AGENDA

ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
WEDNESDAY, OCTOBER 7, 2026 - 4:30 PM
MCALLEN CITY HALL, 1300 HOUSTON AVENUE
CITY COMMISSION CHAMBERS, 3RD FLOOR

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

CALL TO ORDER -

1. MINUTES:

a) Minutes for the meeting held on September 9, 2026

2. PUBLIC HEARINGS:

a) Request of Ramon Almaguer, on behalf of Monarca Capital Lending LLC, for a variance to allow a 10-foot front yard setback instead of the required 25 feet, for Lots 1-5, Newport Subdivision, Hidalgo County, Texas; 1317, 1321, 1325, 1329, and 1333 South 18th Street. **(ZBA2026-0040)**

b) Request of Martha I. Garza, for a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for Lot 23, Block 1, McAllen Heights Subdivision, Hidalgo County, Texas; 705 South 26th ½ Street. **(ZBA2026-0039)**

3. DISCUSSION:

a) Election of Vice-Chairperson

4. FUTURE AGENDA ITEMS

a) 925 East Sundown Drive

b) 3024 Judith Avenue

c) 4501 North 5th Street

d) 500 Harvey Street

ADJOURNMENT:

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

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 9, 2026, 2026 at 4:30 p.m. in the McAllen City Hall, Commission Chambers with the following present:

Present:	**Jose Gutierrez**	**Chairperson**
	Ivan Garcia	**Member**
	Juan Mujica	**Alternate**
	Alex Lamela	**Alternate**
Absent:	**Hiram Gutierrez**	**Member**
	Daniel Santos	**Member**
	Erick Diaz	**Alternate**
	Francisco Davila	**Alternate**
Staff Present:	**Norma Borrego**	**Assistant City Attorney I**
	Omar Sotelo	**Planning Director**
	Kaveh Forghanparast	**Senior Planner**
	Mia Fuentes	**Planner I**
	Jessica Puga	**Technician II**
	Valerie Ramos	**Administrative Assistant**

CALL TO ORDER –Chairperson Jose Gutierrez

1. **MINUTES:**

a) Minutes for meeting held on August 19, 2026.

The minutes for the meeting held on August 19, 2026. The motion to approve the minutes were made by Mr. Juan Mujica. Mr. Ivan Garcia seconded the motion, which carried unanimously with four members present and voting.

2. **PUBLIC HEARINGS:**

a) Request of Anabel and Roosevelt Martin, for a variance to allow an encroachment of 10 ft. into the 25 ft. rear setback for a proposed swimming pool at Lot 1, Vendome Subdivision, Hidalgo County, Texas; 3501 Vendome Drive **(ZBA2026-0038)**

Mr. Forghanparast stated the applicant was requesting a variance to the minimum rear 25 ft. setback on a double fronting lot.

The subject property was located along the south side of Vendome Drive, fronting El Pacifico Avenue at the rear of the property, and is zoned R-1 (Single Family Residential-OC) District.

Vendome Subdivision was recorded on October 17, 2017. There was a variance request approved on July 15, 2020 for this property, allowing a 10 ft. encroachment into the 25 ft.

rear setback for a covered patio.

The applicant was requesting a rear setback of 15 feet in order to build a pool at the rear of the property, the minimum rear setback for double fronting lots in this subdivision is 25 feet.

Section 5.3.5.E of the UDC states that where lots have double frontage, running through from one street to another, a required front yard shall be provided on one street only.

As per Section 6.4.1.F. of the UDC, the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

Staff had received no phone calls, emails, or letters in opposition to this request.

Staff recommended approval of the variance request.

Mr. Roosevelt Martin, 3501 Vendome Drive, was present. Chairperson Gutierrez advised the applicant that there were only four members present and because it is a variance request they would need a super majority approval, which means 4 out 5. If one goes against the request then the variance will not get approved. They asked if he wanted to wait or proceed. The applicant stated he would like to continue with the four members present. Mr. Martin stated he was requesting the 10 foot encroachment in the 25 foot rear setback for the swimming pool.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to the Variance request. There was no one to speak in opposition to the Variance request.

Following discussion, Mr. Alex Lamela **moved** to follow staff's recommendation and approve the Variance request. Mr. Ivan Garcia seconded the motion. The Board voted with four Board present and voting.

b) Request of Cesar A. Santoy, for a variance to allow an encroachment of 4 ft. into the 10 ft. rear setback for a room addition at Lot 21, Block 2, La Paloma Addition Subdivision, Hidalgo County, Texas; 1702 Kennedy Avenue **(ZBA2026-0036)**

Mr. Forghanparast stated the applicant was requesting a variance to the minimum rear setback for a proposed room addition to the existing home.

The subject property was located along the north side of Kennedy Avenue, between Bicentennial Boulevard, and South 16th Street and is zoned R-2 (Duplex-Fourplex-OC) District.

La Paloma Addition Subdivision was recorded on September 7, 1926. This is the first

variance request for this property.

The applicant was requesting to encroach 4 feet into the 10 ft. rear setback in order to add additional living space to an existing home. The Unified Development Code (UDC) requires minimum 10 ft. rear setback in R-2 (Medium Density Residential) District. The recorded plat depicts a 10 ft. alley right-of-way along the rear side of the lot.

As per Section 6.4.1.F. of the UDC, the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

Staff had received no phone calls, emails, or letters in opposition to this request.

Staff recommended disapproval of the variance request.

Chairperson Gutierrez asked why was staff recommending disapproval. Staff stated because it was a variance and it runs with the land. However, there was a 10-foot alley after the lot. There was a 10-foot separation from the alley with the additional of 6 feet that there remaining it will be 16 feet to the property on the rear side.

Mr. Cesar A. Santoy, 1702 Kennedy Avenue, McAllen, Texas, was present. He stated he wanted to build an additional room in the back of the house because they were a family of 6 and they needed the extra room. Board member Mujica asked the applicant how many did they have now. Mr. Santoy stated they only had two bedrooms.

Chairperson Gutierrez explained to the applicant that there were only four members present. He asked the applicant if he wanted to wait until there were five members or proceed. Mr. Santoy stated he would go with the four members present.

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

Chairperson Jose Gutierrez asked if there was anyone present to speak in opposition to f the Variance request. There was no one to speak in opposition to the Variance request.

Board member Lamela asked staff why this was recommended disapproval. Staff stated because it ran with the land and against the UDC requirements. However, there was an alley in the back and it was a narrow lot of 25 feet wide. They could not expand to either side.

Board member Mujica asked if there were any utilities in the alley. Staff stated there were not aware but there was no utility easement that was recorded on the plat inside the lot. The 10-foot alley was on the plat.

Following discussion, Mr. Juan Mujica **moved** to go against the staff's recommendation and approve the Variance request. Mr. Alex Lamela seconded the motion. The Board voted to approve the Variance request with four members present and voting.

c) Request of Juan M. Cedillo, for a special exception to allow an encroachment of 16 ft. into the 25 ft. front setback for a proposed carport at Lot 16, Block 3, Westway Heights Subdivision Unit No. 1, Hidalgo County, Texas; 2004 Westway Avenue **(ZBA2026-0035)**

Mr. Forghanparast stated the applicant was requesting a special exception to encroach 16 ft. into the 25 ft front yard setback for a proposed carport to protect his vehicles from the weather elements.

The subject property was located along the north side of Westway Avenue, between North 21st Street and North Bicentennial Boulevard, and is zoned R-1 (Single Family Residential-OC) District.

Westway Heights was recorded on January 7, 1959. This is the first Special Exception request for this property.

The applicant was requesting to encroach 16 feet into the 25 ft. front setback in order to build a carport. The recorded plat shows 25 ft. front setback line. There are at least 3 existing carports on Westway Avenue. The Zoning Board of Adjustments approved two carports in this subdivision along Highland Avenue in 2020 and 2023.

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

Staff recommended approval of the special exception request.

Chairperson Gutierrez mentioned that staff indicated there were three existing carports on Westway Avenue. And that this Board had previously approved two carports. Staff stated there were multiple carports in these subdivisions on all those streets on Westway Avenue, Highland Avenue and Whitewing Avenue. Staff found on record two of them that were approved on Highland Avenue but found two others that were approved by the Board.

Mr. Juan Cedillo, 2004 Westway Avenue, was present. He stated he wanted the carport to protect his vehicles from the inclement weather. He had not built the carport yet. Board member Mujica asked the applicant if he had a garage. Mr. Cedillo stated no he did not have a garage.

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

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

Following discussion, Mr. Ivan Garcia **moved** to approve the Special Exception. Mr. Alex Lamela seconded the motion. The Board voted to approve with four members present and voting.

d) Request of Tim Clark, on behalf of Paradise Park Inc., for the following variances to allow encroachments of: **1)** 7 ft. into the 10 ft. front setbacks and **2)** 1 ft. into the 5 ft. side setbacks for all mobile home properties at 34.06 acres

out of Lot 3, less West 3.79 acres, Block 12, Steele and Pershing Subdivision, Hidalgo County, Texas; 100 East Hackberry Avenue **(ZBA2026-0037)**

Mr. Forghanparast stated the applicant was requesting a variance to the minimum side and front setbacks for all lots in an existing mobile home park in order to build carports and canopies.

The subject property was located along the south side of Hackberry Avenue, between North 2nd Street and North Cynthia Street, and is zoned R-4 (Mobile Home & Modular Home-OC) District.

The property was not a full lot of record, but has been in operation as a mobile home community since before 1978.

The applicant was requesting front setbacks for lots in the mobile home park to be changed from 10 feet to 3 feet and side setbacks from 5 feet to 4 feet. Setback for mobile home lots in R-4 (Mobile Home & Modular Home-OC) is 10 feet in front and 5 feet on sides. The applicant stated that most private drives are 26ft. wide, so reducing the front setback will not hinder emergency vehicle access and maneuvering inside the property. There multiple mobile home lots existing on the property, many with existing carports and canopies appear to be encroaching into the 10 ft. front setbacks and 5 ft. side setbacks.

As per Section 6.4.1.F. of the UDC, the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

Staff had received no phone calls, emails, or letters in opposition to this request.

Staff recommended disapproval of the variance request.

Staff stated from the time the memo was uploaded until today the Fire Department could actually go through the property (staff showed photos) tested it and had no objection to the encroachment of the front setback because they had enough maneuvering ability.

Board member Mujica reiterated to staff that the Fire Department had driven around and maneuver as required for every property in the City. Staff stated for the front setbacks none of the departments had any objections including the Fire Department that went and tested and had no issues with the encroachment of the front setbacks. Staff stated that the applicant was under the impression that no permit was required by the City so a lot of those canopies and carports were done inside this property without obtaining a building permit. When they wanted to get one approved it was rejected because of the encroachment into the setbacks. Board member Mujica inquired again if this entails every lot on this property. Staff stated it was actually one lot because it was not subdivided but still required the 10-foot separation in between the buildings as per Fire Code. This was a very old property so it has been in use prior to this ordinance existence.

Board member Garcia asked staff looking at the plat, showing the area for each tract or lot how much was the Right-a-Way. Staff stated it was not a Right-a-Way, it was just a drive. The drives are approximately 26 feet wide, that is why they have the Fire Department went inside and checked it and had no issues. They measure the setback from the paving.

Chairperson Gutierrez asked staff if this was considered grandfathered. Staff stated normally for grandfathered status it would apply only to the existing structures. When they want to build new, they have to comply with the code. However, the applicant applied for all lots, in case they need any modifications for other lots as well. Even if it was considered grandfathered and it was destroyed by a storm or something else, they cannot rebuild it. That is why they are requesting for all the property and not a specific lot.

Planning Director Sotelo stated the plat was not recorded however; they did have an approved site plan. The approved site plan was something they had for Adobe Wells as well. Even though it was not recorded, the approved site plan is agreement with the mobile home park that showed how many lots they can have and then these were going to be the setbacks. When staff did the approve site plan, they were informed 10 feet was the front setback and 5 feet on the sides.

Board member Garcia was inquiring about the side setbacks to reduce from 5 feet to 4 feet, and if the Fire Department looked into it. Staff stated as Mr. Sotelo stated before that part of the approved site plan staff will look at the 5-foot minimum on each side which will be a 10-foot separation. Board member Garcia asked staff if most of the existing structures generally at 5 feet. Staff stated that there were some structures that had an 8 feet separation so it will be 4 feet, for each lot.

Board member Mujica asked if these individual properties were privately owned or rented. Applicant stated they were leased.

Mr. Tim Clark, 100 East Hackberry Avenue, Lot 281. He stated the main request that wanted to be approved was the front setback in order so the residents can put front facing carports on their mobile homes. He could remove the side setback request all together and com[lay with the side setback. The setbacks that they are requesting were further back than the existing light and utility poles that were already set in the park. Chairperson Gutierrez informed the applicant that they were four members present instead of the five. Should one go against the request the variance would be disapproved. He asked the applicant if he wanted to wait until the next meeting or continue with four members present. The applicant stated he wanted to proceed with the four members present. The applicant stated they wanted to withdraw Variance request #2, for the 5-foot side setback.

Ms. Carol Ziems, 100 East Hackberry Avenue, Lot 291. She stated she was the President of the Board for Paradise Park, Inc. She stated they had large park and the streets were very wide. Residents had been complaining because they had no coverage for their cars. The awning that they currently had was even with the park metals themselves. She stated there were some carports that had been there for years. Ms. Ziems stated if they're built the correct way according to the standards there should not be a problem. As far as liability, they were a corporation so the park would be responsible. Each person would have to have their own insurance. Each member owns a part of the park. They lease their spots. The residents there do not own the property. The corporation which was Paradise Park, Inc. owns the land. If a new resident comes into the park, they only buy the space that they're using and not buying the land.

Mr. Tim Clark stated they were going to require is that they will all be built the same material. No wooden ones just all aluminum or full steel and all white.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Variance request.

Sue Rose, 100 East Hackberry Avenue, Lot 103. She stated they have had Fire trucks come in for emergencies and come in all the time to test their hydrants.

Mr. Bill Rose, 100 East Hackberry Avenue, Lot 103. He stated he wanted to build a carport for his vehicle.

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

Following discussion, Mr. Juan Mujica **moved** to go against staff's recommendation and approve the Variance request #1 front setback and no to the side setbacks. Mr. Ivan Garcia seconded the motion. The Board voted to approve with four members present and voting.

e) Request of Jose Luis Garcia, for a special exception to allow an encroachment of 4' into the 6' side setback and 10' into the 20' front yard setback on Lot 18 of the Kerria Crossing Subdivision, Hidalgo County, Texas; 4104 Kerria Avenue **(ZBA2026-0031) (TABLED: 08/19/2026) WITHDRAWN**

The item had been withdrawn with a letter per the applicant.

ADJOURNMENT

There being no further business to come before the Zoning Board of Adjustment and Appeal, Chairperson Jose Gutierrez **moved** to adjourn the meeting at 5:34 p.m.

Chairperson Jose Gutierrez

Carmen White, Administrative Assistant

Planning Department

Memo

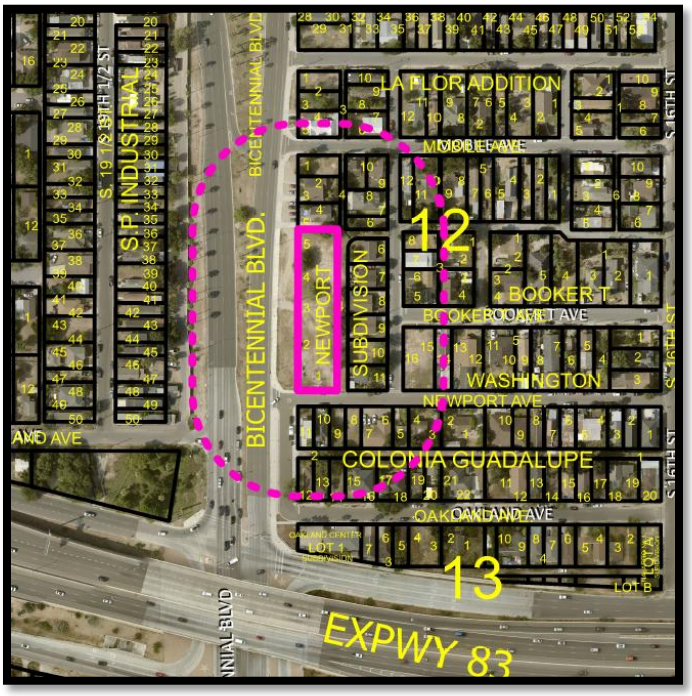
TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 7, 2026

SUBJECT: **REQUEST OF RAMON ALMAGUER, ON BEHALF OF MONARCA CAPITAL LENDING LLC, FOR A VARIANCE TO ALLOW A 10-FOOT FRONT YARD SETBACK INSTEAD OF THE REQUIRED 25 FEET, FOR LOTS 1-5, NEWPORT SUBDIVISION, HIDALGO COUNTY, TEXAS; 1317, 1321, 1325, 1329, AND 1333 SOUTH 18TH STREET. (ZBA2026-0040)**

REASON FOR APPEAL: The applicant is requesting a variance to allow 10-foot front setbacks for Lots 1-5 of Newport Subdivision. The applicant intends to build duplexes on the vacant lots.



PROPERTY LOCATION AND VICINITY: The subject properties are located on the northeast corner of Newport Avenue and South Bicentennial Boulevard. The surrounding land uses include mostly single-family residences.

BACKGROUND AND HISTORY: Newport Subdivision was recorded on November 16, 1960. According to the plat notes, the subject properties front yard setbacks are 25 feet. The property is currently going through a rezoning to the new R-2 (Medium Density Residential-UDC) District.

ANALYSIS: The subject properties will contain either a one or a two-story duplex according to the applicant. The property does not have access to South Bicentennial Boulevard, instead access will be through the alley that will be required to be paved to and through.

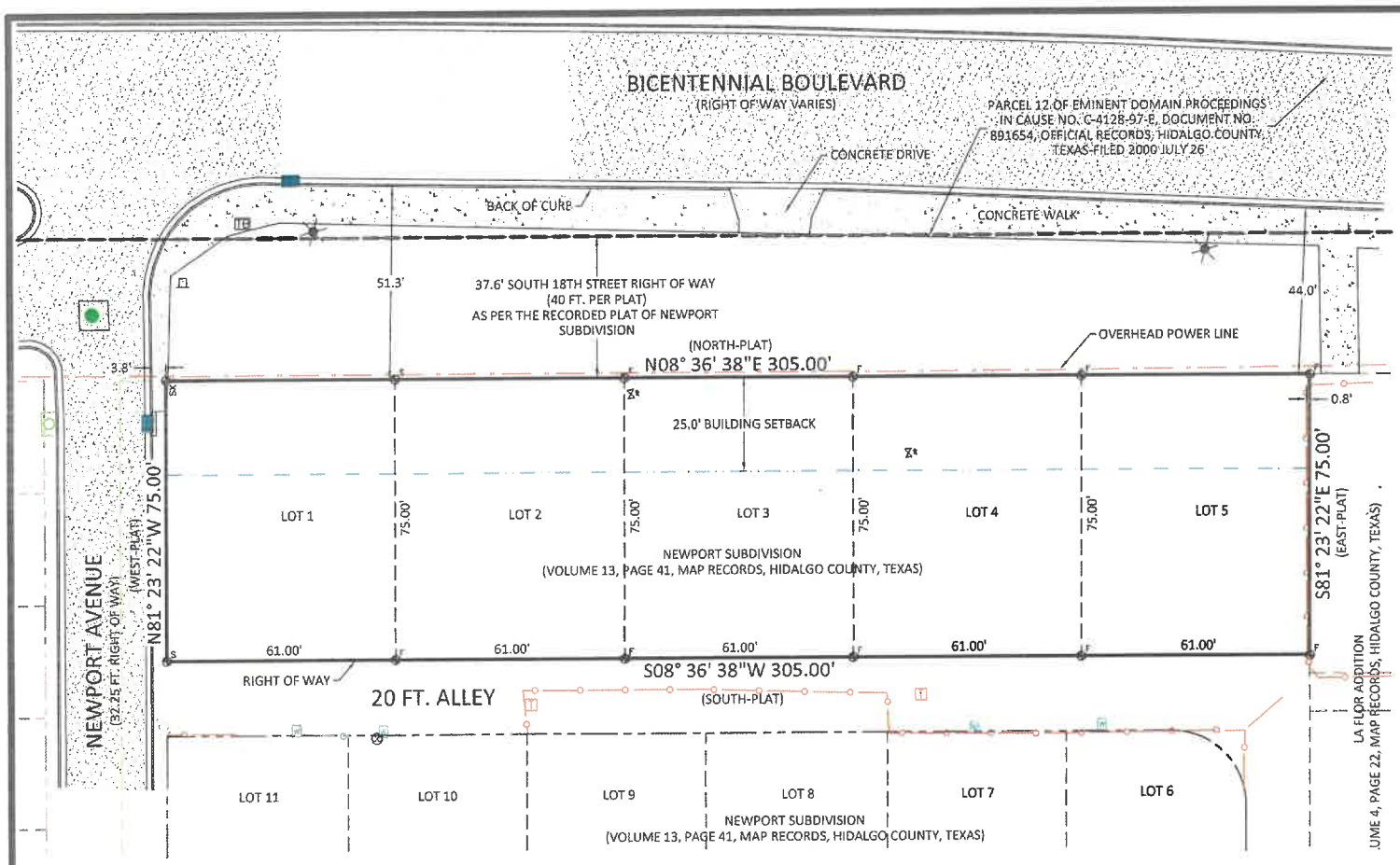
During staff site visit, staff noticed multiple properties with existing front setback less than the minimum required front setback.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends approval since the request is compatible with the character of the neighborhood and the lots will not have access to South Bicentennial Boulevard.



FLOOD ZONE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "X", AS PER THE NATIONAL FLOOD INSURANCE PROGRAM OF COMMUNITY NO. 485477, PANEL NO. 0255, SUFFIX "F", REVISED FEBRUARY 16, 2018.

SURVEYOR CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS DESCRIBED HEREIN WAS MONUMENTED ON THE GROUND, THAT THE ONLY VISIBLE IMPROVEMENTS ON THE GROUND ARE AS SHOWN; THAT THERE IS NO VISIBLE OVERLAPPING, APPARENT CONFLICT, OR VISIBLE EASEMENTS EXCEPT AS SHOWN HEREIN, THIS SURVEY CONFORMS TO THE MINIMUM STANDARDS OF PRACTICE PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JOSE D. MEDINA, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5719

19 April 2024
DATE

STATE OF TEXAS
REGISTERED
JOSE D. MEDINA
5719
PROFESSIONAL
LAND SURVEYOR

BOUNDARY SURVEY OF:

LOT ONE (1) , BLOCK ONE (1),
ANY SUBDIVISION
CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 1234-B, MAP RECORDS, CAMERON COUNTY, TEXAS.

FOR: HIDALGO COUNTY WATER CONTROL AND IMPROVMENT DISTRICT NO. 3

FERRIS, FLINN & MEDINA, LLC
ENGINEERS SURVEYORS
1405 N. STUART PLACE ROAD
PALM VALLEY, TEXAS 78552
PHONE (956) 364-2236 FAX (956) 364-1023
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
FIRM REGISTRATION NO. 10037000 FIRM REGISTRATION NO. F-697

1" = 30'	DRAWN BY: JDM	19 APRIL 2024	JOB NO: 142-001

CREW: MIGUEL GUTIERREZ / TONY GARZA

LATITUDE: N 26° 11' 32.9" LONGITUDE: W 98° 14' 26.8"

30' 0 30' 60'

Scale: 1" = 30'

LEGEND

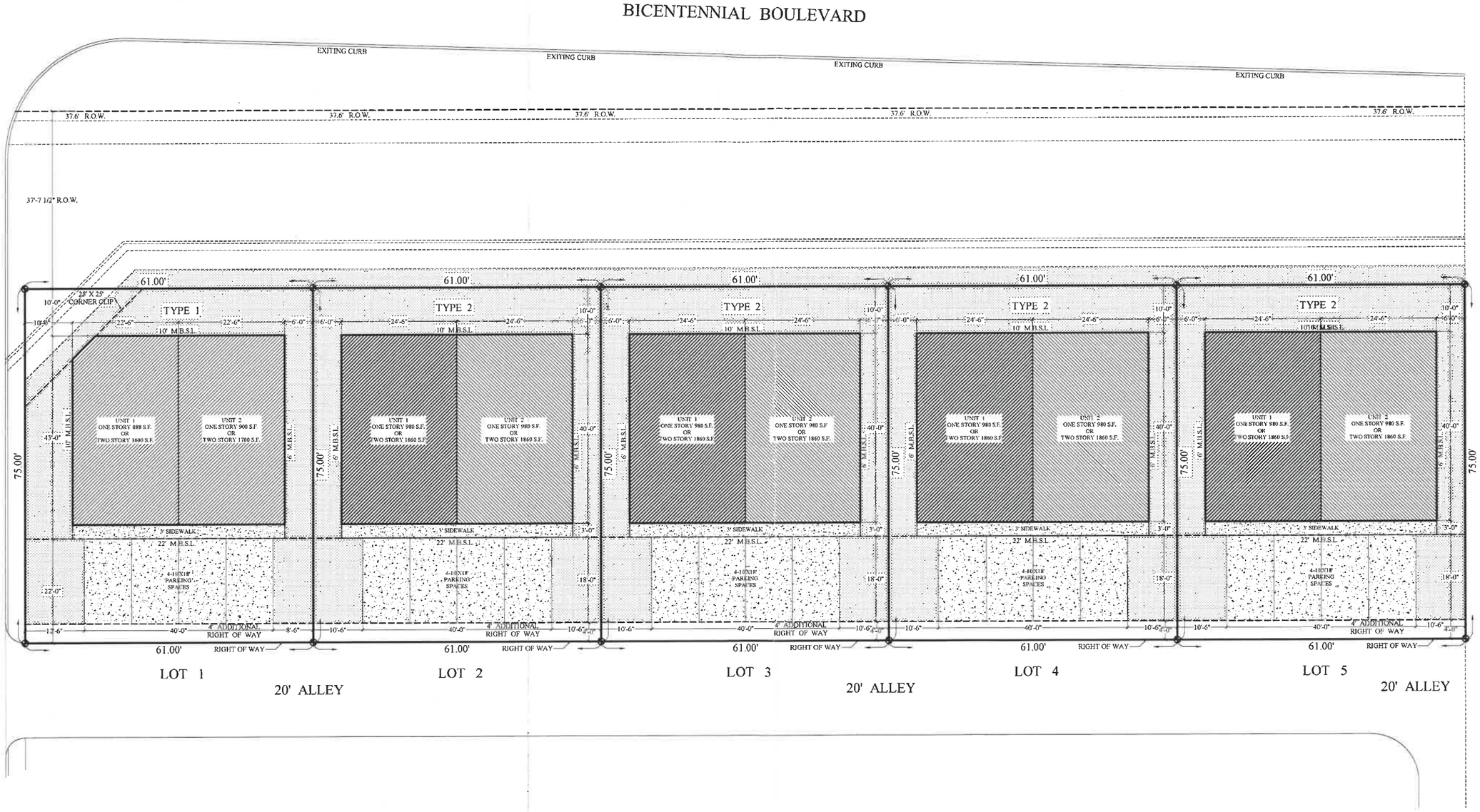
	IRON ROD FOUND
	NAIL FOUND
	IRON ROD SET WITH CAP STAMPED MEDINA 5719
	TELEPHONE PEDESTAL
	WATER METER
	GAS METER
	POWER POLE

GENERAL NOTES

1. BASIS OF BEARINGS AS PER THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83.

2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE AND MAY BE SUBJECT TO EASEMENTS AND RESERVATIONS NOT REFLECTED HEREON.

F:\0142 HCWID No. 3\142-001.2013 General Services 2013-Current\142-001 Newport Sub\Dwg\142-001 Newport.dwg, Survey



PROPOSED
SITE PLAN
SCALE: N.T.S.

BICENTENNIAL BLVD.
LOT 1 TO 5
NEWPORT SUBD.
McALLEN, TX

THIS DRAWING MAY NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION BY *Ramon Almaguer Designs*

This plan is property of *Ramon Almaguer Designs* and owners stated on plans. These plans are limited to a one-time construction of this project. other construction is strictly prohibited without the written permission from *Ramon Almaguer Designs*.

Please Note:
Ramon Almaguer Designs assumes no liability for any structure constructed from this plans. It is the responsibility of the purchaser of this plans to perform the following before actual construction commences.
1. Builder or contractor must verify ALL DIMENSIONS prior to proceeding with construction.
2. Builder or contractor must verify compliance with all local building codes of the area where the structure is to be constructed and located.
3. Plans indicate locations only: engineer aspects should incorporate actual site conditions.

DESIGNED FOR:
NEWPORT COMPLEX

RAD
Ramon Almaguer Designs
COMMERCIAL & RESIDENTIAL DESIGNS
2408 Brock St. Ste. 11
Mission, TX. 78572
Cell. (956) 221 3293
ramon@rad-designs.com
rodolfo@capitalvalues.mx

CONTRACTOR:

DATE:
07-26-26

IF MY SIGNATURE DOES NOT APPEAR IN "RED" THE USE OF REPRODUCTION OF THIS PLAN OR MAP MAY BE AN INFRINGEMENT OF THE FED. COPYRIGHT ACT.
TO REPORT COPYRIGHT VIOLATIONS CALL (956) 221 3293

PLAN No.
26-026

ZBA2026-0040
NOTICE
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET
FOR SALE
JISELLA ORTIZ
(956) 862-2964
MONARCA
REAL ESTATE

Planning Department

Memo

TO: Zoning Board of Adjustment & Appeals

FROM: Planning Staff

DATE: October 7, 2026

SUBJECT: **REQUEST OF MARTHA I. GARZA, FOR A VARIANCE TO ALLOW AN ENCROACHMENT OF 1 FOOT 1 INCH INTO THE REQUIRED 6-FOOT SIDE YARD SETBACKS FOR LOT 23, BLOCK 1, MCALLEN HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 705 SOUTH 26TH ½ STREET. (ZBA2026-0039)**

REASON FOR APPEAL: The applicant is requesting a variance to allow an encroachment of 1 foot 1 inch into the required 6-foot side yard setbacks for a new addition.

PROPERTY LOCATION AND VICINITY: The subject property is located south of Galveston Avenue, east of South 26th ½ Street. The surrounding land uses include single-family residences.

BACKGROUND AND HISTORY: McAllen Heights Subdivision was recorded on January 28, 1959. As per the Zoning Ordinance the side yard setbacks are 6 feet on both sides.

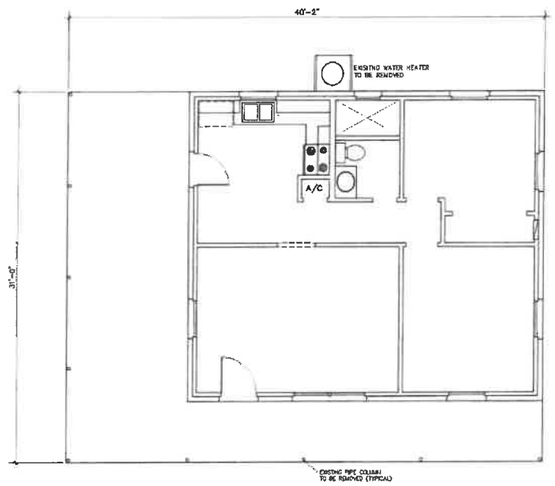
ANALYSIS: According to the site plan submitted the existing home is 4 feet 11 inches away from the property line on the north and south sides. The applicant is proposing to construct an addition in the rear of the property and is requesting the variance in order to align with the existing home.

As per Section 6.4.1.F., the Zoning Board of Adjustment shall not approve a variance unless it finds that:

a. The variance is not contrary to the public interest;
b. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship; and
c. The spirit of the varied provision is observed and substantial justice is done.

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

RECOMMENDATION: Staff recommends disapproval of the variance request.



EXISTING FLOOR PLAN

SCALE: 1/4"= 1'-0"

EXISTING AREAS:	SQ. FT.
LIVING	778
CARPORT	315
PORCH	153
TOTAL	1,246

SITE PLAN

SCALE: 3/16"= 1'-0"

LOT- 23 BLOCK-1

McALLEN HEIGHTS SUBDIVISION

McALLEN, HIDALGO COUNTY, TEXAS

SOUTH 26 1/2 STREET

PLANS FOR:
MARTHA GARZA

Beware of Dog
705
Please Do Not Junk
Leave Ma
ZBA2026-0039
• NOTICE •
VARIANCE
FOR THIS
PROPERTY
CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET

3)
Election of Vice-Chairperson