AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
WEDNESDAY, NOVEMBER 18, 2026 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

a) Minutes for the meeting held on November 4, 2026

2. PUBLIC HEARINGS:

a) Request of Erica Perez, for a variance **(1)** to allow an encroachment of 6 ft. into the 25 ft. front yard setback for a proposed porch and **(2)** a special exception to allow an encroachment of 20 ft. into the 25 ft. front yard setback for a proposed carport at Lot 54, Plantation Gap Subdivision Phase 2, Hidalgo County, Texas; 4701 Swallow Avenue. **(ZBA2026-0046)**

b) Request of Eduardo Regalado, for a special exception to allow an encroachment of 10 ft. into the 10 ft. rear yard setback for an existing carport and an encroachment of 20 ft. into the 30 ft. front yard setback for an existing carport at Lot 4, Block 4, Southwest Heights Subdivision No. 2, Hidalgo County, Texas; 513 South 29th Street. **(ZBA2026-0047)**

3. FUTURE AGENDA ITEMS

a) 6109 North 3rd Street

b) 10307 North 28th Lane

c) 9208 North 32nd Street

d) 5913 North 22nd Street

e) 2701 West Expressway 83

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE ZONING BOARD OF ADJUSTMENTS AND APPEALS MAY TAKE VARIOUS ACTIONS, INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR PARTICULAR ACTION AT A FUTURE DATE.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, November 4, 2026, 2026 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	**Jose Gutierrez**	**Chairperson**
	Hiram Gutierrez	**Vice-Chairperson**
	Daniel Santos	**Member**
	Alex Lamela	**Member**
	Juan Mujica	**Alternate**
	Erick Diaz	**Alternate**
Absent:	**Ivan Garcia**	**Alternate**
	Francisco Davila	**Alternate**
Staff Present:	**Norma Borrego**	**Assistant City Attorney I**
	Omar Sotelo	**Planning Director**
	Kaveh Forghanparast	**Senior Planner**
	Porfirio Hernandez	**Planner II**
	Jessica Puga	**Technician II**
	Carmen White	**Administrative Assistant**

CALL TO ORDER –Chairperson Jose Gutierrez

1. **MINUTES:**

a) Minutes for meeting held on October 21, 2026.

The minutes for the meeting held on October 21, 2026. The motion to approve the minutes were made by Mr. Alex Lamela. Mr. Daniel Santos seconded the motion, which carried unanimously with five members present and voting.

2. **PUBLIC HEARINGS:**

a) Request of Clara Treviño, on behalf of Eduardo Ramos, for a variance to allow an encroachment of 13 feet into the required 25-foot rear yard setback, for a proposed pool, at Lot 81, Tiffaney Estates Subdivision, Hidalgo County, Texas; 4500 Kiwi Avenue. **(ZBA2026-0045)**

Mr. Hernandez stated the applicant was requesting a variance to permit a proposed swimming pool to encroach 13 feet into the required 25-foot rear yard setback.

The applicant requested a variance to accommodate the proposed swimming pool due to the property's required 25-foot rear-yard setback per the recorded plat. The applicant states strict compliance with the applicable setback requirements would substantially restrict the pool's size and placement, limiting the reasonable use and enjoyment of the property. The applicant asserts that the proposed variance will not adversely affect public health, safety, or welfare, or negatively impact neighboring properties.

Section 2.2.2 of the Unified Development Code (UDC) requires 10-foot rear setback for the properties in an R-1 (Low-Density Residential-UDC) District. Also, Section 5.3.5.E of the UDC states that where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only. The subject property fronts Kiwi Avenue.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

Staff recommended approval of the variance request.

Chairperson Gutierrez asked staff on the diagram that mentioned that next to what is being requested today there was an existing covered area on a concrete slab. Were there any comments regarding the construction. Staff stated he spoke with the applicant and said that whatever was there was no longer there. Chairperson Gutierrez asked why this diagram that was submitted on September 2008 included mentioning it was there. Staff stated he went out to the site and did not recall seeing the storage shed.

Mr. Victor Trevino, 4400 Pecan Blvd., McAllen. He stated he was representing Mr. Eduardo Ramos. Chairperson Gutierrez asked if there was anything in writing. Staff stated he spoke with the applicant, Clara Trevino but was not able to attend. Chairperson Gutierrez asked legal if the phone call between staff and Clara Trevino was enough authorization for Mr. Trevino to speak on behalf of the applicant, legal stated yes. Chairperson Gutierrez asked Mr. Trevino if he had any comments regarding the diagram that was included in the documents. Mr. Trevino stated there used to be a little shed there but the applicant had removed it along with the concrete slab about 2 weeks ago. He mentioned to the applicant that the pool would not fit there if the shed was to remain.

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

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

Board member Santos asked staff about the variances in that subdivision. Staff stated he did some research in that subdivision. There had been two variances approved for rear setbacks for similar cases. Another variance approved for front yard setbacks. And the double fronting was not required by the city anymore.

Following discussion, Mr. Daniel Santos **moved** to follow staff's recommendation and approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve with five members present and voting.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 4:41 p.m.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Planning Department

Memo

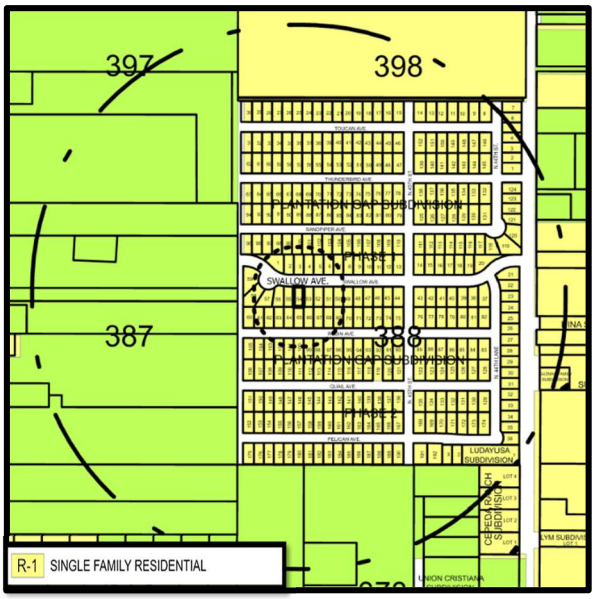
TO: Zoning Board of Adjustment & Appeals

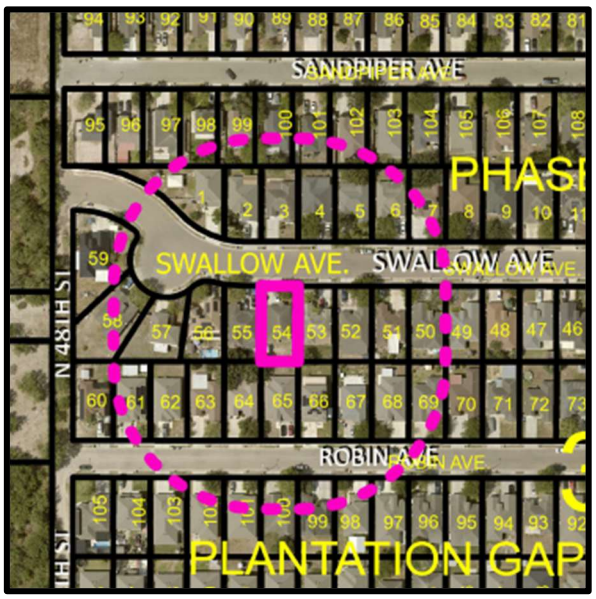
FROM: Planning Staff

DATE: November 18, 2026

SUBJECT: **REQUEST OF ERICA PEREZ, FOR A VARIANCE TO (1) TO ALLOW AN ENCROACHMENT OF 6 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A PROPOSED PORCH, AND TO (2) A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 20 FT. INTO THE 25 FT. FRONT YARD SETBACK FOR A PROPOSED CARPORT AT LOT 54, PLANTATION GAP SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 4701 SWALLOW AVENUE. (ZBA2026-0046)**

REASON FOR APPEAL: The applicant requests a variance to allow a 6-foot encroachment into the 25-foot front yard setback for a proposed porch and a special exception to allow a 20-foot encroachment for a proposed metal carport.





PROPERTY LOCATION AND VICINITY: The subject property is located on the south side of Swallow Avenue, west of North 45th Street. The surrounding land uses include single-family residences and vacant land.

BACKGROUND AND HISTORY: Plantation Gap Subdivision Phase 2 was recorded on October 25, 2006. The recorded plat indicates a 25-foot front-yard setback. A building permit application for the porch and carport was submitted on September 9, 2026. The permit has been rejected due to the

proposed encroachment and needing a variance. The variance request was submitted on September 18, 2026 to address the proposed carport and porch encroachment into the required setback.

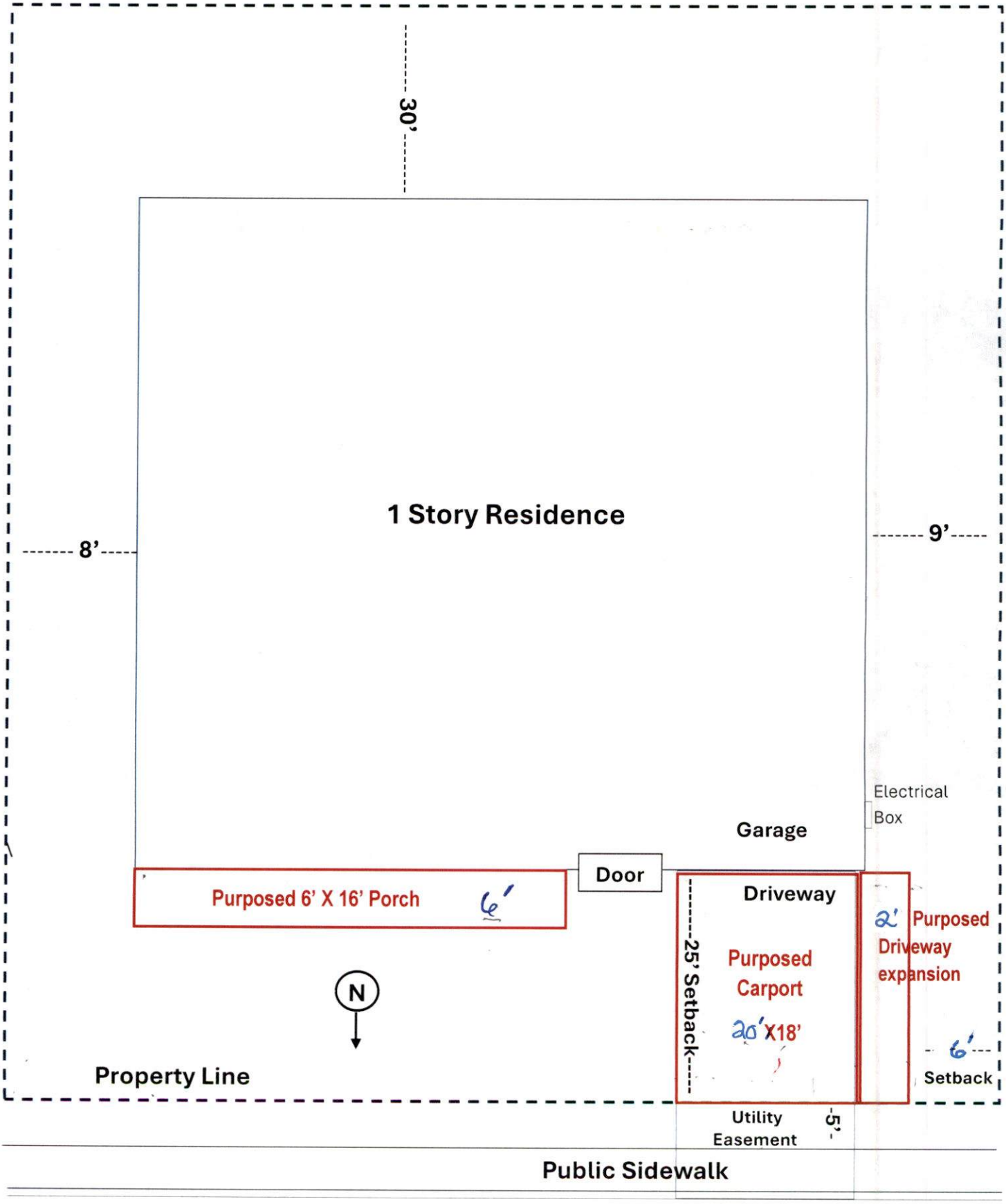
ANALYSIS: The applicant is requesting a variance to allow a porch measuring 6'x16' and a metal carport measuring 18' x 20'. The carport would provide protection for their vehicles from inclement weather and a covered area when transporting their disabled mother to medical appointments, improving safety and comfort. The applicant states that the proposed improvements will remain within the property lines and will not affect neighboring properties.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends approval of the variance request for the porch and special exception for the carport.



Plantation Gap PH 2 LOT 54

4701 Swallow Avenue, McAllen 78504

updated 9/18/26


ZBA2026-0046
• NOTICE •
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET
4701
WNK-9305

Planning Department

Memo

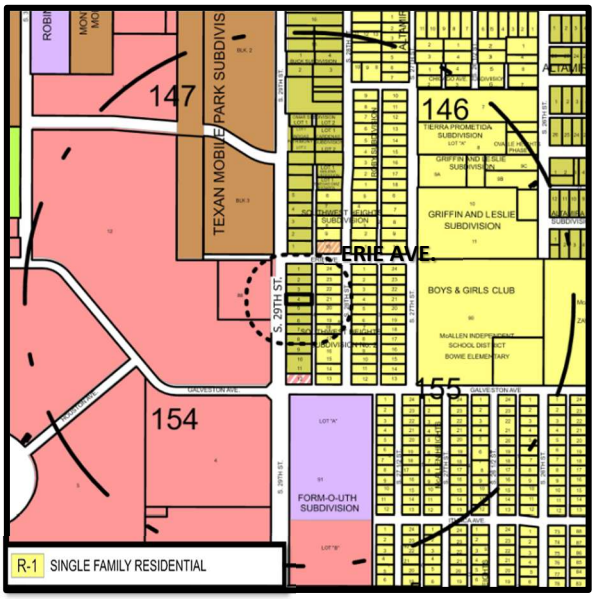
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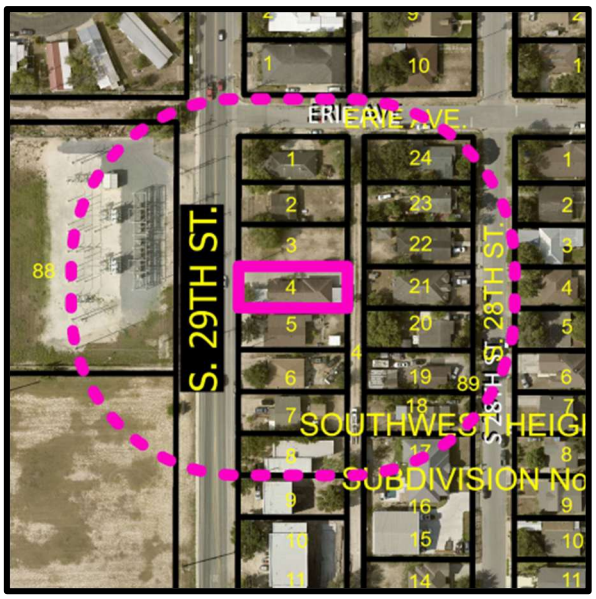
FROM: Planning Staff

DATE: November 18, 2026

SUBJECT: **REQUEST OF EDUARDO REGALADO, FOR A SPECIAL EXCEPTION TO ALLOW AN ENCROACHMENT OF 10 FT. INTO THE 10 FT. REAR YARD SETBACK FOR AN EXISTING CARPORT AND AN ENCROACHMENT OF 20 FT. INTO THE 30 FT. FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 4, BLOCK 4, SOUTHWEST HEIGHTS SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 513 SOUTH 29TH STREET. (ZBA2026-0047)**

REASON FOR APPEAL: The applicant requests a special exception to allow a 20-foot encroachment into the 30-foot front yard setback for an existing carport and an encroachment of 10 feet into the 10 foot rear yard setback for an existing carport.





PROPERTY LOCATION AND VICINITY: The subject property is located on the east side of South 29th Street, south of Erie Avenue. The surrounding land uses include single-family residences, multi-family and commercial uses.

BACKGROUND AND HISTORY: Southwest Heights Subdivision No. 2 was recorded on March 28, 1961. The recorded plat indicates a 30-foot front yard setback and a 10-foot rear setback by ordinance. A stop work order was issued on February 27, 2025 for construction without a permit for a carport in front of property. A second notice was issued on March 17, 2025 for the same reason. A citation was

issued on March 18, 2025 for building without a permit for the front carport. A building permit application for the two existing carports was submitted on September 9, 2026. The permit has been rejected due to the encroachments and needing a variance. The variance request was submitted on September 22, 2026 to address the encroachments into the required setback.

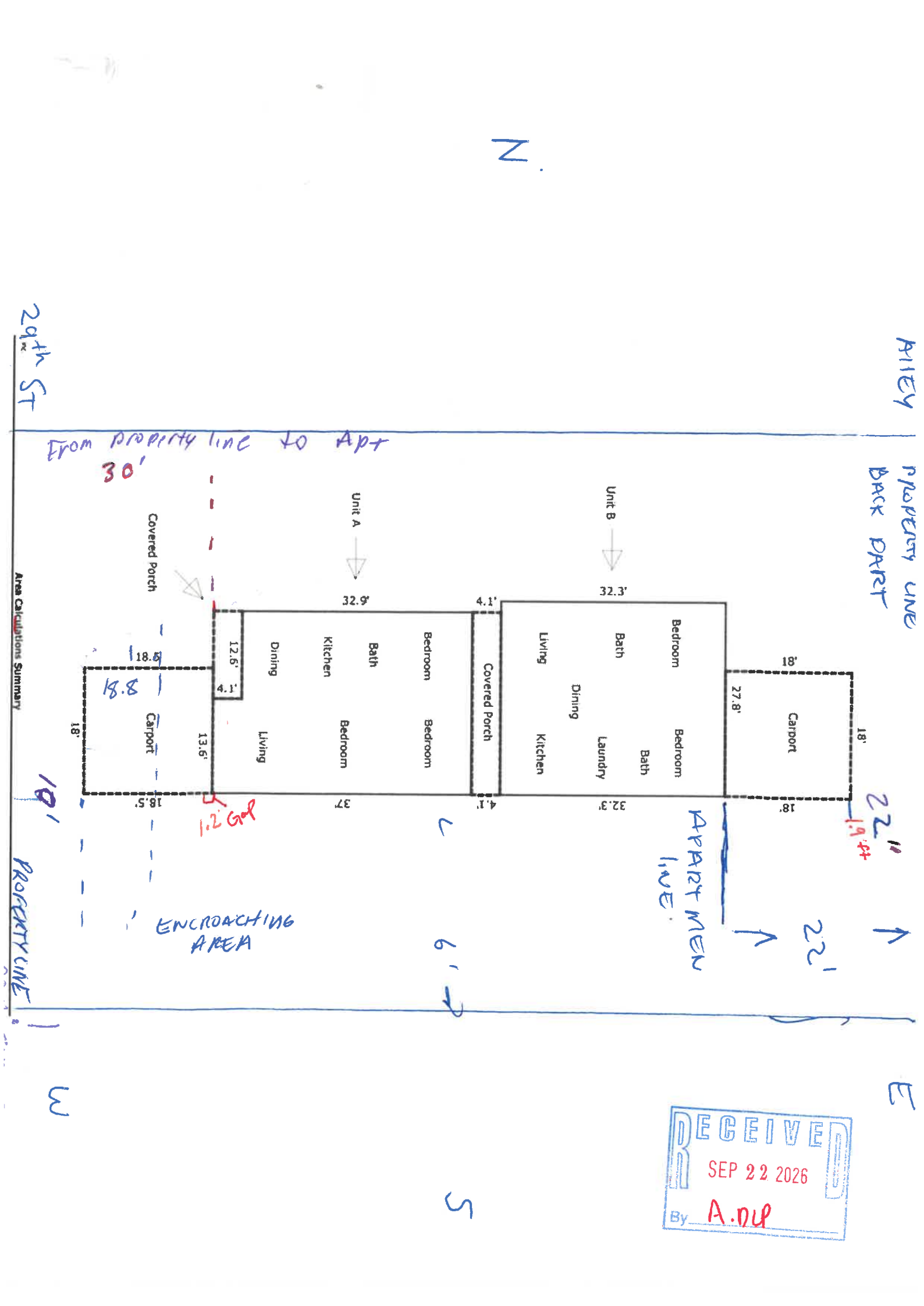
ANALYSIS: The applicant is requesting a variance to permit existing front and rear carports that were not properly permitted by the previous owner. The front carport measures 18 ft. x 18.5 ft., and the rear carport measures 18 ft. x 18 ft. The applicant states that the carports provide necessary shade and protection from the sun for renters and their children. The structures have reportedly been in place for several years without causing any known negative impacts on neighboring properties or the surrounding community.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends disapproval of the special exception requests.



RECEIVED
SEP 22 2026
By A.DLP


513




513
ZBA2026-0047
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET