

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MAY 20, 2026 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> 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 -

#### 1. MINUTES:

- a) Minutes for the meeting held on May 6, 2026

#### 2. PUBLIC HEARINGS:

- a) Request of Gabriel Segovia, a special exception to allow an encroachment of 16 feet into the 20-foot front setback for a proposed carport, at Lot 19, Amended Parkway Estates Subdivision, Hidalgo County, Texas; 2308 Thunderbird Avenue. **(ZBA2026-0019)**
- b) Request of Spoor Engineering Consultants, Inc., on behalf of Astrid Gutierrez, for a variance to allow lot frontage of less than 50 feet and to allow lot area of less than 5,000 square feet for a proposed subdivision, at Lot 1 and the north one-half of Lot 2, Block 2, Bryan's Addition Subdivision, Hidalgo County, Texas; 324 North 4th Street. **(ZBA2026-0018)**

#### 3. FUTURE AGENDA ITEMS

- a) 3205 Upas Avenue
- b) 100 East 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, May 6, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hugo Avila</b>	<b>Vice-Chairperson</b>
	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Ivan Garcia</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>
	<b>Francisco Davila</b>	<b>Alternate</b>

<b>Staff Present:</b>	<b>Norma Borrego</b>	<b>Assistant City Attorney I</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Kaveh Forghanparast</b>	<b>Senior Planner</b>
	<b>Mia Fuentes</b>	<b>Planner I</b>
	<b>Jonathan Gutierrez</b>	<b>Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a) Minutes for meeting held on April 22, 2026.

The minutes for the meeting held on April 22, 2026. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Ivan Garcia seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a) Request of Miguel de la Cruz for a special exception to allow an encroachment of 16.5 feet into the 30-foot front setback for a carport, at Lot 21, Block 2, Langridge Addition Subdivision, Hidalgo County, Texas; 1008 North 28th Street. **(ZBA2026-0015)**

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 16.5 feet into the 30-foot front yard setback for a carport.

The subject property was located along the east side of North 28<sup>th</sup> Street, south of Kendlewood Avenue and was zoned R-1 (Single-Family Residential-OC) District.

Langridge Addition Subdivision was recorded on March 28, 1967. A building permit was submitted by the applicant on July 28, 2021 for a carport. The permit was rejected by staff pending approval from the Zoning Board of Adjustments. A stop work order was posted on

February 25, 2026 for the carport encroachment. The applicant renewed the original building permit on March 6, 2026. The permit was reviewed by staff and rejected due to the encroachment into the front setback. An application for a special exception was submitted on March 10, 2026.

The recorded plat required a 30-foot front yard setback. The existing carport measures 28 feet by 20 feet, however, the applicant has agreed to shorten the carport to 28 feet by 14 feet for a total area of 392 square feet. The applicant stated the carport was built to help protect family members, with medical conditions, from the weather. There are two previously approved special exception requests in the subdivision.

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

Staff recommended approval of the special exception due to it aligning with the characteristic of the neighborhood.

Ms. Mauricia Lopez and Mr. Miguel de la Cruz, 1008 North 28<sup>th</sup> Street. She stated she wanted to keep it the way it was because she had two elderly handicapped people. They needed it for the weather conditions when they come out with the use of their walkers.

Board member Gutierrez asked the applicant if staff had mentioned to them about reducing it to the 400 square footage. The applicant stated yes, the length.

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 the discussion, Mr. Hiram Gutierrez **moved** to go with staff's recommendation and approve the Special Exception with the conditions it will not be more than 400 square feet. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b) Request of Jorge Ancer, on behalf of Lidza Kalifa, for a variance to allow an encroachment of 7 feet into the 10-foot side setback for a swimming pool, at Lot 1, Spanish Oaks @ Frontera Subdivision, Hidalgo County, Texas; 912 Grayson Avenue. (ZBA2026-0016)**

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 7 feet into the 10-foot side yard setback for a proposed pool.

The subject property was located along the north side of Grayson Avenue, east of North 8<sup>th</sup> Street and was zoned R-1 (Single-Family Residential-OC) District.

Spanish Oaks @ Frontera Subdivision was recorded on May 8, 2018. A building permit for the main residence was submitted on December 2, 2025. The permit was issued on December 17, 2025. The applicant submitted the variance request on March 13, 2026 for the proposed pool.

The recorded plat required a 10-foot corner side yard setback on the west side of this lot. The required interior side setbacks are 2 feet on the west sides and 6 feet on the east sides for a total of 8 feet between buildings. The corner side of the lot is adjacent to the 26-foot alley and fire access with no adjacent lots to the north, south, or west. The applicant stated the large setbacks and small lot size limit the amount of space available for use. There have been three approved variance requests for a pool encroaching into the rear setback.

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

Staff recommended disapproval of the variance request since it does not comply with the minimum corner side setback requirement.

Ms. Erica de la Garza Lopez, 2608 South 2<sup>nd</sup> Street. She stated she was the project manager for this home that they are building for her sister, Lidza Kalifa. She stated she submitted to staff for additional information on the pool distance from the pool to the fence and the fence to the alley. In addition, pictures of the masonry block fence, which was 8 inches. Given the irregular size of the lot and dimensions, it was a little more difficult to put the pool in the rear of the property. She stated there would be a natural fence like an oleander and bushes to give it a more welcoming feel on the inside of the property instead of looking at just a brick wall. Chairperson Gutierrez explained to the applicant about how the Variances go with the land and anything could be built there in the future. They had concerns for her elderly parents coming out onto the patio and falling into the pool.

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.

Board member Garcia asked if it was encroaching into the setbacks there were no utilities. Staff responded no.

Planning Director Sotelo stated the memo shows a storage complex to the west side. They also have the outer perimeter drive and a CMU wall, which makes it well protected from fire.

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

- c) Request of Sergio Alaniz for a special exception to allow an encroachment of 7 feet into the 20-foot front setback and 1 foot into the 6-foot side setback for a carport, at Lot 12, Block 6, Colonia Hermosa No. 2 Subdivision, Hidalgo County, Texas; 2105 Cortez Avenue. **(ZBA2026-0017)**

Ms. Fuentes stated the applicant was requesting a special exception to allow an encroachment of 7 feet into the 20-foot front yard setback and 1 foot into the 6-foot side yard setback for an existing carport.

The subject property was located along the south side of Cortez Avenue, west of South 21<sup>st</sup> Street and is zoned R-1 (Single-Family Residential-OC) District.

Colonia Hermosa No. 2 Subdivision was recorded in 1947. A building permit for the carport

was submitted on July 14, 2021. The permit was rejected by staff due to the encroachment into the front setback, and the permit was never issued. A stop work order was issued on March 2, 2026 for the carport. The applicant renewed the original building permit on March 18, 2026, and a variance request was submitted on March 19, 2026 for the encroachment.

According to Section §138-356 of the Zoning Ordinance, there is a required 20-foot front yard setback and a 6-foot side yard setback. The applicant states the carport provides protection from the weather. There have been six previously approved special exception requests in the subdivision.

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

Staff recommended disapproval of the special exception due to non-compliance with Section §138-356 of the Zoning Ordinance.

Chairperson Gutierrez asked staff if that the new ordinance stated 20 feet for the front yard setback and five feet for the side. Staff stated yes. He asked if this particular request complied with the new ordinance. Senior Planner Forghanparast stated that on this plat they had a 20-foot front yard setback so they were encroaching seven feet into the 20 feet so there was still an encroachment.

Board member Gutierrez asked staff if there were any other Special Exceptions granted in the neighborhood. Staff stated there were six Special Exceptions that were granted.

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 the discussion, Vice-Chairperson Hugo Avila **moved** to go against staff's recommendation and approve the Special Exception as noted. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Special Exception 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 at 4:46 p.m.

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

**Memo**

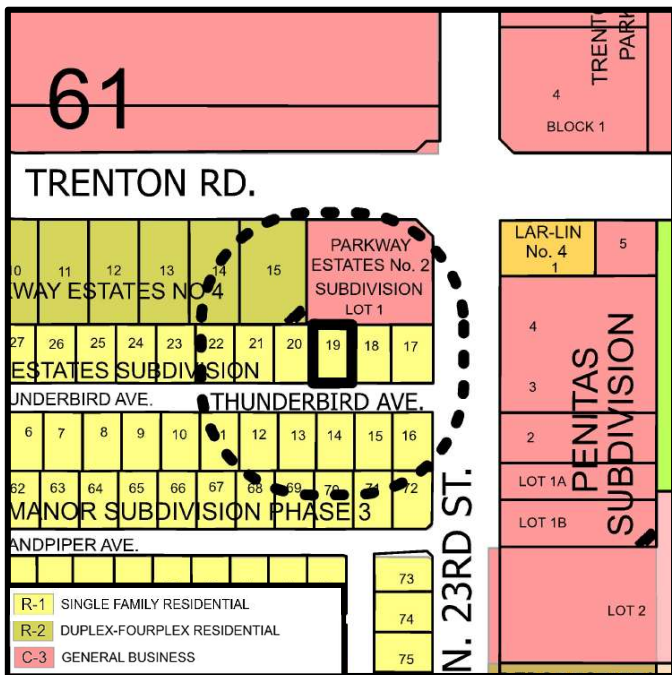
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** May 20, 2026

**SUBJECT: REQUEST OF GABRIEL SEGOVIA, A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 16 FEET INTO THE 20-FOOT FRONT SETBACK FOR A PROPOSED CARPORT, AT LOT 19, AMENDED PARKWAY ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2308 THUNDERBIRD AVENUE. (ZBA2026-0019)**

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 16 feet into the 20-foot front setback for a proposed 16' x 25' carport.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the north side of Thunderbird Avenue, west of North 23<sup>rd</sup> Street, and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** The Amended Parkway Estates Subdivision was recorded on September 26, 1994. The application for a special exception was submitted on April 7, 2026.

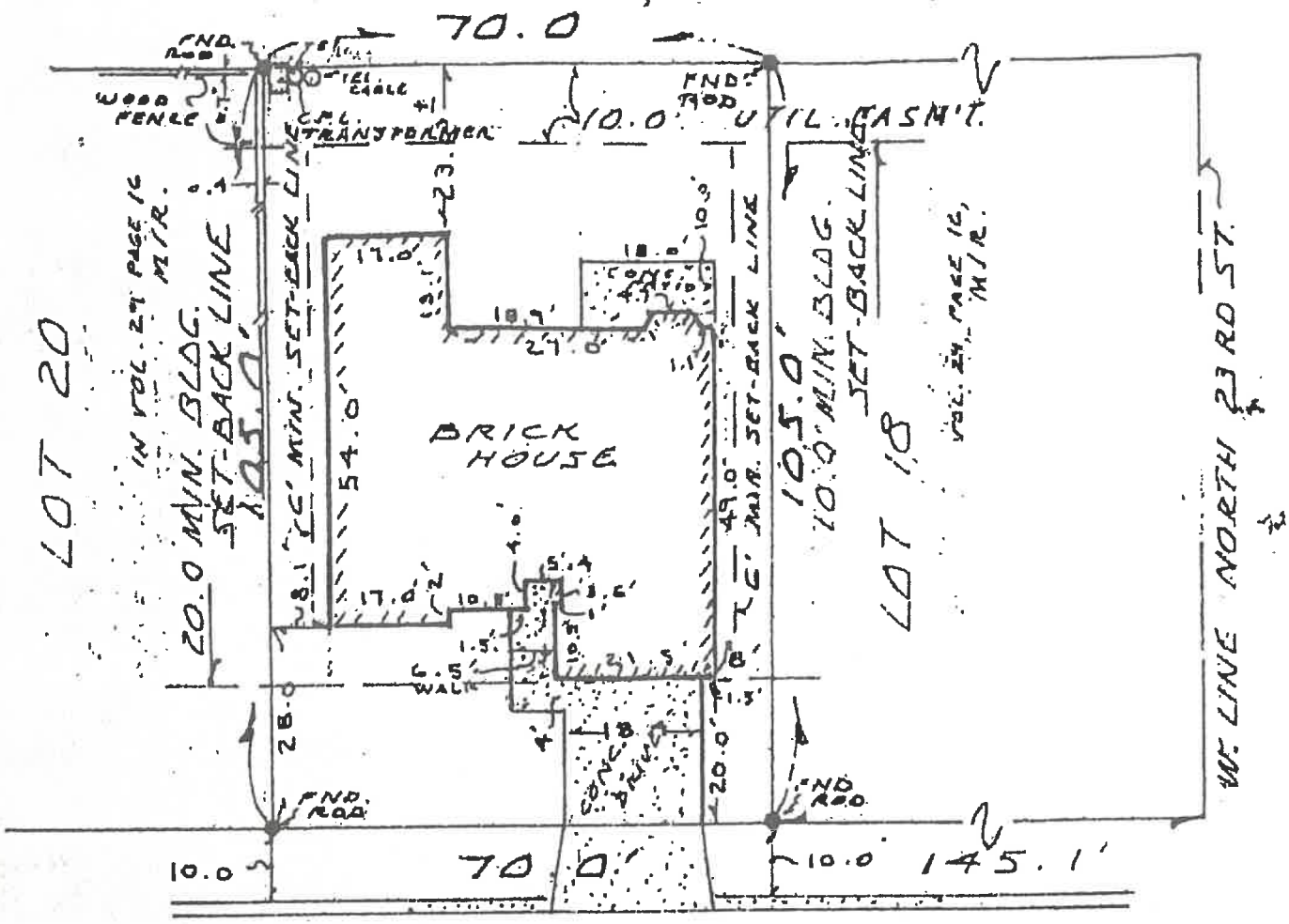
**ANALYSIS:** The applicant is requesting a special exception for a proposed 16' x 25' carport that will provide shade for their vehicles, and has stated that their vehicle does not fit within their garage.

The recorded plat of the subdivision requires a 20-foot front yard setback. During the site visit, staff did not find any properties along Thunderbird Avenue with carports encroaching into the required 20-foot front setback. Staff's research also did not reveal any records of special exception being granted for this subdivision.

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 did receive one phone call in opposition to the request.

**RECOMMENDATION:** Staff recommends disapproval of the variance request due to noncompliance with the front setback requirement in this subdivision.



DRAWN BY [Signature]

~~50 THUNDERBIRD - AVE.~~

EASEMENT STATUS

DOCUMENT #	STATUS
369903	BLANKET

RECEIVED

APR 04 2026

By OC

STEWART TITLE CO.  
 S. N. 01063706  
 ADDRESS: 2308 THUNDERBIRD AVENUE

*[Signature]* 12/13/2001  
*[Signature]* 12/13/2001

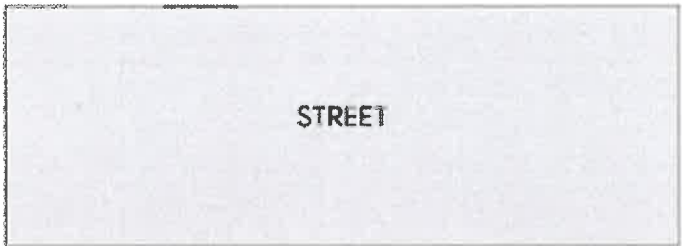
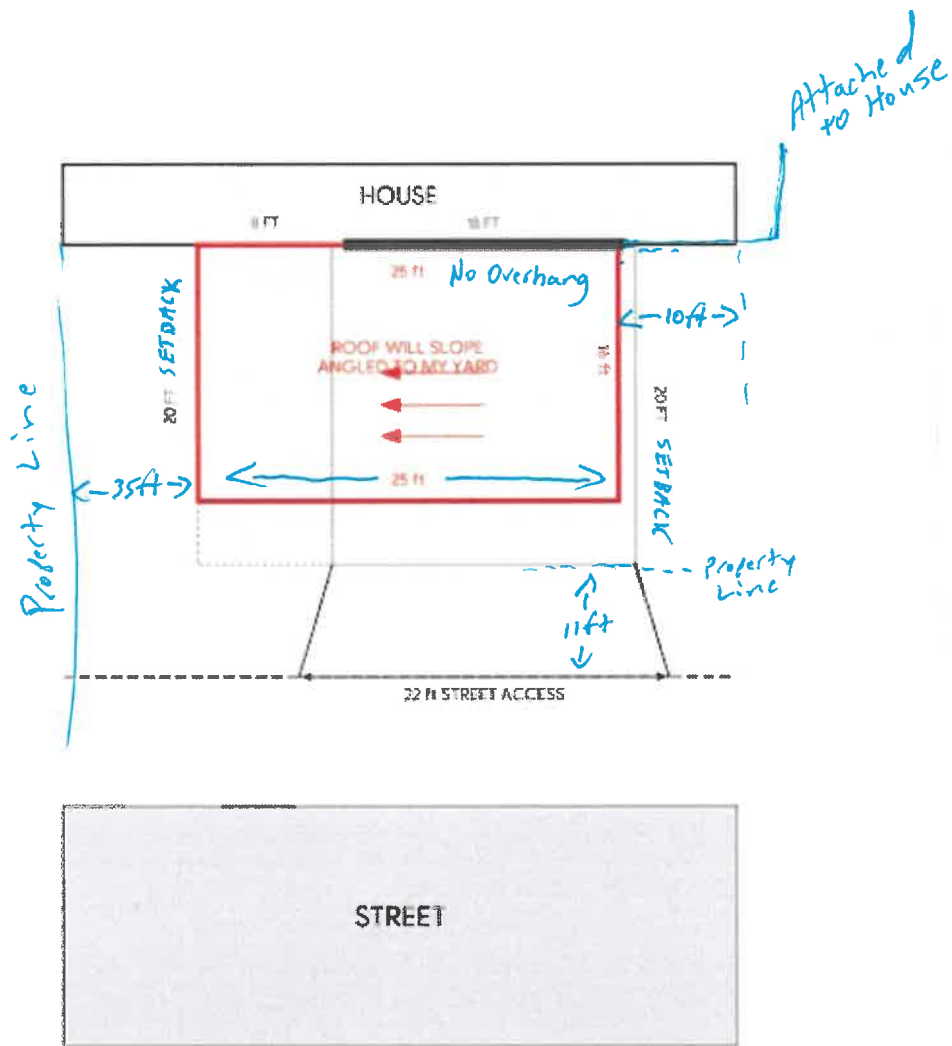
MAP

OF  
 LOT: 19,  
 PARKWAY ESTATES,  
 AMENDED,  
 CITY OF McALLEN,  
 HIDALGO CO., TEXAS.  
 RECORDED IN VOL. 29, PAGE 16 M/R.

EL FABIAN, A REGISTERED  
 SURVEYOR, DO HEREBY  
 CERTIFY THAT THE FOREGOING MAP IS A  
 TRUE AND CORRECT COPY OF THE  
 ORIGINAL SURVEY MADE ON THE  
 DATE AND UNDER MY SUPERVISION AND THAT

PREPARED BY  
**FABIAN, NELSON & MEDINA, INC.**  
 TEL. 320 N. 15TH ST. FAX  
 (210) 682-3414 McALLEN, TEXAS 78501 (210) 682-34

MICHAEL FABIAN



RECEIVED  
 APR 04 2026  
 By OG

**Memo**

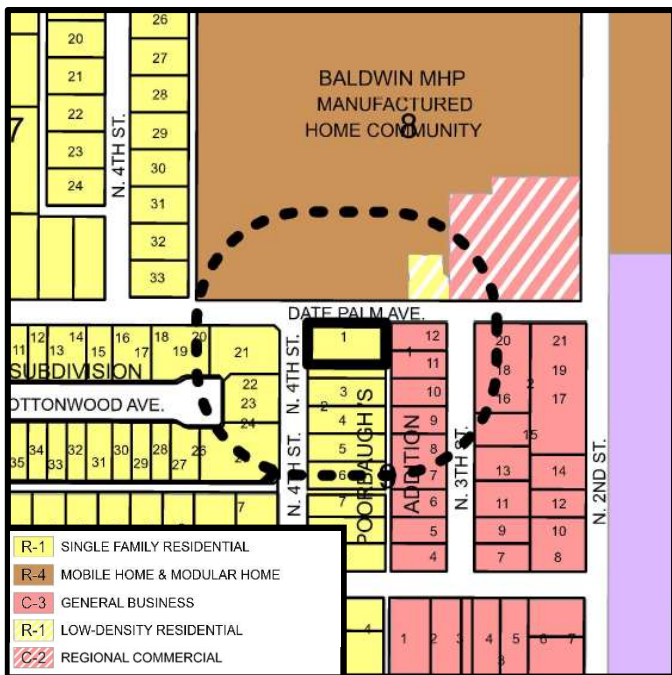
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** May 20, 2026

**SUBJECT:** REQUEST OF SPOOR ENGINEERING CONSULTANTS, INC., ON BEHALF OF ASTRID GUTIERREZ, FOR A VARIANCE TO ALLOW LOT FRONTAGE OF LESS THAN 50 FEET AND TO ALLOW LOT AREA OF LESS THAN 5,000 SQUARE FEET FOR A PROPOSED SUBDIVISION, AT LOT 1 AND THE NORTH ONE-HALF OF LOT 2, BLOCK 2, BRYAN'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 324 NORTH 4TH STREET. (ZBA2026-0018)

**REASON FOR APPEAL:** The applicant is requesting a variance to reduce the minimum lot width to 45 feet and the minimum lot area to 3,200 square feet for a proposed three-lot subdivision.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the southeast corner of North 4<sup>th</sup> Street and Date Palm Avenue, and is zoned R-1 (Single-Family Residential-OC) District.

**BACKGROUND AND HISTORY:** Bryan's Addition Subdivision was recorded on October 11, 1927. A rezoning request from R-1 (Single-Family Residential-OC) District to R-3A (Multifamily Residential Apartment-OC) District was disapproved by City Commission on January 9, 2023. The subject property is going through the subdivision process under the name Astrid's Place Subdivision. The variance request was submitted on March 27, 2026.

**ANALYSIS:** The minimum lot area for an R-1 (Single-Family Residential-OC) District is 5,000 square feet and the minimum lot width along frontage is 50 feet. The proposed lots are showing over 45 feet of lot frontage and approximately 3,200 square feet of lot area each.

Staff received two phone calls in opposition to the request.

**RECOMMENDATION:** Staff recommends disapproval of both variance requests.

