

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, MAY 8, 2024 - 4:30 PM MCALLEN DEVELOPMENT CENTER 311 NORTH 15TH STREET EXECUTIVE CONFERENCE ROOM

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

CALL TO ORDER – Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on April 17, 2024

2. PUBLIC HEARINGS:

- a) Request of Walter B. Azuara for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of up to 7 feet into the 10-foot rear yard setback for a garage at Lot 1, The John Collavo Subdivision, Hidalgo County, Texas; 720 North 6th Street. **(ZBA2024-0011)**
- b) Request of Juan Roberto Moreno on behalf of Ricardo Rendon for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7 feet into the 10 feet rear yard setback and **2)** 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet, at Lot 42, Candleflower Subdivision No. 2, Hidalgo County, Texas; 1925 Lark Avenue. **(ZBA2024-0009) (TABLED: 04/03/2024) (TABLED: 04/17/2024)**

3. FUTURE AGENDA ITEMS

- a) 4501 South “M” Street

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 17, 2024 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Ann Tafel	Vice-Chairperson
	Hugo Avila	Member
	Rogelio Rodriguez	Member
	Alex Lamela	Alternate
	Pablo Garcia	Alternate
Absent:	Hiram A. Gutierrez	Member
	Juan Mujica	Alternate
Staff Present:	Benito Alonzo	Assistant City Attorney I
	Edgar Garcia	Planning Director
	Rodrigo Sanchez	Senior Planner
	Samuel Nunez	Senior Planner
	Hilda Tovar	Planner II
	Edson Lara	Planner II
	Natalie Moreno	Planner I
	Jessica Puga	Technician I
	Victor Grey	Technician I
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on April 3, 2024.

The minutes for the meeting held on April 3, 2024 were approved. The motion to approve the minutes were made by Mr. Alex Lamela. Vice-Chairperson Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Juan Roberto Moreno on behalf of Ricardo Rendon for the following variances to the City of McAllen Zoning Ordinance: **1)** to allow an encroachment of 7 feet into the 10 feet rear yard setback and **2)** 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet, at Lot 42, Candleflower Subdivision No. 2, Hidalgo County, Texas; 1925 Lark Avenue. **(ZBA2024-0009) (TABLED: 04/03/2024)**

Mr. Hugo Avila **moved** to remove the item from the table. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the Variance request with five members present and voting.

Ms. Tovar stated the applicant was requesting two variances to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

The subject property was located on the south side of Lark Avenue in between Lark Boulevard and Martin Avenue. Property has a frontage of 60 feet along Lark Avenue and a depth of 107 feet. The property was zoned R-1 (single family residential) District. There are single-family residences in all directions.

Candleflower Subdivision No.2 was recorded on April 12, 1982. The plat indicates a 10 feet rear yard setback and 6 feet side yard setback on both sides for the subdivision. The house was built in 1990. A building permit application was submitted on December 2023, for the proposed palapa and approved on January 2024. However, the project was not built to comply with permit conditions and failed inspections by the Building Department. On March 6, 2024, a variance application was submitted to resolve the encroachment of 7 feet into the 10 feet rear yard setback.

The applicant is requesting a variance to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

Applicant states that the palapa was approved with a building permit application. According to the site plan submitted, the proposed structure size is a total of 660 square feet. The palapa will be made out of concrete and it will include a kitchen, a restroom and a chimney. Initially, the site plan submitted for the building permit application did not show an encroachment into the setbacks. However, the rear yard setback was measured from the curb instead of the property line. In addition, site visit revealed that there is no distance between the main structure and the proposed patio.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Candleflower Subdivision No.2. In addition, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Variances are issued to the property and remain as a condition for future owners and new constructions.

Measurements provided are without benefit of a survey.

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

At the last meeting on April 3, 2024, the item was tabled by the board.

The building permit conditions and construction plans that previously approved by staff were requested by the board in order to further discuss the variance requests. The applicant would also have the opportunity to provide additional pictures of the proposed palapa.

Staff recommended disapproval of the variance requests.

Board member Avila asked staff if the first site plan submitted was part of the building permit. Staff responded yes. Board member Avila asked on the other plans submitted did they exceed the 660 square feet that noted on the building permit. Staff was not certain.

Board member Gutierrez asked if the original site plan included restroom. Staff stated it did include a restroom. It was noted on the floor plan of the palapa not the site plan. It also came with a plumbing and foundation plan.

Mr. Juan Roberto Moreno, the applicant stated when they originally submitted all the floor plan, the site plan was squared. Perhaps in a miscommunication, the contractor failed to put the square in the front. When the inspector came, he mentioned it was not on the site plan and that he could not approve the inspection because of the 50 feet that was missing on the square entrance of the palapa.

Board member Avila mentioned when looking at the foundation layout it looked like the concrete was going to be up to the existing residence. Mr. Moreno stated the reason for having it connected to the house foundation was that since there was a 3 foot section to avoid having mud that would accumulate.

Vice-Chairperson Tafel asked the applicant if he submitted a new site plan to indicate the change from the original one. Mr. Moreno stated he was not aware that he had to resubmit another site plan. He took it upon himself to add that section of concrete. He had no intentions of connecting the two buildings. Vice-Chairperson Tafel explained to the applicant that the variance ran with the land and that the next owner could build something else.

Board member Avila asked staff when the applicant applied for this permit he was given it with the understanding that he was going to be two feet versus the five feet. Staff stated yes. Planning Director Garcia stated one of the things the Board may consider was the cost for a certain variance to move the structure in order to correct it, was the structure more than itself then that would be considered to approve it.

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

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

Mr. Moreno stated he had five letters from neighbors in favor of his Variance request.

There was discussion amongst the Board members.

Mr. Moreno stated he did not intend to enclose the structure. He proceeded to read from a variance request letter, in which he wrote for the Board members.

Mr. Moreno stated that he spoke with his contractor that if it was not get approved at seven feet that he could get four feet and he separate the five feet from the house structure. Chairperson Gutierrez mentioned to the applicant that would make the request to have the item tabled in order to speak with staff, modify the original plan, and bring it back before the Board for reevaluation.

Mr. Moreno stated he would like to table the item until the next meeting.

Following discussion, Mr. Alex Lamela **moved** to table the item to allow the applicant an opportunity to consider modification of the Variance request. Mr. Hugo Avila seconded the motion. The Board voted to table the Variance request with five members present and voting.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

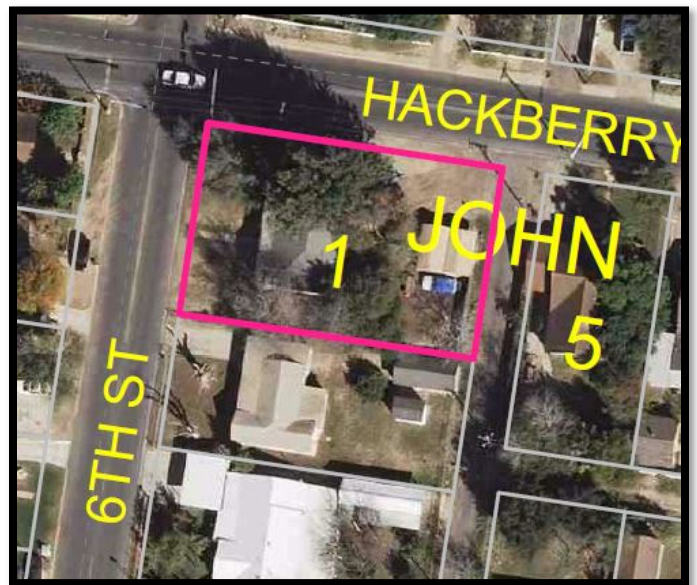
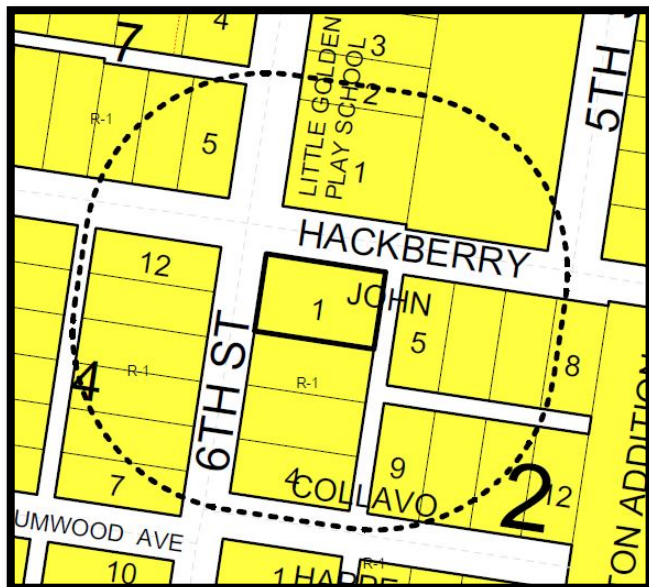
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: May 2, 2024

SUBJECT: REQUEST OF WALTER B. AZUARA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF UP TO 7 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR A GARAGE AT LOT 1, THE JOHN COLLAVO SUBDIVISION, HIDALGO COUNTY, TEXAS; 720 NORTH 6TH STREET. (ZBA2024-0011)

REASON FOR APPEAL: The applicant is requesting an encroachment of up to 7 feet into the 10 foot rear yard setback for an existing unfinished structure that is proposed to be used as a garage. The garage will be used to protect the residents, family vehicles, as well as household tools and equipment.



PROPERTY LOCATION AND VICINITY: The property is located at the southeast corner of Hackberry Avenue and North 6th Street. The property is zoned R-1 (single family residential) District. There is R-1 District in all directions.

BACKGROUND AND HISTORY: The John Collavo Subdivision was recorded on January 10, 1948. A stop work order was issued February 27, 2024 for construction without a permit. An application for a building permit was submitted on March 1, 2024. An application for a variance request was submitted March 20, 2024.

ANALYSIS: The applicant is requesting an encroachment of up to 7 feet into the 10 foot rear yard setback for an unfinished 560 square foot structure proposed to be used as a garage.

Construction for the unfinished garage structure was started over an existing concrete foundation that previously contained a metal canopy carport. The applicant states “cement slab with metal rails on exterior and middle of slab along with metal tubes were used as part of the structural base then reinforced with additional rebar monolithic form filled. Four by four, 3/8 inch tubes were added at each corner along with existing galvanized tubes that were in original cement approximately every four feet, formed into original external walls that was all encased with block.” The applicant was not aware of the requirement to maintain the required 10 foot rear yard setback nor the requirement to obtain a building permit for the new construction.

The applicant received approval for a right-of-way permit for driveway entrances from North 6th street and the alley at the rear of the property. Any driveway access to the proposed garage are required to be paved.

The applicant states that any previous structures shown with encroachments on the property survey (attached) were constructed during previous property ownership.

The existing unfinished building encroachment area measures approximately 149.3 square feet. The total rear yard setback is 860 square feet. The encroachment is 17% of the entire rear yard setback area.

The applicant has submitted a letter from the Department of Veteran Affairs that indicates that the new construction will help the applicant with mobility issues related to medical conditions.

The John Collavo Subdivision was recorded in 1948 and the plat does not indicate setbacks. Rear yard setbacks as per 1945 ordinance are three feet for accessory buildings. In 1979, the requirement changed to 10 feet. An aerial view of Lots within this subdivision shows existing encroachments into the rear yard setback. A site visit by staff confirmed the existing encroachments. A review of Planning Department records did not reveal any variances granted for encroachments. Building permits were issued for new accessory structures on Lots 11 and 12 in 2014 and 2012, respectively and the submitted site plans showed compliance with current setback requirements.

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

RECOMMENDATION: Staff recommends disapproval of the variance request. However, if the Board approves the request it should be limited to the footprint of the encroachment as shown on the submitted site plan.

ZBA 2024-0011

ZBA 05/18/24
@ 4:30pm



City of McAllen

Planning Department

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

APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Project	Legal Description	<u>THE JOHN COLLAVO LOT 1</u>		
	Subdivision Name	<u>THE JOHN COLLAVO</u>		
	Street Address	<u>720 N 6TH ST MCALLEN, TX 78501-2528</u>		
	Number of lots	<u>1</u>	Gross acres	<u>.26258</u>
	Existing Zoning	<u>Residential</u>	Existing Land Use	<u>Residential</u>
	Reason for Appeal (please use other side if necessary) <u>Encroachment of 7ft into 10ft rear yard setback for a garage.</u> (metal carport) that was on the property when purchased. <u>Replacing</u>			
<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)				
<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required				
Applicant	Name	<u>Walter B. Azuara</u>	Phone	<u>956-686-9797</u>
	Address	<u>720 N 6th St</u>	E-mail	<u>azuarawb@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>Veronica J. Azuara</u>	Phone	<u>956-686-9797</u>
	Address	<u>720 N 6th St</u>	E-mail	<u>azuarawb@gmail.com</u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?			
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
Signature		<u></u>	Date	<u>3/18/2024</u>
Print Name		<u>Veronica Azuara</u>	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	<u></u>	Payment received by	<u> </u>
	Rev 10/18	<u>NM</u>	Date	<u>MAR 20 2024</u> <u>BY: </u>



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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:

Structure was started as a betterment to existing carport. We used the 10% additional yearly value instructions as we thought was correct. We were under the impression that using the already existing variance on the zoning application approved in 2022 for our driveway leading to the structure meant no change in variance would be required.

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

Our property has been stolen on multiple occasions, and had attempted mugging from an individual that came up behind me through the alley onto the exposed carport. The variance would allow us to complete the enclosed garage and protect ourselves, our tools, equipment, and vehicles. It would also provide a safe area for a disabled veteran family to work, walk, store and access items that may be dangerous to leave exposed. It would allow us to complete our metal fence and clear our yard of unsightly, unsafe, unsecured items, creating a more visibly appealing and safe home.

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:

The existing variance has been used for decades, long before we purchased the property and has never encroached on traffic nor on a neighbor's property. We will be able to move our security cameras to the structure and monitor the alley and sections of Hackberry. The structure protects adjacent gas lines next to our property that were dangerously exposed. The structure is inline with all our neighbor's structures and will increase surrounding property values while protecting their structures from through traffic and northern winds.

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

As a disabled veteran, special accommodations are needed to get around our property safely. Increase in mobility issues will continue to get worse over time. Structure was built over reenforced, existing concrete slab, from existing carport. Structure is recessed away from traffic and inline with neighbor's structures to the North, South, East and West.

Board Action

Chairman, Board of Adjustment
Signature

Date

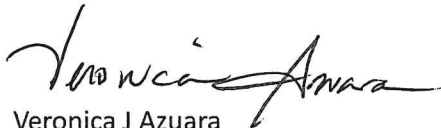
March 20, 2024

Attn: City of McAllen

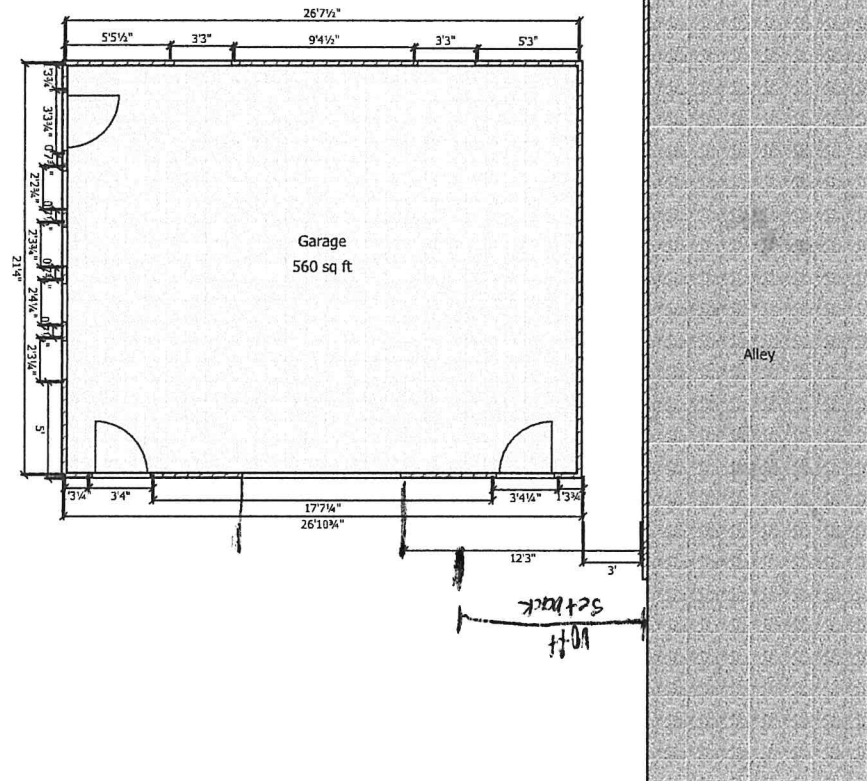
To Whom It May Concern:

I, Veronica J Azura, authorize Walter B Azura, my husband, to represent me.

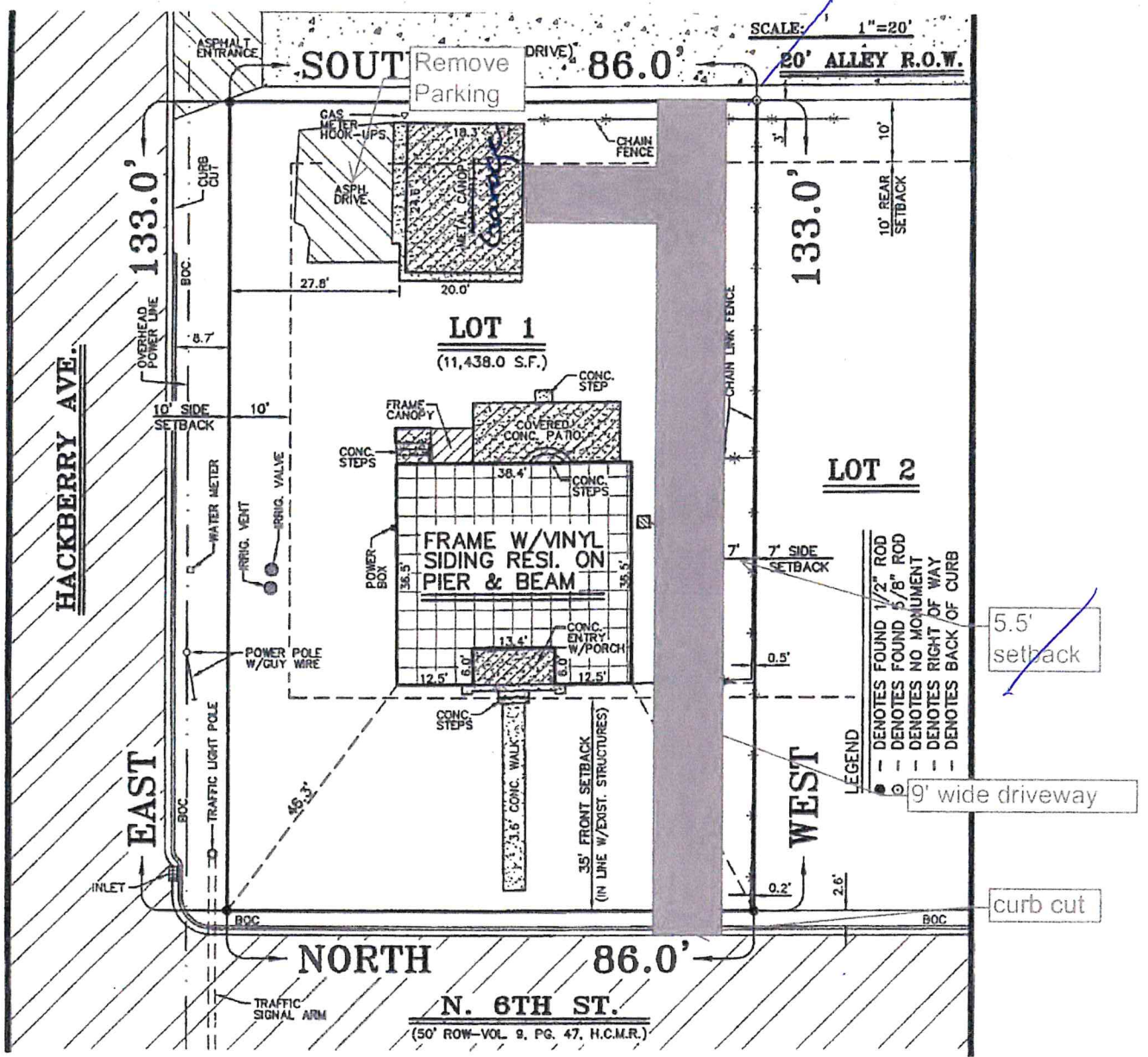
Respectfully,

A handwritten signature in black ink, appearing to read "Veronica Azura". The signature is fluid and cursive, with the first name "Veronica" written in a larger, more prominent script than the last name "Azura".

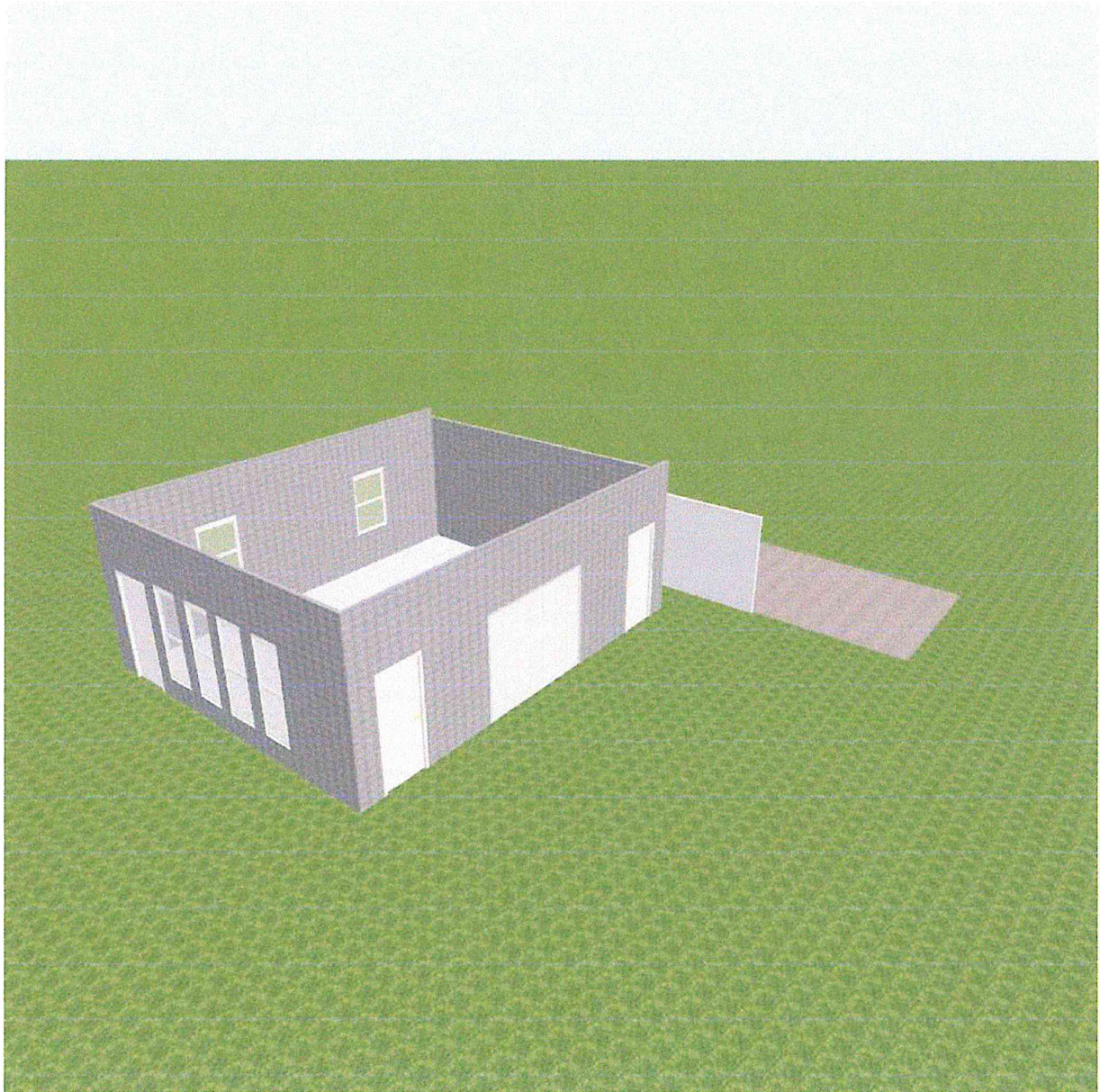
Veronica J Azuara
a/k/a Veronica J Gonzalez
720 N 6th St,
McAllen, TX 78501



3ft



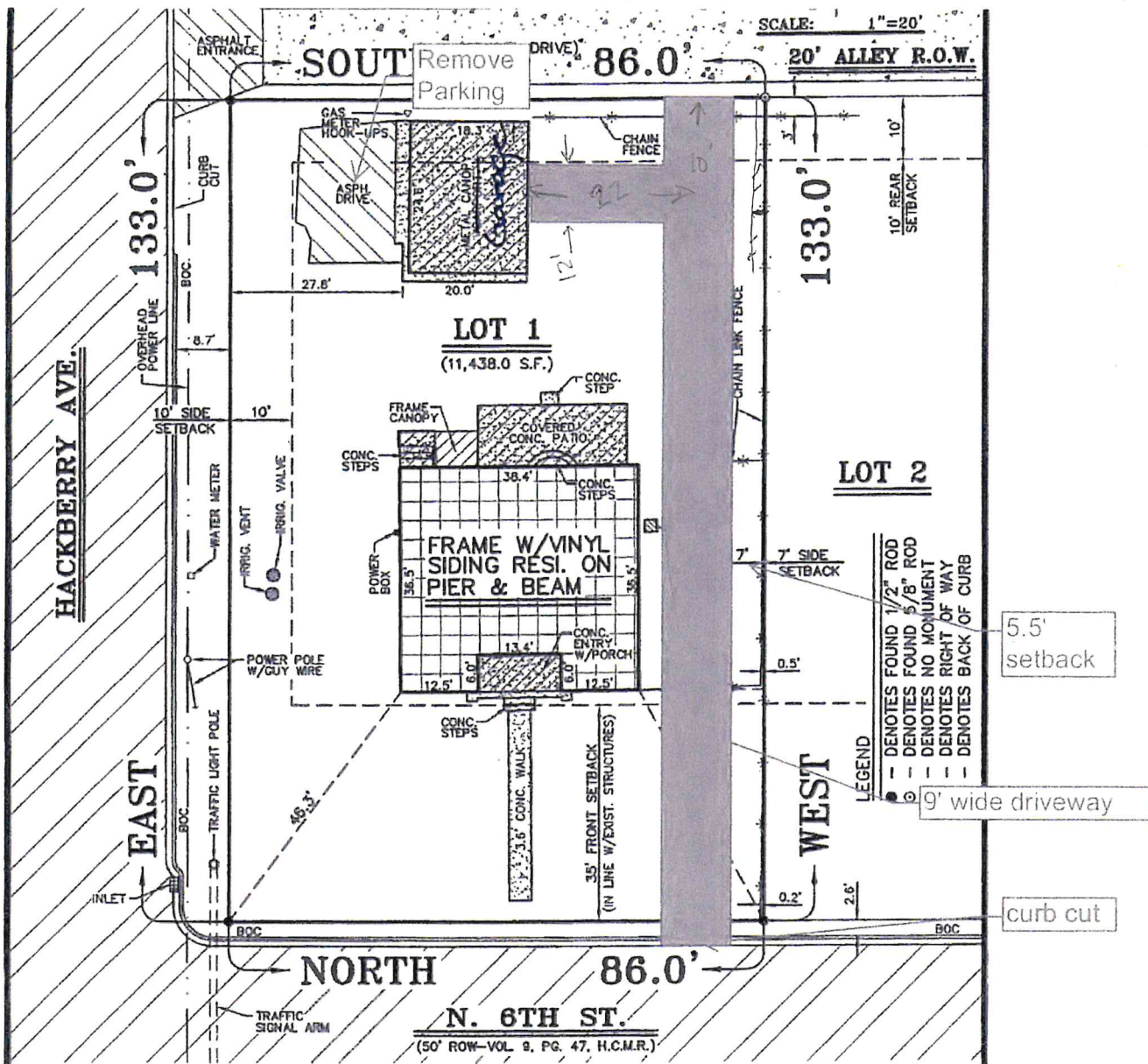
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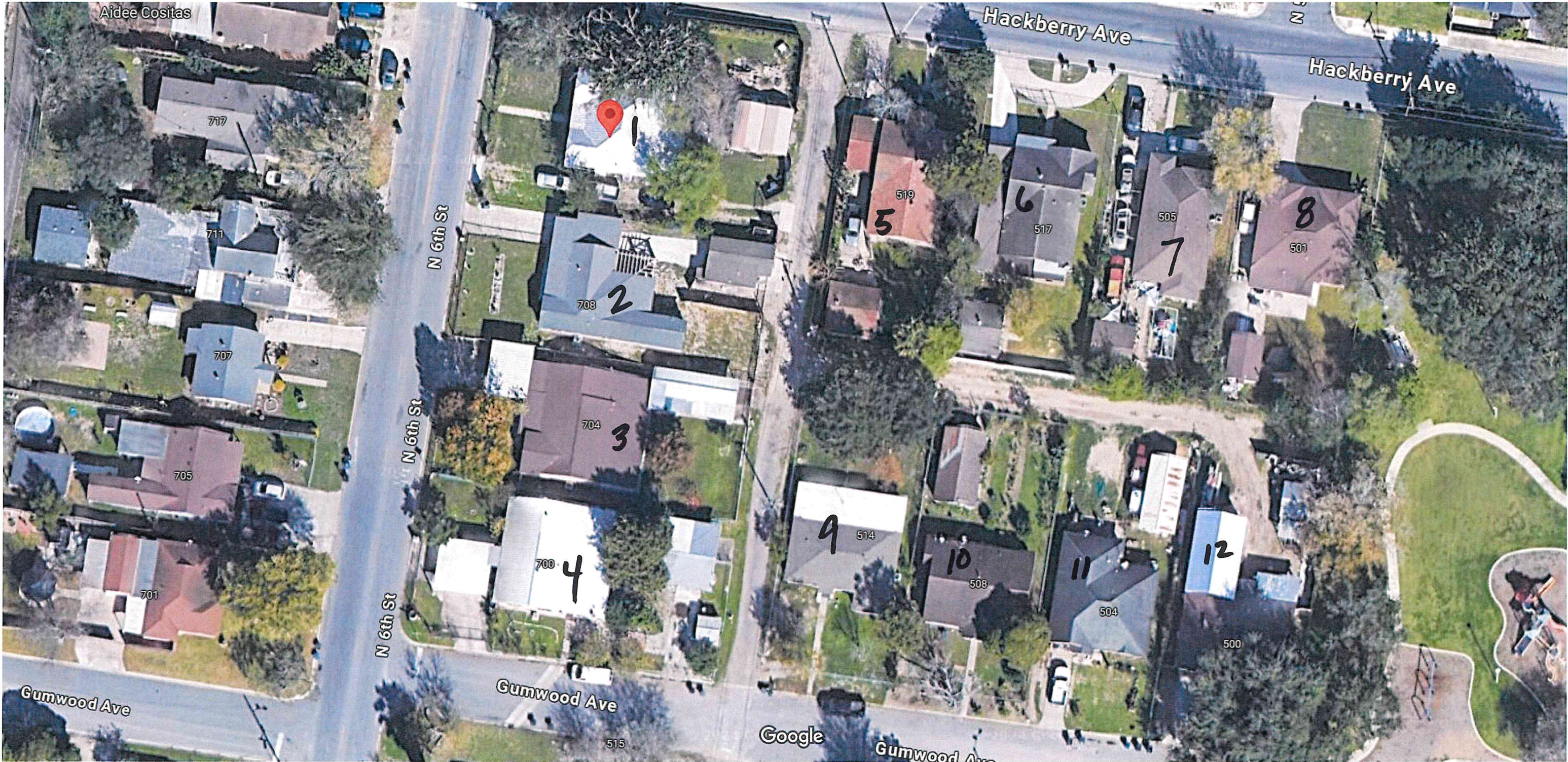






NO
THRU
TRAFFIC
CITY 800 82-817







DEPARTMENT OF VETERANS AFFAIRS
VA Outpatient Clinic
901 E. Hackberry Ave.
McAllen, Texas 78501

April 16, 2024

RE: Request for Special Accommodations for W. Azuara

To whom it may concern,

Please be advised that our patient, Walter Azuara, (Last 4 of SSN 6492) requires special accommodations, due to medical conditions he is being treated for. Mr. Azuara is being treated for service-connected conditions: limited motion of arm, intervertebral disc syndrome, limited extension of knee, sinusitis, maxillary, chronic, tendon inflammation, and paralysis of sciatic nerve along with other diagnosis. Additionally, he is being treated for mental health conditions- depression and anxiety. Consequently, Mr. Azuara reports difficulty coping with current issues affecting his residence and have caused an increase in emotional distress and associated symptoms.

Veteran was last seen by provider on 2/23/2024. Veteran experiences chronic pain due to complex medical conditions, and emotional distress that has exacerbated mental health conditions. He would benefit from accommodations.

Your consideration and assistance with this matter are greatly appreciated on behalf of this Veteran who served his country honorably. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Abdias Brazier".

Abdias Brazier MD
PACT Team Provider
McAllen VA Outpatient Clinic
Tel. No. 956-618-7000



I, C. L. Fabian, A Licensed Land Surveyor, do hereby certify the foregoing plat to be true and correct

Approved: Dec. 28, 1948
W. N. Harris
 W. N. Harris
 City Engineer

Approved: Dec. 28, 1948
 McAllen Zoning & Planning Board
 by E. A. Greene
 E. A. Greene, Chairman

Approved: December 31, 1948
 City Commission of McAllen, Texas.
 by J. B. White Jr.
 Mayor.

Attest: December 31, 1948
William L. Schupp
 Wm. L. Schupp
 City Secretary.

State of Texas:
 County of Hidalgo

I, John Collavo, owner of the property hereon described, do hereby adopt, dedicate and confirm the foregoing map and do hereby dedicate to the public the roads and alleys designated thereon.

State of Texas:
 County of Hidalgo:

Subscribed and sworn to before me on this 31 day of Dec A.D. 1948

C. L. Fabian
 C. L. Fabian
 Licensed Land Surveyor

John Collavo
 John Collavo

E. L. Deer E. L. DEER
 Notary Public in and for
 Hidalgo County, Texas.

MAP
OF
THE JOHN COLLAVO SUBDIVISION
 Mc ALLEN, TEXAS,
 BEING A SUBDIVISION OF
 THE NORTH 2.83 ACRES OF LOT NO. 3, BLOCK 2,
 CODDINGTON ADDITION, MC ALLEN, TEXAS.

PREPARED BY
 C. L. FABIAN
 LICENSED LAND SURVEYOR
 McALLEN, TEXAS

SCALE 1"=50'

DATE Dec. 17, 1948

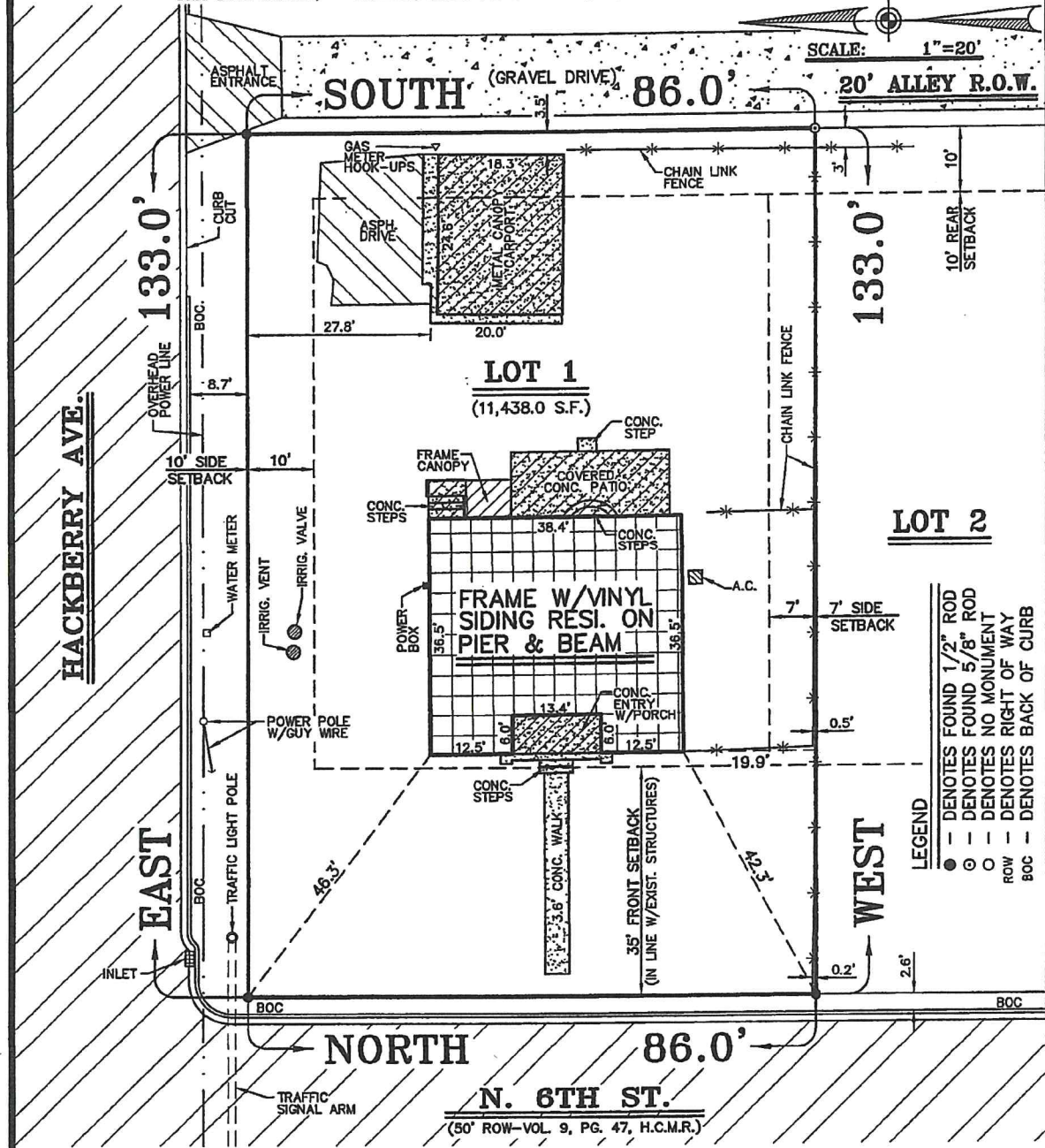
T.B.P.E. FIRM No.: F-5154

T.B.P.L.S. FIRM No.: 10004000

ART SALINAS

ENGINEERING & SURVEYING

1624 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



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

- PLAT NOTES:**
- There are no discrepancies, conflicts, shortages in area or boundary lines, encroachments, overlapping of improvements or visible or apparent easements, except as shown on this plat.
 - This survey plat is prepared in connection with Title Policy G.F. # 914092 and does not guarantee title. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
 - This survey must contain an original seal and an original signature to be valid as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act".
 - This is a standard survey and does not include a subsurface utility line location or topographic investigation.
 - Easements, rules, regulations and rights in favor of Hidalgo County Water Improvement District No. 3. (Blanket)
 - Building setback lines as per City zoning ordinance.
 - Subject to any oil, gas and mineral lease of record.
 - Bearing Basis: "W. line of Lot 1, John Collavo Subdivision"
- BORROWER:** Veronica J. Gonzalez

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, PREPARED A SURVEY ON THE PROPERTY WHICH IS LOCATED AT 720 N. 6TH ST., in McALLEN, TEXAS, DESCRIBED AS FOLLOWS:
LOT ONE (1), JOHN COLLAVO SUBDIVISION, AN ADDITION TO THE CITY OF McALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 9, PAGE 47, MAP RECORDS, HIDALGO COUNTY, TEXAS.

17-52249 Job No.
 10-03-17 Date

[Signature]

© COPYRIGHT 2017 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS SOLELY FOR THE USE OF THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



Registered Professional Land Surveyor No. 4802



NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024 - 0011

Memo

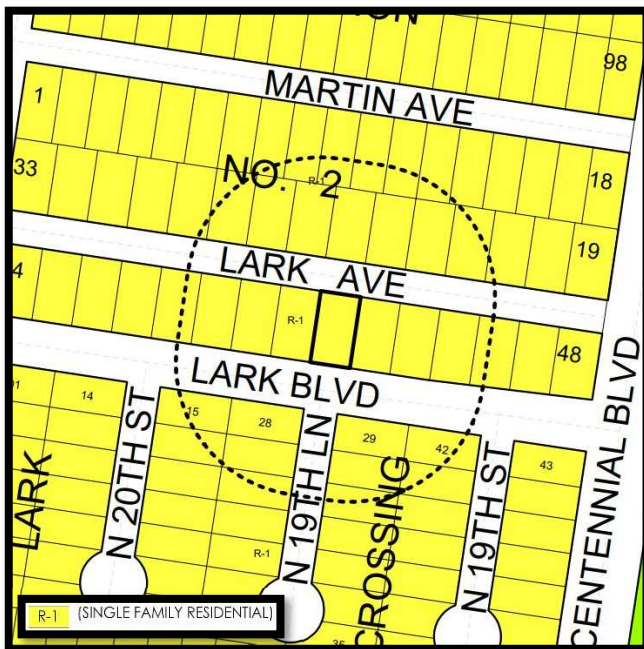
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: April 26, 2024

SUBJECT: REQUEST OF JUAN ROBERTO MORENO ON BEHALF OF RICARDO RENDON FOR THE FOLLOWING VARIANCES TO THE CITY OF MCALLEN ZONING ORDINANCE 1) TO ALLOW AN ENCROACHMENT OF 7 FEET INTO THE 10 FEET REAR YARD SETBACK AND 2) 2 FEET DISTANCE TO THE MAIN BUILDING INSTEAD OF THE REQUIRED 5 FEET DISTANCE FOR A PROPOSED PALAPA MEASURING 30 FEET BY 22 FEET, AT LOT 42, CANDLEFLOWER SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 1925 LARK AVENUE. (ZBA2024-0009)

REASON FOR APPEAL: The applicant is requesting two variances to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.



PROPERTY LOCATION AND VICINITY: The subject property is located on the south side of Lark Avenue in between Lark Boulevard and Martin Avenue. Property has a frontage of 60 feet along Lark Avenue and a depth of 107 feet. The property is zoned R-1 (single family residential) District. There are single family residences in all directions.

BACKGROUND AND HISTORY: Candleflower Subdivision No.2 was recorded on April 12, 1982. The plat indicates a 10 feet rear yard setback and 6 feet side yard setback on both sides for the

subdivision. The house was built in 1990. A building permit application was submitted on December 2023, for the proposed palapa and approved on January 2024. However, the project was not built to comply with permit conditions and failed inspections by the Building Department. On March 6, 2024 a variance application was submitted to resolve the encroachment of 7 feet into the 10 feet rear yard setback.

ANALYSIS: The applicant is requesting a variance to allow an encroachment of 7 feet into the 10 feet rear yard setback and 2 feet distance to the main building instead of the required 5 feet distance for a proposed palapa measuring 30 feet by 22 feet.

Applicant states that the palapa was approved with a building permit application. According to the site plan submitted, the proposed structure size is a total of 660 square feet. The palapa will be made out of concrete and it will include a kitchen, a restroom and a chimney. Initially, the site plan submitted for the building permit application did not show an encroachment into the setbacks. However, the rear yard setback was measured from the curb instead of the property line. Also, site visit revealed that there is no distance between the main structure and the proposed patio.

During the site visit, staff did not notice any other encroachments or similar structures along the front or rear yards within Candleflower Subdivision No.2. Also, a review of the Planning Department records did not reveal any other similar variances or special exceptions approved in this area.

Variances are issued to the property and remain as a condition for future owners and new constructions.

Measurements provided are without benefit of a survey.

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

MEETING OF APRIL 3, 2024: At the meeting on April 3rd, the item was tabled by the board.

The board requested the building permit conditions and construction plans approved by staff to further discuss the variance requests. The applicant would also have the opportunity to provide additional pictures of the proposed palapa.

MEETING OF APRIL 17, 2024: At the last meeting on April 17th, the item was tabled by the board to further discuss other options with staff.

The board reviewed the building permit conditions and construction plans approved by staff and Mr. Moreno spoke with the board to explain the reasons of the variance requests. Also, he provided letters from the neighbors in favor with the requests as well as additional pictures of the palapa. During the discussion, Mr. Moreno mentioned that he could propose an alternative layout of the palapa.

After discussion, the board recommended that the variance requests should be tabled for the next meeting.

RECOMMENDATION: Staff recommends disapproval of the variance requests.



City of McAllen
Planning Department
APPEAL TO ZONING BOARD OF
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2024-0009 ZBOA Meeting: 04/03/24
Receipt No: _____
Accepted by: P: NM S: g Customer Acknowledgment (Int.): RM

☐ Routed
☐ Scanned

PROJECT

Legal Description Lot 42

Subdivision Name CANDLEFLOWER Sub. #2

Street Address 1925 LARK AVE.

Number of lots 01 Gross acres 6,450 S.F.

Existing Zoning residential Existing Land Use residential

Reason for Appeal (please use other side if necessary) Encroaching 7' into 10' Rear yard setback and also 2' of the 5 Required Separation from Home.

☒ \$300.00 non-refundable filing fee + ☐ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Juan Roberto Moreno Phone 956-324-1627
Address 1925 Lark Ave E-mail ro.moreno76@gmail.com
City McAllen State TX Zip 78504

OWNER

Name Ricardo Rendon Phone (956) 457-8436
Address 1925 LARK AVE. E-mail ricardorendon@gmail.com
City McAllen State TEXAS Zip 78504

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.

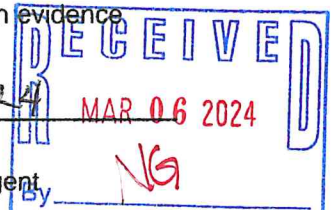
Signature Ricardo Rendon

Date 03/06/2024

Print Name Ricardo Rendon

☒ Owner

☐ Authorized Agent





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Where my property sits there is already a street and side walk behind our property line and do not see any foreseeable construction.

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

In order to build a zone 1 for hanging zone 2 for eating and entertainment and zone 3 for cooking I would need an additional 4 feet

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:

Palapa is away from public in back from the house and will be built to meet all codes or inspections where only immediate family will visit

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

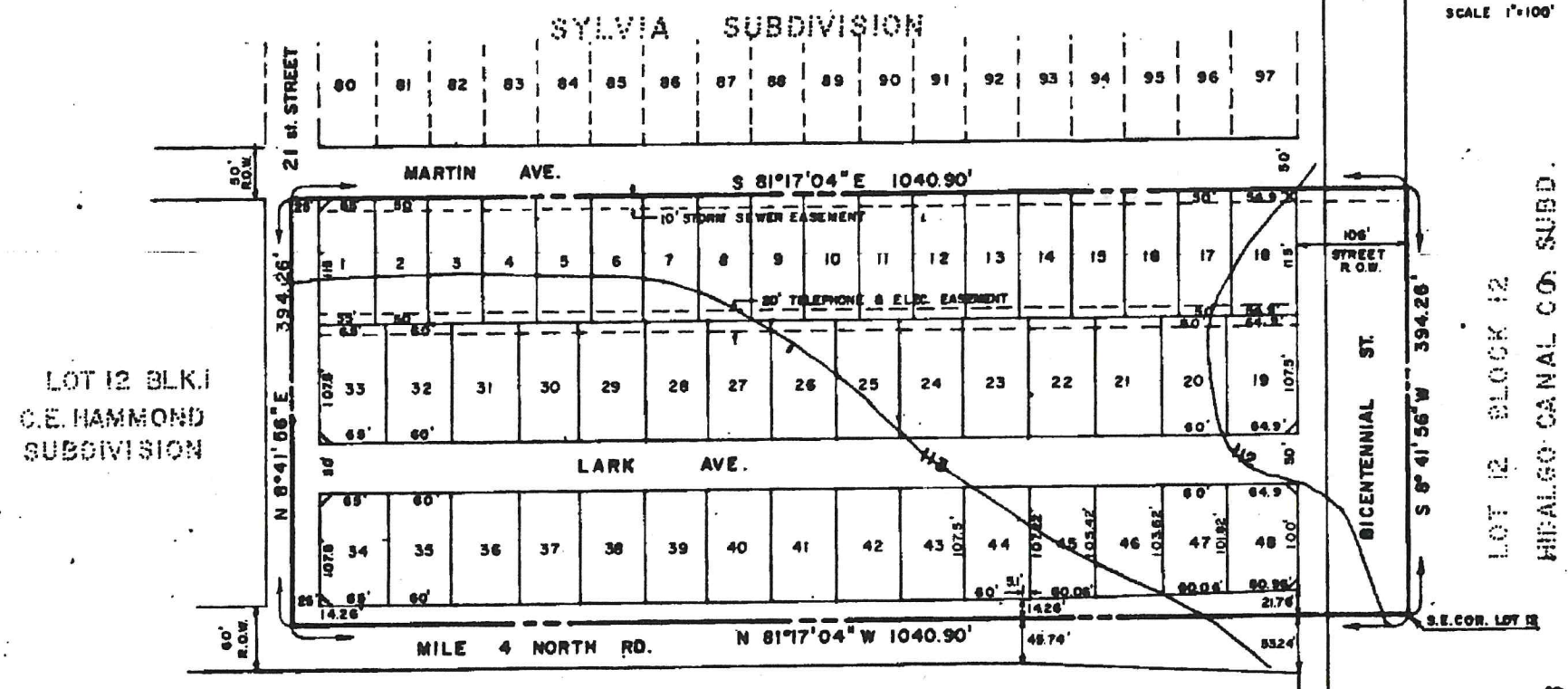
~~There~~ Our property is located where we only have ^{no} neighbors behind us only to the sides

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



LOT 12 BLK. I
C.E. HAMMOND
SUBDIVISION

LOT 12 BLOCK 12
HIDALGO CANAL CO. SUBD.

CANDLEFLOWER SUBDIVISION NO. 2

BEING A SUBDIVISION OF 9.42 ACRES OUT OF THE SOUTH
HALF OF LOT 12, BLOCK 1, C.E. HAMMOND SUBDIVISION
OUT OF PORCIONES 61, 62, 63 AND 64; HIDALGO COUNTY, TEXAS

**APPROVED
FOR RECORDING**
Hidalgo Co. Right of Way Dept.
By Vona Walker
Date April 12, 1982

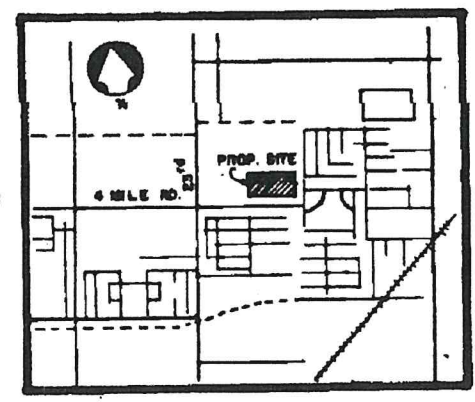
Recorded in Book 22 Page 93
at the map records of Hidalgo
County, Texas
Madden and Thund, Inc.
County Surveyors

FOR RECORD THIS INSTRUMENT
1412-00007
-K 16 882

LOT 13 BLK. I C.E. HAMMOND SUBDIVISION

- NOTE**
1. SETBACK FRONT 20' MIN.
 2. SETBACK REAR 10' MIN.
 3. SETBACK SIDE 5' MIN.
 4. SETBACK GARAGE DOOR 10' MIN.
 5. SETBACK ALL SIDEYARD CORNER LOT 10' MIN.
 6. CORNER LOTS 10'x10' CLIPS ESMT.
 7. HIDALGO COUNTY IRRIGATION DISTRICT NO. 1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE.
 8. NO DRIVEWAY/GARAGE ENTRY ALONG MILE 4 ROAD & BICENTENNIAL ST.
 9. MINIMUM FLOOR ELEVATION 10" ABOVE CURB

APPROVED FOR RECORDING
BY COMMISSIONER OF
HIDALGO COUNTY
On the 12 day of April 1982
GUSTAVO ALARCON, County Clerk
Hidalgo County, Texas
By Luis Rodriguez



LOCATION MAP

STATE OF TEXAS
COUNTY OF HIDALGO
THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAME IS SUBSCRIBED HERE-
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT INDICATED TO THE USE
OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, RAILS, WATER COURSES, DRAINS, EASE-
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION
THEREIN EXPRESSED.

Rodolfo Vela
OWNER

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED
RODOLFO VELA, 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 CONSIDERATIONS THEREIN
EXPRESSED AND IN THE CAPACITY THEREIN STATED.
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 15th DAY OF December
A.D. 81

Yolanda Chaves
NOTARY PUBLIC
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT
THIS PLAN APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
ON THIS 4th DAY OF February A.D. 1982

Richard J. Jick
Raymond Canales
SECRETARY

I, THE UNDERSIGNED, MAYOR OF THE CITY OF HIDALGO, HEREBY CERTIFY THAT THIS
SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS
OF THIS CITY WHEREIN BY APPROVAL IS REQUIRED.

Alfred Rodriguez
MAYOR, CITY OF HIDALGO

THIS PLAN OF CANDLEFLOWER NO. 2 SUBDIVISION WAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF
MC ALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 18th DAY OF August A.D. 1981

John W. Ford
CHAIRMAN

STATE OF TEXAS
COUNTY OF HIDALGO
I HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND WAS PROVIDED FOR
AN ACTUAL SURVEY OF THE PROPERTY BASED UNDER MY SUPERVISION ON THE GROUND.

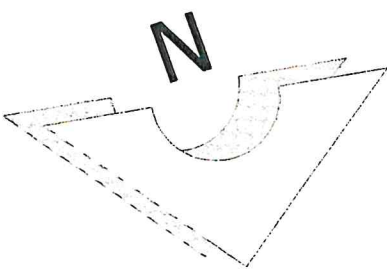
Joe Hernandez
REGISTERED PROFESSIONAL ENGINEER

WITNESSED AND SUBSCRIBED BEFORE ME THIS THE 15th DAY OF December
A.D. 81

Yolanda Chaves
NOTARY PUBLIC
HIDALGO COUNTY, TEXAS

RECEIVED
MAR 06 2024
By NG

1925 LARK AVE.
MCALLEN, TX. 78504



RECEIVED
MAR 06 2024
BY NG















NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2024-0009



RESIDENTIAL PERMIT APPLICATION

REV. 07/2023

P.O. BOX 220 McALLEN, TEXAS 78505-0220

PERMIT APPLICATION REFERENCE NUMBER

APPLICATION MUST BE COMPLETE

(Please type or print in black or blue ink)

GC NUMBER

NAME

PHONE

ADDRESS

CITY

STATE

ZIP

CONTACT NAME:

PHONE

☐ OWNER☐ CONTRACTOR☐ TENANT☐ OTHER

NAME

PHONE

ADDRESS

*EMAIL:

CITY

STATE

ZIP

*OWNER INFORMATION NOT PROVIDED, INITIAL:

☐ NEW☐ IMAGINE TOMMORROW☐ REMODELING☐ REPAIR☐ MOVE☒ ADDITION☐ REMOVE

BLDG. HGT.

NO. OF FLOORS

BLDG

SQ. FT

660 FT

NO. PARKING

SPACES

SQ. FT

LOT

LOT

FRONT

FLOOR EL

ABOVE CURB

EXISTING USE

NEW

USE

SCOPE OF WORK TO BE DONE

Palapa con concreto chimenea cocina

STRUCTURE BUILT BEFORE 1978

☐ YES ☒ NO

PLEASE SELECT

☒ PLUMBING☒ ELECTRICAL☒ MECHANICAL

Baño

RESIDENTIAL

NO. OF

UNITS

NO.

BDRMS

NO.

BATHRMS

SQ. FT

NON-LIVING

SQ. FT

LIVING

FOUNDATION

☒ CONCRETE SLAB☐ CONCRETE PIER☐ CONCRETE BLOCK☐ CONCRETE BEAM☐ WOOD POSTS☐

EXT WALL

☐ MASONRY VENEER☒ MASONRY SOLID☐ METAL SIDING☐ COMPOSITION☐ WOOD☐

ROOF

☐ WOOD SHINGLE☒ COMPOSITION☐ METAL☐ BUILD UP☐ CLAY OR CONCRETE TILE☐

UPGRADES/OTHER

☒ GRANITE COUNTERTOPS☐ MARBLE TUBS/FLOORS☐ CUSTOM WINDOWS☐ POLYURETHANE INSULATION☐ OTHER UPGRADES☐☐ SEPTIC TANK EXISTING OR PROPOSED☐ YES ☐ NO

LOT

42

BLOCK

SUBDIVISION

Candleflower NO 2

SITE ADDRESS

ST. NO.

1925

ST. NAME

LARK AVE

Construction Cost

Permit Fee \$

105.60

Rec'd by

Value \$

23000

Double Fee \$

Date

12/26/23

Zoning

R-1

Park Zone

Park Development Fee \$

Time

3:34

Total Fee \$

The foregoing is a true and correct description of the improvement proposed by the undersigned applicant and the applicant states that he will have full authority over construction of same. Every building application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued or a permit has been issued. The building permit shall not be held to permit or be an approval of the violation or modification of any provisions of City ordinances, codes, subdivision restrictions of State law or be a waiver by the City of such violation. Alteration changes or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department. The applicant hereby agrees to comply with all City ordinances, codes, subdivision, restrictions and State laws and assume all responsibility for such compliance. It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or if the work authorized by such permit is suspended or abandoned for six months after the time of work is commenced.

Felipe Hernandez

PRINT (AUTHORIZED AGENT/OWNER)

SIGNATURE

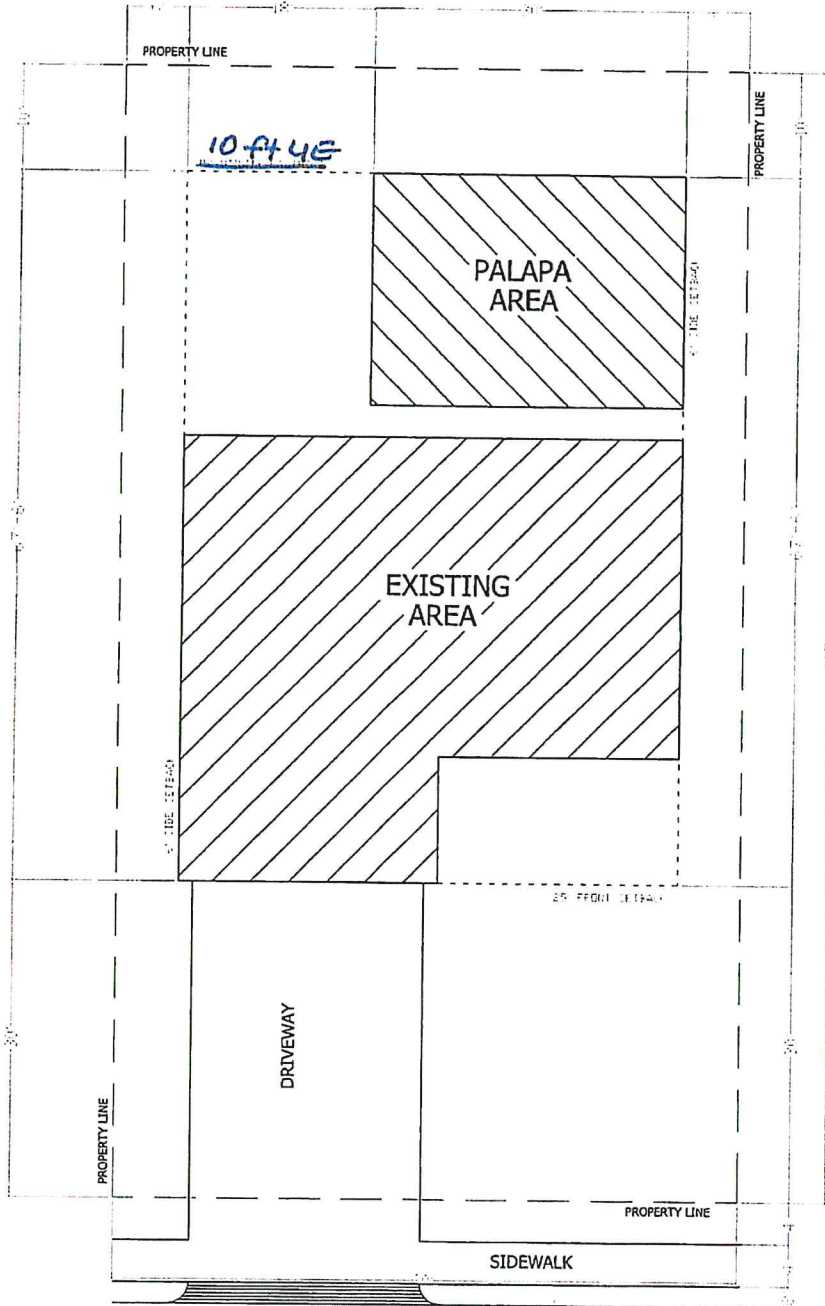
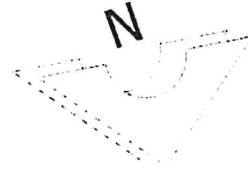
Felipehd26@icloud. 12-26-23

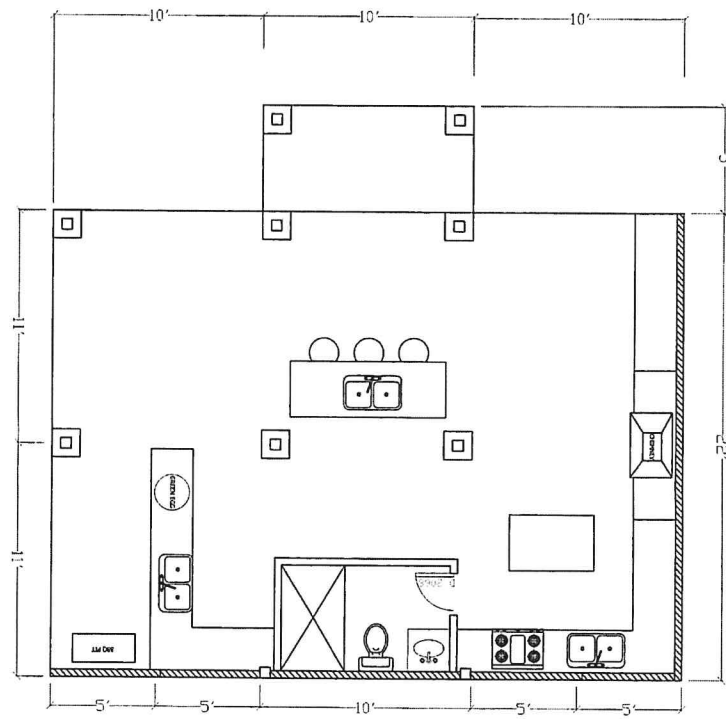
EMAIL ADDRESS (required)

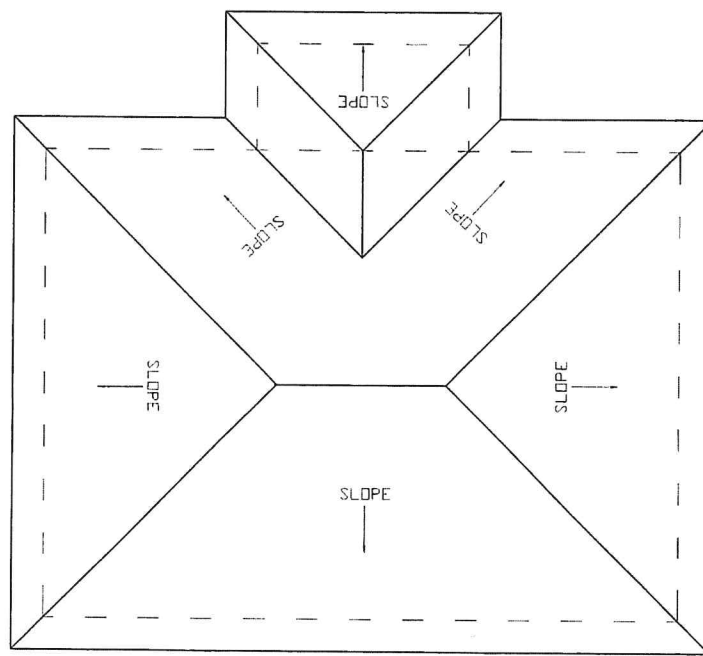
Com

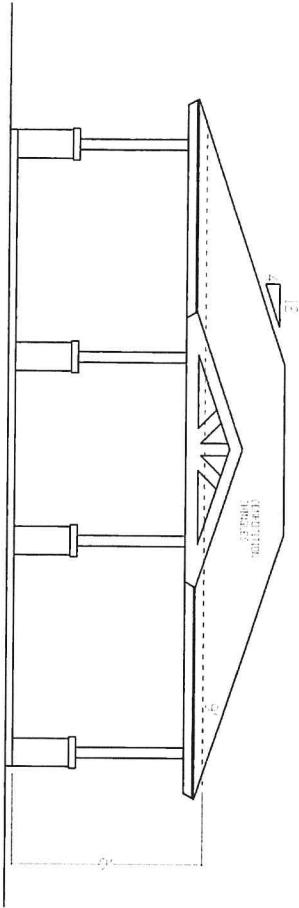
DATE

1925 LARK AVE.
MCALLEN, TX. 78504

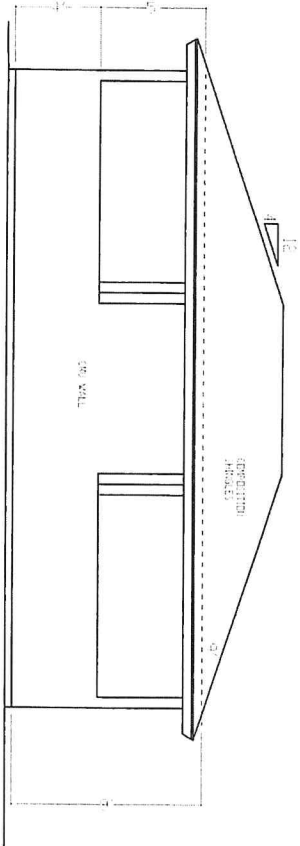




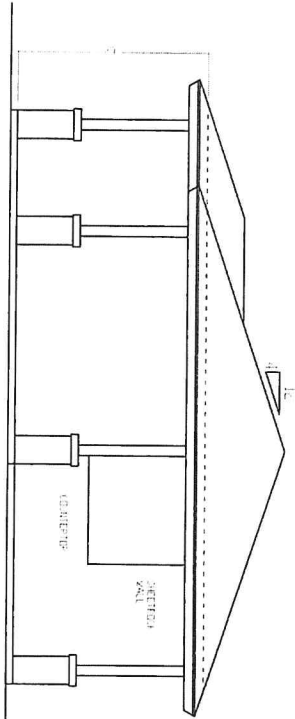




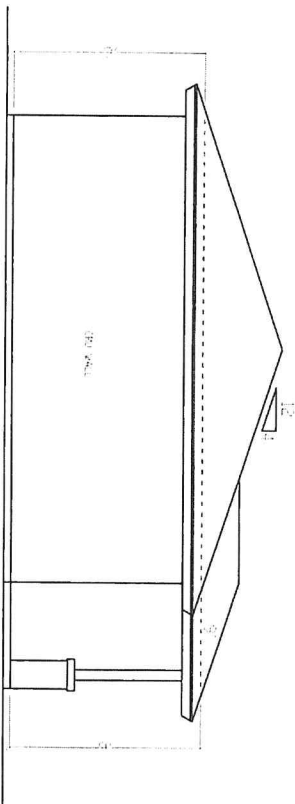
FRONT ELEVATION



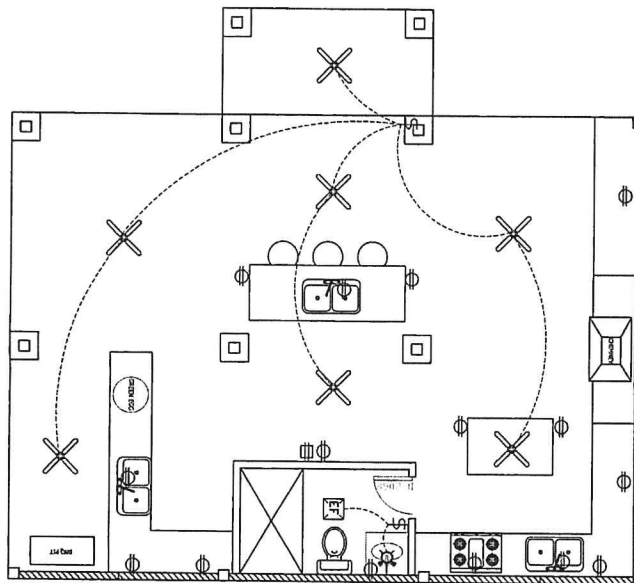
REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



□	Fluorescent light
⊞	Television outlet
⊞	Telephone outlet
⊞	Three way switch
⊞	Two way switch
⊞	Wall switch
⊞	Weatherproof outlet
⊞	220/240v outlet
⊞	110/220v Duplex outlet
⊞	Door bell chimes
⊞	Junction box
⊞	Exhaust fan and light
⊞	Garden light (weather proof)
⊞	Fan and light
⊞	RC Chandelier
⊞	Hi Scene light
⊞	Spot light
⊞	Smoke Detector
⊞	Fire Extinguisher



1. RECENTLY IDENTIFIED WATER
1. IDENTIFIED UNIDENTIFIED IDENTIFIED WATER GROUPS, AND TO BE IDENTIFIED, THE NAME OF THE WATER SYSTEM THAT SUPPLIES THE WATER TO THE AREA.
2. IDENTIFIED WATER GROUPS, AND TO BE IDENTIFIED, THE NAME OF THE WATER SYSTEM THAT SUPPLIES THE WATER TO THE AREA.
3. ALL OTHERS AND WATER GROUPS, AND TO BE IDENTIFIED, THE NAME OF THE WATER SYSTEM THAT SUPPLIES THE WATER TO THE AREA.

City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

BUILDING PERMIT

PERMIT NO. RES2023-09577 DATE ISSUED 01/10/2024

GENERAL CONTRACTOR Felipe Hernandez
Felipe Hernandez
4509 E Lopez Dr
Edinburg, TX 78542

PHONE 956 867 3700

TYPE OF CONSTRUCTION	Addition	BLDG HGT	0	NO OF FLOORS	1
BLDG SQ FT	660	NO. PARKING SPACES	SQ FT LOT 0	LOT FRONT	0
EXISTING USE OF LOT	R-3 Residential - Single and Duplex	NEW USE OF LOT	R-3 Residential - Single and Duplex		

Type of Construction	Ed. Building Code	2018	Fire Sprinkler Sys.	Occupancy #
FOUNDATION	EXT WALL	ROOF		
Concrete Slab	Masonry Solid	Composition		

FOR RESIDENTIAL USE ONLY	NO OF UNITS	NO BDRMS	NO BATHRMS	SQ FT CARPORT	SQ FT LIVING
OWNER	RICARDO & EMMA RENDON 1925 LARK AVE MCALLEN TX 78504-3852			IMPROVEMENT VALUE	23000
				PHONE	

LOT	0042	BLOCK	000	SUBDIVISION	CANDLEFLOWER #2
SITE ADDRESS 1925 LARK Ave					
ZONING	R-1 Single-Family Residential District		L.U. CODE	Building/Residential	

The foregoing is a true and correct description of the improvements proposed by the undersigned applicant, and the applicant certifies that he will have full authority over construction of same.

The permit shall not be held to permit, or be an approval of the violation, or modification of any provisions of City ordinances, codes, subdivision restrictions or State law, or be a waiver by the City of such violation. Alterations, changes, or deviations from the plans authorized by this permit is unlawful without written authorization from the Building Inspection Department.

The applicant hereby agrees to comply with all City ordinances, codes, subdivision restrictions and State laws and assumes all responsibility for such compliance.

It is understood that the improvements shall not be occupied until a Certificate of Occupancy has been issued, or otherwise approved by the Building Inspection Department.

Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for six months after the time work is commenced. Otherwise, permit is good for one year only.

Authorized Agent/Owner



Date

1-10-24

City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

PERMIT CONDITIONS

PERMIT NO: RES2023-09577 PERMIT TYPE: Residential / New or Addition

ADDRESS: 1925 LARK Ave

LOT: 0042 BLOCK: 000 SUBDIVISION: CANDLEFLOWER #2

#	CONDITION DESCRIPTION
Other Permit Conditions	
1	<p>Need to identify job site (address).</p> <p>Toilet facilities shall be provided for workers during construction and be maintained in a sanitary condition as per Sec. 311, IPC.</p> <p>All building and construction debris must be contained and detained with a temporary enclosure and disposed of properly during construction and prior to final.</p> <p>**ALL CONSTRUCTION AS PER THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC).</p> <p>**OTHER CODE AND CITY ORDINANCES MAY APPLY.</p> <p>**MEXICO BLOCK SHALL NOT BE USED UNLESS APPROVED BY THE BUILDING OFFICIAL.</p> <p>No occupancy is allowed until a final inspection is made and certificate of occupancy issued. (This means no furniture, fixtures, merchandise, etc.).</p>
2	<p>Minimum Setback:</p> <p>Front: 25ft Rear:10ft Sides:6ft</p>
3	<p>Proposed structure should be properly anchored and supported by foundation.</p>
Building Inspections Permit Conditions	
4	<p>Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.</p>
5	<p>ELECTRICAL TO CITY CODE AND ORDINANCE. (2017 NEC) INITIAL FH ARCH FAULTS THROUGH RESIDENCE AND TAMPER PROOF RECEPTICALS.</p>
6	<p>Plumbing to City Code and Ordinance. (2018 IPC)</p>
7	<p>Lining required at on-site built-up shower receptors as per Sec. P2709, 2018 IRC.</p>
8	<p>Each pane of glazing installed in hazardous locations shall be safety glazing and shall be provided with a manufacture's designation visible in the final installation.</p>
9	<p>Sec. P2503.5.1 Rough Plumbing - The International Residential Code no longer permits air testing of plastic piping in the Drain-Waste-Vent system. (Exception allowed only during inclement weather.)</p>

City of McAllen

P.O. BOX 220 - McALLEN, TEXAS 78505-0220

PERMIT CONDITIONS

#	CONDITION DESCRIPTION
10	<p>Slab Reinforcement</p> <p>Slab on ground foundation minimum reinforcement shall be #3 rebar 12" o.c. or 6" gauge wire mesh supported at no more than four feet (4') apart.</p> <p>Beam Spacing</p> <p>Maximum beam spacing shall not be more than fifteen feet (15').</p> <p>Beam Width</p> <p>Minimum beam width for one story shall be twelve inches (12") and nineteen inches (19") for two stories.</p> <p>Beam Reinforcement</p> <p>Minimum beam reinforcement shall be two #5 rebar placed at top and bottom of beam with #3 stirrups placed and supported at twenty four inches on center. All exterior corners beams shall have corner bars, two on top and tow on the bottom. Interior beams which dead end into exterior beams shall have corner bars, two on top.</p> <p>Perimeter Elevation</p> <p>Entire perimeter beam of living area should be same elevation. Enclosure of carport, patio, porch, etc. requires perimeter beam or floor area to have same elevation as existing finished floor elevation.</p> <p>Minimum exterior beam depth shall be twelve inches (12") of undisturbed soil plus the required elevation as per building permit.</p> <p>Minimum lap splice length shall be 40 times the diameter or multiply bar grade times five (5) and the minimum concrete cover from the bottom of the beam to the reinforcement steel shall be three inches (3").</p>
11	Vented heating required; living area, bath.
12	Bathroom ventilation air shall be exhausted directly to the outside.
13	It is the responsibility of the contractor to follow soil report recommendations to avoid soil movement and to verify soil compaction of the construction site: Initial: <u>FH</u>

NO OCCUPANCY IS ALLOWED UNTIL A FINAL INSPECTION IS MADE AND APPROVED.

By signing and dating this form, I acknowledge that I have carefully read and fully understand the foregoing conditions of this Permit.

Felipe Hernandez
NAME (PRINT)

[Signature]
SIGNATURE

1-10-24
DATE

- ☐ OWNER
☐ APPLICANT
☐ CONTRACTOR

✓ Gilberto Cortez neighbor of
Juan R. Moreno Jr. and would
support and are in favor of
him building on the property RT
1925 Lark Ave. lot 42.

Question can be reached
at 956-212-2756
at 1920 LARK AVE. Lot 24.
candle float sub division,

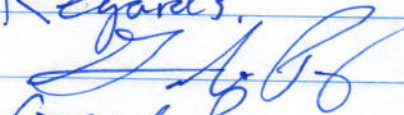
Gilberto Cortez.

4-10-24

I Gerardo Perez ~~are~~ agree
with Juan R. Moras Jr Request
for Veneue in backyard. He is
an outstady citizen and wants to
do things the right way.

If you have any question or
Require further information from me
please contact me at 956-533-2227.

Regards,


Gerardo Perez

2009 Lark Ave

McAllen, TX

Lot 39 Candleflower Subdivision

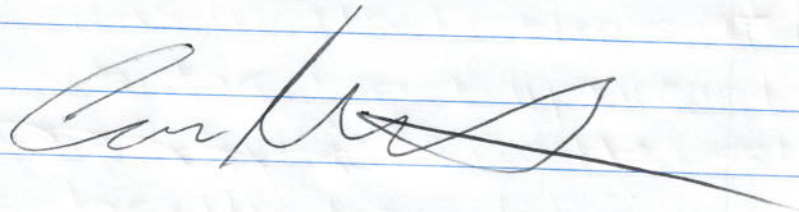
4/10/2024

I, Nelda Oliva am writing this letter in support of Roberto Moreno on behalf of the Rendon family. I reside at 1921 Lark Ave McAllen, Tx; Lot 43 and have known this family for twenty two plus years. They have been wonderful neighbors with me I know them as a very family oriented. Therefore, I am very happy about the project that they are in the process of completing. I have no objections to the construction of the palapa. Feel free to contact me if you have any questions (956-874-4421)

Sincerely
Nelda Oliva
1921 Lark Ave
Lot 43
Condellones Subdivision

I Eric Martinez resident
of 1912 Clark Ave. am in
favor of Juan R. Moreno Jr.
on behalf of Ricardo Rendon & Emma
Rendon to build improvement on there
property.

If any questions please contact
1912 Clark Ave. Lot 22



I AM A Neighbor of JUAN R. MORENO
JR. AND WOULD LIKE TO SUPPORT OF MY
Neighbor AND ARE IN FAVOR OF HIM BEING
ON THE PROPERTY AT 1925 LARK AVE.
LOT #2,

QUESTIONS OR CONCERNS WILL FREE TO
CONTACT ME, AT 1924 LARK AVE.

Fulvia Lolo REYNAL
361-249-0214
LOT #25
1924 LARK AVE

Hilda Tovar

From: ROBERT MORENO <ro.moreno76@gmail.com>
Sent: Wednesday, April 10, 2024 2:21 PM
To: Hilda Tovar
Cc: Carmen White; Samuel Nunez; Rodrigo Sanchez
Subject: Re: 1925 Lark Avenue - patio structure - ZBA2024-0009

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

We are respectfully writing this letter to request a variance on the property at 1925 LARK AVE. LOT 42. As the world has descended into a pandemic and the growth of the family or need for an additional structure on the property grew. due to my mother in law Emma Rendon immune system compromised due to a bad liver and various health problems a liver transplant is desperately needed and over the past few years her health has deteriorated and is desperate need of a liver transplant and after these years trying to avoid covid a she got it and a had put her in the hospital for two weeks back in late 2023. Because of other health conditions and covid she has had to have her lungs drained twice this year in 2024 of fluid build up in her lungs has had to have 3.5 liters drained in jan. 2024 and 3 liters in March of 2024. yet her insurance has denied her a transplant as her doctor described for lack of better word her health has not deteriorated enough to get approved yet. Ricardo Rendon is a retired chief senior patrol and instructor with US border patrol and has spent his career protecting our borders, and has been retired since 2012. and has spent the majority of his retirement in care of his mother Dominga Rendon which is 96 years young and suffers from dementia arthritis and has had a recent stroke in 2023 which doctors claim that at her age it is unheard of for a patient to survive that which she has. Mr. Rendons siblings currently live out of town and he's the sole caretaker of both Emma and Dominga Rendon. all while he himself has had problems with his blood pressure and problems with his prostate creating stress and anxiety.

Due to our families particular health concerns we currently are not going out to restaurants and avoid large public gatherings in fear of exposing ourselves to different viruses and germs we have decided it's best to just stay home. and only leave for work and groceries when needed. As we adjust to our new normal lifestyle we understand that many properties have either attached or a part that provide the kinda space we are looking for. As we drive the neighborhoods we have seen many properties around town with similar structures in back of the homes around us. the placement of this structure is ideal because it maintains property aesthetics it is not obstructive nor does it break up the yard it's a space that is seldom used currently and there is no property behind and there is already a 3 lane street with a sidewalk and a bike trail in place already there is no easements and all utilities run thru the front of the property

Our reason for needing the square footage is to accommodate a 3 Zone structure which consist of a chimney area for therapeutic reasons on zone 1 is for the psychological and health benefits of a fireplace where recent studies by the university of alabama have reported results of up to a 5% drop in blood pressure and being near a open flame connects us with nature and will have more long term effects in reducing anxiety and stress. The heat from the flame also increases blood flow providing anti-inflammatory effects and generally contributes to a feeling of warmth and comfort both physically and emotionally. Zone 2 is the bathroom area. which is much needed as for my mother in law Emma has shortness of breath and gets tired walking long distances and with Ricardo's mother Dominga has problems walking and getting around generally we are scared she might have an accident just trying to walk to the restroom. as for the one indoor would be too far away. If we were to have company it would be troublesome having to escort visits in and out of the house. Zone 3 will be for grilling and cooking meals perfect for outdoor celebrations creating opportunities to spend quality time together and strengthening relationships in a friendly atmosphere and a neighborly environment where we can all come together and enjoy some good bbq and enjoy the outdoors.

I would like to thank this board for the opportunity to be here and humbly ask that you consider the request for a variance which will not create any burden on any neighbors residence and will be an improvement the neighborhood and result in overall increase in the property value and tax based created by improvement to the property and beautifying the neighborhood.

Sincerely,
Juan Roberto Moreno Jr.
1925 Lark ave.
Lot 42 Candleflower subdivision #2

On Tue, Apr 9, 2024 at 4:23 PM Hilda Tovar <HTovar@mcallen.net> wrote:

Good afternoon Mr. Moreno,

Just as a friendly reminder, we will need the pictures or any other documents that you would like us to include in the presentation for the following meeting no later than tomorrow.

If you have any other questions, let us know.

Thank you,

Hilda A. Tovar

Planner II

City of McAllen – Planning Department

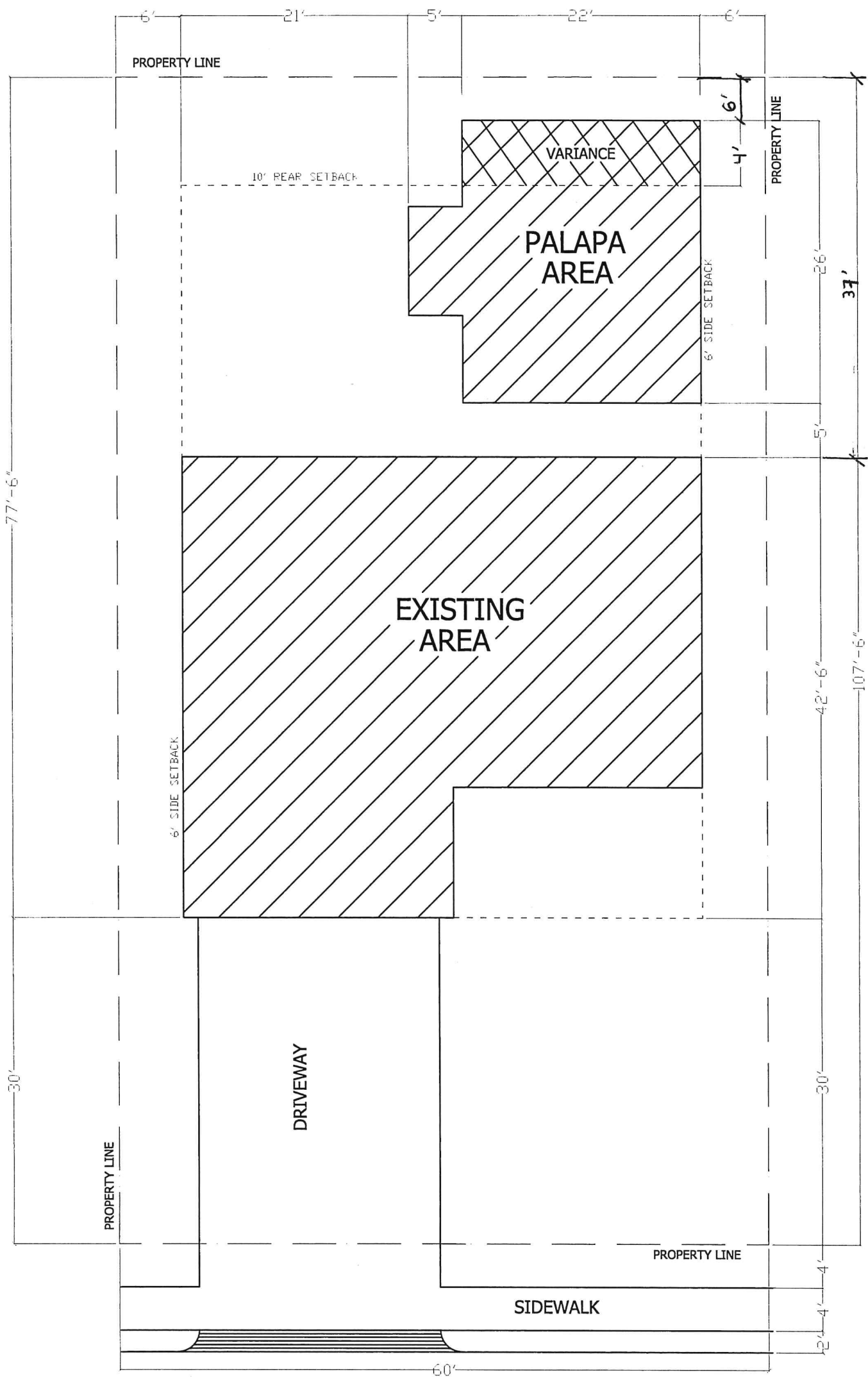
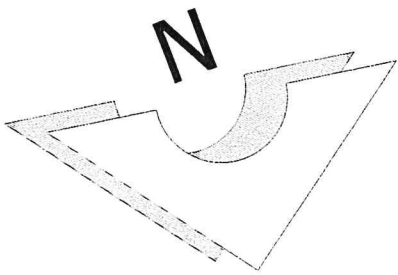
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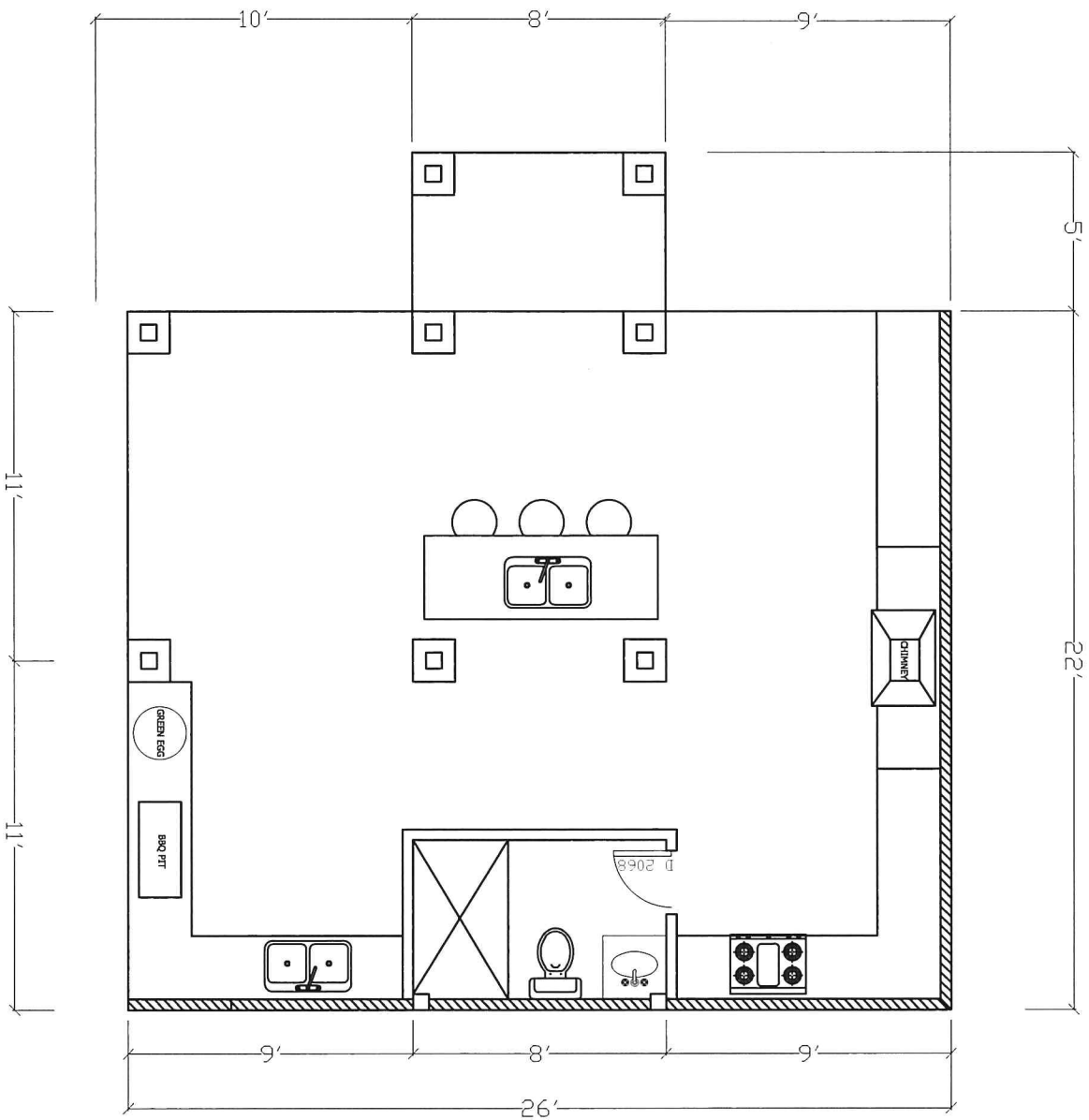
McAllen, TX 78501 (Development Center)

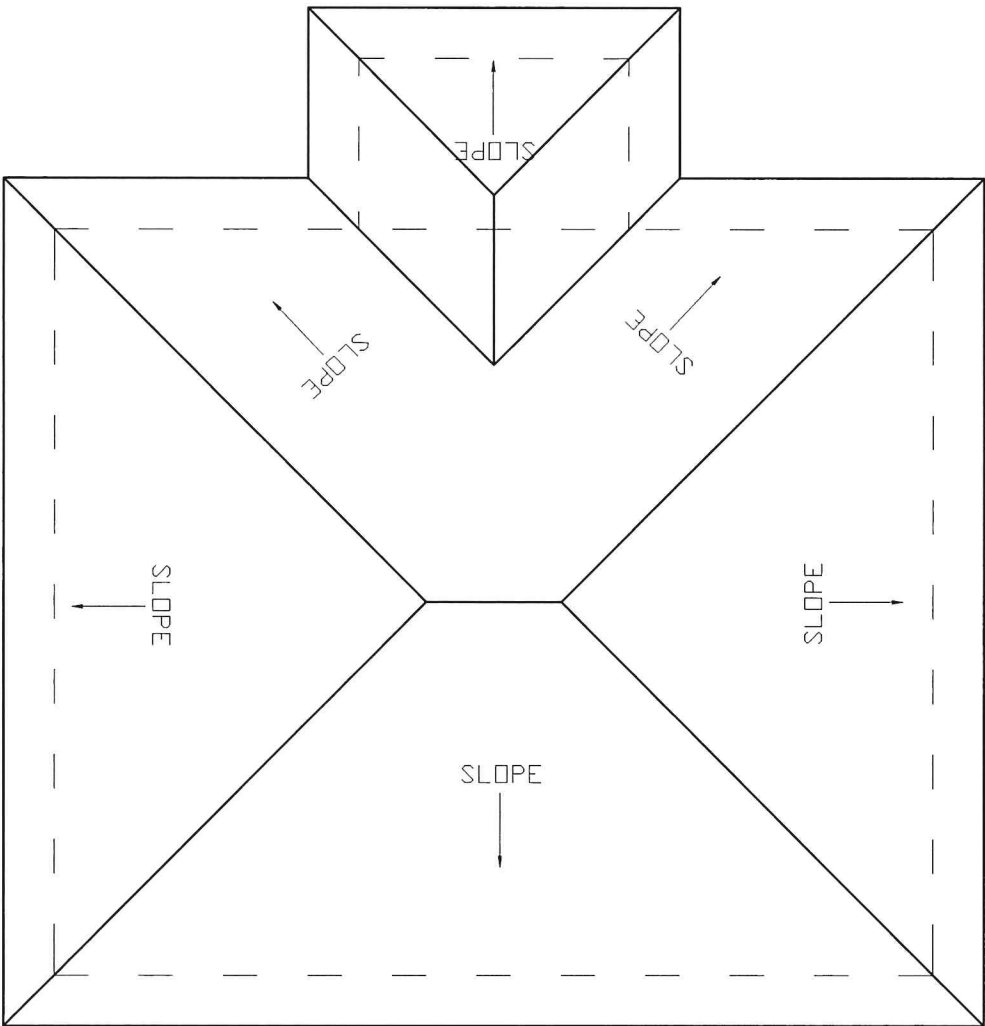
(956) 681-1250

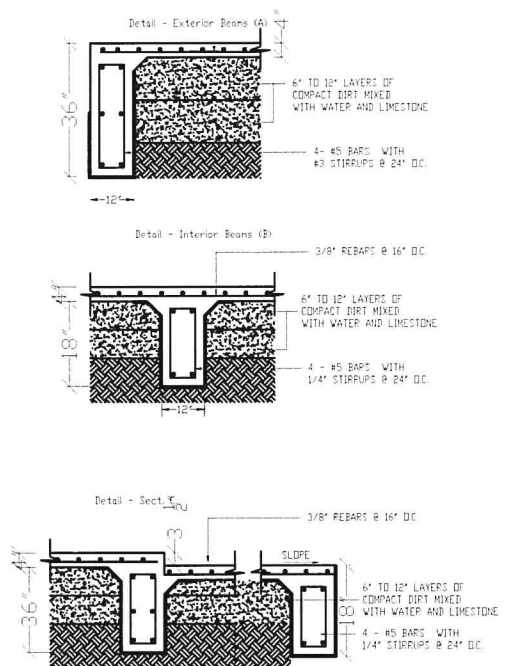
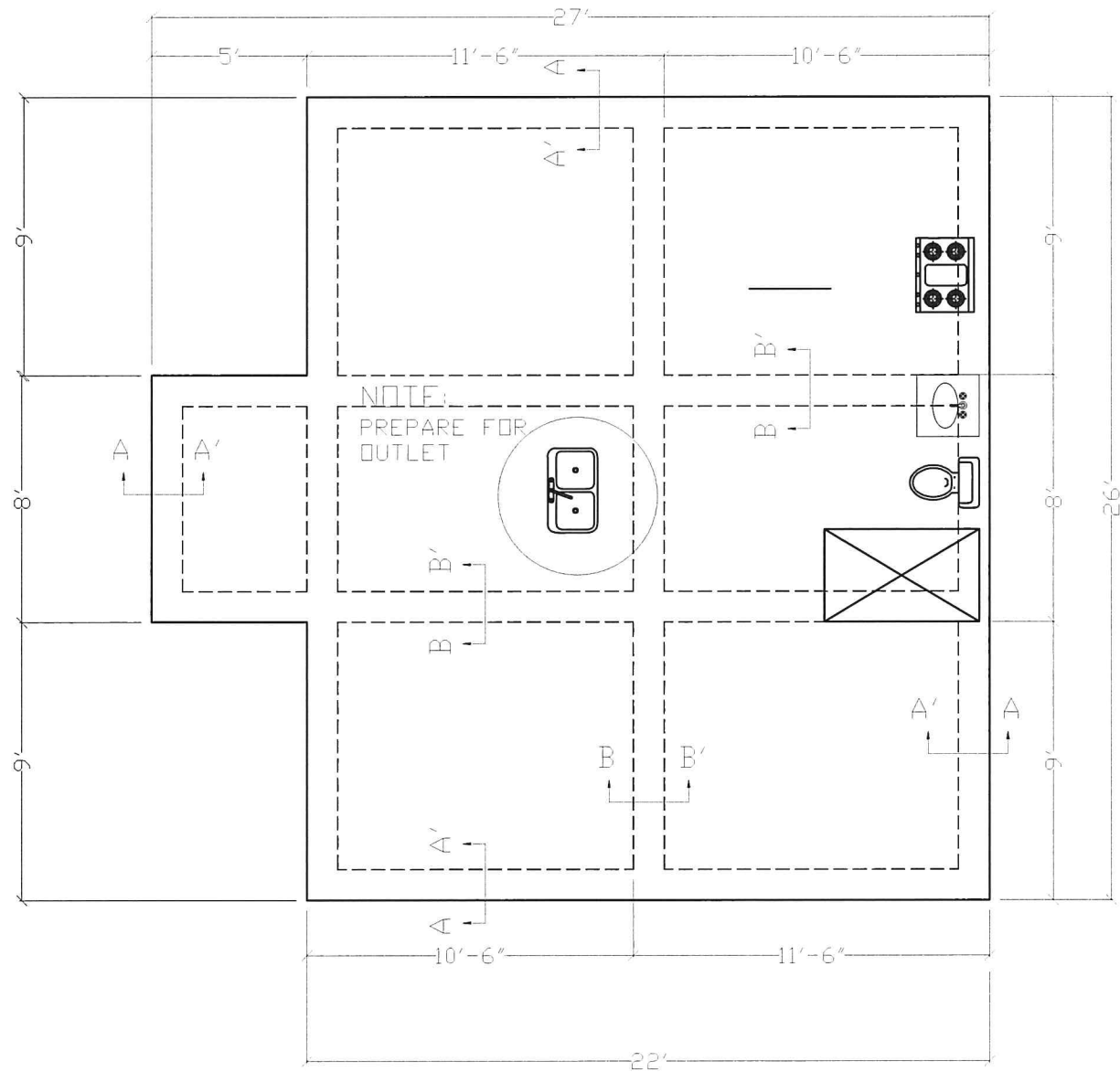


1925 LARK AVE.
MCALLEN, TX. 78504

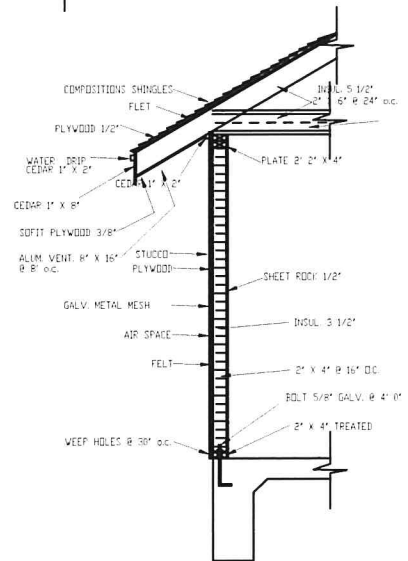




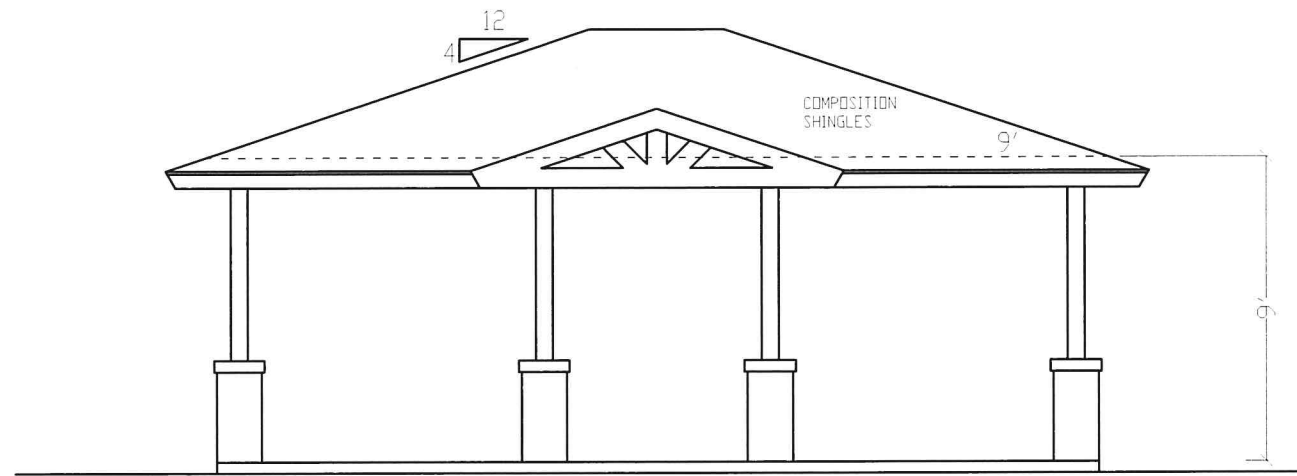




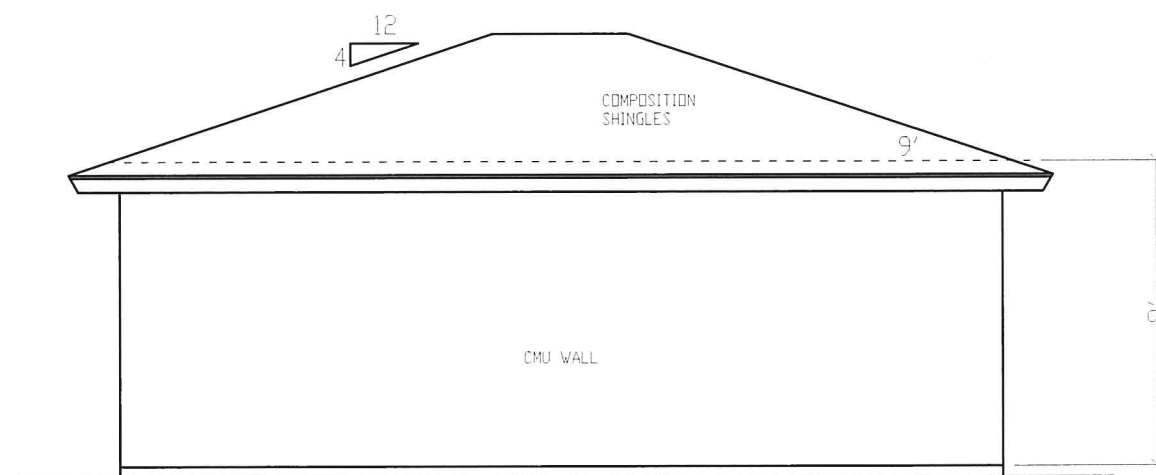
- NOTES**
1. GRADE 60 STEEL
3000 PSI CONCRETE AT 28 DAYS
6 MIL POLY VAPOR BARRIER TYPICAL
#5 CORNER BARS TYPICAL
 2. SLAB REINFORCING
#3 AT 16" O.C. BOTH WAYS TYPICAL
 3. TYPICAL REINFORCING
BEAMS UP TO 24" DEEP
2#5 TOP CONTINUOUS
2#5 BOTTOM CONTINUOUS
#3 STIRRUPS AT 24" O.C.
 4. BEAMS OVER 24" DEEP
3#5 TOP CONTINUOUS
3#5 BOTTOM CONTINUOUS
#3 STIRRUPS AT 24" O.C.
 5. NOTE:
PLUMBING LOCATION AND DIMENSIONS
ARE TO BE TAKEN FROM FLOOR PLAN



RAAB DESIGN		(956) 530 3031
FOUNDATION PLAN		660 SQFT TOTAL
DATE: 3/4/24		
PROJECT:		
LARK AVE.		
SCALE: N.T.S.		
4		



FRONT ELEVATION



REAR ELEVATION

(956) 530 3031

RAAB
DESIGN

660 SQFT TOTAL

ELEVATIONS

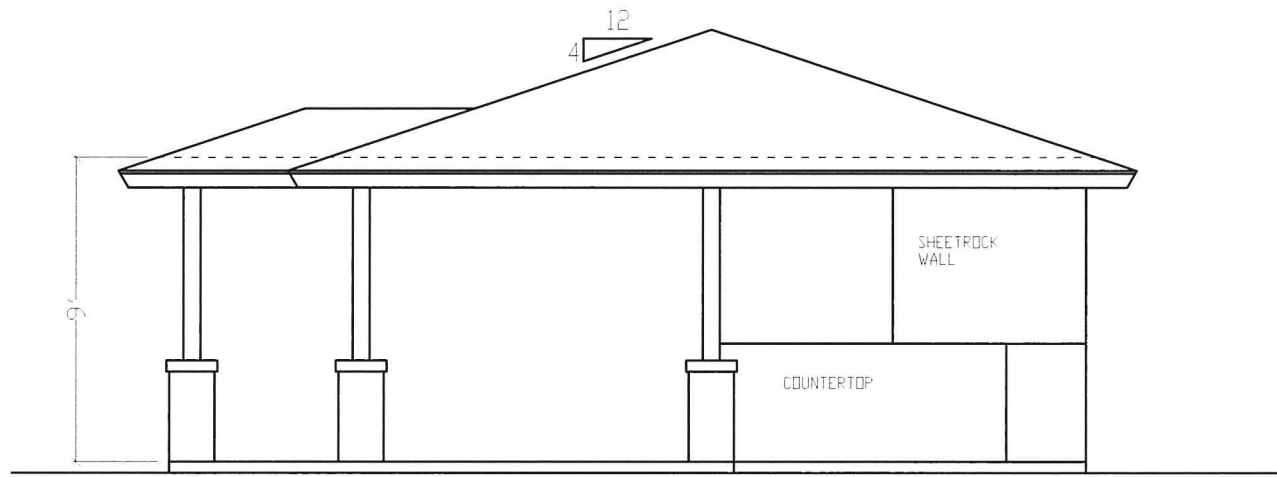
DATE: 3/4/24

PROJECT:

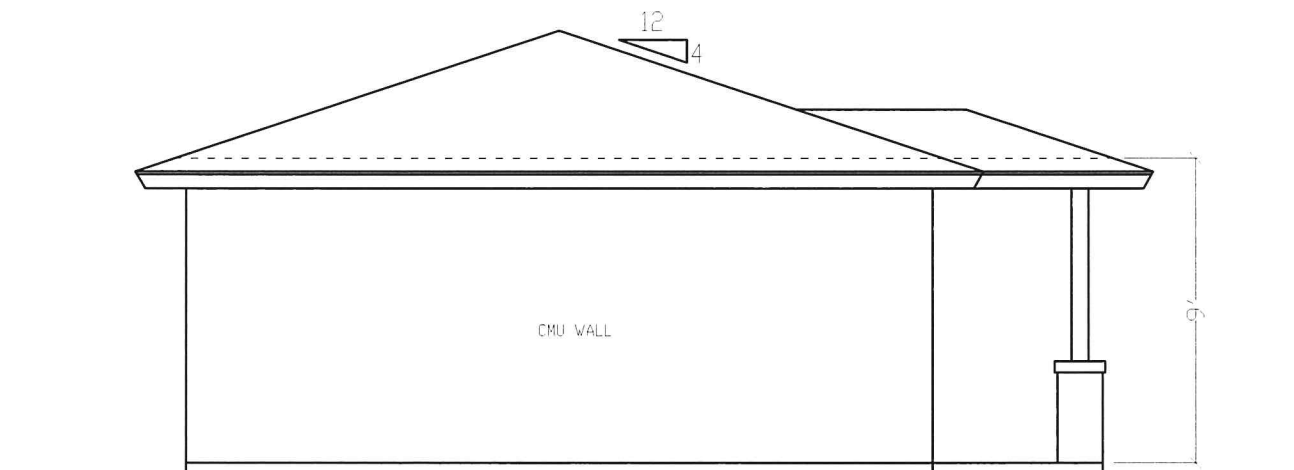
LARK
AVE.

SCALE: N.T.S.

5

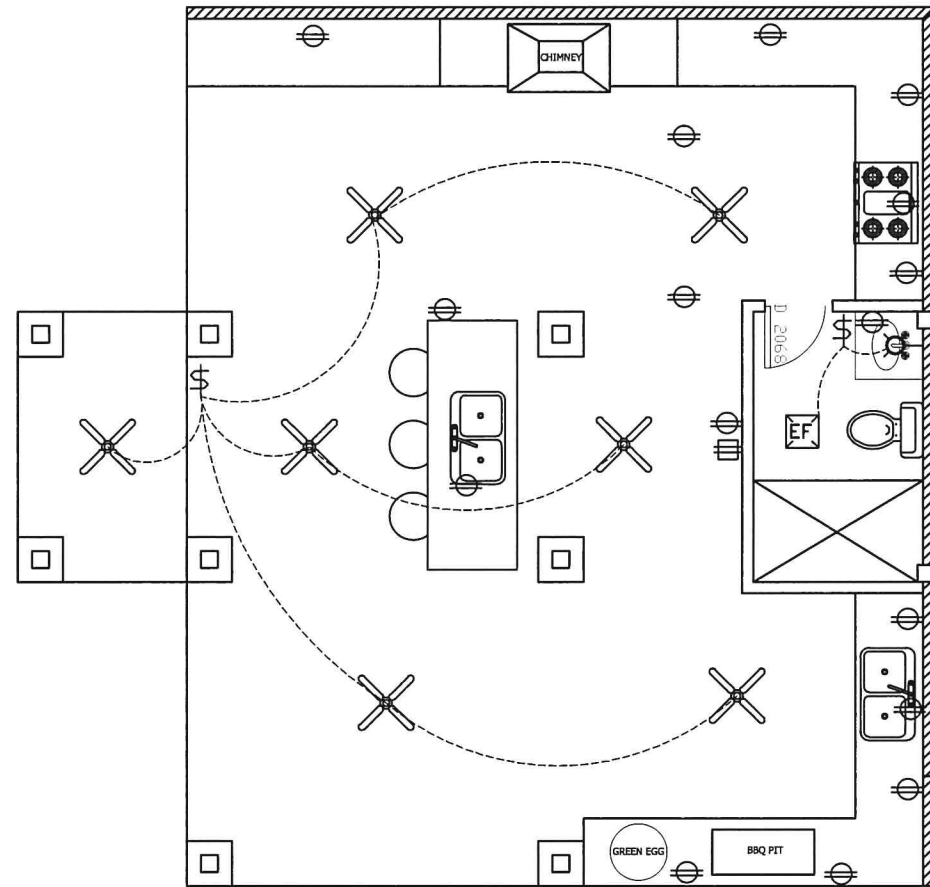


RIGTH ELEVATION

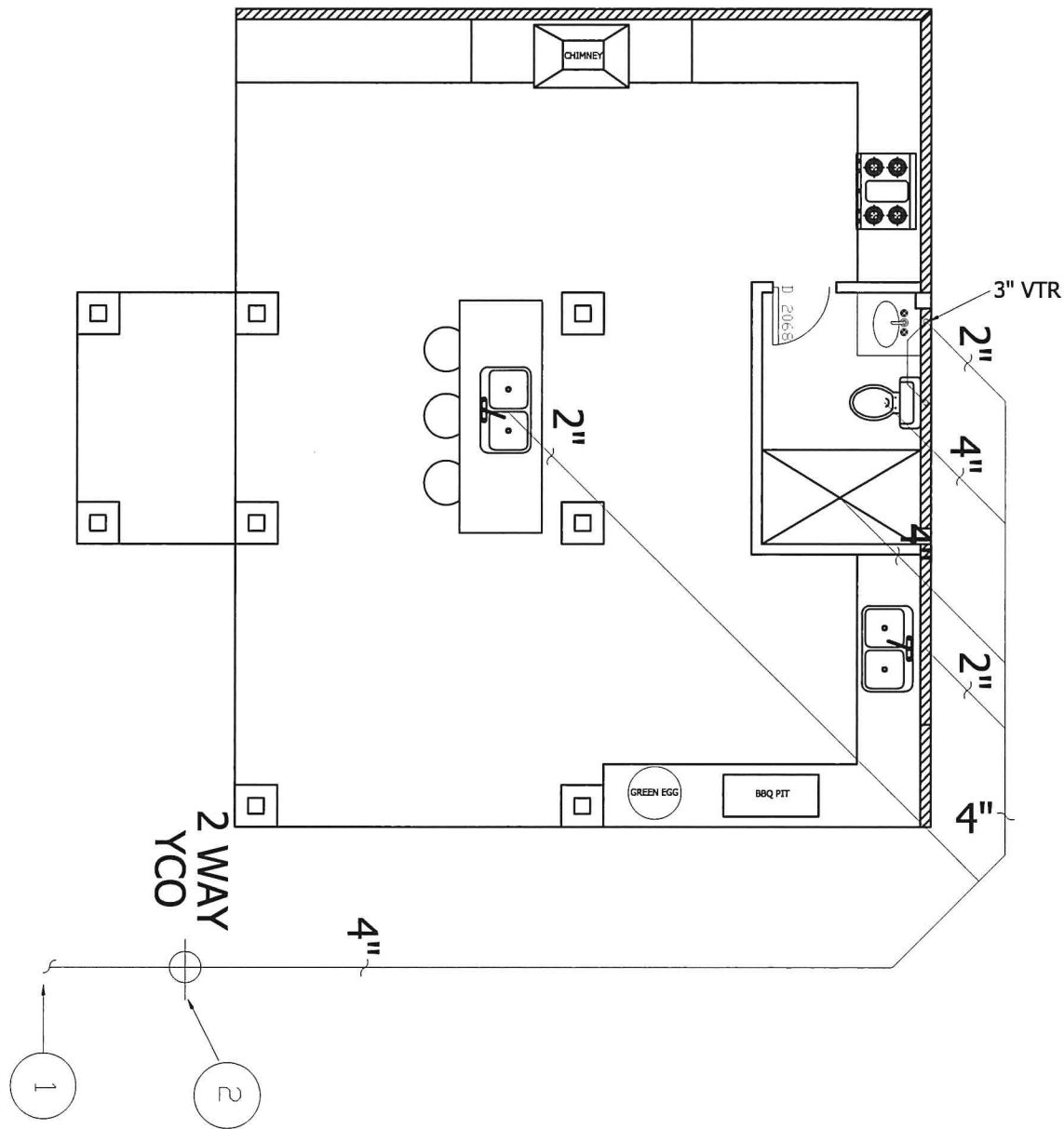


LEFT ELEVATION

ELEVATIONS	660 SQFT TOTAL	RAAB DESIGN	(956) 530 3031
DATE: 3/4/24			
PROJECT:			
LARK AVE.			
SCALE: N.T.S.			
6			



- Fluorescent light
- Television outlet
- Telephone outlet
- Three way switch
- Two way switch
- Wall switch
- Weatherproof outlet
- 220/240v outlet
- 110/220v Duplex outlet
- Door bell chimes
- Junction box
- Exhaust fan and light
- Garden light (weather proof)
- Fan and light
- Chandelier
- Sconce light
- Spot light
- Smoke Detector
- Fire Extinguisher



- KEY NOTES:**
1. REFER TO CIVIL UTILITY SITE PLAN FOR PIPE CONTINUATION
 2. PROVIDE CLEAN-OUT WITH HEAVY DUTY COVER PLATE FLUSH WITH FINISH SLAB
 3. COORDINATE ROUTING OF ALL BELOW GRADE PIPING WITH GRADE BEAMS. ADJUST INVERT ELEVATIONS OR PIPE ROUTING TO CLEAR BEAMS.
 4. PLUMBER TO INSTALL DISHWASHER AND CONNECT DRAIN TO GARBAGE DISPOSAL. DISPOSAL SUPPLIED BY PLUMBER. DISHWASHER BY OWNER.
 5. HUB DRAIN IN-WALL FOR WATER HEATER AUXILIARY DRAIN & FOR FLOOR DRAIN WITH ARCHITECTURAL DRAWINGS AND EQUIPMENT SUPPLIER PROVIDE TRAP PRIMER FOR FLOOR DRAIN.
 6. NOTE: PLUMBING LOCATION AND DIMENSIONS ARE TO BE TAKEN FROM FLOOR PLAN.

- KEY NOTES DOMESTIC WATER**
1. EXTERIOR UNDERGROUND DOMESTIC WATER PIPING SHALL BE, PVC PRESSURE PIPE CLASS 100 - C900 W/RUBBERING TYPE JOINTS.
 2. DOMESTIC WATER LINES WITHIN THE BUILDING SHALL BE CPVC WITH A MIN. DESIGN PRESSURE OF 100 PSI @ 180F OR AS PER CITY CODE.
 3. ALL HOT & COLD WATER SHALL HAVE WATER HAMMER ARRESTERS OR 24" AIR CHAMBER. LOCATED ON FIXTURES ON KITCHEN SINK, WASHERS, WATER CLOSET AND LAVATORY.

RAAB DESIGN	660 SQFT TOTAL	PLUMBING PLAN	DATE: 3/4/24	PROJECT: LARK AVE.	SCALE: N.T.S.	8
(956) 530 3031						