

## **AGENDA**

### **ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, NOVEMBER 15, 2023 - 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 – Chairperson Jose Gutierrez**

#### **1. MINUTES:**

- a) Minutes for the meeting held on November 1, 2023

#### **2. PUBLIC HEARINGS:**

- a) Request of Rodrigo Barboza on behalf of Aldo Monteforte for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet front yard setback for an existing metal carport measuring 20 feet by 11 feet, at Lot 38, Fairway Grande Village Unit No. 2 Subdivision, Hidalgo County, Texas; 612 East Pineridge Avenue. **(ZBA2023-0096)**
- b) Request of Salvador Dominguez for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the 7 feet side yard setback, encroachment of 8 feet into the rear yard setback and 4 feet distance from the main structure for an existing metal carport measuring 24 feet by 11.10 feet, at Lot 10, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 812 South 26th Street. **(ZBA2023-0097)**
- c) Request of Ariel Olivares on behalf of Eduardo C. Longoria for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20 feet front yard setback for an existing metal carport measuring 15 feet by 20 feet, at Lot 1, The Rocks Subdivision, Hidalgo County, Texas; 8218 North 23rd Lane. **(ZBA2023-0093) (TABLED: 10/18/2023) (REMAIN TABLED: 11/01/2023)**

#### **3. FUTURE AGENDA ITEMS**

- a) 6205 North 8th Street
- b) 2716 Toronto Avenue
- c) 4104 Gardenia 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.

The minutes from the  
November 1, 2023  
meeting will be on the  
next meeting of  
December 6, 2023.

## Memo

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

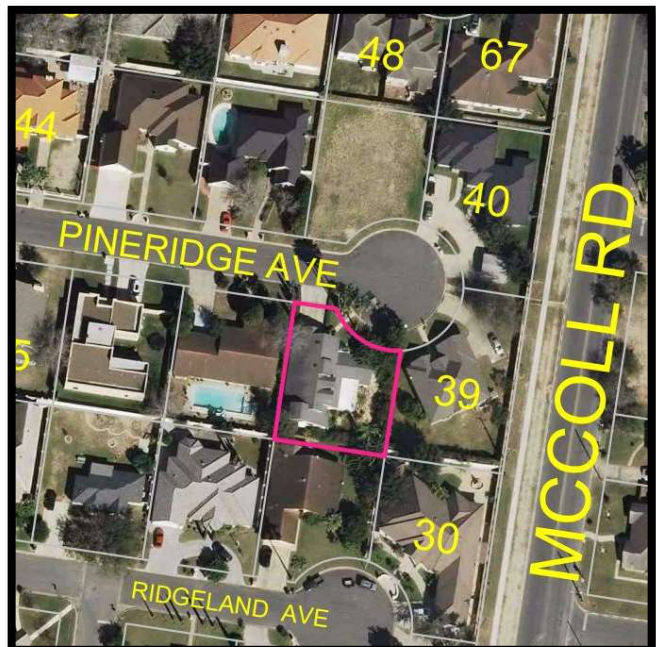
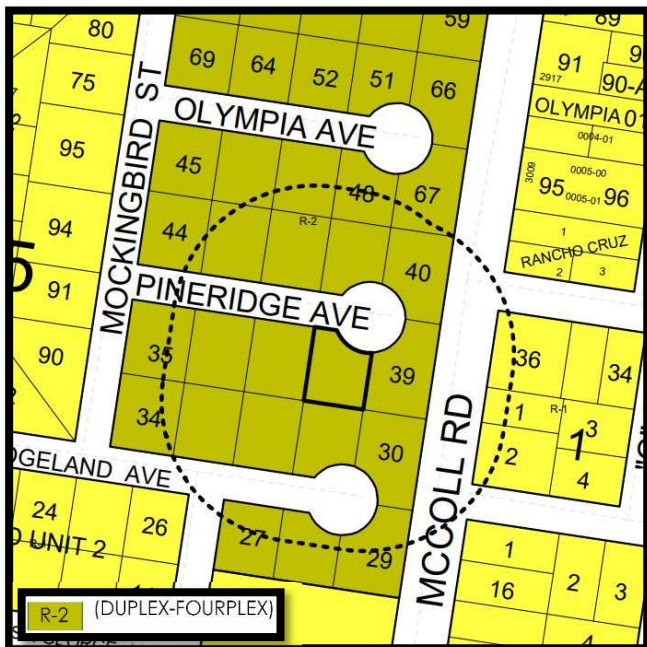
**FROM:** Planning Staff

**DATE:** October 25, 2023

**SUBJECT:** REQUEST OF RODRIGO BARBOZA ON BEHALF OF ALDO MONTEFORTE FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 11 FEET, AT LOT 38, FAIRWAY GRANDE VILLAGE UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 612 EAST PINERIDGE AVENUE. (ZBA2023-0096)

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 10 feet into the 25 feet front yard setback for an existing carport measuring 20 feet by 11 feet to protect their vehicles from weather elements such as rain, sun, hail, etc.

**PROPERTY LOCATION AND VICINITY:** The subject property is located along the East side of Pineridge Avenue, East South Monckingbird Street. The property is zoned R-2 (Duplex-Fourplex Residential) District. The surrounding zones include R-2 (Duplex-Fourplex Residential) all around.



**BACKGROUND AND HISTORY:** Fairway Grande Village No.2 subdivision was recorded on April 18, 1977. The plat shows a 25 feet front yard setback for the subdivision and 6 feet side yard setback. The house was built in the year of 1991 with a two car garage. A stop work order was issued on October 11, 2023 for building a carport without a building permit. On October 16, 2023 the applicant applied for a special exception to encroach 10 feet into the 25 feet front yard setback.

**ANALYSIS:** The applicant is requesting a special exception to encroach 10 feet into the 25 feet front yard setback for an existing carport measuring 20 feet by 11 feet to protect their vehicles from weather elements such as rain, sun, hail, etc.

The existing carport was built without a building permit. Site visit by staff revealed that the existing carport is encroaching into the front 25 feet front yard setback, however, applicant is proposing to move the location of the existing carport closer to the main structure to decrease the front yard encroachment. The size of the existing carport will remain the same.

Property was built with a two car garage. According to the applicant, the special exception request is necessary because the previous owners of the property enclosed the garage to make more living space.

Staff site visit revealed that two carports were built with a building permit in the same subdivision at Lot 51 and Lot 40.

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

**RECOMMENDATION:** Staff is recommending approval of the special exception due to being characteristic of the neighborhood.





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: ZBA 2023-0095

ZBOA Meeting: 11/15/2023

☐ Routed

Receipt No: 319334

☐ Scanned

Accepted by: P: ST S: ST

Customer Acknowledgment (Int.): RB

**PROJECT**

Legal Description Fairway Grande Village UT NO. 2 LOT 38

Subdivision Name Fairway Grande Village #2

Street Address 612 E Pineridge Ave

Number of lots 1 Gross acres 0

Existing Zoning R-1 Existing Land Use R-1

Reason for Appeal (please use other side if necessary) Requesting to encroach 10' into the setback.

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

**APPLICANT**

Name Rodrigo Barboza Phone (956) 445-9313

Address 2102 Spring Glen Dr E-mail \_\_\_\_\_

City Palmview State TX Zip 78574

**OWNER**

Name Aldo & Elvira Monteforte Phone (956) 227-5853

Address 612 E Pineridge Ave E-mail \_\_\_\_\_

City McAllen State TX Zip 78503

**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 RB

Date 10-13-23

Print Name Rodrigo Barboza

☐ Owner

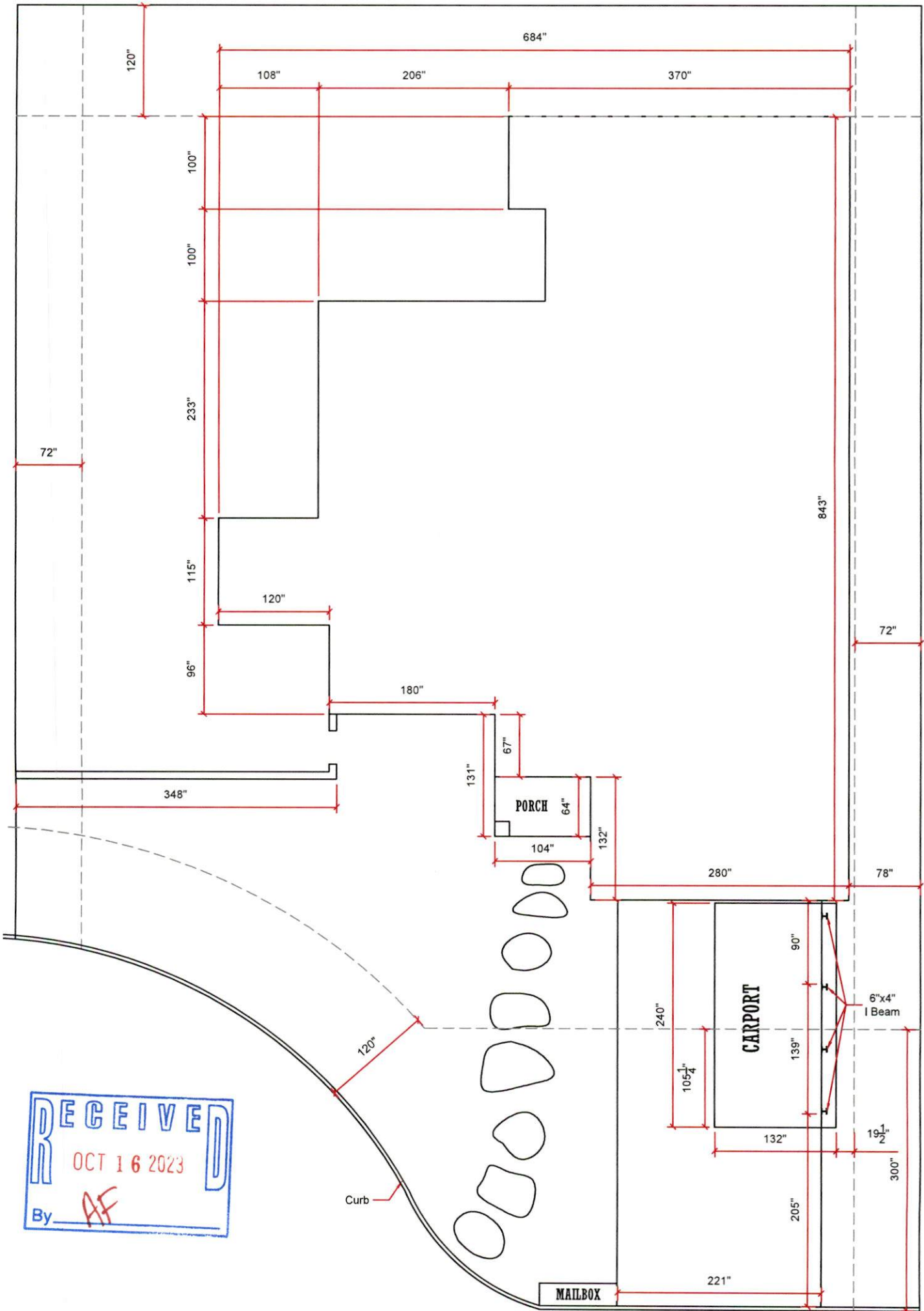
☒ Authorized Agent





**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

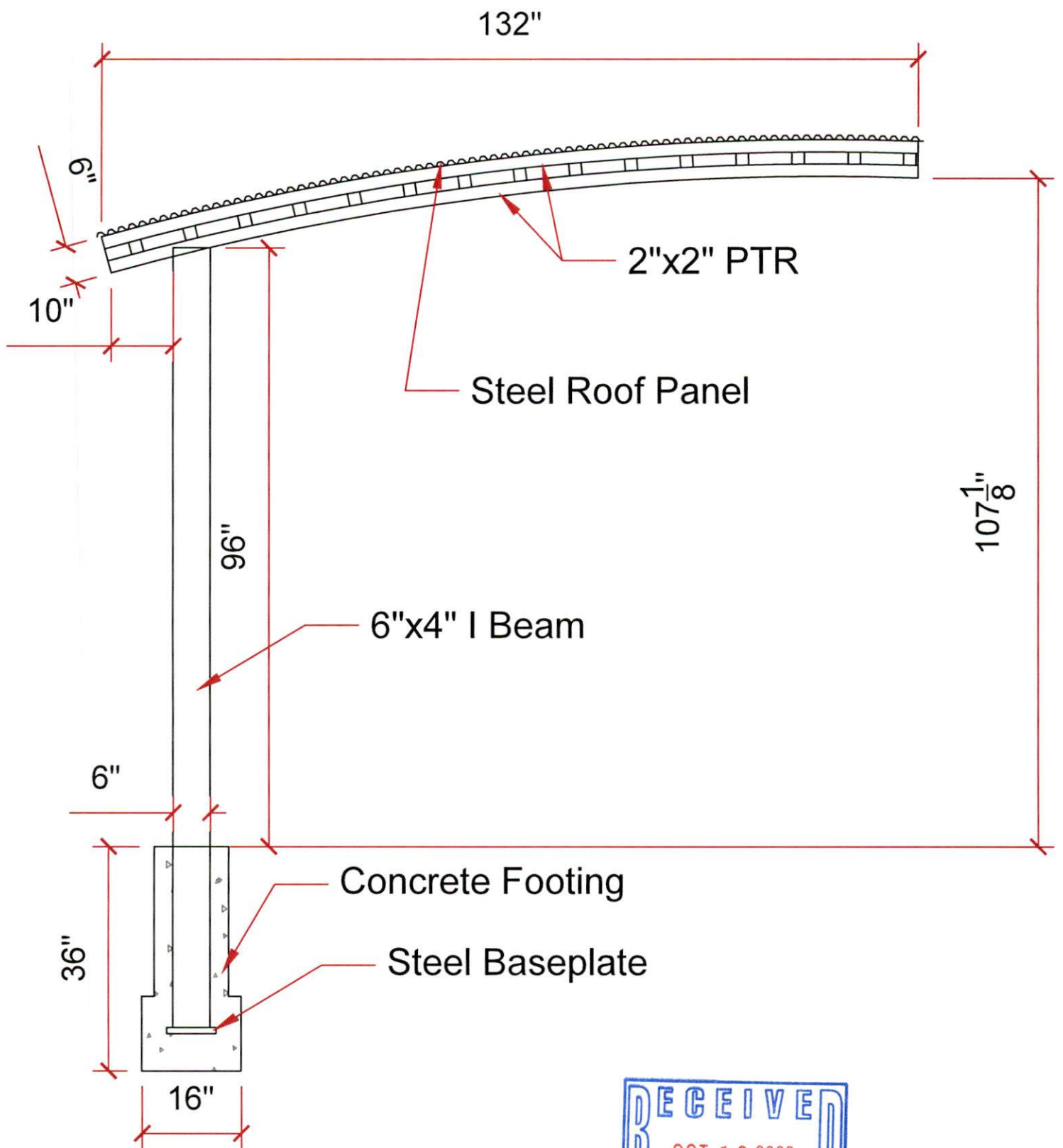
Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant but it is not required to provide responses to all sections listed below:</p>
	<p>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:</p>
	<p>The carport was built because the owner enclosed the garage to make more living space.</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner.</p>
	<p>The variance is necessary because the owner has closed of the garage and the vehicles are now exposed to the elements.</p>
	<p>Sun, Rain, Hail, Etc.</p>
	<p>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:</p>
	<p>The variance (Carport) will be on the driveway and would not be endangering the public health, safety or welfare of other property owners.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p>
	<p>They enclosed the garage and now need a protected area to park their vehicles.</p>
Board Action	
	<div>Chairman, Board of Adjustment Signature</div> <div>Date</div>



RECEIVED  
OCT 16 2023  
By AF















NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA 2023-0096



## Memo

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

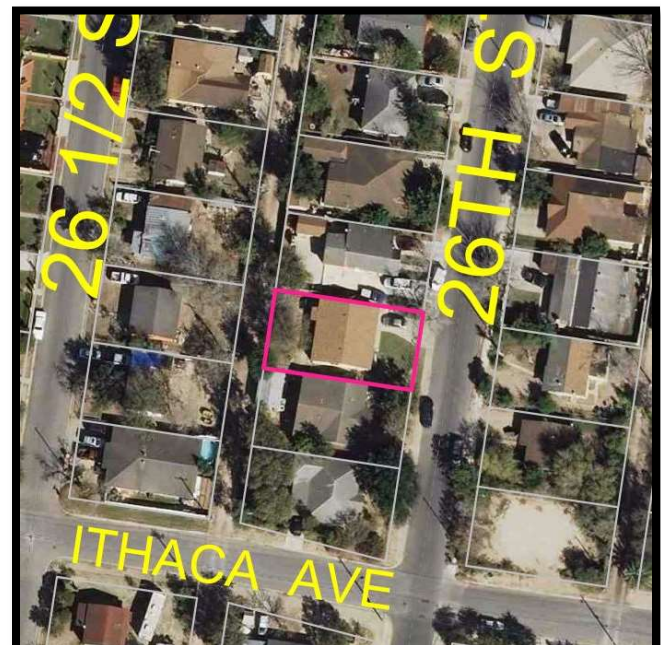
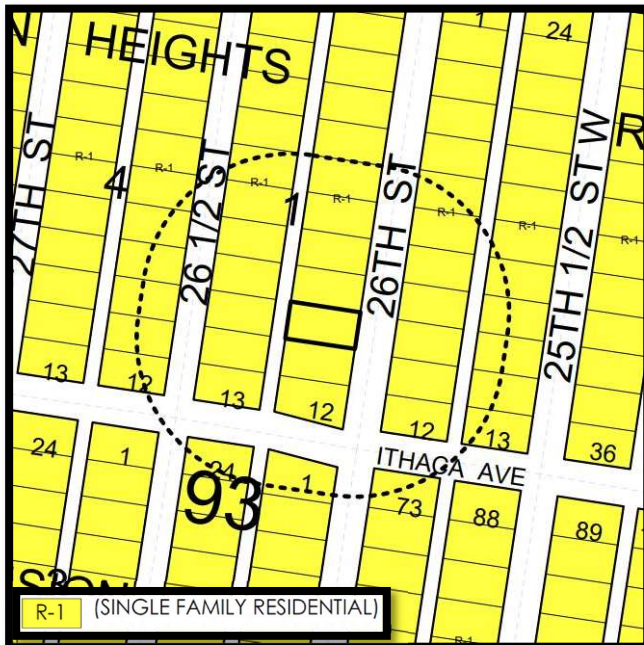
**FROM:** Planning Staff

**DATE:** October 25, 2023

**SUBJECT:** REQUEST OF SALVADOR DOMINGUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 3 FEET INTO THE 7 FEET SIDE YARD SETBACK, ENCROACHMENT OF 8 FEET INTO THE 10 FEET REAR YARD SETBACK AND 4 FEET DISTANCE FROM THE MAIN STRUCTURE FOR AN EXISTING METAL CARPORT MEASURING 24 FEET BY 11.10 FEET, AT LOT 10, BLOCK 1, MCALLEN HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 812 SOUTH 26<sup>TH</sup> STREET. (ZBA2023-0097)

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 3 feet into the 7 feet south side yard setback, encroach 8 feet into the 10 foot rear yard setback and to have 4 feet of distance from the main structure for an existing metal carport measuring 24 feet by 11.10 feet for protection of the residents vehicles from sun damage.

**PROPERTY LOCATION AND VICINITY:** The subject property is located along the south side of 26th Street and 100 ft away from Ithaca Avenue. The property is zoned R-1 (Single family residential) District. The surrounding zones include R-1 (single-family residential) all around.



**BACKGROUND AND HISTORY:** The Mcallen Heights subdivision was recorded on January 26, 1959. The property has a 10 foot rear yard setback and a 7 feet south side yard for the subdivision. The house was built in 1980 without a car garage. A stop work order was issued on September 30, 2023 for building a carport without a permit.

On October 18, 2023 the applicant applied for a special exception to encroach 3 feet into the 7 feet side yard setback, 8 feet into the 10 foot rear yard setback and to maintain a 4 foot distance from the main structure for an existing carport built without a permit.

**ANALYSIS:** The applicant is requesting a special exception to encroach 3 feet into the 7 south feet side yard setback, encroach 8 feet into the 10 foot rear yard setback and maintain a 4 feet distance from the main structure for an existing metal carport measuring 24 feet by 11.10 feet for protection of the residents vehicles from sun damage.

The existing carport was built without a building permit. A site visit by staff revealed that the existing carport is encroaching into the rear yard setback and the side setback.

According to the applicant, a premanufactured carport located in the front of the property was built without a building permit to protect their vehicles. However, the applicant is willing to remove the carport located in the front of the property in order to comply with the carport square footage limitation for the carport special exception.

Staff site visit also revealed that three carports were built with a building permit in the same subdivision.

At the Zoning Board of Adjustment and Appeals meeting of November 7, 2018 the Board approved a special exception to allow an encroachment of 9.34 feet into the 10 feet corner setback for an existing carport at Lot 13, Block 2.

At the Zoning Board of Adjustment and Appeals meeting of December 17, 2014 the Board approved a variance request for a rear yard setback of 3.33 feet instead of 10 feet for an existing carport at Lot 12, Block 6.

At lot 6, Block 8, an existing carport was build with an approved building permit on April 25, 2013.

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

**RECOMMENDATION:** Staff recommends approval of the request since it is characteristic of the neighborhood.



# 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: 2BA2023-0097 ZBOA Meeting: 11/15/23 ☐ Routed  
Receipt No: 986093 ☐ Scanned  
Accepted by: P: NM S: 95 Customer Acknowledgment (Int.): SJD

### PROJECT

Legal Description MCALLEN HEIGHTS LOT 10 BLK 1 SJD

Subdivision Name MCALLEN HEIGHTS

Street Address 812 S. 26th St

Number of lots 1 Gross acres 0.1090

Existing Zoning RS Existing Land Use Residence

Reason for Appeal (please use other side if necessary) Requesting variance to setbacks for property.

Encroaching 3' into the 7' South side yard. Setback encroachment 8' into the 10' rear.  
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport) Variance request  
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required 4 foot separation from structure

### APPLICANT

Name Salvador Dominguez Phone 425 247-4790 SJD

Address 9803 Willow Crossing Dr. E-mail sald69@hotmail.com

City Houston State Texas Zip 77064

### OWNER

Name Same as applicant Phone \_\_\_\_\_

Address \_\_\_\_\_ E-mail \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### 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 SJD

Date 10/17/23

Print Name Salvador Dominguez

☒ Owner

☐ Authorized Agent







**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:

Protection from the elements as well as a safety measure from people using celebration

gunfire during several times of the year. Protection for RV from sun damage.

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

Eventually, I will be applying for a permit to use the property as a short-term rental.

The ability to offer covered RV parking and protection is a much desired feature and

will offer a competitive advantage. Additionally, we use the parking also for visits.

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 neighborhood is severely lacking up keep and safety. The improvements are intended

to contribute to the overall aesthetics and increased property values in the area.

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

Property was neglected for several years after the passing of original owner (mom). The

focus is to try to make the house something she would have been proud of and to have her

sons and daughter contribute to its improvement. It is bordered on two sides by family. Her

brother and her neice both flank the property and welcome the improvements being made.

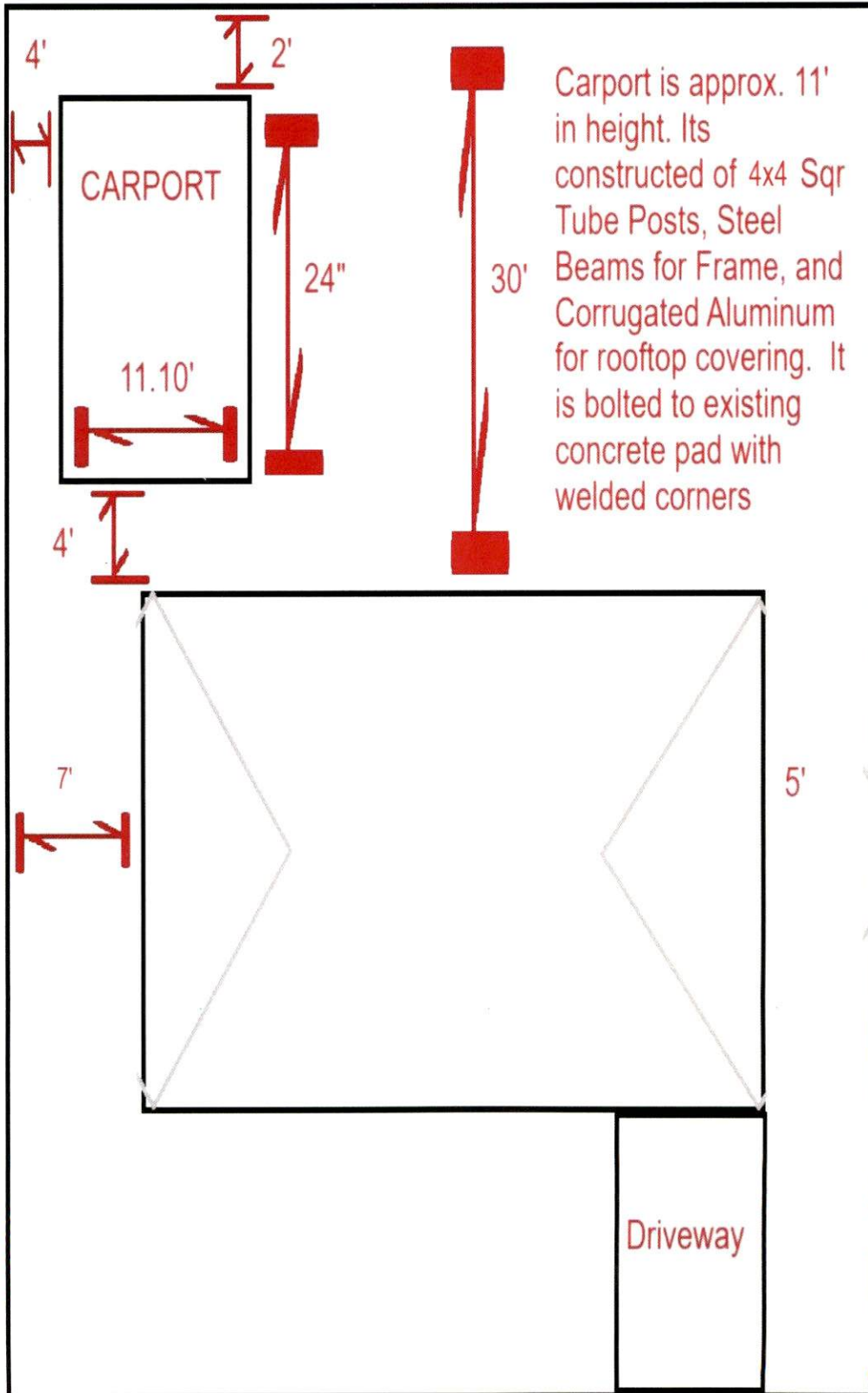
Thank you for your consideration in this manner. Sorry we did not follow the process first.

Board Action

Chairman, Board of Adjustment  
Signature

Date

# Rear Access Alley



Submitted by:  
S. Dominguez  
425 247-4790



2. 26th Street

Site Plan for 812 S.26th ST, McAllen, TX78501











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ZBA2023-0097

812 S. 26<sup>th</sup> ST. McAllen, TX 78501

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11/7/2023

**Hilda A. Tovar**

Planner II

City of McAllen – Planning Department

311 N 15<sup>th</sup> Street

McAllen, TX 78501 (Development Center)

Dr. Ms. Tovar,

Thanks for your recommendation to approve my special exception for a carport addition. In order to comply with the following ordinance:

Sec. 138-371. - Special exception for carports.

(g) No carport for which a special exception has been granted under this subsection shall exceed 400 square feet in size.

Upon the approval committee's final approval of my exception, I will immediately remove the carport located in front of the residence at 812 S. 26<sup>th</sup> ST. I only request a timeline or schedule of time permitted to remove it safely or otherwise dispose of it.

Sincerely,

Salvador Dominguez



11/7/23

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Owner of property





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA 2023-00 97





## **Memo**

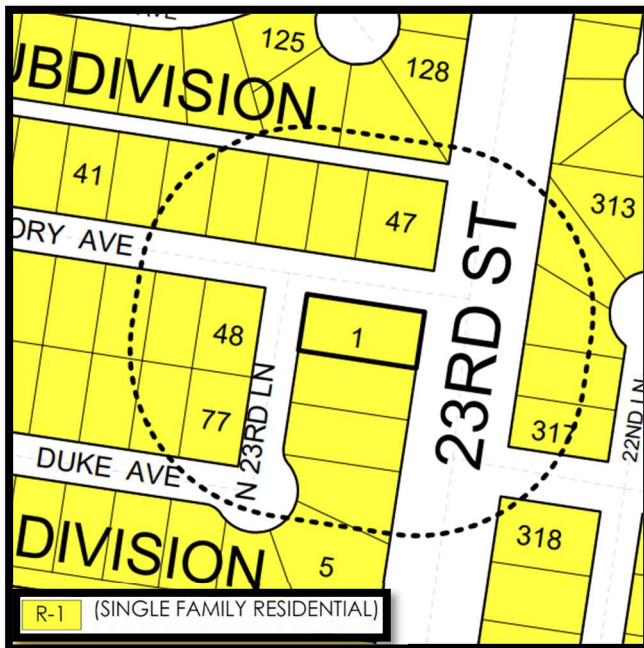
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 24, 2023

**SUBJECT:** REQUEST OF ARIEL OLIVARES ON BEHALF OF EDUARDO C. LONGORIA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 15 FEET BY 20 FEET, AT LOT 1, THE ROCKS SUBDIVISION, HIDALGO COUNTY, TEXAS; 8218 NORTH 23<sup>RD</sup> LANE. (ZBA2023-0093)

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 14 feet into the 20 feet front yard setback for an existing carport measuring 15 feet by 20 feet to shield from elements such as extreme heat, rain, wind, hail and standing water on the street.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the East side of North 23<sup>rd</sup> Street intersection with Emory Avenue. The lot has 67.60 feet of frontage and 145 feet of depth for a total of 9,228 square feet. The property is zoned R-1 (Single family residential) District. The surrounding zones include R-1 (single-family residential) all around.

**BACKGROUND AND HISTORY:** The Rocks subdivisions was recorded on May 26, 1998. The plat shows a 20 feet front yard setback for the subdivision. The house was built in the year of 2000 with a two car garage. A stop work order was issued on June 6, 2023 for building a carport without a permit. A building permit application to enclose garage was submitted in March 10 2000. However, permit application was not finalized. Building permit application was renewed in September 28, 2023. An application for a building permit for the existing carport was submitted in June 14, 2023.

On September 14, 2023 the applicant applied for a special exception to encroach 14 feet into a 20 feet front yard setback.

**ANALYSIS:** The applicant is requesting a special exception to encroach 14 feet into the 20 feet front yard setback for an existing carport measuring 15 feet by 20 feet to shield from elements such as extreme heat, rain, wind, hail and standing water on the street.

Existing carport was built without a building permit. Site visit by staff revealed that the existing carport is encroaching into the front 5 feet utility easement and the 6 feet side setback. Applicant is proposing to reduce the size of the carport to comply with the setback requirements.

Property was built with a garage. According to the applicant, the previous owners enclosed the garage without a building permit approval. Building permit application was renewed and approved on September 28, 2023.

Staff site visit revealed that one carport was built in the same subdivision at Lot 2. An application for a 5 feet utility easement abandonment located in the front of the property was submitted in December 7, 2023. Application is still under review.

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

**MEETING OF OCTOBER 18:** At the last meeting on October 18<sup>th</sup>, the item was tabled by the board and applicant was given an opportunity to discuss with staff some options.

For the carport special exception, the applicant was willing to reduce the size of the existing carport to a 15 feet by 20 feet carport and a request to encroach 14 feet into the 20 feet front yard setback. The proposed carport will not encroach into utility easements.

**RECOMMENDATION:** Staff is recommending disapproval of the special exception due to being non characteristic of the neighborhood.

P 2BA2023-0093

2BA 10/18/23



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

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

**Project**

Legal Description Lot 1 - The Rocks Subdivision

Subdivision Name The Rocks

Street Address 8218 N. 23<sup>rd</sup> Lane

Number of lots \_\_\_\_\_ Gross acres \_\_\_\_\_

Existing Zoning Residential Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Please Refer to the back of this form. ENLARGING 14' INTO 20' FRONT SETBACK

☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

☒ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

**Applicant**

Name Aniel Olivarez Phone (956) 534-5838

Address 1208 Jasmine Ave E-mail aniel.olivarez@yahoo.com

City McAllen State Tx Zip 78501

**Owner**

Name Eduardo C. Longoria Phone (956) 225-3401

Address 8218 N. 23<sup>rd</sup> Lane E-mail Shallowrnr@yahoo.com

City McAllen State Tx 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 Eduardo C. Longoria Date 9/14/23

Print Name Eduardo C. Longoria ☒ Owner ☐ Authorized Agent

**Office**

Accepted by AS Payment received by \_\_\_\_\_ Date \_\_\_\_\_

Rev 10/18







29/01/2017

## Reason for Appeal

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

- Please refer to attachment.

- Please refer to attachment.

- Please refer to attachment.

- Please refer to attachment.

## Board Action

Date \_\_\_\_\_



***Planning Department***  
***Reason for appeal and Board Action***

1. Describe the special circumstances or condition affecting the land involved such that the strict application provisions required would deprive the applicant of the reasonable use of the land. **RESPONSE:** Being our home is on a corner lot; there is no other location for the placement of the open carport for our vehicles.
2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner. **RESPONSE:** My wife and I live alone in the house and we 65 and 71 years of age respectively. We currently have no open carport to shield us from the elements; extreme heat, rain, wind, hail and/or standing water on the street.
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:  
**RESPONSE:** The proposed open carport will be on the opposite side of the entrance/exit of the subdivision and therefore, will not create an obstruction for anyone entering or exiting the subdivision.
4. Describe special conditions that are unique to this applicant or property. **RESPONSE:** Refer to Question 1  
As this is a very busy and high traffic area there is no other option except where we are proposing to build.



**ARANDA AND ASSOCIATES, INC.**  
LAND SURVEYING AND MAPPING COMPANY  
1552 DOVE AVENUE, 78504/P.O. BOX 3600, 78501/McALLEN, TEXAS  
PH: 956-631-0944/FAX: 956-631-0992/E-MAIL: @arandaworld.com

**ARANDA AND ASSOCIATES, INC.**  
LAND SURVEYING AND MAPPING COMPANY  
1552 DOVE AVENUE, 78504/P.O. BOX 3600, 78501/McALLEN, TEXAS  
PH: 956-631-0944/FAX: 956-631-0992/E-MAIL: @arandaworld.com

LOT 47

50' ROW

50' ROW

N 08° 42' 30" E - 67.50'

Curb &amp; Gutter

Curb &amp; Guller

62.5'

3115

N 81°17'30" W

LOT 2

LOT 3

S 81°17'30" E

145.00'

S 08°42'30" W - 67.50'

IRF

N. 23rd STREET (F.M. 1926)

100' ROW

RECEIVED  
SEP 14 2023  
By [Signature]



## LAND TITLE SURVEY OF

Lot One (1), THE ROCKS SUBDIVISION, an addition to the City of McAllen, HIDALGO County, Texas, according to the map or plat thereof recorded in Volume 33, Page 85B, Map Records of Hidalgo County, Texas.

### PROPERTY LOCATED:

8218 N. 23rd Lane  
McAllen, Texas 78504

### SURVEYED FOR:

Eduardo C. Longoria (Borrower) and  
THE LAREDO NATIONAL BANK

### TITLE COMMITMENT NOTES:

- A. Easement for PIPELINE RIGHT OF WAY granted to FINA NATURAL GAS COMPANY, as set forth in instrument recorded on November 16, 1988, under Document No. 725333, Official Records, Hidalgo County, Texas.
- B. Easement for RIGHT OF WAY granted to CENTRAL POWER & LIGHT COMPANY, as set forth in instrument recorded under Clerk's File No. 935404, Official Records of Hidalgo County, Texas.
- C. Conveyance of Water Rights from B.M.S., LTD. DIEGO MUGICA - PARTNER to CITY OF MCALLEN, in instrument dated May, 11, 1998, under Document No. 681437, Official Records, Hidalgo County, Texas.
- D. Easement agreement between CENTRAL POWER & LIGHT COMPANY and B.M.S. DEVELOPERS, LTD., dated March 12, 1998, recorded on June 19, 1998, under Document No. 687170, Official Records, Hidalgo County, Texas to furnish maintain and operate underground electric cables and other facilities as may appear upon the map attached thereto.
- E. Easements, Rules, Regulations and Rights in favor of Hidalgo County Irrigation District No.1.
- F. Minimum floor elevation; twenty foot (20') minimum setback line along the front or greater for easement; six foot (6') minimum setback line along the south side or greater for easement; ten foot (10') minimum setback line along the north side or greater for easement; ten foot (10') minimum setback line along the rear or greater for easement; eighteen foot (18') minimum garage setback line; thirty foot (30') gas easement along the east side; five foot (5') utility easement along the north and west sides; ten foot (10') utility easement along gas easement; twenty five foot (25') by twenty five foot (25') street easement; as per map or plat thereof recorded in Volume 33, Page 85B, Map Records, Hidalgo County, Texas.

### LEGEND

●	IRON ROD FOUND (IRF)
*—*	WOOD FENCE
AC	Air Con. Pedestal
MBSBL	Min. Bldg. Setback Line
MGSBL	Min. Gar. Setback Line
MB	Mail Box
CP	Cable Pedestal
UE	Utility Easement
EB	Electrical Box
WM	Water Meter

### RECORDED PLAT NOTES:

1. This Property is located within ZONE "C" of a Flood Insurance Rate Map Community Panel No. 480334 0425 C, Map Revised November 18, 1982.
2. The Minimum Building Setback Lines shall be as follows:

Front	20.0'
Front Cul-de-Sac	10.0'
Rear	10.0' or greater for easements
Side	6.0' or greater for easements
Side Corner	10.0' or greater for easements
Garage	18.0' except where greater setback applies
3. No Lot frontage or access shall be allowed from N. 23rd Street.
4. A 4 foot wide sidewalk is required along the West side of N. 23rd Street and along both sides of N. 25th Lane.
5. The Minimum finished floor elevations for all lots to be 18" above top of curb.
6. A total of 1.03 acre-feet of stormwater detention is required for this subdivision. Owner is required to submit an engineered detention plan approved by the engineering department prior to building permit.
7. The City of McAllen shall have a 25' x 25' corner clip easement at all street intersection.
8. A 6.0 foot buffer is required along N 23rd Street and from adjacent commercial zone/use.
9. Central Power & Light Company is hereby granted an easement and right of way on each lot in said subdivision for an underground electric service lateral together with right of ingress and egress for such purpose at the right location where such service lateral is to be or is installed and maintained from time to time.



SCALE: 1" = 30'

BEARING SHOWN ARE  
BASED ON: THE ROCKS  
SUBDIVISION MAP IN  
VOL. 33, PAGE 85B  
H.C.M.R.

### SEAL OR EMBOSSEMENT



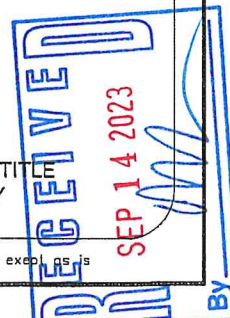
I, JAMES ARANDA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THE ABOVE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LAND AS SURVEYED ON THE GROUND UNDER MY DIRECTION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY \_IA\_, CONDITION \_III\_ SURVEY.

SIGNATURE

5/8/06  
DATE:

SURVEY DATE: 05-04-06  
JOB NUMBER: 050406479-01A  
SURVEYED BY: EMC  
DRAWN BY: EMC  
CHECKED BY: JA  
REVISED:  
REVISED:

TITLE REPORT FROM  
TITLE CO.: STEWART TITLE  
GUARANTY COMPANY  
GF#: 745655



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This survey is being provided solely for the use of the above referenced parties and that no license has been created, express or implied, to copy this survey except as is necessary in conjunction with the original transaction, which shall take place within 6 months after this survey is provided.





8218

8218













NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0093

8218

8218



## 2023 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/23	01/18/23	02/08/23	02/22/23	03/08/23	03/22/23	04/05/23	04/19/23	05/03/23	05/17/23	06/07/23	06/21/23	07/13/23	07/27/23	08/09/23	08/23/23	09/07/23	09/20/23	10/04/23	10/18/23	11/01/23	11/15/23	12/06/23	12/20/23
SYLVIA HINOJOSA	P	P	P	P	P	P	P	P	A	P														
JOSE GUTIERREZ- CHAIRPERSON	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
ANN TAFEL- VICE-CHAIRPERSON	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
HUGO AVILA	P	P	P	A	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	A			
ROGELIO RODRIGUEZ	A	P	A	P	P	P	P	A	P	P	A	P	P	P	P	P	A	P	P	P	A			
HIRAM A. GUTIERREZ											P	A	P	P	P	P	P	P	A	P	P			
REBECCA MILLAN (ALT 1)	P																							
MARK TALBOT (ATL 2)	A																							
SAM SALDIVAR (ALT 3)	P	P	P	P	P	P	A	P	P	A	P	P	P	A										
JUAN MUJICA (ALT 4)	P	P	A	P	P	P	A	P	P	P	P	P	P	A	P	P	A	P	P	P	P			
PABLO D. GARCIA (ALT 2)																				P	A			
ALEX A. LAMELA (ALT 3)																	P	P	P	P	P			

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED



NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION

## 2023 CALENDAR





### Meetings:

-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment
- HPC - Historic Pres Council





### Deadlines:

- D- Zoning/CUP Application
- N - Public Notification
- \* Holiday - Office is closed





### JULY 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 <b>HOLIDAY</b>	5	6	7	8
9	10  A-7/26 & 7/27	11 	12 N-7/26 & 7/27 D-8/8 & 8/9	13	14	15
16	17	18	19	20	21	22
23	24  A-8/8 & 8/9	25 	26 N-8/8 & 8/9 D-8/22 & 8/23	27 <b>HPC</b>	28	29
30	31					





### AUGUST 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 A- 8/22 & 8/23	8	9 N- 8/22 & 8/23 D-9/6 & 9/7	10	11	12
13	14 	15 	16	17	18	19
20	21 A- 9/6 & 9/7	22	23 N- 9/6 & 9/7 D-9/19 & 9/20	24 <b>HPC</b>	25	26
27	28 	29 	30	31		





### SEPTEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 <b>HOLIDAY</b>	5	6 N-9/19 & 9/20 D-10/3 & 10/4	7	8 A-9/19 & 9/20	9
10	11 	12 	13	14	15	16
17	18 A-10/3 & 10/4	19	20 D-10/18 & 10/19 N-10/3 & 10/4	21	22	23
24	25 	26 	27	28 <b>HPC</b>	29	30



### OCTOBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 N-10/17 & 10/18 D-11/1 - 11/7	5	6	7
8	9 	10 	11	12	13	14
15	16 A-11/1 ZBA	17	18 N- 11/1 ZBA D-11/15 & 11/21	19	20	21
22	23 	24 	25	26 <b>HPC</b>	27	28
29	30 A- 11/15 ZBA	31				

### NOVEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 N- 11/15 ZBA D-12/5 & 12/6	2	3	4
5	6 A-11/21 PZ	7	8 N- 11/21 PZ	9	10	11
12	13 	14 	15 D-12/19 & 12/20	16	17	18
19	20 A-12/5&12/6	21	22 N-12/5 & 12/6	23 <b>HOLIDAY</b>	24	25
26	27 	28 	29	30		

### DECEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6 <b>HPC</b> D-TBA N-12/19 & 12/20	7	8	9
10	11 	12 	13	14	15	16
17	18 A- TBA	19	20 D- TBA N- TBA	21	22	23
24	25 <b>HOLIDAY</b>	26 <b>HOLIDAY</b>	27	28	29	30