

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING THURSDAY, JULY 11, 2024 - 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 Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on June 19, 2024

2. PUBLIC HEARINGS:

- a) Request of Gonzalez Adan C. and Norma H. for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet at Lot 75, Los Encinos III Subdivision, Hidalgo County, Texas; 2708 Teresa Avenue. **(ZBA2024-0022)**

3. FUTURE AGENDA ITEMS

- a) 3816 Mynah Avenue

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, June 19, 2024 at 4:30 p.m. in the McAllen Development Center, 311 North 15th Street, Executive Conference Room with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
	Alex Lamela	Alternate
	Daniel Santos	Alternate
Absent:	Pablo Garcia	Alternate
Staff Present:	Issac Tawil	City Attorney
	Benito Alonzo	Assistant City Attorney I
	Omar Sotelo	Development Coordinator
	Samuel Nunez	Senior Planner
	Porfirio Hernandez	Planner I
	Jessica Puga	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on May 22, 2024 (TABLED: 06/05/2024)**

Vice-Chairperson Ann Tafel made a motion to remove the minutes from the table. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously with five members present and voting.

The minutes for the meeting held on May 22, 2024 were approved. The motion to approve the minutes were made by Mr. Rogelio Rodriguez. Vice-Chairperson Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

- b) Minutes for the meeting held on June 5, 2024.**

The minutes for the meeting held on June 5, 2024 were approved. The motion to approve the minutes were made by Mr. Rogelio Rodriguez. Vice-Chairperson Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Hector J. Alcoser for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 20 feet into the 20 foot front yard**

setback for an existing carport at Lot 126, Ponderosa Park Phase II Subdivision, Hidalgo County, Texas; 3212 Kerria Avenue. **(ZBA2024-0021)**

The applicant is requesting a Special Exception to encroach up to 20 feet into the 20-foot front yard setback for an existing carport measuring 13 feet by 18 feet for protection of vehicles from inclement weather.

Mr. Hernandez stated the subject property was located along the North side of Kerria Avenue just east of North 32nd Lane. The property is an irregular shape lot with 38.56 feet fronting Kerria Avenue then a partial frontage of 34.89 feet along the curved boundary of a cul de sac. The property is zoned R-1 (single family residential) District. The surrounding zones include C-3 (general business) to the north and R-1 (single family residential) to the east, west and south.

Lot 126, Ponderosa Park Phase II was recorded on February 24, 1998. The plat shows a 20-foot front yard setback. A building permit application for a carport was submitted on July 18, 2022. The building permit was rejected by the Planning department with comments advising the applicant that a special exception would be needed to build a carport. A stop work order was issued on May 14, 2024. An application for a special exception request was submitted to the Planning department on May 21, 2024.

The applicant is requesting a Special Exception to allow an encroachment of up to 20 feet into the 20-foot front yard setback for an existing carport. The applicant states that the 20-foot front yard setback does not allow him to have any structures or a porch due to the offset of the front yard setback from the cul de sac. There is no alley at the rear of the property that would allow for relocation of the carport out of the setback.

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

Measurements provided are without the benefit of a survey.

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

Staff was recommending approval of the Special Exception request due to it is characteristic of the neighborhood and the irregular shape of the lot renders it unfeasible to construct any structure for safeguarding vehicles.

Board member Rogelio Rodriguez asked staff if the length of the carport need to be modified according to McAllen's standards on the driveway curb cut. Staff stated no.

Vice-Chairperson Tafel mentioned to staff that there was an existing garage. Staff stated yes, there was a garage. She asked if it was being used as a garage. Staff stated he was not knowledgeable but that the applicant was present to answer.

Mr. Hector J. Alcoser, 3212 Kerria Avenue, McAllen. The applicant responded to Vice-Chairperson Tafel's question that yes, they do use their garage. They had four vehicles.

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

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

Following discussion, Mr. Rogelio Rodriguez **moved** to approve the Special Exception. Mr. Hugo Avila seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Juan Muniz for the following variance to the City of McAllen Zoning Ordinance to allow a Lot size of 5,250 square feet instead of the required 5,600 square feet for a duplex at Lot 17, Block 11, College Heights Subdivision, Hidalgo County, Texas; 2164 Kennedy Circle. (ZBA2024-0014)**

Mr. Hiram Gutierrez made a motion to remove the item from the table. Mr. Hugo Avila seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Hernandez stated the applicant was requesting a variance to allow a Lot area of 5,250 square feet instead of the minimum required Lot area of 5,600 square feet for construction of a duplex.

The vacant property was located southeast of the intersection of Jackson Avenue of Kennedy Circle. The property has a frontage of 50 feet along Kennedy Circle and a depth of 140 feet. The property is zoned R-2 (duplex-fourplex residential) District. There is R-2 District in all directions.

College Heights Subdivision was recorded on December 28, 1926. The front yard setback is 20 feet as per the R-2 Zoning District. The application for the Variance request was submitted on April 24, 2024.

The applicant submitted a feasibility plan that shows the layout of the proposed duplex on a Lot area of 5,250 square feet. The applicant has not submitted an application for a building permit with site plan for formal review.

The duplex will consist of two living units, which will include a bedroom, kitchen, bath and dining room. The feasibility plan shows compliance with parking and setback requirements.

The variance request is to allow a 5,250 square feet Lot for the duplex use instead of the 5,600 square feet required as per Section 138-356 of the Zoning Ordinance. The minimum area for a duplex use in the R-2 (duplex-fourplex residential) District is 5,600 square feet. The Lot size is deficient by 350 square feet or .0625 percent.

Development along Kennedy circle is primarily single family residential and duplex use along this neighborhood may conform to the character of the area.

Staff had received two phone calls and one email in opposition to the variance request with concerns of a duplex not being characteristic to the neighborhood.

Staff recommended approval of the request since the deficiency is only 6% of the required Lot area and the proposed construction conforms to the R-2 (duplex-fourplex residential) District designation for the subject property.

Staff requested this item to be tabled due to a discrepancy with the previously provided case packet.

At the Zoning Board of Adjustments and Appeals meeting of June 5, 2024, there was one person in opposition to the variance request. Following discussion, Mr. Hiram Gutierrez **moved** to table the variance request. Mr. Hugo Avila **seconded** the motion. There were five Board members present and voting.

Vice-Chairperson Tafel asked staff if there had been any modifications on the proposal since the last meeting. Staff stated there was none.

Mr. Juan Muniz, 3000 Zenaida Avenue. The applicant stated there no changes but that there was two other duplexes in the same subdivision. He stated he met the requirements for the setback on the three parking spaces for a one bedroom, one bath and landscaping. Chairperson Gutierrez asked the applicant if he had discussed with staff about any changes. Mr. Muniz stated no because he met all the requirements.

Board member Rodriguez asked staff if there were other apartment complexes in the same area similar to the applicant's proposal. Staff stated no just, what was on the aerial picture.

Vice-Chairperson Tafel asked staff if there had been any of the neighboring property owners written or called in support or opposition to this request. Staff stated that since the meeting there had not been any calls only that one person at the last meeting who was in opposition. That person was not present.

Chairperson Gutierrez asked staff if back in 1926 if duplexes were allowed back then. Staff stated the previous zoning ordinance was zoned for duplex (R-2) District.

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

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

Following discussion, Mr. Hugo Avila **moved** to approve the Variance request. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Variance request with five members present and voting.

- c) Request of Merle D. Davis for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the east 6 foot side yard setback for a proposed swimming pool at Lot 45, Parkwood Manor Subdivision, Hidalgo County, Texas; 2317 Sandpiper Avenue. **(ZBA2024-0020)**

Mr. Hernandez stated the applicant was requesting a variance for an encroachment of three feet into the six-foot side yard setback along the east property line for a proposed swimming pool measuring approximately 28.5 feet by 14 feet. The applicant states the

pool was needed for physical therapy purposes, exercise and recreation.

The subject property was located along the south side of Sandpiper Avenue, west of North 23rd Lane. The Lot has 69 feet of frontage along Sandpiper Avenue and 104 feet of depth for a total Lot size of 7,176 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions.

Parkwood Manor Subdivision was recorded in July 1983. The recorded plat shows a six-foot side yard setback. An application for a variance request was submitted on May 15, 2024.

The variance request was for a proposed swimming pool, which was considered an accessory structure and requires compliance with setbacks. The applicant proposes to build a swimming pool to be used for physical therapy purposes, exercise and recreation.

The submitted site plan shows a proposed swimming pool encroaching three feet into the six-foot side yard setback along the east property line. There are no utility easements that would be impacted by the proposed encroachment.

The construction of the home has an "L" shaped configuration and the homeowner feels the proposed location is the most appropriate location for placement of the swimming pool. Relocation of the proposed swimming pool to the rear yard area is not feasible since there is a driveway entrance from the alley for a car garage.

Measurements provided are without benefit of a survey.

Staff recommended disapproval of the variance request since unnecessary hardship has not been established however, if the Board approves the request, it should be limited to the encroachment shown on the submitted site plan.

Vice-Chairperson Tafel asked staff the measurements for the proposed pool. Staff stated it was 28 feet by 14 feet.

Mr. Merle D. Davis, 2317 Sandpiper Avenue, McAllen. He stated they had room according to the pool people they had room in the back yard for an 11 foot wide pool. He was requesting 2 feet of easement because a foot of that was the cool deck.

Board member Mujica asked the applicant he noticed on the site plan provided there was a space of 7 feet, essentially 8 feet to the pool to the building. He asked the applicant why he could not move it 2 feet towards the building. Mr. Davis stated there was a concrete pad that had been there when they bought the house a year ago. He wanted to maintain it for a Texas room.

Board member Avila explained to Mr. Davis that the variance ordinance and how it runs with the land. He went onto to say the next owner could build anything else providing he meets with the building requirements.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the

Variance request. There was no one in opposition of the Variance request.

Following discussion, Vice-Chairperson Ann Tafel **moved** to disapprove the Variance request. Mr. Rogelio Rodriguez seconded the motion. The Board voted to disapprove the Variance request with five members present and voting.

- d) Request of Arnold Cavazos on behalf of Gabriel Alanis for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20-foot rear yard setback on the East Rear and South Rear portion for a proposed residence at Lot 19, Lago Vista Subdivision, Hidalgo County, Texas; 4501 South “M” Street. **(ZBA2024-0018) (TABLED: 06/05/2024)**

Mr. Hiram Gutierrez made a motion to remove the item from the table. Vice-Chairperson Ann Tafel seconded the motion. The Board voted unanimously with five members present and voting.

Mr. Nunez stated the applicant is requesting variances to allow an encroachment of 10 feet into the 20-foot rear yard setback into the east rear yard and into the south rear yard for a proposed single-family residence.

The subject property is located on a partial cul-de-sac at the intersection of South “M” Street and Helena Avenue. The irregular shaped property is vacant and is zoned R-1 (single family residential) District. Adjacent zoning is R-1 District to the north and west. There was A-O (agricultural and open space) District to the south. The area to the east across South Jackson Road is in the city limits of Pharr.

Lago Vista Subdivision was recorded on October 31, 2006. The plat indicates a front setback of 25 feet and 20 feet for a rear yard setback. Due to an oversight during the site plan review process the building permit was issued stating a rear yard setback of 10 feet, instead of the required 20 feet for the rear yard setback. A variance request was submitted on May 2, 2024.

The applicant is requesting a variance to allow an encroachment of 10 feet into the 20-foot rear yard setback. The specific encroachment width are approximately 34.4 feet for the garage, 74.25 for the outdoor kitchen and extends 27.16 feet along the south portion of the rear yard setback. The plat shows an irrigation easement that was abandoned by the Hidalgo County irrigation District.

Analysis of the area appears to be 45% of the Lot that is unbuildable due to the restrictions. As per Texas Local Government Code 211.009 (b-1), “Compliance would result in a loss to the Lot on which the structure is located of at least 25 percent of the area on which development may physically occur.”

To the east side of the property there is a ROW easement. As per discussion with Engineering Department, there are no plans of future expansion to Jackson Road at their location. This request will, therefore, not negatively impact future road expansions plans. There is vacant land south of the subject property.

City Ordinance Section 138-367(b) states, “Where lots have double frontage, a required front yard shall be provided on one street only.” The submitted site plan shows the proposed residence will be in compliance with the 25 foot front yard setback.

The standard rear yard setbacks for a R-1 district is 10 feet as per our current Code of Ordinance. Lots 8 through 18, just west of Lot 19 show a rear setback of 10 feet.

Variances run with the land and remain as a condition for future owners and new constructions.

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

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

Staff recommended approval of the variance request since the applicable minimum setbacks for the subject property would result in a loss to the Lot of at least 25 percent of the buildable area, as per Texas Government Code 211.009(b-1). Moreover, the requested rear yard setback of 10 feet complies with the City's current Zoning Ordinance for R-1 (single family residential) District properties and will not negatively impact future road expansions or development plans for the area.

At the Zoning Board of Adjustments and Appeals meeting of May 22, 2024, no one appeared in opposition to the variance request. There were five Board members present and voting. Following discussion, Board member Hugo Avila made a motion to approve the request. The motion was seconded by Board member Hiram H. Gutierrez. Two members voted aye and three members voted nay.

Chairman Gutierrez adjourned the meeting at 5:18 p.m.

At the Zoning Board of Adjustments and Appeals meeting of June 5, 2024, no one appeared in opposition to the variance request. There were five Board members present and voting. Following discussion, Board member Hugo Avila made a motion to approve the request. The motion was seconded by Board member Hiram H. Gutierrez. Two members voted aye and three members voted nay. Therefore, Mr. Rogelio Rodriguez made a motion to table the item with Mr. Hugo Avila seconded the motion.

Mr. Issac Tawil, City Attorney stated he asked staff to go back and look at this application and the lot as to why staff recommended approval. In reviewing the application, he noticed the site picture with the yellow highlighted border. There was a disproportioned amount of setback that had been taken up by the lot. He had staff go back and calculate to see what percentage of the lot actually would be unbuildable. The updated memo from staff that reflects a recommendation based upon local government code 211.009(b)(1)(2) where an unnecessary hardship is found when compliance would result loss to the lot on which the structure was located at least 25% of the area on which development physically occur.

Chairperson Gutierrez asked legal counsel that the City had been insisting on the fact that nowadays that these types of properties with a 10 foot setback approved by City ordinance. Legal counsel stated there were defined setbacks within the ordinances. Chairperson Gutierrez asked should that be the case, why when the plat was subdivided that this was not taken into consideration, and leaving it at 10 feet instead of the 20 feet from the very beginning. Legal counsel stated when he reviewed the plat notes, this lot there was a carveout at the corner along Jackson Road which was the southside of the lot. When the engineer did the plat the drafted the plat notes so that the setback for this lot encroached additional footage from the corner of the little notch that was carved out.

Board member Avila asked staff about the gas easement that ran across the middle of the lot. Staff stated that as per the plat notes it had been abandoned.

Board member Rodriguez mentioned about the owner knew about the setbacks and the problem that came with this lot. Staff stated there was oversight made by staff where they provided a 10 foot rear setback and based on that information that was provided to the property owner or the contractor. They went ahead and had the permit approved for the building plans. It was not noticed until after the fact that one of their engineering firms assisting in the project caught that it was not a 10 foot setback but a 20 foot setback.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was one in favor of the Variance request.

Mr. Gabriel Alanis, 1926 Sunset Drive, Mission. The applicant stated as per Vice-Chairperson Tafel's question to redesign the plans. He stated they had been approved by the bank and received City's permits. Also, going back to Mr. Rodriguez's comments about the setbacks in that they did not know about the setbacks. The only thing that they knew was about the 25-foot setback gas line that they could not build. They were not aware of the 20-foot setback.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was someone else in favor of the Variance request.

Mr. Servando A. Cavazos, 4501 "M" Street, McAllen. He represented the builder. He stated the Homeowners Association and the City had approved to build. He did not know why they were asked to redesign their dream home.

Chairperson Jose Gutierrez asked if there was anyone else present in favor of the Variance request. There was someone else in favor of the Variance request.

Mr. Oscar Falcon, 5221 N. McColl Road, McAllen. He stated he represented the Homeowners Association. He stated it seemed that the process in the whole permitting, design and construction of the project had been done incorrectly. The contractor did follow-up with the City to get the setbacks done and drawn based on what was given to them by the City. He stated based on the errors what was done that would account for a hardship at no fault to them. Mr. Falcon stated the dirt pad had been constructed and some of the ditches had been dug. Time line had been delay with the recent rain.

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

Mr. Servando Cavazos, Lot 19, Lago Vista Subdivision. He stated the surveyors go by the records by the County. The County stated 10 feet.

Ms. Gabriela Alanis, 3100 S. Colonel Rowe Boulevard. She stated in the same subdivision she bought a lot for her and husband. The lot she bought was also in a cul-de-sac with a 10-foot yard setback. She stated it would be costly to redesign the plan. If she knew this was going to be a problem, she would have not bought the lot. She had bought the lot for her son and future family.

Board member Rodriguez asked staff that the plat was easily accessible online. Staff stated yes, it was a public document.

Mr. Omar Sotelo, Development Coordinator, stated when you have double fronting lots, technically this large lot was not facing a street because you have Hidalgo County Irrigation District. When the permit was issued, it was overlooked because you would see on the site plan that this would be the rear and not the side.

Following discussion, Vice-Chairperson Ann Tafel **moved** to disapprove the Variance request. Mr. Rogelio Rodriguez seconded the motion. The Board voted to disapprove the Variance request with two members voting aye and two voting nay, Mr. Hugo Avila and Mr. Hiram Gutierrez. Chairperson Jose Gutierrez voted to disapprove.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

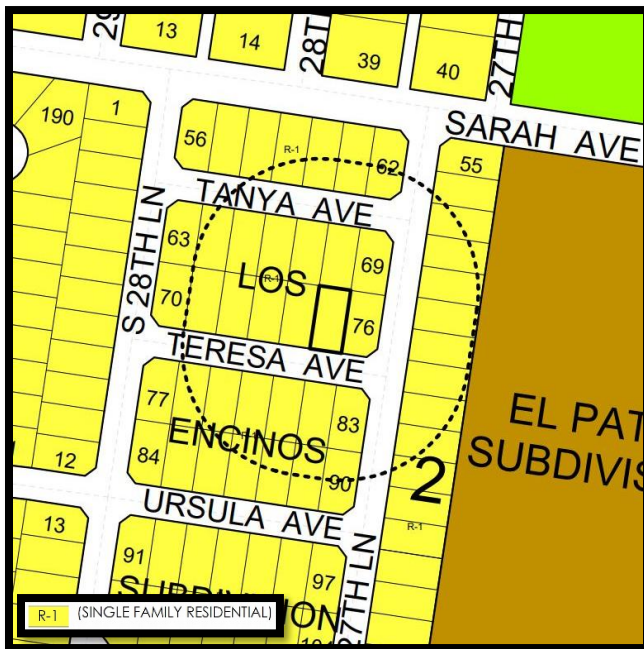
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: June 25, 2024

SUBJECT: REQUEST OF GONZALEZ ADAN C. AND NORMA H. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 19 FEET 6 INCHES BY 18 FEET AT LOT 75, LOS ENCINOS III SUBDIVISION, HIDALGO COUNTY, TEXAS; 2708 TERESA AVENUE. (ZBA2024-0022)

REASON FOR APPEAL: The applicant is requesting an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet.



PROPERTY LOCATION AND VICINITY: The subject property is located on the north side of Teresa Avenue in between South 28th Lane and South 27th Lane. Property has a frontage of 50 feet along Teresa Avenue and a depth of 100 feet. The property is zoned R-1 (single family residential) District. There are single family residences in all directions.

BACKGROUND AND HISTORY: Los Encinos III Subdivision was recorded on April 12, 1982. The plat indicates a 25 feet front yard setback and 6 feet side yard setback on both sides for the subdivision. The house was built in 2007 with a garage. A building permit application for the proposed carport has not been submitted.

ANALYSIS: The applicant is requesting an encroachment of 20 feet into the 25 feet front yard setback for a proposed carport measuring 19 feet 6 inches by 18 feet.

According to the site plan submitted, the proposed structure size is a total of 351 square feet. The proposed structure will be constructed of metal and canvas and the main purpose for building the carport is to protect vehicles from rain and hail damage.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Los Encinos III Subdivision. Also, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Measurements provided are without benefit of a survey.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request since it does not present any undue hardship and the proposed carport will not align with the current character of the subdivision.



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2024-0022

ZBOA Meeting: 7/11/24

☐ Routed

Receipt No: _____

☐ Scanned

Accepted by: P: P.H. S: AG

Customer Acknowledgment (Int.): A.G.

PROJECT

Legal Description Los Encinos 3 LOT 75

Subdivision Name L611503 - LOS ENCINOS 3-SML

Street Address 2708 Teresa Ave McAllen, TX

Number of lots _____ Gross acres _____

Existing Zoning R-1 Existing Land Use Residence

Reason for Appeal (please use other side if necessary) to install carport in driveway (19.5x18)
permiso para instalar set back to protect vehicle from hail damage.
dentro de las 2.5 FT. del frente de mi propiedad (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 Gonzalez Adan C & Norma H Phone (956) 252-3651

Address 2708 Teresa Ave McAllen, TX E-mail adan cantu db@gmail.com

City McAllen State TX Zip 78503-1815

OWNER

Name Gonzalez Adan C & Norma H Phone (956) 252-3651

Address 2708 Teresa Ave E-mail adan cantu db@gmail.com

City McAllen State TX Zip 78503-1815

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.

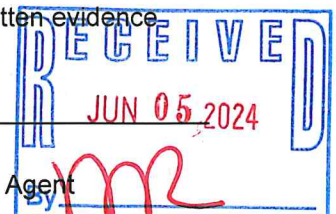
Signature Adan Gonzalez

Date 06/04/2024

Print Name Adan Gonzalez

☒ Owner

☐ Authorized Agent





City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Para proteger mi carro del Clima
Sol Granizo y Clima Severo

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

The installation of a carport would preserve and protect
the home owners property such as vehicles from hail damage.

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

It will not be detrimental because the carport would not be
obstructing any views and will not be in any other home
owners property.

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

para proteger mi Carro del Clima Sol Granizo

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, PAUL SCHWAB, AS THE BOARD PRESIDENT OF THE MCALEN AFFORDABLE HOMES, INC. AND AS THE ACTING OWNER OF THE 20.00 ACRE OF LAND ENCOMPASSED WITHIN THE PROPOSED LOS ENCINOS III SUBDIVISION SUBDIVIDES THE LAND AS DEPICTED IN THIS SUBDIVISION PLAT AND DEDICATE TO PUBLIC USE THE STREET, PARK, AND EASEMENTS SHOWN HEREIN.

I CERTIFY THAT I HAVE COMPLIED WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE § 232.032 AND THAT

(A) THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS;

(B) SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET, OR WILL MEET, THE MINIMUM REQUIREMENTS OF STATE STANDARDS;

(C) ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS; AND

(D) GAS CONNECTIONS, PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS.

I ATTEST THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

Paul Schwab
PAUL SCHWAB
MCALEN AFFORDABLE HOMES, INC.
BOARD PRESIDENT
1420 ERIE AVE
MCALEN, TEXAS 78501

10/3/06
DATE

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PAUL SCHWAB KNOWN TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 03 DAY OF October A.D. 2006.

William
NOTARY PUBLIC COUNTY OF HIDALGO, TEXAS



CITY OF MCALEN
I, THE UNDERSIGNED MAYOR OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17th DAY OF October 2006.

Reynaldo Robles
Mayor of the City of MCALEN

Reynaldo Robles
Secretary of the City of MCALEN

CITY OF MCALEN - PLANNING DEPARTMENT

I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY WHEREIN MY APPROVAL IS REQUIRED GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 17th DAY OF October 2006.

Paul Schwab
CHAIRMAN, PLANNING COMMISSION

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

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: *Paul Schwab* 10/3/06

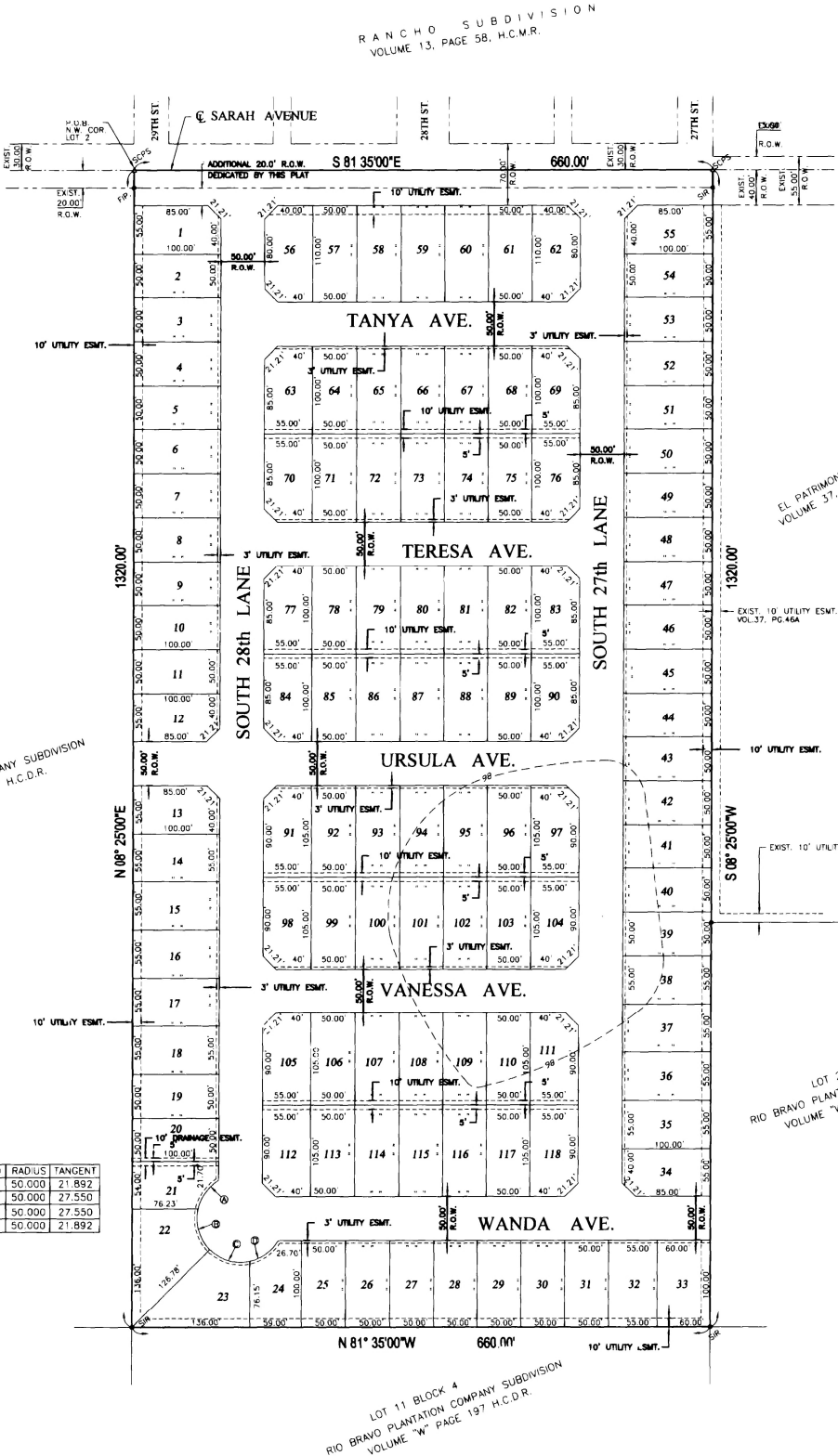
COUNTY CLERK'S RECORDING CERTIFICATE

I, _____, COUNTY CLERK OF HIDALGO COUNTY, CERTIFY THAT THE PLAT BEARING THIS CERTIFICATE WAS FILED FOR RECORD AT _____ O'CLOCK _____ M. ON _____ AND WAS RECORDED IN BOOK _____ SHEET(S) _____ THE PLAT RECORDS OF HIDALGO COUNTY AT _____ O'CLOCK _____ M. ON _____.

_____, HIDALGO COUNTY CLERK

PRINCIPAL CONTACTS:

	Name	Address	City & Zip	Phone	Fax
OWNER:	PAUL SCHWAB	1420 ERIE AVE.	MCALEN, TX 78501	(956) 687-6263	(956) 682-9751
ENGINEER:	ROLANDO CRUZ	600 E. Violet Ave.	McAllen, Tx. 78504	(956) 682-5022	(956) 682-5089
SURVEYOR:	REY ROBLES	P.O. Box 476	Weslaco, Texas 78596	(956) 968-2422	(956) 969-2011



SCALE: 1" = 100'

LEGEND

- △ SCPS Set cotton picker spindle
- FIP Found 1" iron pipe
- SIR Set 1/2" iron rod with a plastic cap stamped "RRA"

SUBDIVISION PLAT
OF
LOS ENCINOS III

BEING A 20.00 ACRE TRACT OF LAND OUT OF
THE WEST ONE HALF OF LOT 2, BLOCK 4
RIO BRAVO PLANTATION COMPANY'S SUBDIVISION
HIDALGO COUNTY, TEXAS
PER MAP RECORDED IN VOLUME W, PAGE 197, H.C.D.R.

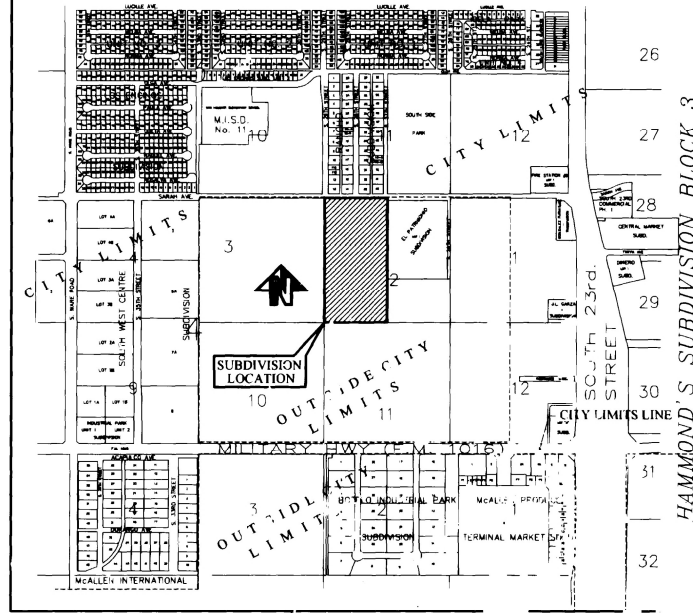
NOTES:

- MINIMUM FRONT SETBACK LINE 25 FEET
MINIMUM CORNER LOTS SIDE SETBACK ADJACENT TO STREET 10 FEET
MINIMUM SIDE SET BACK LINE 6 FEET ALONG PROPERTY LINE OR EASEMENT LINE, WHICHEVER REQUIRES GREATEST SETBACK.
MINIMUM REAR SETBACK -10' EXCEPT 25' FOR LOTS 56-62 ALONG SARAH AVE. OR GREATER FOR EASEMENTS.
- THIS SUBDIVISION IS IN ZONE "B" AS PER F.E.M.A.'S COMMUNITY No. 480343 FLOOD INSURANCE RATE MAP PANEL 480343 0400 C, NOVEMBER 16, 1982.
- MINIMUM FINISH FLOOR ELEVATION SHALL BE 99.80 OR 18" ABOVE TOP OF CURB AT CENTER OF LOT WHICHEVER IS GREATER AS PER CLOMR-F.
ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS. AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.
- ONE SINGLE FAMILY RESIDENTIAL DWELLING PER LOT.
- THIS SUBDIVISION IS REQUIRED TO DETAIN 2.52 AC-FT. THE DETENTION WILL BE 798 CU-FT, OR .018 AC-FT. PER LOT.
- A 6' BUFFER IS REQUIRED FROM ADJACENT MULTI-FAMILY AND COMMERCIAL ZONE/USE AND ALONG SARAH AVENUE.
- 4' SIDEWALK IS REQUIRED ON SARAH AVENUE & BOTH SIDES OF ALL INTERIOR STREETS.

- BENCH MARK:
COTTON PICKER SPINDLE FOUND ON THE CENTERLINE OF SARAH AVENUE LOCATED 20 FEET WEST OF THE NORTHEAST CORNER OF THIS SURVEY.
ELEVATION= 99.96
HICKLEY2 USGS TRIANGULATION MONUMENT LOCATED ON TOP OF LEVEE ABOUT 50 FEET EAST OF SOUTH WARE ROAD.
ELEVATION= 112.22
- THE DEVELOPER WILL PROVIDE AN ENGINEERED DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO APPLICATION FOR A BUILDING PERMIT.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ON SARAH AVE. FOR LOTS 1, 56-62 AND 55.

FILED FOR RECORD IN:
HIDALGO COUNTY
BY _____
COUNTY CLERK
ON _____
AS A RECORDING NUMBER _____
BY _____

Submitted to the County Clerk of Hidalgo County, Texas, for recording as a plat of land.



SCALE 1" = 1000'

METES AND BOUNDS DESCRIPTION:

DESCRIPTION OF 20.00 ACRES OF LAND
OUT OF LOT 2, BLOCK 4
RIO BRAVO PLANTATION COMPANY'S SUBDIVISION
HIDALGO COUNTY, TEXAS

Being 20.00 acres of land situated in Hidalgo County, Texas, and being the west one half of Lot 2, Block 4, Rio Bravo Plantation Company's Subdivision as per map recorded in Volume W, Page 197 of the Hidalgo County Deed Records, and said 20.00 acre tract being more particularly described by metes and bounds as follows: BEGINNING at a cotton picker spindle set for the northwest corner of said Lot 2 and the northwest corner of said tract herein described;

THENCE, South 81° 35'00" East, 660.00 feet, with the north line of said Lot 2 to a cotton spindle set for the northeast corner of said tract herein described;

THENCE, South 08° 25' 00" West, with a line that is parallel to the west of said Lot 2 and with the west line of El Patrimonio Subdivision as per map recorded in Volume W, page 46A of the Hidalgo County Map Records, at a distance of 20.00 feet pass a 1/2-inch rod with a plastic cap stamped "RRA" set for reference on the south right of way line of Sarah Avenue, at a distance of 858.00 feet pass the southwest corner of said El Patrimonio Subdivision and continuing for a total distance of 1,320.00 feet to a 1/2-inch iron rod with a plastic cap stamped "RRA" set for the southeast corner of said tract herein described;

THENCE, South 81° 35'00" East, 660.00 feet, with the north line of said Lot 2 to a 1/2-inch iron rod with a stamped "RRA" set for the southwest corner of said tract herein described;

THENCE, North 08° 35' 00" East, with the west line of said Lot 2, distance of 1300.00 feet pass a inch iron pipe found for reference on the south right of way line of said Sarah Avenue and continuing for a total distance of 1,320.00 feet to the Point of Beginning and containing 20.00 acres of land more or less.

STATE OF TEXAS
COUNTY OF HIDALGO

I, 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 DIRECTION ON THE GROUND.



Reynaldo Robles
REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4032
WESLACO, TEXAS 78596

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT AND THAT ALL ASPECTS OF IT ARE IN ACCORDANCE WITH THE STATUS GOVERNING ENGINEERING.

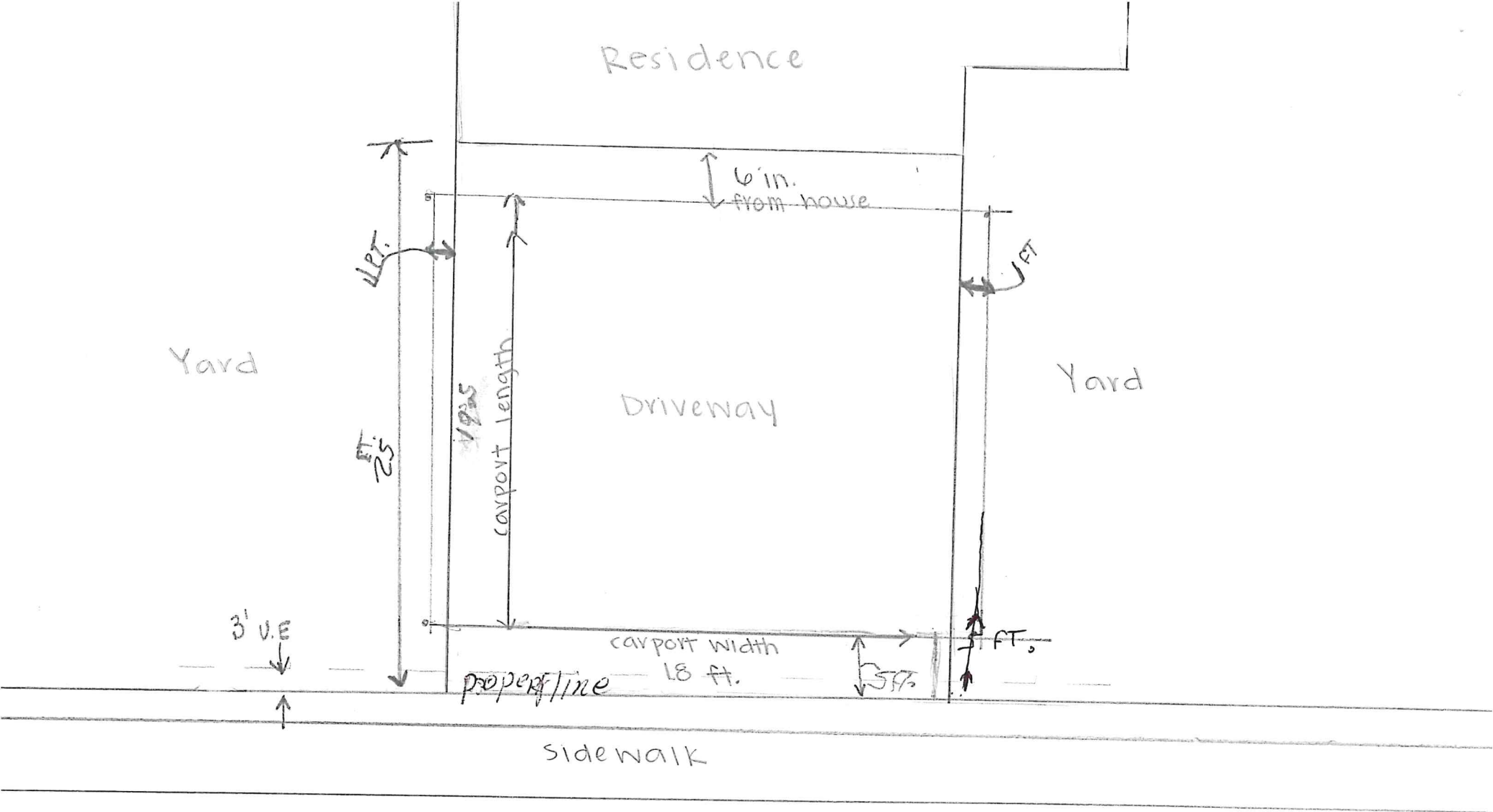


Rolando Cruz
ROLANDO CRUZ
REGISTERED PROFESSIONAL ENGINEER
NO. 55459
MCALEN, TEXAS 78504

LOS ENCINOS III

MCALEN AFFORDABLE HOMES
REVISED: October 2, 2006

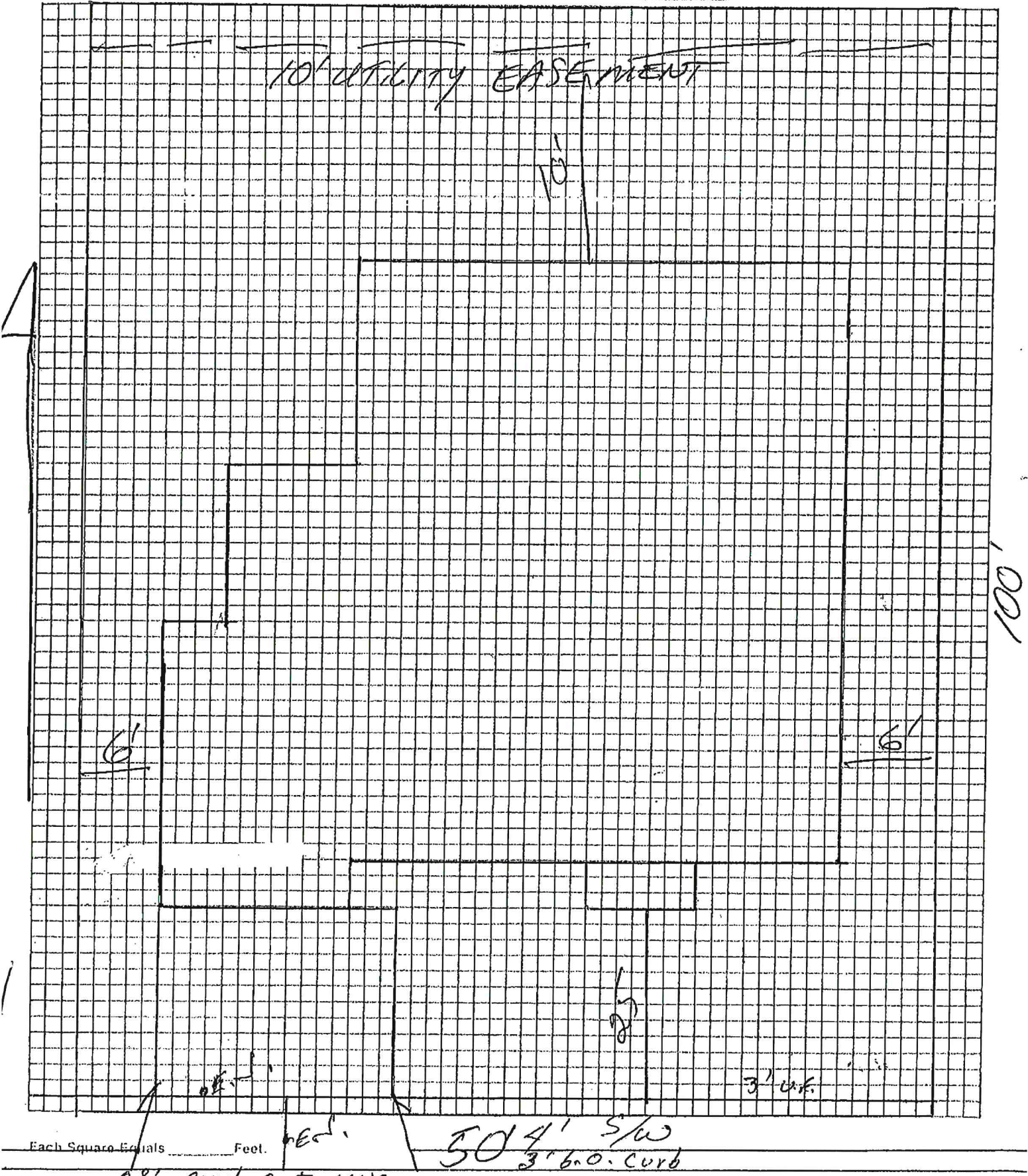
CRUZ-HOGAN Consultants, Inc.
Engineers • Planners • Consultants
Harlingen • McAllen
1221 E. Tyle, Suite A
Harlingen Tx 78550
office 425-8968 fax 423-5083
605 E. Violet Ave, Suite 5
McAllen Tx 78504
office 682-5022 fax 682-5089



Teresa Ave.

P.O. BOX 220, McAllen, Texas 78505-0220
Phone 956-972-7020

BUILDING permit application







2708

2708

NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2024-0022
CITY OF MCALLEN PLANNING DEPT
4645-1128
WWW.MCALLE.NET