

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, NOVEMBER 5, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

- a) Minutes for the meeting held on October 8, 2025
- b) Minutes for the meeting held on October 22, 2025

2. PUBLIC HEARINGS:

- a) Request of Cindy Lou Reyes for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 13 feet into the 25-foot rear yard setback for an existing porch at Lot 50, Taylor Crossing Subdivision, Hidalgo County, Texas; 6109 North 51st Street. **(ZBA2025-0055)**
- b) Request of Olga Santillana for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25-foot front yard setback for an existing carport at Lot 45, Plantation Gap Subdivision, Hidalgo County, Texas; 4505 Toucan Avenue. **(ZBA2025-0046)**
- c) Request of Raquel Espinoza for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed carport at Lot 55, Montebello Unit No. 2 Subdivision, Hidalgo County, Texas; 1804 North 32nd Street. **(ZBA2025-0054)**
- d) Request of Raul Mendoza for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback and 3 feet into the side yard setback for an existing carport at Lot 26, Kerria Crossing Subdivision, Hidalgo County, Texas; 3603 North 41st Lane. **(ZBA2025-0051)**
- e) Request of Monica Rodriguez for a Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10-foot rear yard setback for an existing garage at Lot 11, Thomas Terrace Subdivision, Hidalgo County, Texas; 409 Redwood Avenue. **(ZBA2025-0052)**

3. FUTURE AGENDA ITEMS

- a) 1921 North 31st Street
- b) 201 Dallas Avenue
- c) 7316 North 22nd Street
- d) 3900 South "M" Street
- e) 4120 Pecan Boulevard

ADJOURNMENT:

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

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 8, 2025 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram Gutierrez	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Erick Diaz	Alternate

Absent:	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Alex Lamela	Alternate

Staff Present:	Martin Canales	Assistant City Attorney III
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Nicolas Lopez	Planner II
	Samantha Trevino	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for the meeting held on September 25, 2025

The minutes for the meeting held on September 25, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Juan Mujica seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a) Request of Jose Arturo and Maria A. Garza for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 17 feet into the 25-foot front yard setback for an existing carport at Lot 157, Lincoln Terrace Ut. No. 5 Subdivision, Hidalgo County, Texas; 2601 Vine Avenue. **(ZBA2025-0044)**

Ms. Trevino stated the applicant was requesting a special exception to allow an encroachment of 17 feet into the 25-foot front yard setback for an existing carport used that is used for the protection of the applicant's husband who is disabled from the weather elements.

The subject property is located along the south side of Vine Avenue and is zone R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 in all directions.

Lincoln Terrace was recorded October 8, 1971. The subdivision plat indicated a front yard setback requirement of 25 feet. A notice of violation was issued on August 2, 2025 for

construction of a carport without a permit. A Building permit was submitted August 13, 2025, which was rejected by the Planning Department due to the front yard setback encroachment. A special exception application was submitted August 18, 2025.

The applicant is requesting a special exception for an existing carport that is used to protect her husband who is disabled from the weather elements.

Measurements are provided with the benefit of a survey.

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

Staff recommended disapproval of the special exception request.

Staff mentioned there two other carports in the area. One came before the Board previously and the other was unlawfully built.

Maria A. Garza, 2601 Vine Avenue. She had it built for her disabled husband who recently passed away. She stated he had been wanting a carport and was informed he had to apply and come to a meeting. At that time, he decided not to go through with it. She then noticed more carports going up in the area.

Board member Mujica asked staff if it possible to get a permit without going through this process. Staff stated the applicant has a building permit, which is active.

Board member Diaz asked staff if it met the 400 square footage requirement. Staff stated yes.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Erick Diaz **moved** to go against staff's recommendation and approve the Special Exception. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b)** Request of Luz M. Marines for the following Special Exception to the City of McAllen Zoning Ordinance: To not provide one required parking space beyond the front yard setback at Lot 87, Los Encinos III Subdivision, Hidalgo County, Texas; 2800 Ursula Avenue. **(ZBA2025-0047)**

Mr. Lopez stated the applicant as requesting a special exemption to not provide the required parking at the subject property to enclose the existing garage.

The subject property is located on the north side of Ursula Avenue and is zoned R-1 (Single-Family Residential-UDC) District. The adjacent zoning is R-1(UDC) District in all directions.

Los Encinos III Subdivision was recorded on October 3, 2006. A single-family residential home was built on the property in 2007. The client applied for a garage enclosure on August 8, 2025. The building permit was disapproved by staff since one off-street parking is required per

Section §138-397 (a) of the Zoning Ordinance. In 2021, there was an approved garage enclosure, adjacent to this property.

This request is to not provide the required one parking space beyond the front yard setback. The proposed garage enclosure will eliminate the existing parking space beyond the front yard setback as required by Section 138-397(a) of the Zoning Ordinance, no alley was dedicated by Los Encinos III Subdivision. The existing driveway on the subject property will still accommodate two off-street parking spaces required for the existing residence.

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

Staff recommended disapproval of the special exception request.

Board member Diaz asked staff how much it was encroaching into the front yard setback. Staff stated the encroachment was only for structures so the cars could park on the driveway. In addition, the next-door neighbor went through the same process and they enclosed the garage as well.

Mr. Sotelo, Planning Director stated this was for Life of Use. This Special Exception was for a garage enclosure that was the original Special Exception.

Carlos Marines, 2800 Ursula Avenue. He stated he had to build the carport for necessities. After his father passed away, he had to take responsibility to take care of his siblings who have medical conditions and they could not be left alone in their apartment. He was not aware of obtaining a permit.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Juan Mujica **moved** to go against staff's recommendation and approve the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- c) Request of Marc Millis on behalf of Sunshine Vintage on Main LLC, for a Special Exception to The City of McAllen off-street parking and Loading ordinance to not provide the required parking for a proposed coffee shop and existing photography studio, at Lot 1, Block 37, North McAllen Subdivision, Hidalgo County, Texas 321 North Main Street. **(ZBA2025-0050)**

Mr. Lopez stated the applicant was requesting a special exception to not provide the required parking at the subject property.

The subject property was located at the southwest corner of North Main Street and Date Palm Avenue, and is zoned C-3 (General Business-OC) District. The Adjacent zoning is C-3(OC) District to the North, East, and South and C-1 (office building-OC) District to the West.

A Special Exception for this property was approved on July 7, 2022, allowing an antique store and a photographic studio to operate while providing 5 parking spaces instead of 11 required

spaces. On September 5, 2025,

The applicant submitted a new Special Exception request to provide 5 parking spaces instead of the required 17 parking for the existing photographic studio and a proposed coffee shop, The coffee shop replacing the former antique store will resulting in a deficiency of 12 parking spaces. Section 138-398(a) of the Zoning Ordinance requires one parking space for each 100 square feet of floor area, for restaurants and cafés.

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

Staff recommended disapproval of the special exception request.

Board member Mujica asked staff if there were any complaints from the residence nearby or adjacent to this property about the parking situation. Staff stated there was none.

Mr. Marc Millis, 1305 Jasmine Avenue, McAllen. He and his wife reside in the northern Main Street corridor and have renovated several properties along that corridor including Southern Roots, Bare Fitness and many other properties. He stated they purchased this property three years ago and did a full renovation. This was boarding house with 21 different units with community bathrooms and kitchens so significant reduction in parking potential for it. He calculated usable square footage for patrons to be at 640 square feet. Two equals 5 parking spaces 1000 square feet divide the building for the new UDC. They have three designated spaces for the front building and the back building was the same as it was three years ago. A photography appointment only had two designated spaces. The City designated spaces along Main Street with 18 spaces on the east and west sides of Main Street, one block north there was 18 spaces, one block south of Date Palm Avenue and parking along Date Palm Avenue on both sides east and west.

Board member Mujica asked Mr. Millis if he considered discussing with his neighbors with an empty lot south of it. Mr. Millis stated he sent out three notices out to three adjacent property owners. He has tried multiple times to those owners but yet to receive a response.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Erick Diaz **moved** to go against staff's recommendation and approve the Special Exception for the parking requirements. Mr. Hiram Gutierrez seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- d) Request of Jorge Alfaro for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 15-foot side yard setback and Drainage Easement for an existing carport measuring 52 feet by 15 feet at Lot 19, Auburn Estates Subdivision, Hidalgo County, Texas; 7608 North 26th Court. (ZBA2025-0042) (TABLED: 09/25/2025)**

Mr. Erick Diaz made a motion to remove the item from the table. Mr. Juan Mujica seconded the motion. The Board voted unanimously with five members present and voting.

Ms. Trevino stated the applicant reached to the Engineering Department and was fine with the structure. Staff was currently working with the Legal Department on a license agreement. Should the Board chooses to approve it would be subject to the license agreement.

Ms. Trevino stated the applicant was requesting a special exception to allow an encroachment of 15 feet into the 15 feet front yard setback for an existing carport that will be used for protection of the applicants personal and work vehicles.

The subject property is located along the west side of North 26th Street and is Zoned R-1 (Single-Family Residential-OC) District. The Adjacent zoning is R-1 (Single-Family Residential-OC) District to the north, west and south and A-O (Agricultural and Open Space-OC) District to the east.

Auburn Estates Subdivision was recorded March 31, 2006. The subdivision plat indicates a side yard setback requirement of 15 feet, which is also a utility easement. A stop work order was issued February 28, 2025 for building a carport without a permit. A Building permit was submitted April 21, 2025 and rejected due to the encroachment on the 15-foot side yard setback and utility easement. An application for a Special Exception was submitted August 8, 2025.

The applicant was requesting a special exception to allow an encroachment of 15 feet into the 15 feet front yard setback for an existing carport that will be used for protection of the applicants personal and work vehicles. The carport does exceed the maximum requirement of 400 square feet for a carport as required per Section 138-371 (g). According to the applicant, the Engineering Department agreed for the property owner to disassemble the carport for the City if they needed access to the easement.

Measurements provided are without benefit of a survey.

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

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

Staff recommended disapproval of the special exception request.

Chairperson Gutierrez stated that he was against the conditioning approval. Mr. Sotelo stated one has to get a license agreement before issuing out a permit and it would take some time.

After discussion, the Board adjourned to Executive Session.

Mr. Juan Mujica made a motion to adjourn to Executive Session. Mr. Erick Diaz seconded the motion. The Board voted unanimously with five members present and voting.

The Board reconvened from Executive Session.

Following discussion, Mr. Juan Mujica **moved** to approve the Special Exception to allow an encroachment of 15 feet into the 15-foot side yard setback in easement range that does not exceed 400 square feet in accordance with the City ordinance. Mr. Erick Diaz seconded the

motion. The Board voted to approve the Special Exception with four members voting aye and one nay, Chairperson Jose Gutierrez.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

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 22, 2025 at 4:31 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	Jose Gutierrez	Chairperson
	Hiram Gutierrez	Member
	Ivan Garcia	Member
	Juan Mujica	Alternate
	Erick Diaz	Alternate

Absent:	Hugo Avila	Vice-Chairperson
	Daniel Santos	Member
	Alex Lamela	Alternate

Staff Present:	Martin Canales	Assistant City Attorney III
	Omar Sotelo	Planning Director
	Kaveh Forghanparast	Senior Planner
	Nicolas Lopez	Planner II
	Samantha Trevino	Planner I
	Jessica Puga	Technician II
	Carmen White	Administrative Assistant

CALL TO ORDER –Chairperson Jose Gutierrez

1. MINUTES:

- a) Minutes for October 8, 2025 will be on the next meeting of November 5, 2025.

2. PUBLIC HEARINGS:

- a) Request of Cecilia Orta for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 11 feet into the 25-foot front yard setback for a proposed carport at Lot 4, Kendlewood Heights Subdivision, Hidalgo County, Texas; 1205 North 22nd ½ Street East. **(ZBA2025-0048)**

Mr. Lopez stated the applicant is requesting a special exception to allow an encroachment of 11 feet into the 25-foot front yard setback for a proposed metal carport used for protection of their vehicles from inclement weather.

The subject property is located on the west side of North 22nd ½ Street. The property is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District in all directions.

Kendlewood Heights Subdivision was officially recorded on August 9, 1950. A building permit for the existing metal carport was submitted on August 22, 2025, which was rejected by Planning due to the encroachment. A special exception request was submitted on September 5, 2025.

The applicant was requesting the special exception for the carport that will be used for the protection of their vehicles since they do not have an existing garage.

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

Staff recommended disapproval of the special exception request.

Ms. Irma Rodriguez, mother of applicant Cecelia Orta, 1205 North 22nd 1/2 Street. She stated she wanted a carport for shade and protection of her vehicle.

Board member Lamela asked the applicant if she had a garage. Ms. Orta stated no.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Alex Lamela **moved** to so go against staff's recommendation and approve the Special Exception. Mr. Ivan Garcia seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

- b)** Request of Kandi M. Garza for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16.25 feet into the 25-foot front yard setback for a proposed carport at Lot 2, Block 1, Happe Homes Subdivision, Hidalgo County, Texas; 614 North 6th Street. **(ZBA2025-0049)**

Mr. Lopez stated the applicant was requesting a special exception to allow an encroachment of 16.75 feet into the 25-foot front yard setback for an existing metal carport used for protection of their vehicles from inclement weather.

The subject property was located on the east side of north 6th Street and is zoned R-1 (Single-Family Residential-OC) District in all directions.

Happe Homes Subdivision was officially recorded on March 8, 1946. A building permit for the existing metal carport has not been submitted. A special exception request for a proposed metal carport was submitted on September 5, 2025.

The applicant is requesting the special exception for an existing metal carport. The applicant states the structure provides necessary shade and protection from extreme weather conditions for their vehicles and to keep the house cooler during the hot summer months.

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

Staff recommended disapproval of the special exception request

Board member Lamela asked staff if this house had a garage. Staff stated no.

Ms. Kandi Garza, 614 North 6th Street. She stated she did not have a garage. The sun beams into the house gets very hot and to keep her vehicles cooler.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Ivan Garcia moved to go against staff's recommendation and approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with four members voting aye.

- c) Request of Jaime J. Guerra for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 foot side yard setback for an existing carport at Lot 38, Country Place Subdivision Unit 1, Hidalgo County, Texas; 208 Jay Avenue. **(ZBA2025-0053)**

Mr. Lopez stated the applicant was requesting a special exception to allow an encroachment of 10 feet into the 10-foot side yard setback for an existing carport used that is used for the protection of the applicant's boat, trailer and vehicles from the weather elements.

The subject property is located along the south side of East Jay Avenue and is zone R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 in all directions.

The Country Place UT 1 was recorded February 9, 1982. A Building permit was submitted August 20, 2025, which was rejected by the Planning Department due to the side yard setback encroachment. A special exception application was submitted September 15, 2025.

The applicant is requesting a special exception for an existing carport that is for the protection of the applicant's boat, trailer and vehicles from the weather elements. The applicant stated that the carport has been in existence for a little over 40 years and he is just remodeling the roof. The applicant is willing to cut the carport back to meet the 400 square foot maximum.

Measurements are provided without the benefit of a survey.

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

Staff recommends disapproval of the special exception request.

Mr. Jaime Guerra, 208 East Jay Avenue. He stated when the subdivision was first built the Home Owners Association would not allow carports. The area was done by the builder a while back with a concrete pad. The same builder put the fence in three years afterwards. He was not aware of the Code Ordinance. Mr. Guerra went to the City to obtain a permit to see if he could put a metal roof. He stated a City inspector came by and informed him that he could build a carport but could not be attached to the house. He stated the inspector informed he could not have a solid roof. Mr. Guerra asked him if could have slats like a patio. The inspector said that was fine as long as they are not together which he has had for 40 years.

Chairperson Gutierrez asked staff if the 6 feet encroachment goes to the limit of the property. Mrs. Guerra stated yes, had a survey as well, and not go over the property line.

Board member Diaz asked the applicant if he wanted to cover the carport. Mr. Guerra stated yes. He wanted to change the slats and make it a solid roof. Mr. Diaz mentioned to the applicant that the Board allows only a 400 square footage. Mr. Guerra was informed it could go 10 feet wide and 40 feet in length. He stated he didn't have any complaints from the neighbors.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition of the Special Exception. There was no one to speak in opposition of the Special Exception.

Following discussion, Mr. Hiram Gutierrez **moved** to go against staff's recommendation and approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

ADJOURNMENT

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

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Memo

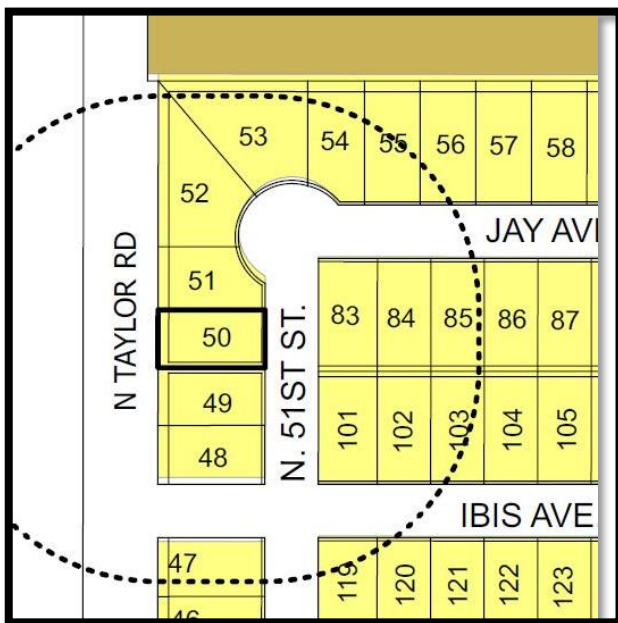
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF CINDY LOU REYES FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 13 FEET INTO THE 25 FOOT REAR YARD SETBACK FOR AN EXISTING PORCH AT LOT 50, TAYLOR CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 6109 NORTH 51ST STREET. (ZBA2025-0055)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 13 feet into the 25 foot rear yard setback for an existing porch that is used for family gatherings and for the safety of their special needs child.



PROPERTY LOCATION AND VICINITY: The subject property is located along the west side of North 51st Street and is zone R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: Taylor Crossing Subdivision was recorded January 6, 2010. The first stop work order was issued 06.28.22. A Building permit was submitted July 29, 2022, which was rejected by the Planning Department due to the rear yard setback encroachment. A special exception application was submitted October 6, 2025.

ANALYSIS: The applicant is requesting a variance to allow the encroachment of the patio in the rear of the property that is used for family gatherings and the protection of their special needs son. The applicant is willing to cut the carport back to meet the rear setback required by the city and for the patio to clear the 10 foot utility easement.

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

RECOMMENDATION: Staff recommends approval of the variance request.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2025-0055 ZBOA Meeting: 11/5/25
Accepted By: PH

PROJECT

Legal Description

Taylor Crossing Lot 50

Subdivision Name

Taylor Crossings

Street Address

6109 North 51st McAllen TX. 78504

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residence

Reason for Appeal (please use other side if necessary)

Variance To encroach
13' into the 25' rear yard setback for an existing metal porch
(28.75 x 15')

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

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

APPLICANT

Name

Cindy Lou Reyes

Phone

956-530-2307

Address

6109 N. 51st

E-mail

Cindylreyes82@yahoo.com

City

McAllen

State

TX

Zip

78504

OWNER

Name

Cindy Lou Reyes

Phone

956-530-2307

Address

6109 N. 51st

E-mail

Cindylreyes82@yahoo.com

City

McAllen

State

TX

Zip

78504

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

Cindy Lou Reyes

Date

Print Name

Cindy Lou Reyes

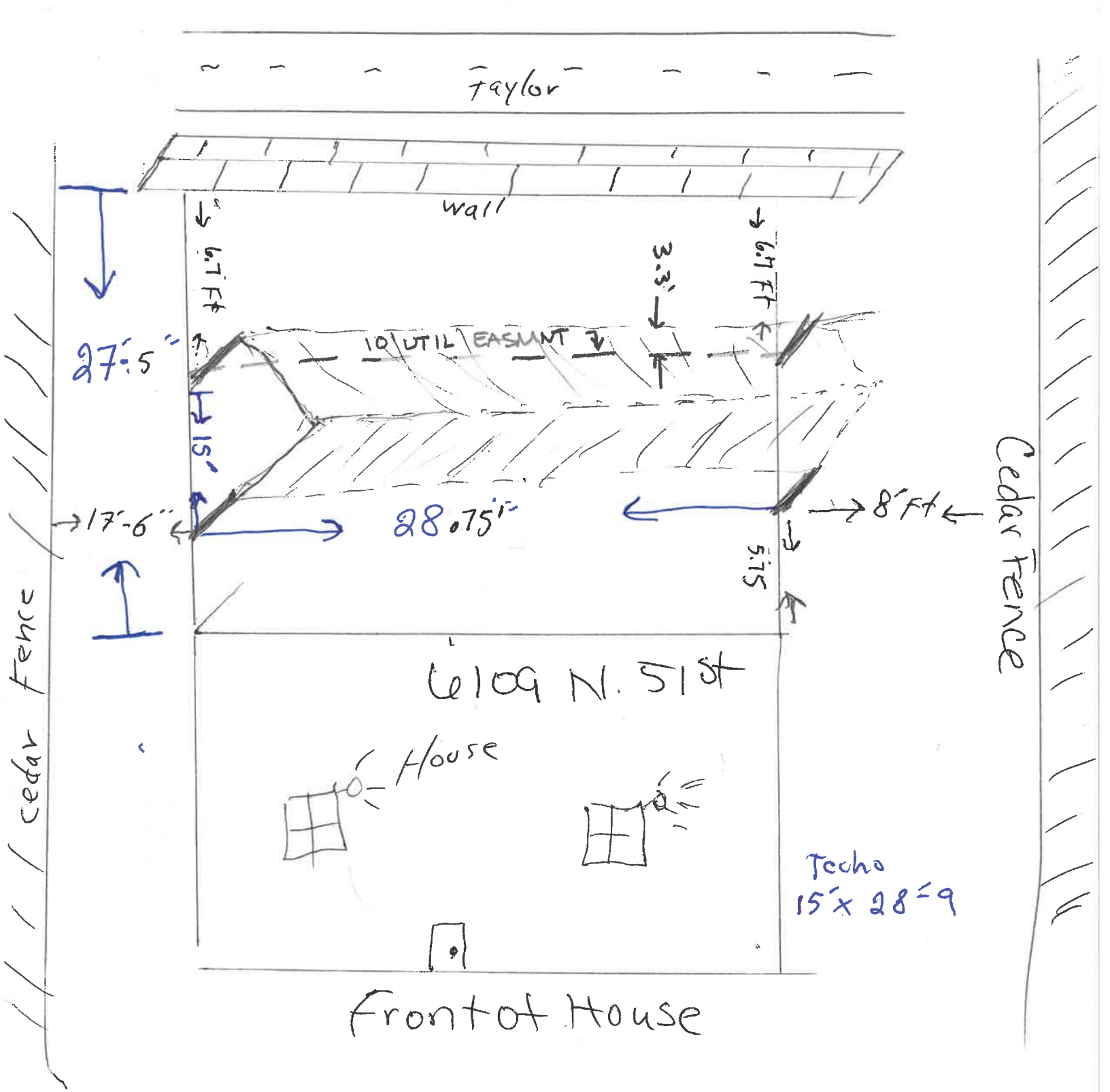
☒ Owner

☐ Authorized Agent

OCT 06 2025

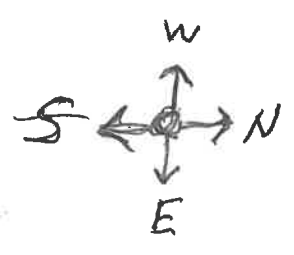
BY:

CW



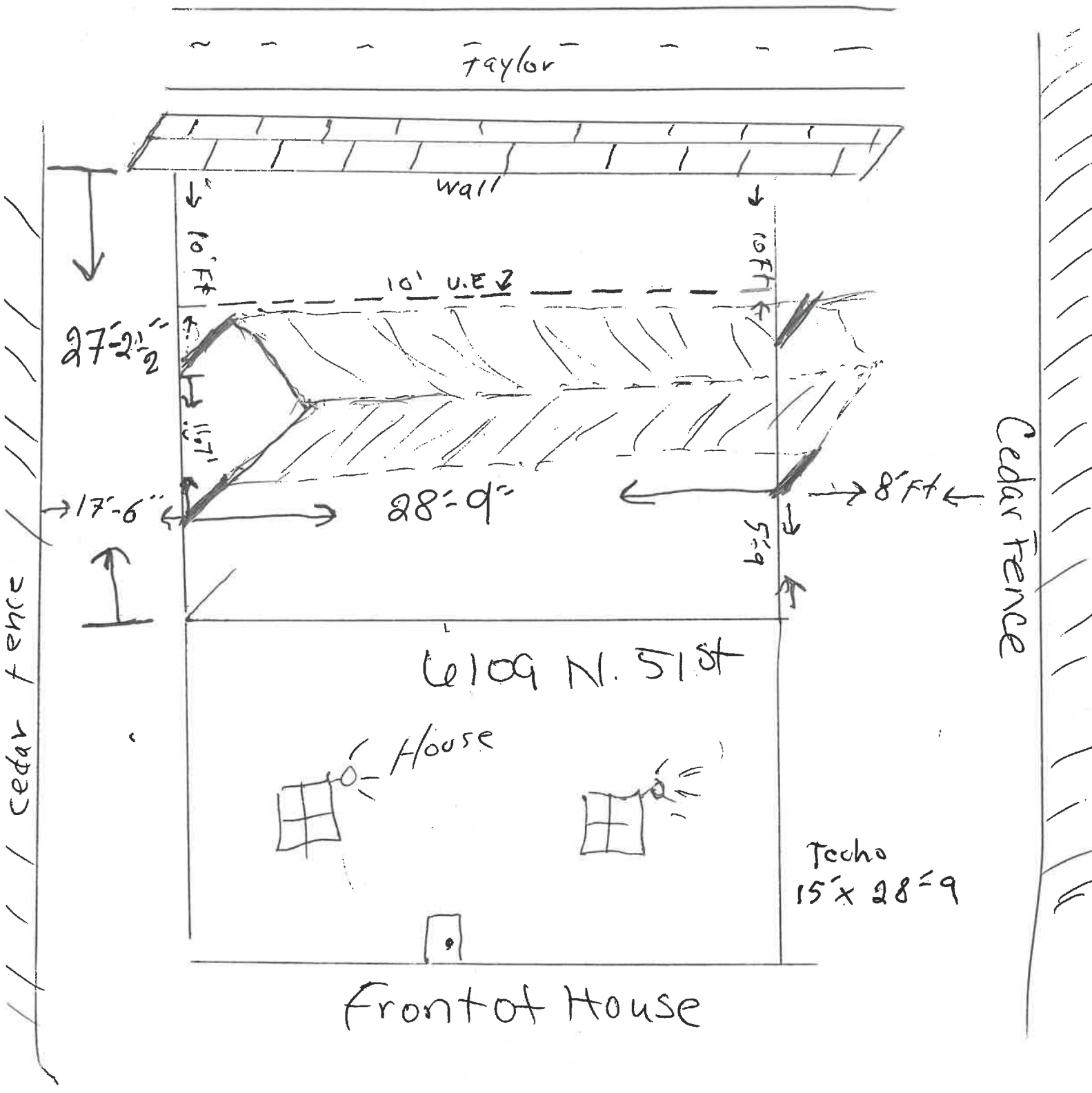
Existing

51st



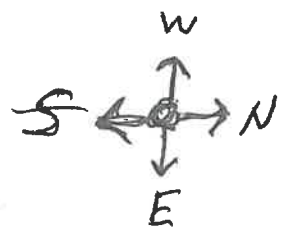
OCT 06 2025

BY: CW



PROPOSED

51st



OCT 06 2025

BY: CW



ZBA2025-0055
NOTICE
VARIANCE
FOR THIS
PROPERTY

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

Memo

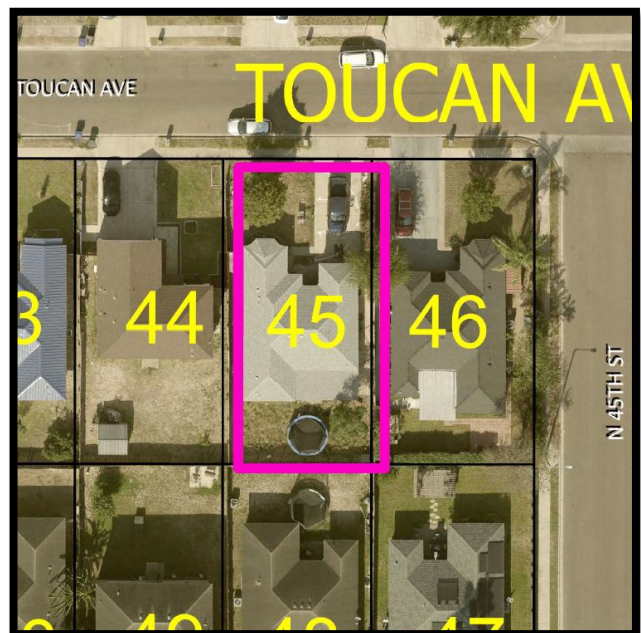
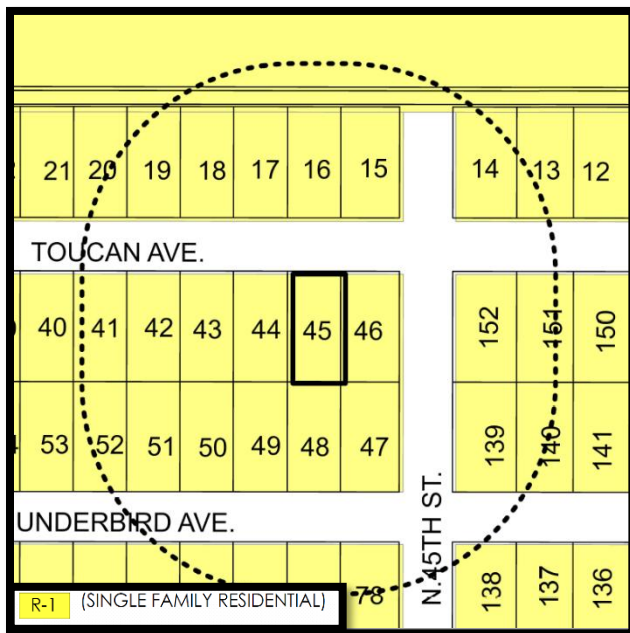
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF OLGA SANTILLANA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 25 FOOT FRONT YARD SETBACK FOR AN EXISTING CARPORT AT LOT 45, PLANTATION GAP SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS; 4505 TOUCAN AVENUE. (ZBA2025-0046)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 25 foot front yard setback for an existing metal carport.



PROPERTY LOCATION AND VICINITY: The subject property is located at the south side of Toucan Avenue, east of north 45th Street. The subject property has an area of 5,149 square feet. The property is zoned R-1 (Single Family Residential-OC) District. The adjacent zoning is R-1 (Single Family Residential-OC) District in all directions.

BACKGROUND AND HISTORY: Plantation Gap Subdivision Phase I was recorded on December 6, 2004. The subdivision plat indicates a front yard setback requirement of 25 feet. A Stop Work Order was issued on July 19, 2025, for the existing carport, which was constructed without the required building permit. An application for a building permit for the existing metal carport was submitted on July 29, 2025, which was rejected by Planning Department due to the encroachment into the front and side yard setback. A citation was issued for the existing carport on July 31, 2025, due to the continued violation. A special exception request for the existing metal carport was submitted on August 19, 2025.

ANALYSIS: The applicant is requesting the special exception for an existing metal carport measuring 20 feet x 25 feet with a total of 500 square feet which exceeds the 400 square foot size allowed by ordinance and encroaches into the front and side yard setbacks. The applicant is proposing to reduce the size of the carport to 14 feet x 25 feet for a total of 350 square feet to comply with the 400-square-foot maximum requirement and eliminate the encroachment into the side setback. Applicant states the structure provides necessary shade and protection for her son, who has health issues, while practicing sports.

There have been five other carports approved in this subdivision by the Zoning Board of Adjustments since 2023.

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

RECOMMENDATION: Staff recommends approval of the special exception, since the request conforms with the existing neighborhood characteristics.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number 2BA2025-0046 ZBOA Meeting: 10/8/25
Accepted By: Nick Lopez

PROJECT

Legal Description

Plantation GAP PH 1 Lot #45

Subdivision Name

Plantation GAP PH 1

Street Address

4505 Toucan Ave McAllen TX 78504

Number of lots

1

Gross acres

5.149.00 SQ FT

Existing Zoning

R1

Existing Land Use

R1

Reason for Appeal (please use other side if necessary)

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

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

APPLICANT

Name

Olga Santillan

Phone

956-685-7522

Address

4505 Toucan Ave

E-mail

olga32@gmail.com

City

McAllen

State

TX

Zip

78504

OWNER

Name

SAME

Phone

Address

E-mail

City

State

Zip

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes

☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization

Signature

[Signature]

Date

Print Name

Olga Santillan

☒ Owner

☐ Authorized Agent

AUG 19 2025

BY: CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

I need the curport to protect my son's health & sports future skills.

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

My son Edwin 11 years old has a heart murmur & protecting him from the sun is allowing him to practice basket ball for his traveling team. My son Diego has ADHD & OCD he does random things & he goes outside to play & gets distracted.

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:

Having the curport does not bother or harms anybody in the neighborhood

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

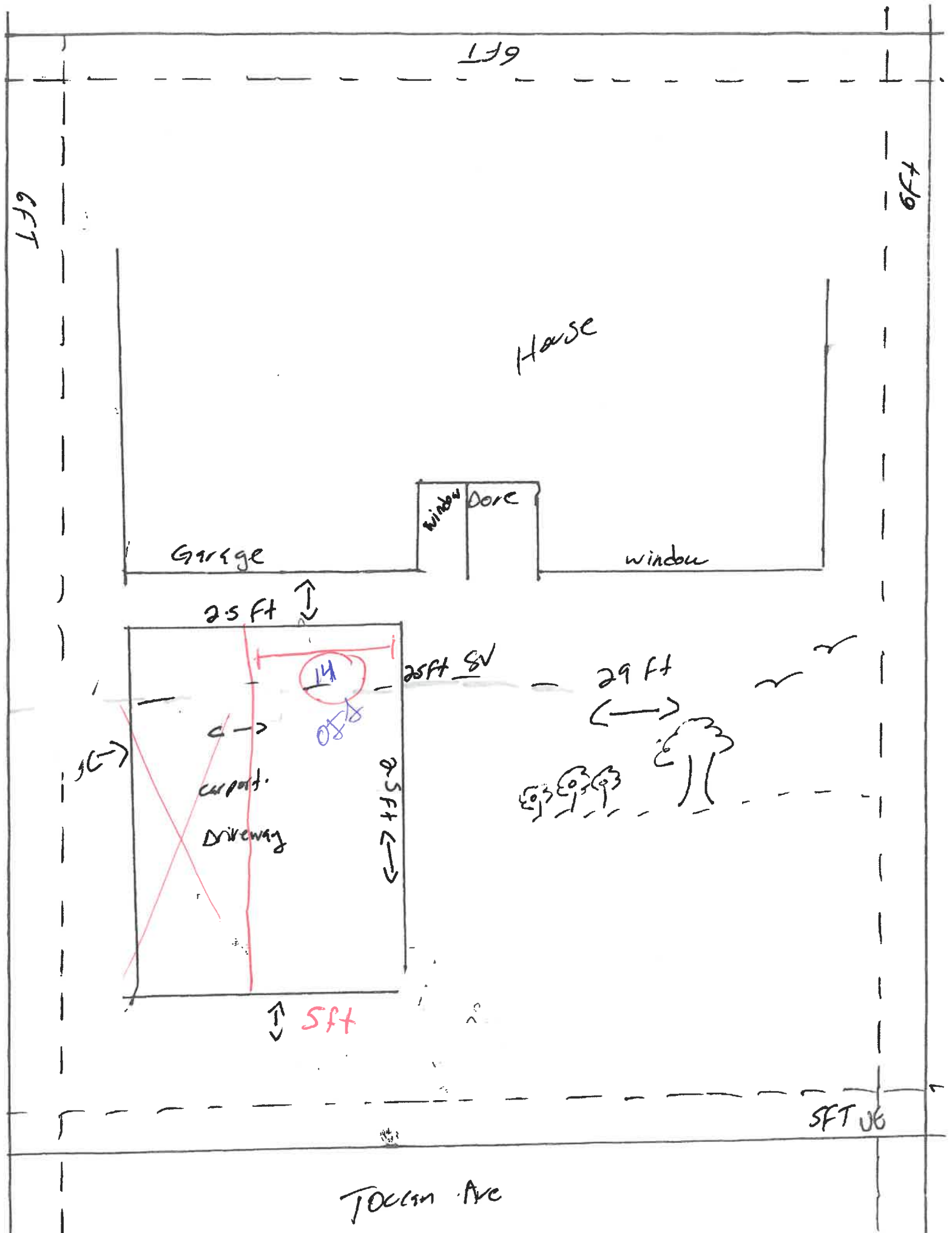
Do to the house sght measurements we have no more space for the curport do to measurements regulations we only have the driveway space that we use for good.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date





**ZBA2025-0046
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY**



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Memo

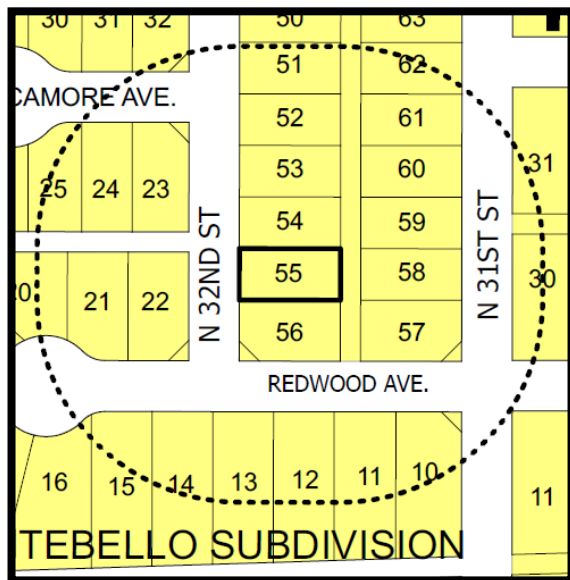
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF RAQUEL ESPINOZA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT AT LOT 55, MONTEBELLO UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1804 NORTH 32ND STREET. (ZBA2025-0054)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback for a proposed carport.



PROPERTY LOCATION AND VICINITY: The subject property is located on the east side of North 32nd Street north of Redwood Avenue and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: Montebello Subdivision Unit No. 2 was officially recorded on August 21, 1978. A building permit for the proposed carport was submitted on September 22, 2025 which was rejected pending a special exception approval. A special exception request was submitted on October 2, 2025.

ANALYSIS: The applicant is requesting a special exception to install a carport due to the lack of a garage on their home. The proposed structure would provide protection for vehicles from hail, sun exposure, and other weather related damage. Additionally, the carport would facilitate safer and more convenient access for a handicapped member of the household, particularly during inclement weather.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.



City of McAllen

McAllen, TX 78501
311 North 15th Street

P. O. Box 220

McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Planning Department
APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: ZBA2025-0054 ZBOA Meeting: 11.5.25
Accepted By: [Signature]

PROJECT

Legal Description Lot 55 Montebello Ut No 2 Subdivision
Subdivision Name Montebello Sub.
Street Address 1804 W. 32nd St.
Number of lots 55 Gross acres _____
Existing Zoning R1 Existing Land Use Residential / Home
Reason for Appeal (please use other side if necessary) proposing carport to encroach 20 ft into the 20 foot front yard setback.
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)
☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required

APPLICANT

Name Raquel Espinoza Phone 956 496-8902
Address 1804 W. 32nd E-mail espinozaraguel455@gmail.com
City McAllen State TX Zip 78501

OWNER

Name Raquel Espinoza Phone 956 496-8902
Address 1804 W. 32nd St. E-mail _____
City McAllen State TX Zip 78501

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization

Signature Raquel Espinoza Date 10-1-25 [Signature]
Print Name Raquel Espinoza ☒ Owner ☐ Authorized Agent

OCT 01 2025



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: *Reason is the*

hailstorms to protect & family members is handicap (car)

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

to build a carport to protect car & family in case of hailstorm & sun damaging the vehicle & to protect from rain & thunderstorm out to vehicle.

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:

I am not bothering anyone because a couple of neighbors have carports

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

I do not have ~~garage~~ ^{garage} ~~garage~~

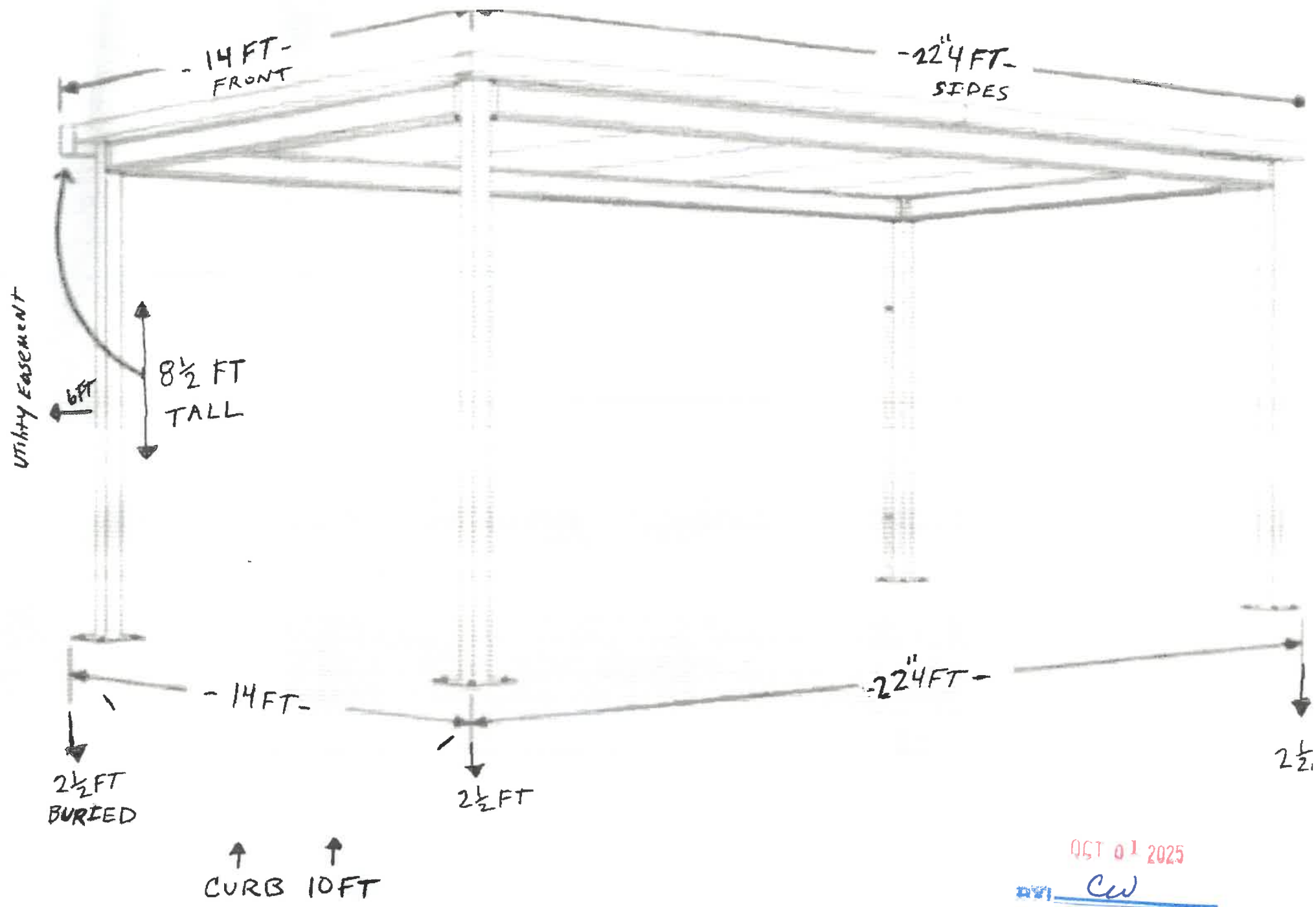
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

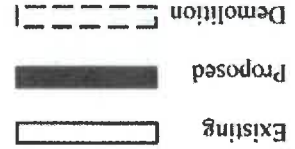
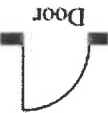
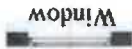
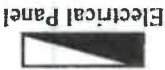
Date

804 NORTH 32ND ST



OCT 01 2025

CW



Wall Legend:

Symbol Legend:

BACK

Utility Easement

STORAGE

32' REAR YARD SETBACK

ELECTRICAL SERVICE

side yard setback

1-STORY RESIDENCE

7'

8'

CARPORT

5'

22 1/4 FT Sides
14 FT Front
18 1/2 FT Tall

DRIVEWAY

DRIVEWAY

2 1/2' buried

35'



Public Sidewalk

OCT 01 2025

CW

BY:

FRONT 1804 NORTH 32ND ST WPKS



ZBA2025-0054
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY



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

Memo

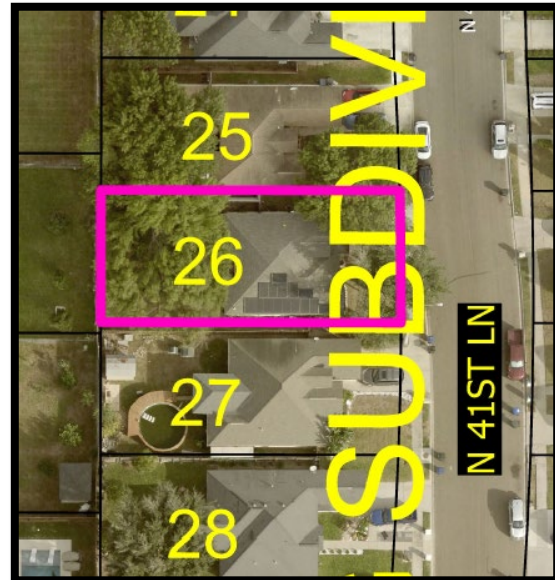
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF RAUL MENDOZA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FOOT FRONT YARD SETBACK AND 3 FEET INTO THE SIDE YARD SETBACK FOR AN EXISTING CARPORT AT LOT 26, KERRIA CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 3603 NORTH 41ST LANE. (ZBA2025-0051)

REASON FOR APPEAL: The applicant is requesting a special exception to allow an encroachment of 20 feet into the 20-foot front yard setback and 3 feet into the side yard setback for an existing carport.



PROPERTY LOCATION AND VICINITY: The subject property is located on the west side along North 41st Lane south of Kerria Avenue and is zoned R-1 (Single Family Residential-OC) District.

BACKGROUND AND HISTORY: Kerria Crossing Subdivision was officially recorded on July 28, 1999. A Stop Work Order was issued on February 21, 2025, for the construction of the carport without a building permit. A citation was issued on July 7, 2025, due to the continued violation. A building permit for the carport was submitted on October 15, 2024 which was rejected by Planning due to the encroachment. An Abandonment request for the 10 foot Utility Easement was submitted on February 25, 2025 and is pending approval. Utilities has tentatively approved the encroaching agreement pending the meeting's conclusion. A special exception request for the existing metal carport was submitted on September 12, 2025.

A request for an encroachment agreement was submitted to the Wastewater Department, which responded indicating no objection to the agreement.

ANALYSIS: The applicant is requesting the special exception to allow the encroachment of the metal carport in the front of the property.

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

RECOMMENDATION: Staff recommends disapproval of the special exception request.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0051 ZBOA Meeting: 10/22/25
Accepted By: P.H.

PROJECT

Legal Description Kerria Crossing Subdivision Lot 26

Subdivision Name Kerria Crossing Subdivision

Street Address 3603 N 41st Lane

Number of lots _____ Gross acres _____

Existing Zoning R-1 Existing Land Use Residence

Reason for Appeal (please use other side if necessary) Encroaching 20 ft into front yard setback & 3 feet into side yard setback for a existing carport.

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

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

APPLICANT

Name Paul Mendoza Jr Phone (956) 599-5842

Address 3603 N 41st Lane E-mail Paul.Mendoza332@yahoo.com

City McAllen State TX Zip 78501

OWNER

Name Paul Mendoza Jr Phone (956) 599-5842

Address 3603 N 41st Lane E-mail _____

City McAllen State TX Zip 78501

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Paul Mendoza Jr

Date 9-12-25

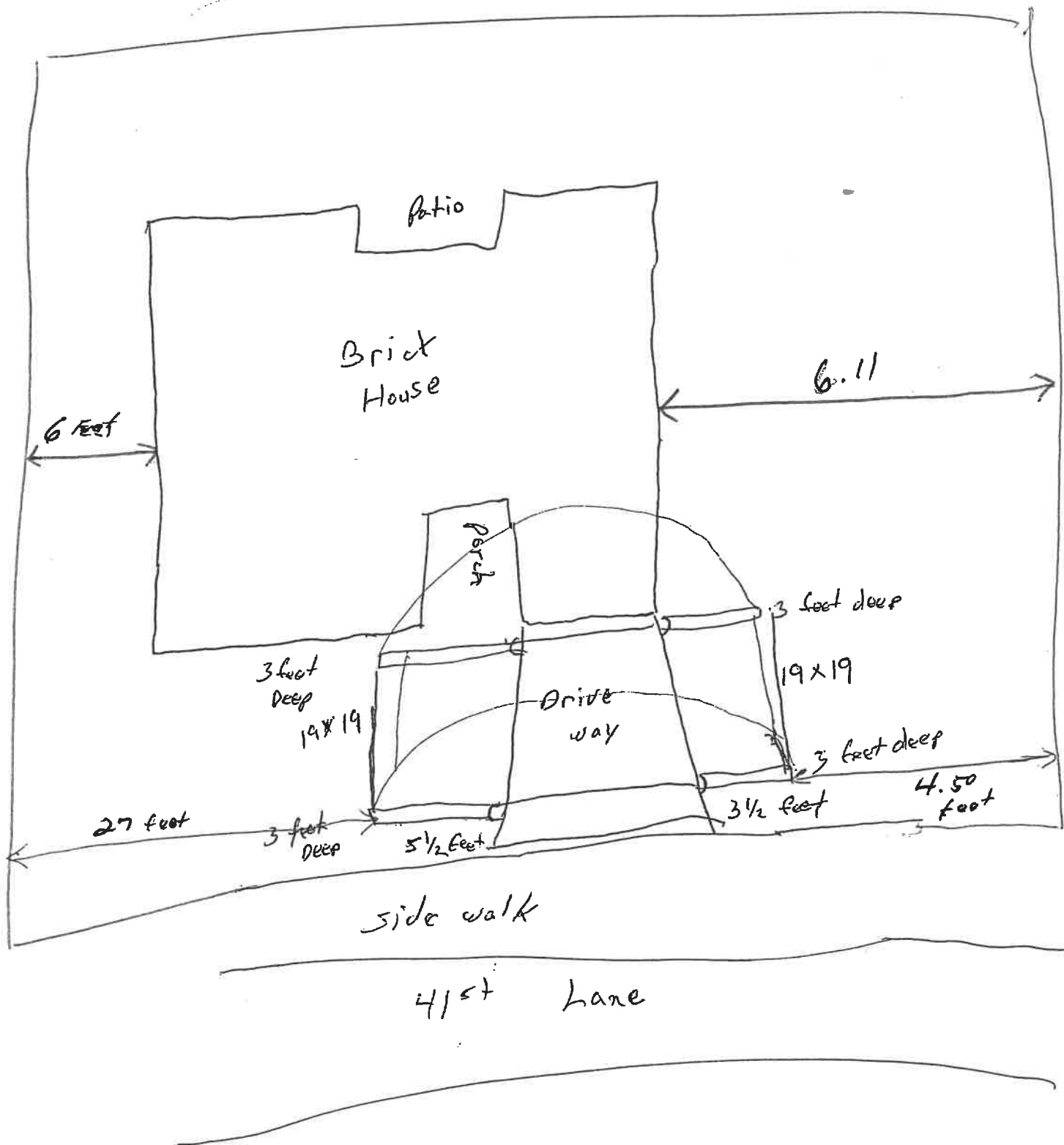
Print Name Paul Mendoza Jr

☒ Owner

☐ Authorized Agent

SEP 12 2025

BY: cu



41st Lane



ZBA2025-0051
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY

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

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: November 5, 2025

SUBJECT: REQUEST OF MONICA RODRIGUEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FOOT REAR YARD SETBACK FOR AN EXISTING GARAGE AT LOT 11, THOMAS TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 409 REDWOOD AVENUE. (ZBA2025-0052)

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 10 feet into the 10 foot rear yard setback for an existing garage.



PROPERTY LOCATION AND VICINITY: The subject property is located along the south side of Redwood Avenue west of North 4th Street and is zoned R-1 (Single-Family Residential-OC) District.

BACKGROUND AND HISTORY: Thomas Terrace Subdivision was officially recorded on April 15, 1950. A Stop Work Order was issued on December 29, 2009, for the construction of the garage without a building permit. A subsequent Stop Work Order was issued on January 7, 2010, due to the continued violation. A follow-up was scheduled for January 20, 2010 to issue a citation but no one was at the residence. The property underwent a change of ownership in 2014. The new owner was informed that the existing violation needed to be resolved before proceeding with an application for an additional permit. A building permit for the garage was submitted on August 22, 2024 which was rejected by Planning due to the encroachment. A variance request for the existing garage was submitted on September 15, 2025. At the time of the memo, owner was working with utilities to come to an agreement.

ANALYSIS: The applicant is requesting the variance to allow the encroachment of the garage at the rear of the property.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA 2025-0052 ZBOA Meeting: 10/22/2025
Accepted By: HT

PROJECT

Legal Description

Thomas Terrance Lot 11 Blk 6

Subdivision Name

Thomas Terrance

Street Address

409 Redwood Ave, McAllen TX 78501

Number of lots 11 Gross acres _____

Existing Zoning _____ Existing Land Use _____

Reason for Appeal (please use other side if necessary) requesting a variance to
encroach 10 ft into 10 ft rear set back for existing
garage

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

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

APPLICANT

Name Monica Rodriguez Phone 956-451-5427
Address 409 Redwood Ave E-mail monica.rodriguez38@gmail.com
City McAllen State TX Zip 78501

OWNER

Name Monica Rodriguez Phone 956-451-5427
Address 409 Redwood Ave E-mail monica.rodriguez38@gmail.com
City McAllen State TX Zip 78501

AUTHORIZATION

To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?

☒ Yes ☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)

OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature [Signature] Date 9-15-2025
Print Name Monica Rodriguez ☒ Owner ☐ Authorized Agent

SEP 15 2025

BY: CW



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Garage was built before I purchased property in 2016.

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

Need ~~carport~~ due weather conditions.
garage

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 is inside property line

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

I was unaware of permit issue when property was purchased. I need resolve permit condition.

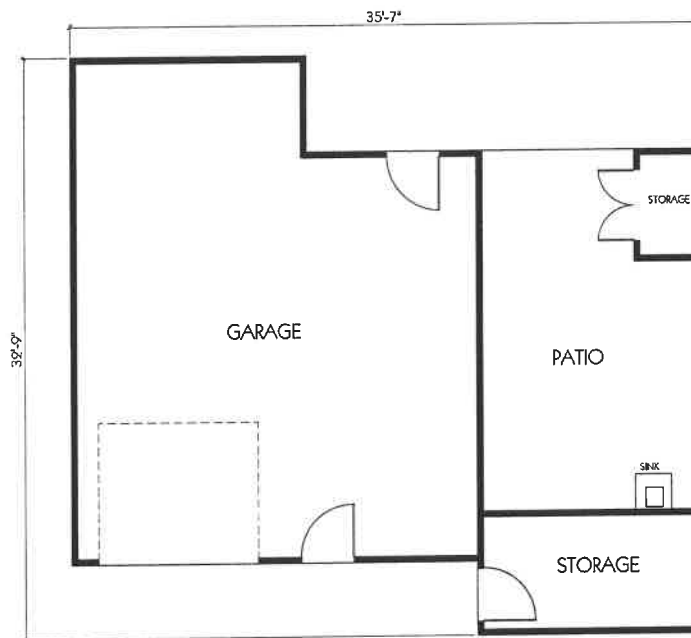
Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

9-15-2025



EXIST FLOOR PLAN LAYOUT
AREA = 950.0FT

South Texas Designs



PROJECT 409 REDWOOD AVE
OWNER - BUILDER

SCALE 3/16"=1'-0"

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS BUILDING CODE, THE TEXAS MECHANICAL CODE, THE TEXAS ELECTRICAL CODE, THE TEXAS PLUMBING CODE, THE TEXAS FIRE CODE, AND THE TEXAS ENERGY CODE.

REVISIONS

BY

210 MOLANA STREET "B" WALKER, TEXAS 75084 (956) 887-1408

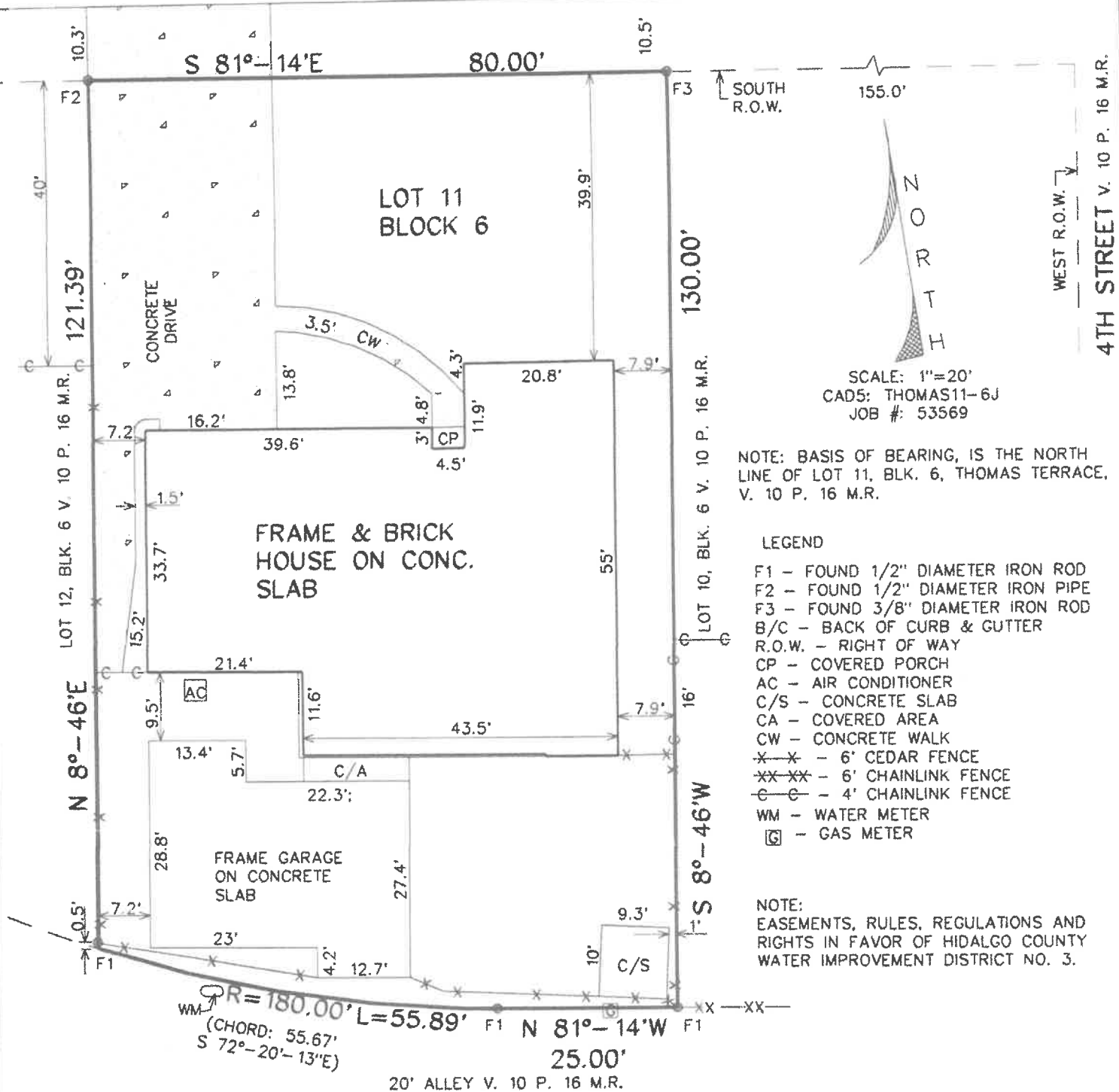
SEP 15 2025

BY: CW

PEÑA ENGINEERING

1001 WHITEWING • P.O. BOX 4320
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA

REDWOOD AVE. V. 10 P. 16 M.R. B/C





ZBA2025-0052
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PROPERTY
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