

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MARCH 5, 2025 - 4:30 PM MCALLEN DEVELOPMENT CENTER, 311 NORTH 15TH STREET EXECUTIVE CONFERENCE ROOM

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 -

1. MINUTES:

- a) Minutes for the meeting held on February 19, 2025

2. PUBLIC HEARINGS:

- a) Request of Ruzca/Julio Ruz for a Variance to the City Of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 20-foot rear yard setback for a proposed Guest House at Lot 4, Orangewood East Subdivision, Hidalgo County, Texas; 700 East Sundown Drive. **(ZBA2025-0003)**

3. FUTURE AGENDA ITEMS

- a) 2716 Judith Avenue
- b) 815 Cedar Avenue

ADJOURNMENT:

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

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

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, February 19, 2025 at 4:37 p.m. in the McAllen City Hall, Commission Chambers with the following present:

- | | | |
|-----------------------|-------------------------|---------------------------------|
| Present: | Jose Gutierrez | Chairperson |
| | Hugo Avila | Member |
| | Hiram Gutierrez | Member |
| | Juan Mujica | Alternate |
| | Alex Lamela | Alternate |
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| Absent: | Daniel Santos | Member |
| | Ivan Garcia | Member |
| | Pablo Garcia | Alternate |
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| Staff Present: | Luis Mora | Deputy Director |
| | Rodrigo Sanchez | Senior Planner |
| | Samantha Trevino | Planner I |
| | Carmen White | Administrative Assistant |

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on January 22, 2025.

The minutes for the meeting held on January 22, 2025. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Hiram Gutierrez seconded the motion, which carried unanimously with five members present and voting.

Adjourned until the fifth Board member arrived.

Resumed the meeting at 4:48 p.m.

2. PUBLIC HEARINGS:

- a) Request of Gerardo Martinez Calvillo on behalf of Juan Flores for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed metal carport measuring 20 feet by 12 feet at Lot 1, Block 8, Colonia Hermosa Unit No. 2 Subdivision, Hidalgo County, Texas; 2045 Diaz Avenue. **(ZBA2025-0002)**

Ms. Trevino stated the applicant was requesting to encroach 20 feet into the 20-foot front yard setback for a proposed carport that will be used to protect his vehicles from inclement weather and will provide the same protection to the applicant while getting in and out of his car.

The subject property was located at the intersection of South 21st Street and Diaz Avenue. The subject property was zoned R-1 (single family residential) District.

Colonia Hermosa No. 2 Subdivision was recorded on July 8, 1948. An application for a building permit for a proposed carport was submitted on January 20, 2025 and an application for a special exception request was submitted on January 24, 2025.

The applicant was requesting to encroach 20 feet into the 20-foot front yard setback for a proposed carport that will be used to protect his vehicles and family from inclement weather conditions. The home currently has a one-car garage. The applicant stated that he has multiple vehicles and the one car garage that is currently there is not enough space.

In the past, there have been other variances and special exceptions granted in Colonia Hermosa No. 2 Subdivision for encroachments into the front yard setback for carports.

Measurements are provided without the benefit of a survey.

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

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

Staff recommended approval of the special exception request since the approval is granted solely to the present owner and the existing character of the neighborhood and will not be adversely impacted.

Ms. Trevino also added that it would be a pre-fabricated carport so the dimensions will not change therefore, he cannot make it smaller or larger.

Board member Gutierrez asked staff about the character of the neighborhood with a metal type barn carport. Staff stated there were several others just that the smaller carport that was being proposed as opposed to others that are in the area that do and do not have permits. This carport was not exceeding the 400 square feet.

Board Mujica asked staff that there were other carports. Staff stated there were five other Special Exceptions. There were three in a row same block, same street. There was Lot 12, which was approved, 19 feet into the 20 foot; Lot 20 8 feet instead of the 20 foot; Lot 18 3 feet instead of 20 foot; Lot 19 and Lot 7.

Mr. Gerardo Martinez Calvillo, the applicant 2045 Diaz Avenue. He stated he wanted the carport for inclement weather for protection for him and his family. They were renting the house so it would be anchored to the ground and easy to remove. He did have authorization from the owner.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was no one to speak in favor of the Special Exception.

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

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

- b) Request of Orange Made Architecture on behalf of Christopher James Larson for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 10-foot rear yard setback for a proposed 2-car garage at Lot 3, Block 3, Second Amended Map of Bonita Heights Subdivision, Hidalgo County, Texas; 1613 W. Esperanza Avenue. **(ZBA2025-0001)**

Ms. Trevino stated the applicant was requesting to encroach 5 feet into the 10-foot rear yard setback for a proposed 2-car garage. The applicant states that the request if approved, will allow for more functionality and practicality to be achieved as part of the proposed remodeling and construction.

The subject property was located along the south side of Esperanza Avenue, 143.6 feet west of North 16th Street. The subject property is zoned R-1 (single family residential) District. The Second Amended Map of Bonita Heights Subdivision was recorded on October 13, 1958. As per the Zoning Ordinance, the rear yard setback is 10 feet. At the Zoning Board of Adjustments and Appeals meeting of June 18, 2018, the Board unanimously voted to approve a variance request for an encroachment of 5 feet into the 30-foot front yard setback for a proposed porch canopy measuring 5 feet by 28 feet for the subject property. An application for a variance request to the rear yard setback was submitted on January 21, 2025.

The applicant was requesting to encroach 5 feet into the 10-foot rear yard setback for a proposed 2-car garage. According to the Hidalgo County Appraisal District records, the home was constructed with a garage in 1985. The scope of work involves enclosing the existing garage and converting it into a bedroom and family room area. A new 2-car garage is proposed to be constructed as shown on the submitted site plan. The proposed garage construction involves a 5-foot encroachment into the rear yard setback in order to align the new construction with the existing home. The garage relocation is necessary since the existing foundation is prone to flooding issues. The existing garage foundation will be elevated to resolve flooding issues and make suitable for living area use. The garage relocation involves a 5-foot encroachment into the 10-foot rear yard setback that will allow for alignment with the existing structure, allow more maneuvering space for vehicles using the driveway, and allow more wall space to install window for the proposed family room. There will be no driveway access from the alley.

The submitted site plan shows an existing bedroom that appears to be encroaching not the 10-foot rear yard setback. A review of Planning Department records did not reveal variances for this structure.

In the past, there have been other variances and special exceptions in Seconded Amended Map of Bonita Heights Subdivision for encroachments into the front and rear yard setbacks.

The variance request if approved will help to allow practicality and functionality.

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

Staff recommended disapproval of the variance request.

Chairperson Gutierrez asked staff of disapproval of variance request. Staff stated most variances staff usually do recommend disapprovals since they run with the land and need the Board to overturn it.

Board member Mujica asked staff if there were other homes, which this occurred already in the neighborhood or this street. Staff stated that in the neighborhood on this particular lot they did receive a variance a few years ago for the porch in the front. They extended forward. Many of the homes in that area so have one. The rest of the garage complied with setbacks it was just that portion of the 5 foot, they will be able to drive straight towards the back. There will be no entrance through the alley.

Ms. Carolina Civarolo, 602 Orange Avenue, McAllen. She spoke on behalf of the applicant. She stated the family wanted to create a family room for their large family. At first, they stated they did not need a garage but later changed their minds. They tried to put the garage in different locations but wanted to keep the driveway as much as possible.

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

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

Following discussion, Mr. Juan Mujica **moved** to approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to table Variance request with five members present and voting.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

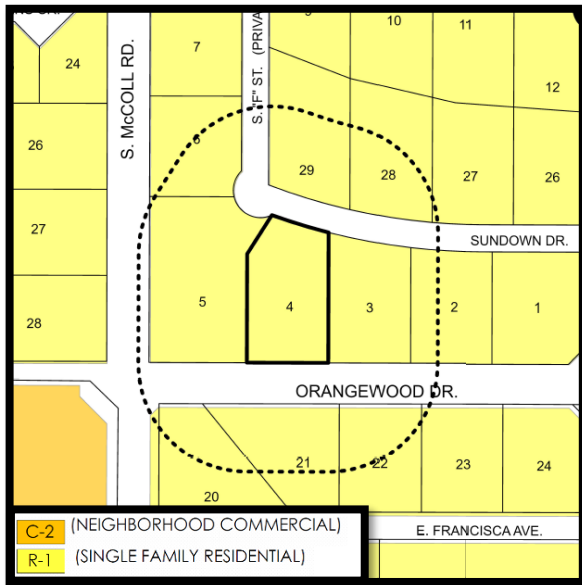
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: February 20, 2025

SUBJECT: REQUEST OF RUZCA/JULIO RUZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 20 FOOT REAR YARD SETBACK FOR A PROPOSED GUEST HOUSE AT LOT 4, ORANGEWOOD EAST SUBDIVISION, HIDALGO COUNTY, TEXAS; 700 EAST SUNDOWN DRIVE. (ZBA2025-0003)

REASON FOR APPEAL: The applicant is requesting to encroach 10 feet into the 20 foot rear yard setback for a proposed guest house, approximately 2,897 square feet of living area in size. It will contain a kitchen, bedroom, study room, spa, entertainment room, and gym. The reason for the variance request is to accommodate construction of the guest house.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of East Oranewood Drive and at the intersection with South “F” Street. The irregular shaped lot has 109.42 feet of frontage along East Sundown Drive with a depth of 239.88 feet. The subject property currently has a residential home. The subject property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. The surrounding land uses include single family residences and vacant land.

BACKGROUND AND HISTORY: Oranewood East Subdivision was recorded August 6, 1996. The plat shows a 10 foot utility easement adjacent to the rear property line that runs concurrently with the 20 foot rear yard setback for double fronting lots. The subject property was granted a Conditional

Use Permit for a guest house for life of use in May 2023, however; no construction took place and the permit expired. A new CUP application is required and submission is pending outcome of the Variance request. A building permit application was submitted on January 8, 2025 to the Building Inspections and Permits Department for a guest house, but was disapproved due to the rear setback encroachment of 10 feet into the 20 foot rear yard setback. An application for a Variance request was submitted January 29, 2025.

ANALYSIS: The applicant is requesting to encroach 10 feet into the 20 foot rear yard setback for a proposed guest house as an accessory use that will contain a kitchen, bedroom, study room, spa, entertainment room, and gym. The owners of the lot are requesting the variance in order to accommodate the proposed guest house at the rear yard of the property.

The plat for this subdivision shows a 10 foot utility easement adjacent to the rear property line that runs concurrently with the 20 foot rear yard setback but the utility easement will not be impacted by the proposed encroachment.

The subject property is a double frontage lot. City Unified Development Code ordinance Section 5.3.5 (f) states, "A front yard building setback shall be provided along each side of the lot fronting onto a street in accordance with the zoning district."

An approved variance is necessary to resolve the proposed encroachment as well as plat note setback requirement of 20 feet for the rear yard. Furthermore, a plat note (#8) of the plat for this subdivision states "No curb cuts permitted, or lots fronting on South McColl Road, East Orangewood Drive, and at the rear of lots 16-19 along future South "K" Center Street".

The standard rear yard setback in an R-1 District is 10 feet as per current Code of Ordinance.

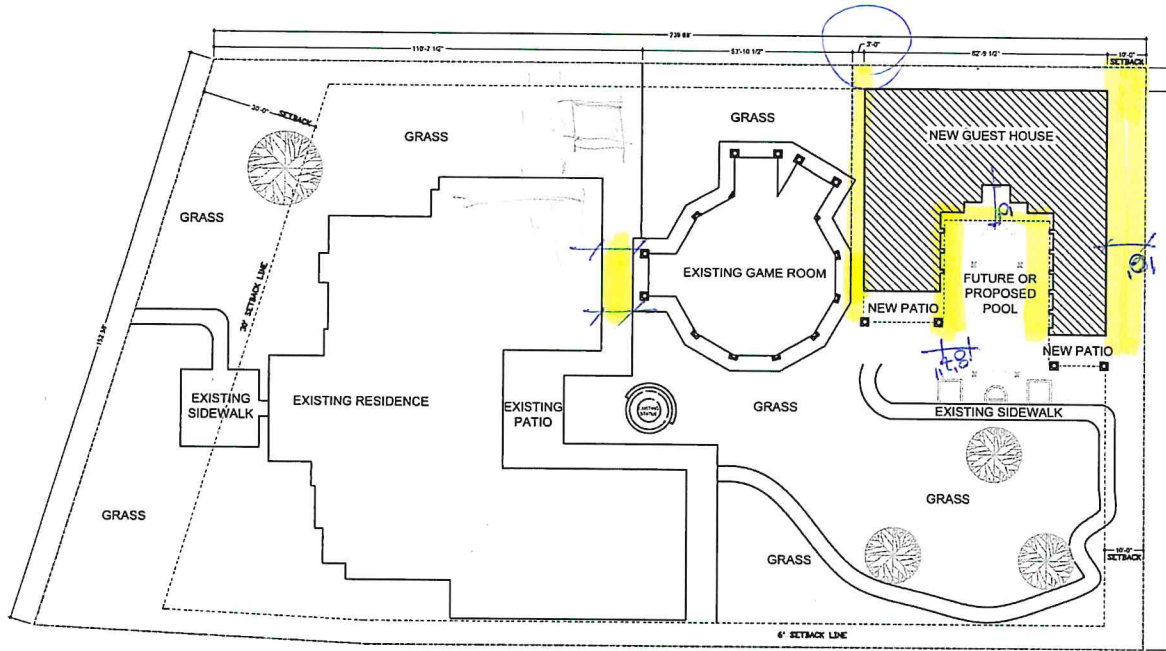
A review of Planning Department records revealed one other variance request granted within Orangewood East Subdivision for an encroachment of 10 feet into the 20 foot rear yard setback for a single family home at Lot 19.

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

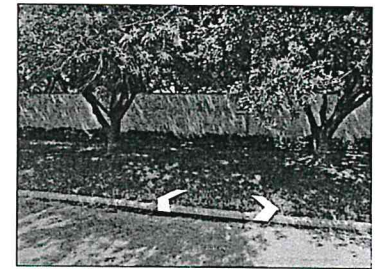
RECOMMENDATION: Staff recommends approval of the variance request.



Corrected
1-23-25



AERIAL VIEW



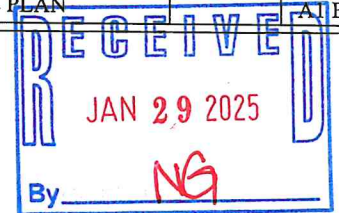
STREET VIEW

LEGAL DESCRIPTION

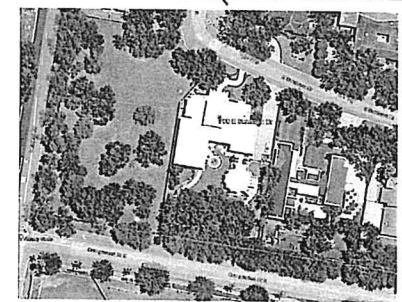
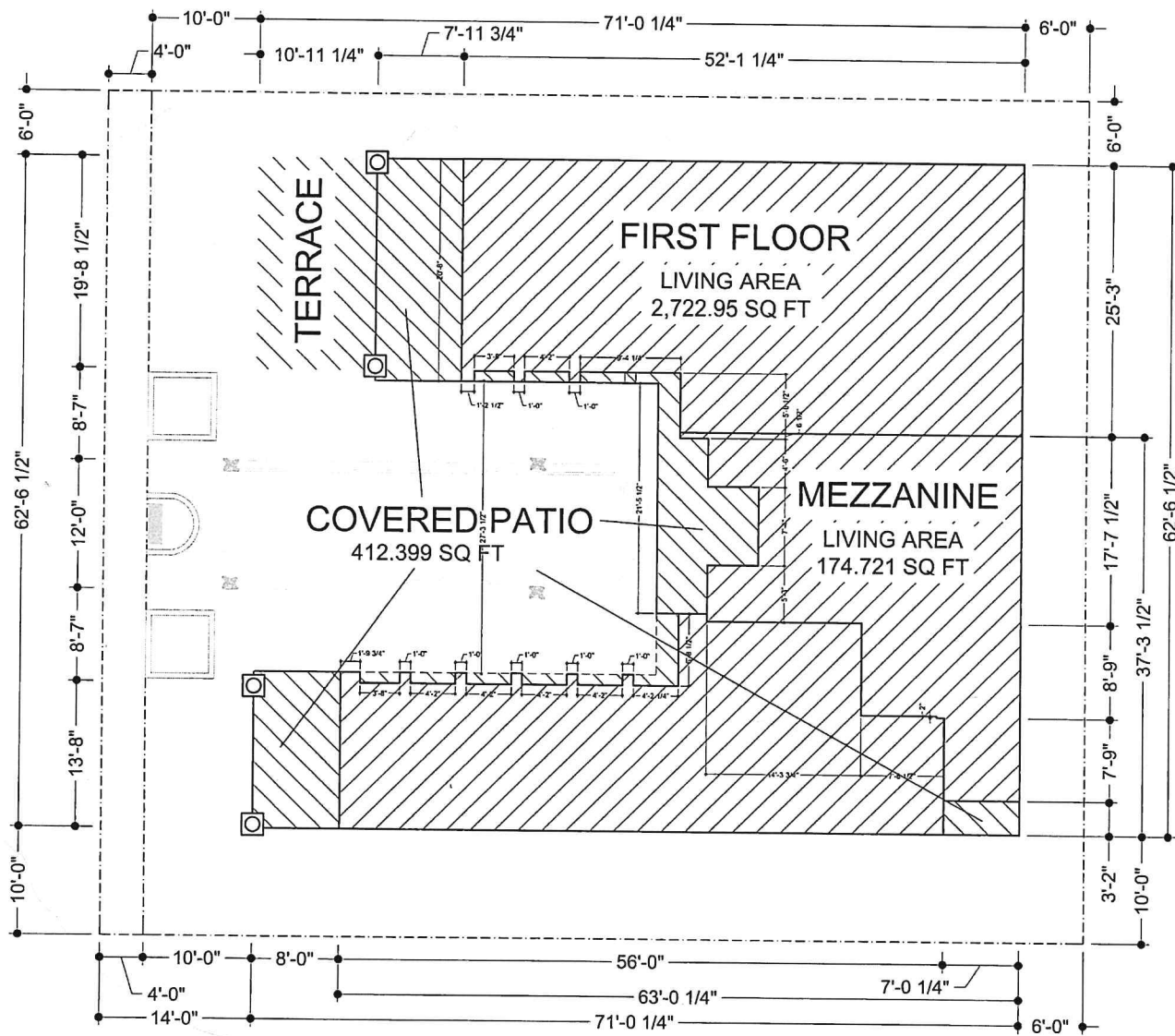
700 E sundown dr,
McAllen, TX

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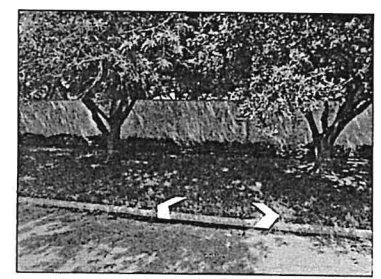
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OWNER:	Drawn By: V.M.A.H.	Checked By: J.R.F.
PROJECT:	Scale: 1/32"=1'-0"	Proj. No:
TITLE: SITE PLAN	Date:	Des. No: A1 Bis



corrected
1-23-25




AERIAL VIEW



STREET VIEW

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PROJECT:	Scale: 3/32" = 1'-0" Proj. No:
TITLE: SITE PLAN	Date: Deg. No: A1



NOTICE OF VARIANCE FOR THIS PROPERTY ZBA2025-0003