

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 22, 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

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)**
- 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)**
- 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)**

3. FUTURE AGENDA ITEMS

- a) 4505 TOUCAN AVENUE
- b) 3603 NORTH 41ST LANE
- c) 409 REDWOOD AVENUE
- d) 1804 NORTH 323ND STREET
- e) 6109 NORTH 51ST STREET

ADJOURNMENT:

IF ANY ACCOMMODATIONS FOR A DISABILITY ARE REQUIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT (681-1250) 72 HOURS BEFORE THE MEETING DATE. WITH REGARD TO ANY ITEM, THE 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.

MINUTES FOR OCTOBER
8, 2025 WILL BE ON THE
NEXT MEETING OF
NOVEMBER 5, 2025

Memo

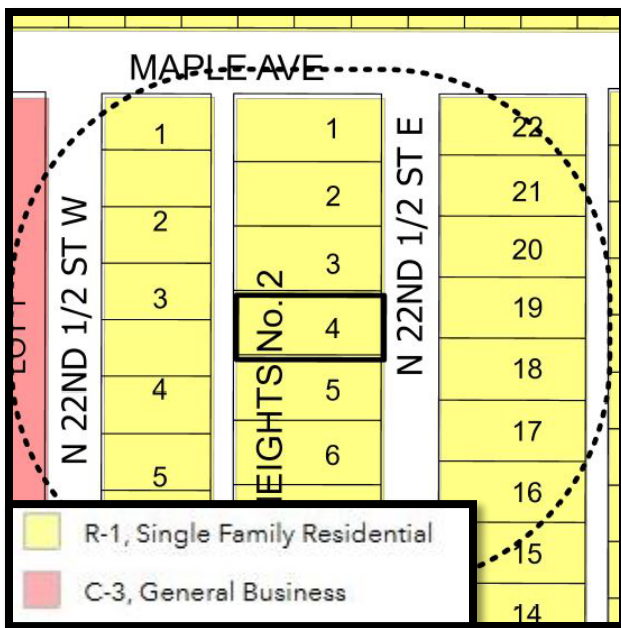
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 22, 2025

SUBJECT: 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)

REASON FOR APPEAL: 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.



PROPERTY LOCATION AND VICINITY: 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.

BACKGROUND AND HISTORY: 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.

ANALYSIS: The applicant is 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 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: LBH2025-0048 ZBOA Meeting: 10/08/25
Accepted By: P.H.

PROJECT

Legal Description Lot 4

Subdivision Name Kendlewood Heights

Street Address 1205 N 22 1/2 st E McAllen, Texas 78501

Number of lots 1 Gross acres 0.1701

Existing Zoning RS Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Requesting a special exception to construct a carport at the front of the property. The carport will provide covered parking. Encroach 9' into the 20' 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 Cecilia Orta Phone 9567768088

Address 1205 N 22 1/2 st E McAllen E-mail cecilia.orta@icloud.com

City McAllen State TX Zip 78501

OWNER

Name Irma Rodriguez + Cecilia Orta Phone 9563095661 and 9567768088

Address 1205 N 22 1/2 st E E-mail cecilia.orta@icloud.com

City McAllen State TX Zip 78501

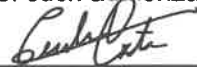
AUTHORIZATION

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

☐ Yes ☒ No

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

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

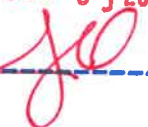
Signature 

Date 9/5/2025

Print Name Cecilia Orta

☒ Owner

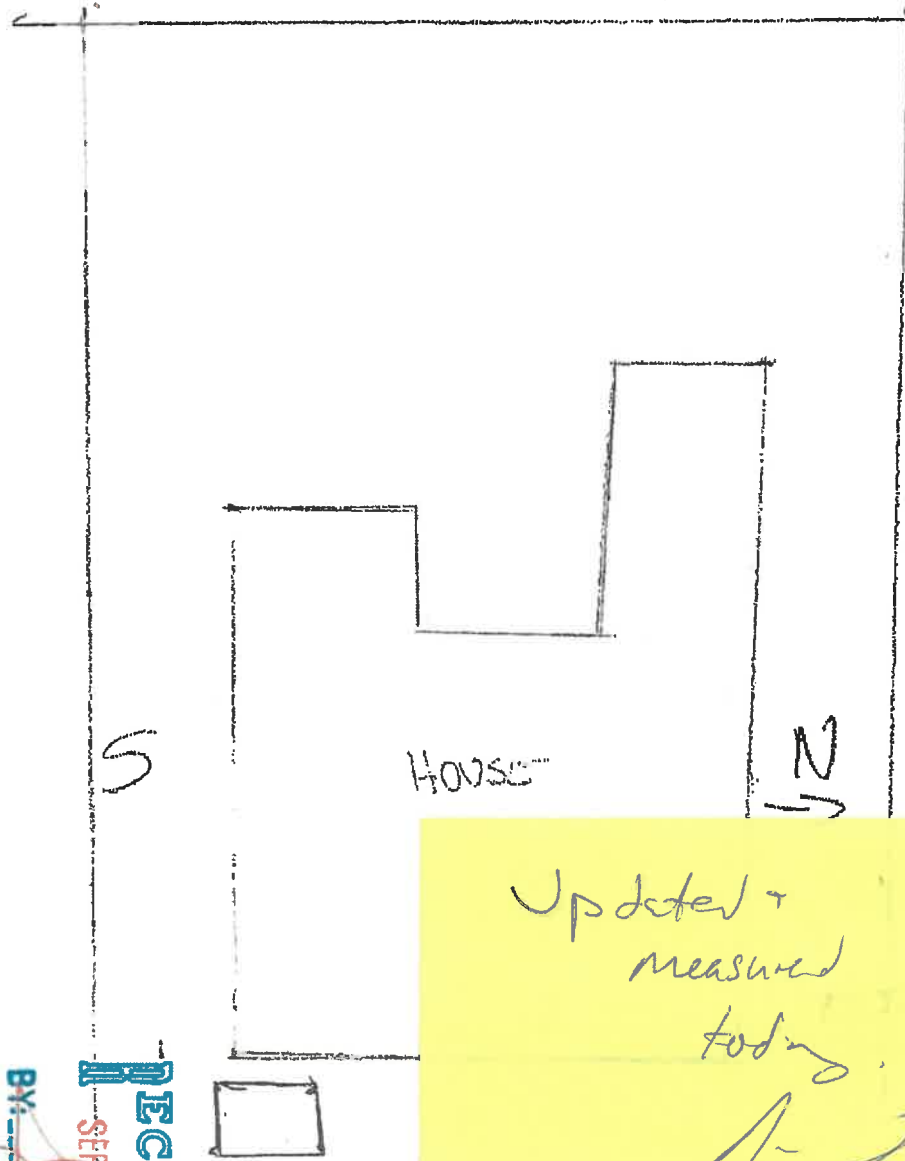
☒ Authorized Agent

RECEIVED
SEP 05 2025
BY: 

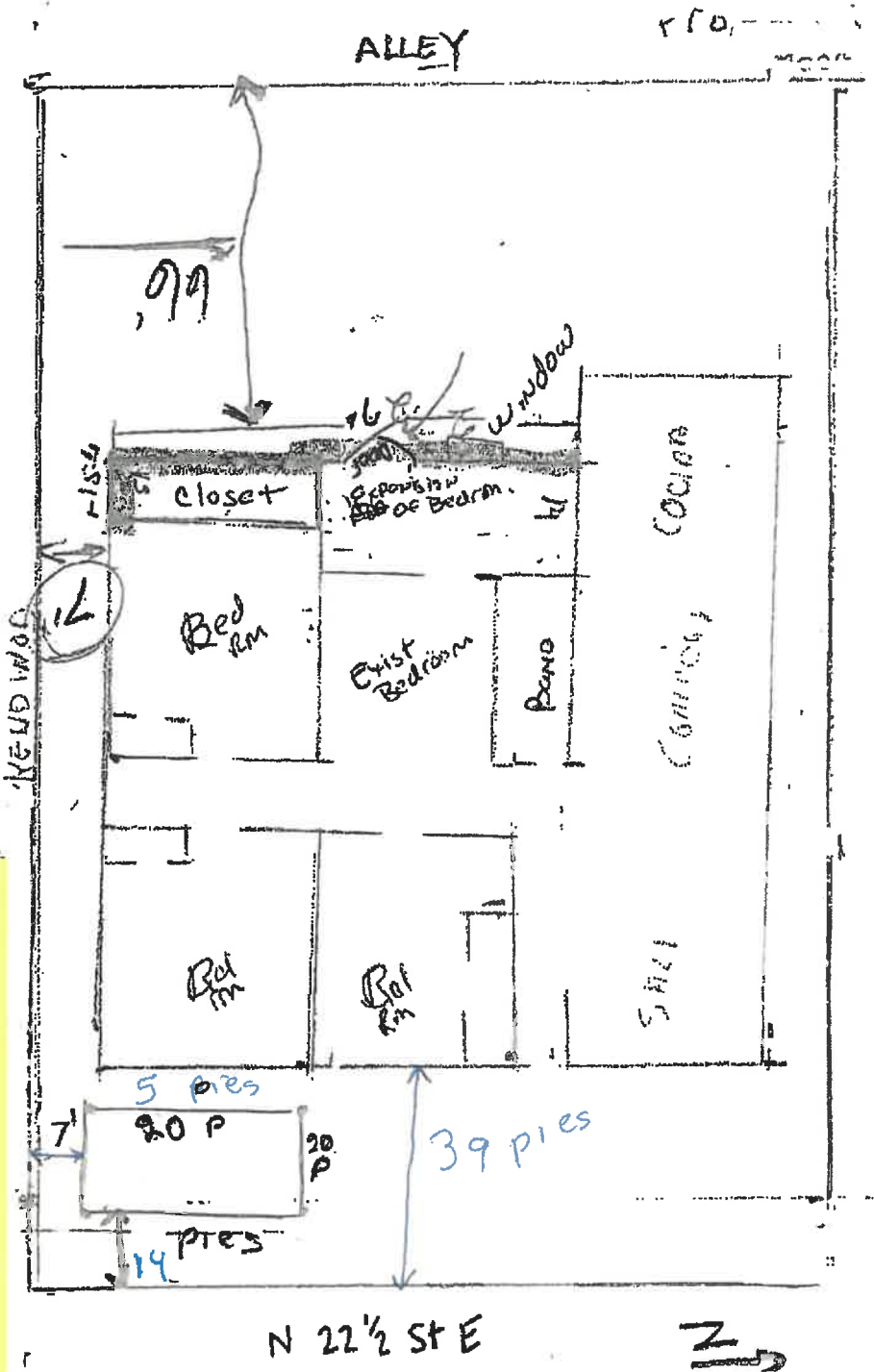


City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i> **Information provided here by the applicant does not guarantee that the Board will grant a variance. ***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.
	1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:
	The existing lot has no covered parking space and due to it's layout has limited space for where the carport can be built.
	Strict application of zoning would prevent installation of a carport to protect vehicles from extreme South Texas weather such
	as sun, hail, and storms. This is a common use of land/properties in the same neighborhood.
	2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:
	The variance would allow us the same enjoyment as other homeowners in the area who have similar carports or covered
	parking. Without this exception, the property would be at a disadvantage compared to neighbors.
	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 proposed carport will not block visibility, interfere with access to utilities, or otherwise create hazards.
	It will comply with structural and safety requirements. It will enhance neighborhood aesthetics by reducing street parking
	and will not be detrimental to adjacent property owners.
	4. Describe special conditions that are unique to this applicant or property:
	The lot dimensions and layout limit parking options. A carport is the most practical solution to provide covered parking
while preserving green space, not requiring significant construction, and keeping vehicles off the street.	
Board Action	
	Chairman, Board of Adjustment Signature Date



Updated & measured today
 9-22-25



**ZBA2025-0048
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY**



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

Memo

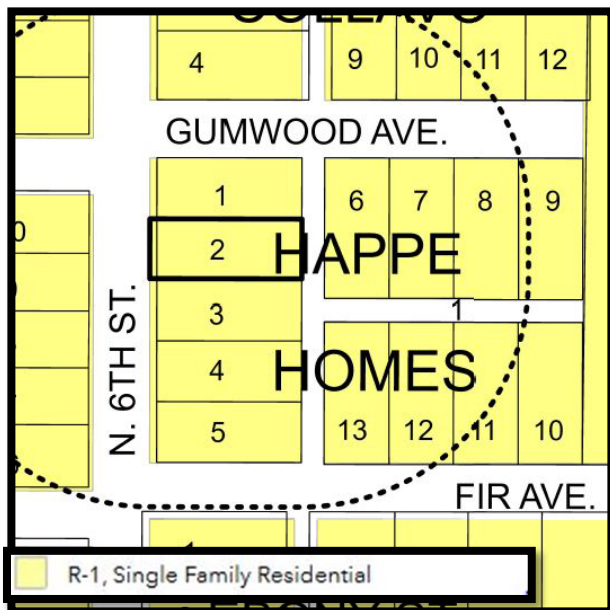
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 21, 2025

SUBJECT: Request of Kandi M. Garza for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16.75 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)

REASON FOR APPEAL: The applicant is 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.



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

BACKGROUND AND HISTORY: 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.

ANALYSIS: 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 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: ZBA2025-0049 ZBOA Meeting: 10-8-2025
Accepted By: Nick Lopez

PROJECT

Legal Description HAPPE HOMES LOT 2 BLK 1

Subdivision Name HAPPE HOMES SUBDIVISION

Street Address 614 N. 6TH ST., MCALLEN, TEXAS 78501

Number of lots 1 Gross acres 0.163

Existing Zoning RS Existing Land Use HOMESTEAD

Reason for Appeal (please use other side if necessary) WE WOULD LIKE TO PROTECT OUR VEHICLES AND HOME FROM EXTREME HEAT AND WEATHER EVENTS.

☒ \$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 KANDI M GARZA Phone 956-735-0686

Address 614 N. 6TH ST. E-mail KANDI0715@GMAIL.COM

City MCALLEN State TEXAS Zip 78501

OWNER

Name KANDI M GARZA Phone 956-735-0686

Address 614 N. 6TH ST E-mail KANDI0715@GMAIL.COM

City MCALLEN State TEXAS Zip 78501

AUTHORIZATION

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

☐ Yes ☒ No

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

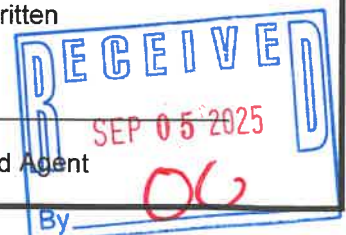
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Kandi M. Garza

Print Name Kandi M. Garza

Date _____

☒ Owner ☐ Authorized Agent





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:

MOST RESIDENTIAL HOMES HAVE A PROTECTED AREA FOR THEIR VEHICLES.

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

N/A

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:

CARPORT WILL BE BUILT BY A COMPANY THAT EXCLUSIVLY BUILDS CARPORTS. THEREFORE, IT WILL BE SECURE.

4. Describe special conditions that are unique to this applicant or property: THE DIRECT HEAT HITTING MY HOME IS MAKING IT REALLY HARD FOR THE A/C TO KEEP THINGS COOL. IT ENDS UP RUNNING NON-STOP, WHICH IS CAUSING IT TO WORK OVERTIME AND RAISING MY ENERGY BILL.

Reason for Appeal

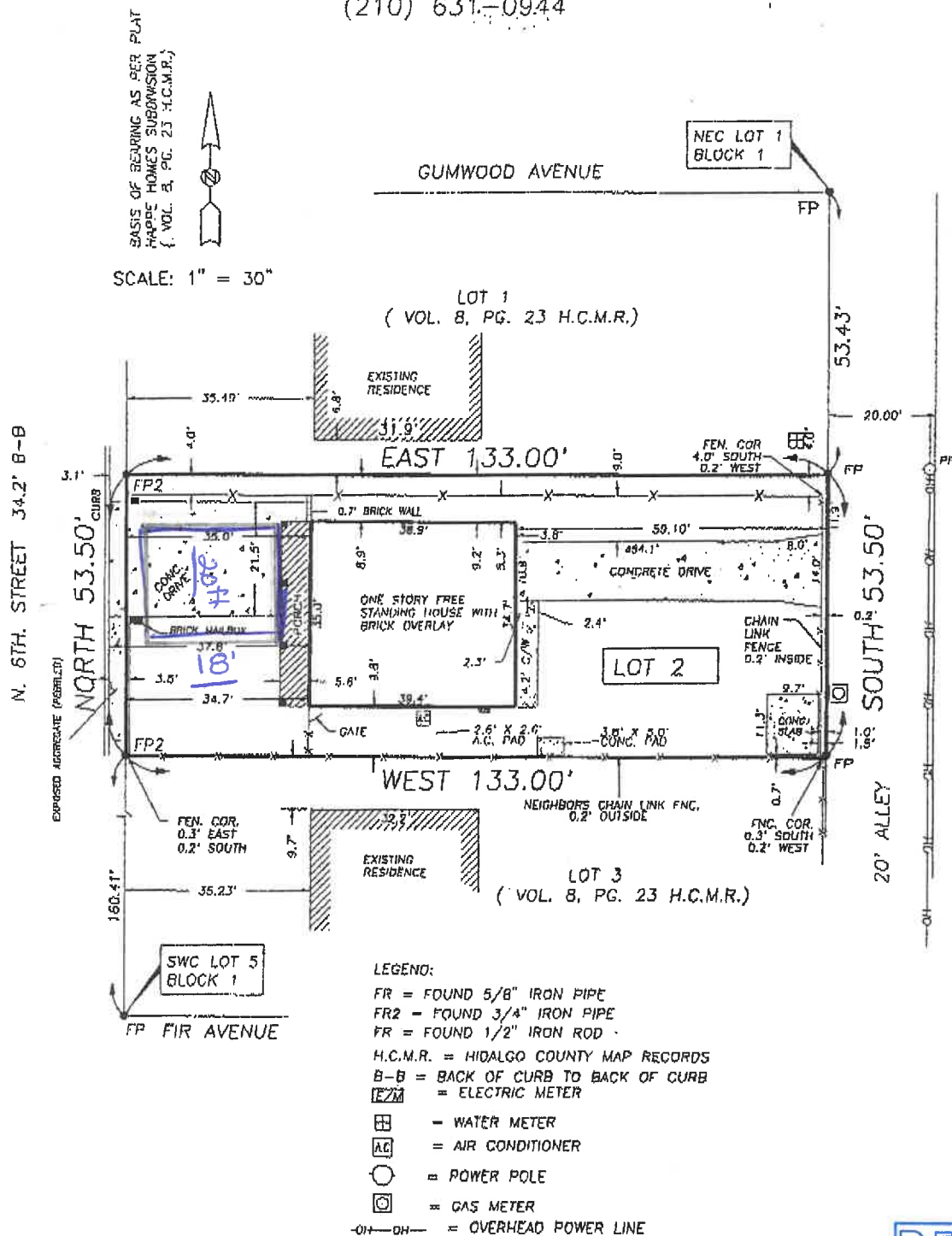
Board Action

Chairman, Board of Adjustment
Signature

Date

ARANDA AND ASSOCIATES

LAND SURVEYING COMPANY
1552 DOVE AVE. McALLEN, TEXAS
(210) 631-0944



NOTE:

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS, RULES, AND REGULATIONS IN FAVOR OF HIDALGO COUNTY WATER CONTROL AND IMPROVEMNET DISTRICT NO.3.

The flood zone designation for this property is zone "B" which are "Areas between the 100-year flood and the 500-year flood; or areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected





**ZBA2025-0049
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY**



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

Memo

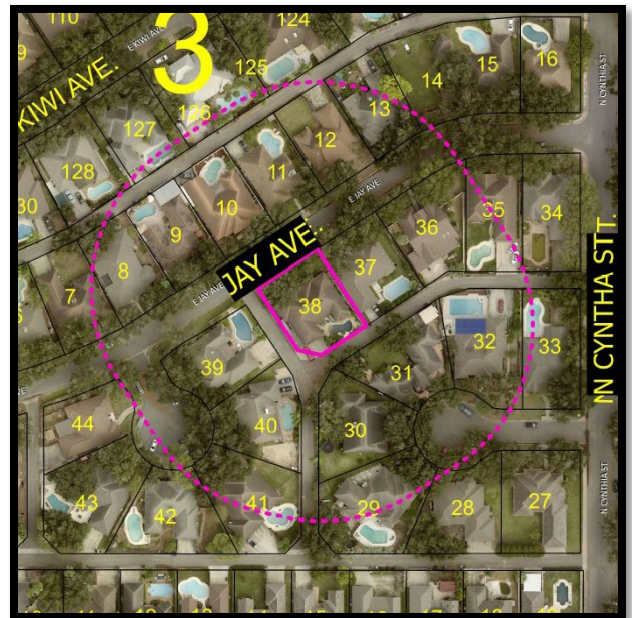
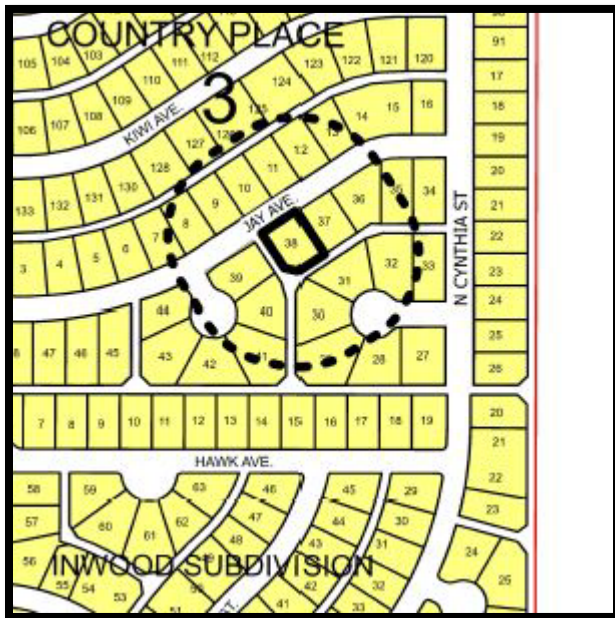
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 22, 2025

SUBJECT: Request of Jaime J. Guerra for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 foot side yard setback for an existing carport at Lot 38, Country Place Subdivision Unit 1, Hidalgo County, Texas; 208 Jay Avenue. (ZBA2025-0053)

REASON FOR APPEAL: The applicant is 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 applicants boat, trailer and vehicles from the weather elements.



PROPERTY LOCATION AND VICINITY: 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.

BACKGROUND AND HISTORY: 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 15th, 2025.

ANALYSIS: The applicant is requesting a special exception for an existing carport that is for the protection of the applicants 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.

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: ZPA2025-0053 ZBOA Meeting: 10.22.25
Accepted By: [Signature]

PROJECT

Legal Description

The Country Place UT 1 LOT 38

Subdivision Name

Country Place

Street Address

208 E. Jay Ave

Number of lots

1

Gross acres

Existing Zoning

R1 Single family

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

existing carport is encroaching 6 feet into the 6 foot side 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

Jaime J. Guerra

Phone

956-638-2867

Address

208 E. Jay Ave

E-mail

huntingfishing@aol.com

City

McAllen

State

Texas

Zip

78504

OWNER

Name

Jaime Guerra

Phone

956-638-2867

Address

208 E. Jay Ave

E-mail

huntingfishing@aol.com

City

McAllen

State

Texas

Zip

78504

AUTHORIZATION

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

☒ Yes

☐ No

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

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

Signature

Jaime Guerra

Date

9-15-25

Print Name

Jaime Guerra

☒ Owner

☐ Authorized Agent

RECEIVED

SEP 15 2025

By: ML



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:

Storage for Truck + boat

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

Cause its been there for 40 yrs and same as above

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

No one has had any issues

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

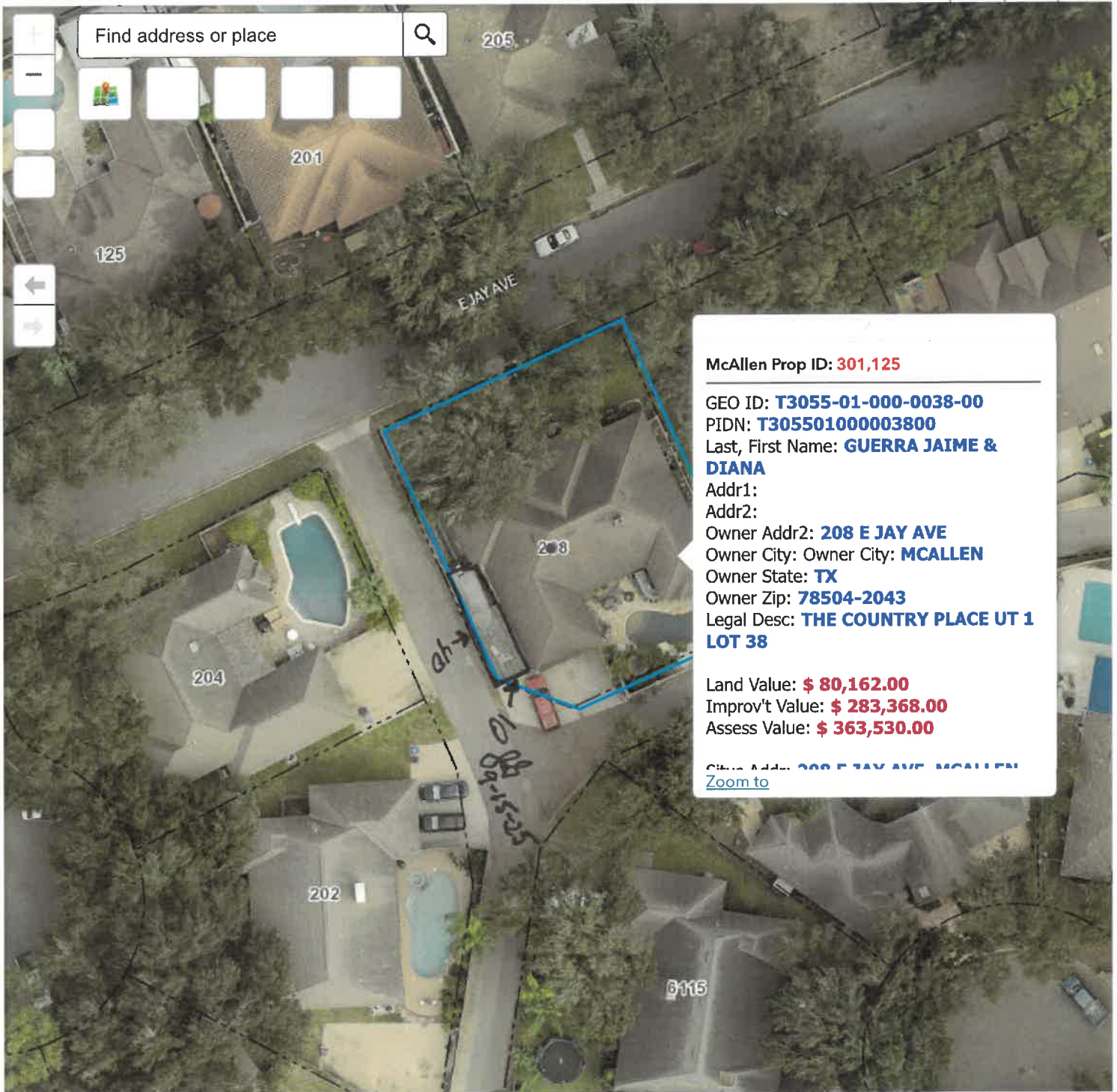
I have multiple vehicles and need storage boat + Trailer.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Find address or place



205

201

125

E JAY AVE

203

204

202

6115

McAllen Prop ID: **301,125**

GEO ID: **T3055-01-000-0038-00**

PIDN: **T305501000003800**

Last, First Name: **GUERRA JAIME & DIANA**

Addr1:

Addr2:

Owner Addr2: **208 E JAY AVE**

Owner City: Owner City: **MCALLEN**

Owner State: **TX**

Owner Zip: **78504-2043**

Legal Desc: **THE COUNTRY PLACE UT 1 LOT 38**

Land Value: **\$ 80,162.00**

Improv't Value: **\$ 283,368.00**

Assess Value: **\$ 363,530.00**

Site Addr: **208 E JAY AVE MCALLEN**
[Zoom to](#)

RECEIVED

SEP 15 2025

BY: _____

40ft

98.209 26 257 Degrees

ZBA2025-0053
NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR THIS
PROPERTY



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