

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, JUNE 7, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on May 17, 2023

2. PUBLIC HEARINGS:

- a) Request of Francisco J. Pena for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 22 feet into the 25-foot front yard setback for an existing metal carport with canvas cover measuring 16 feet by 24 feet, at Lot 2, Cielo Vista Subdivision Phase I, Hidalgo County, Texas; 3004 Tanya Avenue. **(ZBA2023-0041)**
- b) Request of Priscilla Corin Olivarez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas cover measuring 18 feet by 16 feet, at Lot 74, Ponderosa Park Phase 6 Subdivision, Hidalgo County, Texas; 3405 Geranium Avenue. **(ZBA2023-0043)**
- c) Request of Edgar Trigo for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the 6 feet north side yard setback for a proposed outdoor bathroom with storage area and an unenclosed canopy measuring 24 feet by 22 feet, at Lot 13, Hacienda Rincon Subdivision, Hidalgo County, Texas; 3600 North 43rd Street. **(ZBA2023-0042)**

3. ELECTION OF VICE-CHAIRPERSON

- a) Election for Vice-Chairperson

4. FUTURE AGENDA ITEMS

- a) 3036 Olga Avenue
- b) 3409 Gardenia Avenue
- c) 3401 Harvey Drive
- d) 1100 South 10th Street

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, May 17, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Sylvia Hinojosa	Vice-Chairperson
	Ann Tafel	Member
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Juan Mujica	Alternate
Absent:	Sam Saldivar	Alternate
Staff Present:	Austin Stevenson	Assistant City Attorney
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Adriana Solis	Planner II
	Marco Rivera	Planner I
	Porfirio Hernandez	Planning Technician II
	Jessica Puga	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the meeting held on May 3, 2023.

The minutes for the meeting held on May 3, 2023 were approved. The motion to approve the minutes were made by Mr. Rogelio Rodriguez. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

As per Chairperson Jose Gutierrez’s suggestion, the following items had been recommended for approval by staff. They are as follows:

2. PUBLIC HEARINGS:

- a)** Request of David A. Guerra for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport measuring 25 feet by 10 feet at Lot 31, Olivarez, Subdivision No. 4, Hidalgo County, Texas; 3017 Sycamore Avenue. **(ZBA2023-0038)**
- b)** Request of Karla F. Cantu for the following variance to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback at Lot 30, Palmview Gardens, Hidalgo County, Texas; 2909 Diaz Avenue. **(ZBA2023-0034)**

- c) Request of Julio C. Cavazos and Emelina Cavazos for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 rear yard setback and an encroachment of 6 feet into the 6 feet side yard setback for an existing metal carport measuring 19.6 feet by 35.4 feet, at Lot 19-A, Montebello UT No. 2, Hidalgo County, Texas; 3212 Redwood Avenue. **(ZBA2023-0040)**

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

- d) Request of Ryan Stauffer for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 40 feet front yard setback for a proposed single family home, at Lot 2A, Virginia Terrace Subdivision, No.'s 1,2,3 & 4, Lots 2A & 2B, No. 3, Hidalgo County, Texas; 800 South G. Street. **(ZBA2023-0036)**

Mr. Rivera stated the applicant was requesting a variance to allow an encroachment of 25 feet into the 40 feet front yard setback in order to accommodate a construction of bedrooms in a proposed single-family residence.

The subject property was located along the west side of South "G" street also known as East Ithaca Avenue. The property has 65.00 feet of frontage along South "G" street and a depth of 140.00 feet for a total Lot size of 9,100 square feet. The vacant property is zoned R-1 (single family residential) District. Surrounding land use is single-family residences.

The plat for Virginia Terrace No.'s 1, 2, 3, & 4, Lots 2A & 2B, No.3 was recorded on February 9, 2023. A building permit application has not yet been submitted. The Variance request was submitted on April 13, 2023.

The plat for this subdivision shows a 10 feet utility easement at the rear of the Lot, adjacent to the rear property line. The plat indicates a 40-foot front yard setback. 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 allow relocation and be in compliance with the 40 feet front yard setback requirement, however, the applicant states that he would like to allow for more backyard area and space for placement of a swimming pool in the future.

Setbacks shown 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 has not received any phone calls or emails in opposition to the Variance request.

Staff was recommending disapproval of the Variance request since the site plan could be modified to be in compliance.

Mr. Ryan Stauffer, the applicant stated he wanted to amend the original setback request to 25 feet from 15 feet to the 40-foot front yard setback.

Following discussion, Ms. Ann Tafel moved to approve the variance request for the minimum setback of 25-foot setback from the 15-foot encroachment into the 40-foot front yard setback. Mr. Hugo Avila seconded the motion. The Board voted to approve the variance request with five members present and voting.

- e) Request of Joshua Belgium for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 40 feet front yard setback for a proposed single family home, at Lot 2B, Virginia Terrace Subdivision, No.'s 1,2,3 & 4, Lots 2A & 2B, No. 3, Hidalgo County, Texas; 804 South G. Street. **(ZBA2023-0037)**

Mr. Rivera stated the applicant was requesting a variance to allow an encroachment of 25 feet in to the 40 feet front yard setback in order to accommodate the construction of a proposed single-family residence.

The subject property was located along the west side of South "G" street also known as East Ithaca Avenue. The property has 65 feet of frontage along South "G" street and a depth of 140.00 feet for a total Lot size of 9,100 square feet. The vacant property was zoned R-1 (single family residential) District. Surrounding land use is single-family residences.

The plat for Virginia Terrace No.'s 1, 2, 3 & 4, Lots 2A & 2B, No.3. was recorded February 9, 2023. A building permit application had not yet been submitted.

The Variance request was submitted April 13, 2023.

The plat for this subdivision showed a 10 feet utility easement at the rear of the Lot, adjacent to the rear property line. The plat indicated a 40-foot front yard setback. 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 allow relocation and be in compliance with the 40 feet front yard setback requirements, however the applicant states that he would like to allow for more backyard area and space for a placement of a swimming pool in the future.

Setbacks shown 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 or emails in opposition to the Variance request.

Staff recommended disapproval of the Variance request since the site plan could be modified to be in compliance.

Mr. Joshua Belgium, the applicant stated they bought the property about 8 years ago with

the intention to build on it. He stated he had been before the Zoning Board of Adjustment and Appeals which was previously approved with a 25 foot or 20 foot setback. During Covid they decided to replat the property. They contacted their engineer to change the setback

from 40-foot the City's minimum requirement of 25 feet in which it was rejected. They wanted to maximize the back yard but the neighbor across the street was 4 feet from his setback. The neighbor to the north of them was 13 feet. The neighbor to the south of the applicant was 17 feet. There was previously a swimmers pool and pool house keeping the 40-foot setback. When he bought it, resub divided and replatted they took out the pool they retained the 40-foot setback and would not adjust it to the 25-foot setback. He stated that from the back curb it was

10 feet and from the property line another 15 feet so he would be 25 feet from the back curb which was greater than all the neighbors around him were. He would like to use his backyard for future developments.

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

Mr. Ryan Stauffer, 800 South G Street, stated he was in favor of the variance request. He stated they moved from Michigan to McAllen to live in a good neighborhood for their family. He wanted a big backyard to install a pool for the children.

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.

Board member Tafel asked staff if there was a 10-foot easement to the curb and 15 feet to the front of the property. Mr. Rivera stated the only 10-foot utility they had was towards the back of the property. Ms. Tafel asked how far from the curb would be the building. Mr. Rivera since did not have a site plan review they would not be able to determine the distance. They only had the proposed where the applicant was requesting to keep it at 15 feet from the property line, plus the Right-of-Way.

Mr. Belgum asked the Board if he would be more inclined of his proposal of 15 feet encroachment and bring it in for a standard of 25-foot setback. Board member Avila asked legal if they could accept Mr. Belgum's verbal proposal. Mr. Stevenson stated yes.

Following discussion, Ms. Ann Tafel **moved** to approve the variance request for the minimum setback of 25-foot setback from the 15-foot encroachment into the 40-foot front yard setback. Mr. Hugo Avila seconded the motion. The Board voted to approve the variance request with five members present and voting.

- f) Request of Raul Munguia for the following variance to the City of McAllen Vegetation and Landscaping Ordinance to allow an 8 feet cedar fence buffer at SW1.00AC-S1.48AC of Out lot 1 of R/S OF 15 & 16, Block 2, C.E. Hammond, Hidalgo County, Texas; 1300 North Bentsen Road. **(ZBA2023-0035) WITHDRAWN**

The applicant withdrew the item.

3. FUTURE AGENDA ITEMS:

- a)** 3004 Tanya Avenue
- b)** 3600 North 43rd Street
- c)** 3405 Geranium Avenue

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

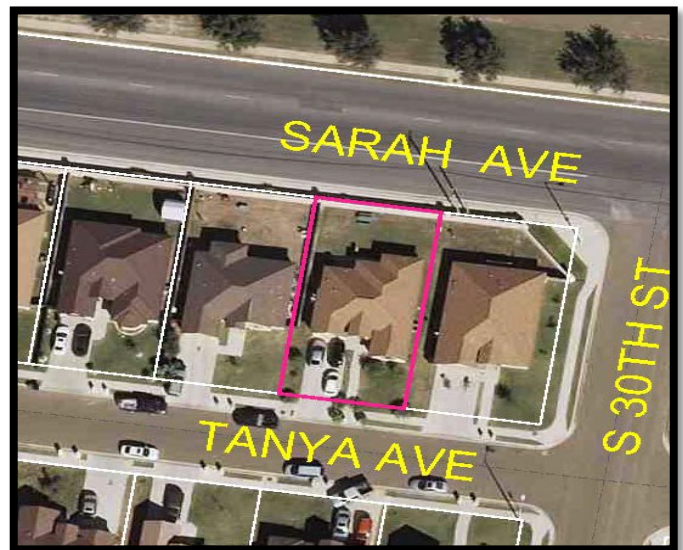
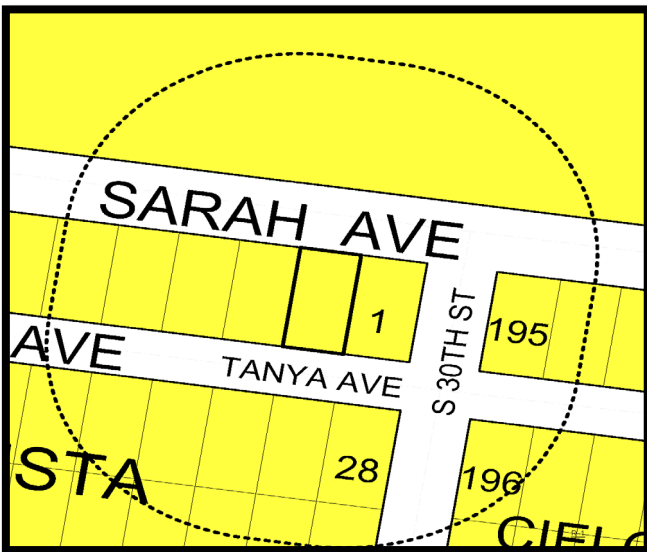
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 26, 2023

SUBJECT: REQUEST OF FRANCISCO J. PENA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 22 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT WITH CANVAS COVER MEASURING 16 FEET BY 24 FEET, AT LOT 2, CIELO VISTA SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 3004 TANYA AVENUE. (ZBA2023-0041)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing metal carport with a canvas cover that was built encroaching 22 feet into the 25 feet front yard setback. The applicant states in the application for a Special Exception that the existing carport is to provide protection for the vehicles from the weather elements and for health related reasons for the family members.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Tanya Avenue, 56.50 feet west of South 30th Street. The Lot has 52 feet of frontage along Tanya Avenue and a depth of 103 feet for a Lot size of 5,356 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Cielo Vista Subdivision Phase I was recorded in March 2007, and a plat note indicates a 25 feet front yard setback. An application for a building permit was submitted to the Building Permits and Inspections Department on February 22, 2023, and an application for a Special Exception request was submitted to the Planning Department on April 21, 2023.

ANALYSIS: The request is for a Special Exception to allow an encroachment of 22 feet into the 25 feet front yard setback for an existing metal carport with canvas cover measuring 16 feet by 24 feet and constructed over an existing paved driveway. The applicant stated that the carport is needed to provide shade protection for his three vehicles and for medical reasons for the family members.

The recorded plat for Cielo Vista Subdivision Phase I includes a plat note (plat note #11) that states "No curb cut, access, or lot frontage permitted along Sarah Avenue". This prevents relocation of any front yard structures (with encroachments) to the rear yard.

There is an existing one car garage that is part of the residence that is currently being used for storage of household items.

Between December 2022 and April 2023 the Zoning Board of Adjustments has considered Special Exception requests for 6 properties within this subdivision. The Board approved five of these requests for Lots 20, 21, 72, 75, and 78. Four of the requests were for encroachments of 25 feet into the 25 feet front yard setback and one request was for an encroachment of 24 feet into the 25 feet front yard setback. A Special Exception request for Lot 56 was disapproved on January 5, 2023 since the existing carport also encroaches 10 feet into a 10 feet utility easement at the rear of the property and the utility easement abandonment process needed to be undertaken.

A survey provided by the applicant does not show the existing carport. A site plan with measurements was provided by the applicant.

Special exception are issued to a property owner and recorded, however, a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION: Staff recommends approval of the Special Exception request since other carports with similar encroachments have been approved in this subdivision. The applicant cannot relocate the existing carport to the rear of the property, since the subdivision plat notes do not allow curb cut or access along Sarah Avenue.

ZBA2023-0041



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
6/7/23

Project

Legal Description

CIELO VISTA PH 1 LOT 2

Subdivision Name

CIELO VISTA SUBDIVISION

Street Address

3004 TANYA AVE.

Number of lots

1

Gross acres

0

Existing Zoning

RS

Existing Land Use

R1

Reason for Appeal (please use other side if necessary)

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 FRANCISCO J. PEÑA

Phone

956 225 3171

Address 3004 TANYA AVE.

E-mail

Fpena1226@gmail.com

City MCALLEN

State TX

Zip

78503

Owner

Name FRANCISCO J. PEÑA

Phone

956 225 3171

Address 3004 TANYA AVE.

E-mail

Fpena1226@gmail.com

City MCALLEN

State TX

Zip

78503

Authorization

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

☐ Yes

☒ No

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

Signature

Date

Print Name FRANCISCO J. PEÑA

☒ Owner

☐ Authorized Agent

Office

Accepted by

SJA

Payment received by

Date

ENTERED

Rev 10/18

APR 21 2023

Name:

NM



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:

NONE

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

Because of the elevating numbers of increasing hot weather we all have experienced in the last 3 years we are protecting our truck & cars. max temp of 102 degrees

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:

NONE

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

Due to medications we take daily, DR. prohibited us to be outside or direct sunlight we cut our grass either very early morning or very late no sunlight

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

SARAH AVE.
V.52 P.117 M.R.

SANITARY
SEWER
MANHOLE

B/C

7.4'

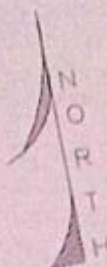
S 81°-22'E

5' C/W 52.00'

56.5'

LOT 2

TV/CABLE
PEDESTAL



SCALE: 1"=20'
CAD5: DELOV2-L

NOTE: BASIS OF BEA
THE SOUTH LINE OF
1-3, CIELO VISTA P
V.52 P.117 M.R.

LEGEND

F1-FOUDN 1/2" DIA
M.B.S.L-MINIMUM BU
B/C-BACK OF CONC
R.O.W.-RIGHT OF WA
C/W- CONC. WALK
- 7' CONC.

LOT 3 V.52 P.117 M.R.

(MAP: 103.00')
103.30'

N 8°-38'E

(MAP: 103.00')
103.30'

LOT 1 V.52 P.117 M.R.

S 8°-38'W

BRICK
HOUSE

CVRD
PATIO

CVRD
PORCH

CONC
DRIVE

NORTH
R.O.W.

TANYA AVE.

V.52 P.117 M.R.

B/C
STORM
WATER
INLET





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0041
CITY OF MCALLEN PLANNING DEPT.
956-8511-1250
WWW.MCALLEN.NET

3004

Memo

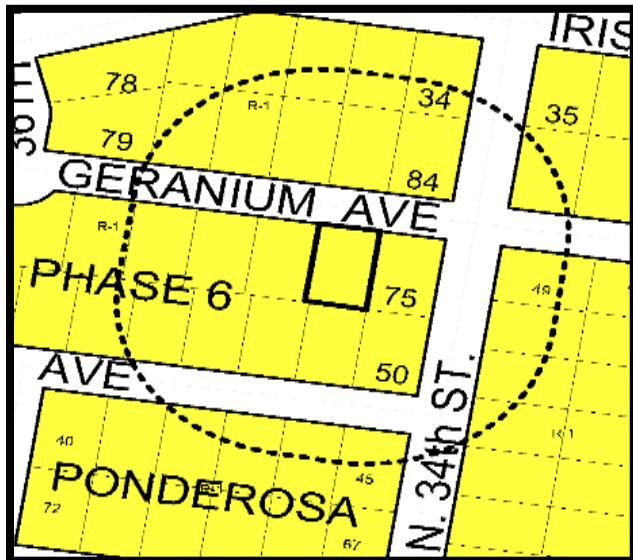
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 26, 2023

SUBJECT: REQUEST OF PRISCILLA CORIN OLIVAREZ FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT WITH CANVAS COVER MEASURING 18 FEET BY 16 FEET, AT LOT 74, PONDEROSA PARK PHASE 6 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3405 GERANIUM AVENUE. (ZBA2023-0043)

REASON FOR APPEAL: The applicant is requesting a special exception for an existing metal carport with a canvas cover that is proposed to be modified from its existing size to encroach 15 feet into the 20 feet front yard setback. The applicant verbally states a contractor was hired to construct the carport but did not obtain a building permit. The carport is to provide protection for the applicants



vehicles from the inclement weather events.

PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Geranium Avenue, 70 feet west of North 34th Street. The Lot has 65.64 feet of frontage along Geranium Avenue and a depth of 102 feet for a Lot size of 6,695.28 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Ponderosa Park Phase 6 was recorded in March, 2001. The required front yard setback as per plat notes is 20 feet and there is an existing 5 feet utility easement

that is adjacent to the front property line and runs concurrently with the front yard setback. A notice of non-compliance was issued by the Building Permits and Inspections Department in November 2022. An application for a building permit was submitted to Building Permits and Inspections Department on December 13, 2022. An application for a Special Exception was submitted to the Planning Department on April 26, 2023.

ANALYSIS: The request is for a special exception to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport with canvas covering measuring 18 feet by 16 feet over an existing concrete driveway.

According to the subdivision plat, there is a 5 foot utility easement that is located adjacent to the front property line. The applicant is proposing to cut 5 feet from the existing carport to clear the easement, the new measurements of the carport are proposed at 16 feet by 13 feet.

Approval of this request would allow the applicant to provide protection for all of her (4) vehicles by using both her existing garage and the existing metal carport.

There is no alley at the rear of the property that will allow relocation of the carport to the rear of the property.

During a site visit, staff noticed other similar structures that appear to encroach into the front yard setback. At the Zoning Board of Adjustments and Appeals meeting of June 3, 2020, the Board approved an encroachment of 20 feet into the 20 feet front yard setback for a proposed carport at Lot 90, Ponderosa Phase 6 Subdivision. At the meeting of August 17, 2022, the Board approved an encroachment of 15 feet into the 20 feet front yard setback for a proposed carport at Lot 12, Ponderosa Phase 6 Subdivision.

Measurements provided are without the benefit of a survey.

Special Exceptions are issued to a property owner and recorded, however, a change of ownership requires the new owner to apply for their own Special Exception.

RECOMMENDATION: Staff recommends approval of the Special Exception request since relocation is not feasible to the rear of the property and the property owner is proposing to reduce the encroachment by 5 feet in order to relocate the structure out of the utility easement. In addition, two other requests with similar encroachments have been approved in the past in this subdivision.

2023-0043

280A
6/7/2023

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

Driveway Sunshade

Subdivision Name

Ponderosa Estates

Street Address

3405 Geranium Ave.

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Encroachment of Bft into the 20ft front set back for a carport measuring 18x16.

☒ \$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 Priscilla Corin Olivarez

Phone (956) 225-8005

Address 3405 Geranium Ave

E-mail prissyoli@yahoo.com

City McAllen

State Tx

Zip 78501

Owner

Name Priscilla Corin Olivarez

Phone (956) 225-8005

Address 3405 Geranium Ave

E-mail prissyoli@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

Priscilla C. Olivarez

Date

4/21/2023

Print Name

Priscilla C. Olivarez

☒ Owner☐ Authorized Agent

Office

Accepted by SEN

Payment received by

Date

APR 26 2023

Rev 09/20

BY:

CW



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:

Encroaching front yard set back 13ft into 20ft
Carport measures 18x16ft

New Carport after cutback of 5ft will measure 16x13

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

The installation of the sunshade is for weather protection on my vehicles. I have a two car garage and I own 4 vehicles. The sunshade protects the vehicles in the driveway against direct sunlight, bird dropping and hail.

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

The sunshade does not obstruct street view, it is a sturdy structure and it is on private property.

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

The sunshade protects my vehicles on the driveway from direct sunlight, bird droppings and hail. Additionally, it provides shade on the weekends for my family's outdoor activities.

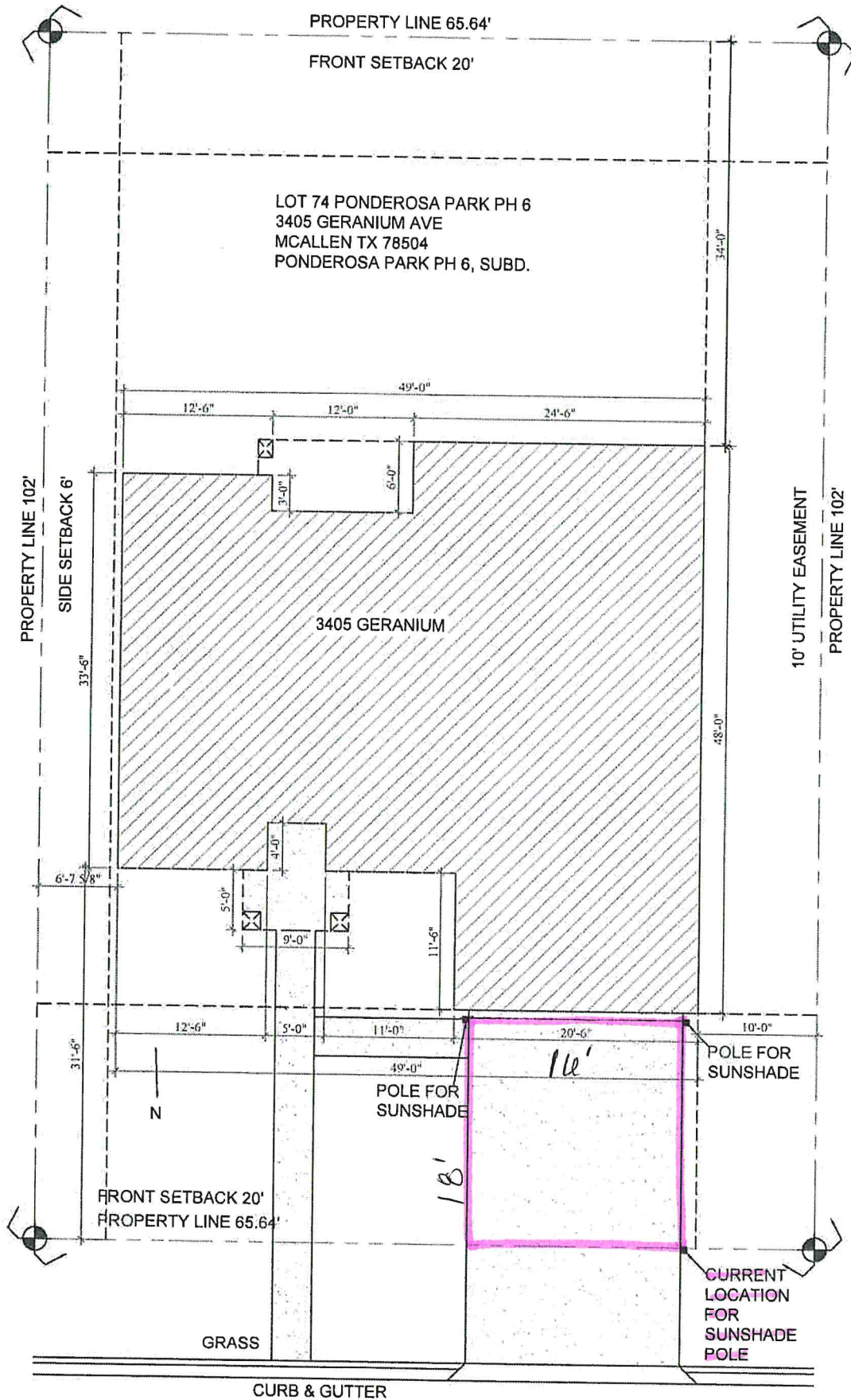
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Existing



[illegible]

RECEIVED
MAY 19 1960
By *jun*

N
↓

To Whom it may concern.

If a special exception is granted for my sunshade Carport 3405 Geranium Ave Meallen I will cut back my carport by 5 feet in order to clear the existing 5 foot utility easement that runs along my property line. After my cut back my front carport would measure 13 feet X 16 feet.

Thank You,

Priscilla C. Olivarez

Priscilla Olivarez
4/26/2023



BEWARE
OF THE DOG

TEXAS
KVF-7816





NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2023-0043



Memo

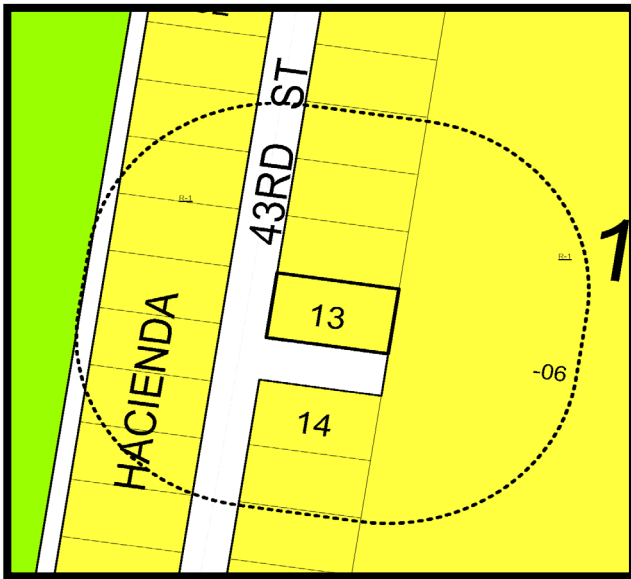
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 26, 2023

SUBJECT: REQUEST OF EDGAR TRIGO FOR THE FOLLOWING VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 3 FEET INTO THE 6 FEET NORTH SIDE YARD SETBACK FOR A PROPOSED OUTDOOR BATHROOM WITH STORAGE AREA AND AN UNENCLOSED CANOPY MEASURING 24 FEET BY 22 FEET, AT LOT 13, HACIENDA RINCON SUBDIVISION, HIDALGO COUNTY, TEXAS; 3600 NORTH 43RD STREET. (ZBA2023-0042)

REASON FOR APPEAL: The applicant is proposing to encroach 3 feet into the 6 feet north side yard setback for the construction of a structure measuring 24 feet by 22 feet that consists of an outdoor bathroom with storage area and an unenclosed canopy. The applicant states that the encroachment is necessary to accommodate the proposed structure and to accommodate a swimming pool slide.



PROPERTY LOCATION AND VICINITY: The subject property is located at the northeast corner of North 43rd Street and Jonquil Avenue. The Lot has 77 feet of frontage along North 43rd Street and a depth of 130.01 feet for a Lot size of approximately 10,011 square feet. The property is zoned R-1 (single-family residential) District and a single family residence is located on the property. The adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

BACKGROUND AND HISTORY: Hacienda Rincon Subdivision was recorded in July 2006. The required side yard setback along the north side of this Lot is 6 feet. An application for a building permit has not been submitted. An application for a Variance request was submitted to the Planning Department on April 21, 2023.

ANALYSIS: The request is to allow an encroachment of 3 feet into the 6 feet north side yard setback for a proposed structure measuring 24 feet by 22 feet that consists of an enclosed outdoor bathroom with storage area and an unenclosed canopy to be used for shade. The applicant states the variance is required to accommodate the proposed structure and a water slide for the existing swimming pool.

There is an existing concrete slab where the proposed structure will be built. A picture of the site shows plumbing work for the bathroom/shower facility may have been started without a required permit. The outdoor bathroom, and storage area will be encroaching 3 feet into the 6 feet north side yard setback.

There is an existing car garage, and swimming pool located at the rear of the property that prevents relocation out of the setback.

A 6 feet tall cedar fence surrounds the rear yard area of the property, which may help to reduce the view of the proposed construction.

Approval of the variance request will allow the proposed construction as depicted on the site plan. Building distance separation between structures (whether existing or future) of the subject property and adjacent properties to the north or east may potentially not meet requirements.

The submitted site plan shows that the structure could be reduced 3 feet to be in compliance with the setback requirement. The variance request is not due to special conditions nor is the plight of the owner unique.

A review of Planning Department records did not reveal any variances granted for this subdivision in the past.

Measurements provided were without benefit of a survey.

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

RECOMMENDATION: Staff recommends disapproval of the variance request since the site plan may be modified to be in compliance and variances run with the land.

ZBA 2023-0042



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
6/7/23
@ 4:30pm

Project

Legal Description

Hacienda Rincon Lot 13

Subdivision Name

Hacienda Rincon

Street Address

3600 N 43rd St

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

I am asking to encroach 3ft into 6ft side yard setback for a patio. (Propose)

☒ \$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

Edgar Trigo

Phone

956-534-2252

Address

3600 N 43rd St

E-mail

Edgar 5020@yahoo.com

City

McAllen

State

TX

Zip

78501

Owner

Name

Edgar Trigo

Phone

956-534-2252

Address

3600 N 43rd St

E-mail

Edgar 5020@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

Edgar Trigo

Date

4/21/23

Print Name

Edgar Trigo

☒ Owner☐ Authorized Agent

Office

Accepted by

[Signature]

Payment received by

Date

ENTERED

Rev 09/20

APR 21 2023

Name:

[Signature]

OS



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

The public will be encroaching 3ft of the 6ft side yard setback.

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

The variance is necessary to accommodate the house structure.

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 is within my property line and will not be detrimental to public.

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

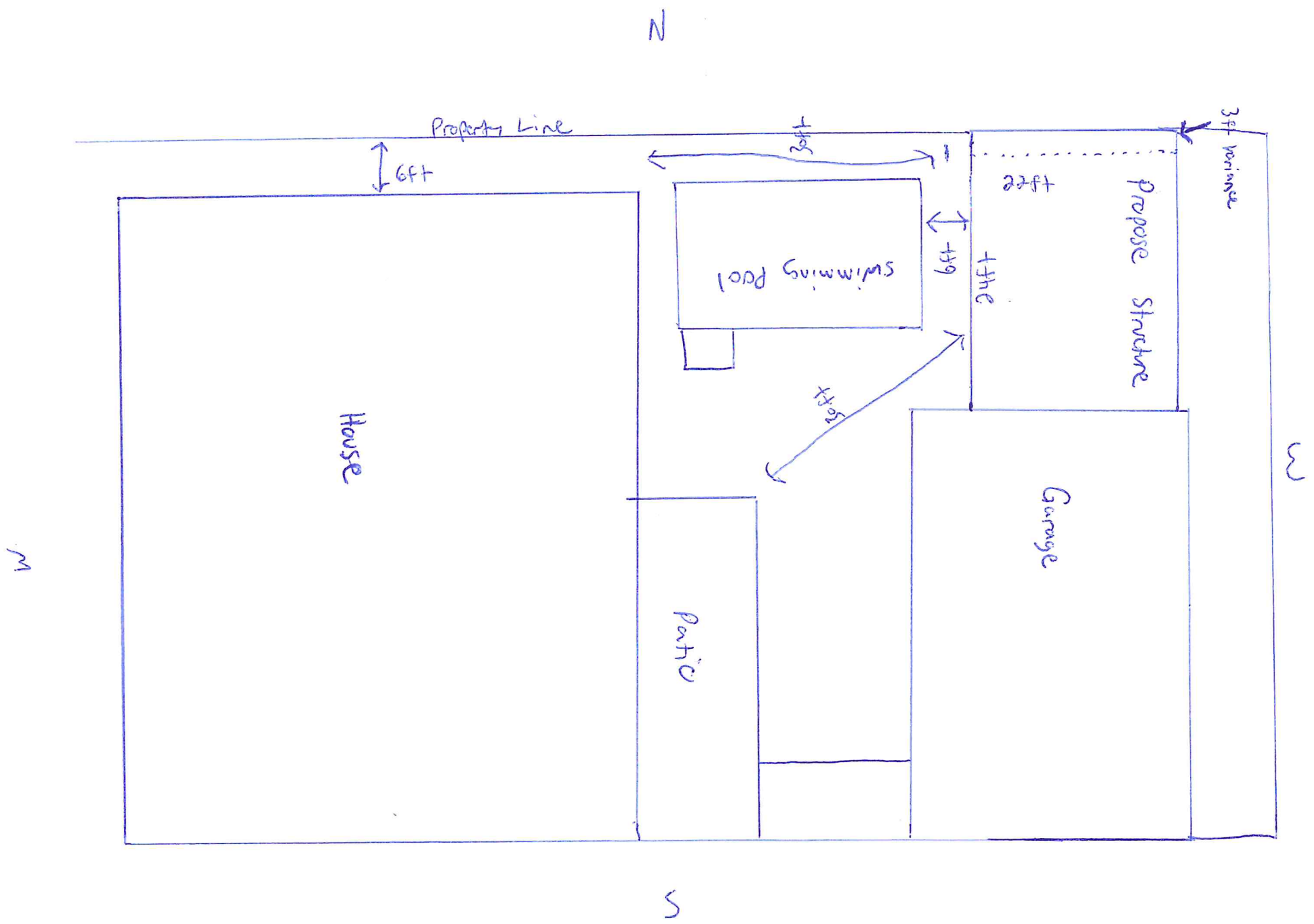
Going to use private patio for swimming pool shade.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Fence

Fence

Fence

Fence

10 ft

3 ft

Door

Storage

Shower

Toilet

Bathroom

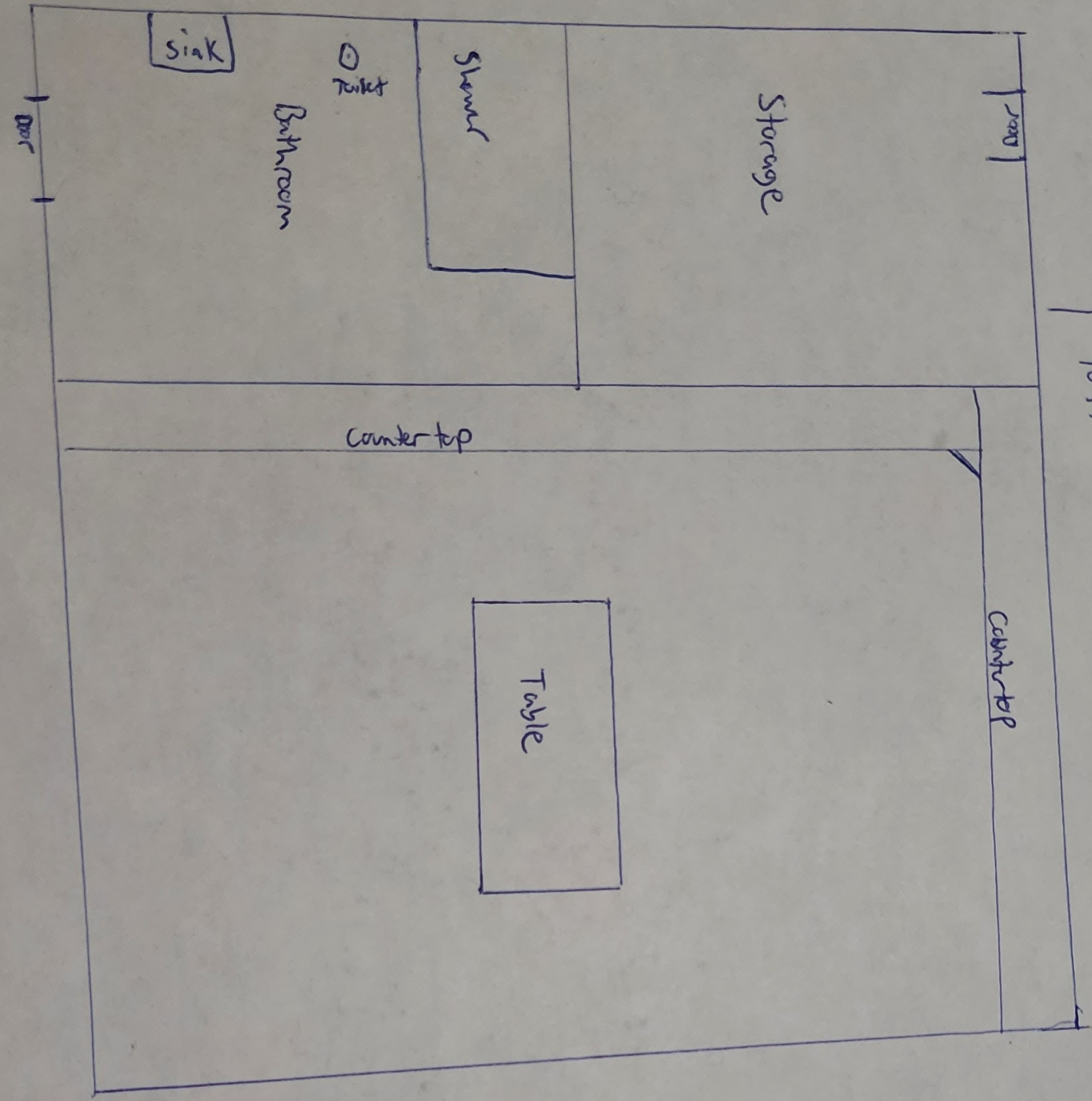
Sink

Door

Counter top

Counter top

Table







NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2023-0042
CITY OF MCALLEN PLANNING DEPT
806-461-1234
WWW.MCALLEN.MX

3600

3600

**ELECTION OF
VICE-
CHAIRPERSON**

2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/19/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/17/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA-VICE-CHAIR	P	P	P	P	P	P	P	P	A	P														
JOSE GUTIERREZ- CHAIRPERSON	P	P	P	P	P	P	P	P	P	P														
ANN TAFEL	P	P	P	P	A	P	P	P	P	P														
HUGO AVILA	P	P	P	A	P	P	P	P	P	P														
ROGELIO RODRIGUEZ	A	P	A	P	P	P	P	A	P	P														
REBECCA MILLAN (ALT 1)	P																							
MARK TALBOT (ATL 2)	A																							
SAM SALDIVAR (ALT 3)	P	P	P	P	P	P	A	P	P	A														
JUAN MUJICA (ALT 4)	P	P	A	P	P	P	A	P	P	P														

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

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



2023 CALENDAR

Meetings:

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





HPC - Historic Preservation Council

Deadlines:





D- Zoning/CUP Application N - Public Notification

* **Holiday** - Office is closed





JANUARY 2023

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





FEBRUARY 2023

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





MARCH 2023

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





APRIL 2023

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

MAY 2023

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





JUNE 2023

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

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

2023 CALENDAR






Meetings:

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







Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- * **Holiday** - Office is closed







JULY 2023

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







AUGUST 2023

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








SEPTEMBER 2023

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





OCTOBER 2023

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

NOVEMBER 2023

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

DECEMBER 2023

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