

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MAY 6, 2026 - 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 -

1. MINUTES:

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

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)**
- 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)**
- 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)**

3. FUTURE AGENDA ITEMS

- a) 324 North 4th Street
- b) 2308 Thunderbird 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, April 22, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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|-----------------|-----------------------|-------------------------|
| Present: | Jose Gutierrez | Chairperson |
| | Hugo Avila | Vice-Chairperson |
| | Daniel Santos | Member |
| | Juan Mujica | Alternate |
| | Alex Lamela | Alternate |
| | Erick Diaz | Alternate |

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|----------------|-------------------------|------------------|
| Absent: | Hiram Gutierrez | Member |
| | Ivan Garcia | Member |
| | Francisco Davila | Alternate |

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|-----------------------|----------------------------|----------------------------------|
| Staff Present: | Norma Borrego | Assistant City Attorney I |
| | Omar Sotelo | Planning Director |
| | Kaveh Forghanparast | Senior Planner |
| | Mia Fuentes | Planner I |
| | Jessica Puga | Technician II |
| | Carmen White | Administrative Assistant |

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for meeting held on April 8, 2026.

The minutes for the meeting held on April 8, 2026. The motion to approve the minutes were made by Vice-Chairperson Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Jose J. Rodriguez for a variance to allow an encroachment of 9 feet into the 20-foot front setback for an open pergola, at Lot 16, Trenton North Subdivision, Hidalgo County, Texas; 1608 Thunderbird Avenue. **(ZBA2026-0014)**

Ms. Fuentes stated the applicant was requesting a variance to allow an encroachment of 9 feet into the 20-foot front yard setback for a proposed pergola with a concrete base.

The subject property was located along Thunderbird Avenue, east of North 17th Street and is zoned R-1 (Single-Family Residential-OC) District.

Trenton North Subdivision was recorded on December 22, 1981. An application for a variance was submitted on March 09, 2026. This is the first variance application submitted for both this property and subdivision.

The recorded plat required a 20-foot front yard setback. The applicant stated the pergola would help to beautify the neighborhood and allow the family to better enjoy the front yard.

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 setback requirement.

Mr. Jose J. Hernandez, 2519 Brentwood Drive, Mission, Texas. He stated the way his house was built, it was square and in an older neighborhood. He wanted to build a front porch pergola to enjoy the front yard. He had a 40-year-old oak tree in the front and the pergola would be an addition to the neighborhood. The front yard was plain and the pergola would beautify it. He stated there was a proposed building behind his lot and there were stakes where a wall would be built. It would be 8 feet from his back fence and would not allow him to enjoy his backyard. Chairperson Gutierrez explained to the applicant that a variance goes with the land and not the owner. The next owner could build anything in that particular area or enclose it.

Vice-Chairperson Avila asked the applicant if the pergola was proposed and how it was going to be built. The applicant showed the Board pictures of his proposed request.

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.

Planning Director Sotelo stated that on a question about landscaping, with a landscape feature, you could not have a foundation. Once you have a foundation, it is considered a structure. He stated that pavers were allowed in general, but to be considered a landscaping feature, the pergola would have to be a frame with vines and no foundation.

Vice-Chairperson Avila mentioned that from the edge of the house to the back of curb had about 30 feet. He stated that if the applicant added 9 feet with the pergola, there would still be about 20 feet from the house to the back of curb.

Mr. Daniel Santos agreed and stated that the pergola would make the house more proportionate. Mr. Hernandez mentioned he had seen other pergolas when he travelled to the City of Marshall, and they were beautiful. Mr. Santos stated that it would be proportionate because a walkway was already existing, and if someone wanted to enclose it in the future, there was still plenty space between the house and back of curb.

Following the discussion, Mr. Erick Diaz moved to go against staff's recommendation and approve the variance request. Mr. Daniel Santos seconded the motion. The Board voted to approve the Variance request with four members voting aye and one nay, Chairperson Jose Gutierrez.

- b)** Request of David S. Valdez, on behalf of LOF Investments, for a variance, to allow an encroachment of 9.5 feet into the 15-foot front yard setback and 9.33 feet into the 10-foot corner setback for an existing metal carport at Lot 7, Block 48, North McAllen Subdivision, Hidalgo County, Texas; 220 North 11th Street. **(ZBA2026-**

0008) (TABLED: 03/18/2026) (REMAIN TABLED: 04/08/2026)

The applicant has withdrawn this item.

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.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 6, 2026

SUBJECT: 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)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 16.5 feet into the 30-foot front yard setback for a carport.



PROPERTY LOCATION AND VICINITY: The subject property is located along the east side of North 28th Street, south of Kendlewood Avenue and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: 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.

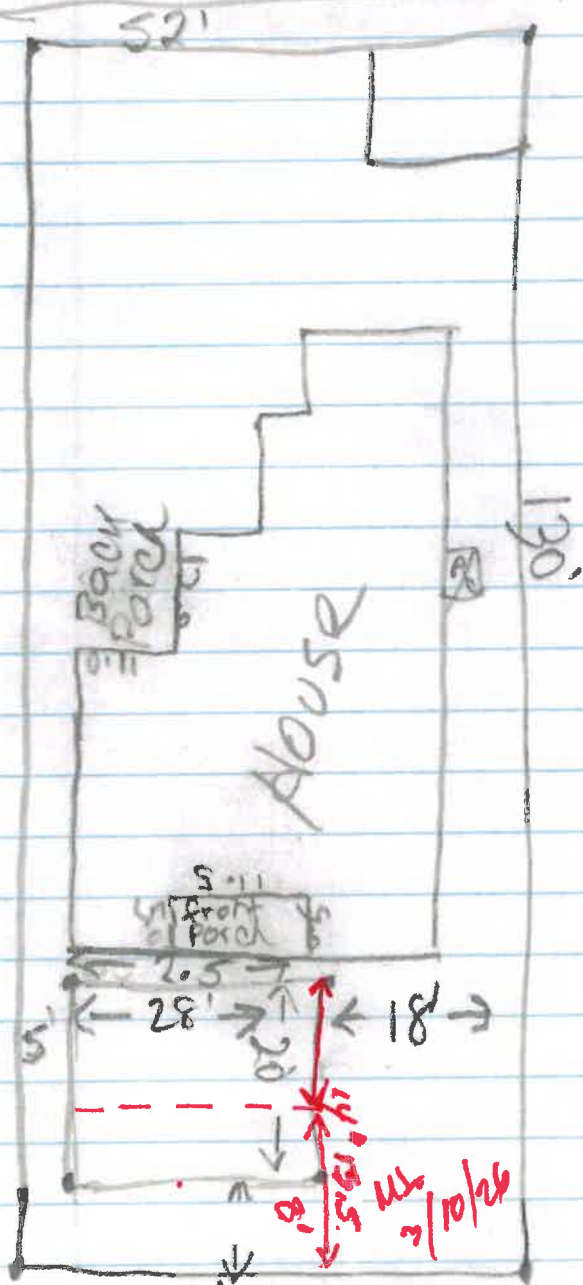
ANALYSIS: The recorded plat requires a 30-foot front yard setback. The existing carport measures 28 feet by 20 feet, however, the applicant has agreed to shorten the carport to 28 feet by 14 feet for a total area of 392 square feet. The applicant stated the carport was built to help protect family members,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

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

RECOMMENDATION: Staff recommends approval of the special exception due to it aligning with the characteristic of the neighborhood.

Lot 21 Block 2,
1008 N. 28th Street

Caliche alley



PROPERTY LINE

RECEIVED

MAR 10 2026

BY: AV.





ZBA2026-0015
• NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF McALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

Memo

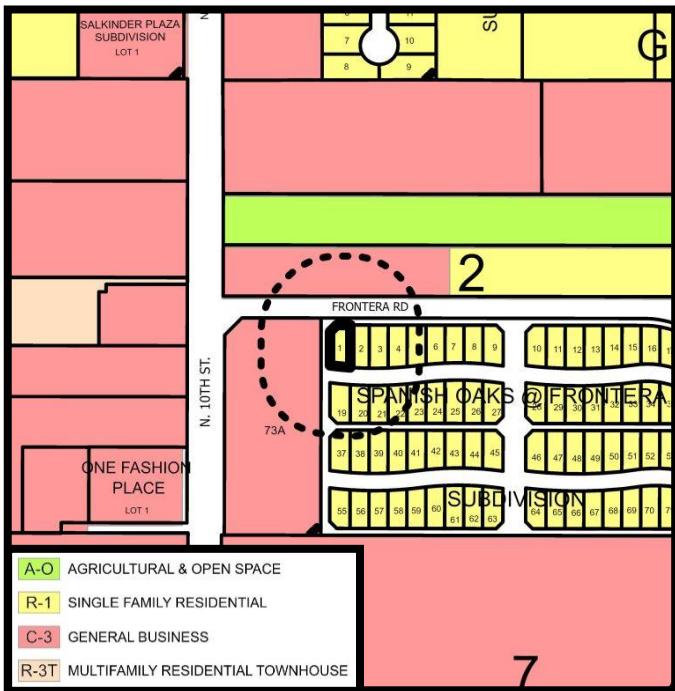
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 6, 2026

SUBJECT: 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)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 7 feet into the 10-foot side yard setback for a proposed pool.



PROPERTY LOCATION AND VICINITY: The subject property is located along the north side of Grayson Avenue, east of North 8th Street and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: 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.

ANALYSIS: The recorded plat requires a 10-foot side yard setback on the west side of the lot. The corner side of the lot is adjacent to the 26-foot alley and fire access with no adjacent lots to the north or south. 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 has not received any phone calls, emails or letters in opposition to this request.

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



NO
PARKING
ANY
TIME
←→

AND BREN

AND BREN

IRONBULL



ZBA2026-0016
NOTICE
OF VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.TX

VEGA
ROOFING
956-491-1111

MATERIALES
RIO GRANDE

POSTED
KEEP OUT

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 6, 2026

SUBJECT: 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)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 7 feet into the 20-foot frontyard setback and 1 foot into the 6-foot sideyard setback for an existing carport.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Cortez Avenue, west of South 21st Street and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: 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.

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

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

RECOMMENDATION: Staff recommends disapproval of the special exception due to noncompliance with Section §138-356 of the Zoning Ordinance.

Site Plan



RECEIVED

MAR 19 2026

BY: AW



ZBA2026-0017
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
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