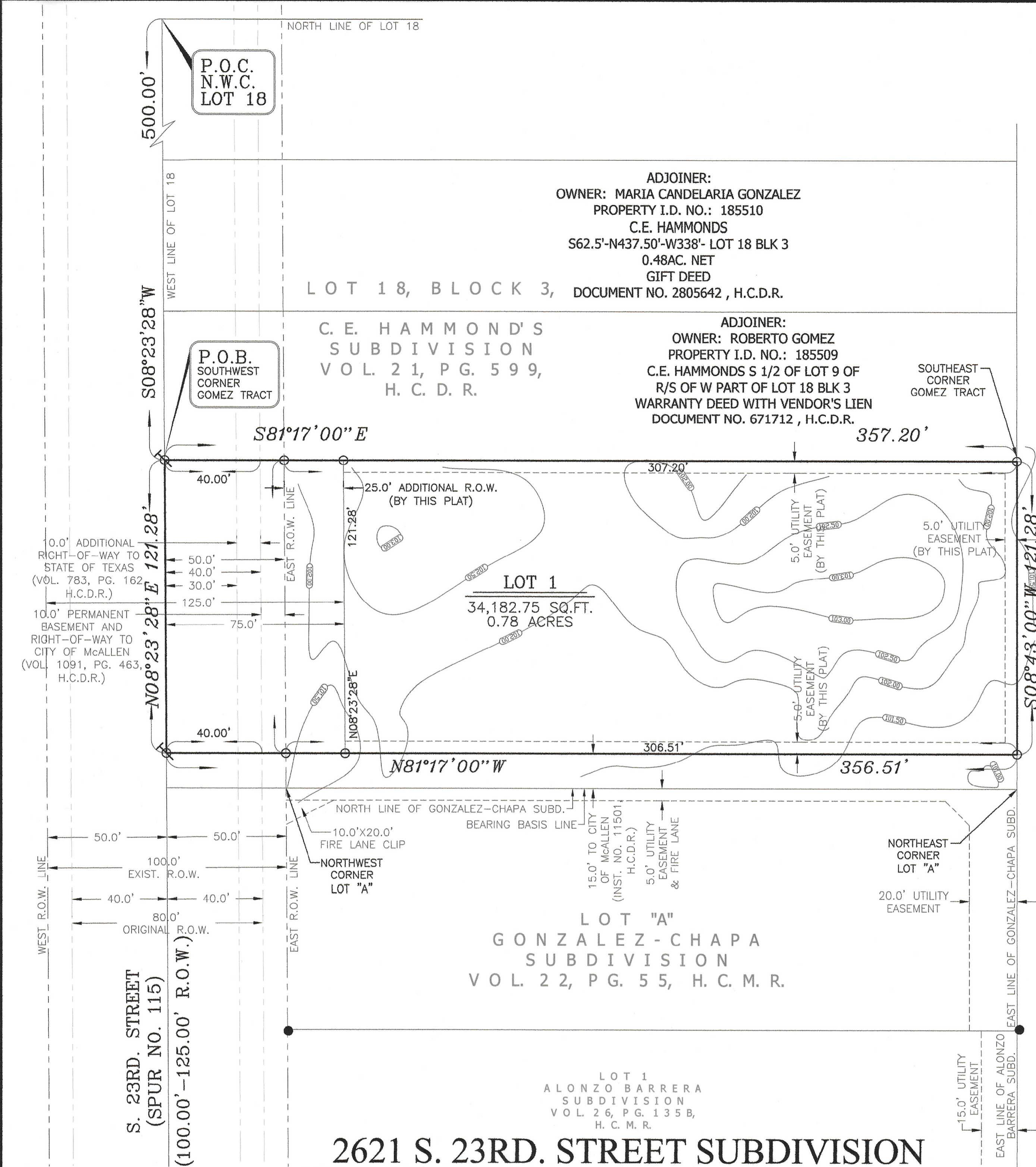
DEVELOPED SQUARE FOOTAGE = 34,182.75 S.F.
LANDSCAPE REQUIRED: 34,182.75 S.F. X 10% = 3,418.28 S.F.
LANDSCAPE PROVIDED = 7,318.30 S.F.
FRONT LANDSCAPE REQUIRED: 3,418.28 S.F. X 50% = 1,709.14 S.F.
FRONT LANDSCAPE PROVIDED = 3,434.68 S.F.
TREE REQUIREMENTS: 2,001 S.F. TO 10,000 S.F. OF LANDSCAPE AREA = 10 TREES FOR FIRST 2,000 S.F. AND ONE TREE FOR EVERY 500 S.F. OVER 2,000 S.F.
3,418.28 S.F. - 2,000 S.F. (10 TREES) = 1,418.28 S.F.
1,418.28 S.F. / 500 S.F. = 3 TREES
TREE CREDITS REQUIRED: 10 + 3 = 13 TREE CREDITS
(1" - 4" CALIPER TREE = 2 TREE CREDITS)
TREE CREDITS PROVIDED: 14 TREE CREDITS (7 - 4" CALIPER TREES)
FIRE HYDRANTS = 1 EXISTING HYDRANT



David Omar Salinas
Registered Professional Engineer # 71973
Date: 03/09/20
Scale: 1"=20'
Designed By: D.O.S.
Drawn By: A.E.
Checked By: D.O.S.
Approved By: D.O.S.
Project No: SP-19-24164
Drawing No: SP-19-24164
Sheet 1 of 1



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2020-0013



LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD WITH YELLOW CAP MARKED "SEA 5782"
- SET NAIL
- R.O.W. RIGHT OF WAY
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- H.C.D.R. HIDALGO COUNTY DEED RECORDS
- H.C.O.R. HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. HIDALGO COUNTY MAP RECORDS

SCALE: 1" = 30'

ADJOINER:
OWNER: CITY OF McALLEN
PROPERTY I.D. NO.: 185503
C.E. HAMMOND
PALM CITY PARK OUT OF S. PART OF LOT 18 BLK 3
WARRANTY DEED
DOCUMENT NO. UNDETERMINED, H.C.D.R.

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

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: _____ DEPUTY

STATE OF TEXAS
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **2621 S. 23RD. STREET SUBDIVISION**, TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, 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.

OWNER: U.S. RACS INC., A TEXAS CORPORATION
MUHAMMAD SALIM, PRESIDENT
303 S. 66TH. STREET, SUITE #105
HOUSTON, TEXAS 77011

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MUHAMMAD SALIM, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY
OF _____, 2020.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES. _____

STATE OF TEXAS
CITY OF McALLEN

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

MAYOR _____ DATE _____

STATE OF TEXAS
CITY OF McALLEN

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

CHAIRMAN,
PLANNING AND ZONING COMMISSION
DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID OMAR SALINAS, P.E., A REGISTERED PROFESSIONAL ENGINEER LICENSED TO PRACTICE IN THE STATE OF TEXAS, REGISTRATION NUMBER TX. 71973, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION.

DAVID OMAR SALINAS, P.E.
REG. PROFESSIONAL ENGINEER #71973

DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, DAVID O. SALINAS, THE UNDERSIGNED A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

DAVID O. SALINAS, R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR #5782

DATE _____

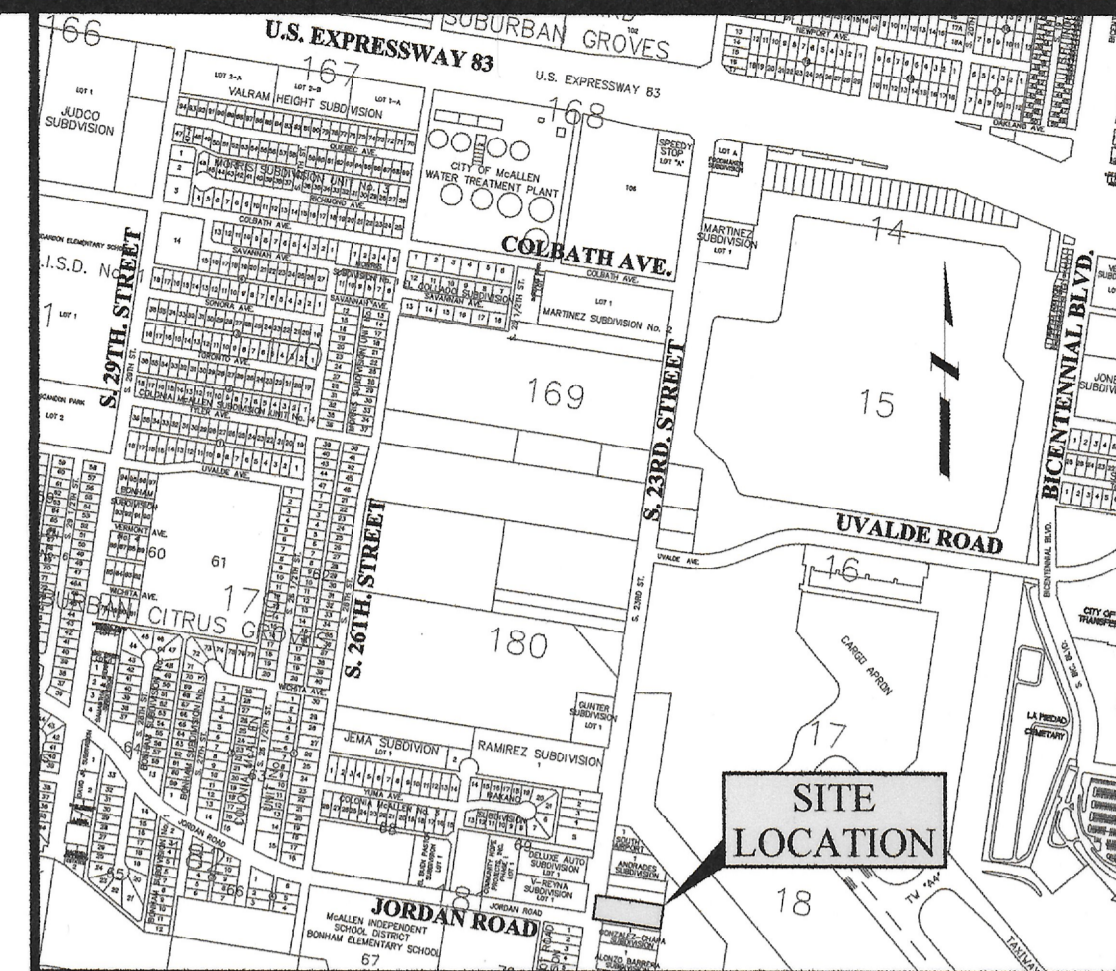
APPROVED BY DRAINAGE DISTRICT:

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 OF THE SUBDIVISION AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

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

DATE _____



LOCATION MAP

SCALE : 1" = 1000'

METES AND BOUNDS DESCRIPTION

BEING A 0.99 GROSS ACRE TRACT OF LAND, MORE OR LESS, AS FOUND ON THE GROUND, OUT OF AND FORMING A PART OF LOT 18, BLOCK 3, C.E. HAMMOND'S SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS OF HIDALGO COUNTY, TEXAS; SAID 0.99 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 18 LOCATED INSIDE THE RIGHT-OF-WAY OF SOUTH 23RD. STREET; THENCE, AS FOLLOWS:

SOUTH 08 DEGREES 23 MINUTES 28 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 500.0 FEET TO A NAIL SET ON THE SOUTHWEST CORNER OF THAT CERTAIN 0.97 (DEED) TRACT OF LAND CONVEYED FROM ELIZABETH GOMEZ VEGA UNTO ROBERTO GOMEZ, DATED APRIL 09, 1998, FILED IN INSTRUMENT NO. 671712, H.C.D.R., FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, SOUTH 81 DEGREES 17 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID GOMEZ TRACT, A DISTANCE OF 40.0 FEET (TXDOT ROW MAP) PASSING THE OLD EAST RIGHT-OF-WAY LINE OF SOUTH 23RD. STREET, AND, SAME BEING THE WEST LINE OF THAT CERTAIN EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN (VOL. 1091, PG. 463, H.C.D.R.), AT A DISTANCE OF 50.0 FEET PASSING A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET IN ASPHALT ON THE EXISTING EAST RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET SAME BEING ON THE EAST LINE OF SAID 10.0 FOOT PERMANENT EASEMENT AND RIGHT-OF-WAY CONVEYED TO THE CITY OF McALLEN, AT A DISTANCE OF 357.20 FEET IN ALL TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE SOUTHEAST CORNER OF SAID GOMEZ TRACT FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, SOUTH 08 DEGREES 43 MINUTES 00 SECONDS WEST, ALONG THE SOUTHERLY PROJECTED EAST LINE OF SAID GOMEZ TRACT, A DISTANCE OF 121.28 FEET TO A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE NORTHEAST CORNER OF A 15.0' FOOT STRIP OF LAND CONVEYED TO THE CITY OF McALLEN BY INSTRUMENT NUMBER 11501, DEED RECORDS OF HIDALGO COUNTY, TEXAS, BEING 15.0 FEET NORTH OF THE NORTH LINE OF LOT A, GONZALEZ-CHAPA SUBDIVISION, McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 55, MAP RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, NORTH 81 DEGREES 17 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID 15.0' STRIP, A DISTANCE OF 306.51 FEET PASS A 1/2 INCH DIAMETER IRON ROD WITH YELLOW CAP MARKED "SEA 5782" SET ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE EAST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 316.51 FEET PASSING THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SAID SOUTH 23RD. STREET SAME BEING THE WEST LINE OF SAID EASEMENT AND RIGHT-OF-WAY CONVEYED UNTO THE CITY OF McALLEN, AT A DISTANCE OF 356.51 FEET IN ALL TO A NAIL SET IN ASPHALT WITHIN SOUTH 23RD. STREET ON INTERSECTION WITH THE WEST LINE OF SAID LOT 18 FOR THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, NORTH 08 DEGREES 23 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 18, A DISTANCE OF 121.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.99 GROSS ACRES OF LAND, MORE OR LESS, OF WHICH THE WEST 50.0 FEET, OR 0.14 ACRES, MORE OR LESS, ARE LOCATED WITHIN THE RIGHT-OF-WAY OF SAID SOUTH 23RD. STREET, LEAVING 0.85 NET ACRES OF LAND, MORE OR LESS.

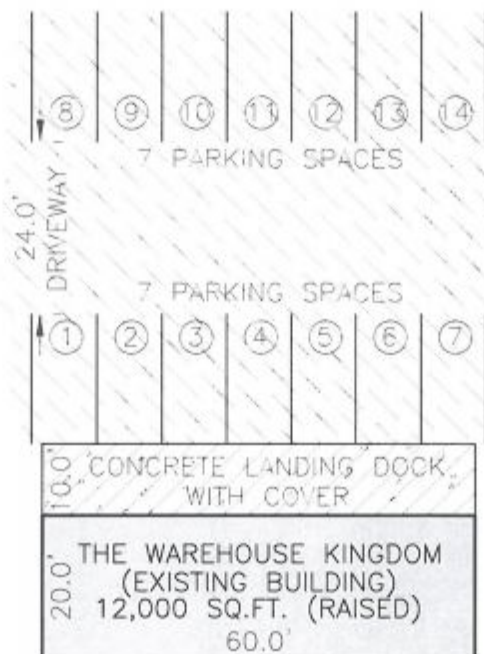
BEARING BASIS: NORTH LINE OF SAID GONZALEZ-CHAPA SUBDIVISION.
N&M&B.201911.12.060319

2621 S. 23RD. STREET SUBDIVISION

PREPARED BY: SALINAS ENGINEERING & ASSOC.
DATE OF PREPARATION: MARCH 11, 2020
JOB NUMBER: SP-19-24164

OWNER: U.S. RACS INC., A TEXAS CORPORATION
MUHAMMAD SALIM, PRESIDENT
303 S. 66TH. STREET, SUITE #105
HOUSTON, TEXAS 77011

SEA
SALINAS ENGINEERING & ASSOC.
(P-6675) (TBPLS-10065700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFFODIL AVE., McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
TBPLS 12100 PARK 35 ORACLE BLDG. A, SUITE 156, MC-230, AUSTIN, TEXAS 78753 (512) 238-5263



SCALE: 1"=20'

EXHIBIT "A"
EXISTING SITE PLAN AT
"THE WAREHOUSE KINGDOM"

David O. Salinas, P.E., R.P.L.S.
Licensed Professional Engineer
Texas Engineer License No. 71973
Texas Land Surveyor License No. 5782



JOB NUMBER: DP-19-24164
DATE: JUNE 10, 2020

SEA
SALINAS ENGINEERING & ASSOCIATES
(F-6875) (10085700)
CONSULTING ENGINEERS & SURVEYORS
2221 DAFODIL - McALLEN, TEXAS 78501
(956) 682-9081 (956) 686-1489 (FAX)
TRIPLE "D" PARK 35 DUFFLE BLDG. 4, SUITE 100, MCALLEN, TEXAS 78503 (956) 239-5263

Definitions

Table of Contents

Chapter 138-Zoning1

 Section 138-1 Definitions1

Chapter 110-Vegetation6

 Section 110-26 Definitions6

Chapter 138-Zoning

Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

Accessory use means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

Accessory use of building means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

Alley means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

Apartment means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

Associated recreation means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

Authorized agent means an architect, builder, developer or other person empowered to act on behalf of such persons.

Base station. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

Boardinghouse means a building other than a hotel where lodging and meals are provided for compensation.

Building means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

Carrier on wheels or cell on wheels ("COW"). A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

Concealed or stealth design elements. A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

Conditional use means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

Depth of lot means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

District means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

Dwelling unit means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

Eligible facilities request. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Eligible support structure. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Existing. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Family means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

Garage, commercial means a building or premises used for storage, repair, rental or servicing of motor vehicles.

Garage, private means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

Guesthouse means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

Height means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

Loading space means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

Lot means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.

- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
 - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
 - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

Lot of record means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

Maneuvering space means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Mobile home means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

Mobile home and modular home park means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

Mobile home and modular home subdivision means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

Modular home means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

Ornamental feature means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

Parking area means a space used exclusively for the parking of vehicles and where no other business is conducted.

Parking space means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

Planned unit development (PUD) means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

Portable building means a temporary building that does not have a foundation and is transportable.

Recreational vehicle or travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

Residential storage building means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

Restaurant means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

Retail means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

Right-of-way line means a dividing line between a lot, tract or parcel of land and the public right-of-way.

Street means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

Structural alteration means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

Substantial change. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Tower. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

Townhouse means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

Transmission equipment. As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

Yard means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

Cross reference— Definitions and rules of construction generally, § 1-2.

Footnotes:

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Note— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d)(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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Note— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

Chapter 110-Vegetation

Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

Caliper means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.

Contiguous means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

Developed property means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

Diameter-at-breast-height (DBH) means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

Frontage means lineal distance measured along abutting street rights-of-way.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as liriopse, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

Landscape material means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

Landscape strip area means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

Paved ground surface area (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

Planting area means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

Reconstruction means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

Shrub means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

Stormwater detention facility means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

Street line means that line separating the right-of-way from any adjacent property.

Tree means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

Vine means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

Xeriscape means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

Cross reference— Definitions and rules of construction generally, § 1-2.

CRITERIA FOR ZBOA DETERMINATIONS

APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
 - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
 - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
 - a. No structural alterations are made, AND
 - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

Ord. Sec. 138-86. – GENERAL POLICY.

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.

VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
 - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
 - b. **Plight is unique** and not shared in general by others in the neighborhood, and
 - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.

Exceptions Cited within the Zoning Ordinance

Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)

Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers

Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

ZONING BOARD OF ADJUSTMENT AND APPEALS

RULES AND PROCEDURES

CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.

I. ORGANIZATION AND OFFICERS

A. Members

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

B. Officers

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

C. Duties and Officers

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.

II. POWERS OF THE BOARD

A. General Powers

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

B. Specified Powers

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

III. DUTIES OF BOARD MEMBERS

A. General Duties of Members

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

B. Disqualification/Conflict of Interest

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).

In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

IV. A BASIS FOR ACTION

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

V. APPLICANTS

A. Legally Vested Interest

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

B. Applications

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

C. Meetings

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

D. Evidence

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

VI. HARDSHIP

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

VII. MEETINGS

A. Texas Public Information Act and Open Meetings Act.

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.

B. Quorum

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

C. Regular Meetings

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

D. Special Meetings

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

E. Order of Business

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
 - a) Presentation of recommendation by City Staff.
 - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
 - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
 - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
 - e) The applicant or his representative may then give a rebuttal to any opposition.
 - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
 - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
 - h) Board discussion.
 - i) The Chair shall then declare that the discussion of the case is closed.

- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
- k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
- l) Vote on a motion.
- 6. The Chair may move a case out of regular agenda order.
- 7. Staff Report
- 8. Other Business posted on the Agenda
- 9. Adjournment

F. Staff Recommendations

City staff shall provide recommendations on each case before the Board.

G. Action by the Board

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

H. Minutes of the Board

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

VIII. DECISIONS OF THE BOARD

A. Precedent

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

B. Public Statements

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

B. Parliamentary Procedure

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

IX. WITHDRAWAL OF APPEAL

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

X. ATTENDANCE

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

XI. AMENDEMENT PROCEDURE

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this _____ day of _____, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

Executive Secretary

ORDINANCE NO. 2018- 70

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

WHEREAS, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

WHEREAS, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:

SECTION I: The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

Sec. 138-371. – Special Exception for carports.

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
 - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
 - (1) Whether the requested special exception is compatible with the character of the neighborhood.
 - (2) Whether the value of surrounding properties will be adversely affected.
 - (3) The suitability of the size and location of the carport
 - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

SECTION II: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

SECTION IV: This Ordinance shall be and remain in full force and effect from and

after its passage by the Board of Commissioners, and execution by the Mayor.

SECTION V: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 8th day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this 9th day October, 2018.

CITY OF McALLEN

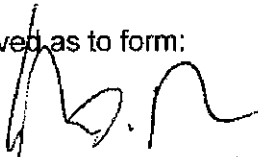

John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney





PLANNING DEPARTMENT

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



2020 CALENDAR

Meetings:

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

Deadlines:

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

* **Holiday** - Office is closed

JANUARY 2020

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

FEBRUARY 2020

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

MARCH 2020

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

APRIL 2020

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

MAY 2020

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





JUNE 2020

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

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

2020 CALENDAR

Meetings:

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

Deadlines:

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

* **Holiday** - Office is closed

JULY 2020

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

AUGUST 2020

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

SEPTEMBER 2020

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

OCTOBER 2020

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

NOVEMBER 2020

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

DECEMBER 2020

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

2020 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/15/20	02/05/20	02/19/20	03/04/20	03/18/20	04/01/20	04/15/20	05/06/20	05/20/20	06/03/20	06/17/20	07/01/20	07/15/20	08/05/20	08/19/20	09/02/20	09/17/20	10/07/20	10/21/20	11/04/20	11/18/20	12/02/20	12/17/20
ERICK DIAZ- VICE-CHAIRPERSON	P	P	NM	P	NM	P	P	NM	A	P	P												
SYLVIA HINOJOSA	P	P	NM	P	NM	A	A	NM	A	P	P												
DAVID SALINAS- CHAIRPERSON	P	P	NM	P	NM	P	P	NM	P	P	P												
JOHN MILLIN, III	A	A	NM	P	NM	P	P	NM	P	A	P												
SONIA FALCON	A	P	NM	A	NM	A	A	NM	A	P	A												
JOSE R. GUTIERREZ (ALT. 1)	P	P	NM	P	NM	P	P	NM	P	P	P												
JUAN F. JIMENEZ (ALT. 2)	P	P	NM	P	NM	P	A	NM	P	A	P												
(ALTERNATE 3)																							
(ALTERNATE 4)																							

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

[illegible]