

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, NOVEMBER 2, 2022 - 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 Sylvia Hinojosa

#### 1. MINUTES:

- a) Minutes for the meeting held on October 19, 2022

#### 2. PUBLIC HEARINGS:

- a) Request of Maria Torres for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 10 feet rear yard setback for an existing metal porch structure measuring 25 feet by 32 feet at Lot 12, Block 14, Ewing's Addition Subdivision, Hidalgo County, Texas; 1022 North 17th Street. **(ZBA2022-0090)**
- b) Request of Hamlin Pools (Joshua Stansberry) on behalf of Jose and Sandra Cadena for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 13.33 feet by 28 feet at Lot 248 , La Floresta Subdivision Phase II, Hidalgo County, Texas; 9400 North 17th Street. **(ZBA2022-0093)**
- c) Request of Ruben Flores for a variance to the City of McAllen Zoning Ordinance to allow a distance of 3 feet 3 inches instead of the required 5 feet from the main building for a proposed secondary structure (pool house and storage) measuring 15 feet by 20 feet at Lot 30, Spanish Oak Estates Subdivision, Hidalgo County, Texas; 5012 Redwood Avenue. **(ZBA2022-0094)**
- d) Request of Ezequiel Rios for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport with a canvas roof measuring 18 feet by 21 feet on Lot 40, Los Encinos Subdivision, Hidalgo County, Texas; 3408 Rosalva Avenue. **(ZBA2022-0089)**
- e) Request of Luis A. Ortiz for a special exception and a variance to the City of McAllen Zoning ordinance to allow: **1)** an encroachment of 16 feet into the 26 feet front yard setback for an existing wooden carport measuring 16 feet by 20 feet, and **2)** a variance to allow an encroachment of 8 feet into the 10 feet corner side yard setback for an existing porch with a wheelchair ramp measuring 8 feet by 13 feet on Lot 112, Rowland Addition No. 2, Hidalgo County, Texas; 1013 South 25th ½ Street East. **(ZBA2022-0092)**
- f) Request of Hector Izaguirre for a special exception to the City of McAllen Zoning ordinance to allow an encroachment of 7 feet into the 7 feet south side yard setback for an existing wooden carport measuring 20 feet by 40 feet on Lot 4, Block, 25, North McAllen Addition, Hidalgo County, Texas; 413 North 17th Street. **(ZBA2022-0091)**
- g) Request of Trevino Engineering on behalf of Sonia Salkinder for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry wall 8 feet in height along the west property line for the south 2.06 acres out of Lot 17, Ebony Heights Citrus Groves Unit 1 Subdivision (Proposed Salkinder Plaza Subdivision), Hidalgo County, Texas; 8801 North 10th Street. **(ZBA2022-0082) (TABLED: 10/05/2022, 10/19/2022)**

- h) Request of Villa Del Sol Construction LLC for the following Variance to the City of McAllen Zoning Ordinance to not provide one required parking space beyond the front yard setback line at Lot 41, Auburn Estates Phase II Subdivision, Hidalgo County, Texas; 7533 North 27th Street. **(ZBA2022-0079) (TABLED: 10/19/2022)**
- i) Request of Rio Delta Engineering for the Variance to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at the 6.713 Acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue. **(ZBA2022-0081) (TABLED: 10/19/2022)**
- j) Request of Baldemar Sanchez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet, at Lot 46, Idela Park Unit No. 1 Subdivision, Hidalgo County, Texas; 5101 South 29th Street. **(ZBA2022-0080) (TABLED: 10/19/2022)**
- k) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022, 10/05/2022, 10/19/2022)**

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

- a) 817 South 22nd Street
- b) 3204 Northgate Lane
- c) 3221 La Puerta Avenue
- d) 3508 Upas Avenue
- e) 3620 Gumwood Avenue

### **ADJOURNMENT:**

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



**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 19, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Sylvia Hinojosa</b>	<b>Chairperson</b>
	<b>Jose Gutierrez</b>	<b>Vice-Chairperson</b>
	<b>Ann Tafel</b>	<b>Member</b>
	<b>Rogelio Rodriguez</b>	<b>Member</b>
	<b>Rebecca Millan</b>	<b>Alternate</b>
	<b>Mark Talbot</b>	<b>Alternate</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Sam Saldivar</b>	<b>Alternate</b>
 <b>Absent:</b>	 <b>Hugo Avila</b>	 <b>Member</b>
 <b>Staff Present:</b>	 <b>Austin Stevenson</b>	 <b>Assistant City Attorney</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Rodrigo Sanchez</b>	<b>Senior Planner</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Marco Rivera</b>	<b>Planner I</b>
	<b>Samuel Nunez</b>	<b>Planner I</b>
	<b>Samantha Trevino</b>	<b>Planner I</b>
	<b>Porfirio Hernandez</b>	<b>Planning Technician II</b>
	<b>Julian Hernandez</b>	<b>Planning Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Sylvia Hinojosa**

**1. MINUTES:**

- a)** Minutes for the special meeting held on October 5, 2022.

The minutes for the special meeting held on October 5, 2022 were approved. The motion to approve the minutes were made by Vice-Chairperson Jose Gutierrez. Ms. Ann Tafel seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Blanca Puente for the Variance and Special Exception to the City of McAllen Zoning Ordinance, and Vegetation Ordinance to allow an encroachment of 20.5 feet into the 25 feet front yard setback for an existing porch measuring 7 feet by 26.25 feet, a proposed carport measuring 13 feet by 38 feet, and to allow the existing cement to remain rather than the required landscaping requirement at Lot 172, Idela Park Unit 3 Subdivision, Hidalgo County, Texas; 3408 Lucille Avenue. **(ZBA2022-0084)**

Ms. Sanchez stated the applicant was requesting a special exception for an encroachment

into the front yard setback in order to construct a proposed carport measuring 13 feet by 38 feet, a variance to allow an encroachment of an existing porch measuring 7 feet by 26.25 feet, and to allow the existing cement to remain rather than the required landscaping requirement. According to the applicant, the proposed carport would shelter vehicles from inclement weather, and would provide shade to the residents.

The subject property is located along the north side of Lucille Avenue, west of 34<sup>th</sup> street. The lot size is 1,496 square feet. The zoning is R-1 (single-family residential) District. The surrounding land use is single family residential.

Idela Park Unit 3 Subdivision was recorded on February 13, 1979, and the plat specifies a 25 feet front yard setback. A stop work order was issued by the Building Permits and Inspections Department in August 2022 for the construction without a permit of the carport. An application for a building permit was submitted to the Building Permits and Inspections Department on August 22, 2022, and an application for a Variance and Special Exception request was submitted to the Planning Department on September 13, 2022.

The applicant was requesting a Variance and Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20.5 feet into the 25 feet front yard setback for an existing porch measuring 7 feet by 26.25 feet and a proposed carport measuring 13 feet by 38 feet. The front yard setback is important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. Approval of the request to allow the existing porch and the proposed carport within the front yard may encourage other structures to be constructed in the front yard setback.

The Variance to the Vegetation Ordinance to allow the existing cement to remain rather than to provide the required landscape area to visible from the fronting street (Lucille Avenue). The required landscape area is 1,250 square feet of which 625 square feet are to be at the front. A submitted picture and a visit to the subject property indicates that there is little to no landscape area within the property boundary.

The residence with a porch was constructed in 1985 as per Hidalgo County Appraisal District. The residence did not have a garage when the applicant purchased the residence, the proposed carport would shelter and protect the applicant's vehicles from inclement weather. The cement foundation located at the front of the subject property existed prior to the applicant purchasing the residence as per the applicant.

Review of Planning Department records revealed four other front yard setback variance requests along this block approved by the Zoning Board of Adjustment and Appeals between 2008 and 2016.

The Planning Department has received one call and several letters from neighbors in favor to the Variance and Special Exception request.

A windshield survey of the area did reveal approximately seven other existing carports in the general area.

Special exceptions are issued to an individual and recorded, however, if new owner purchases the home they will have to apply as new owner.

Staff recommended approval of the Variance requests and Special Exception request since there have been other residences along the street who were granted Variances for encroaching structures along this corridor.

Board member Rodriguez asked staff if this area was subject to flooding. Ms. Sanchez stated to her knowledge she was not aware of any flooding in this area.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was one in opposition of the variance request.

Ms. Marissa Pena, 3004 Tanya Avenue. Ms. Pena stated she used to reside in that area 20 years ago and that it should be fair to everyone if someone wants to do that type of construction in the future. Chairperson Hinojosa stated that in front and to the side of Ms. Puente's home, her husband had been approved in the past and was taken into consideration. Applicants who would like to construct this type of structure would have to come before the Board.

Following discussion, Ms. Ann Tafel **moved** to approve the special exception and variance requests. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to approve the special exception and variance requests with five members present and voting.

- b) Request of Jorge Herrera for the Variance to the City of McAllen Off-Street Parking and Loading Ordinance to allow 8 parking spaces instead of the required 9 parking spaces for proposed apartments at Lot 5, Block 54, McAllen Addition Subdivision, Hidalgo County, Texas; 604 South 15th Street. (ZBA2022-0085)**

Ms. Sanchez stated the applicant requests the following variance to allow 8 parking spaces instead of the required 9 parking spaces. The applicant indicated that he was requesting the above variance in order to comply with the city ordinance dumpster requirement.

The property was located on the west side of South 15<sup>th</sup> Street, approximately 200 ft. north of Galveston Avenue. The property has 50 ft. of frontage along South 15<sup>th</sup> Street and 140 ft. of depth for a tract size of 7,000 sq. ft. The property is zoned R-3A (multifamily residential apartments) District. The zoning is C-3 (general business) District in all directions, and R-2 (duplex-fourplex residential) District to the southwest. The property is currently vacant.

The recorded map was McAllen Addition Subdivision. A variance application for the proposed 8 parking spaces instead of the required 9 was received on September 16, 2022.

On April 9, 2003, the Zoning Board of Adjustments & Appeals voted to grant a variance to allow 8 parking spaces instead of the required 9 parking spaces at Lot 10, Block 53, 613 South 15<sup>th</sup> Street in order to be used for trash pickup purposes. On January 06, 2021, the Zoning Board of Adjustments & Appeals voted to grant a variance to allow 8 parking spaced instead of the required 9 parking spaces at Lot 3, Block 54, 612 South 15<sup>th</sup> Street in order to comply with the city ordinance dumpster requirement.

The variance request is to allow 8 parking spaces instead of the required 9 spaces. Currently the lot is vacant, the owner is planning to build six one-bedroom unit apartment complex on the lot. Based on the number of bedrooms the applicant is required to provide 9 parking spaces. Section 138-395 requires for an apartment/condominium building with five or more

units to provide 1.5 parking spaces for each efficiency, studio apartment, and on bedroom living unit.

The required parking was not being met because there is a dumpster occupying one of the parking spaces. Section 110-49 requires a buffer to be provided to screen refuse areas (including refuse dumpsters, compactors and contained compactors) from public streets. The trash pickup is along the existing paved alley.

Planning Department had not received any calls in opposition to the requests.

Staff recommended approval of the variance request since there have been other apartments along the street who were granted a variance to allow 8 parking spaces instead of the required 9 parking spaces in order to comply with the city ordinance dumpster location requirement.

Chairperson Hinojosa asked staff if there was an alley. Ms. Sanchez stated yes.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Ms. Ann Tafel **moved** to approve the variance request for 8 parking spaces instead of 9 parking spaces. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to approve the variance request with five members present and voting.

- c) Request of Juan A. Ramos for the following Special Exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 7.5 feet into the 10 feet corner south side yard setback for an existing metal carport measuring 12 feet by 17 feet, at Lot 9, Janice Addition Subdivision, Hidalgo County, Texas; 1801 North 12th Street. **(ZBA2022-0086)**

Mr. Rivera stated the applicant was requesting a special exception to allow an encroachment of 7.5 feet into the 10 feet corner south side yard setback for an existing metal carport that was built in 2012 after the hailstorm of that year. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events and for medical reasons.

The subject property was located at the intersection of Redwood Avenue and North 12<sup>th</sup> Street. The lot has 56 feet of frontage along North 12<sup>th</sup> Street and a depth of 130 feet for a lot size of 7,280 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions and there is R-2 (duplex-fourplex residential) District to the southeast.

The subdivision plat for Janice Addition was recorded on December 10, 1946. The plat does not show any setbacks, but would follow setbacks as per city ordinances. A stop work order was posted on September 7, 2022 for construction without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on September 7, 2022. An application for a Special Exception request was submitted to the Planning Department on September 20, 2022.

Section 138-368(a) Side Yards of the Zoning Ordinance states “On a corner lot in all districts, the width of the side yards along the street shall not be less than ten feet...” The existing carport encroaches 7.5 feet into the 10 feet corner south side yard setback. The existing carport measures 12 feet by 17 feet and is currently detached from the house but the applicant is proposing to attach the existing carport to the main structure. The applicant stated he was unaware that a building permit was required in order to construct the structure and was unaware of the need to respect setbacks.

The submitted site plan shows other structures located in the rear yard that appear to be encroaching into the side and rear yards. The applicant has decided to only resolve the 12 feet by 17 feet carport encroachment in the corner yard setback. The other buildings shown on the site plan (at the rear yard of the house) are comprised of three carports and three sheds. Other buildings located in the rear yard prevent relocation of the carport (that is the subject of this request) out of the corner yard setback.

The plat does not show any utility easements within the 10 feet corner yard setback.

During a site visit, staff noticed other similar structures in the area that appear to encroach within the setbacks. A review of Planning Department records did not reveal any Variances or Special Exceptions granted for properties in Janice Addition.

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

Staff recommended approval of the special exception request since relocation of the existing carport is not feasible due to the space constraints created by other existing structures in the rear yard of the property. The carport would also have to be demolished in order to be in compliance with setbacks.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Mr. Juan Mujica **moved** to approve the special exception request as per staff’s recommendation. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception with five members present and voting.

- d)** Request of Elvia Mar Galvan for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 3 feet into the 6 feet south side yard setback and 1 foot into the 5 feet rear yard setback for an existing metal carport, at a 0.32 acre tract of land more or less being the north 70.00 feet of the south 165.00 feet of the west 200.00 feet of Lot 57, La Lomita Irrigation and Construction Company’s Subdivision, Hidalgo County, Texas; 7608 North Ware Road. **(ZBA2022-0088)**

Mr. Rivera stated the applicant was requesting a special exception to allow an encroachment of 3 feet into the 6 feet south side yard setback and 1 foot into the 5 feet rear yard setback for an existing metal carport. According to the applicant, the

construction of the carport was for protection of their vehicles from inclement weather events.

The subject property was located along the east side of North Ware Road, north of Xenops Avenue. The property has 70 feet of frontage along North Ware Road and a depth of 200 feet for a Lot size of 14,000 square feet. The property is zoned C-1 (office building) District. Adjacent zoning is C-1 District to the north and R-1 (single-family residential) District to the east, south, and west.

An application for a building permit was submitted to the Building Permits and Inspections Department on June 8, 2022. A follow up stop work order was posted on September 16, 2022 for construction without a building permit. Since the property was unsubdivided, the property was granted a subdivision variance by the City Commission on September 12, 2022 and, an application for a Special Exception request was submitted to the Planning Department on September 21, 2022.

As per City of McAllen Zoning Ordinance, rear setbacks shall be 5 feet in commercial districts. The Zoning Ordinance states in Section 138-356 11b (4) "Side yard setbacks from all lot lines shall be one foot back for each two feet in height...". A site plan submitted by the applicant shows the height of the carport to be 12 feet since some of the vehicles to be housed include a recreational vehicle and a boat. The side yard setback is 6 feet. The existing carport encroaches 3 feet into the 6 feet south side yard setback and 1 foot into the 5 feet rear yard setback. The submitted site plan shows the carport detached from the house a distance of 4 feet. The applicant proposes to attach the carport structure to the main residence.

Locating the carport at the rear of the property will help screen the family vehicles and this will help to maintain curb appeal along the front yard. The applicant also proposes to pave the parking area for the vehicles.

The applicant would like the carport to remain at its present location in order to allow for space on the Lot for family get-togethers.

Special Exceptions are issued to an individual and recorded, however a change of property ownership requires the new owner to apply for their own Special Exception.

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

Staff recommended approval of the special exception request since placement of the carport at the rear yard helps to maintain curb appeal along the front yard. The rear yard is also screened by a cedar fence. If the Board chooses to approve the request, it should be limited to the encroachments shown on the submitted site plan.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Mr. Rogelio Rodriguez moved to approve the special exception

limited to the encroachment as shown on the submitted site plan. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to approve the special exception with five members present and voting.

- e) Request of Villa Del Sol Construction LLC for the following Variance to the City of McAllen Zoning Ordinance to not provide one required parking space beyond the front yard setback line at Lot 41, Auburn Estates Phase II Subdivision, Hidalgo County, Texas; 7533 North 27th Street. **(ZBA2022-0079)**

Ms. Sanchez stated the applicant was requesting a variance request to the parking requirement of one off-street parking space for single-family use beyond the front yard setback; as required by the zoning ordinance. The applicant is proposing to build a residence with no garage, as it “will limit the owners to have comfortable living space”.

The property was located along the west side of North 27<sup>th</sup> Street, approximately 160 feet north of Trenton Road. The property had 71 feet of frontage along North 27<sup>th</sup> Street and 98.75 feet of depth for a tract size of approximately 7,011 square feet. The property is zoned R-1 (single family residential) District. The zoning is R-1 District to the north and east of the subject property. The property to the south was zoned R-3T (multifamily residential townhouse) District. The contiguous property to the west of the subject property is zoned C-3L (light commercial) District to the west. The property is currently vacant.

Auburn Estates Phase II Subdivision was recorded on March 5, 2020. The Board of Commissioners amended the zoning ordinance in 1999 to require 1 parking space beyond the front yard setback in order to enhance the appearance of single family residential area. The subject property and subdivision is subject to compliance with the zoning ordinance requirement of the one parking space beyond the front yard setback line. The application for the variance request was submitted on September 6, 2022.

The submitted site plan shows a driveway measuring 18 feet by 20 feet accommodating the number of two parking spaces. The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residence areas by reducing the number of cars parked along the street and within the front yard.

Should the request be approved, it may encourage other property owners to request a variance to enclose their garage or not provide a garage. Approval of the request will allow the proposed construction to remain as depicted on the site plan.

Planning Department staff had not received any calls in opposition to the request.

Staff recommended disapproval of the variance request as the subject property may encourage other property owners to request a variance to enclose their garage or not provide a garage. The objective of Zoning Ordinance Section 138-394(1) is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard.

Mr. Jean Pogan, 409 East Ulex Drive. He stated all houses were designed with the same issue in the back. With this lot, it also had the 25-foot easement on the other side. There were 90 lots overall property which were taking up 41.3 inches in the back with 20 feet in the front. They were trying to go with a two-story house but there was a problem with the appraisal for the area due to the expense. He stated they wanted to be in the setbacks

and easements.

Board member Tafel asked the applicant where would the vehicles park. Mr. Pogan stated inside their property in the front yard where there will be a driveway enough for two vehicles. There will also be more vegetation on that property.

Board member Saldivar asked the applicant if the house was for speculation or for a client. Mr. Pogen stated it was for a prospective client.

Board member Saldivar asked staff if the applicant could put a concrete pad around the side of the 25-foot easement towards the back of property. Ms. Sanchez stated the applicant was proposing to have a driveway 18 feet by 20 feet. It would accommodate two vehicles.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Ms. Ann Tafel **moved** to table the variance request pending parking issues was resolved. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to table the variance request with five members present and voting.

- f) Request of Rio Delta Engineering for the Variance to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at the 6.713 Acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue. **(ZBA2022-0081)**

**This item was to be tabled per the applicant.**

Vice-Chairperson Jose Gutierrez **moved** to table the variance request until the next meeting. Mr. Sam Saldivar seconded the motion. The Board voted to table the variance request with five members present and voting.

- g) Request of Aqua Mill, LLC on behalf of Velmej Investments, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 114 feet into the 120 feet front yard setback for a water kiosk measuring 12 feet by 12 feet on the West 119.4 feet out of Lot 3, Spring Glen Subdivision, Hidalgo County, Texas; 714 North McColl Road. **(ZBA2022-0060)**

Mr. Nunez stated that this request was for an encroachment of 116 feet into the 120 feet.

Mr. Nunez stated the applicant was requesting a variance to allow the installment of a prefabricated water kiosk that will encroach 116 feet into the required 120 feet front yard setback. The applicant claims that there would be no feasible place to install said water kiosk beyond the setbacks since there is an existing commercial building that takes up most of the area beyond the front yard setback.

The subject property was located at the southeast corner of North McColl Road and East



Hackberry Avenue. The subject property is part of a 14-lot subdivision under the name "Spring Glen Subdivision." The property has 25 feet of frontage along North McColl Road and a depth of 119.4 feet for a total property area of 2,985 square feet. The subject property is zoned C-3 (general business) District and is the location for Spring Glen Plaza parking area.

The surrounding land uses include Charles E. Curtis Park, Stripes Convenience Store, Department of Veteran Affairs, and Monaco Plaza. A variety of commercial uses comprise Spring Glen Plaza.

Spring Glen Subdivision was recorded on January 18, 1983. The application for the variance request was submitted on August 17, 2022. A building permit application has not been submitted.

Approval of this variance request will allow the encroachment of 116 feet into the 120 feet front yard setback and allow the applicant to install a prefabricated water kiosk, that is, a stationary vending location where ice and water are sold. The water kiosk will occupy a total area of approximately 182.25 square feet. The kiosk will be constructed over three parking spaces in the commercial development parking area, but this will not impact compliance with parking requirements for the existing businesses.

The original site plan approved on June 7, 1983 for Spring Glen Subdivision's common parking area was for the purpose of parking and did not include structures as part of the plan. Moreover, the recorded plat for Spring Glen Subdivision also depicted 120 feet as a minimum building setback line, consistent with the approved site plan.

Approval of this request may encourage other Lots within this development and the adjacent development to the south, to request similar variances for purposes other than parking, which may create traffic circulation and or parking issues within the subdivision development. This may be inconsistent with the original intents and purposes of the master plan for the development.

The structure was proposed to be placed at essentially a setback of 4 feet from the front property line. Front yard setbacks for commercial districts are a minimum of 15 feet, as per ordinance.

A submitted site plan (attached) shows the proposed location for the water kiosk. An elevation picture depicts the façade and dimensions of the proposed kiosk.

If the variance request was approved, the applicant must comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

Staff recommended disapproval of this variance request since approval may encourage other variance requests that may create traffic circulation and parking issues inconsistent with the subdivision and site plan as originally approved.

Board member Mujica if there were any other facilities around town. Mr. Nunez stated he asked the applicant and stated there were other surrounding kiosks.

Board member Rodriguez asked staff about the parking requirements. Mr. Nunez stated the requirement based on the commercial use they calculated and based on the square footage it was determined that 54 parking spaces that would be needed for uses or suites that existed. According to the site plan that was submitted, there was 104 parking spaces.

Mr. Jaime Cerda, 3407 San Fabian Avenue, Mission. The applicant stated he wanted to sell water. There was plenty of spaces for trucks.

Board member Mujica asked the applicant what type of maintenance and how often. Mr. Cerda stated it would be change of filters and clean outside the area.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the variance request. There was no one else in favor of the variance request.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the variance request. There was no one in opposition of the variance request.

Following discussion, Mr. Juan Mujica **moved** to approve the variance request as presented by the applicant. Ms. Ann Tafel seconded the motion. The Board voted to approve the variance request with three voting aye and two members voting nay, Mr. Rogelio Rodriguez and Vice-Chairperson Jose Gutierrez. The motion died so the variance request was disapproved.

- h) Request of Trevino Engineering on behalf of Sonia Salkinder for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry wall 8 feet in height along the west property line for the south 2.06 acres out of Lot 17, Ebony Heights Citrus Groves Unit 1 Subdivision (Proposed Salkinder Plaza Subdivision), Hidalgo County, Texas; 8801 North 10th Street. (ZBA2022-0082) (TABLED: 10/05/2022)**

Ms. Ann Tafel **moved** the remove from the table. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to remove the item from the table with five members present and voting.

Mr. Nunez stated the applicant was requesting a variance in order to not provide the required 8 feet in height masonry screen along the west side of the subject property. There is an existing 6 feet in height masonry wall along the property line of the adjacent property to the west and the applicant would like to not build a new 8 feet wall next to the existing 6 feet wall.

The property was located along the west side of North 10<sup>th</sup> Street, approximately 400 feet south of Northgate Lane. The tract has a total lot size of 2.06 acres. The subject property is zoned C-3 (general business) District. The adjacent zoning is R-1 (single-family residential) District to the west, and C-3 District to the north and south.

A subdivision plat for a one-lot subdivision under the name "Salkinder Plaza Subdivision" was approved in final form (pending recordation) at the Planning and Zoning Commission meeting of September 7, 2021 for a proposed commercial plaza. A building permit

application was submitted on May 28, 2021. The application for this variance request was submitted on September 8, 2022. Construction for the proposed commercial development is already underway since a Hold Harmless Agreement was submitted by the applicant on September 1, 2021.

Approval of this variance request will allow the applicant to not provide a masonry wall 8 feet in height along the west side property line for a length of 266.30 feet.

As per Vegetation Ordinance Section 110-49 (a), an 8-foot masonry screen (or wall) is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single-family use or zone. The adjacent property to the west is zoned R-1 District.

As per the applicant, since the adjacent property owners to the west have provided a masonry wall (6.12 feet in height), they do not see it necessary to build a masonry wall 8 feet in height next to it. The applicant also stated that the existing 6 feet masonry wall cannot be built up to the required 8 feet height since the foundation was not designed for such a height.

According to the latest submitted survey plat for the subject property (attached), the existing "block wall" at 6.12 feet in height is described as being "outside of property line."

If this variance request is approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

Staff recommended disapproval of the variance request since the existing masonry wall was built by and belongs to the adjacent property owners to the west of the subject property, and the Vegetation Ordinance requires the commercial use to provide the required screen. Additionally, the adjacent property owners can decide to demolish the existing wall at any time.

Mr. Pete Diaz, representative for the applicant. He stated the survey presented was not the newest survey. He stated he brought in the new survey. The preliminary plat for this property did reflect that the fence was on the property line. The initial survey they were not able to obtain a Certificate of Occupancy because they did not qualify.

Mr. Diaz stated he was he informed that they added more dirt on our side it made it look in appearance that the wall was less than 8 feet tall. Before prior to that, it was under 8 feet.

Following discussion, Ms. Rebecca Millan **moved** to table the variance request until the next meeting. Mr. Ann Tafel seconded the motion. The Board voted to table the variance request with five members present and voting.

- i) Request of Baldemar Sanchez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet, at Lot 46, Idela Park Unit

No. 1 Subdivision, Hidalgo County, Texas; 5101 South 29th Street. **(ZBA2022-0080)**

Mr. Rivera stated the applicant was requesting a special exception to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events and for personal health related reasons.

The subject property was located along the east side of South 29<sup>th</sup> Street 105 feet north of Olga Avenue. The Lot has 50 feet of frontage along South 29<sup>th</sup> Street and a depth of 90 feet for a Lot size of 4,500 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions.

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The front yard setback is 25 feet as per plat. The plat does not indicate side yard setbacks, however side yard setbacks are 5 feet and 7 feet since the home appears to have been built with those setbacks. A stop work order was posted on August 16, 2022 for construction without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on August 22, 2022, and an application for a Special Exception was submitted to the Planning Department on September 7, 2022.

The front yard setback was 25 feet, and south side yard setback is 7 feet. The existing carport encroaches 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback.

The front yard setbacks are important in establishing the character of a single-family neighborhood by maintaining the street yard and curb appeal of the properties in a subdivision. Approval of the request to allow the carport within the front yard may encourage other property owners to construct carports within in the front yard setback.

The property does not have a car garage.

The property had an alley that may allow the structure to be relocated to the rear of the property.

During a site visit, staff noticed other similar structures in the area that appear to encroach into the front yard setbacks. A review of Planning Department records did not reveal any Special Exceptions approved along this Block of Idela Park Unit No. 1.

Measurements provided are without the benefit of a survey.

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

Staff recommended disapproval of the special exception request since the carport could be relocated out of the setbacks to the rear of the property and the approval of the carport may encourage other neighbors to build similar structures within the front yard setbacks. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

Board member Rodriguez asked staff what was the actual curb cut. Mr. Rivera stated that for the McAllen curb cut it would be 25 feet.

Mr. Pablo Sanchez, on behalf of Baldemar Sanchez. He stated the carport was built four years ago for his mom for her medical conditions. His father also had medical conditions.

Board member Mujica asked the applicant if there were several carports in the area. Mr. Sanchez stated he had pictures of other carports in the neighborhood.

Board member Saldivar asked the applicant if they had a garage. Mr. Sanchez stated they did not have a garage that is why they had a three-vehicle carport built.

Board member Mujica asked staff if there was any process by the City permitting on what had been constructed. Mr. Rivera stated if this were approved, it would go to the Building Permits and Inspections they will take care of the proper inspections needed to verifications as far how it was built or anchored or get a document from an engineer.

Board member Rodriguez asked staff if this was a complaint. Mr. Rivera stated it was a weekend patrol.

Chairperson Sylvia Hinojosa asked if there was anyone present in favor of the special exception. There was no one else in favor of the special exception.

Chairperson Sylvia Hinojosa asked if there was anyone present in opposition of the special exception. There was no one in opposition of the special exception.

Following discussion, Ms. Rebecca Millan **moved** to table the special exception pending pictures of the neighborhood 200-foot radius. Mr. Ann Tafel seconded the motion. The Board voted to table the special exception with five members present and voting.

- j) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022, 10/05/2022, 10/19/2022)**

#### **4. FUTURE AGENDA ITEMS:**

- a) 3408 Rosalva Avenue
- b) 1022 North 17<sup>th</sup> Street
- c) 413 North 17<sup>th</sup> Street
- d) 1013 South 25<sup>th</sup> ½ Street
- e) 9400 North 17<sup>th</sup> Street
- f) 5012 Redwood Avenue

#### **ADJOURNMENT**

Zoning Board of Adjustment & Appeals

October 19, 2022

Page 14

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

---

Chairperson Sylvia Hinojosa

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Carmen White, Administrative Assistant

## Memo

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

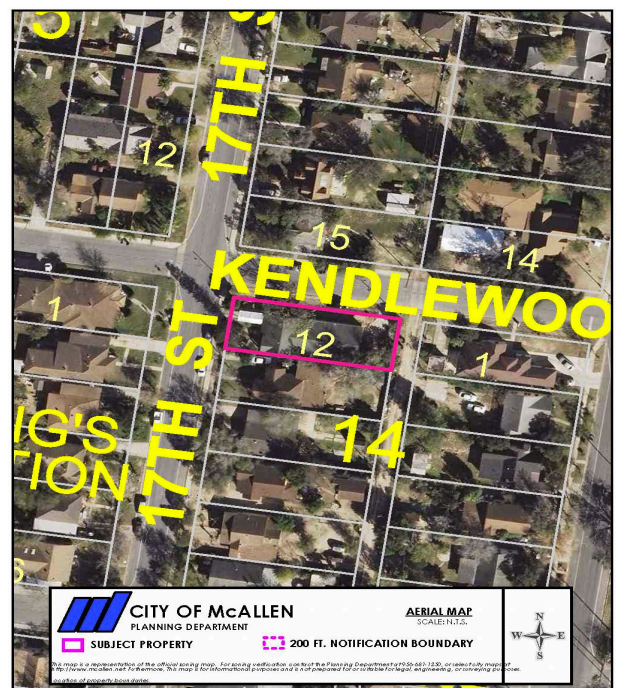
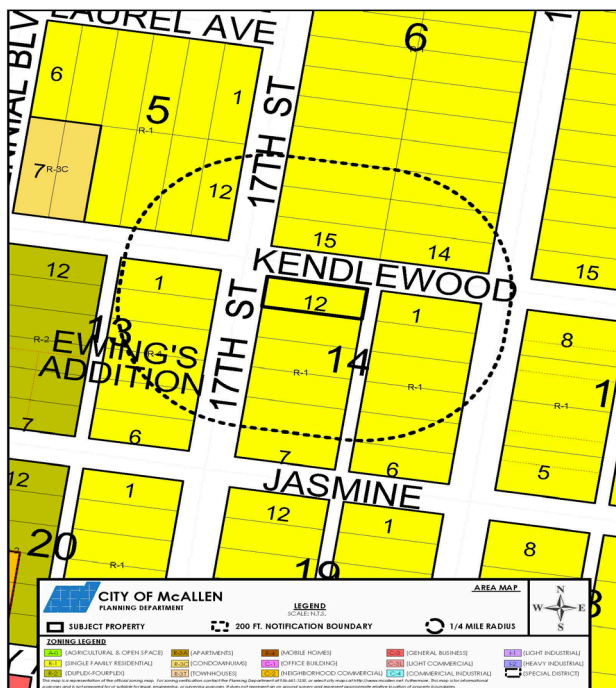
**SUBJECT:** REQUEST OF MARIA TORRES FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL PORCH STRUCTURE MEASURING 25 FEET BY 32 FEET AT LOT 12, BLOCK 14, EWING'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1022 NORTH 17<sup>TH</sup> STREET (ZBA2022-0090)

### REASON FOR APPEAL:

The applicant is requesting a variance in order to allow an encroachment of 6 feet into the rear yard setback of 10 feet for an existing metal porch structure measuring 25 feet by 32 feet. The applicant stated the existing metal structure is to help with a medical situation of a family member and to protect their vehicles.

### PROPERTY LOCATION AND VICINITY:

The subject property is located at the southeast corner of North 17<sup>th</sup> Street and Kendlewood Avenue. The property has 50 feet of frontage along Kendlewood Avenue and a depth of 140 feet, for a lot size of approximately 7,000 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



**BACKGROUND AND HISTORY:**

The plat for Ewings's Addition Subdivision was recorded on March 25, 1920. An application for a building permit for the porch was submitted September 15, 2021. An application for the variance request was submitted on September 23, 2022.

**ANALYSIS:**

Approval of the variance request would allow an encroachment of 6 feet into the 10 feet rear yard setback as shown in the applicant's submitted site plan. The reason for this request according to the applicant is to help with a medical situation of a family member and to protect their vehicles.

A look at the pictures of this structure shows a resemblance in use to a carport especially since it has a driveway and the canopy may have a concrete foundation. The applicant further states in the application that the structure will be used to park cars. The structure may receive approval as a special exception except that storage or placement of items other than motor vehicles is prohibited in a carport for which a special exception has been granted however; the applicant elected to not pursue a special exception.

During the site visit by staff, other similar encroachments were observed along this block.

At the Zoning Board of Adjustments and Appeals meeting of December 4, 2013, the Board approved a variance to allow a side yard setback of 2 feet instead of 5 feet for a carport measuring 11 feet by 37 feet for Lot 3, Block 13, Ewing's Addition Subdivision.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request since there are other similar encroachments in the area, and it would not change the character of the neighborhood along this block.



2BA2022-0090

2BA  
11-2-2022

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	Ewings Addition Lot 12 BLK 14		
	Subdivision Name	Ewings Addition		
	Street Address	1022 North 17th St		
	Number of lots	1	Gross acres	
	Existing Zoning	RI	Existing Land Use	CASA
	Reason for Appeal (please use other side if necessary)	32X25 Esta dentro del limite fijado de atras de la propiedad tenemos 4' de distancia de la linea de la propiedad. Estructura de Metal, sentada en concreto		
	<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	Maria Torres	Phone	(956) 651 6501
	Address	1022 North 17th St	E-mail	mary76torres@hotmail.com
	City	McAllen	State	TX Zip 78501
Owner	Name	Maria Torres	Phone	(956) 651 6501
	Address	1022 North 17th St	E-mail	mary76torres@hotmail.com
	City	McAllen	State	Texas Zip 78501
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 checked="" type="checkbox"/> Yes <input 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	Maria Torres	Date	9/21/22
	Print Name	Maria Torres	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	KS	Payment received by	
	Date			

Rev 10/18

SEP 23 2022

BY:

CW



# 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:

vandalismo, robo, inseguridad, tengo una hija bipolar, condiciones climáticas.

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

Estacionar camos, causas medicas

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:

No

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

vandalismo, Robo, Inseguridad, cuestion medica

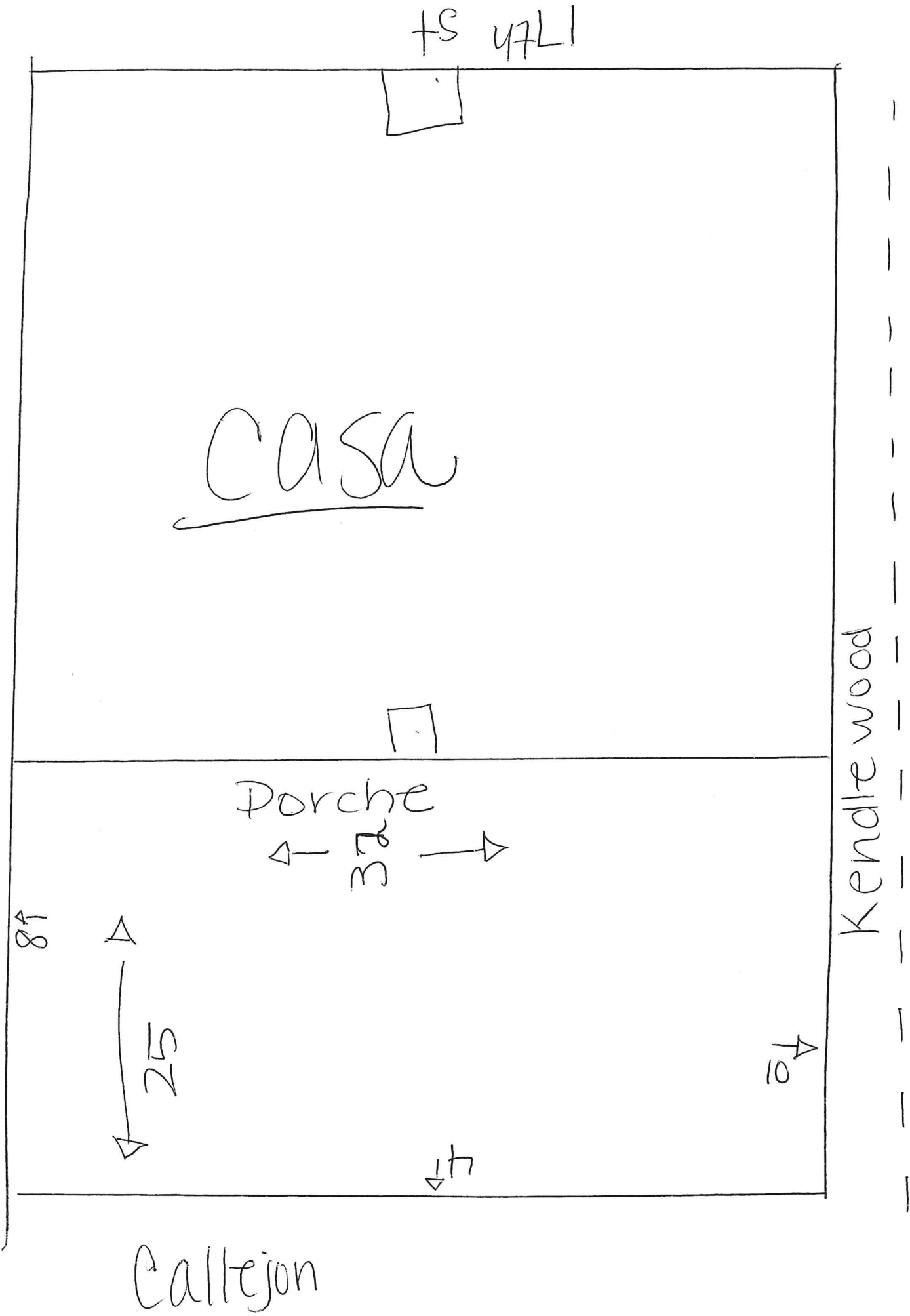
Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

(vecino)













NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2022-0090  
CITY OF MCALLEN PLANNING DEPT.  
354-481-1200  
WWW.MCALLE.NET





## Memo

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

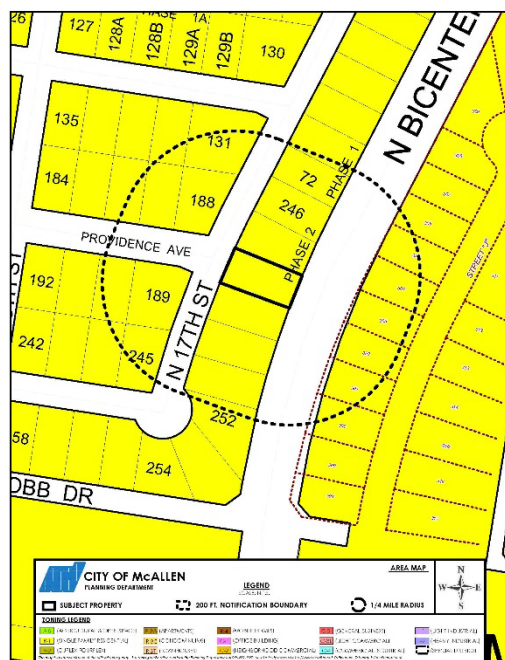
**SUBJECT: REQUEST OF HAMLIN POOLS (JOSHUA STANSBERRY) ON BEHALF OF JOSE AND SANDRA CADENA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 13 FEET INTO THE 25 FEET REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 13.33 FEET BY 28 FEET AT LOT 248, LA FLORESTA PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 9400 NORTH 17TH STREET. (ZBA2022-0093)**

### REASON FOR APPEAL:

The applicant is requesting to allow the above mentioned encroachment for a proposed rectangular shaped swimming pool measuring 13.33 feet by 28 feet. The swimming pool is proposed to be located at the rear yard of the subject property within the 25 feet rear yard setback.

### PROPERTY LOCATION AND VICINITY:

The subject property is located in La Floresta Phase II Subdivision, with frontage on North 17<sup>th</sup> Street and Bicentennial Boulevard. According to the subdivision plat, the property has an area of 7,774 square feet. The surrounding land use is single-family residential.



**BACKGROUND AND HISTORY:**

La Floresta Subdivision Phase II plat was recorded on June 8, 2016. According to Hidalgo County Appraisal District records, the existing residence was built in 2021. A swimming pool permit application has not yet been submitted. The variance request application was submitted on October 5, 2022.

**ANALYSIS:**

Lots 246 through 253 along this block in La Floresta Subdivision Phase II have double frontage along North 17<sup>th</sup> Street and Bicentennial Boulevard. The recorded plat for the subdivision requires the double fronting Lots to have a 25 feet front and rear yard setbacks.

City Ordinance Section 138-367 (b) states, “where lots have double frontage...a required front yard shall be provided on one street only.” The submitted site plan shows the existing residence in compliance with the 25 feet front yard setback along North 17<sup>th</sup> Street. However, an approved variance is still necessary to resolve the plat note setback requirement of 25 feet for the rear yard.

A 10 feet utility easement, adjacent to the rear property line of Lot 248, runs concurrently with the 25 feet rear yard setback and will not be impacted by the proposed encroachment. A 5 feet utility easement runs along the north side

A review of the Planning Department records revealed other similar variances along the block for Lots 61, 66, 71, and 72 for swimming pools.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request since the required front yard has 25 feet along North 17<sup>th</sup> Street and is in compliance with the City of McAllen Zoning Ordinance requirement for double fronting lots.



ZBA 2022-0093

ZBA  
11/2/22

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 La Floresta Subdivision Phase 2 LOT 248Subdivision Name La Floresta PHASE 2Street Address 9400 N. 17th StreetNumber of lots 248-1 Gross acres \_\_\_\_\_Existing Zoning R-1 Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Encroachment onto rear setback only  
Dimension 11' X 20' rear yard setback  
Encro. Setback 15' out of 25' for a proposed pool.

☒ \$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 Hamlin Pools (Joshua Stansberry) Phone 956-787-3281Address 300 West Eldora Rd E-mail romanjimenez@hamlinpools.comCity Pharr State TX Zip 78577

Owner

Name Jose & Sandra Cadena Phone 956-369-6693Address 9400 N. 17th Street E-mail joeycadena@gmail.comCity 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 Jose SolerDate 10/05/22Print Name Joshua Stansberry☐ Owner ☒ Authorized Agent

Office

Accepted by KS  
su

Payment received by \_\_\_\_\_

Date

Rev 10/18

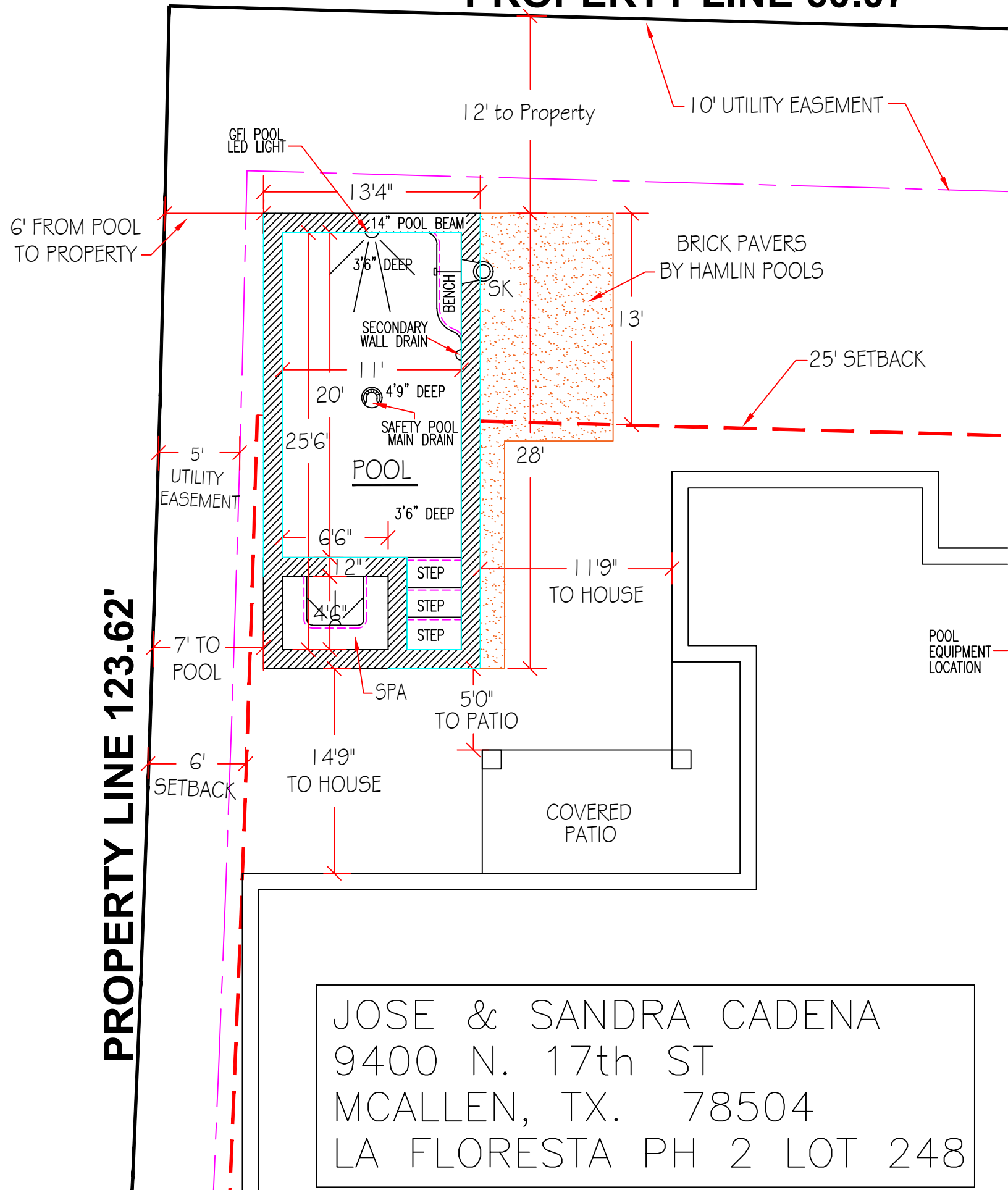




**City of McAllen**  
***Planning Department***  
**REASON FOR APPEAL & BOARD ACTION**

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 <b>any combination of</b> the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p><b>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</b></p> <p><b>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</b></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:	
	Property @ 9400 N.17th Street dosen't have enough space for pool size:11' x 20' w/ steps	
	and 4'6" x 6'6" spa due to customer property having a 25 ft rear setback. (see survey)	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	We want to obtain permission to encroach 15ft into the 25ft rear setback for the building	
	of an inground swimming pool. (see site plan)	
	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:	
	Hamlin pools is only permission on setback only. All easement inside customer's property	
	will not be disturb by Hamlin Pools.	
Board Action	4. Describe special conditions that are unique to this applicant or property:	
	No other special conditions are needed.	
	Chairman, Board of Adjustment Signature	
	Date	

PROPERTY LINE 60.07'



PROPERTY LINE 123.62'

JOSE & SANDRA CADENA  
9400 N. 17th ST  
MCALLEN, TX. 78504  
LA FLORESTA PH 2 LOT 248













NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2022-0093  
CITY OF MCALLEN PLANNING DEPT.  
356-681-1250  
WWW.MCALLE.NET



## Memo

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

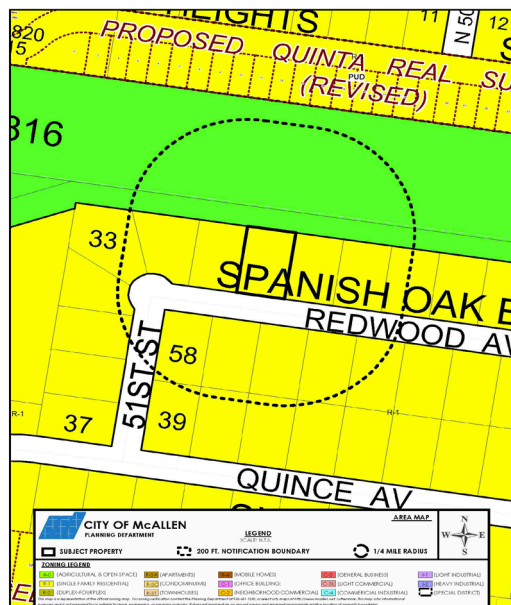
**SUBJECT: REQUEST OF RUBEN FLORES FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW A DISTANCE OF 3 FEET 3 INCHES INSTEAD OF THE REQUIRED 5 FEET FROM THE MAIN BUILDING FOR A PROPOSED SECONDARY STRUCTURE (POOL HOUSE AND STORAGE) MEASURING 15 FEET BY 20 FEET AT LOT 30, SPANISH OAK ESTATES SUBDIVISION, HIDALGO COUNTY TEXAS: 5012 REDWOOD AVENUE. (ZBA2022-0094)**

### REASON FOR APPEAL:

The applicant is requesting to allow the above mentioned encroachment for a proposed secondary structure measuring 15 feet by 20 feet. The pool house will be located at the rear yard of the subject property.

### PROPERTY LOCATION AND VICINITY:

The subject property is located in Spanish Oak Estates Subdivision. According to the subdivision plat, the property has an area of 10,250 square feet. The surrounding land use is single-family residential and A-O (agriculture and open land).



**BACKGROUND AND HISTORY:**

Spanish Oak Estates Subdivision plat was recorded on February 25, 2003. According to Hidalgo County Appraisal District records, the existing residence was built in 2006. A building permit application was submitted October 3, 2022. The variance request application was submitted on October 6, 2022.

**ANALYSIS:**

Section 138-369 states "...An accessory building shall be no closer than five feet to the main building except where a firewall is provided."

The applicant proposed to construct the building at 3 feet, 3 inches from the main house.

The applicant is requesting the variance in order to resolve the proposed non-compliance.

A review of Planning Department records revealed other encroachments in the immediate area. One other variance has been granted within this subdivision. The Board approved a rear yard setback encroachment in 2018 of 10 feet into the 10 feet rear yard setback for a storage building at Lot 37.

A 10 feet utility easement, adjacent to the rear property line, runs concurrently with the 10 feet rear yard setback and will not be impacted by the proposed construction.

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

**RECOMMENDATION:**

Staff recommends approval of the variance request.



ZBA2022-0094

ZBOA  
11/17/2022



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 SPANISH OAK ESTATES  
LOT # 30

Subdivision Name \_\_\_\_\_

Street Address 5012 REDWOOD AVE

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

Existing Zoning Residencial Existing Land Use Residencial

Reason for Appeal (please use other side if necessary) NOT meeting 5.0" distance  
structure to structure / pool house + storage.

☒ \$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 Ruben Flores Phone 984-9644

Address 5012 Redwood Ave E-mail \_\_\_\_\_

City McAllen State TX Zip \_\_\_\_\_

Owner

Name Ruben Flores Phone 956-984-9644

Address 5012 Redwood Ave E-mail mgar29264@gmail.com

City McAllen State TX Zip 78501

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 [Signature]

Date 10/6/22

Print Name MARIBEL FLORES

☒ Owner

☐ Authorized Agent

Office

Accepted by [Signature]

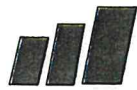
Payment received by \_\_\_\_\_

Date

OCT 06 2022

Rev 10/18

BY: [Signature]



# 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:

Structure to small for use + storage

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

Have more space

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:

Not going to be any safety issue to neighbors  
Neighbors are to side our structure is to the back  
Not encroaching any setbacks

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

Not enough space for use and storage  
Do not want to encroach setbacks only space  
Available for pool area + storage

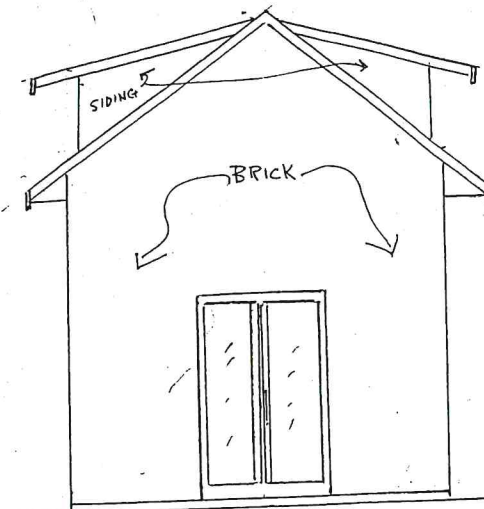
Reason for Appeal

Board Action

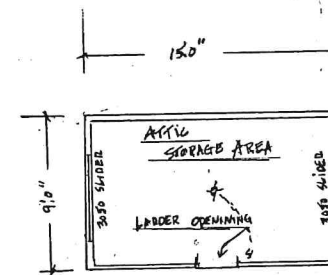
Chairman, Board of Adjustment  
Signature

Date

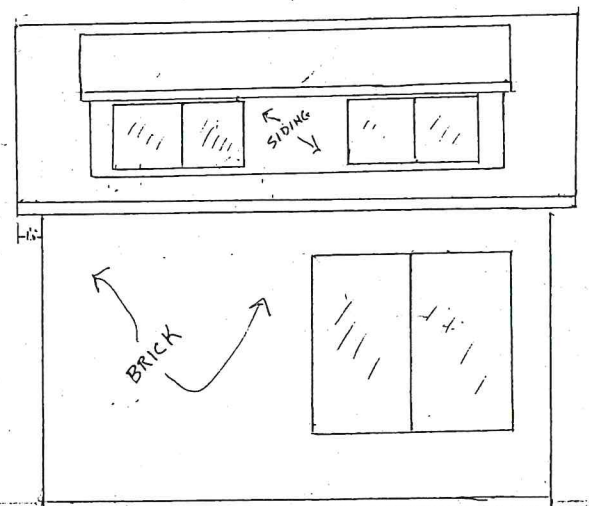




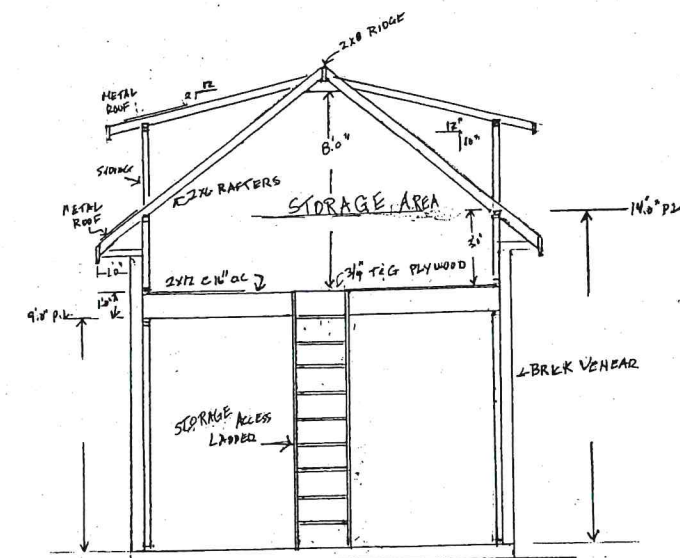
FRONT VIEW  
EAST & WEST VIEW  $\frac{3}{8}'' = 1'-0''$  SCALE



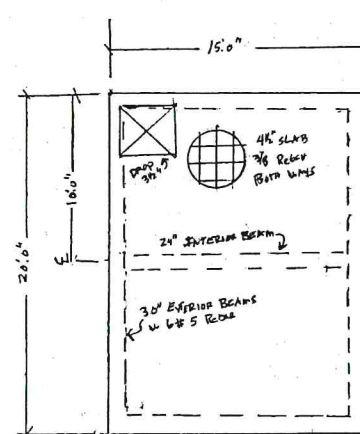
FLOOR PLAN STORAGE AREA  
 $\frac{1}{4}'' = 1'-0''$  SCALE



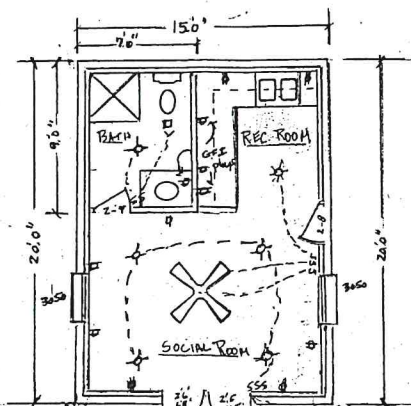
SIDE VIEW  $\frac{3}{8}'' = 1'-0''$  SCALE  
SOUTH & NORTH VIEW



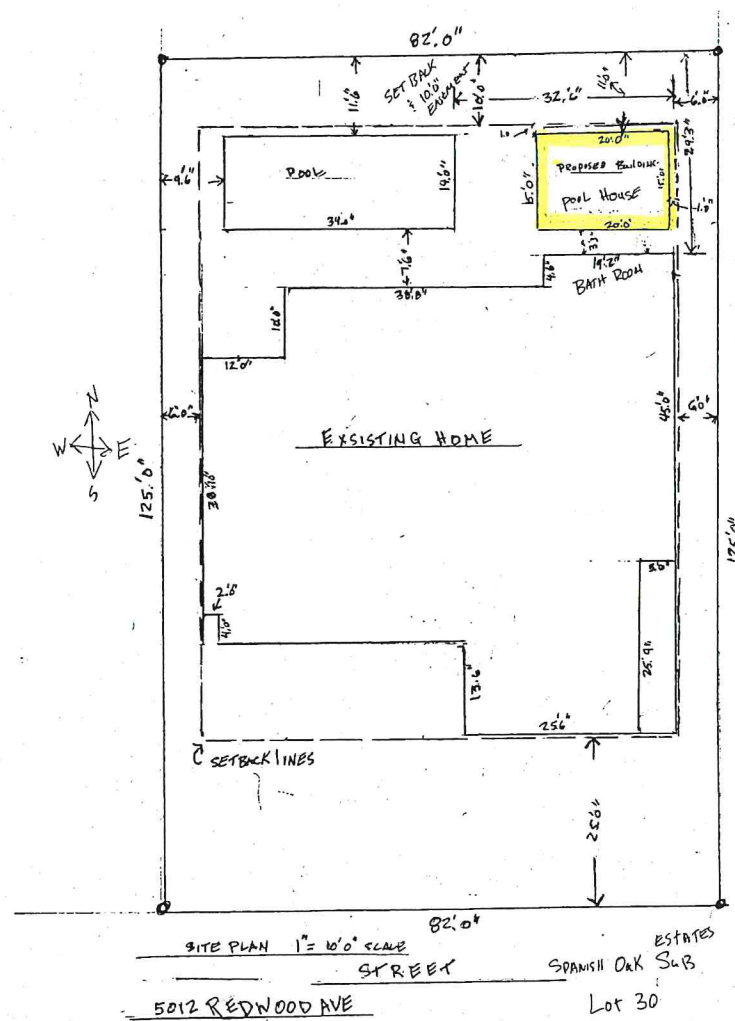
CROSS SECTION  
 $\frac{3}{8}'' = 1'-0''$  SCALE



FOUNDATION PLAN  
 $\frac{1}{4}'' = 1'-0''$  SCALE



FLOOR PLAN  
 $\frac{1}{4}'' = 1'-0''$  SCALE













**NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2022-0094**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLEN.NET



TEXAS  
PCL 3543



## **Memo**

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

**SUBJECT: REQUEST OF EZEQUIEL RIOS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING CARPORT WITH A CANVAS ROOF MEASURING 18 FEET BY 21 FEET ON LOT 40, LOS ENCINOS SUBDIVISION, HIDALGO COUNTY, TEXAS; 3408 ROSALVA AVENUE. (ZBA2022-0089)**

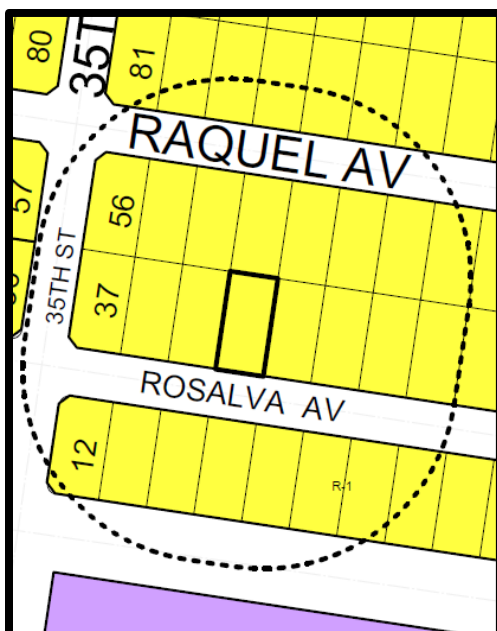
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### **REASON FOR APPEAL:**

The applicant is appealing to allow the above mentioned encroachment for an existing canvas carport to remain. The carport will provide protection for his vehicles from the weather elements.

### **PROPERTY LOCATION AND VICINITY:**

The subject property is located along the north side of Rosalva Avenue, 155 feet east of South 35<sup>th</sup> Street. The property has 50 feet of frontage along Rosalva Avenue and a depth of 102.5 feet, for a Lot size of 5,125 square feet. The subject property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. The surrounding land use is single-family residential.



**BACKGROUND AND HISTORY:**

The plat for Los Encinos Subdivision was recorded on July 5, 1994. According to Hidalgo County Appraisal District records, the existing home was built in 1997. The applicant became the sole owner of the property in October, 2008. A building permit application for the carport was submitted on August 30, 2022, however a permit was never issued. According to the applicant, the existing carport was finished around early October of 2022 without a building permit. The applicant submitted the special exception request on September 22, 2022.

**ANALYSIS:**

Approval of the special exception request would allow an encroachment of 20 feet into the 20 feet front yard setback for an existing canvas carport. There is no alleyway along the rear yard property line.

According to the subdivision plat, there are no utility easements located in the front yard or side yard that are impacted by the existing carport.

During the site visit, staff noticed similar encroachments, namely carports, located on the front yard in the area. A review of Planning Department records revealed two special exception requests that were granted for carports within Los Encinos Subdivision at Lots 143 and 175 between 2018 and 2019 for encroachments of 20 feet into the 20 feet front yard setback.

Special exceptions are issued and recorded for the current property owner only. New owners would need to apply for a new special exception request.

All measurements were taken without the benefit of a survey.

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

**RECOMMENDATION:**

Staff recommends approval of the special exception request since there have been other similar requests approved within the subdivision and there is no alley along the rear yard of the property that would allow for the relocation out of the setbacks. If approval is granted, it should be limited to the footprint shown on the submitted site plan.

20A2022-0089

20A  
11/2/2022



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 40

Subdivision Name

Lot Encinos

Street Address

3408 Rosalva Ave McAllen

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

House

Reason for Appeal (please use other side if necessary)

(carport)

Shade

dentro de las 20'X20' entre el  
del Limite de construction

☒ \$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

Ezequiel Rios

Phone

956 624 6279

Address

3408 Rosalva Ave

E-mail

frontagem@att.net

City

McAllen

State

TX

Zip

78503

Owner

Name

same

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

Date

09-22-2022

Print Name

Ezequiel Rios

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 10/18

SEP 22 2022

BY:





**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:

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

To protect vehicles from sun & severe weather

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 carport posts don't block any view to any person

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

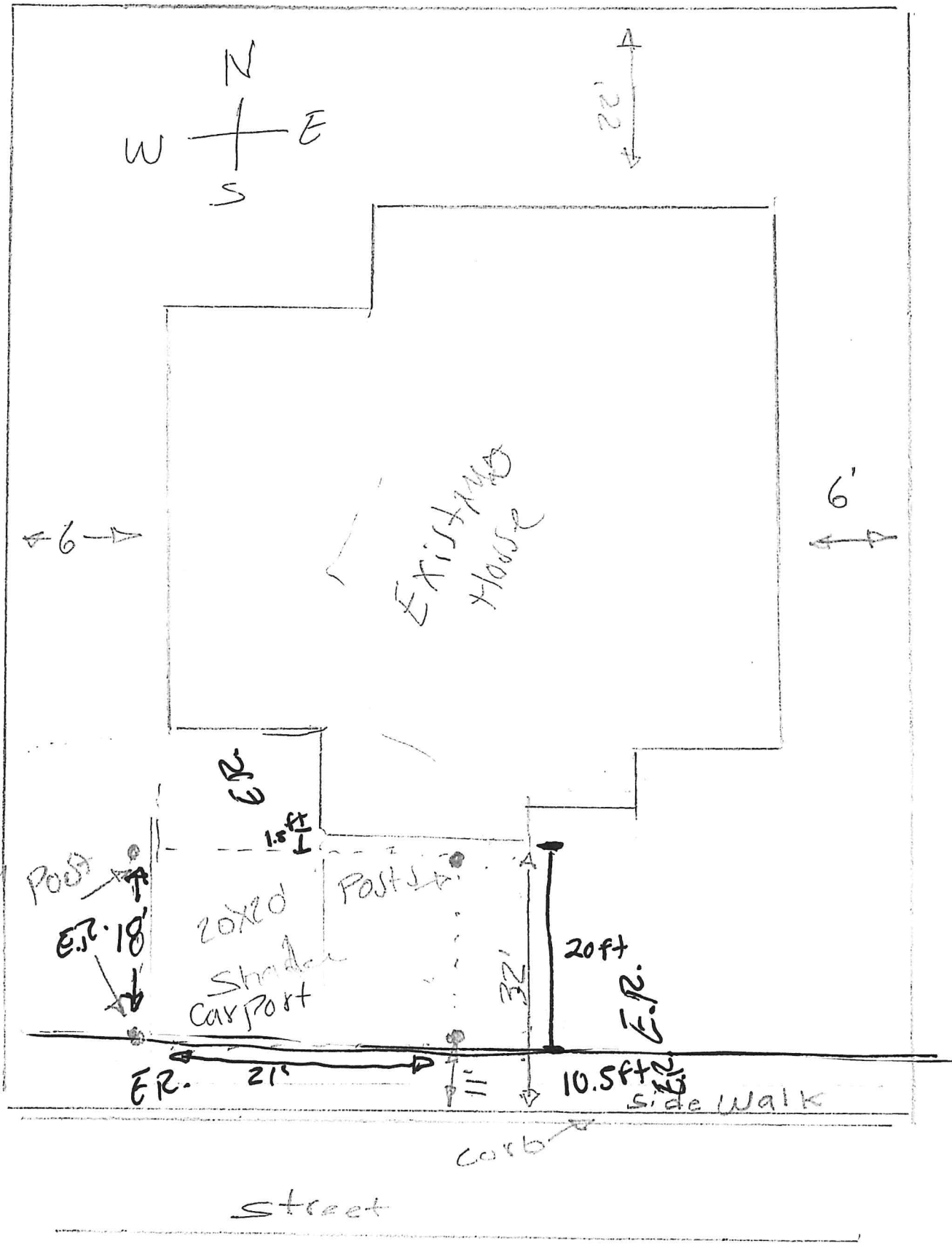
None

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date









SUBDIVISION PLAT OF  
**LOS ENCINOS SUBDIVISION**

A 38.967 ACRE TRACT OF LAND OUT OF LOT 9, BLOCK 3 RIO BRAVO PLANTATION COMPANY SUBDIVISION OF PARCELS 6, 62 AND 63 AS RECORDED IN VOLUME W PAGE 197 OF THE DEED RECORDS OF HIDALGO COUNTY, TEXAS

(APPROVED AS SANTA FE SUBDIVISION)

STATE OF TEXAS  
COUNTY OF HIDALGO

I, WED, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS LOS ENCINOS SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME IS AS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I WILL CAUSE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

*James M. McAllen*  
OWNER  
McALLEN AFFORDABLE HOMES, INC.  
400 S. 1<sup>ST</sup> STREET  
McALLEN, TEXAS 78103

STATE OF TEXAS  
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **RANDY McLELLAND, President of McAllen Affordable Homes, Inc.** KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE THEN 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 THE 14<sup>TH</sup> DAY OF APRIL AD 1994

*Dora C. Gonzalez*  
NOTARY PUBLIC, TEXAS  
EXPIRATION DATE: 06-25-96

I, THE UNDERSIGNED, MAYOR OF THE CITY OF McALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

*Orlando B. Smith*  
MAYOR, CITY OF McALLEN

THIS SUBDIVISION PLAT OF LOS ENCINOS SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF McALLEN, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 14<sup>TH</sup> DAY OF JUNE AD 1994

*David W. Cragg*  
CHAIRMAN

STATE OF TEXAS  
COUNTY OF HIDALGO

WE, THE UNDERSIGNED, REGISTERED PROFESSIONAL ENGINEER AND PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND FURTHER CERTIFY THAT PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.



*Leo L. Rodriguez*  
REGISTERED PROFESSIONAL CIVIL ENGINEER # 2448  
LEO L. RODRIGUEZ, JR., P.E./R.P.L.S.

*Kenneth S. Khadem*  
REGISTERED PROFESSIONAL ENGINEER # 5781  
KENNETH S. KHADEM, P.E.

APPROVED FOR RECORDING

BY COMMISSIONERS' COURT

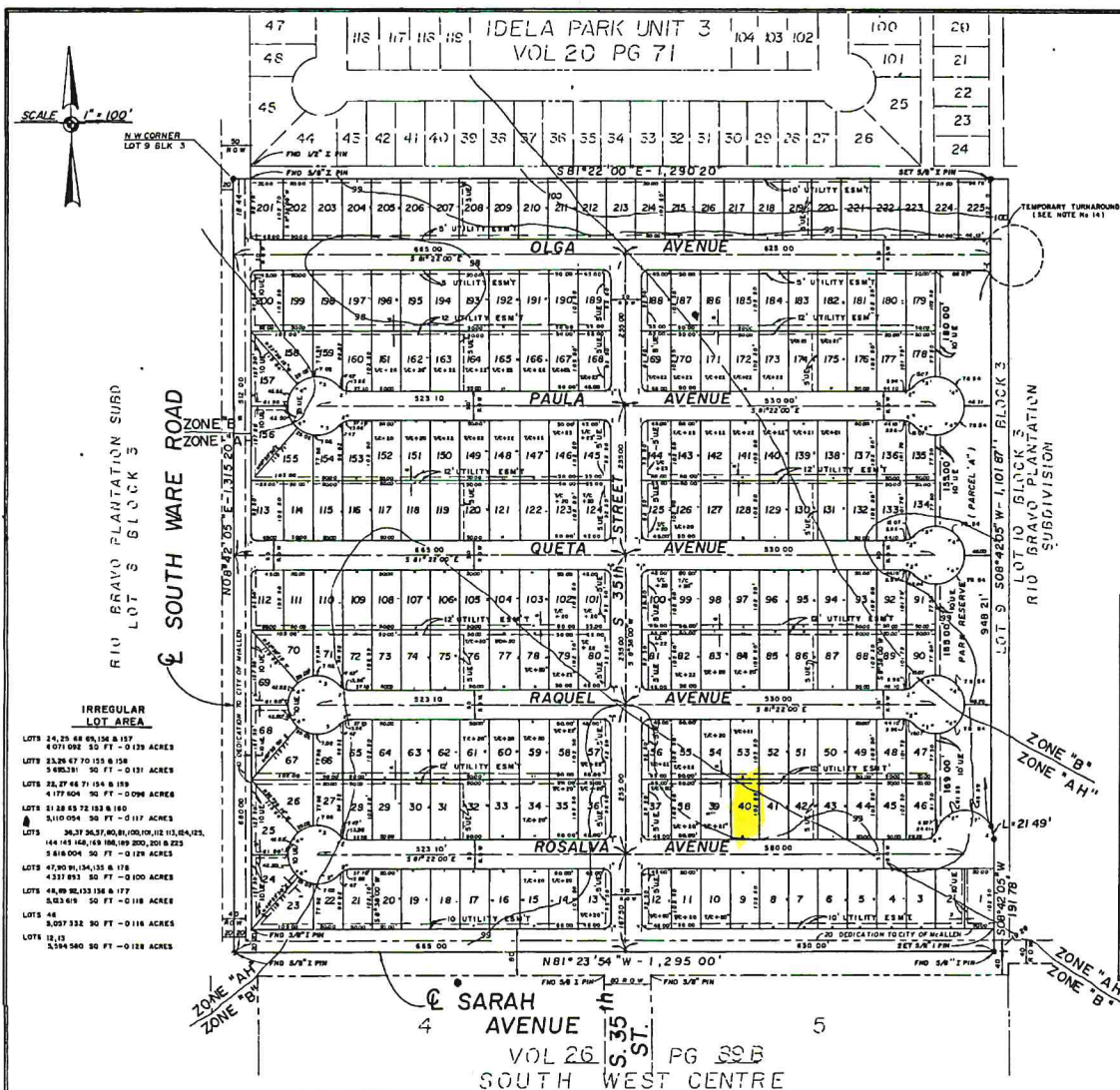
This the 29<sup>th</sup> day of July 1994

WILLIAM BILEY, LEO County Clerk

Hidalgo County, Texas

By *[Signature]* Deputy

Recorded in Volume 29 PG. 90  
of the map records of Hidalgo County, Texas  
McAllen and Hunt, Inc.  
County Surveyors



LOCATION MAP

NO.	DELTA	CURVE DATA	RADIUS	TANGENT	LENGTH
1	24°12'31"	200.0	18.31	21.49	
2	30°00'00"	100.00	10.00	15.71	
3	48°11'20"	25.00	11.18	21.03	
4	48°11'20"	30.00	22.36	42.03	
5	50°00'00"	50.00	50.00	78.54	
6	12°31'43"	25.00	17.68	30.77	
7	64°09'29"	50.00	31.24	55.99	

## GENERAL NOTES.

- THIS PROPERTY IS IN ZONES "B" AND "AH" ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48033-4 DATED 6/15/88 AND THE ANTICIPATED 100-YR FLOOD ELEVATION IS 89.00.
- FRONT SETBACK TO BE 30.00 FEET
- 50% SETBACK TO BE 4.00 FEET EXCEPT FOR CORNER LOTS WHICH SHALL BE 10.00 FEET
- REAR SETBACK TO BE 10.00 FEET
- GARAGE SETBACK TO BE 14.00 FEET EXCEPT WHERE GREATER SETBACK REQUIRED
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON THE NORTH SIDE OF SARAH AVENUE.
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON THE EAST SIDE OF WARE ROAD
- A 4.00 FOOT WIDE SIDEWALK REQUIRED ON BOTH SIDES OF OLGA AVENUE.
- A 8.00 FOOT BUFFER REQUIRED ALONG SARAH AVENUE AND WARE ROAD
- NO CURB CUTS ON LOT FRONTAGE PERMITTED ON WARE ROAD OR SARAH AVENUE.
- CITY OF McALLEN TO HAVE A 25' x 20' EASEMENT AT ALL STREET CURB INTERSECTIONS
- MINIMUM FINISHED FLOOR ELEVATION SHALL BE ELEVATION 100.00 FT + 16" AS MEASURED FROM THE CENTER OF EACH LOT UNLESS OTHERWISE SHOWN

13. PARCEL "A" IS A COMMON AREA TO BE OWNED AND MAINTAINED BY THE McALLEN AFFORDABLE HOMES, INC.

14. THE TEMPORARY TURN AROUND AT THE EAST END OF OLGA AVENUE WILL BE DELETED AT THE TIME OLGA AVENUE IS EXTENDED TO 28TH STREET.

15. A TOTAL OF 3.09 ACRES-FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION.

16. AN ENGINEERING DETENTION PLAN WILL BE SUBMITTED TO THE CITY OF McALLEN PRIOR TO ISSUANCE OF BUILDING PERMIT.

CHECKED FOR DRAINAGE  
BY: *[Signature]*





**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2022-0089**

CITY OF MCALLEN PLANNING DEPT.  
946-6671250  
WWW.MCALLEN.NET

**SAM HOUSTON**  
CITY OF MCALLEN  
PLANNING DEPT.



## **Memo**

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

**SUBJECT: REQUEST OF LUIS A. ORTIZ FOR A SPECIAL EXCEPTION AND A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: 1) AN ENCROACHMENT OF 16 FEET INTO THE 26 FEET FRONT YARD SETBACK FOR AN EXISTING WOODEN CARPORT MEASURING 16 FEET BY 20 FEET, AND 2) A VARIANCE TO ALLOW AN ENCROACHMENT OF 8 FEET INTO THE 10 FEET CORNER SIDE YARD SETBACK FOR AN EXISTING PORCH WITH A WHEELCHAIR RAMP MEASURING 8 FEET BY 13 FEET ON LOT 112, ROWLAND ADDITION NO. 2, HIDALGO COUNTY, TEXAS; 1013 SOUTH 25TH ½ STREET EAST. (ZBA2022-0092)**

---

### **REASON FOR APPEAL:**

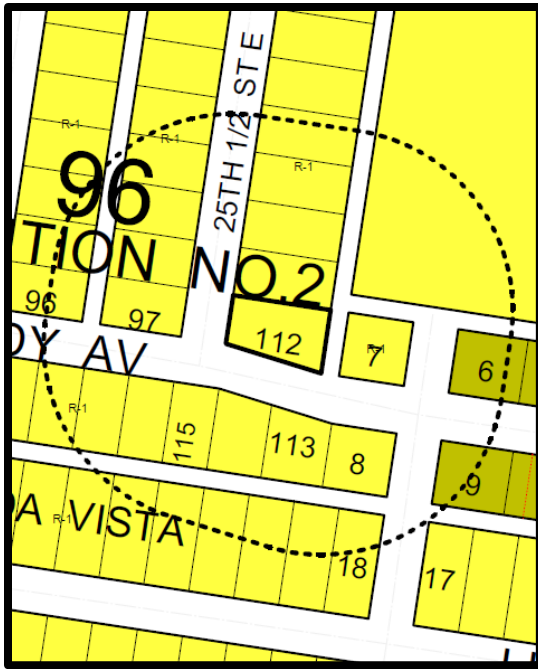
The applicant is appealing to allow the above mentioned encroachments for an existing wooden carport and an existing porch with a wheelchair ramp. The applicant has stated that the carport provides protection for his vehicles from hazardous weather conditions. The porch with wheelchair accessibility was built for the applicant's handicapped mother, whom he cares for on a regular basis.

### **PROPERTY LOCATION AND VICINITY:**

The subject property is located at the southeast corner of South 25<sup>th</sup> ½ Street East and Kennedy Avenue. The property has 54 feet of frontage along South 25<sup>th</sup> ½ Street East and a depth of 109.63 feet at its deepest part for a total lot size of 5,853.60 square feet. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District in all directions. The surrounding land use is single-family residential.

### **BACKGROUND AND HISTORY:**

According to Hidalgo County Appraisal District records, the existing home was built in 1940, with additions made later between the years of 1985 and 2018. The applicant became the owner of the property in April of 2022. A stop work order was issued by the Building Permits and Inspections Department for a patio remodel with no permit on file on May 23, 2022. A building permit application for the porch was submitted that same day, and later updated to include the existing wooden carport. The applicant submitted this special exception request on September 30, 2022.



#### **ANALYSIS:**

The existing wooden carport is along the front of the property, which faces South 25<sup>th</sup> ½ Street East, while the porch is located along Kennedy Avenue. The applicant states that there was an existing carport in the property when he purchased the home in 1998. The existing wooden carport was remodeled in 2022. The porch with a wheelchair ramp was built 10 years ago, and the porch cover was added in August of 2022 for the use by his handicapped mother.

Regarding the required front yard setback for the property, as per Section 138-367 (a) of the Zoning Ordinance, “when 50 percent or more of the frontage on one side of a street on any one block is improved with buildings that have a front yard which is greater than the required front yard in the district, no new building shall project beyond the average front yard so established...”. The average front yard setback for this property is 26 feet.

According to the subdivision plat, there are no utility easements located in the front and side yards that are impacted by the existing carport and porch encroachments.

During the site visit, staff noticed similar encroachments, namely carports, located on the front yard along the block. A review of Planning Department records, however, did not reveal any approved variances or special exceptions for carports in the subdivision. Between the years of 2017 and 2021, the Board approved other variances in the subdivision at Lots 101 and 104 for encroachments into the rear yard and side yard setbacks for a proposed swimming pool and an addition of a bathroom and existing storage building, respectively. The encroachments included 8 feet into the 10 feet rear yard setback for a proposed swimming pool and 5.5 feet into the 7 feet side yard setback for a proposed bathroom addition and an existing storage building.

The home does not have a built-in garage. There is a second metal carport along Kennedy Avenue located in the rear yard which has access to the alley. According to the applicant, the metal carport at the rear yard only accommodates one of his three vehicles, hence the need for him to have two carports on his property. According to the applicant, the metal carport is 10 feet removed from the rear yard property line. However, the carport does appear to encroach into the corner side yard setback along Kennedy Avenue. The applicant proposes to move the metal carport away from the property lines in order to comply with the required setbacks.

Special exceptions are issued and recorded for the present owner only. New owners would need to apply for a new special exception request.

All measurements were taken without the benefit of a survey.

Staff did not receive any phone calls, email, or letters in opposition to this request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since there is already an existing metal carport on the property. Staff recommends approval of the variance request since the porch serves as protection when using the wheelchair accessible entrance.



ZBA2022-0092

ZBOA:  
11.2.22

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 112 Rowland #2

Subdivision Name

Street Address

1013 S. 25 1/2 East

Number of lots

1

Gross acres

Existing Zoning

residential

Existing Land Use

residential

Reason for Appeal (please use other side if necessary)

carport and porch  
encroachment into front and side yard.
☒ \$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

Luis A. Ortiz

Phone

956 328 4478

Address

1013 S. 25 1/2 East

E-mail

dallascowboys693@aol.com

City

McAllen

State

TX

Zip

78501

Owner

Name

Luis A. Ortiz

Phone

956-328-4478

Address

1013 S. 25 1/2 East

E-mail

dallascowboys693@aol.com

City

McAllen

State

TX

Zip

78501

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

Date

9/29/22

Print Name

Luis A. Ortiz

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

ENTERED

Rev 10/18

SEP 30 2022

Initial:

NM

2000-2230485



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

2000-2230485

\*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:

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

Need the small roof structure for my handicap Mom.  
Need the carport structure to protect my investment (cars) from the heat and hail.

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:

There are no open structures next to carport. It will not obstruct visibility.

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

Porch was done for my mom. for shade and for Rain.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

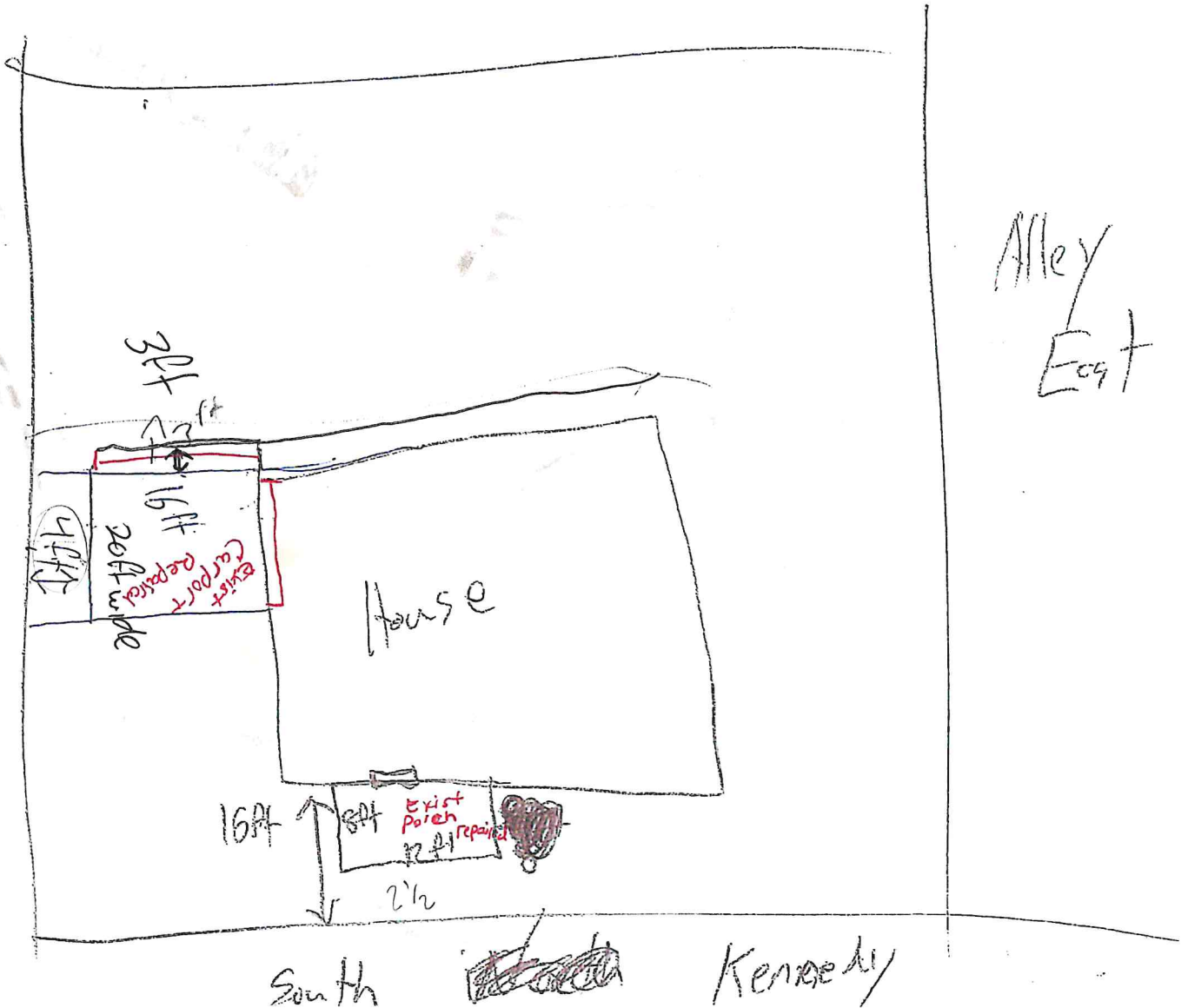
ENTERED  
SEP 30 2022  
Initial: BM

Revised  
Site  
Plan  
8/24/22

North

West  
25 1/2 East

Alley  
East







ENTERED

SEP 30 2022

Initial: NM





ENTERED

SEP 10 2023

Initial: MM



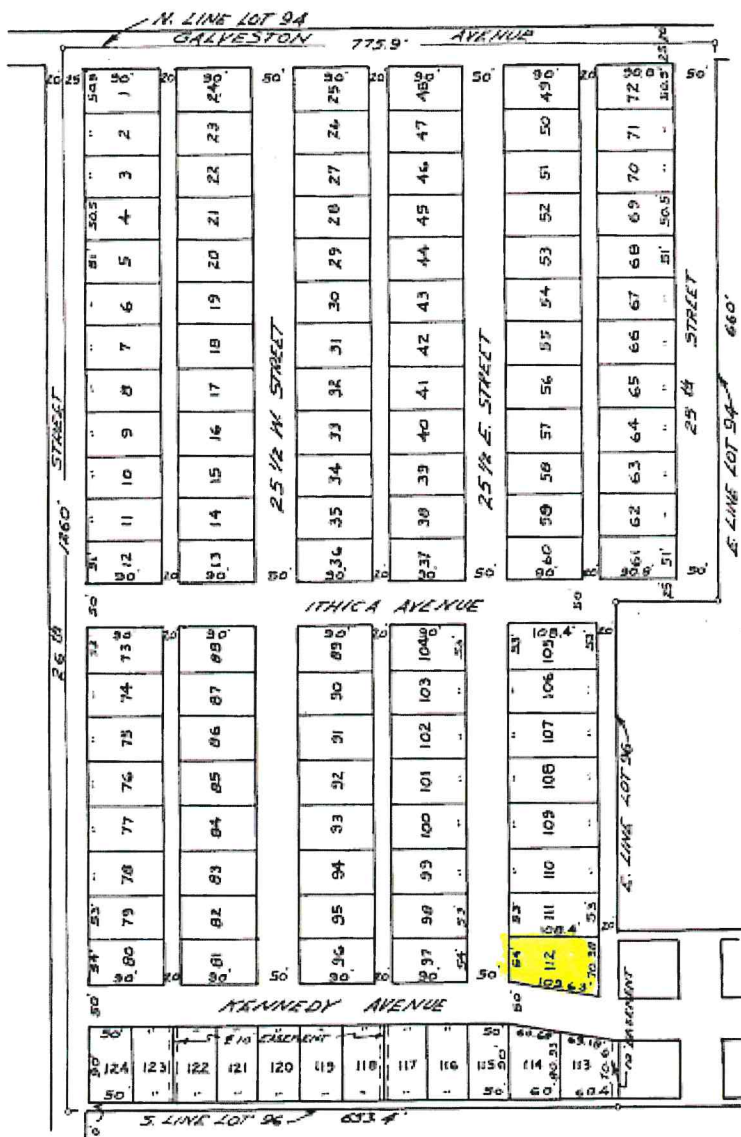
ENTERED

SEP 30 2022

Initial: NM







**MAP  
OF  
ROWLAND ADDITION NO. 2  
MC ALLEN, TEXAS**

A SUBDIVISION OF LOTS 94 & 96, MCALLEN  
THIRD SUBURBAN CITRUS GROVE'S SUBDIVISION  
HIDALGO COUNTY, TEXAS

PREPARED BY  
C. L. FABIAN  
LICENSED LAND SURVEYOR  
MCALLEN, TEXAS  
SCALE = 1" = 100' DATE: JANUARY 10, 1951

"I, FABIAN, A LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THE FOREGOING PLAT TO BE A TRUE AND  
RECT REPRESENTATION OF THE SURVEY AS MADE BY ME ON THE GROUND.  
C. L. Fabian  
LICENSED LAND SURVEYOR  
MCALLEN, TEXAS

"I, R. A. ROWLAND JR. AND J. M. ROWLAND, OWNERS OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT,  
DATE AND CONFIRM THE FOREGOING MAP, AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS THEREON SHOWN.  
Robert A. Rowland Jr.  
J. M. Rowland

"I, R. A. ROWLAND JR. AND J. M. ROWLAND, OWNERS OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT,  
DATE AND CONFIRM THE FOREGOING MAP, AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS THEREON SHOWN.  
R. A. Rowland Jr.  
J. M. Rowland

W. J. McHard  
NOTARY PUBLIC BY AND FOR  
HIDALGO COUNTY, TEXAS

ADOPTED JANUARY 16, 1951  
ALLEN ZONING AND PLANNING BOARD

E. A. GREEN, CHAIRMAN

ADOPTED BY THE CITY COMMISSION OF THE CITY OF MCALLEN, TEXAS ON THIS 27<sup>th</sup> DAY OF JANUARY, 1951

BY: A. L. Schupp  
N. L. Schupp, CITY SECRETARY

BY: C. M. Davis  
C. M. Davis, MAYOR





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2022-0092

★ 1013 ★



## **Memo**

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

**FROM:** Planning Staff

**DATE:** October 26, 2022

**SUBJECT: REQUEST OF HECTOR IZAGUIRRE FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 7 FEET INTO THE 7 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING WOODEN CARPORT MEASURING 20 FEET BY 40 FEET ON LOT 4, BLOCK 25, NORTH MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 413 NORTH 17<sup>TH</sup> STREET. (ZBA2022-0091)**

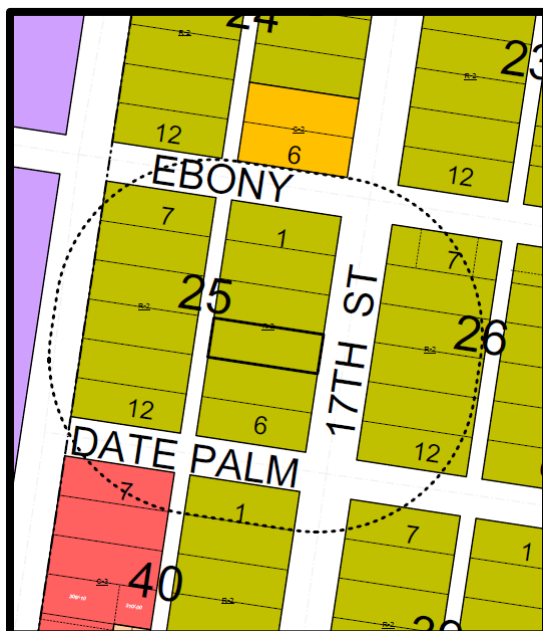
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### **REASON FOR APPEAL:**

The applicant is appealing to allow the above mentioned encroachment for an existing wooden carport. The applicant has stated that said carport will provide protection for his three vehicles from hazardous weather conditions.

### **PROPERTY LOCATION AND VICINITY:**

The subject property is located along the west side of North 17<sup>th</sup> Street, 100 feet north of Date Palm Avenue. According to the subdivision plat, the property has 50 feet of frontage along North 17<sup>th</sup> Street and a depth of 140, for a lot size of 7,000 square feet. The property is zoned R-2 (duplex-fourplex residential) District. The surrounding land uses are single-family residential, apartments, and commercial uses.





**BACKGROUND AND HISTORY:**

According to Hidalgo County Appraisal District records, the existing home was built in 1978. The applicant became the owner of the property in September, 1996. According to notes by the Building Permits and Inspections Department, a stop work order was issued on August 5, 2022 for a carport built without a permit. A building permit application for the carport was submitted on September 19, 2022. The applicant submitted the special exception request on September 27, 2022.

**ANALYSIS:**

Approval of the special exception request would allow encroachments of 7 feet into the 7 feet south side yard setback for an existing wooden carport measuring 20 feet by 40 feet. The carport encroaches into the side yard at the rear of the property.

According to the subdivision plat, there are no utility easements located in the side yard that are impacted by the existing carport.

During the site visit, staff noticed similar encroachments, namely carports, located on the front and rear yards along the block. The existing carport on the subject property would be characteristic of construction in the subdivision. A review of Planning Department records revealed several variance requests in the North McAllen Addition. At the Zoning Board of Adjustments meeting of September 2, 2015, a variance request was granted to Lot 4 of Block 24 for encroachments of 10 feet into the 10 feet rear yard setback and 5 feet into the 7 feet south side yard setback for an existing carport measuring 22 feet by 22 feet. No other approved variances or special exceptions for carports were found in the area.

At the Zoning Board of Adjustments meeting of August 17, 2022, a proposed irregularly-shaped wooden carport that would encroach 3 feet into the 5 feet side yard setback at Lot 9, Block 10 was disapproved in the subdivision. At the time, the Board was concerned with structures being built close, or at the zero side yard property line due to safety concerns.

An existing structure at the rear yard of the property is used for storage.

Special exceptions are issued and recorded for the present owner only. New owners would need to apply for a new special exception request.

All measurements were taken without the benefit of a survey.

Staff did not receive any phone calls, email, or letters in opposition to this request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since in the past similar requests have been disapproved for constructions built to the property line.

2BA2022-0091

2BDA  
11/2/22

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 <u>NORTH MCALLEN LOT 4 BLK 25</u> Subdivision Name _____ Street Address <u>413 N. 17TH. ST</u> Number of lots <u>1</u> Gross acres <u>.1607</u> Existing Zoning _____ Existing Land Use <u>Residential</u> Reason for Appeal (please use other side if necessary) <u>The grandfather special conditions of this property does not permit to build a carport on another part of the lot. Allow to go to zero property line on the side yard for a carport. (Cubid Planning)</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" 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
Owner	Name <u>Hector Izaguirre</u> Phone <u>(956) 540-7499</u> Address <u>413 N. 17th. St.</u> E-mail <u>izaguirrehector@aol.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><i>Hector Izaguirre</i></u> Date <u>09/27/2022</u> Print Name <u>Hector Izaguirre</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>un</u> Payment received by _____ Date <u>SEP 27 2022</u> Rev 10/18 Initial: <u>AM</u>

ENTERED

SEP 27 2022

Initial: AM





**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:

This strict application will not allow me to use the land to build a carport to protect my vehicles.

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

This upgrade will allow me to protect my vehicles from hazardous weather conditions

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:

This upgrade is locate it on the back end of the lot and it does not interfere with the rights or other property owners.

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

This is a grandfather property with a separate two car garage and an existing concrete driveway that was built already back when I first purchased the property. the two car garage is too small to fit a crew cab pick up or an SUV for this reason my only option is to build a carport.

Board Action

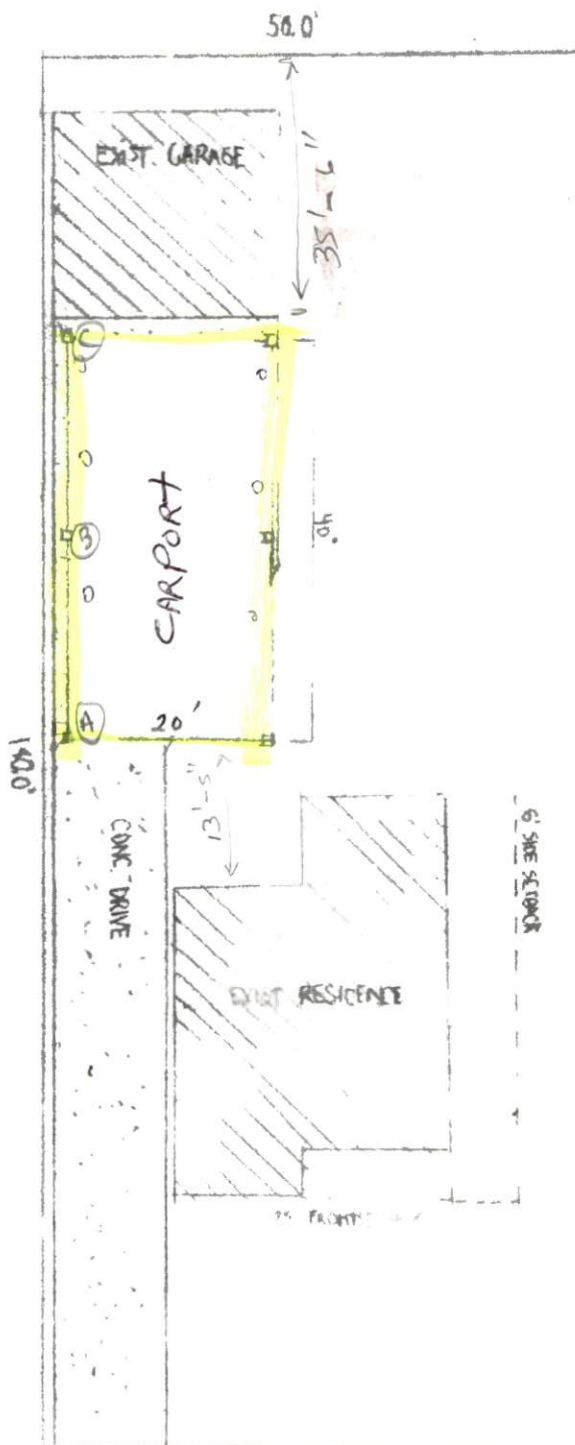
Chairman, Board of Adjustment  
Signature

Date

(A) From post to fence - 18"  
From roof to fence - 12"

(B) From post to fence - 21"  
From roof to fence - 15"

(C) From post to fence - 22"  
From roof to fence - 16"



**ENTERED**

SEP 27 2022

Initial:













**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2022-0091**

CITY OF McALLEN PLANNING DEPT  
386-4811-1250  
WWW.MCALLENNET





## **Memo**

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

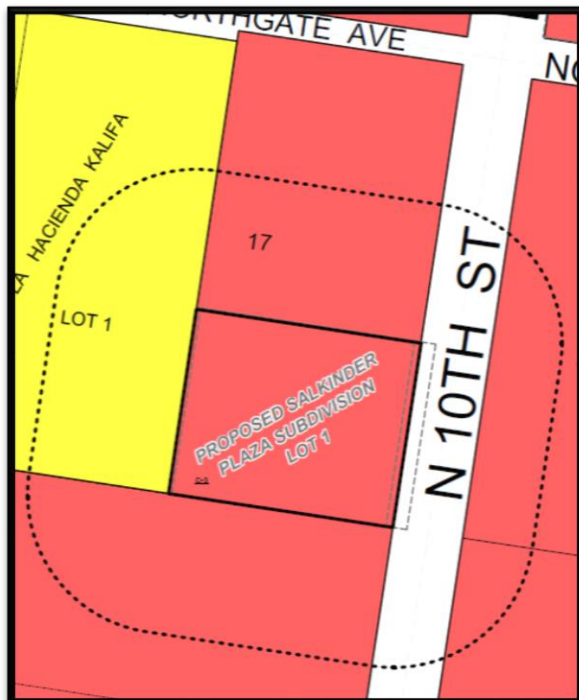
**FROM:** Planning Staff

**DATE:** October 28, 2022

**SUBJECT: REQUEST OF TREVINO ENGINEERING ON BEHALF OF SONIA SALKINDER FOR A VARIANCE TO THE CITY OF MCALLEN VEGETATION ORDINANCE TO NOT PROVIDE A MASONRY WALL 8 FEET IN HEIGHT ALONG THE WEST PROPERTY LINE FOR THE SOUTH 2.06 ACRES OUT OF LOT 17, EBONY HEIGHTS CITRUS GROVES UNIT 1 SUBDIVISION (PROPOSED SALKINDER PLAZA SUBDIVISION), HIDALGO COUNTY, TEXAS; 8801 NORTH 10<sup>TH</sup> STREET. (ZBA2022-0082)**

**REASON FOR APPEAL:** The applicant is requesting a variance in order to not provide the required 8 feet in height masonry screen along the west side of the subject property. There is an existing 6 feet in height masonry wall along the property line of the adjacent property to the west and the applicant would like to not build a new 8 feet wall next to the existing 6 feet wall.

**PROPERTY LOCATION AND VICINITY:** The property is located along the west side of North 10<sup>th</sup> Street, approximately 400 feet south of Northgate Lane. The tract has a total lot size of 2.06 acres. The subject property is zoned C-3 (general business) District. The adjacent zoning is R-1 (single-family residential) District to the west, and C-3 District to the north and south.





**BACKGROUND AND HISTORY:** A subdivision plat for a one-lot subdivision under the name “Salkinder Plaza Subdivision” was approved in final form (pending recordation) at the Planning and Zoning Commission meeting of September 7, 2021 for a proposed commercial plaza. A building permit application was submitted on May 28, 2021. The application for this variance request was submitted on September 8, 2022. Construction for the proposed commercial development is already underway since a Hold Harmless Agreement was submitted by the applicant on September 1, 2021.

**ANALYSIS:** Approval of this variance request will allow the applicant to not provide a masonry wall 8 feet in height along the west side property line for a length of 266.30 feet.

As per Vegetation Ordinance Section 110-49 (a), an 8-foot masonry screen (or wall) is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single family use or zone. The adjacent property to the west is zoned R-1 District.

As per the applicant, since the adjacent property owners to the west have provided a masonry wall (6.12 feet in height), they do not see it necessary to build a masonry wall 8 feet in height next to it. The applicant also stated that the existing 6 feet masonry wall cannot be built up to the required 8 feet height since the foundation was not designed for such a height.

According to the latest submitted survey plat for the subject property (attached), the existing “block wall” at 6.12 feet in height is described as being “outside of property line.”

If this variance request is approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process.

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

#### **ZONING BOARD OF ADJUSTMENTS & APPEALS MEETING OF OCTOBER 19, 2022:**

At the Zoning Board of Adjustments & Appeals meeting of October 19, 2022 no one appeared in opposition to the request. Attorney, Pete Diaz was present to speak on behalf of the applicants and the owners of the subject property. Staff presented an updated survey that was provided by Karime Farachala, one of the applicants. The survey appeared to describe the existing masonry wall along the west side property line as being “6.12 feet outside of property line.”

Mr. Diaz spoke to the Board and stated that the provided survey was not the most up to date survey describing the property and the existing wall. Mr. Diaz proceeded to provide a survey to the Board that described the subject property. However, the provided survey did not include the existing masonry wall. The Board unanimously voted to table the request pending an updated survey that would show the existing wall’s location and height.

#### **RECOMMENDATION:**

Staff recommends disapproval of the variance request since the existing masonry wall was built by and belongs to the adjacent property owners to the west of the subject property, and the Vegetation Ordinance requires the commercial use to provide the required screen. Additionally, the adjacent property owners can decide to demolish the existing wall at any time.



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)

Legal Description

A 2.06 ACRE TRACT BEING THE SOUTH 2.06 ACRES OUT OF THE EAST 5.31 ACRES OF LOT 17, EBONY HEIGHTS CITRUS GROVE UNIT NO. 1, HIDALGO COUNTY TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE 39, MAP RECORDS, HIDALGO COUNTY, TEXAS (M.R.H.C.T.), AND AS CONVEYED TO SALKINDER REAL ESTATE LLC AS PER SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 3208328, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS (O.R.H.C.T.), SAID 2.06 ACRES

Project

Subdivision Name

PROPOSED SALKINDER PLAZA SUBDIVISION

Street Address

8909 N. 10TH ST. MCALLEN, TEXAS 78504

Number of lots 1

Gross acres 2.06

Existing Zoning C-3

Existing Land

COMMERCIAL

Use Reason for Appeal (please use other side if necessary)

CITY OF MCALLEN BUFFER REQUIREMENTS ARE AS FOLLOWS: 8FT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTIFAMILY RESIDENTIAL ZONE/ USES. CURRENTLY THERE IS AN EXISTING 6FT MASONRY WALL THAT WAS BUILT BY THE SINGLE FAMILY RESIDENTIAL OWNER. THE WALL HEIGHT REQUIREMENT IS 2 FT LOWER THAN THE BUFFER REQUIREMENT.

☒ \$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 TREVINOENGINEERING

Phone 956-283-8847

Address 200 S. 10TH ST SUITE 1303

E-mail IDENT@TREVINOENGINEERING.COM

KARIME@TREVINOENGINEERING.COM

City MCALLEN

State TEXAS

Zip 78501

Owner

Name SONIA SALKINDER

Phone 956-358-1212

Address 4900 N. 10TH STREET

E-mail MLOPEZ@URBANCITYTX.COM

City MCALLEN

State TEXAS

Zip 78501

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

Date 09/07/2022

Print Name IDEN I. TREVINO

☐ Owner

☒ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 09/20

ENTERED

SEP 09 2022

Initial:

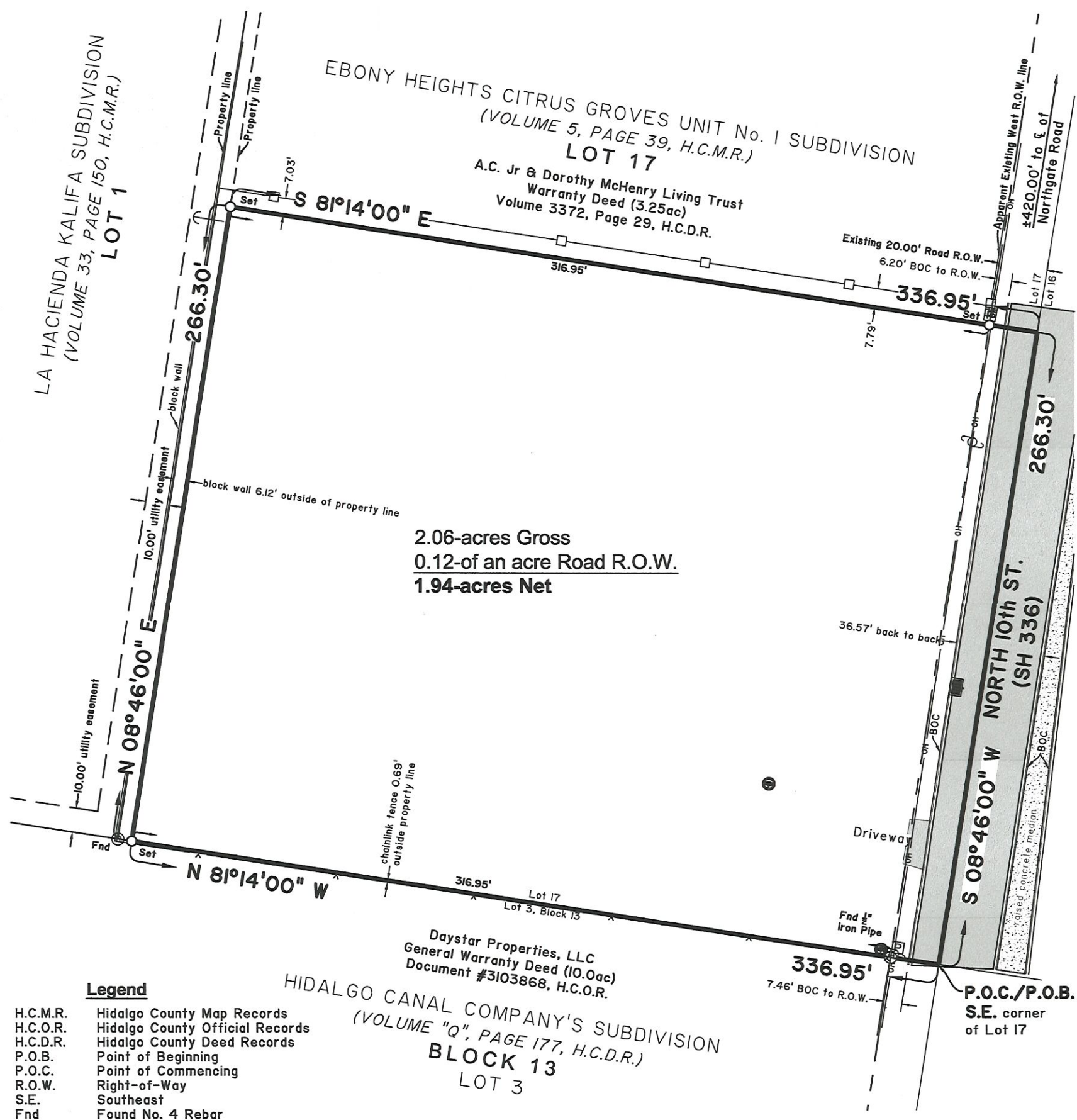




**City of McAllen**  
***Planning Department***  
**REASON FOR APPEAL & BOARD ACTION**

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 <b>any combination of</b> the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p><b>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</b></p> <p><b>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</b></p>	
	1.	<p>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>CITY OF MCALLEN BUFFER REQUIREMENTS ARE AS FOLLOWS: 8FT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTIFAMILY RESIDENTIAL ZONE/USES. CURRENTLY THERE IS AN EXISTING 6FT MASONRY WALL THAT WAS BUILT BY THE SINGLE FAMILY RESIDENTIAL OWNER. THE WALL HEIGHT REQUIREMENT IS 2 FT LOWER THAN THE BUFFER REQUIREMENT.</p>
	2.	<p>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 TO AVOID BUILDING AS NEW 8 FT MASONRY WALL NEXT TO THE EXISTING 6 FT MASORY WALL.</p>
	3.	<p>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 EXISTING MASONRY WALL WILL REMAIN AS IS.</p>
	4.	<p>Describe special conditions that are unique to this applicant or property:</p> <p>TRYING TO USE THE EXISINTING MASONRY WALL. THE ADDITONAL FEET CAN NOT BE ADDED TO THE EXISTING MASONRY WALL BECAUSE THE FOUNDATION WAS NOT DESIGNED FOR AN 8 FT HIGH WALL.</p>
Board Action		
	<p>Chairman, Board of Adjustment Signature</p> <p>_____</p>	<p>Date</p> <p>_____</p>





2.06-acres Gross  
0.12-of an acre Road R.O.W.  
1.94-acres Net

**Legend**

- |          |  |
|----------|--|
| H.C.M.R. | Hidalgo County Map Records                 |
| H.C.O.R. | Hidalgo County Official Records            |
| H.C.D.R. | Hidalgo County Deed Records                |
| P.O.B.   | Point of Beginning                         |
| P.O.C.   | Point of Commencing                        |
| R.O.W.   | Right-of-Way                               |
| S.E.     | Southeast                                  |
| Fnd      | Found No. 4 Rebar                          |
| Set      | Set No. 4 Rebar w/plastic cap stamped 2791 |
| BOC      | Back of curb                               |
| ⊙        | Found No. 4 Rebar                          |
| —□—      | Found Iron pipe                            |
| —X—      | Existing chicken wire fence                |
| —OH—     | Existing chainlink fence                   |
| ⌋        | Existing overhead power line               |
| ⌋        | Existing power pole                        |
| ⌋        | Existing down guy                          |
| ⌋        | Existing telephone pedestal                |
| ⌋        | Existing grate inlet                       |
| ⌋        | Existing 24" irrigation standpipe          |
| ■        | Asphalt pavement                           |
| ■        | Concrete pavement                          |

Daystar Properties, LLC  
General Warranty Deed (10.0ac)  
Document #3103868, H.C.O.R.  
HIDALGO CANAL COMPANY'S SUBDIVISION  
(VOLUME "Q", PAGE 177, H.C.D.R.)  
**BLOCK 13**  
LOT 3

**SURVEY PLAT SHOWING  
A 2.06-ACRE TRACT, MORE OR  
LESS, BEING ALL THE EAST  
5.31-ACRES OF LOT 17, EBONY  
HEIGHTS CITRUS GROVES UNIT  
No. 1 SUBDIVISION,  
(Save and Except the North 420.00 feet)  
CITY OF McALLEN,  
HIDALGO COUNTY, TEXAS,  
VOLUME 5, PAGE 39, H.C.M.R.  
(See Exhibit "A" for Metes and Bounds description)**

I, Homero L. Gutierrez, a registered professional land surveyor in the State of Texas, hereby state that this survey is true and was correctly made on the ground on 02/11/2021 under my direction, that the existing improvements on the ground are as shown, and that there are no visible encroachments, protrusions, apparent conflicts and visible easements, except as shown hereon.

**General Notes:**

- Survey is valid only if print has original electronic seal and signature of surveyor.
- Bearing basis as per the East line of 2.06-Acre Tract called out in the Metes and Bounds recorded in the Special Warranty Deed recorded in via Document #3208328, dated March 31, 2021, H.C.O.R.
- Commitment of Title Insurance issued by Title Resources Guaranty Company  
Reference: Michael Allen Wilson, Trustee of the D.L. Wilson Life Insurance Trust  
To: Salkinder Real Estate, LLC  
GF: No. 933487  
Also, see Schedule B. 10.a thru 10.i for additional easement and property matters.
- Homero L. Gutierrez did not research or prepare a title report or abstract of title on the above property.
- Building, zoning, platting and/or regulatory laws and/or ordinances at any municipal and/or other governmental authority will apply.
- The existence, if any underground gas lines or other underground utilities not shown on this survey should be thoroughly investigated by the owner prior to any construction on this site. The Surveyor has limited his investigation of underground utilities on this site to that which can be seen.
- Surveyor's statement: The property corners of the tract surveyed were staked out based on the best fit of monuments found for this property and others within the immediate vicinity, taking into account the intent of the surveyors' original foot steps. A survey of the original mother tracts to correctly establish minor discrepancies that were found in the property corners would not be a feasible option for the parties concerned. The client has been made aware of any discrepancies found and the respective action taken to stake out his property as per the found and set monuments shown hereon. Survey referred to TxDOT Highway Department District 21 Pharr, Texas Right-of-Way map of SH 336, dated June 1952 from SH 107 South to FM 495.
- Flood Zone "X" - Areas determined to be outside 500-year floodplain.  
Community Panel No. 480334 0325D  
Map Revised: June 6, 2000  
Revised to Reflect L OMR Dated: May 17, 2001



*Homero Luis Gutierrez*  
Homero Luis Gutierrez, RPLS No. 2791  
Date: 10/06/2021

**HOMERO L. GUTIERREZ**  
P.O. Box 548  
McAllen, Texas 78505  
(956) 369-0988  
REV.: 10/06/2022  
DATE: 02/18/2021 JOB No.: HLG21-042














**NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2022-0082**

 CITY OF MCALLEN PLANNING DEPT.  
956-681-1259  
WWW.MCALLE.NET





## **Memo**

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

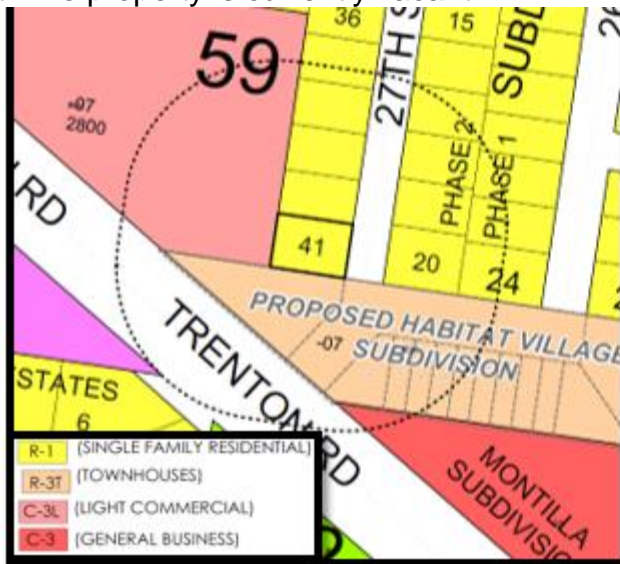
**FROM:** Planning Staff

**DATE:** October 5, 2022

**SUBJECT:** Request of Villa Del Sol Construction LLC for the following Variance to the City of McAllen Zoning Ordinance to not provide one required parking space beyond the front yard setback line at Lot 41, Auburn Estates Phase II Subdivision, Hidalgo County, Texas; 7533 North 27<sup>th</sup> Street. (ZBA2022-0079)

**REASON FOR APPEAL:** The applicant is requesting a variance request to the parking requirement of one off-street parking space for single family use beyond the front yard setback; as required by the zoning ordinance. The applicant is proposing to build a residence with no garage as it “will limit the owners to have comfortable living space”.

**PROPERTY LOCATION AND VICINITY:** The property is located along the west side of North 27<sup>th</sup> Street, approximately 160 feet north of Trenton Road. The property has 71 feet of frontage along North 27<sup>th</sup> Street and 98.75 feet of depth for a tract size of approximately 7,011 square feet. The property is zoned R-1 (single family residential) District. The zoning is R-1 District to the north and east of the subject property. The property to the south is zoned R-3T (multifamily residential townhouse) District. The contiguous property to the west of the subject property is zoned C-3L (light commercial) District to the west. The property is currently vacant.



**BACKGROUND AND HISTORY:** Auburn Estates Phase II Subdivision was recorded on March 5, 2020. The Board of Commissioners amended the zoning ordinance in 1999 to require 1 parking space beyond the front yard setback in order to enhance the appearance of single family residential area. The subject property and subdivision is subject to compliance with the zoning ordinance requirement of the



one parking space beyond the front yard setback line. The application for the variance request was submitted on September 6, 2022.

**ANALYSIS:** The submitted site plan shows a driveway measuring 18 feet by 20 feet accommodating the number of two parking spaces. The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residence areas by reducing the number of cars parked along the street and within the front yard.

Should the request be approved, it may encourage other property owners to request a variance to enclose their garage or not provide a garage. Approval of the request will allow the proposed construction to remain as depicted on the site plan.

Planning Department staff has not received any calls in opposition to the request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request as the subject property may encourage other property owners to request a variance to enclose their garage or not provide a garage. The objective of Zoning Ordinance Section 138-394(1) is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard.



ZBA 2022-0079

10/19/22



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	<u>LOT 41 AUBURN ESTATES PH-II</u>		
	Subdivision Name	<u>AUBURN ESTATES II</u>		
	Street Address	<u>7533 N. 29TH ST</u>		
	Number of lots	<u>41</u>	Gross acres	
	Existing Zoning		Existing Land Use	<u>VACANT</u>
	Reason for Appeal (please use other side if necessary)	<u>RESIDENCE WITH NO CAR GARAGE</u> <u>REQUEST OF DRIVE WAY APPROVAL FOR 2 CAR IN THE 25' SETBACK</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>VILLA DEL SOL CONSTRUCTION LLC</u>		
	Address	<u>3323 N. WARE RD</u>	E-mail	<u>villadelso/status@gmail.com</u>
	City	<u>McALLEN</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>A2 LLC.</u>		
	Address	<u>3323 N WARE RD</u>	E-mail	<u>villadelso/status@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 checked="" type="checkbox"/> Yes <input 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>[Signature]</u> Date <u>09-06-2022</u> Print Name <u>Martin Villanueva Jr</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent		
Office	Accepted by	<u>VR</u>	Payment received by	<u>ENTERED</u>
	Rev 10/18	SEP 06 2022 Initial: <u>An</u>		





# 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:

The lot easements on the South and West of the property take a lot of the square footage, leaving very little space to build. 25' South and 41'-3" West

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

The square footage was use entirely on living space, doing a garage will limit the owners to have comfortable living space

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 driveway will give enough space to park the owners vehicles and not in the street and it won't interfere with any public service or easement.

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

The easements on the property are a lot more than regular easements. leaving very little space to build.

Reason for Appeal

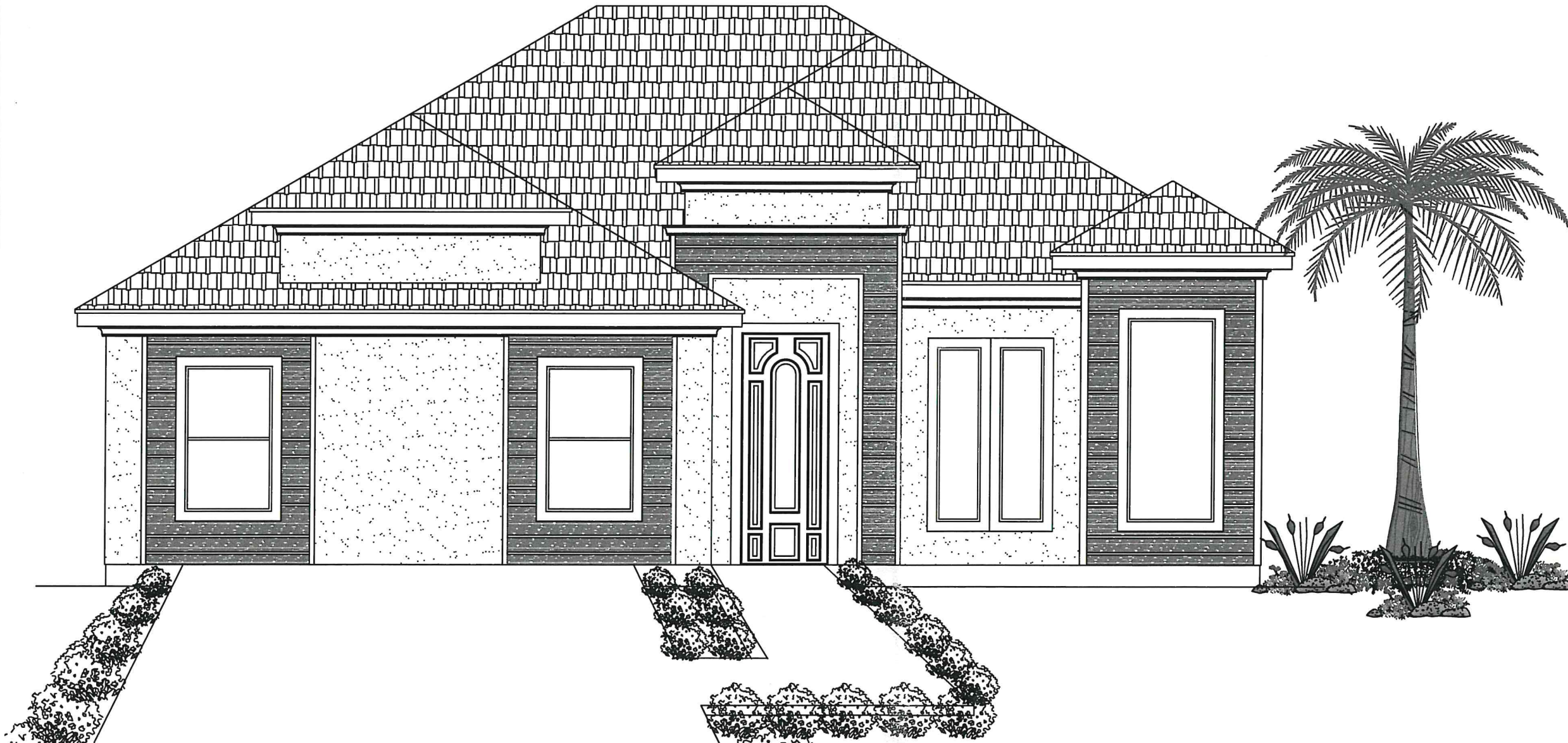
Board Action

Chairman, Board of Adjustment  
Signature

Date



The  
VDS Model Home



AREA TABULATION	
LIVING AREA	1,449.0'
CVD. PORCH	16.0'
TOTAL AREA	1,465.0'

CONSTRUCTION ANALYSIS	
CONSTRUCTION TYPE	ONE STORY RESIDENCE
NUMBER OF LEVELS	1
FRAME TYPE ( EXT. WALLS )	2" x 4" WOOD STUDS
FRAME TYPE ( INT. WALLS )	2" x 4" WOOD STUDS
FRAME TYPE ( ROOF )	2" x 6" WOOD RAFTERS
FRAME TYPE ( FLR. / CLG. )	18" PRE-ENG TRUSS SYSTEM
VENEER TYPE	STUCCO
FOUNDATION TYPE	SLAB ON GRADE
ROOF TYPE	SHIGLES ROOF
ROOF PITCH	7:12
PLATE HEIGHT ( MIN. )	9'-0"
PLATE HEIGHT ( MAX. )	14'-0"

INDEX OF DRAWINGS

COVER	ELECTRICAL
CVR COVER SHEET	E1 ELECTRICAL PLAN
CIVIL	
C1 SITE PLAN	STRUCTURAL
ARCHITECTURAL	S1 FOUNDATION PLAN
A1 FLOOR PLAN	
A2 ELEVATIONS	
A3 CEILING DESIGNS	
A4 ROOF PLAN	

NOTE:

THIS COVER IS JUST A REPRESENTATION  
THE LAND ESCAPING IS NOT INCLUDE, AND THE CONSTRUCTION WILL  
BE BUILD ACCORDING TO THE CONSTRUCTION PLANS



71.00'



# LOT #41

25'-0"

41'-3" REAR SETBACK

6'-0"

98.75'

25'-0" SIDE EASEMENT

A/C UNIT  
CONDENSER

PROPOSAL RESIDENCE

6'-0" SIDE SETBACK

20'-0"

18'-0"

71.00'

20' BUILDING SET  
BACK LINE

98.75'

1. VERIFY JOINT LAYOUT FOR SIDEWALKS WITH CONTRACTOR PRIOR TO CONSTRUCTION.
2. ALL SITE WORK, INCLUDING LOCATION OF TRASH DUMPSTER, TEMPORARY TOILET FACILITIES, TEMPORARY CONSTRUCTION BARICADEFENCING CONSTRUCTION TRAILER, CLEARING PROCEDURE GRADING AND DRAINAGE, CONFORMANCE TO POLLUTION AND PREVENTION CONTROL, AND TEMPORARY UTILITY FACILITIES, ETC. SHALL BE IN ACCORDANCE WITH THE CITY AS WELL AS SUBDIVISION PROPERTY OWNERS ASSOCIATION GUIDELINES.
3. BUILDER AND OWNER SHALL BE RESPONSIBLE FOR ALL TEMPORARY UTILITIES TO THE CONSTRUCTION SITE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL GRADING ONLY. OWNER SHALL PROVIDE ALL LANDSCAPING, SOD, AND IRRIGATION SYSTEM.

## LEGAL DESCRIPTION

LOT..... 41  
SUBDIVISION..... AUBURN ESTATES II  
CITY..... MCALLEN, TEXAS

① SITE PLAN  
SCALE: 3/16"=1'-0"

AREAS	
LIVING AREA	1,449.0'
PORCH AREA	16.0'
TOTAL AREA	1,465.0'

DATE: 05-20-21

PLAN #0006-17

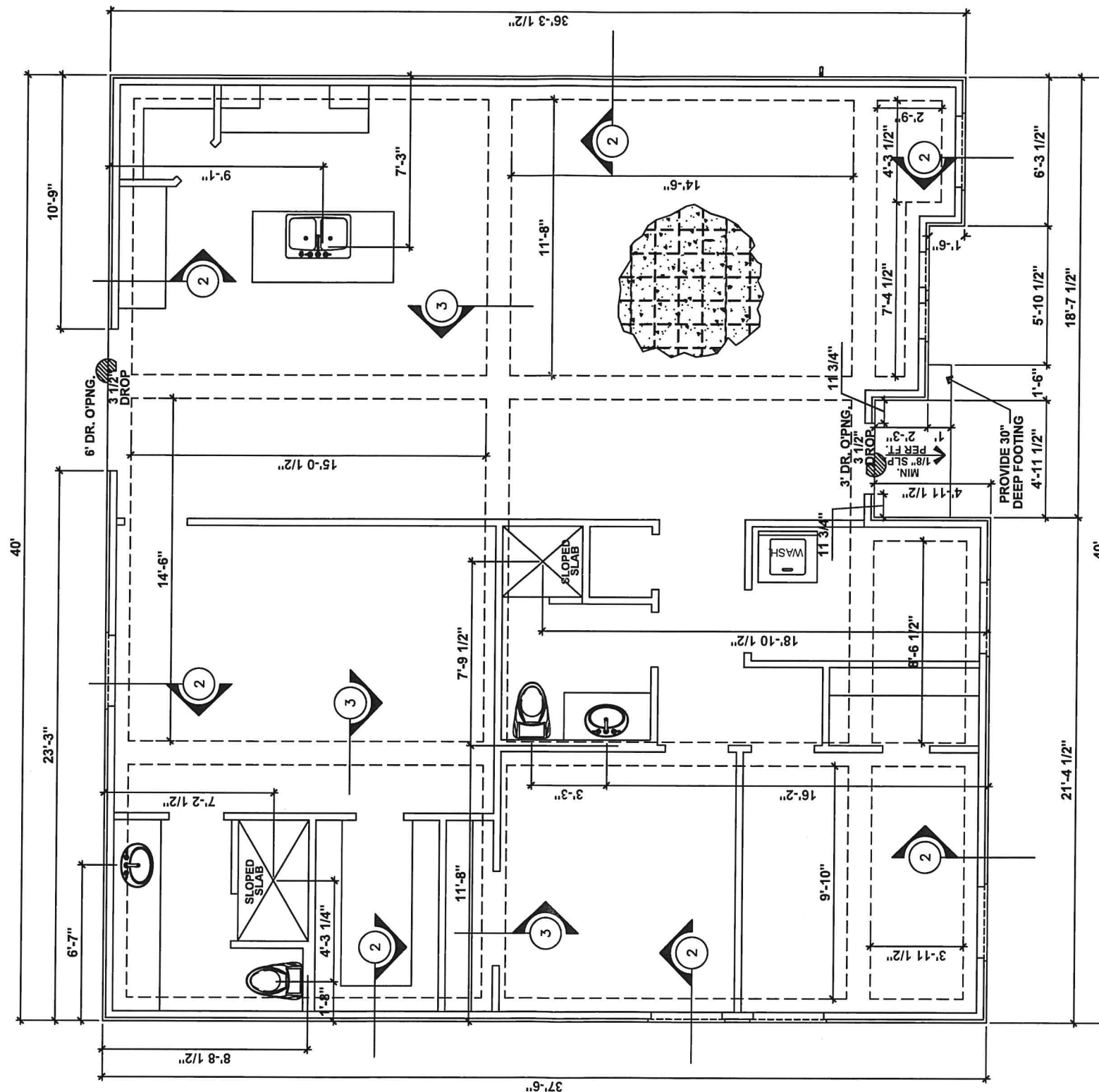
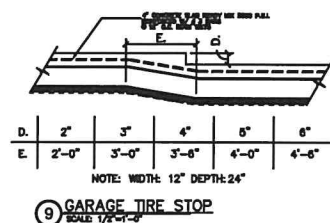
SHEET  
C-1



PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS

VILLA  
DEL SOL  
MODEL HOME  
7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBURN ESTATES II SUBD.



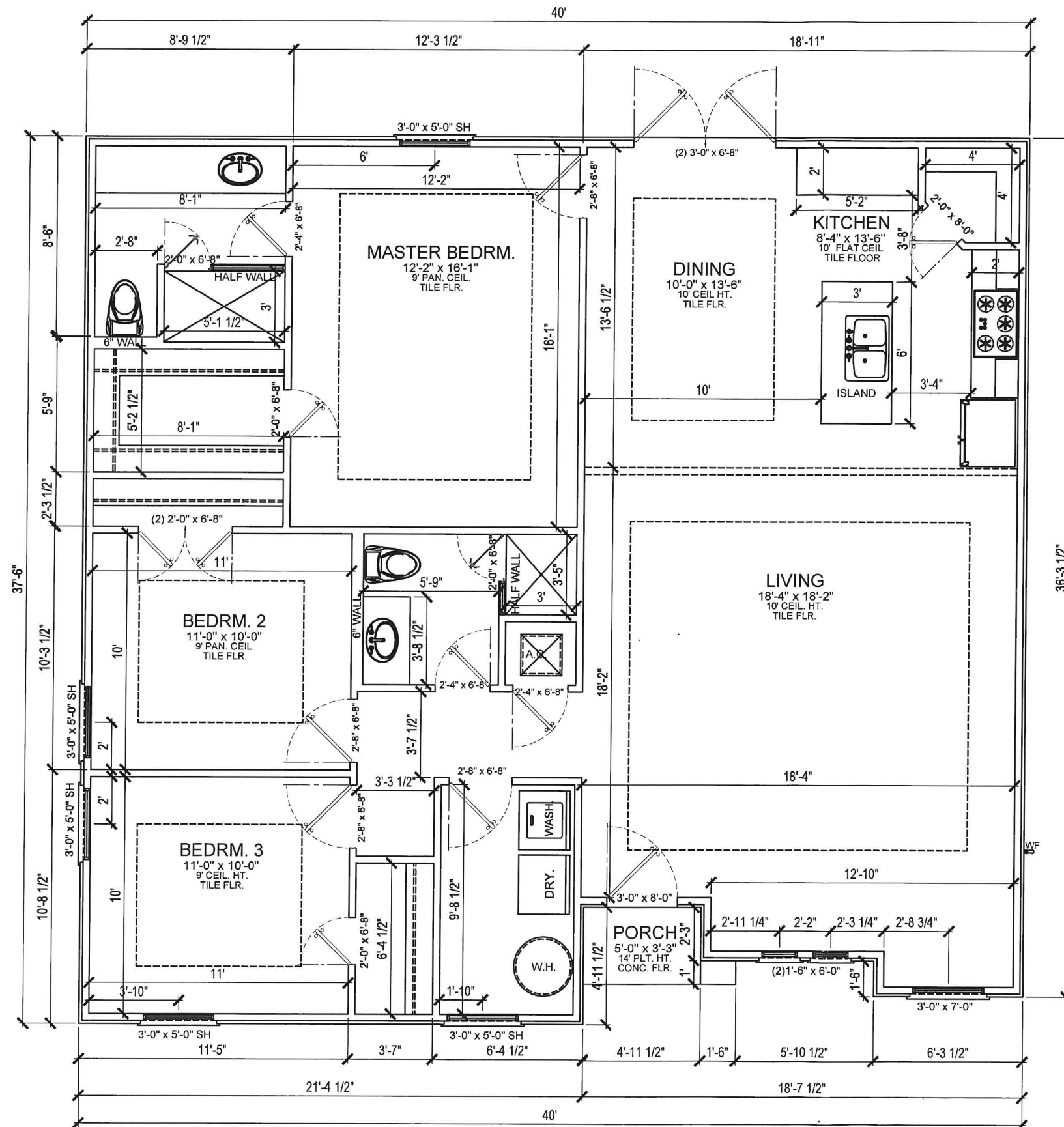


01. DIMENSIONS & SPECIFICATIONS ARE FOR GUIDELINES,  
ENGINEER DRAWINGS OR SPECIFICATIONS OVERRIDE ALL  
02. 4" CONCRETE SLAB @ 3,000 PSI W/ #3 REBAR 12" O.C., B.W.  
03. 30" DEEP EXTERIOR & 24" INTERIOR BEAMS.

**1 FOUNDATION PLAN**  
SCALE: 3/8"=1'-0"

**SHEET**  
**S-1**





#### GENERAL NOTES:

- THESE PLANS ARE INTENDED TO PROVIDE THE BASIC INFORMATION FOR CONSTRUCTION. THESE PLANS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE GENERAL CONTRACTOR. ANY DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND, IS TO BE BROUGHT IMMEDIATELY TO THE OWNER BEFORE CONSTRUCTION WORK OR PURCHASE IS MADE.
- FEDERAL, STATE, COUNTY, AND LOCAL CITY ORDINANCES AND BUILDING CODES TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS. ANY CONFLICT MUST BE ADHERED TO THE PROJECT BEFORE AND DURING CONSTRUCTION.

NORTH ARROW

#### NOTES

- UNLESS NOTED OTHERWISE (U.N.O.)
- 2" x 4" STUDS @ 16" O.C. W/ BRICK-EXTERIOR
  - 2" x 4" STUDS @ 16" O.C.-INTERIOR
  - TOP OF EYE-BROW CASED OPENINGS TO BE @ 8'-0" A.F.F.

#### 1 FLOOR PLAN

SCALE: 3/8"=1'-0"

**VILLA DEL SOL**  
CONSTRUCTION  
BY MARTIN VILLANUEVA JR

PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS

**VILLA DEL SOL**  
**MODEL HOME**

7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBURN ESTATES II SUBD.

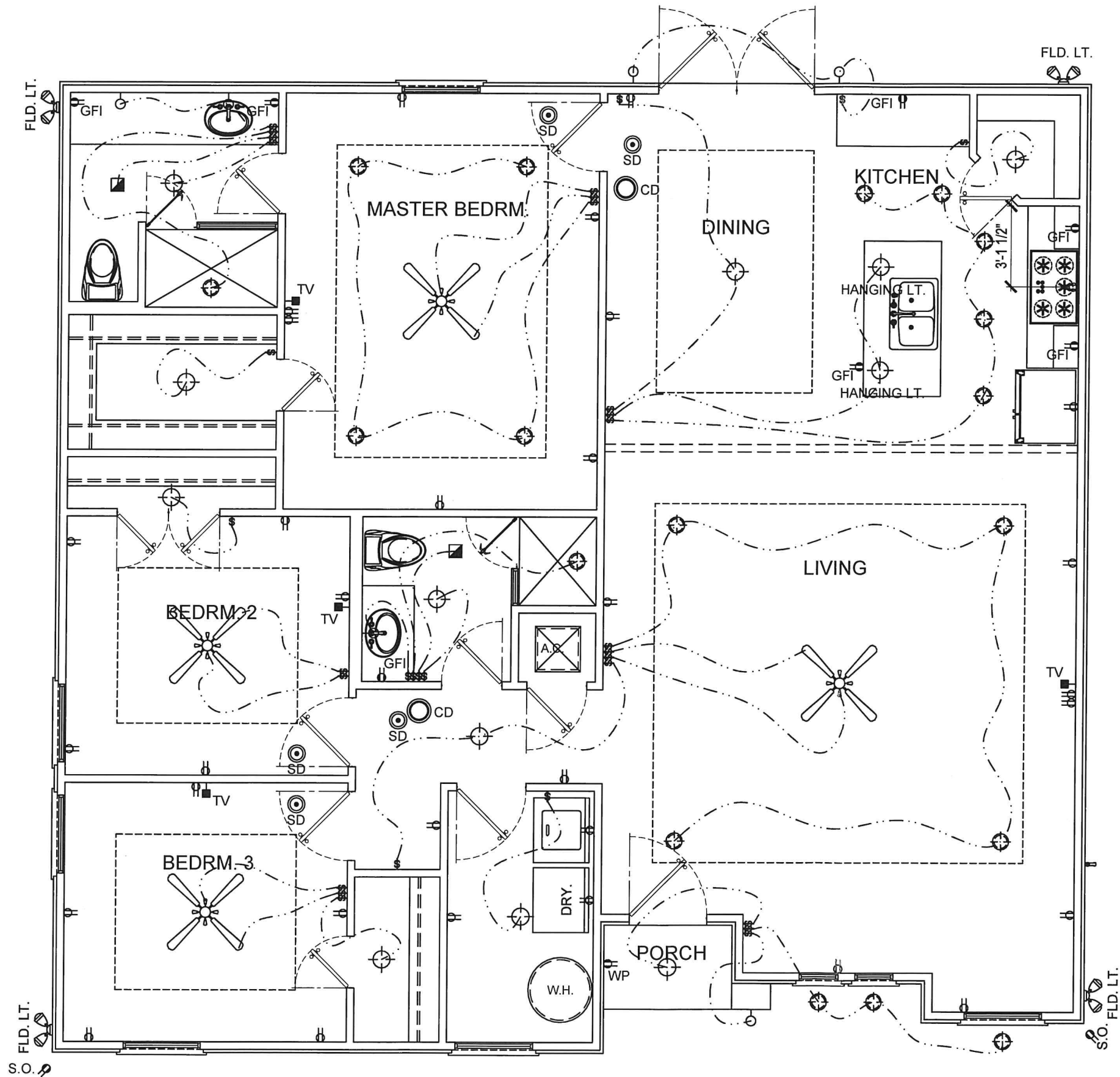
AREAS  
LIVING AREA  
1,449.0'  
PORCH AREA  
16.0'  
TOTAL AREA  
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET  
**A-1**





ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	CARBON MONOXIDE DETECTOR
	WALL MOUNT LIGHT FIXTURE
	VENT & LIGHT
	UNDER COUNTER LIGHT
	SMOKE DETECTOR
	220 V. DUPLEX RECEPTACLE OUTLET
	110 V. DUPLEX RECEPTACLE OUTLET
	110 V. FLOOR OUTLET
	SOFFIT OUTLET
	GROUND FAULT INTERRUPTER DUPLEX RECEPTACLE OUTLET
	WATER PROOF OUTLET
	SINGLE POLE SWITCH
	2 WAY SWITCH
	DIMMER SWITCH
	FLOOD LIGHT SWITCH
	SOFFIT OUTLET SWITCH
	PUSH BUTTON FOR GARAGE DOOR
	DOOR BELL
	CHIME
	TELEVISION JACK
	CAT 6 OUTLET
	GAS LINE CONNECTION
	GARAGE DOOR OPENER
	FLOOD LIGHT
	MOTOR CONNECTION

NOTES UNLESS NOTED OTHERWISE (U.N.O.)

- POWER OUTLET SET 18" ABOVE FINISHED FLOOR. VERIFY ACTUAL LAYOUT WITH BUILDER AND OWNER.
- POWER, COMMUNICATION DATA AND CABLE TV OUTLET LOCATION. HEIGHT PLACEMENT TO BE VERIFIED AND COORDINATED BY BUILDER AND OWNER BASED ON AUDIOVISUAL EQUIPMENT SPECIFICATIONS.
- POWER AND PHONE OUTLET. COORDINATE FINAL PLACEMENT WITH BUILDER AND OWNER.
- POWER OUTLETS SET AT END OF ISLAND MILLWORK. FINAL PLACEMENT TO BE COORDINATED WITH BUILDER AND OWNER.
- POWER OUTLET AND RECESSED WATER/DRAIN BOX FOR REFRIGERATOR/FREEZER. VERIFY CIRCUIT AND PLUG CONFIGURATION REQUIREMENTS WITH OWNER AND BUILDER BASED ON FINAL APPLIANCE SELECTION.
- HARDWIRE CONNECTION FOR EXHAUST HOOD (NOTE: SET HEIGHT MINIMUM 6'-0" A.F.F. VERIFY WITH FINAL EXHAUST HOOD SELECTION BY BUILDER AND OWNER).
- LOCATION OF DRYER VENT WALL PENETRATION (BUILDER SHALL VERIFY ACTUAL ROUTING OF VENT WITH ROOF LINE).
- 220-VOLT OUTLET FOR DRYER.
- OUTLET AND VALVE DRAIN FOR WASHER.
- CEILING MOUNTED OUTLET FOR OVERHEAD GARAGE DOOR OPENER. (VERIFY AND COORDINATE ACTUAL POWER REQUIREMENTS WITH BUILDER).
- 220-VOLT OUTLET FOR AC UNIT.
- 220-VOLT OUTLET FOR WATER HEATER.
- SWITCH FOR ALL EXTERIOR FLOOD LIGHTS.
- SWITCH FOR ALL EXTERIOR SOFFIT OUTLETS.
- SWITCH FOR EXTERIOR SOFFIT LIGHT.

1 ELECTRICAL PLAN  
SCALE: 3/8"=1'-0"

VILLA DEL SOL  
CONSTRUCTION  
BY MARTIN VILLANUEVA JR

PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS

VILLA  
DEL SOL  
MODEL HOME  
7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBURN ESTATES II SUBD.

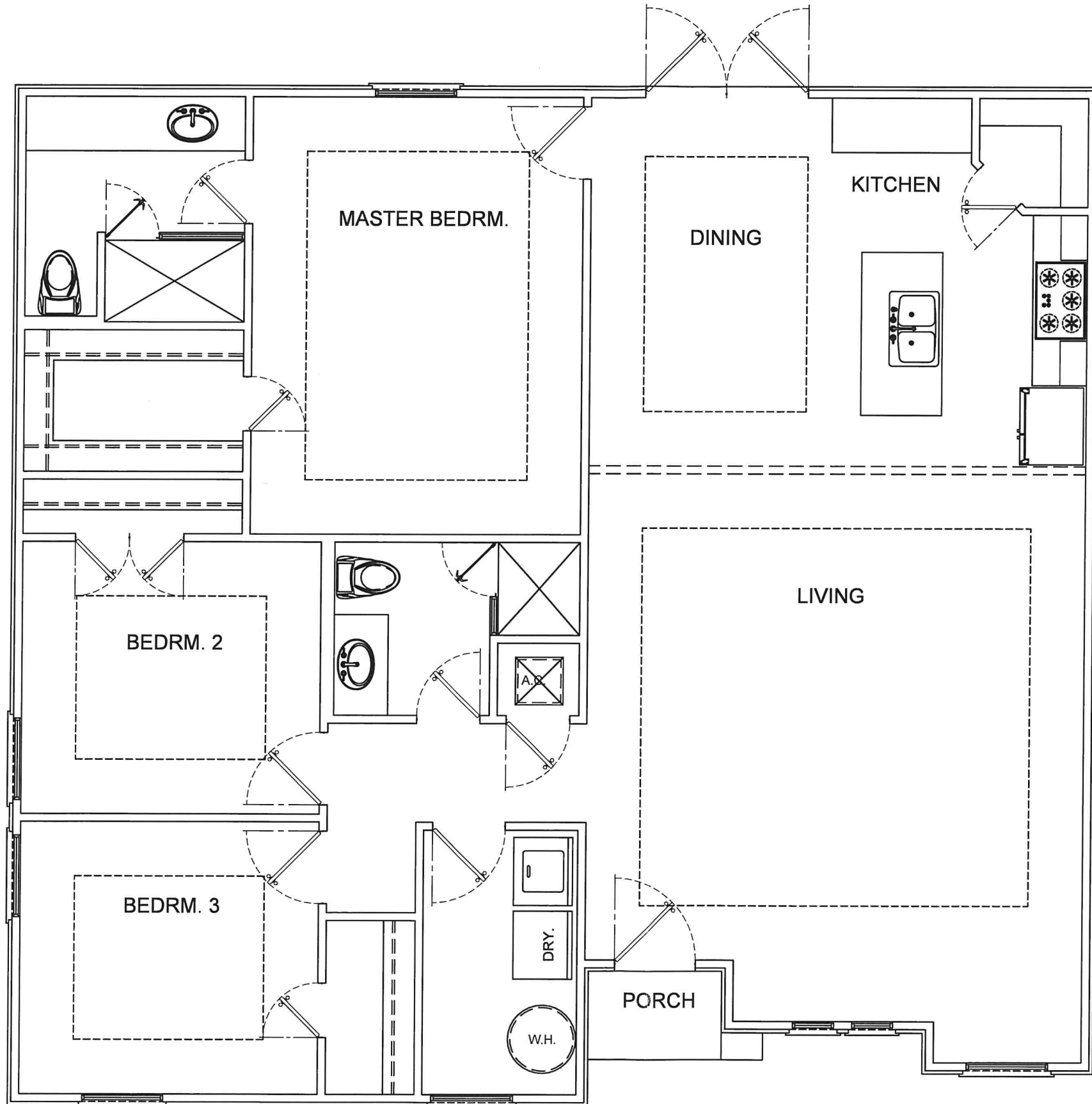
AREAS  
LIVING AREA  
1,449.0'  
PORCH AREA  
16.0'  
TOTAL AREA  
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET  
E-1





1 BEAM & CEILING DESIGN PLAN  
SCALE: 3/8"=1'-0"



PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS

VILLA  
DEL SOL  
MODEL HOME  
7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBUNR ESTATES II SUBD.

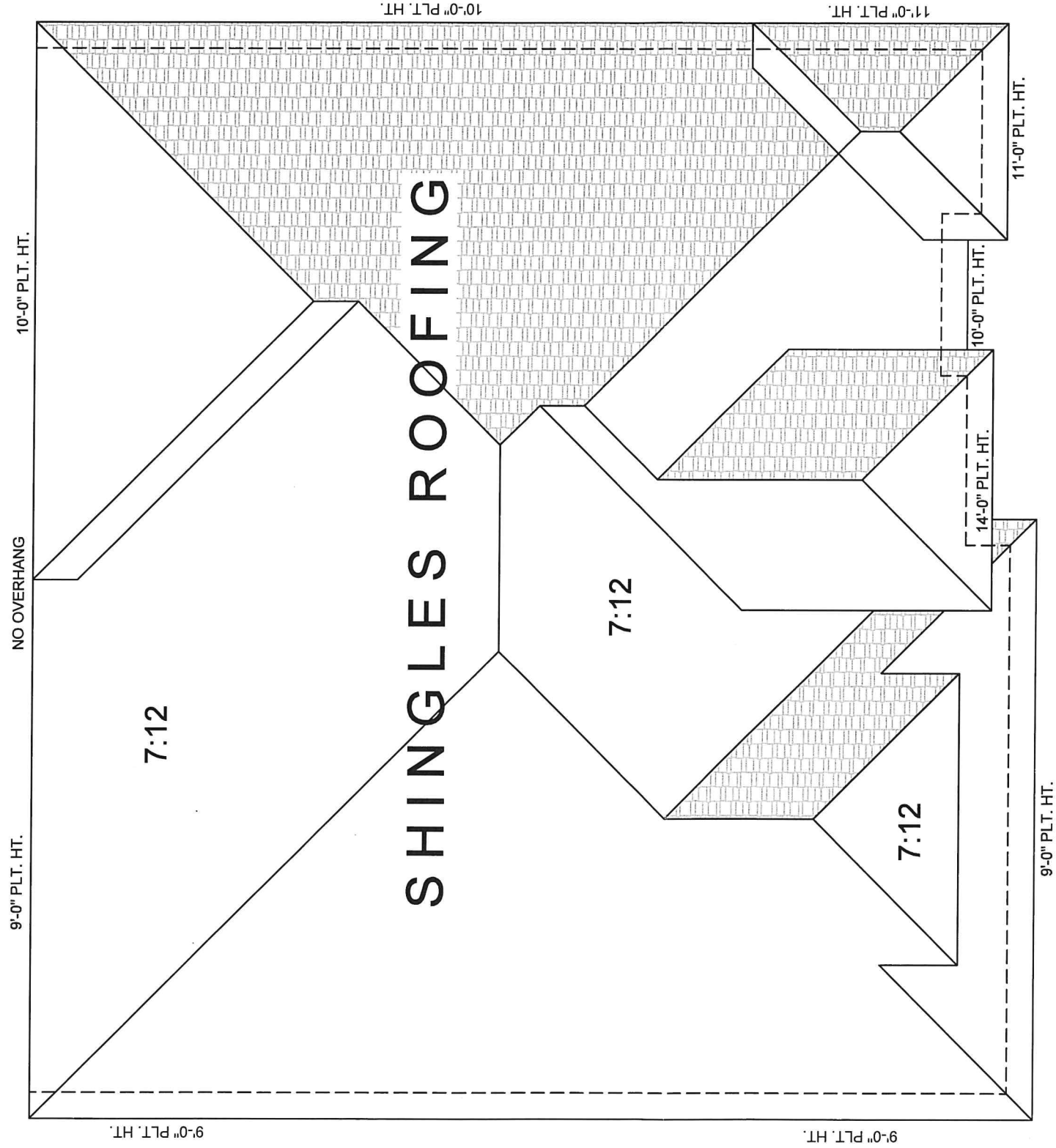
AREAS  
LIVING AREA  
1,449.0'  
PORCH AREA  
16.0'  
TOTAL AREA  
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET  
A-3





1 ROOF PLAN  
SCALE: 1/4"=1'-0"

AREAS	
LIVING AREA	1,449.0'
PORCH AREA	16.0'
TOTAL AREA	1,465.0'

DATE: 05-20-21

PLAN #0006-17

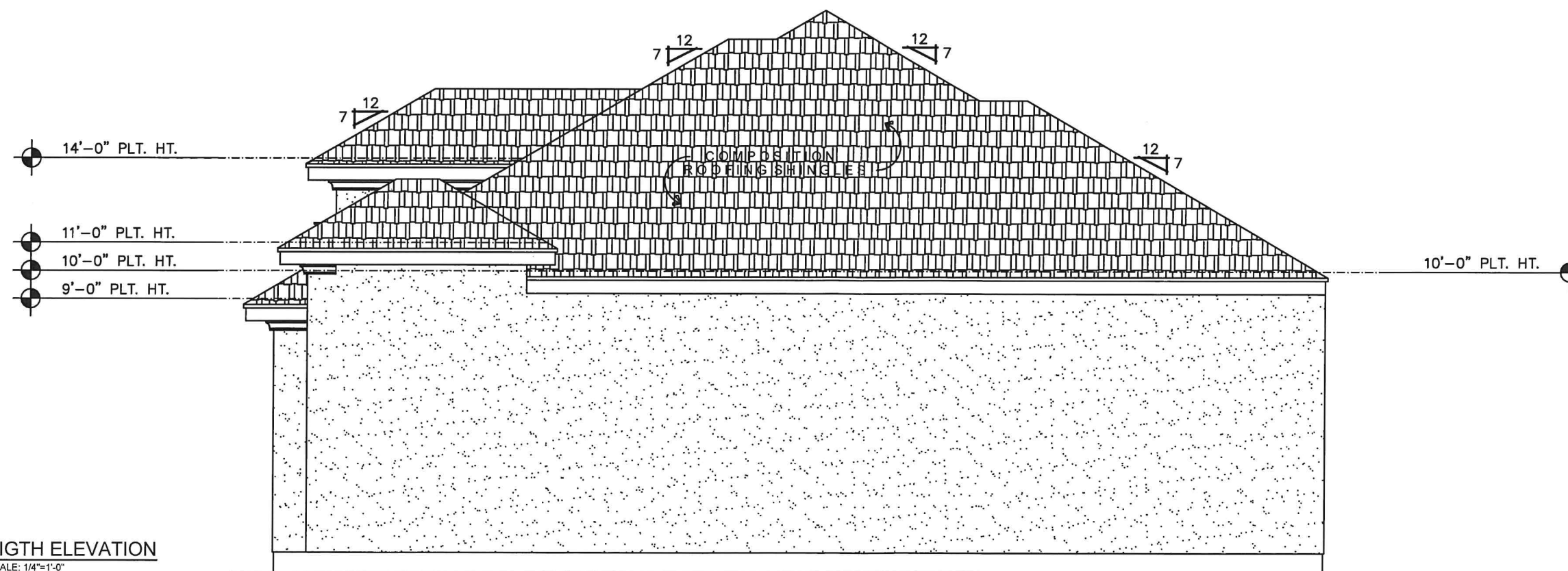
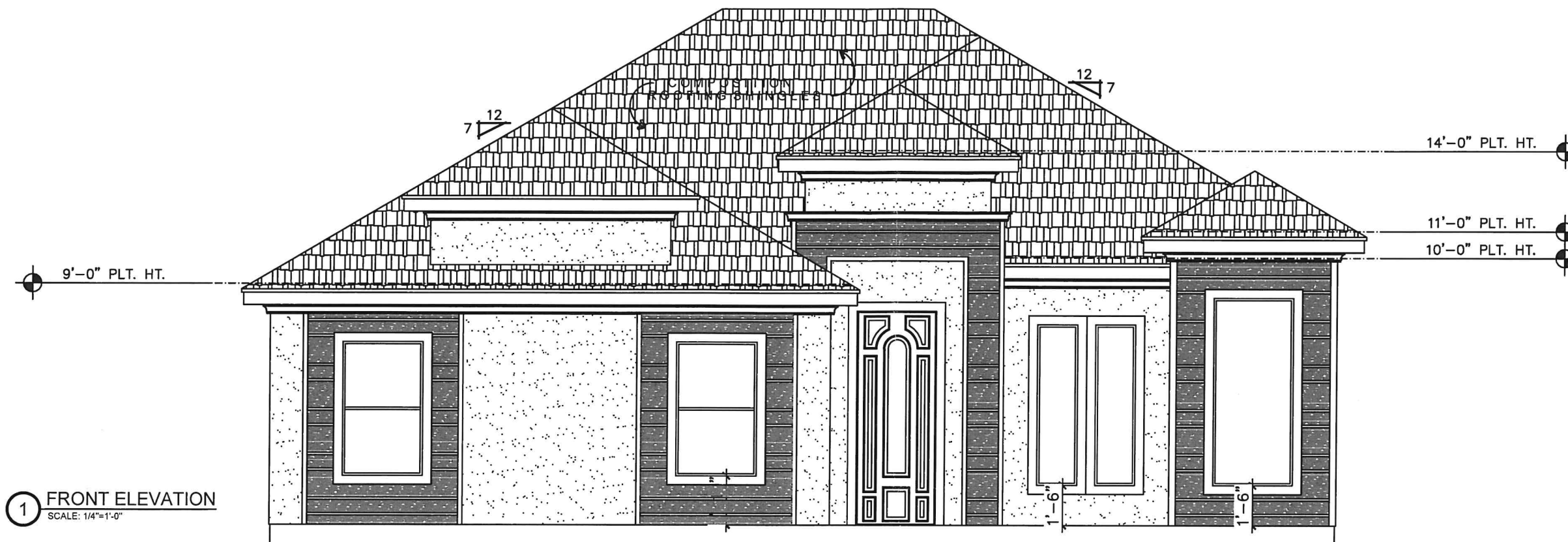
SHEET  
A-3

VILLA  
DEL SOL  
MODEL HOME  
7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBUNR ESTATES II SUBD.



BY MARTIN VILLANUEVA JR  
PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS





**VILLA DEL SOL**  
CONSTRUCTION

BY MARTIN VILLANUEVA JR

PHONE: (956)739-0780  
3323 N. WARE RD. MCALLEN, TEXAS

**VILLA  
DEL SOL  
MODEL HOME**

7533 N. 27TH ST MCALLEN TEXAS  
LOT 41 AUBURN ESTATES II SUBD.

AREAS  
LIVING AREA  
1,449.0'  
PORCH AREA  
16.0'  
TOTAL AREA  
1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET  
**A-2**

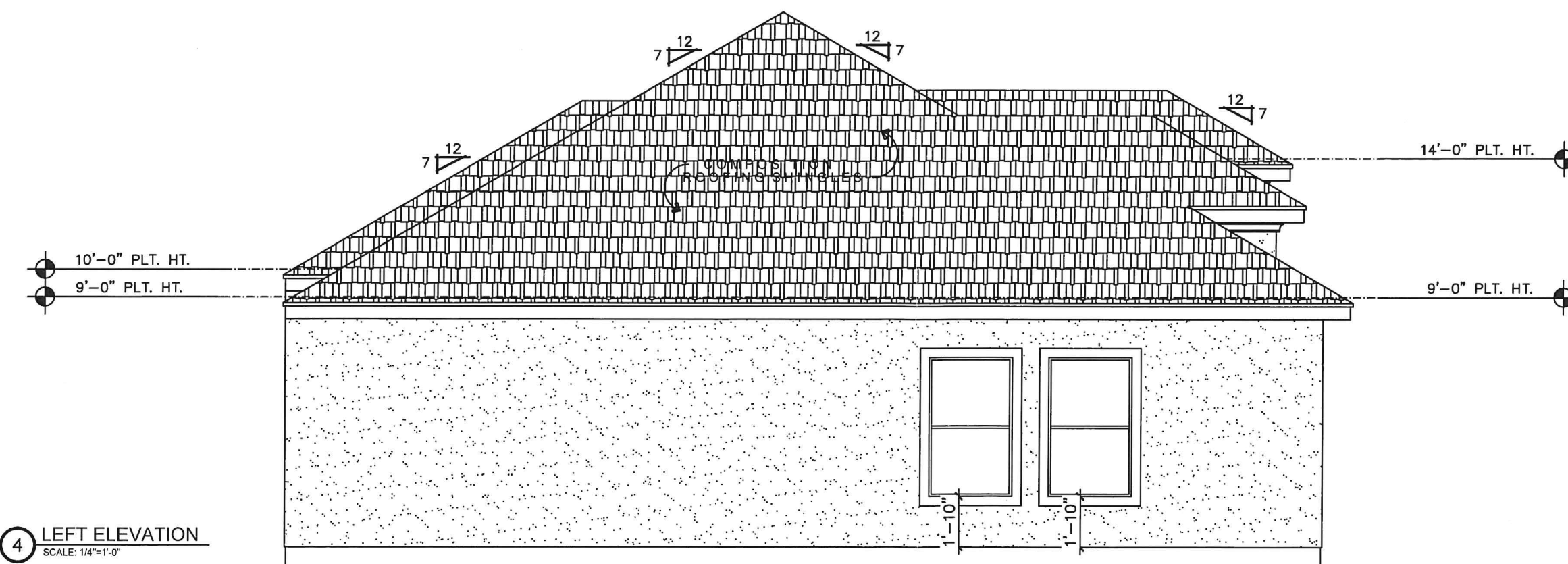
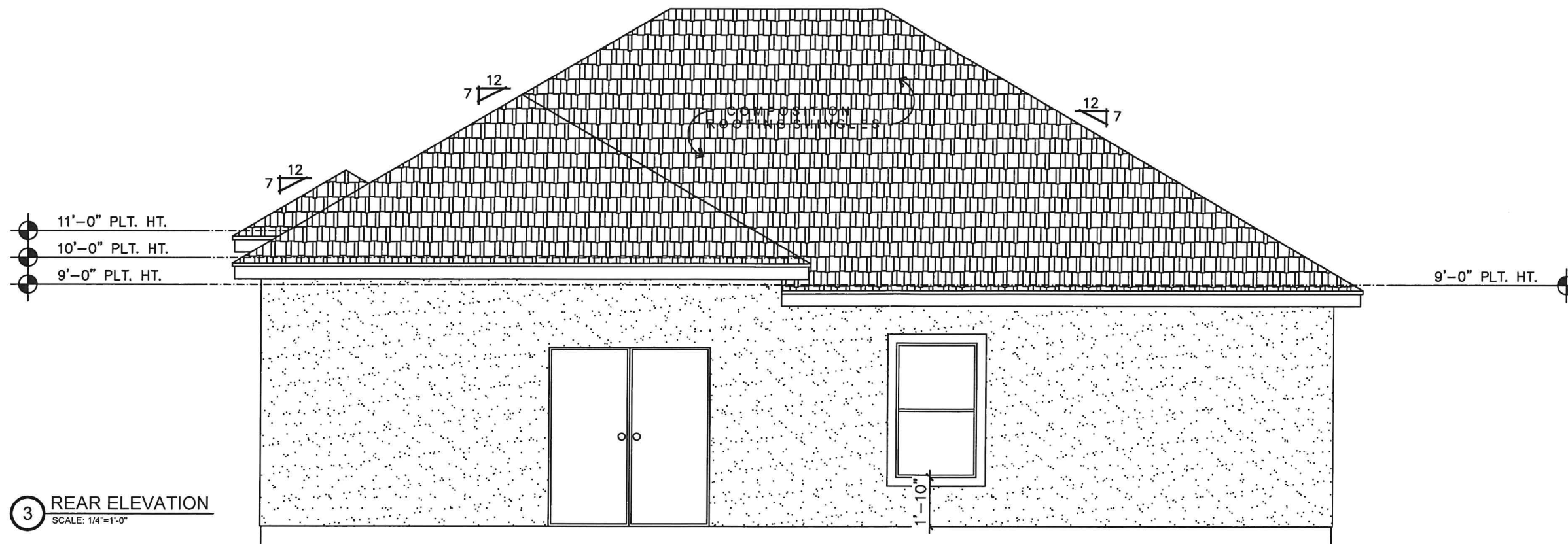


AREAS	
LIVING AREA	1,449.0'
PORCH AREA	16.0'
TOTAL AREA	1,465.0'

DATE: 05-20-21

PLAN #0006-17

SHEET  
**A-2**









## **Memo**

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

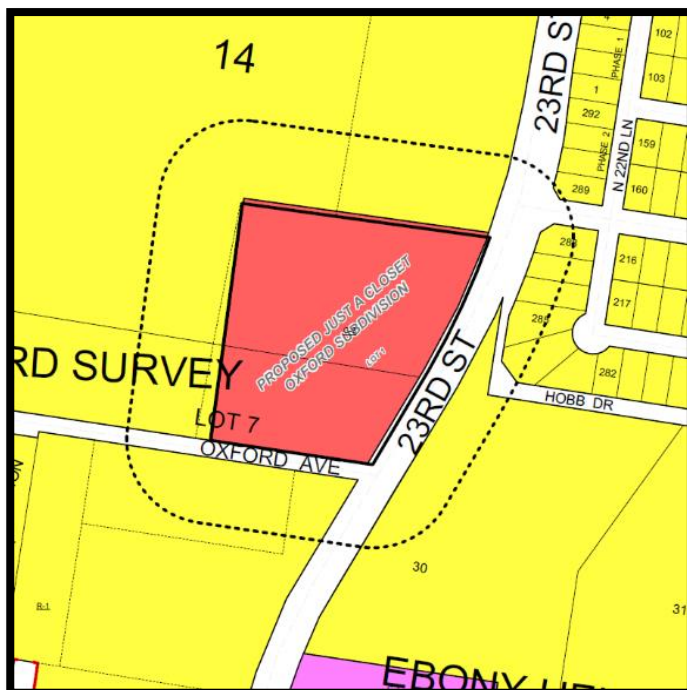
**FROM:** Planning Staff

**DATE:** October 3, 2022

**SUBJECT:** Request of Rio Delta Engineering for the Variance to the City of McAllen Zoning Ordinance to be exempted from the 8-foot CMU buffer requirement along the west side of the subject property located at the 6.713 Acres out of Lot 7, E.M. Card Survey No. 1 and out of Lot 14, Section 279, Tex-Mex Railway Company Survey Subdivision, Hidalgo County, Texas; 2300 Oxford Avenue. (ZBA2022-0081)

**REASON FOR APPEAL:** The applicant is requesting a variance from the 8-foot CMU buffer requirement along the west side of the subject property. The adjoining property being used as a solar panel farm and undeveloped land (vacant), the applicant finds the requirement not necessary for the proposed self-storage facility on the subject property.

**PROPERTY LOCATION AND VICINITY:** The property is located along the north side of Oxford Avenue, west of North 23<sup>rd</sup> Street. The tract has a total lot size of 6.713 acres. The contiguous zoning is R-1 (single-family residential) District in all directions.





**BACKGROUND AND HISTORY:** A subdivision plat for a one lot subdivision under the name of Just a Closet Oxford Subdivision is currently undergoing the review process. The applicant submitted the variance request on September 07, 2022.

On August 17, 2022, the variance request to be exempt from the 8-foot buffer requirement along the north and west side of the subject property was presented before the Zoning Board of Adjustments & Appeals. The Board unanimously voted to disapprove the variance request.

**ANALYSIS:** The applicant is requesting a variance to the 8-foot CMU screen requirement along the west side of the subject property. Since the adjoining property being used as a solar panel farm, the applicant finds the requirement not applicable to the proposed self-storage facility on the subject property. As per Section 110-49 Landscape and buffer plan approval, an 8-foot masonry wall is required where a commercial, industrial, or multi-family use has a side or rear property line in common with a single family use of zone. As per the applicant, since the adjacent property do not currently have single-family residences they do not find the 8-foot masonry wall applicable to the subject property. During a site visit by staff, the adjacent property located west of the subject property is zoned R-1 District and land is being used as a solar panel farm.

Staff has not received a phone call or email in opposition to the special exception request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request since the adjacent property could potentially develop into single-family residences in the future causing the need for an 8-foot masonry screen from the self-storage facility on the subject property.



2BA2022-0081

ZBDA  
10/19/2022

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 6.713 ACRES CONSISTING OF: 2.476 ACRES OUT OF LOT 7, E.M. CARD SURVEY NO.1, VOLUME 8, PAGE 1, M.R.H.C. & 4.237 ACRES OUT OF LOT 14, SECTION 279, TEX-MEX SURVEY, VOLUME 24, PAGE 168-171, M.R.H.C.

Subdivision Name JUST A CLOSET OXFORD SUBDIVISION

Street Address 2300 OXFORD AVE, MCALLEN TX 78504

Number of lots 1 Gross acres 6.713 AC

Existing Zoning C-3 GENERAL BUSINESS Existing Land Use VACANT

Reason for Appeal (please use other side if necessary) WE ARE REQUESTING AN EXEMPTION TO THE INSTALLATION OF THE 8-FOOT CMU BLOCK WALL, ONLY ALONG THE WEST SIDE OF THE PROPERTY, REQUIRED BETWEEN COMMERCIAL & RESIDENTIAL ZONES. WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL.

☒ \$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 RIO DELTA ENGINEERING Phone (956) 380-5152

Address 921 S. 10TH AVENUE E-mail RIODELTA2004@YAHOO.COM

City EDINBURG State TEXAS Zip 78539

Owner

Name DOMAIN DEVELOPMENT CORP. Phone \_\_\_\_\_

Address 100 E. NOLANA, SUITE 130 E-mail \_\_\_\_\_

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 [Signature]Date 9/7/22Print Name IVAN GARCIA, P.E., R.P.L.S.☐ Owner☒ Authorized Agent

Office

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

Rev 10/18

SEP 07 2022

CW





# 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: <i>(Please use an additional page if necessary to complete responses)</i></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>	
	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:	
	THE ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY. IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL, WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE.	
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:	
	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 ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY. IN LIEU OF THE REQUIRED 8-FOOT CMU BLOCK WALL, WE ARE PROPOSING TO INSTALL AN 8-FOOT OPAQUE BUFFER/CEDAR FENCE.	
	4. Describe special conditions that are unique to this applicant or property:	
Board Action	THE ADJOINING PROPERTY LOCATED DIRECTLY WEST OF THIS PROJECT IS DESIGNATED AS R-1, HOWEVER THE SITE IS STRICTLY BEING OPERATED AS A SOLAR FARM. THEREFORE, WE DEEM THE ADDITION OF AN 8-FOOT CMU BLOCK WALL ALONG THE WEST PROPERTY LINE NOT NECESSARY.	
	Chairman, Board of Adjustment Signature	Date
	_____	_____
Rev. 9/20		



EXHIBIT "B"  
TRACT 1 - 6.713 ACRES  
OUT OF LOT 7, E.M. CARD SURVEY No.1, &  
LOT 14, SECTION 279, TEX-MEX RAILWAY COMPANY SURVEY,  
VOL. 8, PG. 1, M.R.H.C.  
VOL. 24, PG. 168-171, M.R.H.C.  
TO ACCOMPANY FIELD NOTES

SURVEYOR'S NOTES:

- 1) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 2) THE PROPERTY SHOWN IS IN ZONE "X" (UNSHADED), AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0325 D, REVISED DATE JUNE 6, 2000
- 3) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING JUNE 2022, UNDER MY DIRECTION AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS" AND THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA OR BOUNDARY LINES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS OR VISIBLE OR APPARENT EASEMENTS, EXCEPT AS SHOWN.



SCALE 1" = 100'  
BASIS OF BEARING  
TEXAS STATE PLANE COORDINATES  
NAD 83  
TEXAS SOUTH ZONE (4205)  
WESTERN DATA SYSTEM NETWORK

LEGEND	
○	1/2 INCH CAPPED IRON ROD SET
●	IRON ROD FOUND
△	CALCULATED POINT
(XXX)	DEED CALL (DOC#3293889, O.R.H.C.)
XXXX	MEASURED

IVAN GARCIA  
REG. PROFESSIONAL LAND  
SURVEYOR NO. 6496

DATE

6/12/22

EXIST. FENCE (TYP.)  
DOMAIN DEVELOPMENT CORP.  
REMAINDER OF TRACT 2: A 19.137 ACRE TRACT  
OUT OF LOT 7, E.M. CARD SURVEY NO.1, &  
LOT 14, SECTION 279, TEX-MEX RAILWAY CO. SURVEY,  
VOL. 8 PG.1, M.R.H.C.  
VOL.24, PG.168-171, M.R.H.C.  
DOC# 3293889, O.R.H.C.  
EXIST. FENCE (TYP.)

S82° 10' 01"E 599.00'

WEST  
RIGHT-OF-WAY  
LINE

15.00' CITY OF MCALLEN  
UTILITY EASEMENT  
(DOC#1367002, O.R.H.C.)

TRACT 1  
6.713 ACRES GROSS  
0.369 AC IN OXFORD RD. R.O.W.  
6.344 ACRES NET

EXIST. 89.00'  
R.O.W.

N 23RD STREET  
(R.O.W. VARIES  
AS PER VOL.1160, PG.607, O.R.H.C.)

EAST  
RIGHT-OF-WAY  
LINE

RICHARD C. MCKINNEY  
3.60 OUT OF 5.72 ACRE TRACT OUT OF LOT 30 & LOT 31,  
EBONY HEIGHTS CITRUS GROVES UNIT NO.2,  
VOL.6, PG.44, M.R.H.C.  
VOL.1591, PG.6, D.R.H.C.

RICHARD C. MCKINNEY  
2.12 OUT OF 5.72 ACRE TRACT OUT OF LOT 30 & LOT 31,  
EBONY HEIGHTS CITRUS GROVES UNIT NO.2,  
VOL.6, PG.44, M.R.H.C.  
VOL.1591, PG.6, D.R.H.C.

OXFORD SOLAR LLC  
31.736 ACRE TRACT  
OUT OF LOTS 12, 13, AND 14, SECTION 279  
TEX-MEX RAILWAY COMPANY SURVEY  
VOL. 24, PG. 168-171 M.R.H.C.  
DOC# 3173574 O.R.H.C.

P.O.C.

N.W. CRN  
OF LOT 7  
E.M. CARD SURVEY No.1  
CALCULATED POINT

OXFORD SOLAR LLC  
5.136 ACRE TRACT  
OUT OF LOTS 6 AND 7,  
E.M. CARD SURVEY NO.1  
VOL. 8 PG.1 M.R.H.C.  
DOC# 3173574, O.R.H.C.

APPARENT NORTH  
RIGHT-OF-WAY  
LINE

P.O.B.

APPARENT  
40.00' R.O.W.

N81° 27' 45"W 393.05'

OXFORD ROAD

SOUTH  
RIGHT-OF-WAY  
LINE

S81° 27' 45"E 651.29'

EDDIE R. CANO  
2.61 ACRE TRACT OUT OF LOT 37,  
LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S  
PROP ID: 210471

RIO DELTA ENGINEERING

FIRM REGISTRATION No. F-7628  
SURVEY FIRM NO. 10194027  
921 S. 10TH AVENUE, EDINBURG TEXAS 78539  
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: JUNE 2022  
PROJECT: SUB 22 037  
PAGE: 1 OF 1







## **Memo**

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

**FROM:** Planning Staff

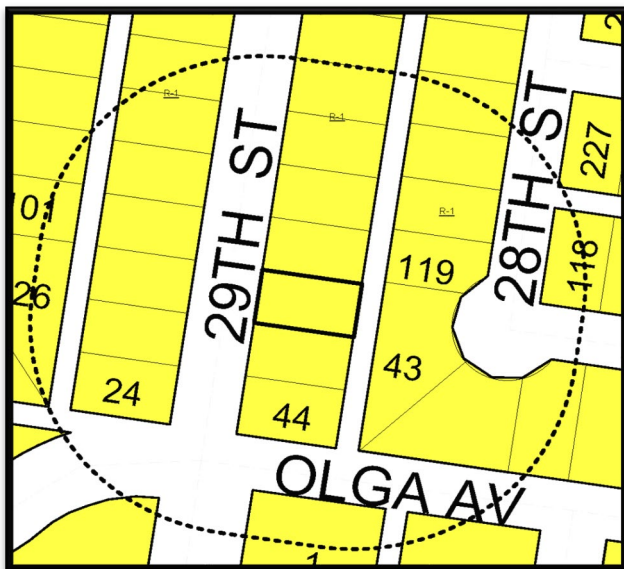
**DATE:** October 27, 2022

**SUBJECT: REQUEST OF BALDEMAR SANCHEZ FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 22 FEET INTO THE 25 FEET FRONT YARD SETBACK AND 3.5 FEET INTO THE 7 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 30 FEET, AT LOT 46, IDELA PARK UNIT NO. 1 SUBDIVISION, HIDALGO COUNTY, TEXAS; 5101 SOUTH 29<sup>TH</sup> STREET. (ZBA2022-0080) (TABLED 10/19/2022)**

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### **REASON FOR APPEAL:**

The applicant is requesting a special exception to allow an encroachment of 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback for an existing metal carport measuring 20 feet by 30 feet. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events and for personal health related reasons.



### **PROPERTY LOCATION AND VICINITY:**

The subject property is located along the east side of South 29<sup>th</sup> Street 105 feet north of Olga Avenue. The Lot has 50 feet of frontage along South 29<sup>th</sup> Street and a depth of 90 feet for a Lot size of 4,500 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions.



**BACKGROUND AND HISTORY:**

Idela Park Unit No. 1 Subdivision was recorded on February 13, 1978. The front yard setback is 25 feet as per plat. The plat does not indicate side yard setbacks, however side yard setbacks are 5 feet and 7 feet since the home appears to have been built with those setbacks. A stop work order was posted on August 16, 2022 for construction without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on August 22, 2022, and an application for a Special Exception was submitted to the Planning Department on September 7, 2022.

**ANALYSIS:**

The front yard setback is 25 feet, and south side yard setback is 7 feet. The existing carport encroaches 22 feet into the 25 feet front yard setback and 3.5 feet into the 7 feet south side yard setback.

The front yard setbacks are important in establishing the character of a single family neighborhood by maintaining the street yard and curb appeal of the properties in a subdivision. Approval of the request to allow the carport within the front yard may encourage other property owners to construct carports within in the front yard setback.

The property does not have a car garage.

The property has an alley that may allow the structure to be relocated to the rear of the property.

During a site visit, staff noticed other similar structures in the area that appear to encroach into the front yard setbacks. A review of Planning Department records did not reveal any Special Exceptions approved along this Block of Idela Park Unit No. 1.

Measurements provided are without the benefit of a survey.

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

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request since the carport could be relocated out of the setbacks to the rear of the property and the approval of the carport may encourage other neighbors to build similar structures within the front yard setbacks. If the Board chooses to approve the request, it should be limited to the encroachment shown on the submitted site plan.

**ZBOA MEETING ON OCTOBER 19, 2022:**

At the Zoning Board of Adjustment and Appeals meeting of October 19, 2022 no one appeared in opposition of the Special Exception request. Chairperson Sylvia Hinojosa inquired regarding other similar encroachments in the area. She was concerned that only the carport on the subject property was contacted about construction without a permit since there are other similar structures in the area. She requested staff to obtain further information on existing carports in the area with encroachments into the front yard setback. The Board then voted to table the Special Exception request with 5 members present and voting.

**UPDATE:** Subsequent to the meeting, staff conducted a windshield survey within the boundary area of Lucille Avenue, Olga Avenue, South 26<sup>th</sup> Street, and east side of South 30<sup>th</sup> Street. Staff noticed 9 other existing carports within the area. A review of Planning Department records showed no variance/special exceptions granted and no related building permits were found.



ZBA2022-0080

ZBDA  
10/19/2022

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

RESIDENTIAL LOT 46

Subdivision Name

IDEALIA PARK UNIT 1

Street Address

5101 SOUTH 29TH ST.

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

1 HOUSE

Reason for Appeal (please use other side if necessary)

TO PROTECT CARS

☒ \$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 BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 SOUTH 29TH ST.

E-mail GENESANCHEZ79@GMAIL.COM

City MCALLEN

State TX

Zip 78503

Owner

Name BALDEMAR SANCHEZ

Phone 956-905-8971

Address 5101 SOUTH 29TH ST.

E-mail GENESANCHEZ79@GMAIL.COM

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

Balda

Date

Print Name

BALDEMAR SANCHEZ

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 10/18

SEP 07 2022

BY:

ca





# 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:

THE HOME IS ALMOST AS WIDE AS THE LOT THEREFORE THE CARPORT HAD TO BE PLACED IN FRONT OF THE HOME NOT KNOWING ABOUT THE ENCRACHMENT.

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

AS A HOMEOWNER AND VEHICLE OWNER IT IS NECESSARY TO PROTECT OUR INVESTMENT

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:

SINCE THE CARPORT HAS BEEN PLACED, NO ONE IN THE AREA HAS MENTIONED TO ME ABOUT IT AFFECTING THEIR SAFETY OR WELFARE HAS BEEN AFFECTED

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

IM DESIRE MY CARPORT, NO ONE KNOWS ABOUT IT  
SHADE IS THE BEST WAY TO AVOID DIRECT SUNLIGHT WHICH WILL KEEP OUR VEHICLES INTERIOR AND EXTERIOR FROM DRYING AND CRACKING

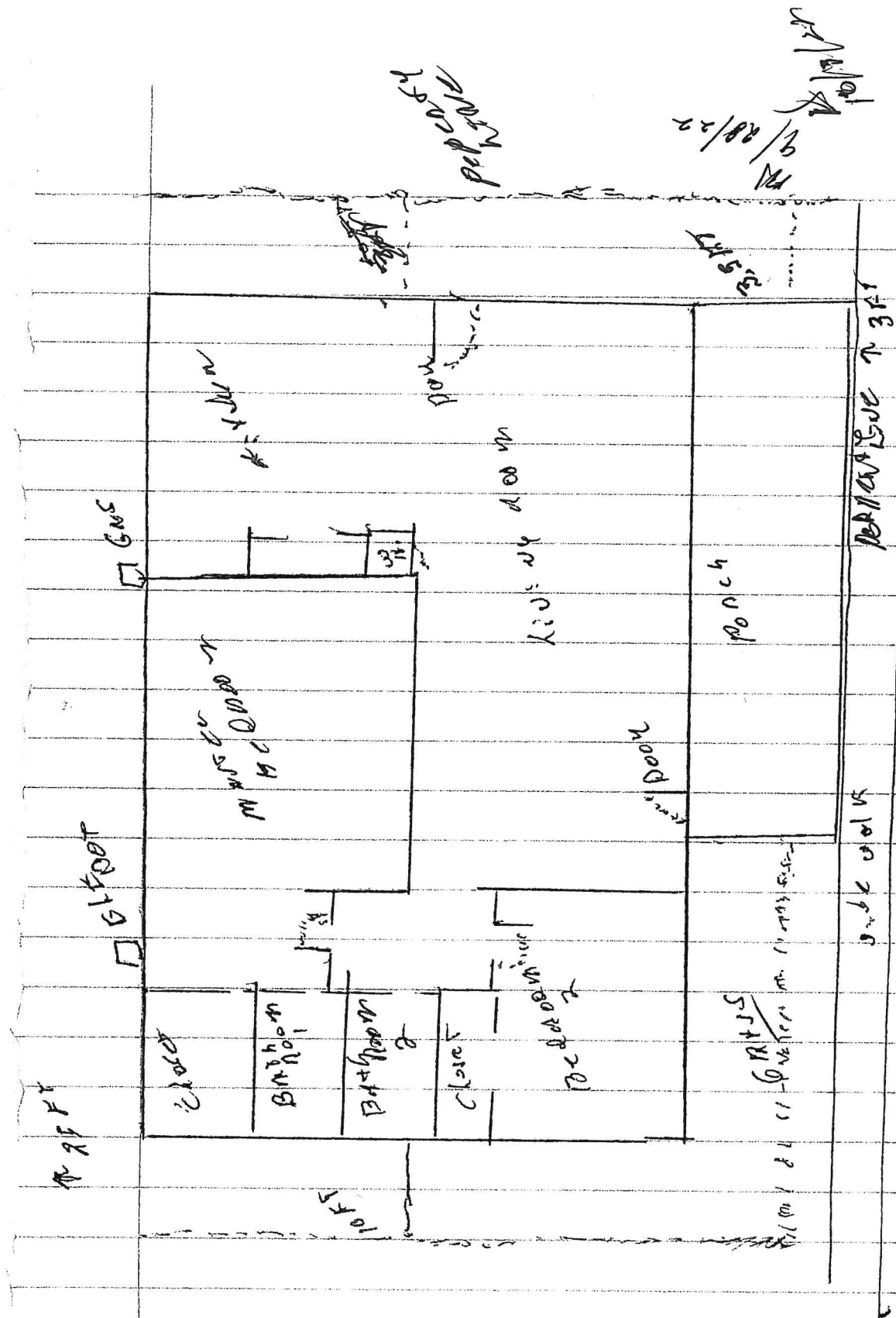
Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date





5101 South 29th

4x20 4x20





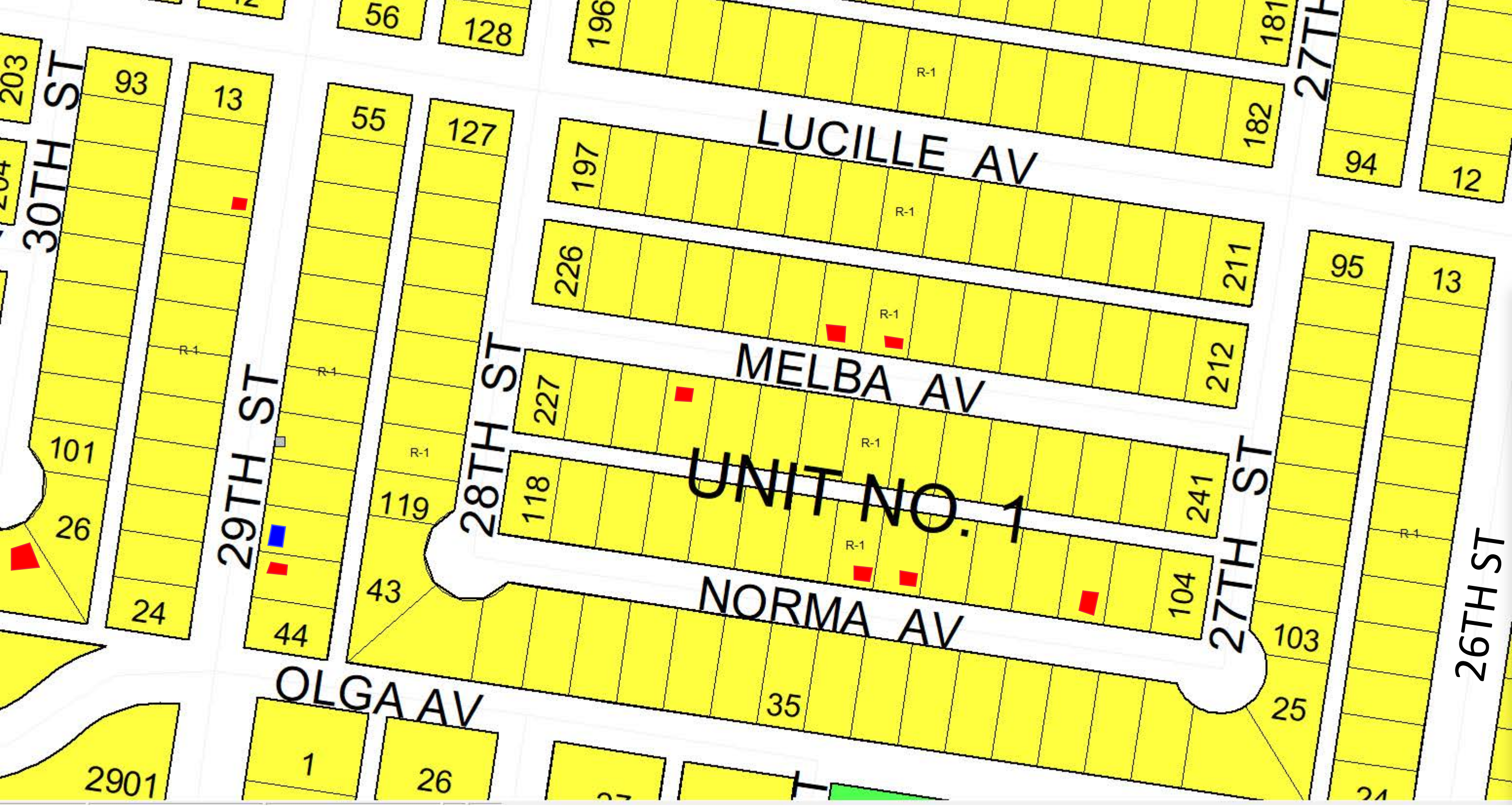




**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2022-0080**

CITY OF MCALLEN PLANNING DEPT.  
956-681-1250  
WWW.MCALLE.NET







**2708 Norma Avenue**



**2728 Norma Avenue**





**2732 Norma Avenue**



**2745 Melba Avenue**





**2732 Melba Avenue**



**2728 Melba Avenue**





**4908 South 29<sup>th</sup> Street**



**5105 South 29<sup>th</sup> Street**





**5105 South 30<sup>th</sup> Street**





2k)

Remain tabled



## 2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/05/22	01/19/22	02/02/22	02/17/22	03/03/22	03/17/22	04/06/22	04/20/22	05/04/22	05/18/22	06/01/22	05/25/22	06/15/22	06/29/22	07/07/22	07/20/22	08/03/22	08/17/22	09/08/22	09/21/22	10/05/22	10/19/22	11/02/22	11/16/22	12/07/22	12/21/22
ERICK DIAZ- <b>CHAIRPERSON</b>	P																									
SYLVIA HINOJOSA-CHAIRPERSON	P	P	P	P	A	A	P	P	P	P	P	P	P	LQ	P	P	P	A	P	P	P	P				
JOSE GUTIERREZ-VICE-CHAIR	P	P	P	P	P	P	P	P	P	P	P	P	A	LQ	P	P	P	P	P	P	P	P				
ANN TAFEL	A	P	P	P	P	P	P	P	P	P	P	A	P	LQ	P	P	P	P	P	P	P	P				
HUGO AVILA	P	P	P	P	P	P	P	P	A	P	P	P	P	LQ	P	P	P	P	P	P	P	A				
ROGELIO RODRIGUEZ	P	P	P	P	P	P	A	P	P	P	A	A	P	LQ	P	P	P	A	P	A	A	P				
REBECCA MILLAN (ALT 1)	P	P	P	P	P	P	P	A	P	P	P	P	P	LQ	P	P	A	P	P	P	P	P				
MARK TALBOT (ATL 2)				P	P	A	P	P	P	A	A	A	A	LQ	P	A	P	P	P	P	A	P				
SAM SALDIVAR (ALT 3)				P	P	A	P	P	P	A	P	A	A	LQ	P	P	P	A	P	P	P	P				
JUAN MUJICA (ALT 4)				P	P	P	P	P	P	P	P	P	A	LQ	P	P	P	P	A	P	P	P				

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION









# PLANNING DEPARTMENT

311 N 15th Street McAllen, TX 78501  
Phone: 956-681-1250 Fax: 956-681-1279



## 2022 CALENDAR

### Meetings:

-  City Commission
-  Public Utility Board
-  Planning & Zoning Board
-  Zoning Board of Adjustment

HPC - Historic Preservation Council

### Deadlines:

D- Zoning/CUP Application      N - Public Notification

\* **Holiday** - Office is closed

### JANUARY 2022

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

### FEBRUARY 2022

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

### MARCH 2022

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

### APRIL 2022

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

### MAY 2022

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

### JUNE 2022





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

Deadlines and Meeting Dates are subject to change at any time. Please contact the Planning Department at (956) 681-1250 if you have any questions.



## 2022 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 2022

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






### AUGUST 2022

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





### SEPTEMBER 2022

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




### OCTOBER 2022

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

### NOVEMBER 2022

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

### DECEMBER 2022

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