

## **AGENDA**

### **ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 18, 2023 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR**

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

#### **CALL TO ORDER – Chairperson Jose Gutierrez**

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

- a) Minutes for the meeting held on October 4, 2023

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

- a) Request of Ron Adkins for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 9 feet into the 10 feet rear yard setback for an existing carport measuring 17 feet by 16 feet 2 inches at Lot 16, Block 8, Milmor Subdivision, Hidalgo County, Texas; 1106 North 15th Street. **(ZBA2023-0090)**
- b) Request of Friaco Cardenas for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 12.7 feet into the 25 feet rear yard setback for an existing porch measuring 16.8 feet by 34 feet at Lot 42, Taylor Crossing Subdivision, Hidalgo County, Texas; 6001 North 51st Street. **(ZBA2023-0094)**
- c) Request of Maria S. Herrera for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 26 feet into the 30 foot front yard setback for a proposed canopy measuring 15 feet by 26 feet at Lot 1-B Block 3, Altamira Subdivision, Hidalgo County, Texas; 6 South 26th Street. **(ZBA2023-0092)**
- d) Request of Maria Saldaña for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 12 feet into the 20 foot front yard setback for a proposed carport measuring 23 feet by 16 feet at Lot 11, Los Encinos Unit 2 Subdivision, Hidalgo County, Texas; 3036 Olga Avenue. **(ZBA2023-0091)**
- e) Request of Ana G. Hinojosa de Soto on behalf of Leopoldo Hinojosa for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet 8 inches into the 10 feet rear yard setback for an existing metal carport measuring 16 feet by 18 feet, at Lot 116, Arrowhead Phase 2 Subdivision, Hidalgo County, Texas; 2820 North 39th Street. **(ZBA2023-0095)**
- f) Request of Ariel Olivares on behalf of Eduardo C. Longoria for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 14 feet into the 20 feet front yard setback for an existing metal carport measuring 15 feet by 20 feet, at Lot 1, The Rocks Subdivision, Hidalgo County, Texas; 8218 North 23rd Lane. **(ZBA2023-0093)**

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

- a) 5001 Expressway 83

#### **ADJOURNMENT:**

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

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

**The McAllen Zoning Board of Adjustment and Appeals convened in a Regular Meeting on Wednesday, October 4, 2023 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Ann Tafel</b>	<b>Vice-Chairperson</b>
	<b>Rogelio Rodriguez</b>	<b>Member</b>
	<b>Hiram A. Gutierrez</b>	<b>Member</b>
	<b>Hugo Avila</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
 <b>Staff Present:</b>	 <b>Benito Alonzo</b>	 <b>Assistant City Attorney I</b>
	<b>Edgar Garcia</b>	<b>Planning Director</b>
	<b>Omar Sotelo</b>	<b>Senior Planner</b>
	<b>Natalie Moreno</b>	<b>Planner I</b>
	<b>Porfirio Hernandez</b>	<b>Planner I</b>
	<b>Jessica Puga</b>	<b>Technician I</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a)** Minutes for the meeting held on September 20, 2023.

The minutes for the meeting held on September 20, 2023 and were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

**As per Chairperson Jose Gutierrez's suggestion, the following items had been recommended for approval by staff. They are as follows:**

**2. PUBLIC HEARINGS:**

- a)** Request of Arnold Gonzalez Jr. for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 10 foot rear yard setback for a proposed carport measuring 18.5 feet by 17.5 feet at Lot 22, Shady Oaks Subdivision Unit 1, Hidalgo County, Texas; 704 Heron Avenue. **(ZBA2023-0082)**
- b)** Request of Jesus Ruiz for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 25 foot front side yard setback for a proposed carport measuring 18 feet by 20 feet at Lot 127, Plantation Gap Phase 1 Subdivision, Hidalgo County, Texas; 4416 Sandpiper Avenue. **(ZBA2023-0089)**
- c)** Request of Michael Perez for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 25 foot front yard setback for an existing carport measuring 15 feet by 19 feet at lot 149, Saddle Creek Unit 2,

Hidalgo County, Texas; 3404 Providence Avenue **(ZBA2023-0088)**

Chairperson Jose Gutierrez asked if there was anyone else present in opposition of the special exceptions. There was one in opposition of the special exceptions.

Mr. Hugo Avila **moved** to approve the previously outlined special exceptions listed on the agenda as **2a, 2b and 2c** as per staff's recommendation, limited to the submitted plans corresponding to each item. Mr. Alex Lamela seconded the motion. The Board voted unanimously to approve with five members present and voting.

- d) Request of Norma Robledo for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 foot front yard setback for a proposed carport measuring 20 feet by 20 feet at Lot 50, Del Sol Phase I Subdivision, Hidalgo County, Texas; 4301 North 28<sup>th</sup> Street. **(ZBA2023-0086)****

Mr. Hernandez stated the applicant was requesting a Special Exception to encroach 15 feet into the 20 feet front yard setback for a proposed carport measuring 20 feet by 20 feet for protection from the sun, hail and severe heat for her vehicles and family as they go in and out of the house.

The subject property is located along the West side of North 28<sup>th</sup> Street intersecting with Quamasia Avenue. The lot has 66.25 feet of frontage and 94.00 feet of depth for a total of 6,228 square feet. The property is zoned R-1 (single family residential) District. The surrounding zones include R-1(single-family residential) all around.

Del Sol Phase I subdivision was recorded on November 6, 1998. The plat shows a 20-foot front yard setback for the subdivision. The house was built in 1999 without a garage. On August 18, 2023, the applicant applied for a Special Exception to encroach 15 feet into the 20 feet front yard setback.

The applicant was requesting Special Exception to allow an encroachment of 15 feet into the 20-foot front yard setback for a proposed carport measuring 20 feet by 20 feet for protection from the sun, hail and severe heat for her vehicles and family as they go in and out of the house.

Site visit by staff revealed 4 other carports in the area in which were built without a permit.

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.

Measurements provided are without benefit of a survey.

Staff was recommending disapproval of the special exception due to being non-characteristic of the neighborhood.

Ms. Norma Robledo, the applicant stated she was proposing to build a carport. She stated that with the inclement of the weather it had damaged her vehicle in the past. Ms. Robledo stated she had a tree but gave her problems. She wanted to comply with all setbacks.

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

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

Board member Avila mentioned to staff that the applicant did not have a garage yet the neighbors had garages. Mr. Hernandez her house was the only house built without a garage.

Following discussion, Mr. Juan Mujica **moved** to approve the special exception. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to approve the special exception with five members present and voting.

- e) Request of Jose Guadalupe Cantu for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 6 feet side yard setback for an existing metal carport measuring 21 feet by 24 feet at Lot 51, Alta Linda, Hidalgo County, Texas; 1909 South 39th Street. **(ZBA2023-0079) (TABLED: 09/07/2023) (TABLED: 09/20/2023) WITHDRAWN**

The applicant had withdrawn the item.

- f) Request of Alma Beraza for a Special Exception and Variance to the City of McAllen Zoning Ordinance to allow: **1)** an encroachment of 4 feet into the 6 foot side yard setback for an existing metal carport measuring 19 feet by 21.6 feet, **2)** to allow an encroachment of 3.2 feet into the 10 foot rear yard setback for an existing patio measuring 25 feet by 25 feet and **3)** to allow an encroachment of 5 feet into the 6 foot side yard setback for a storage measuring 10 feet by 7 feet at Lot 83, Montebello Unit No. 3, Hidalgo County, Texas; 2108 North 32nd Street. **(ZBA2023-0085) (TABLED: 09/20/2023)**

Vice-Chairperson Ann Tafel **moved** to remove item from the table. Mr. Rogelio Rodriguez seconded the motion. The Board voted unanimously to remove the item from the table with five members present and voting.

Ms. Moreno stated the applicant was requesting the special exception and variance for encroachments into the side yard and rear yard setback for an existing metal carport, patio and storage. The applicant stated the carport is for vehicle protection and the patio for gatherings.

The subject property was located along the East side of 32<sup>nd</sup> Street. The lot had 51 feet of frontage and 100 feet of depth for a total of 5,100 square feet. The property was zoned R-1 (single family residential) District. There was R-1 and R-3A (Apartments) District in all directions.

Montebello No.3 Subdivision was recorded on October 20, 1981. The plat shows a ten feet rear yard setback and a six feet side yard setback for the subdivision. On July 28, 2023, a non-compliance order was issued. On August 02, 2023, the applicant applied for a building permit. On August 18, 2023, the applicant applied for a special exception.

The applicant was requesting to keep the requests for a more comfortable experience. The applicant stated that it is nice to arrive home on a rainy day and be able to get out of vehicle without getting wet.



Applicant does have a one-car garage in the property, but vehicle is too large to fit, so she uses it as storage.

During site visit, staff revealed other structures in the rear that are encroaching into the rear yard and side yard setback. Applicant was willing to add those encroachments into this application (storage and patio).

Applicant stated that the storage would be removed at a later time.

Site visit by staff revealed ten other encroachments, which did not have permits.

Measurements provided are without benefit of a survey.

Staff did receive one letter in support of the request.

At the last meeting on September 20, 2023, the item was tabled by the board and applicant was given an opportunity to discuss with staff some options.

For the special exception (carport) the applicant was willing to cut back four feet from the side to comply with the city setbacks, therefore no special exception process would be required.

For the variance request (storage), the applicant will be demolishing; therefore, no variance for the storage will be required.

For the variance request, (patio) applicant is willing to proceed with the request due to being more difficult to cut back. The patio in the rear is only encroaching three feet two inches into the ten feet rear yard setback.

Staff is recommending disapproval of the variance request due to the structure being enclosed at a later time.

Chairperson Gutierrez asked staff on the comments made the Ms. Beraza regarding the modifications if staff had those in writing. Ms. Moreno stated yes on all three requests. The only request that was discussion was item F2 for the existing patio.

Ms. Alma Beraza, the applicant stated that adjustments could be made for the patio but was financially impossible. The patio had three poles and the frame was welded. They do have an alley with a lot of space. She stated the patio had been there 15 years and never had any problems with anyone. However, financially it was impossible.

Board member Mujica explained to Ms. Beraza that the variance ran with the land and anything could be built there and enclose it. The next new owner could build anything there as well.

Board member Mujica asked staff discussed with the applicant about the possibility of moving the patio 3 feet in and if it was a financial burden. Ms. Moreno stated yes. However, she was making modifications to the carport and the storage.

Board member Avila asked staff how long after an order is given do they need to comply. Planning Director Garcia stated the period had been recently been adjusted. They had 30

days to attempt to make any changes to comply. However, on a case-by-case basis something could be worked out.

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

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

Following discussion, Vice-Chairperson Ann Tafel **moved** to disapprove the variance request. Mr. Alex Lamela seconded the motion. The Board voted unanimously to disapprove the variance request with five members present and voting.

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

- a) 704 Heron Avenue
- b) 4301 North 28<sup>th</sup> Street
- c) 3404 Providence Avenue
- d) 4416 Sandpiper Avenue

### **ADJOURNMENT**

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

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

## **Memo**

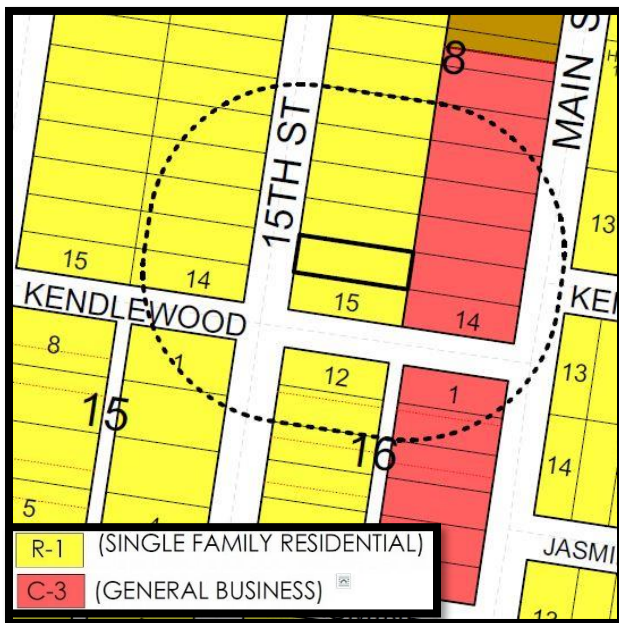
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 4, 2023

**SUBJECT:** REQUEST OF RON ADKINS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 9 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING CARPORT MEASURING 17 FEET BY 16 FEET 2 INCHES, AT LOT 16 BLOCK 9, MILMORE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1106 NORTH 15<sup>TH</sup> STREET. (ZBA2023-0090).

**REASON FOR APPEAL:** The applicant is requesting to encroach nine feet into the ten feet rear yard setback for an existing wooden carport measuring 16 feet 2 inches by 17 feet. The applicant stated that he does not have a garage, and would be using the existing carport for the protection of his vehicles.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the east side of North 15<sup>th</sup> Street, and north of Kendlewood Avenue and is zoned R-1(single-family residential) District. There is R-1 District to the North, West, and South and C-3 (general commercial) District to the East.

**BACKGROUND AND HISTORY:** Milmor Subdivision was recorded May 26<sup>th</sup>, 1927. A building permit was submitted July 13, 2023. The special exception application was submitted Septemeber 11<sup>th</sup>, 2023.

**ANALYSIS:** The applicant is requesting to encroach nine feet into the ten feet rear yard setback for an existing wooden carport that will serve as protection for his vehicle from weather elements.

At the Zoning Board of Adjustments and Appeals meeting of January 18, 2023 the Board unanimously voted to approve a special exception for an encroachment of 24 feet into the 30 feet front yard setback for an existing carport measuring 24 feet by 26. 8 feet at Lot 4, Block 4 Milmor Subdivision.

At the Zoning Board of Adjustments and Appeals meeting of September 21, 2022 the Board unanimously voted to approve a special exception for an encroachment of 26 feet into the 30 feet front yard setback for an existing carport measuring 22 feet by 25 feet at Lot 5, Block 4, Milmor Subdivision

At the Zoning Board of Adjustments and Appeals meeting of March 3, 2022 the Board unanimously voted to approve a special exception for an encroachment of 35 feet into the 35 feet front yard setback and 7 feet into the 7 feet side yard setback for an existing carport measuring 11 feet by 35 feet at Lot 16, Block 6, Milmor Subdivision.

There are no utility easements running along the rear of the property.  
Measurements are provided without the 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 has not received any phone calls, emails, or letters in opposition to the special exception request.

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

ZBA 2023-0090

ZBA 10/18/23



City of McAllen

## Planning Department

## APPEAL TO ZONING BOARD OF

## ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

## Project

Legal Description

Milmer Lot 16 Blk 8

Subdivision Name

Milmer

Street Address

1106 N. 15<sup>th</sup> St. McAllen TX 78501

Number of lots

1

Gross acres

Existing Zoning

R1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

To obtain to keep carport  
To encroach 9 ft into the 10 ft rear yard
☒ \$300.00 non-refundable filing fee + ☒ \$50.00 Recording Fee for Special Exception (carport)

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

## Applicant

Name

Ron Adkins

Phone

956-631-6722

Address

1106 N. 15<sup>th</sup>

E-mail

PRS.MCALLEN@gmail.com

City

McAllen

State

TX

Zip

78501

## Owner

Name

Same as above

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

Ron Adkins

Date

9-11-2023

Print Name

RON ADKINS

☒ Owner

☐ Authorized Agent

## Office

Accepted by

NM

Payment received by

Date

Rev 09/20

OS





# 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:

Because I don't have a garage for hail  
Damage Protection

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

Because I'm encroaching into the rear yard  
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:

Not Bothering neighbors

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

Because of weather protection

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

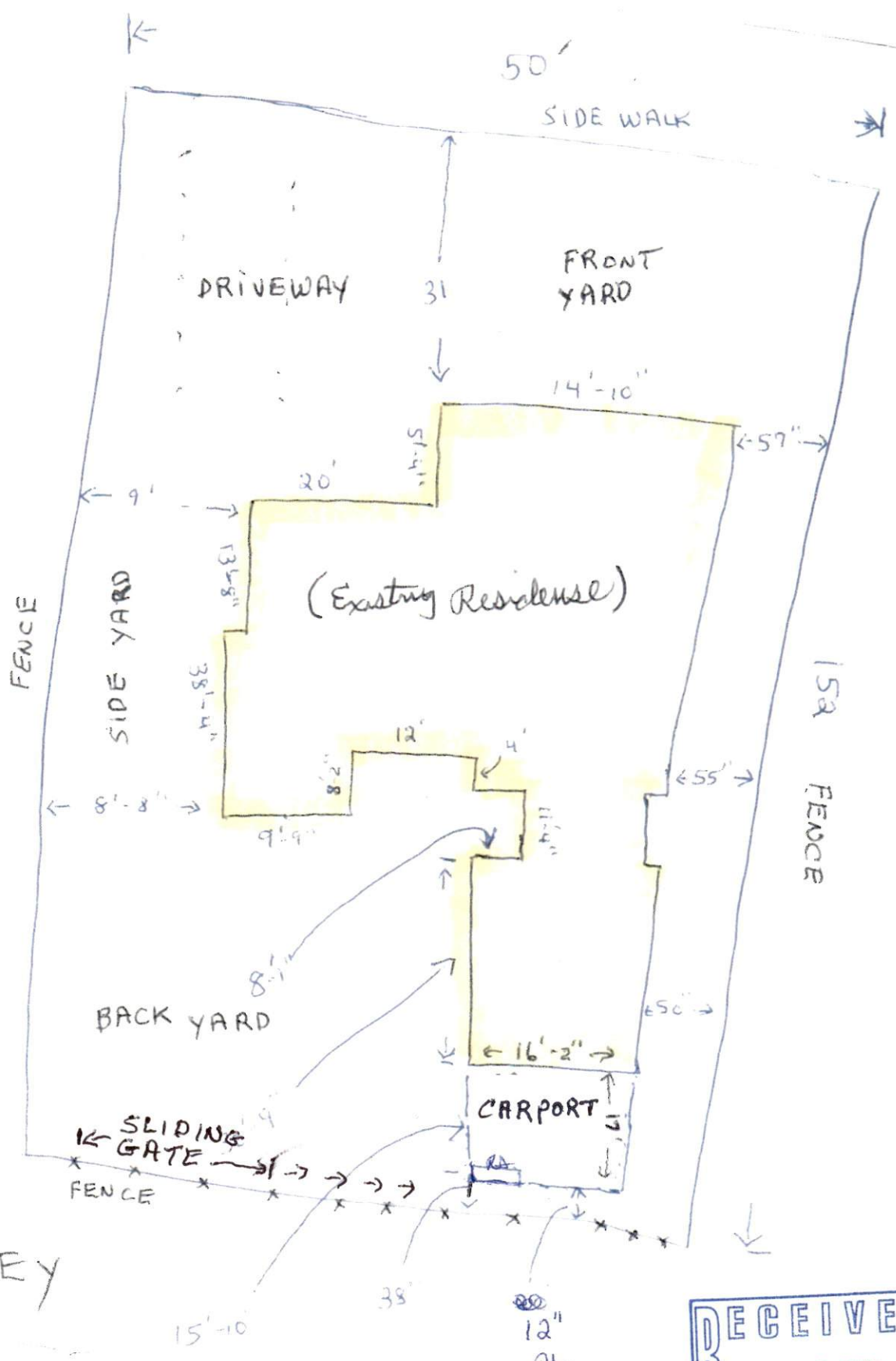
Date

50x152  
per ACAD

(W)  
15th Street

(S)

(N)



ALLEY

(E)

RECEIVED  
AUG 02 2023  
By GMM













NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0090

★ 1106



## Memo

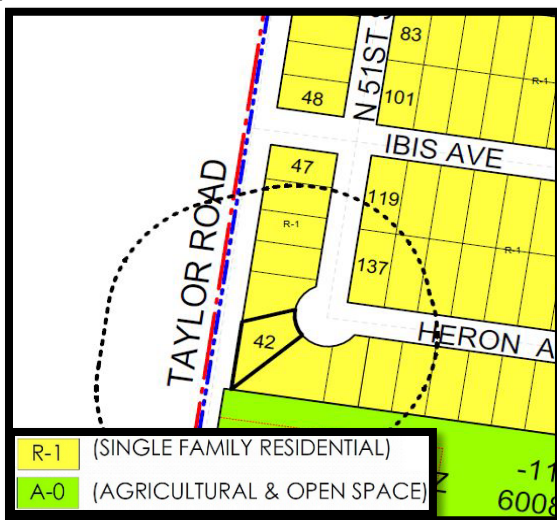
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 6, 2023

**SUBJECT: REQUEST OF FRIACO CARDENAS FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 12.7 FEET INTO THE 25 FEET REAR YARD SETBACK FOR AN EXISTING PORCH MEASURING 16.8 FEET BY 34 FEET AT LOT 42, TAYLOR CROSSING SUBDIVISION, HIDALGO COUNTY, TEXAS; 6001 NORTH 51<sup>ST</sup> STREET. (ZBA2023-0094)**

**REASON FOR APPEAL:** The applicant is requesting to encroach 12.7 feet into the 25 feet rear yard setback for an existing patio that they use for protection from the sun for their pets, grandkids, and plants.



**PROPERTY LOCATION AND VICINITY:** The subject property is located on the west side of North 51<sup>st</sup> Street and east of North Taylor Road and is Zoned R-1 (single-family residential) District. There is R-1 District to the North and East, and A-O (agricultural and open space) District to the South.

**BACKGROUND AND HISTORY:** Taylor Crossing Subdivision was recorded January 6, 2010. The plat states a 25 foot rear yard setback for double fronting Lots. A non compliance notice was issued August 25<sup>th</sup>, 2023 for construction of a patio without a permit. A building permit application was submitted September 11, 2023. A variance application was submitted September 15<sup>th</sup>, 2023.

**ANALYSIS:** The applicant is currently encroaching into the 25 foot rear yard setback and 10 foot rear yard utility easement. He is proposing to move the patio to clear the 10 foot utility easement and will only be encroaching into the 25 rear yard setback. The applicant provided a letter confirming the changes that will be made if the request is approved. Staff has not received any phone calls, emails, or letters in opposition to the variance request.

**RECOMMENDATION:** Staff is recommending approval of the variance request.

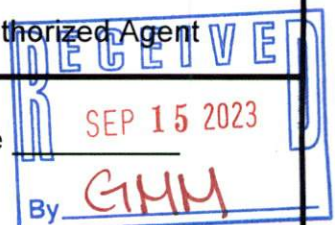
ZBA2023-0094

ZBA:  
10/18/23

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

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

<b>Project</b>	Legal Description <u>Taylor Crossing Lot 42</u>
	Subdivision Name <u>Taylor Crossing</u> Street Address <u>6001 N 51<sup>ST</sup> ST.</u>
	Number of lots <u>1</u> Gross acres _____
	Existing Zoning <u>R-1</u> Existing Land Use <u>R-1</u>
	Reason for Appeal (please use other side if necessary) <u>Porsh is encroaching 12.7 ft into 25 ft Rear yard Set Back</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
<b>Applicant</b>	Name <u>Friaco Cardenas</u> Phone <u>956-445-8411</u> Address <u>6001 N. 51<sup>ST</sup> ST</u> E-mail <u>f.cardenas@yahoo.com</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78504</u>
<b>Owner</b>	Name <u>Same -</u> Phone _____ Address _____ E-mail _____ City _____ State _____ Zip _____
<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>[Signature]</u> Date <u>9-15-2023</u> Print Name <u>Friaco Cardenas</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
<b>Office</b>	Accepted by <u>[Signature]</u> Payment received by _____ Date _____ Rev 09/20







**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:

We use the Patio to Protect from sun  
to pets, Grandkids, and Plants. BBQ. At And  
to Keep house a little cooler

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

I put money into this and willing to move  
it along the house to have utilities  
available

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:

in its not going into neighbors property  
And not bothering anyone

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

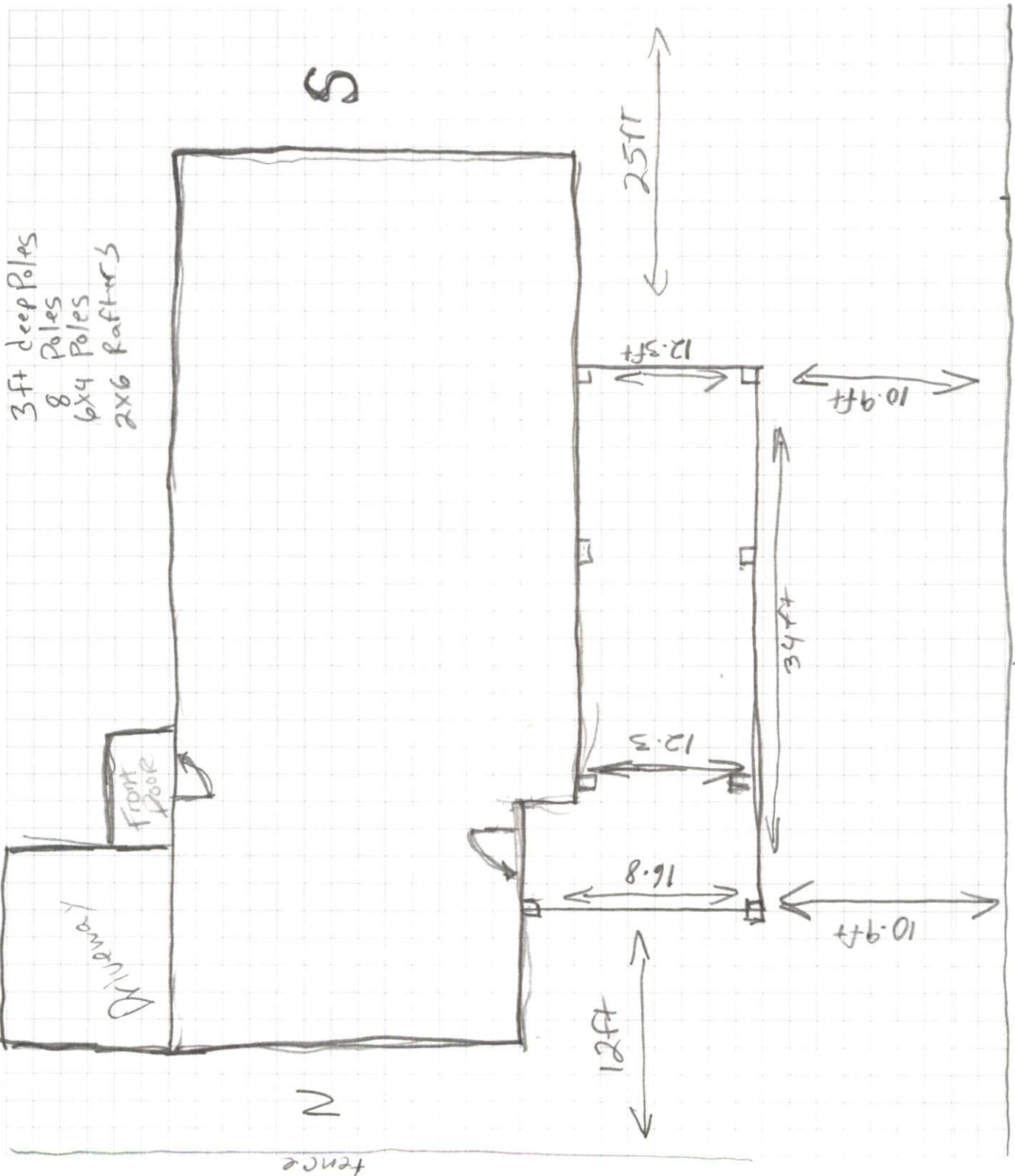
family gatherings grandkids, pets, Plants  
BBQ ext.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date



**Wall Legend:**

- Existing
- Proposed
- Demolition

**Symbol Legend:**

- Door
- Window
- Electrical Panel
- A/C Unit
- Toilet
- Sink

Application and documents can be submitted electronically to  
[BLDGPERMITS@MCALLEN.NET](mailto:BLDGPERMITS@MCALLEN.NET)

9/15/2023

Patio is currently over utility easement, we are  
purposing to move it ~~to~~ out of the 10 ft.  
utility easement.

A handwritten signature in blue ink, consisting of a stylized first name followed by a surname, with a long horizontal flourish extending to the right.





6001

NOTICE  
VARIANCE  
FOR  
THIS PROPERTY  
ZBA 2023- 0094

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



## **Memo**

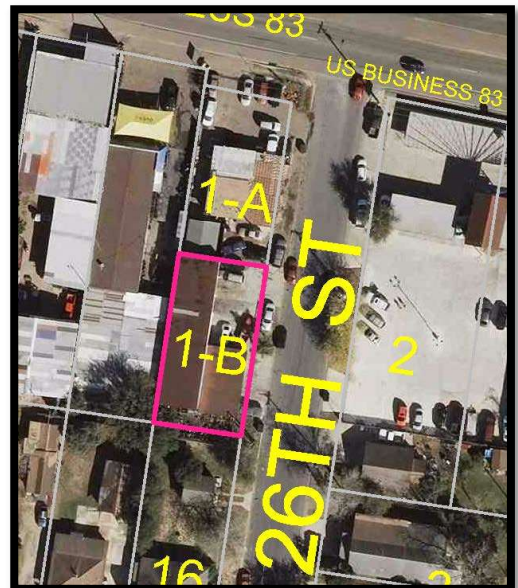
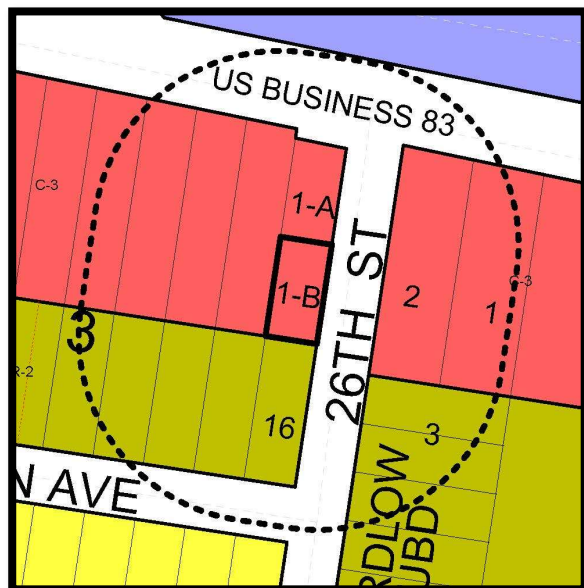
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 20, 2023

**SUBJECT: REQUEST OF MARIA S. HERRERA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 26 FEET INTO THE 30 FOOT FRONT YARD SETBACK FOR A PROPOSED CANOPY MEASURING 15 FEET BY 26 FEET AT LOT 1-B BLOCK 3, ALTAMIRA SUBDIVISION, HIDALGO COUNTY, TEXAS; 6 SOUTH 26<sup>TH</sup> STREET. (ZBA2023-0092)**

**REASON FOR APPEAL:** The applicant is requesting a Special Exception to encroach 26 feet into the 30 foot front yard setback for a proposed canopy measuring 15 feet by 26 feet for protection from the sun for employees working on vehicles and to prevent leaks into the building since the applicant states its an old building.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the West side of South 26<sup>th</sup> Street just South of Business Highway 83. The lot has 107.6 feet of frontage and 55.6 feet of depth for a total of 5,983 square feet. The property is zoned C-3 (general business) District. The surrounding zones include R-2(duplex-fourplex residential) to the South and C-3 (general business) to the North.

**BACKGROUND AND HISTORY:** Lot 1-A & 1-B, Block 3 Altamira Subdivision was recorded on June 22, 1989. The plat shows a 30 foot setback from South 26<sup>th</sup> Street for lot 1-B. On September 14, 2023, the applicant applied for a Special Exception to encroach 26 feet into the 30 foot setback from South 26<sup>th</sup> Street.

**ANALYSIS:** The applicant is requesting Special Exception to allow an encroachment of 26 feet into the 30 foot setback for a proposed canopy measuring 15 feet by 26 feet for protection from the sun for employees while working on vehicles and to prevent leaks into the building since the applicant states it's an old building. Applicant also says that the canopy will benefit the employees and the business.

The building permit for the canopy extension was proposed to be squared off with original building and was approved and at the time of construction they increased the length of the canopy. Building inspection went out and noticed the increased length of the canopy. Customer then came in and applied for a special exception for the canopy. This particular property is close to Business 83 which allows zero lot lines as per city ordinance which puts it characteristic of commercial properties along Business Highway 83. You can see canopies along both sides of South 26<sup>th</sup> Street.

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

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.

Measurements provided are without benefit of a survey.

**RECOMMENDATION:** Staff is recommending approval of the special exception request since it is characteristic of commercial properties along Business 83.

2BA8023-0092

10/18/23  
2BA

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

Altamira Lot 1-13 BLK 3

Subdivision Name

Altamira

Street Address

6 S. 26<sup>th</sup> street McAllen TEXAS

Number of lots

1

Gross acres

Existing Zoning

C-3

Existing Land Use

Mechanic Shop

Reason for Appeal (please use other side if necessary)

Encroaching 26 feet into 30 foot Front Yard setback for a 15x26 canopy

☒ \$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
MH  
10/2/23

Applicant

Name Maria S. Herrera

Phone 956-354-1222

Address 6 S 26<sup>th</sup> street

E-mail speedytrans2@gmail.com

City McAllen

State TEXAS

Zip 78501

Owner

Name Maria S. Herrera

Phone 956-354-1222

Address 6 S. 26<sup>th</sup> st

E-mail speedytrans2@gmail.com

City McAllen

State TEXAS

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 Maria S. Herrera

Date 9-14-23

Print Name Maria S. Herrera

☒ Owner

☐ Authorized Agent

Office

Accepted by AS

Payment received by

Date

Rev 09/20

OS

REVISED 9/25







# 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 have a 30 foot setback, there is no area to place a canopy, since its an old building

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

It is necessary for protection of sun for employees, and since its an old building water goes in thru wall from NW when it rains

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The variance will not be detrimental to public health in any way, carport will be inside property premises and it will benefit business and employees

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

The reason for this addition is that we don't have space to work and this will benefit business and there is no other place to add canopy

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date



EEDY #2

OFFICE

OFFICE

TRANSMISSIONS







SPEEDY #2

OFFICE

68  
268

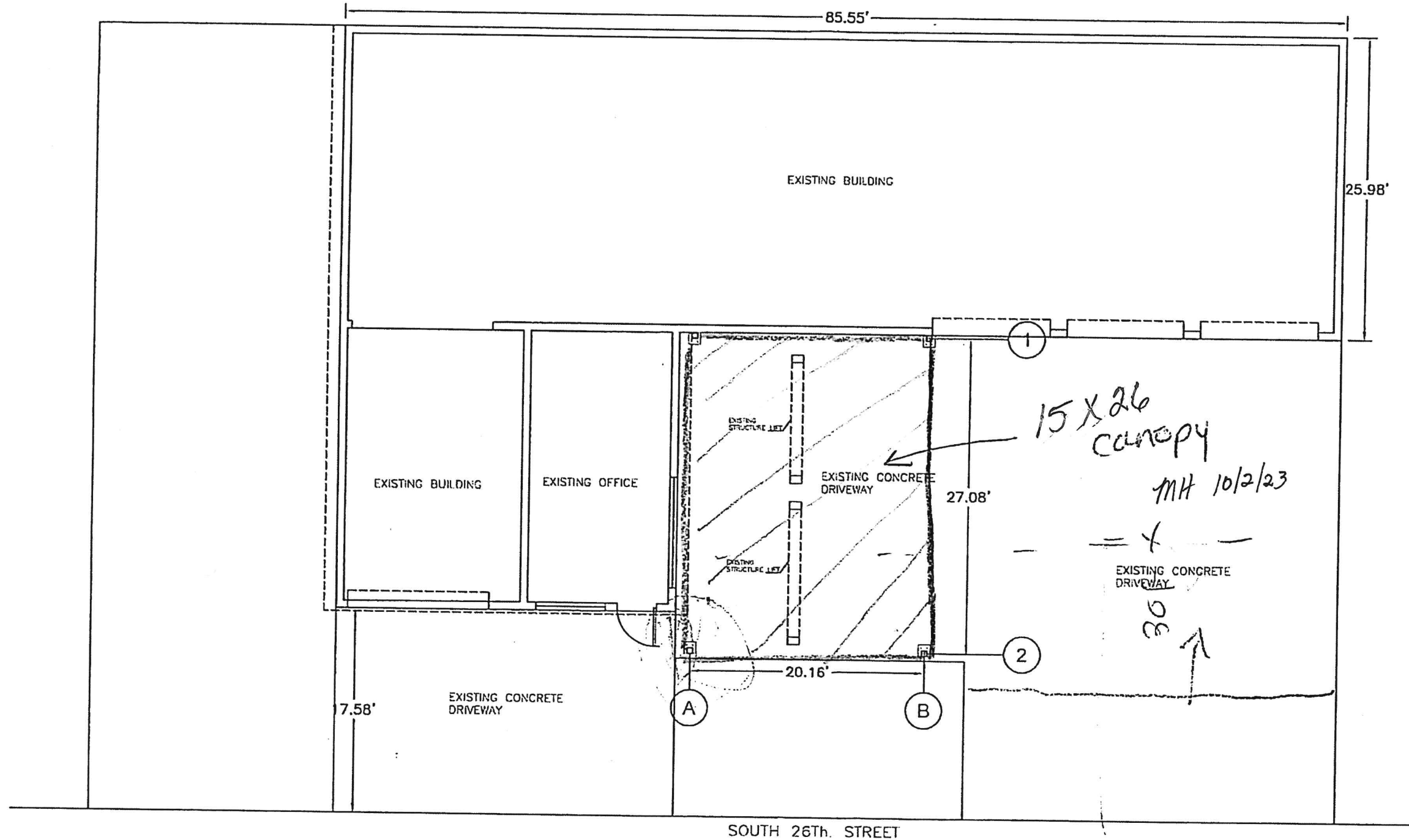
OFFICE

AUTOKATO LIFT

AUTOKATO LIFT

TRA





SITE PLAN  
SCALE: 1-5

RECEIVED  
SEP 14 2023  
BY *mm*



*m a l*  
*7-18-23*

*MH 9/25/23*

PROJECT NAME:	SPEEDY # 2 TRA
MAS ENGINEERING LLC.	consulting engineering
SHEET NAME:	SITE 1
REVISION:	1
PROJECT NO.	07

*200m  
174*



# SPEEDY #2

OFFICE

6S.  
26st.

POBRE SE VA,  
RANCHA AÑO  
DADO AL RINCON.  
QUE YA SAO  
A SU RITO  
UNO, NITO,  
TASA QUE  
TOSO ADEL,  
PER EN  
EL CREE,  
NO SE PESA.  
MAS TENA  
VIDA ETERRA

NO  
CREDIT  
NEEDED  
FLEXIBLE  
PAYMENT OPTIONS

**SPEEDY**  
Transmission #2  
CON CREDITO AUTOMATICO  
FINANCIA, CREDITO, PAGO  
POR CADA DIA  
956.928.1208  
10010 N. 26TH ST. BEAUMONT, TX 77603

# TRANSMISSION



NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA 2023-0092





## **Memo**

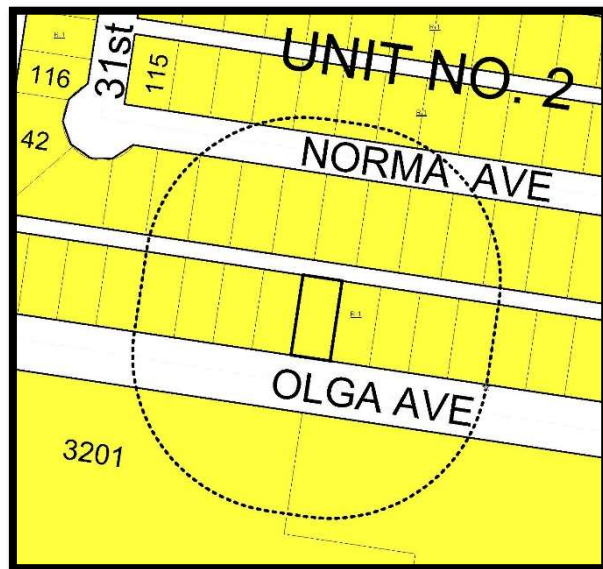
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 20, 2023

**SUBJECT: REQUEST OF MARIA SALDAÑA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 12 FEET INTO THE 20 FOOT FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 23 FEET BY 16 FEET AT LOT 11, LOS ENCINOS UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 3036 OLGA AVENUE. (ZBA2023-0091)**

**REASON FOR APPEAL:** The applicant is requesting a Special Exception to encroach 12 feet into the 20 foot front yard setback for a proposed carport measuring 23 feet by 16 feet for protection from the sun and hail during inclement weather.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the North side of Olga Avenue East of South 33<sup>rd</sup> Street. The lot has 50.0 feet of frontage and 102.7 feet of depth for a total of 5,135 square feet. The property is zoned R-1 (single family residential) District. The surrounding zones include R-1(single family residential) all around.

**BACKGROUND AND HISTORY:** Lot 11, Los Encinos Subdivision Unit 2 was recorded on June 19, 1995. The plat shows a 20 foot front yard setback. An initial application was submitted on May 9, 2023 for a special exception to encroach 15 feet into 20 foot front yard setback and 6 feet into the West side yard setback which was disapproved at the meeting of July 13, 2023. The applicant re-applied on September 11, 2023 for a Special Exception to encroach 12 feet into the 20 foot front yard setback.

**ANALYSIS:** The applicant is requesting Special Exception to allow an encroachment of 12 feet into the 20 foot front yard setback for a proposed carport measuring 16 feet by 23 feet for protection from the sun and hail during inclement weather.

Site visit by staff revealed five other carports in the area in which four were built without a permit. One was approved September 2, 2015.

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.

Measurements provided are without benefit of a survey.

**RECOMMENDATION:** Staff is recommending approval of the special exception request since it is characteristic of the neighborhood.

ZBA2023-0091

ZBOA:  
10/18/23

City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Project

MS.  
10/12

Legal Description

Los Encinos ut 2. lot 11

Subdivision Name

Los Encinos subdivision ut 2

Street Address

3036 Olga ave McAllen, Tx. 78503

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Resident

Reason for Appeal (please use other side if necessary)

Carporch is incroaching  
12 ft into the 20 front yard Set back
☒ \$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

maria Saldaña

Phone

Address

3036 Olga ave

E-mail

ms042871@mccon

City

McAllen

State

TX

Zip

78503

Owner

Name

"SAME"

Phone

Address

E-mail

City

State

Zip

Authorization

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

☐ Yes

☐ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature

maria Saldaña

Date

9-11-2023

Print Name

Maria Saldaña

☒ Owner

☐ Authorized Agent

Office

Accepted by

sjt

Payment received by

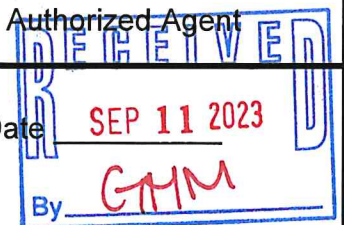
Date

SEP 11 2023

Rev 09/20

By

GMM





1700-23082



# City of McAllen

## Planning Department

### REASON FOR APPEAL & BOARD ACTION

1700-23082

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>Carporch is incorching 13 ft into the 20-front yard set back</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>To protect my cars from hail, Sun</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>It not bothering my neighbors</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p>my house was not built with a garage</p>
Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p>







MS  
2/10

6'

RED LISK

EXISTING  
CONC DRIVE

EXISTING  
SLAB

424 ST  
COLUMN

424 ST  
COLUMN

16'

20'-0"  
FRONT  
SETBACK

50.0'

S T R E E T

LEGAL DESCRIPTION  
LOT 1, BLOCK 1, SUBD.  
UNIT 72  
MOBILE, TEXAS





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0091

3036



## Memo

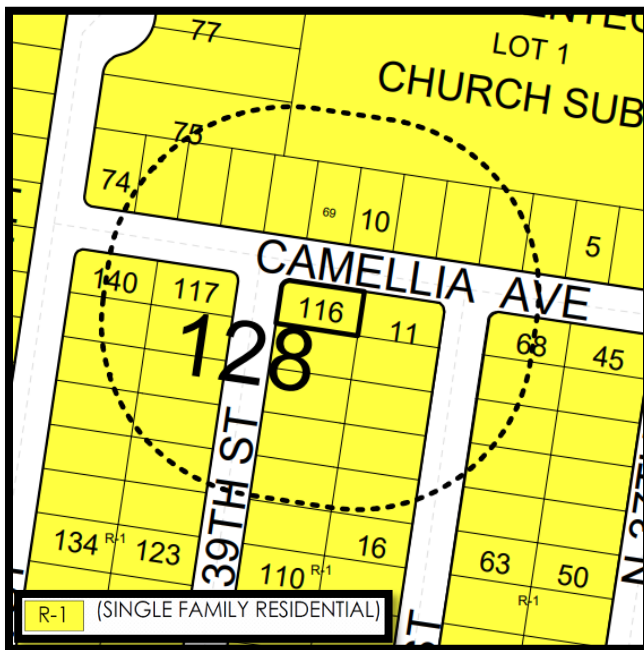
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 28, 2023

**SUBJECT:** REQUEST OF ANA G. HINOJOSA DE SOTO ON BEHALF OF LEOPOLDO HINOJOSA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 4 FEET 8 INCHES INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 16 FEET BY 18 FEET, AT LOT 116, ARROWHEAD PHASE 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2820 NORTH 39<sup>TH</sup> STREET. (ZBA2023-0095)

**REASON FOR APPEAL:** The applicant is requesting a special exception to encroach 4.8 feet into the 10 feet rear yard setback for an existing carport. According to the applicant the carport was built to protect their vehicles and to provide shade for the family enjoyment when being outdoors.



**PROPERTY LOCATION AND VICINITY:** The subject property is located at the southeast corner of Camellia Avenue and North 39<sup>th</sup> street. The property is zoned R-1 (single-family residential) District. The surrounding zones include R-1 (single-family residential) in all directions.

**BACKGROUND AND HISTORY:** Arrowhead Subdivision Phase II was recorded in March 5, 1999. The plat shows a 10 feet rear yard setback and a 5 feet utility easement. A stop work order was posted March 18, 2023 for a “carport” built without a permit. An application for a building permit was submitted March 23, 2023. A special exception application was submitted May 25, 2023. A revision was submitted September 18, 2023 showing revised dimensions.



According to the applicant the carport was built in 2020 during a time when people were encouraged not to be out in public.

**ANALYSIS:** The applicant is requesting a special exception in order to allow an encroachment of 4.8 feet into the 10 feet rear yard setback for an existing carport. The “carport” also serves to provide shade for the family to be able to sit outside. The structure is built over a concrete foundation and a right of way permit will be required in order to construct a driveway to be able to consider the structure as a fully functioning carport. If approved, curbcut will be done at a later date.

According to the site plan submitted, the carport does not encroach into a five feet utility easement that runs concurrently with the rear yard setback adjacent to the rear property line.

The property does not have a garage.

At the Zoning Board of Adjustment and Appeals meeting of April 19, 2023 the Board approved a special exception to allow an encroachment of 13.5 feet into the 20 feet front yard setback for an existing carport at Lot 78.

At the Zoning Board of Adjustment and Appeals meeting of November 14, 2022 the Board approved a special exception to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing carport at Lot 122.

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

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

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

ZBOA  
10/18/2023

ZBA 2023-0095



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 Arrowhead PH 2 Lot 116

Subdivision Name Arrowhead PH 2

Street Address 2820 N 39<sup>th</sup> St

Number of lots 1 Gross acres .11

Existing Zoning Single Family Res. R1 Existing Land Use Home

Reason for Appeal (please use other side if necessary) Encroaching four feet and 8 inches into the ten foot rear 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 Ana G Hinojosa de Soto Phone 956-533-7973

Address 2820 N 39<sup>th</sup> St E-mail Soto 9a@gmail.com

City McAllen State TX Zip 78501

Owner

Name Leopoldo Hinojosa Phone \_\_\_\_\_

Address 2820 N 39<sup>th</sup> St E-mail Soto 9a@gmail.com

City McAllen State \_\_\_\_\_ 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 9-18-23

Print Name Ana Hinojosa de Soto ☐ Owner ☐ Authorized Agent

Office

Accepted by NM Payment received by \_\_\_\_\_ Date SEP 18 2023

Rev 09/20

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:

Carport was built over rear ten foot setback by accident as the subdivision plat only showed a 5' easement drawn. There was no structure protecting the vehicles which is needed with today's climate

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

the variance would allow for us to keep our carport in place which affects no neighbor in our surrounding. The carport adds value to our home which is among the highest in the subdivision

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area:

The carport is completely within our homes property boundary line and is a simple outdoor carport meant to provide shade for vehicles and family when outdoors.

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

The carport was built in 2020 during a time when society was encouraged not to be out in public, we built the carport for family enjoyment and to protect vehicles from storm events.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date

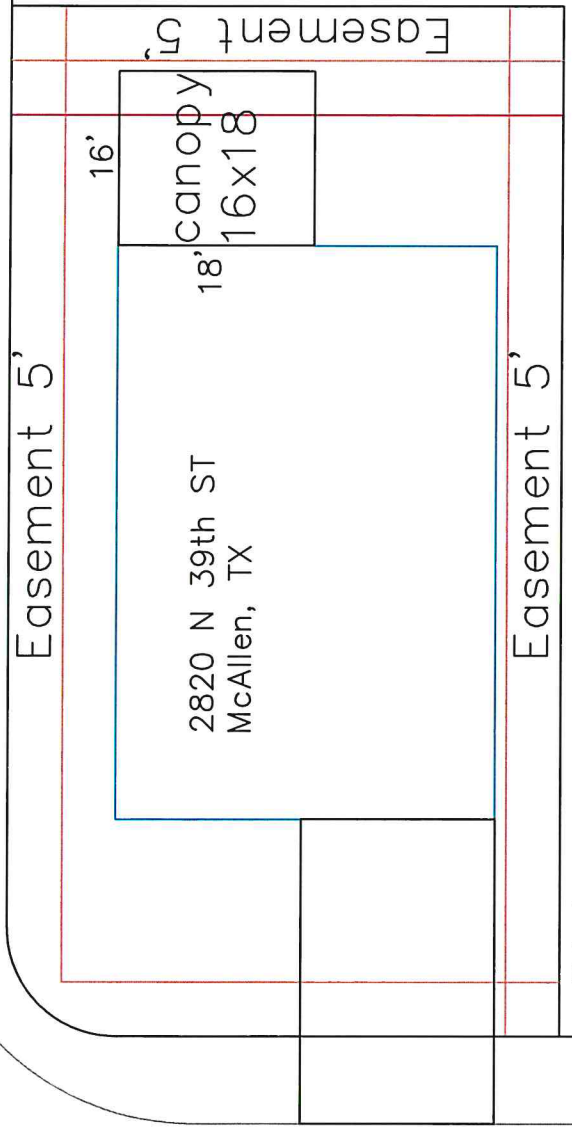
Setbacks:  
front: 20'  
rear: 10'  
side: 6'  
corner: 10'

50'

Camellia Ave  
W.O.R.

11' 5"

Easement 5'



Distance from fence Currently encroaching:  
to canopy: 5.6' 4.4'

Previous approved Special Exception:  
2.5'

Exist. ROW: 50'

N 39th ST





MIRROR ARE  
THEY APPEAR





NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA 2023-0095



## **Memo**

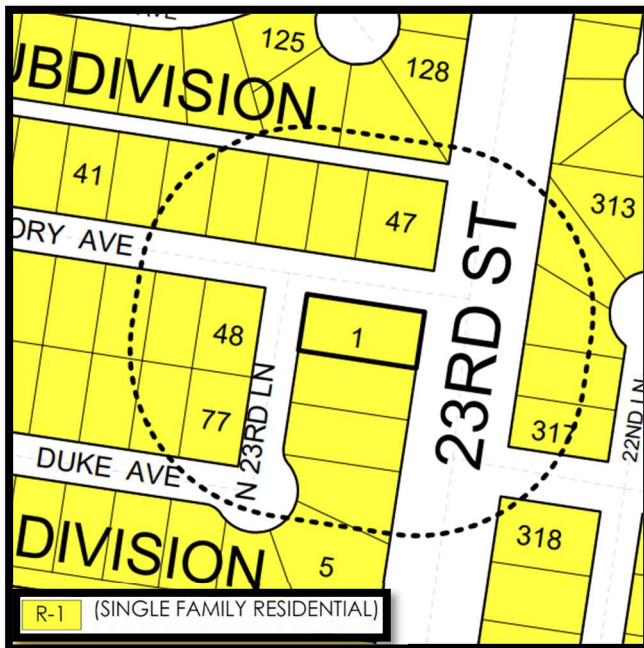
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 28, 2023

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

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



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

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

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

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

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

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

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

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

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



P 2BA2023-0093

2BA 10/18/23



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

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

**Project**

Legal Description Lot 1 - The Rocks Subdivision

Subdivision Name The Rocks

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

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

Existing Zoning Residential Existing Land Use Residential

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

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

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

**Applicant**

Name Aniel Olivarez Phone (956) 534-5838

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

City McAllen State Tx Zip 78501

**Owner**

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

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

City McAllen State Tx Zip 78504

**Authorization**

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

☐ Yes ☒ No

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable)  
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Eduardo C. Longoria Date 9/14/23

Print Name Eduardo C. Longoria ☒ Owner ☐ Authorized Agent

**Office**

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

Rev 10/18





**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:

Please refer to attachment.

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

Please refer to attachment.

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:

Please refer to attachment.

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

Please refer to attachment.

Reason for Appeal

## Board Action

Chairman, Board of Adjustment  
Signature

Date \_\_\_\_\_



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

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





**ARANDA AND ASSOCIATES, INC.**

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

LOT 46

LOT 47

**EMORY AVENUE**

50' ROW

*add*  
9/14/2023  
**N. 23rd LANE**

50' ROW

Curb & Gutter

IRF N 08°42'30" E - 67.50'

WM

IRF

Curb & Gutter

62.5'

5' UE

6.0'

N 81°17'30" W

LOT 2

LOT 3

IRF

S 81°17'30" E

145.00'

5' UE

18' MGSBL

20' MBSBL

42.3'

1 Story  
Brick & Frame

LOT 1

Min. Rear Setback

10' UE

10' UE

30' GAS EASEMENT  
Doc. # 725333 H.C.O.R.

Conc. Wall

S 08°42'30" W - 67.50'

IRF

Curb & Gutter

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

100' ROW





## LAND TITLE SURVEY OF

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

### PROPERTY LOCATED:

8218 N. 23rd Lane  
McAllen, Texas 78504

### SURVEYED FOR:

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

### TITLE COMMITMENT NOTES:

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

### LEGEND

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

### RECORDED PLAT NOTES:

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

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



SCALE: 1" = 30'

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

### SEAL OR EMBOSSEMENT



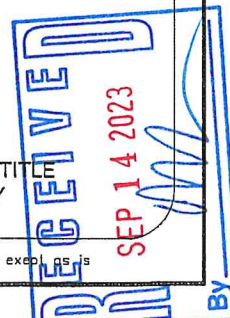
I, JAMES ARANDA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THE ABOVE FOREGOING PLAT TO BE A TRUE AND CORRECT REPRESENTATION OF LAND AS SURVEYED ON THE GROUND UNDER MY DIRECTION AND SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S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

*James Aranda*  
SIGNATURE

5/8/06  
DATE

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

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



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





8218

8218









NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2023-0093

8218

8218



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

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

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION









# PLANNING DEPARTMENT

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



## 2023 CALENDAR

### Meetings:





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

### Deadlines:





D- Zoning/CUP Application      N - Public Notification

\* **Holiday** - Office is closed





### JANUARY 2023

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





### FEBRUARY 2023

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





### MARCH 2023

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





### APRIL 2023

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

### MAY 2023

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

### JUNE 2023



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



## 2023 CALENDAR








### Meetings:

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









### Deadlines:

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









### JULY 2023

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









### AUGUST 2023

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










### SEPTEMBER 2023

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






### OCTOBER 2023

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

### NOVEMBER 2023

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

### DECEMBER 2023

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