

## AGENDA

### ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING WEDNESDAY, OCTOBER 8, 2025 - 4:30 PM MCALLEN CITY HALL, 1300 HOUSTON AVENUE CITY COMMISSION CHAMBERS, 3<sup>RD</sup> FLOOR

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

#### CALL TO ORDER -

#### 1. MINUTES:

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

#### 2. PUBLIC HEARINGS:

- a) Request of Jose Arturo and Maria A. Garza for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 17 feet into the 25-foot front yard setback for an existing carport at Lot 157, Lincoln Terrace Ut. No. 5 Subdivision, Hidalgo County, Texas; 2601 Vine Avenue. **(ZBA2025-0044)**
- b) Request of Luz M. Marines for the following Special Exception to the City of McAllen Zoning Ordinance: To not provide one required parking space beyond the front yard setback at Lot 87, Los Encinos III Subdivision, Hidalgo County, Texas; 2800 Ursula Avenue. **(ZBA2025-0047)**
- c) Request of Marc Millis on behalf of Sunshine Vintage on Main LLC, for a Special Exception to The City of McAllen off-street parking and Loading ordinance to not provide the required parking for a proposed coffee shop and existing photography studio, at Lot 1, Block 37, North McAllen Subdivision, Hidalgo County, Texas 321 North Main Street. **(ZBA2025-0050)**
- d) Request of Jorge Alfaro for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 15 feet into the 15-foot side yard setback and Drainage Easement for an existing carport measuring 52 feet by 15 feet at Lot 19, Auburn Estates Subdivision, Hidalgo County, Texas; 7608 North 26th Court. **(ZBA2025-0042) (TABLED: 9/25/2025)**

#### 3. FUTURE AGENDA ITEMS

- a) 1205 North 22nd 1/2 Street
- b) 614 North 6th Street
- c) 208 East Jay Avenue

#### 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 Thursday, September 25, 2025 at 4:32 p.m. in the McAllen City Hall, Commission Chambers with the following present:**

<b>Present:</b>	<b>Jose Gutierrez</b>	<b>Chairperson</b>
	<b>Hiram Gutierrez</b>	<b>Member</b>
	<b>Daniel Santos</b>	<b>Member</b>
	<b>Juan Mujica</b>	<b>Alternate</b>
	<b>Alex Lamela</b>	<b>Alternate</b>
	<b>Erick Diaz</b>	<b>Alternate</b>

<b>Absent:</b>	<b>Hugo Avila</b>	<b>Vice-Chairperson</b>
	<b>Ivan Garcia</b>	<b>Member</b>

<b>Staff Present:</b>	<b>Martin Canales</b>	<b>Assistant City Attorney III</b>
	<b>Omar Sotelo</b>	<b>Planning Director</b>
	<b>Kaveh Forghanparast</b>	<b>Senior Planner</b>
	<b>Hilda Tovar</b>	<b>Planner II</b>
	<b>Samantha Trevino</b>	<b>Planner I</b>
	<b>Jessica Puga</b>	<b>Technician II</b>
	<b>Carmen White</b>	<b>Administrative Assistant</b>

**CALL TO ORDER –Chairperson Jose Gutierrez**

**1. MINUTES:**

- a)** Minutes for the meeting held on August 20, 2025

The minutes for the meeting held on August 20, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

- b)** Minutes for the meeting held on September 11, 2025

The minutes for the meeting held on September 11, 2025. The motion to approve the minutes were made by Mr. Hiram Gutierrez. Mr. Alex Lamela seconded the motion, which carried unanimously with five members present and voting.

**2. PUBLIC HEARINGS:**

- a)** Request of Martha Galvan for a Special Exception to the City of McAllen Zoning Ordinance to allow an encroachment of 20 feet into the 20-foot front yard setback and 3 feet into the 6-foot side yard setback for an existing carport at Lot 20, Sandalwood Subdivision, Hidalgo County, Texas; 3408 La Vista Avenue. **(ZBA2025-0041)**

The applicant is requesting a special exception for encroachments into the rear yard and side yard setback for an existing metal carport that measures 20 feet by 23 feet. The applicant is proposing to reduce the size of the carport to 20 feet by 20 feet. According to the applicant, the carport was built to protect his vehicles from the weather elements. The applicant has also stated on his application that the carport is for medical related reasons.

The subject property is located along the north side of La Vista Avenue and it is zoned R-1 (Single-Family Residential-OC) District. The adjacent zoning is R-1 (Single-Family Residential-OC) District on all directions. The surrounding land use is single family residential in all directions.

Sandalwood Subdivision was recorded on January 29, 1997. There is a front yard setback of 20 feet as per recorded plat. The existing carport was built without a building permit. The current special exception request was submitted on July 29, 2025.

The applicant is requesting a special exception to allow an encroachment of 20 feet into the 20 feet front yard setback and 3 feet into the side yard setback for an existing metal carport.

The front yard setbacks are important in establishing the character of a single-family neighborhood by providing landscaping to enhance the residence and curb appeal of the street view. The existing residence does not have a garage. According to the applicant, the carport was built to protect his vehicles from the weather elements. The applicant has also stated that the carport is for medical related reasons.

A review of Planning Department records did not reveal any special exceptions granted within this subdivision.

The construction of the existing carport does not appear to encroach into street right of way; however, measurements provided are without the benefit of a survey.

There is no alley on the subject property that would allow for relocation of the proposed carport. Special exceptions are issued to an individual and recorded; however, if a new owner purchases the home they will have to apply as the new owner.

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

Staff recommended disapproval of the special exception request. However, if the Board approves the request it should be limited to the encroachment shown in the submitted site plan.

Martha Galvan, 3408 La Vista Avenue. She stated she apologized for not obtaining the permit in the beginning. She stated she built the carport for her elderly mother who had medical conditions. Ms. Galvan stated her mother last November during the rain, ended slipping and broke her finger. Chairperson Gutierrez asked the applicant when the carport was built. Ms. Galvan stated it built about the first week of August. She had made it three feet wider to have enough coverage for her mother.

Board member Mujica asked her what was the size of the carport. Staff stated it was 20 by 23 feet but she was willing to reduce it by 3 feet by the entrance of the house so it can be 400 square feet.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was one to speak in favor of the Special Exception.

Mr. Daniel Newcombe, 3500 W. La Vista Avenue. He stated he did have a problem with the carport she had at her residence.

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

Board member Gutierrez asked staff if they had received any oppositions. Staff stated they did not receive any oppositions. The reason for recommending disapproval was that there were no carports in the front of the property in the subdivision. On this property, there was no alley to relocate the carport. There was no garage.

Following discussion, Mr. Hiram Gutierrez **moved** to go against staff's recommendation and approve the Special Exception limited to the 400 square footage. Mr. Juan Mujica seconded the motion. The Board voted to approve the Special Exception with five members present and voting.

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

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

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

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

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

Measurements provided are without benefit of a survey.

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

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

Staff recommended disapproval of the special exception request.

Chairperson Gutierrez asked regarding the disapproval recommendation. Staff stated it was over a drainage easement and was all the way to the property line. Staff did discuss with the applicant and possibly reducing it back.

Mr. Jorge Alfaro, 7608 North 26th Court. He stated the carport was over 10 years old. It was built after the 2012 hailstorm. It did a lot of damage to the house and his vehicles. He apologize



for not obtaining a building permit. He stated he five vehicles plus a State vehicle. He stated that after the hailstorm he started disassembling the carport by 11 feet. He then reduced the size of the second carport. He stated on May 8th, another hailstorm came and damaged one vehicle and the State vehicle. Board member Mujica asked the applicant if used the garage. Mr. Alfaro stated yes, he has a truck inside. Board member Mujica asked the applicant if he would be willing to reduce the carport to the recommended 400 square footage. He stated yes but would need to protect his other vehicles. He stated he had more property in the back to accommodate more vehicles but would have to put a structure there.

Mr. Alfaro spoke with staff in Engineering to discuss in detail and they researched the easement in the back and the east side where the carport was and according to them, there was no drainage, power lines or communication lines. Board member Diaz asked the applicant if it was on concrete. Mr. Alfaro stated he had pavers 12 by 12 and those are removable.

The Board recommended tabling the item in order for the applicant to get the approval for a license agreement from the Engineering Department. The applicant stated his job takes him all over and is gone 3 to 4 days out of the week. Chairperson Gutierrez stated when he gets the approval he can get in touch with City staff and let them it was taken care of and take it from there.

Chairperson Jose Gutierrez asked if there was anyone present to speak in favor of the Special Exception. There was one to speak in favor of the Special Exception.

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

Following discussion, Mr. Alex Lamela **moved** to table the Special Exception. Mr. Hiram Gutierrez seconded the motion. The Board voted to table the Special Exception with five members present and voting.

- c) Request of Dennis Blum for a special exception to the City of McAllen Zoning Ordinance to allow an encroachment of 25 feet into the 25-foot front yard setback for a proposed carport measuring 15 feet 5 inches by 23 feet 6 inches feet at Lot 6, Bedford Park Estates Subdivision, Hidalgo County, Texas; 6913 North 40th Street. **(ZBA2025-0043)**

Staff removed item from the agenda pending possible abandonment.

## **ADJOURNMENT**

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

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Chairperson Jose Gutierrez

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Carmen White, Administrative Assistant

## **Memo**

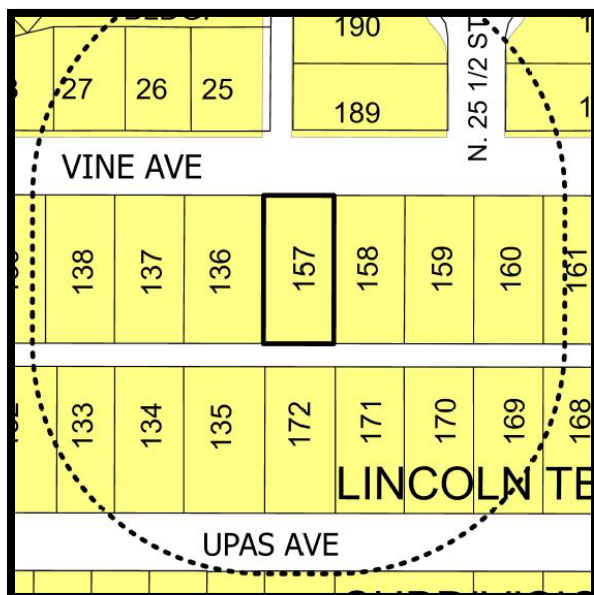
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 8, 2025

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

**REASON FOR APPEAL:** The applicant is requesting a special exception to allow an encroachment of 17 feet into the 25 foot front yard setback for an existing carport used that is used for the protection of the applicants husband who is disabled from the weather elements.



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

**BACKGROUND AND HISTORY:** Lincoln Terrace was recorded October 8, 1971. The subdivision plat indicated a front yard setback requirement of 25 feet. A notice of violation was issued on August 2, 2025 for construction of a carport without a permit. A Building permit was submitted August 13<sup>th</sup>, 2025, which was rejected by the Planning Department due to the front yard setback encroachment. A special exception application was submitted August 18<sup>th</sup>, 2025.

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

Measurements are provided with the benefit of a survey.

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

**RECOMMENDATION:** Staff recommends disapproval of the special exception request.



City of McAllen

McAllen, TX 78501  
311 North 15th Street

P. O. Box 220

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

## Planning Department

### APPEAL TO ZONING BOARD OF ADJUSTMENT TO MCALLEN ZONING ORDINANCE

Case Number: ZBA2025-0044 ZBOA Meeting: 09.25.25  
Accepted By: SJA

#### PROJECT

Legal Description

Lincoln Terrace ut no. 5 Lot  
157

Subdivision Name

Lincoln Terrace

Street Address

2601 Vine Ave.

Number of lots 1 Gross acres \_\_\_\_\_

Existing Zoning R-1 Existing Land Use Res.

Reason for Appeal (please use other side if necessary) Carport encroaching 17  
feet into 125 foot 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 Jose Arturo Maria Aguirre Phone 956-328-6301

Address 2601 Vine Ave. E-mail \_\_\_\_\_

City McAllen, Tx State TX Zip 78501

#### OWNER

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ E-mail \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

#### AUTHORIZATION

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

☐ Yes ☐ No

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

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

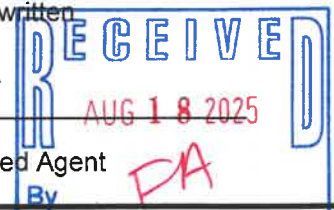
Signature Maria Aguirre

Date 8-18-25

Print Name Maria A. Aguirre

☒ Owner

☐ Authorized Agent





**City of McAllen**  
**Planning Department**  
**REASON FOR APPEAL & BOARD ACTION**

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

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

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

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

my husband disable American  
navy veteran. wheel chair bound.

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

Canopy shade to protect  
my husband from too much  
sun - Can't walk.

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:

Doesn't bother neighbor

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

my husband is disable.  
my sons and myself we think  
he need + deserve the shade.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date







**ZBA2025-0044  
NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR THIS  
PROPERTY**



CITY OF MCALLEN PLANNING DEPT. | 956-681-1250 | [WWW.MCALLE.NET](http://WWW.MCALLE.NET)



## **Memo**

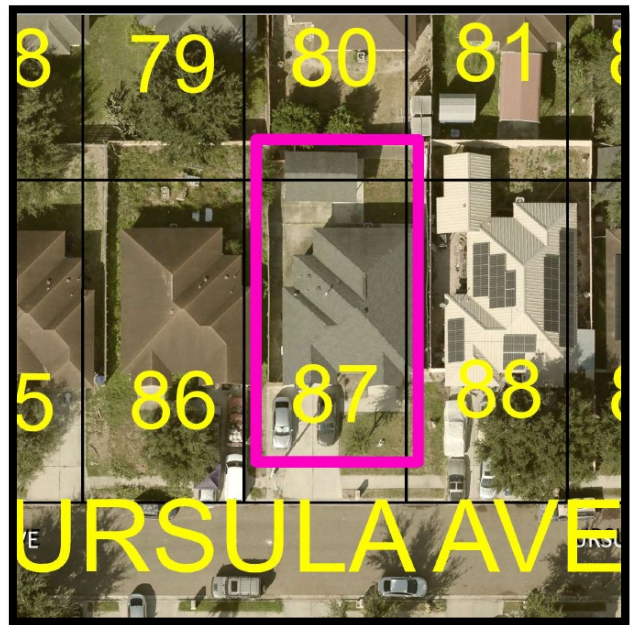
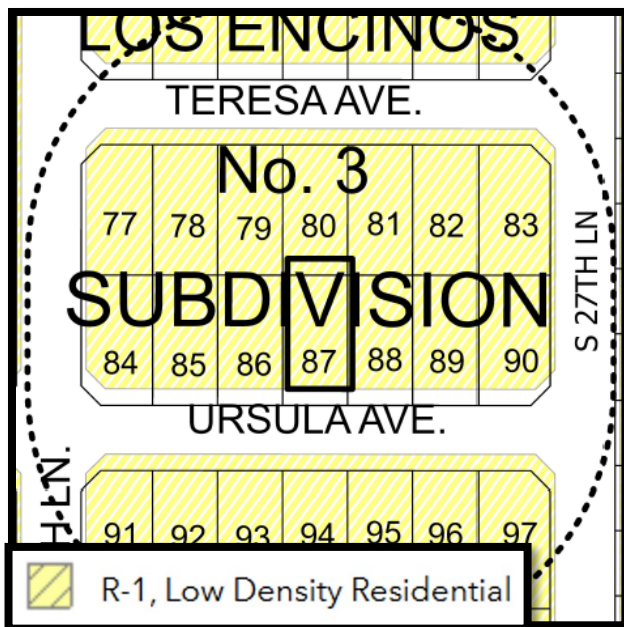
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 8, 2025

**SUBJECT: REQUEST OF LUZ M. MARINES FOR THE FOLLOWING SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE: TO NOT PROVIDE ONE REQUIRED PARKING SPACE BEYOND THE FRONT YARD SETBACK AT LOT 87 LOS ENCINOS III SUBDIVISION, HIDALGO COUNTY, TEXAS; 2800 URSULA AVENUE. (ZBA2025-0047)**

**REASON FOR APPEAL:** The applicant is requesting a special exemption to not provide the required parking at the subject property to enclose the existing garage.



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

**BACKGROUND AND HISTORY:** Los Encinos III Subdivision was recorded on October 3, 2006. A single-family residential home was built on the property in 2007. The client applied for a garage enclosure on August 8, 2025. The building permit was disapproved by staff since one off-street parking is required per Section §138-397 (a) of the Zoning Ordinance. In 2021, there was an approved garage enclosure, adjacent to this property.

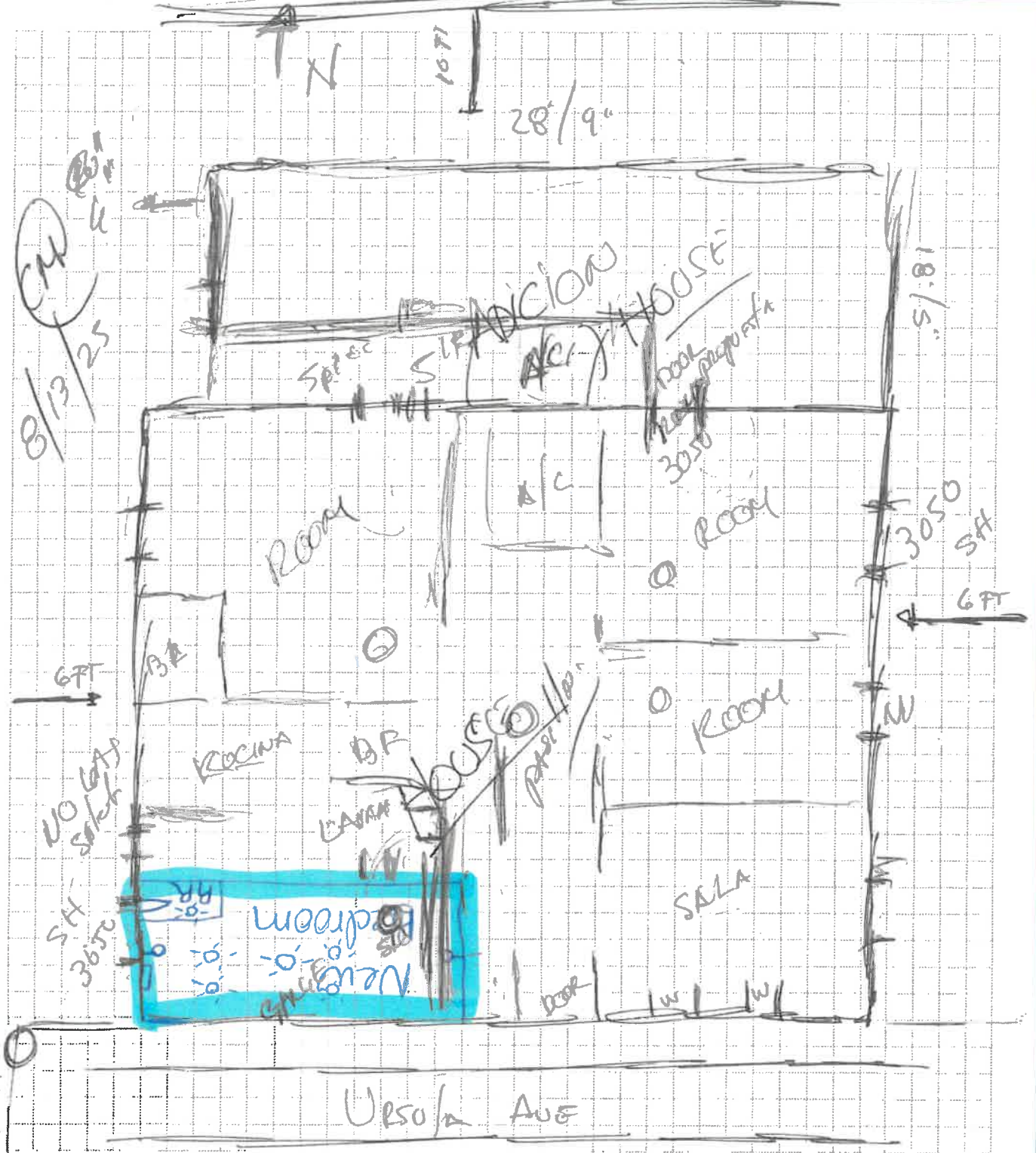


**ANALYSIS:** This request is to not provide the required one parking space beyond the front yard setback. The proposed garage enclosure will eliminate the existing parking space beyond the front yard setback as required by Section 138-397(a) of the Zoning Ordinance, no alley was dedicated by Los Encinos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

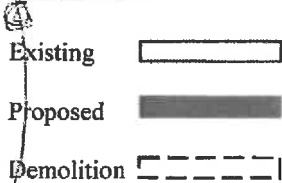
Staff has not received any phone calls, emails or letters in opposition to the special exception request.

**RECOMMENDATION:** Staff recommends disapproval of the special exception request.

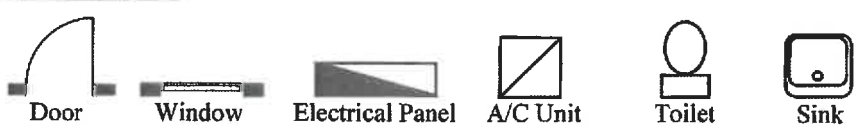
SARAH



**Wall Legend:**



**Symbol Legend:**



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





2800

**ZBA2025-0047  
NOTICE  
VARIANCE  
FOR THIS  
PROPERTY**



CITY OF MCALLEN PLANNING DEPT. | 956-681-1250 | [WWW.MCALLE.NET](http://WWW.MCALLE.NET)



## **Memo**

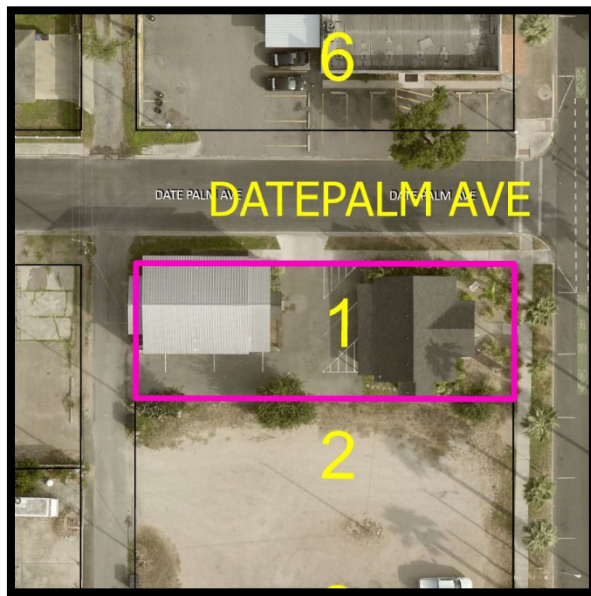
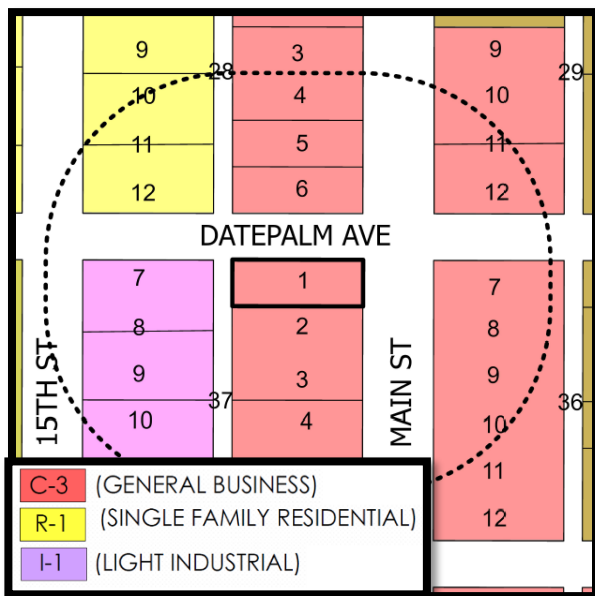
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** October 8, 2025

**SUBJECT: REQUEST OF MARC MILLIS FOR A SPECIAL EXCEPTION TO THE CITY OF McALLEN OFF-STREET PARKING AND LOADING ORDINANCE TO NOT PROVIDE THE REQUIRED PARKING FOR A PROPOSED COFFEE SHOP AND A PHOTOGRAPHIC STUDIO, AT LOT 1, BLOCK 37, NORTH MCALLEN SUBDIVISION, HIDALGO COUNTY, TEXAS; 321 NORTH MAIN STREET. (ZBA2025-0050)**

**REASON FOR APPEAL:** The applicant is requesting a special exception to not provide the required parking at the subject property.



### **PROPERTY LOCATION AND VICINITY:**

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

**BACKGROUND AND HISTORY:** A Special Exception for this property was approved on July 7, 2022, allowing an antique store and a photographic studio to operate while providing 5 parking spaces instead of 11 required spaces. On September 5, 2025,

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

Staff 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.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF

ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0050 ZBOA Meeting: 10/8/25  
Accepted By: NL

**PROJECT**

Legal Description Lot 1, Block 37, NORTH McALLEN  
Subdivision Name NORTH McAllen  
Street Address 321 N. MAIN ST  
Number of lots 1 Gross acres 0.161 ac (7,000sf.)  
Existing Zoning C-3 Existing Land Use \_\_\_\_\_  
Reason for Appeal (please use other side if necessary) PARKING VARIANCE FOR  
COFFEE SHOP  
☒ \$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 MARC MILLIS Phone 956-408-0084  
Address POB 1716 E-mail marc@millisreg.com  
City McAllen State TX Zip 78505

**OWNER**

Name Sunshine VINTAGE ON MAIN Phone 956-408-0084  
Address SAME 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)

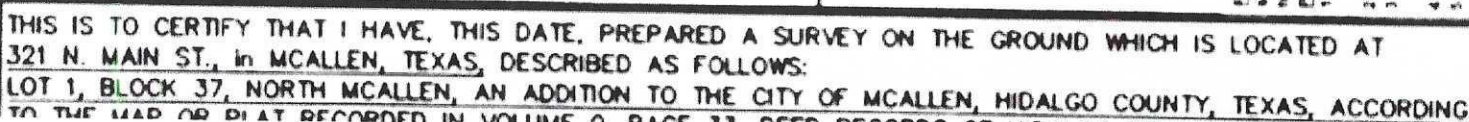
OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.

Signature Marc Millis Date 9-2-25  
Print Name MARC MILLIS ☒ Owner ☐ Authorized Agent  
MANAGING MEMBER

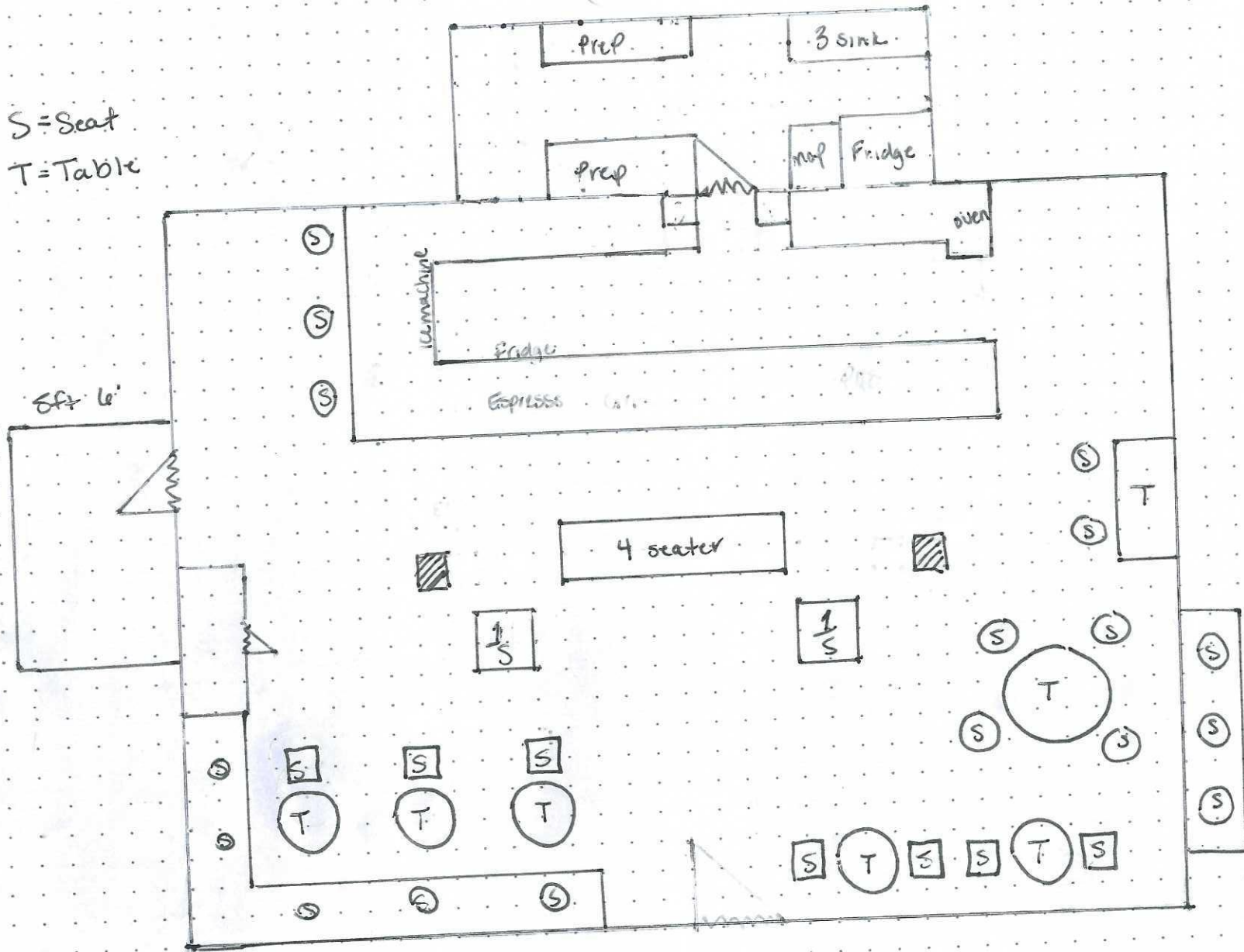
SEP 05 2025

BY: CW





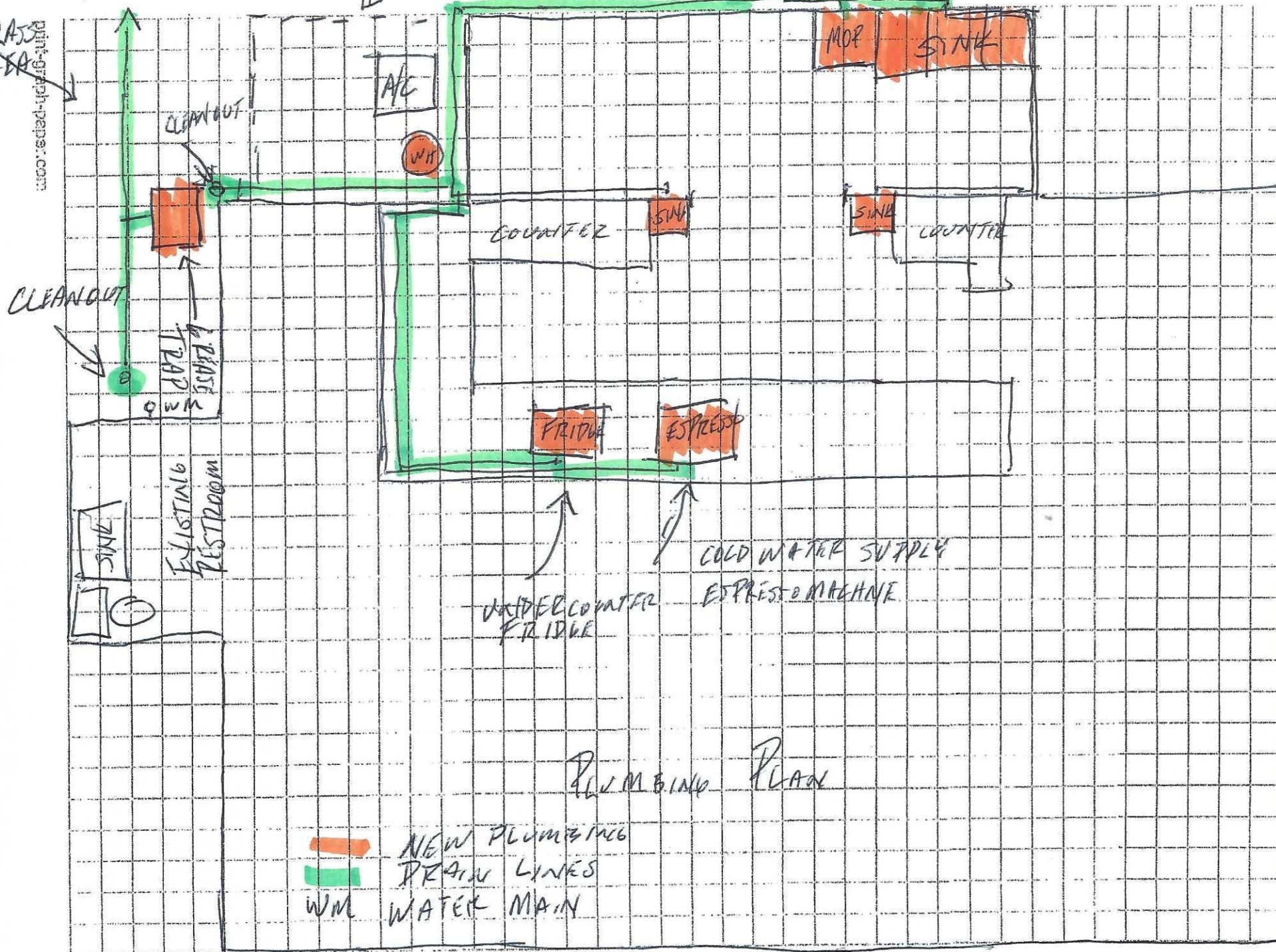
S = Seat  
T = Table





↙ EXTERIOR GATED AREA

GRASS  
ATZEA







3 2 1

**ZBA2025-0050  
NOTICE  
VARIANCE  
FOR THIS  
PROPERTY**



CITY OF MCALLEN PLANNING DEPT. | 956-681-1250 | [WWW.MCALLEN.NET](http://WWW.MCALLEN.NET)





## Memo

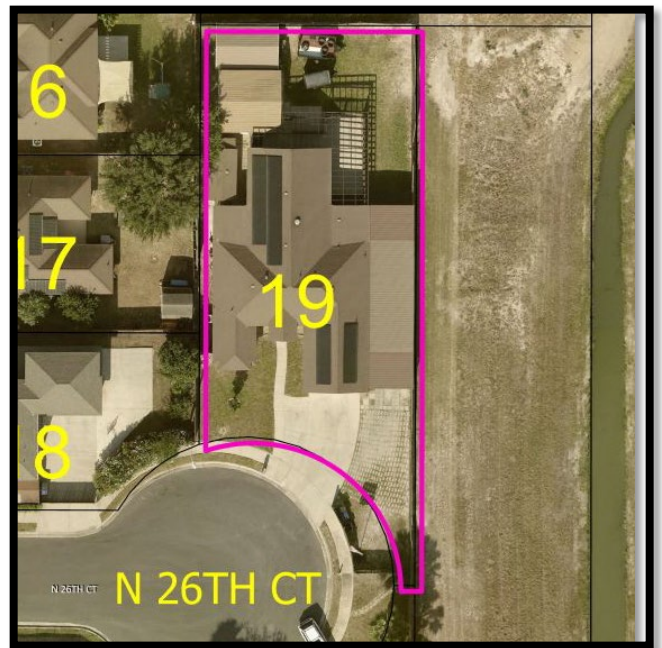
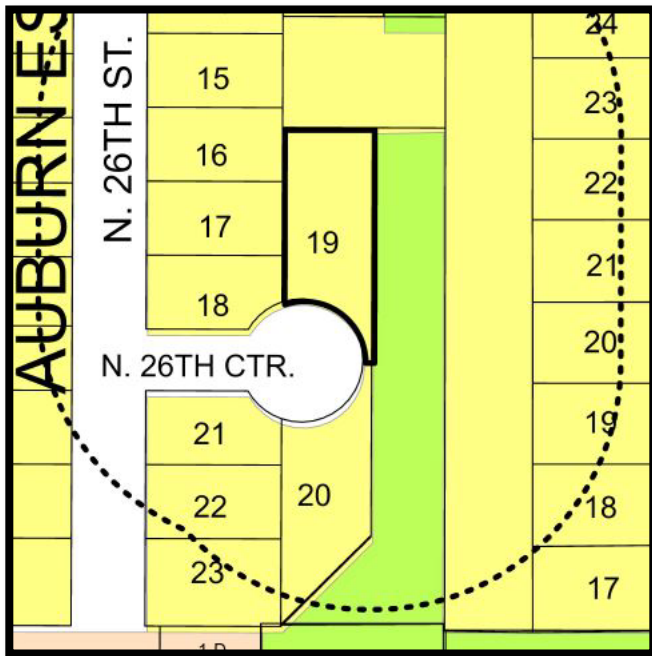
**TO:** Zoning Board of Adjustment & Appeals

**FROM:** Planning Staff

**DATE:** September 25, 2025

**SUBJECT:** REQUEST OF JORGE ALFARO FOR A SPECIAL EXCEPTION TO THE CITY OF MCALLEN ZONING ORDINANCE TO ALLOW AN ENCROACHMENT OF 15 FEET INTO THE 15 FOOT SIDE YARD SETBACK AND DRAINAGE EASEMENT FOR AN EXISTING CARPORT MEASURING 52 FEET BY 15 FEET AT LOT 19, AUBURN ESTATES SUBDIVISION, HIDALGO COUNTY, TEXAS; 7608 NORTH 26TH COURT. (ZBA2025-0042)

**REASON FOR APPEAL:** The applicant is requesting a special exception to allow an encroachment of 15 feet into the 15 feet front yard setback for an existing carport that will be used for protection of the applicants personal and work vehicles.



**PROPERTY LOCATION AND VICINITY:** The subject property is located along the west side of North 26<sup>th</sup> Street and is Zoned R-1 (Single-Family Residential-OC) District. The Adjacent zoning is R-1 (Single-Family Residential-OC) District to the north, west and south and A-O (Agricultural and Open Space-OC) District to the east.

**BACKGROUND AND HISTORY:** Auburn Estates Subdivision was recorded March 31, 2006. The subdivision plat indicates a side yard setback requirement of 15 feet which is also a utility easement. A stop work order was issued February 28, 2025 for building a carport without a permit. A Building

permit was submitted April 21, 2025 and rejected due to the encroachment on the 15 foot side yard setback and utility easement. An application for a Special Exception was submitted August 8, 2025.

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

Measurements provided are without benefit of a survey.

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

Staff 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.



City of McAllen

Planning Department

APPEAL TO ZONING BOARD OF  
ADJUSTMENT TO MCALLEN ZONING ORDINANCE

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

Case Number: ZBA2025-0042 ZBOA Meeting: 9.25.25  
Accepted By: SJT

**PROJECT**

Legal Description

Auburn Estates, Lot #19

Subdivision Name

Auburn Estates

Street Address

7608 N. 26th Court

Number of lots

1

Gross acres

Existing Zoning

R-1

Existing Land Use

Residential

Reason for Appeal (please use other side if necessary)

Enlarging Carport encroaching 15ft into 15ft yard setback (52ft x 15ft)

☒ \$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 Alfaro

Phone

956-391-4284

Address

7608 N. 26th CT

E-mail

jhalfaro@yahoo.com

City

McAllen

State

TX

Zip

78504

**OWNER**

Name

Jorge Alfaro

Phone

956-391-4284

Address

7608 N. 26th CT

E-mail

jhalfaro@yahoo.com

City

McAllen

State

TX

Zip

78504

**AUTHORIZATION**

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



Yes

☐ No

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

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

Signature

Jorge Alfaro

Date

8/8/2025

Print Name

Jorge Alfaro

☒ Owner

☐ Authorized Agent

AUG 8 2025

BY:

OW



# 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 use of current carport/patio is to protect family vehicles from weather (hail storms, extreme heat, and hurricanes)

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

Need th additional space to park and protect vehicles. Back in 2012, vehicles were affected due to hail storm and recently May 8, 2025 TX DPS vehicle damaged

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 built of metal with 2 in x 6 in beams that withstand two previous hurricanes. Carport is over 10 yrs old. Does not affect neighbor since there is none.

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

There is no neighbors to the north and east of property. Carport is on East side of property. Engineering Dept. is aware of carport and was agree to disassemble if necessary for city of McAllen ever need to do work.

Reason for Appeal

Board Action

Chairman, Board of Adjustment  
Signature

Date



North ↑

Residence

Patio

26th Street



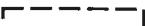
26th Court

58x15







63

15

Wall Legend:

- Existing 
- Proposed 
- Demolition 

Symbol Legend:

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

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





**NOTICE  
VARIANCE  
SPECIAL EXCEPTION  
FOR  
THIS PROPERTY  
ZBA2025-0042**

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

