AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MAY 17, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER – Chairperson Jose Gutierrez

1. MINUTES:

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

2. PUBLIC HEARINGS:

- a) Request of David A. Guerra for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25 feet front yard setback for an existing metal carport measuring 25 feet by 10 feet at Lot 31, Olivarez, Subdivision No. 4, Hidalgo County, Texas; 3017 Sycamore Avenue. (ZBA2023-0038)
- b) Request of Karla F. Cantu for the following variance to the City of McAllen Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback at Lot 30, Palmview Gardens, Hidalgo County, Texas; 2909 Diaz Avenue. (ZBA2023-0034)
- c) Request of Julio C. Cavazos and Emelina Cavazos for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 rear yard setback and an encroachment of 6 feet into the 6 feet side yard setback for an existing metal carport measuring 19.6 feet by 35.4 feet, at Lot 19-A, Montebello UT No. 2, Hidalgo County, Texas; 3212 Redwood Avenue. (ZBA2023-0040)
- d) Request of Ryan Stauffer for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 40 feet front yard setback for a proposed single family home, at Lot 2A, Virginia Terrace Subdivision, No.'s 1,2,3 & 4, Lots 2A & 2B, No. 3, Hidalgo County, Texas; 800 South G. Street. (ZBA2023-0036)
- e) Request of Joshua Belgum for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 40 feet front yard setback for a proposed single family home, at Lot 2B, Virginia Terrace Subdivision, No.'s 1,2,3 & 4, Lots 2A & 2B, No. 3, Hidalgo County, Texas; 804 South G. Street. (ZBA2023-0037)
- f) Request of Raul Munguia for the following variance to the City of McAllen Vegetation and Landscaping Ordinance to allow an 8 feet cedar fence buffer at SW1.00AC-S1.48AC of Out lot 1 of R/S OF 15 & 16, Block 2, C.E. Hammond, Hidalgo County, Texas; 1300 North Bentsen Road. (ZBA2023-0035) WITHDRAWN

3. FUTURE AGENDA ITEMS

- a) 3004 Tanya Avenue
- b) 3600 North 43rd Street
- c) 3405 Geranium 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, May 3, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present: Jose Gutierrez Chairperson

Ann Tafel Member
Hugo Avila Member
Rogelio Rodriguez Member
Juan Mujica Alternate
Sam Saldivar Alternate

Absent: Sylvia Hinojosa Vice-Chairperson

> Edgar Garcia Planning Director Rodrigo Sanchez Senior Planner Omar Sotelo Senior Planner

Katia Sanchez Planner II Samuel Nunez Planner II

Porfirio Hernandez Planning Technician II
Carmen White Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

a) Minutes for the meeting held on April 19, 2023.

The minutes for the meeting held on April 19, 2023 were approved. The motion to approve the minutes were made by Ms. Ann Tafel. Mr. Hugo Avila seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

a) Request of Pedro R. Romero Morales for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 18 feet by 25 feet, at Lot 3, Block 18, Ewing's Addition, Hidalgo County, Texas; 909 North 15th Street. (ZBA2023-0032)

Mr. Nunez stated the applicant was requesting a special exception for an existing metal carport with an encroachment into the 20 feet front yard setback. During a site visit by staff to the subject property, the applicant verbally stated a contractor was hired to install the metal carport but did not obtain a building permit. The carport is to provide protection for the applicant's vehicles and for health related reasons for family member(s).

The subject property was located along the west side of North 15th Street, 75 feet north of Ivy Avenue. The Lot has 75 feet of frontage along North 15th Street and a depth of 140 feet for a Lot size of 10,500 square feet. The property is zoned R-1 (single-family

Zoning Board of Adjustment & Appeals May 3, 2023 Page 2

residential) District and a single-family residence is located on the property. The adjacent zoning was R-1 District in all directions. The surrounding land use is single family residential.

A notice of non-compliance was posted by Building Permits and Inspections Department on March 11, 2023 for no permit on file for construction of a carport at the front of the property. An application for a building permit was submitted to Building Permits and Inspections Department on March 16, 2023 and an application for a Special Exception request was submitted to the Planning Department on March 27, 2023.

The request is for a special exception to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 18 feet by 25 feet over an existing paved driveway. The applicant stated that the carport was needed to provide shade protection due to medical reasons for one of the family members.

There is an existing paved alley at the rear of the property.

There is an existing "two car garage" located at the rear of the property that is currently being used for storage. As per Hidalgo County Appraisal District records, the garage was built the same year as the main structure. There is no paved driveway leading to the existing "garage".

During the site visit, staff noticed other accessory structures that appear to encroach into the rear yard setback of properties along this block.

A windshield survey of the area (one block in each direction from the subject property block) did not reveal encroachments into the front yard setback.

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.

There had 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.

Staff recommended **disapproval** of the Special Exception request since there are no other carports along the front yard of this block and approval of the request to allow the carport within the front yard may encourage other property owners to construct 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.

Board member Tafel asked staff is there was plenty of room to put in a drive that would lead to the existing garage. Mr. Nunez stated it appeared to be some room to pave it and connect it to the garage.

Mr. Pedro R. Romero Morales, the applicant stated the carport was built for certain reasons. First was for his wife who had a condition that prohibits her being in the sun for a period. In addition, a very tall palm tree could fall and damage the vehicles. Mr. Morales

Zoning Board of Adjustment & Appeals May 3, 2023 Page 3

mentioned that at one time it rained so much that his vehicles were stuck in the mud in which he could not get out.

Chairperson Gutierrez mentioned to the applicant if they could have moved more to the back. Mr. Morales stated they did not want to fence it to the front like the other neighbors. They fenced it up to the start of the construction. In order to move the fence back they would have to take out the fence.

Board member Tafel mentioned that since the carport was not cemented down it could easily be removed and moved back to get out of the encroachment.

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, Mr. Sam Saldivar <u>moved</u> to disapprove the special exception as per staff's recommendation. Ms. Ann Tafel seconded the motion. The Board voted to disapprove the special exception with five members present and voting.

b) Request of James L. Hall for a Variance request to the City of McAllen Zoning Ordinance to allow an encroachment of 4.5 feet into the 6 feet east side yard setback for a proposed storage shed measuring 20 feet by 12 feet, at Lot 6 and the west 20 feet of Lot 7, Block 4, West Harvey Addition, Unit No. 1 and Unit No. 2, Hidalgo County, Texas; 2205 Daffodil Avenue. (ZBA2023-0031)

Mr. Nunez stated the applicant was proposing to encroach 4.5 feet into the 6 feet east side yard setback for the construction of a storage building measuring 20 feet by 12 feet. The applicant stated that the proposed storage shed would replace a demolished storage shed at the same location on the property.

The subject property consisted of a full Lot and 20 feet from the Lot to the east. Property is located on the south side of Daffodil Avenue, approximately 308 feet east of North 23rd Street. The property has 80 feet of frontage along Daffodil Avenue and a depth of 120 feet for a lot size of 9,600 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.

West Harvey Addition, Unit No. 1 & Unit No. 2 was recorded in February 1958. A Stop Work order was issued by the Building Permits and Inspections Department on March 18, 2023 for construction without a building permit of a storage shed and a fence. A building permit application was submitted to the Building Permits and Inspections Department on March 24, 2023 and a variance application was submitted to the Planning Department on March 27, 2023.

The request was to allow an encroachment of 4.5 feet into the 6 feet east side yard setback for a proposed wood storage shed measuring 20 feet by 12 feet. The applicant states that there is a 10 feet by 10 feet concrete slab where a storage building was formerly located. The storage building was demolished due to deterioration. The previous storage structure was there for about 35 years. The applicant is proposing to rebuild the structure at the same location however; he has enlarged the concrete slab to a size of 12 feet by 20 feet in order to accommodate a slightly larger storage shed. Since the previous storage building had been

Zoning Board of Adjustment & Appeals May 3, 2023 Page 4

there for 35 years and storage sheds are common in this area, the applicant thought that replacing the storage shed at the same location was allowed.

Secondary structures at the rear of the property must maintain a 5 feet building separation to the main building. Relocation may not be feasible due to the proximity to the main structure, or possible encroachment into the rear setback.

A 7 feet tall cedar fence surrounds the rear yard, which will help to reduce the view of the proposed storage building.

The proposed storage building will have ample building separation in all directions to the nearest structure. To the south of the subject property across the alley are two storages buildings, which appear to be built almost to the rear property line.

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

Measurements provided were without benefit of a survey.

There were no utility easements at the rear or side of the property.

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

Staff recommended **disapproval** of the variance request since the plight of the owner was not due to unique conditions of the property.

Chairperson Gutierrez asked staff if there was a discussion with the applicant of any option to relocate the storage shed in order to comply with City's ordinances. Mr. Nunez stated it had been discussed to relocate the storage shed. He stated that the applicant wanted to put the new shed there since there was a shed there previously.

Board member Saldivar asked staff if the applicant left the storage shed on the existing cement slab would he have been within the compliance. Mr. Nunez stated that it was considered a non-compliance structure still but was allowed to remain there since it was grandfathered. Once he demolished it, he forfeited those rights he would have to comply with what was required.

Board member Rodriguez asked staff if there was a limit max square footage for a storage unit. Mr. Nunez stated the Building code required building permit for structures once they exceed 200 square feet.

Board member Mujica asked if there was an alley or any utility easements in the back. Mr. Nunez stated there was an alley as far as the utilities they did not find one platted.

Mr. James L. Hall, the applicant stated he purchase the house a little over a year ago, that was once owned by his parents. He started renovating it from the inside first then on the outside. The storage unit had been there 35-40 years. He stated he has seen in the alley storage units in all sizes and in the corners of the fences. He stated that a City inspector came by and was told to stop the fencing and the remodeling. Mr. Hall came into the Planning Department to apply for a variance along with a site plan. A staff member went out to do an inspection noted that there were two other storage units directly behind him

Zoning Board of Adjustment & Appeals May 3, 2023
Page 5
up to the corner of each property.

Chairperson Gutierrez mentioned as well as Board member Mujica to the applicant that a variance goes with the land and that the next owner could build anything they wanted within that footprint.

Chairperson Gutierrez asked staff what it would take the City to keep it as a grandfathered structure or construction. Mr. Garcia, Planning Director stated if it was deteriorating, there was two ways it could be addressed. Every year the owner can do 10% of the value of it in repairs or come before the Board and get a variance to that 10%.

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 someone in opposition of the variance request.

Nora Garcia, 2201 Daffodil Avenue read a letter from her sister Nora Garcia (representing) it was a safety issue being the shed was close to her fence for a fire hazard.

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

Alfonso Munguia, 2201 Daffodil Avenue stated he also was in opposition of the variance request due to the storage shed being so close to their fence.

Mr. Hall wanted to point out when he was in the process of remodeling he had asked the neighbors if they had a problem with it and the neighbors stated they did not have a problem.

Following discussion, Mr. Rogelio Rodriguez <u>moved</u> to disapprove the special exception as per staff's recommendation. Mr. Hugo Avila seconded the motion. The Board voted to disapprove the special exception with five members present and voting.

c) 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) (REMAIN TABLED: 03/22/2023, 04/05/2023, 4/19/2023)

Ms. Ann Tafel <u>moved</u> to remove the item from the table. Mr. Hugo Avila seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Ms. Sanchez stated this was a special exception for the lack of parking spaces, which was required for the apartment use. Staff had been in contact with the applicant advising him or asking if had an update regarding acquiring a recorded parking agreement. To date he has not been able to provide the City with a recorded parking agreement. Ms. Sanchez state he was deficient in parking spaces. The City required 44 parking spaces and he was

Zoning Board of Adjustment & Appeals May 3, 2023 Page 6 only providing 32 parking spaces

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 request. There was no one in opposition of the special exception.

Following discussion, Mr. Sam Saldivar <u>moved</u> to disapprove the special exception as per staff's recommendation. Ms. Ann Tafel seconded the motion. The Board voted to disapprove the special exception with five members present and voting.

3. FUTURE AGENDA ITEMS:

- a) 2909 Diaz Avenue
- **b)** 1300 North Bentsen Road
- c) 800 South "G" Street
- d) 804 South "G" Street
- e) 3017 Sycamore Avenue
- f) 3212 Redwood Avenue

ADJOURNMENT

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

	Chairperson Jose Gutierrez
Carmen White, Administrative Assistant	

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

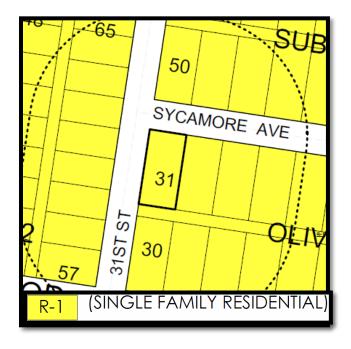
DATE: May 9, 2023

SUBJECT: REQUEST OF DAVID A. GUERRA FOR A SPECIAL EXCEPTION TO THE CITY OF

MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 25 FEET BY 10 FEET AT LOT 31, OLIVAREZ SUBDIVISION NO. 4,

HIDALGO COUNTY, TEXAS; 3017 SYCAMORE AVENUE (ZBA2023-0038)

REASON FOR APPEAL: The applicant is requesting a special exception in order to allow an encroachment of 25 feet into the 25 feet front yard setback for an exsiting metal carport measuring 25 feet by 10 feet. The applicant stated that the carport was built for his elderly mother who is now deceased. The applicant would like to keep the carport to help provide protection of his vehicles.





PROPERTY LOCATION AND VICINITY: The subject property is located at the southeast corner of Sycamore Avenue and North 31st Street. The property has a 61.4 feet of frontage along Sycamore Avenue and a depth of 125 feet for a total Lot size of 7,675 square feet. There is an existing single family home on the subject property. The property is zoned R-1 (single family residential) District.

The surrounding land use is single family residential.

BACKGROUND AND HISTORY: The plat for Olivarez Subdivision Unit No. 4 was recorded on January 11, 1971, and shows a 25 feet front yard minimum building setback line. A stop work order was issued October 5, 2022 for construction of a carprt without a building permit. A building permit application was submitted February 21, 2023, and an application for a Special Exception request was submitted April 17, 2023.

ANALYSIS: The applicant is requesting a special exception in order to allow an encroachment of 25 feet into the 25 feet front yard setback for the exisiting metal carport measuring 25 feet by 10 feet. Approval of the special exception request would allow an existing encroachment of 25 feet into the 25 feet front yard setback.

During a site visit, staff noticed other similar encroachments (carports) within Olivarez Subdivision No. 4.

A the Zoning Board of Adjustments and Appeals meeting of February 8, 2023 the Board unanimously voted to approve a special exception request for an encroachment of 25 feet into the 25 feet front yard setback and for 6 feet into the 6 feet side yard setback for an existing carport at Lot 34, Olivarez Subdivision No.4.

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

RECOMMENDATION: Staff recommends approval of the request since there has been a previously approved special exception on the same block. Approval should be limited to the encroachment shown on the submitted site plan.

ZBA2023-0038

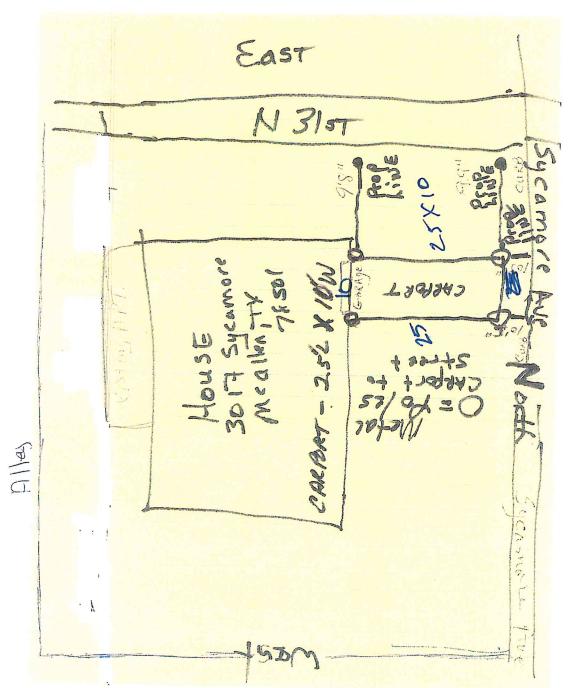
311 North 15th Street McAllen, TX 78501

City of McAllen

P. O. Box 220 Planning Department APPEAL TO ZONING BOARD OF McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE	
	Legal Description Outvarez No. 4 Lot 3/	
Project	Subdivision Name Street Address Street Address Street Address Number of lots Sucretary Existing Zoning Superior Existing Land Use Superior Reason for Appeal (please use other side if necessary) Superior Sucretary Sucre	
Applicant	Name David A. Guekka Phone (956) 57.5-3/23 Address E-mail Dagwood 980@ Gmail C City Mcallen State TX Zip 7850/	Com
Owner	Name David A. Guerra Phone (956) 515-3123 Address 3017 Sycamore Ave E-mail Dagwood 980 25 mAIL.	Com
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature Date Owner Authorized Agent	
Office	Rev 09/20 Payment received by Date GE IVE APR 17 2023	

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: CARPART TOWN MOM TO ENTOY WALLING UNDER CARPORT NO MATERIAL AND SETE WAS 97 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: SACRAMIN MY SET HALLS 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: ***MOTING PROPERTY OF THE P
ction	
Board Action	Chairman, Board of Adjustment Date Signature
	Rev. 9/20











Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 1, 2023

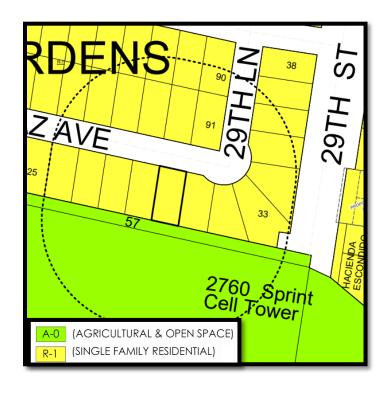
SUBJECT: Request of Karla F. Cantu for the following Special Exception to the City of McAllen

Off-Street Parking and Loading Ordinance to not provide one parking space beyond the front yard setback at Lot 30, Palmview Gardens, Hidalgo County,

Texas; 2909 Diaz Avenue. (ZBA2023-0034)

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 has enclosed the garage without submitting for a permit, eliminating the one parking space beyond the front yard setback line.

PROPERTY LOCATION AND VICINITY: The property is located south of Jordan Road and west of 29th Street. The enclosed garage converted into a storage unit is approximately 240 square feet, measuring 20x12. The subject property is zoned R-1 (single family residential) District, and R-1 District all around, A-O (agricultural and open space) District to the south.





BACKGROUND AND HISTORY: The plat for Palmview Gardens Subdivision was recorded on March 13, 2003 and is subjected to compliance with zoning requirement of one parking space beyond the frontyard setback line.

ANALYSIS: The request is to not provide one required garage space beyond the frontyard setback line. According to the site plan submitted, the enclosed area was converted into a storage area. Upon speaking to the applicant they stated the garage was not needed and their driveway has accommodated for their three vehicles without issues. As per Sec. 138-394 (1) one off-street parking for single family uses shall be located beyond the frontyard setback is permitted.

The applicant stated the garage was not needed for its intended purpose, rather needed it for storage. The applicant is requesting the variance as their family is growing, and does not have the funds for future citations.

A review of Planning Department records did reveal one similar variance request that was approved in this subdivision.

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

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



311 North 15th Street McAllen, TX 78501 P. O. Box 220

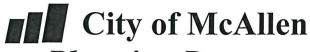
City of McAllen

Planning Department

McAllen, TX 78505-0220 (956) 681-1250 APPEAL TO ZONING BOARD OF (956) 681-1279 (fax)

	ADJUSTMENT TO MICALLEN ZONING ORDINANCE
	Legal Description Palmview Trandens Lot30
Project	Subdivision Name Palmview Izardens Street Address 2909 Diaz Mue
	Number of lots Gross acres
	Existing ZoningExisting Land Use Reason for Appeal (please use other side if necessary) <u>fonot provide the</u>
	Parking requirment beyond the Front Setback
	\$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
nt	Name Karla + Cantil Phone 956-4388014
Applicant	Name Karla + Canti Phone 956-4388014 Address 2909 Diaz Ave E-mail Korla Cantu 38 @g mail.
Арр	City McM/len State Tx Zip 78503
O.	Name Sam C Phone
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WU	Name Sam C Phone Address E-mail
Owner	Address E-mail City State Zip
Owne	City State Zip To the best of your knowledge are there any deed restrictions, restrictive covenants,
ion Owne	City State Zip 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
tion	City State Zip 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? \[\sum_{\text{Yes}} \] \[\sum_{\text{No}} \] \[\text{I certify that I am the actual owner of the property described above and this} \]
tion	City State Zip 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
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Authorization	City State Zip 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 Authorization.
tion	City State Zip

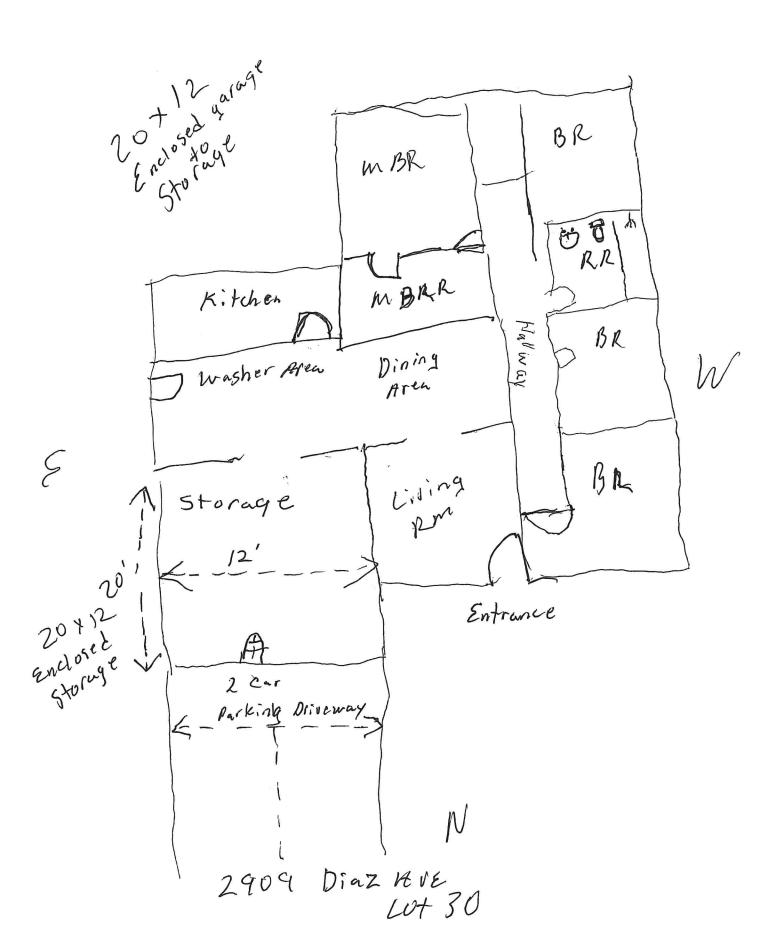


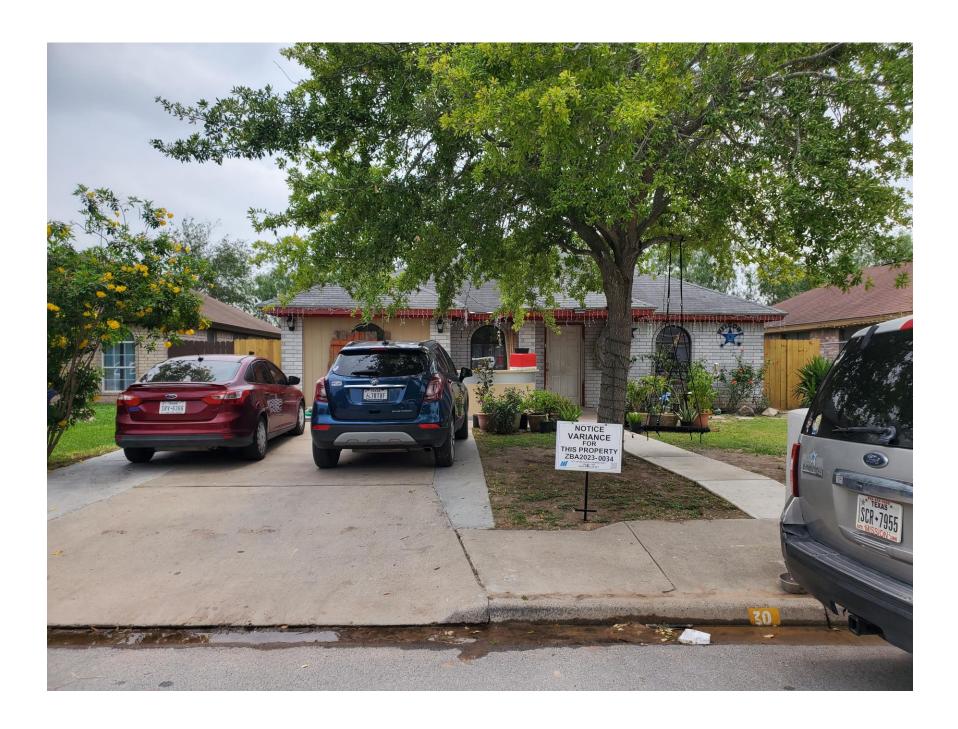


Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	Availance 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 compilete 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: Weeded more space to store, Fermilly growing and daughters moving in and store all their belongins 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: Will after me financially doe that I don't have the name of the legal property rights of the owner. The money, I am discubled 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: Complicance with 2 parking spaces and the Construction will be the regulations of building Department 4. Describe special conditions that are unique to this applicant or property: We needed more space because family has been growing, garage is helping use for storage
Board Action	
	Chairman, Board of Adjustment Date
	Chairman, Board of Adjustment Date Signature
Ğ	Rev. 9/20

16





Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 1, 2023

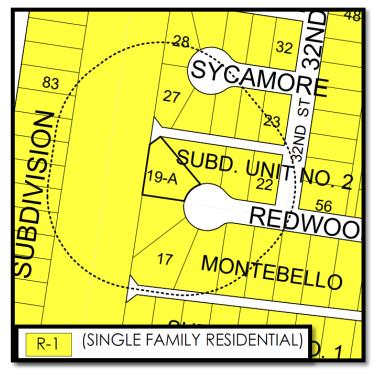
SUBJECT: Request of Julio C. Cavazos and Emelina Cavazos for the following Special

Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 rear yard setback and an encroachment of 6 feet into the 6 feet side yard setback for an existing metal carport measuring 19.6 feet by 35.4 feet, at Lot 19-A, Montebello UT No. 2, Hidalgo County, Texas; 3212 Redwood Avenue.

(ZBA2023-0040)

REASON FOR APPEAL: The applicant is requesting a special exception in order to allow an encroachment of 10 feet into the 10 feet rear yard setback and 6 feet into the 6 feet side yard setback or an existing metal carport measuring 19.6 feet by 35.4 feet. The applicant stated the carport is to protect their vehicles from harmful weather conditions.

PROPERTY LOCATION AND VICINITY: The subject property is located west of Redwood Avenue and 32nd Street. The property has 107.22 feet of fronting Redwood Avenue and a depth of 131.80 feet, with a lot size of 10,557 square feet. The subject property is zoned R-1 (single family residential) District as well as the surrounding land uses.





BACKGROUND AND HISTORY: The plat for Montebello Ut. 2 Subdivision was recorded on May 4, 1978. The plat states a 10 feet rear yard setback and 6 feet side yard setback. A citation was issued October 7, 2022. An application for a building permit for a carport was submitted on October 21, 2022. An application for the special exception request was submitted on April 19, 2023.

ANALYSIS: Approval of the special exception request would allow an encroachment of 10 feet into the 10 feet rear yard setback and 6 feet into the 6 feet yard setback. The reason for this request is to protect vehiles from harmful weather conditions like hail, extreme heat ad hurricanes. The subject property is located on a cul-de-sac and do not have a garage. There are no easements in the rear or north side of the of the subject property. The carport does have access to the alley with an existing gate to the property.

Planning Department records did not reveal any similar special exceptions in within the subdivision.

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

RECOMMENDATION: Staff recommends approval of the special exception request since the carport is located on a irregular lot, and out of any easements.

City of McAllen

5 17 23

Planning Department

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

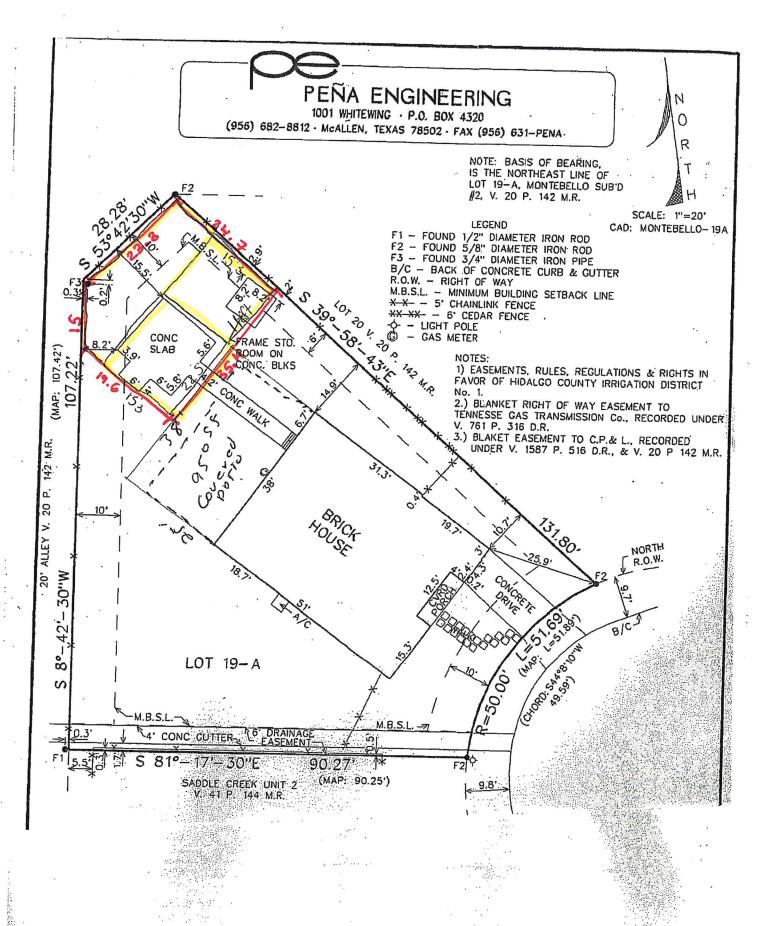
Name:_

APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

*	Legal Description Montebello UT NO.2 Lot 19-A
	Subdivision Name Montebello Subdivision unit No. 2 Street Address 3212 Redwood Ave
<u>je</u> (Number of lots Gross acres
Project	Existing Zoning R- Existing Land Use Residence
	Reason for Appeal (please use other side if necessary) Special Exception for a
	Carport that will encroach 10ff into the 10ft rearyard setback and 6ft into the 6ft north yard setback
	⊠-\$300.00 non-refundable filing fee + ⊠-\$50.00 Recording Fee for Special Exception (carport)
	区 Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
ınt	Name <u>Emelina Cavazos</u> Phone 956-867-1853
Applicant	Address 3212 Redwood Ave E-mail geracquazos@msn.com
Apr	City MAILON State TX Zip 78501
er	Name Tilio c Cavazos / Emelina Cavazos Phone 956-867-1853
Owner	Address 3212 Redwood Ave E-mail geracavazos@msn. com
Ó	City McAllen State TX Zip 38501
ation	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
Authorizati	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.
<u> </u>	Signature <u>Covelino Covezos</u> Date 4-19-23
	Print Name Jobo c Cavazos Emelina Cavazos Owner Authorized Agent
Office	Accepted by Payment received by Date ENTEREI
ő	Rev 09/20 APR 1 9 2023

City of McAllen Planning Department REASON FOR APPEAL & BOARD ACTION

See attachment No 2 and No 2	Reason for Appeal	 3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the leg rights other property owners enjoy in the area: See affachment No 1. and No 2. 4. Describe special conditions that are unique to this applicant or property: See affachment No 1 and No 2.
Ction		
Chairman, Board of Adjustment Date Signature	Action	
Rev. 9/20	Board Action	





Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

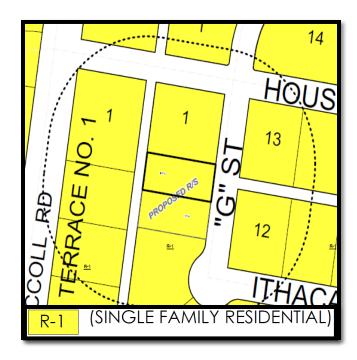
DATE: May 10, 2023

SUBJECT: REQUEST OF RYAN STAUFFER FOR A VARIANCE TO THE CITY OF MCALLEN

ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 40 FEET FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY HOME, AT LOT 2A, VIRGINIA TERRACE SUBDIVISION, NO.'S 1, 2, 3, & 4, LOTS 2A AND 2B NO. 3,

HIDALGO COUNTY, TEXAS; 800 SOUTH "G" STREET. (ZBA2023-0036)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 25 feet into the 40 feet front yard setback in order to accommodate a construction of bedrooms in a proposed single family residence.





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

BACKGROUND AND HISTORY: The plat for Virginia Terrace No.'s 1, 2, 3, & 4, Lots 2A & 2B, No.3

was recorded on February 9, 2023. A building permit application has not yet been submitted. The Variance request was submitted on April 13, 2023.

ANALYSIS: The plat for this subdivision shows a 10 feet utility easement at the rear of the Lot, adjacent to the rear property line. The plat indicates a 40 foot front yard setback. The front yard setbacks are important in establishing the character of a single family neighborhood by providing landscaping to enhance the residentce and curb appeal of the street view.

Approval of the variance request will allow the proposed construction as depicted on the site plan, but would be in conflict with setback requirements for this subdivision. The submitted site plan shows that there is space at the rear of the Lot to allow relocation and be in compliance with the 40 feet front yard setback requirement, however, the applicant states that he would like to allow for more backyard area and space for placement of a swimming pool in the future.

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

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

RECOMMENDATION: Staff is recommending disapproval of the Variance request since the site plan can be modified to be in compliance.



City of McAllen

Planning Department APPEAL TO ZONING BOARD OF

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

	ADJUSTMENT TO MCALLEN ZONING ORDINANCE
	Legal Description Virginia Terrace No.'s 1,2,3,&4 Lot 2A, No.3
Project	Subdivision Name Virginia Terrance No's 1, 2, 3, 54 Lot 25 3 2B, No.3 Street Address 800 S "G" Street, McAllen, TX 78501
	Number of lots Gross acres
	Reason for Appeal (please use other side if necessary) Please see following pages for appear to the Regulation of the Re
	Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name Ryan Stauffer Phone 956-877-8728 Address 302 S. Taylor Rd E-mail ryans@kimber1985.com City Mission State TX Zip 78572
Owner	Name Ryan Stauffer Phone 956-877-8728 Address 302 S. Taylor Rd E-mail ryans@kimber1985.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 Date 4-12-2023 Print Name Ryan Stauffer Owner Authorized Agent
Offlice	Accepted by AS Payment received by MA Date APR 13 2023 Rev 10/18

Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	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: Request to adjust building setback lines from required 40' to 15'. My neighbors have the following setbacks 14', 11', 17', 19'. The sent setbacks would deprive/limit the proposed house location and priva 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The proposed variance is necessary to allow the property owner the same enjoyment of his property as his neighnors. They all have fences that allow for more privacy/space in their back yards. 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: Tomy Karriace will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Tomy Karriace will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Tomy Karriace will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area: Tomy Karriace will not be detrimental to the property: Existing Property Property Property Property:
ction	
Board Action	Chairman, Board of Adjustment Date Signature

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: Request to adjust 10' utility easement to 0' The City required I include the easement on the Plat, but 100% of all utilities are in place. This is a fully developed subdivision. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The proposed variance is necessary to allow the property owner the same enjoyment of his property as his neighnors. They all have fences that allow for more privacy/space in their back yards. 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: 4. Describe special conditions that are unique to this applicant or property:
board Action	Chairman, Board of Adjustment Signature Rev. 9/20

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS <u>VIRGINIA TERRACE NO.S.1, 2, 3, & 4, LOTS 2A</u> & 2B, NO. 1 SUBDINSION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME(S) IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THIF PUBLIC ALL STREETS, ALLEYS, PARKS, WATER LINES, SEWER LINES, STOWN SEWERS, FIRE HORANTS, PUBLIC PLACES WHICH ARE INSTALLED OR WHICH WE WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SIDENSIGN, APPROVAL PROFESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PUBLIC PLACES FOR THE CITY OF MCALLEN, ALL THE SAME FOR THE PUBLIC PLACES FOR THE CITY OF MCALLEN.

BY: NOTARY PUBLIC'S CERTIFICATION COUNTY OF HIDALGO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TO SHUR ROY BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORECOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREBY EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 6th DAY OF January 2023. Namo Sang Conta ENGINEER'S STATEMENT I, MARIANO GARCIA, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION. 12/N/28 STATE OF TEXAS , THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION (1-4-2023 JERGE ROBHIGUEZ RPLS
AFCISTERED PROFESSIONAL LAND GORLEYOR NO. 5303
C.V.O. LAND SURVEYORS, LLC
NGALLEN, TEXAS 78501 I, THE UNDERSIGNED CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISIONS REGULATIONS OF THE CITY OF MCALLEN WHEREIN MY APPROVAL IS REQUIRED.

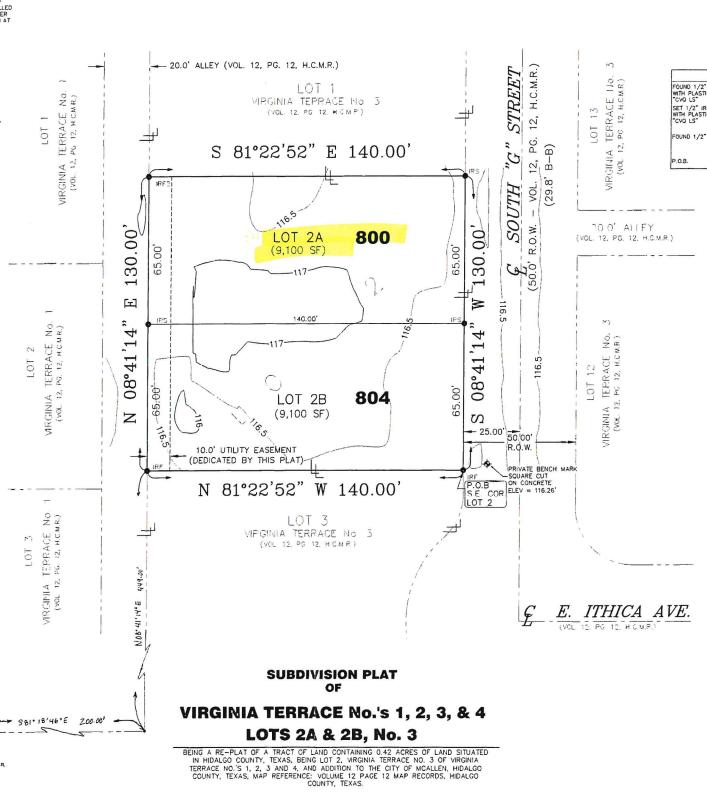
CHAIRMAN PLANNING AND ZONING COMMISSION 1-30-23 NED, MAYOR OF THE CITY OF MCALLEN, TEXAS, HEREBY CERTIFY THAT THIS T CONFORMS TO ALL THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 549.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURE DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS. SW. COR. LOTO, BLK. 13 STEEL PERSHING VOL. B. PG. 115, H.C. D.R. HIDALGO COUNTY IRRIGATION DISTRICT NO.2 THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO.2

DAY OF GNOONY 20 23 NO IMPROVEMENTS OF ANY KIND, (INCLUDING WITHOUT LIMITATON, TREES,

ATTEST:

FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALGO COUNTY IRRIGATION DISTRICT NO. LRIGHTS-OF-WAY OR TEASE MENTS.

PRESIDEN





SCALE: 1"=20"

LEGEND FOUND 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CVQ LS" SET 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CVQ LS"

FOUND 1/2" IRON ROD

POINT OF BEGINNING

PLAT OF

VIRGINIA TERRACE No. 5 1, 2, 3, & 4

LOTS 2A & 2B, No. 3

BEING A RE-PLAT OF A TRACT OF LAND CONTAINING 0.42 ACRES OF LAND SITUATED
IN HIDALGO COUNTY, TEXAS, BEING LOT 2, VIRGINIA TERRACE NO. 3 OF VIRGINIA
TERRACE NO. 5 1, 2, 3 AND 4, AND ADDITION TO THE CITY OF MCALLEN, HIDALGO
COUNTY, TEXAS, MAP REFERENCE: VOLUME 12 PAGE 12 MAP RECORDS, HIDALGO
COUNTY, TEXAS.

DATETREVISED: DECEMBER 12, 2022 PROJECT NO. 21-129

PLAT SHEET 1 OF 1

THA YER'S

METES & BOUNDS

A tract of land containing 0.42 acres of land situated in Hidalgo County, Texas, being LOT 2, VIRGINIA TERRACE NO. 3 of Virginia Terrace No.'s 1, 2, 3 and 4, and addition to the City of McAllen, Hidalgo County, Texas, app reference: Volume 12 Page 12 Map Records, Hidalgo County, Texas, said Lot 2 being that tract of land deeded to Kimberly M. Belgum, recorded in Document 3000048 Deed Records, Hidalgo County, Texas, said 0.42 acres also being more particularly described as follows:

LOTS 2A & 2B.

VIRGINIA TERRACE

LOCATION MAP

PREPARED BY: M. GARCIA ENGINEERING, LLC. www.mgarciaengineering.com

, at a ½" iron rod found on the Southeast corner of said Lot 2, and the west right—of—way line G" Street (50.00 foot right—of—way), for the Southeast corner of this tract;

THENCE S 81° 22° 52° E, along the north line of solid Lot 2, a distance of 140.00 feet to a $\frac{1}{2}$ ° iron with a plastic cap stamped "CVQ LS" set on the northeast corner of said Lot 2, the west right-of-way of said South G" Street, for the Northeast corner hereof;

Bearing basis as per TEXAS STATE PLANE COORDINATES SYSTEM NAD 1983, South zone.

GENERAL PLAT NOTES AND RESTRICTIONS:

THE FLOOD DESIGNATION FOR THIS PROPERTY IS "ZONE B"-AREAS BETWEEN LIMITS OF THE 100 YEAR AND SOU YEAR FLOOD; UN CERTAIN AREAS SUBJECT TO TOU YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE FOOT OR WHERE THE CONTRIBUTING DAIRIAGE AREA IS LESS THAN ONE SOUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. (MEDIUM SHADING)

FIRM COMMUNITY PANEL No.: 480343 0010 C MAP REVISED: 480343 0010 C NOV. 02, 1982

2. PROJECT BENCHMARK:

BM - MC79 LOCATED AT THE NORTHEAST CORNER OF McCCLL ROAD & BUSINESS 83 ELEV=116.20 TEXAS SOUTH (4205) HORIZONTAL DATUM: NAD 83 VETICAL DATUM: NAVD 88 N=16598335.61518 E= 1078415.43699

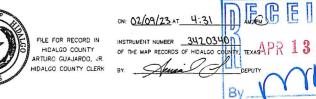
PRIVATE BM — SQUARE CUT ON CONCRETE CURB WEST SIDE ${}^{\circ}C^{\circ}$ STREET, ECCATED NEAR THE SCUTHWEST CORNER OF THIS SUBDIVISION.

ALL SETBACKS ARE SUBJECT TO INCREASE FOR EASEMENTS

- MINIMUM FINISH FLOOR ELEVATION: 18" ABOVE TOP OF CURB AT CENTER OF LOT.
- 5. STORM WATER DETENTION REQUIRED 705.00 C.F. OR (0.0162 Ac-Ft) PER DRAINAGE REPORT FOR 50 YEAR FLOOD.
- 6. 6FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL AND INDUSTRIAL ZONES/USES.
- 8FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- 8. A 4 FT. WDE MINIMUM SIDEWALK REQUIRED ALONG SOUTH "G" STREET.
- WATER AND SEWER SERVICE INSTALLATIONS WILL BE REQUIRED AT THE TIME OF THE BUILDING PERMIT APPLICATION.

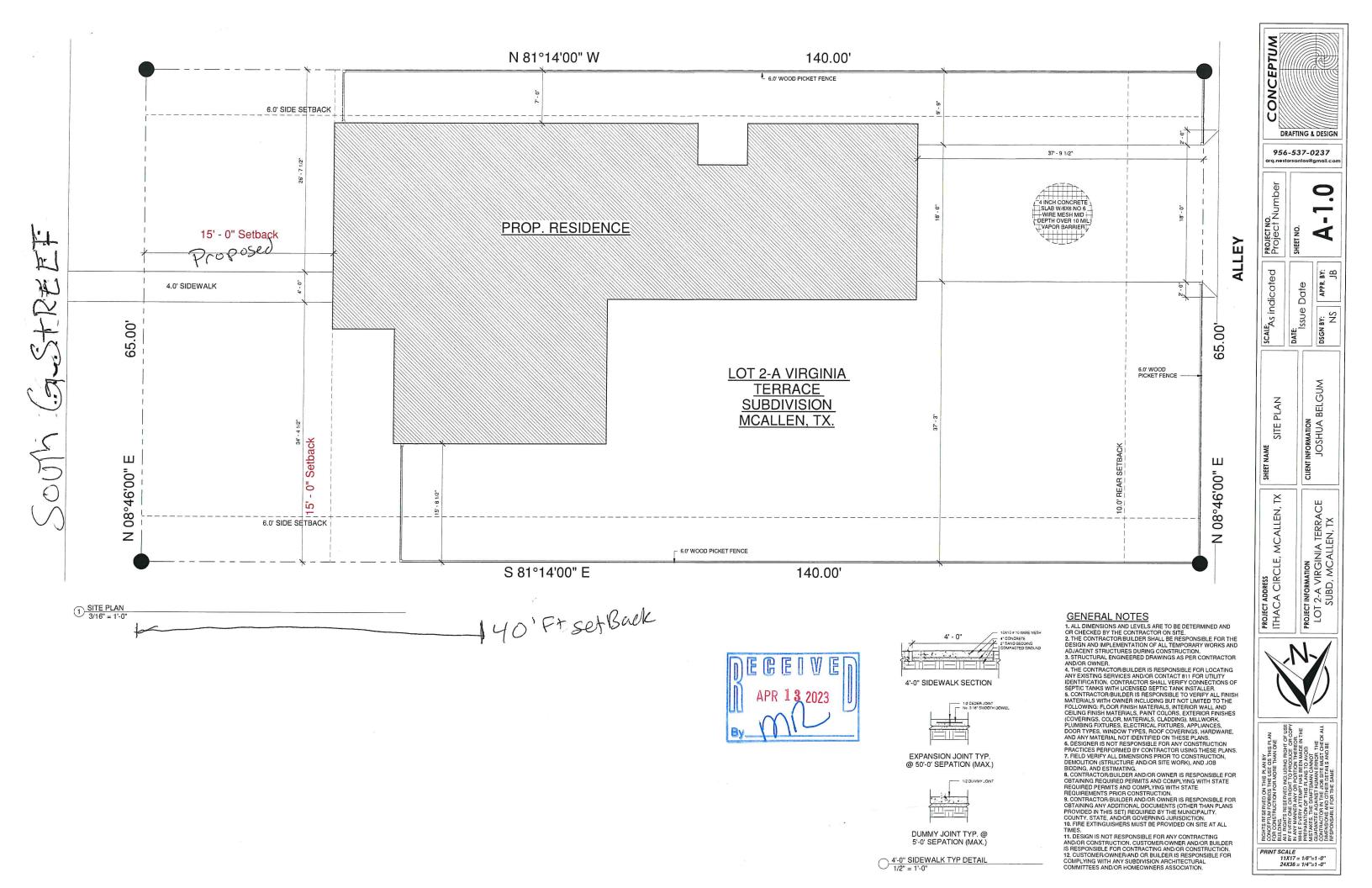
ADDRESS P.O. BOX 1809 McALLEN, TX 78505
1616 E GRIFFIN PKWY,#146
517 BEAUMONT AVE. McALLEN, TEXAS 785

CITY, STATE & ZIP CODE











Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

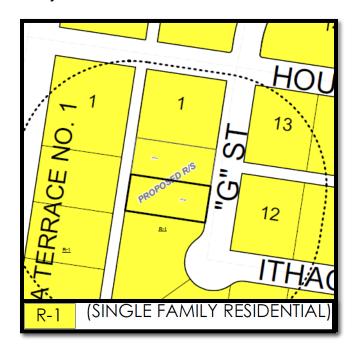
DATE: May 10, 2023

SUBJECT: REQUEST OF JOSHUA BELGUM FOR A VARIANCE TO THE CITY OF MCALLEN

ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 25 FEET INTO THE 40 FEET FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY HOME AT LOT 2B, VIRGINIA TERRACE SUBDIVISION, NO.'S 1, 2, 3 & 4, LOTS 2A AND 2B, NO. 3,

HIDALGO COUNTY, TEXAS; 804 SOUTH "G" STREET. (ZBA2023-0037)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 25 feet in to the 40 feet front yard setback in order to accommodate the construction of a proposed single family residence.





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

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

The Variance request was submitted April 13, 2023.

ANALYSIS: The plat for this subdivision shows a 10 feet utility easement at the rear of the Lot, adjacent to the rear property line. The plat indicates a 40 foot front yard setback. The front yard setbacks are important in establishing the character of a single family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view.

Approval of the variance request will allow the proposed construction as depicted on the site plan, but would be in conflict with setback requirements for this subdivision. The submitted site plan shows that there is space at the rear of the Lot to allow relocation and be in compliance with the 40 feet front yard setback requirements, however the applicant states that he would like to allow for more backyard area and space for a placement of a swimming pool in the future.

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

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

RECOMMENDATION: Staff recommends disapproval of the Variance request since the site plan can be modified to be in compliance.

311 North 15th Street

260A 5/17/23

City of McAllen

Planning Department

McAllen, TX 78501 P. O. Box 220 McAllen, TX 78505-0220 (956) 681-1250 (956) 681-1279 (fax)

APPEAL TO ZONING BOARD OF

	ADJUSTM	ENT TO MCA	ALLEN Z	ONING C	RDINAN	CE
	Legal Description	Virginia Terr	race No.':	s 1,2,3,&	4 Lot 2B,	No.3
Project	Street Address Nu Existing Zoning Res Reason for Appeal (pl Peron Control \$300.00 non-refunction Current Survey and	804 S "G" Stumber of lots sidential / 2 [ease use other side if ne	Existin Existin eccessary) Plea 40' esse a	Gross acre g Land Use ase see f lest. [] ecording Fee	78501 es 0.2089 Vacant ollowing e for Special	pages for appearance Spec + Page Exception (carport)
Applicant	Address 302 S	Belgum S. Taylor Rd		_E-mail_jos	shb@kimbeı	
Owner	Address 302 S	Belgum . Taylor Rd		_E-mail_jc	shb@kimbe	r1985.com
Authorization	etc. which would provided in the second seco	ur knowledge are to prevent the utilizate the actual owner of submitted with red by the actual over the actual of such a Belgum	tion of the proper my consent wner to subr	roperty in the No ty described (include cor mit this appli	e manner ind d above and porate name cation and h	dicated? this if applicable)
Office	Accepted by AS	Payment r	received by	M/L	Date /	GEIVE APR 13 2023

City of McAllen

Planning Department REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	curi	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: Request to adjust building setback lines from required 40' to 15'. My neighbors have the following setbacks 14', 11', 17', 19'. The ent setbacks would deprive/limit the proposed house location and priva 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The proposed variance is necessary to allow the property owner the same enjoyment of his property as his neighnors. They all have fences that allow for more privacy/space in their back yards. 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: To my Knowledge of Unit area and Property: A Describe special conditions that are unique to this applicant or property:
		established community that his seen fully developed.
ilon		
board Action		Chairman, Board of Adjustment Date Signature



Planning Department REASON FOR APPEAL & BOARD ACTION

Chairman, Board of Adjustment Date Signature Rev. 9/20	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 Adjustment will consider any combination of the following: (Please use an additional page in accessary 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: Request to adjust 10' utility easement to 0' The City required I include the easement on the Plat, but 100% of all utilities are in place. This is a fully developed subdivision. 2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner: The proposed variance is necessary to allow the property owner the same enjoyment of his property as his neighnors. They all have fences that allow for more privacy/space in their back yards. 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: 4. Describe special conditions that are unique to this applicant or property:
Chairman, Board of Adjustment Signature Rev. 9/20 Chairman, Board of Adjustment Date Date	ction	
Rev. 9/20	soard Ac	
	П	Rev. 9/20

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED AS <u>VIRGINIA</u> TERRACE NO.'S 1. 2. 3. & 4. LOTS 2A & 2B. NO. 1 SUBDIVISION TO THE CITY OF MCALLEN, TEXAS AND WHOSE NAME(S) IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER LINES, SEWER LINES, STEP HYDRANTS, PUBLIC PLACES WHICH ARE INSTALLED CR WHICH ARE INSTALLED OR WHICH ARE INSTALLED OR WHICH ARE INSTALLED OR WHICH ARE INSTALLED OR SHOWN OR NOT SHOWN IF REQUIRED OTHERMSE TO BE INSTALLED OR DEDICATED UNDER THE SIDEWAYAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THERE SYPESSED, EITHER ON THE PLAT HEREO OR ON THE OFFICE WHICH STANDARD OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THERE SYPESSED, EITHER ON THE PLAT HEREO OR ON THE OFFICE WHILL SHOW THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN. NOTARY PUBLIC'S CERTIFICATION COUNTY OF HIDALGO BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TOSHUR RAY BERUM & RYAT Lee Stauffer KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT! AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREBY EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 6th DAY OF January 2023. Namo Ing Conec I, MARIANO GARCIA. A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN GIVEN PROPER AND ADEQUATE ENGINEERING CONSIDERATION. 15/N/28 STATE OF TEXAS A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION OF ACALLEN, TEXAS 78501

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

CHAIRMAN PLANNING AND ZONING COMMISSION

Date:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 549.211(6). THE DISTRICT HAS NOT REVEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURE PESCHIED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITETIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER OF ORITIFIED.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

HIDALGO COUNTY IRRIGATION DISTRICT NO.2

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION DISTRICT NO.2

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATON, TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON HIDALO COUNTY IRRIGATION DISTRICT WALRIGHTE OF WAY DRIEASE MENTS.

PRESIDENT

ATTEST:

20.0' ALLEY (VOL. 12, PG. 12, H.C.M.R.) 0 Ŏ 30. 田 4 080 \mathbf{z}

581.18,46.E Z00.00,

SW. COR. VOL. 8, PG. 115, H.C. D.R.

SCALE: 1"=20"

LEGEND FOUND 1/2" IRON ROD WITH PLASTIC CAP STAMPED "CVQ LS" FOUND 1/2" IRON ROD POINT OF REGINNING

200' ALLEY

REET H.C.M.R.)

 \mathcal{G}''

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30.

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08°41

S

LOT 2

25.00' 50.00'

R.d.W.

PRIVATE BENCH MARK SQUARE CUT ON CONCRETE SE. COR ELEV = 116.26'

12,

PG. -B)

12, B

UTH - VOL. (29.8

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(50.0)

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(VOL. 12, PG. 12, H.C.M.R.)

METES & BOUNDS

A tract of land containing 0.42 acres of land situated in Hidalgo County, Texas, being LOT 2, VIRGINIA TERRACE NO. 3 of Virginia Terrace No.'s 1, 2, 3 and 4, and addition to the City of Medillen, Hidalgo County, Texas, map reference: Volume 12 Page 12 Map Records, Hidalgo County, Texas, said Lot 2 being that tract of land deeded to Kimberty M. Belgum, recorded in Document 3000048 Deed Records, Hidalgo County, Texas, said 0.42 cares also being more particularly described as follows:

LOTS 2A & 2B,

VIRGINIA TERRACE NO. 3

LOCATION MAP

PREPARED BY: M. GARCIA ENGINEERING, LLC www.mgarciaengineering.com

VIRGINIA TERRACE No.'s 1, 2, 3, & 4

LOTS 2A & 2B, No. 3

EING A RE-PLAT OF A TRACT OF LAND CONTAINING 0.42 ACRES OF LAND SITUATED
IN HIDALGO COUNTY, TEXAS, BEING LOT 2, VIRGINIA TERRACE NO.'S 1, 2, 3 AND 4, AND ADDITION TO THE CITY OF MCALLEN, HIDALGO
COUNTY, TEXAS, MAP REFERENCE: VOLUME 12 PAGE 12 MAP RECORDS, HIDALGO
COUNTY, TEXAS.

PLAT SHEET 1 OF 1

DATE PREPARED: APRIL 18, 2022 DATE SURVEYED: JANUARY 14, 2022

SCALE: 1"=1000"

DATETREVISED: DECEMBER 12, 2022 PROJECT NO. 21-129

THE TER'S

Bearing basis as per TEXAS STATE PLANE COORDINATES SYSTEM NAD 1983, South zone

GENERAL PLAT NOTES AND RESTRICTIONS:

THE FLOOD DESIGNATION FOR THIS PROPERTY IS "ZONE B"-AREAS BETWEEN LIMITS OF THE 100 YEAR AND SOU YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO TOU YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE FOOT OR WHERE THE CONTRIBUTING DAIRIAGE AREA IS LESS THAN ONE SOUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. (MEDIUM SHADING)

2. PROJECT BENCHMARK

BM - MC79 LOCATED AT THE NORTHEAST CORNER OF McCCLL ROAD & BUSINESS 83 ELEV=116.20 TEXAS SOUTH (4205)
HORIZONTAL DATUM: NAD 83
VERTICAL DATUM: NAVD 88
N=16598335.61518
E= 1078415.43699

PRIVATE BM - SQUARE CUT ON CONCRETE CURB WEST SIDE "G" STREET, ¿COATED NEAR THE SCUTHWEST CORNER OF THIS SUBDIVISION.

4. MINIMUM FINISH FLOOR ELEVATION: 18" ABOVE TOP OF CURB AT CENTER OF LOT.

STORM WATER DETENTION REQUIRED 705.00 C.F. OR (0.0162 Ac-Ft) PER DRAINAGE REPORT FOR 50
YEAR FLOOD.

6. 6FT. CPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL,

8FT MASONRY WALL REGUIRED SETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.

8. A 4 FT, WIDE MINIMUM SIDEWALK REQUIRED ALONG SOUTH "G" STREET.

WATER AND SEWER SERVICE INSTALLATIONS WILL BE REQUIRED AT THE TIME OF THE BUILDING PERMIT APPLICATION.

OWNER: BEST ASSETS, LLC ENGINEER: MARIANO GARCIA, P.E. SURVEYOR: JCRGE RODRIGUEZ, RPLS BEST ASSETS, LLC MARIANO GARCIA, P.E.

ADDRESS AUDRICES

P.O. BOX 1809 McALLEN, TX 78505

1616 E GRIFFIN PKWY, #146
MISSION, TX 78572

517 BEAUMONT AVE. McALLEN, TEXAS 78501

VIRGINIA TEPRACE No 3 (VOL. 12, FG 12, HCMP)

S 81°22'52" E 140.00'

LOT 2A

(9,100 SF)

140.00

LOT 2B

(9,100 SF)

N 81°22'52" W 140.00'

LOT 3 VIPGINIA TERRACE No. 3 (VOL. 12, PG 12, H C.M P)

SUBDIVISION PLAT

VIRGINIA TERRACE No.'s 1, 2, 3, & 4

LOTS 2A & 2B, No. 3

BEING A RE-PLAT OF A TRACT OF LAND CONTAINING 0.42 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS, BEING LOT 2, VIRGINIA TERRACE NO. 3 OF VIRGINIA TERRACE NO.'S 1, 2, 3 AND 4, AND ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, MAP REFERENCE: VOLUME 12 PAGE 12 MAP RECORDS, HIDALGO COUNTY, TEXAS.

10.0' UTILITY FASEMENT (DEDICATED BY THIS PLAT)- 800

804

CITY, STATE & ZIP CODE



FILE FOR RECORD IN HIDALGO COUNTY ARTURO GUAJARDO, JR. HIDALGO COUNTY CLERK

ON: 02/09/23 AT 4:31 INSTRUMENT NUMBER 3420340 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS



PRINCIPAL CONTACTS

(956) 279-2954 (956) 207-6036 (956) 618-1551

E. ITHICA AVE.







WITHDRAWN

2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

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:			Deadlines:										
_	ity Commis			nning & Zo	-	D- Zoning/CUP Application N - Public Notification										
·——·	ublic Utility		Zoni	ng Board o	f Adjustmei	nt	* Holiday Office is closed									
HPC - His	storic Preservati		UARY 2	000		* Holiday - Office is closed FEBRUARY 2023										
Sun	Mon	Tue	Wed	Thu	Fri	S	Sun Mon Tue Wed Thu Fri									
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	HOLIDAY	3	7	N-1/17& 1/18 D-2/7 & 2/8		ľ				ľ	2		7			
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								A-2/21 & 2/22		N- 2/21& 2/22 D- 3/7 & 3/8						
15	16	17	18 N-2/7 & 2/8	19	20	21	12	13	14			17	18			
22	A-2/7 & 2/8 23	24	D-2/121 & 2/22 25	26 HPC	27	28	19	20	21	22	23 HPC	24	25			
								A-3/2 & 3/3		N-3/7 & 3/8 D-3/21 & 3/22						
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		MA	RCH 20)23					APR	RIL 202	3					
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5	6	7	8 N-3/15 & 3/16	9	10	11	2	3	4	5 N-4/18 & 4/19	6	7 HOLIDAY	8			
	A-3/15 & 3/16		D-4/4 & 4/5					A-4/18 & 4/19		D-5/2 & 5/3						
12	13	14			17	18	9	10	11	12	13	14	15			
19	20	21	22 N-4/4 & 4/5	23	24	25	16	17	18	19 N- 5/2 & 5/3	20	21	22			
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			IAY 202	3			JUNE 2023									
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			D-6/20 & 6/21													
15	22	23	24	25 HPC	26	27	18	19	20	21	22	23	24			
	A-6/6 & 6/7		N-6/6 & 6/7							D-7/26 & 7/27						
28	HOLIDAY	30	31				25	26 A-7/12 & 713	27	28 N-7/12 & 7/13	29 HPC	30				
Deadline	Les and Meetin	g Dates are	subject to cha	nge at any ti	ne. Please	contact the	e Plannin		at (956) 681-1			ons.				
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PLANNING DEPARTMENT



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

2023 CALENDAR

			Meetings:			Deadlines:											
City Commission Planning & Zoning Board								D- Zoning/CUP Application N - Public Notification									
	ıblic Utility I			Zoning B	oard of Adju	* Holiday - Office is closed											
HPC -	Historic Pre	es Council JI	ЛХ 202	19		* Holiday - Office is closed AUGUST 2023											
Sun	Mon	Tue	Wed	T hu	Fri												
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			N-7/26 & 7/27						_								
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3	HOLIDAY	5	6 N-9/19 & 9/20	7	8	9	8	9	10	11	12	13	14				
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							31										
Deadline	es and Meetin	g Dates are	subject to cha	nge at any ti	me. Please o	contact the	e Plannin	g Department	at (956) 681-1	250 if you hav	e any questi	ons.					