

AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 5, 2022 - 3:30 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 – Chairperson Sylvia Hinojosa

1. MINUTES:

- a) Minutes for the meeting held on September 21, 2022

2. PUBLIC HEARINGS:

- a) Request of Gilberto Saldana G. 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 a proposed carport measuring 20 feet by 12 feet on Lot 61-A, La Lomita Estates Subdivision, Hidalgo County, Texas; 2445 North 31st Street. **(ZBA2022-0061)**
- b) Request of Manuel Rodriguez for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 11 feet into the 20 feet front yard setback for an existing porch measuring 18 feet by 12 feet, at Lot 25, Block 5, Colonia McAllen Unit No. 7 Subdivision, Hidalgo County, Texas; 1901 South 33rd Street. **(ZBA2022-0062)**
- c) Request of Brandon Clay Probst for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 23 feet into the 25 feet front yard setback for a proposed metal carport measuring 23 feet by 21 feet, at Lot 18, Saddle Creek Unit 1 Subdivision, Hidalgo County, Texas, 3112 Northwestern Avenue. **(ZBA2022-0064)**
- d) Request of Tirso Cavazos for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 16 feet into the 26 feet front yard setback for a proposed carport measuring 20 feet by 20 feet, at Lot 2, Block 18, College Heights Subdivision, Hidalgo County, Texas; 2005 Newport Avenue. **(ZBA2022-0065)**
- e) Request of Ramon Garcia for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 20 feet on Lot 14, Brookwood Unit II Subdivision, Hidalgo County, Texas; 3913 Zinnia Avenue. **(ZBA2022-0068)**
- f) Request of Jorge Vasquez for a special exception to the City of McAllen Zoning Ordinance to allow encroachments of 20 feet into the 25 feet front yard setback and 1.5 feet into the 5 feet west side yard setback for an existing metal carport measuring 20 feet by 20 feet on, Lot 3, Block 3, Pecan Terrace, Hidalgo County, Texas; 2205 Nyssa Avenue. **(ZBA2022-0069)**
- g) Request of Javier Garza on behalf of Saharai Elizondo for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 25 feet rear yard setback for a proposed swimming pool measuring 14 feet by 27 feet with a landing area measuring 4 feet by 8 feet on Lot 23-A, Trinity Oaks Subdivision Phase IA, Hidalgo County, Texas; 10734 North 29th Lane. **(ZBA2022-0070)**

- h) Request of Frank Carrasco for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing wooden-frame carport with a metal roof measuring 16 feet by 10 feet on Lot 69, La Lomita Estates Subdivision, Hidalgo County, Texas; 2309 North 31st Street. **(ZBA2022-0071)**
- i) Request of Jose G. Perez for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for a proposed metal carport measuring 18 feet by 22 feet, at Lot 37, McColl Terrace Subdivision No. 2 (Amended), Hidalgo County, Texas; 407 East Vine Avenue. **(ZBA2022-0074)**
- j) Request of Maria I. Sepulveda for the following Special Exception to the City of McAllen off-street parking and loading ordinance to not provide one parking space beyond the front yard setback, at Lot 14, Saddle Creek Unit 2 Subdivision, Hidalgo County, Texas; 9410 North 29th Lane. **(ZBA2022-0076)**
- k) Request of Patricia Madsen for the following Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport measuring 20 feet by 16 feet, at Lot 122, Arrowhead Subdivision Phase II, Hidalgo County, Texas; 2801 North 39th Street. **(ZBA2022-0077)**
- l) Request of Nora Elia Garza for the following Special Exception to the City of McAllen off-street parking and loading ordinance to not provide one parking space beyond the front yard setback, at Lot 89, Villa De Palmas Subdivision, Hidalgo County, Texas; 4109 Gardenia Avenue. **(ZBA2022-0078)**
- m) Request of David Zuniga. for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25-foot front yard setback for a proposed single family home, at Lot 20 Blk 4 for Balboa Acres subdivision, Hidalgo County, Texas; 2400 Helena Avenue. **(ZBA2022-0052) (TABLED: 09/08/2022) (REMAIN TABLED: 09/21/2022)**
- n) Request of Nora Macias for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 10 feet into the 10 feet corner side yard setback for a proposed carport measuring 14 feet by 25 feet, at Lot 81, Northpark Estates Subdivision, Hidalgo County, Texas; 1516 Flamingo Avenue. **(ZBA2022-0066)**
- o) Request of Dora A. Garcia for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6 feet into the 6 feet side yard setback for an existing porch measuring 12 feet by 43 feet, at Lot 25, Gardenia Terrace No. 8 Subdivision, Hidalgo County, Texas; 6105 North 30th Street. **(ZBA2022-0067)**
- p) Request of Eloy Aguirre on behalf of Aguirre Family, LP for a variance to the City of McAllen Vegetation Ordinance to provide a cedar fence 8 feet in height for a buffer instead of the required masonry wall 8 feet in height along the west and south property lines for 1.724 acres out of Lot 14, Stewart's Addition (Proposed Lot 1, World of 4 Subdivision), Hidalgo County, Texas; 615 Dallas Avenue. **(ZBA2022-0072)**
- q) Request of Leobardo Mendoza for the following Special Exceptions and variance request to the City of McAllen Zoning Ordinance to **1)** allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 29.9 feet by 10 feet, **2)** to allow an encroachment of 7 feet into the 10 feet rear yard setback, and an encroachment of 6 feet into the 10 feet south side yard setback for an existing metal carport measuring 24.7 feet by 9 feet, and **3)** a variance for an existing utility porch measuring 5 feet by 8 feet encroaching 5 feet into the 10 feet rear yard setback, at Lot 8, Whispering Winds Subdivision, Hidalgo County, Texas; 600 North 43rd Street. **(ZBA2022-0075)**

- r) Request of Trevino Engineering on behalf of Sonia Salkinder for a variance to the City of McAllen Vegetation Ordinance to not provide a masonry wall 8 feet in height along the west property line for the south 2.06 acres out of Lot 17, Ebony Heights Citrus Groves Unit 1 Subdivision (Proposed Salkinder Plaza Subdivision), Hidalgo County, Texas; 8801 North 10th Street. **(ZBA2022-0082)**
- s) Request of Aqua Mill, LLC on behalf of Velmej Investments, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 114 feet into the 120 feet front yard setback for a water kiosk on Lots 1 thru 14, Spring Glen Subdivision, Hidalgo County, Texas; 628 North McColl Road. **(ZBA2022-0060) (TABLED: 09/21/2022)**
- t) Request of Elizabeth L. Garza for the following Variance to the City of McAllen Zoning Ordinance to allow an encroachment of 4 feet into the 10 feet South side yard setback for an existing single family home, at Lot 124, Vendome Subdivision Phase II, Hidalgo County, Texas; 13818 North 33rd Lane. **(ZBA2022-0037) (TABLED: 07/07/2022, 07/20/2022, 08/03/2022, 08/17/2022, 8/31/2022, 09/08/2022, 09/21/2022)**

3. FUTURE AGENDA ITEMS

- a) 7533 North 27th Street
- b) 5101 South 29th Street
- c) 2300 Oxford Avenue
- d) 3408 Lucille Avenue
- e) 604 South 15th Street
- f) 1801 North 12th Street
- g) 2250 Nolana Avenue
- h) 7608 North Ware Road

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, September 21, 2022 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

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

CALL TO ORDER –Chairperson Sylvia Hinojosa

1. MINUTES:

- a)** Minutes for the special meeting held on September 8, 2022.

The minutes for the special meeting held on September 8, 2022 were approved. The motion to approve the minutes were made by Mr. Hugo Avila. Vice-Chairperson Jose Gutierrez seconded the motion, which carried unanimously with five members present and voting.

2. PUBLIC HEARINGS:

- a)** Request of Juan Muniz for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25-foot front yard setback for an existing single family home at Lot 220, Idela Park Unit 3, Hidalgo County, Texas; 3528 Katrina Avenue. **(ZBA2022-0054)**

Ms. Trevino stated the variance request is to allow an encroachment of 5 feet into the 25 feet which had not undergone the permit review process by staff and showed a proposed single family home that was built based on the original site plan 20 feet front yard setback.

The subject property was located at the northeast corner of Katrina Avenue and North 36th Street. The subject property has 55 feet of frontage along Katrina Avenue and a depth of 90 feet, for a lot size of 4,950 square feet. There was an existing single-family residence in the subject property. The surrounding land use was single-family residential. Idela Park Unit 3 Subdivision was recorded on February 13, 1976 and requires a 25 feet front yard setback. An application for a building permit for the single-family residence was submitted on December 27, 2021, and is pending the certificate of occupancy issuance. An application for the special exception request was submitted on August 8, 2022. The plat for the subdivision shows a 25 feet front yard setback and a 10 feet rear yard setback. A 10 feet utility easement runs concurrently with the 10 feet rear yard setback.

Approval of the variance request would allow an encroachment of 5 feet into the 25 feet front yard setback as shown in the applicant's submitted revised site plan. The original site plan that was submitted showed a setback proposed at 20 feet and a rear yard setback of 15 feet. Based on an official site plan review, a revised site plan was requested and submitted with the correct setback of 25 feet. The permit was approved and issued for the construction at the required 25 feet front yard setback, but the home may have been built referencing the original site plan showing the 20 feet front yard setback.

The plat for the subdivision shows a 25 feet front yard setback and a 10 feet rear yard setback. A 10 feet utility easement runs concurrently with the 10 feet rear yard setback.

The board may consider a type of hardship- the financial cost of complying with the code, if the financial cost of compliance is greater than 50 percent of the appraised value of the structure.

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

Staff recommended approval of the variance request since the home was already built and strict compliance with the code may represent a hardship to the property owner. If approval was granted it should be limited to the encroachment shown on the submitted site plan.

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

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

Being no discussion, Mr. Hugo Avila **moved** to approve the variance request limited to the encroachment shown on the submitted site plan. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to approve the variance request with five members present and voting.

- b) Request of Noelia Salazar for a special exception request to the City of McAllen Zoning Ordinance to allow an encroachment of 26 feet into the 31 feet front yard setback for an existing metal carport measuring 25 feet by 22 feet on Lot 5, Block 4, Milmor Addition, Hidalgo County, Texas; 1717 Maple Avenue. (ZBA2022-0058)**

Mr. Nunez stated the applicant was requesting a special exception in order to allow an

encroachment of 25 feet into the front yard setback of 31 feet for an existing metal carport measuring 26 feet by 22 feet. The applicant is appealing to keep her metal carport to protect her vehicles (4) from the weather elements, namely high temperatures and hail damage. According to the applicant, this carport will also serve as weather protection for her elderly mother, who she takes care of on a regular basis.

The subject property was located south of Maple Avenue, approximately 50 feet east of Bicentennial Boulevard. According to the subdivision plat, the property has 50 feet of frontage along Maple Avenue with a depth of 160 feet, for a lot size of 8,000 square feet. The surrounding land use is single-family residential with a commercial use to the north across Maple Avenue and apartment use on the adjacent property to the south.

The plat for Milmor Addition was recorded in May 26, 1927. According to Hidalgo County Appraisal District, the existing home was built in 1995. According to the applicant, the existing carport was built on July 2022. A non-compliance notice was issued by the Building Permits and Inspections Department in August 8, 2022 for construction of a carport without a permit on file. A Building Permit application was submitted on August 10, 2022. The special exception request on August 17, 2022.

Approval of the special exception request would allow an encroachment of 26 feet into the 31 feet front yard setback as shown in the applicant's submitted site plan.

According to Section 138-367 (a), "when 50 percent or more of the frontage on one side of a street on any one block is improved with buildings that have front yard which is greater than the required front yard in the district, no new building shall project beyond the average front yard so established..."

According to the subdivision plat, there are no dedicated easements to the front of the subject property.

During the site visit, staff noticed similar encroachments, namely carports, located at the front yard within the area (including the adjacent property). The existing carport on the subject property would be characteristic of constructions within the area. A review of the Planning Department records revealed several variance requests in the immediate area, however none for the front yard carports that were observed during the site visit (including for the adjacent property, Lot 4 of the same subdivision).

According to the applicant, the existing garage is used for storage for a room that is used to accommodate her elderly mother.

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

All measurements were taken without the benefit of a survey.

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

Staff recommended approval of the special exception request, limited to the encroachment shown on the submitted site plan. Given that there are other carports within the area, the existing carport would not be breaking with the existing character of the subdivision.

Ms. Noelia Salazar, the applicant stated they decided to build a carport to protect their vehicles and for her elderly mother. She stated her husband had called before the carport built in the Planning Department. She stated they asked her husband if the carport was going to be attached to the house. Her husband told them no and asked if they needed a permit. They told them if it were not attached to the house then he would not need a permit. Ms. Salazar stated there were other homes down their street with the same type of carports.

Board member Avila asked the applicant when the carport was built. Ms. Salazar stated they built the carport two weeks before they received the notice. Board member Avila asked how far the carport from the street was. Staff stated it was around 10 feet from the curb line.

Board member Saldivar asked staff if the carport had to be attached in order to receive a permit. Mr. Nunez stated if the structure were built on top of any on the front yard setback, it would have required a special exception.

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

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

Following discussion, Mr. Sam Saldivar **moved** to the special exception limited to the encroachment as shown on the submitted site plan. Ms. Ann Tafel seconded the motion. The Board voted to approve the special exception with five members present and voting.

- c) Request of Vicente Martinez on behalf of Maria C. Martinez for a variance to the City of McAllen Zoning Ordinance to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use at Lot 4, Block 38, Hammond Addition, Hidalgo County, Texas; 2011 Beaumont Avenue **(ZBA2022-0059)**

Mr. Nunez stated the applicant was requesting a variance to allow issuance of a building permit in excess of 10% replacement value for a non-conforming use in order to remodel an apartment dwelling located on the subject property's rear yard. The applicant claims that this variance was necessary to make the structure habitable. The structure has wear and tear due to age and had been recently vandalized.

The subject property was located on the south side of Beaumont Avenue, approximately 200 feet east of 21st Street. The property has 50 feet of frontage along Beaumont Avenue and a depth of 140 feet, for a lot size of 7,000 square feet. The zoning for the subject property and the adjacent properties to the north, east and west was C-4 (commercial industrial) District. There is R-2 (duplex-fourplex residential) District to the south. Surrounding land uses include single family residential.

According to Hidalgo County Appraisal District records, the primary residence and the apartment dwelling were built in 1972. The current owners acquired the property in 2005.

A building permit application for the remodeling of the mentioned apartment dwelling was submitted on July 28, 2022. An application for the above mentioned variance request was submitted on August 17, 2022.

The variance request was to allow the continuation of the non-conforming use as a duplex. According to the submitted site plan, the apartment dwelling measures 32.5 feet by 19.5 feet for a total size of 633.75 square feet. According to the applicant, the apartment dwelling has been vacant since 2005. The applicant was proposing to remodel the current structure in order to host two tenants.

According to Section 138-89 (a), "on any nonconforming structure or portion of a structure containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing to an extent exceeding ten percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be."

The proposed remodeling will not increase the square footage of the current structure. The proposed remodeling, however, will exceed the replacement value of the non-conforming structure in excess of 10%.

According to Hidalgo County Appraisal District, the current value of the non-conforming structure was \$16,348. Moreover, 10% of said value would be \$1,634.80.

According to the applicant's submitted estimates, there will be a total expenditure of \$9,240 in the cost of the materials needed to remodel the apartment dwelling. Out of the total submitted cost estimates, only \$8,160 in materials would require a building permit. This estimate total would exceed the 10% replacement value of the non-conforming structure by \$6,525.20, or 39.91%.

If the variance request was approved, the applicant must comply with all other zoning ordinance and building code requirements.

All measurements were taken without the benefit of a survey.

Staff received one phone call in opposition to this request. The person in opposition stated that such a structure or use should not be permitted in the area.

Staff recommended approval of the variance request since the proposed remodeling would make the structure to be habitable and may bring the structure closer to compliance with City codes.

Mr. Vicente Martinez, the applicant on behalf of Maria C. Martinez stated when they bought the building the area was not appealing. The building was in need of remodeling. Within the year, the building had been vandalized. He then spoke with the electric company to remove the meter. He stated he had been working on it for the past 10 years and that he needed a building permit in order to continue remodeling which will exceed an amount in materials.

Chairperson Hinojosa asked staff if there was any opposition or phone calls. Mr. Nunez stated there was one person but wanted to remain anonymous was not attending the meeting. He stated that the person in opposition stated that such a use should not be permitted in the area. In addition, if she were to build a similar structure in her backyard that she would probably be denied.

Board member Mujica asked staff to explain the 10% replacement value. Staff explained it to Mr. Mijica.

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

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

Following discussion, Mr. Juan Mujica **moved** to approve the variance request as recommended by staff. Ms. Ann Tafel seconded the motion. The Board voted to approve the variance request with five members present and voting.

At this time, Board member Mark Tablot arrived to the meeting.

- d) Request of Aqua Mill, LLC on behalf of Velmej Investments, LLC for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 114 feet into the 120 feet front yard setback for a water kiosk on Lots 1 thru 14, Spring Glen Subdivision, Hidalgo County, Texas; 628 North McColl Road. **(ZBA2022-0060)**

Ms. Ann Tafel **moved** to table the variance request until the next meeting. Mr. Hugo Avila seconded the motion. The Board voted to table the variance request with five members present and voting.

- e) Request of Hilda Trevino for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20 feet front yard setback for an existing carport measuring 20 feet by 20 feet, at Lot 10, Block 1, Bluebird Subdivision, Hidalgo County, Texas; 5309 North 32nd Street. **(ZBA2022-0055)**

Ms. Trevino stated the applicant was requesting a special exception in order to allow an encroachment of 20 feet into the front yard setback of 20 feet for an existing metal carport measuring 20 feet by 20 feet. The applicant is proposing the existing metal carport to protect her three vehicles from the weather elements.

The subject property is located along the west side of North 32nd Street. According to the subdivision plat, the property had 70.15 feet of frontage along North 32nd Street and a depth of 115 feet, for a lot size of 8,067 square feet. The surrounding land use was single-family residential and Zinnia Park to the south.

The plat for Bluebird Subdivision was recorded in October 22, 1987 and required 20 feet for front yard setbacks. An application for a building permit for the carport was submitted on September 22, 2021. An application for the special exception request was submitted on August 10, 2022.

Approval of the special exception request would allow an encroachment of 20 feet into the 20 feet front yard setback as shown in the submitted site plan. There is a two-car garage as part of the house that was used for storage and 2 of the 3 vehicles that she owns. The reason for this request is to allow the applicant to provide protection for her three vehicles from the weather elements.

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

There were no other carports in the immediate area.

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

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

Staff recommended disapproval of the special exception request, since approval may encourage other property owners to build similar structures that may require special exceptions.

Board member Saldivar asked staff when the application for the permit was submitted, what the City did back in 2021 of September. Staff stated they had notified the applicant that she would have to apply for the special exception if she went ahead of the plans. The applicant did submit the application and was reviewed by a Planner and then it was built. Mr. Saldivar asked staff if there in this case was a correspondence sent out to the applicant. Staff stated they would call the applicant and have them come into the office to review any revisions or send out an email. Mr. Saldivar asked staff if there was a follow-up email or sent by mail afterwards as a reminder. Staff stated according to the notes, there was a phone call made.

Board member Mujica asked staff if there was a protocol that the City does on our end to ensure that there was a finality. Staff explained how Code Enforcement would receive complaints from the Planning Department and they would do a follow-up to see if they were in compliance. The person would be asked to go into the Planning Department to speak to someone regarding their complaint.

Ms. Hilda Trevino, the applicant stated she spent years trying to obtain a permit but was informed that she needed to apply and pay \$250.00 and retrieve signatures from her neighbors to see if they would not oppose to Ms. Trevino building a carport. In addition, that if the neighbors were against it that the fee was not refundable. Ms. Trevino built the carport anyway and stated that if the City were going to cite them then they would pay the fee. The contractor who built the carport informed the applicants that the measurements complied with the City. She received a notice to come in and apply for the special exception.

Vice-Chairperson Gutierrez asked Ms. Trevino if the staff had mentioned if applying for the special exception that they had to come before the Board. Ms. Trevino stated no one had mentioned to her about the meeting.

Mr. Edgar Garcia, Planning Director explained to the Board that the Department had an electronic system where staff was instructed to reach out whether it was an email and log in their comments. There is record that on September 2021, staff did reach out informing them about the special exception. In December 2021, the Building Department reached out to see what was going to happen with the permit. They had reached out to Ray Tovar who might have been the contractor at the time. However, no response. Mr. Garcia asked the applicant who was the contractor. She stated his name was Morales.

Vice-Chairperson Gutierrez asked if there was a legal way to go after the contractors that take advantage of the residents.

Mr. Benito Alonzo, Assistant City Attorney I, mentioned to the Board that he handled the building permit citations and things of that nature. As far as going after the contractor that would probably be more on the State level when they misrepresent or maybe the District Attorney's Office but there was no legal remedy.

Vice-Chairperson Gutierrez asked the applicant to repeat what information was given to her previously. She went onto to explain what staff had told her.

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

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

Following discussion, Ms. Ann Tafel **moved** to disapprove special request. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to disapprove the special exception with two members voting aye and three voting nay, Chairperson Sylvia Hinojosa, Mr. Sam Saldivar and Mr. Juan Mujica. Item was not approved due to lack of required super majority.

- f) Request of Diana Cerecedo for variance to the City of McAllen Zoning Ordinance to allow: an encroachment of 5.75 feet into the 25-foot front yard setback for a garage setback and an encroachment of .91 feet into the 25 feet front yard setback for a proposed single family home, at Lot 16 Bentsen Park subdivision, Hidalgo County, Texas; 4201 Zinnia Avenue. **(ZBA2022-0056)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 5.75 feet into the 25 feet front yard setback for a garage setback and an encroachment of .91 feet into the 25 feet front yard setback for a proposed single family home. The applicant is proposing the encroachments in order to accommodate construction of a proposed single-family residence.

The subject property was located at the elbow intersection of Zinnia Avenue and North 42nd Street. The property had 60 feet of frontage along Zinnia Avenue and a depth of 105.99 ft. at its deepest point, for a lot size of approximately 6,969 square feet. The surrounding land use is single-family residential and a detention area (Lot A) for the subdivision.

The plat for Bentsen Park Subdivision was recorded on May 31, 2022, and indicates a front yard setback of 25 feet. A building permit application for the proposed residence has not yet been submitted. The applicant submitted the special exception request on August 16, 2022.

Approval of the variance request would allow an encroachment of 5.75 feet into the 25 feet front yard setback for a garage setback and an encroachment of .91 feet into the 25 feet front yard setback for a proposed single family home. The proposed encroachments will help to accommodate the single family home, and leave room for a rear yard area in the back of the property and for a future patio.

A review of Planning Department records did not reveal any approved special exceptions

or variances in the immediate area for Bentsen Park Subdivision.

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

Staff recommended disapproval of the variance request since the submitted site plan shows room at the rear of the subject property to relocate the proposed residence out of the front yard setback.

Ms. Diana Cerecedo, 602 Purple Bouganbillia, Pharr. The applicant stated they wanted to have a good home plan to build on both properties. They were trying to get the most of the space for the back for the new owners to build a pool or a palapa. She stated that is why they were requesting a little more towards the easement in the front in order to have a larger backyard.

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

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

Following discussion, Ms. Ann Tafel **moved** to disapprove the variance request as submitted. Vice-Chairperson Jose Gutierrez seconded the motion. The Board voted to disapprove the variance request with five members present and voting.

- g) Request of Diana Cerecedo for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 6.4 feet into the 25-foot front yard setback for a garage setback, at Lot 4 Bentsen Park Subdivision, Hidalgo County, Texas; 4308 Avocet Avenue. (ZBA2022-0057)**

Ms. Trevino stated the applicant was requesting a variance to allow an encroachment of 6.42 feet into the 25 feet front yard setback in order to accommodate construction of a garage as part of a proposed single-family residence. The lot fronts a knuckle or eyebrow intersection and the applicant states this was an irregularly shaped lot and would like room to have a back yard and a patio.

The subject property was located east of North Bentsen Road. According to the subdivision plat, the property had approximately 60.72 feet of frontage along Avocet Avenue and a depth of 119.05 feet at its deepest point, for a lot size of approximately 7049 square feet. The surrounding land use is single-family residential and vacant land.

The plat for Bentsen Park Subdivision was recorded on May 21, 2022. The plat indicates a front yard setback of 25 feet. A building permit application for the proposed residence has not yet been submitted. The applicant submitted the special exception request on August 16, 2022.

Approval of the variance request would allow an encroachment of 6.42 feet into the 25 feet front yard setback for a garage as part of a proposed single family home. The submitted site plan shows that a single-family residence is to be built on the property. The applicant states compliance with the required front yard setback will limit rear yard available space for a patio. A 10 feet rear yard setback and utility easement prevent the

proposed structure to be moved further to the rear of the property in order to be in compliance.

A review of Planning Department records did not reveal any approved special exceptions or variances in the immediate area.

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

Staff recommended disapproval of the variance request since the proposed size of the residential home might be reduced in size to be in compliance.

Ms. Diana Cerecedo, 602 Purple Bouganbillia, Pharr. The applicant asked about possibly replatting a lot. Mr. Edgar Garcia, Planning Director explained to the applicant the process of replatting.

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

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

Following discussion, Mr. Hugo Avila **moved** to disapprove the variance request as per staff's recommendation. Mr. Sam Saldivar seconded the motion. The Board voted to disapprove the variance request with five members present and voting.

- h) Request of David Zuniga. for a variance to the City of McAllen Zoning Ordinance to allow an encroachment of 5 feet into the 25 feet front yard setback for a proposed single family home, at Lot 20 Blk 4 for Balboa Acres subdivision, Hidalgo County, Texas; 2400 Helena Avenue. (ZBA2022-0052) (TABLED: 9/8/2022)**

This item was to remain tabled until the next meeting.

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

This item was to remain tabled until the next meeting.

4. FUTURE AGENDA ITEMS:

- | | |
|---|---|
| a) 2445 North 31st Street | i) 10734 North 29th Lane |
| b) 1901 South 33rd Street | j) 2309 North 31st Street |
| c) 3112 Northwestern Avenue | k) 615 Dallas Avenue |
| d) 2005 Newport Avenue | l) 407 East Vine Avenue |
| e) 1516 Flamingo Avenue | m) 600 North 43rd Street |

f) 6105 North 30th Street

n) 9410 North 29th Lane

g) 3913 Zinnia Avenue

o) 2801 North 39th Street

h) 2205 Nyssa Avenue

ADJOURNMENT

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

Chairperson Sylvia Hinojosa

Carmen White, Administrative Assistant

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

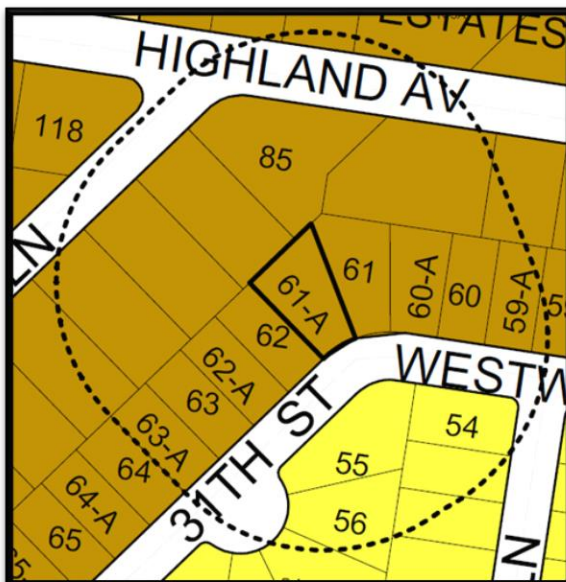
SUBJECT: REQUEST OF GILBERTO SALDANA G. FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 14 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET BY 12 FEET ON LOT 61-A, LA LOMITA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2445 NORTH 31ST STREET. (ZBA2022-0061)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow the above mentioned encroachments for a proposed carport measuring 12 feet by 20 feet. The applicant is proposing the carport to protect his vehicle from the weather elements, namely high temperatures and hail damage. According to the applicant, the existing garage cannot accommodate his vehicle due the limited access they have to open their car doors. Moreover, the applicant has stated that him and his wife have health and age-related conditions that would be helped by having access to the proposed carport.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of 31st Street. The property has 40 feet of frontage along North 31st Street and a depth of 128 feet at its deepest point, for a lot size of 7,324 square feet. The surrounding land use is single-family residential and apartment use.



BACKGROUND AND HISTORY:

The plat for La Lomita Estates Subdivision was recorded on July 20, 1982 and requires 20 feet for the front yard setback. According to Hidalgo County Appraisal District, the existing home was built in 1990. The applicant purchased the home in March, 2000. A building permit application for the proposed carport was submitted on April 13, 2022. The applicant submitted the special exception request on August 18, 2022.

ANALYSIS:

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

During the site visit, staff noticed similar encroachments, namely carports, located on the front yard in the subdivision.

A review of Planning Department records revealed a total of four special exceptions that were granted approval between 2018 and 2022 by the Zoning Board of Adjustments and Appeals. Approvals were granted for Lots 22, 44, and 45 for encroachments of 20 feet into the 20 feet front yard setback, and 19 feet into the 20 feet front yard setback for Lot 53.

Another special exception request for an existing carport at Lot 69 of this subdivision is scheduled to be heard today on this same agenda.

There is no alley at the rear of the property that would allow for the relocation of the proposed carport.

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

All measurements submitted were without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since in the past the Board has previously approved other special exceptions in this subdivision. Also, there is no alley at the rear of the property that would allow for the relocation of the proposed carport. Approval should be limited to the footprint shown on the submitted site plan.

ZBDA- 10/5/22



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)

ZBA2022-0061

Project	Legal Description <u>L2 Lomita Estates Lot 61 = A</u>
	Subdivision Name <u>Gilberto Saldana G.</u> Street Address <u>2445 N = 31 st. st.</u>
Project	Number of lots _____ Gross acres _____ Existing Zoning <u>R1</u> Existing Land Use <u>R1</u>
	Reason for Appeal (please use other side if necessary) <u>10 pies dentro de los</u> <u>20 pies delanteros para cochera.</u> <input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport) <input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Gilberto Saldana G.</u> Phone <u>956 540-71-80</u> Address <u>2445 N = 31 st. st.</u> E-mail <u>gilbertosaldana@gmail.com</u> City <u>McAllen</u> State <u>tx</u> Zip <u>78501</u>
Owner	Name <u>Gilberto Saldana G.</u> Phone <u>540-71-80</u> Address <u>McAllen 2445 N - 31 st.</u> E-mail _____ City <u>McAllen</u> State <u>tx</u> Zip <u>78501</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input 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>8-18-22</u> Print Name <u>Gilberto Saldana G.</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent
Office	Accepted by <u>[Signature]</u> Payment received by _____ Date _____ Rev 10/18 <div style="text-align: right;"> </div>



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:

La razón por lo que pedecemos el carport es que por nuestra avanzada edad, mi esposa tiene 80 años y yo tengo 85½ Años el sol nos da muy fuerte.

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

Teníamos 2 árboles nos daban sombra pero en el invierno pasados senos helaron y hubo que cortar los, luego sembramos otros senos secos.

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:

Yo estoy operado de mis 2 rodillas la izquierda fue el 4 de mayo de este año ya tallo mucho para caminar

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

Tenemos garage pero es muy limitado el espacio estando el carro dentro y es por eso queremos el carport por favor Gracias

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

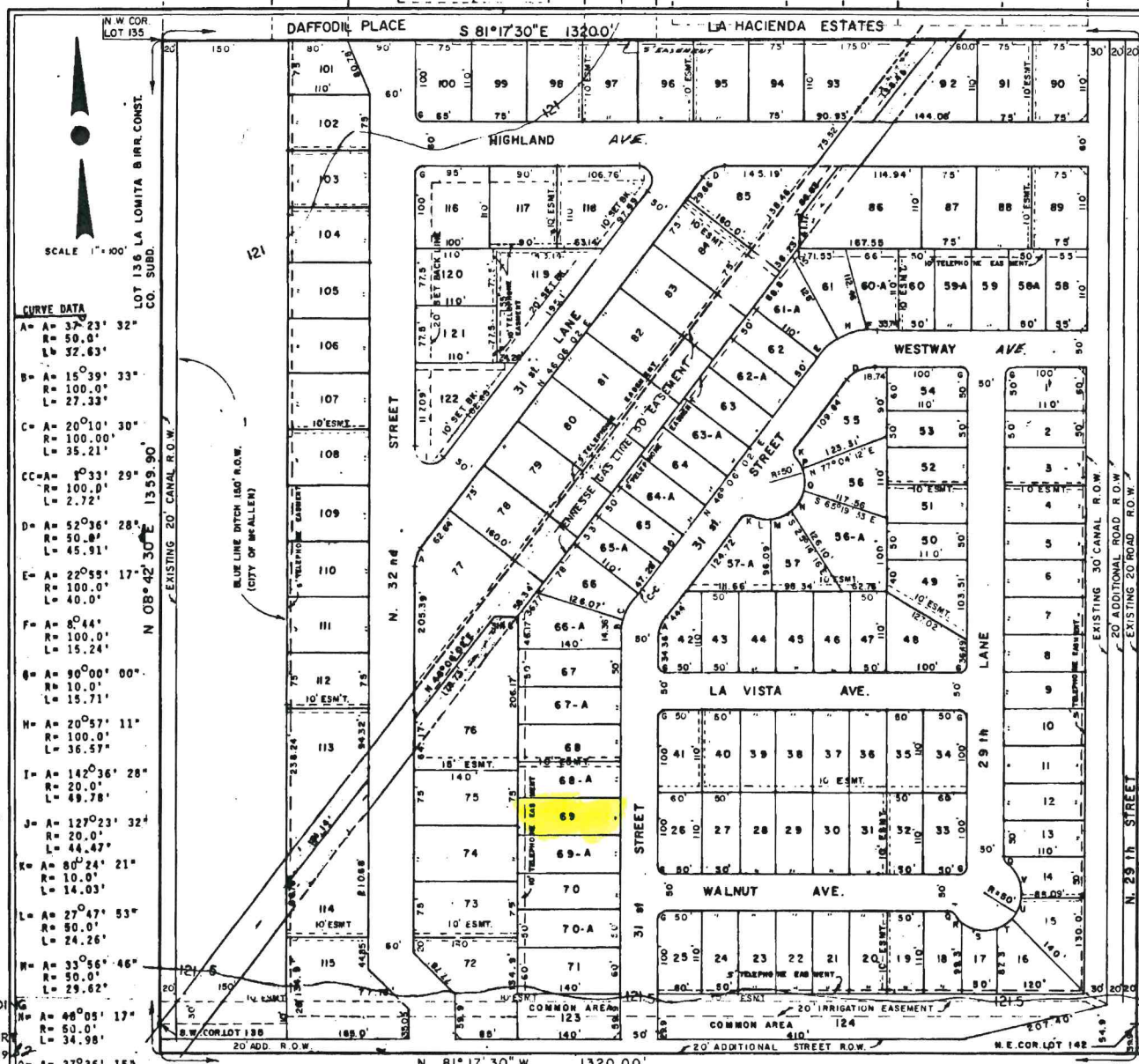
Date

[illegible]

RECEIVED
AUG 1 1967
By all

Revised 9/16/22





LA LOMITA ESTATES

4000 ACRES TRACT OF LOT 135 AND THE NORTH 121 ACRE
OF LOT 142 LA LOMITA & IRRIGATION CONSTRUCTION CO. SUBD.
HIDALGO COUNTY, TEXAS 25734

JUL 28 1982

STATE OF TEXAS
COUNTY OF HIDALGO

THE OWNER OF THE LAND SHOWN ON THE PLAT ABOVE REFERENCED HERE-
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HAS AGREED TO THE
USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, ROWS, WATER COURSES, DRAINS, EASE-
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION
THEREIN EXPRESSED.

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED
RAFAEL JIMENEZ, KNOWN TO ME TO BE THE PERSON
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO
BE THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN
EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 28th DAY OF December
A.D. 1982

[Signature]
HIDALGO COUNTY, TEXAS

APPROVAL BY WATER DISTRICT

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
ON THIS 24th DAY OF June, A.D. 1982

[Signature]
City Secretary
[Signature]
Secretary

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

[Signature]
MAYOR, CITY OF DALLAS

THIS PLAT OF LA LOMITA ESTATES
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF
DALLAS, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.
DATED THIS 28th DAY OF July, A.D. 1982

[Signature]
CHAIRMAN

STATE OF TEXAS
COUNTY OF HIDALGO

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM
AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

[Signature]
REGISTERED PROFESSIONAL ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15th DAY OF December
A.D. 1982

[Signature]
HIDALGO COUNTY, TEXAS

NOTE:

USE RESTRICTIONS:

1. A. Lot 1-71 shall be limited to single family dwellings.
B. Lots 72-122 shall be limited to multi-family dwellings.
2. SETBACKS:
A. Front: 20'; except Culdesac may be 10'.
B. Side: 6' - 12' between structure & not exceeding 25' in height
Where a structure exceeds the 25' height, it shall be
setback 1 additional foot for each foot above 25 feet.
C. Corner lots shall have a 10' side setback.
D. Rear setback shall be 10'.
E. Individual lot access from 20' street and Vine Ave. is prohibited, and shall
be fenced along the street R.O.W. line.
F. Sidewalks shall be constructed on the west
side of 29th and north side of Vine Street.
- 3.
- 4.

APPROVED FOR RECORDING

BY COMMISSIONERS' COURT

This the 28th day of July 1982

SANTO: SERRA, County Clerk

Hidalgo County, Texas

[Signature]

APPROVED FOR RECORDING

Hidalgo County, Texas

[Signature]

APPROVED FOR RECORDING

Hidalgo County, Texas

[Signature]

APPROVED FOR RECORDING

Hidalgo County, Texas

[Signature]

MONTABELLO SUBD. NO. 3

CHECKED FOR DRAINAGE

BY: *[Signature]*

MINIMUM FLOOR ELEVATION

10' ABOVE CURB

9' 20" x 20" CORNER CLIPS

5. NO BUILDINGS OR STRUCTURES TO BE BUILT ON LOTS 123 & 124

6. HIDALGO COUNTY IRRIGATION DISTRICT No. 1 WILL NOT BE RESPONSIBLE FOR
DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF
DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE.

7. LOTS 123 & 124 WILL BE LANDSCAPED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION

8. SIDEWALKS REQUIRED ON BOTH SIDES OF 32ND ST. & 31 LANE



**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0061**

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



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 29, 2022

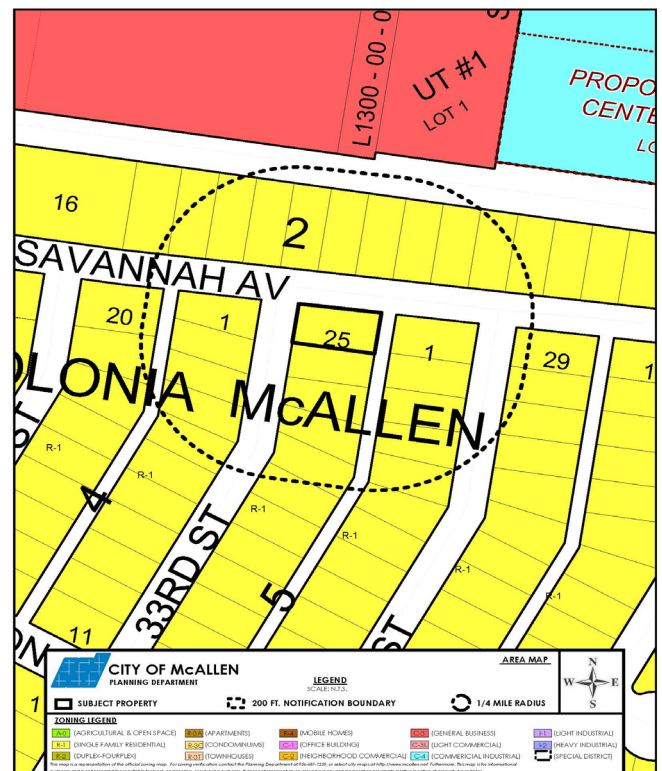
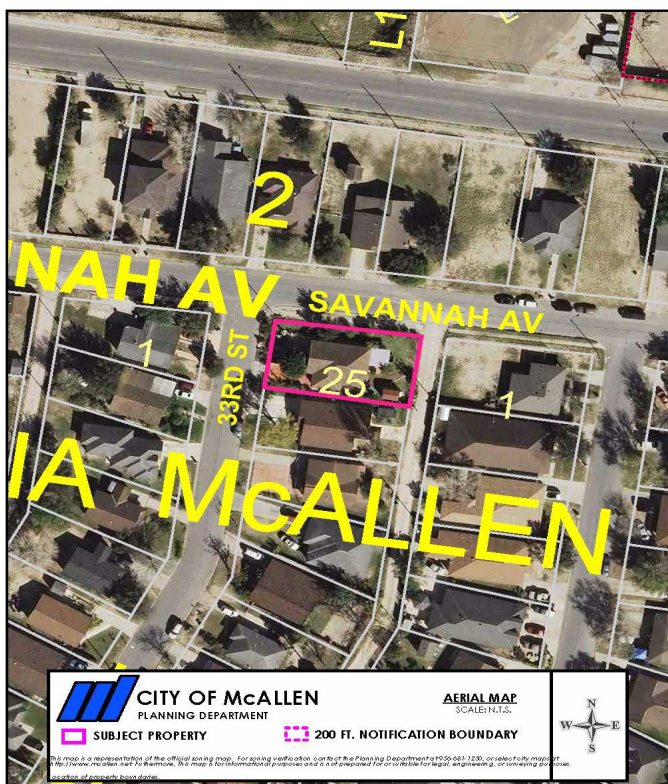
SUBJECT: REQUEST OF MANUEL RODRIGUEZ FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 11 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING PORCH MEASURING 18 FEET BY 12 FEET, AT LOT 25, BLOCK 5, COLONIA MCALLEN UNIT NO. 7 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 SOUTH 33RD STREET. (ZBA2022-0062)

REASON FOR APPEAL:

The applicant is requesting a variance in order to allow an encroachment of 11 feet into the front yard setback of 20 feet for an existing porch measuring 18 feet by 12 feet. The applicant stated the existing metal porch is to enjoy his property and be able to sit outside out of the afternoon heat.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the southeast corner of Savannah Avenue and South 33rd Street. The property has 58.50 feet of frontage along South 33rd street and a depth of 110.05 feet, for a lot size of approximately 6,450 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Colonia McAllen Unit No. 7 Subdivision was recorded on April 4, 1977. The plat states a 20 feet front yard setback. An application for a building permit for the porch was submitted August 18, 2022. An application for the variance request was also submitted on August 18, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 11 feet into the 20 feet front yard setback as shown in the applicant's submitted site plan. The reason for this request according to the applicant is to enjoy his property with protection from the sun and inclement weather.

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

During the site visit by staff, three other front yard encroachments (carports) were observed along this block.

At the Zoning Board of Adjustments and Appeals meeting of September 17, 2020, the Board approved an encroachment of 16.5 feet into the 20 feet front yard setback for an existing carport measuring 18 feet by 38 feet at Lot 23, Block 5, Colonia McAllen Unit No. 7 Subdivision

A review of the Planning Department did not reveal any other special exceptions or approvals.

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

RECOMMENDATION:

Staff recommends approval of the variance request since there is a previous front yard setback encroachment request approved for Lot 23.

ZBA-10/5/22

ZBA2022-0062



City of McAllen

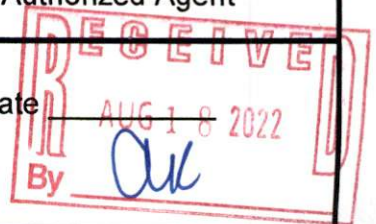
Planning Department

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)

Project	Legal Description	<u>Colonia McAllen CT No 7 Lot - 25. BLK 5</u> <u>Colonia McAllen</u>		
	Subdivision Name			
	Street Address	<u>1901- S. 33. St</u>		
	Number of lots	<u>1</u>	Gross acres	<u>Residencia</u>
	Existing Zoning	<u>R1</u>	Existing Land Use	
	Reason for Appeal (please use other side if necessary)	<u>Permitir un techo</u> <u>Mide - 18 pies - X 12 pies dentro de los 20. Pies</u>		
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)			
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required			
Applicant	Name	<u>Manuel Rodriguez</u>	Phone	<u>956-309-4816</u>
	Address	<u>1901- S. 33. St</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501</u>
Owner	Name	<u>Manuel Rodriguez</u>	Phone	<u>956-309-4816</u>
	Address	<u>1901- S. 33 St</u>	E-mail	
	City	<u>McAllen</u>	State	<u>TX</u> Zip <u>78501-</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.			
	Signature	<u>Manuel Rodriguez</u>	Date	<u>8-18-2022</u>
	Print Name	<u>Manuel Rodriguez</u>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent	
Office	Accepted by		Payment received by	
	Date <u>Aug 18 2022</u>			





City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

Permitio. Techo

Mede 18- Pies X 12 Pies dentro de Los 20 Pies

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

Para disfrutar La Tarde.

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 Afecta. A Los. Vecinos
X que Laguna. Cae. a la yarda.

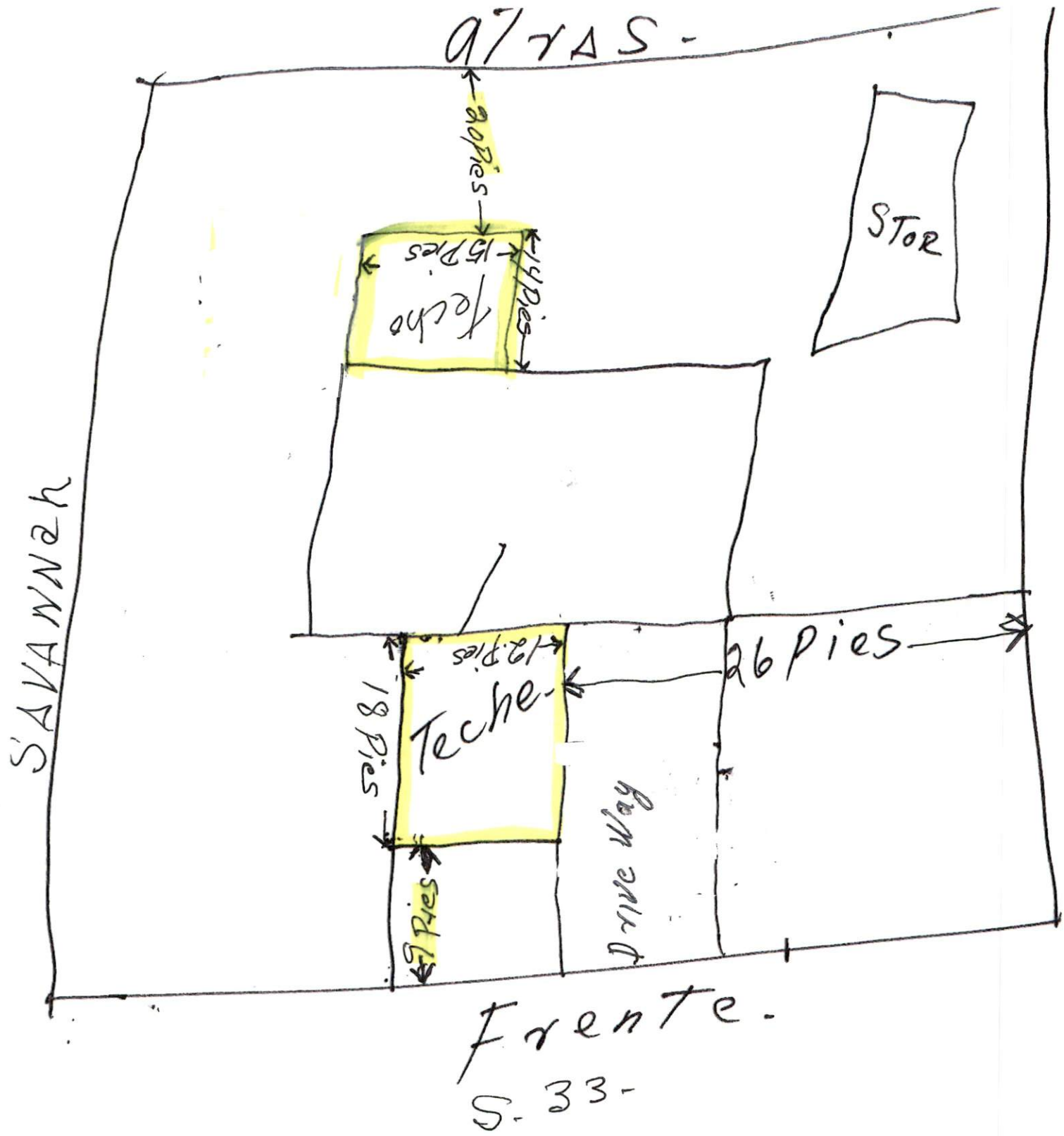
4. Describe special conditions that are unique to this applicant or property:

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



— Site Plan —



NOTES:

1. AVIATION EASEMENT: THE OWNER OF THIS PROPERTY HEREBY DEDICATES TO THE PUBLIC AND GRANTS AND CONVEYS TO THE CITY OF McALLEN A CONTINUING RIGHT AND EASEMENT FOR THE USE OF THE AIRSPACE ABOVE AN INCHES PLANE OVER THE PROPERTY HEREIN DESCRIBED, WHICH INCLUDES PLANE SHALL PASS THROUGH THE ELEVATIONS HEREON SHOWN AT THE FOUR CORNERS OF SAID PROPERTY AND THE RIGHT TO PREVENT OR REMOVE FROM THE AIRSPACE ABOVE SAID PLANE ANY OBSTACLE OR STRUCTURE PROJECTIONS INTO SAID AIRSPACE AND AGREE TO PREVENT ANY USE OF THE SURFACE OF SAID SUBDIVISION WHICH WOULD INTERFERE WITH THE OPERATION OF AIRCRAFT IN SAID AIRSPACE OR THE OPERATION OF MILLER INTERNATIONAL AIRPORT AND TO PERMIT THE USE OF AIRCRAFT IN THE AIRSPACE ABOVE SAID PLANE FOR FLIGHT AND PASSAGE OF SUCH AIRCRAFT TOGETHER WITH THE RIGHT TO CAUSE SUCH HOUSES TO BE MOVED OR REMOVED IN THE OPERATION OF AIRCRAFT NOW KNOWN OR HEREINAFTER USED FOR NAVIGATION OR ON FLIGHT IN AIR, USING SAID AIRSPACE IN THE LANDING, TAKING OFF FROM, OR OPERATIONS ON SUCH AIRPORT WHICH DEDICATION EASEMENT AND PERMIT SHALL BE SHOWN ON THE GRANTORS HEREIN, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, OR REPRESENTATIVES, OR SUCCESSORS.

2. SIDEYARD SET-BACK SHALL BE MIN. 6' EXCEPT SIDEYARDS ADJACENT TO STREETS SHALL BE 10'.

3. FRONTYARD SET-BACK SHALL BE A MIN. OF 20' EXCEPT AT CUL-DE-SACS IT SHALL BE 15'.

4. REARYARD SET-BACK SHALL BE A MIN. OF 5' EXCEPT ON COLBATH RD. IT SHALL BE A MIN. OF 20'.

5. MIN. FIN. FLOOR ELEV. SHALL BE THE AMOUNT OF INCHES ABOVE TOP OF CURB AS DENOTED BY (ELEV.) FOR EACH LOT.

6. SIDEWALKS TO BE CONSTRUCTED ADJACENT TO ALL STREETS IN SUBDIVISION IN STREET 8-9-W LOCATED ON PROPERTY LINE.

7. FINISH FLOOR ELEV. FOR LOTS 1-9, BLOCK 1 AND LOTS 1-10 BLS. 2 AND LOTS 10-20 BLS. 11, AND LOTS 22-32 BLOCK 2, SHALL BE SET AT TIME WHEN BUILDING PERMITS ARE ISSUED.

TEX-MEX SUBD. UNIT #1

8. BUILDING RESTRICTIONS: ALLOWING FOR THE SPECIFIC EXCEPTION OF LOT 16, BLOCK 2, OF THIS PLAT CALLED COLONIA McALLEN No. 7, THE FOLLOWING RESTRICTIONS SHALL COVER THE USE OF SAID PROPERTY, AND CONSTITUTE A COVENANT RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE GRANTEES HEREIN, THEIR HEIRS AND ASSIGNS FOREVER, TO-WIT:

A) NO RESIDENCE CONTAINING LESS THAN 750 SQUARE FEET, MAY BE BUILT ON THE LOT.

B) ONLY ONE RESIDENCE, WITH GARAGE OR CARPORT, MAY BE ERECTED ON THE LOT.

C) NO PART OF THE RESIDENCE, GARAGE OR CARPORT, SHALL BE CONSTRUCTED EXCEPT THAT IF THE HOME OWNER MUST PROVIDE OFF STREET PARKING FOR HIS AUTOMOBILE.

D) THE BUILDINGS MAY BE MOVED ONTO THE LOT EXCEPT THAT IT BE NEW MATERIAL IN A PRE-CONSTRUCTED HOUSE OR GARAGE AND SET ON CONCRETE.

E) A SHED OR VENTURE WILL NOT BE PERMITTED TO EXIST IN ANY FORM, EXCEPT THAT APPLICATION FOR SAME BE MADE TO THE CITY OF McALLEN SHOWING REASON.

F) THERE SHALL BE NO FENCE EITHER OF WOOD, METAL, PLASTIC OR ANY OTHER MATERIAL TO BE ALLOWED FROM THE FRONT OF THE HOME OUT TO THE SUBDIVISION CURB. FENCES WILL BE PERMITTED ON BACKYARDS OF HOMES AND AROUND THE BACK YARD.



9847 MAP OF COLONIA McALLEN UNIT No. 7 Mc ALLEN, TEXAS

BEING A SUBDIVISION OF PARTS OF LOTS 171 AND 172, LA LOMITA IRRIGATION & CONST. CO'S. SUBDIVISION, OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS, CONTAINING 60.17 AC. OF LAND MORE OR LESS.

Recorded in Book 19 Page 169 of the map records of Hidalgo County, Texas Charles L. Medina County Surveyor

PREPARED BY: PHILIP NELSON & MEDINA INC. McALLEN, TEXAS

SCALE: 1" = 100' DATE: 1-21-77

PAID FOR ME - NO THIS DATE 10-22-77

APR 4 1977

SANTOS SALAS

STATE OF TEXAS: COUNTY OF HIDALGO:

WE, THE UNDERSIGNED, OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "COLONIA McALLEN, UNIT No. 7" SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAMES ARE SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

Charlotte L. Christensen SECRETARY

MUSTANG DEVELOPMENT, CORP. BY: Marvin Christensen, PRES.

APPROVED FOR RECORDING BY COMMISSIONER'S COURT This the 4th day of April 1977 SANTOS SALAS County Clerk Hidalgo County, Texas

STATE OF TEXAS: COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MARVIN CHRISTENSEN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 21 DAY OF January, 1977.

Notary Public

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

STATE OF TEXAS: COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

PLINIO C. MEDINA REGISTERED PUBLIC SURVEYOR McAllen, Texas.

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

Mayor, City of McAllen

THIS PLAT APPROVED BY HIDALGO COUNTY WATER IMPROVEMENT DISTRICT No. 1 ON THIS 20 DAY OF Feb. 1977

Secretary

President

APPROVED FOR RECORDING Hidalgo Co. Registry Dept. By: Santos Salas Date: 2-21-77

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0062**

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

1901



1901

1901

1901



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 27, 2022

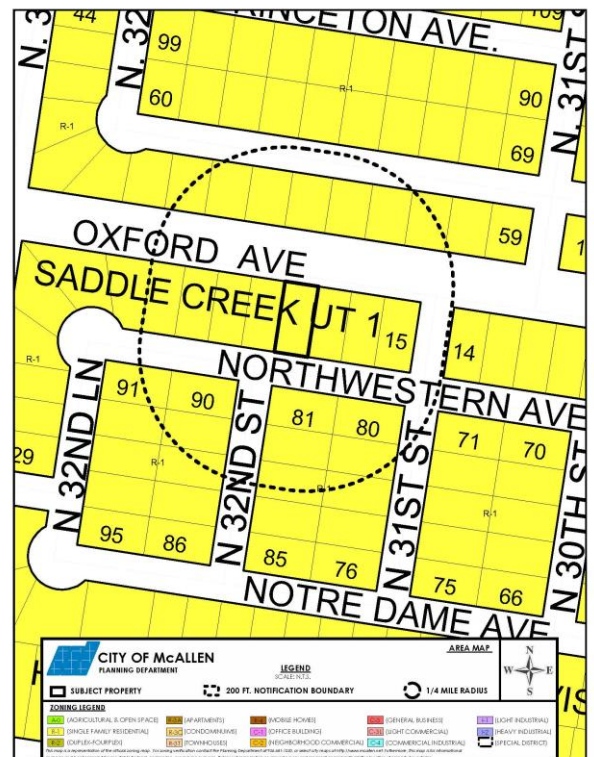
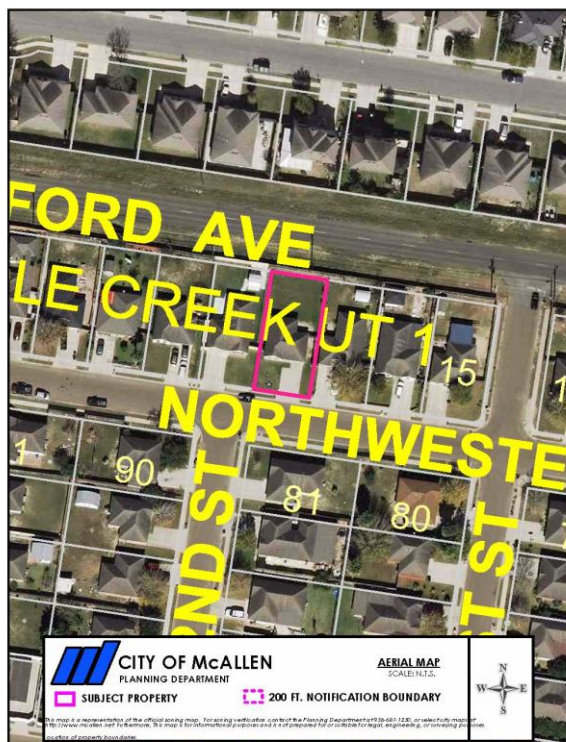
SUBJECT: REQUEST OF BRANDON CLAY PROBST FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 23 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING 23 FEET BY 21 FEET, AT LOT 18, SADDLE CREEK UNIT 1 SUBDIVISION, HIDALGO COUNTY, TEXAS, 3112 NORTHWESTERN AVENUE (ZBA2022-0064)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 23 feet into the front yard setback of 25 feet for a proposed metal carport measuring 23 feet by 21 feet. The applicant stated the proposed metal carport is to protect his two vehicles from the weather elements, as he does not have a garage.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Northwestern Avenue between Oxford Avenue and Northwestern Avenue. The property has 50 feet of frontage along Northwestern Avenue and a depth of 106.57 feet, for a lot size of 5,328.5 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Saddle Creek Unit 1 was recorded on September 11, 2001. The plat states a 25-foot front yard setback. An application for a building permit has not yet been submitted. An application for the special exception request was submitted on August 23, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 23 feet into the 25 feet front yard setback for a proposed metal carport measuring 23 feet by 21 feet.

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

At the Zoning Board of Adjustments and Appeals meeting of August 4, 2021 the Board approved a special exception request to alternatively allow an encroachment of 18 feet (length) into the 25 feet front yard setback for a proposed carport measuring 20 feet (length) by 21.5 feet (width) at Lot 81, Saddle Creek Unit 1 Subdivision.

No lot frontage or access from Oxford Avenue is permitted as per plat notes. Relocation of the proposed carport to the rear yard is not possible.

Special exceptions are issued 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 special exception request since relocation to the rear yard is not possible. Approval should be limited to the encroachment shown on the submitted site plan.

ZBA2022-0064

ZBA 10/5/22



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)

Project

Legal Description Saddle Creek unit 1 lot 18

Subdivision Name Saddle Creek unit 1

Street Address 3112 northwestern ave mcallen, TX 78504

Number of lots 1 Gross acres 0.3019

Existing Zoning R1 Existing Land Use Single Family Residence

Reason for Appeal (please use other side if necessary) For an encroachment of 23 feet into the 25 foot front yard setback
purposed metal car port measuring 21 feet by 23 feet

☐ \$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 Brandon Clay Probst Phone 956-815-8209

Address 3112 northwestern ave E-mail brnxboss@gmail.com

City McAllen State TX Zip 78504

Owner

Name Brandon Clay Probst Phone 956-815-8209

Address 3112 northwestern ave E-mail brnxboss@gmail.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 Brandon Clay ProbstDate 8/23/2022Print Name Brandon Clay Probst☒ Owner☐ Authorized Agent

Office

Accepted by SEN

Payment received by _____

Date

ENTERED

Rev 09/20

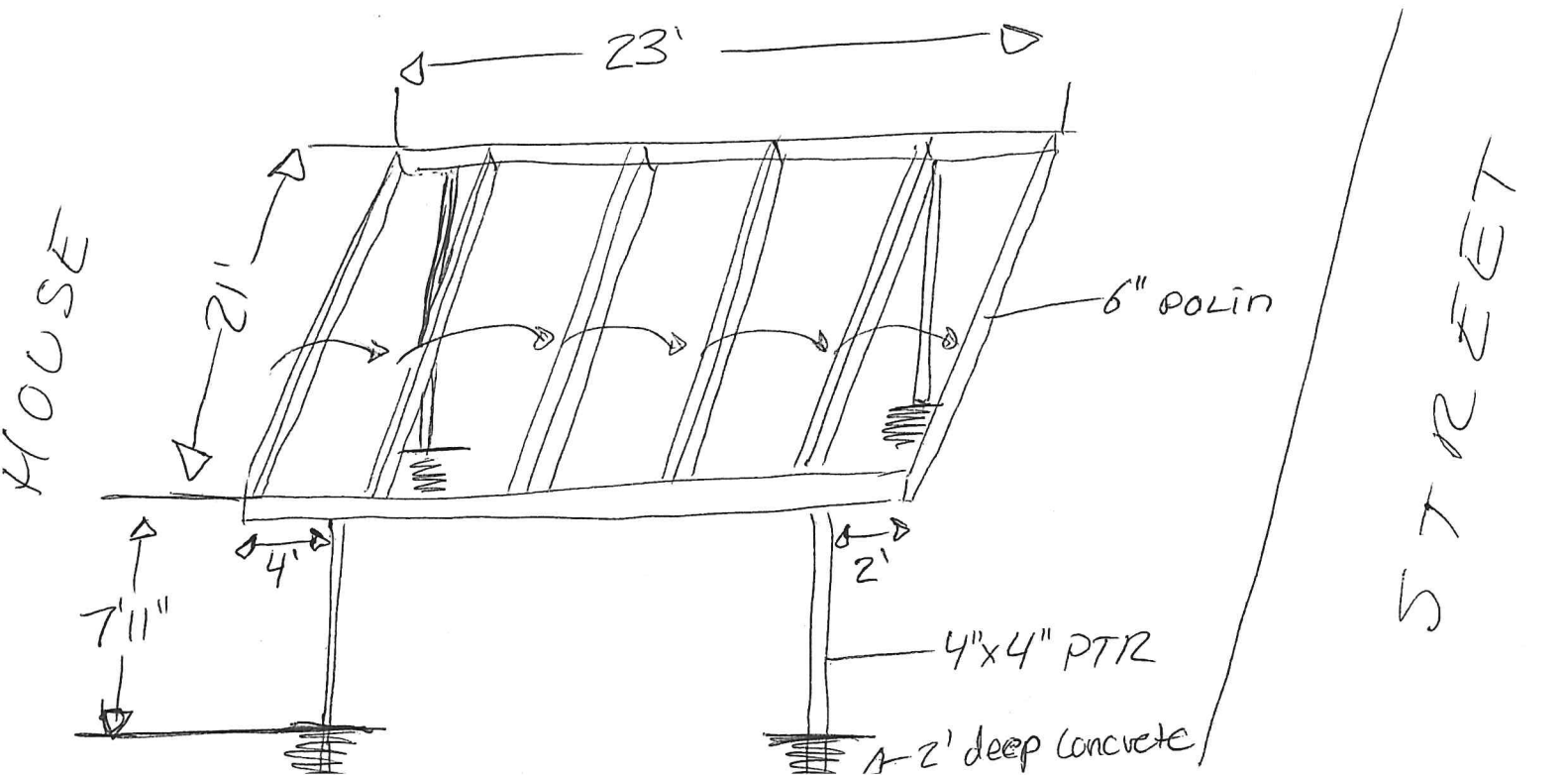
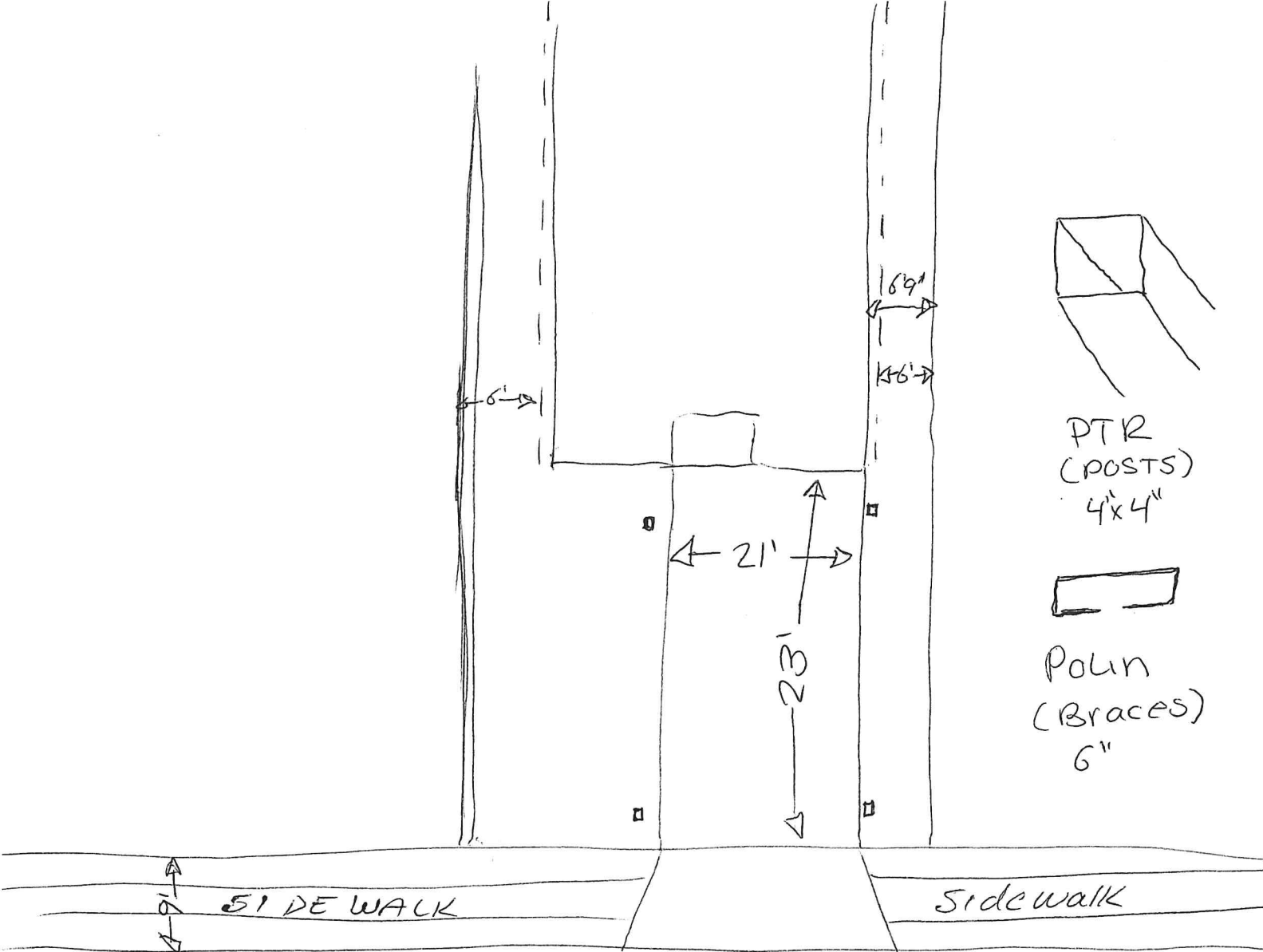
AUG 23 2022

Initial: BM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (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>The home does not have a garage or anywhere else to park the vehicles out of the elements</p>			
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>I need a place to park the vehicles where they will be protected from constant sunshine, Rain/hail storms and other damaging natural elements</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>The Car Port will be professionally constructed with high quality materials, color matched to the property and built nearly identical to neighbors car port to maintain conformity.</p>			
	<p>4. Describe special conditions that are unique to this applicant or property:</p>			
Board Action				
	<table border="0"><tr><td>Chairman, Board of Adjustment Signature</td><td>Date</td></tr><tr><td>_____</td><td>_____</td></tr></table>	Chairman, Board of Adjustment Signature	Date	_____
Chairman, Board of Adjustment Signature	Date			
_____	_____			



SUBDIVISION PLAT OF SADDLE CREEK UNIT 1

(APPROVED AS OBRA SUBDIVISION)

BEING A 19.11 ACRE TRACT LAND OUT OF LOT 36,
LA LOMITA IRRIGATION AND CONSTRUCTION CO.'S
SUBDIVISION OF PORCIONES 61, 62, & 63, HIDALGO COUNTY, TEXAS

PREPARED BY: K. K. ENGINEERING CONSULTANT
DATE: AUG. 18, 2000

OWNER: OBRA HOMES, INC.
3900 N. 10TH STREET SUITE 850
MCALLEN, TEXAS 78501

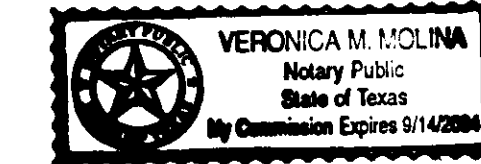
STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SADDLE CREEK UNIT 1 SUBDIVISION TO THE CITY ON McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: OBRA HOMES, INC.
DAVID O. ROGERS III, PRESIDENT

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID O. ROGERS III KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 9th DAY
OF May, 2001.



NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 9/14/04

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

MR. LEO MONTALVO
MAYOR, CITY OF McALLEN, TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF SADDLE CREEK UNIT 1 SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 6 DAY OF September, 2001 A. D.

Danny Boult
CHAIRMAN

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

BY: [Signature]
9/10/01

STATE OF TEXAS
COUNTY OF HIDALGO

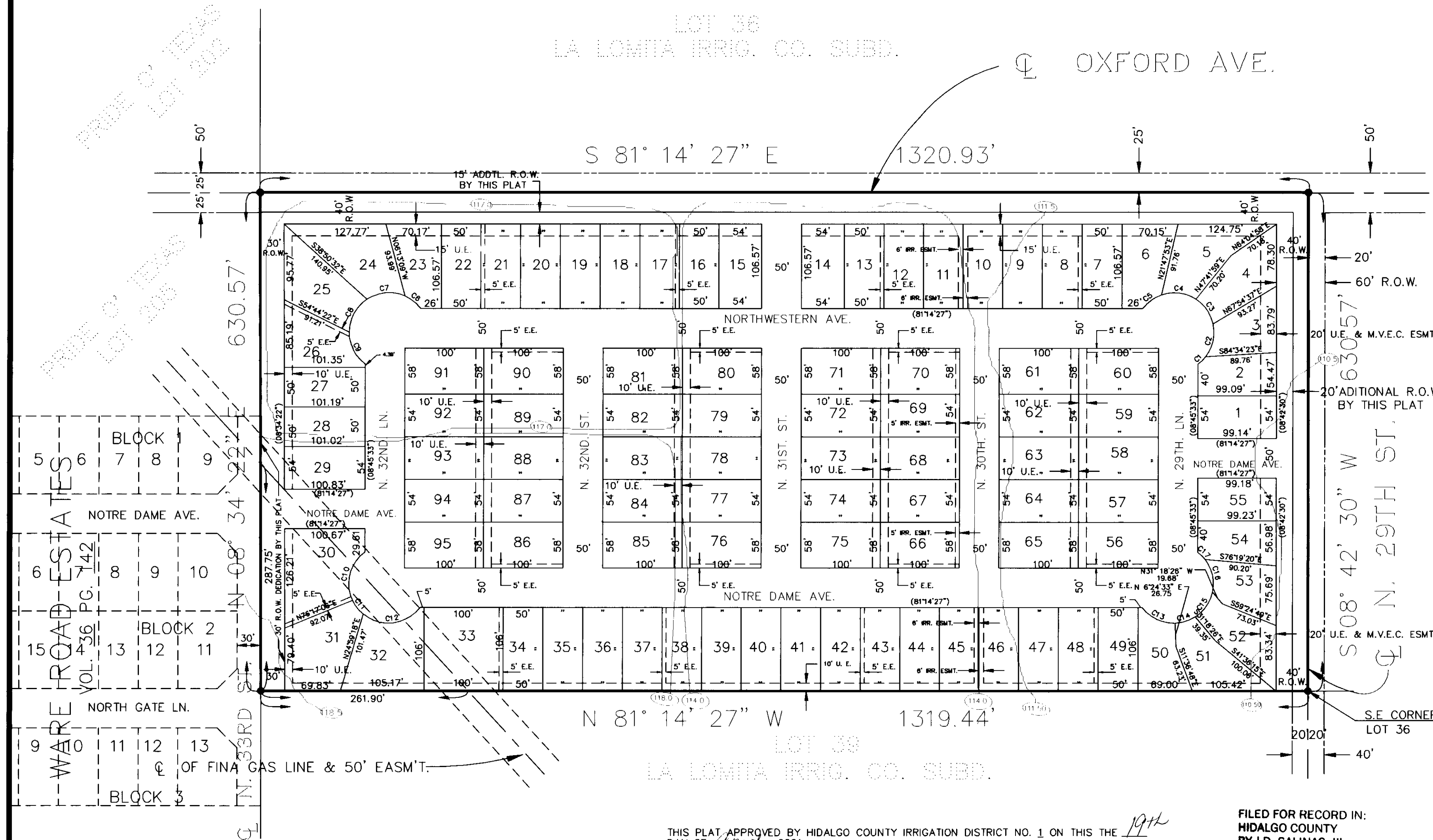
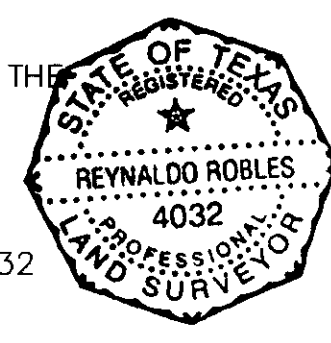
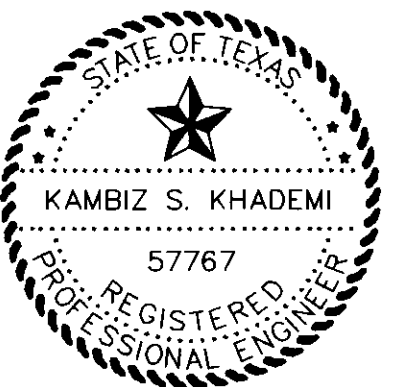
I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Kambiz S. Khademi
KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

Reynaldo Robles
REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599



SCALE: 1" = 100'



AREA (SQ. FT.) OF IRREGULAR LOTS	
LOT NO.	NET AREA (SQ. FT.)
1	5,352
2	5,066
3	5,043
4	6,373
5	7,053
6	5,951
23	5,807
24	8,100
25	6,925
26	5,609
27	5,063
28	5,055
29	5,450
30	9,694
31	8,262
32	8,443
50	5,019
51	6,043
52	5,910
53	5,063
54	5,188
55	5,357

CURVE (G)	LENGTH	RADIUS	CHORD	DELTA
1	13.26'	50.00'	13.22'	15° 11' 48"
2	43.62'	50.00'	42.25'	49° 59' 24"
3	39.42'	50.00'	38.41'	45° 10' 15"
4	45.47'	50.00'	43.92'	52° 08' 07"
5	29.50'	50.00'	29.07'	33° 47' 59"
6	25.65'	50.00'	25.37'	29° 23' 40"
7	50.25'	50.00'	48.16'	57° 34' 48"
8	48.91'	50.00'	46.98'	56° 02' 34"
9	46.46'	50.00'	44.81'	52° 14' 33"
10	66.48'	50.00'	63.25'	78° 28' 21"
11	21.94'	50.00'	21.77'	25° 08' 44"
12	80.84'	50.00'	72.32'	92° 38' 31"
13	47.25'	50.00'	45.52'	54° 08' 57"
14	27.68'	50.00'	27.33'	31° 43' 09"
15	38.44'	50.00'	36.42'	48° 11' 35"
16	43.87'	50.00'	42.25'	50° 02' 22"
17	13.23'	50.00'	13.19'	15° 09' 28"

FILED FOR RECORD IN:
HIDALGO COUNTY
BY J.D. SALINAS, III
COUNTY CLERK
ON: 09-11-01 AT 2:26 AM/PM
AS A RECORD NUMBER 0046627
BY: Bea Cruz, DEPUTY

Recorded in Volume 38, Page 88
of the map records of Hidalgo
County, Texas
Melden and Hunt, Inc.

GENERAL PLAT NOTES:

- MINIMUM FLOOR ELEVATION SHALL BE T/C + 18" FOR EACH LOT.
- THE SUBDIVISION IS IN ZONE "X" (AREAS OUTSIDE 500-YR. FLOOD PLAIN) ON A FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334-0325 AND 0295 D REVISED JUNE 6, 2000
- MINIMUM BUILDING SETBACK SHALL BE AS FOLLOWS:
FRONT: 25.0' OR GREATER FOR EASEMENTS.
REAR: 10.00' EXCEPT 15' AT REAR OF LOTS 5 THRU 24 AND 20' AT REAR OF LOTS 55 AND LOTS 1-4.
SIDE: 6.0'
SIDE CORNER LOT: 10.00 FEET OR GREATER FOR EASEMENTS.
CUL-DE-SAC: 10.00 FEET OR GREATER FOR EASEMENTS.
GARAGE SETBACK 18' EXCEPT WHERE GREATER SETBACK REQUIRED.
- CENTRAL POWER AND LIGHT CO. HEREBY GRANTED AN EASEMENT AND RIGHT-OF-WAY ON EACH LOT IN SAID SUBDIVISION FOR AN UNDERGROUND ELECTRIC SERVICE LATERAL TOGETHER WITH THE LOCATION WHERE SUCH SERVICE LATERAL IS TO BE OR IS INSTALLED AND MAINTAINED FROM TIME TO TIME.
 3' x 3' EASEMENT TO CPL FOR PEDESTAL SPACE SPECIFIC LOCATION SHOWN ON MAP BY THIS SYMBOL.
 6' x 6' EASEMENT TO CPL FOR TRANSFORMER SPACE SPECIFIC LOCATION SHOWN ON MAP BY THIS SYMBOL.
- A TOTAL OF 1.32 ACRE FEET OF DETENTION IS REQUIRED FOR THIS SUBDIVISION AN ENGINEERED DETENTION PLAN WILL BE SUBMITTED AND APPROVED BY THE ENGINEERING DEPT. PRIOR TO ISSUANCE OF BUILDING PERMIT.
- THE CITY OF McALLEN TO HAVE A 25'X25' CORNER CLIP EASEMENT AT STREET INTERSECTIONS, MEASURED FROM THE CURB.
- 4' SIDEWALK REQUIRED ON OXFORD AVE., 29th. STREET, N. 33rd. STREET AND ON BOTH SIDE OF ALL INTERIOR STREETS.
- 6' BUFFER REQUIRED ALONG OXFORD AVE., 29th. ST. AND N. 33rd. STREET AND FROM ANY ADJACENT COMMERCIAL ZONE/USE.
- NO LOT FRONTAGE OR ACCESS FROM OXFORD AVE., 29th. ST. AND N. 33rd. STREET
- ONCE THE 10 AC. TO THE SOUTH IS DEVELOPED THE IRRIGATION LINE AND EASEMENT ON LOTS 10, 11, 66 - 70, 45, AND 46 WILL BE AUTOMATICALLY ABANDONED.
- NO BUILDING ALLOWED OVER ANY EASEMENTS.

METES AND BOUNDS DESCRIPTION

BEING 19.11 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS AND BEING THE SOUTH 19.11 ACRES OF LOT 36, LA LOMITA IRRIGATION COMPANY'S SUBDIVISION AS PER MAP RECORDED IN VOLUME 24, PAGE 68 OF THE HIDALGO COUNTY DEED RECORDS, AND SAID 19.11 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 36 AND THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED:

THENCE, NORTH 81° 14' 27" WEST, WITH THE SOUTH LINE OF SAID LOT 36, AT A DISTANCE OF 20.00 FEET PASS A 1/2-INCH IRON ROD FOUND FOR REFERENCE ON THE EXISTING WEST RIGHT-OF-WAY LINE OF NORTH 29TH STREET (ROOTH ROAD) AND CONTINUING FOR A TOTAL DISTANCE OF 1,319.44 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 08° 34' 22" EAST, 630.57 FEET, WITH THE EAST LINE OF WARE ROAD ESTATES SUBD. VOL. 36 PG. 142 TO A 3/4-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 81° 14' 27" EAST, 1320.93 FEET TO A 1/2-INCH IRON ROD SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 8° 42' 30" WEST, 630.57 FEET, WITH THE EAST LINE OF SAID LOT 36 AND WITH THE CENTERLINE OF SAID NORTH 29TH STREET TO THE POINT OF BEGINNING AND CONTAINING 19.11 ACRES OF LAND MORE OR LESS.

K K Engineering Consultant
GENERAL PROFESSIONAL CIVIL ENGINEERING SERVICES

(410 E. DOVE)
P.O. BOX 3422
MCALLEN, TEXAS 78502
(956) 630 2125
FAX (956) 630 2219

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA 2022-0064**

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





Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 27, 2022

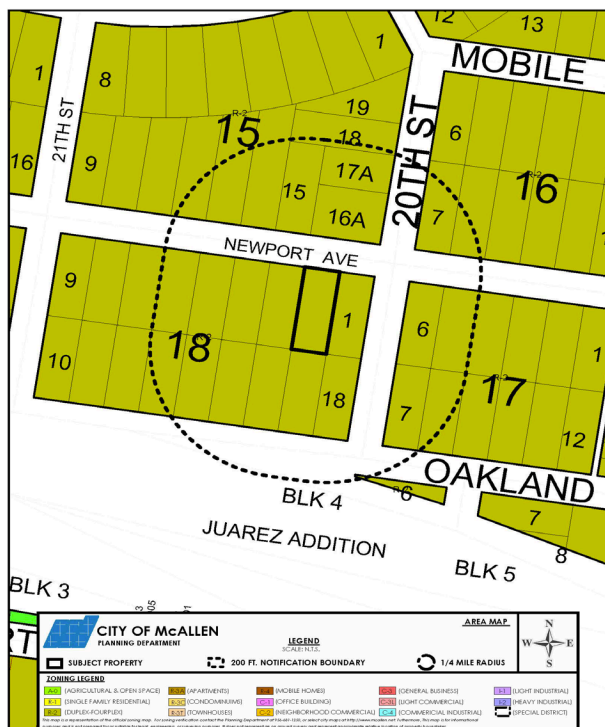
SUBJECT: REQUEST OF TIRSO CAVAZOS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 16 FEET INTO THE 26 FEET FRONT YARD SETBACK FOR A PROPOSED CARPORT MEASURING 20 FEET BY 20 FEET, AT LOT 2, BLOCK 18, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2005 NEWPORT AVENUE. (ZBA2022-0065)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 16 feet into the front yard setback of 26 feet for a proposed carport measuring 20 feet by 20 feet. The applicant stated the proposed carport is to protect his two vehicles from the weather elements, as they do not have a garage.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Newport Avenue. The property has 50 feet of frontage along Newport Avenue and a depth of 128.85 feet, for a lot size of 6,442.5 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for College Heights was recorded in December 28, 1926. The plat does not state a front yard setback. The subdivision was recorded prior to 1979 and the applicable setbacks were subject to the 1945 Zoning Ordinance. The front yard setback is 20 feet or average with existing structures as per ordinance. An application for a building permit for the carport was submitted on August 5, 2022. An application for the special exception request was submitted on August 24, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 16 feet into the 26 feet front yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to provide protection for his two vehicles.

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

During the site visit, staff noticed two other (carports) similar encroachments in the Block, however there are no permits, variances or special exceptions on file.

Measurements provided are without the benefit of a survey.

Special exceptions are issued 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 special exception request since it will not alter the character of the neighborhood since encroachments are common in the area. Approval should be limited to the encroachment shown on the submitted site plan.

ZBA2022-0005

ZBA-

10/5/22



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)

Project

Legal Description

College Heights Lot 2 B1K18

Subdivision Name

College Heights

Street Address

2005 Newport Str. McAllen, TX. 78501

Number of lots

1

Gross acres

Existing Zoning

R-2

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

encroachment 20ft into front 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

Tirso Cavazos

Phone

956-225-4062

Address

2005 Newport Str.

E-mail

editortirso@publishing.com

City

McAllen, TX. 78501

State

TX.

Zip

78501

Owner

Name

Tirso / Estella Cavazos

Phone

956-225-4062

Address

2005 Newport Str.

E-mail

same

City

McAllen, TX.

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

Tirso Cavazos

Date

8/24/22

Print Name

TIRSO CAVAZOS

☒ Owner☐ Authorized Agent

ENTERED

Office

Accepted by

SJA

Payment received by

Date

AUG 24 2022

Initial:

CVC

Rev 10/18

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:

Car Port is encroachment into the front set back.

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

To protect our car and from sun, rain,

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:

We don't have any neighbors on either side of our property. protected from

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

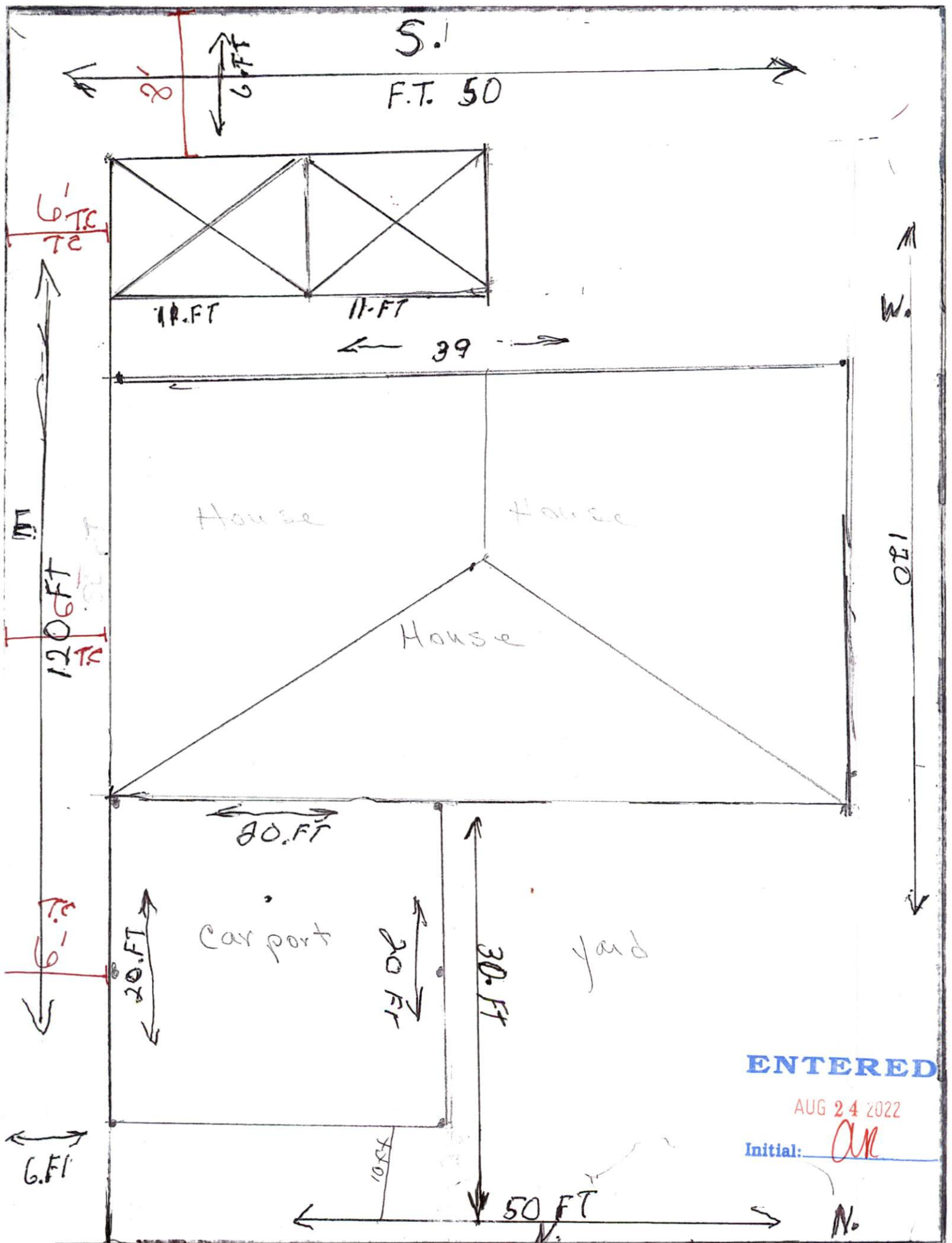
We would be protected from very hot sun, and rain which we will be safe to walk out side and get in our car and also our car will be protected from birds poop, falling tree limbs, and no more falls.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



ENTERED

AUG 24 2022

Initial: AM

I. E. M. Card, a surveyor do hereby
Certify that the foregoing Map of
COLLEGE HEIGHTS SUBDIVISION
Being a Resubdivision of Lots 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, and 22, 66 Acres out of the NW Corner of Lot 13,
Block 3, of Hammonds Subdivision of
Porciones 61, 62, 63, 64 & 65 Hidalgo County
Texas is a true and correct Plot of said lands
as Surveyed and Subdivided by me this 30th
day of November 1926. *I. E. M. Card*
SURVEYOR.

Subscribed and sworn to before me
this 30 day of November 1926
V. G. Ramsauer
Notary Public in and for Hidalgo County, Texas.

Filed for Record this day
Dec. 28, 1926.
At 3:26 O'clock P. M.
Cam E. Hill,
Clark County Court, Hidalgo County, Texas.
By *Leah O. Dunning*
County Clerk.

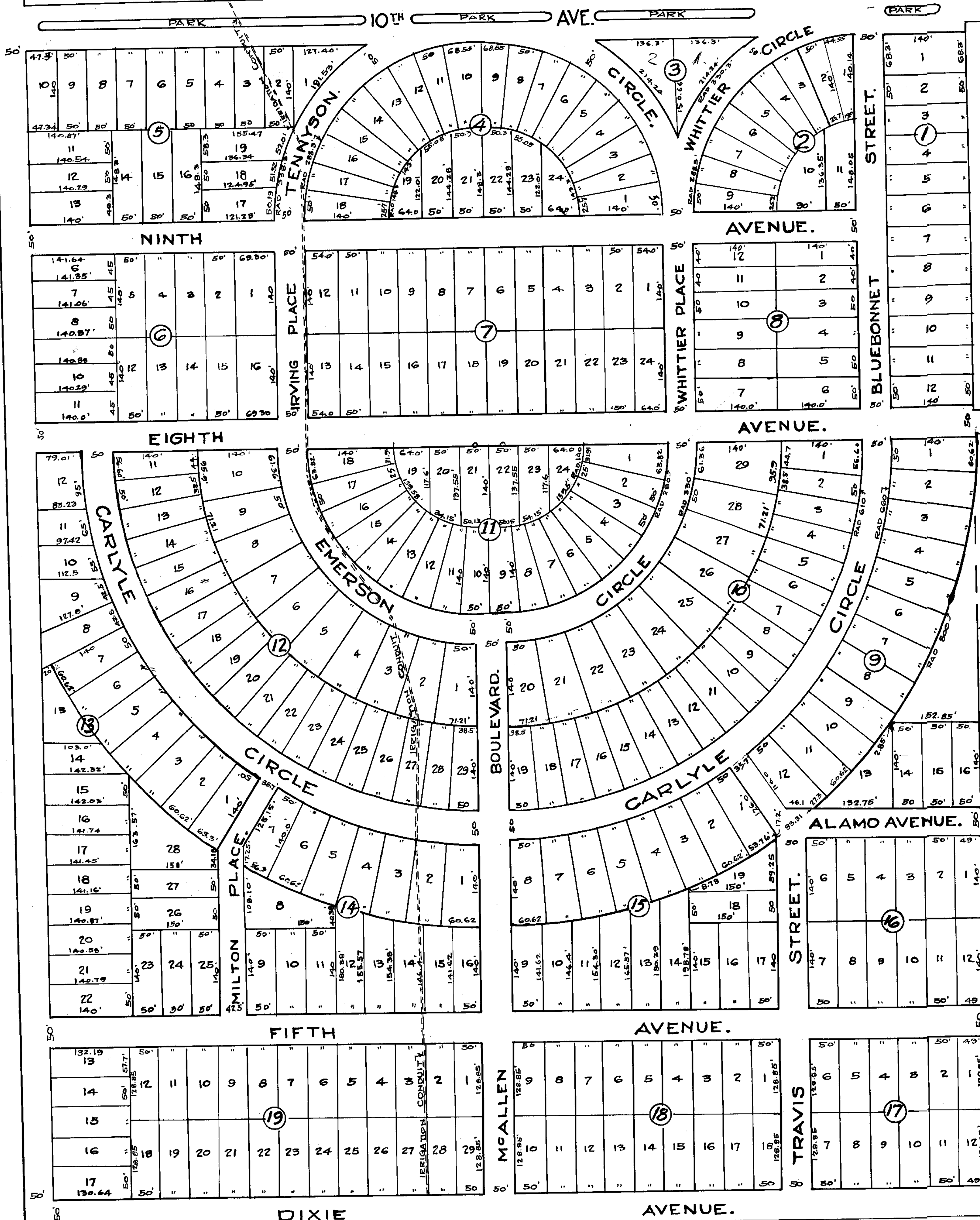
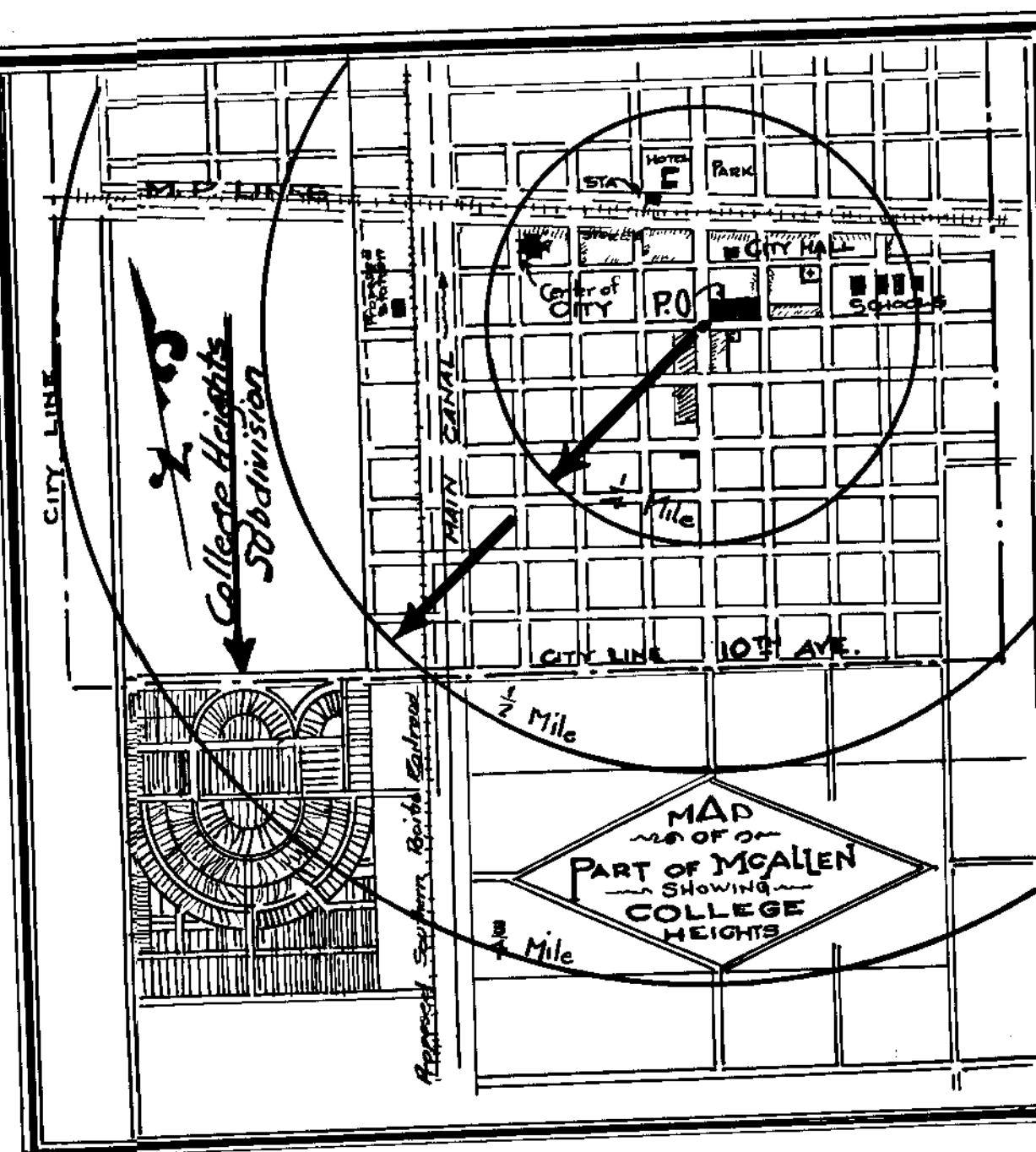
Recorded Dec. 29, 1926
At 4:00 O'clock P. M.



College Heights.

SUBDIVISION.

BEING A RESUBDIVISION OF LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND
22, 66 Acres out of the NW Corner of LOT 13, Block 3, of Hammonds Subdivision
of PORCIONES 61, 62, 63, 64 & 65 Hidalgo County, Texas. ~
Scale 1" = 100 ft. Nov. 1926





**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0065**

 CITY OF MCALLEN PLANNING DEPT.
356-681-1250
WWW.MCALLEN.NET





Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

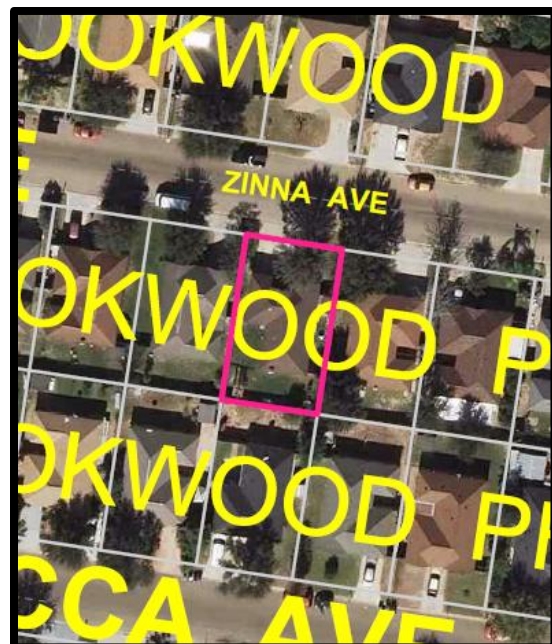
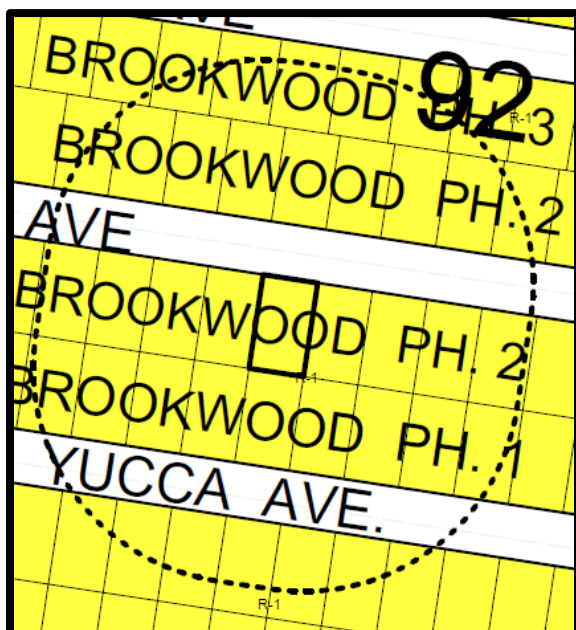
SUBJECT: REQUEST OF RAMON GARCIA FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 20 FEET ON LOT 14, BROOKWOOD UNIT II SUBDIVISION, HIDALGO COUNTY, TEXAS; 3913 ZINNIA AVENUE. (ZBA2022-0068)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow the above mentioned encroachment for an existing metal carport measuring 20 feet by 20 feet. The existing metal carport was constructed in order to protect his vehicles from possible hail damage.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Zinnia Avenue, between North 41st Street and North Ware Road. According to Hidalgo County Appraisal District records, the property has 51.20 feet of frontage along Zinnia Avenue and a depth of 88 feet, for a lot size of 4,505 square feet. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The subdivision plat for Brookwood Unit II was recorded on November 24, 1998. According to Hidalgo County Appraisal District records, the existing home was built in 1999. The applicant purchased the home in 2021 and built the existing metal carport the same year. A non-compliance notice was issued by the Building Permits and Inspections Department on June 8, 2022. A building permit application for the existing metal carport was submitted on July 8, 2022. The applicant submitted the special exception request on August 26, 2022.

ANALYSIS:

According to the submitted survey of the subject property, the existing metal carport is encroaching 5 feet into a 5 feet utility easement that runs concurrently with the 20 feet front yard setback and is adjacent to the front property line. If approval of this request is granted, the applicant has provided a signed letter stating that he will cut back his carport by 5 feet in length in order to clear the encroachment over the 5 feet utility easement.

If the existing carport were to be removed, the applicant would not have a means to store and protect his vehicles from possible hail damage or other weather elements. Since the property has no alleyway, the applicant cannot relocate the existing metal carport to the rear yard and out of the front yard setback.

The existing residence has an original carport construction that was enclosed by the owner.

During the site visit, staff noticed similar front yard encroachments, namely carports, in the subdivision. A review of Planning Department records revealed non-compliance notices and disapproved building permit applications, and did not reveal any approved special exceptions for the carports in the subdivision.

Special exceptions are issued and recorded for the present 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 special exception request since there are other similar encroachments in the area and the applicant proposes to cut his carport back 5 feet in order to resolve the encroachment over the front yard utility easement.

ZBA 2022-0068

ZBA 10/5/22



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)

Project

Legal Description Lot 14, Brookwood Unit 2

Subdivision Name Brookwood Unit 2

Street Address 3913 Zinnia Ave. McAllen TX 78504

Number of lots 1 Gross acres _____

Existing Zoning _____ Existing Land Use Residential

Reason for Appeal (please use other side if necessary) Carport was build to protect our vehicles
Existing metal carport encroaching 15ft into required 20ft FYSB

☒ \$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 Ramon Garcia Phone 956-225-9045

Address 3913 Zinnia Ave. McAllen TX 78504 E-mail gsureshot29@gmail.com

City McAllen State TX Zip 78504

Owner

Name Patricia Garcia / Ramon Garcia Phone 956-562-8609

Address 3913 Zinnia Ave. McAllen TX 78504 E-mail pattyangel0@gmail.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 Date 8-19-22Print Name Patricia Garcia☒ Owner ☐ Authorized Agent

Office

Accepted by SEN

Payment received by _____

Date

ENTERED

Rev 10/18

AUG 26 2022

Initial: NM



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

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

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

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

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

Existing metal carport encroaching 15ft into required 20ft FYSB.

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

We build the Metal Carport to protect our vehicles from extreme rain/hail etc.

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:

Metal Carport will in no way be detrimental to public health, safety or welfare or injurious to the legal

rights to other property owners in the area. *Also this carport doesn't interfere*

with any of the city trucks from doing there job duties. (Trash or Brush Trucks)

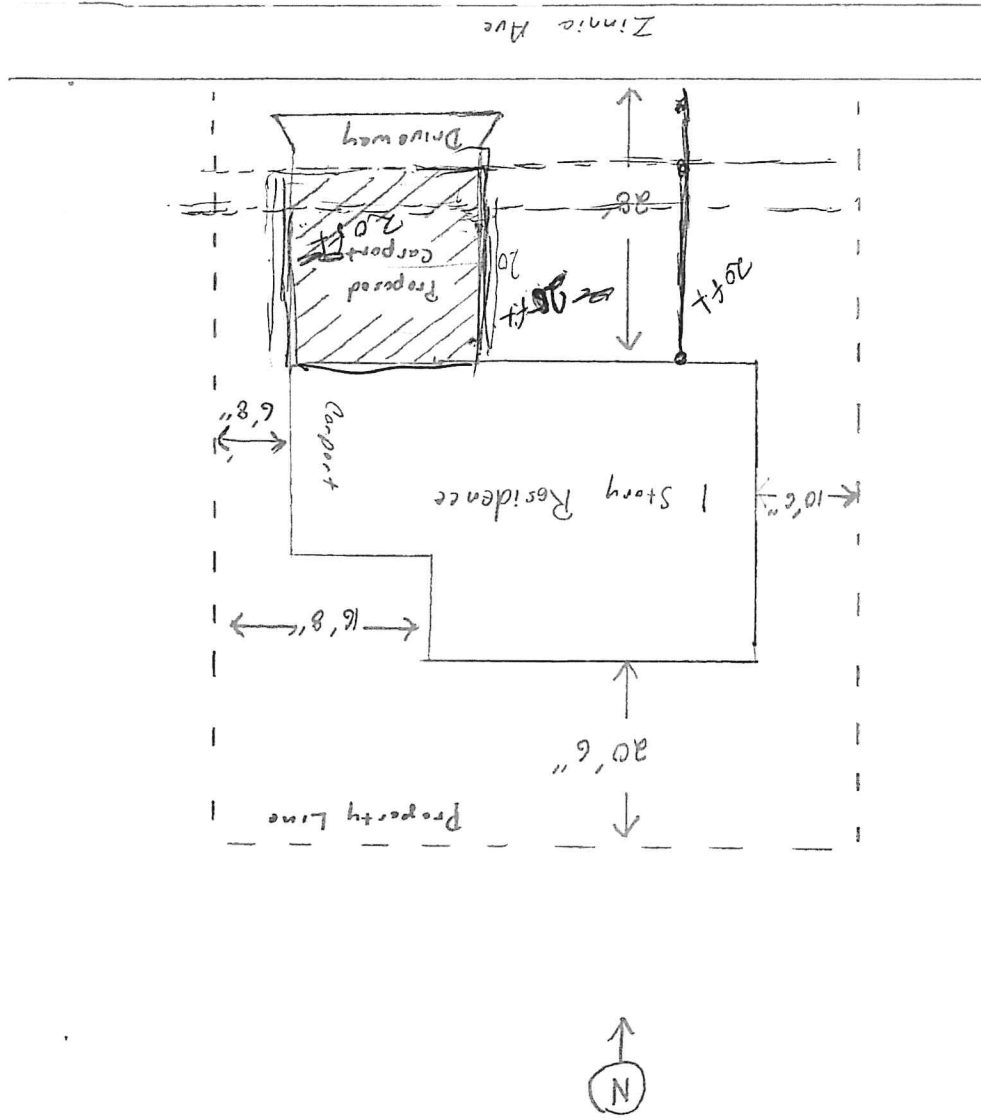
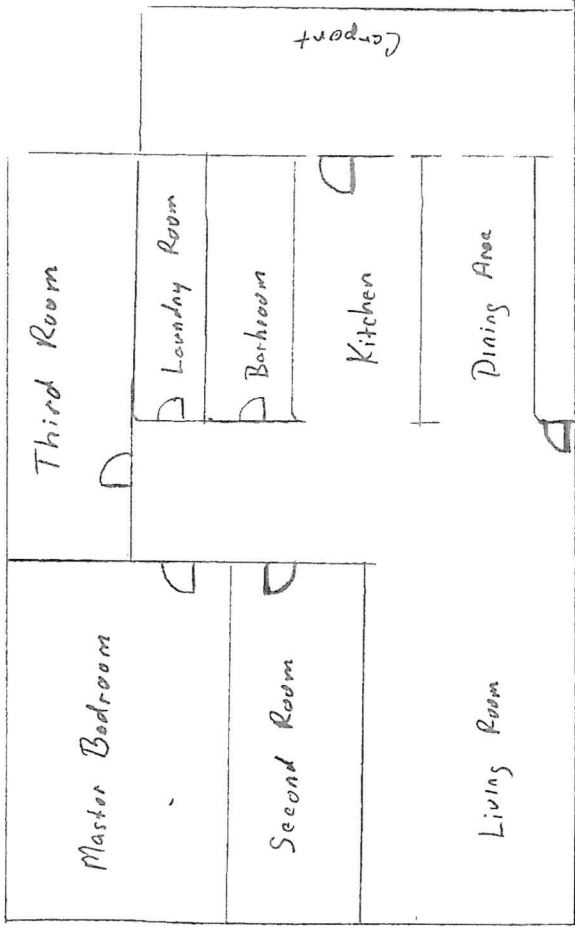
4. Describe special conditions that are unique to this applicant or property:

Board Action

Chairman, Board of Adjustment
Signature

Date

FYSB

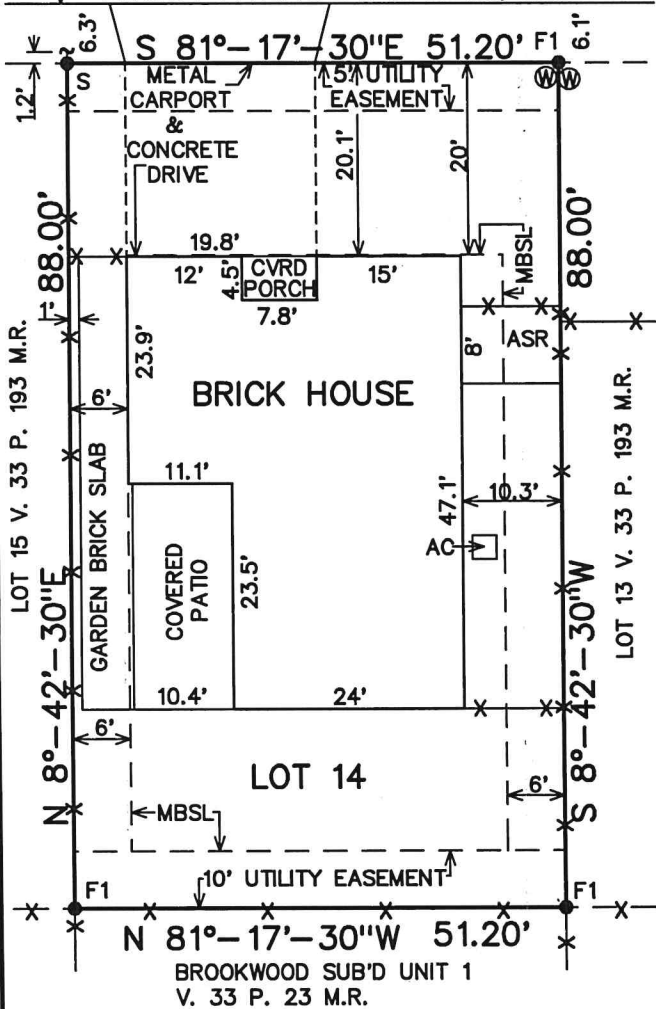




PEÑA ENGINEERING

FIRM #10087200 • 1001 WHITEWING • P.O. BOX 4320
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA

B/C ZINNA AVENUE V. 33 P. 193, M.R.



468.40'



SCALE: 1"=20'
CAD: BROOKWOOD2-14
JOB: 78000

NOTE:
BASIS OF BEARING IS THE EAST LINE OF LOT 14,
BROOKWOOD UNIT II, V. 33 P. 193, MAP RECORDS

- LEGEND:
- F1 - FOUND 1/2" DIAMETER IRON ROD
 - S - SET 1/2" DIAMETER IRON ROD W/CAP
STAMPED "PENA 5242"
 - B/C - BACK OF CONCRETE CURB & GUTTER
 - R.O.W. - RIGHT OF WAY
 - MBSL - MINIMUM BUILDING SETBACK LINE
 - ⊗ - WATER METER
 - ASR - ALUMINUM STORAGE ROOM ON NATURAL GROUND
 - *-* - 6' CEDAR FENCE

NOTE: SURVEY PREPARED WITHOUT THE
BENEFIT OF A TITLE COMMITMENT WHICH
MAY SHOW EASEMENTS OF RECORD THAT
MAY EFFECT THIS PROPERTY.

BUYER'S NAME: _____

FLOOD ZONE: By GRAPHICAL PLOTTING COMMUNITY PANEL NO. 480343 0005 C
MAP REVISED: NOVEMBER 2, 1982

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☐ Zone "B" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☒ Zone "C" - This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible or apparent easements, discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements or visible easements except as shown on this plat. No subsurface utilities or service connections are shown, © copyright 2022 PENA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, In conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this Survey. Survey valid only if print has original seal and signature.

ADDRESS: 3913 ZINNIA AVENUE McALLEN, TEXAS 78504

LEGAL DESCRIPTION: LOT 14, BROOKWOOD PHASE II, AN ADDITION TO THE CITY
OF McALLEN, HIDALGO COUNTY, TEXAS,

ACCORDING TO THE MAP RECORDED IN VOLUME 33 PAGE 193
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS.

Pablo Peña

07/16/2022
DATE

PABLO PEÑA III
REG. PROFESSIONAL LAND SURVEYOR No. 5242



I Ramon Garcia am willing to cut back
my existing corport to 15ft into the required
20ft front yard set back. This will eliminate
the 5ft encroachment into the utility easment.

I will undergo this process ~~if~~ if a special
exception is granted from The Zoning Board of
Adjustments.

Ramon Garcia



8-26-22

SUBDIVISION PLAT OF BROOKWOOD UNIT II

AN 8.72 ACRE TRACT OF LAND OUT OF LOTS 1 & 2
J.H. BEATTY SUBDIVISION OUT OF LA LOMITA IRRIG. &
CONST. CO'S SUBD. OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS
RECORDED IN VOLUME 2, PAGE 40. M/R

PREPARED BY: K K ENGINEERING CONSULTANTS
DATE: APRIL 29, 1998

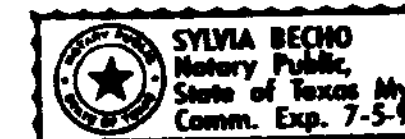
STATE OF TEXAS
COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER (S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE **BROOKWOOD SUBDIVISION UNIT II** SUBDIVISION TO THE CITY OF McALLEN, TEXAS, AND WHOSE NAME (S) IS (ARE) SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON SHOWN OR NOT SHOWN IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF McALLEN ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF McALLEN.

OWNER: ADOBE HOLDINGS, INC.
DAVID O. ROGERS III, PRESIDENT
5516 NORTH McCOLL ROAD
McALLEN, TEXAS 78504

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DAVID O. ROGERS III

KNOWN TO ME TO BE THE PERSON (S) WHOSE NAME (S) IS (ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 19th DAY
OF OCTOBER, 1998.

Sylvia Becro

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES 7/5/99

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

Roberto Montalvo
MAYOR, CITY OF McALLEN, TEXAS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEX. WATER CODE §49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT No. 1

BY: *[Signature]*

STATE OF TEXAS
COUNTY OF HIDALGO
THIS SUBDIVISION PLAT OF **BROOKWOOD UNIT II** HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF McALLEN, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 24th DAY OF NOVEMBER, A. D. 1998

[Signature]
CHAIRMAN

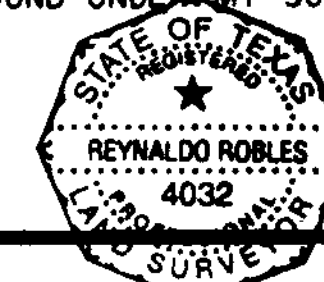
STATE OF TEXAS
COUNTY OF HIDALGO

I, KAMBIZ S. KHADEMI, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

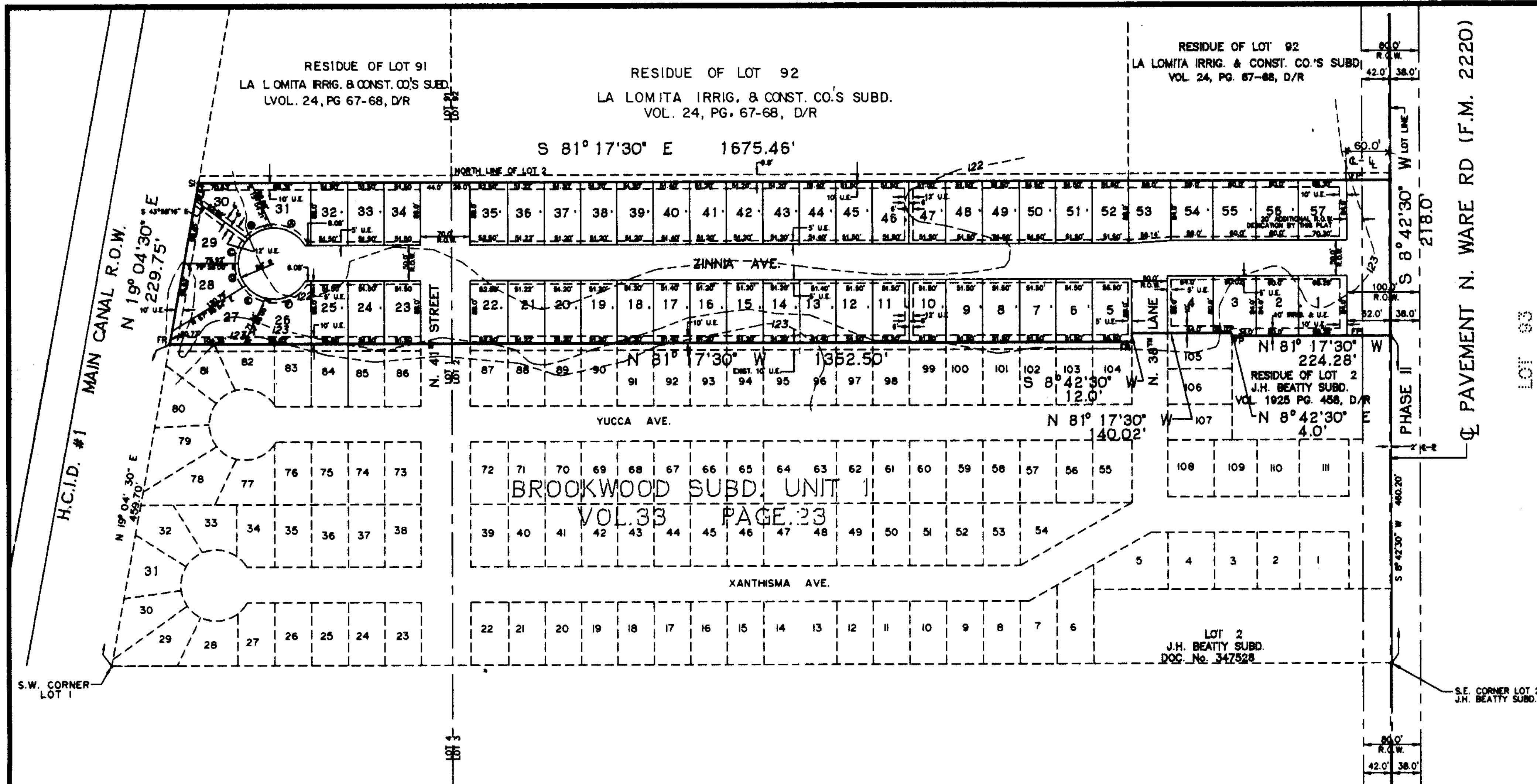
Kambiz S. Khademi
KAMBIZ S. KHADEMI, P.E.
REG. PROFESSIONAL ENGINEER No. 57767

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.



Reynaldo Robles
REYNALDO ROBLES
REGISTERED PROFESSIONAL LAND SURVEYOR No. 4032
P.O. BOX 476
WESLACO, TEXAS 78599



LEGEND

SI SET 1/2" IRON PIN
FP FOUND PIPE
FN FOUND NAIL
FM FOUND X-MARK
FR FOUND 1/2" IRON ROD

SCALE: 1" = 100'

METES AND BOUNDS

BEING 8.72 ACRES OF LAND SITUATED IN HIDALGO COUNTY, TEXAS, AND BEING OUT OF LOTS 1 AND 2, J.H. BEATTY SUBDIVISION AS PER MAP RECORDED IN VOLUME 2, PAGE 40 OF THE HIDALGO COUNTY MAP RECORDS, AND SAID 8.720 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND ON THE WEST LINE OF SAID LOT 1 FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED, SAID 1/2-INCH IRON ROD BEARS NORTH 19°04'30" EAST, 459.70 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE, NORTH 19°04'30" EAST, 229.75 FEET WITH THE WEST LINE OF SAID LOT 1 TO A 1/2-INCH IRON ROD SET FOR THE NORTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 81°17'30" EAST, 1875.46 FEET TO A COTTON PICKER SPINDLE SET FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 8°42'30" WEST, 218.00 FEET, WITH THE EAST LINE OF SAID LOT 2 TO A COTTON PICKER SPINDLE FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 81°17'30" WEST, 224.28 FEET TO A 3/4-INCH IRON PIPE FOUND FOR CORNER;

THENCE, NORTH 8°42'30" EAST, 4.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE, NORTH 81°17'30" WEST, 140.02 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 8°42'30" WEST, 12.00 FEET TO A 1/2-INCH IRON ROD FOUND FOR CORNER;

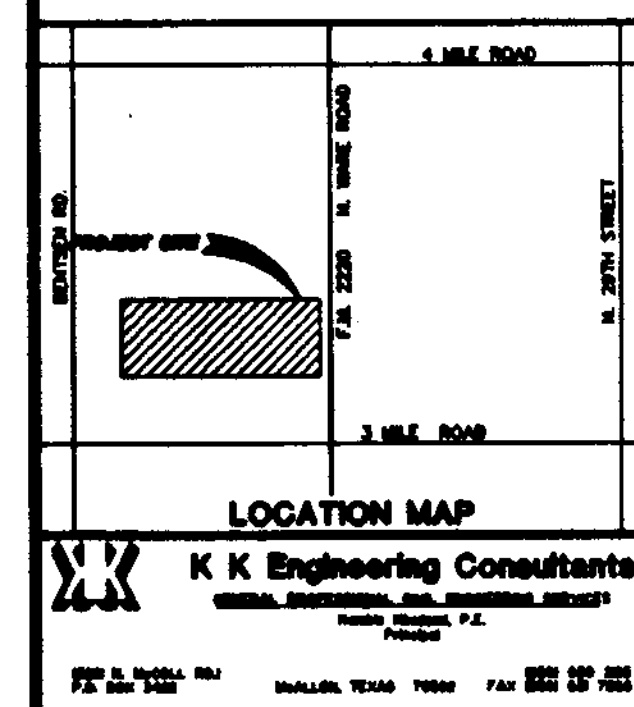
THENCE, NORTH 81°17'30" WEST, 1352.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.72 ACRES OF LAND MORE OR LESS.

AREAS (SQ. FT.) OF IRREGULAR LOTS:

LOT No.	NET AREA (SQ. FT.)
3	4,938
26	5,499
27	6,327
28	5,463
29	4,966
30	4,808
31	5,074
53	5,074

CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	DELTA
A	50.00'	58.28'	55.04'	66°47'02"
B	-	34.35'	33.68'	39°21'58"
C	-	38.27'	37.34'	43°51'00"
D	-	33.18'	32.58'	36°01'21"
E	-	33.27'	32.68'	36°07'49"
F	50.00'	64.44'	60.08'	73°50'50"



LOCATION MAP

K K Engineering Consultants

GENERAL ENGINEERING AND SURVEYING SERVICES

McALLEN, TEXAS 78501

PHONE (957) 331-1111 FAX (957) 331-1112

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0068**

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



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

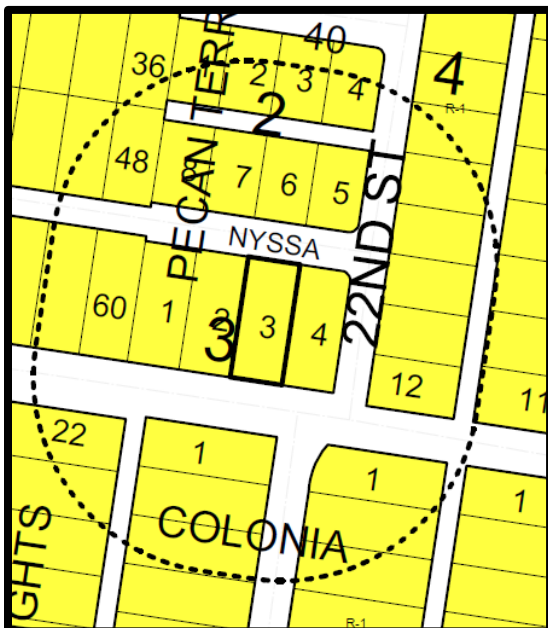
SUBJECT: REQUEST OF JORGE VASQUEZ FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW ENCROACHMENTS OF 20 FEET INTO THE 25 FEET FRONT YARD SETBACK AND 1.5 FEET INTO THE 5 FEET WEST SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 20 FEET ON, LOT 3, BLOCK 3, PECAN TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2205 NYSSA AVENUE. (ZBA2022-0069)

REASON FOR APPEAL:

The applicant is appealing to allow the above mentioned encroachments for an existing metal carport. The applicant has stated that said carport provides protection for his vehicles from the weather elements. Moreover, the existing residence does not have a garage where the applicant could store his vehicles, making the carport the only means to store and provide protection for the applicant's vehicles.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the south side of Nyssa Avenue, approximately 43 feet west of North 22nd Street. According to the subdivision plat, the property has 53 feet of frontage along Nyssa Avenue and a depth of 124 feet, for a lot size of 6,572 square feet. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Pecan Terrace was recorded on January 16, 1953. According to Hidalgo County Appraisal District records, the existing home was built in 1989. The applicant purchased the home in February, 2019. A non-compliance notice was issued by the Building Permits and Inspections Department on August 4, 2022 for a carport without a building permit on file. A building permit application for the existing metal carport was submitted on August 5, 2022. The applicant submitted the special exception request on August 26, 2022.

ANALYSIS:

Approval of the special exception request would allow encroachments of 20 feet into the 25 feet front yard setback and 1.5 feet into the 5 feet west side yard setback.

Regarding front yard setbacks, according to Section 138-367 (a) of the Zoning Ordinance, “when 50 percent or more of the frontage on one side of a street on any one block is improved with buildings that have a front yard which is greater than the required front yard in the district, no new building shall project beyond the average front yard so established...”. The average front yard setback for this property is 25 feet.

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

The existing residence has an enclosed garage that was enclosed by a previous owner. If the metal carport were to be removed, the applicant would not have a means to store and protect his vehicles from the weather elements.

During the site visit, staff noticed similar encroachments, namely carports, located on the front yard in the area. The metal carport on the subject property would be characteristic of construction in the area.

A review of Planning Department records revealed two special exception requests that were granted in the area for metal carports. At the Zoning Board of Adjustments and Appeals meetings of September 17, 2020 and July 21, 2021, approvals were granted (at Lot 44 of North Depot Subdivision and Lot 3, Block 4 of Pecan Terrace Subdivision) for encroachments of 16.67 feet into the 20 feet front yard setback and 14.33 feet into the 25 feet front yard setback, respectively, for proposed metal carports.

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

All measurements were taken without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since there have been other similar requests approved in the area. Approval should be limited to the footprint shown on the submitted site plan.

ZBOA
10/5/2022

ZBA2022-0068



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)

Project

Legal Description Pecan Terrace Lot 3 Block 3

Subdivision Name Pecan Terrace

Street Address 2205 Nyssa Ave

Number of lots 1 Gross acres _____

Existing Zoning R-1 Existing Land Use Residence

Reason for Appeal (please use other side if necessary) Construction of metal carport w/o a building permit, measuring 20' x 20'. ~~Encroaches~~ Encroaches into front yard and west side yard setbacks.

☒ \$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 Jorge Vasquez Phone 956-289-3267

Address 2205 Nyssa Ave E-mail jevm001@gmail.com

City McAllen State TX Zip 78501

Owner

Name Ramiro Vasquez & Jorge Vasquez Phone 956-289-3267

Address 2205 Nyssa Ave E-mail jevm001@gmail.com

City McAllen State TX Zip 78501

Authorization

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

☐ Yes ☒ No

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

Signature [Signature] Date 8-26-22

Print Name Jorge Vasquez ☒ Owner ☐ Authorized Agent

Office

Accepted by _____ Payment received by _____ Date _____

Rev 09/20

AUG 26 2022

BY: [Signature]



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

The carport is already constructed.

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

The carport protects my vehicles from the natural elements such as direct sunlight, tree debris, bird droppings, hail, etc.

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 ~~is~~ does not negatively impact visibility.

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

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

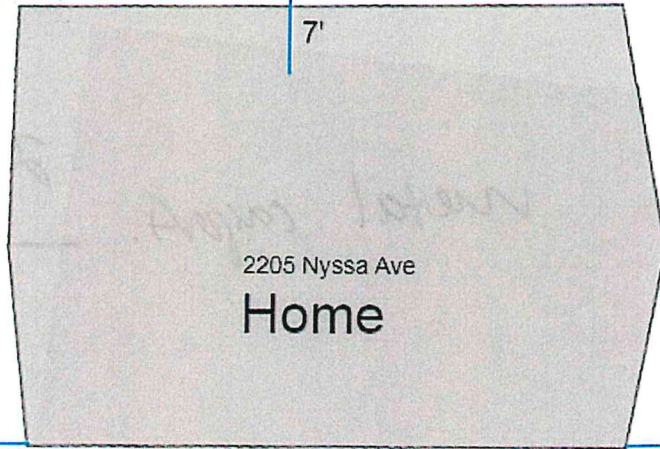
Date

W Nyssa Ave

Driveway

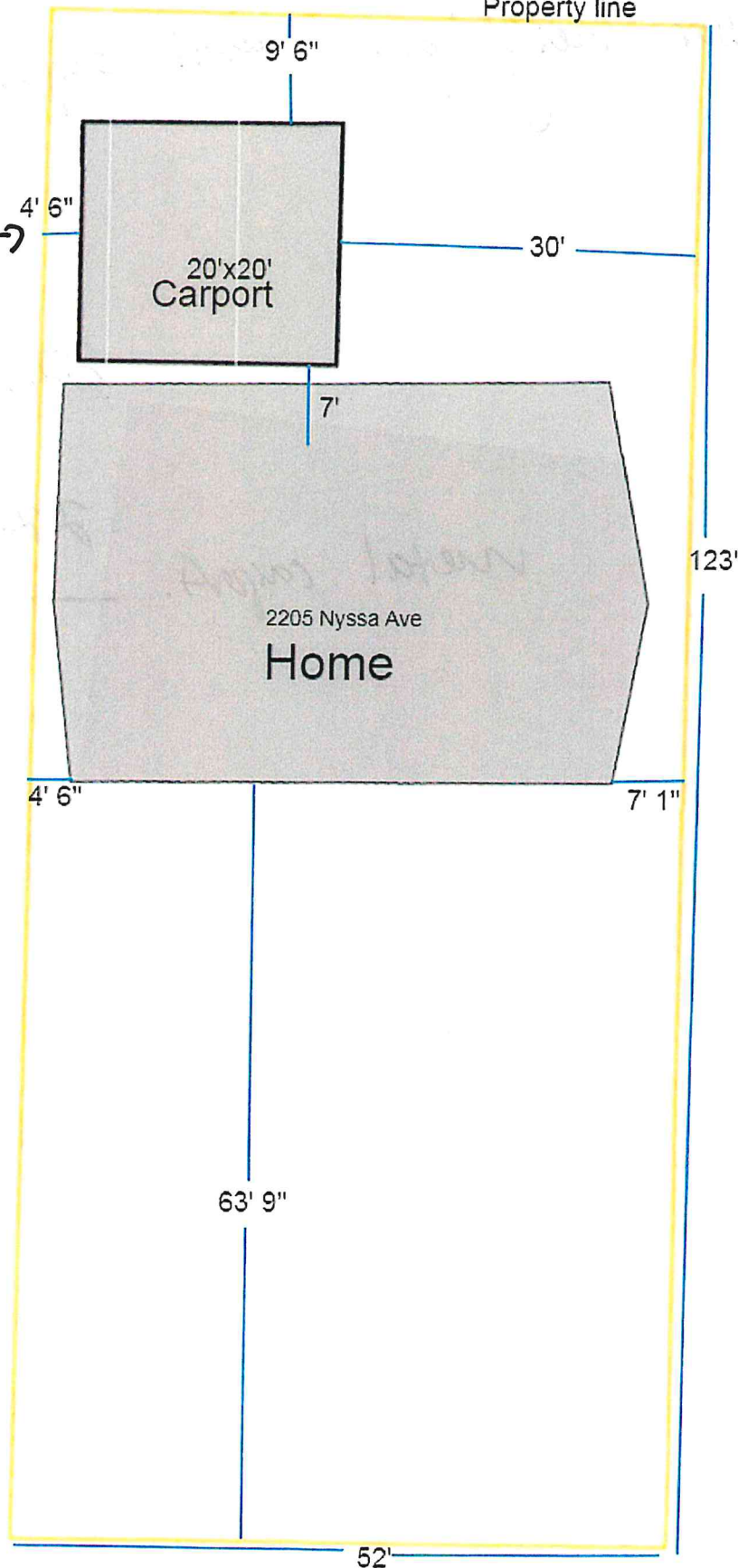
Property line

3.5'
JV. →



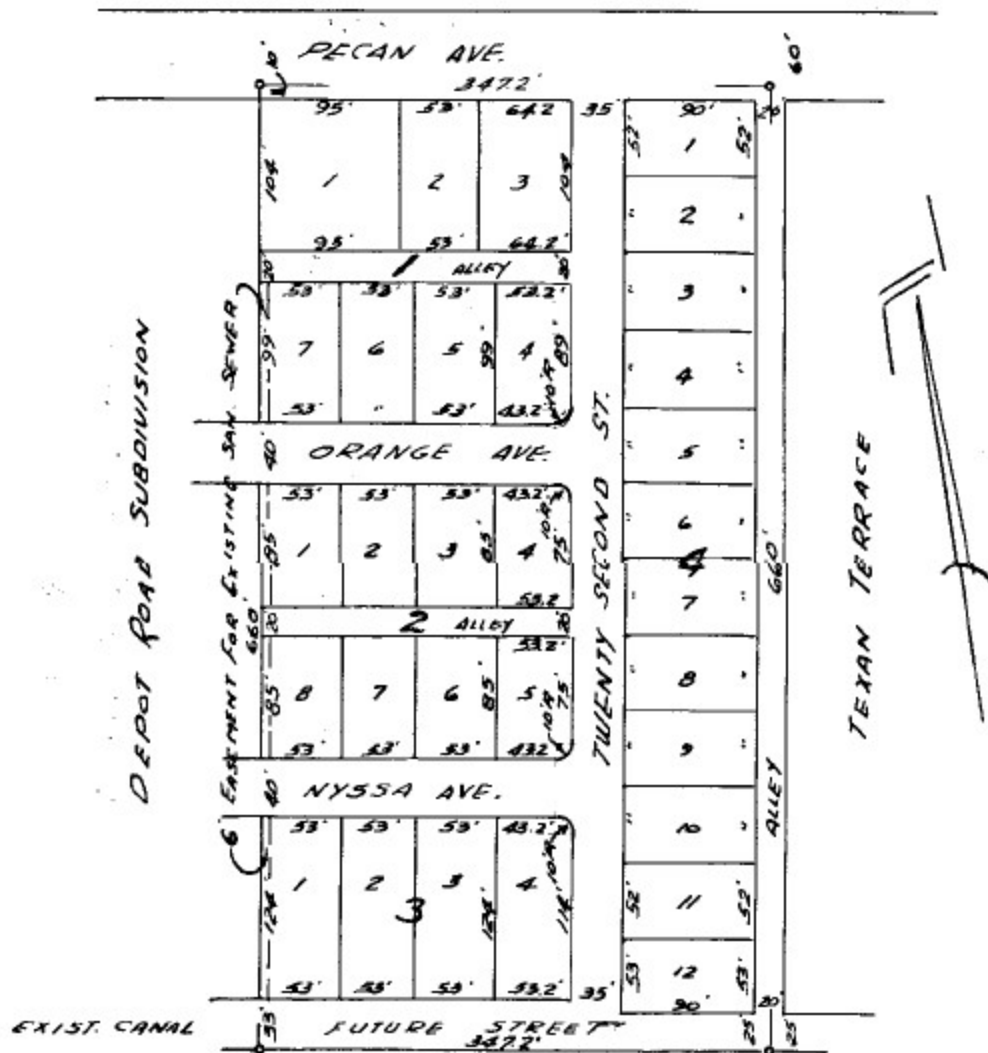
2205
Nyssa Ave

Feb. 2019.
purchase



our map.





MAP
OF
PECAN TERRACE
M.E. ALLEN, TEXAS.
BEING
THE SUBDIVISION OF LOT 40
& THE EAST 17.2 FT. OF LOT 41,
BLOCK 1, HAMMOND SUBDV.
OF PORCIONES 63 & 64,
HIDALGO COUNTY, TEXAS.

SCALE: 1"=100'

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0069**

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



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

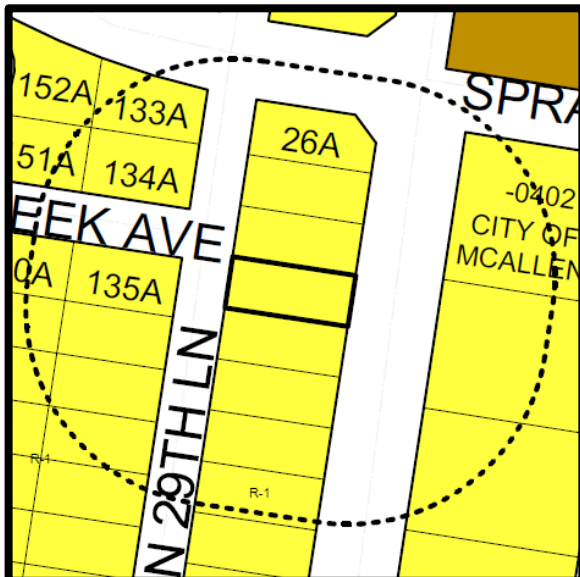
SUBJECT: REQUEST OF JAVIER GARZA ON BEHALF OF SAHARAI ELIZONDO FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 25 FEET REAR YARD SETBACK FOR A PROPOSED SWIMMING POOL MEASURING 14 FEET BY 27 WITH A LANDING AREA MEASURING 4 FEET BY 8 FEET ON LOT 23-A, TRINITY OAKS SUBDIVISION PHASE IA, HIDALGO COUNTY, TEXAS; 10734 NORTH 29TH LANE. (ZBA2022-0070)

REASON FOR APPEAL:

The applicant is requesting to allow the above mentioned encroachment for a proposed swimming pool measuring 14 feet by 27 feet with a landing area measuring 4 feet by 8 feet. The swimming pool will be located at the rear yard of the subject property.

PROPERTY LOCATION AND VICINITY:

The subject property is located in Trinity Oaks Subdivision Phase IA, with frontage on North 29th Lane and North 29th Street. According to the subdivision plat, the property has an area of 6,506 square feet. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The Trinity Oaks Subdivision Phase IA plat was recorded on October 16, 2009. According to Hidalgo County Appraisal District records, the existing residence was built in 2015. A swimming pool permit application was submitted on August 16, 2022. The variance request application was submitted on August 29, 2022.

ANALYSIS:

Lots 1A through 43A in Trinity Oaks Subdivision Phase IA have double frontage with either North 29th Street or Brazos Avenue at the rear property line of the lots. The recorded plat for the subdivision requires the double fronting Lots to have a 25 feet front and rear yard setbacks.

City Ordinance Section 138-367 (b) states, “where lots have double frontage...a required front yard shall be provided on one street only.” The submitted site plan shows the existing residence in compliance with the 25 feet front yard setback along North 29th Lane. However, an approved variance is still necessary to resolve the plat note setback requirement of 25 feet for the rear yard.

A 15 feet utility easement, adjacent to the rear property line of Lot 23-A, runs concurrently with the 25 feet rear yard setback and will not be impacted by the proposed encroachment.

A review of Planning Department records did not reveal any approved variances for swimming pool encroachments in the subdivision.

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

RECOMMENDATION:

Staff recommends approval of the variance request since the required front yard has 25 feet along North 29th Lane and is in compliance with the City of McAllen Zoning Ordinance requirement for double fronting lots.

ZBA2022-0070

ZBA- 10/5/22



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)

Project	Legal Description	TRINITY OAKS PH 1A LOT 23-A		
	Subdivision Name	TRINITY OAKS PH 1A		
	Street Address	10734 N. 29 LN		
	Number of lots	1	Gross acres	
	Existing Zoning	SINGLE FAMILY	Existing Land Use	RESIDENCE
Applicant	Reason for Appeal (please use other side if necessary) LIMITED SPACE TO BUILD RECREATIONAL AREA ON PROPERTY THE 27' X 18' sq ft. PURPOSE TO ENCLOSE 10' INTO THE REAR SET BACK			
	<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			
	Name	JAVIER GARZA	Phone	956 862 7318
	Address	508 N. 10 TH ST.	E-mail	JAVIER GARZA @ SOUTH TEXAS BACKYARDS .COM
Owner	City	MCALLEN	State	TX Zip 78501
	Name	SAHARAI ELIZONDO	Phone	956 789 6046
	Address	10734 N. 29 TH LN	E-mail	SEELIZONDO05@yahoo.com
	City	MCALLEN	State	Tx Zip 78504
	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Authorization	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	Saharai Elizondo	Date	8-25-22
	Print Name	Saharai Elizondo	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent
Office	Accepted by	Payment received by		Date
	Rev 10/18 ENTERED AUG 29 2022 Initial: <u>AM</u>			

57 K5



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

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

THE 25^{FT} REAR YARD SET BACK IS A LARGE AREA WHERE THE CLIENT REQUESTED A POOL BE BUILT.

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

IF THE ALLOWED 25^{FT} REAR EASTMENT WE WOULD CONSTRUCT POOL ALLOWING THE 15^{FT} UTILITY EASTMENT IN REAR GIVING US ENOUGH SPACE FOR THE POOL.

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 SPACE WILL NOT AFFECT ANY HEALTH SAFETY OR INJURY BEING THAT IT WOULD BE AWAY FROM ELECT. EASTMENT.

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

ITS JUST OPEN YARD AREA THAT WOULD ALLOW THE FAMILY A POOL WHILE OBEYING ALL CONSTRUCTION REQUISITS.

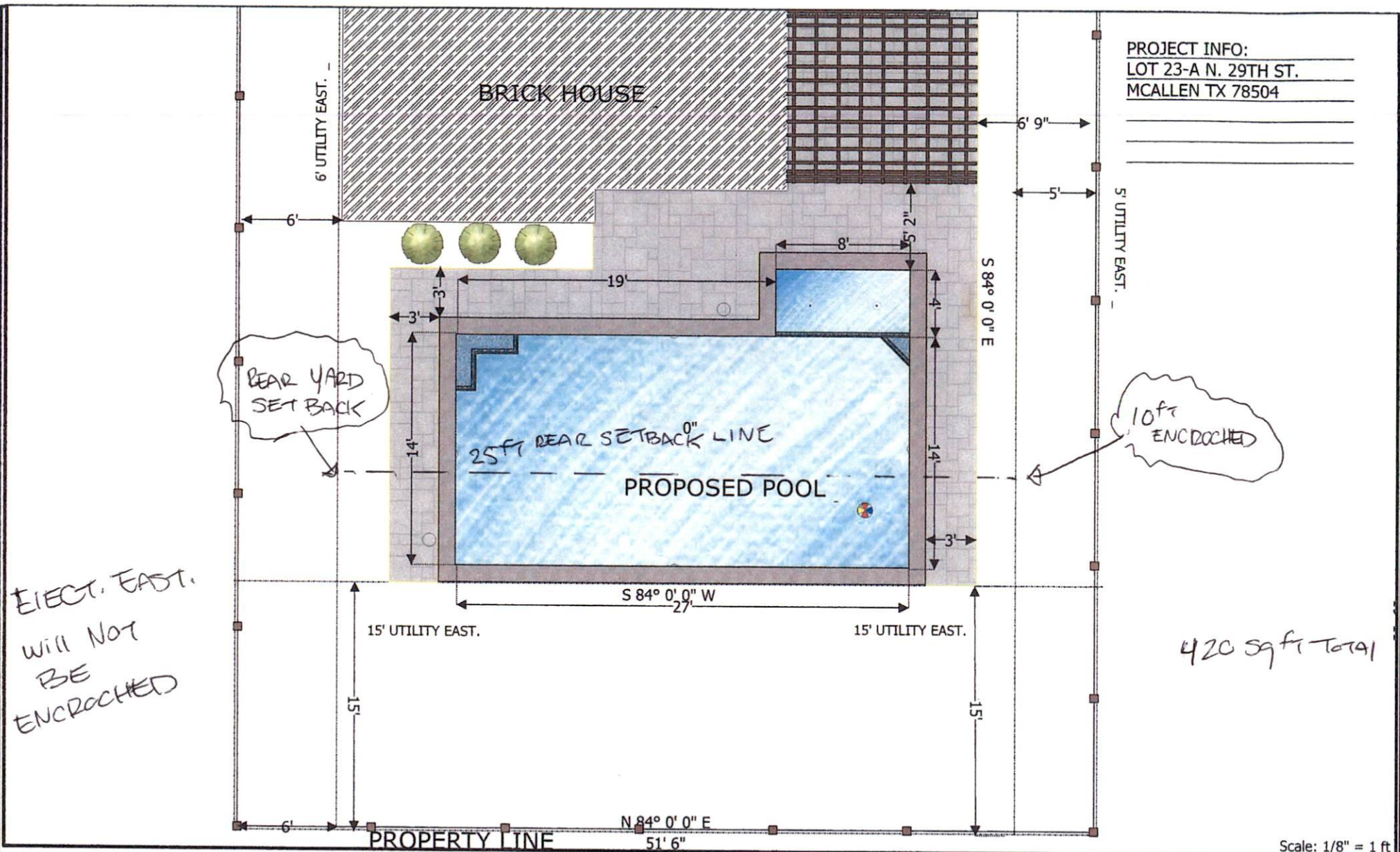
Reason for Appeal

Board Action

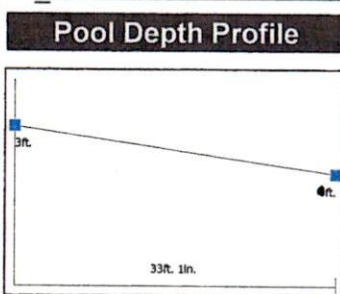
Chairman, Board of Adjustment
Signature

Date

PROJECT INFO:
 LOT 23-A N. 29TH ST.
 MCALLEN TX 78504

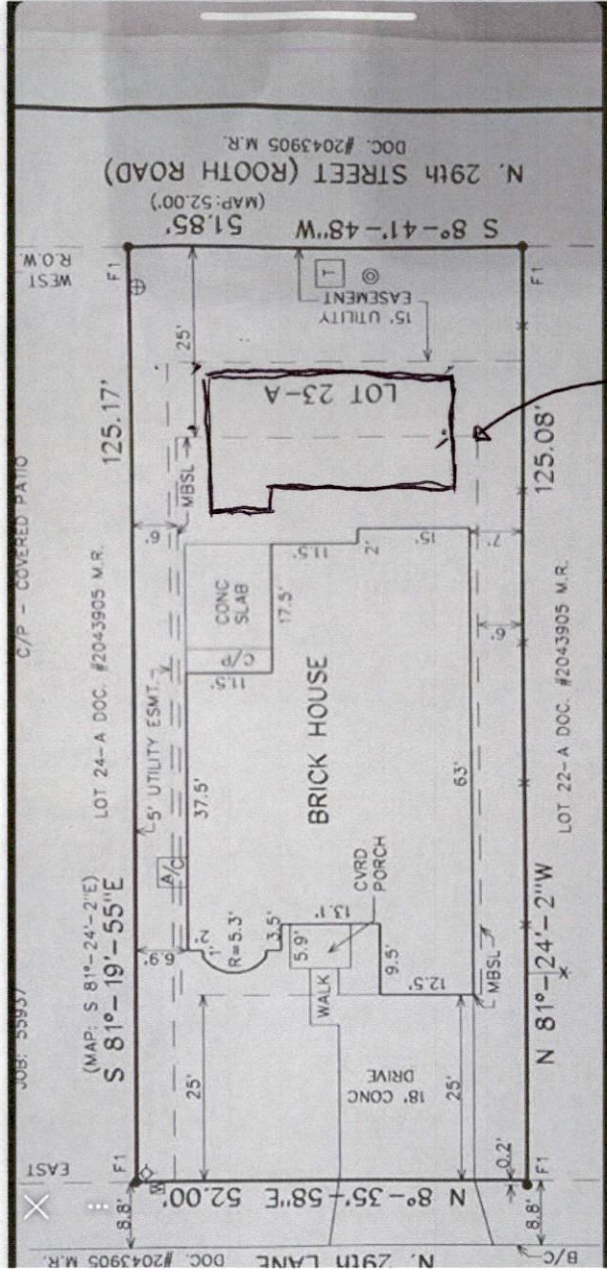


Project Name: ELIZONDO PROJ.
 Client Name: SAHARAI ELIZONDO
 Client Email: _____
 Client Phone: 956-789-6646
 Address: 10734 N. 29TH ST
 City: MCALLEN
 State/Province: TX
 Zip/Postal Code: 78504
 Designer Name: JAVIER GARZA



Designer: SOUTH TEXAS BACKYARDS
 Address: 508 N. 10TH ST
 City: MCALLEN
 State/Zip: 78501
 Phone: 956-862-7318
 Cell: 210-355-0548
 Email: JAVIERGARZA@SOUTHTEXASBAC

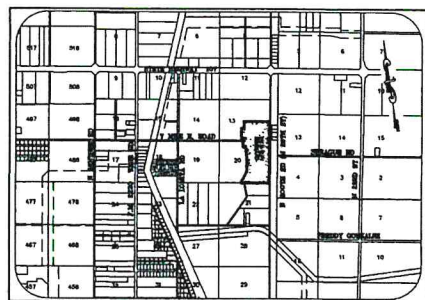
PROJECT INFO:
 LOT 23-A N. 29TH ST.
 MCALLEN TX 78504
 AUG 29 2022
 By: *Aut*



25'f
REAR SET BACK
YARD

RECEIVED
AUG 29 2022
By *Am*





LOCATION MAP
N.T.S.



FILE FOR RECORD IN
HIDALGO COUNTY
ARTURO GUERRERO, JR.
HIDALGO COUNTY CLERK

ON: 10/16/09 AT 3:15 AM/PM
INSTRUMENT NUMBER 2643305
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: *Amida Feal* DEPUTY



CURVE	DELTA	RADIUS	TANG	LENGTH	CHORD
"A"	02°18'32"	275.00	5.56	11.11	11.11
"B"	20°11'00"	329.00	53.10	163.72	161.02
"C"	22°08'31"	447.19	99.72	196.23	194.66
"D"	7°34'22"	447.19	29.60	59.10	59.06
"E"	17°24'15"	447.19	69.11	137.14	136.60
"F"	2°43'30"	800.00	19.03	36.05	36.04
"G"	21°03'27"	800.00	148.69	294.02	292.36

LOT 20

LA LOMITA IRRIG. & CONST. CO. SUB'D
(VOL. 24, PAGE 58, D/R)

Δ=28°41'10"
RADIUS=300.00'
TANGENT=76.71'
LENGTH=150.20'
CHORD=148.64'
N22°56'32"E

N24°30'34"W
27.46'
N08°35'58"E
112.81'

N02°42'38"W
50.99'
N08°35'58"E
381.78'

N08°35'58"E
103.82'

N57°37'06"W
103.82'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

N08°35'58"E
87.42'

LOT 19
LA LOMITA IRRIG. & CONST. CO. SUB'D
(VOL. 24, PAGE 58, D/R)

LOT 14
LA LOMITA IRRIG. & CONST. CO. SUB'D
(VOL. 24, PAGE 58, D/R)

SCALE: 1" = 100'
BASIS OF BEARING:
TEXAS STATE PLANE
COORDINATE SYSTEM
NAD, 83 SOUTH ZONE

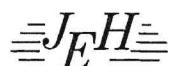
TRINITY OAKS SUBDIVISION PHASE IA

A TRACT OF LAND CONTAINING 34.82 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AND SAID 34.82 ACRES BEING A RE-SUBDIVISION OF LOTS 1-12, 45-76, 86-93, AND 112-202, TRINITY OAKS SUBDIVISION PHASE I, MAP REFERENCE, VOLUME 51, PAGES 113-114, HIDALGO COUNTY MAP RECORD

LOT #	SO. FT.	ACRES	LOT #	SO. FT.	ACRES
1A	9,019	0.21	44A	8,239	0.19
12A	6,946	0.16	45A	5,404	0.12
13A	11,383	0.26	46A	5,500	0.13
14A	9,458	0.22	56A	6,534	0.15
15A	6,548	0.14	71A	8,354	0.19
16A	6,474	0.15	72A	7,369	0.17
17A	6,479	0.15	90A	7,096	0.16
18A	12,483	0.29	91A	6,844	0.16
19A	6,488	0.15	97A	6,844	0.16
20A	6,483	0.15	98A	7,811	0.18
21A	6,483	0.15	99A	5,386	0.12
22A	6,502	0.15	101A	5,386	0.12
23A	6,502	0.15	102A	5,386	0.12
24A	6,511	0.15	103A	5,386	0.12
25A	6,516	0.15	104A	5,386	0.12
26A	6,516	0.15	105A	5,386	0.12
27A	6,516	0.15	106A	5,386	0.12
28A	6,516	0.15	107A	5,386	0.12
29A	6,516	0.15	108A	5,386	0.12
30A	6,516	0.15	109A	5,386	0.12
31A	6,516	0.15	110A	5,386	0.12
32A	6,516	0.15	111A	5,386	0.12
33A	6,516	0.15	112A	5,386	0.12
34A	6,516	0.15	113A	5,386	0.12
35A	6,516	0.15	114A	5,386	0.12
36A	6,516	0.15	115A	5,386	0.12
37A	6,516	0.15	116A	5,386	0.12
38A	6,516	0.15	117A	5,386	0.12
39A	6,516	0.15	118A	5,386	0.12
40A	6,516	0.15	119A	5,386	0.12
41A	6,516	0.15	120A	5,386	0.12
42A	6,516	0.15	121A	5,386	0.12
43A	6,516	0.15	122A	5,386	0.12
44A	6,516	0.15	123A	5,386	0.12
45A	6,516	0.15	124A	5,386	0.12
46A	6,516	0.15	125A	5,386	0.12
47A	6,516	0.15	126A	5,386	0.12
48A	6,516	0.15	127A	5,386	0.12
49A	6,516	0.15	128A	5,386	0.12
50A	6,516	0.15	129A	5,386	0.12
51A	6,516	0.15	130A	5,386	0.12
52A	6,516	0.15	131A	5,386	0.12
53A	6,516	0.15	132A	5,386	0.12
54A	6,516	0.15	133A	5,386	0.12
55A	6,516	0.15	134A	5,386	0.12
56A	6,516	0.15	135A	5,386	0.12
57A	6,516	0.15	136A	5,386	0.12
58A	6,516	0.15	137A	5,386	0.12
59A	6,516	0.15	138A	5,386	0.12
60A	6,516	0.15	139A	5,386	0.12
61A	6,516	0.15	140A	5,386	0.12
62A	6,516	0.15	141A	5,386	0.12
63A	6,516	0.15	142A	5,386	0.12
64A	6,516	0.15	143A	5,386	0.12
65A	6,516	0.15	144A	5,386	0.12
66A	6,516	0.15	145A	5,386	0.12
67A	6,516	0.15	146A	5,386	0.12
68A	6,516	0.15	147A	5,386	0.12
69A	6,516	0.15	148A	5,386	0.12
70A	6,516	0.15	149A	5,386	0.12
71A	6,516	0.15	150A	5,386	0.12
72A	6,516	0.15	151A	5,386	0.12
73A	6,516	0.15	152A	5,386	0.12
74A	6,516	0.15	153A	5,386	0.12
75A	6,516	0.15	154A	5,386	0.12
76A	6,516	0.15	155A	5,386	0.12
77A	6,516	0.15	156A	5,386	0.12
78A	6,516	0.15	157A	5,386	0.12
79A	6,516	0.15	158A	5,386	0.12
80A	6,516	0.15	159A	5,386	0.12
81A	6,516	0.15	160A	5,386	0.12
82A	6,516	0.15	161A	5,386	0.12
83A	6,516	0.15	162A	5,386	0.12
84A	6,516	0.15	163A	5,386	0.12
85A	6,516	0.15	164A	5,386	0.12
86A	6,516	0.15	165A	5,386	0.12
87A	6,516	0.15	166A	5,386	0.12
88A	6,516	0.15	167A	5,386	0.12
89A	6,516	0.15	168A	5,386	0.12
90A	6,516	0.15	169A	5,386	0.12
91A	6,516	0.15	170A	5,386	0.12
92A	6,516	0.15	171A	5,386	0.12
93A	6,516	0.15	172A	5,386	0.12
94A	6,516	0.15	173A	5,386	0.12
95A	6,516	0.15	174A	5,386	0.12
96A	6,516	0.15	175A	5,386	0.12
97A	6,516	0.15	176A	5,386	0.12
98A	6,516	0.15	177A	5,386	0.12
99A	6,516	0.15	178A	5,386	0.12
100A	6,516	0.15	179A	5,386	0.12
101A	6,516	0.15	180A	5,386	0.12
102A	6,516	0.15	181A	5,386	0.12
103A	6,516	0.15	182A	5,386	0.12
104A	6,516	0.15	183A	5,386	0.12
105A	6,516	0.15	184A	5,386	0.12
106A	6,516	0.15	185A	5,386	0.12
107A	6,516	0.15	186A	5,386	0.12
108A	6,516	0.15	187A	5,386	0.12
109A	6,516	0.15	188A	5,386	0.12
110A	6,516	0.15	189A	5,386	0.12
111A	6,516	0.15	190A	5,386	0.12
112A	6,516	0.15	191A	5,386	0.12
113A	6,516	0.15	192A	5,386	0.12
114A	6,516	0.15	193A	5,386	0.12
115A	6,516	0.15	194A	5,386	0.12
116A	6,516	0.15	195A	5,386	0.12
117A	6,516	0.15	196A	5,386	0.12
118A	6,516	0.15	197A	5,386	0.12
119A	6,516	0.15	198A	5,386	0.12
120A	6,516	0.15	199A	5,386	0.12
121A	6,516	0.15	200A	5,386	0.12
122A	6,516	0.15	201A	5,386	0.12
123A	6,516	0.15	202A	5,386	0.12

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
"C1"	42°18'03"	50.00'	19.34'	36.91'	36.06'
"C2"	57°17'44"	50.00'	27.32'	50.00'	47.84'
"C3"	57°17'44"	50.00'	27.32'	50.00'	47.84'
"C4"	53°06'28"	50.00'	24.99'	41.84'	44.70'
"C5"	62°51'03"	50.00'	30.55'	54.85'	52.14'
"C6"	62°51'03"	50.00'	30.55'	54.85'	52.14'
"C7"	62°51'03"	50.00'	30.55'	54.85'	52.14'
"C8"	21°28'50"	50.00'	9.47'	16.72'	16.61'
"C9"	15°08'09"	422.19'	55.97'	111.28'	110.96'
"C10"	2°52'24"	422.19'	10.59'	21.17'	21.17'
"C11"	11°42'16"	422.19'	48.25'	96.18'	96.02'
"C12"	13°28'16"	422.19'	55.77'	111.02'	110.76'
"C13"	3°28'34"	350.00'	10.62'	21.24'	21.23'
"C14"	8°32'03"	350.00'	27.14'	54.17'	54.11'
"C15"	8°10'59"	350.00'	28.10'	56.09'	56.03'
"C16"	7°09'37"	350.00'	21.90'	43.74'	43.71'
"C17"	15°08'09"	422.19'	55.97'	111.28'	110.96'
"C18"	10°02'24"	422.19'	37.08'	73.98'	73.88'
"C19"	5°20'13"	422.19'	22.01'	43.98'	43.97'
"C20"	31°29'28"	50.00'	14.10'	27.48'	27.14'
"C21"	57°46'30"	50.00'	27.59'	50.42'	48.31'
"C22"	84°30'58"	50.00'	45.43'	73.75'	67.25'
"C23"	104°20'11"	50.00'	84.36'	131.05'	78.96'
"C24"	21°52'52"	50.00'	9.67'	19.09'	18.98'
"C25"	2°56'47"	50.00'	1.29'	2.57'	2.57'
"C26"	7°18'52"	50.00'	35.25'	66.52'	61.72'
"C27"	7°47'20"	50.00'	35.53'	61.78'	57.92'
"C28"	145°00'10"	50.00'	158.59'	126.54'	95.37'
"C29"	4°59'50"	50.00'	2.18'	4.30'	4.30'

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
"C"	21°18'32"	275.00	5.56	11.11	11.11
"B"	20°11'00"	329.00	53.10	163.72	161.02
"C"	22°08'31"	447.19	99.72	196.23	194.66
"D"	21°03'27"	800.00	148.69	294.02	292.36



JAVIER HINOJOSA ENGINEERING
CONSULTING ENGINEERS
416 E. DOVE AVENUE, MCALLEN, TEXAS 78504
PHONE (956) 682-1558
javierh@rcrr.com

SHEET NO. 2 OF 2

A TRACT OF LAND CONTAINING 34.82 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AND SAID 34.82 ACRES BEING A RE-SUBDIVISION OF LOTS 1-12, 45-78, 86-93, AND 112-202, TRINITY OAKS SUBDIVISION PHASE 1, MAP REFERENCE: VOLUME 51, PAGES 113-114, HIDALGO COUNTY MAP RECORD

1. THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAN AND DESIGNATED HEREIN AS SUBDIVISION TRINITY GARDENS PHASE I, AN ADDITION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSORIZED HEREIN, IS HEREBY DEEDED TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, SEWER LINES, WATER COURSES, STORM SEWERS, FIRE HYDRANTS, AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I WILL BE INSTALLED OR INSTALLED UNDER THE SUPERVISION OF THE APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAN OR ON THE OFFICIAL RECORDS OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.


PLACES

OWNER: STONECROP DEVELOPMENT, LTD., A TEXAS LIMITED PARTNERSHIP BY ITS GENERAL PARTNER, STONE CROP REAL ESTATE INVESTMENTS, L.P. 1429 E. TAMARACAW AVENUE MCALLEN, TEXAS 78501

JAMES E. BROWN, PRESIDENT

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY
APPEARED, ROMEO RENDON, KNOWN TO ME TO BE THE INDIVIDUALS WHOSE
NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSE
AND CONSIDERATIONS THEREIN AND CAPACITY THEREIN
STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS 12th DAY OF August, 2009 A.D.
Maura Gochette
MAURA GOCHETTE
Notary Public, State of Texas
My Commission Expires
August 06, 2011

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

 Robert F. Lopez 04.15.09
MAYOR, CITY OF MCALLEN DATE

THIS SUBDIVISION PLAT OF SUBDIVISION TRINITY OAKS PHASE 1A HAS BEEN
SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY
OF MCALLEN, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION
DATED THIS 4 DAY OF April, 2009 A.D.
Edward Jones
CHAIRMAN, PLANNING & ZONING COMMISSION

STATE OF TEXAS
COUNTY OF HIDALGO

I, JAVIER HINOJOSA, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAN.


Javier Hinojosa 8/18/09
JAVIER HINOJOSA, P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 74808

STATE OF TEXAS
COUNTY OF HIDALGO

I, CARLOS VASQUEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

Carlos Vasquez 8/24/07

CARLOS VASQUEZ, P.R.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4608
CVC LAND SURVEYORS L.L.C.
1204 NORTH WARE ROAD
MCALLEN, TEXAS 78501
(956) 618-1551
DATE SURVEYED: APRIL 21, 2005



STATE OF TEXAS
COUNTY OF HIDALGO

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE §49.21(c). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE SUBDIVISION DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS. HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

BY: *Scotty Gage, Jr.* 10/6/97

1. NO STRUCTURES PERMITTED OVER ANY EASEMENTS.
2. SETBACK AS FOLLOWS:
FRONT 15 FEET
10 FEET EXCEPT OR GREATER FOR EASEMENT, EXCEPT
25 FEET FOR LOTS 1A - 43A ALONG N. 29TH STREET,
AND BRAZOS AVENUE
SIDE 10 FEET GREATER FOR EASEMENT
SIDE CORNER 10 FEET OR GREATER FOR EASEMENT, EXCEPT 25' FOR
LOT 60A ALONG N. 29TH STREET.
Rear 18 FEET EXCEPT GREATER SETBACK IS REQUIRED
GARAGE THE GREATER SETBACK APPLIES.
3. THIS PROPERTY IS LOCATED IN ZONE "C" ON A FLOOD INSURANCE
RATE MAP - COMMUNITY PANEL NO. 480334 CLOSIS C; REVISSED
DATE: 7/9/2007.
4. THE DEVELOPER SHALL PROVIDE AN ENGINEERED DETENTION PLAN,
APPROVED BY THE ENGINEERING DEPARTMENT PRIOR TO ISSUANCE
OF A BUILDING PERMIT.
5. DRAINAGE DETENTION REQUIRED OF 3.74 ACRE FEET OR 803
CUBIC FEET PER LOT FOR THIS SUBDIVISION
6. MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 16" ABOVE
TOP OF CURB AT 20' POINT OF EACH LOT.
7. BENCHMARK: ELEVATION = 110.66 FEET OF RISE OF SANITARY
SEWER MANHOLE LOCATED APPROXIMATELY 250 FEET NORTH OF SPRAGUE
ROAD AND 30 FEET WEST OF THE CENTERLINE OF N. 29TH STREET.
(N. 29TH ELEVATION = 118.16' LOCATED AT THE SOUTHWEST INTERSECTION
OF MILE 7 NORTH AND N. WARE ROAD)
8. A 25 X 25 FOOT CORNER CLIP EASEMENT IS HEREBY DEDICATED AT
ALL STREET INTERSECTIONS.
9. A 4 FOOT WIDE SIDEWALK IS REQUIRED ON N. 29th STREET,
BRAZOS AVENUE, GUADALUPE AVENUE, BOTH SIDES OF
SPRAGUE ROAD, AND BOTH SIDES OF INTERIOR STREETS.
10. A 10" Ø DIAMETER IRON ROD SHALL BE SET ON ALL LOT CORNERS,
UNLESS OTHERWISE NOTED ON THIS PLAN.
11. A 6" H BURST PIPE IS REQUIRED ALONG N. 29TH STREET, SPRAGUE ROAD,
GUADALUPE AVENUE, BRAZOS AVENUE AND BETWEEN MULTI-FAMILY RESIDENTIAL
AND COMMERCIAL ZONES/USES.
12. AN 8" HOG MASONRY BURST PIPE IS REQUIRED BETWEEN COMMERCIAL AND
SINGLE-FAMILY RESIDENTIAL ZONES/USES.
13. NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG N. 29th STREET,
SPRAGUE ROAD, BRAZOS AVENUE, AND GUADALUPE AVENUE.

I, THE UNDERSIGNED, HOLDER(S), OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S), OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THE PLAT AND DESIGNATED HEREIN AS THE TRINITY OAKS SUBDIVISION PHASE IA, OF THE CITY OF McALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBMISSION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY STATE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREON.

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY
PERSONALLY APPEARED CELOS E. GARCIA
KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE
SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME
PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AS
THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND
AND SEAL OF OFFICE
THIS 10TH DAY OF August, 2009 A.D.

SMITH VIGALIFE
Notary Public
STATE OF TEXAS

Edna Allen
NOTARY PUBLIC FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES ON: 05/26/11

FILE FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: 10/16/09 AT 3:15 AM/PM
INSTRUMENT NUMBER 1075795 pg
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: [Signature] -DEPUTY

TRACT OF LAND CONTAINING 34.82 ACRES, SITUATED IN THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AND SAID 34.82 ACRES BEING A RE-SUBDIVISION OF LOTS 1-12, 45-76, 86-93, AND 112-202, TRINITY OAKS SUBDIVISION PHASE 1, MAP REFERENCE: VOLUME 51, PLAT 113-114, HGLR, AND SAID 34.82 ACRE TRACT ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHEAST CORNER OF SAID TRINITY OAKS SUBDIVISION PHASE 1 AND IN THE RIGHT-OF-WAY LINE OF N. 29TH STREET (N. ROOTH ROAD), THENCE, N. 81° 24' 02" W. ALONG THE SOUTH RIGHT-OF-WAY LINE OF TRINITY OAKS SUBDIVISION PHASE 1, AT A DISTANCE OF 20.00 FEET PASS THE WEST CORNER OF SAID TRINITY OAKS SUBDIVISION PHASE 1, AND CONTINUING A TOTAL DISTANCE OF 962.37 FEET TO A 3/4" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR A POINT OF CURVATURE, THENCE, ALONG SAID CURVE TO THE RIGHT, WITH A RADIUS OF 300.00 FEET, AN INTERIOR ANGLE OF 04° 39' 31", A TANGENT OF 12.20 FEET, AN ARC LENGTH OF 24.39 FEET, AND A CHORD THAT BEARS N 29° 03' 26" E A DISTANCE OF 24.39 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET, FOR A POINT OF CURVATURE AND SOUTHWEST CORNER OF THIS TRACT AND POINT OF BEGINNING;

THENCE, ALONG SAID CURVE TO THE RIGHT, WITH A RADIUS OF 300.00 FEET, AN INTERIOR ANGLE OF 04° 39' 31", A TANGENT OF 12.20 FEET, AN ARC LENGTH OF 24.39 FEET, AND A CHORD THAT BEARS N 29° 03' 26" E A DISTANCE OF 24.39 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR A POINT OF TANGENCY OF THIS TRACT;

THENCE, N. 37° 17' 09" E, A DISTANCE OF 286.71 FEET TO A 3/4" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR A POINT OF CURVATURE OF THIS TRACT;

THENCE, SAID CURVE TO THE LEFT, WITH A RADIUS OF 300.00 FEET, AN INTERIOR ANGLE OF 28° 41' 00", A TANGENT OF 71.71 FEET, AN ARC LENGTH OF 150.20 FEET AND A CHORD THAT BEARS N 22° 56' 32" E A DISTANCE OF 146.84 FEET TO A 3/4" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR A POINT OF TANGENCY OF THIS TRACT;

THENCE, N. 08° 35' 58" E, A DISTANCE OF 381.78 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N. 02° 42' 38" W, A DISTANCE OF 50.99 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N. 08° 35' 58" E, A DISTANCE OF 112.81 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N. 24° 30' 34" W, A DISTANCE OF 27.46 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF SPRAGUE ROAD, FOR A POINT OF CURVATURE OF THIS TRACT;

THENCE, N. 08° 35' 58" E, A DISTANCE OF 87.42 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND ON THE NORTH RIGHT-OF-WAY LINE OF SAID SPRAGUE ROAD, FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N. 57° 37' 06" W, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SPRAGUE ROAD, A DISTANCE OF 103.62 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N. 08° 35' 58" E, A DISTANCE OF 265.89 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR AN INSIDE CORNER OF THIS TRACT;

THENCE, N. 81° 24' 02" W, A DISTANCE OF 46.69 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET, FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, N. 08° 35' 58" E, A DISTANCE OF 320.00 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET ON THE NORTH RIGHT-OF-WAY LINE OF FUERTE AVENUE, FOR AN OUTSIDE CORNER OF THIS TRACT;

THENCE, S. 81° 24' 02" E, A DISTANCE OF 94.93 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND ON THE WEST RIGHT-OF-WAY LINE OF N. 31ST STREET, FOR AN INSIDE CORNER AND POINT OF CURVATURE OF THIS TRACT;

THENCE, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID N. 31ST STREET AND SAID CURVE TO THE RIGHT, WITH A RADIUS OF 472.19 FEET, AN INTERIOR ANGLE OF 13° 28' 16", A TANGENT OF 53.77 FEET, AN ARC LENGTH OF 110.76 FEET, AND A CHORD THAT BEARS N 01° 51' 48" E A DISTANCE OF 110.76 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR A POINT OF TANGENCY OF THIS TRACT;

THENCE, N. 08° 35' 58" E, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID N. 31ST STREET, A DISTANCE OF 110.00 FEET TO A 1/2" IRON ROD FOUND, FOR THE NORTHERN MOST NORTHEAST CORNER OF THIS TRACT;

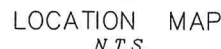
THENCE, S. 81° 24' 02" E, ALONG THE SOUTH RIGHT-OF-WAY OF SAID GUADALUPE AVENUE, AT A DISTANCE OF 50.00 FEET PASS A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" SET ON THE EAST RIGHT-OF-WAY LINE OF N. 31ST STREET, AND CONTINUING A TOTAL DISTANCE OF 787.13 FEET TO A 1/2" IRON ROD FOUND, FOR THE NORTHERN MOST NORTHEAST CORNER OF THIS TRACT;

THENCE, S. 36° 21' 07" E, A DISTANCE OF 21.23 FEET TO A 1/2" IRON ROD FOUND ON THE WEST RIGHT-OF-WAY OF SAID N. 29TH STREET (N. ROOTH ROAD), FOR THE EASTERN MOST NORTHEAST CORNER OF THIS TRACT;

THENCE, S. 08° 41' 48" W, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID N. 29TH STREET (N. ROOTH ROAD), A DISTANCE OF 1885.03 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND, FOR THE NORTHERN MOST SOUTHEAST CORNER OF THIS TRACT;

THENCE, S. 53° 58' 35" W, A DISTANCE OF 28.52 FEET TO A 1/2" IRON ROD WITH A PLASTIC CAP STAMPED "CVO LS" FOUND ON THE NORTH RIGHT-OF-WAY OF BRAZOS AVENUE, FOR THE WESTERN MOST SOUTHEAST CORNER OF THIS TRACT;

THENCE, N. 81° 24' 02" E, ALONG THE NORTH RIGHT-OF-WAY OF SAID BRAZOS AVENUE, A DISTANCE OF 879.22 FEET TO A POINT OF BEGINNING, CONTAINING 34.82 ACRES OF LAND, MORE OR LESS.



DRAWN BY: P. GONZALEZ

JAVIER HINOJOSA ENGINEERING
CONSULTING ENGINEERS
418 E. DOVE AVENUE McALLEN, TEXAS 78504
PHONE (956) 668-1588
javhin@ray.r.com

SHEET NO. 1 OF 2



**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0070**

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



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

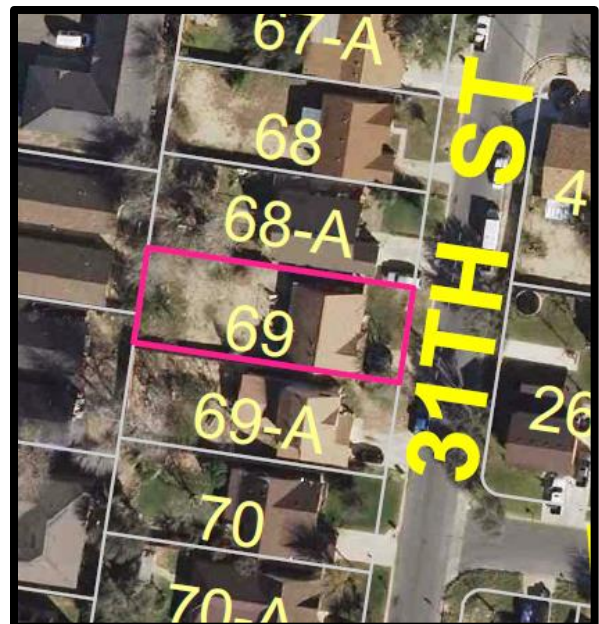
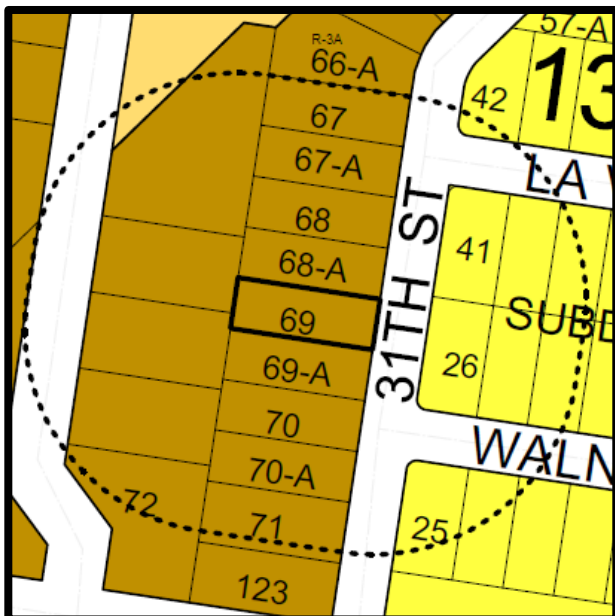
SUBJECT: REQUEST OF FRANK CARRASCO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING WOODEN-FRAME CARPORT WITH A METAL ROOF MEASURING 16 FEET BY 10 FEET ON LOT 69, LA LOMITA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2309 NORTH 31ST STREET. (ZBA2022-0071)

REASON FOR APPEAL:

The applicant requests a special exception for an existing carport to protect his vehicle (van) from the weather elements, namely high temperatures and hail damage. According to the applicant, the existing garage cannot accommodate his vehicle due to its size. Moreover, the applicant has stated that he has health conditions that are helped by the shade provided by the existing carport.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the west side of North 31st Street, between the intersection with La Vista and Walnut Avenues. According to the subdivision plat, the property has 50 feet of frontage along North 31st Street and a depth of 140 feet, for a lot size of 7,000 square feet. The surrounding land uses are single-family residential and apartment complexes.



BACKGROUND AND HISTORY:

The plat for La Lomita Estates Subdivision was recorded on July 20, 1982 and requires 20 feet for the front yard setback. According to Hidalgo County Appraisal District, the existing home was built in 1983. The applicant purchased the home from a previous owner in July, 1989.

A non-compliance notice was issued by the Building Permits and Inspections Department on July 30, 2022 for a carport built with no permit on file. A building permit application was submitted on August 9, 2022. The applicant submitted the special exception request on August 29, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 20 feet into the 20 feet front yard setback. According to the subdivision plat, there are no utility easements located in the front yard or side yard that would be impacted by this proposed carport.

During the site visit, staff noticed other similar encroachments, namely carports, located in the front yard in the subdivision.

A review of Planning Department records revealed a total of four special exceptions that were granted approval between 2018 and 2022 by the Zoning Board of Adjustments and Appeals. Approvals were granted for Lots 22, 44, and 45 for encroachments of 20 feet into the 20 feet front yard setback, and 19 feet into the 20 feet front yard setback for Lot 53.

Another special exception request for a proposed carport at Lot 61-A of this subdivision is scheduled to be heard today on this same agenda.

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

All measurements were based on the applicant's submitted site plan and survey

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

RECOMMENDATION:

Staff recommends approval of the special exception request since in the past the Board has previously approved other special exception requests in this subdivision. Approval should be limited to the footprint shown on the submitted site plan.

ZBA 2022-0071

ZBA
10-5-2022

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)

Project

Legal Description

La Lomita Estates Lot #69

Subdivision Name

La Lomita Estates

Street Address

2309 N. 31ST ST

Number of lots

1

Gross acres

Existing Zoning

Residential

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

encroaching into front yard
Shady for Van & to hot, to keep Van cool as possible
☒ \$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

Frank Carrasco

Phone

956-732-3419

Address

2309 N 31ST ST

E-mail

-

City

McAllen

State

TX

Zip

78501

Owner

Name

Frank Carrasco

Phone

Address

2309 N 31ST ST

E-mail

-

City

McAllen

State

TX

Zip

78501

Authorization

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

☐ Yes

☒ No

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

Signature

Frank Carrasco

Date

8-24-2022

Print Name

Frank Carrasco

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

AUG 29 2022

Rev 10/18

BY:

CW

5



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:

When bad weather comes to keep Van
from damage - Last hail storm lost two
cars to damage from hail storm

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

Cause of our ~~gas~~ age 69 we have trouble
with heat - my wife & I have had
health problems.

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:

Its on my property

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

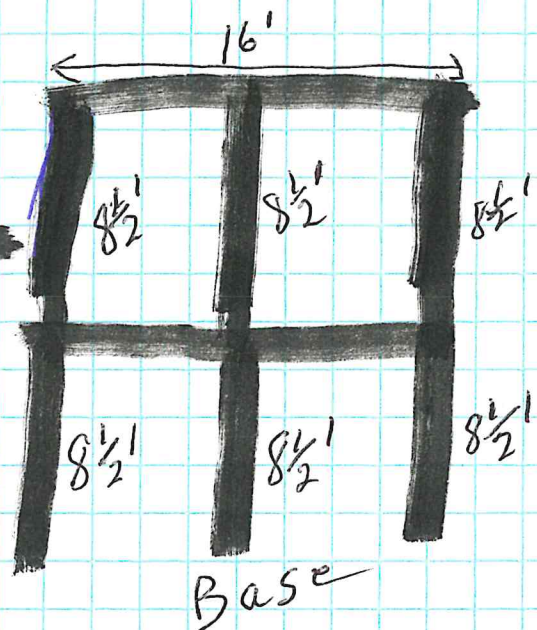
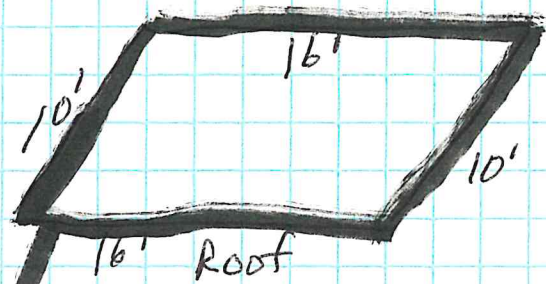
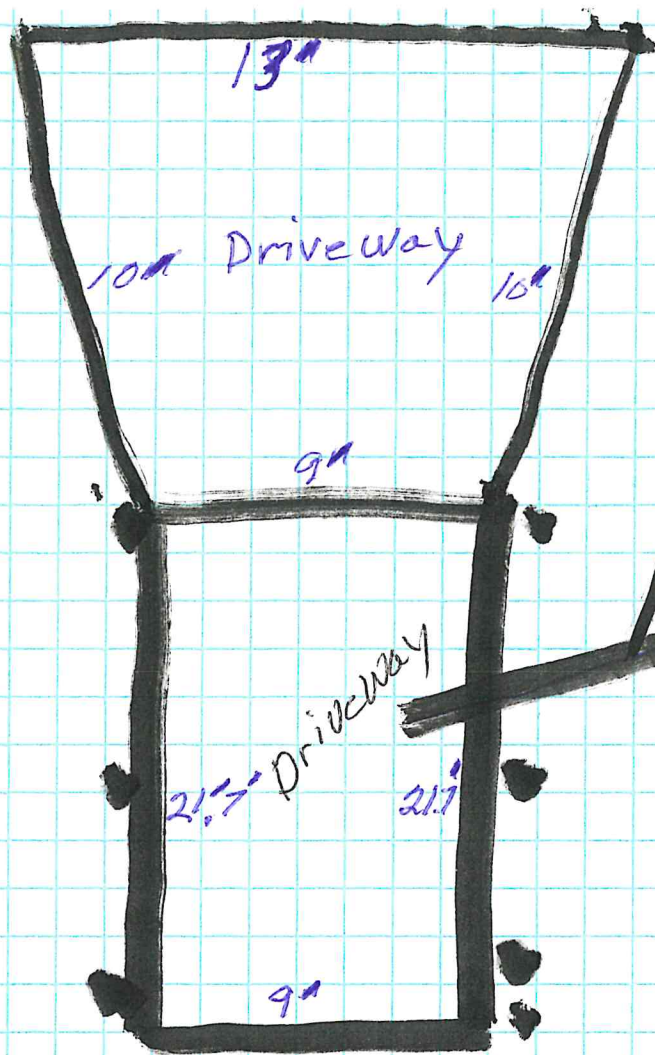
protection from heat will help
will help with our health problems

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Deadline to submit
September 9th, 2022

Meeting date
October 5th, 2022

Resident

Legal des
La Lomita Estates
Lot 69-A



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE,

McALLEN, TEXAS 78504

PH: (956) 618-5565

FAX: (956) 618-5540

N. 31st STREET

(VOL. 22, PG. 142, H.C.M.R.)

SCALE:

1"=20'

S8°42'30"W
50.0'

269.9' TO
VINE AVE.

WATER
METER

20' FRONT
SETBACK

140.0'

CONC.
WALK

COVERED
TILE PORCH

BRICK
RESIDENCE

F.F.=T/C+20.28"

LOT 68-A

LOT 69-A

6' SIDE
SETBACK

S81°17'30"E

LOT 69

(7,000.0 S.F.)

N81°17'30"W

WOOD FENCE

6' SIDE
SETBACK

10' TELEPHONE
EASEMENT

CHAIN LINK
FENCE

50.0'
N8°42'30"E

LEGEND

- - DENOTES FOUND 1/2" ROD
- - DENOTES FOUND 5/8" ROD
- - DENOTES NO MONUMENT

FLOOD CERTIFICATION: The property shown hereon lies in Zone B in Zone "B". Zone "B" areas lie between limits of the 100-year flood and 500-year flood; or certain 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 by levees from the base flood as per F.E.M.A. Flood Insurance Rate Map Panel No. 480343-0005-C dated 11-02-82.

PLAT NOTES:

- There are no discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements except as shown on this plat.
- This survey plat is prepared in connection with Title Policy G.F. # 712130 and is for the exclusive use of the client named hereon. This survey and/or copies may not be transferred to another party without the express written consent of the surveyor.
- If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.
- Easement agreement between CENTRAL POWER & LIGHT COMPANY and CHARRA CORPORATION, dated March 25, 1982, recorded in Volume 1813, Page 330, Deed Records, Hidalgo County, Texas, as to furnish, maintain and operate underground electric cables and other facilities as may appear upon the map attached thereto. (Blanket)
- Easement for RIGHT OF WAY granted to TENNESSEE GAS TRANSMISSION COMPANY, as set forth in instrument recorded in Volume 763, Page 509, Deed Records, Hidalgo County, Texas, (Blanket; Gas main does not cross the property shown hereon.)
- Easements, Rules, Regulations and Rights in favor of Hidalgo County Irrigation District No. 1. (Blanket)
- Bearing Basis: "LA LOMITA ESTATES SUBDIVISION"

BORROWERS: FRANCISCO E. CARRASCO and MARIA A. CARRASCO

THIS IS TO CERTIFY TO THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE GROUND OF PROPERTY WHICH IS LOCATED AT 2309 N. 31st STREET in McALLEN, TEXAS, DESCRIBED AS FOLLOWS: LOT SIXTY-NINE (69), LA LOMITA ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 22, PAGE 142, MAP RECORDS, HIDALGO COUNTY, TEXAS.

01-17489
Job No.

10-25-01
Date

© COPYRIGHT 2001 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED IN MULTIPLE ORIGINALS FOR A SINGLE TRANSACTION BY THE BORROWER NAMED HEREON. NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY.



Registered Professional Land Surveyor No. 4802



40.00 ACRES TRACT OF LOT 135 AND THE NORTH 121 ACRE
OF LOT 142 LA LOMITA & IRRIGATION CONSTRUCTION CO.S SUBD.
HIDALGO COUNTY, TEXAS 25734

JUL 20 1964

THE OWNER OF THE LAND SHOWN ON THIS PLAN HAS HEREBY IRREVOCABLY AND EXCLUSIVELY
TO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEVOTED TO THE USE
OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PAVES, WATER COURSES, DRAINS, GARE-
MENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION
THEREIN EXPRESSED.

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED
RAFAEL JIMÉNEZ, KNOWN TO ME TO BE THE PERSON
 WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO
 ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN
 EXPRESSED AND IN THE CAPACITY THEREIN STATED.

Theresa Page

THIS PLAT APPROVED BY HIDALGO COUNTY IRRIGATION DISTRICT NO. 1
ON THIS 24th DAY OF June 1982

WILLIAM B. BAKER
PRESIDENT

LA

OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

DATED THIS 6th DAY OF July A.D. 1982

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REGISTERED PROFESSIONAL ENGINEER

Glenns Chase
NOTARY PUBLIC

USE RESTRICTIONS:

SETBACKS: Setbacks shall be not less than:

C. Corner Lots shall have a 10' setback.

be fenced along the street R.O. W. Line.
Sidewalks shall be constructed along the west
side of 22nd and north side of 23rd.

side of 29th and north side of Vine Street.



EXISTING 20 CANAL R.O.W.

BLUE LINE DITCH 150' R.O.W.
(CITY OF MCALLEN)

APPROVED
FOR RECORDING
Midvale Co. Right of Way Dept.
By Howard W. Jones 1-1-4

MINIMUM FLOOR ELEVATION
18" ABOVE CURB

9. 20'x20' CORNER CLIPS

6. HIDALGO COUNTY IRRIGATION DISTRICT No.1 WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. IF DESIRED, THIS WILL NOT BE AT DISTRICT EXPENSE.

7. LOTS 123 & 124 WILL BE LANDSCAPED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0071**

 CITY OF McALLEN PLANNING DEPT.
956-681-1230
WWW.McALLEN.NET



Memo

TO: Zoning Board of Adjustment & Appeals

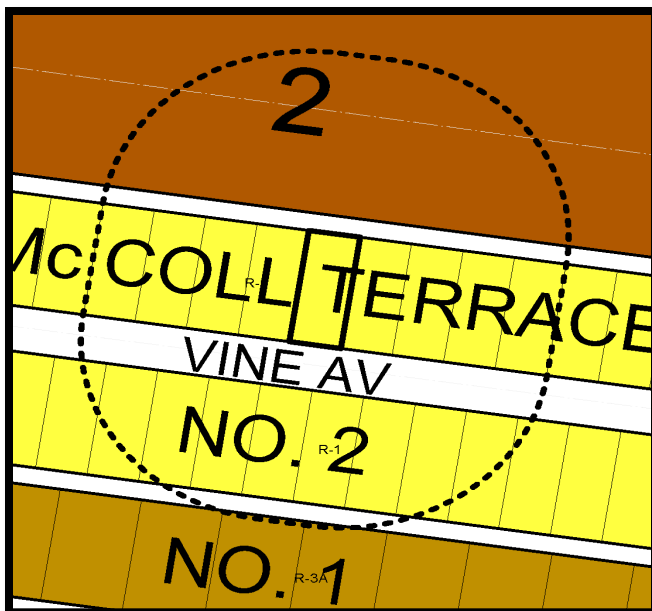
FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF JOSE G. PEREZ FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 20 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR A PROPOSED METAL CARPORT MEASURING 18 FEET BY 22 FEET, AT LOT 37, MCCOLL TERRACE SUBDIVISION NO. 2 (AMENDED), HIDALGO COUNTY, TEXAS; 407 EAST VINE AVENUE. (ZBA2022-0074)

REASON FOR APPEAL:

The applicant is requesting a special exception for an encroachment into the front yard setback in order to construct a metal carport with a size of 396 square feet having dimensions of 18 feet x 22 feet. The carport is to provide protection for his vehicles from inclement weather events.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the north side of Vine Avenue, west of North McColl Road. The lot has 50 feet of frontage along Vine Avenue and a depth of 125 feet for a lot size of 6,250 square feet. The property is zoned R-1 (single-family residential) District and a single family

residence is located on the property. Adjacent zoning is R-1 District in all directions except to the north there is R-4 (mobile home and modular home) District. Surrounding land uses are mobile homes and, single family.

BACKGROUND AND HISTORY:

McColl Terrace Subdivision No. 2 (amended) was recorded on December 15, 1975. The front yard setback is 20 feet as per plat. An application for a Special Exception request was submitted to the Planning Department on August 31, 2022. A building permit application for a proposed metal carport has not been submitted.

ANALYSIS:

The request is for a special exception to allow an encroachment of 20 feet into the 20 feet front yard setback for a proposed metal carport measuring 18 feet by 22 feet to be constructed over an existing concrete driveway. The property has an alley in the back of the property, but existing accessory uses such as a swimming pool, a pool house, and a storage building located at the rear of the property prevent relocation of the proposed carport to the rear of the property.

Measurements provided are without the benefit of a survey.

While on a site visit, a windshield survey of the area revealed seven other similar structures with encroachments in the front yard. A review of Planning Department records did not reveal any Variances or Special Exceptions approved for McColl Terrace Subdivision No.2 (Amended).

There have been no calls or emails received in opposition of the Special Exception request

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

RECOMMENDATION:

Staff recommends approval of the Special Exception request, since relocation of the proposed carport would not be feasible. If approved is granted, it should be limited to the proposed encroachment shown on the submitted site plan.

ZBA
10/5/22

ZBA 2022-0074



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)

Project

Legal Description McCull. Terrace NO 2 ADD LOT 37

Subdivision Name McCull. Terrace

Street Address 407 E. Vine Ave McAllen TX 78501

Number of lots 01 Gross acres _____

Existing Zoning R-01 Existing Land Use R-01

Reason for Appeal (please use other side if necessary) ENCROACHMENT
FRONT SET BACK 20 FEET - 20 FEET

☒ \$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 Jose G Perez Phone 956 457 3800

Address 407 E. Vine Ave E-mail _____

City McAllen State TX Zip 78501

Owner

Name Jose Luis Saldivar Phone 509 488 4984

Address 407 E. Vine Ave E-mail _____

City McAllen TX State TX Zip 78501

Authorization

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

☐ Yes

☒ No

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

Signature [Signature]

Date 08/31/2022

Print Name _____

☐ Owner

☐ Authorized Agent

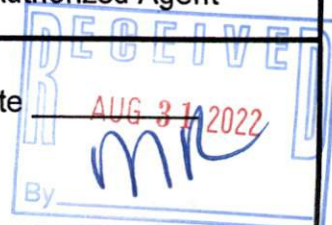
Office

Accepted by _____

Payment received by _____

Date AUG 31 2022

Rev 10/18



925



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:

ENCROACHING. END.
FRONT SET BACK.

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

PROTECTOR HIS VEHICLES.

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:

dentro M. Propiedad.

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

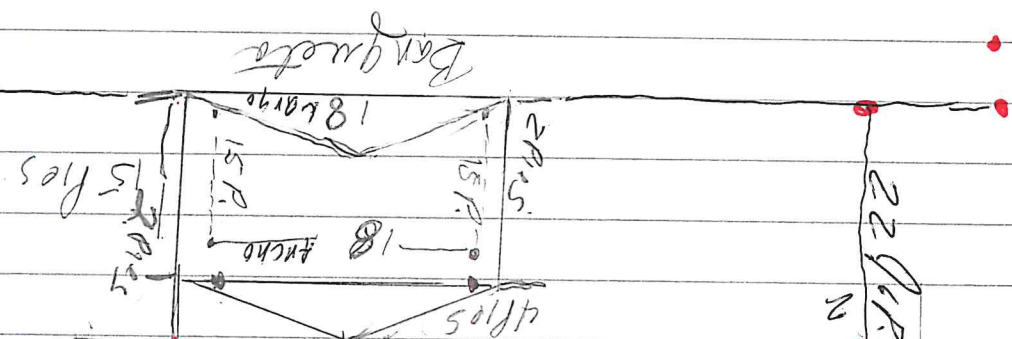
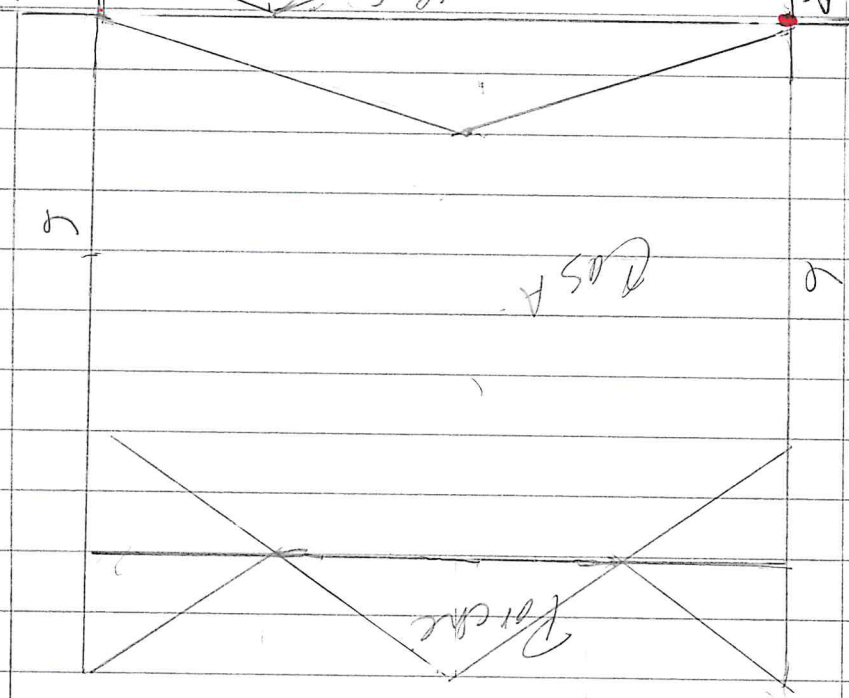
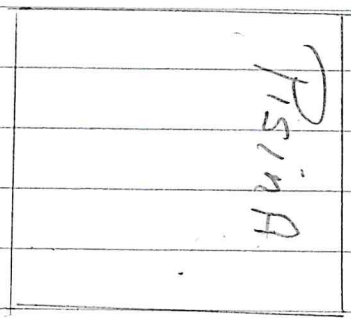
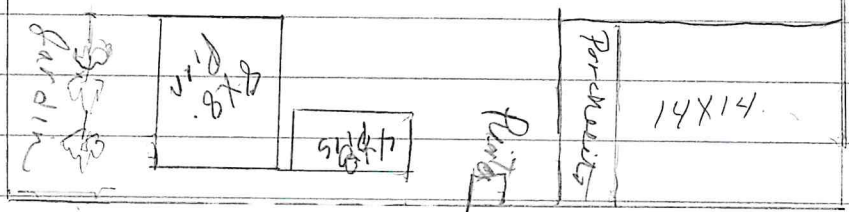
NO GARCCN.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Cable

RECEIVED
SEP 15 2022
BY





407

TEXAS
PNC-9803
FiestaNissan.com



**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0074**

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



Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

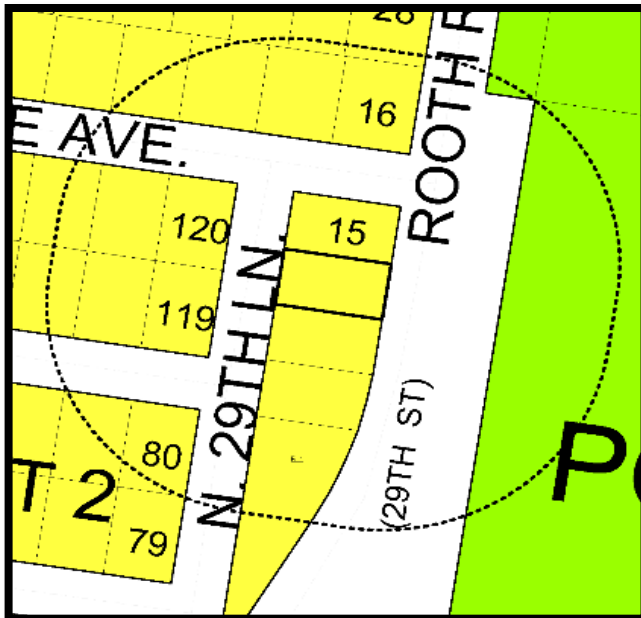
FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF MARIA I. SEPULVEDA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK, AT LOT 14, SADDLE CREEK UNIT 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9410 NORTH 29TH LANE. (ZBA2022-0076)

REASON FOR APPEAL:

The applicant is requesting a special exception to the parking requirement of one off-street parking space beyond the front yard setback as required by Section 138-394. The applicant enclosed the garage to convert into a bedroom eliminating the one parking beyond the front yard setback line. The applicant wishes to keep the enclosure for a living area.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the east side of North 29th Lane, 55 ft. south of Providence Avenue. The property has 53 ft. of frontage along North 29th Lane, with a depth of 94.90 ft. for a lot size of 5,028 square feet. The property is zoned R-1 (single family residential) District. Surrounding land use is single family residential.

BACKGROUND AND HISTORY:

The plat for Saddle Creek Unit 2 Subdivision was recorded on February 10, 2003, and is subject to compliance with the zoning requirement of one parking space beyond the front setback line.

The applicant received a stop work order notice from the Building Permits and Inspections Department on March 11, 2020 for the enclosed garage. A building permit application was submitted to the Building Permits and Inspections Department on March 16, 2020, and an application for Special Exception was received by the Planning Department on September 2, 2022.

ANALYSIS:

The request is to not provide one required parking space beyond the front yard setback line. According to the site plan submitted, the enclosed garage area is used as a bedroom. The front driveway measures approximately 18 ft. by 25 ft., which would accommodate two required parking spaces.

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard. During a site visit staff noticed other similar enclosures in the area.

A review of Planning Department records did not reveal any similar special exceptions approved in this subdivision.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since the subject property is complying with the number of (two) required parking spaces and there is no access to the rear of the property where the parking space in question could be relocated.

ZBA2022-0076

ZBA
10/5/2022

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)

Project

Legal Description

SaddleCreek UT 2, Lot 14

Subdivision Name

Saddle Creek

Street Address

9410 N 29th Lane, McAllen, TX 78504

Number of lots

1

Gross acres

Existing Zoning

Residential

Existing Land Use

Same

Reason for Appeal (please use other side if necessary)

Parking beyond set back - converted into bedroom

☒ \$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 I. Sepulveda

Phone

956 878 2201

Address

9410 N 29th Lane

E-mail

msepulveda@SouthTexasCollege.edu

City

McAllen

State

TX

Zip

78504

Owner

Name

Maria I. Sepulveda

Phone

(956) 878-2201

Address

9410 N 29th Lane

E-mail

msepulveda@SouthTexasCollege.edu

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

Maria Isabel Sepulveda

Date

9/2/2022

Print Name

Maria Isabel Sepulveda

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

SEP 02 2022

Rev 10/18

BY:



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

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

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

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

Reason for Appeal

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 see attachment explaining why.

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

We are seven in my home, I need space or bedrooms.

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

I am using this space as a bedroom. It does not harm anybody.

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

Please read attachment explaining reasons.

Board Action

Chairman, Board of Adjustment
Signature

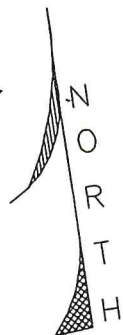
Date



PEÑA ENGINEERING

1001 WHITEWING • P.O. BOX 4320

(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA



SCALE: 1"=20'
CAD5-SADDLE14~r

NOTE: BASIS OF BEARING IS THE NORTH LINE
OF LOT 14, SADDLE CREEK, UNIT 2, V.41,
P. 144, M.R.

LEGEND

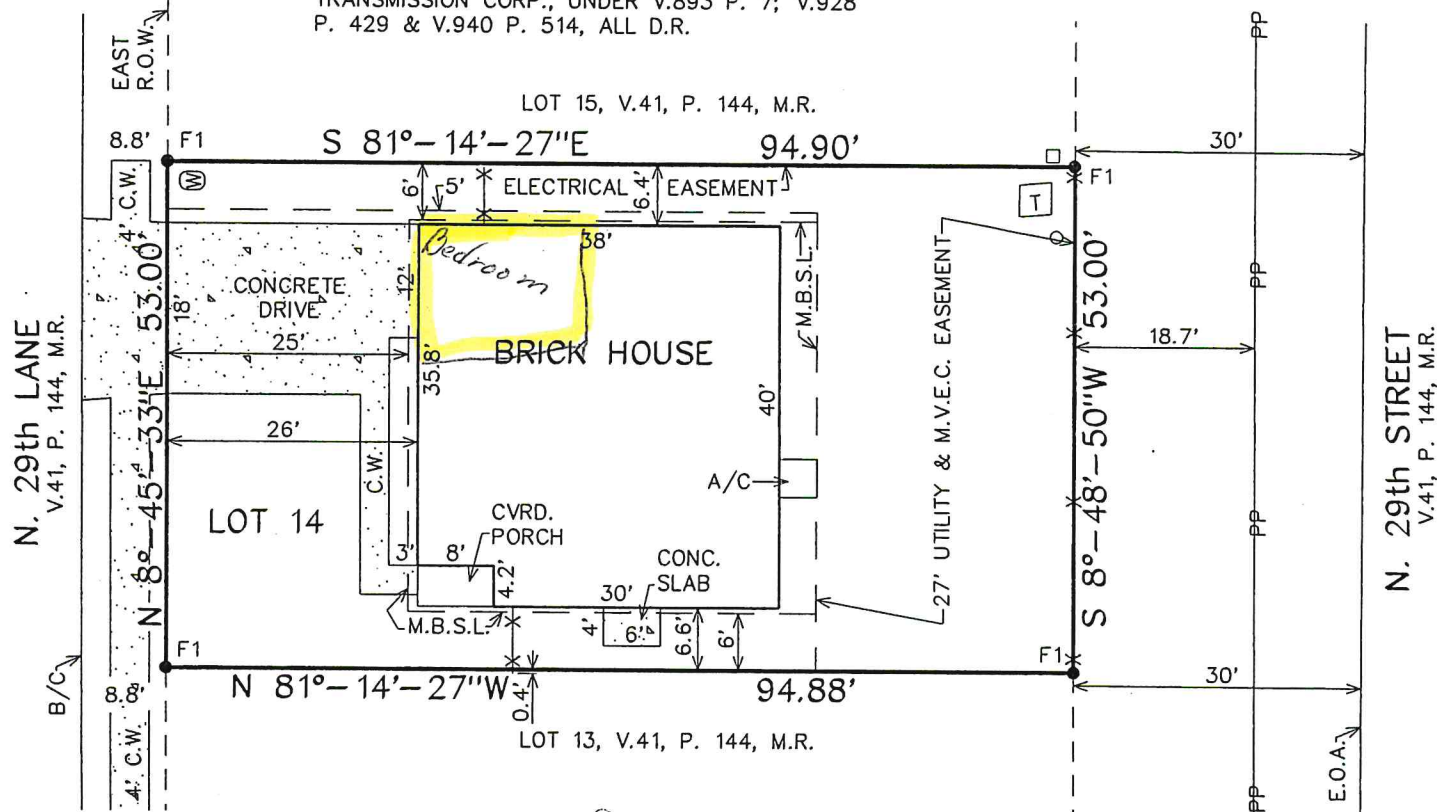
- F1 - FOUND 1/2" DIAMETER IRON ROD
- M.B.S.L. - MINIMUM BUILDING SETBACK LINE
- B/C - BACK OF CONCRETE CURB & GUTTER
- C.W. - CONCRETE WALK
- CVRD. - COVERED
- R.O.W. - RIGHT OF WAY
- PP PP - POWER POLE LINE
- E.O.A. - EDGE OF ASPHALT
- M.V.E.C. - MAGIC VALLEY ELECTRIC COOPERATIVE
- X-X - 6' CEDAR FENCE
- - CABLE T.V. PEDESTAL
- - TELEPHONE PEDESTAL
- [T] - ELECTRICAL TRANSFORMER
- ⊗ - WATER METER

PROVIDENCE AVENUE

V.41, P. 144, M.R.
SOUTH R.O.W.

NOTES:

- 1.) STATUTORY RIGHTS, RULES, REGULATIONS, EASEMENTS AND LIENS IN FAVOR OF HIDALGO COUNTY IRRIGATION DISTRICT NO. 1, PURSUANT TO APPLICABLE SECTIONS OF THE TEXAS WATER CODE. (BLANKET).
- 2.) BLANKET EASEMENT GRANTED TO MAGIC VALLEY ELECTRIC COOP., UNDER V.1827 PGS. 813 & 817, BOTH D.R.
- 3.) BLANKET EASEMENT GRANTED TO COASTAL TRANSMISSION CORP., UNDER V.893 P. 7; V.928 P. 429 & V.940 P. 514, ALL D.R.



BUYER'S NAME: MARIA ISABEL SEPULVEDA

Maria Isabel Sepulveda

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480334-0295 D

Map Revised: June 6, 2000

- ☐ Zone "A" - This is to certify that this property is in a flood prone area.
- ☒ Zone "X" - This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- ☐ Zone "C" - This is to certify that this property is not in a flood prone area.

To Whom IT May Concern:

As a mother, I have always been very supportive and have received my daughters in my house with open arms after both of them were dealt with the cards of divorce. That was shortly after I purchased my three bedroom home with 1,250 rough square feet.

My solution is unconventional and I felt the best solution was to enclose the garage space for my daughter when her son was diagnosed Autistic. I didn't understand that this step needed a permit or was against codes, because, I purchased this house in 2005 and had seen others in my neighborhood with the same thing and my need I unknowingly did this. I was not familiar with rules from living in Mexico all my life until 50 I purchased my first ever home.

I humbly plead with the court
to allow me the Build Permit or
advise me how to make it
acceptable to the city codes,
This room has served a great
purpose in providing adequate and
peaceful shelter for my grandson
with Autism.

Respectfully,

Maria Isabel Sepulveda
9410 N. 29th Lane
McAllen, TX 78504
Phone (956) 878-2201

I called Mr. Manny Cantu,
County Deputy Clerk, at the
Edinburg Court Building in
Edinburg, TX.

He said, there is nothing recorded.
There are no restrictions for
Unit 2 of Obra Homes.

There are restrictions for
Unit 3, but not Unit 2.

The builders were Grupo Tierra
and Richard Oates.

My lot is in Unit 2.

His information is Phone No.
(956) 318-2100, Extension 6176.

9410

**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0076**



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





Memo

TO: Zoning Board of Adjustment & Appeals

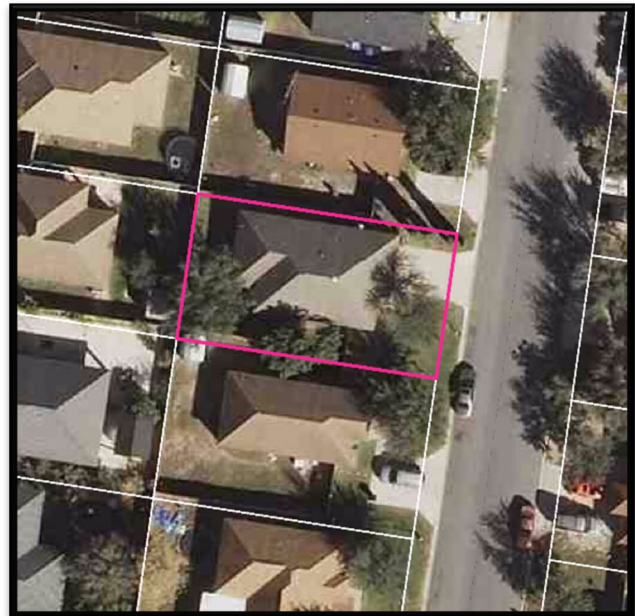
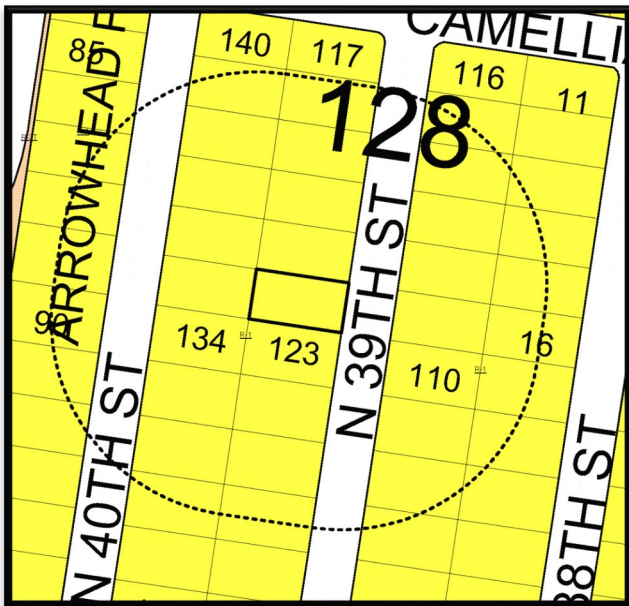
FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF PATRICIA MADSEN FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 20 FEET FRONT YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 20 FEET BY 16 FEET, AT LOT 122, ARROWHEAD SUBDIVISION PHASE II, HIDALGO COUNTY, TEXAS; 2801 NORTH 39TH STREET. (ZBA2022-0077)

REASON FOR APPEAL:

The applicant is requesting a special exception to allow an encroachment of 15 feet into the 20 feet front yard setback for an existing metal carport. According to the applicant, the construction of the carport was for protection of their vehicles from inclement weather events.



PROPERTY LOCATION AND VICINITY:

The subject property is located along the west side of North 39th Street. The lot has 50 feet of frontage along North 39th Street and a depth of 94.84 feet for a lot size of 4,742 square feet. The property is zoned R-1 (single-family residential) District. Adjacent zoning is R-1 District in all directions.

BACKGROUND AND HISTORY:

The subdivision plat for Arrowhead Subdivision Phase II was recorded on March 5, 1999. The front yard setback is 20 feet as per plat. A stop work order was posted on April 16, 2022 for construction

without a building permit. An application for a building permit was submitted to the Building Permits and Inspections Department on April 20, 2022, and a Special Exception Application was submitted to the Planning Department on September 6, 2022.

ANALYSIS:

The plat for Arrowhead Subdivision Phase II has a front yard setback of 20 feet. The existing carport encroaches 20 feet into the 20 feet front yard setback. The applicant is proposing to reduce the 20 feet encroachment by 5 feet in order to resolve a 5 feet encroachment into a 5 feet utility easement adjacent to the front property line. For that reason the applicant is requesting an encroachment of 15 feet into the 20 feet front yard setback.

The house has an existing 2-car garage that is used for parking two of the family vehicles. The family has 3 cars and the carport helps protect the additional vehicle.

During a site visit, staff noticed other similar structures in the area. A review of Planning Department records did not reveal any Variances or Special Exceptions approved for Arrowhead Subdivision Phase II.

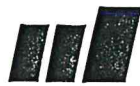
The applicant submitted a list of signatures (and three pictures of other carports in the area) from area residents that are in support of the Special Exception request by the applicant.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since the carport would have to be demolished to be in compliance with the required setbacks and the utility easement would not be impacted due to the proposed reduction of the carport. Relocation of the existing carport is not feasible due to the space constraints of the existing development.

2BA2022-0077

ZBA
10/5/2022

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)

Project

Legal Description Arrowhead PH2 Lot 122

Subdivision Name Arrowhead Phase 2

Street Address 2801 N. 39th Street

Number of lots 1 Gross acres _____

Existing Zoning R-1 Existing Land Use House & Carport (metal)

Reason for Appeal (please use other side if necessary) Reducing the size of the existing carport to encroach 15 ft. into 20 ft. 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 Patricia Madsen Phone (956) 739-5036

Address 2801 N. 39th Street E-mail patricia.madsen333@yahoo.com

City McAllen State TX Zip 78501

Owner

Name Patricia Madsen Phone (956) 739-5036

Address 2801 N. 39th St. E-mail patricia.madsen333@yahoo.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 Patricia MadsenDate 9/6/22Print Name Patricia Madsen☒ Owner ☐ Authorized Agent

Office

Accepted by ILF Payment received by _____ Date _____

Rev 10/18

SEP 06 2022

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:

According to city information, there are 2 water lines under the first 5ft. of the property at 2801 N. 39th. The length of the carport will be reduced to not have an overhang over the easement.

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

The variance is necessary to preserve and protect the owners vehicles. The carport was built to protect vehicles from the elements especially hail and extreme heat.

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 the public health, safety or welfare or injurious to others. Neighbors have not made any complaints known to us. It does not interfere with their property. There are other carports in the subdivision.

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

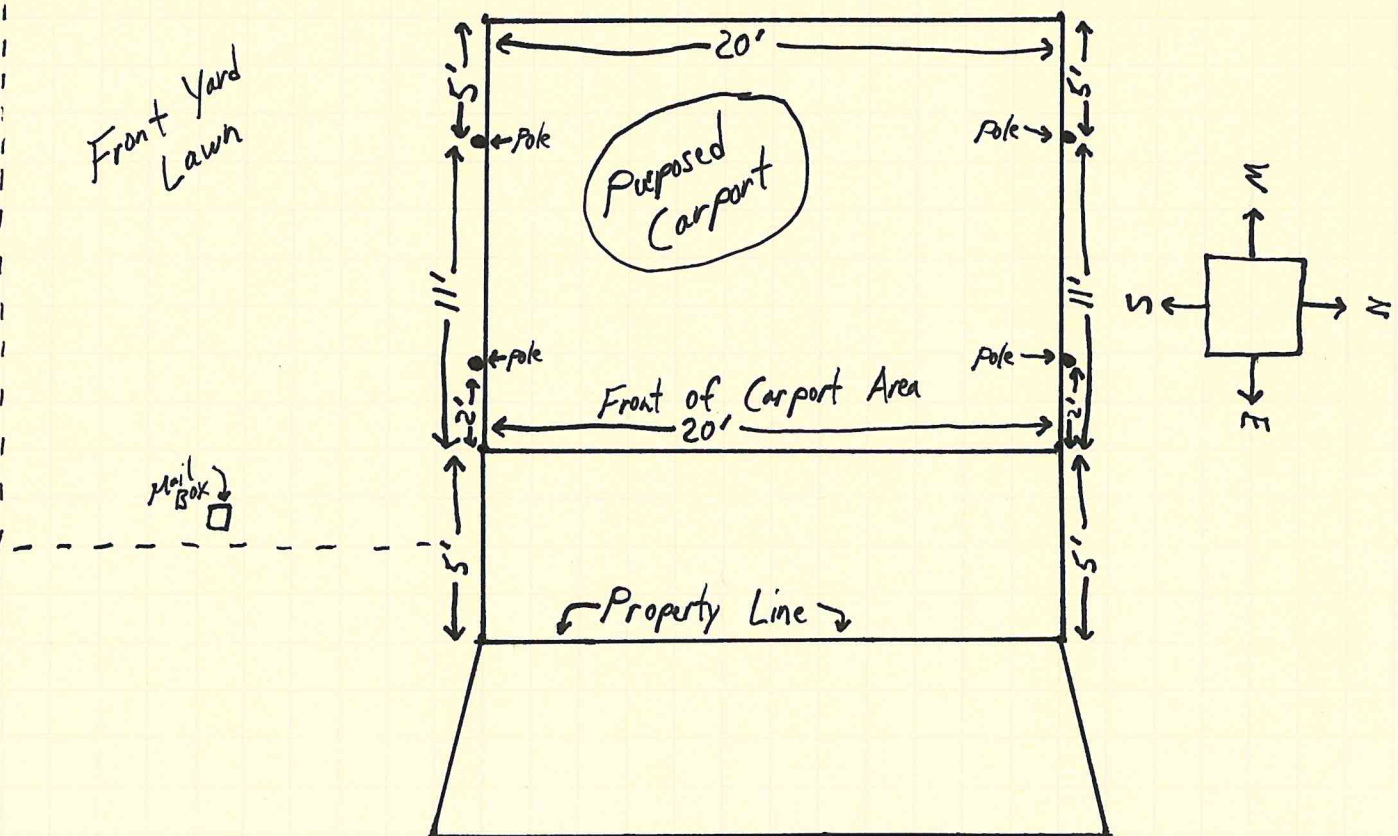
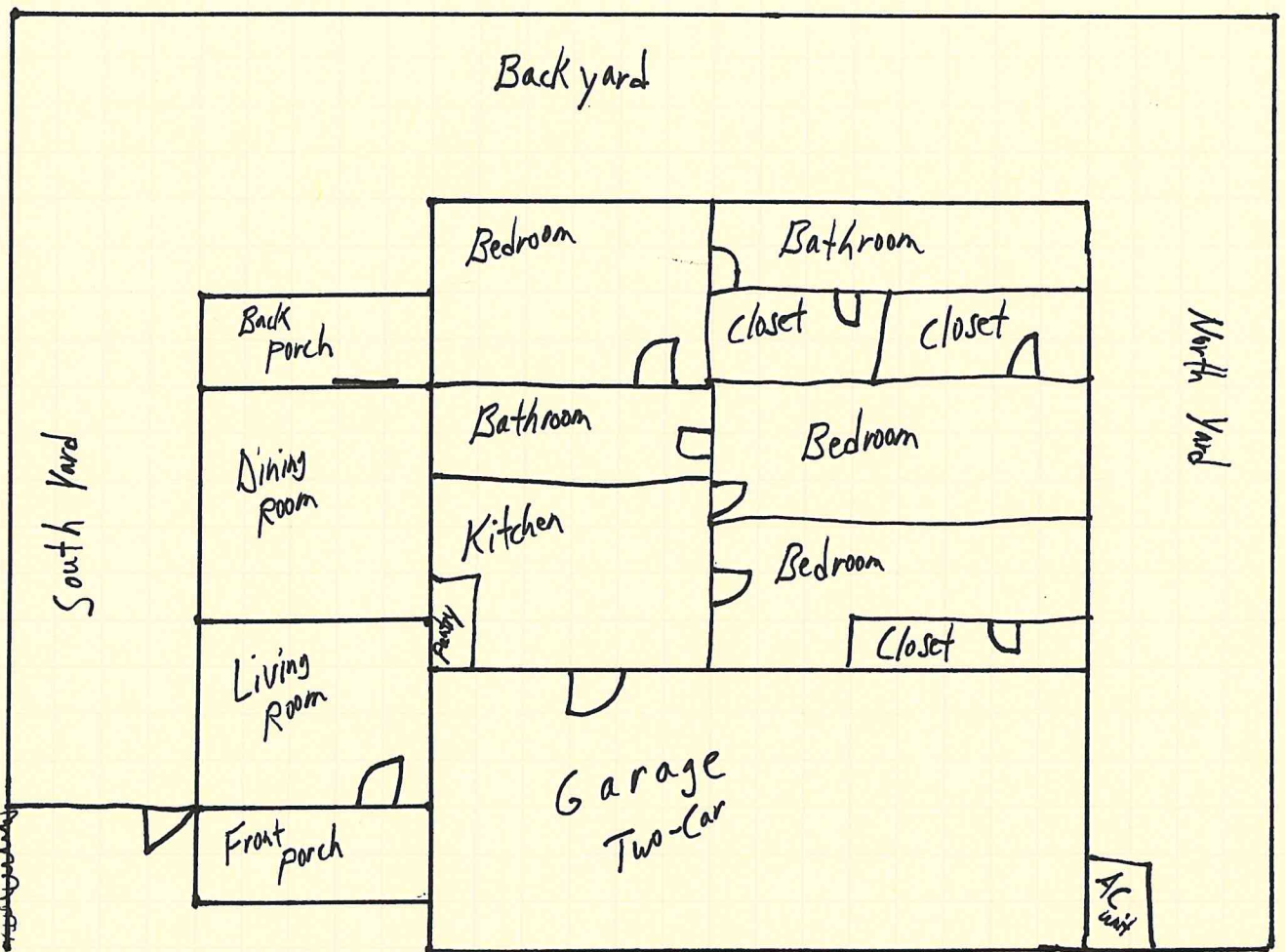
We understand that the carport is not 5ft. from where the property line begins, however we are willing to comply with city codes by modifying the structure (moving poles 5ft. and welding off or removing 5ft. of the carport roof.)

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



Street/2801 N. 39th Street
 Arrowhead Phase 2 Lot 122

Patricia Madsen








**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0077**

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



CITY OF Mc ALLEN
CASE # ZBOA

We the undersigned are in favor of the carport located on the property at 2801 N. 39th Street in McAllen Texas.

Print Name	Signature	Address	Date
Blanca R Salinas		2709 N 39th McAllen Tx 78501	9/8/22
SARA ZAVALA		2708 N. 39	9/8/22
Omar Pina		2721 N. 39th McAllen 78501	9.10.22
Vernica Salazar		2717 N. 39th Lane	9/10/22
Juanita		2808 N. 39th	9/14/22

CITY OF Mc ALLEN
CASE # ZBOA

We the undersigned are in favor of the carport located on the property at 2801 N. 39th Street in McAllen Texas.

Print Name	Signature	Address	Date
CARLO SANCHEZ	C.S	2805 N.39	9/7/22
MARIO Davila	Mario Davila	2800 N39th	9-7-22
ROSENDO ORTIZ	Rosendo Ortiz	2712 N.39	9/7/22
Blanca G. De Ochoa		13 N. 39	9/7/22
Laura G		N.39	9/8/22
Maria		9	9/8/22
Blanca Reyes		2817 N 39th	09/08/2022
Sofia Gonzalez	Sofia Gonzalez	2701 N39	9/8/22

Should we all
to
participate or have it as the
side?

ENTERED

1 of 2 SEP 16 2022

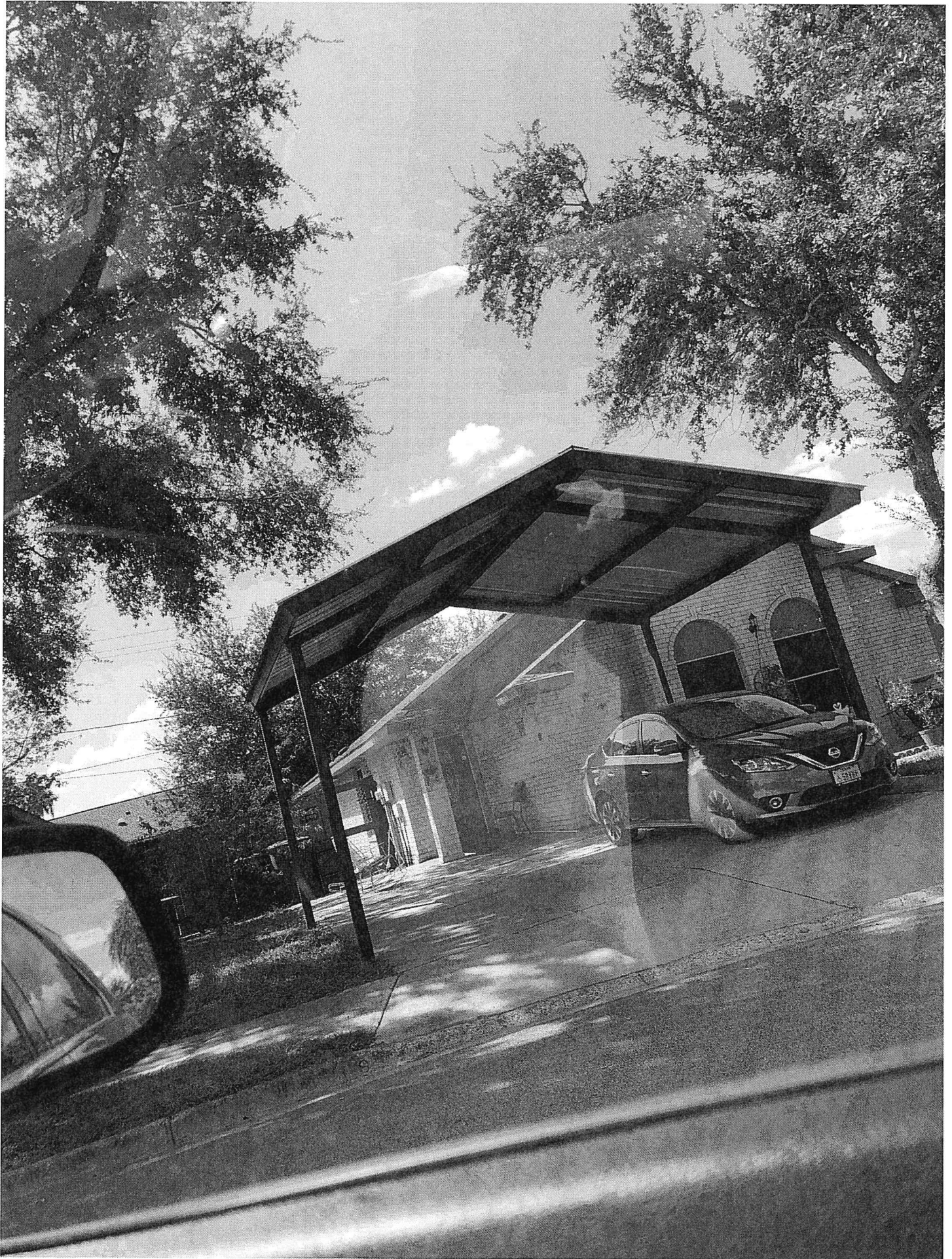
Initial: KF



CASE# ZBOA



CASE # ZBOA



Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

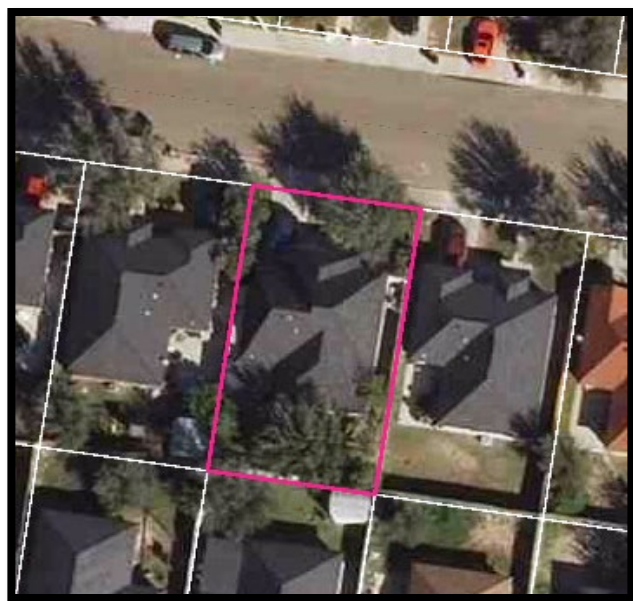
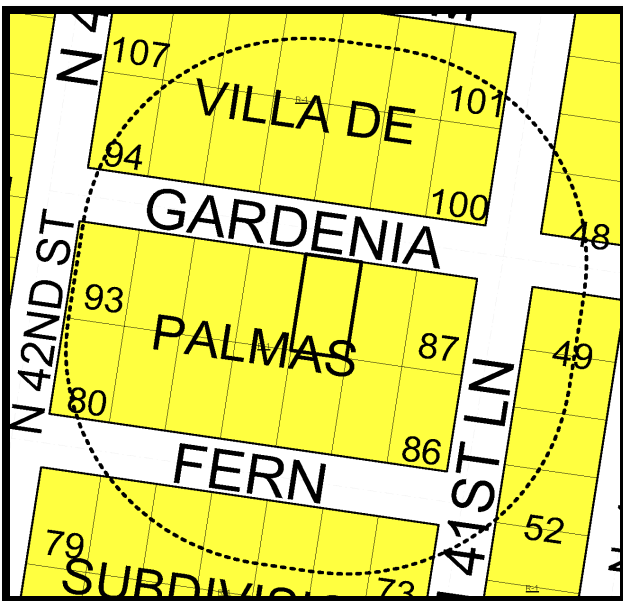
FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF NORA ELIA GARZA FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE ONE PARKING SPACE BEYOND THE FRONT YARD SETBACK, AT LOT 89, VILLA DE PALMAS SUBDIVISION, HIDALGO COUNTY, TEXAS; 4109 GARDENIA AVENUE. (ZBA2022-0078)

REASON FOR APPEAL:

The applicant is requesting a special exception to the parking requirement of one off-street parking space beyond the front yard setback as required by Section 138-394. The applicant enclosed the garage to convert into a TV room eliminating the one parking space beyond the front yard setback line. The applicant wishes to keep the enclosure for a living area.



PROPERTY LOCATION AND VICINITY:

The subject property is located on the south side of Gardenia Avenue, west of North 41th Lane. The property has 50 ft. of frontage along Gardenia Avenue, with a depth of 90 ft. for a lot size of 4,500 square feet. The property is zoned R-1 (single family residential district). Surrounding land use is single family residential.

BACKGROUND AND HISTORY:

The subdivision application for Villa De Palmas Subdivision was initially submitted in January 1999, and received preliminary and final approval on February 16, 1999. At the time, the parking requirement for single-family residential homes was two parking spaces with no requirement for parking beyond the front yard setback. The Board of Commissioners amended the zoning ordinance in November 1999 to require two parking spaces beyond the front yard setback (later reduced to one parking space beyond the front yard setback).

The plat for Villa De Palmas Subdivision was recorded on September 22, 1999.

A stop work order was issued by Building Permits and Inspections Department on August 29, 2022 for construction without a permit. An application for a building permit was submitted on September 1, 2022 to the Building Permits and Inspections Department. An application for a Special Exception was submitted to the Planning Department on September 6, 2022.

ANALYSIS:

The request is to not provide a required parking space beyond the front yard setback line. According to the site plan submitted, the enclosed garage area (now a TV room) measures 24 ft. by 10 ft. The front driveway measures approximately 16 ft. by 24 ft., which would accommodate two required parking spaces.

The intent for the requirement of locating one parking space beyond the front yard setback line is to improve the street yard appearance of single-family residential areas by reducing the number of cars parked along the street and within the front yard.

A review of Planning Department records did not reveal any similar special exceptions approved in this subdivision.

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

RECOMMENDATION:

Staff recommends approval of the special exception request since the initial plat submission and approval of the Villa De Palmas Subdivision was in January 1999 and final plat approval was in February 1999 prior to the adoption of the ordinance that required parking beyond the front yard setback.

ZBA-10/5/22



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)

ZBA2022-0078

Project	Legal Description <u>Village de Palmas Lote 89</u>
	Subdivision Name <u>Village de Palmas</u> Street Address <u>4109 Gardenia Ave 78501</u>
	Number of lots <u>891</u> Gross acres <u>0.1033</u>
	Existing Zoning <u>R1</u> Existing Land Use <u>Residencia</u>
	Reason for Appeal (please use other side if necessary) <u>Cerrax Garage</u>
	<u>no proporcionar un espacio requerido de Estacionamiento mas alla de limite fijado</u>
	<input checked="" type="checkbox"/> \$300.00 non-refundable filing fee + <input checked="" type="checkbox"/> \$50.00 Recording Fee for Special Exception (carport)
	<input type="checkbox"/> Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
Applicant	Name <u>Nora Elia Garza</u> Phone <u>956-984-9394</u> Address <u>4109 Gardenia Ave</u> E-mail <u>norelia24@hotmail</u> City <u>McAllen tx</u> State <u>tx</u> Zip <u>78501</u>
Owner	Name <u>Nora Elia Garza</u> Phone <u>956-984-9394</u> Address <u>4109 Gardenia Ave</u> E-mail <u>norelia24@hotmail</u> City <u>McAllen</u> State <u>tx</u> Zip <u>78501</u>
Authorization	<p>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?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p> <p>Signature <u>Nora</u> Date <u>SEP-6-22</u></p> <p>Print Name <u>Nora Elia Garza</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by <u>EW</u> Payment received by _____ Date <u>SEP 06 2022</u></p> <p>Rev 09/20</p> <p>Initial: <u>An</u></p>

R



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:

Genar G Para Permitir no proporcionar un espacio requerido de Estacionamiento mas alla del limite fijado

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

Porque ya tengo Espacio Para 2 carros en el driveway

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:

Los dos vehiculos de la familia Caben hamba del driveway sin impacto a los Vecinos.

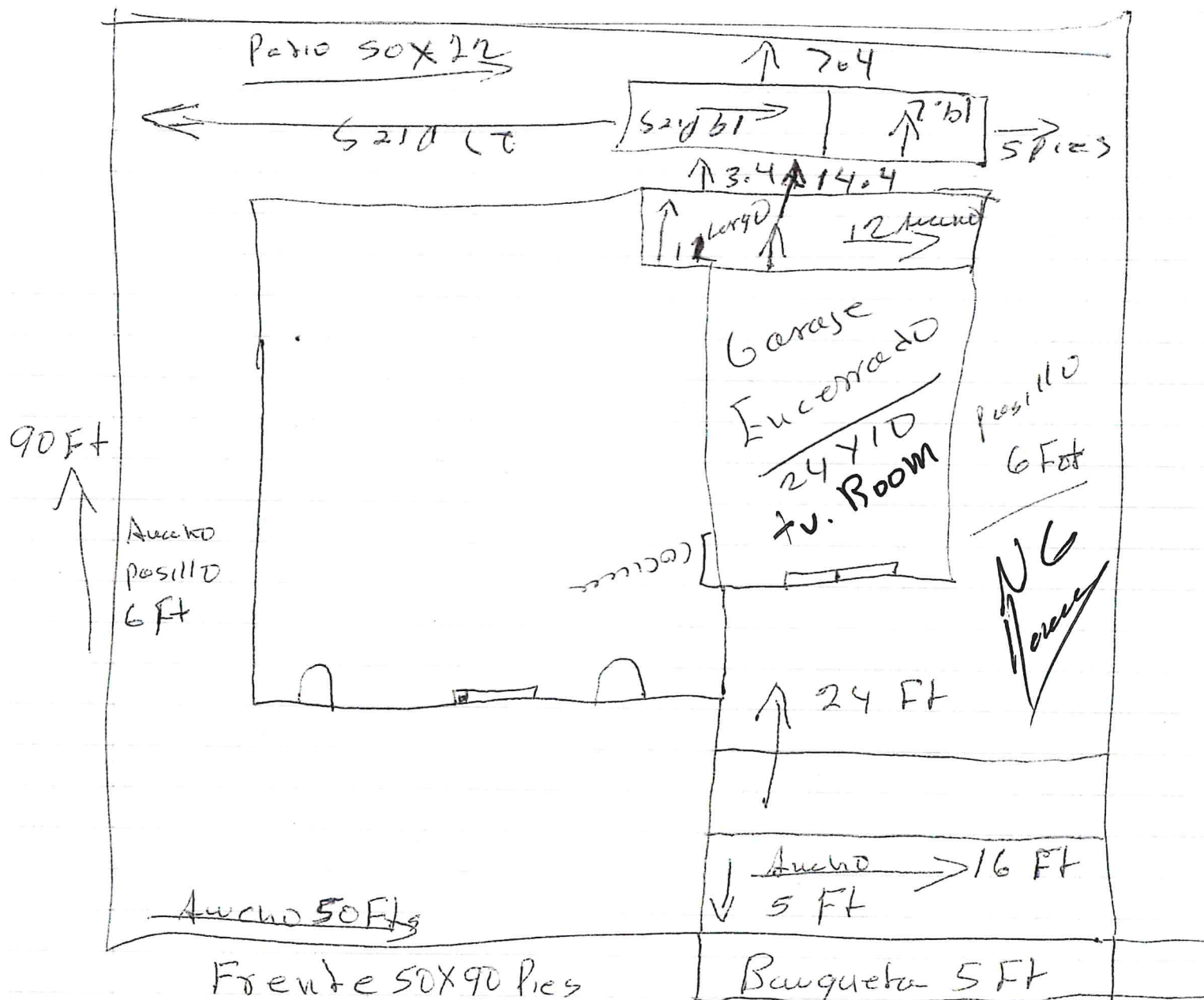
4. Describe special conditions that are unique to this applicant or property:

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date



RECEIVED
 SEP 23 2022
 BY: Un
 ENTERED
 SEP 06 2022
 Initial: Am



City of McAllen Planning Department

SUBDIVISION SUMMARY

Villa De Palmas

8/24/99

Subdivision Name

No./Amt. Date Received

Description

Application for subdivision review

Title Report

Rezoning Application

Information required

for approval process

2-12-01 CC Disapproved variance
to S/D Ordinance Sec 134-89(Lb)

to construct a 1/2 street in
Villa De Palmas S/D (allowing
developer to build on

nine lots fronting 1/2 street).

Survey (*If BlueLines - 3 copies)

Location map

FOLDED Copies of subdivision plat

Warranty Deed

FOLDED Proposed Utility Layout/Exhibits

Drainage Report/Exhibits

Street lighting plans

*Information required
for recording

Copy of final approved drainage reports

Letter of credit/signed proposals

Final approved construction plans

Conveyance of water rights

Subdivision original tracing

Blueprint copies with original tracing

County administrative fee/drainage review fee

County recording fee

Information
required after
recording

8 1/2 x 11 copy and .004 Mil Mylar of recorded plat

FOLDED blueprints of recorded plat

.004 Mil Mylar of "As Built" construction plans

Blueprints of "As Built" utilities

* One Tax
certificate from
(if applicable)

Date
Received

City

School district

County

Water district

* Street Lighting/
Sign Cost
(if applicable)

Date

Amount Received

Signs

Street
Lighting

Lienholder's approval must be included on the plat

*Reimbursements (if applicable)

Amount Date
Received

Water

3,795.00

Sewer

N/A

Streets

N/A

Drainage

8,960.60

Fire hydrants

5

SWSC
buyout

9900.00

Revised Final 10-1-99

Revised Final 5-4-99

P&Z Proposed 1-5-99 Preliminary

2-16-99 Final

Date CC 1-11-99

CC Drainage

UB Utilities

Date UB 1-12-99

Approved Subl. but: tabled for Reimb

P&Z Zoning 1-19-99

CC Zoning

2-8-99 Approved

P&Z C.U.P.

CC C.U.P.

Recorded at Hidalgo County

9/22/99

Volume and Page V34 P198

Developer's Requirements

Board Actions



89

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0078**

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



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 26, 2022

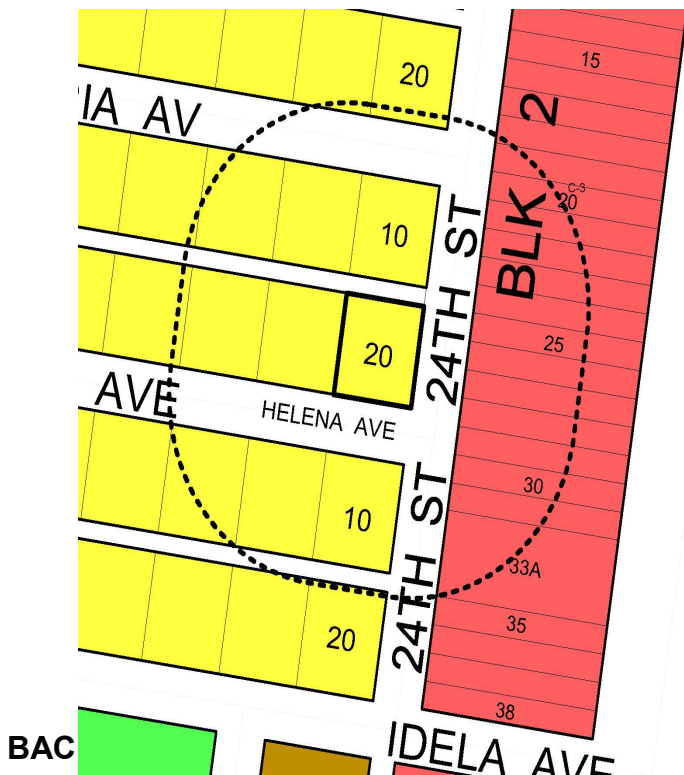
SUBJECT: REQUEST OF DAVID ZUNIGA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 5 FEET INTO THE 25 FEET FRONT YARD SETBACK FOR A PROPOSED SINGLE FAMILY HOME, AT LOT 20, BLOCK 4, BALBOA ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 HELENA AVENUE. (ZBA2022-0052)

REASON FOR APPEAL:

The applicant is requesting a variance to allow an encroachment of 5 feet into the 25-foot front yard setback in order to accommodate construction of a proposed single family residence.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northwest corner of Helena Avenue and South 24th Street. The property has 95 feet of frontage along Helena Avenue and a depth of 107.5 ft, for a lot size of approximately 10,212 square feet. The surrounding land use is single-family residential with a commercial use to the east across South 24th Street.



The plat for Balboa Acres Subdivision was recorded in January 1963. The subdivision was annexed into the city in 1975. The plat indicates a front yard setback of 25 feet. A building permit application for the proposed residence has not yet been submitted. The applicant submitted the special exception request on August 3, 2022.

ANALYSIS:

Approval of the variance request would allow an encroachment of 5 feet into the 25 feet front yard setback. The submitted site plan shows that a garage is proposed to be built at the rear of the property and the proposed encroachment will help to accommodate the proposed garage.

During the site visit, staff noticed other homes within the subdivision that appear to have been built at the 20-foot front yard setback. The proposed setback request on the subject property would be characteristic of construction in this area.

A review of Planning Department records did not reveal any approved special exceptions or variances in the immediate area.

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

RECOMMENDATION:

Staff recommends approval of the variance request. If the Board grants approval of the request, it should be limited to the encroachment shown on the submitted site plan. The proposed encroachment will not alter the essential character of the neighborhood.

ZONING BOARD OF ADJUSTMENTS MEETING OF SEPTEMBER 8, 2022:

At the Zoning Board of Adjustments and Appeals meeting of September 8, 2022, no one appeared in opposition of the variance request. David Zuniga, the applicant, stated that he wants to construct a single family home encroaching 5 feet into the 25 feet front yard setback since a garage is proposed at the rear of the property. Board member Saldivar stated that construction could be moved 5 feet to the rear of the property and have a 5 feet rear yard setback instead of 10 feet. Board member Saldivar stated that his concern is the order of applying for the building permit. Applying for a building permit first will allow staff to review and discuss with the applicant options for placement of the proposed construction. Following further discussion, the item was tabled by the Board in order to allow the applicant time to consider an alternative 5 feet encroachment into the rear yard setback instead of the requested 5 feet encroachment into the front yard setback in order to maintain front yard setback consistency. There were five members present and voting.

ZONING BOARD OF ADJUSTMENTS MEETING OF SEPTEMBER 21, 2022:

The variance request remained tabled since the applicant was not present.

ZBA-9/8/22

ZBA2022-0052



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)

Project

Legal Description Lot 20, Block 4, Balboa Acres, an Addition to the city of McAllen, Hidalgo County Texas.

Subdivision Name Balboa Acres

Street Address 2400 Helena Ave.

Number of lots 1 Gross acres _____

Existing Zoning R1 Existing Land Use valido

Reason for Appeal (please use other side if necessary) See 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 David Zuniga Phone 956-867-4250

Address 5611 S 29 E-mail _____

City McAllen State Tx Zip 78503

Owner

Name Jesús Rodriguez Phone 8991681780

Address 2400 Helena Ave E-mail Maykth_Perez@hotmail.com

City McAllen State tx Zip 78503

Authorization

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

☐ Yes☒ No

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

Signature David ZunigaDate 08-02-22Print Name David Zuniga☒ Owner☐ Authorized Agent

Office

Accepted by _____

Payment received by _____

Date

ENTERED

Rev 09/20

AUG 03 2022

Initial: AK



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: (Please use an additional page if necessary to complete responses)</p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p> <p>1. Describe the special circumstance or condition affecting the land involved such that the strict application of the provisions required would deprive the applicant of the reasonable use of the land:</p> <p>I want my house to be built 20ft away from the road instead of 25ft</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>My property doesn't have the 15ft sidewalk plus the 25ft, takes up way too much space in which I could build my house.</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>This variance does not affect anyone whatsoever. The sidewalk is big enough and 20ft from it is enough space.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p>My neighbors don't have their houses 25ft from the sidewalk either.</p>
Board Action	<p>Chairman, Board of Adjustment Signature _____</p> <p>Date _____</p> <p>Rev. 9/20</p>

ADRESS: 2400 Helena Ave. M

107' 00" SF

Existing back fence

5' SIDE SETBACK

Garage & Barbecue Pit

10' REAR SETBACK

95' 00" SF

ALLEY

Existing back fence

10' SIDE SETBACK

PROPOSED HOUSE 12,387 SF

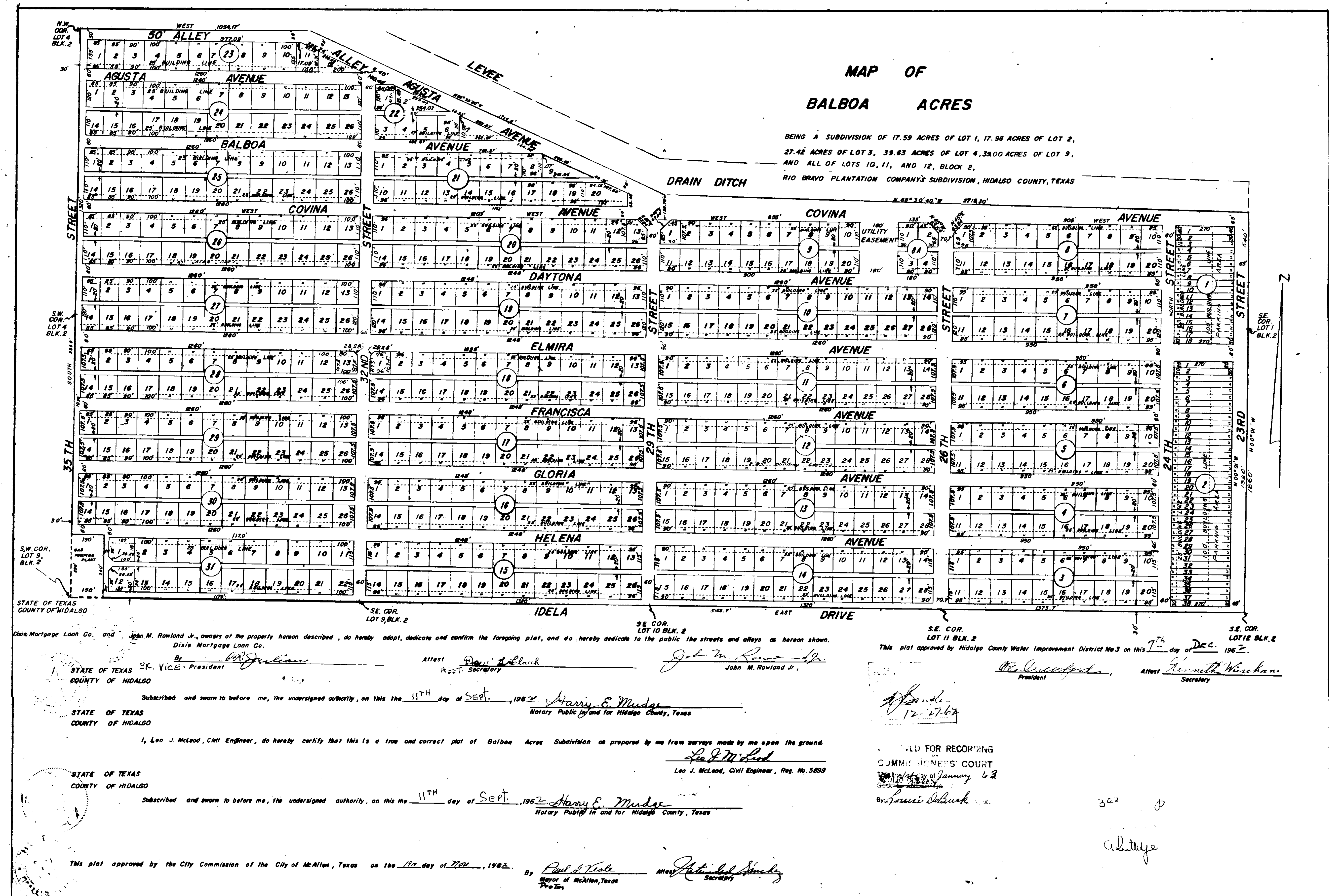
20' FRONT SETBACK

95' 00" SF

HELENA AVE

1. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 2. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 3. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 4. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 5. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 6. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 7. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 8. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 9. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。
 10. 在 100 个 0 和 1 的字符串中，有 10 个 1，90 个 0，那么 1 出现的频率为 10%，0 出现的频率为 90%。

Initial: Am





**NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0052**

CITY OF MCALLEN PLANNING DEPT.
356.681-1250
WWW.MCALLENNET.NET

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 29, 2022

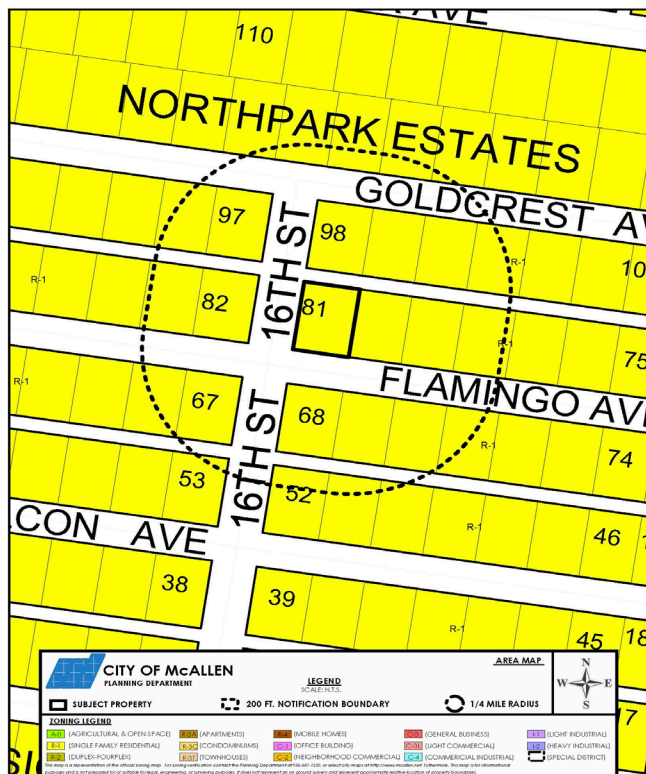
SUBJECT: REQUEST OF NORA MACIAS FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET CORNER SIDE YARD SETBACK FOR A PROPOSED CARPORT MEASURING 14 FEET BY 25 FEET, AT LOT 81, NORTHPARK ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 1516 FLAMINGO AVENUE. (ZBA2022-0066)

REASON FOR APPEAL:

The applicant is requesting a special exception in order to allow an encroachment of 10 feet into the 10 feet side yard setback for a proposed carport measuring 14 feet by 25 feet. The applicant stated the carport is to provide cover for the area of the garage from the hot sun.

PROPERTY LOCATION AND VICINITY:

The subject property is located at the northeast corner of North 16th Street and Flamingo Avenue. The property has 75 feet of frontage along Flamingo Avenue and a depth of 100 feet, for a Lot size of 7,500 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Northpark Estates was recorded on May 22, 1978. The plat states a 20 feet front yard setback and a 10 feet corner side yard setback. An application for a building permit for the carport has not been submitted. An application for the special exception request was submitted on August 25, 2022.

ANALYSIS:

Approval of the special exception request would allow an encroachment of 10 feet into the 10 feet corner side yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to provide protection for the garage area from the hot sun.

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

A review of Planning Department records did not reveal any variances or special exceptions granted for carports in the area. A site visit to the location did not find carports in the immediate area.

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

Measurements provided are without the benefit of a survey.

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

RECOMMENDATION:

Staff recommends disapproval of the special exception request, since approval may encourage other property owners to build similar structures that may require special exceptions. It may impact the character of the neighborhood.

2BDA
10/5/2022

ZBA 2022-0066



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)

Project

Legal Description

North park Estates LOT 81

Subdivision Name

North park ESTATES

Street Address

1516 Flamingo Ave

Number of lots

1

Gross acres

0.17

Existing Zoning

R-1

Existing Land Use

R-1

Reason for Appeal (please use other side if necessary)

ENCROACHING 4 FT ON
TO 10 FT CORNER 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

Nora Macias

Phone

956-6480495

Address

1516 Flamingo Ave

E-mail

Noramacias15@gmail.com

City

McAllen

State

TX

Zip

78504

Owner

Name

Nora Macias

Phone

956 6480495

Address

1516 Flamingo Ave

E-mail

nora-macias15@gmail.com

City

McAllen TX

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

Nora N Macias

Date

8/25/2022

Print Name

NORA N. MACIAS

☒ Owner

☐ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 10/18

AUG 25 2022

BY:

aw



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:

Current 7'4" encroaches 6 ft into the set back

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

The garage and kitchen face west and the sun hits that side all afternoon it is extremely hot the roof will be for shade

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:

is not affecting anybody is not blocking view or going into street

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

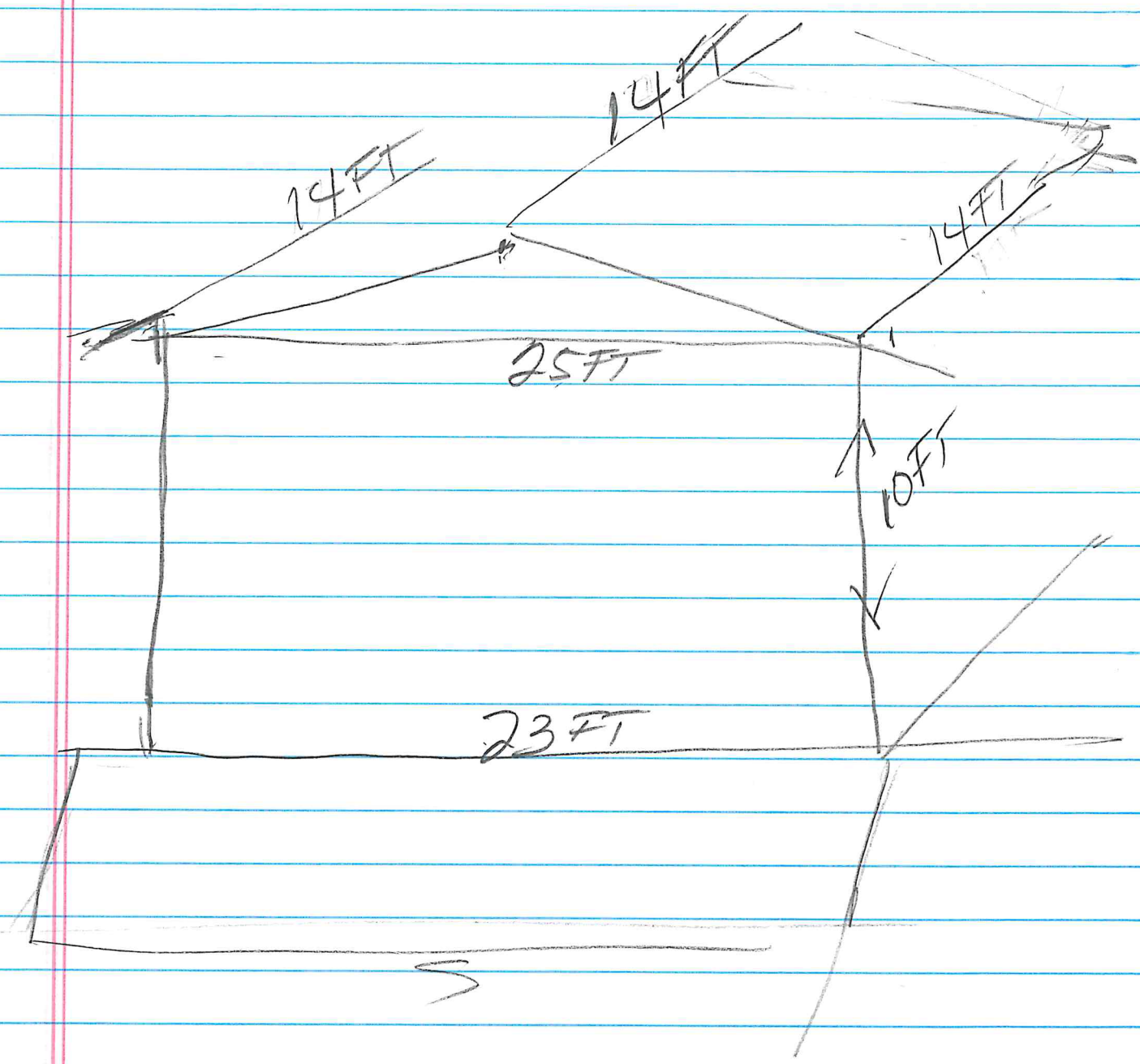
Current lot facing west and we get all the heat from the afternoon sun

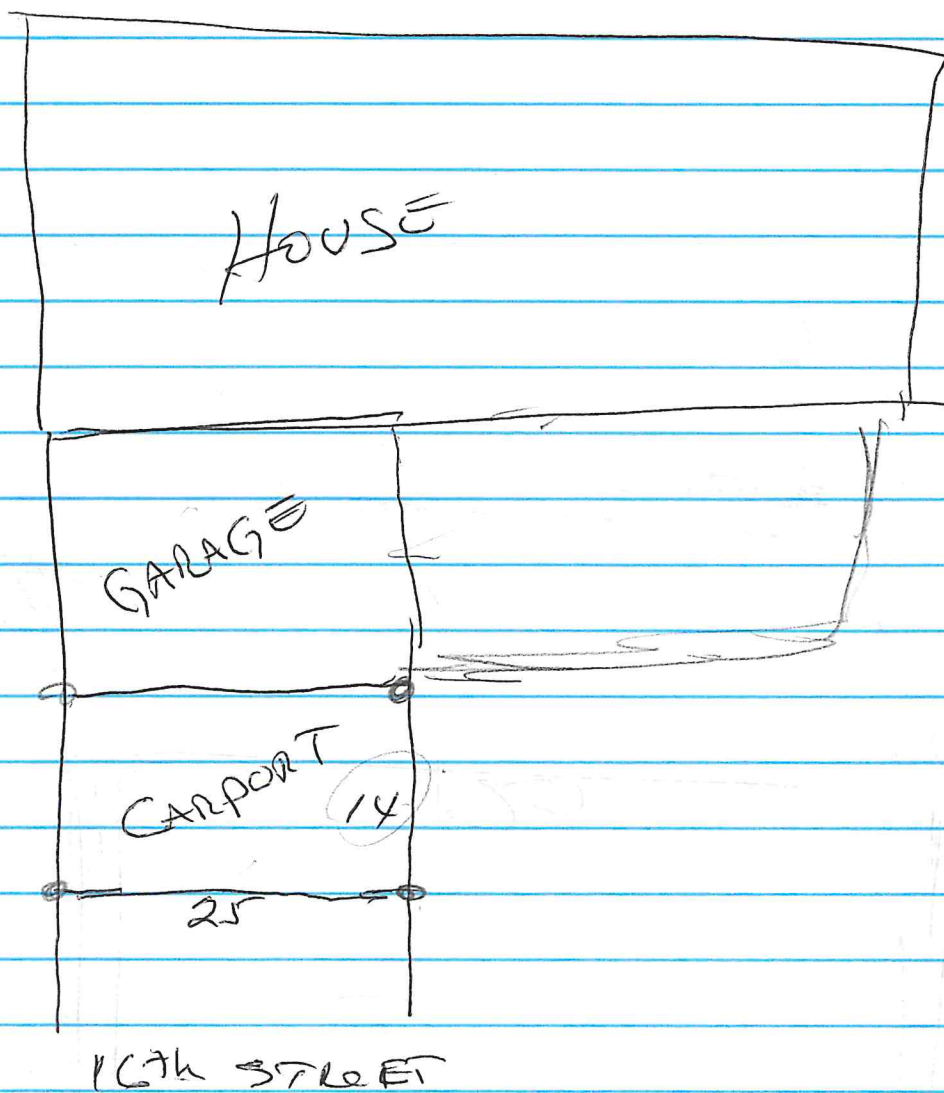
Reason for Appeal

Board Action

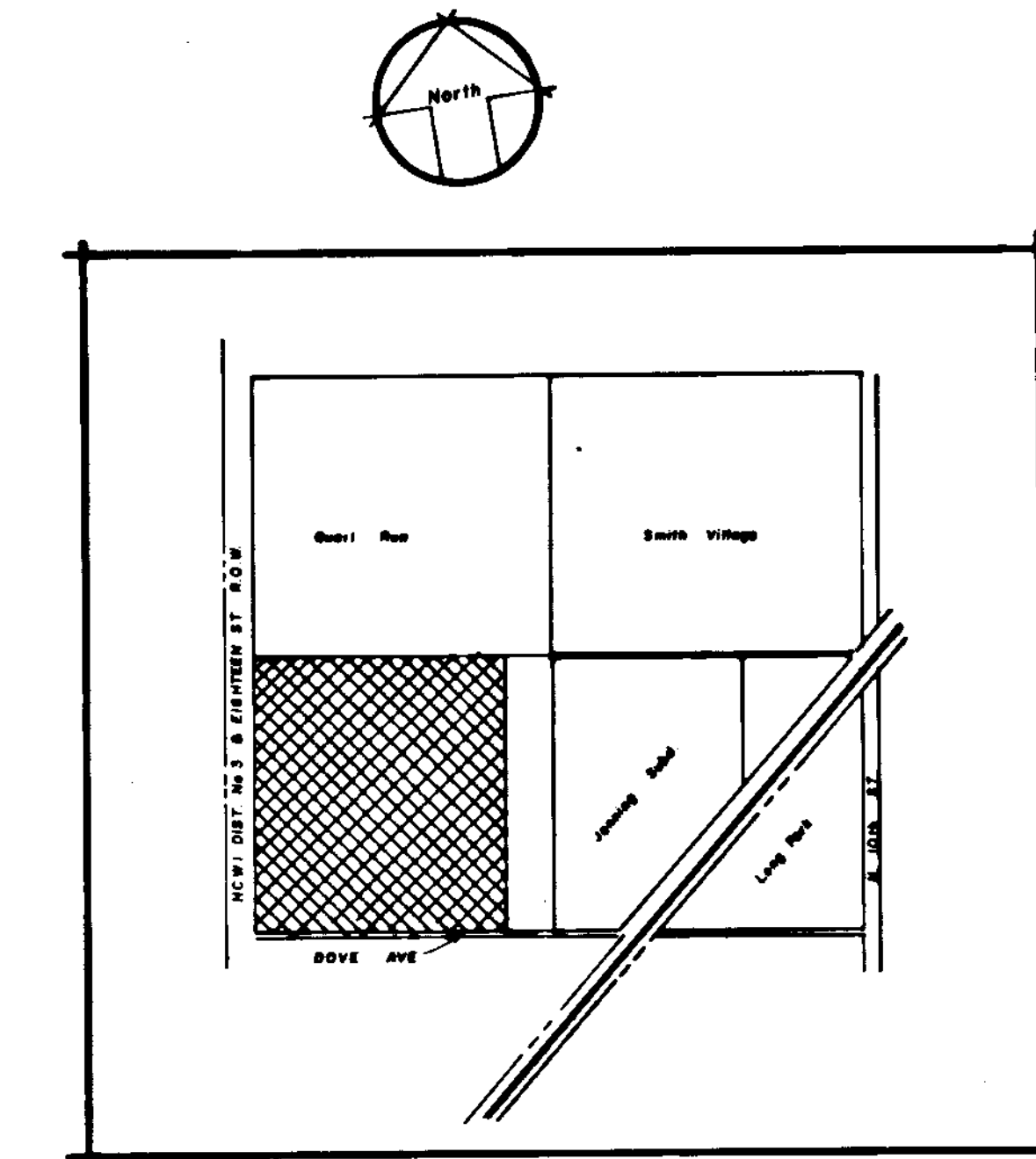
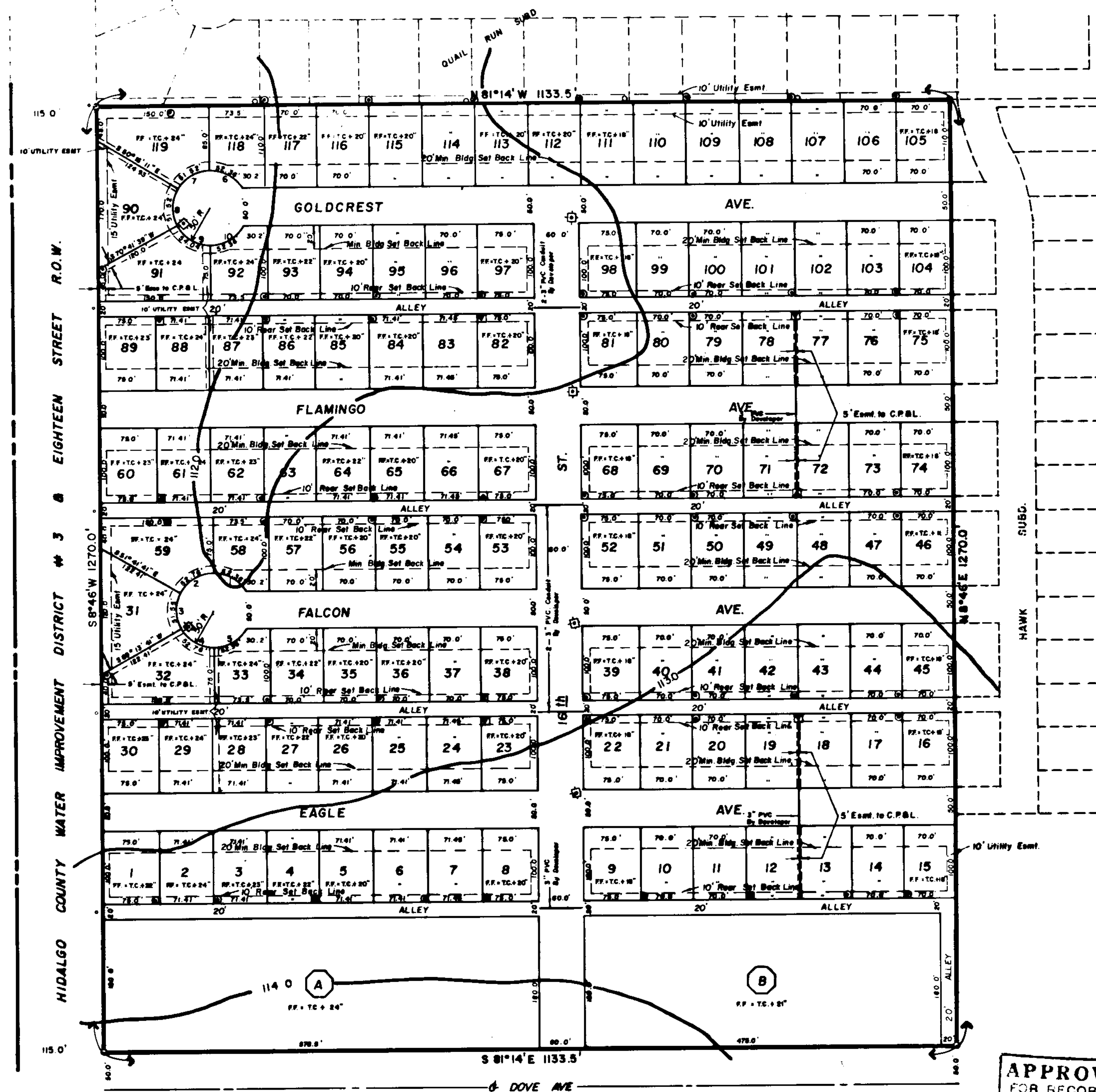
Chairman, Board of Adjustment
Signature

Date





CURVE DATA				
CURVE	DELTA	RADIUS	TANGENT	LENGTH
1	60°00'00"	50'	28.87'	52.36'
2	60°27'41"	50'	29.14'	52.76'
3	59°04'38"	50'	28.33'	51.55'
4	60°27'41"	50'	29.14'	52.76'
5	60°00'00"	50'	28.87'	52.36'
6	60°00'00"	50'	28.87'	52.36'
7	59°02'11"	50'	28.31'	51.52'
8	59°02'10"	50'	28.31'	51.52'
9	61°55'39"	50'	30.00'	54.04'
10	60°00'00"	50'	28.87'	52.36'



Location Map

- GENERAL NOTES:**
1. Sidewalks Per City Of McAllen Specifications Required On All Lots Siding On 18th Street And Dove Ave.
 2. Building Setback Requirements:
FRONT YARD 20.0'
REAR " 10.0'
SIDE " 5.0-6.0'
CORNER SIDE YARD 10.0'
 3. Finish Floor = Top of Curb + 4"
 4. Electrical:
○ = Transformer Pole
● = 5'x3' Easement To C.P.B.L. For Pedestrian Space
+ = Rear Pole
□ = 6'x6' Easement To Control Power & Light Co. For Pedestrian Space
- Control Power & Light Co. is hereby granted an Easement And Right-Of-Way On Each Lot In Said Subdivision For An Underground Electric Service Lateral, Together With The Right Of Ingress & Egress For Such Purpose At The Right Location Where Such Service Lateral Is To Be Or Is Installed & Maintained From Time To Time.

APPROVED FOR RECORDING
Hidalgo Co. Right of Way Dept.
By Theresa Walker
Date 5-22-78

Recorded in Book 20 Page 112
of the map records of Hidalgo
County, Texas
Charles L. Shelton
County Surveyor

State Of Texas
County Of Hidalgo

I, The Undersigned, Owner Of The Land Shown On This Plat, And Designated Herein As The **NORTHPARK ESTATES** Subdivision To The City Of McAllen, Texas, And Whose Name Is Subscribed Herein, Herby Dedicate To The Use Of The Public All Streets, Alleys, Parks, Water Courses, Drains, Easements And Public Places Thereon Shown For The Purpose Of Consideration Therein Expressed.

Rob Amos, Jr.
AMT Corporation
Owner

State Of Texas
County Of Hidalgo

Before Me, The Undersigned Authority, On This Day Personally Appeared Rob Amos Known To Me To Be The Person Whose Name Is Subscribed To The Foregoing Instrument, And Acknowledge To Me That He Executed The Same For The Purposes And Consideration Therein Stated. Given Under My Hand And Seal Of Office This 15 Day Of November 19 77.

John A. Gentry
Notary Public, County Of Hidalgo

I, The Undersigned, Chairman Of The Planning And Zoning Commission Of The City Of McAllen, Herby Certify That This Subdivision Plat Conforms To All Requirements Of The Subdivision Regulations Of This City Wherein My Approval Is Required.

John A. Gentry
Chairman Of Planning & Zoning

NORTHPARK ESTATES

A 3783 ACRES OUT OF BLOCK 12, LOT 13
OUT OF HIDALGO CANAL COMPANIES SUBDIVISION
OF PROCONES 64, 65, & 66, McALLEN
HIDALGO COUNTY, TEXAS

FILED FOR RECORD THIS DATE
May 22 1978

MAY 22 1978

John A. Gentry
Notary Public, County Of Hidalgo

APPROVED FOR RECORDING

May 22 1978
John A. Gentry
Notary Public, County Of Hidalgo

I, The Undersigned, Mayor Of The City Of McAllen, Herby Certify That This Subdivision Plat Conforms To All Requirements Of The Subdivision Regulations Of This City Wherein My Approval Is Required.

John A. Gentry
Mayor

Approval By Water District
This Plat Approval By Water Improvement District No 3 On This 9th Day of November AD. 19 77.

Secretary Theresa Walker President Theresa Walker

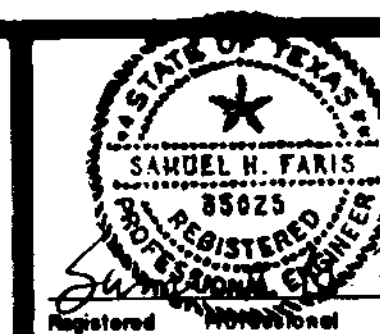
State Of Texas
County Of Hidalgo

I, The Undersigned, A Registered Professional Engineer In The State Of Texas, Herby Certify That This Plat Is True And Correctly Made Is Prepared From An Actual Survey On The Property Made Under My Supervision On The Ground, And Further Certify Proper Engineering Consideration Has Been Given To This Plat.

NORTHPARK ESTATES

McALLEN, TEXAS

DATE: 10-20-77
REVISED:
SCALE: 1" = 100'
JOB No: E-77-100



CDE COMMUNITY DEVELOPMENT ENGINEERING

P.O. BOX 1385

MISSION, TEXAS

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0066**



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





Flamingo AVE to south



Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 28, 2022

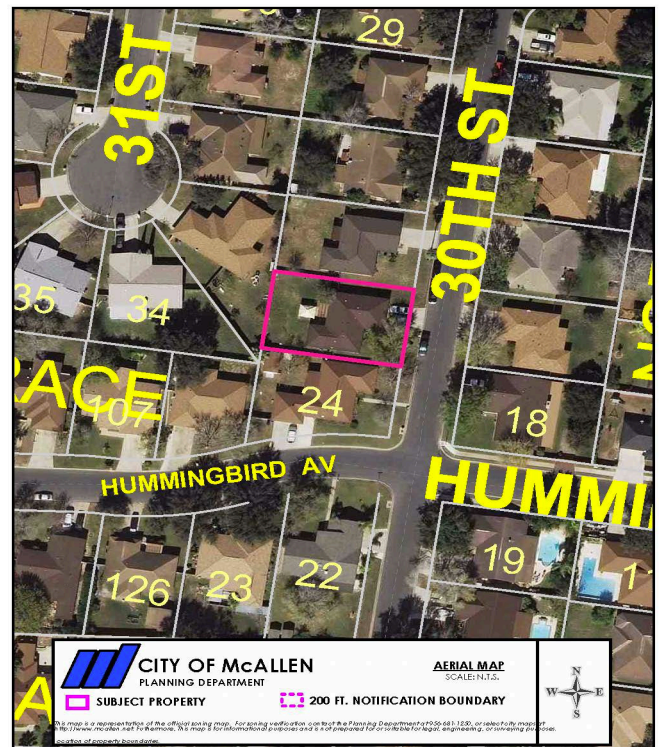
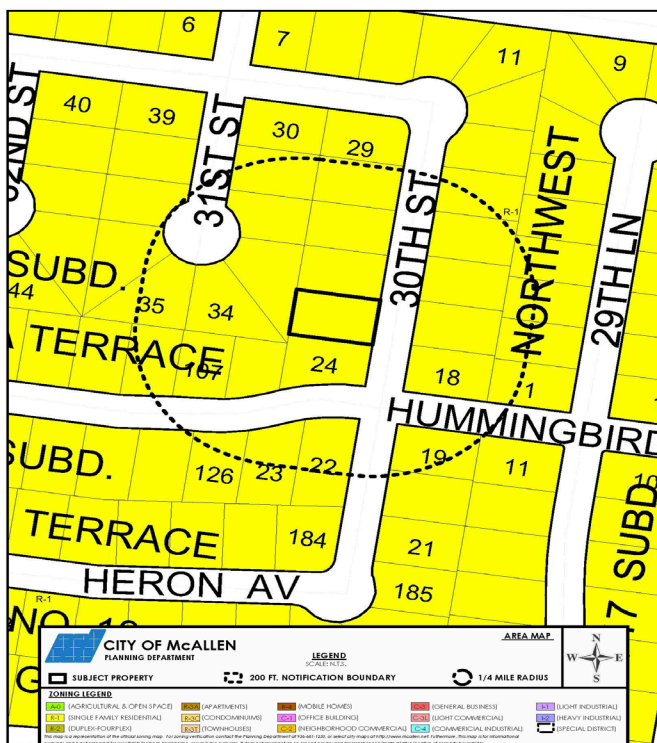
SUBJECT: REQUEST OF DORA A. GARCIA FOR A VARIANCE TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 6 FEET INTO THE 6 FEET SIDE YARD SETBACK FOR AN EXISTING PORCH MEASURING 12 FEET BY 43 FEET, AT LOT 25, GARDENIA TERRACE NO. 8 SUBDIVISION, HIDALGO COUNTY, TEXAS; 6105 NORTH 30TH STREET. (ZBA2022-0067)

REASON FOR APPEAL:

The applicant is requesting a variance in order to allow an encroachment of 6 feet into the side yard setback of 6 feet for an existing metal porch measuring 12 feet by 43 feet. The applicant stated the porch is for her and her family to enjoy their home outdoors and to have family barbecues.

PROPERTY LOCATION AND VICINITY:

The subject property is located along the west side of North 30th street. The property has 68.5 feet of frontage along 30th street and a depth of 110 feet, for a lot size of 7,535 square feet. There is an existing single-family residence on the subject property. The surrounding land use is single-family residential.



BACKGROUND AND HISTORY:

The plat for Gardenia Terrace No. 8 was recorded on May 31, 1978. The plat states a 6-foot side yard setback. An application for a building permit for the carport was submitted on August 18, 2022. An application for the variance request was submitted on August 26, 2022.

ANALYSIS:

Approval of the variance request would allow an encroachment of 6 feet into the 6 feet side yard setback as shown in the applicant's submitted site plan. The reason for this request is to allow the applicant to enjoy her home with her family and have barbecues.

The board may consider a type of hardship - the financial cost of complying with the code, if the financial cost of compliance is greater than 50 percent of the appraised value of the structure.

Concerns regarding rainfall runoff into the neighbor's property may exist.

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

RECOMMENDATION:

Staff recommends disapproval of the variance request, since approval may encourage other property owners to build similar structures that may require variances.

ZBA 2022-0067

2180A
10/5/2022

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)

Project

Legal Description

Gardenia Terrace No 8

Lot 25

Subdivision Name

Gardenia Terrace No 8

Street Address

10105 North 30 Street

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residence

Reason for Appeal (please use other side if necessary)

Encroaching 4 ft into Required
4 ft side set back for porch measuring 12 ft by 13 ft
car porch

☒ \$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 Dora A. Garcia

Phone 956-457-4105

Address 10105 North 30 St

E-mail

City McAllen

State TX

Zip 78504

Owner

Name Dora A. Garcia

Phone 956 457-4105

Address 10105 North 30 St

E-mail

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 Dora A. Garcia

Date 8.26.2022

Print Name Dora A. Garcia

☒ Owner

☐ Authorized Agent

Office

Accepted by SEN

Payment received by

Date

Rev 10/18

AUG 26 2022

CLP



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

6665/2101

Reason for Appeal

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

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

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

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

into required 4 ft side set back for porch
 measuring 12 ft by 43 ft car porch

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

originally I wanted to use it for a car porch, I found
 I wanted to use it to be outside
 with my family after work to make
 a barbecue, and have a good time.

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

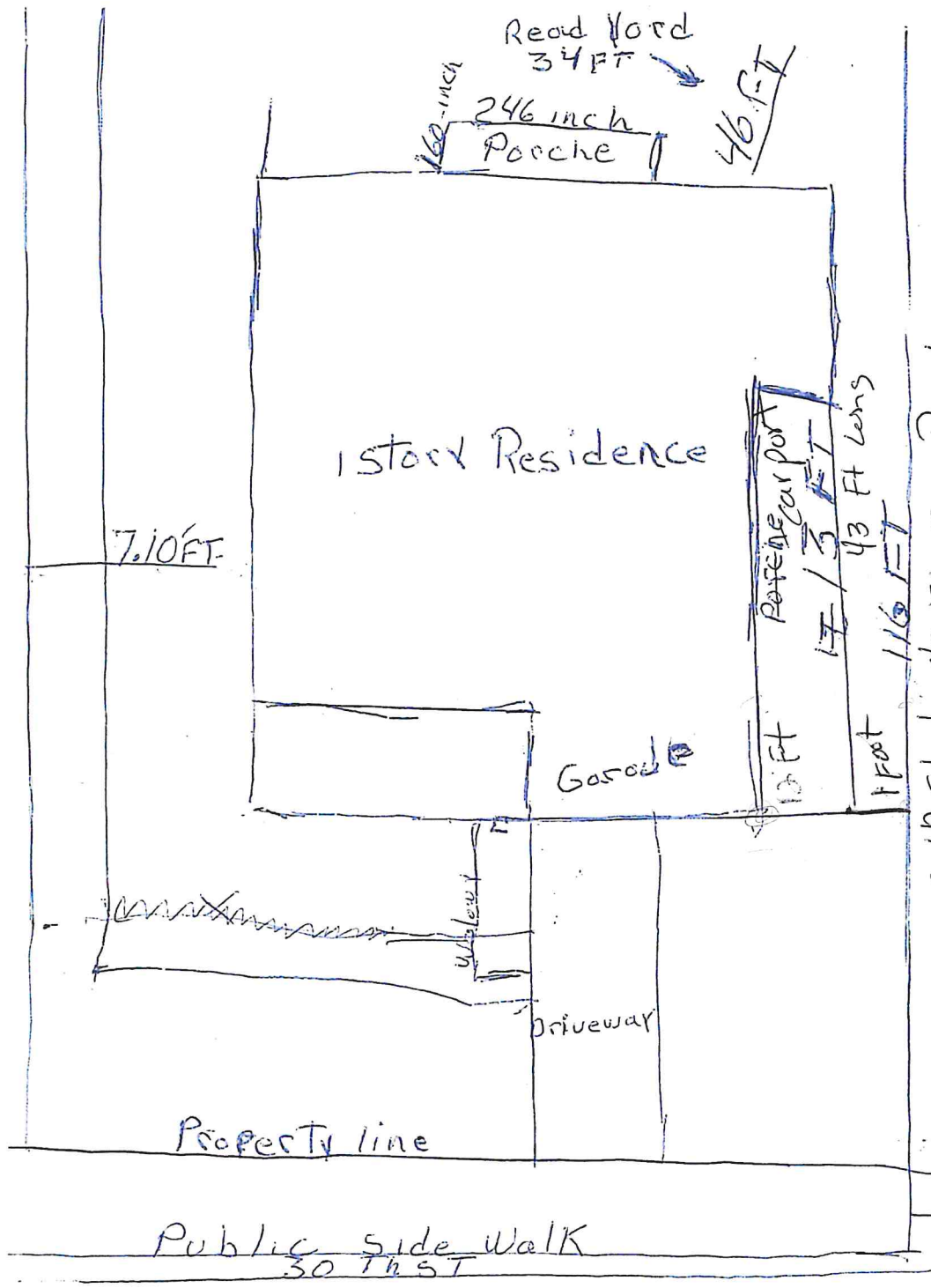
I will be in installation gutters so that
 my next door neighbor's is not
 affected by the rain fall.

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

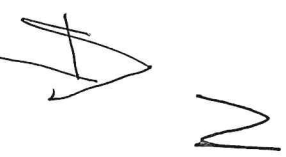
Board Action

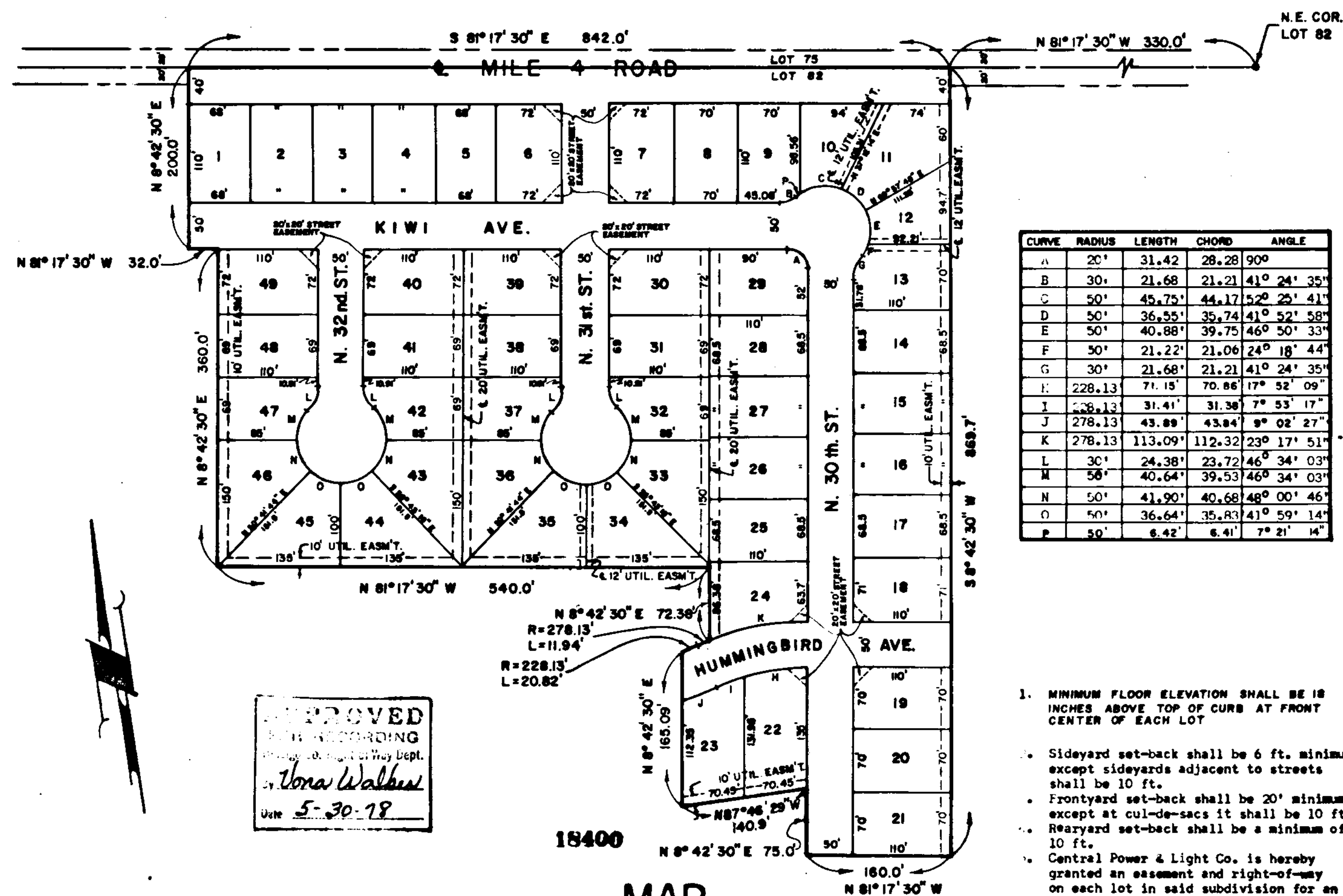
Chairman, Board of Adjustment
 Signature

Date



c. 12 Ft by 43 Ft for Porch.
D.A.G.
1 foot over hang.





MAP OF GARDENIA TERRACE NO. 8

MCALLEN, TEXAS

BEING A SUBDIVISION OF 12.42 AC. OF
LAND OUT OF LOT 82, LA LOMITA
IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION,
OF PORCIONES 61, 62 & 63, HIDALGO COUNTY, TEXAS

PREPARED BY:
FABIAN, NELSON & MEDINA INC.
MCALLEN, TEXAS

SCALE: 1" = 100' DATE: 1-5-78

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "GARDENIA TERRACE No. 8" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN. FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALAN NEUBERG, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 4th DAY OF January, 1978.

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN BY APPROVAL IS REQUIRED.

STATE OF TEXAS:
COUNTY OF HIDALGO:

I, THE UNDERSIGNED, A REGISTERED PUBLIC SURVEYOR 1990 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

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

THIS PLAT APPROVED BY THE HIDALGO COUNTY WATER IMPROVEMENT DISTRICT NO. 1 ON THIS 4th DAY OF May, 1978.

- MINIMUM FLOOR ELEVATION SHALL BE 18 INCHES ABOVE TOP OF CURB AT FRONT CENTER OF EACH LOT
- Sidewalk set-back shall be 6 ft. minimum except sideyards adjacent to streets shall be 10 ft.
- Frontyard set-back shall be 20' minimum except at cul-de-sacs; it shall be 10 ft.
- Rearyard set-back shall be a minimum of 10 ft.
- Central Power & Light Co. is hereby granted an easement and right-of-way on each lot in said subdivision for an underground electric service lateral together with the 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.
- UNLESS SHOWN OTHERWISE ALL SIDEWALKS ARE 40 FT. WIDE AND LOCATED WITH INNER EDGE OF WALK ON PROPERTY LINE. SIDEWALKS SHALL BE WILL BE REQUIRED ON THE SOUTH SIDE OF HIGHWAY 4 AND ON BOTH SIDES OF HUMMINGBIRD AVE. EAST OF 30th STREET.

APPROVED FOR RECORDING

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

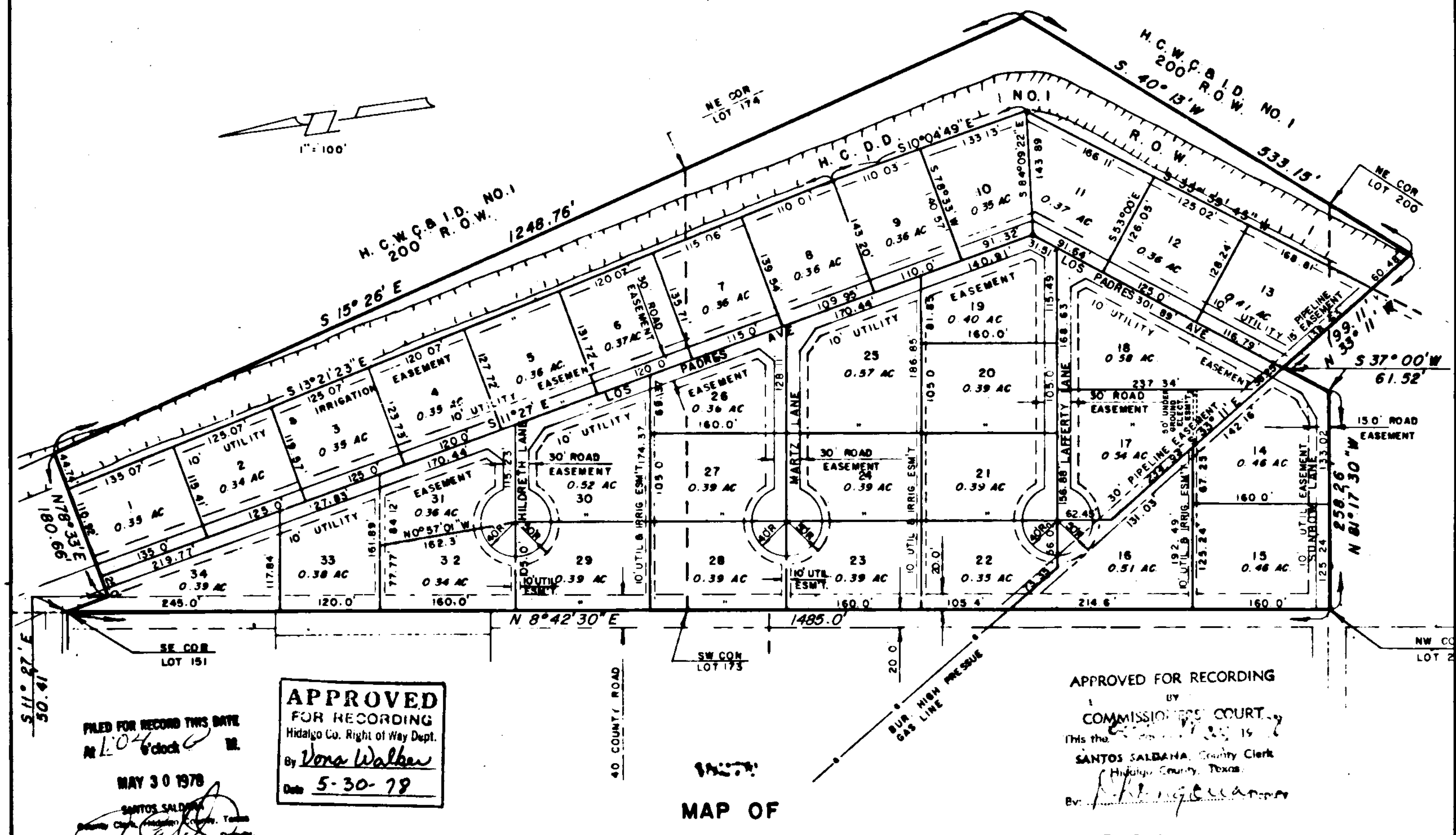
PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS

PLANO C. MEDINA
REGISTERED PUBLIC SURVEYOR
MCALLEN, TEXAS



APPROVED
FOR RECORDING
Hidalgo Co. Right of Way Dept.
By *Vona Walker*
Date 5-30-78

MAP OF LOS PADRES SUBDIVISION

HIDALGO COUNTY, TEXAS

BEING A RESUBDIVISION OF 28.44 ACRES OUT OF LOTS 173, 174 AND 200
PRIDE O' TEXAS SUBDIVISION
HIDALGO COUNTY, TEXAS

I, LARRY L. SMITH, A REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THE ACCOMPANYING MAP TO BE A TRUE AND CORRECT REPRESENTATION OF THE LANDS HEREOF DESCRIBED AS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION.

LARRY L. SMITH
REGISTERED PUBLIC SURVEYOR
EDDING, TEXAS
SURVEYED: MARCH 15, 1977
T155-P26-30
JOB NO. 780308 May 17, 1978

STATE OF TEXAS:
COUNTY OF HIDALGO:

KNOW ALL MEN BY THESE PRESENTS: THAT, CITRUS CITY LAKE DEVELOPMENT CORPORATION, ACTING THROUGH ITS CHAIRMAN OF THE BOARD, MR. W. T. ELLIS, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS "LOS PADRES SUBDIVISION" OF THE COUNTY OF HIDALGO, AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY RESERVE THE RIGHT TO GRANT USE OF STREETS, ALLEYS, AND EASEMENTS TO SUCH UTILITIES AND SERVICES AS MAY HEREAFTER APPLY TO OWNERS FOR SUCH, SURFACE USE OF THE STREETS AND ALLEYS IS RESTRICTED TO THE EMPLOYEES OR AGENTS OF SUCH UTILITIES OR SERVICES GRANTED USE AND THE RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS.

CITRUS CITY LAKE DEVELOPMENT CORPORATION

W. T. ELLIS, CHAIRMAN OF THE BOARD

STATE OF TEXAS:
COUNTY OF HIDALGO:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED W. T. ELLIS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 16th DAY OF May, A.D., 1978.

NOTARY PUBLIC IN AND FOR HIDALGO COUNTY, TEXAS

THIS PLAT APPROVED BY HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1, ON THIS THE 16th DAY OF May, A.D., 1978.

RICHARD W. WILSON
PRESIDENT

ATTEST:

SECRETARY

**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0067**

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







Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: September 27, 2022

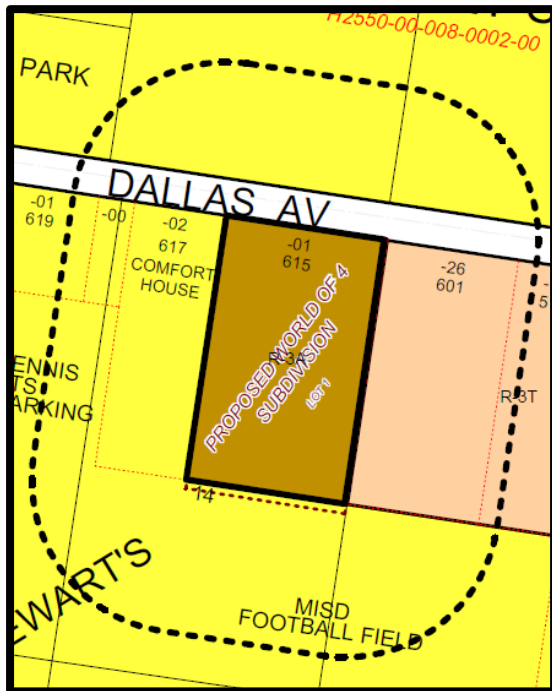
SUBJECT: REQUEST OF ELOY AGUIRRE ON BEHALF OF AGUIRRE FAMILY, LP FOR A VARIANCE TO THE CITY OF MCALLEN VEGETATION ORDINANCE TO PROVIDE A CEDAR FENCE 8 FEET IN HEIGHT FOR A BUFFER INSTEAD OF THE REQUIRED MASONRY WALL 8 FEET IN HEIGHT ALONG THE WEST AND SOUTH PROPERTY LINES FOR 1.724 ACRES OUT OF LOT 14, STEWART'S ADDITION (PROPOSED LOT 1, WORLD OF 4 SUBDIVISION), HIDALGO COUNTY, TEXAS; 615 DALLAS AVENUE. (ZBA2022-0072)

REASON FOR APPEAL: The applicant requests a variance in order to not provide the required masonry screen 8 feet in height and instead provide a cedar fence 8 feet in height along the west (359.20 feet) and south (209.10 feet) property lines. The applicant states that a standard cedar fence will provide the same "division" being requested.

PROPERTY LOCATION AND VICINITY: The vacant property is located along the south side of Dallas Avenue, approximately 450 feet east of South 8th Street. The tract of land has a total lot size of 1.724 acres. The subject property is zoned R-3A (multi-family residential apartment) District. The adjacent zoning is R-1 (single-family residential) District to the west and south, and R-3T (multi-family residential townhouse) District to the east.

BACKGROUND AND HISTORY: A subdivision plat for a one-lot subdivision under the name "World of 4 Subdivision" was approved in revised final form at the Planning and Zoning Commission meeting of January 4, 2022 for a proposed 3-story, 48-unit apartment complex. Additionally, at the meeting a variance request was granted for World of 4 Subdivision to have a 22 feet front yard setback in instead of the required 32 feet. A site plan review application for a proposed 3-story apartment complex was submitted in November 24, 2021 and is still under the review process.

The application for this variance request was submitted on August 31, 2022. A building permit application for the proposed 3-story apartment complex has not been submitted yet.



ANALYSIS: Approval of this variance request would allow the construction of a cedar fence 8 feet in height instead of the required 8-foot masonry wall along the west and south property lines of the subject property. According to the submitted site plan, the west property line measures 346.48 feet and the south property line measures 209.10 feet.

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

A masonry wall will offer maximum privacy, and is a more effective sound barrier both for the adjacent properties and the subject property. Additionally, a masonry wall has a longer life and requires less maintenance than a cedar fence.

There is an existing cedar fence 6 feet in height located along the property lines of the adjacent properties to the east and west, and a chain-link fence located along the south property line of the adjacent property to the south.

The adjacent property located west of the subject property is the site for Comfort House Services ("Casa del Consuelo"), a location for hospice services. The adjacent property located to the east is vacant land. The adjacent property to the south is currently used as a football and soccer field for Travis Middle School.

If this variance request is approved, the applicant must still comply with all other zoning ordinance and building code requirements that will be requested during the building permitting process. Staff has not received any phone calls, emails, or letters in opposition to this variance request.

RECOMMENDATION:

Staff recommends disapproval of the variance request since the adjacent property to the south is the site for school-related athletic activities and the adjacent property to the west is the location for "hospice" services. The masonry screen will provide better noise reduction and maximum privacy for the adjacent properties as well as the subject property.

ZBOA-10/5/22



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

ZBA2022-0072

311 North 15th Street

McAllen, TX 78501

P. O. Box 220

McAllen, TX 78505-0220

(956) 681-1250

(956) 681-1279 (fax)

Project

Legal Description

Purpose a world of 4 subdivisions lot 1
 A 1.724-Acre Tract of land out of the North 359.20 feet
 of the East 3.0-Acres of lot 14, Stewarts Addition

Subdivision Name

World of 4

Street Address

615 ~~609~~ Dallas Ave McAllen, TX

Number of lots

1

Gross acres

Existing Zoning

R-3A

Existing Land Use

Vacant

Reason for Appeal (please use other side if necessary)

Please see attached Lien of
 Requestion a variance to allow a cedar fence in the cmul fence

☒ \$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 Eloy Aguirre

Phone 956-227-0966

Address 1817 Sharm Dr

E-mail eloy lafcrgr.com

City Pharr

State TX

Zip 78577

Owner

Name Aguirre Family Limited Partnership LP

Phone 956-783-3577

Address 1701 Mozelles

E-mail eloy lafcrgr.com

City Pharr

State TX

Zip 78577

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 8/23/2022

Print Name

Eloy Aguirre

☒ Owner☐ Authorized Agent

Office

Accepted by _____

Payment received by _____

Date

AUG 31 2022

Rev 10/18

Initial:

ENTERED



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal

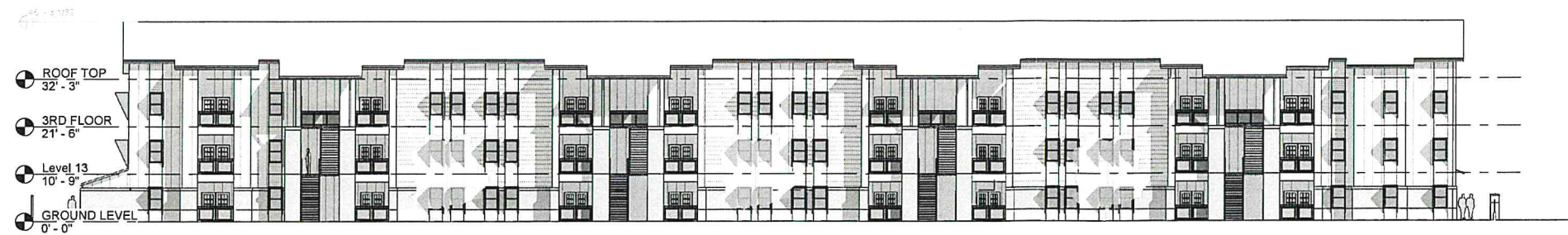
Dear City of McAllen Zoning Board of Appeals,

First and foremost, we would like to thank you all for taking the time to consider our variance request. Currently the City is requesting a 8' CMU divider to separate the R1 properties from the R3A properties. Our property is zoned a R3A, on the Northside we have Field's Elementary, Westside we have Comfort house, Southside we have a football field and Eastside we have a property recently zoned to be R3A. We would like to request the City of McAllen to allow us to construct a standard Cedar Fence in lieu of the 8' CMU being requested. Our property will become a 3 story Apartment Complex with Balconies on the westside. We do not see the need for an 8' CMU divider, as our property does not pose a threat to the public and a standard cedar fence will provide the same division being requested.

Board Action

Chairman, Board of Adjustment
Signature

Date



② EAST ELEVATION
1/16" = 1'-0"

PARKING SPACES	86
PROPERTY SIZE	209' X 359.2' 75072.8 SQFT
3 BEDROOM UNITS	3
2 BEDROOM UNITS	21
1 BEDROOM UNITS	24
TOTAL UNITS	48
BIG STORAGE UNITS	5
SMALL STORAGE UNITS	5
TOTAL UNITS	10



1110 E JASMINE AVE. SUITE 104
MCALLEN, TX 78501
TEL. 956-664-1110, FAX 956-664-1113
www.frankkeyarchitect.com

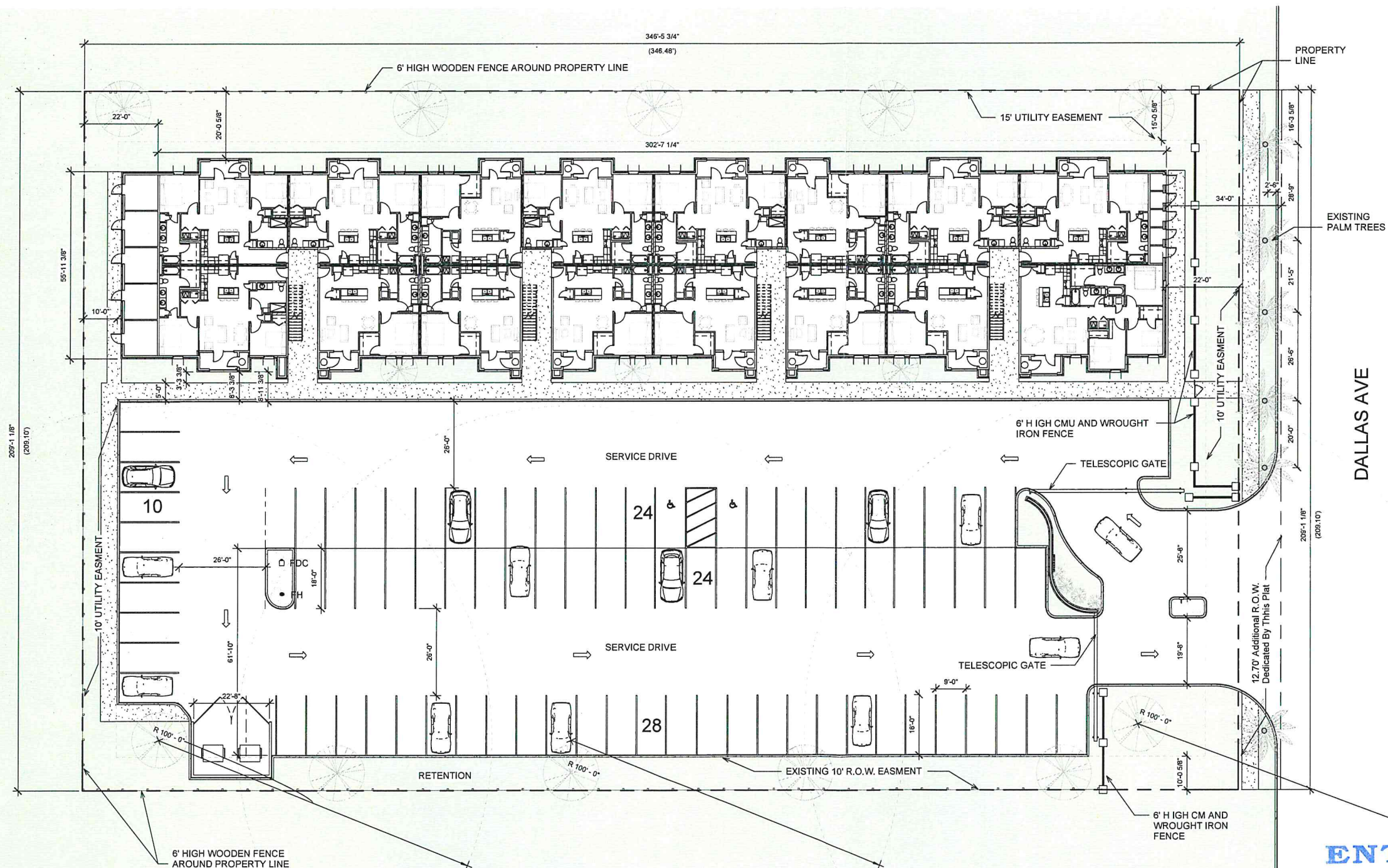
PRELIMINARY
NOT FOR BUILDING PERMIT
OR CONSTRUCTION

No.	Description	Date
01	ISSUED FOR SCHEMATIC DESIGN	06/04/21
02	ISSUED FOR DESIGN DEVELOPMENT	07/07/21
03	REVISED	08/06/21
04	RE-ISSUED FOR DESIGN DEVELOPMENT	05/31/22
05	ISSUED FOR REVIEW	06/17/22
06	REVISED	08/25/22

AFC DALLAS APARTMENTS
AFC DALLAS AVE. McAllen TX

SITE PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker
A1.0	
Scale	1/16" = 1'-0"

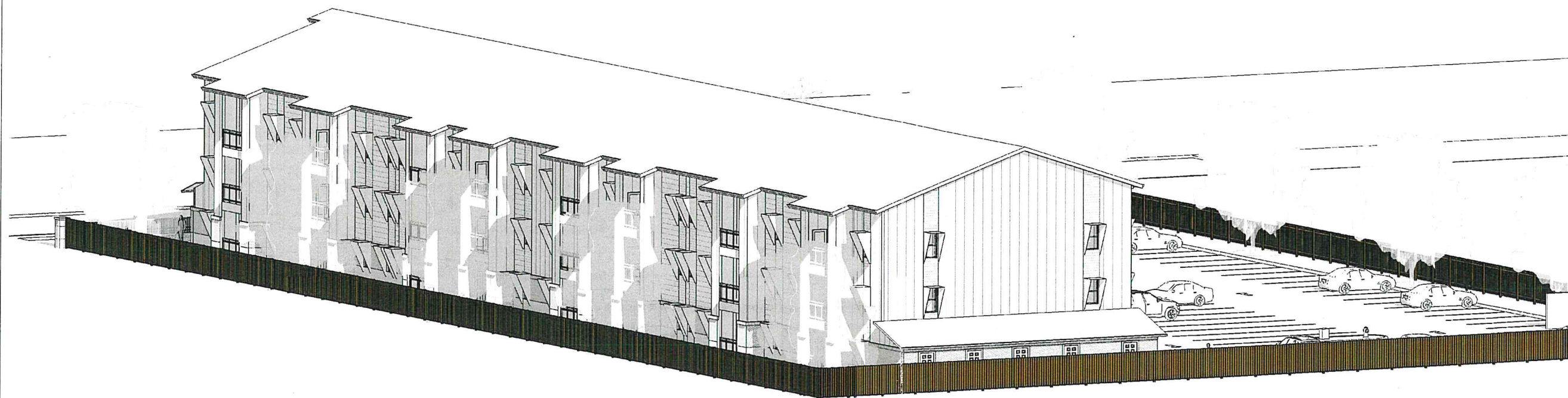


① SITE PLAN
1/16" = 1'-0"

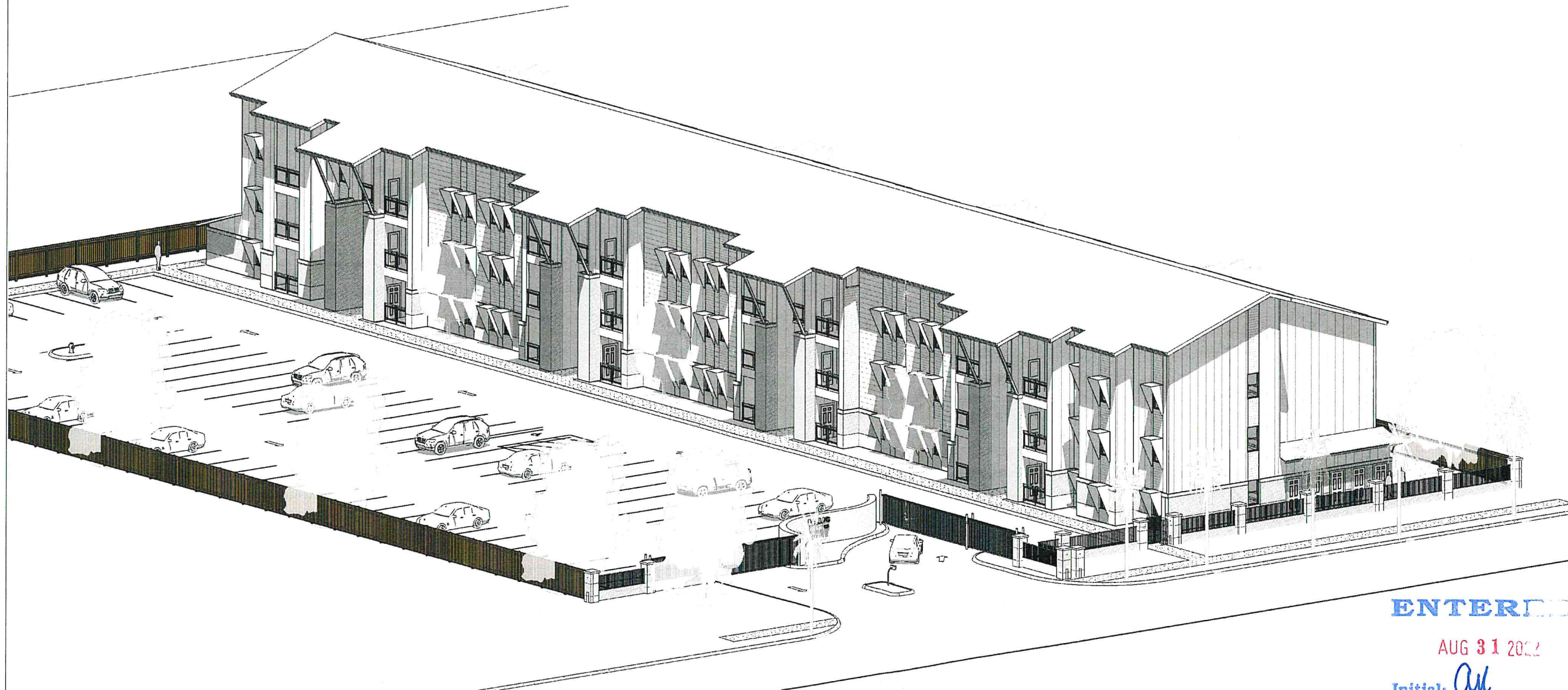
ENTERED

AUG 31 2022

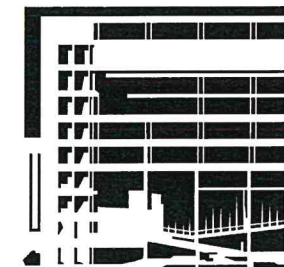
Initial: *aul*



② ISOMETRIC 2



① ISOMETRIC



FRANK P. KEY
& ASSOCIATES

1110 E JASMINE AVE. SUITE 104
MCALLEN, TX 78501
TEL. 956-664-1110, FAX 956-664-1113
www.frankkeyarchitect.com

PRELIMINARY
NOT FOR BUILDING PERMIT
OR CONSTRUCTION

No.	Description	Date
01	ISSUED FOR SCHEMATIC DESIGN	06/04/21
02	ISSUED FOR DESIGN DEVELOPMENT	07/07/21
03	REVISED	08/06/21
04	RE-ISSUED FOR DESIGN DEVELOPMENT	05/31/22
05	ISSUED FOR REVIEW	06/17/22
06	REVISED	08/25/22

AFC DALLAS
APARTMENTS

AFC DALLAS AVE. McAllen TX

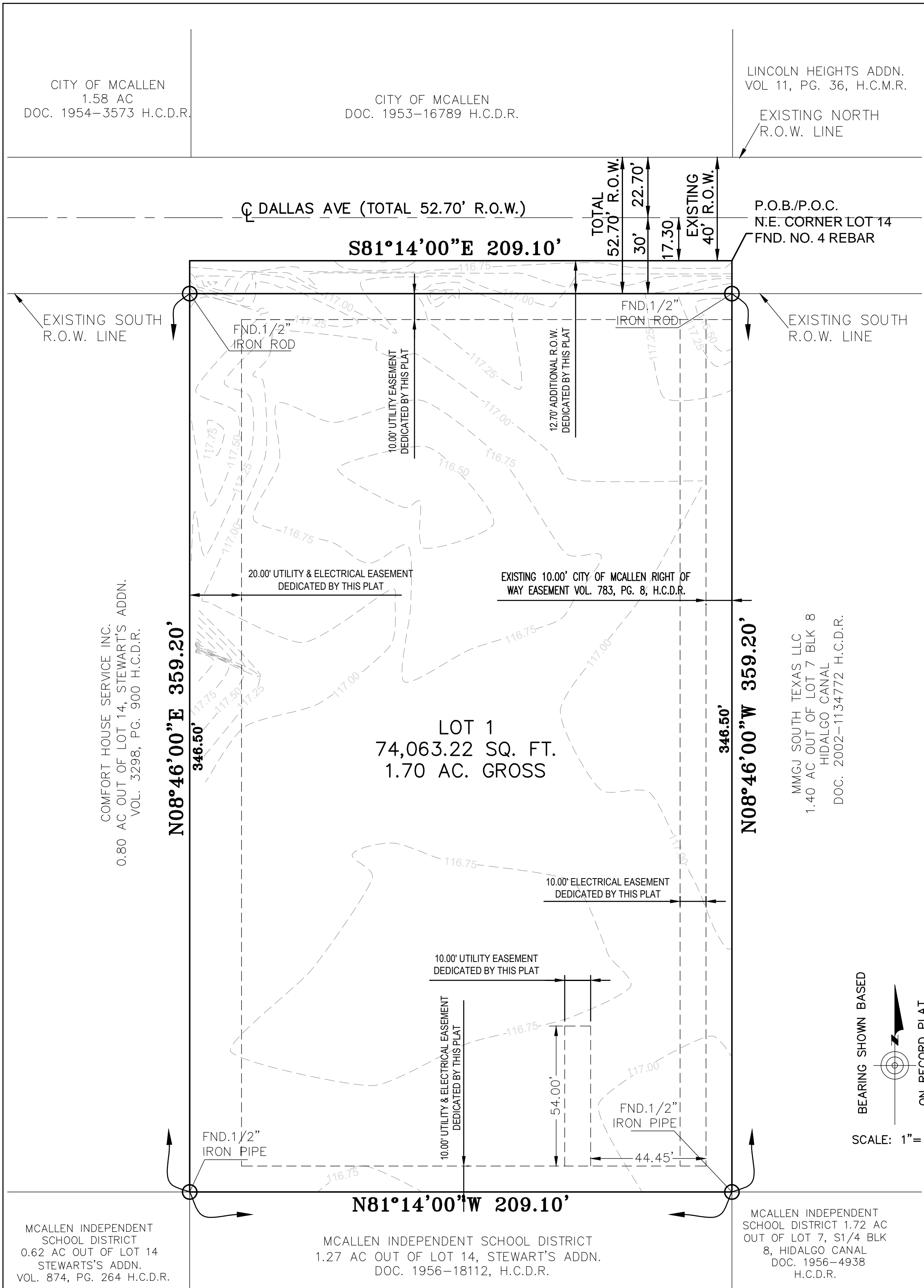
ISOMETRIC VIEW

Project number	Project Number
Date	Issue Date
Drawn by	EG
Checked by	VP
A6.0	
Scale	

ENTERED

AUG 31 2022

Initial: *AK*



SUBDIVISION PLAT OF
"WORLD OF 4" SUBDIVISION
MCALLEN, TEXAS

A 1.724 ACRE TRACT OF LAND AS BEING OUT OF THE NORTH 359.20 FEET OF THE EAST 3.0 ACRES OF LOT 14, STEWART'S ADDITION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS

TRACING # 2
8/1/2022

FILE FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

- METES AND BOUNDS:
- A 1.724 ACRE TRACT OF LAND AS BEING OUT OF THE NORTH 359.20 FEET OF THE EAST 3.0 ACRES OF LOT 14, STEWART'S ADDITION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 56, MAP RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, SAID 1.724 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
- THE POINT OF COMMENCEMENT (P.O.C.) BEING AT A FOUND NO. 4 REBAR ON THE APPARENT EXISTING SOUTH RIGHT-OF-WAY LINE OF SAID DALLAS STREET AND ON THE NORTH LOT LINE OF SAID LOT 14 FOR THE NORTHEAST CORNER OF SAID 1.724 ACRE TRACT, AND ALSO BEING THE POINT OF BEGINNING (P.O.B.) OF SAID 1.724-ACRE TRACT OF LAND HEREIN DESCRIBED;
- THENCE, S 08 DEG. 46 MIN. 8 SEC. W. WITH THE APPARENT EAST LOT LINE OF SAID LOT 14 AND 1.724-ACRE TRACT, A DISTANCE OF 359.20 TO SET NO. 4 REBAR (WITH PLASTIC CAP STAMPED 2791) FOR THE SOUTHEAST CORNER OF SAID 1.724-ACRE TRACT OF LAND HEREIN DESCRIBED;
- THENCE, N 81 DEG. 14 MIN. 00 SEC. W. PARALLEL TO SAID LOT 14 NORTH LOT LINE AND WITH AN APPARENT SOUTH LOT LINE OF SAID 1.724-ACRE TRACT, A DISTANCE OF 209.10 FEET TO A SET NO. 4 REBAR (WITH PLASTIC CAP STAMPED 2791) FOR THE SOUTHWEST CORNER OF SAID 1.724-ACRE TRACT OF LAND HEREIN DESCRIBED;
- THENCE, N 08 DEG. 46 MIN. 00 SEC. E. PARALLEL TO SAID LOT 14 EAST LOT LINE AND WITH THE WEST LOT LINE OF SAID 1.724-ACRE TRACT, A DISTANCE OF 359.20 FEET TO A POINT ON SAID DALLAS STREET EXISTING SOUTH RIGHT-OF-WAY LINE AND BEING 0.40 OF A FOOT WEST AND 0.56 OF A FOOT NORTH OF A FOUND NO. 4 REBAR FOR THE NORTHWEST CORNER OF SAID 1.724-ACRE TRACT OF LAND HEREIN DESCRIBED;
- THENCE, S 81 DEG. 14 MIN. 00 SEC. E. WITH SAID DALLAS STREET EXISTING SOUTH RIGHT-OF-WAY LINE, LOT 14 NORTH LOT LINE AND WITH THE APPARENT NORTH LOT LINE OF SAID 1.724-ACRE TRACT, A DISTANCE OF 209.10 FEET TO A FOUND NO. 4 REBAR FOR THE NORTHEAST CORNER OF SAID LOT 14 AND 1.724-ACRE TRACT OF LAND HEREIN DESCRIBED, ALSO BEING THE POINT OF BEGINNING, CONTAINING A GROSS OF 1.724 ACRES OF LAND (CALCULATED), MORE OR LESS.
- GENERAL NOTES:
1. FINISHED FLOOR ELEVATION TO BE 18" INCHES ABOVE TOP OF CURB OR BASE FLOOD ELEVATION, WHICHEVER IS HIGHER.
 2. THIS PROPERTY IS LOCATED IN "ZONE B", AREAS OF MINIMAL FLOODING, IN ACCORDANCE WITH F.E.M.A.-F.I.R.M. COMMUNITY PANEL No. 480343 0005 C, MAP REVISED NOVEMBER 2, 1982.
 3. A 4 FT. MINIMUM SIDEWALK REQUIRED ON DALLAS AVE.
 4. MIN. BUILDING SETBACK LINES SHALL BE AS FOLLOWS:
FRONT: 22 FT OR GREATER FOR EASEMENTS.
REAR: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
SIDES: IN ACCORDANCE WITH THE ZONING ORDINANCE, OR GREATER FOR APPROVED SITE PLAN OR EASEMENTS.
GARAGE: : 18 FT EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.
 5. BENCHMARK: BENCHMARK No. 1 - ELEV. 97.15 TOP OF TELEPHONE MANHOLE LOCATED 57.31 FEET EAST AND 50.5 FEET NORTH FROM SOUTHWEST CORNER OF PROPOSED SUBDIVISION, N.A.V.D. 88 DATUM
BENCHMARK AQUA= ELEV. 110.38 ALUMINUM DISK FOUND LOCATED 2025 FEET WEST AND 140 FEET SOUTH FROM THE NORTHWEST CORNER OF THIS SUBDIVISION. N.A.V.D. 88 DATUM. LOCATED INSIDE CITY OF MCALLEN SOUTHWEST WATER PLANT.
 6. MAINTENANCE OF ALL LANDSCAPE AND DETENTION AREAS IS THE RESPONSIBILITY OF THE LOT OWNER.
 7. ALL CONSTRUCTION SHALL COMPLY WITH STORM WATER POLLUTION PREVENTION PLAN (SWSP) REQUIREMENTS.
 8. ADDITIONAL FIRE PROTECTION MAY BE REQUIRED AT BUILDING PERMIT STAGE INCLUDING NECESSARY EASEMENTS.
 9. NO PERMANENT STRUCTURES SHALL BE ALLOWED WITHIN, UTILITY EASEMENTS, GAS EASEMENTS, OR IRRIGATION EASEMENTS AND LOT LINES.
 10. AN ENGINEERED DETENTION PLAN APPROVED BY THE ENGINEERING DEPARTMENT IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
 11. DRAINAGE DETENTION REQUIRED FOR THIS PROPERTY IS AS FOLLOWS:
LOT 1 - 15,032 CF (0.351 AC-FT)
 12. NO STRUCTURES SHALL BE BUILT OVER ANY EASEMENTS.
 13. 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES.
 14. 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
 15. THE DEVELOPER SHALL BE RESPONSIBLE FOR DETAINING AND ACCOMMODATING MORE THAN THE DETAINED VOLUME SHOWN ON THIS PLAT IF IT IS DETERMINED, AT THE PERMIT STAGE, THAT THE DETENTION REQUIREMENTS ARE GREATER THAN STATED ON THIS PLAT, DUE TO THE IMPERVIOUS AREA BEING GREATER THAN THE PLAT ENGINEER CONSIDERED IN THE HYDRAULIC CALCULATIONS FOR THIS SUBDIVISION.
 16. MINIMUM 24-FOOT WIDE PRIVATE SERVICE DRIVE WITH ACCESS FROM DALLAS AVE FOR LOT 1 WILL BE REQUIRED AT THE TIME OF SITE PLAN APPROVAL BY THE CITY OF MCALLEN. RESPECTIVE OWNER OF LOT SHALL BE RESPONSIBLE FOR MAINTENANCE OF COMMON AREAS & PRIVATE SERVICE DRIVE ON ITS LOT, COMMON AREAS. CITY OF MCALLEN SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE OF THE FOREGOING.

STATE OF TEXAS
COUNTY OF HIDALGO

I (WE) THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE "WORLD OF 4" SUBDIVISION TO THE CITY OF MCALLEN, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, WATER LINES, SEWER LINES, STORM SEWERS, FIRE HYDRANTS AND PUBLIC PLACES WHICH ARE INSTALLED OR WHICH I (WE) WILL CAUSE TO BE INSTALLED THEREON, SHOWN OR NOT SHOWN, IF REQUIRED OTHERWISE TO BE INSTALLED OR DEDICATED UNDER THE SUBDIVISION APPROVAL PROCESS OF THE CITY OF MCALLEN, ALL THE SAME FOR THE PURPOSES THEREIN EXPRESSED, EITHER ON THE PLAT HEREOF OR ON THE OFFICIAL MINUTES OF THE APPLICABLE AUTHORITIES OF THE CITY OF MCALLEN.

ELOY AGUIRRE
AGUIRRE FAMILY LIMITED PARTNERSHIP LP, TEXAS LIMITED PARTNERSHIP
1817 SHARI DR.
PHARR, TEXAS 78577

DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 20____.

NOTARY PUBLIC

HIDALGO COUNTY, TEXAS

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HIDALGO

I/WE, THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS _____ OF THE CITY OF MCALLEN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORCLOSURE RELATING TO THE SECURITY INTEREST ON THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

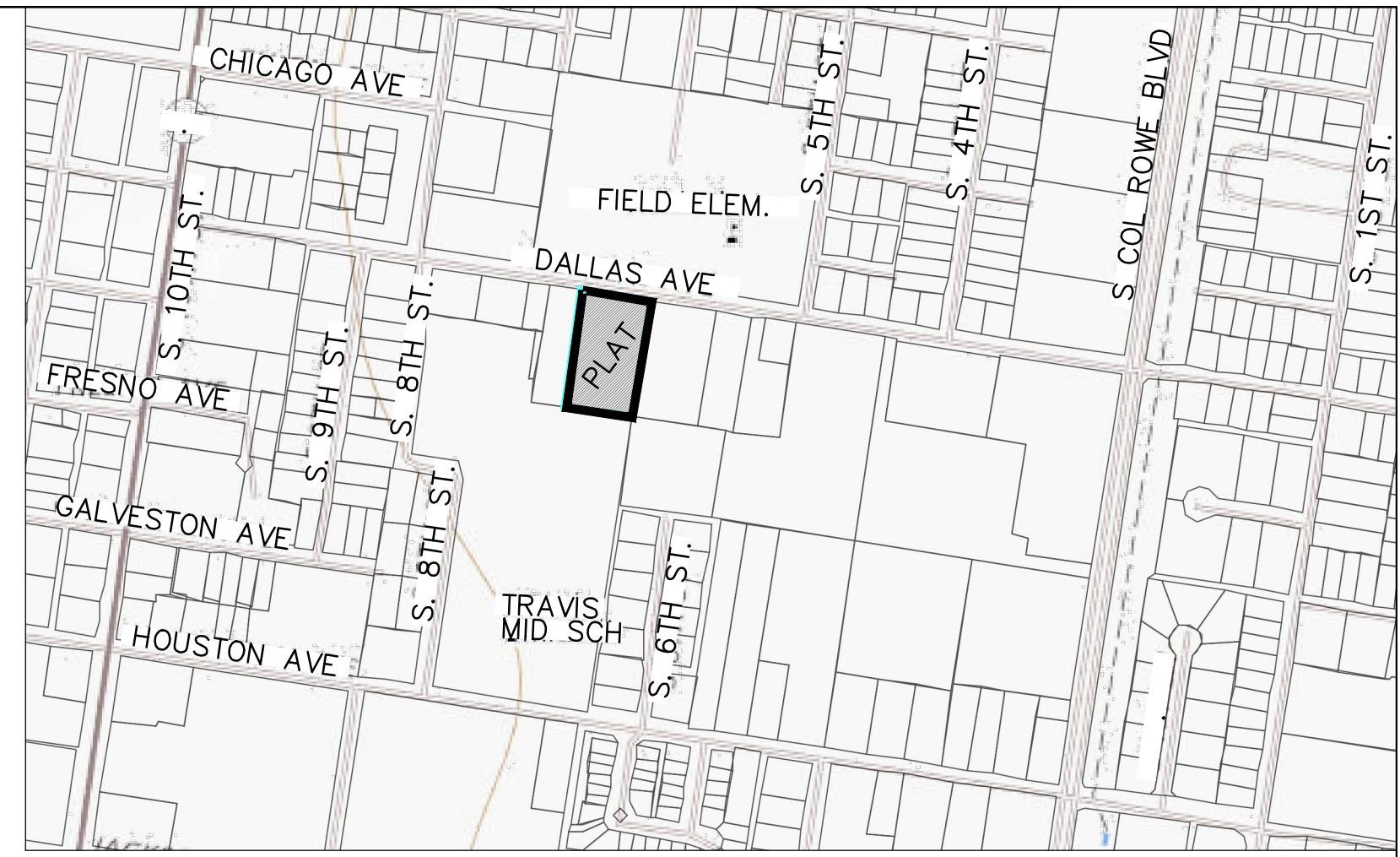
SECURITY INTEREST HOLDER: _____ DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED THE PERSON OR PERSONS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20____.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES _____



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

MAYOR, CITY OF MCALLEN _____ DATE: _____

I, THE UNDERSIGNED, CHAIRMAN OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MCALLEN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHERE IN MY APPROVAL IS REQUIRED

CHAIRMAN, PLANNING AND ZONING COMMISSION, CITY OF MCALLEN _____ DATE: _____

THIS PLAT IS HEREBY APPROVED BY THE HIDALGO COUNTY IRRIGATION NO. 1, ON THIS ____ DAY OF _____ 20____.

HIDALGO COUNTY IRRIGATION DISTRICT NO. ONE WILL NOT BE RESPONSIBLE FOR DRAINAGE OR DELIVERY OF WATER TO ANY LOT IN THIS SUBDIVISION. ALSO THERE WILL NOT BE ANY PERMANENT STRUCTURES ON THE DISTRICT RIGHT-OF-WAYS AND/OR EASEMENTS.

NO IMPROVEMENTS OF ANY KIND SHALL BE PLACED UPON THE HOI#1 RIGHT-OF-WAYS OR EASEMENTS. WITHOUT THE EXPRESSED WRITTEN PERMISSION OF HOI#1.

PRESIDENT _____ SECRETARY _____

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

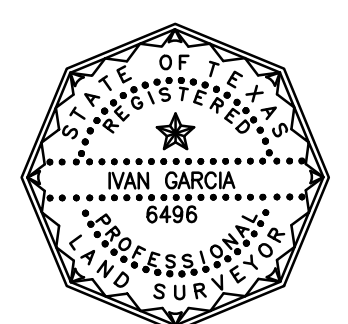
RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER _____ DATE _____

STATE OF TEXAS
COUNTY OF HIDALGO

I, (SURVEYOR), REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MCALLEN, TEXAS.

DATED THIS THE ____ DAY OF _____ 20____.

REGISTERED PROFESSIONAL SURVEYOR (SEAL)
IVAN GARCIA
REGISTERED PROFESSIONAL PUBLIC SURVEYOR No. 6496
921 SOUTH 10TH AVENUE EDINBURG, TEXAS 78539
(956) 380-5152

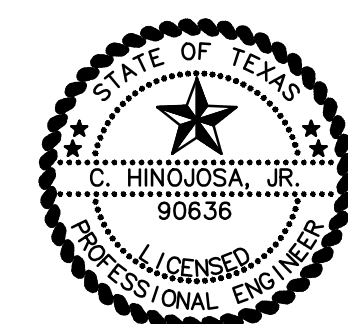


No. _____ STATE OF TEXAS.

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

REGISTERED PROFESSIONAL ENGINEER (SEAL)
CLOROMIRO HINOJOSA, JR.
CLH ENGINEERING, INC.
701 S. 15TH STREET, MCALLEN, TX 78501
(TEL)956-687-5560 (FAX)956-687-5561



CLH
ENGINEERING, INC.
TSPE FIRM No. F-8719
701 S. 15th STREET MCALLEN, TX. 78501
(956) 687-5560 (956) 687-5561 FAX

No. _____ STATE OF TEXAS.

DATE OF PREPARATION: AUGUST 1, 2022



• Commercial / Multi-Family Construction
• Construction Management
• Apartments For Sale or Rentals
• Retail Construction and Rentals
• For Information on Rental Please Call:
(956) 783-3569
1817 Sharm Drive, P.O. Box 78577
Phon: (956) 783-EL... (956) 783-3568

NOTICE
VARIANCE
FOR
THIS PROPERTY
ZBA2022-0072
CITY OF McALLEN PLANNING DEPT.
108-611-1200
WWW.MCALLEN.NET

Memo

TO: Zoning Board of Adjustment & Appeals

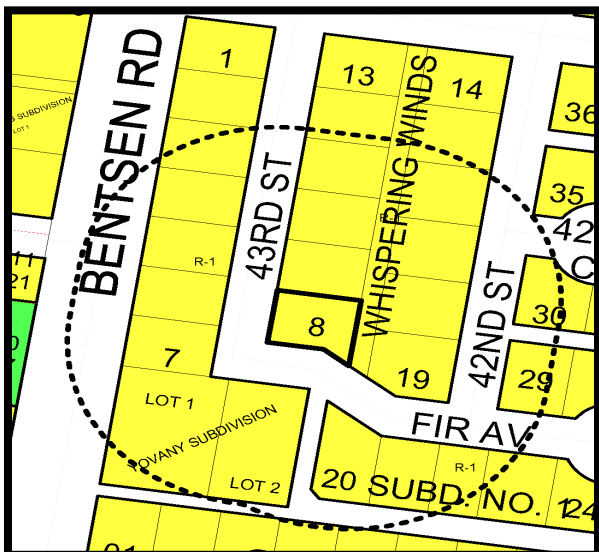
FROM: Planning Staff

DATE: September 30, 2022

SUBJECT: REQUEST OF LEOBARDO MENDOZA FOR THE FOLLOWING SPECIAL EXCEPTIONS AND VARIANCE REQUEST TO THE CITY OF MCALLEN ZONING ORDINANCE TO 1) ALLOW AN ENCROACHMENT OF 10 FEET INTO THE 10 FEET REAR YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 29.9 FEET BY 10 FEET, 2) TO ALLOW AN ENCROACHMENT OF 7 FEET INTO THE 10 FEET REAR YARD SETBACK, AND AN ENCROACHMENT OF 6 FEET INTO THE 10 FEET SOUTH SIDE YARD SETBACK FOR AN EXISTING METAL CARPORT MEASURING 24.7 FEET BY 9 FEET, AND 3) A VARIANCE FOR AN EXISTING UTILITY PORCH MEASURING 5 FEET BY 8 FEET ENCROACHING 5 FEET INTO THE 10 FEET REAR YARD SETBACK, AT LOT 8, WHISPERING WINDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 600 NORTH 43RD STREET. (ZBA2022-0075)

REASON FOR APPEAL:

The applicant is requesting special exceptions for encroachments into the rear and side yard setbacks for two existing carports and a variance for an encroachment into the rear yard setback for a utility porch. According to the applicant, the carport is for protection from the weather elements for the vehicles and the utility porch is being used for shade when doing laundry. The applicant states he was unaware of a requirement for setbacks and building permits for the construction. The carports also help him with shade for health related reasons.



PROPERTY LOCATION AND VICINITY:

The subject property is located at the northeast corner of North 43rd Street and Fir Avenue. The Lot has 64.55 feet of frontage along North 43rd Street and a depth of approximately 89 feet at its deepest point for a Lot size of approximately 5,487 square feet. The property is zoned R-1 (single-family residential) District and a single-family residence is located on the property. The surrounding land use is single family.

BACKGROUND AND HISTORY:

Whispering Winds Subdivision was recorded on September 30, 1980. The rear yard setback is 10 feet as per plat. There is no records of any Utility Easements on the plat for this lot. A stop work order was issued by the Building Permits and Inspections Department on August 30, 2022 for construction without a permit. An application for a building permit was submitted to Building Permits and Inspections Department on August 31, 2022, and a Special Exception request was submitted to the Planning Department on August 31, 2022.

ANALYSIS:

The request is for:

- 1) **A special exception #1:** to allow an encroachment of 10 feet into the 10 feet rear yard setback for an existing metal carport measuring 29.9 feet by 10 feet. The existing carport was built by the owner in 2020 due to health related reasons and, for protection of his vehicles. The applicant was not aware a permit was required in order to build the structure and was unaware of the setbacks that needed to be maintained.
- 2) **A special exception #2:** to allow an existing metal with canvas cover carport encroaching 7 feet into the 10 feet rear yard setback and 6 feet into the 10 feet south side yard setback. The applicant built the structure in 2013 after the hail storm in 2012 for protection of his vehicles. The applicant built the structure unaware that a building permit was required and unaware of the setbacks required and.
- 3) **A variance #3:** for an existing utility porch measuring 5 feet by 8 feet encroaching 5 feet into the 10 feet rear yard setback. The structure was built in 2008 as a protection to provide shade when doing their laundry manually. The applicant was not aware that a building permit was required for the construction.

The home does not contain a car garage.

Locating carports and having access from the alley at the rear of the property helps to maintain curb appeal along the front yard.

A windshield survey of the area revealed other similar rear yard encroachments; however, a review of Planning Department did not reveal Variances or Special Exceptions approved in the past for this subdivision.

Any relocation of the structures would involve encroachment into other setbacks.

An adjacent 20 feet alley helps to provide a buffer with adjacent properties.

Measurements provided are without the benefit of a survey.

The applicant submitted a list of neighboring residents in support of his requests.

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

RECOMMENDATION:

Staff recommends **approval** of the Special Exception requests and **disapproval** for the variance request, since location at the rear yard helps to maintain curb appeal along the front yard, and hardship for the utility porch has not been established. The existing 20 feet alley also provides a separation to other existing structures. If the Board chooses to approve the request, it should be limited to the encroachments shown on the submitted site plan.

26A2022-0075

ZBOA-10/5/22



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)

Project

Legal Description WHISPERING WINDS LOT #8

Subdivision Name

Street Address

600 N 43rd ST

Number of lots

Gross acres

Existing Zoning

Residencial

Existing Land Use

Residencial

Reason for Appeal (please use other side if necessary) #1- Cochera 29.7 X 10 FT Metros

FT 10.00 Dentro de los 10 FT Trasevos #2 Cochera 29.7 X 5-3 Dentro de los 10 FT
De la Iada 8 6.8 De los 10 FT Trasevos #3 Dentro 5 FT de los 10 FT ATAS

☒ \$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 LEOBARDO MENDOZA Phone (956) 888-4686

Address 600 N 43rd ST E-mail LIIVAS_USA7363@GMAIL.COM

City McAllen State TX Zip 78501

Owner

Name SAME Phone

Address E-mail

City State Zip

Authorization

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

☐ Yes

☒ No

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

Signature [Signature]

Date 8/31/2022

Print Name LEOBARDO MENDOZA

☒ Owner

☐ Authorized Agent

Office

Accepted by [Signature]

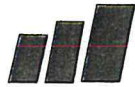
Payment received by

Date

Rev 10/18

AUG 31 2022

25



City of McAllen
Planning Department
REASON FOR APPEAL & BOARD ACTION

10/10/2020

*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:

No tengo cochera en mi casa y necesito
protección para mis carros/ De Robo/ Granizo/
Sol/

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

es para proteger mi patrimonio en
mis Vehículos,

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:

Las Estructuras son Avicerrtas y no
obstruye ninguna línea de utilidades

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

Para Protección de mi familia de
incapacidas yo estoy Desabilitado
y mi hija la mayor.

Reason for Appeal

Board Action

Chairman, Board of Adjustment
Signature

Date

FIRMAS A FAVOR DE LA ESTRUCTURA

J
Jesse FRIAS 4209 FIR McALLEN, TEXAS 78501
Sonia Menchaca 605 N 42nd St. McAllen TX
Daniel G. BENEHA 613 N. 43rd St. McAllen TX
Carlos F. Vasquez 604 N. 43rd St. McAllen TX
Egic Lerma 609 N. 43rd St.
Luis 601 N. 43rd St.

GRACIELA MAYOREA 4201 FIR. AVE. McALLEN
Austino Gtz 604 1/2 42nd St

Jesse Alanis 612 N. 42nd St. McAllen, TX
Juan Lopez 616 N. 42nd Court McAllen, TX

SERAPIAS BAEZ RODRIGUEZ 624 N 42ND CT McALLEN 78501

Aldo Guerrero 613 N 42nd St McAllen 78501

Laura Martinez 6021 N. 42nd St. McAllen TX.

Maria E Diaz 4200 GUMWOOD 78501

Lucia Carranza 4220 Gumwood Circle, McAllen

Juan Elizondo 4201 Gumwood Cir.

Juan R Dots 4300 GUMWOOD CIR McAllen TX.
Rky Gonzalez 4301 Gumwood Cir

Thelma Gamboa 4320 Gumwood Cr.

Diego DIA ~~3013 GUMWOOD AVE~~ 620 N 43rd St. McAllen

Aldo Davila 601 N. 43rd McAllen TX 78501

Angel Garcia 617 N. 43rd Street McAllen TX 78501

Jesus Jimenez 612 N 43rd St McAllen TX 78501

Alfonso 608 N 43rd St McAllen TX 78501

Rudy Sepúlveda, Jr. 4208 Gumwood Circle McAllen, TX.

Irma Losoya 4216 Gumwood Cir. McAllen TX

Jose de Leon 4312 Gumwood Circle McAllen TX

Linda Vinville 4308 Gumwood Circle, McAllen, TX

Silvia Guerra 4316 Gumwood Cir McAllen, TX 78501

Juan Cantu - 4125 Gumwood Ave McAllen, TX 78501

Margarita Cantu - 617 N. 42nd St McAllen, TX 78501

Ken McAllen 616 N 43rd St McAllen TX 78501







**NOTICE
VARIANCE
SPECIAL EXCEPTION
FOR
THIS PROPERTY
ZBA2022-0075**

SECURED BY
Protection
956-691-1250
WWW.MCALLENNET.COM

CITY OF MCALLEN PLANNING DEPT.
956-691-1250
WWW.MCALLENNET.COM



Memo

TO: Zoning Board of Adjustment & Appeals

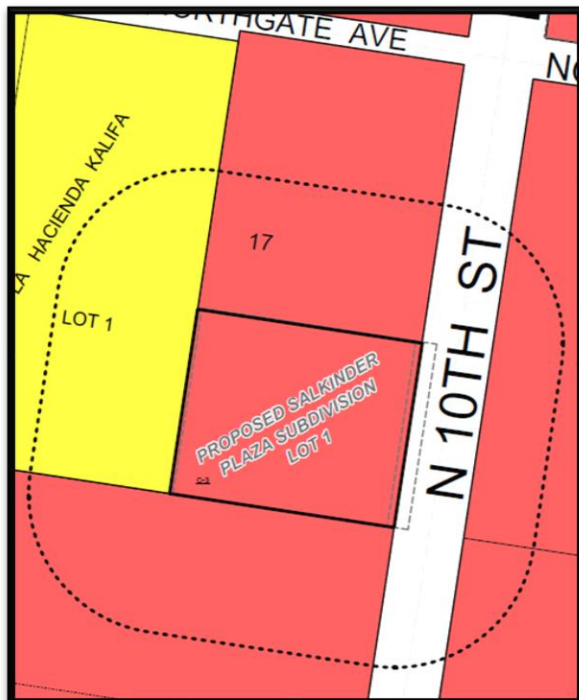
FROM: Planning Staff

DATE: September 26, 2022

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

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

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



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

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

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

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

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

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

RECOMMENDATION:

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



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

311 North 15th Street
McAllen, TX 78501

P. O. Box 220
McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Legal Description

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

Project

Subdivision Name

PROPOSED SALKINDER PLAZA SUBDIVISION

Street Address

8909 N. 10TH ST. MCALLEN, TEXAS 78504

Number of lots 1

Gross acres 2.06

Existing Zoning C-3

Existing Land

COMMERCIAL

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

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

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

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

Applicant

Name TREVINOENGINEERING

Phone 956-283-8847

Address 200 S. 10TH ST SUITE 1303

E-mail IDENT@TREVINOENGINEERING.COM

KARIME@TREVINOENGINEERING.COM

City MCALLEN

State TEXAS

Zip 78501

Owner

Name SONIA SALKINDER

Phone 956-358-1212

Address 4900 N. 10TH STREET

E-mail MLOPEZ@URBANCITYTX.COM

City MCALLEN

State TEXAS

Zip 78501

Authorization

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

☐ Yes

☒ No

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

Signature

Date 09/07/2022

Print Name IDEN I. TREVINO

☐ Owner

☒ Authorized Agent

Office

Accepted by

Payment received by

Date

Rev 09/20

ENTERED

SEP 09 2022

Initial:



City of McAllen

Planning Department

REASON FOR APPEAL & BOARD ACTION

Reason for Appeal	
	<p>*A variance will not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to make a finding of hardship and grant the variance, the Zoning Board of Adjustment will consider any combination of the following: <i>(Please use an additional page if necessary to complete responses)</i></p> <p>**Information provided here by the applicant does not guarantee that the Board will grant a variance.</p> <p>***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.</p>
	<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>CITY OF MCALLEN BUFFER REQUIREMENTS ARE AS FOLLOWS: 8FT MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL OR MULTIFAMILY RESIDENTIAL ZONE/ USES. CURRENTLY THERE IS AN EXISTING 6FT MASONRY WALL THAT WAS BUILT BY THE SINGLE FAMILY RESIDENTIAL OWNER. THE WALL HEIGHT REQUIREMENT IS 2 FT LOWER THAN THE BUFFER REQUIREMENT.</p>
	<p>2. Describe how the variance is necessary for the preservation and enjoyment of the legal property rights of the owner:</p> <p>THE VARIANCE IS NECESSARY TO AVOID BUILDING AS NEW 8 FT MASONRY WALL NEXT TO THE EXISTING 6 FT MASORY WALL.</p>
	<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>THE EXISTING MASONRY WALL WILL REMAIN AS IS.</p>
	<p>4. Describe special conditions that are unique to this applicant or property:</p> <p>TRYING TO USE THE EXISINTING MASONRY WALL. THE ADDITONAL FEET CAN NOT BE ADDED TO THE EXISTING MASONRY WALL BECAUSE THE FOUNDATION WAS NOT DESIGNED FOR AN 8 FT HIGH WALL.</p>
Board Action	
	<p>Chairman, Board of Adjustment Signature</p> <p>Date</p>

PLAT SHOWING:
A BOUNDARY SURVEY OF A 2.06 ACRE TRACT
BEING THE SOUTH 2.06 ACRES OUT
OUT OF THE EAST 5.31 ACRES OF LOT 17, EBONY HEIGHTS
CITRUS GROVES UNIT NO. 1, HIDALGO COUNTY, TEXAS, AS
PER MAP OR PLAT THEREOF RECORDED IN VOLUME 5, PAGE
39, MAP RECORDS, HIDALGO COUNTY, TEXAS.

LEGEND

- - FOUND 1/2" IRON ROD OR AS NOTED
- - FOUND 1" IRON PIPE OR AS NOTED
- △ - CALCULATED POINT
- GWD: - GENERAL WARRANTY DEED
- SWD: - SPECIAL WARRANTY DEED
- O.R.H.C.T. - OFFICIAL RECORDS
HIDALGO COUNTY TEXAS
- M.R.H.C.T. - MAP RECORDS HIDALGO
COUNTY TEXAS
- R.O.W. - RIGHT OF WAY
- VOL. - VOLUME
- PG. - PAGE
- BOUNDARY LINE
- - - RIGHT OF WAY LINE
- LOT LINE
- - - PROPERTY LINE
- ROADWAY CENTERLINE
- /// CONCRETE CURB AND GUTTER



GRAPHIC SCALE IN FEET: 1"=50'
50' 25' 0 50'

BASIS OF BEARINGS:
TEXAS STATE PLANE
COORDINATE SYSTEM
SOUTH ZONE 4205

NOTES:

1. NO EASEMENT RESEARCH WAS DONE FOR THE PRESENTATION OF THIS BOUNDARY SURVEY BY THE SURVEYOR.
2. ALL ADJOINER INFORMATION SHOWN HEREON AS PER HIDALGO COUNTY APPRAISAL DISTRICT RECORDS.
3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREBY ACCOMPANIES THIS SURVEY PLAT.
4. SURVEY VALID ONLY WITH ORIGINAL SEAL AND SIGNATURE.

JOB NO. 22241

SHEET 2 OF 2



**Carrizales
Land
Surveying, LLC**

Texas Registered Surveying Firm
TSPS FIRM No: 10194417
4807 Gondola Avenue,
Edinburg, TX 78542
Office: 956-567-2167
www.cls.land

I, MANUEL CARRIZALES, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION IN THE MONTH OF AUGUST, 2022. THIS BOUNDARY SURVEY REPRESENTS THE GEOMETRICAL AREA AS CONVEYED BY DEED DESCRIPTION, AND IS BASED ON MONUMENTATION COLLECTED IN THE FIELD FOR THE BEST FIT ALIGNMENT OF THE LOTS AS DESCRIBED IN EBONY HEIGHTS CITRUS GROVE UNIT NO. ONE AS RECORDED IN VOLUME 5, PAGE 39 OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS. NO EASEMENT RESEARCH WAS DONE FOR THIS SURVEY.

MANUEL CARRIZALES
R.P.L.S. #6388

DATE



LOT 1
LA HACIENDA KALIFA
SUBDIVISION
VOL. 33, PG. 50
M.R.H.C.T.

S81°26'36"E

316.95'

336.95'

316.95'

266.30'

266.30'

20.0' RIGHT OF WAY
EASEMENT
VOL. 815, PG. 541

Q N. 10TH STREET [S.H. 336] [100.0' R.O.W.]

2.06 ACRES
[89,729.72 SQ.FT.]
SALKINDER REAL ESTATE, LLC
SWD #3208328
O.R.H.C.T.



DETAIL "A"
NOT TO SCALE

POINT OF BEGINNING
S.E. CORNER LOT 17

N08°33'25"E

S08°33'25"W

N81°26'35"W

336.95'

HIDALGO CANAL CO-MC
LOT 3, BLK 13
10 AC
DAYSTAR PROPERTIES LLC
GWD #3103868
O.R.H.C.T.

ENTERED
SEP 13 2022
SEE DETAIL "A"





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

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



2s)

Remain tabled

2t)

Remain tabled

2022 ATTENDANCE RECORD FOR ZONING BOARD OF ADJUSTMENT AND APPEALS

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

P - PRESENT

A - ABSENT

 NEW APPOINTMENT

MC - MEETING CANCELLED

NRM - NO MEETING

LOQ - LACK OF QUORUM

RS - RESIGNATION







PLANNING DEPARTMENT

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



2022 CALENDAR

Meetings:

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

HPC - Historic Preservation Council

Deadlines:

D- Zoning/CUP Application N - Public Notification

* Holiday - Office is closed

JANUARY 2022

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

FEBRUARY 2022

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

MARCH 2022

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

APRIL 2022

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

MAY 2022

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





JUNE 2022

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

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

2022 CALENDAR

Meetings:





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

Deadlines:






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

* **Holiday** - Office is closed





JULY 2022

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






AUGUST 2022

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





SEPTEMBER 2022

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




OCTOBER 2022

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

NOVEMBER 2022

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

DECEMBER 2022

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