

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MARCH 22, 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 February 22, 2023
- b) Minutes for the meeting held on March 8, 2023

2. PUBLIC HEARINGS:

- a) Request of Reyna G. Martinez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet side yard setback adjacent to North 21st Street for an existing metal carport measuring 39 feet by 17 feet at Lot 33, Redbud Subdivision No. 2, Hidalgo County, Texas; 2101 Oriole Avenue. **(ZBA2023-0017)**
- b) Request of Jose Luis Elizondo for 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, at Lot 92, Saddle Creek UT 1, Hidalgo County, Texas; 9214 North 32nd Lane. **(ZBA2023-0018)**
- c) Request of Kevin Jaime on behalf of Jaime & Mendoza Rentals, LLC (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 1, Block 16, North McAllen Subdivision, Hidalgo County, Texas; 621 North 10th Street. **(ZBA2023-0015)**
- d) Request of Mauricia Castillo for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet in to the 10 feet rear yard setback for an existing wooden carport measuring 31 feet by 17 feet at Lot 81, Los Encinos subdivision, Hidalgo County, Texas; 3420 Raquel Avenue. **(ZBA2023-0016)**
- e) Request of Victor Meza (Meza Homes Inc.) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 30 feet into the 75 feet front yard setback for the construction of a commercial building, at Lot 1, T-Rey Subdivision, Hidalgo County, Texas; 3612 State Highway 107. **(ZBA2023-0019)**
- f) Request of Andrew LeBaron for the following: **1)** Special Exception request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 32 parking spaces instead of the 44 parking spaces for proposed apartment use and **2)** a Variance request to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street. **(ZBA2023-0012) (TABLED: 03/08/2023)**

3. FUTURE AGENDA ITEMS

- a) 909 North Jackson Road
- b) 3101 Tanya Avenue
- c) 2808 Idela Avenue
- d) 1501 Falcon Avenue
- e) 108 East Fresno Avenue
- f) 1013 Highway 83

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, February 22, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the special meeting held on February 8, 2023.

The minutes for the special meeting held on February 8, 2023 were approved. The motion to approve the minutes were made by Ms. Ann Tafel. Mr. Sam Saldivar seconded the motion, which carried unanimously with five members present and voting.

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

2. PUBLIC HEARINGS:

- a)** Request of Cesar Martinez for a variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 7 feet into the 25-foot front yard setback for a garage, and **2)** an encroachment of 10 feet into the 25-foot front yard setback for a proposed single-family residence at Lot P1, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 13321 Atlas Peak Court. **(ZBA2023-0005)**
- b)** Request of Heriberto Padron, Jr. for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet rear yard setback on a double-fronting Lot for a proposed swimming pool measuring 16 feet by 26 feet at Lot 7, Vine Ridge Estates Subdivision, Hidalgo County, Texas; 3520 Upas Avenue. **(ZBA2023-0006)**

- d) Request of Sylvia Yolanda Garza for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 18 feet into the 30 feet front yard setback for a proposed metal carport measuring 12 feet by 18 feet, at Lot 4, Silvestre Garza Subdivision, Hidalgo County, Texas; 705 North 29th Street. **(ZBA2023-0004)**

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

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

Mr. Sam Saldivar **moved** to approve the previously outlined special exceptions as per staff's recommendation, limited to the submitted plans correspondent to each item. Vice-Chairperson Sylvia Hinojosa seconded the motion. The Board voted to approve with five members present and voting.

- c) Request of Nora Lisa Lozano on behalf of Cesar A. Flores for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet sideyard setback along North 16th Street for a proposed metal carport measuring 23 feet by 23 feet at Lot 22 Less the East 5 feet, Sycamore Heights Subdivision, Hidalgo County, Texas; 1509 Sycamore Avenue. **(ZBA2023-0009)**

Mr. Nunez stated the applicant was requesting a special exception for the above-mentioned encroachment for a proposed metal carport measuring 23 feet by 23 feet. The applicant stated the metal carport would be used to protect her vehicles, especially her truck, from the weather elements. The applicant had stated that her truck does not fit inside the existing garage space due its length.

The subject property was located on the southeast corner of Sycamore Avenue and North 16th Street. The property had 72.5 feet of frontage along Sycamore Avenue and a depth of 97 feet, for a lot size of approximately 7,032.5 square feet. There was an existing single-family residence on the subject property. The surrounding land use was single-family residential.

The plat for Sycamore Heights Subdivision was recorded on September 8, 1948. The existing residence was built in 1978 with additions made later in 1998. The application for this special exception request was submitted on January 19, 2023.

Approval of the special exception request would allow an encroachment of 10 feet into the 10 feet side yard setback for a proposed metal carport. This carport would be facing North 16th Street.

There was an existing two-car garage that is used to park the applicant's vehicles. However, the applicant has stated that her truck cannot be accommodated in one of her garage spaces due to space constraints and the truck's size.

There was an ally at the rear of the property. However, due to the existing location of the home's garage structure, there would be no space on the rear yard that would allow for the relocation of the proposed carport. There was also no garage or driveway access located

on the front yard property facing Sycamore Avenue where the applicant can build the proposed metal carport.

During a site visit staff noticed, several similar structures located along the front and side yard setbacks. A review of Planning Department Records revealed one variance for a front yard carport in the Subdivision that was approved at the Zoning Board of Adjustments meeting of August 5, 2009.

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

Staff had received one phone call in support of the special exception request. Staff also received a phone call in opposition from an adjacent property owner that will be in attendance in the meeting to present his reasons behind the opposition.

Staff recommended approval of the special exception request since the proposed structure would not negatively impact the existing character of the subdivision.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception. There was someone in opposition of the special exception.

Mr. Daniel Lopez, 1501 Sycamore Avenue, Joel Jason Rodriguez, 1505 Sycamore Avenue and Raul de la Pena, Jr., 1500 Sycamore Avenue. Mr. Lopez also had a letter from another neighbor, Erica Rodriguez to speak on her behalf. They had concerns with visibility of the hedges of Laurels with entering the intersection of 16th Street and Sycamore Avenue. He also stated if the carport would add to the visibility.

Ms. Nora Lozano, the applicant stated she was speaking for the registered owner, Cesar A. Flores. Ms. Lozano did not plant the bushes in which they were trimmed. She stated that she was present for the carport only. It was well within the property line. Ms. Lozano stated she had a neighbor behind her who was in favor of the carport.

Chairperson Gutierrez asked the applicant where the carport was going to be built. She stated off 17th Street, off the alleyway. It will be metal posts and roofing.

Board members Saldivar and Ms. Tafel had concerns with the power line over the metal carport.

Vice-Chairperson Hinojosa asked staff if the power line over the metal carport was addressed. Mr. Nunez stated it was not addressed at the time.

Following discussion, Mr. Juan Mujica moved to table the special exception until they speak with AEP. Ms. Ann Tafel seconded the motion. The Board voted unanimously to table the special exception with five members present and voting.

- d) Request of David T. Marroquin for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 23.83 feet by 16.16 feet, at Lot 64, Las Villas Subdivision Unit No. 2, Hidalgo County, Texas; 100 East

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the 10 feet rear yard setback for an existing metal carport having dimensions of 23.83 feet by 16.16 feet. The applicant states the carport is to provide protection for the family vehicles from inclement weather events and for shade.

The subject property was located at the southeast corner of North 1st Street and East Kerria Avenue and has a Lot size of 7,875 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

Las Villas Subdivision Unit No. 2 was recorded on January 18, 1983. The required rear yard setback as per plat was 10 feet. A Stop Work order was posted by Building Permits and Inspections Department on September 13, 2022 for construction work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 09, 2022 and an application for a Special Exception request was submitted to the Planning Department on December 08, 2022. As per the applicant, the structure was built in 1990 without a building permit.

The request was for a special exception to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 23.83 feet by 16.16 feet and was constructed over an existing concrete driveway.

There is a 5 feet utility easement running concurrently with the rear yard setback along the rear of the property and the carport also encroached into the 5 feet utility easement. As per a revised site plan, the applicant is proposing to reduce the encroachment by 5 feet in order to resolve the 5 feet utility easement encroachment. The proposed alternate request is to encroach 5 feet into the 10 feet rear yard setback.

During the site visit, staff noticed other similar structures with encroachments in the rear yard. At the Zoning Board of Adjustments and Appeals meeting of August 18, 2021, the Board approved an encroachment of 5 feet into the 10 feet rear yard setback for a proposed irregular shaped metal carport at Lot 82, Las Villas Subdivision Unit No. 2.

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

Measurements provided are without the benefit of a survey.

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

Staff recommended **disapproval** of the Special Exception request as originally requested, however alternatively, staff recommended **approval** of the modified request for an encroachment of 5 feet into the 10 feet rear yard setback. Approval of the request will allow the construction to be modified to resolve the encroachment into the 5 feet utility easement.

Mr. David T. Marroquin, the applicant stated that he agreed to do the 5-foot setback as been requested. He stated that particular driveway on the side and back of his house was put in 1987 when he built the house. The cover was built in 1990. He had a letter

from the Homeowners Association President indicating that he could keep the existing structure. There were no complaints. Mr. Marroquin stated that he did not know that the person who built it never obtained a permit.

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

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

Board member Ann Tafel asked staff if there were any utility lines in the easement area. Mr. Rivera stated that they spoke with Mr. Marroquin regarding that issue. He called the 811 number in order to show if there was any lines. A drainage line ran a little outside in the alley but not inside the property.

Following discussion, Mr. Sam Saldivar **moved** to approve the special exception as per staff's recommendation for modified request of the encroachment of 5 feet instead of the 10 feet rear yard setback. Ms. Ann Tafel seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- e) Request of Oscar Cancino on behalf of Marissa Cantu (property owner) for the following Special Exception and Variance requests to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 3.04 feet into the 10 feet rear yard setback for an existing metal carport measuring 23.66 feet by 24.66 feet, and **2)** A Variance to allow an encroachment of 5.5 feet into the 7 feet south side yard setback for an existing metal storage building measuring approximately 5 feet by 19.2 feet, at Lot 4, Block 7, North McAllen Subdivision, Hidalgo County, Texas; 709 North 16th Street. **(ZBA2023-0003)**

Mr. Rivera stated the applicant was requesting a special exception for an existing metal carport with an encroachment into the 10 feet rear yard setback and a variance for an encroachment into the 7 feet south side yard setback for an existing storage building. The applicant states a contractor was hired to construct the building but did not obtain a building permit. The carport was to provide protection for the family vehicles from inclement weather events. The carport had a storage-building component.

The subject property was located along the west side of North 16th Street, between Hackberry and Gumwood Avenues. The lot had 50 feet of frontage along North 16th Street and a depth of 140 feet for a lot size of 7,000 square feet. The property was zoned R-2 (duplex-fourplex residential) District and a single family residence was located on the property. The adjacent zoning was R-2 District in all directions. The surrounding land use was single family residential.

According to Hidalgo County Appraisal District records, the main residence was built in 1993. The applicant purchased the property in 2016.

A Stop Work order was posted by Building Permits and Inspections Department on September 20, 2022 for construction work without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 03, 2022 and an application for a Special Exception request was submitted to the Planning Department on January 09, 2023.

The side yard setbacks for this property are 7 feet on the south side yard setback and 5 feet on the north side yard setback. The rear yard setback was 10 feet.

Special Exception #1: The request was for a special exception to allow an encroachment of 3.04 feet into the 10 feet rear yard setback for an existing metal carport measuring 23.66 feet by 24.66 feet and constructed over an existing concrete driveway. There is a paved alley at the rear of the property that allows the vehicles access to the carport. The property has a block fence that surrounds the rear of the property that helps to partially screen the property.

Locating carports and having access from the alley at the rear of the property helps to maintain curb appeal along the front yard.

The carport had a storage space component that does not encroach into the side yard setback.

Variance #2: to allow an encroachment of 5.5 feet into the 7 feet south side yard setback for an existing metal storage building measuring approximately 5 feet by 19.2 feet. The storage space is currently being used to store work equipment.

The storage building space was a second storage building that is a component to the metal carport; however, it was constructed encroaching into the south side yard setback.

A windshield survey revealed other similar encroachments in the rear of the property along the Block. A review of Planning Department records did not reveal any Variances or Special Exceptions approved for properties in this Block.

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

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.

Special Exception #1: Staff recommended **approval** of the Special Exception request #1, since carports located at the rear yard helps to maintain curb appeal along the front yard and the encroachment is minor. The existing 20 feet alley also provides a separation to other properties across the alley.

Variance request #2: Staff recommended **disapproval** since variances run with the land, buildings are not permitted within setbacks and fire-rated construction is required. If the Board chooses to approved the request, approval should be limited to the encroachment shown on the submitted site plan.

Mr. Oscar Cancino, representing Marissa Cantu, stated the property has been in the family for 50 years. The reason the carport was set to the south, was a gas meter and an existing power pole that was center of the entrance of the rear. The wooden carport was reconstructed due to a storm years ago. The applicant decided to put a metal carport to prevent any fire issues with the next-door neighbor who had a wooden fence. Construction equipment was being stored in there.

Chairperson Gutierrez asked if the construction be relocated. Mr. Rivera stated the structure sits on cement. It would have to be removed completely which would be costly

and be rebuilt on the north side.

Board member Mujica asked staff what was being stored there. Mr. Rivera stated work equipment for the property owner.

Mr. Oscar Cancino representing Marissa Cantu stated the property had been in the family for 50 years. The reason the carport was set to the south, there was a gas meter and gas utilities with an existing power pole left center of the entrance where the rear carport stood. Mr. Cancino stated that the previous carport that was made of wood was destroyed during a storm. The property owner decided to replace it with metal material. He stated there were six other properties in the neighborhood that had encroachments.

Board member Rodriguez asked Mr. Cancino if this structure was well built. Mr. Cancino stated it was built to standards. Board member Rodriguez stated that usually there is a 3-foot radius around a utility pole. He asked if the applicant reached out to whoever owned that utility pole to see if they had an issue with it in case they had to service it the structure would be in the way. Mr. Cancino stated one of the things that was encroaching into their property that was not documented into the easement was the utility pole and gas meter.

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

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception/variance request. There was no one in opposition of the special exception/variance request.

Board member Rodriguez asked staff when it came to carports or similar buildings like this what is the requirement from the primary structure to another structure. Mr. Rivera stated it was usually a 5-foot separation.

Following discussion, Mr. Juan Mujica **moved** to approve the special exception as per staff's recommendation. Vice-Chairperson Sylvia Hinojosa seconded the motion. The Board voted to approve the special exception with four members voting aye and Mr. Rogelio Rodriguez voting nay.

Following discussion, Ms. Ann Tafel **moved** to disapprove the variance request as per staff's recommendation. Mr. Rogelio Rodriguez seconded the motion. The Board voted to disapprove the variance request with four board members voting aye and Vice-Chairperson Sylvia Hinojosa voting nay

- g)** Request of Jose M. Guerra for the following Variance requests to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 6 feet into the 6 feet north side yard setback for an existing metal porch measuring 6 feet by 37 feet, and **2)** to allow an encroachment of 6 feet into the 6 feet south side yard setback for an existing triangular shaped metal porch, at Lot 161, Gardenia Terrace No. 12 Subdivision, Hidalgo County, Texas; 5912 North 35th Street. **(ZBA2022-0113)**

Mr. Rivera stated the applicant was requesting two variances to encroach 6 feet into the north and south side yard setbacks for two existing metal porches. The applicant states that the metal porches are used for shade and protection from weather elements, and for

The subject property had an irregular shape and is located on the east side of a cul-de-sac on North 35th Street, approximately 130 feet south of Heron Avenue. The property has 52.36 feet of frontage along North 35th Street and a depth of 128.78 feet at its deepest point for a lot size of 9,900 square feet. The zoning for the property and adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land use is single family residential.

Gardenia Terrace No. 12 Subdivision was recorded in October 1980. A Stop Work order was issued by the Building Permits and Inspections Department on September 22, 2022 for construction without a building permit. A building permit application was submitted to the Building Permits and Inspections Department on November 10, 2022 and a variance application was submitted to the Planning Department on October 14, 2022.

Variance #1): The request is to allow an encroachment of 6 feet into the 6 feet north side yard setback for an existing metal porch building measuring 6 feet by 37 feet. As per applicant, the structure helps to provide shade and protection for the family members from inclement weather events and to provide storage space. It was originally built to cover a low spot in the ground where standing water would accumulate. The structure was built in 2019 by the applicant.

Variance #2): The request is to allow an encroachment of 6 feet into the 6 feet south side yard setback for an existing triangular shaped metal porch measuring 20 feet wide at the rear of the structure and 27 feet at its deepest point of measurement. As per the applicant, the structure helps to provide shade and protection for the family members from inclement weather events and for storage space. The structure was built in 2008 by a subcontractor with help from the applicant.

Concerns with structures built to the property line are potential for enclosure of the structures and rainfall runoff into neighboring properties. The property owner had installed gutters for the roof additions to prevent run off from spilling into the neighbors properties.

During a site visit, staff noticed other encroachments along the side yards of the other properties. A review of Planning Department records did not reveal other variances granted within the subdivision.

At the Board of Adjustment and Appeals meeting of July 17, 2003, the Board approved an encroachment of 4 feet into the 10 feet rear yard setback for a swimming pool. The property is located adjacent to the rear of the subject property.

Measurements provided were without benefit of a survey.

There are no utility easements that are impacted by the encroachments.

Staff had not received calls or emails in opposition of the variance request.

Staff recommended **disapproval** of the variance requests **#1** and **#2** since variances run with the land, structures are not permitted within setbacks, and approval may encourage other construction with similar encroachments. If the Board chooses to approve the variance requests, it should be limited to the footprint shown in the submitted site plan.

Mr. Jose M. Guerra, the applicant stated back in 2008, someone with an offer to put up a

chimney in the back for the family and protection from the trees approached him. Sometime later, the same person came by to discuss some pricing and began the construction on the south side of the property. The man never mentioned anything about obtaining a permit.

The Board had concerns that since it ran with the land, the next owner could enclose the existing metal porch.

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

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 Saldivar asked staff if the chimney roof was taken down would the chimney itself remain. Mr. Rivera stated the chimney would go as well.

After discussion, Ms. Ann Tafel **moved** to disapprove the variance requests #1 and #2 as per staff's recommendation. Mr. Juan Mujica seconded the motion. The Board voted unanimously to disapprove the variance requests with five members present and voting.

- h) Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. **(ZBA2022-0118) (TABLED: 12/21/2022) (REMAINED TABLED: 01/05/2023, 01/18/2023, 02/08/2023)**

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

- i) Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive. **(ZBA2022-0126) (TABLED: 12/21/2022) (REMAIN TABLED: 01/05/2023, 01/18/2023, 02/08/2023)**

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

3. FUTURE AGENDA ITEMS:

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

ADJOURNMENT

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

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, March 8, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Sylvia Hinojosa	Chairperson
	Jose Gutierrez	Vice-Chairperson
	Rogelio Rodriguez	Member
	Hugo Avila	Member
	Juan Mujica	Alternate
	Sam Saldivar	Alternate
Absent:	Ann Tafel	Member
Staff Present:	Austin Stevenson	Assistant City Attorney
	Michelle Rivera	Assistant City Manager
	Edgar Garcia	Planning Director
	Jose H. De La Garza	Development Coordinator
	Rodrigo Sanchez	Senior Planner
	Katia Sanchez	Planner II
	Samuel Nunez	Planner II
	Marco Rivera	Planner I
	Eduardo Garza	Planner I
	Porfirio Hernandez	Planning Technician II
	Julian Hernandez	Planning Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a)** Minutes for the meeting held on February 22, 2023.

The minutes for the meeting held on February 22, 2023 were approved. The motion to approve the minutes were made by Ms. Ann Tafel. Mr. Sam Saldivar seconded the motion, which carried unanimously with five members present and voting.

- b)** Minutes for the meeting held on March 8, 2023.

The minutes for the meeting held on March 8, 2023 were approved. The motion to approve the minutes were made by Ms. Ann Tafel. Mr. Sam Saldivar seconded the motion, which carried unanimously with five members present and voting.

Vice-Chairperson Sylvia Hinojosa made a motion to remove Item 2d from the table.

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 Melden & Hunt Inc. on behalf of Lockard McAllen Holding LLC, (property owner) for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of up to 43.4 feet into the 75 feet setback along Dove Avenue for a proposed metal carport measuring 128.58 feet by 16 feet, at Lot 4, Las Palomas Village Subdivision, Hidalgo County, Texas; 1800 Dove Avenue. **(ZBA2023-0010)**
- b) Request of Guadalupe Cabrera on behalf of Andres Cabrera (property owner) for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20.42 feet into the 25 feet front yard setback for an existing metal carport measuring 19 feet by 21 feet, at Lot 186, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 2716 Lucille Avenue. **(ZBA2023-0014)**
- c) Request of Rene Rodriguez for the following Variance requests to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25-foot rear yard setback for an existing porch measuring 6 feet by 22 feet at Lot 93, Vendome Subdivision Phase II, Hidalgo County, Texas; 3405 Vendome Drive. **(ZBA2023-0013)**
- d) Request of Nora Lisa Lozano on behalf of Cesar A. Flores for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet sideyard setback along North 16th Street for a proposed metal carport measuring 23 feet by 23 feet at Lot 22 Less the East 5 feet, Sycamore Heights Subdivision, Hidalgo County, Texas; 1509 Sycamore Avenue. **(ZBA2023-0009)**
(TABLED: 02/22/2023)

Chairperson Jose Gutierrez asked if there was anyone present in favor of the special exception/variance requests. There was no one else in favor of the special exception/variance requests.

Chairperson Jose Gutierrez asked if there was anyone present in opposition of the special exception/variance requests. There was no one in opposition of the special exception/variance requests.

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

- e) Request of Andrew LeBaron for the following: **1)** Special Exception request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 32 parking spaces instead of the 44 parking spaces for proposed apartment use and **2)** a Variance request to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at Lot 1, Wilson Subdivision No. 3, Hidalgo County, Texas; 120 South 4th Street. **(ZBA2023-0012)**

Ms. Sanchez stated Mr. LeBaron has withdrawn variance request #2 since he came into the compliance code.

Ms. Sanchez stated the applicant request the following special exception to allow 32 parking spaces instead of the required 44 parking spaces for apartment use. The applicant is requesting to use the existing parking spaces on the subject property, the previous use was that of commercial (motel) use, therefore did not require as many parking spaces. The applicant is also requesting a variance from the 8-foot CMU buffer requirement along the west side of the subject property since the expense was not in the applicants' budget for the proposed development project.

The property is located at the northwest corner of Beaumont Avenue and South 4th Street. The tract has an approximate lot size of 27,675.34 square feet. The subject property was zoned as C-3 (general business) District; there is also C-3 District to the north, east, and west. The contiguous zoning is R-1 (single-family residential) District to the east and west, it is also C-1 (office building) District to the south of the subject property.

A subdivision plat for a one-lot subdivision under the name of Wilson Subdivision No. 3 was recorded on October 13, 1980. The applicant submitted the variance application and the site plan to the Planning Department on February 01, 2023.

Request #1: The applicant is requesting the variance to allow 32 parking spaces instead of the required 44 parking spaces in order to comply with the apartment use parking space requirement. Currently the lot has two existing buildings that were for commercial (motel) use, "La Casita Motel of McAllen", and an existing parking lot. Based on the number of bedrooms the applicant is required to provide 44 parking spaces. Section 138-395 requires for an apartment/condominium building with five or more units to provide 1.5 parking spaces for each efficiency, studio apartment, and one bedroom living unit.

Section 138-395 requires one parking space for each sleeping room or suite plus one space for each 200 square feet of commercial floor area contained therein; therefore, the required parking space requirement is not being met because the previous use did not require as many parking spaces.

Request #2: The applicant is requesting a variance to the 8-foot CMU screen requirement along the west side of the subject property since the expense is not part of the project budget for apartments. As per Section 110-49 Landscape and buffer plan approval, an 8-foot masonry wall is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single-family use of zone. During a site visit by staff, the adjacent property located west of the subject property is zoned R-1 District and has a single-family residence.

The purpose of the buffer is used in such a manner that the adjacent property is visually screened, and so that noise, solid waste, or other objectionable influences will be avoided.

Staff has received neighborhood opposition of the special exception and variance request. The citizens expressed concerns of potential traffic and blocking of roadways by potential vehicles.

Request #1: Staff recommends disapproval of the special exception request since there may be insufficient number of parking spaces for tenants of the proposed apartment complex.

Request #2: Staff recommends disapproval of the variance request since the property to the west is R-1 zone and is used as a single-family residence. The buffer would visually screen and alleviate the level of noise extended to the adjacent property.

Vice-Chairperson Hinojosa asked staff if there was any kind of an agreement with additional parking around the commercial area. Ms. Sanchez stated as of now there was no parking agreement.

Board member Mujica asked staff it was mentioned sections but did not see the actual number of actual units. Ms. Sanchez stated it would be the under the site plan.

Board member Rodriguez asked staff when it was a hotel how many parking spaces did it have. Ms. Sanchez stated back then it was the 32 parking spaces and was in compliance.

Mr. Andrew LeBaron, 4103 Santa Maria, Mission stated there were 28 parking spaces before; the proposed was 29 parking spaces. They added one more unit and it was a laundry unit. He stated he had the lien removed from the property in order to purchase the property with the proviso that he changed the use. They would convert motels to apartments. They complied with the fire sprinklers. They wanted to do an 8-foot cedar fence.

Board member Mujica asked the applicant if he considered reducing to 26 units to be in compliance. Mr. Le Baron stated they had considered it in the beginning but broke their investment requirement. He stated he would be willing to work out a contract with adjoining neighbors with parking. There was parking across the street of 4th Street.

Board member Mujica asked staff if they were to enter into a contract, agreement with the adjacent neighbors would that suffice the parking requirement. Ms. Sanchez stated yes that would be sufficient it would have to be recorded.

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

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

Following discussion, Vice-Chairperson Sylvia Hinojosa **moved** to table the item in order to get a parking agreement with the surrounding neighbor. Mr. Sam Saldivar seconded the motion. The Board voted to approve with five members present and voting.

- f) Request of Javier Ibarra for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing wooden carport measuring 19 feet by 24 feet, at Lot 42, Santa Yesenia Subdivision, Hidalgo County, Texas; 2400 North 46th Street.
(ZBA2023-0011)

Mr. Rivera stated the applicant was requesting a special exception for an encroachment into the 25 feet front yard setback for an existing wooden carport measuring 19 feet by 24 feet. The applicant states a contractor built the carport but did not obtain the required building permit. The carport is to provide protection from inclement weather for a large truck that because of its size, it presents a challenge to park in the garage.

The subject property is located along the east side of North 46th Street, south of Westway Avenue. The Lot has 60 feet of frontage along North 46th Street and a depth of 103.44 feet for a Lot size of 6,206 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. Adjacent zoning is R-1 District in all directions. The surrounding land use is single family residential.

Santa Yesenia Subdivision was recorded in February 2005. The required front yard setback as per plat is 25 feet. A notice of non-compliance was issued by the Building Permits and Inspections Department in October 2022 for “no permit on file” for construction of the carport. An application for a building permit was submitted to Building Permits and Inspections Department on December 20, 2022, and an application for a Special Exception request was submitted to the Planning Department on January 24, 2023.

The request is for a special exception to allow an encroachment for an existing wooden carport of 25 feet into the 25 feet front yard setback for a carport measuring 19 feet by 24 feet. As per the applicant, the structure was built in September 2022 over an existing concrete driveway. There is an existing two-car garage that is being used as parking for one of the family vehicles and is also used to store household items. The applicant states the existing car garage is too narrow and has insufficient length to accommodate the other large family vehicle. There is no alley at the rear of the property that would allow for relocation of the carport out of the setback. There are no other existing carport encroachments along this block.

The front yard setbacks are important in establishing the character of a single-family neighborhood by maintaining the street yard and curb appeal of the properties in a subdivision. Approval of the request to allow the carport within the front yard may encourage other property owners to construct carports within the front yard setback.

During a site visit, staff noticed one carport with encroachment into the front yard along North 47th Street. A review of Planning Department records did not reveal any Special Exceptions granted in this subdivision. Building Department records did not reveal other building permits granted for carports within the front yard in this subdivision.

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

Measurements provided are without the benefit of a survey.

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

Staff recommended **disapproval** of the Special Exception request, since the home has an existing two-car garage and approval of the carport may encourage other property owners to build similar structures within the front yard setback. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

Mr. Javier Ibarra, the applicant stated he was not aware of obtaining a building permit at the time. He stated he saw carport on another block and thought it was a good idea. He had it built in September 2022.

Chairperson Gutierrez asked staff how this case came before the Board. Mr. Rivera stated

that Building Inspections do Saturday routines around the neighborhoods.

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

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

Board member Mujica asked the applicant that he saw on the site plan that there was a garage and a carport. Mr. Ibarra stated that he broke the wall trying to fit his large truck in the garage. The carport was also to protect from the inclement weather.

The Board had concerns with the carport being attached to the house with the fire issues.

Board member Saldivar asked staff if staff was inclined to approve the special exception the applicant would have to do certain things. Mr. Rivera stated if the Board chooses to approve he still conditioned to go through the building process permit.

Following discussion, Mr. Juan Mujica **moved** to disapprove the special exception. Mr. Rogelio Rodriguez seconded the motion. The Board voted to disapprove with five members present and voting.

- g) Request of David Omar Salinas on Behalf of Maria Eugenia Zabaleta (owner) for the following Variance request to the City of McAllen Off-Street Parking and Loading Ordinance to allow 5 parking spaces instead of the required 10 parking spaces for proposed commercial use at Lot 8, Floyd Bennet Subdivision, Hidalgo County, Texas; 1605 North 6th Street. (ZBA2022-0118) (TABLED: 12/21/2022) (REMAINED TABLED: 01/05/2023, 01/18/2023, 02/08/2023, 02/22/2023)**

Ms. Sanchez stated it has been tabled since December, staff recommended that it be removed from the table and take action.

Chairperson Gutierrez asked staff if they had been in contact with the applicant. Ms. Sanchez responded yes but until now, nothing has changed.

Austin Stevenson from Legal stated each applicant had been advised that this Board had the authority at any time to remove from the table and take action.

Mr. Hugo Avila **moved** to remove the item from the table. Vice-Chairperson Sylvia Hinojosa seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Mr. Hugo Avila **moved** to disapprove the variance request. Mr. Sam Saldivar seconded the motion. The Board voted to approve with five members present and voting.

- h) Request of Luis D. Waldo on Behalf of Rene Castellanos (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 17, Vineyard Estates Subdivision Phase 1A, Hidalgo County, Texas; 3817 Cosentino Drive. (ZBA2022-0126) (TABLED: 12/21/2022) (REMAIN TABLED: 01/05/2023, 01/18/2023, 02/08/2023, 02/22/2023)**

Mr. Juan Mujica **moved** to remove the item from the table. Vice-Chairperson Sylvia Hinojosa seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Mr. Hugo Avila **moved** to disapprove the variance request. Mr. Rogelio Rodriguez seconded the motion. The Board voted to disapprove with five members present and voting.

3. FUTURE AGENDA ITEMS:

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

ADJOURNMENT

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

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

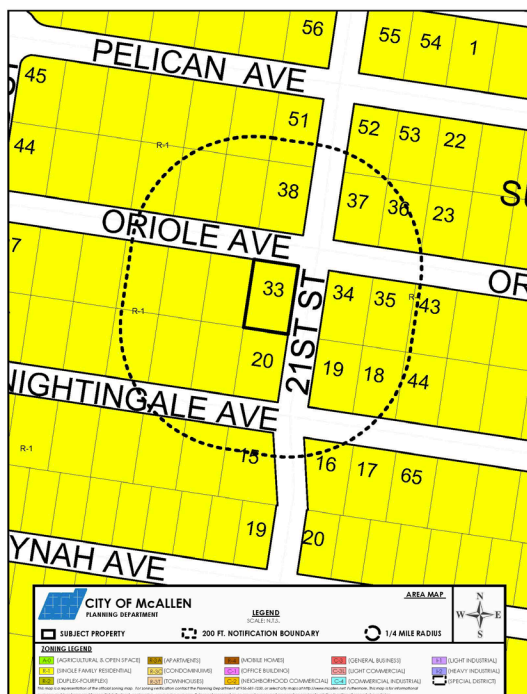
FROM: Planning Staff

DATE: March 15, 2023

SUBJECT: REQUEST OF REYNA G. MARTINEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET SIDE YARD SETBACK ADJACENT TO NORTH 21ST STREET AND 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 39 FEET BY 17 FEET, AT LOT 33, REDBUD NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2101 ORIOLE AVENUE. (ZBA2023-0017)

REASON FOR APPEAL:

The applicant is requesting a special exception for encroachment into the side yard setback for an existing metal carport. A request for a variance for an encroachment of 10 feet into the 10 feet rear yard setback is no longer needed since the applicant modified the structure to be out of the rear yard setback. The applicant states a contractor was hired to construct the carport but did not get the required building permit. The carport is to provide protection for the family's three vehicles from inclement weather events.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the southwest corner of Oriole Avenue, and North 21st Street. The Lot has 73 feet of frontage along Oriole Avenue and a depth of 112 feet for a Lot size of 8,176 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:

Redbud Subdivision Unit No. 2 was recorded on May 18, 1981. The required front yard setback as per plat is 25 feet. A Stop Work order was posted by Building Permits and Inspections Department on December 2, 2022 for construction without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on December 29, 2022 and an application for a Special Exception request was submitted to the Planning Department on February 17, 2023.

ANALYSIS:

This request is for an existing metal carport encroaching 10 feet into the 10 feet side yard setback adjacent to North 21st Street. The carport previously encroached 10 feet in to the 10 feet rear yard setback, however the applicant has modified the structure to be in compliance with the rear yard setback and out of an existing 10 feet utility easement. The metal carport now has modified measurements of 27 feet by 17 feet. The request is to allow the carport to remain at its location for the protection of the three family vehicles from inclement weather events.

The existing garage is used for the other two vehicles that the applicant has.

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

Measurements provided are without the benefit of a survey.

RECOMMENDATION:

Staff recommends **approval** of the Special Exception request, since relocation would not be feasible due to limited space in the rear yard, and the applicant has eliminated the encroachment into the 10 feet rear yard setback and utility easement.

ZBA2023-0017

Z30A
3/22/23

City of McAllen

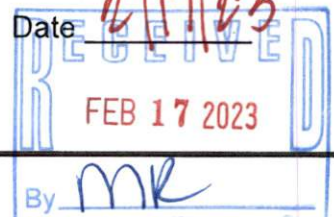
Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project	Legal Description <u>REDBO #2 LOT 33</u>
	Subdivision Name <u>Redbut #2 lot 33</u> Street Address <u>2101 ORIOLE AVE</u>
	Number of lots <u>1</u> Gross acres _____ Existing Zoning <u>R-1</u> Existing Land Use <u>R-1</u> Reason for Appeal (please use other side if necessary) <u>CAR PORT ENCROACHING</u> <u>10 FT AUTO 10 FT Side yard.</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>REYNA G MARTINEZ</u> Phone <u>432-220-9127</u> Address <u>2101 ORIOLE AVE</u> E-mail <u>MARTINEZ1955LIFE@gmail</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
Owner	Name <u>SAME</u> Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <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>Reyna Martinez</u> Date <u>2/17/23</u> Print Name <u>REYNA MARTINEZ</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>[Signature]</u> Payment received by <u>Magda R.</u> Date <u>2/17/23</u> Rev 09/20



05



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

NOV 11 2011
C.A.A.S.

Reason for Appeal

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

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

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

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

we have 3 cars

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

we have to keep - for protect of cars.

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:

is not bother.

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

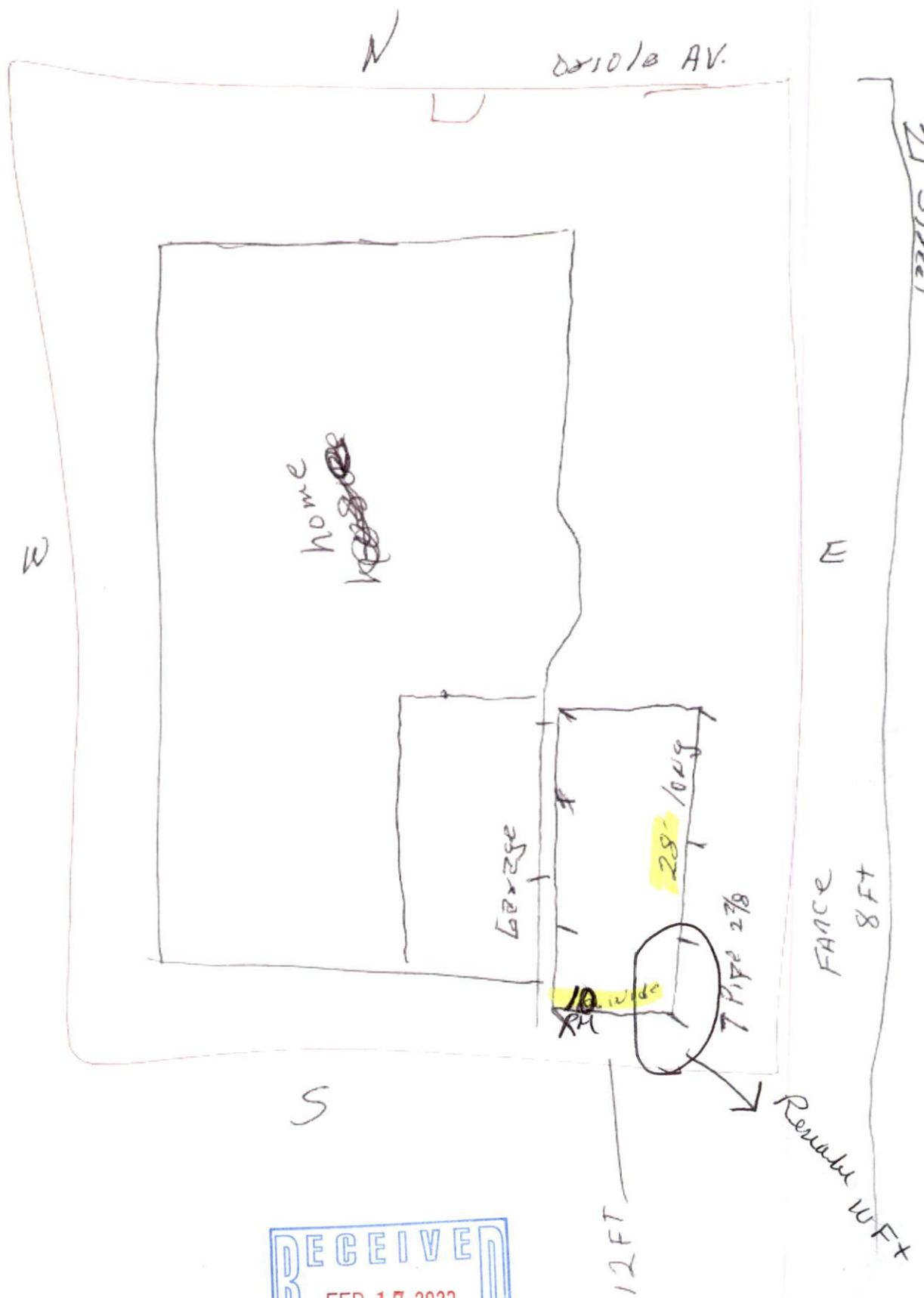
protect of cars

Board Action

Chairman, Board of Adjustment
Signature

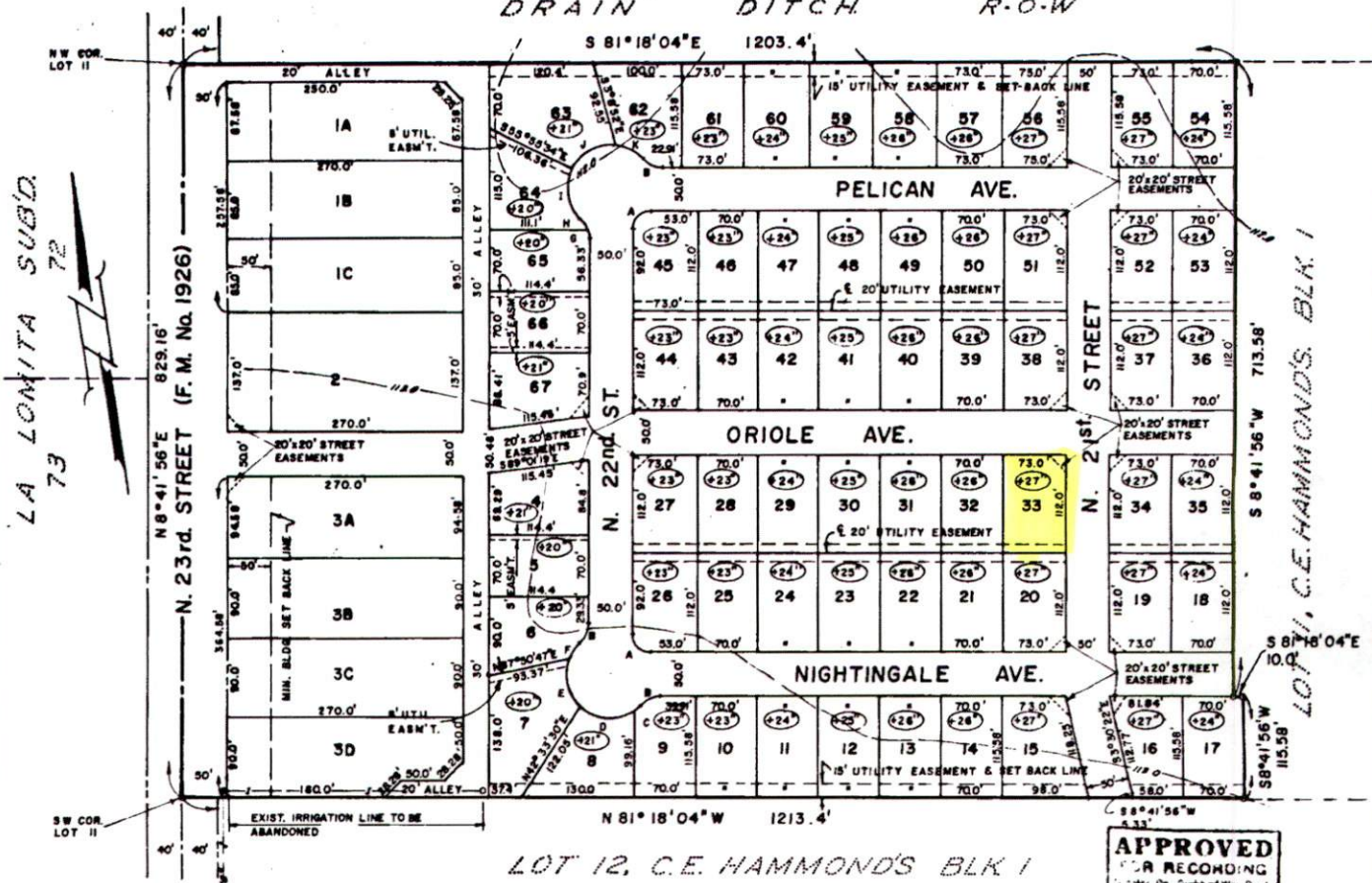
Date

11/11/11 J. Abigail



RECEIVED
FEB 17 2023
By MR

DRAIN DITCH R.O.W.



CURVE	RADIUS	ANGLE	LENGTH	CHORD
A	20.0'	90°00' 00"	31.42'	28.28'
B	30.0'	44°34' 03"	24.38'	23.72'
C	50.0'	12°30' 42"	10.92'	10.90'
D	*	76°37' 56"	66.87'	62.0'
E	*	84°52' 52"	54.82'	53.84'
F	*	25°58' 30"	22.87'	22.47'
G	30.0'	27°06' 28"	14.19'	14.06'
H	*	19°27' 35"	10.19'	10.14'
I	50.0'	76°34' 03"	66.82'	61.98'
J	*	80°00' 00"	52.36'	50.0'
K	*	46°34' 03"	40.64'	39.53'

MAP 174
OF
REDBUD SUBDIVISION No. 2

McALLEN , TEXAS.

BEING A SUBDIVISION OF THE WEST 22.93 AC. OF
LOT 11, BLOCK 1,
C. E. HAMMOND'S SUBDIVISION,
OF PORCIONES 61,62 & 63, HIDALGO COUNTY, TEXAS.

PREPARED BY:
FABIAN, NELSON & MEDINA INC.
McALLEN, TEXAS

SCALE: 1" = 100'

DATE: 11-12-80

STATE OF TEXAS:
COUNTY OF HIDALGO:

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "REDBUD SUBDIVISION No. 2" 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, AND PUBLIC PLACES THEREON SHOWN. FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS:
COUNTY OF MIDLAND:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DARRELL WILSON
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION
UNDER MY HAND AND SEAL OF OFFICE, THIS THE 9 DAY OF December, 1980

KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING THEREIN STATED.

73 Bronx County
 Notary Public
 Exp. 10-7-81 Bronx Denike

_____, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE
 CITY OF NEW YORK, CERTIFIES THAT THE ABOVE IS A TRUE AND CORRECT
 COPY OF THE RESOLUTIONS OF THE BOARD OF RESOLUTIONS OF THE CITY OF
 NEW YORK, AS THE SAME ARE FILED IN THE OFFICE OF THE CLERK OF THE
 BOARD OF RESOLUTIONS, AND THAT THE SAME HAVE BEEN RECORDED IN THE
 OFFICE OF THE CLERK OF THE BOARD OF RESOLUTIONS.

_____, CLERK OF THE BOARD OF RESOLUTIONS

STATE OF TEXAS:
COUNTY OF MIDLAND:

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR PRO 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.

1. THE SIGNATURE, MAYOR OR
LAW OFFICIAL, IS REQUIRED.

THIS PLAN APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 ON THIS 16 DAY OF JANUARY

APPROVED
FOR RECORDING
City of St. Louis, Mo. Right of Way Dept.
By Lorna Walker
Date May 18, 1981

NOTES :

- 1- MINIMUM FRONT BUILDING SET-BACK SHALL BE 25 FT. EXCEPT AT CUL-DE-SAC IT SHALL BE 10 FT.
- 2- SIDEYARD SET-BACK SHALL BE 8.0 FT. MINIMUM EACH SIDE EXCEPT SIDEYARDS ADJACENT TO STREETS SHALL BE 10.0 FT.
- 3- REARYARD SET BACK SHALL BE 10.0 FT. MIN UNLESS OTHERWISE NOTED.
- 4- MINIMUM FLOOR ELEVATION SHALL BE THE AMOUNT OF INCHES ABOVE TOP OF CURB MEASURED AT FRONT CENTER OF EACH LOT(SHOWN THUS- ~~6.00~~) EXCEPT LOTS IN THRU 3D INCLUSIVE SHALL BE ELEV. 115.4 U.S.C. & S. DATUM.
- 5- SIDEWALKS WILL BE REQUIRED ON E. SIDE OF 23rd. ST. AND So. SIDE OF ORIOLE AVE.



7 June 1981
NOTARY PUBLIC
Exp 10-7-81
Torong Denike

Darrell Wilson
DARRELL WILSON

Donna J. Kidd
NOTARY PUBLIC DONNA J. KIDD

John P. [Signature]
CHAIRMAN, PLANNING COMMISSION

FLIND C. MEDINA
FLIND C. MEDINA
REGISTERED PUBLIC SURVEYOR
McAllen, Texas

Mayor, City of McAllen

COMMISSIONERS' COURT
FEB 17 2023

THIS PLAN APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 1 ON THIS 16 DAY OF JANUARY

For
PRESIDENT











NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0017

Planning Department

Memo

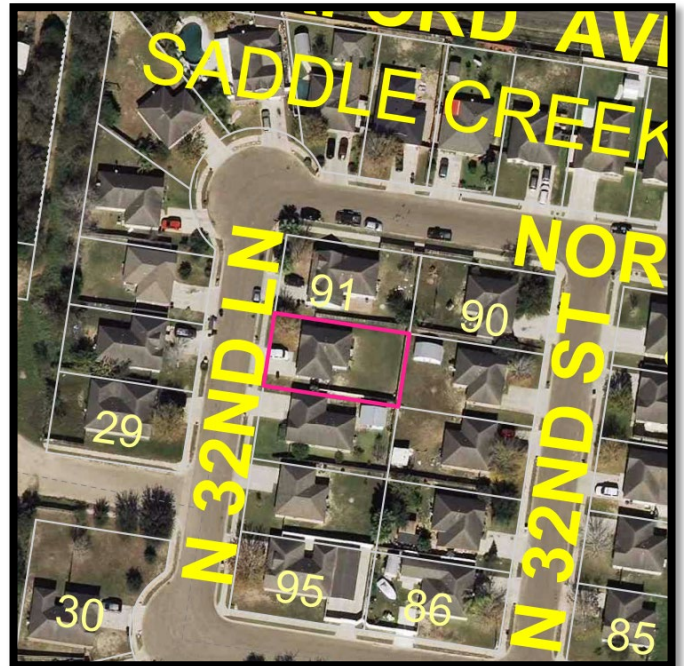
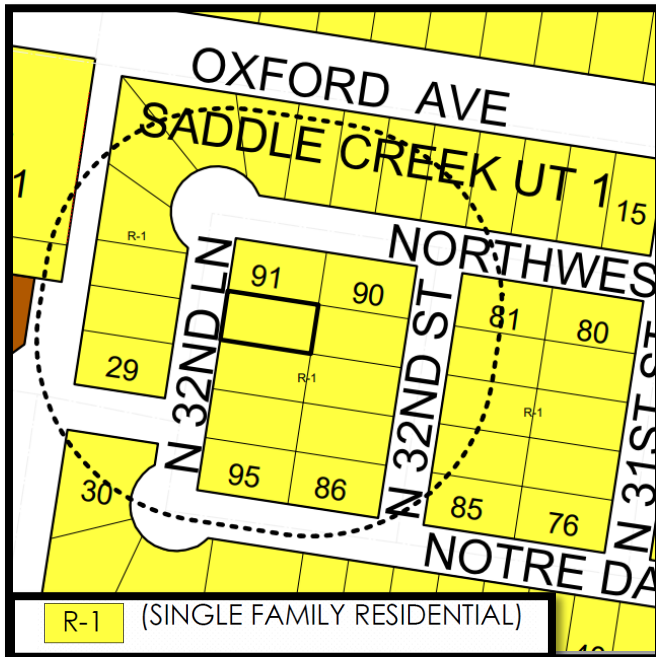
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF JOSE LUIS ELIZONDO FOR 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, AT LOT 92, SADDLE CREEK UNIT 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9214 NORTH 32nd LANE. (ZBA2023-0018)

REASON FOR APPEAL: The applicant is requesting a special exception to the parking requirement of one off-street parking space beyond the front yard setback as required by Section 138-394. The applicant is requesting to enclose the garage and convert it into a bedroom eliminating the one parking beyond the front yard setback line.



PROPERTY LOCATION AND VICINITY: The property is located at south of Oxford Avenue and east of 32nd lane. The home and carport is approximately 1,224.96 square feet. The subject property is zoned as R-1 (single-family residential) District, there is also R-1 District to the north, south, and east. The zoning is R-4 (apartments) District to the west.

BACKGROUND AND HISTORY: The plat for Saddle Creek Unit 1 Subdivision was recorded on August 18, 2000, and is subject to compliance with the zoning requirement of one parking space beyond the front setback line.

ANALYSIS: The request is to not provide one required parking space beyond the front yard setback line. According to the site plan submitted, the enclosed garage area would be converted into an additional bedroom. The front driveway measures approximately 18 ft. by 25 ft., which would accommodate two required parking spaces. The existing garage is a one car garage that is not in use. As per Sec. 138-394 (1) one off-street parking for single-family uses shall be located beyond the front yard setback is permitted.

The applicant stated the existing garage is not in use nor needed. The applicant is proposing to enclose it, as it would allow an additional room to accommodate for an expecting child. Upon the site, visit staff noticed other similar enclosures in the area.

A review of Planning Department records did reveal similar special exceptions approved in this subdivision.

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

RECOMMENDATION: Staff recommends approval of the special exception request since the subject property is complying with the number of (two) required parking spaces.

ZBA 2023-0018

ZBA
3.22.23

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

SADDLE CREEK UT 1 LOT 92

Subdivision Name

SADDLE CREEK UT 1

Street Address

9214 HN 32ND LN

Number of lots

1

Gross acres

Existing Zoning

RESIDENTIAL

Existing Land Use

CASA

Reason for Appeal (please use other side if necessary)

NO PROVEER ESTACIONA-
MIENTO PASANDO LOS 25 PIES SE VA A CERRAR PORCHE
PARA HACER COARTE☒ \$300.00 non-refundable filing fee + L \$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

JOSE LUIS ELIZONDO

Phone

956 960-5429

Address

9214 HN 32ND LN

E-mail

jlelizondo67@gmail.com

City

MC ALLEN

State

TX

Zip

78504

Owner

Name

YO MISMO

Phone

Address

E-mail

City

State

Zip

Authorization

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

☐ Yes☒ NoI 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

2-21-23

Print Name

JOSE LUIS ELIZONDO
BUSTOS☒ Owner☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 09/20

ENTERED

FEB 21 2023

Initial: NM

925



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:

NO ~~LA~~ UTILIZO EL PORCHE POR ESO QUIERO
CERRAR Y ATRAS NO PUEDO CONSTRUIR POR
QUE ME ESTOLVA LA POWER BOX

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

MI FAMILIA CRESCIO CON OTRO BEBE
HORA NECESITO UN CUARTO MAS
GRANDE

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:

BOY A COMPLIR CON LOS REQUERIMIENTOS
DE LA CONSTRUCCION

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

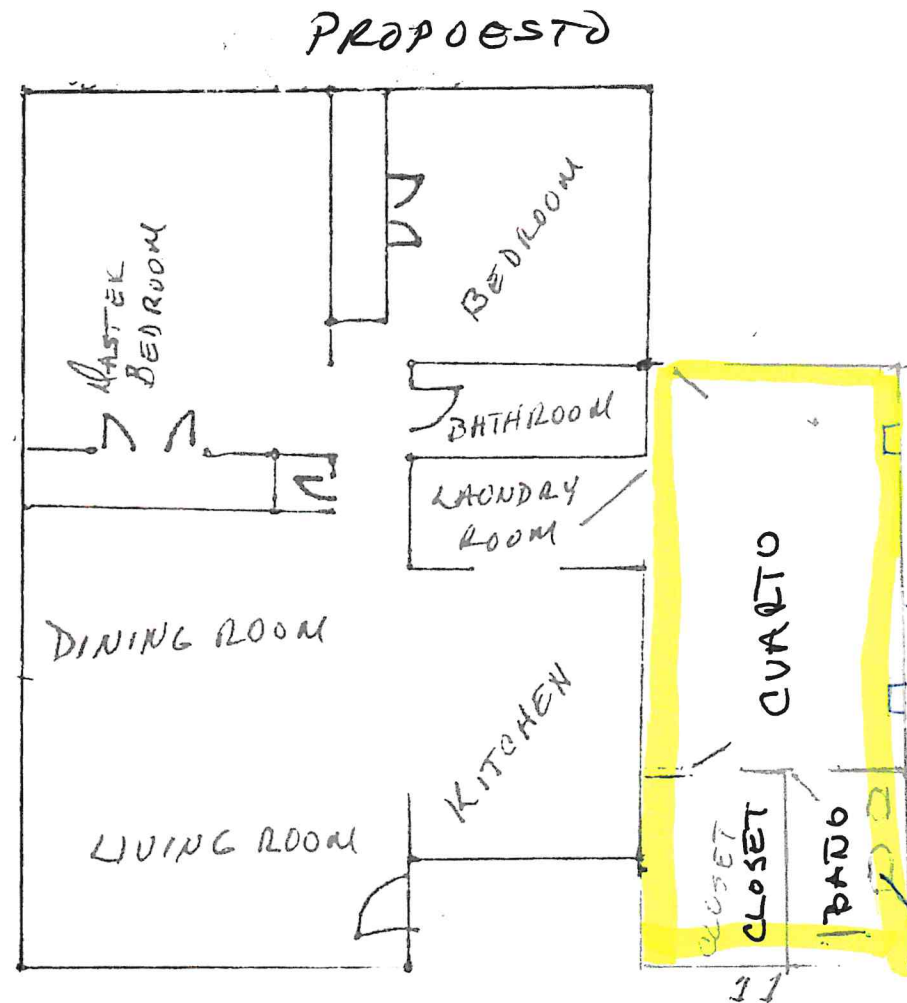
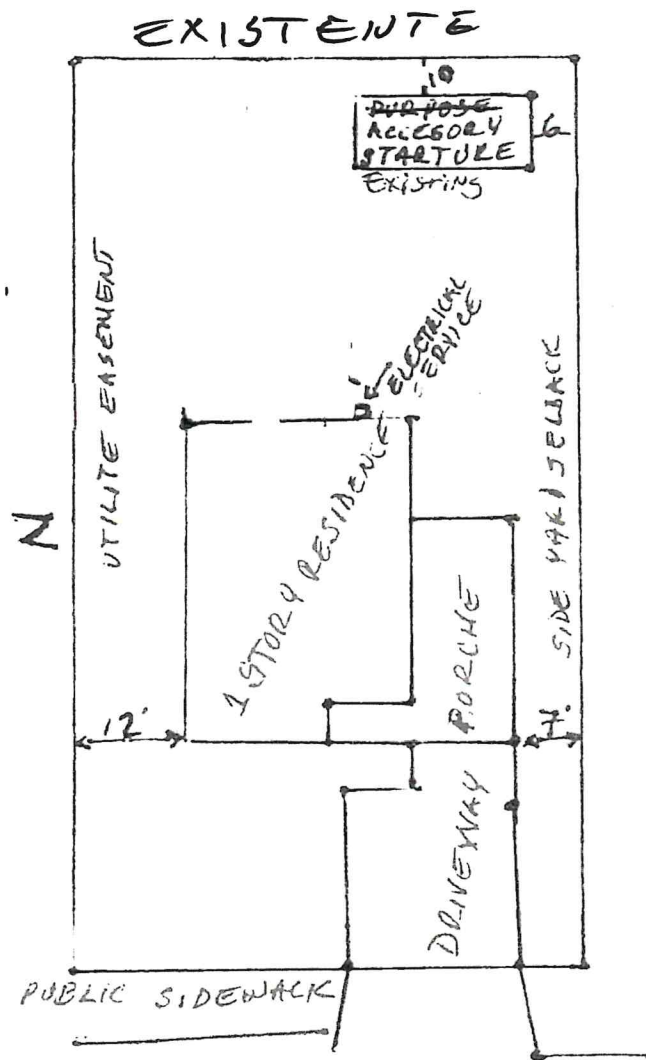
MI FAMILIA ESTA CRESIENDO Y NECESITO
MAS ESPACIO

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date





MEMO

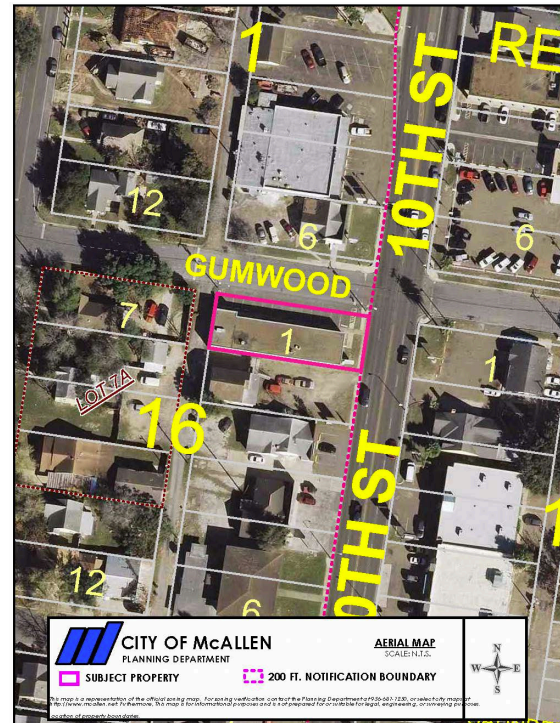
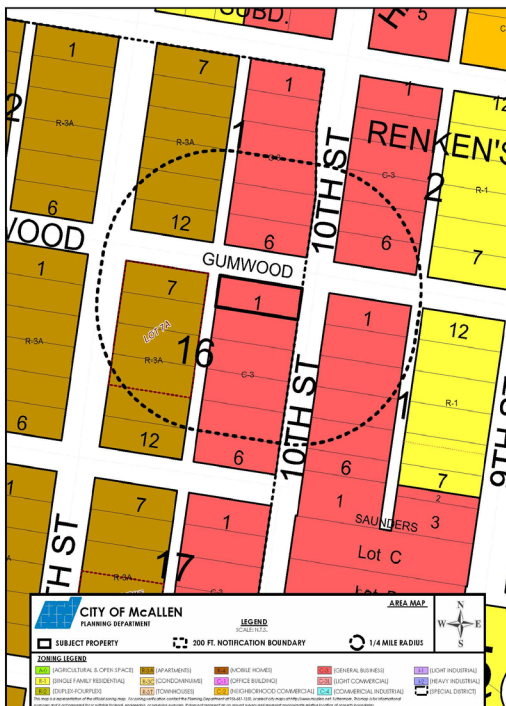
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: March 3, 2023

SUBJECT: Request of Kevin Jaime on behalf of Jaime and Mendoza Rentals, LLC (owner) for the following Variance request to the City of McAllen Vegetation Ordinance to allow the required landscaped area to be synthetic grass instead of natural grass at Lot 1, Block 16, North McAllen Subdivision, Hidalgo County, Texas; 621 North 10th Street. (ZBA2023-0015)

REASON FOR APPEAL: The property owner is requesting a variance to the Vegetation Ordinance to allow the existing landscape to be synthetic grass instead of natural grass in order to reduce the cost of maintaining natural grass, to give the landscape better appearance year around, and to reduce the usage of water and chemicals.



PROPERTY LOCATION AND VICINITY: The subject property is located at the southwest corner of North 10th Street and Gumwood Avenue. The subject property is zoned C-3 (general business) District.

BACKGROUND AND HISTORY: The application for the variance request was submitted February 16, 2023

ANALYSIS: The applicant has submitted a survey page that is color coded to identify the areas of landscaping proposed to be covered with synthetic grass instead of natural grass. Section 110-56(f) of the Vegetation Ordinance states that synthetic or artificial lawns or plants shall not be used in lieu of plant requirements. The applicant is requesting to not provide 378 square feet of existing landscaping area in the form of natural grass but instead replace it with synthetic grass as shown in the submitted site plan.

In allowing the placement of synthetic grass instead of the required natural grass the ordinance requirement is not being met.

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

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

RECOMMENDATION: Staff recommends disapproval of the variance request as the ordinance does not allow synthetic grass in lieu of requirements. Approval of the variance request may encourage other property owners to pursue similar requests.

20H 2023-0015

250A
3-22-2023



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	<u>North McAllen Lot 1 BIK 16</u>		
	Subdivision Name	<u>North McAllen - SML</u>		
	Street Address	<u>621 N. 10th Street</u>		
	Number of lots	<u>1</u>	Gross acres	<u>0.14</u>
	Existing Zoning	<u>C-3</u>	Existing Land Use	<u>office plaza</u>
	Reason for Appeal (please use other side if necessary) <u>Please see attached</u>			
	<u>We would like to replace all of our existing landscape with artificial landscape.</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>Kevin Jaime</u>	Phone	<u>(956) 686-2337</u>
	Address	<u>621 N. 10th St. Ste. C</u>	E-mail	<u>Kevinjaime.cpa@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>Jaime & Mendoza Rentals, LLC</u>	Phone	<u>(956) 686-2337</u>
	Address	<u>621 N. 10th St. Ste. C</u>	E-mail	<u>Kevinjaime.cpa@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?			
	<input 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>[Signature]</u>	Date	<u>02/16/2023</u>
	Print Name	<u>Kevin Jaime</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	<u>KF</u>	Payment received by	<u></u>
	Rev 10/18	<u>OS</u>	Date	<u>FEB 16 2023</u> <u>BY: [Signature]</u>



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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***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:

See attached

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

See attached

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:

See attached

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

See attached

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

**JAIME & MENDOZA RENTALS, LLC
APPLICATION FOR VARIANCE REQUEST
TO ORDANCE SECTION 110-56(F) AND 110-48.**

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

We purchased our location in 2016. During that time, we have exhausted our efforts to maintain the existing landscape. Without access to a sufficient and efficient water source, we are unable to preserve the lawn and plants that we've had installed in the past. The building we occupy was built in 1971 with a lot size of 7,000 square feet. Of that amount, only 5%, or 378 square feet, of the property used as landscape. The remaining 95% is covered by the building, concrete, or asphalt. We've made no changes to the lot since our purchase back in 2016. Without losing parking space or sidewalk space, we are unable to achieve the required 10% as per Section 110-48.

We've researched, and obtained bids on, installing a sparkler system and/or drip system. We contacted the city and confirmed that we are required to have a backflow installed as well. Our hardship is that our access to the city water meter is located on the west side of the building, in the alley way, and approximately 140 feet from where our backflow would be located. This distance is completely covered by concrete. In order to install a backflow needed for a sprinkler system, we would have to break through the existing concrete, which would create a severe financial hardship and impose a financial cost much greater than the system we're trying to install.

We've also tried the "zero-scape" method that uses small stones or pebbles in place of mulch for our flower beds. The issue we had with that was with the neighborhood pedestrians picking up the stones and throwing them and damaging our windows. At our expense, we've had our most damaged windows replaced, but still have one that shows the damage done by stones. From our experience over, this neighborhood is completely different after business hours. We are reluctant to use this method again as to the cost of having to replace our windows will be far greater than the cost of the stones.

We've also tried watering the areas with water hoses and buckets of water, but this is inefficient and ineffective. Many of the access points for water have been damaged either by the neighborhood pedestrians destroying the spouts or natural deterioration over time since 1971. It is time consuming and highly inefficient to try to maintain the landscape using this method if we do the lawn maintenance ourselves and would be costly if we hired someone to water our landscape for us.

Due to the hardships listed above, we believe we are left with choices of either using artificial landscape or leave the area unkept. In an effort to participate in the city's "Refresh 50/50" storefront revitalization initiative, we have contracted bids to install artificial grass and artificial plants that would restore the vitality of our building. Our

neighbor to the north of us, NIU Urban Living, located at 1318 N. 10th St, has been our inspiration on how we'd like to transform our landscape. They've utilized artificial grass and plants to bring out the tremendous beauty of their building. Considering we've tried all other measures to maintain the original layout of our landscape, artificial landscape seems to be our only viable option left.

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

As described in answer number one (1), we have exhausted all other methods of preserving our property's landscape to no avail. We've invested into each of our attempts of maintaining the original landscape since 2016, but none have proved to be beneficial due to the constructional constraints we're under. Currently, our property's 378 square feet of landscape is made up of 100% weeds and undesirable wild growth. The view of our landscape from the main thoroughfare, 10th Street, is not in-line with the city's revitalization initiative for economic growth and beautification. We plan to invest in a long term, high quality, landscape project that will improve our store front view and the city's overall aesthetics.

As per attached site plan, the water meter is located on the west side of our building in the alley. We would need to break through approximately 140 feet of concrete to connect to a required back-flow valve. The cost of connecting a water line for a back flow valve required for a sprinkler or drip system would far exceed the benefits due to the distance and amount of concrete that would be needed to be removed and replaced. The original construction of this property was in 1971, and our purchase of this property took place in 2016, thus this constraint was not self-created but is impeding our ability to maintain the original landscape. A variance is necessary to preserve the property's value and commercial appeal to the city.

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

Our landscape variance will not impede on any other property owners enjoyment or view. In fact, the variance will increase their property values and traffic to their businesses. It would not pose an impediment of other property owners view of the street, or their view of their own property.

Our plan is to use artificial grass similar in appearance to that used by our high local schools and neighboring businesses. Our 378 square feet of landscape would maintain the current run-off capabilities it has. The variance will not be detrimental to the public health due to the fact that we will be reducing our carbon footprint by removing the need for a lawnmower and their harmful exhaust fumes. Further, the variance will remove the need for harmful fertilizers and chemicals that would be used on natural grass that can leach into the city's water supply. Lastly, the variance will help maintain the city's storm drainage system by removing the mulch and grass clippings that spill into the city's drains every day. Overall, the variance will prove to be no threat to the public health,

safety, or impede on any other property owners legal rights to their own properties.

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

As described in answer number one (1), we are constrained by the original construction of our property and the city's requirements for a back-flow valve, should we choose to use a sprinkler or drip system. We are hampered by the exorbitant cost to deconstruct and reconstruct our cement walkway in order to install a back-flow valve. We've tried the "zero-scape" method, only to be vandalized and incur additional cost to replace broken glass windows. We've tried to use water hoses and buckets of water, but the vandalized and deteriorated water valves prevent us from effectively watering our landscape. We've tried every method to preserve the original landscape, but none have proven to be effective. We want to contribute to the beauty of the city, but our constructional constraints are preventing us to showcase our property. Our requested variance of ordinance Section 110-56(f) and Section 110-48 is due to the hardships listed above and is needed to revitalize our store front restore the vitality of our early 1970's building.

ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE,

MCALLEN, TEXAS 78504

PH: (956) 618-5685

FAX: (956) 618-5540

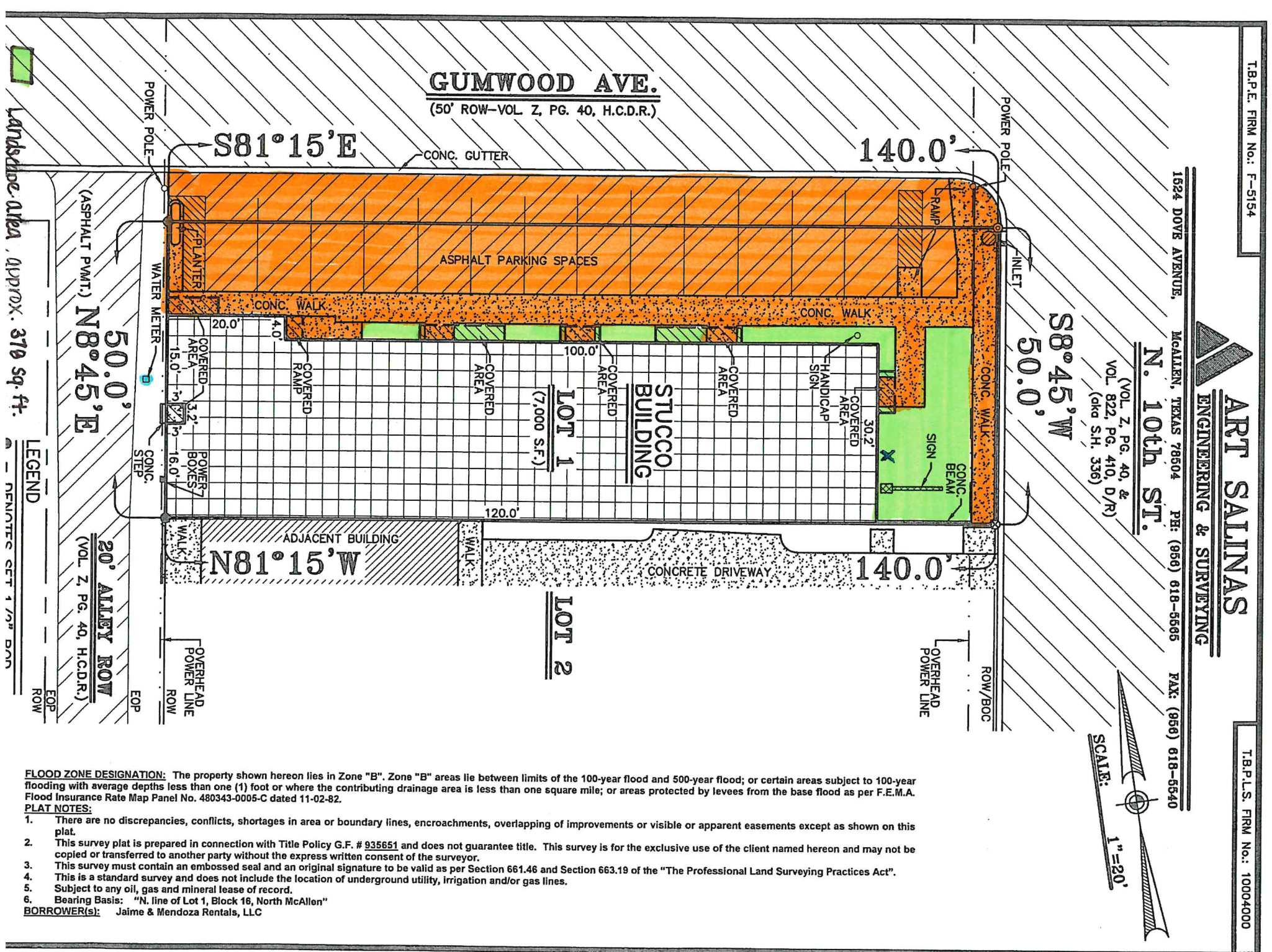
N. 10th ST.

(VOL. Z, PG. 40, &
VOL. 822, PG. 410, D/R)
(aka S.H. 336)

SCALE:
1"=20'

Landscape Area, approx. 370 sq. ft.

LEGEND
— EOP
— ROW



FLOOD ZONE DESIGNATION: The property shown hereon lies in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

PLAT NOTES:

- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.F. # 935651 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
- This survey must contain an embossed seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
- This is a standard survey and does not include the location of underground utility, irrigation and/or gas lines.
- Subject to any oil, gas and mineral lease of record.
- Bearing Basis: "N. line of Lot 1, Block 16, North McAllen"

BORROWER(s): Jaime & Mendoza Rentals, LLC

RAFAEL PLAZA
617
XO BEAUTY
LOUNGE
LASHES • NAILS • PEDI





D'LUXBROWS & BEAUTY

D'LUXBROWS & BEAUTY
OMBRE
POWDER BROW
LIP BLUSH
SALINE
REMOVAL

SUITE C
JADE & MONICA LLC
JADE & MONICA LLC
JADE & MONICA LLC

SUITE D



KO BEAUTY LOUNGE

XEL
Wardrobe

621

621 N. Main Street, Ste. A

CALL NOW



RAFAEL PLAZA
617
XO BEAUTY LOUNGE
LASHES • NAILS • PEDICURES • LIP BLUSHING & MORE
mydear PEONY

mydear
617 PEONY
XO BEAUTY LOUNGE

mydear PEONY
617-688-2377
617-688-2377

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2023-0015

N 10th ST
GUNWOOD AVE

Memo

TO: Zoning Board of Adjustment & Appeals

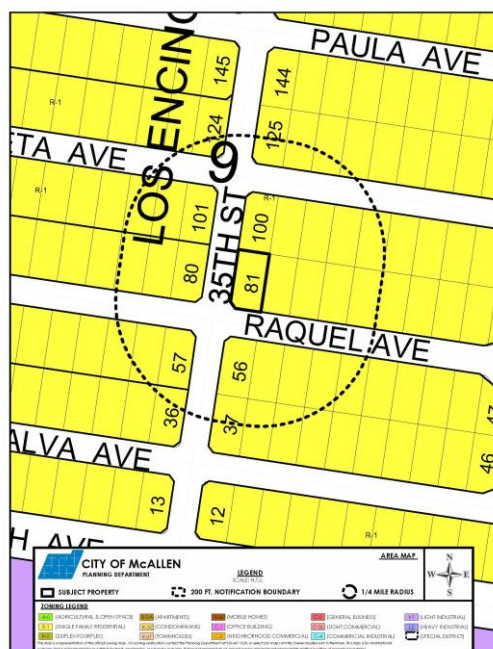
FROM: Planning Staff

DATE: March 17, 2023

SUBJECT: REQUEST OF MAURICIA CASTILLO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 31 FEET BY 17 FEET, AT LOT 81, LOS ENCINOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3420 RAQUEL AVENUE. (ZBA2023-0016)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the rear yard setback for an existing metal carport. The applicant states the carport was built during covid for her elderly husband who would use it to sit outside and enjoy the outdoors comfortably. The carport is to provide protection for the family vehicles from inclement weather events and for shade for her husband.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the corner of Raquel Avenue and South 35th street. The Lot has 45 feet of frontage along Raquel Avenue and a depth of 92.50 feet for a Lot size of 4,162.5 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:

Los Encinos Subdivision was recorded on July 5th, 1994. The required rear yard setback as per plat is 10 feet. A Stop Work order was posted by Building Permits and Inspections Department on August 31st, 2022 for construction without a building permit. An application for a building permit was submitted to Building Permits and Inspections Department on November 17, 2022 and an application for a Special Exception request was submitted to the Planning Department on February 16, 2022.

ANALYSIS:

This request is for an existing metal carport to be allowed to remain at its current location with an encroachment of 10 feet into the 10 feet rear yard setback. The carport measures 31 feet by 17 feet. The carport is used for the protection of the family vehicles from inclement weather events and for the applicants elderly husband to enjoy the outdoors in the shade.

The carport also encroaches into a 6 feet utility easement for which the process of abandonment of the utility easement would need to be undertaken. The applicant has not submitted an application for the abandonment process.

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

Measurements provided are without the benefit of a survey.

RECOMMENDATION:

Special Exception: Staff recommends **disapproval** of the Special Exception request since buildings are not allowed to be constructed in the setbacks and the utility easement encroachment needs to be resolved through the utility easement abandonment process.

ZBA2023-00116

ZBA
3.22.23

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

Legal Description

Los Encinos Lote 81

Subdivision Name

Los Encinos

Street Address

3420 Raguel Ave. McAllen tx, 78503

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residencia

Reason for Appeal

(please use other side if necessary)

A backgaurd Porche was
built without our knowledge that we needed city permission

☒ \$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

MAURICIA CASTILLO

Phone

956-448-8181

Address

3420 Raguel Ave.

E-mail

mauricia-castillo@yahoo.com

City

McAllen

State

tx

Zip

78503

Owner

Name

Mauricia Castillo

Phone

956. 448-8181

Address

3420 Raguel Ave

E-mail

mauricia Castillo @ yahoo.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

Mauricia Castillo

Date

03-16-23

Print Name

MAURICIA CASTILLO

☒ Owner☐ Authorized Agent

Office

Accepted by

SJA

Payment received by

Date

ENTERED

FEB 16 2023

Rev 09/20

Initial: NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

this porch was built during The Covid 19 Pandemic for health and safety reasons of Elderly husband who is sick and uses it as a stress relief and distraction of sickness to the end benefit of his health.

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

One again this was done with the purpose of health safety and benefit in mind.

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's self evident that the structure is solely within our lot and doesn't in any way affect the public nor the neighbors.

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

elderly husband & sick

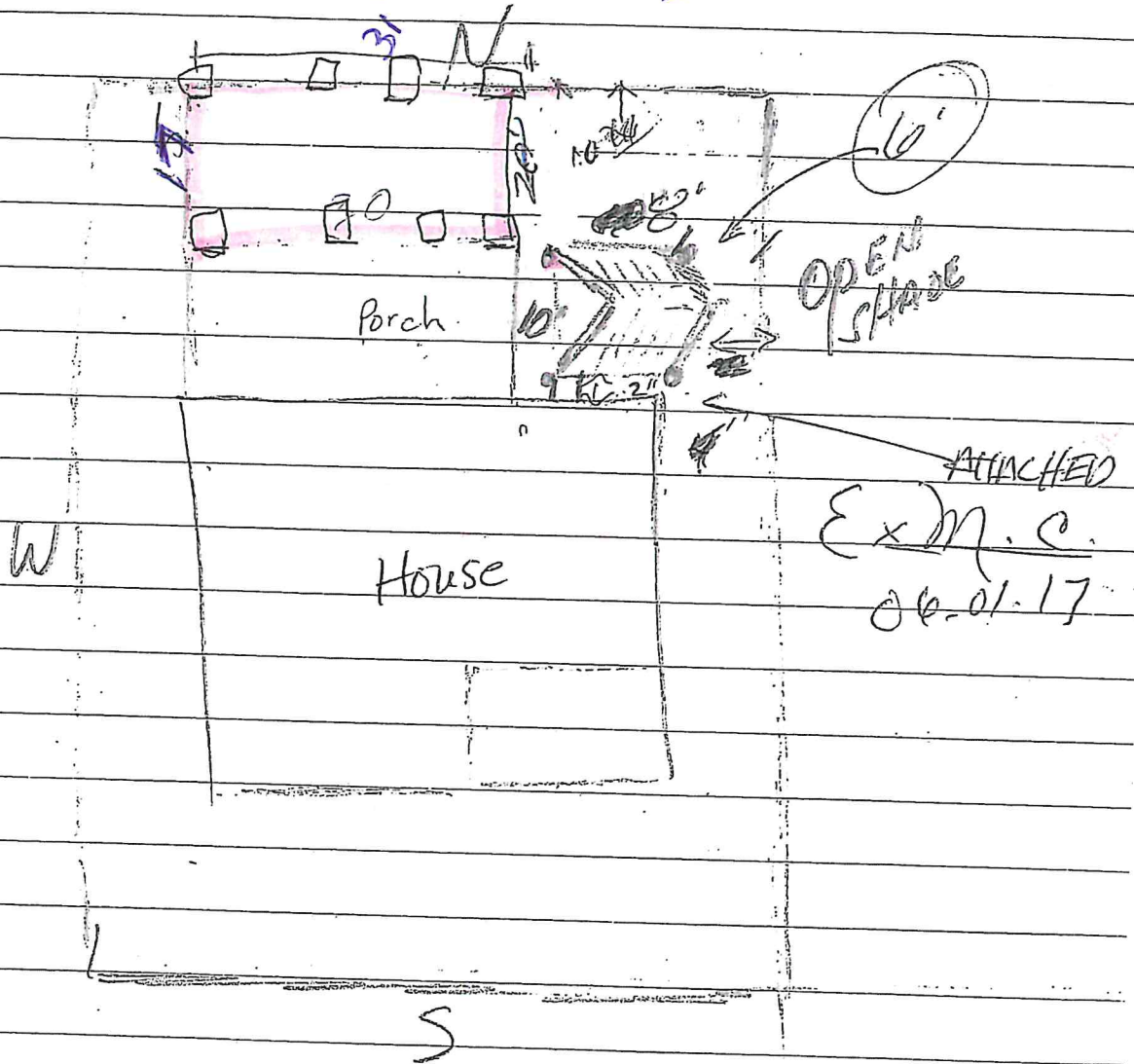
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

Mauricio Sastre
02-16-23



Raquel Ave

porch

our map.





LOS ENCINOS SUBDIVISION

A 38.967 ACRE TRACT OF LAND OUT OF LOT 9, BLOCK 3 RIO BRAVO PLANTATION COMPANY SUBDIVISION OF PORCIONES 6, 62 AND 63 AS RECORDED IN VOLUME W PAGE 197 OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS

(APPROVED AS SANTA FE SUBDIVISION)

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS LOS ENCINOS SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE CITY OF McALLEN, TEXAS, HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE 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
McALLEN AFFORDABLE HOMES, INC.
600 S 11th STREET
McALLEN, TEXAS 78503

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED RANDY McLELLAND, PRESIDENT OF McALLEN AFFORDABLE HOMES, INC. KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE.

THIS THE 14th DAY OF APRIL A.D. 1994



Dora C. Garza
NOTARY PUBLIC, TEXAS
EXPIRATION DATE: 06-25-96

I, THE UNDERSIGNED, MAYOR 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

Mayor, City of McAllen

THIS SUBDIVISION PLAT OF LOS ENCINOS SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION

DATED THIS 14th DAY OF JUNE A.D. 1994

Chairman

STATE OF TEXAS
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, REGISTERED PROFESSIONAL ENGINEER AND PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT



REGISTERED PROFESSIONAL LAND SURVEYOR # 2448
LEO L. RODRIGUEZ JR., P.E./R.P.L.S.

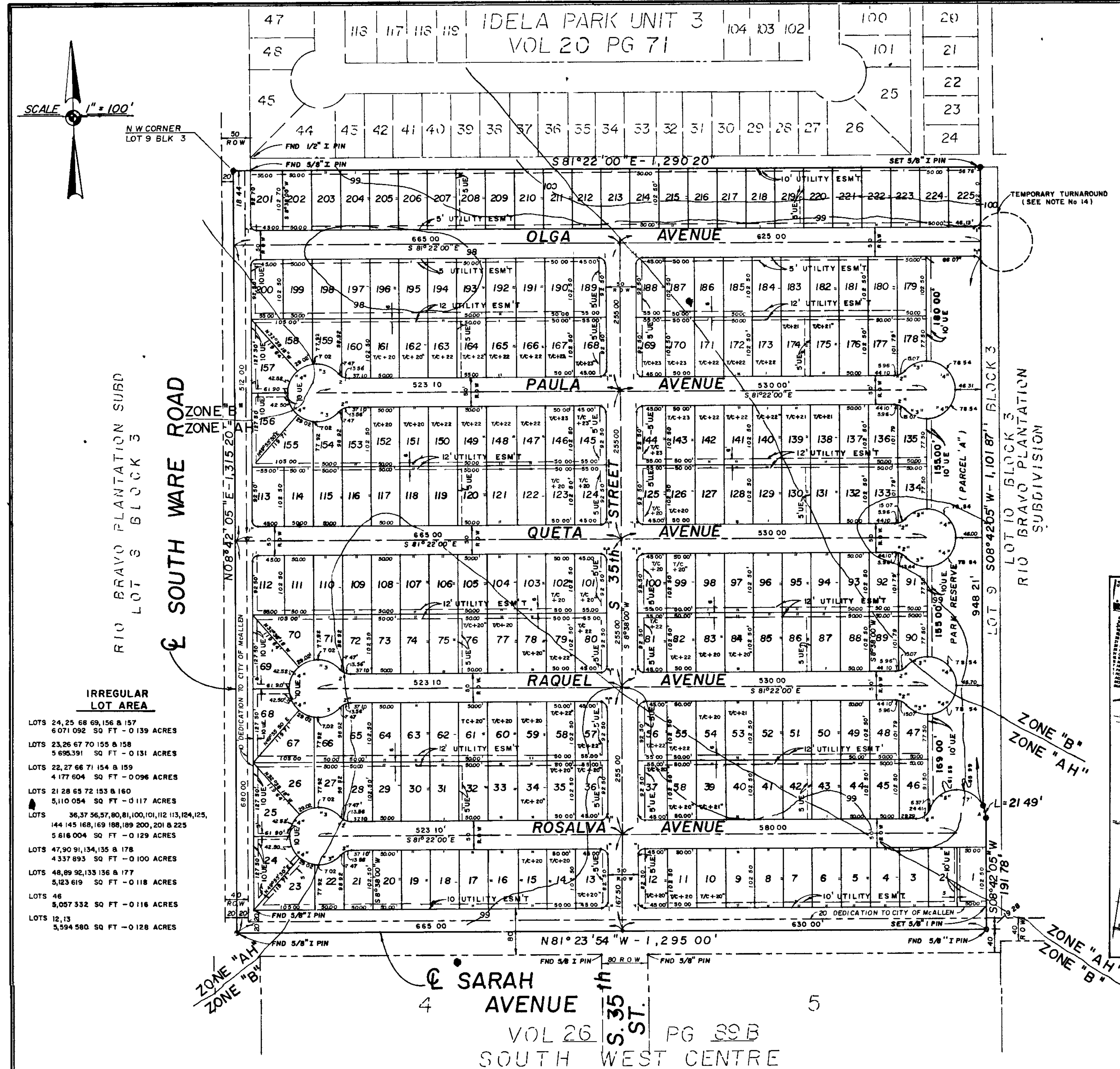
Kambiz S. Khadem
REGISTERED PROFESSIONAL ENGINEER # 57767
KAMBIZ S. KHADEMI P.E.

APPROVED FOR RECORDING

COMMISSIONERS' COURT

This the 5th day of July 1994
WILLIAM BILLY LEO County Clerk
Hidalgo County, Texas
By [Signature] Deputy

Recorded in Volume 29 PG. 90
of the map records of Hidalgo
County, Texas
Melden and Hunt, Inc.
County Surveyors



GENERAL NOTES.

- THIS PROPERTY IS IN ZONES "B" AND "AH" ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 480334 0400 C REVISED NOVEMBER 15 1982, AND THE ANTICIPATED 100YR FLOOD ELEVATION IS 99.00
- FRONT SETBACK TO BE 20.00 FEET
- SIDE SETBACK TO BE 6.00 FEET EXCEPT FOR CORNER LOTS WHICH SHALL BE 10.00 FEET
- REAR SETBACK TO BE 10.00 FEET
- GARAGE SETBACK TO BE 18.00 FEET EXCEPT WHERE GREATER SETBACK REQUIRED
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON THE NORTH SIDE OF SARAH AVENUE.
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON THE EAST SIDE OF WARE ROAD
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON BOTH SIDES OF OLGA AVENUE.
- A 5.00 FOOT BUFFER REQUIRED ALONG SARAH AVENUE AND WARE ROAD
- NO CURB CUTS OR LOT FRONTAGE PERMITTED ON WARE ROAD OR SARAH AVENUE.
- CITY OF McALLEN TO HAVE A 25' x 25' EASEMENT AT ALL STREET CURB INTERSECTIONS
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE ELEVATION 100.00 FT OR T/C + 18" AS MEASURED FROM THE CENTER OF EACH LOT UNLESS OTHERWISE SHOWN

13 PARCEL "A" IS A COMMON AREA TO BE OWNED AND MAINTAINED BY THE McALLEN AFFORDABLE HOMES, INC.

14 THE TEMPORARY TURN AROUND AT THE EAST END OF OLGA AVENUE WILL BE DELETED AT THE TIME OLGA AVENUE IS EXTENDED TO 29TH STREET

15 A TOTAL OF 3.05 ACRE-FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION

16 AN ENGINEERING DETENTION PLAN WILL BE SUBMITTED TO THE CITY OF McALLEN PRIOR TO ISSUANCE OF BUILDING PERMIT

CURVE DATA				
NO	DELTA	RADIUS	TANGENT	LENGTH
A	24°37'23"	50.00	10.91	21.49
1	90°00'00"	10.00	10.00	15.71
2	48°11'20"	25.00	11.18	21.03
3	48°11'20"	50.00	22.36	42.05
4	90°00'00"	50.00	50.00	78.54
5	70°31'43"	25.00	17.68	61.55
6	70°31'43"	25.00	17.68	30.77
7	64°09'29"	50.00	31.34	55.99

FOR PLANNING
[Signature]
7-95-94

CHECKED FOR DRAINAGE
BY: [Signature]

DATE OF PREPARATION JAN 1994

K K Engineering Services
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES
Kambiz Khadem, P.E.

1402 E. 4th St., Suite 201 McAllen, Texas 78501 979-439-0118



NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2023-0016
CITY OF McALLEN PLANNING DEPT.
300 W. 15TH
WWW.MCALLENNET.NET

3420

Memo

TO: Zoning Board of Adjustment & Appeals

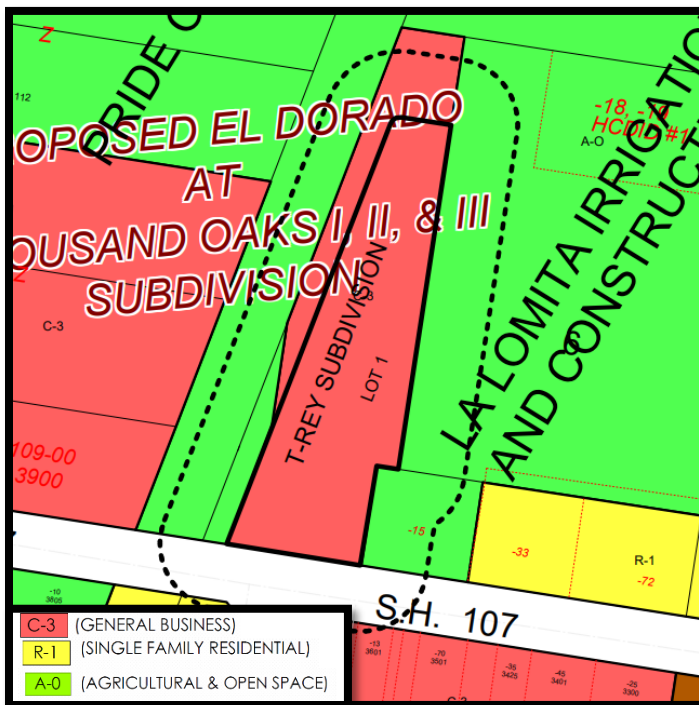
FROM: Planning Staff

DATE: March 2, 2023

SUBJECT: Request of Victor Meza (Meza Homes Inc.) for the following Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 30 feet into the 75 feet front yard setback for the construction of a commercial building, at Lot 1, T-Rey Subdivision, Hidalgo County, Texas; 3612 State Highway 107. **(ZBA2023-0019)**

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 30 feet into the 75 feet front yard setback to accommodate construction of a proposed single-family residence as it is an irregular lot.

PROPERTY LOCATION AND VICINITY: The subject property is located north of state highway 107. The property is 1,200 feet east of Ware Road, for a lot size of approximately 405,543.40 square feet. The surrounding land use is A-O (agricultural & open space) District, C-3 (general business) District to the southeast and R-1 (single-family residential) District to the southwest.



BACKGROUND AND HISTORY: The plat for T-Rey Subdivision was recorded July 14, 2010. A building permit application for the proposed commercial plaza has not yet been submitted. A site plan review is in process. The applicant submitted the variance request on February 21, 2023.

ANALYSIS: Approval of the variance request would allow an encroachment of 30 feet into the 75 feet front yard setback for the construction of a commercial building. The submitted site plan shows two commercial buildings are to be built on the property. The applicant states the variance is solely for the building fronting State Highway 107, as it blocks the visibility of the second proposed building. The applicant would like more exposure for the potential businesses in the second building. If the variance request is approved, the applicant must comply with all other building and zoning ordinance requirement.

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

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

RECOMMENDATION: Staff recommends disapproval of the variance request as the plat for the neighboring property to the west also states the front yard setback pertaining to State Highway 107 is 75 feet minimum.

ZBA2023-0019

ZBA
3/22/2023

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 T-Reg Lot 1

Subdivision Name T-Reg Lot 1

Street Address 3612 State Highway 107

Number of lots _____ Gross acres _____

Existing Zoning C-3 Existing Land Use Vacant

Reason for Appeal (please use other side if necessary) x 30 ft

Proposing For High Light Commercial Building To
Increase 30 into the 75 ft 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 Meza Homes Inc. Phone 956-929-7464

Address 1618 E. Griffin Parkway E-mail Mezahomesinc@aol.com

City Mission State TX Zip 78572

Owner

Name Meza Enterprises Inc. Phone 956-929-7464

Address 1618 E. Griffin Parkway E-mail Mezahomesinc@aol.com

City Mission State TX Zip 78572

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 2/21/2023

Print Name Victor B. Meza ☐ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date FEB 21 2023

Rev 10/18

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:

Want to move Building away from main building to have visibility of main building.

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

More exposure to potencial Businesses on the main Building.

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

I don't see how it would affect anyone. We have no neighbors to our westside or eastside.

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

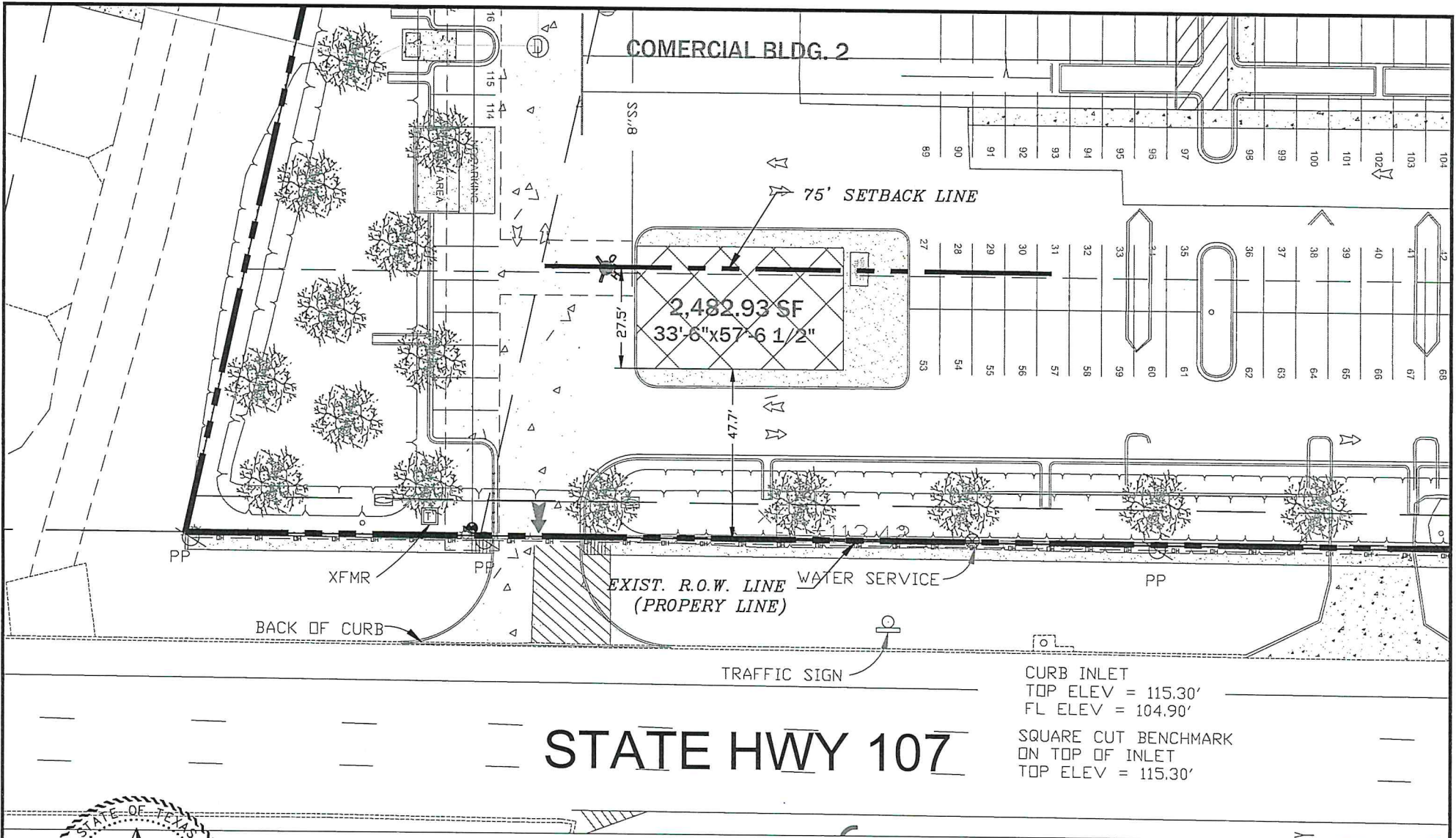
Irregular Lot

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



This seal appearing on this document was authorized by Emigdio Salinas P.E. No. 107703 on the above designated date.

Emigdio Salinas
Emigdio "Milo" Salinas P.E. Date 02/21/23

NOT TO SCALE

FEB 21 2023

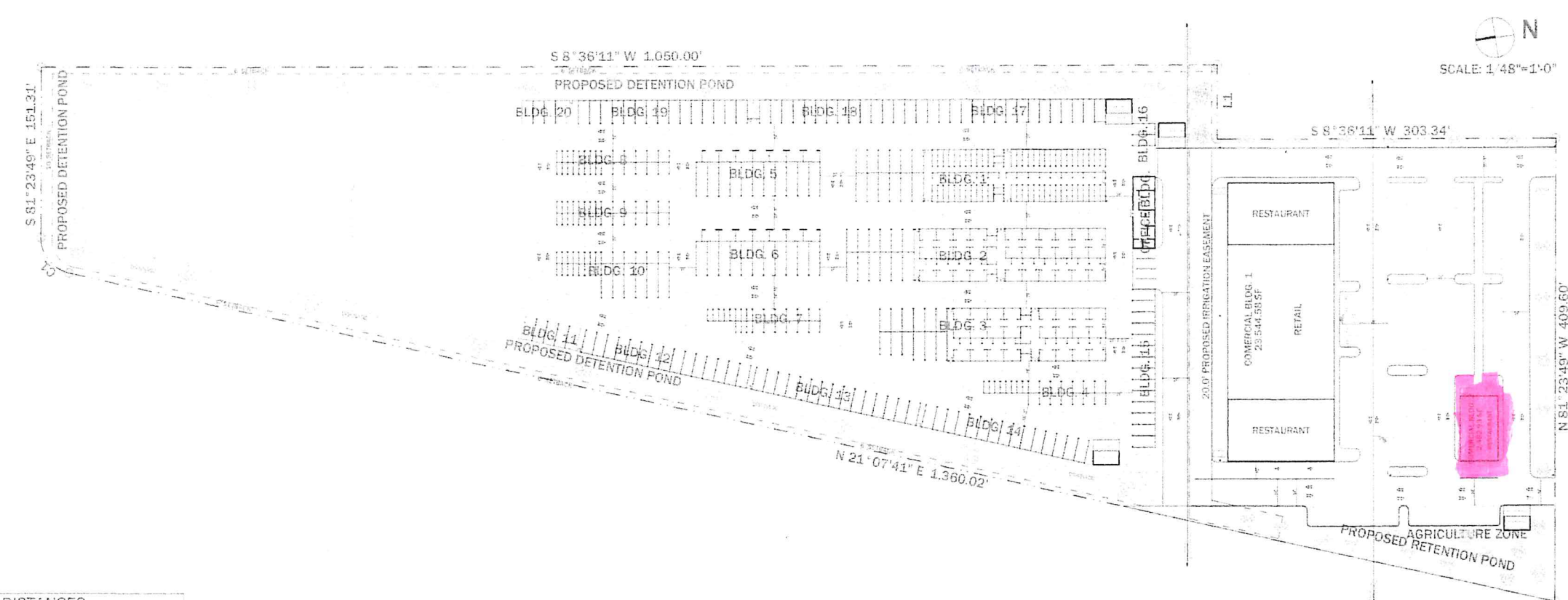
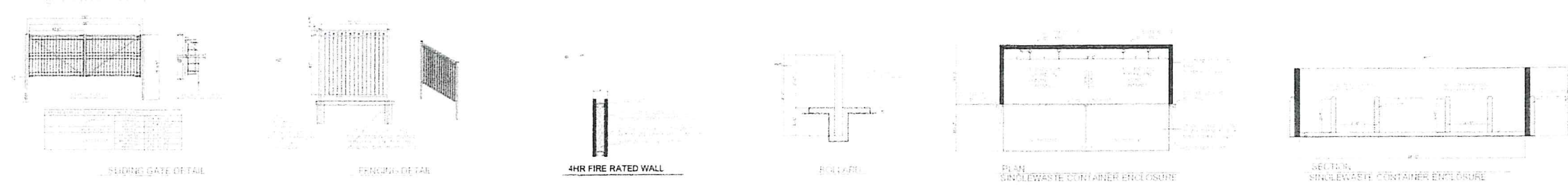
BY: *aw*

EXHIBIT OF SETBACK VARIANCE REQUEST



TBPELS FIRM REGISTRATION F-19545

1810 E. GRIFFIN PARKWAY
MISSION TX 78572
956-600-8628



LINE DISTANCES		
NUMBER	DIRECTION	DISTANCE
L1	N 81°23'49" W	151.31'

CURVED DISTANCES						
NUMBER	DELTA ANGLE	RADIUS	TANGENT	ACT LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	77°27'11"	30.0000	24.0600	40.5500	37.5400	N 59°51'56" E

BLDG. FOOTPRINT	
BUILDING	SQF
STORAGES	71640.79 SQF
COMMERCIAL	25472.52 SQF
TOTAL	97113.31 SQF

TOTAL SF OF PROPERTY	
PROPERTY	9.708 ACRE
	433,862.32 SF

UNIT MIX TABULATION					
UNIT TYPE	DESCRIPTION	NO OF UNITS	USABLE AREA SF	TOTAL USABLE AREA SF	UNIT %
A	20'x10'	136	200.0000	27,200.0000	42.11%
B	15'x10'	68	150.0000	10,200.0000	15.79%
C	10'x10'	56	100.0000	5,600.0000	8.67%
D	5'x10'	105	50.0000	5,250.0000	8.13%
E	30'x10'	28	300.0000	8,400.0000	13.00%
F	25'x10'	15	250.0000	3,750.0000	5.80%
G	5'x15'	56	75.0000	4,200.0000	6.50%
TOTALS		464		64,600.0000	100%

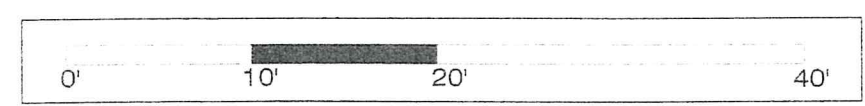
SITE PLAN
485 - STORAGE SPACES

1 SITE PLAN
SCALE: 1/48"=1'-0"

LEGAL DESCRIPTION

THIS PLOT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE ON THE GROUND OF THE PROPERTY LOCATED AT: 3612 HIGHWAY 107, MCALLEN, HIDALGO COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT 1, T-REV SUBDIVISION, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT No. 2119451, MAP RECORDS, HIDALGO COUNTY, TEXAS.

PROJECT: 3612 HWY 107, MCALLEN, TX
PROJECT NO.: 2020-01
DRAWING BY: VALLINA, JORGE E
DRAWING TITLE: PRELIMINARY SITE PLAN
SCALE: 1"=100'
DATE: 07/20/2022



DRAWING NO: **SP.01**

Item 2f)

To remain
tabled

2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

MAY 2023

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



JUNE 2023

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

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

2023 CALENDAR








Meetings:

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









Deadlines:

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









JULY 2023

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









AUGUST 2023

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










SEPTEMBER 2023

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






OCTOBER 2023

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

NOVEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1  N- 11/15 ZBA D-12/5 & 12/6	2	3	4
5	6 A-11/21 PZ	7 	8  N- 11/21 PZ	9	10	11
12	13 	14 	15  D-12/19 & 12/20	16	17	18
19	20 A-12/5&12/6	21 	22	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
31						