

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, NOVEMBER 3, 2021 - 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 Erick Diaz

#### 1. MINUTES:

- a) Minutes for the meeting held on October 20, 2021

#### 2. PUBLIC HEARINGS:

- a) Request of Fidel Felix, for the following Special Exception to the City of McAllen Zoning Ordinance to allow: an encroachment of 2 ft. into the 6 ft. side yard setback for a proposed carport measuring 10 ft. by 22 ft., at Lot 36, Block 2, Maravillas Subdivision Unit 1, Hidalgo County, Texas; 2420 Jonquil Avenue. **(ZBA2021-0054)**
- b) Request of Jesus Espino for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 3.58 ft. into the 25 ft. rear yard setback for a proposed house, at Lot 93, Vendome Phase II Subdivision, Hidalgo County, Texas; 3405 Vendome Drive. **(ZBA2021-0051)**
- c) Request of Yesenia Lorie Vargas, for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 5 ft. into the 10 ft. side yard setback for a proposed swimming pool measuring 29.5 ft. by 11 ft., at Lot 53, Forest Valley Subdivision, Hidalgo County, Texas; 4013 Falcon Avenue. **(ZBA2021-0053)**
- d) Request of Juan Gastelum, on behalf of GGC Group LLC, for the following Variance to the City of McAllen Zoning Ordinance to allow: the property a 40.58 ft. of frontage instead of the 50 ft. requirement, at a 0.959-acre tract of land out of Lot 6, Rancho de la Fruta Subdivision No. 2, Hidalgo County, Texas; 816 East Cedar Avenue. **(ZBA2021-0052)**
- e) Request of Felipe Martinez for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for a proposed metal carport measuring 20 feet by 20 feet at the north 40 feet of Lots 13 and 14, Block 7, College Heights Subdivision, Hidalgo County, Texas; 915 South 22nd Street. **(ZBA2021-0045)**  
**(TABLED: 10/6/2021) (REMAIN TABLED: 10/20/2021)**
- f) Appeal of Jack and Hilda Edwards appealing issuance of Certificate of Occupancy to Tacos El Plebe operating at 1017 North Main Street.

#### 3. FUTURE AGENDA ITEMS

- a) 3001 Zenaida Avenue
- b) 410 Zinnia Avenue
- c) 2724 North 27th Street

#### ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE PLANNING & ZONING COMMISSION 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 20, 2021 at 4:30 p.m. in the City Commission Meeting Room with the following present:**

<b>Present:</b>	<b>Erick Diaz</b>	<b>Chairperson</b>
	<b>Sylvia Hinojosa</b>	<b>Member</b>
	<b>Jose Gutierrez</b>	<b>Member</b>
	<b>Ann Tafel</b>	<b>Alternate</b>
	<b>Hugo Avila</b>	<b>Alternate</b>
	<b>Rebecca Millan</b>	<b>Alternate</b>
<b>Absent:</b>	<b>John Millin</b>	<b>Vice-Chairperson</b>
	<b>Juan F. Jimenez</b>	<b>Member</b>
	<b>Rogelio Rodriguez</b>	<b>Alternate</b>
<b>Staff Present:</b>	<b>Austin Stevenson</b>	<b>Assistant City Attorney</b>
	<b>Michelle Rivera</b>	<b>Assistant City Manager</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>Hebert Camacho</b>	<b>Planner I</b>
	<b>Mario Escamilla, Jr.</b>	<b>Planner I</b>
	<b>Katia Sanchez</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 Erick Diaz**

**1. MINUTES:**

- a)** Minutes for the meeting held on October 6, 2021.

The minutes for the meeting held on October 6, 2021 were approved. The motion to approve the minutes was made by Ms. Sylvia Hinojosa. Mr. Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Chad Haycraft, for the following variances to the City of McAllen Zoning

Ordinance to allow: 1) an encroachment of 11.9 feet into the 15 feet rear yard setback for an existing metal storage building measuring 10 feet by 12 feet, 2) an encroachment of 3.2 feet into the 6 feet side yard setback along the south side for an existing storage building measuring 10 feet by 12 feet, 3) an encroachment of 4.5 feet into the 6 feet side yard setback along the north side for an existing wooden storage building measuring 9 feet by 12 feet, 4) an encroachment of 13.6 feet into the 15 feet rear yard setback for an existing wooden storage building measuring 9 feet by 12 feet, 5) an encroachment of 13.6 feet into the 15 feet rear yard setback for an existing wooden deck measuring 9 feet by 10 feet at Lot 106, Woodhollow Subdivision Phase III, Hidalgo County, Texas; 1925 Baylor Avenue. **(ZBA2021-0044) (TABLED: 10/6/2021)**

Ms. Sylvia Hinojosa **moved** to remove the item from the table. Mr. Hugo Avila seconded the motion. The Board voted unanimously with five members present and voting.

The applicant is requesting variances to allow an existing metal storage building, an existing wooden storage building, and an existing wooden deck to remain at their current location. The variance requests are for encroachments into the rear and side yard setbacks. The storage buildings are used to store pool equipment materials, tools, and other household items.

The subject property is located on a cul-de-sac at the end of Baylor Avenue. The subject property has a depth of 111.98 feet at its deepest point. The property is zoned R-1 (single-family residential) District. The adjacent zoning is R-1 (single-family residential) District in all directions. Surrounding land uses are single-family residences.

Woodhollow Subdivision Ph. 3 was recorded in May 1993. An application for the variance requests was submitted to the Planning Department on August 25, 2021.

The plat indicates a 10 feet utility and electrical easement that runs concurrently with the 15 feet rear setback along the rear property line. There is a 5 feet electrical easement that runs concurrently with the side yard setback along the north side property line, for which an abandonment request has been submitted and is being processed.

Variance requests #1 & #2: The variance requests are to allow an encroachment of 11.9 feet into the 15 feet rear yard setback and to allow an encroachment of 3.2 feet into the 6 feet side yard setback along the south side for an existing metal storage building measuring 10 feet by 12 feet. The storage building also encroaches into the 10 feet utility and electrical easement. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks and easements in which they are located. If the existing metal storage building is to remain at its current location, the easement abandonment process should be undertaken. Buildings are not allowed to be placed in setbacks or easements.

Variance requests #3 & #4: The variance requests are to allow an encroachment of 4.5 feet into the 6 feet side yard setback along the north side and an encroachment of 13.6

feet into the 15 feet rear yard setback for an existing wooden storage building measuring 9 feet by 12 feet. Relocation of the existing building out of the side yard setback would require relocation of the wooden deck as well. Relocation of the existing wooden storage building would not be possible due to the existing swimming pool that leaves no room for such relocation. The encroachment at the rear setback will encroach into a 10 feet utility and electrical easement and the encroachment at the north side setback will encroach into a 5 feet electrical easement for which the applicant has received a consent to encroach agreement from AEP electric company. If the wooden storage building is to remain, the easement abandonment process should be undertaken for the wooden storage building encroachment into the 10 feet utility and electrical easement. Storage buildings that are 200 square feet or less in size do not require a building permit, but must respect the zoning district setbacks and easements in which they are located. Buildings are not allowed to be placed in setbacks or easements.

Variance request #5: The variance request is to allow an encroachment of 13.6 feet into the 15 feet rear yard setback for an existing wooden deck measuring 10 feet by 10 feet. The raised wooden deck is used to provide access to the wooden storage building. The encroachment at the rear yard will encroach into a 10 feet utility and electrical easement. If the deck is to remain, the easement abandonment process will need to be undertaken. Buildings are not allowed to be placed in setbacks or easements.

The existing improvements on the irregular shaped lot with the 15 feet rear yard setback do not allow sufficient space for accessory structures to be placed in compliance with setbacks.

A 6 feet wooden fence surrounds the rear yard area and helps to screen the accessory structures.

During a site visit, staff noticed other properties with encroachments in the rear yard setback.

The Planning Department did not find any records for approved variances along Baylor Avenue.

The Planning Department has not received any calls or emails in opposition to the variance requests.

Variance requests #1 & #2: Staff recommends approval since the metal storage building cannot be relocated out of the setbacks since relocation may cause a conflict with the required distance from an accessory building to the main building.

Variance requests #3 & #4: Staff recommends approval since the building cannot be relocated out of the setbacks due to the swimming pool.

Variance request #5: Staff recommends approval since there does not seem to be an area for the wooden deck to be relocated and placed out of the setbacks.



Chairperson Erick Diaz asked staff as to why were all the variances being recommended for approval. Ms. Sanchez stated that since metal storage building could not be relocated out of the setbacks. Relocation may cause a conflict with the required distance from the accessory building to the main building. There was a standard distance of 5 feet from the main building to the accessory building. Variance request #3 and #4 staff recommended approval since the building could not be relocated out of the setbacks due to the swimming pool. Variance request #5 staff recommended approval since there was not an area for the wooden deck to be relocated and placed of the setbacks. It was attached to the wooden building.

Mr. Hugo Avila asked staff even though the wooden deck was on blocks it was still considered a structure. Ms. Sanchez stated yes. Chairperson Diaz asked why. Mr. Garcia, Planning Director stated staff had a memo from the Legal Department that it was defined as a structure. Chairperson Diaz asked that there was a 15-foot utility easement that was currently being abandoned. Ms. Sanchez stated that AEP consented to allow the encroachment. It was recorded as well.

Chairperson Erick Diaz asked if there was anyone present in opposition of the variance requests. There was no one in opposition of the variance requests.

Chairperson Erick Diaz asked if there was anyone present in favor of the variance requests. There was no one else in favor of the variance requests.

Ms. Sanchez stated the applicant had a letter from the neighbor in favor of the variance requests.

Mr. Chad Haycraft, the applicant stated his address of 1925 Baylor Avenue for the record. No questions from the Board were asked of Mr. Haycraft.

Ms. Ann Tafel **moved** to approve the variance requests. Mr. Sylvia Hinojosa seconded the motion. The Board voted to variance requests with five members present and voting.

- b)** Request of Felipe Martinez for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for a proposed metal carport measuring 20 feet by 20 feet at the north 40 feet of Lots 13 and 14, Block 7, College Heights Subdivision, Hidalgo County, Texas; 915 South 22nd Street. **(ZBA2021-0045) (TABLED: 10/6/2021)**

**Staff stated this item would remain tabled until the November 17<sup>th</sup> meeting.**

- c)** Request of Erick M. Chavez for the following Variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 0.25 ft. into the 6 ft. side yard setback along the east property line for an existing structure measuring 69.5 ft. by 24 ft., **2)** to provide 2.5 ft. of landscape instead of the 6 ft. required side yard landscape requirement along the west property line and **3)** an encroachment of 6 ft. into the 6 ft. side yard setback for an existing structure measuring 69.5 ft. by 24

ft. at Lot 23, Jackson Meadows Subdivision, Hidalgo County, Texas; 1325 East Keeton Avenue. **(ZBA2021-0046)**

Mr. Camacho stated the applicant was requesting the variance requests allow the existing structure to remain at its current location. The new owners bought the property at its current state and the disapproval of the request will require them to modify the existing structure to comply with setbacks.

The subject property was located on the north side of East Keeton Avenue, approximately 160 ft. west of South "M" Street. The property has 75 ft. of frontage along E. Keeton Avenue and a depth of 115.60 ft. with a lot size of 8,670 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses.

Jackson Meadows Subdivision was recorded on March 29, 2007. The plat specifies a 6 ft. side yard setback and a 10 ft. electrical easement between Lots 22 & 23.

An abandonment application was submitted to the Planning Department on September 21, 2012, the abandonment was disapproved by AEP. The applicant, at the time, was proposing to relocate the easement to the west side of Lot 23; however no records of being recorded is on file. A submitted survey showed that there was not relocation of any easement.

An application for a building permit to build a garage with a TV room over Lots 22 & 23 was submitted to the Building Permits & Inspections Department on February 13, 2013, the permit was approved; however, it was not routed to the Planning Department, a renewal of the application was submitted to the Building & Inspections Department on June, 25, 2021 to convert the garage into a house. An application for variance request for encroachment of an existing structure was submitted to the Planning Department on July 21, 2021, this request was withdrawn at the ZBOA Meeting of 8/18/21. A New application for a variance was submitted to the Planning Department on September 10, 2021.

Variance #1:

The variance request is to allow an encroachment of 0.25 ft. into the 6 ft. side yard setback for an existing structure that measures 69.5 ft. by 24 ft. the original building permit had a distance of 6 ft. setback on site plan

Variance #2:

The variance is to provide 2.5 ft. of landscaping instead of the 6 ft. landscape requirement on the side yard setback. There was an existing 36.5 ft. driveway that extends approximately 3.5 ft. into the 6 ft. side yard setback.

Variance #3:

The variance request is to allow an encroachment of 6 ft. into the 6 ft. side yard setback. There is a 10 ft. electrical easement between Lot 23 and Lot 22, however, AEP issued out an Encroachment Agreement Letter to the applicant stating that AEP has no objection with the structure to remain over the easement as they confirmed no electrical facilities exist upon

said 5 ft. easement.

There was a current building permit on file to turn the garage into a house, because of the encroachments; the Planning Dept. has not approved the building permit.

A site inspection confirmed that there are existing structures built around the neighborhood without a permit and some with accessory buildings that seemed to be in different lots without a primary structure. There are other structures around the area that seemed to be encroaching into the rear setback.

Staff had not received any phone calls in concern in regards to the variance request.

Staff recommended disapproval of the variances. If the Board chooses to approve the request, the approval should be limited to the footprint shown on the site plan.

Chairperson Erick Diaz asked staff if the original owner built a garage as part of this house. Mr. Camacho stated yes. At this time. He asked to bring up the 2013 approved site plan. The proposed site plan was over Lots 22 and 23. There was a note that it was to be abandoned however, it was never done. They sold Lot 23 and was not attached so the remain structure was over lot line but not attached to the other. Chairperson Diaz asked staff the current owner wants to turn it back to a residence. Mr. Camacho stated yes. They will be using the existing floor plan for internal remodeling.

Mr. and Mrs. Erick M. Chavez, the applicants stated they wanted to get started on their family home but were informed that there was an issue with the electrical easement that they thought it was abandoned. Mr. Chavez stated they spoke with AEP and they stated it was still the same. Chairperson Diaz asked the applicant the changes from converting it from a garage to a house they were using the existing footprint. Mr. Chavez stated they were not going to move anything on the outside. They were going to add two rooms and a kitchen.

Chairperson Diaz asked staff regarding the workshop they had that if it cost too much to correct then the Board could consider an approval for the variance where it would become a hardship. Mr. Camacho stated it would be 50% cost wise.

Austin Stevenson, Legal Department stated if the cost of compliance would cost more than 50% of the value of the existing structure that may be something that the Board may consider if there was hardship or not.

Chairperson Erick Diaz asked if there was anyone present in favor of the variance requests. There was no one else in favor of the variance requests.

Chairperson Erick Diaz asked if there was anyone present in opposition of the variance requests. There was no one in opposition of the variance requests.

Ms. Sylvia Hinojosa **moved** to approve all three variance requests. Mr. Hugo Avila seconded the motion. The Board voted to approve all three variance requests with five

members present and voting.

- d) Request of Rodolfo Salazar for the following Variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 10 ft. into the 25 ft. rear yard setback for a proposed pool measuring 30 ft. by 15 ft. at Lot 12, Vendome Subdivision, Hidalgo County, Texas; 13821 North 37th Street. **(ZBA2021-0047)**

Mr. Camacho stated the applicant was requesting a variance to a double fronting lot for a proposed pool. The applicant is requesting to allow the swimming pool at the proposed location, since it will benefit the property owners to use the pool for aquatic therapy.

The subject property was located on the west side of North 37<sup>th</sup> Street, approximately 280 ft. North of Vendome Drive. The property has 75 ft. of frontage along North 37<sup>th</sup> Street and a depth of 125 ft. with a lot size of 9,375 square feet. The property and adjacent zoning was R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses and vacant land.

Vendome Subdivision was recorded on November 17, 2017. The plat specifies that double fronting lots (along Wisconsin Road) have a 25 ft. rear yard setback. An application for a variance request for encroachment for a proposed swimming pool was submitted to the Planning Department on September 14, 2021.

The variance request was to allow an encroachment of 10 ft. into the 25 ft. rear yard setback for proposed swimming pool that measures 30 ft. by 15 ft. The plat for the subdivision specifies a 25 ft. rear yard setback for double fronting lots. (Lots 1-18). Standard rear yard setback in R-1 Districts is 10 ft. The development of the subdivision has built a 6 ft. masonry wall along the rear of the lots along North 38<sup>th</sup> Street. There is a 15 ft. Utility Easement at the rear of the lot that will not be impacted by the proposed swimming pool.

There are three variance requests on file, similar to the variance request; encroachment for swimming pool and other structures into the rear yard setback that were approved in 2020 and 2021, along the double fronting lots.

Staff had not received any phone calls or concerns in regards to the variance request.

Staff recommended disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.

Mr. Camacho stated that just recently there was a change in City Ordinance regarding double fronting lots.

Mr. Garcia, Planning Director stated the way it was before that if a lot fronts on two streets they would have two setbacks it would be 25 feet and 25 feet. The ordinance that was passed by the City Commission on Monday removed that. Depending on the zone was that would be the rear setback for that zone. There was a Town Hall meeting with

developers about three weeks ago that was one of the changes that was discussed with three Commissioners present.

Chairperson Erick Diaz asked if there was anyone present in opposition of the variance requests. There was no one in opposition of the variance requests.

Mr. Camacho stated the applicant was the contractor for the swimming pool and would be able to speak on behalf of the owner.

Ms. Sylvia Hinojosa **moved** to approve the variance requests. Mr. Jose Gutierrez seconded the motion. The Board voted to the variance requests with five members present and voting.

- e) Requests of Kim Ranson for the following special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 17.8 ft. into the 30 ft. front yard setback for a proposed metal carport measuring 19 ft. by 10.75 ft., at Lot 5, Block 7, Morningside Addition Subdivision, Hidalgo County, Texas; 713 Highland Drive. **(ZBA2021-0048)**

Mr. Escamilla stated the applicant was requesting a special exception to encroach 17.8 ft. into the 30 ft. front yard setback for a proposed metal carport measuring 19 ft. by 10.75 ft. The applicant was currently in the process of renovating the subject property, and would like to include a carport to provide shade and protection for her vehicles.

The subject property was located on the south side of Highland Drive, approximately 280 ft. east of North 8<sup>th</sup> street. The property had 76.8 ft. of frontage along Highland Drive and a depth of 130 ft. with a lot size of 9,984 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential.

Morningside Addition Subdivision was recorded on January 28, 1955. The plat indicates a front yard setback of 30 feet. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The side yard setbacks are 7 feet on the east side and 5 feet along the west side. A stop work order was issued by Buildings and Inspections Department staff on August 26, 2021 for a carport built without a building permit. An application for a building permit was submitted to the Building and Inspections Department on August 30, 2021. An application for a variance was submitted to the Planning Department on September 15, 2021 for the proposed carport.

The special exception request is for a proposed metal carport measuring 19 ft. by 10.75 ft. over an existing driveway. The existing carport will be open all sides and comprise of wood framing with metal roofing. The submitted site plan shows a carport encroaching up to 17.8 ft. into the 30 ft. front yard setback.

The applicant can relocate the proposed carport to the rear of the property to be in compliance, but this option; however would involve a re-design of the rear yard to accommodate the carport and construction of a concrete driveway with alley access.

During a site visit of the area, staff noticed similar encroachments in the area. A review of Planning Department records revealed that in 2010 a variance was approved to allow a carport encroachment of 21 feet 5 inches by 23 feet into the 30-foot front yard setback at Lot 8, Block 2, Morningside Addition and in 2017 a variance was approved for 6.41-foot setback instead of 30 foot for an existing wooden carport measuring 19 feet by 24 feet at Lot 10, Block 3, Morningside Addition Subdivision.

Staff had not received any phone calls or emails in opposition to this special exception request.

Staff recommended approval of the special exception request limited to the footprint shown on the submitted site plan.

Chairperson Erick Diaz asked if there was anyone present in opposition of the special exception request. There was no one in opposition of the special exception request.

Ms. Sylvia Hinojosa **moved** to approve the special exception on staff's recommendation. Mr. Jose Gutierrez seconded the motion. The Board voted to approve the special exception with five members present and voting.

- f) Request of Rosa M. Duran for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 ft. into the 25 ft. front yard setback for a proposed front porch measuring 6 ft. by 7 ft., at Lot 18, Olivarez Subdivision No. 4, Hidalgo County, Texas; 2909 Redwood Avenue. **(ZBA2021-0050)**

Mr. Escamilla stated Rosa M. Duran was requesting the following variance to the City of McAllen Zoning Ordinance to allow encroachment of 6 ft. into the 25 ft. front yard setback for a proposed front porch measuring 6 ft. by 7 ft. The applicant is requesting the structure because the proposed front porch would provide protection for guests and family when waiting to enter the house during inclement weather. It will also help in preventing rain from coming into the house through the front door.

The property was located along the south side of Redwood Avenue, approximately 123 ft. west of North 29<sup>th</sup> Street. The tract has 61.43 feet of frontage along Redwood Avenue with a depth of 134.4 feet at its maximum depth, for a tract size of approximately 8,252 sq. ft. The property is zoned R-1 (single family residential) District. The surrounding land use is single family residential. There is an existing single-family residence on the subject property.

Olivarez Subdivision No.4 was recorded on January 13, 1971. The plat indicates a front yard setback of 25 feet. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. An application for a building permit was submitted to the Building and Inspections Department on August 30, 2021. An application for a variance was submitted to the Planning Department on September 15, 2021 for the proposed front porch.

The variance request was for a front porch measuring 6 ft. by 7 ft. The proposed porch will be open on all sides and visibility is not a concern. The submitted site plan shows a front porch encroaching 6 ft. into the 25 ft. front yard setback. The encroachment comprises of 42 sq. ft. or 2.73% of the required front yard.

Front yard setbacks are important to help to keep the character of single-family residential areas by maintaining the street yard and curb appeal of properties in a subdivision.

During a site visit, staff noticed similar styled front porch façades along this block.

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

Staff recommended approval of the variance request, since the encroachment is minimal. If the Board grants approval of the request, it should be limited to the footprint shown on the submitted site plan.

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

Ms. Sylvia Hinojosa **moved** to approve the variance request as per staff's recommendation. Mr. Jose Gutierrez seconded the motion. The Board voted approve the variance request with five members present and voting.

- g)** Request of Miguel Saldana for the following variances to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 8 ft. into the 10 ft. rear yard setback for an existing wooden storage building measuring 20.08 ft. by 40.41 ft., and **2)** an encroachment of 2 ft. into the 5 ft. side yard setback along the west property line for an existing wooden storage building measuring 20.08 ft. by 40.41 ft. at Lot 5, Block 6, Balboa Acres Subdivision, Hidalgo County, Texas; 2501 Elmira Avenue. **(ZBA2021-0049)**

The applicant withdrew this item, as staff was able to determine that the structure was considered non-conforming.

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

- a)** 3405 Vendome Drive
- b)** 900 East Cedar Avenue
- c)** 4013 Falcon Avenue
- d)** 2420 Jonquil Avenue

## **ADJOURNMENT**

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

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Chairperson Erick Diaz

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Carmen White, Administrative Assistant



## **MEMO**

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

**FROM:** Planning Staff

**DATE:** October 25, 2021

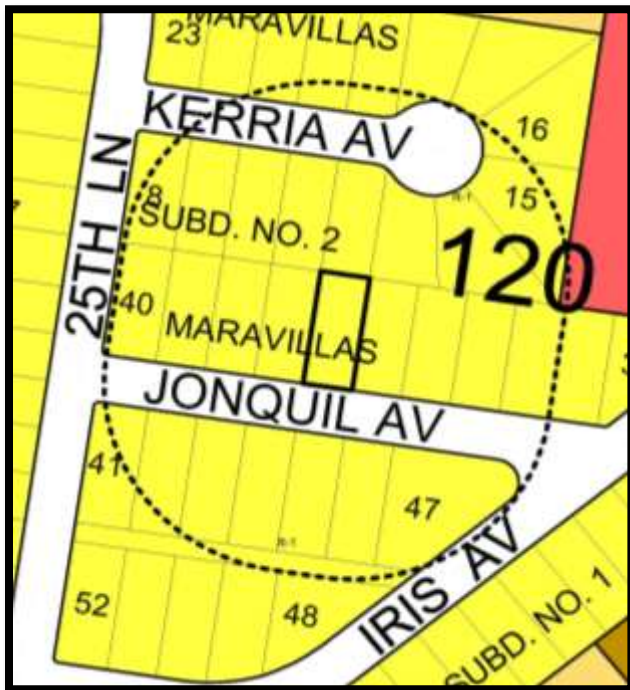
**SUBJECT: REQUEST OF FIDEL FELIX, FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 2 FT. INTO THE 6 FT. SIDE YARD SETBACK FOR A PROPOSED CARPORT MEASURING 10 FT. BY 22 FT., AT LOT 36, BLOCK 2, MARAVILLAS SUBDIVISION UNIT 1, HIDALGO COUNTY, TEXAS; 2420 JONQUIL AVENUE. (ZBA2021-0054)**

### **REASON FOR APPEAL:**

The applicant is requesting a special exception to allow the construction of a carport on the east side of the property. The carport will protect the applicant's truck from inclement weather since its too narrow to fit his vehicle.

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

The property is located along the north side of Jonquil Avenue, approximately 202 feet east of North 25<sup>th</sup> Lane. The property has 50 feet of frontage along Jonquil Avenue with a depth of 120 feet for a total area of 6,000 square feet. There is a single-family residence on the subject property. The property is zoned R-1 (single family residential) District. Adjacent zoning is R-1 (single family residential) District in all directions and C-3 (general business) District to the northeast. The surrounding land use is single family residential.



**BACKGROUND AND HISTORY:**

Maravillas Subdivision Unit 1 was recorded on November 28, 1977. The plat specifies a 6 ft. side yard setback and a 20 ft. front yard setback. An application for the special exception request was submitted on October 6, 2021. There is no building permit on file.

**ANALYSIS:**

The proposed 10 ft. by 22 ft. carport is to be built over an existing 8 ft. by 14 ft. concrete driveway that will be expanding 2 ft. to the east and 8 ft. to the north for a total of a 10 ft. by 22 ft. concrete driveway. The submitted site plan shows a proposed carport attached to the house encroaching 2 ft. into the 6 ft. side yard. The proposed construction would not encroach into the front yard.

Currently there is no alley access or garage on the subject property.

During a site visit, staff noticed other structures that seem to be encroaching into setbacks. A review of Planning Department records did not reveal any variances granted along this subdivision.

Staff has not received any phone calls or emails in opposition to this special exception request.

**RECOMMENDATION:**

Staff recommends disapproval of the special exception request. If the Board grants approval of the request it should be limited to the footprint shown on the submitted site plan.

ZBA- 11/3/21

ZBA 2021-0054



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>Block 2, Maravillas unit 2, Lot 36</u>		
	Subdivision Name	<u>Las Maravillas</u>		
	Street Address	<u>2420 Jonquil Ave</u>		
	Number of lots	<u>1</u>	Gross acres	<u>          </u>
	Existing Zoning	<u>CASA R-1</u>	Existing Land Use	<u>          </u>
	Reason for Appeal (please use other side if necessary)	<u>add carport to side of house</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	Name	<u>Fidel Felix</u>	Phone	<u>956-867-5695</u>
	Address	<u>2420 Jonquil Ave</u>	E-mail	<u>          </u>
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>Fidel Felix</u>	Phone	<u>956-867-5695</u>
	Address	<u>2420 Jonquil Ave</u>	E-mail	<u>686-3159-ND</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>[Signature]</u>	Date	<u>10 06 21</u>
	Print Name	<u>Fidel Felix</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	
Office	Accepted by	<u>KS</u>	Payment received by	<u>          </u>
	Date <u>10 06 2021</u> Initials <u>[Signature]</u>			

ENTERED

OCT 06 2021

Initials

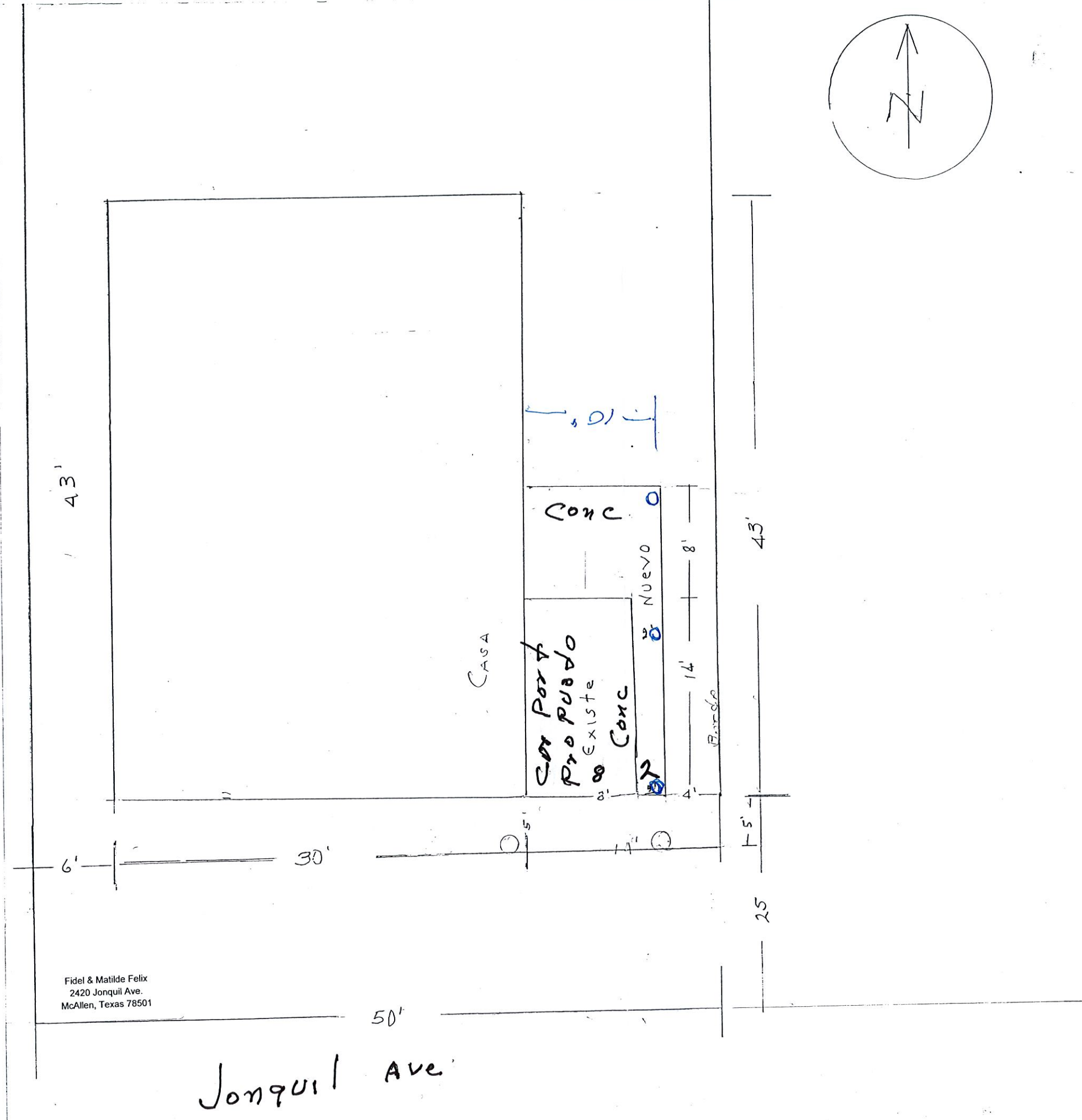




**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

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</b> of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p><i>no tenemos Callejon. y necesito El techo</i></p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p><i>Proteccion look de El Sol</i></p>
	<p>3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:</p> <p><i>Este techo Abierto Por tres lados no Afecta A los Vecinos y Recibilidad</i></p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p><i>necesito 10' Para subir y bajar de la trok 8' Es Arcoosito</i></p>
Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p> <p>Rev. 9/20</p>

Home constructed in 2015



Fidel & Matilde Felix  
2420 Jonquil Ave.  
McAllen, Texas 78501

Jonquil Ave

**ENTERED**  
OCT 06 2021  
Initial: AM





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2021-0054



## Planning Department

### Memo

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

**FROM:** Planning Staff

**DATE:** October 22, 2021

**SUBJECT:** REQUEST OF JESUS ESPINO FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 3.58 FT. INTO THE 25 FT. REAR YARD SETBACK FOR A PROPOSED HOUSE, AT LOT 93, VENDOME PHASE II SUBDIVISION, HIDALGO COUNTY, TEXAS; 3405 VENDOME DRIVE. (ZBA2021-0051)

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#### REASON FOR APPEAL:

The applicant is requesting a variance to a double fronting lot for a house. The applicant is requesting the variance in order to build the proposed house on the rear setback.



**PROPERTY LOCATION AND VICINITY:**

The subject property is located on the along Vendome Drive, approximately 280 ft. East of North 35<sup>th</sup> Street. The property has 72 ft. of frontage along Vendome Drive and a depth of 113.45 ft. with a lot size of 8,168.4 square feet. The property and adjacent zoning is R-1 (single family residential) District in all directions. Surrounding land use include single-family residential houses and vacant land.

**BACKGROUND AND HISTORY:**

Vendome Phase II Subdivision was recorded on April 21, 2021. The plat specifies that double fronting lots (El Pacifico Avenue) have a 25 ft. rear yard setback. An application for a variance request for encroachment for a proposed house was submitted to the Planning Department on September 22, 2021.

**ANALYSIS:**

The variance request is to allow an encroachment of 3.58 ft. into the 25 ft. rear yard setback for proposed house. The plat for the subdivision specifies a 25 ft. rear yard setback for double fronting lots. (Lots 89-94). Standard rear yard setback in R-1 Districts is 10 ft. There is a 15 ft. Utility Easement at the rear of the lot that will not be impacted by the proposed encroachment.

There are four variance requests on file, similar to the variance request; encroachment for swimming pool and other structures into the rear yard setback that were approved in 2020 and 2021, along the double fronting lots.

Staff has not received any phone calls or concerns in regards to the variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board chooses to approve the request, the approval should be limited to the proposed location shown on the site plan.



ZBA - 11.3.21

ZBA 2021-0051



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>Vendome lot 93</u> Subdivision Name <u>Vendome Phase 2</u> Street Address <u>3405 Vendome Dr</u> Number of lots <u>1</u> Gross acres _____ Existing Zoning _____ Existing Land Use <u>Vacante</u> Reason for Appeal (please use other side if necessary) <u>Home will encroach 3'-8"</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>Jesus Espino Jr</u> Phone <u>956-429-1069</u> Address <u>3002 La Puerta Ave.</u> E-mail <u>EBconstruction11c@yahoo.com</u> City <u>Edinburg</u> State <u>Texas</u> Zip <u>78541</u>
Owner	Name <u>EB construction LLC</u> Phone <u>956-429-1069</u> Address <u>2300 W Mile 7 Rd.</u> E-mail <u>EBconstructmlle@yahoo.com</u> City <u>Mission</u> State <u>Texas</u> Zip <u>78574</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>[Signature]</u> Date <u>09/17/21</u> Print Name <u>Jesus Espino Jr</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by _____ Payment received by _____ Date <u>SEP 22 2021</u> Rev 09/20 Initial: <u>al</u>

ENTERED

SEP 22 2021

Initial:

RZ KS



**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 requirements of the HOA necessitates to encroach 3'-8".

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

In order to build at the HOA requirements we need to pass 3'-8" because of the 25' set back.

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:

It will have no neighbors in the rear side - & no street

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

25' set back. Rear yard.

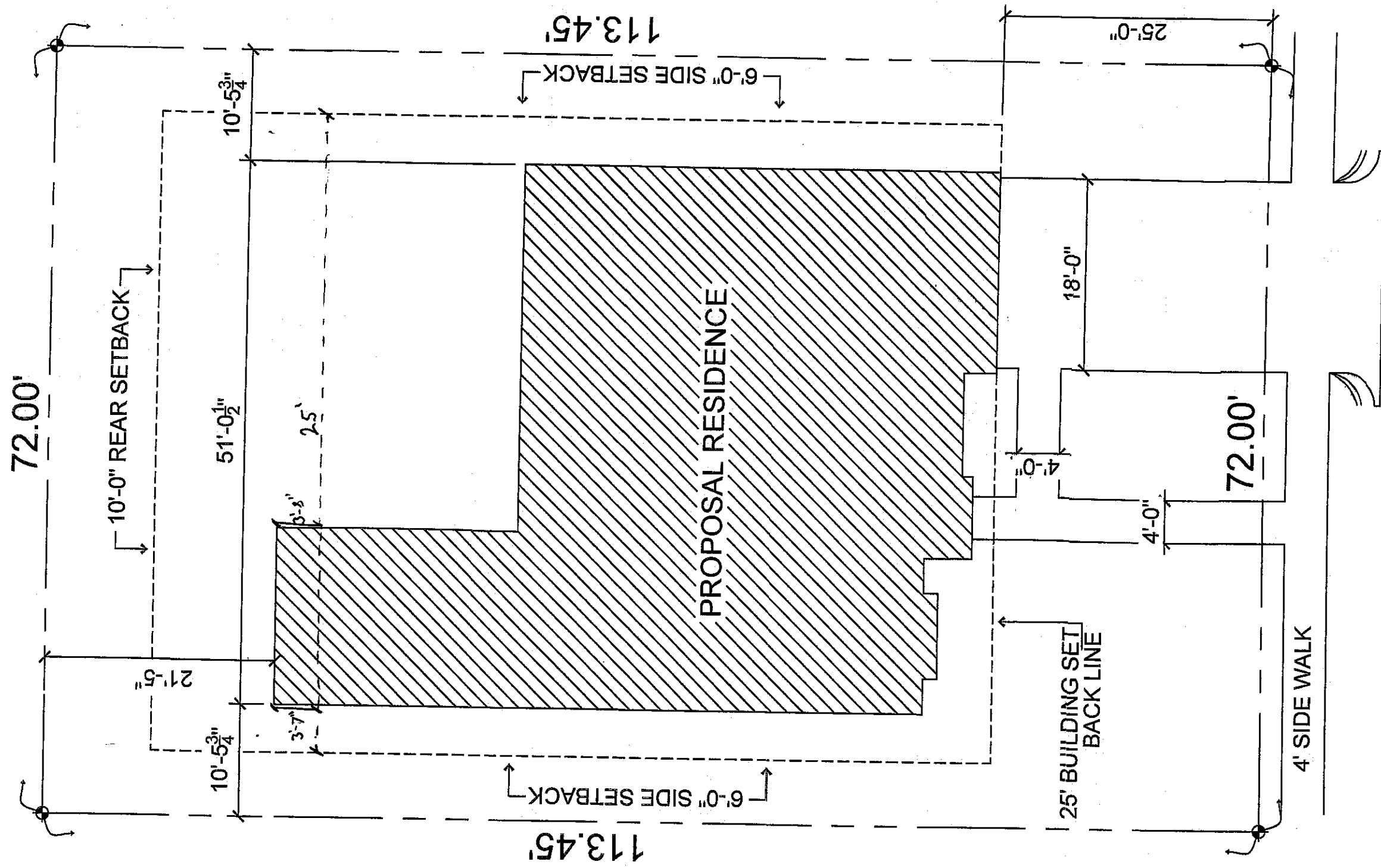
Reason for Appeal

Board Action

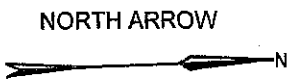
Chairman, Board of Adjustment  
Signature

Date

Master closet is encroaching 3'-7"



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 BARACADE/FENCING 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.....	03
SUBDIVISION.....	VENDOME II
CITY.....	MCALLEN, TEXAS.

1 SITE ~~ENTERED~~  
SCALE: 3/16"=1'-0"

SEP 22 2021  
Initial: *AK*

**A+M**  
DESIGN  
ARCHITECT JEAN POGAN  
PHONE: (956)703-9268

THE  
RODRIGUEZ  
RESIDENCE  
0000 VENDOME DR MCALLEN TEXAS  
LOT 93 VENDOME SUBD. PHASE II

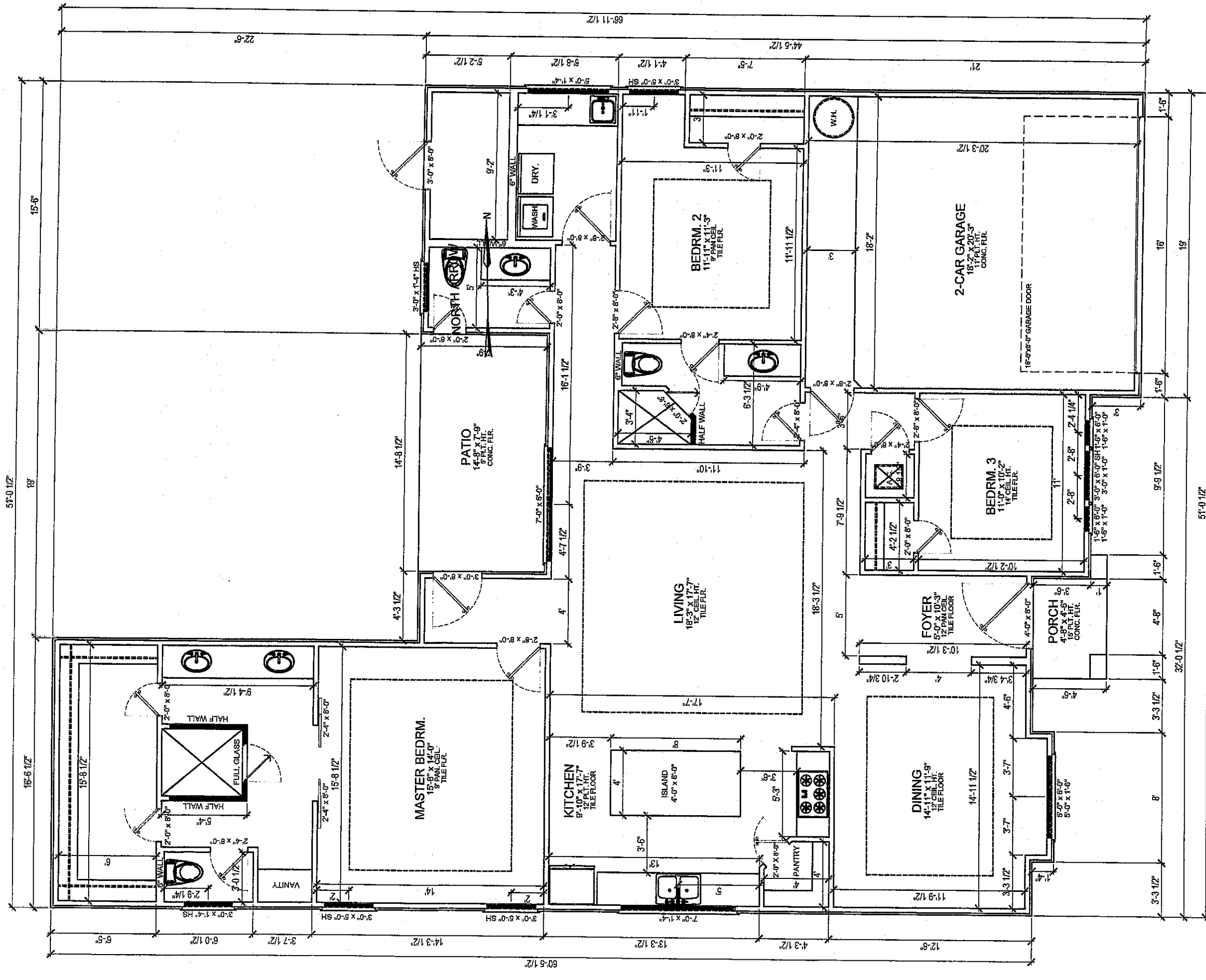
AREAS	
LIVING AREA	2,001.0'
PORCH AREA	26.0'
PATIO AREA	110.0'
GARAGE AREA	375.0'
TOTAL AREA	2,512.0'

DATE: 08-22-2021

PLAN #0006-17

SHEET  
**C-1**





#### GENERAL NOTES:

A. 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.

B. 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.

#### NOTES

UNLESS NOTED OTHERWISE (U.N.O.)  
01. 2" x 4" STUDS @ 16" O.C. W/ BRICK EXTERIOR  
02. 2" x 4" STUDS @ 16" O.C. INTERIOR  
03. TOP OF EYEBROW CAVED OPENINGS TO BE @ 8'-0" AFF.

1 FLOOR PLAN

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

## THE RODRIGUEZ RESIDENCE

0000 VENDOME DR MCALLEN TEXAS  
LOT 93 VENDOME SUBD. PHASE II

AREAS  
LIVING AREA  
2,001.0'  
PORCH AREA  
26.0'  
PATIO AREA  
110.0'  
GARAGE AREA  
375.0'  
TOTAL AREA  
2,512.0'

DATE: 08-22-2021

PLAN #0006-17

SHEET  
A-1

**A+MERED**  
DESIGN  
ARCHITECT JEAN POGAN  
PHONE: (956) 703-9268  
Initial: *JP*







## **MEMO**

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

**FROM:** Planning Staff

**DATE:** October 25, 2021

**SUBJECT: REQUEST OF YESENIA LORIE VARGAS, FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: AN ENCROACHMENT OF 5 FT. INTO THE 10 FT. SIDE YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 29.5 FT. BY 11 FT., AT LOT 53, FOREST VALLEY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4013 FALCON AVENUE. (ZBA2021-0053)**

---

### **REASON FOR APPEAL:**

The applicant is requesting a variance to allow the construction of a swimming pool on the west side of the property. The swimming pool will help the applicant enjoy her property at fullest in a safe environment due to COVID times.

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

The property is located southeast corner of Falcon Avenue and North 41<sup>st</sup> Street. The property has 50 feet of frontage along Falcon Avenue; the irregular lot has a total area of 5,914.67 square feet. There is a single-family residence on the subject property. The property is zoned R-1 (single family residential) District. Adjacent zoning is R-1 (single family residential) District in all directions and A-O (agricultural-open space) District to the west. The surrounding land use is single family residential.



**BACKGROUND AND HISTORY:**

Forest Valley Subdivision was recorded on June 7, 2001. The plat specifies a 10 ft. side yard setback for corner lots. An application for the special exception request was submitted on October 6, 2021. There is no building permit on file.

**ANALYSIS:**

The site plan shows that the variance request is to allow an encroachment of 5 ft. into the 10 ft. side yard (corner) setback instead of the requested 5 ft. for a proposed 29.5 ft. by 11 ft. swimming pool. There is a 10 ft. Utility Easement at the rear of the property that will not be impacted by the proposed construction.

The applicant has been apprised of other structures that appear to be encroaching on the rear setback of the property. The applicant decided not to include those requests at this time.

During a site visit, staff noticed other structures that seem to be encroaching into setbacks. A review of Planning Department records did not reveal any variances granted along this subdivision.

Staff has received one phone call in opposition to this variance request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board grants approval of the request it should be limited to the footprint shown on the submitted site plan.

ZBA-11.3.21

ZBA2021-0053



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>Forest Valley lot 53</u>		
	Subdivision Name	<u>Forrest Valley</u>		
	Street Address	<u>4013 Falcon Ave McAllen TX 78504</u>		
	Number of lots	<u>1</u>	Gross acres	
	Existing Zoning	Existing Land Use		
	Reason for Appeal (please use other side if necessary)	<u>would like to be able to build a pool lot and build back would like to use side increment of 5 feet</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>Yesenia Loni Vargas</u>	Phone	<u>330-2634</u>
	Address	<u>4013 Falcon Ave</u>	E-mail	<u>lvargas0311@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</u>
Owner	Name	<u>Yesenia Loni Vargas</u>	Phone	<u>330-2634</u>
	Address	<u>4013 Falcon Ave</u>	E-mail	<u>lvargas0311@yahoo.com</u>
	City	<u>McAllen</u>	State	<u>TX</u>
			Zip	<u>78504</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>[Signature]</u>		
	Print Name	<u>Yesenia L. Vargas</u>	Date	<u>10-6-21</u>
		<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent	
Office	Accepted by	<u>H.C.</u>	Payment received by	
	Rev 09/20	Date <b>ENTERED</b> <b>OCT 06 2021</b> Initial: <u>[Signature]</u>		

05





**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:

my lot is a corner lot and I already have a 10 foot utility easement and a 10 foot side setback

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

As the property owner I would like to be able to enjoy as much as I can of my property especially with all these COVID limitations every where we go

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:

will not affect my neighbor because it is on my property and 10 feet away from back fence

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


Reason for Appeal

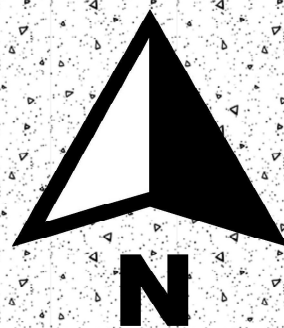
Board Action

Chairman, Board of Adjustment  
Signature

Date

N

Pool Shell to property line  
5 feet



Covered Patio

5'

24'

5' 6"

Brick Pavers

5' Dep.

Pool

3' Dep.

Step

Step

Step

1' SPA Beam

Bench

1' SPA Beam

6'

8' 8"

4' 7"

71' 4"

Brick Pavers

10' Utility Eas

Pool Shell to property line

Pool Shell to property line

0.18 in. = 1 ft

73 301





4013

NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0053  
CITY OF MOBILE PLANNING DEPT.  
MOBILE, AL  
WWW.MOBILEAL.NET



## **MEMO**

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

**FROM:** Planning Staff

**DATE:** October 28, 2021

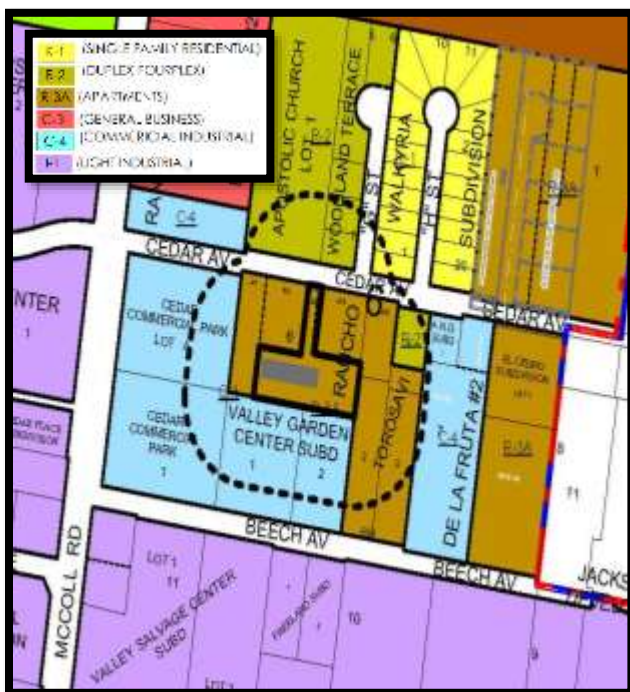
**SUBJECT:** REQUEST OF JUAN GASTELUM, ON BEHALF OF GGC GROUP LLC, FOR THE FOLLOWING VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW: THE PROPERTY A 40.58 FT. OF FRONTAGE INSTEAD OF THE 50 FT. REQUIREMENT, AT A 0.959-ACRE TRACT OF LAND OUT OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, HIDALGO COUNTY, TEXAS; 816 EAST CEDAR AVENUE. (ZBA2021-0052)

### **REASON FOR APPEAL:**

The applicant is requesting a variance to continue with the site plan and subdivision process. The property has access off a narrow strip of land between two existing homes. The new property owner acquired 12 ft. from adjacent homeowner to make his entrance wider. The property now has 40.58 ft. of frontage and will be used to access the rear property for the future development.

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

The property is located along the south side of East Cedar Avenue, approximately 530 feet east of North McColl Road. The property has 40.58 feet of frontage along Cedar Avenue, the irregular shaped tract has a total area of 0.959 acres. There are existing structures on the subject property. The property is zoned R-3A (multifamily apartments) District. Adjacent zoning is R-1 (single family residential) District to the northeast, R-2 (duplex-fourplex) District to the north, C-4 (commercial-industrial) District to the west and south and R-3A District to the east, west and southeast. The surrounding land use is single family residential.



**BACKGROUND AND HISTORY:**

The proposed subdivision under the name "Cedar Apartments" is still under review. The subdivision was approved in preliminary form at the P&Z meeting of May 18, 2021. The subdivision was approved subject to the approval of any variances from the Zoning Board of Adjustments and Appeals board prior to final plat review.

**ANALYSIS:**

The irregular shaped tract had originally 28.58 ft. of frontage along Cedar Avenue; a 0.047 acre-tract was bought from the neighbor to the east of the subject property, this area gave the subject property additional 12 ft. of frontage along Cedar Avenue. With the additional feet, the subject property now has a frontage of 40.58 ft.; however, still is not meeting the 50 ft. requirements, as the property is 9.42 ft. short.

The proposed development is for an apartment complex, based on the maximum density per gross acres in the R-3 multifamily residential district (0.959 acres): 41 "one" bedroom units, 33 "two" bedroom units or 27 "three" bedroom units are allowed.

The requested 40.58 ft. instead of the 50 ft. frontage requirement is for the entrance to the apartment complex.

The approval of the variance request will not get the plat immediately approved; it will still need to meet the conditions noted on the preliminary form and Utilities and Drainage approvals. Additionally, the apartment complex will still need site plan approval by the Development Team; it must comply with Building, Engineering, Public Works and Fire access requirements throughout the site as well as additional Fire Dept. requirements.

Staff has not received any phone calls or emails in opposition to this special exception request.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request. If the Board grants approval of the request, it should be limited to the distances shown on the submitted metes and bounds.

ZBA 2021-0052

ZBA  
11.3.21



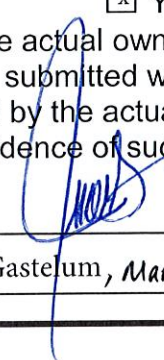
City of McAllen

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  
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(956) 681-1279 (fax)

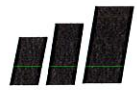
Project	Legal Description	Being 0.916-AC out of Lot 6, Rancho De la Fruta Subdivision No. 2, Recorded in Volume 1, Page, 32, Map Records Hidalgo County, Texas.		
	Subdivision Name	Rancho De La Fruta Subdivision No. 2		
	Street Address			
		Number of lots	1	Gross acres .916
	Existing Zoning	R3A	Existing Land Use	
	Reason for Appeal (please use other side if necessary)			
		<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input checked="" 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	GGC Group, LLC; Juan Gastelum		
	Address	309 N. Mockingbird Ave.		
	City	Mission	State	TX
Owner	Name	GGC Group, LLC		
	Address	309 N. Mockingbird Ave.		
	City	Mission	State	TX
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			
	Print Name	Juan Gastelum, Managing Member E.C.		
Office	Accepted by	Payment received by		Date
	Rev 10/18			

ENTERED

SEP 29 2021

Initial: JM





**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:

Respectfully requesting a variance to allow property to have 40.58 feet of frontage along E. Cedar Ave

in lieu of the 50 feet min. Original property had only 28.58 feet, GGC Group was able to acquire an

add. 12 feet from neighbor to the east. (See attached letter and survey)

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:

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

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

**EXHIBIT A  
METES AND BOUNDS  
0.912 ACRES**

BEING 0.912 ACRES OUT OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS HIDALGO COUNTY, TEXAS. SAME BEING DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN, CONVEYED TO JESSE AND ALMA FLORES, RECORDED IN DOCUMENT NO. 419252, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAME BEING DESCRIBED IN A DIVORCE DECREE RECORDED IN DOCUMENT No. F-4679-09-01, HIDALGO COUNTY, TEXAS, SAID 0.912 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A CALCULATED POINT THE NORTHWEST CORNER OF THE SAID LOT 6, SAME BEING THE SOUTHWEST CORNER OF LOT 3, OF THE SAID RANCHO DE LA FRUTA SUBDIVISION No. 2,

**THENCE**, S81°22'36"E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING THE NORTH LINE OF THE SAID LOT 6, SAME BEING THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 196.98 FEET TO A CALCULATED POINT FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

**THENCE**, S81°22'36"E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING THE NORTH LINE OF THE SAID LOT 6, SAME BEING THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 28.58 FEET TO A CALCULATED POINT FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, S08°48'07"W, ALONG THE WEST LINE OF A CALLED 0.51 ACRE TRACT CONVEYED TO ALMA FLORES, DIVORCE DECREE RECORDED IN DOCUMENT NO. F-4679-091, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAME BEING THE EAST LINE OF A CALLED 0.90 ACRE TRACT CONVEYED TO JESSE FLORES, DIVORCE DECREE RECORDED IN DOCUMENT No. F-4679-091, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, PASSING AT 20.0 FEET AN IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, A TOTAL A DISTANCE OF 171.89 FEET TO AN IRON ROD WITH A PINK CAP SET FOR THE SOUTHWEST CORNER OF THE SAID ALMA TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, S81°22'36"E, ALONG THE SOUTH LINE OF THE SAID ALMA TRACT, SAME BEING THE NORTH LINE OF THE SAID JESSE TRACT, A DISTANCE OF 145.66 FEET AN IRON ROD WITH A PINK CAP SET, THE SOUTHEAST CORNER OF THE SAID ALMA TRACT, A POINT ON THE WEST LINE OF A CALLED 0.41 ACRE TRACT CONVEYED TO GUADALUPE AND LUDIVINA FLORES, RECORDED IN DOCUMENT NO. 538655, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, S08°37'20"W, ALONG THE WEST LINE OF A CALLED 0.41 ACRE TRACT, AND THE WEST LINE OF LOT 2, TOROSAVI SUBDIVISION, RECORDED IN VOLUME 46, PAGE 142, RECORDED IN VOLUME 46, PAGE 142, SAME BEING THE EAST LINE OF THE SAID JESSE TRACT, A DISTANCE OF 120.20 FEET TO AN EXTERIOR CORNER OF THE SAID, LOT 2, TOROSAVI SUBDIVISION, SAME BEING A POINT ON THE NORTH LINE OF VALLEY GARDEN CENTER SUBDIVISION RECORDED IN VOLUME 36, PAGE 199B, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;



**THENCE**, N81°23'47"W, ALONG THE NORTH LINE OF THE SAID VALLEY GARDEN CENTER SUBDIVISION, SAME BEING THE SOUTH LINE OF THE SAID JESSE TRACT, A DISTANCE OF 295.97 FEET AN IRON ROD WITH A PINK CAP SET ON NORTH LINE OF THE SAID VALLEY GARDEN CENTER SUBDIVISION, THE SOUTHEAST CORNER OF A CALLED 0.50 ACRE TRACT CONVEYED TO DONALD AND VERONICA JOYCE TOBOLA, RECORDED IN DOCUMENT NO. 2785245, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, N08°36'00"E, ALONG THE EAST LINE OF THE SAID TOBOLA TRACT, SAME BEING THE WEST LINE OF THE SAID JESSE TRACT, A DISTANCE OF 113.94 FEET TO AN IRON ROD FOUND ON THE EAST LINE OF THE SAID TOBOLA TRACT, THE SOUTHWEST CORNER OF A CALLED 0.50 ACRE TRACT, CONVEYED TO CARLOS AND MARICRUZ JIMENEZ, RECORDED IN DOCUMENT NO. 129866, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, FOR AN EXTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, S81°15'02"E, ALONG THE SOUTH LINE OF THE SAID JIMENEZ TRACT, SAME BEING THE NORTH LINE OF THE SAID JESSE TRACT, A DISTANCE OF 121.75 FEET TO AN IRON ROD FOUND THE SOUTHEAST CORNER OF THE SAID JIMENEZ TRACT, FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, N08°48'07"E, ALONG THE EAST LINE OF THE SAID JIMENEZ TRACT, SAME BEING THE WEST LINE OF THE SAID JESSE TRACT, PASSING AT 158.52 FEET AN IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, A TOTAL DISTANCE OF 178.52 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 0.912 ACRES OF LAND, MORE OR LESS.

A SURVEY PLAT OF EVEN DATE HEREBY ACCOMPANIES THESE METES AND BOUNDS DESCRIPTION

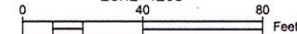
  
MANUEL CARRIZALES  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6388  
4807 GONDOLA AVENUE  
EDINBURG, TX 78542  
512-470-1489  
fnfcad@gmail.com

12-24-2020  
DATE:



**EXHIBIT B**  
 BEING 0.912 ACRES OUT OF LOT 6,  
 RANCHO DE LA FRUTA SUBDIVISION No. 2,  
 RECORDED IN VOLUME 1, PAGE 34, MAP  
 RECORDS HIDALGO COUNTY, TEXAS, SAME  
 BEING DESCRIBED IN WARRANTY DEED  
 WITH VENDOR'S LINE, CONVEYED TO JESSE  
 AND ALMA FLORES, RECORDED IN  
 DOCUMENT No. 419252, OFFICIAL PUBLIC  
 RECORDS HIDALGO COUNTY, TEXAS

BEARING BASIS  
 TEXAS STATE PLANE  
 COORDINATE SYSTEM,  
 TEXAS SOUTH  
 ZONE 4205



**LEGEND**

- IRON ROD FOUND "IRF"
- IRON ROD SET W/PINK CAP "IRS"
- IRON PIPE FOUND "IPF"
- △ CALCULATED POINT "CP"

(S01°00'00"W 0.0') - RECORD BEARING & DISTANCE

- NOTES:**
1. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF COMMITMENT FOR TITLE INSURANCE ISSUED BY: TITLE RESOURCE GUARANTY COMPANY, OF No. 931001, EFFECTIVE DATE: OCTOBER 9, 2020, ISSUED: OCTOBER 21, 2020. THE FOLLOWING EXCEPTIONS ARE LISTED ON THE SCHEDULE B OF THE TITLE COMMITMENT:
  2. **SUBJECT** TO PIPELINE PERMIT AND EASEMENT DATED APRIL 6, 1959, RECORDED IN VOLUME 943, PAGE 101, DEED RECORDS, HIDALGO COUNTY, TEXAS, AND AMENDED IN INSTRUMENT DATED MAY 27, 1959, RECORDED IN VOLUME 948, PAGE 23, DEED RECORDS, HIDALGO COUNTY, TEXAS, BILL OF SALE AND ASSIGNMENT OF RIGHTS-OF-WAY DATED JULY 7, 1964, RECORDED IN VOLUME "N", PAGE 379, MISCELLANEOUS DEED RECORDS, HIDALGO COUNTY, TEXAS. (SEE 10E)
  3. **SUBJECT** TO ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY AND THE RIGHTS OF THE PUBLIC THERE TO. (SEE 10F)
  4. **SUBJECT** TO EASEMENTS, RULES, REGULATIONS AND RIGHTS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 2. (SEE 10H)
  5. **SUBJECT** TO EASEMENTS AND RESERVATIONS AS MAY APPEAR UPON THE RECORDED MAP AND DEDICATION OF SAID SUBDIVISION. (SEE 10I)
  6. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREBY ACCOMPANIES THIS SURVEY PLAT.
  7. THIS SURVEY IS ONLY VALID WITH ORIGINAL SIGNATURE.
  8. FLOOD INSURANCE RATE MAP (FIRM): ZONE "B" - FIRM MAP No. 480343 0005 C, EFFECTIVE DATE: NOVEMBER 2, 1982.
  9. I, MANUEL CARRIZALES, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY TO TITLE RESOURCE GUARANTY COMPANY, THAT THIS SURVEY IS A TRUE AND CORRECT SURVEY AND WAS MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OR BOUNDARY LINE CONFLICTS, EXCEPT AS SHOWN.

JOB No. 20-186

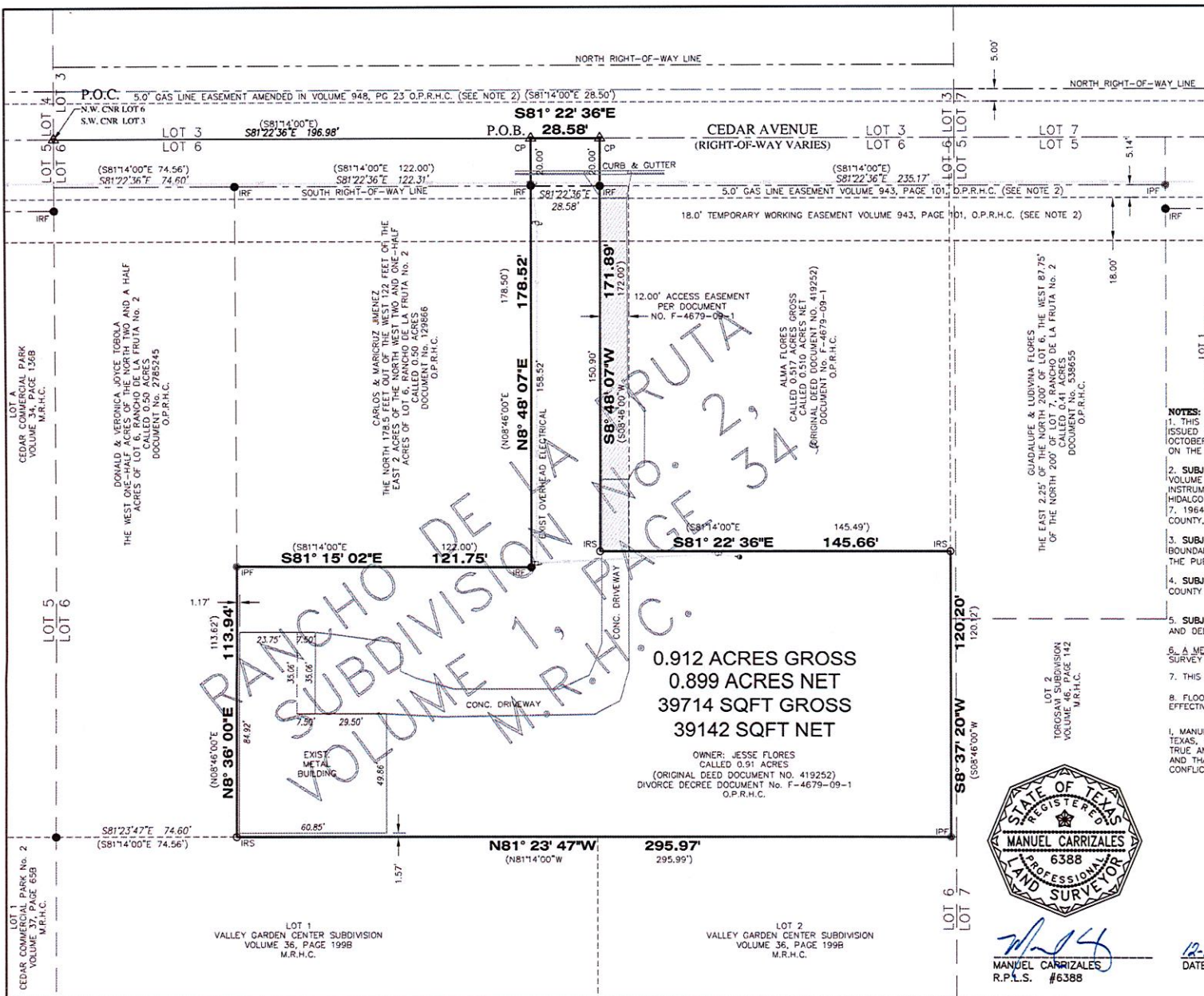


*Manuel Carrizales*  
 MANUEL CARRIZALES  
 R.P.L.S. #6388

*12-2-2022*  
 DATE

**Carrizales Land Surveying, LLC**

Texas Registered Surveying Firm  
 TSPS FIRM No. 30104417  
 4807 Gondola Avenue,  
 Edinburg, TX 78542  
 Office: 512-470-1489  
 fncad@gmail.com





**EXHIBIT A  
METES AND BOUNDS  
0.047 ACRES**

BEING 0.047 ACRES OUT OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 32, MAP RECORDS HIDALGO COUNTY, TEXAS. SAME BEING OUT OF THE CALLED EAST 2.00 ACRES OF THE NORTH 1/2 OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN, CONVEYED TO JESSE AND ALMA FLORES, RECORDED IN DOCUMENT NO. 419252, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAME BEING OUT OF A CALLED 0.57 ACRE CONVEYED TO ALMA FLORES, DESCRIBED IN FINAL DIVORCE DECREE RECORDED IN DOCUMENT No. F-4679-09-1, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAID 0.047 ACRES AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A CALCULATED POINT THE NORTHWEST CORNER OF THE SAID LOT 6, SAME BEING THE SOUTHWEST CORNER OF LOT 3, OF THE SAID RANCHO DE LA FRUTA SUBDIVISION NO. 2,

**THENCE**, S81°22'36"E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING THE NORTH LINE OF THE SAID LOT 6, SAME BEING CALLED THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 225.56 FEET TO A CALCULATED POINT FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

**THENCE**, S81°22'36"E, ALONG THE SOUTH LINE OF THE SAID LOT 3, SAME BEING CALLED THE CENTER LINE OF CEDAR AVENUE, A DISTANCE OF 12.00 FEET TO A CALCULATED POINT FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT

**THENCE**, S08°48'07"W, ACROSS THE SAID ALMA FLORES TRACT, SAME BEING THE EAST LINE OF A CALLED 12.00' ACCESS EASEMENT CONVEYED TO JESSE FLORES BY FINAL DIVORCE DECREE, PASSING AT 20.0 FEET AN IRON ROD WITH A PINK CAP SET ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, A TOTAL A DISTANCE OF 170.90 FEET TO AN IRON ROD WITH A PINK CAP SET ON THE NORTH LINE OF THE SAID JESSE TRACT, SAME BEING A POINT ON THE SOUTH LINE OF THE SAID ALMA TRACT, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, N81°22'36"W, ALONG THE SOUTH LINE OF THE SAID ALMA FLORES TRACT, SAME BEING THE NORTH LINE OF THE SAID JESSE FLORES TRACT, A DISTANCE OF 12.00 FEET TO AN IRON ROD FOUND, AN INTERIOR CORNER OF THE SAID JESSE FLORES TRACT, SAME BEING THE SOUTHWEST CORNER OF THE SAID ALMA TRACT, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, N08°48'07"E ALONG THE WEST LINE OF THE SAID ALMA FLORES TRACT, SAME BEING THE EAST LINE OF THE SAID JESSE FLORES TRACT, SAME BEING THE WEST LINE OF THE SAID 12.00 FEET ACCESS EASEMENT, PASSING AT 150.90 FEET AN IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF CEDAR AVENUE, A TOTAL DISTANCE OF 170.90 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 0.047 ACRES OF LAND, MORE OR LESS.

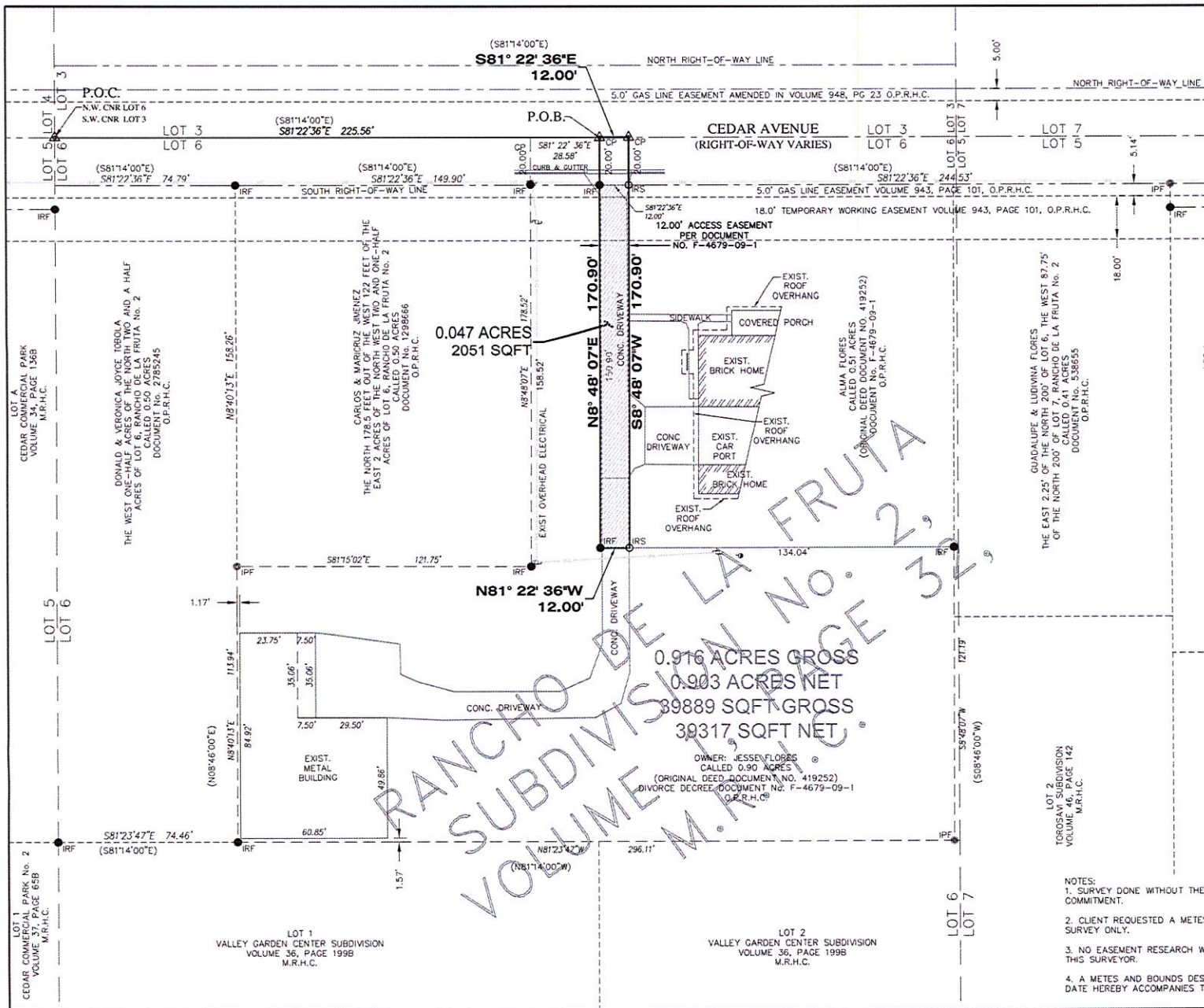
A SURVEY PLAT OF EVEN DATE HEREBY ACCOMPANIES THESE METES AND BOUNDS DESCRIPTION

  
MANUEL CARRIZALES  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6388  
4807 GONDOLA AVENUE  
EDINBURG, TX 78542  
512-470-1489  
fnfcad@gmail.com

1-25-2021  
DATE:







BEING 0.047 ACRES OUT OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, RECORDED IN VOLUME 1, PAGE 32, MAP RECORDS HIDALGO COUNTY, TEXAS. SAME BEING OUT OF THE CALLED EAST 2.00 ACRES OF THE NORTH 1/2 OF LOT 6, RANCHO DE LA FRUTA SUBDIVISION NO. 2, DESCRIBED IN WARRANTY DEED WITH VENDOR'S LIEN, CONVEYED TO JESSE AND ALMA FLORES, RECORDED IN DOCUMENT NO. 419252, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS, SAME BEING OUT OF A CALLED 0.57 ACRE CONVEYED TO ALMA FLORES, DESCRIBED IN FINAL DIVORCE DECREE RECORDED IN DOCUMENT No. F-4679-09-1, OFFICIAL PUBLIC RECORDS HIDALGO COUNTY, TEXAS

LOT 1  
TOROSAY SUBDIVISION  
VOLUME 46, PAGE 142  
M.R.H.C.

LOT 1  
TOROSAY SUBDIVISION  
VOLUME 46, PAGE 142  
M.R.H.C.

LOT 1  
TOROSAY SUBDIVISION  
VOLUME 46, PAGE 142  
M.R.H.C.



*Manuel Carrizales*  
MANUEL CARRIZALES  
R.P.L.S. #6388

1-25-2021  
DATE  
JOB No. 21-016







NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA2021-0052



Item 2e is  
to remain  
tabled until  
November  
17, 2021



**Building Permits & Inspections Department**

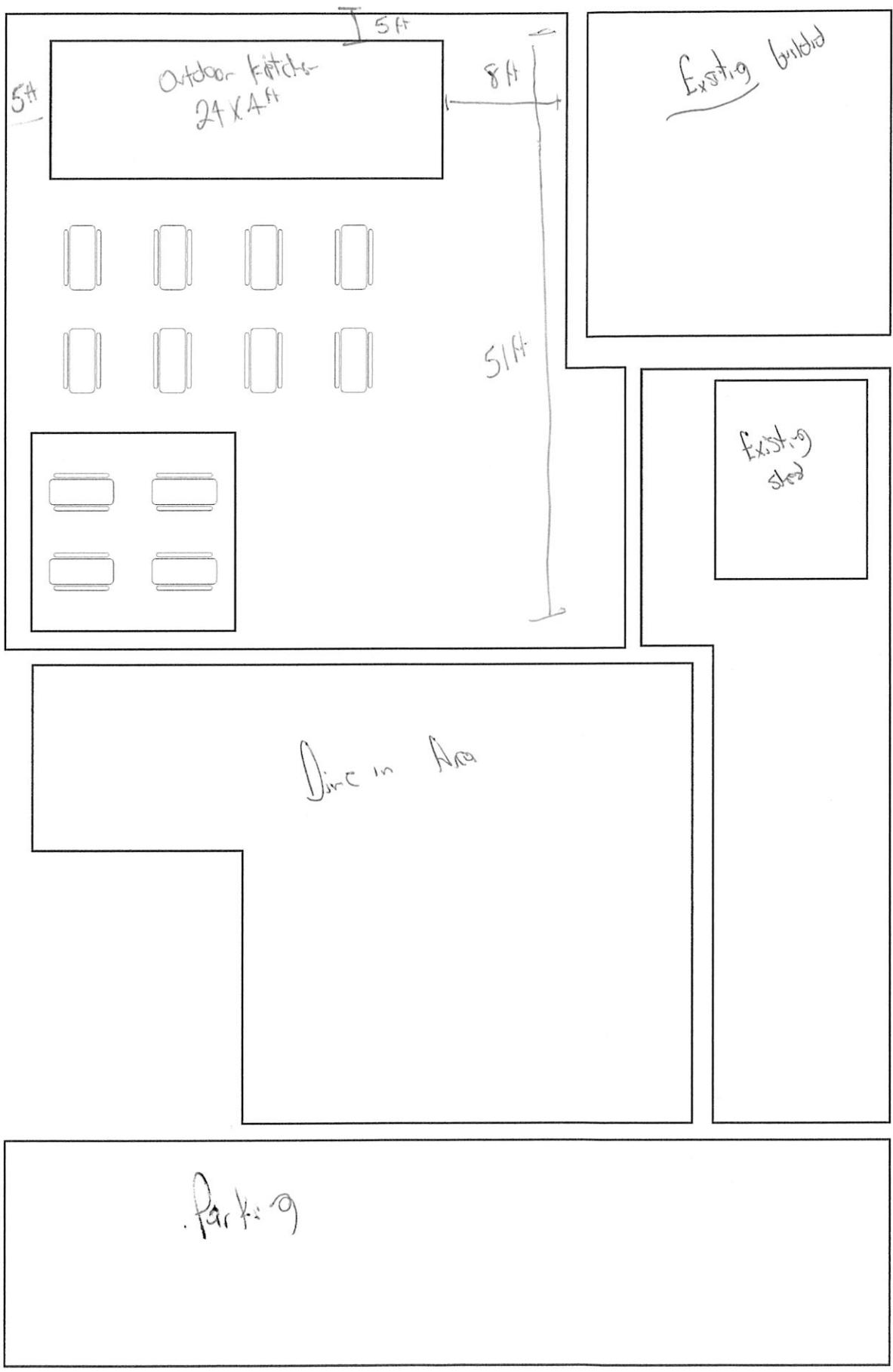
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**TO:** Zoning Board of Adjustment and Appeals  
**FROM:** Norma Yado, Chief Building Official  
**DATE:** October 29, 2021  
**SUBJECT:** 1017 N Main, Certificate of Occupancy

---

On April 4, 2021, a building permit application was submitted for review of a commercial addition with permanent plumbing and electrical, outside seating and restrooms. In addition, remodeling of the front structure was proposed for the dining area. A Building Permit was issued on May 19, 2021 and final inspection was approved on September 3, 2021. A Certificate of Occupancy was signed on September 3, 2021.

S → N



MAIN ST





JAVIER VILLALOBOS, Mayor  
JOAQUIN "J.J." ZAMORA, Mayor Pro Tem & Commissioner District 2  
TONY AGUIRRE, JR., Commissioner District 1  
J. OMAR QUINTANILLA, Commissioner District 3  
TANIA RAMIREZ, Commissioner District 4  
VICTOR "SEBY" HADDAD, Commissioner District 5  
PEPE CABEZA DE VACA, Commissioner District 6

ROEL "ROY" RODRIGUEZ, P.E., City Manager

**CERTIFICATE OF OCCUPANCY  
BUILDING INSPECTION OFFICE  
CITY OF MCALLEN, TEXAS  
(Must be conspicuously posted)**

Building Permit No. CMM2021-03082 Site Address 1017 N MAIN ST  
Lot No. 3 Block No. 16 Subdivision EWING  
Property Owner PAMM FAMILY PROPERTIES LLC  
Address 813 N MAIN ST MCALLEN, TX 78501  
Tenant/Business Name TACOS EL PLEBE  
Permit type (New, Addition, Remodel) ADDITION  
Design Occupant Load \_\_\_\_\_ Type of Construction (I, II, III, IV, V) \_\_\_\_\_  
Edition of Building Code \_\_\_\_\_ Fire Sprinkler System (Yes, No) \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY**

This Document becomes the Certificate of Occupancy when signed by the Building Official.

  
\_\_\_\_\_  
Norma Yado, Chief Building Official

9/3/21  
\_\_\_\_\_  
Date signed

SEPTEMBER 3, 2021  
\_\_\_\_\_  
Date Finaled

CONTRACTOR: TACOS EL PLEBE  
PLUMBING: DC PLUMBING  
ELECTRICAL: EM3 ELECTRICAL SERVICES  
MECHANICAL:

JYJ





**CITY OF McALLEN**  
PLANNING DEPARTMENT



**SUBJECT PROPERTY**

**AERIAL MAP**  
SCALE: N.T.S.



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes.

## CRITERIA FOR ZBOA DETERMINATIONS

### APPEALS

1. ZBOA may hear and decide appeals **where it is alleged there is error** in any order, requirement, decision or determination made by an administrative official **in the enforcement of Chapter 138** of the Code of Ordinances ("Zoning").
2. In conformity with the provisions of V.T.C.A., Local Government Code § 211.009 et seq. and Chapter 138 of the Code of Ordinances, the **ZBOA may reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from.

### SPECIAL EXCEPTIONS

Authorized under Ord. Sec. 138-43 ("Powers") in the following instances:

1. Where the **street layout** actually on the ground varies from the street layout as shown on such maps.
2. To permit the **reconstruction of a nonconforming building** which has been damaged to the extent of more than 50 percent of its replacement cost.
3. To **waive or reduce the parking and loading requirements** whenever:
  - a. The character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, OR
  - b. Where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
4. To allow a change **from an existing nonconforming use to another nonconforming use** of a structure, or a structure and premises in combination, if:
  - a. No structural alterations are made, AND
  - b. The Board finds that the proposed nonconforming use is not more nonconforming in the district as the existing nonconforming use.

#### **Ord. Sec. 138-86. – GENERAL POLICY.**

The general public, the board of commissioners, and the planning board are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, wherever and whenever possible, except:

- (1) When necessary to preserve property rights established prior to the date the ordinance from which this article is derived became effective as to the property in question, and
- (2) When necessary to promote the general welfare and to protect the character of the surrounding property.



Definitions

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    Section 138-1 Definitions .....1

**Chapter 110-Vegetation .....6**

    Section 110-26 Definitions .....6

## Chapter 138-Zoning

### Sec. 138-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a subordinate building, located on the same lot as the main building, the use of which is clearly incidental to and customarily found in connection with the main building or principal use of the property.

*Accessory use* means a use which is clearly incidental to and customarily found in connection with the principal use of the premises and which is located on the same lot as the principal use.

*Accessory use of building* means a subordinate use or structure customarily incident to and located on the lot occupied by the main use or structure and conforming with setback and other regulations concerning location.

*Alley* means a minor public right-of-way which is used primarily for vehicular and utility service access to the backs or sides of properties otherwise abutting on a public street.

*Apartment* means a room or suite of rooms located in a building with other such rooms or suites arranged, designed, or to be occupied as a residence by a family. (See Dwelling unit.)

*Associated recreation* means recreational uses which are an integral part of a common ownership or associated or high density residential development (example: homeowners' association with a private club or facility).

*Authorized agent* means an architect, builder, developer or other person empowered to act on behalf of such persons.

*Base station.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new base stations that are not eligible for Section 6409, need not be existing at the time of the application, nor does subsection 138-1.A(a)1.c. apply to a new base station.

*Boardinghouse* means a building other than a hotel where lodging and meals are provided for compensation.

*Building* means any structure designed to be built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind. The word "building" includes the word "structure."

*Carrier on wheels or cell on wheels ("COW").* A portable self-contained mobile facility moved to a location and set up to provide wireless services on a temporary or emergency basis.

*Concealed or stealth design elements.* A design elements of any tower, base station or transmission equipment that allows it to be integrated as an architectural feature of a tower or base station or so that it is not readily apparent to a casual observer. It may be screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure so that it is not easily recognizable from other natural structures.

*Conditional use* means a use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.

*Depth of lot* means the mean horizontal distance between the front and rear lot lines. (See definitions of Front and Rear lot lines.)

*District* means a section of the city for which the regulations governing the areas, heights or uses of buildings are uniform.

*Dwelling unit* means any building or portion thereof which is designed for or used primarily for residential occupancy, but not including hotels, boardinghouses or mobile homes.

- (1) *Single-family* means a building designed for and/or occupied exclusively by one family as a separate dwelling unit.

- (2) *Duplex* means a building designed for and/or occupied exclusively by two families living independently of each other.
- (3) *Triplex* means a building designed for and/or occupied exclusively by three families living independently of each other.
- (4) *Fourplex* means a building designed for and/or occupied exclusively by four families living independently of each other.
- (5) *Multiple* means a building designed for and/or occupied exclusively by five or more families living independently of each other.

The determination of whether one family is living independent of another is based on one or more of the following criteria: separate sanitary facilities; separate kitchen facilities; separate entrances; or separate utilities.

*Eligible facilities request.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Eligible support structure.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Existing.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Family* means one or more persons living together as a single housekeeping unit with common sanitary and kitchen facilities.

*Garage, commercial* means a building or premises used for storage, repair, rental or servicing of motor vehicles.

*Garage, private* means an accessory building, attached or detached, designed or used for the storage of motor-driven vehicles owned and used only by the occupants of the building to which it is accessory.

*Guesthouse* means an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. "Maids' quarters" means a portion of a dwelling unit, within the same enclosure and not a separate accessory building attached to the primary building, that may contain separate sanitary and/or kitchen facilities which is designed for or used for residential occupancy by an employee of the primary residence.

*Height* means, for a building or portion of a building, the vertical distance from grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, and the mean height level between eaves and ridge for hip, gable or gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, mechanical rooms, tanks, water towers, radio towers, television antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height. Heights authorized in this chapter are subordinate to the airport zoning ordinance, appendix A.

*Loading space* means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

*Lot* means an undivided tract or parcel of land having frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record. The word "lot" includes the word "plot."

- (1) *Corner lot* means a lot abutting upon two or more public streets at their intersection.
- (2) *Building coverage* means percentage of the lot that is occupied by the ground area of a building and its accessory buildings.
- (3) *Lot, double frontage* means a lot abutting on two nonintersecting public streets as distinguished from a corner lot.



- (4) *Lot lines* means the lines bounding a lot as defined in this section.
- a. *Front lot line* means the property line between the front yard and the contiguous street right-of-way boundary.
  - b. *Rear lot line* means the property line between the rear yard and the adjacent property or right-of-way, and contiguous with the legal boundary of such use.
  - c. *Side lot line* means the property between two adjacent lots or between the side yard and the contiguous street right-of-way boundary on corner lots.

*Lot of record* means a parcel of land which is part of a subdivision, the map or plat of which has been recorded in the office of the county clerk; or a tract of land not a part of an urban or town lot subdivision, the deed of which has been recorded in the office of the county clerk prior to October 15, 1973, which has not been divided since recording.

*Maneuvering space* means the space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

*Mobile home* means a movable or portable dwelling originally constructed to be towed, on its own chassis, by a motor vehicle over public roads.

*Mobile home and modular home park* means a unified development of five acres or more for mobile homes arranged on a tract of land owned by an individual or a single business entity for the purpose of renting or leasing lots, and meeting the requirements of chapter 122, article II of this Code.

*Mobile home and modular home subdivision* means a unified development of five acres or more for mobile homes arranged on a tract of land in such a manner as to provide an individual lot (see definition of Lot) for each of the mobile homes.

*Modular home* means a dwelling unit in which more than 50 percent of the structure is constructed at other than the construction site, brought to the site in modules, and set on a permanent foundation.

*Ornamental feature* means an addition to a structure designed to enhance the appearance of the structure, in compliance with all of the following criteria:

- (1) Any space occupied by or enclosed by the ornamental feature should not be included in or made a part of the air conditioned, heated, or enclosed portion of the structure;
- (2) The feature should serve no purpose or function for the structure other than ornamentation. The building should be equally functional without the feature as with the feature; and
- (3) The feature shall extend no further than 24 inches into a required yard.

*Parking area* means a space used exclusively for the parking of vehicles and where no other business is conducted.

*Parking space* means an area, not closer than six feet from the back edge of the curb, the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress. The minimum dimension of a parking space shall be in accordance with the city off-street parking requirements in article VII of this chapter.

*Planned unit development (PUD)* means and includes a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity, and which comply with the Planned Unit Development provisions of chapter 134, article IV of this Code.

*Portable building* means a temporary building that does not have a foundation and is transportable.

*Recreational vehicle or travel trailer* means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

*Residential storage building* means any building, either portable or constructed onsite, utilized for storage purposes and not requiring plumbing and electrical wiring, and not used for living quarters.

*Restaurant* means a building or portion of a building where the primary business is the on-premises sale of prepared food, with adequate kitchen facilities for the preparation of the food to be sold, the adequacy of such kitchen facilities to be based upon the seating capacity of the restaurant and the type of menu offered, and where alcoholic beverages may be sold under the following conditions:

- (1) At least 51 percent of the gross income shall be derived from the sale of prepared food.
- (2) Any outside entrances, outside separate identification, outside signs or other separate advertising for lounge or bar areas shall be permitted only as an accessory or secondary feature of the restaurant.
- (3) Live entertainment may be permitted.
- (4) Whenever the director of planning on the basis of a sworn complaint from any person determines that a violation of this section exists, he may require any person serving alcoholic beverages as an incidental use to provide the city, within 30 days of notification, a verified audit for each quarter of the calendar year, showing the gross income derived from the sale of food.

*Retail* means the sale of goods directly to a consumer; engaged in, pertaining to or relating to the sale of merchandise at retail; or selling by individual items, or by the piece, directly to a consumer.

*Right-of-way line* means a dividing line between a lot, tract or parcel of land and the public right-of-way.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property, excluding alleys.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed, erected or artificially built up; or composed of parts and joined together in a permanent manner.

*Substantial change.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Tower.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below, except for new towers that are not eligible for Section 6409, they need not be existing at the time of the application.

*Townhouse* means a single-family dwelling unit constructed in a series or a group of units having common walls, each on a separate lot.

*Transmission equipment.* As defined in section 138-1.A - Eligible facilities request (Section 6409) Definitions, below.

*Yard* means an open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in the definitions of "yard" set out in this section. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

- (1) *Front yard* means a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the right-of-way line and wall of the main building or any projections thereof other than projections of the usual uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where corner lots may be square in dimension and/or have double frontage, in which case the front yard shall correspond to the lot's side adjacent to the longest block face in which it occurs and to which the majority of the existing structures front.

- (2) *Rear yard* means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than projections of uncovered steps, uncovered balconies or uncovered porches. On all lots, the rear yard shall be in the rear of the front yard.
- (3) *Side yard* means a yard between the main building and the side line of the lot, and being the minimum horizontal distance between a side lot line and the sides of the main buildings or any projections thereof.

(Code 1966, § 32-2; Ord. No. 1996-8, § I, 1-22-96; Ord. No. 1996-70, § I, 11-18-96; Ord. No. 1998-68, § 1, 2-27-98; Ord. No. 1999-69, § 1, 8-9-99; Ord. No. 2004-15, § 5, 2-9-04; Ord. No. 2015-38, § II, 5-11-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Footnotes:

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions. For purposes of this paragraph—(i) the term "personal wireless services" means commercial mobile services [cellular service], unlicensed wireless services, and common carrier wireless exchange access services..."; 47 U.S.C. § 332(d) ....(1) the term "commercial mobile service" means any mobile service (as defined in section 153 of this title) that is provided for profit and makes interconnected service available (A) to the public or (B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;..."

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**Note**— 47 U.S.C. § 332(c)(7)(C) Definitions for purposes of this paragraph... (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services..."

## Chapter 110-Vegetation

### Sec. 110-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Buffer* means a screen constructed of wood, concrete block, masonry, a combination of wood and masonry, or landscape material with a chain link fence in such a manner that adjacent property is visually screened, and so that noise, solid waste or other objectionable influences will be avoided. Such buffer shall be perpendicular to the ground, a minimum of six feet in height, continuous and uninterrupted, and 100 percent opaque except where extraordinary circumstances exist where additional height will more adequately accomplish the desired end.

*Caliper* means the diameter of a tree measured 12 inches above the ground for trees up to and including eight inches in diameter and four and one-half feet above the ground for trees having a diameter of more the eight inches. The diameter of a multi-stem tree shall be measured at the point below branching or the sum of the two largest stems measured at four and one-half feet above the ground which ever is greater.



*Contiguous* means adjacent property whose property lines are shared, or are separated by only a street, alley, easement or right-of-way.

*Developed property* means that portion of a lot or parcel upon which a building, structure, pavement, or other improvements have been or are proposed to be placed.

*Diameter-at-breast-height (DBH)* means the tree trunk diameter measured in inches at a height of four and one-half feet (54 inches) above natural grade or the DBH measurement according to the latest edition of the Guide for Plant Appraisal as published by the Council of Tree and Landscape Appraisers, when the tree trunk branches out at a point lower than four and one-half feet.

*Frontage* means lineal distance measured along abutting street rights-of-way.

*Ground cover* means low growing plants planted in such a manner as to form a continuous cover over the ground, typical horizontal growth form with a maximum height of 24 inches, such as liriopse, low growing varieties of honeysuckle, confederate jasmine, English ivy or others.

*Landscape material* means trees, shrubs, ground cover, vines or grass installed in planting areas, including but not limited to those installed for the purpose of fulfilling the requirements of this article.

*Landscape strip area* means a planting area within the property lines of specified width and parallel to a public street, excluding driveways for ingress and egress.

*Paved ground surface area* (also referred to in this article as paved area or paved ground area) means any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

*Planting area* means an area intended or used for landscaping that has a minimum of 40 square feet of actual plantable area and an inside dimension on any side of at least 36 inches.

*Reconstruction* means rehabilitation or replacement of structures on nonresidential or multifamily property to an extent exceeding 50 percent of the assessed valuation of such structures as shown on the most recent tax roll of the city.

*Shrub* means any woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

*Stormwater detention facility* means an impoundment on a lot or parcel reserved for detaining and controlling the release of stormwater runoff as required by City of McAllen Drainage Policy.

*Street line* means that line separating the right-of-way from any adjacent property.

*Tree* means any self-supporting woody plant of a single trunk and of a species which normally grows to an overall mature height of a minimum of 15 feet in the lower Rio Grande Valley of the state.

*Vine* means any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground or other plants.

*Xeriscape* means landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

(Code 1966, § 17 3/8 -4; Ord. No. 1993-88, § I, 12-13-93; Ord. No. 2006-118, § 1, 11-13-06; Ord. No. 2007-28, § 1, 3-26-07)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

## VARIANCES

Authorized only when ALL of the following applies:

1. Owing to special conditions, a literal enforcement of Zoning Ordinance provisions would result in **unnecessary hardship**.
2. **Applicant proves** to the Board the following:
  - a. Land in question cannot yield a reasonable return if used only for a purpose allowed in that zone,
  - b. **Plight is unique** and not shared in general by others in the neighborhood, and
  - c. Variance will **not alter the essential character of the locality**.
3. Variance would **not merely serve as a convenience** to the applicant.
4. Variance must be in **harmony with purpose and intent of Zoning Ordinance**.
5. Variance would **not be contrary to the public interest**.
6. **Surrounding property is be properly protected**.
7. **The spirit of this Zoning Ordinance is observed and substantial justice done**.

## Exceptions Cited within the Zoning Ordinance

### Exceptions pertaining to front yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fence not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
7. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
8. Flues not to exceed 5 feet (*Section 138-366 (d)*)
9. Ornamental features up to 2 feet (*Section 138-366 (c)*)
10. Planting not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)
11. Porches, uncovered (*Section 138-1, Yard (1)*)
12. Projections up to 2 feet (*Section 138-366 (c)*)
13. Pumps, filling station not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
14. Pumps, gas and canopies not less than 9 feet from the property line or 10 feet from the curb, whichever greater (*Section 138-259*)
15. Pumps, islands not less than 13 feet from the property line or 18 feet from the curb, whichever greater (*Section 138-367(d)*)
16. Sills up to 2 feet (*Section 138-366 (c)*)
17. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
18. Steps, uncovered (*Section 138-1, Yard (1)*)
19. Structure not to exceed 3 feet within 25 feet of a curb intersection in residential zones (*Section 138-367 (c)*)

### Exceptions pertaining to rear yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Balconies, uncovered (*Section 138-1, Yard (1)*)
3. Buildings, accessory may occupy no more than 30% (*Section 138-369*)
4. Carports, unenclosed abutting an alley may be built up to the rear property line within the R-3A and R-3C Districts (*Section 138-356, Footnote 5*)
5. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
6. Cornices up to 2 feet (*Section 138-366 (c)*)
7. Eaves up to 2 feet (*Section 138-366 (c)*)
8. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
9. Flues not to exceed 5 feet (*Section 138-366 (d)*)
10. Ornamental features up to 2 feet (*Section 138-366 (c)*)
11. Parking, unenclosed may occupy no more than 90% (*Section 138-369*)
12. Porches, uncovered (*Section 138-1, Yard (1)*)
13. Projections up to 2 feet (*Section 138-366 (c)*)
14. Sills up to 2 feet (*Section 138-366 (c)*)
15. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
16. Steps, uncovered (*Section 138-1, Yard (1)*)



Exceptions pertaining to side yard setbacks:

1. Balconies opening upon fire towers not to exceed 5 feet (*Section 138-366 (d)*)
2. Canopy, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
3. Chimneys not to exceed 5 feet (*Section 138-366 (d)*)
4. Cornices up to 2 feet (*Section 138-366 (c)*)
5. Eaves up to 2 feet (*Section 138-366 (c)*)
6. Fire escapes, open or lattice-enclosed not to exceed 5 feet (*Section 138-366 (d)*)
7. Flues not to exceed 5 feet (*Section 138-366 (d)*)
8. Ornamental features up to 2 feet (*Section 138-366 (c)*)
9. Porte-cochere, unenclosed and not less than 4 feet from the side lot line or 8 feet from a corner lot line (*Section 138-368 (d)*)
10. Projections up to 2 feet (*Section 138-366 (c)*)
11. Side yards can be reduced to 10% of the lot width provided the lot has a width less than 50 feet. However, no side yard shall be less than 3.5 feet (*Section 138-368 (f)*)
12. Sills up to 2 feet (*Section 138-366 (c)*)
13. Stairways, outside not to exceed 5 feet (*Section 138-366 (d)*)
14. Townhouses can be built up to the side property line with a firewall (*Section 138-356, Footnote 10*)

Exceptions pertaining to height measurements (*Section 138-1, Height*):

1. Chimneys
2. Cooling towers
3. Domes
4. Elevator bulkheads
5. Mechanical rooms
6. Ornamental cupolas
7. Parapet walls not exceeding four feet in height
8. Radio towers
9. Spires
10. Tanks
11. Television antennas
12. Water towers

## Exceptions as per Planning Department Policy

By policy the following are permitted:

1. AC Units
2. Clothes lines
3. Concrete slabs
4. Fire pits
5. Pergolas, arbors, and trellises as a landscape feature (legal opinion, 2009)
6. Playground equipment
7. Pool decks
8. Pool pumps
9. Portable grills
10. Sports equipment i.e. basketball hoop
11. Swimming pools prior to 2009 (legal opinion)
12. Umbrellas and patio furniture
13. Water features and fountains

Legal opinions:

1. In 2009 Assistant City Attorney Ignacio Perez made an interpretation to allow arbors, pergolas, and trellises within the required setbacks. The definition of landscape material is stated as trees, shrubs, ground cover, vines or grass installed in planting areas in Section 110-26 of the Vegetation Ordinance. The legal interpretation was if vines were allowed by code as a planting area and they cover vertical planes such as walls then the same logic could be applied to arbors, pergolas, and trellises as a planting area. Mr. Perez also cited Section 110-56 (g) of the Vegetation Ordinance stating architectural planters may be permitted to fulfill landscape requirements.
2. Prior to 2009 swimming pools were not considered a structure due to the fact they were constructed underground and the Zoning Ordinance defines a structure as anything constructed, erected or artificially built up or composed of parts and joined together in a permanent manner. However, an interpretation was made in 2009 to consider swimming pools as a structure to abide by setback requirements.

# **ZONING BOARD OF ADJUSTMENT AND APPEALS**

## **RULES AND PROCEDURES**

### **CITY OF MCALLEN**

**The McAllen Zoning Board of Adjustment and Appeals adopts the following Rules and Procedures (hereinafter “Rules”) to govern the substance of all board matters.**

#### **I. ORGANIZATION AND OFFICERS**

##### **A. Members**

The McAllen City Commission created the Zoning Board of Adjustment and Appeals (hereinafter referred to as “Board”) pursuant to Chapter 211 of the Texas Local Government Code and Chapter 138, Article II, Division 3 of the City of McAllen, Texas Code of Ordinances (the “City Code”). The Commission appoints the members for that Board under Section 211.008 of the Texas Local Government Code (the “Code”).

The Commission composed the Board to sit five (5) members. Each member serves a two-year term. The Commission may renew a member’s term for a maximum of three total consecutive terms. The Commission also appoints four (4) alternate members to serve in the absence of a regular board member. Alternate members serve just as regular members and are subject to the same rules as regular members, unless otherwise provided in these Rules, but do not vote except in the absence of a regular member.

##### **B. Officers**

The Board shall elect a Chair and a Vice Chair from its own regular members by majority vote. The Chair and Vice Chair each serve one year. The Board shall accept an Executive Secretary appointed by the McAllen Planning Department. The Board shall adopt an attorney advisor appointed by the McAllen Legal Department. The Board shall only accept the appointment of personnel under the condition each person remains the employee and charge of the City of McAllen, with no employment relationship to the Board.

##### **C. Duties and Officers**

The Chair shall preside over the Board, hold meetings of the Board, decide points of order, and dispense the business of the Board. The Chair may administer oaths, compel the attendance of witnesses, and issue subpoenas as per Section 211.008 of the Code. The Chair shall sign the minutes of board meeting after the minutes have been approved by the Board.

In the absence of the Chair, the Vice Chair, or in both their absences the most senior member, according to the member’s appointment date, shall dispense the duties of the Chair.



## **II. POWERS OF THE BOARD**

### **A. General Powers**

The Board has those powers specified in Section 211.009 and 241.033 of the Code, and those powers granted by the City Commission under Chapter 138 (Zoning Ordinance) and Chapter 110 (Vegetation Ordinance) of the City Code, and those powers granted to the Board by ordinance.

### **B. Specified Powers**

As per city ordinance and state statute, the Board has those powers described in Section 211.009 of the Code and Section 138-43 of the City Code. Those powers described in Section 138-43 are:

1. Hear and decide appeals that allege an error in any order, requirement, decision or determination made by an administrative official or agency in the enforcement of applicable provisions of the Local Government Code, the City Ordinance;
2. Authorize variances to specific cases from the terms of the City Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of City Ordinance will result in unnecessary hardship, and so that the spirit of ordinances shall be observed and substantial justice done;
3. Grant special exception to waive or reduce parking and loading requirements whenever the character and use of the building is such as to make unnecessary the full provisions of parking or loading, or where such regulations would impose an unreasonable hardship upon the use of the lot; and
4. Hear and decide any other matters authorized by the City Commission through ordinance.

## **III. DUTIES OF BOARD MEMBERS**

### **A. General Duties of Members**

1. All members of the Board should attempt to inspect the premises of each case which is under consideration at each meeting and become generally familiar with each case prior to Board meetings.
2. All members shall attend all meetings, provided, however, the member must provide 72 hours prior notice to the Executive Secretary in the event the member cannot attend.
3. All members of the Board shall arrive at a logical and fair decision on each case, except where a conflict may preclude a vote on the case.

### **B. Disqualification/Conflict of Interest**

All members of the Board of Adjustment are subject to the City of McAllen Ethics Ordinance (Chapter 2 of the City Code).

In all cases before the Board where a member of the Board has a conflict as described in the Ethics Ordinance, the member shall refrain from any discussion, deliberation or vote. When applicable, the member shall complete and submit a City Conflict of Interest form, but in all cases alert the Executive Secretary at least 72 hours prior to the meeting on which the conflict is at issue. The Executive Secretary shall submit all notices of conflict to the City's attorney.

#### **IV. A BASIS FOR ACTION**

The Board shall decide each case based on the following:

1. Facts filed with application.
2. Testimony presented at the public hearing on the appeal.
3. The Planning Department's technical report on the appeal.
4. The Board's findings in its field inspection of the property may question all witnesses to assist the Board in arriving at a correct, logical and fair decision.
5. The applicable standards of review described in Section 138-43 of the City Code and Sections II.A., II.B. and VI. of these Rules.
6. All decisions shall be made on the Basis for Action. Neither the Board nor the individual members may use personal, first hand knowledge of any facts to make a determination, if such information has not been entered into the record or made available at the public hearing.

#### **V. APPLICANTS**

##### **A. Legally Vested Interest**

The Board shall not consider an application from any applicant who does not have a vested legal or equitable interest in the property in question. Applicants may appear on their own behalf or may be represented by counsel or agent. Any representation by someone other than an applicant must be accompanied with a written designation by the applicant for the agent to act on behalf of the applicant. (For example, the representative may produce a letter from the applicant to the Planning Department to authorize the representative to speak on behalf of the applicant; or, the representative may submit an application on behalf of a verifiable power of attorney.)

##### **B. Applications**

All applications for consideration by the Board must be on the prescribed form approved by the Planning Department and acceptable to the Board. The Board shall not consider applications for a variance or a special exception or any other Board action, if the application is not on a designated form. The Board shall approve the official application and the Chair shall implement it.

All applications for variances and special exceptions to commercial properties must be submitted with a current, valid "on the ground" survey. An applicant must submit a pauper form with their application if

they cannot proffer a valid survey; provided, however, the applicant illustrates their property with setbacks and encroachments as a survey would.

#### **C. Meetings**

Applicants have the right to be heard at all meetings where their applications are considered for a dispositive vote. Applicants not able to be present at the scheduled meeting to consider their application may submit to the Planning Department a written request for the Board to table the application. The Board will decide whether or not to grant the applicant's request to table. No application may be tabled at the request of applicant for more than two meetings prior to being considered for a dispositive vote. However, if the applicant requests for his/her application to be tabled because there are only four (4) board members present, such request shall not be counted against applicant's two (2) opportunities to table his/her request. Board action may proceed on any application despite the request of any applicant to table the application. The Board shall note on the record the reason(s) for the tabling of an agenda item. The reason(s) for each tabling, as well as the number of times an agenda item has been tabled, shall be reflected in an activity log in the meeting minutes at the end of each agenda item.

#### **D. Evidence**

Applicants should be prepared to present evidence necessary to prove their application. The burden of persuasion on seeking a remedy from the Board remains with the applicant at all times.

### **VI. HARDSHIP**

A. For an "unnecessary hardship" to apply to a variance, it must relate to the very property for which the variance is sought and be a condition unique, oppressive, and uncommon to other properties. An unnecessary hardship may not be self-created, or be solely financial.

B. "Hardship" must be based on hardship resulting from sharp changes in topography or unusual terrain features. The applicant may prove the topography with a plot plan which includes topographic information related to known base points or surveys, and profiles or particular problems involved, including relationships to topographic features of adjoining properties.

C. There is no unnecessary hardship if the property is suitable and useable for the uses permitted in the district in which it lies, although there will be a loss of profit or other economic disadvantage on account of such use.

### **VII. MEETINGS**

#### **A. Texas Public Information Act and Open Meetings Act.**

Except as permitted under the advice of the Board's attorney, all meetings of the Board are subject to the Texas Public Information Act and shall be open to the public. The minutes of the Board's meetings and records of its examination or other official actions are public records, unless excepted under law.



## **B. Quorum**

A quorum consists of seventy-five percent (75%) of the full complement of members. For a full complement of five (5) members, therefore, four (4) members present constitute a quorum. The Chair may declare a quorum does not exist fifteen (15) minutes following a posted meeting time, having found at least four (4) members and alternate members are not present; provided however, the Chair may not declare a quorum thirty (30) minutes from the posted time, should at least members and alternate members not be present.

## **C. Regular Meetings**

Regular meetings shall be held every first and third Wednesday at 5:30 P.M., or at other times as determined by the Board, in the City Commission Chambers. The Board by majority vote may change the place, day, and hour of the meetings; provided that, notice complies with the Texas Open Meetings Act (Chapter 511 of the Texas Government Code).

## **D. Special Meetings**

The Chair may call a special meeting. A special meeting shall have a lawful purpose and members and public shall be given at least seventy-two (72) hours notice prior to the meeting.

## **E. Order of Business**

The usual order of business shall be:

1. Call to Order
2. Approval of Minutes
3. Open Public Hearing
4. Other Statements
5. Introduction: New Information Recommendation
  - a) Presentation of recommendation by City Staff.
  - b) The Chair shall call the applicant or his representative(s) to present the case and answers any questions. If the applicant or representative is not present when called, the Chair may move a case to the end of the agenda.
  - c) The Chair shall then inquire if there are others who wish to address the Board in support of the case.
  - d) The Chair shall then inquire if there are those present who wish to address the Board who are opposed to the case.
  - e) The applicant or his representative may then give a rebuttal to any opposition.
  - f) If new facts are presented during this rebuttal, opposition shall be given the opportunity for rebuttal
  - g) Staff shall then have an opportunity to provide additional information, clarification or address questions from the Board.
  - h) Board discussion.
  - i) The Chair shall then declare that the discussion of the case is closed.

- j) In order to achieve an unambiguous decision, motions should be made in affirmative manner when possible.
- k) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.
- l) Vote on a motion.
- 6. The Chair may move a case out of regular agenda order.
- 7. Staff Report
- 8. Other Business posted on the Agenda
- 9. Adjournment

#### **F. Staff Recommendations**

City staff shall provide recommendations on each case before the Board.

#### **G. Action by the Board**

The super-majority concurring vote of seventy-five percent of the full board compliment, i.e., four affirming members of the Board, shall be necessary to reverse an order, requirement, decision or determination of an administrative official or agency; to decide in favor of an applicant on a matter upon which the Board is required to pass under any such ordinance or regulation; to authorize a variation; or to recommend to the Director of Planning to uphold or modify the interpretation of the City Code. All other matters shall be decided by a majority vote, unless otherwise specified in the City Code. The Board on its own motion may table an application when an applicant does not appear; provided however, in no case may the board table an application, for failure of the applicant to appear, more than twice without taking a dispositive vote.

#### **H. Minutes of the Board**

The Board, through its designated appointee, shall keep minutes of all meetings that indicate the vote of each member on every question on which it is required to act, or the fact that a member is absent or fails to vote. The minutes shall be filed in the office of the Planning Department and are public record.

### **VIII. DECISIONS OF THE BOARD**

#### **A. Precedent**

There is not precedent. Any one case does not set a precedent for any future case. Each case shall be decided on its own merits and upon the circumstances of the case.

#### **B. Public Statements**

No Board member shall release any official statement to the public or the press. Only the Director of the Planning Department or her designated representative may make official statements on behalf of the Board.

**B. Parliamentary Procedure**

Any question regarding parliamentary procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order.

**IX. WITHDRAWAL OF APPEAL**

Any appeal or application may be withdrawn by the applicant upon written notice to the Director of Planning.

**X. ATTENDANCE**

Excessive absences cannot be tolerated, as the Board depends on a super majority of attendance in order to exercise decisions on applications for a variance. Three absences or more in a six-month period are excessive. If a Board member is excessively absent from regularly scheduled meetings, the Board may recommend to City Commission, by majority vote, that the Commission appoint an immediate replacement.

**XI. AMENDEMENT PROCEDURE**

Amendment to these rules and procedures may be made by the Board at any meeting, upon the affirmative vote of five (5) members, provided any such amendment is proposed at a preceding meeting and entered into the minutes of such meeting. However, board members may adopt through unanimous consent of all members an amendment at the meeting at which it was introduced; provided, however, the amendment shall not become effective until the next regular meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014 as affirmed by the designated Executive Secretary assigned by the Planning Department of the City of McAllen.

\_\_\_\_\_  
**Executive Secretary**



**ORDINANCE NO. 2018- 70**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 138 ("ZONING"), ARTICLE VI ("SUPPLEMENTARY DISTRICT REGULATIONS"), DIVISION 3 ("LOTS AND YARDS"), BY ADDING PROVISIONS REGULATING CARPORTS AND GRANTING THE ZONING BOARD OF ADJUSTMENTS TO GRANT SPECIAL EXCEPTIONS THERETO; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, the City of McAllen desires to establish rules and regulations relating to the construction and maintenance of carports within the City,

**WHEREAS**, the City Commission finds that it is in the public interest to delegate the authority to regulate carports to the Zoning Board of Adjustments,

**WHEREAS**, the City of McAllen seeks to protect the value of property located within the corporal limits of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, THAT:**

**SECTION I:** The Code of Ordinances, City of McAllen, Chapter 138 ("Zoning"), Article VI ("Supplementary District Regulations"), Division 3 ("Lots and Yards") is hereby amended to read as follows:

**Sec. 138-371. – Special Exception for carports.**

- (a) The Zoning Board of Adjustment may grant a special exception to the minimum setback requirements for a carport when, in the opinion of the board:
  - (1) there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and

- (2) the carport will not have a detrimental impact on surrounding properties.
- (b) In determining whether to grant this special exception, the board shall consider the following factors:
  - (1) Whether the requested special exception is compatible with the character of the neighborhood.
  - (2) Whether the value of surrounding properties will be adversely affected.
  - (3) The suitability of the size and location of the carport
  - (4) The materials to be used in construction of the carport
- (c) Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.
- (d) If the Zoning Board of Adjustmnet Grants a special exception as provided in this section, the site plan and the minutes of the Zoning Board of Adjustment meeting shall be officially recorded with Hidalgo County.
- (e) Any special exception granted under this chapter is granted solely to the applicant and may not be transferred, sold, inherited, bequeathed, or devised.
- (f) A new special exception shall be required upon any change or transfer in ownership of the underlying tract; a special exception granted to a previous applicant does not confer any right to any other individual or corporation to maintain the carport without approval from the Zoning Board of Adjustment.

**SECTION II:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

**SECTION III:** The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 38, Article VI, Division 3, the McAllen Code of Ordinances, as amended by Section I, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

**SECTION IV:** This Ordinance shall be and remain in full force and effect from and

after its passage by the Board of Commissioners, and execution by the Mayor.

**SECTION V:** If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to that extent this Ordinance is considered severable.

**CONSIDERED, PASSED and APPROVED** this 8<sup>th</sup> day of October, 2018, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

**SIGNED** this 9<sup>th</sup> day October, 2018.

**CITY OF McALLEN**

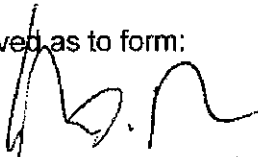
John Ingram, City Commissioner

Attest:



Perla Lara, TRMC/CMC, CPM  
City Secretary

Approved as to form:



Austin W. Stevenson, Assistant City Attorney





## 2021 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

	01/06/21	01/20/21	02/03/21	02/17/21	03/03/21	03/17/21	04/07/21	04/21/21	05/05/21	05/19/21	06/02/21	06/17/21	07/07/21	07/21/21	08/04/21	08/18/21	09/01/21	09/15/21	10/06/21	10/20/21	11/03/21	11/17/21	12/01/21	
ERICK DIAZ- <b>CHAIRPERSON</b>	P	P	P	P	P	P	A	P	A	P	P	P	P	P	P	P	A	P	P	P				
JOHN MILLIN- <b>VICECHAIRPERSON</b>	P	A	P	P	P	P	P	P	P	P	A	P	P	A	P	A	P	P	P	A				
SYLVIA HINOJOSA	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P				
JOSE GUTIERREZ	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
JUAN F. JIMENEZ	P	A	P	P	P	A	P	P	P	P	A	A	P	A	P	A	A	A	A	A				
ANN TAFEL (ALT 1)	P	P	P	P	P	P	P	P	P	A	A	P	P	P	P	P	P	P	P	P				
HUGO AVILA (ALT 2)	P	P	P	P	P	A	P	P	P	A	P	P	A	P	P	P	P	P	P	P				
REBECCA MILLAN (ALT 3)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
ROGELIO RODRIGUEZ (ALT 4)	A	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	A	A	A				

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



## 2021 CALENDAR

### Meetings:

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

HPC - Historic Preservation Council

### Deadlines:

D- Zoning/CUP Application N - Public Notification

\* Holiday - Office is closed

### JANUARY 2021

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

### FEBRUARY 2021

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

### MARCH 2021

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

### APRIL 2021

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

### MAY 2021

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

### JUNE 2021

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

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.



# PLANNING DEPARTMENT

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



## 2021 CALENDAR

### Meetings:





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

### Deadlines:





- D- Zoning/CUP Application
- N - Public Notification

\* **Holiday** - Office is closed





### JULY 2021

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




### AUGUST 2021

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





### SEPTEMBER 2021

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



### OCTOBER 2021

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

### NOVEMBER 2021

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

### DECEMBER 2021

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

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